**Cases considered by courts**

Indicators on political participation

of persons with disabilities

2014

DISCLAIMER: The background country information reports contain background material for the comparative report on *The right to political participation for persons with disabilities: human rights indicators* by the European Union Agency for Fundamental Rights (FRA). The bulk of the information in the background country information reports comes from ad hoc information reports prepared under contract by the FRA’s research network FRANET. The views expressed in the background country information reports do not necessarily reflect the views or the official position of the FRA. These reports are made publicly available for information purposes only and do not constitute legal advice or legal opinion.

**Have national courts considered cases related to the right to political participation of persons with disabilities?**

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| **EUMS** | **Source and supporting information** |
| AT | There are no judicial decisions to be found in the Austrian Legal Information System (*Rechtsinformationssystem, RIS)* dealing with the right to political participation of persons with disabilities. The Disability Ombudsman does not know about any key judicial decisions dealing with the right to political participation of persons with disabilities[[1]](#footnote-1).According to §10(2) of the Federal Disability Equality Act (BGStG), which applies to federal authorities and to the access to goods and services available to the public under federal competence, a conciliation procedure is mandatory before bringing in legal action. Conciliation procedures (*Schlichtungen*) to reach an amicable arrangement are conducted by the regional office of the Federal Social Office (*Bundessozialamt*) (§14 BGStG). |
| BE | Not applicable – no judicial decisions have been identified dealing with the right to political participation of persons with disabilities. |
| BG | The National Statistical Institute collects and presents official data[[2]](#footnote-2) in the field of justice only for the number of crimes, accused and persons convicted, as well the distribution of the cases by statistical regions and districts. The data collected by the Institute is based on the information provided by the Bulgarian courts. There are no cases regarding the violation of the political rights of persons with disabilities. |
| CY | No judicial decisions were found.[[3]](#footnote-3) |
| CZ | Decision of the Constitutional Court (*Ústavní soud)* N223/39 SbNU 353[[4]](#footnote-4) on limiting an individual’s legal capacity. The Constitutional Court reacted to the complaint of J.S., who in the year 2006 was deprived of legal capacity by a district court. The Constitutional Court held that the common practise of district and regional courts to deprive a person from his/her ability to vote when deprived of the legal capacity may be unconstitutional and ruled that: “*In the interest of removing this unconstitutional matter in decisions on depriving or limiting legal capacity of a physical entity, courts shall consider whether the specific individual is capable of understanding the sense, purpose and consequences of elections; courts must thus properly justify their decisions in these matters*.”*[[5]](#footnote-5)*-The Supreme Administrative Court *(Nejvyšší správní soud)*, decision no. 6/2009- 22[[6]](#footnote-6) on the obligation to ask patients to register in the special voter registry. As mentioned above, the Supreme Administrative Court ordained that health care facilities should not expect their patients to actively apply for their voting rights, but that they have the obligation to ask if their clients or patients wish to be registered into the special voter registry in a given area, or if they have a voter ID and wish to vote. |
| DE | No recent case law of the Bundesverfassungsgericht could be identified.[[7]](#footnote-7)In election scrutiny proceedings, the Bundestag has considered several complaints regarding different aspects of voting rights of persons with disabilities, concerning e.g. voting assistance (case EuWP 21/09, Drucksache 17/2200 sup. 8), access to polling stations (case WP 50/09, Drucksache 17/3100 sup. 9), custodianship (case EuWP 26/09, Drucksache 17/1000 sup. 14), mental disabilities (case WP 79/05, Drucksache 16/3600 sup. 20). |
| DK | No cases known. |
| EE | There are no cases. |
| EL | Following research in legal databases no judicial decisions on the right to political participation of people with disabilities were identified. This was confirmed by the national Confederation of People with Disabilities. |
| ES | After analyzing the databases of the National Court [*Audiencia Nacional*], the Supreme Court and the Constitutional Court, no judicial decisions have been found on the right to political participation of persons with disabilities.Decisions of lower courts are not published on the internet. Existing databases do not systematically cover them. It should be noted that the common procedure to complain regarding problems with the exercise of the right to political participation is at the Central Electoral Board. Its decisions have legal value and can be appealed in front of the Constitutional Court in case of violations of individual fundamental rights.An exception was found in a judgment of February 2007 of the High Court of Catalonia,[[8]](#footnote-8) in which the constitutionality of article 87 LOREG on the general electoral system was challenged. Alhough the Court recognized the awareness of Spanish society on the subject, it considered the fact that the LOREG does not offer the possibility to blind people to vote using braille as not being unconstitutional, because this would entail complex technical solutions. The appellants requested the High Court to challenge the constitutionality with the Constitutional Court, but it considered the grounds of the request to be insufficient.A few months later, the referred article was amended by Organic Act 9/2007[[9]](#footnote-9) in order to regulate a specific voting procedure for people with visual impairments. (see article 87. 2 LOREG and Royal Decree 1612/2007, that regulates the specific procedure that blind and severe visually disabled electors may use in order to receive documentation in Braille. These electors may call to a toll free telephone number (provided by the Ministry of the Interior, in the case of national elections) to request for a special voting kit to be handed to them on elections day at their Electoral Board. The kit includes information in Braille and, in the case of Senate elections, a template in Braille (N.B. paper ballots and envelopes are not in Braille: they are regular ones, to guarantee the secrecy of the vote). |
| FI | No information was found.[[10]](#footnote-10) |
| FR | According to legal databases and associations contacted, there is no such judicial decision. |
| HR | There have not been any key judicial decisions in this area. The Office of the Ombudswoman for Persons with Disabilities (*Ured pravobraniteljice za osobe s invaliditetom*) is not aware of any court decisions in this area in the last 10 years.[[11]](#footnote-11) |
| HU | Official data is not available.[[12]](#footnote-12) |
| IE | Not applicable – there were no judicial decisions identified for Ireland dealing with the right to political participation of persons with disabilities.[[13]](#footnote-13)  |
| IT | Some judicial interpretations and rulings on the legitimacy of certain provisions on the right to political participation of people with disabilities have been issued by the Council of State (*Consiglio di Stato*). Among the most recent are: According to the Council of State, voters affected by “cognitive temporal and spatial deficit” cannot be admitted to vote, as this pathology hampers correct formation of will[[14]](#footnote-14). The decision confirms the sentence of T.A.R. (administrative regional court) of Basilicata, 22 May 2003, no. 462, following the complaint of the family of a person affected by this disease. The effect of this judicial decision, following previous decisions by the same court[[15]](#footnote-15) do not deny voting right to all people with intellectual disabilities, but to those people whose disability prevent the formation of will and their ability to express their vote in an autonomous way.[[16]](#footnote-16) According to another decision of the Council of State,[[17]](#footnote-17) the president of a polling station can disregard a medical certificate in case of clear evidence that the disability reported does not reflect the actual condition of the voter or the certificate is false[[18]](#footnote-18). A decision of the Administrative Regional Court of Lazio Region[[19]](#footnote-19) affirms the right of a foreign child born in Italy suffering from an intellectual disability (Down syndrome) to obtain Italian citizenship on the same conditions as other children born in Italy to foreign parents. The decision represents a relevant legal precedent, granting Italian citizenship to a person who is incapable of expressing his will. The decision followed a complaint by the legal representative of the minor. |
| LT | There were no judicial decisions dealing with the right to political participation of persons with disabilities. Information was searched through the media, official courts’ web-based information, etc. According to the CEC there were no complaints with regards the infringement of the rights of persons with disabilities.[[20]](#footnote-20) |
| LU | Following consultation of the legal service of the specific department of the Ministry of family and Integration, Info-Handicap, “Only with us” (*Nëmme mat eis*), the Ombudsman, andthe CET (Centre for Equal Treatment), no complaints have been filed.The Prosecutor and the administrative tribunal (“*Tribunal administrative*”) do not hold statistics on precise categories like the political participation of persons with disabilities.  |
| LV | After consultation of the Central Election Commission, the Union of Disabled and their Friends "Apeirons", the Ombudsman’s Office and the Resource Centre for people with mental disability "Zelda", there is no case law or no information is available regarding judicial decisions dealing with the right to political participation of persons with disabilities.[[21]](#footnote-21) The Central Election Commission does not have any information about any judicial decisions dealing with the right to political participation of persons with disabilities. Additionally, the Supreme Court case law data base does not provide for the possibility to select case law neither by the criterion ‘disability’ nor by ‘political participation’. The criteria are more general, such as human rights, children’s rights, etc.[[22]](#footnote-22) |
| MT | Prior to the 2008 General election, the Society of the Blind[[23]](#footnote-23) had opened a court case for the right to vote in secret rather than with the assistance of the assistant commissioners. A number of individuals filed the applications against the Electoral Commission and the Attorney General, claiming that the authorities failed to provide a voting system that was adequate for blind people. The applicants described the lack of privacy when voting as humiliating and degrading and in breach of Malta's equality legislation. The Court decided against the applicants, claiming lack of jurisdiction in such cases. The judgment is not publically available.It seems that as a result of this case, Act XXI of 2007[[24]](#footnote-24) that amended the General Elections Acts includes the obligation of the Electoral Commission to produce templates in Braille and as well as a playback listening devices. These have enabled some, but not all, blind persons, to vote on their own. [[25]](#footnote-25) []Malta has entered a reservation to Article 29a (i) and (iii) of the CRPD (see under 1).It thus has not yet provided disabled people with the facility to vote with the assistance of a trusted friend of their own choice. The current system for disabled persons who cannot vote without assistance is for them to vote in front of the assistant commissioners present in their polling booth. No other voters are allowed at this time and assistant commissioners are sworn to secrecy. However, many disabled people find this arrangement inadequate as confidentiality cannot be fully guaranteed especially in a place with a very small population. |
| NL | The administrative division of the Council of State took a decision regarding the case of a person who was placed under curatorship and, as a consequence of the then applicable law, was excluded from participating in an election, on the 29th of October 2003. The Council concluded that the exclusion of people who are placed under curatorship from electoral rights, could, in specific cases, be an infringement of the International Covenant on Civil and Political Rights (ICCPR). The Council did not approve the appeal of the person in question, since it considered it a responsibility of the legislative bodies to improve the situation and not of the judicial branch.[[26]](#footnote-26)This case eventually led to a change in the constitution, removing the exclusion of people placed under curatorship.[[27]](#footnote-27) |
| PL | In its decision of 25 October 2000, the Supreme Court[[28]](#footnote-28) stated that not -providing to the persons with disabilities with access to the polling station violates the provisions of the Act on Presidential Election[[29]](#footnote-29), however, it does not influence the election results.The priest Tadeusz Z. submitted an election protest claiming about the preparation of the polling station in the Polish consulate in Rome (Italy) during the Presidential Election in October 2000. The priest stated that due to the poor preparation of the polling station as well as the staff, 150 voters with disabilities were not able to vote. The polling station was set on the first floor and the narrow, steep steps led to the polling station. It was impossible for four voters moving on the wheel chairs to reach the polling station. The claimant noted also that there was an organizational chaos, and the staff of the consulate did not provide the voters with any reliable information.The Supreme Court found not enabling the persons with disability to vote by the National Election Commission as a ‘flagrant violation’ of the Act of Presidential Election. The Supreme Court underlined that public authorities are obliged to secure the possibility of the effective execution of the right to vote by all entitled citizens. The Supreme Court, however, did not claim that this particular case had an impact on the results of Presidential Elections in 2000.Secondly, in its decision of 8 July 2009, the Supreme Court[[30]](#footnote-30) stated that the Court is not able to answer the question of how the voting rules should be shaped in order to secure election secrecy in situations when the vote is cast by a blind person. Rafał K. submitted an election protest claiming that during the European Parliament June 2009 election blind persons were deprived of the possibility to participate in secret elections. The only way for blind persons to vote was with the help of third persons. The Supreme Court rejected the claim as unsubstantiated. In the justification, the Supreme Court held that the grounds for submitting the electoral protests are limited to crimes against elections or violations of the provisions of the Act on Elections to the European Parliament (currently – the Electoral Code). Furthermore, the Supreme Court stated that it is not entitled to shape the rules of accessibility of voting for persons with disabilities. |
| PT | No judgments of the Constitutional Court or of the Supreme Court of Justice dealing with the right to political participation of persons with disabilities were identified. The available information (in Justice Services' Financial and Asset Management Institute, *Instituto de Gestão Financeira e Equipamentos da Justiça, I.P.* – IGFEJ - Legal Documentary Databases, *Bases Jurídico-Documentais*, available at: [www.dgsi.pt](http://www.dgsi.pt) ) does not include judgements in lower courts. |
| RO | The Romanian legal database is too rudimentary to be able to find relevant case-law on this topic.[[31]](#footnote-31) The Superior Council for the Judiciary replied to a request for information from the NFP that their institution compiled no relevant case law collections/analyses on the exercise of the right to vote by persons with disabilities.[[32]](#footnote-32)In one case, the media reported about a person with a physical disability officially requested a mobile ballot box on the day of the national referendum – July 29, 2012, but received a response on July 17, 2012 advising him to submit a written request a day before the referendum to the polling station. This person stated that he was unable to vote in the last years because the polling station is organized in a school that does not have facilities for persons with physical disabilities.[[33]](#footnote-33) |
| SE | The Department of Justice (*Justitiedepartementet*), which is the responsible department over the Central Election Authority, answered that there are no comprehensive statistics or data on appeal cases of the infringements of the right to political participation of persons with disabilities.[[34]](#footnote-34) |
| SI | Constitutional Court of the Republic of Slovenia (*Ustavno sodišče Republike Slovenije*) U-I-446/02A complainant challenged provisions of the then elections-related legislation, including the National Assembly Elections Act and Local Elections Act, denying persons who attained 18 years of age and were deprived of legal capacity to exercise the right to vote. At the time, a person without legal capacity was automatically deprived of the right to vote. The complainant claimed that their mother’s parental rights were indeed prolonged because of their physical impairments and impossibility to take care of themselves and of their rights and benefits. They, however, notified the court that they were in perfect mental health and capable to exercise their right to vote. In the Court’s opinion, the criteria under an individual could be deprived of legal capacity, as set out in the Non-litigious Civil Procedure Act and Marriage and Family Relations Act (e.g. parents’ parental rights may be prolonged when a person who attained full age cannot look for themselves because of physical or mental impairments), and were, in conjunction with election legislation, used to restrict the voting right, disproportionately interfered with the right to vote. When determining criteria restricting a person’s right to vote, the legislator should ensure that these criteria are appropriate and necessary to achieve a legitimate objective. The court found the challenged provision inconsistent with the Constitution and further established that an individual’s right to vote should only be restricted in cases when such individuals could not actually understand the meaning and effect of elections. In result, the legislator must provide for procedures that would on case-by-case basis establish if a person deprived of legal capacity or under prolonged parental care was not capable to exercise their right to vote. In 2006 and 2007, respectively, the legislator adopted amendments to the National Assembly Elections Act and Local Elections Act to accommodate the decision by the Constitutional Court.[[35]](#footnote-35) (Please point 1.1. for current provisions)U-I-25/10 The applicant challenged the first paragraph of Article 79 a of the National Assembly Elections Act which stated, among other things, that in the electoral district area the district electoral commission shall designate at least one polling station accessible to persons with disabilities, and that voters who wish to cast their votes at this polling station shall inform the district electoral commission of their intention to vote at least three days prior to Election Day. Because of a disability, the applicant could not vote at the polling station designated in the electoral register (i.e. “domestic” polling station) as the latter was not accessible. According to the applicant, their right to vote was conditioned by submission of an application to the competent electoral commission on their intention to vote at an accessible polling station, which represented discrimination on the ground of disability. They further stated that application form was not available in accessible format and that the application procedure tended to be so complex as to discourage a voter from voting. They, generally, opined that legislation allowing for polling station that were not accessible to persons with disabilities, while also allowing for separate accessible polling station, was contrary to principles of non-discrimination and equal suffrage as well as to provisions of the CRPD Treaty. The Court rejected the complaint as unfounded. It established that application procedure for voting at an accessible polling station represented a reasonable requirement enabling electoral bodies to organise voting process in a smooth manner. The court further established that the law provides for several manners allowing persons with disabilities to effectively exercise their right to vote (e.g. voting at “domestic” polling station when accessible, voting with assistance of another person, voting at specifically designated polling station accessible to persons with disabilities, as electoral bodies must designate at least one polling station accessible to persons with disabilities in an electoral district area). Apart from this, however, the Court provided important clarifications. In order to comply with the principle of positive discrimination and provisions of the Constitution, electoral commissions should understand legal provisions obliging them to specifically designate at least one polling station accessible to persons with disabilities in an electoral district area as imposing on them the task to designate as accessible all polling station in a specific electoral area which are actually accessible to persons with disabilities.[[36]](#footnote-36) By the law, local electoral commissions officially designate at least one polling station as accessible for persons with disabilities, that is a polling station with no built-environment barriers preventing persons with disabilities to cast their vote. The Constitutional Court instructed the relevant electoral bodies not to follow this minimum requirement specified by the law, but to formally determine as accessible all polling stations in a specific electoral area which have no built-environment barriers preventing persons with disabilities from voting. In practice, if there are, for example, five such polling stations in a specific electoral area, all these polling stations should be officially determined as accessible and not just one polling station. |
| SK | Not a single institution (Institute for Labour and Family Research, Slovak Disability Council, Slovak Blind and Partially Sighted Union and Ministry of Labour, Social Affairs and Family of the SR) has information on judicial decisions dealing with the right to political participation of people with disability available.[[37]](#footnote-37) The official website of the Ministry of Justice features an application that allows for searching court decisions; however, the search requires inserting the file code, the date of issuing the verdict, the identification number of the court file, etc.[[38]](#footnote-38) |
| UK | There have been no judicial decisions dealing with the right to political participation of persons with disabilities.[[39]](#footnote-39) |

1. Information provided by the Austrian Disability Ombudsman (*Österreichische Behindertenanwaltschaft*) on 11 July 2013 in a response to an information request. [↑](#footnote-ref-1)
2. Bulgaria, National Statistical Institute, justice statistic; available in English: <http://www.nsi.bg/otrasalen.php?otr=50> [↑](#footnote-ref-2)
3. The platform of the Cyprus BAR association where all the decisions and legislations are uploaded was searched (Cyprus Bar Association (Παγκύπριος Δικηγορικός Σύλλογος): [www.cylaw.org/](http://www.cylaw.org/)) and information was requested from various stakeholders. Judicial decisions or case law were requested from the Central Election Service, the Ombudsman’s Office, the Department of Social Inclusion of Persons with Disabilities, and the Cyprus Paraplegic Association. [↑](#footnote-ref-3)
4. Czech Republic, The Constitutional Court of the Czech Republic (Ústavní soud České republiky), N 223/39 SbNU 353, 21 December 2010, available at <http://nalus.usoud.cz/Search/ResultDetail.aspx?id=48373&pos=1&cnt=4&typ=result> [↑](#footnote-ref-4)
5. Czech Republic, Constitutional Court (*Ústavní soud),* Brno/IV. ÚS 3102/08, 10 July 2010, available at: <http://kraken.slv.cz/IV.%C3%9AS3102/08> : ‘*jsou obecné soudy při rozhodování o zbavení či omezení způsobilosti fyzické osoby k právním úkonům povinny zvlášť posuzovat i to, zda je konkrétní osoba schopna porozumět smyslu, účelu a důsledkům voleb’.* [↑](#footnote-ref-5)
6. Czech Republic, The Supreme Administrative Court, 6/2009-22, 1 July 2009, available at [www.nssoud.cz/files/SOUDNI\_VYKON/2009/0006\_0Vol\_0900022A\_prevedeno.pdf](http://www.nssoud.cz/files/SOUDNI_VYKON/2009/0006_0Vol_0900022A_prevedeno.pdf) [↑](#footnote-ref-6)
7. Germany, National Monitoring Body for the UN Convention on the Rights of Persons with Disabilities (*Monitoringstelle*), statement 22 August 2013; online search of database of the Federal Anti-discrimination Agency (*Antidiskiminierungsstelle des Bundes*), 22 August 2013. [↑](#footnote-ref-7)
8. High Court of Catalonia, Administrative Disputes Division, 5th Section, Judgment no 100/2007 of 6 February 2007 [*Tribunal Superior de Justicia de Cataluña, Sala de lo Contencioso-administrativo, Sección 5ª, Sentencia nº 100/2007, de 6 Feb. 2007*]. Ref. La Ley, no. 62204/2007 (not available on Internet). [↑](#footnote-ref-8)
9. Organic Act 9/2007, of 8 October, of modification of the Organic Act /1985, of 19 June, on the general electoral system [*Ley Orgánica 9/2007, de 8 de octubre, de modificación de la Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General*]. Spanish version: [www.boe.es/boe/dias/2007/10/09/pdfs/A40968-40969.pdf](http://www.boe.es/boe/dias/2007/10/09/pdfs/A40968-40969.pdf) (accessed on 06/09/0213). [↑](#footnote-ref-9)
10. Consultation of the Finnish Federation of the Visually Impaired (FFVI) (Näkövammaisten Keskusliitto ry/Synskadades Centralförbund r.f.), and of the Finnish DPO Kynnys ry (DPO), as well as of the Finnish legal database Finlex, available at (accessed 14.8.2013): <http://www.finlex.fi/fi/>. [↑](#footnote-ref-10)
11. Office of the Ombudswoman for Persons with Disabilities (*Ured pravobraniteljice za osobe s invaliditetom*) (2013). [↑](#footnote-ref-11)
12. No information about court cases dealing with the right to political participation of persons with disabilities could be given by DPOs. [↑](#footnote-ref-12)
13. Consulted were judgments database of the Courts Service, legal databases [www.justis.com](http://www.justis.com) and [www.westlaw.ie](http://www.westlaw.ie) and published legal reports in Ireland, the Irish Reports and the Irish Law Reports Monthly. [↑](#footnote-ref-13)
14. Italy, Council of State (*Consiglio di Stato*), Decision no. 3360 , available at: <http://autonomielocali.regione.fvg.it/aall/export/sites/default/AALL/Elezioni/GuidaElezAmm/0_allegati/giurisprudenza/consiglio_di_stato/2001_2005/CdSt_VSez_3360_2004.pdf> [↑](#footnote-ref-14)
15. Italy, Council of State (*Consiglio di Stato*), V section, decision no. 939, 28 October 1977; Council of State (Consiglio di Stato), V section, decision no. 154, 14 may 1983; Council of State (*Consiglio di Stato*), V section, decision no.154, 14 May 1983. [↑](#footnote-ref-15)
16. Italy, Council of State (*Consiglio di Stato*) – V Section, decision no. 939, 28 October 1977. [↑](#footnote-ref-16)
17. Italy, Council of State (*Consiglio di Stato*), Decision nr. 3683, V Section, 12 June 2009. [↑](#footnote-ref-17)
18. Available at:

[autonomielocali.regione.fvg.it/aall/export/sites/default/AALL/Elezioni/GuidaElezAmm/0\_allegati/giurisprudenza/consiglio\_di\_stato/2006\_2010/CdSt\_2009\_3683.pdf](http://autonomielocali.regione.fvg.it/aall/export/sites/default/AALL/Elezioni/GuidaElezAmm/0_allegati/giurisprudenza/consiglio_di_stato/2006_2010/CdSt_2009_3683.pdf). [↑](#footnote-ref-18)
19. Italy, Administrative Court of Lazio Region (*TAR – Administrative Regional Court of Lazio*), Decision nr. 5568/2013 available at:

[www.superabile.it/web/it/CANALI\_TEMATICI/Superabilex/Il\_punto/info517443147.html](http://www.superabile.it/web/it/CANALI_TEMATICI/Superabilex/Il_punto/info517443147.html) [↑](#footnote-ref-19)
20. Central Electoral Commission, written answer of the 10 July, 2013 (No. 2-517 (1.5) to the request of NFP-Lithuania. [↑](#footnote-ref-20)
21. Information obtained from the Central Election Commission on 31 July 2013 (Information Letter No.02-017/171); the Union of Disabled and their Friends "Apeirons" on 2 August 2013, the Ombudsman's Office on 22 August 2013 (Information Letter No.1-5/228); the Resource Centre for people with mental disability "Zelda" on 31 July 2013 (Information Letter No.2013-1-28) [↑](#footnote-ref-21)
22. Latvia, Supreme Court Senate Administrative Case Department, Classificator by Case Categories, available in Latvian at http://at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-administrativo-lietu-departaments/klasifikators-pec-lietu-kategorijam-ar-tezem/ [↑](#footnote-ref-22)
23. Tirchett Francis Pen Et Vs Kummissjunarju Elettorali Principali Et, filed in First Hall Civil Court, decided 26/06/2006. The case was filed by individuals, on behalf of the members of the Society of the Blind. [↑](#footnote-ref-23)
24. Malta, Act XXI of 2007, 28 September 2007, available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=18445&l=1> [↑](#footnote-ref-24)
25. Reply received in writing from Ms Anne-Marie Callus, the executive director of the National Commission Persons with Disability, 29 July 2013. [↑](#footnote-ref-25)
26. The Netherlands, Council of State (*Raad van State*), Judgment 200300512/1, 29 October 2003, available at: www.raadvanstate.nl/uitspraken/zoeken-in-uitspraken/tekst-uitspraak.html?id=5273&summary\_only=&q=greuter. [↑](#footnote-ref-26)
27. The Netherlands, National Government (*Rijksoverheid*) (2008), Changes to the Constitution (*Wijzigingen Grondwet*), website, available at: www.rijksoverheid.nl/nieuws/2008/06/25/wijzigingen-grondwet.html. [↑](#footnote-ref-27)
28. Poland, Supreme Court (*Sąd Najwyższy*), decision no. III SW 54/00 of 25 October 2000, available at: <http://dokumenty.e-prawnik.pl/orzecznictwo/sad-najwyzszy/izba-pracy/3iiisw0054.html> [↑](#footnote-ref-28)
29. Poland, Act on Election of the President of the Republic of Poland of 27 September 1990 (*Ustawa z dnia 27 września 1990 r. o wyborze Prezydenta Rrzeczpospolitej Polskiej*). The Act is no longer in force – it was annulled on 8 January 2011. [↑](#footnote-ref-29)
30. Poland, Supreme Court (*Sąd Najwyższy*), decision no. III SW 17/09 of 8 July 2009, available at: <http://sejmometr.pl/sn_orzeczenia/11027> [↑](#footnote-ref-30)
31. Ministerul Justiţiei (*Ministry of Justice*), Portalul Instanţelor de Judecată (*Courts Portal*), available at: <http://portal.just.ro> [↑](#footnote-ref-31)
32. Letter No. 2/20265/1154/21.08.2013 from the Superior Council of Magistrates (*Consiliul Superior al Magistraturii*) to the Centre for Legal Resources. [↑](#footnote-ref-32)
33. Mircea Dinescu (2012) ‘Ciudul’, *catavencii.ro*, 17 July 2012 available at: [www.catavencii.ro/Cidul\_0\_4926.html](http://www.catavencii.ro/Cidul_0_4926.html) [↑](#footnote-ref-33)
34. E-mail received by the Justice Department (*Justititiedepartementet),* 2013-09-19 [↑](#footnote-ref-34)
35. Slovenia, Constitutional Court (*Ustavno sodišče*), U-I-446/02, 10 July 2003, available at: <http://odlocitve.us-rs.si/usrs/us-odl.nsf/o/17B6A1BCADFF11D5C125717200288C68>. [↑](#footnote-ref-35)
36. Slovenia, Constitutional Court (*Ustavno sodišče*), U-I-25/10, 21 September 2010, available at: <http://odlocitve.us-rs.si/usrs/us-odl.nsf/o/DE1FEACB7BAB16DCC12577C3002FE48F>. [↑](#footnote-ref-36)
37. Information received based on e-mail and mail communication with the Institute for Labour and Family Research dated 12 July 2013, with Slovak Disability Council and Slovak Blind and Partially Sighted Union dated 17 July 2013, and with Ministry of Labour, Social Affairs and Family of the SR dated 16 July 2013. [↑](#footnote-ref-37)
38. [www.justice.gov.sk/Stranky/Sudne-rozhodnutia/Sudne-rozhodnutia.aspx](http://www.justice.gov.sk/Stranky/Sudne-rozhodnutia/Sudne-rozhodnutia.aspx) [↑](#footnote-ref-38)
39. Fully comprehensive desk top research has been undertaken: Westlaw, available at: www.westlaw.co.uk; British and Irish Legal Information Institute, available at: <http://www.bailii.org>/ and Halsbury’s Laws of England, available at: <http://www.lexisnexis.com>. Further to this no Election Petitions have been made challenging the election results on the basis that a disabled person has been denied the right to vote: [UK] Electoral Commission (2012) Challenging Elections in the UK, September 2012, available at: <www.electoralcommission.org.uk/__data/assets/pdf_file/0010/150499/Challenging-elections-in-the-UK.pdf>. [↑](#footnote-ref-39)