



November 2011

This Factsheet does not bind the Court and is not exhaustive

## Prisoners' right to vote

### Pending cases concerning prisoners' right to vote

#### [Scoppola v. Italy \(no. 3\) \(no. 126/05\)](#) – Grand Chamber

Hearing 02.11.2011

Concerns 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.

In its Chamber judgment of 18.01.2011 the Court found a violation of Article 3 of Protocol No. 1 (right to free elections) on account of the automatic nature of the ban on voting and its indiscriminate application. The case was referred to the Grand Chamber on 20.06.2011 at the Government's request.

#### Other cases pending

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

Communicated on 19.10.2009

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

Communicated on 27.08.2009

### [Greens and M.T. v. the UK \(nos. 60041/08 & 60054/08\)](#) – Chamber judgment final

23.11.2010

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<sup>1</sup>

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* (see below).

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.* became 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.

As this judgment became final on 11 April 2011, the **deadline** for the UK authorities **to submit an Action plan** was **11 October 2011**. This deadline has now been extended to six months after judgment delivery in the case of *Scoppola (no. 3) v. Italy* (above).

<sup>1</sup> 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.

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

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.

### 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”

#### *Enforcement<sup>2</sup>*

On 7.4.2006, the UK authorities presented an **action plan** for the enforcement 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 – June 2011** – concerning the case, the CM noted, among other things, that the judgment ***Greens and M.T. v. the UK*** (above) had become final and that the United Kingdom authorities had until **11 October 2011 to introduce legislative proposals** with a view to the enactment of an electoral law to achieve compliance with the Court's judgments in ***Hirst*** and ***Greens and M.T.*** according to any time-scale determined by the Committee of Ministers.

On 30.08.2011 the Court granted a request from the UK authorities to **extend** that **deadline to 6 months after the delivery** of the Grand Chamber judgment in the case of ***Scoppola No. 3 v. Italy***.

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<sup>2</sup> Grand Chamber judgments are final and are transmitted to the Committee of Ministers of the Council of Europe for supervision of their enforcement. Further information about the enforcement process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution)

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**ECHR Press Unit Contact: Tracey Turner-Tretz  
+33 (0)3 90 21 42 08**

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