



February 2011

This Factsheet does not bind the Court and is not exhaustive

Prisoners' right to vote

Hirst No. 2 v. the United Kingdom (no. 74025/01) – Grand Chamber judgment

6.10.2005

Concerned blanket ban on convicted prisoners' right to vote

The Court found that the applicant, imprisoned in 1980 (released in 1994), had been subject – under Section 3 of the Representation of the People Act 1983 – during that time and due to his status as a convicted prisoner to an automatic and indiscriminate restriction on his right to vote.

[Violation of Article 3 of Protocol No. 1 \(right to free elections\)](#)

[Just satisfaction: 23,200 euros \(EUR\) for costs and expenses](#)

The Court noted in particular that “when sentencing, the criminal courts made no reference to disenfranchisement and it was not apparent that there was a direct link between the facts of a case and the loss of the right to vote”

Execution¹

On 7.4.2006, the UK authorities presented an **action plan** for the execution of the judgment to the Council of Europe's Committee of Ministers (CM). The authorities undertook to conduct a **two-stage consultation process**, with a view to introducing before Parliament the necessary legislative reform.

Since then legislative reform has not been followed through. The CM adopted an [Interim Resolution](#) in **December 2009** in which it expressed serious concern about the substantial delay in implementing the judgment and urged the United Kingdom authorities to rapidly adopt the necessary measures. In its latest **decision – December 2010** – concerning the case, it has, among other things, again called upon the United Kingdom authorities to present, without further delay, an action plan for implementation of the judgment with a clear timetable.

Next CM meeting at which case will be considered: March 2011

Frodl v. Austria (no. 20201/04) – Chamber judgment

8.4.2010

Concerned a prisoner serving a life sentence for murder in Austria who, under the National Assembly Election Act – which provided that a prisoner serving a term of imprisonment for more than one year for an offence committed with intent was not allowed to vote – had been disenfranchised.

[Violation of Article 3 of Protocol No. 1 \(right to free elections\)](#)

[Just satisfaction: EUR 5,000 for costs and expenses](#)

The Court noted that the Austrian provisions on disenfranchisement were more narrowly defined than in the case of **Hirst**. Nevertheless, it found that the provisions of the Act were not in conformity with the Convention, notably on account of the fact that the decision on disenfranchisement should have been taken by a judge and that, in this particular case, there had not been a link between the offence committed and the issues relating to elections and democratic institutions.

¹ Grand Chamber judgments are final and are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Greens and M.T. v. the UK (nos. 60041/08 & 60054/08– Chamber judgment)

23.11.2010 - not final (Grand Chamber referral request lodged by Mr Greens and by the UK Government)

Concerned the continued failure to amend the legislation imposing a blanket ban on voting in national and European elections for convicted prisoners in detention in the UK.

[Violation of Article 3 of Protocol No. 1 \(right to free elections\)](#)

[Just satisfaction: finding of a violation sufficient; EUR 5,000 for costs and expenses*](#)

The Court found that the violation was due to the UK's failure to execute the Court's Grand Chamber judgment in *Hirst v. the UK*.

Having received **2,500 similar applications**, the Court decided to adopt its **pilot judgment procedure** and gave the UK Government six months from the date when Greens and M.T. becomes final to introduce legislative proposals to bring the disputed law/s in line with the Convention. The Court also decided that it will not examine any comparable cases pending new legislation and proposes to strike out all such registered cases once legislation has been introduced.

*The Court held, however, that in any future cases it would most likely consider that it was not necessary or reasonable to incur such legal costs and would make no such award.

Scoppola v. Italy (no. 3) (no. 126/05)

18.1.2011

Concerned Mr Scoppola's complaint that the ban on public office imposed on him as a result of his life sentence for murder had amounted to a permanent forfeiture of his right to vote.

[Violation of Article 3 of Protocol No. 1 \(right to free elections\)](#)

[Just satisfaction: finding of a violation sufficient](#)

The Court found a violation on account of the automatic nature of the ban on voting and its indiscriminate application.

Pending cases concerning prisoners' right to vote

[Apinis v. Latvia \(no. 46549/06\)](#)

Communicated on 14.06.2010

[Gladkov v. Russia \(no. 15162/05\)](#)

Communicated on 19.10.2009

[Toner v. the United Kingdom \(no. 8195/08\)](#)

Communicated on 27.08.2009

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