

Report of the Joint Committee on European Union Affairs on Voting Rights of Irish Citizens Abroad: Motion

Friday, 23 October 2015 (Link:

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Deputy Dominic Hannigan: I move:

That Dáil Éireann shall consider the Report of the Joint Committee on European Union Affairs entitled 'Voting Rights of Irish Citizens Abroad', copies of which were laid before Dáil Éireann on 12th November, 2014.

I welcome this timely debate on a very important topic that is very relevant to us. Before I outline the findings of the committee and the recommendations included in the report, I thank, on behalf of other members of the committee, the various witnesses who came before us and gave of their time to discuss this issue. Their engagement helped the committee and gave us very valuable information and insight.

The background of the report is worth an explanation and will contextualise today's debate. In January 2014 the European Commission published a communication which focused on addressing the consequences of the disenfranchisement of Union citizens who exercise their right to free movement across the Union. This was published in the context of EU citizens exercising their right to free movement between one country and another within the EU, which is a core freedom for citizens.

It is an interesting perspective because whereas we tend to think of our rights as Irish citizens, in this case, the European Commission, as the guardian of the treaties, has addressed a distinctly national competency in the context of the wider concept of EU citizenship. The Commission has expressed concern that member states are failing to give voting rights in government elections to their citizens who live in other member states. It is worried that this failure might impinge on citizens' freedom of movement. It has cited Ireland and four other member states for failing to provide rights to their citizens who live abroad.

Although the European Commission policy document exists simply to provide guidance to member states and does not have any legal effect, the Joint Committee on European Union Affairs could not ignore its findings and decided it would be worthwhile for it to consider the issue. That was the impetus for the work of the committee, which explored the issue by holding meetings with EU officials to explore the Commission's rationale for its view. We also heard from representatives of other EU member states, including academics and ambassadors, to find out what approaches they are taking. The committee's work was timely because the Constitutional Convention was also considering this issue at the time. It had reported to the Government in November 2013. Deputies might recall that the convention recommended at that time that voting rights for Irish citizens abroad should be extended to Presidential elections.

I will set out what has happened since that time. In March of this year, the Government launched a new diaspora policy document, in which the issue of voting rights in Irish elections was addressed. The document acknowledges that the introduction of such rights is challenging because a range of issues would need to be addressed and managed in the context of any extension of the franchise. In particular, it mentions that the number of Irish citizens living outside this State is huge. I do not think this should be a reason for not granting the right to vote to our citizens who live abroad. If anything, it should have the opposite effect. Following on from the publication of Ireland's diaspora policy document, and in line with the response of the Minister for the Environment, Community and Local Government, Deputy Kelly, to the joint committee's report, the Minister has undertaken to analyse the various issues associated with the possibility of extending voting rights to Irish citizens who live abroad. I think we are all very glad that this welcome development is taking place.

This debate is long overdue. In an increasingly globalised world, where more and more countries are granting voting rights to their citizens abroad, Ireland is out of step with many of its European partners. In that context, it would be remiss of us not to debate this issue, particularly in view of the recent wave of Irish emigration. We have seen various waves of emigration over the decades, but I think we all recognise and appreciate that several hundred thousand people have left this country in the past ten years. There must be a way to balance the rights of Irish citizens who live abroad with the rights of Irish citizens at home.

Many people will wonder how engaged with Irish affairs are Irish citizens who live abroad and will question whether those who live elsewhere are really interested in the issues affecting this country on a daily basis. If we ever wanted to see how engaged our diaspora can be, the referendum on marriage equality last May provided a fine example. Thousands of Irish emigrants returned home to vote. They came from as far afield as Africa to cast their votes in the referendum. More than 70,000 people retweeted #hometovote on Twitter over a 24-hour period. It is clear that many Irish people living abroad want to have an ongoing link in Irish elections. That they are living abroad now does not mean they will never return to our shores. The example of the marriage equality referendum shows that people living abroad still want to participate in the democratic process.

This is not just a question of rights; it is also about the emotive nature of the issue. While we were producing our report, we spoke to various groups representing Irish people who live abroad, including Irish in Britain and Votes for Irish Citizens Abroad. They explained why it matters to them to be involved. As an ex-emigrant who lived abroad for 17 years, I appreciate how important it is to the members of the diaspora that they do not feel neglected by their home country. It is clear from talking to many members of diaspora groups that they feel somewhat rebuffed by the failure to extend the right to vote to them, especially given that other EU member states have given their emigrants the right to vote in national elections. Deputies will be aware that UK citizens living in Ireland have the right to vote not only in Irish general elections, but also in UK general elections if they have not been living abroad for more than 15 years. Many people are aware of the rights that exist in other member states and want them to be extended to Irish citizens.

I will turn now to the report of the joint committee, which received a number of submissions during its hearings. We heard that Ireland is among a minority of member states that have not extended voting rights to citizens living abroad. Although electoral systems remain a national competence, there is a consensus in the academic literature that a case might very well be taken against the Irish Government at the European Court of Justice to challenge the restriction on voting rights and thereby force the State to act. This is something that could be coming down the line in the near future. That is another reason we need to address this matter. It is being addressed in other large and small European countries, many of which have been able to design systems that allow their residents who live abroad to vote. Countries like Italy and France have given emigrants the right to vote in specific reserved constituencies like the North America constituency or the northern Europe constituency. Citizens of countries like France and Spain who live in various parts of the world have the right to vote for specific candidates to represent them in their national assemblies and parliaments.

We heard from ambassadors about the various voting systems that other countries have come up with. Emigrants might have to go to their countries' embassies or, in the case of countries such as Estonia, are able to vote online. These secure systems are used by countries to give their Diasporas the right to vote and to ensure people can mark their ballot papers validly. One of the recommendations we have made is that the various systems that are already in place in other countries should be compared to see what can be learned from them. There is no doubt that we have a very large diaspora. If we are to give voting rights to Irish citizens living abroad, we need to examine carefully issues like the definition of "citizenship", the time limits that might apply to the right to vote and the creation of reserved constituencies, as I outlined earlier. We believe voting systems can be designed without having a disproportionate effect on the outcome of national polls.

Wide support has been expressed for the Constitutional Convention's report on voting rights in Presidential elections for Irish citizens who live abroad. We believe a debate on the extension of voting rights to parliamentary elections is the next step that should be taken. In reaching a consensus on this issue, we also considered the issue of the large diaspora, the concept of citizenship and the possible disenfranchisement of Irish citizens. We made it clear that there is a need to accept it is not possible to separate the issue of voting rights for Irish citizens living in the EU from the issue of voting rights for Irish citizens living elsewhere. The committee made a few significant recommendations. First, it recommended that the Government should accept the principle that voting rights should be extended to Irish citizens living abroad. Second, it proposed that a system that would be workable in an Irish context should be designed. Third, it recommended that an electoral commission should be established to implement the first two recommendations.

We sent our report to the Departments of the Taoiseach and the Environment, Community and Local Government. I note from the reply received from the Minister, Deputy Kelly, that work on the establishment of an electoral commission has begun, with the Department recently concluding a process of public consultation. It is hoped that hearings on the draft consultation paper on the establishment of an electoral commission in Ireland will get under way shortly. I understand that this body will publish a report on this issue and I look forward to reading it. We must remember that Ireland is not unique in considering these issues.

Many member states have already addressed these matters, so it can be done. I know that the large size of our diaspora is a concern for many people, but I remind them that other countries with high rates of emigration, such as Italy and Mexico, have dealt with this issue in their own way and given their expats the right to vote. The UK allows its citizens who are living abroad to vote for the first 15 years after they leave that country.

Italy reserves seats in its parliament for those abroad. There are numerous solutions and I have no doubt we can arrive at one that would work in an Irish context. All we have to do is sit down and work one out.

It is worthwhile to reflect on the fact that we have one of the youngest populations in the European Union. Our young people travel and live abroad and many return having spent several years gaining experience. We all expect and want those people to feel as if they belong to this country and that they have a link with it. We cannot afford to neglect them or ignore the fact that their rights are being diminished because we cannot put a system in place or we have not tried to put a system in place to include their votes in our franchise.

We can do this. Other countries have led the way. If we do not do something, the danger is that we will be brought to court. It is time to act. I encourage the Government to do so, to take on board the recommendations of the committee and to extend the right to vote to Irish citizens living abroad.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I am glad to take this debate on behalf of my colleague, the Minister for the Environment, Community and Local Government, Deputy Kelly. I thank Deputy Hannigan and the Joint Committee on European Union Affairs for their report, Voting Rights of Irish Citizens Abroad. It is good to have an opportunity to discuss the issues raised in the report and update Deputies on related developments since the report was published in November 2014. I commend the committee on its work and on the way in which it has given the opportunity for all stakeholders to engage and express, on the record, their views and opinions in respect of this matter.

The background to the committee report is its decision to consider a European Commission recommendation published in January 2014. The Commission recommendation addressed voting rights of EU citizens in member states. The Commission made a number of recommendations based on its view that a link could be made between voting rights and the right to free movement within the European Union. It may be useful if I briefly outlined the background to the Commission recommendation and the view taken on it in Ireland. Earlier research undertaken by the Commission had drawn attention to the fact that some EU citizens lose the right to vote in their national elections when they leave home and take up residence in another member state. This could be true in the case of Ireland, for example, as our voter registration laws require voters to be ordinarily resident in their constituencies. EU citizens in these circumstances can find themselves in a situation where they do not have a vote for the national parliament either in their home member state or in their member state of residence. The Commission came to the view that national policies which disenfranchise citizens in this way may also be regarded as limiting the right of EU citizens to move and reside freely within the EU.

When consulted, we indicated to the Commission that we did not share the view that the electoral system in Ireland could be regarded as a serious impediment to free movement within the EU. I note that the joint committee came to the same conclusion in its report. In any event, electoral systems in the member states are a core national competence. Irish electoral law makes provision for citizens of other member states resident in Ireland to vote in Dáil elections where there are matching arrangements that allow our citizens to vote in their parliamentary elections. This is the position, for example, in the case of Irish citizens resident in the United Kingdom and British citizens resident in this State. In any event, the Commission pressed ahead with the publication of its recommendation. The Commission recommended that EU citizens who show a continuing interest in the affairs of their home Member State should be facilitated in voting at their national elections. This continuing interest would be demonstrated by individuals re-applying at agreed intervals to remain on the national register in their home member state.

The Joint Committee on European Union Affairs undertook to consider the Commission recommendation in greater detail. The report we are debating today sets out the committee's conclusions. The joint committee recommended that the Government should accept the principle that voting rights should be extended to Irish citizens abroad, that it should proceed to design a system that would be workable in an Irish context and that an electoral commission be established to implement these recommendations.

The issue of voting by Irish citizens living abroad has been considered by various Oireachtas committees. They came to the view that the existing electoral arrangements in Ireland should be maintained. Notwithstanding this position, the Government established the Constitutional Convention to consider, among other issues, giving citizens resident outside the State the right to vote in presidential elections at Irish embassies, or otherwise. The wider agenda of extending voting rights to Irish citizens resident outside the State in other elections or in referendums was not part of the programme for Government. The Constitutional Convention undertook the work involved and reported to the Houses of the Oireachtas in November 2013 in its fifth report. The Joint Committee on European Union Affairs acknowledged in the report that issues of concern to the committee had also been considered by the Convention.

The findings reached by the Convention are well known at this stage. The members of the Convention came out clearly in favour of citizens resident outside the State, including those in Northern Ireland, having the right to vote in presidential elections. However, they were more divided when considering the category of citizens to whom the franchise should be extended. While 36% said that the right should be given to all citizens living outside the island of Ireland, 53% said that this right should only be given to those citizens who had lived in Ireland at some stage. A further 11% were undecided on this question. They were also divided on the question of whether there should be a time limit on how long citizens could be resident outside the island of Ireland and continue to qualify for a vote.

In launching the Global Irish: Ireland's Diaspora Policy document last March, the Government outlined its position on the recommendations contained in the fifth report of the Convention. The Government acknowledged that an extension of voting rights to Irish citizens outside the State would be welcomed by many members of the diaspora. The

Government accepted that doing so would allow them to deepen their engagement with Ireland and play a more active role in Irish society. On the other hand, the Government indicated that it would be challenging to introduce and manage. The Government decided that before any decision could be made on the holding of a referendum, a range of policy, legal and practical issues would need to be considered and deeply analysed in the first instance. The potential costs arising would also need to be fully analysed and considered. With this in mind, the Government asked the Minister for the Environment, Community and Local Government, in co-operation with the Minister for Foreign Affairs and Trade and the Minister of State with responsibility for diaspora affairs, to analyse these issues and report back to Government. This work has commenced.

The Joint Committee on European Union Affairs report also identified the need for careful examination of the issues involved in extending the franchise to Irish citizen's resident outside the State. The committee reported that these issues included the definition of citizenship and a reflection on whether a time limit should apply to entitlement to vote. It is worth reflecting briefly on these points and on some of the other considerations that arise as well.

There is general acceptance that the diaspora would welcome an extension of the franchise to them in presidential elections. Yet we do not know how many Irish citizens make up that diaspora. A conservative estimate from the Department of Foreign Affairs and Trade suggests that approximately 1.65 million Irish citizens are resident abroad. When the Northern Ireland population of 1.8 million is added to this, we have a total of 3.5 million citizen's resident outside the State. These figures exclude those who might have an entitlement to Irish citizenship but who have not taken up that entitlement to date. Indeed, some have estimated the Irish diaspora could be in the region of 70 million. While many of these people may not qualify for Irish citizenship, some would. At issue is how many. Should we extend the vote to all with an entitlement to Irish citizenship or should it be confined to those born on the island of Ireland? These are the types of questions that arise and need to be examined. We need to be cognisant of the potentially large numbers involved. Furthermore, we need to consider the impact, the cost and the type of arrangements that would need to be put in place to accommodate any extension of the franchise.

Other countries have a time dimension to their citizens' entitlement to vote when resident abroad. In Australian federal elections, for example, citizens who are absent for up to six years can be registered as overseas voters. After that, the enrolment can be renewed annually on application to the Australian Electoral Commission. For general elections in New Zealand, citizens who have lived in New Zealand for more than one year continuously and who have visited New Zealand in the past three years can be registered as overseas voters. Closer to home, UK and Northern Irish citizens can register as overseas voters for Westminster and European elections. To do so, they have to be registered as residents in the UK within the last 15 years. We need to consider whether to have a time dimension in any arrangements to be introduced in Ireland. If we decide to include such a dimension, then we must consider whether it should be for five, ten or 20 years.

An important dimension to our considerations is the position of Irish citizens resident in Northern Ireland. Ireland and Northern Ireland have a unique constitutional relationship since the Good Friday Agreement and any consideration of the franchise issue would need to be considered fully in that context. This would include considering the political sensitivities there may be about legislating for the electorate in the North to vote in an election in this jurisdiction and the need to ensure any proposal is fully consistent with the State's recognition of the current constitutional status of Northern Ireland.

There are also many practical and operational challenges to consider. Arrangements for the registration of new voters and for voting by those voters would need to be thought through. Logistical and cost implications of various options would need to be assessed. The integrity of any new arrangements introduced must be foremost in our considerations. As I stated, the Government has committed to undertaking the analysis required and that work is under way. When it is completed, decisions will be made as to whether proposals for change will be put to the electorate in a referendum.

The Joint Committee on European Union Affairs also recommended that an electoral commission be established to implement its recommendations. The programme for Government contained a commitment to set up an electoral commission. A recommendation made by the Convention on the Constitution to establish an electoral commission was also accepted by Government in April 2014. I will outline for Deputies the steps that have been taken on the establishment of an electoral commission since the publication of the joint committee report.

On 27 January last, the Minister for the Environment, Community and Local Government, Deputy Kelly, published his consultation paper on the establishment of an electoral commission in Ireland. The consultation paper examines the present system of electoral administration and its costs. It sets out principles of good governance to inform the setting up of an electoral commission. It analyses recommendations made by other bodies, including political parties, Oireachtas committees and academics. It also considers experience internationally with similar structures.

When he published his paper, the Minister asked the Joint Committee on the Environment, Culture and the Gaeltacht to undertake a public consultation process based on 11 key questions set out in the consultation paper. These cover the commission's structures and functions, reporting arrangements, its relationship with other bodies currently involved in electoral administration, as well as practical matters, including staffing and funding arrangements.

The committee engaged in a wide-ranging consultation with interested parties between March and July. I understand that it is due to report back to the Minister shortly with recommendations. This will inform further the consideration of the issues arising in the preparation of the electoral commission Bill. It should be understood, however, that there is a significant amount of work to be undertaken in moving this forward. The Minister made it clear when publishing his consultation paper that establishment of an electoral commission will take a number of years to complete. The development of legislation is a necessary first step but we need to do it right.

I commend Deputy Hannigan and the Joint Committee on European Union Affairs on their report and their engagement and work in this matter. They have highlighted a number of factors that need to be borne in mind as we undertake the analysis on extending the franchise to citizen's resident outside the State. As I have stated, that analysis is under way and will be completed in due course.

Deputy Timmy Dooley: I thank the Minister of State for his response and thank Deputy Hannigan for the way in which he set out the committee's position. I was the Fianna Fáil representative on the committee. Like others, we participated in a full and frank way in an effort to improve the position as it relates to the capacity of Irish citizens abroad to continue to participate in our electoral democracy.

The right to vote is something that was hard won, and that should underpin all our views on this matter. When citizens, in many cases through no fault of their own, find themselves outside the State to work, live and have gainful employment, they should not ultimately be disenfranchised of the right to continue to participate in the development of this democracy. Many of their forefathers were part of the founding of the State, and it would be right that we in elected office try to ensure for the future that this issue is addressed.

My party fully supports the recommendations of the committee. We are very much of a mind that there is a necessity to establish the electoral commission that would ensure the implementation of the recommendations set out, namely, that the Government accepts the principle of extending voting rights to Irish citizens abroad and that it should proceed to design a system that would be workable in an Irish context. I do not want to minimise the complications associated with that given our unique electoral system.

With regard to Irish citizens who reside in the European Union, my party believes we must find some way to ensure the rights derived from their citizenship, not only of Ireland but of the European Union, are respected. Fianna Fáil agrees with the European Commission recommendations that in instances in which member states' policies limit the rights of nationals to vote in national elections based exclusively on a residence condition, member states should enable their nationals who make use of their right to free movement and residence within the European Union to demonstrate a continuing interest in the political life in the member state of which they are nationals, including through an application to remain registered on the electoral roll, and by doing so to retain their right to vote.

The European Commission proposal to make it easier for Irish citizens within the Union to retain their voting rights in Irish elections is a welcome development. However, the implementation of this proposal must be examined carefully before any rash decisions are taken merely to meet the concerns expressed by the Commission. That is why an electoral commission of our own would be best placed to tease that out. I was taken to some extent by the surveys to which the Minister of State referred. We should have moved beyond that position and should leave it to an electoral commission to implement the recommendations as set out.

It must be acknowledged that Ireland is unusual in the increasingly globalised world in not allowing the majority of its overseas citizens any say in the political process. Members of the

armed forces and the diplomatic service are able to vote in Dáil elections, while only NUI and Trinity College graduates can vote in a certain section within Seanad elections. Beyond these exceptions, only those who are ordinarily resident in Ireland may vote.

Currently, approximately 115 countries and territories, including almost all developed nations, have systems in place to allow their citizens abroad to vote. This number is growing. Even countries with high numbers of citizens abroad, such as Italy, as the Chairman of the committee stated, the Dominican Republic and Mexico, have recently allowed their expatriates to vote. Citizens of the United States, for example, can vote no matter how long they stay away, while citizens of Britain are disqualified after 15 years. Some countries, such as France, reserve seats in their parliaments for citizens who live abroad, while others vote in the constituencies in which they used to live. If we look at those countries and examine the systems they have invoked, we can learn from them. If Ireland is to embrace its citizens abroad, we must look at the logistics of how our voting system can be made to work to embrace the opinions of these citizens.

Fianna Fáil supports the idea of having a permanent, independent electoral commission which would be in charge of running all elections and referendums. We welcome the committee's recommendation to establish an electoral commission and to design a system that would be workable in the Irish context.

We believe it is vital for democracy that Irish citizens who are entitled to vote in our elections can vote. If people engage in the most important act of our democratic tradition, that of voting, this will enhance our democracy by consolidating the legitimacy of our parliamentary democracy.

It is no secret that I and, I imagine, many others in this House would also like to see a strengthening of our parliamentary democracy. While we are not unique, we are certainly among a small minority within the European Union where our Parliament is extremely weak and the Executive in effect holds all the aces. In the long term, we need to address this imbalance. It would improve and enhance the work of this House. It would make the House more reflective of society at large and would, perhaps, help to regain and rebuild the trust between Parliament generally and the citizens. Perhaps that work can be done by the Constitutional Convention at a later stage but it is certainly something that needs to be addressed in tandem with extending voting rights to citizens outside the State.

Qualitative studies seem to suggest there has been a loss of connection between parliamentarians and citizens. This is evident from the level of disenchantment over what might be referred to as the structures of Parliament. The Minister of State's Department might consider giving more powers to Members of Parliament in a broader way rather than having the Executive effectively retaining all the control, with much of the work in the Houses merely consisting of rubber-stamping.

We believe the recommendation by the committee to accept in principle that voting rights should be extended to Irish citizens abroad could be facilitated through our embassy network within the European Union in the first instance. It would ensure Irish citizens living and working outside Ireland, but within the European Union, would register with their local

embassy. This would be an important part of ensuring embassies are in a position to remain in contact with and track the activities of our citizens abroad. The register should be required to be updated annually. Citizens seeking to vote from abroad should be obliged to select the constituency to which they have the closest connection. I have no doubt that establishing the criteria to ensure this process would be fair and balanced, and would not result in gerrymandering of any kind, would be contentious. This is important to prevent fraud and would act as a control measure. None the less, Fianna Fáil accepts that all relevant applications could be submitted electronically. Since we live in an environment in which electronic communication is far more prevalent, particularly among those who travel, an electronic submission would provide an appropriate means of access.

Fianna Fáil is broadly supportive of the recommendations outlined by the European Commission and those of the committee and it hopes the Government will use this opportunity to implement reform of our electoral system that will broaden participation, establish an independent electoral commission and, for the first time, grant substantial voting rights to all our citizens within the European Union. We hope it will consider extending these rights to citizens farther afield.

Deputy Bernard J. Durkan: I am glad to have an opportunity to speak on this report, which was brought forward by the Chairman of the Joint Committee on European Affairs. Everybody agrees the issue is, and should be, under review and that some efforts need to be made by a commission to examine the feasibility and logistics of including the wider electorate. There are, of course, implications. The committee discussed this at length. Different countries, including those throughout the European Union, have different requirements and varying means of dealing with the issue.

It was suggested during the debate by the committee that there would be no appreciable effect on the outcome of elections if the vote were extended to all Irish people overseas in a general election. Of course, that is not necessarily the case because there would be an impact on an election outcome. Depending on which end of the spectrum one is standing, this could be good or bad; we do not know how it would work. I disagreed with the suggestion put forward by an expert that the impact would be negligible. It could be quite considerable, particularly in a closely fought general election in which 1%, or a fraction of a percentage, of a vote count would make a difference. That said, the principle still needs to be examined with a view to extending the franchise to people outside the country, be it over a specified period or longer period, with the objective of having registration on an annual basis. That seems to be a possibility.

Presidential elections need to be examined in the first instance as they are the most appropriate in this regard. The Minister of State mentioned potential obstacles. They are not beyond resolution. They were examined by the committee. It was felt in the final analysis that there were sufficient grounds, bearing in mind all the practicalities and possibilities, to try to come up with a proposal that would be logical, effective, acceptable and in consort with the Constitution.

The European Commission was very anxious to move forward with this legislation on the grounds of restriction of freedom of movement. I am afraid that some developments in

Europe in the meantime seem to indicate to me that freedom of movement is not always allowed throughout the Union. I am a strong supporter of the European concept and project and will remain so but I believe some of the sights we have seen across Europe since the publication of this report are not reassuring. I refer, of course, to the treatment of refugees and to those who are known as economic migrants. There seems to be a bias against the latter, as if economic migration were a serious transgression of some description. We should be very familiar with the concept in this country. Our people needed to emigrate for economic reasons and they were glad of the opportunity. At a recent meeting in Luxembourg, I expressed the opinion that economic migration was not a cardinal sin or international transgression of any description but a matter of necessity for many people. It was a necessity for us. I stated I did not see the logic of isolating economic immigrants and of the restriction of their movement and of the right to move throughout the European Union, even though they are not European citizens. The images of razor wire preventing people from crossing from one state into another do not necessarily reside particularly easily with any of us, nor should they. Although I am a strong supporter of all the European concepts and the European project in general, I am certainly not a supporter of what leads to that kind of imagery. When the European Union is issuing instructions and expressing opinions, collectively or individually across Europe, it should take account of the need to apply the principles that it espouses to itself also. Former Commissioner Peter Sutherland has expressed strong views on this subject, as have many Members of this House. It would be wrong to allow this occasion to pass without commenting on it.

On the recommendation of the Commission, we are going in the right direction. I do not know how the international element of the register would be checked. I expressed this view during the discussions of the committee. For as long as I have been around, we have not been able to check the register properly in this country. This has been the case for at least 40 years. I do not know how it will happen eventually if there is to be an international aspect to the register. It is essential that we find a means of ensuring the electoral register is updated regularly and systematically and that, in the event of an extension of voting rights to citizens in Northern Ireland, across Europe or elsewhere abroad, for whatever purpose, be it short or long term, the manner of its compilation will be a major consideration. The logistics will have to be dealt with if the proposal is to be successful.

The electoral commission has already been referred to. I am sorry Deputy Timmy Dooley has left the House. He stated that we need electoral reform and that the Parliament needs greater powers. Over the years, it has come to my attention that when parties that have been in government, particularly those in government for a long time, find themselves in opposition, for whatever reason, they always believe it would be a great idea to give more power to the Parliament and less to the Executive. I do not know why this is the case. The Acting Chairman, Deputy Seán Kenny, and I have seen times come and go in which parties' enthusiasm for this concept seemed to wane somewhat when they found themselves back in government, for one reason or another.

Fianna Fáil has stated that if it is returned to Government after the next general election it will extend further powers to the Parliament. I take that with the proverbial grain of salt for the simple reason that it did little in that regard when in government for a lengthy period prior to the election of this Government. It could be said that Members of this House had

less power than ever before during the period when Fianna Fáil was in government and that what little power was available to them was diminished on a regular basis. I do not propose to, nor should I in this particular context, go into the detail of all the reasons I hold that view. However, should the opportunity to do so present in the future, I will take it.

Lest people listening in to this debate would think that the current Administration restricts the rights of the Opposition and prohibits this Parliament from doing its work, I must point out that it does not. The level of participation by this Parliament in terms of debates, committee meetings - including pre-legislative scrutiny of Bills - and debates on finance and social welfare Bills has been far greater than that of any other Parliament in the history of this State. This type of participation was not a feature of previous Administrations.

In regard to people complaining about their inability to get replies in this House, I have raised a number of questions in this House over the past few years. Under the previous Administration, it was very unusual if I did not get, on a daily basis, 14 or 15 refusals of replies to what were legitimate parliamentary questions, the answers to which I knew were readily available in the respective Departments. I refute the allegation that the current Administration has restricted the democratic process of this Parliament; it has not.

Deputy Michael Colreavy: I welcome this report and appreciate the work involved in producing it, particularly the work of my colleagues Deputy Crowe and Senator Reilly, who are members of the committee, and Ms Lynn Boylan, MEP, who gave evidence to the committee.

On behalf of Sinn Féin, I welcome the recommendation of this report that voting rights be extended to Irish citizens living abroad and that a voting system that would work in an Irish context be designed. I would be concerned if people outside were of the view that this issue was being considered in the context of its impact from a party political point of view. That is not the case. This is not about political parties or political party interests.

While the report was drafted by the Joint Committee on European Union Affairs following a communication and recommendation from the European Commission which criticised Ireland's disenfranchisement of citizens living in other EU countries, it is impossible to ignore the wider context and to take voting rights of Irish citizens living in another EU state in isolation. This report, although welcome, is nothing new. We have heard all it has to say before on several occasions. What was missing previously and, I fear, will be missing now is action from the Government. The Government needs to take this issue seriously.

Sinn Féin believes in the core republican principle of equal citizenship and, therefore, the right of Irish citizens living in the North and abroad to vote. We have campaigned on this issue for many years. We unequivocally support the right of all Irish citizens of voting age to vote for the Irish President, regardless of where they are living. Furthermore, we believe that Irish citizens living outside this State should have the right to appropriate representation in the Dáil by way of reserved constituency, with voting rights subject to presentation of a valid passport and regular registration requirements. We also argue that they should be entitled to representation in a reformed Seanad. It was mentioned

previously that this would be difficult to administer. However, it is currently being done in many other countries.

In this debate, too many people are ignoring that not only can Irish citizens abroad not vote but citizens on this island living in the Six Counties cannot do so. The Good Friday Agreement states that this Government recognises the right of all people born in the North to identify as Irish citizens, if they so wish. We should not be treating those people as second-class Irish citizens. They are not second-class citizens: they are Irish citizens who should have full voting rights. Equality should never be compromised. We should be building an inclusive Ireland rather an exclusive one. We should be reaching out to everyone on this island, including Unionists, and asking them to join our political process. We are a family on this island.

The failure to extend voting rights to citizens in the North arises, I would argue, out of the deeply partitionist mindset of successive Governments. We need to open up our minds and move on from this. In September 2013, 78% of members of the Constitutional Convention voted in favour of giving citizens resident abroad a vote in presidential elections and 73% voted in favour of giving such a vote to Irish citizens resident in the North.

In March of this year my colleagues Deputies Gerry Adams and Seán Crowe brought forward a Bill which would have granted presidential voting rights to citizens in the North and abroad. While the Bill was accepted, it was said that it would have to be put to a referendum, but there has been no move to establish that referendum - more Government inaction. There is a huge demand among Irish citizens to amend Bunreacht na hÉireann to give Irish citizens in the North and abroad the right the vote. The Government needs to face up to this democratic demand, which was overwhelmingly supported by the Constitutional Convention. We need to end this practice of depriving Irish people of the right to influence their destiny and our destiny. Do we fear Irish citizens who live abroad or in the North?

I note that the report mentions that eventually a case may be taken to the European Court of Justice challenging the restriction on voting rights, following which this Government would be forced to act. We should not wait to be told by the European Court of Justice that we are infringing on the rights of citizens; we should act.

A total of 115 countries have systems in place to allow their emigrants to vote, so we are not reinventing the wheel. I do not accept that we should shy away from it because of the complexities surrounding the issue. It has been done before in countries all over the world. We should ensure we catch up with best international practice.

In Sinn Féin's policy paper on the global Irish, we detailed our support for the introduction of appropriate diasporic parliamentary representation in the Dáil by way of reserved constituency, with a valid passport and regular registration requirement, as well as representation for citizens in the North. Both Northern and diasporic citizens should also be represented in a reformed Seanad. Citizens who are resident outside the State should also have a vote in presidential elections. We suggested that postal voting for those living outside Ireland, which could be done through the relevant embassies and consulates and

made subject to appropriate safeguards against electoral fraud, would be the best system for voting. Through technological advances, our citizens living overseas-----

Acting Chairman (Deputy Seán Kenny): Deputy Colreavy has one minute left.

Deputy Michael Colreavy: I will begin to wrap up. Recent OECD figures show that one in six Irish-born people now live abroad. That is a significant number. In recent years emigration has been a major factor. Economic pressures drove young people in particular out of this country. We are good at organising feel-good PR events but we are failing miserably to treat emigrants as Irish citizens. That is wrong, and we must correct the situation. We need concrete policies and a cross-departmental approach from the Government to encourage and allow citizens to return and to vote if they are living abroad or in the Six Counties.

Many citizens in the diaspora actively contribute to the economic, social and cultural life of Ireland from afar. They send over money and invest in the country. They actively support the peace process and participate in and promote Irish heritage and culture. They get involved in voluntary activities in the areas of language, the arts and sporting organisations.

Acting Chairman (Deputy Seán Kenny): The Deputy must conclude now.

Deputy Michael Colreavy: What we need is Government action.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I listened with interest to the debate and what was said by the various contributors. I thank the Deputies for their contributions. It is clear that voting rights are dear to the hearts of many Irish citizens resident outside the State. We all acknowledge that, as does the Government. In terms of some of the main considerations that arise for analysis, it is important that we weigh up the implications of the numbers that might be involved in extending the franchise in presidential elections to Irish citizens resident outside the State. We must also consider whether a time limit should apply to the entitlement of those citizens to vote and, if so, for how many years. The joint committee also mentioned in its report the need to consider such matters.

Various Deputies referred to the fact that the registration of voter's resident outside the State raises questions about how that might be done efficiently, but we must also ensure the integrity of the voter registration system, which is fundamental to any democratic voting system. Consideration, too, would need to be given to the way in which voters might be allowed to vote. Different methods are used around the world, including voting at diplomatic missions, postal voting and e-voting. All of the options must be closely examined, as there are complex and interrelated issues of both principle and practicality. In its consideration of the Fifth Report of the Constitutional Convention, the Government decided that the full range of issues involved would need to be analysed and costed before any decision could be made on the holding of a referendum. That work has commenced.

I also outlined in my contribution the developments this year on the establishment of an electoral commission. The report of the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht on the consultation paper published earlier this year is expected

shortly. That will provide an invaluable input into the preparation of the electoral commission Bill. I stress again, however, that the establishment of an electoral commission will take a number of years to complete.

Various points were raised in the debate. Deputy Colreavy accused the Government of inaction. I do not agree with him because, as I outlined, the issue must be carefully examined and the work is under way. A deep analysis is being carried out and every aspect of the matter must be considered.

To date, the European Court of Justice has not interfered with any national competence in relation to electoral systems. It is important to state that currently the EU has no legal competence in regard to national election systems. It is not an EU law but a recommendation based on the perception that electoral laws impact on free movement within the Union. We must be careful in the statements we make on this important issue.

Deputy Michael Colreavy: I wish to raise a point of clarification.

Deputy Paudie Coffey: In conclusion, I acknowledge the work of the Oireachtas Joint Committee on European Affairs, led by the Chairman, Deputy Hannigan, and thank all of the committee members for their invaluable work. We look forward to continued engagement on this important issue.

Deputy Michael Colreavy: A Chathaoirligh, I wish to raise a point of clarification.

Acting Chairman (Deputy Seán Kenny): Deputy Colreavy has made his contribution.

Deputy Michael Colreavy: I wish to raise a point of clarification on a statement made by the Minister of State.

Acting Chairman (Deputy Seán Kenny): It is a point of order. Provision is not made for a point of clarification.

Deputy Michael Colreavy: I wish to make a point of order. Is the Minister of State saying an Irish citizen living abroad would not have the right to go to the European Court of Justice on this matter?

Acting Chairman (Deputy Seán Kenny): Does the Minister of State wish to respond?

Deputy Paudie Coffey: No. My statement is on the record.

Deputy Dominic Hannigan: I thank the Minister of State, Deputy Coffey, for his contribution to today's debate. I will come back to the substance of his contribution. I also thank other Members of the House - Deputy Timmy Dooley from Fianna Fáil, Deputy Michael Colreavy from Sinn Féin and Deputy Bernard Durkan from Fine Gael. I further acknowledge the contribution of the other members of the joint committee to the preparation of the report. It is a cross-party report. We managed to come to an agreement among ourselves. I am a member of a Government party, but today my role is as a member

of the committee, which I am representing, so I do not feel bound to adopt the Government line. That will become a little more obvious as my conclusion progresses.

I welcome the initiative in the House that allows time in the Chamber to debate the important work that is done by various committees of the House. It is important because it means that committee reports do not just gather dust on shelves but get an airing on the floor of the Chamber, which is an improvement. To return to one of the points Deputy Dooley made, it does show that there have been improvements in the way we operate as a House. We would not be here on a Friday at all if it were not for the changes introduced by the Government in order to make the Dáil a bit more democratic and accountable, and to allow Members from Government parties and Opposition parties to discuss and debate Bills and committee reports. The debate has shown that the issue of voting rights is of concern to all parties in this House.

From our discussions we are aware of the concerns and interest of many members of the diaspora. While I was following the debate on the floor, I was also looking at the Twitter feed. I note that many people are commenting on the debate who are watching from all over the world. A level of disappointment was expressed at the lack of Members in the House. I know that we are represented by all of the main parties here today, but it is a bit disappointing that we did not have a greater level of engagement on this issue. Many important points were raised. Deputy Dooley, on behalf of Fianna Fáil, outlined the importance of finding some way to give our citizens living abroad the right to vote. He referred to how UK and US citizens have the right to vote and how, as far as Fianna Fáil is concerned, it is time we extended voting rights to our citizens abroad. I very much welcome this.

Deputy Michael Colreavy made the important point that equality should never be compromised, a point with which we all agree. Several Members said we need to be cognisant of the impact of this proposal. I am not sure that we have to be. As far as I am concerned, citizens have the right to vote. For what and for whom they vote is up to them. That is the democratic system in which we live. So what if they vote for a different party? It is their right to do so. They are either full citizens of our State or they are not. They cannot be half-citizens. It is simple as that. We should not fear our citizens living abroad but encourage them to vote and explain the issues to them. We should not patronise them to the extent that we think they would not understand what is going on in our country. We should have confidence in their ability to make the right decision to vote accordingly.

I have known the Minister of State, Deputy Paudie Coffey, for many years and I respect the job he is doing. I know he will have been briefed on this issue by his civil servants. However, that was not a can-do speech from him. It was a speech that gave many reasons as to why this will take time. The language used referred to how we need to be cognisant of the large numbers involved, the cost, the impact and the integrity of the systems involved. It stated there are complex issues that need to be closely examined and the establishment of the commission would require several years to be completed. I am disappointed by this. We can move more quickly. Other countries have moved quickly on this. I fear we will be hammered into this through a court action. We should lead and show our citizens abroad that they are

part of the Irish nation, that we respect their views and that we want them involved in our society. As Deputy Michael Colreavy said, we should not be waiting; we should be acting.

Question put and agreed to.

The Dáil adjourned at 12.25 p.m. until 2 p.m. on Tuesday, 3 November 2015.