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**RIGHT TO VOTE OF PERSONS WITH PSYCHOLOGICAL
OR MENTAL DISABILITIES. SOME REMARKS ON THE BACKGROUND
OF THE JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS
IN CASE *ALAJOS KISS* AND THE OPINION OF THE COMMITTEE
ON THE RIGHTS OF PERSONS WITH DISABILITIES IN CASE
*ZSOLT BUJDOSÓ AND OTHERS***

The analysis of voting rights of persons with psychological or mental disabilities was provoked by two decisions concerning analogical problem in relation to one state – Hungary. The European Court of Human Rights (ECHR) in the case of *Alajos Kiss* noticed that it was necessary to make an individual assessment of the situation of the mentally or psychologically disabled for the proper implementation of their right to free elections. The Court confirmed the violation of art. 3 of the Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1952.

On the other hand, the opinion of the Committee on the Rights of Persons with Disabilities in case of *Zsolt Bujdosó* recommended such amendment of the national electoral law that would exclude the evaluation of the ability to vote of a particular person with the indicated type of disability. A different solution shall be considered to be in contradiction with the Convention on the Rights of Persons with Disabilities of 2006. The issue is even more interesting as the opinion of the Committee was issued after the adjustment of the Hungarian electoral law to the guidelines resulting from the above mentioned judgment of the ECHR. Therefore, there is a question which standards should be applied by the state and how the state can protect its own interests.