

Felony Disenfranchisement in the UK

Student's Name and Surname

Course

Due Date

## Felony Disenfranchisement in the UK

To begin with, it is necessary to point out that felony disenfranchisement is the cancellation of an individual's right to vote as a response to this person's critical criminal actions. This type of punishment was introduced in the law enforcement systems of various countries, and in every case, it is displayed differently. States highlight dissimilar acts that may become a reason for this reaction and details such as, for example, its duration. Although the United Kingdom practices the application of such punishment to a defined group of individuals, felony disenfranchisement remains a highly controversial topic subjected to debates.

First of all, it should be highlighted that the official document that regulates felony disenfranchisement in the United Kingdom is Section 3 of the Representation of the People Act that was officially introduced in 1983.<sup>1</sup> In particular, this document claims that "A convicted person during the time that he is detained in a penal institution in pursuance of his sentence or unlawfully at large when he would otherwise be so detained is legally incapable of voting at any parliamentary or local government election".<sup>2</sup> At the same time, the government of the United Kingdom does not eliminate individuals who have been sentenced for civil crimes from elections.

Significantly, even though the law enforcement system of the UK allows criminals who have been sentenced for civil crimes to participate in elections and prohibits only incarcerated criminals from voting, the approach displayed by the UK contradicts the one introduced by the

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"Representation Of The People Act 1983", Legislation.Gov.Uk, Last modified 2018, <http://www.legislation.gov.uk/ukpga/1983/2/section/3>.

2

Ibid.

European Union. The EU offers its countries-members to follow the European Convention of Human Rights; this document states that all citizens of a country should be provided with a right to vote, and the contradictions between such a position and the UK's laws were actively discussed before Brexit.<sup>3</sup>

It is necessary to add that the conflict between the two discussed approaches to felony disenfranchisement has become public in 2005 due to the case *Hirst v United Kingdom (No 2)* that was judged by the European Court of Human Rights.<sup>4</sup> Hirst is a prisoner from the United Kingdom who was prohibited from voting due to Section 3 of the Representation of the People Act and initiated the case. Notably, it was resolved on behalf of him, as the European Court of Human Rights concluded that the law of the United Kingdom concerning felony disenfranchisement violates Hirst's human right to vote<sup>5</sup>. Since that time, there have been numerous similar cases and active discussions, but the United Kingdom did not change its law until 2017 when the country's government had agreed to compromise insignificantly by allowing a small number of prisoners (around 100) to vote.<sup>6</sup>

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Owen Bowcott, "Council Of Europe Accepts UK Compromise On Prisoner Voting Rights", The Guardian, Last modified 2017, <https://www.theguardian.com/politics/2017/dec/07/council-of-europe-accepts-uk-compromise-on-prisoner-voting-rights>.

4

Ibid.

5

Ibid.

6

Ibid.

All things considered, felony disenfranchisement in the United Kingdom remains a significant punishment introduced by the government for incarcerated criminals. Notably, the British approach contradicts the one adopted by most of countries, who allow their prisoners to vote following the European Convention of Human Rights, which points out the participation in elections as a basic human right. Even today, despite the active discussion on this issue and the *Hirst v United Kingdom (No 2)* case, the UK government has not significantly changed its approach, allowing only about 100 prisoners to vote since 2017, and the situation remains disputable.

## Bibliography

Bowcott, Owen. "Council Of Europe Accepts UK Compromise On Prisoner Voting Rights". The Guardian, Last modified 2017. <https://www.theguardian.com/politics/2017/dec/07/council-of-europe-accepts-uk-compromise-on-prisoner-voting-rights>.

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