**Legally able to access complaints mechanisms**

Indicators on political participation

of persons with disabilities

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**Are all persons with disabilities legally able to access complaints mechanisms if they have not been able to exercise the right to political participation?**

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| **EUMS** | **Source and supporting information** |
| AT | In Austria persons who have been deprived of their legal capacity nevertheless have the right to vote (Art. 26 of the Austrian Constitutional Law, B-VG [[1]](#footnote-1)). It is not explicitly mentioned in the constitution, the constitution states that every person above the age of 16 and holding Austrian citizenship is entitled to vote. Exclusion from the right to vote can only be based on a final criminal conviction according to Art. 26 (5) of the Constitution.  According to § 28(1) of the Elections to the Parliament Act and §16(1) Election to the European Parliament Act every (EU-) citizen has the right to complain against the electoral register. The same applies to all the Municipal Election Acts[[2]](#footnote-2). There is no scope for complaint foreseen in the provisions if for example, reasonable accommodations are not made. |
| BE | A person with or without disabilities unduly registered, omitted or removed from the list of voters, or if this list mentions incorrect information on the voter, can lodge a complaint before the Board of Mayor and Aldermen until the 12th day before the day of the election (Article 13 of the Electoral Code).  A person under a prolonged minority status is assimilated to a minor/child of 15 years old (Article 487bis of the Civil Code); hence s/he does not have the right to vote. The person under a prolonged minority status, the parents, the legal guardian or the public prosecutor can request the end of the minority status before the Tribunal of First Instance (Article 487septies of the Civil Code).[[3]](#footnote-3)  Lastly, any person with disabilities who suffered discrimination can lodge a complaint before the Centre for Equal Opportunities and Opposition to Racism ([CEOOR](http://www.diversite.be/l%C3%A9gislation-et-jurisprudence)).[[4]](#footnote-4) |
| BG | There are no special arrangements for persons with disabilities, including those who have been deprived of their legal capacity. They follow the general rules provided in the Electoral Code – a complaint has to be filed to the relevant electoral administration body. The provisions of the Electoral Code addressing the complaints mechanisms are article 26; article 29; article 33; article 36 and article 39.  These competent bodies are respectively the Polling Station, Regional/Municipal Electoral Commissions and the Central Electoral Commission.  People deprived of their legal capacity are not entitled to access any redress and complaint mechanisms. In theory the person under partial guardianship has access to redress and complaint mechanisms with the consent of his/her guardian while the person under plenary guardianship has no access him/herself. |
| CY | Any complaints about election arrangements before election day are made to the General Returning Officer and if not resolved could result in appeals to the Supreme Court, which acts as an Electoral Court. Complaints on voter registration can be made by any registered voter to the District Returning Officer.[[5]](#footnote-5)  Moreover, complaints may also be submitted to the Equality Authority under the Ombudsman’s Office, to the Central Election Service, or any organization protecting the rights of the persons with disabilities.  Even though persons with disabilities are not deprived of their legal capacity, theoretically all persons with disabilities have access to redress mechanisms and complaint mechanisms. In practice, there are no data indicating that such mechanisms are actually used.  Moreover, according to the Central Election Service there is no legal basis for depriving legal capacity of persons anymore, so no information was given regarding this question.[[6]](#footnote-6) |
| CZ | Persons deprived of their legal capacity, should firstly seek revocation of the decision upon which their capacity has been deprived and then seek remedies from the state. Disabled persons with legal capacity have same legal access to complaint mechanisms as other citizens. |
| DE | In Germany, the legal concept of depriving someone of their legal capacity does not exist anymore. Instead of custodianship, assistance is ordered by the court. A limitation arises in cases where a requirement for consent (Einwilligungsvorbehalt) has been ordered by the court[[7]](#footnote-7): within the scope of such order, legal actions of person under guardianship only become legally valid subject to the consent of the guardian. Such order may however not comprise a voting decision of the person under guardianship, as the right to vote is considered an immediate right (höchstpersönliches Recht) which may not be subject to any third-party representation. Thus, whether or not a person is entitled to vote does neither depend on such requirement-for-consent-order by the court nor on any consent of the guardian, but merely on the fact whether a guardian has been permanently appointed to manage ALL affairs, or only specific affairs (even if in total merely all affairs are concerned). In the former case, the right to vote is suspended according to § 13 Nr. 2 BWG, in the latter case not.  The appointment of the guardian by the court can be appealed within one month after formal service of the court decision.  Persons with disabilities have the same rights to access redress mechanisms as every other person.  Before an election, a decision may be appealed to the higher electoral body. For example, anyone who has wrongly been left off the electoral register may object at the municipal authority to the inaccuracy or incompleteness of the electoral register; if their objection is rejected they may lodge a complaint with the constituency electoral officer regarding the decision on their objection (sections 16(8) and 22 BWO / section 21 EuWO).  After an election, all decisions and measures related to voting can be appealed within two months of Election Day in election scrutiny proceedings. The Bundestag is responsible for scrutiny of elections; its Committee for the Scrutiny of Elections rules on appeals. Bundestag decisions may be appealed by petition to the Federal Constitutional Court. Election scrutiny proceedings examine both the validity of the election and the violation of individual rights (Section 26 EuWG, Article 41 (2)GG, Sections 13no. 3 and 48 of the Law on the Federal Constitutional Court (*Bundesverfassungsgerichtsgesetz*, BVerfGG))[[8]](#footnote-8) |
| DK | There is no special mechanism for persons with disabilities on how to complain if you have not been able to exercise the right to vote. Persons with disabilities have access to the same mechanisms as other citizens. If a citizen is eligible to vote and wants to complain, he has to give in his complaint to the minister, by the latest, the day after the election day. (This means that people deprived of their legal capacity cannot complain here.)  The right is specified in respectively section 38[[9]](#footnote-9), 93[[10]](#footnote-10) and 88[[11]](#footnote-11).Persons deprived of their legal capacity have the right to request for termination of the guardianship.[[12]](#footnote-12) |
| EE | Any person can file a complaint about the violation of their electoral rights to the county electoral committee or National Electoral Committee (chapters 11 of the Local Government Council Election Act, the European Parliament Election Act and the Riigikogu Election Act).[[13]](#footnote-13)  If a person is deprived of her legal capacity, then s/he has no right to vote and cannot complain about her/his right to vote. |
| EL | The Presidential Decree 26/2012[[14]](#footnote-14) allows for complaints against the inclusion or exclusion of a voter in/from the electoral registry (article 17). The provision does not exclude people with disabilities. This complaint procedure is addressed to the mayor and adjudicated by the Court of First Instance. There is no dedicated website.  Article 85 of the same Presidential Decree provides for the possibility of voters to complain for irregularities in the course of the election. Complaints are submitted in written form to the election commission of the specific polling station. This provision concerns all voters, including those with disability.  People deprived of their legal capacity do not have the right to vote and therefore cannot submit complaints. |
| ES | Articles 8 to 21 of the LOREG establish that electors may address the Electoral Commissions.  Article 24.3 of the LOREG states that “Electors may within the six following days file petitions against the established boundaries with the Provincial Electoral Commission, who shall reach a final decision within the next five days”.  Claims regarding the Electoral census registration details may be filed according to Articles 37 to 40 LOREG.  The Regulation on the basic conditions for the participation of persons with disabilities in political life and electoral processes (Royal Decree 422/2011 of 25 March) refers to the standard procedure of electoral complaints in case voting locations do not meet the accessibility requirements:  “Article 3.3. Voters may lodge complaints with regard to the voting locations that do not meet the legal accessibility requirements within the terms and in accordance with the procedure established in Article 24.3 of Organic Act 5/1985, of 19 June”.  Those who have been deprived of their legal capacitymay lodge an appeal against the motivated judicial decision[[15]](#footnote-15) depriving them of their legal capacity to vote. |
| FI | Within the electoral administration structure, there is no specific system established for lodging complaints related to different aspects of the elections. Instead, reports of problems were dealt with on an *ad hoc* basis.  The Administrative Judicial Procedure Act (*Hallintolainkäyttölaki/ Förvaltningsprocesslag*) (586/1996)[[16]](#footnote-16) and the Local Government Act ([*Kuntalaki/Kommunallag*) (365/1995)](http://www.finlex.fi/linkit/ajansd/19950365)[[17]](#footnote-17) provide provisions for general complaints and appeals relating to administrative bodies. Citizens can also make complaints concerning the actions of authorities, civil servants and other persons performing public tasks, to the Parliamentary Ombudsman (*Eduskunnan oikeusasiamies/Riksdagens justitieombudman*) or to the Chancellor of Justice (*Oikeuskansleri/Justitiekanslern*), including on election-related matters. The legal provisions stipulating the right to complain to these institutions are the Parliamentary Ombudsman Act (*Laki eduskunnan oikeusasiamiehestä/ Lag om riksdagens justitieombudsman*) (14.3.2002/197)[[18]](#footnote-18), the Act on the Chancellor of Justice of the Government (*Laki valtioneuvoston oikeuskanslerista/Lag om justitiekanslern i statsrådet*) (25.2.2000/193 )[[19]](#footnote-19) and the Act on the division of the obligations between the Chancellor of Justice of the Government and the Parliamentary Ombudsman (*Laki valtioneuvoston oikeuskanslerin ja eduskunnan oikeusasiamiehen tehtävien jaosta/Lag om fördelningen av åligganden mellan justitiekanslern i statsrådet och riksdagens justitieombudsman*) (21.12.1990/1224 )[[20]](#footnote-20). However, neither institution can prescribe corrective actions for individual remedies. According to the OSCE, consideration could be given to establishing a clearly publicised mechanism for processing administrative complaints within the various levels of the electoral authorities.[[21]](#footnote-21)  In principle, there are no structural obstacles to keep persons with disabilities from accessing redress mechanisms, but there is no redress mechanism in place especially for persons with disabilities. There is no official data available on the ability of persons with disabilities to access redress mechanisms.  Chapter 8, entitled “Demand for rectification” of the Election Act (714/1998) stipulates the rights of appeal, grounds of appeal and the process of appeal when a person wishes to demand a rectification to the decision by which the result of the election has been confirmed. The persons who feel that their interests or rights are violated, and those persons who have been candidates in the election, and the party who has made a candidate application, have a right to lodge an appeal on the grounds that the decision is unlawful. Furthermore, every person who is eligible to vote in the electoral district or municipality and in municipal elections, a member of the municipality, have a right to lodge an appeal on the grounds that the election has been carried out in an incorrect order and that this might have had an effect on the result of the election.  The appeal shall be sent to a competent Provincial Administrative Court within 14 days from the confirmation of the election results. However, in European Parliamentary elections, the appeal is, always sent to the Provincial Administrative Court of Uusimaa. |
| FR | According to the legal status of persons under guardianship or tutelage (in other words, deprived of their legal capacity), they are not allowed to make a complaint by themselves (art. 473 of the Civil Code). This is true even if they are allowed to vote. Only their legal guardian may do so. Nevertheless, the Law provides the guardianship judge with the power to oblige the guardian to go to court if it is necessary to defend the extra-patrimonial rights of the protected person (art. 475 of the Civil Code).[[22]](#footnote-22)  Otherwise, there is no special complaint mechanism for persons with disabilities when they have not been able to exercise the right to vote.  Furthermore, for municipal elections, every elector can contest the regularity of the electoral process before the administrative Court, within five days after the results (article L. 248 of the Electoral Code)[[23]](#footnote-23).  For European elections, every elector can contest the regulatory of the electoral process before the Supreme administrative Court, the Council of State (*Conseil d’Etat*), within ten days after the results (article 25 of the Law on European elections)[[24]](#footnote-24). |
| HR | Specific redress and complaint mechanisms for persons with disabilities are not regulated. Each individual voter, including persons deprived of their legal capacity, who believes that his/her voting rights have been violated, can contact the National Election Committee or other election committee and lodge a complaint immediately.[[25]](#footnote-25) |
| HU | Under Article13/A (3) of the Election Procedure Act persons deprived of their legal capacity regarding issues other than voting (e.g. concluding contracts, making decisions concerning health care), i.e. those under guardianship but not excluded from suffrage may vote personally and may make valid legal statements related to voting independently, thus may access general redress mechanisms independently, without their guardians.  If a person with disability is unable to vote due to a discriminatory measure falling under the scope of the Equal Treatment Act, he/she may turn to the Equal Treatment Authority (*Egyenlő Bánásmód Hatóság*)[[26]](#footnote-26) or may file a civil law claim to the court.[[27]](#footnote-27)  Furthermore, disabled persons may also rely on general redress mechanisms ensured by the Election Procedure Act, claiming the violation of laws pertaining to the elections or the fundamental principles of the elections and the election procedure.[[28]](#footnote-28) |
| IE | The Electoral Acts 1992-2009 (as amended) do not make provision for redress and complaint mechanisms in cases where persons have not been able to exercise the right to vote. The National Disability Authority has pointed out that, where a service such as provision of polling facilities is provided to a public body, the head of that public body has a specific obligation under section 27 of the Disability Act 2005 to ensure that the service provided is accessible for people with disabilities.[[29]](#footnote-29)  Furthermore, section 39 of the Disability Act provides that a complaint may be made by any person, or on behalf of any person, in respect of a failure to comply with the obligation under section 27 of the 2005 Act. This complaint may be made to the Ombudsman.[[30]](#footnote-30)  Persons with disabilities who have been deprived of their legal capacity are excluded from exercising the right to vote in Ireland, therefore the issue of access to redress mechanisms does not apply.[[31]](#footnote-31)  Finally, voters and the political parties’ representatives can raise objections to the returning board. Moreover, voters can complain for the lack of accessibility to the respective public authority. The complaint mechanism is the same for people with disabilities. |
| IT | There is no a specific complaint mechanism dedicated to the protection of the voting rights of people with disabilities (as for all citizens) other than the judiciary and there are no known special measures taken by any authority to ensure that people with disabilities have access to redress and complaint mechanisms in cases where they have not been able to exercise their right to vote. Besides the ordinary judicial instruments, people with disabilities can apply for a special judicial protection, provided for under Law 67/2006[[32]](#footnote-32). According to this law, for all types of discrimination, citizens can apply to a judge, who has the power to demand immediate end to the discrimination. |
| LT | According to data provided by the Lithuanian Chamber of Notaries (*Lietuvos* *notarų rūmai*), there were 6,555 persons in Lithuania who have been declared by the courts to be incapable and thus could not participate in the Seimas elections in 2011.[[33]](#footnote-33)  In Lithuania a system of full guardianship still exists and is applied specifically to people with intellectual disabilities and people with mental health problems. Full incapacity means that individuals lose all the civil, economic, political and other rights usually enjoyed by other adults. The laws in Lithuania do not recognise that people with mental disorders and intellectual disabilities may be capable to a certain extent of exercising at least some of their rights or freedoms, in accordance with their understanding or abilities, as well as to act at their own discretion. Thus if declared as being incapable by the court, the person may not vote as well as access redress and complaint mechanisms with respect to their political/participation rights.  In other areas of life a guardian would be able to act on person’s behalf and access complaint mechanisms, but since political rights are personal ones (which may not be realized by third person), there are no legal entitlements for guardians to initiate a procedure. |
| LU | Complaint mechanisms exist in the electoral act; they concern the registering on the voters’ list (thus they concern mainly foreigners, who have an obligation to register).  Art. 15 concerns illiterate persons, but might also be considered for persons with an intellectual disability and states that “if the complaining person declares not to be able to write”, the complaint can be filed orally (“*à moins que le réclamant ne déclare être dans l’impossibilité d’écrire*”).  Art 21 – 51 defines the judicialprocedure concerning the voters’ list. Art. 21 (2) states that the appeal can be lodged by the concerned person or by a person enjoying civic and political rights -thus also by a guardian (“*Le recours peut être exercé par la personne visée par la décision ou par toute autre personne jouissant des droits civils et politiques*” )  A person under guardianship (also a minor) cannot initiate a complaint lodged to the administrative tribunal[[34]](#footnote-34). However, the guardian or the ad hoc administrator is entitled to do so.  General mechanisms do exist, such as addressing the complaint to the Ombudsman and other mediating institutions. The Ombudsman is entitled to tackle each complaint which concerns the relation between a citizen and public services. |
| LV | The Central Election Commission (CEC) highlighted that all voters, including persons with disabilities, have the right to contest the decisions of the CEC or of the district election commissions.  However, the CEC was not able to inform whether all persons with disabilities are able to access the redress and complaint mechanisms.[[35]](#footnote-35)  Following article 32 of the Republican City and Regional Election Commissions and Election Districts Commissions Law[[36]](#footnote-36), complaints can be submitted for consideration to the district election commissions and, in case of unsatisfactory answer, appealed to the Central Election Commission (Article 6 of the Law on the Central Election Commission). The decisions of the Central Election Commission can be challenged in front of the Administrative Courts (Article 6 of the Law on the Central Election Commission)[[37]](#footnote-37).  According to the Union of Disabled and their Friends "Apeirons", many people are not aware of this system.[[38]](#footnote-38) |
| MT | The General Elections Act, Chapter 354 of the laws of Malta, Article 27 establishes that the Electoral commission may not refuse an application by a person to be registered as a voter, or cancel the registration of a voter or expunge his name from the electoral register on grounds of interdiction or incapacitation for any mental infirmity, or for being of unsound mind, before a decision by the Medical Board is obtained (according to the law) or the person is interdicted for mental incapacity by a competent court. Once the decision is made such decision is deemed to be final and binding on the Commission and the voter.  The law further establishes that no appeal shall lie from the decision of the medical board, saving the provision relating to the **judicial review** of administrative acts.  In addition, Article 38 of the General Elections Act lays down that any person whose registration as a voter is cancelled from the Electoral Register has the right of **appeal to before the Court of Magistrates.**  In addition, the Equal Opportunities (Persons with Disability) Act, Part VI, allows for a person with a disability to file a **complaint with KNPD (**National Commission for Persons with a Disability), on the basis that an act is contrary to the rights protected by the same Act.  The procedures in various scenarios consequently are:  Procedure when the Medical Board decides on incapacitation –judicial review ;  Procedure when the Electoral Commission strikes a person off the register based on the Medical Board decision – appeal to court of magistrates.  Procedure when an act discriminates against a person with disability, i.e. lack of accessibility – complaint with KNPD. |
| NL | All complaint procedures and redress mechanisms existing in electoral law are also available to persons with disabilities. Depending on the nature of the complaint, this can be addressed to the municipality, to a polling station in question, to one of the 19 major polling stations or to the Electoral Council (*Kiesraad*). All the complaints are collected and sent to the representative body in question, e.g. the House of Representatives or the municipal council.[[39]](#footnote-39)  In principle, those deprived of legal capacity can only perform official acts with expressed written consent of their curator.[[40]](#footnote-40) If a person is placed under mentorship, they retain their legal capacity, though their mentor is responsible for their personal affairs.[[41]](#footnote-41)  Regarding individual complaints which are not specifically connected to the organisation of the voting process or to polling stations, individuals (including persons with disabilities), can bring their case to the Council of State (*Raad van State*). In this case, persons deprived of their legal capacity usually need the consent of their curator to pursue this course of action or the curators file the case on behalf of the persons. |
| PL | Under Article 10 § 2 pt. 3 of the Electoral Code[[42]](#footnote-42), persons who, by a final judgment of a court, have been subjected to legal incapacitation have no right to vote. They are therefore not able to access redress or complaint mechanism on account of their deprivation of the right to vote.  In the case of persons who have not been incapacitated, Article 20 § 4 of the Electoral Code[[43]](#footnote-43) states that anyone whose right to be included into the register of voters has been denied, has the right to appeal such a decision to the Regional Court within three days after receiving the decisions. Article 20 § 4 does not contain special provisions referring to persons with disabilities, as it relates to all voters.  Additionally, pursuant to Article 82 of the Electoral Code[[44]](#footnote-44), voters have the possibility to submit an election protest against the validity of elections in a constituency or election of a particular person. Such protests can be lodged in two cases – crime against elections or violation of certain provisions of the Electoral Code. The protest should be submitted within the respective time (which is for example 14 days from the date of the elections for municipal elections, 7 days from the date of the publication of the results in the Journal of Laws for the elections to the Sejm, Senat and European Parliament). |
| PT | Persons with disabilities deprived of their legal capacity, due to having been declared interdict by court judgment or to being recognised as demented, who are committed to a psychiatric institution, or are declared as such by a board of two doctors (article 2 of the Parliamentary Electoral Law, see under 6), according to article 151 of the Civil Code,[[45]](#footnote-45) once ceased the cause that determined the interdiction, may request the termination of that interdiction to the court, by themselves or by the spouse, legal guardian, counsellor or any successor relative, or by the Public Prosecutor. Once terminated the interdiction, these persons may be registered in the polling station and may vote.  Any voter, regardless of having a disability, registered in the polling station, may raise doubts or lodge a protest or complaint in written regarding the electoral operations in that polling station. The polling stations staff members are compelled to receive the complaint, sign it and attach it to the minutes. These complaints to the polling station’s staff are discussed and a compulsorily grounded resolution is made by absolute majority of the members present. (Electoral Law of the Assembly of the Republic, article 99, applicable to the election of the members of the European Parliament, under the article 1 of the Electoral Law of the European Parliament, and Electoral Law of municipal elections, article 121).  Irregularities that occurred during voting and partial result collation process may only be open to challenge before the courts if they were subject of a written complaint or protest in the act when they occurred. (Electoral Law of the European Parliament, article 13 (1) and the Electoral Law of municipal elections, article 156 (1)).  The polling stations staff members who contribute to the admission to voting of anyone who does not have the right to vote or may not exercise this right in that polling station, as well as those who contribute to the exclusion of anyone who does have the right to vote, should be punished by a maximum imprisonment of two years or a maximum fine of 240 days. (Electoral Law of the Assembly of the Republic, applicable to the election of the members of the European Parliament, under the article 1 and 14 of the Electoral Law of the European Parliament, and Electoral Law of municipal elections, article 181). |
| RO | Asked about information on petitions from persons with disabilities or their representatives in relation to their right to vote, including from persons in residential institutions the DPPD replied that their institution recorded no such petitions. It also informed the NFP that 11.848 persons with mental disability in residential institutions are registered as having the right to vote and that 6.824 in residential institutions for social assistance voted at the 2009 and 2012 elections.[[46]](#footnote-46)  According to the norms of implementation of the Law on mental health, all units granting mental health care must establish a special registry for complaints coming from patients or their representatives. The institution in question (the specific unit) must reply in writing to all complaints on the breach of the rights of patients. The registry must also record how the complaint was solved.[[47]](#footnote-47) An NGO report from 2009, monitoring the rights of persons with mental disabilities in healthcare and institutions for people with mental disabilities (based on visits made in 16 institutions), also looked at mechanisms and procedures to record and settle complaints and petitions submitted by the institutionalized persons (mechanisms in general, not just the register). On this matter, the report highlighted that: “The fact that the healthcare and social institutions disregard the patient’s right to submit complaints continues to be the general rule. There are no clear procedures notified to the patients, which must be followed when they wish to submit complaints in connection with the treatment applied to them in these institutions. Frequently the management of the establishments ‘justify’ the lack of such procedures / including the special ledger provided in the law – with the fact that usually, patients do not submit complaints.”[[48]](#footnote-48)  There is no assessment of whether the redress and complaints mechanisms in general (regardless of the administrative institution managing the complaints mechanisms) are accessible for persons with disabilities.  Asked whether there have been any complaints from persons with disabilities who could not run or vote for the 2012 local elections, the AEP replied that they received no such complaints.[[49]](#footnote-49) In a subsequent request sent by the NFP for the purposes of this report asking about the number of petitions received in relation to the breach of the right to vote of persons with disabilities, the AEP replied that it is not within its competence to solve petitions regarding the right to vote, but with the competence of electoral bureaus, adding that the AEP does not hold documents from the archive of the electoral bureaus.[[50]](#footnote-50)  In general, according to the law on parliament elections, the president of the electoral bureau of the voting section receives any complaints related to irregularities during the voting process.[[51]](#footnote-51) The Electoral Bureaus function temporarily, for the period of elections. The AEP functions on a permanent basis.[[52]](#footnote-52) |
| SE | All Swedish citizens, regardless of functional capacity, have the right, protected in the constitution, to vote and take part in the political process according to the Instrument of Government, the Constitution (*Regeringsformen*)[[53]](#footnote-53) Chapter 1 Section 1, which states that voting rights apply equally for all.[[54]](#footnote-54) According to the provisions in the Children and Parents Act (*Föräldrabalken*)[[55]](#footnote-55) Chapter 6-7 about trusteeship and guardianship, a trustee or guardian a trustee (*förvaltare*) or guardian (*god man*), can be appointed, and can act as a messenger for those who need help to exercise their legal capacity to vote.  According to Chapter 3 Section 12 of the Instrument of Government, the elections to parliament may be appealed to the Election Review Board (*Valprövningsnämnden*) appointed by parliament. A decision by the Election Review Board (*Valprövningsnämnden*) may not be appealed.  Provisions relating to appeals against elections are stipulated in Chapter 15 of the Elections Act (*Vallagen*).[[56]](#footnote-56) Both individuals and parties can appeal the election results. The right to appeal by individuals is not limited to the constituency in which the complainant has the right to vote, but everyone who is entitled to vote in the elections to parliament, the county council or municipalities have the right to appeal the election.[[57]](#footnote-57)  It is possible to send complaints other than appeals against elections to the Election Authority (*Valmyndigheten*), but this is not formalised in the election act, which permits appeals against elections’ results, the electoral rolls, decisions on division into constituencies and electoral districts according to Chapter 15 of the Elections Act (*Vallagen*).  People with disabilities can access redress and complaint mechanisms in cases where they have not been able to exercise the right to vote by making a complaint to the Equality Ombudsman (*Diskrimineringsombudsmannen*).  However, in Sweden, inadequate accessibility is not included in the Discrimination Act (*Diskrimineringslagen*).[[58]](#footnote-58) A memorandum proposed the introduction of a new provision on prohibiting discrimination in the form of inadequate accessibility for people with disabilities which would include accessibility of information as well . The proposal is still being processed in the Government Offices with no timeframe of adoption.[[59]](#footnote-59)  In the latest European Parliament elections 2009, four municipalities were reported to the Equality Ombudsman (*Diskrimineringsombudsmannen*) on the grounds that they had used voting premises with poor accessibility for people using wheelchairs[[60]](#footnote-60) (see also under 23 and 24).[[61]](#footnote-61) |
| SI | Under certain conditions a person may be deprived of the right to vote. Based on Article 7 of the National Assembly Elections Act (*Zakon o volitvah v Državni zbor*, ZVDZ), which also applies to other elections, a citizen of Slovenia (*and non-national EU citizens or non-EU citizens with permanent residency in other elections, respectively, our remark*) shall not have the right to vote under the following conditions: has reached the age of 18, but has for reasons of mental illness, developmental difficulties or impairment legally been deprived of the legal capacity or for whom parental rights have been prolonged for their parents or other persons beyond their majority, and is consequently not capable of understanding the meaning, purpose and impact of elections. The court decides on the deprivation of legal capacity or prolongation of parental rights in non-litigious proceedings. When deciding on the mentioned matters, the court must provide for a separate decision regarding a person’s right to vote (that is, removal of legal capacity does not automatically affect a person’s right to vote). The affected person may lodge an appeal against the decision of the first instance court. The law also provides for extraordinary legal remedies, namely revision and renewal of the procedure. It is also possible to initiate a procedure for restoration of legal capacity.[[62]](#footnote-62)  According to Article 106 of the National Assembly Elections Act, a candidate, a representative of a list of candidates and a voter shall have the right to lodge an objection with the constituency electoral commission in case of irregularities in the work of the electoral committee or the district electoral commission at elections. Such an objection shall be lodged within three days of the Election Day, and the competent constituency electoral commission must adopt a decision on such objection within 48 hours.[[63]](#footnote-63) The same provision applies to elections for the European Parliament. According to the National Electoral Commission, the relevant legislation does not include specific provisions governing complaints procedures involving persons deprived of legal capacity. It shall be sufficient for a person to lodge a complaint that they possess the voting right.[[64]](#footnote-64)  Article 98 of the Local Elections Act lays down the right of a candidate, a representative of a list of candidates and a voter to lodge an objection with the municipal electoral commission in case of irregularities in the work of the electoral committee at elections. The objection must be lodged the day after the Election day at the latest, and the competent municipal electoral commission shall decide on the objection within four days after the Election Day.[[65]](#footnote-65)  The Human Rights Ombudsman (*Varuh človekovih pravic*, VČP) represents an additional complaint mechanism. The body protects human rights and fundamental freedoms of individuals in relation to state authorities, local self-government authorities and bearers of public authority. Among other things, the Ombudsman examines individual complaints, which can be lodged by any person who believes that their human rights or fundamental freedoms have been violated, provided that they have exhausted all legal means to reach a solution to the alleged violation. The proceedings are informal and free of charge for the complainants. The Ombudsman may warn a body which has violated the complainant’s right(s) to rectify the violation or the irregularity committed, or even propose that it compensates the complainant for the damage caused.[[66]](#footnote-66) According to the Ombudsman, anyone who thinks that their rights have been violated by an action on the part of state authorities, local self-government authorities and bearers of public authority have the right to lodge a complaint with the Ombudsman, including persons who have the right to vote, but were deprived of their legal capacity.[[67]](#footnote-67)  The Advocate of the Principle of Equality (*Zagovornik načela enakosti*) is the national equality body under the Act that implements the principle of equal treatment (*Zakon o uresničevanju načela enakega obravnavanja*, ZUNEO), an umbrella law transposing the major EU anti-discrimination directives. The body hears cases of alleged violations of the prohibition of discrimination on a variety of grounds (e.g. race, ethnic origin or disability) and in various fields with the intention to disclose cases of unequal treatment and to raise awareness of the issue and in this respect contributes to the awareness of rights. The hearing of a case is informal and free of charge. After a case has been heard, the Advocate issues legally non-binding opinion. The Advocate can point out irregularities and issue recommendations on how these should be rectified.[[68]](#footnote-68) The Advocate would hear a complaint lodged by a person who has the right to vote but was deprived of legal capacity. Upon assessing particularities of a specific case and the complainant’s best interest, the Advocate would decide if the complainant’s legal representative is contacted or not. For example, if this is not in the best interest of the complainant, their legal representative shall not be contacted.[[69]](#footnote-69)  The Equalisation of Opportunities for Persons with Disabilities Act (*Zakon o izenačevanju možnosti invalidov*, ZIMI), a special law providing for the prohibition of discrimination against persons with disabilities (e.g. in access to goods and services, access to information), lays down that provisions of ZUNEO shall also apply in cases of violations of prohibition of discrimination under ZIMI, namely that the Advocate shall also hear cases under ZIMI.[[70]](#footnote-70) |
| SK | It is possible to file a complaint with the Constitutional Court of the SR, and to address a complaint to the ward election committee. This complaint mechanism is the same for people with disabilities. |
| UK | The grounds upon which persons with a disability maybe deprived of their legal capacity to vote are if they are under the age of 18, do not meet the residency requirements, have been convicted of a criminal offence (see Sections 1 – 4 of the Representation of the People Act 1983) or if they are a Member of the House of Lords.  All persons with a disability are entitled to apply to vote by proxy or by post.[[71]](#footnote-71) If the registration officer (chief electoral officer in Northern Ireland) refuses an application for a postal or proxy vote, the applicant will be notified of this decision and the reasons for it. An appeal, against any decision of the registration officer disallowing a person's application to vote by proxy or by post as elector in any case where the application is not made for a particular election only, can be made to the county court.[[72]](#footnote-72) In principle access to this process is available to persons with disabilities.  Maintenance of the electoral roll is the responsibility of the Electoral Registration Officer (ERO) at the local authority. The Returning Officers in each local authority are responsible for the administration of elections. In principle a person with a disability can access the complaints mechanisms of their local authority if they have not been able to exercise the right to vote.  In a Freedom of Information response dated 19th August 2013, the Electoral Commission stated:  *“Complaints about electoral registration, voting or polling station issues people have experienced are the responsibility of the relevant local authority (or in Northern Ireland, the Chief Electoral Officer) so[complainants] should contact them directly. However, where we are made aware of such issues, we may monitor them and refer them to relevant colleagues.”*  The Electoral Commission did not indicate if they have been made aware of any such complaints and if they have been monitored or if any have been referred to the relevant local authority.  The Law Commission are reviewing the law on elections and are reviewing complaints mechanisms for people who have been deprived of their right to vote.[[73]](#footnote-73) Following a Freedom of Information request, Scope (a UK disability charity that supports disabled people and their families in England and Wales) provided the following response on the 5 August 2013:  *“The review that the Law Commission is undertaking in relation to electoral law has identified the current complaints system as inadequate in that the only grounds for complaining are whether an election’s outcome has been affected. For disabled voters, this means where the voting process was inaccessible to them, they are left with no option for seeking redress*. *The review is likely to recommend establishing a complaints procedure that allows challenging how an election has been administered without challenging the outcome of the poll*.” |

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