



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF MILLBANK AND OTHERS v. THE UNITED KINGDOM

*(Application nos. 44473/14, 58659/14, 70874/14, 71699/14, 73574/14,
73638/14, 73771/14, 73783/14, 73909/14, 73911/14, 74403/14, 74409/14,
75735/14, 75846/14, 2294/15, 18149/15, 24868/15, 26031/15, 26045/15,
28688/15, 32681/15 and 32685/15)*

JUDGMENT

STRASBOURG

30 June 2016

This judgment is final. It may be subject to editorial revision.

In the case of Millbank and Others v. the United Kingdom,

The European Court of Human Rights (First Section), sitting as a Committee composed of:

Robert Spano, *President*,

Paul Mahoney,

Pauliine Koskelo, *judges*,

and Hasan Bakırcı, *Deputy Section Registrar*,

Having deliberated in private on 2 June 2016,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in applications against the United Kingdom lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The applications were communicated to the United Kingdom Government (“the Government”).

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants, who are convicted prisoners, complained about their ineligibility to vote in elections.

THE LAW

I. JOINDER OF THE APPLICATIONS

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 3 OF PROTOCOL No. 1

6. The applicants complained about their ineligibility to vote in elections. They relied on Article 3 of Protocol No. 1, which reads as follows:

“The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

7. The Court refers to the principles established in its case-law regarding ineligibility to vote in elections (see, for instance, *Hirst v. the United Kingdom* (no. 2) [GC], no. 74025/01, ECHR 2005-IX; *Greens and M.T. v. the United Kingdom*, nos. 60041/08 and 60054/08, ECHR 2010 (extracts); *McLean and Cole v. the United Kingdom* (dec.), nos. 12626/13 and 2522/12, 11 June 2013; and *Firth and Others v. the United Kingdom*, nos. 47784/09, 47806/09, 47812/09, 47818/09, 47829/09, 49001/09, 49007/09, 49018/09, 49033/09 and 49036/09, 12 August 2014).

8. In the leading cases of *Hirst v. the United Kingdom* (no. 2) and *Greens and M.T. v. the United Kingdom*, both cited above, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the statutory ban on prisoners voting in elections is, by reason of its blanket character, incompatible with Article 3 of Protocol No. 1.

10. These complaints are therefore admissible and disclose a breach of Article 3 of Protocol No. 1.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Firth and Others v. the United Kingdom*, cited above, §§ 19-22), the Court concludes that the finding of a violation constitutes sufficient just satisfaction for any non-pecuniary damage sustained by the applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;

3. *Holds* that these applications disclose a breach of Article 3 of Protocol No. 1 concerning the ineligibility to vote in elections;
4. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants.

Done in English, and notified in writing on 30 June 2016, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı
Deputy Registrar

Robert Spano
President

APPENDIX

List of applications raising complaints under Article 3 of Protocol No. 1
(ineligibility to vote in elections)

No.	Application no./ Date of introduction	Applicant name/ Date of birth	Election Details
1.	44473/14 21/11/2014	Joseph MILLBANK 19/07/1960	European Parliament 22 May 2014
2.	58659/14 18/11/2014	Michael Christopher HORA 10/04/1966	European Parliament 22 May 2014
3.	70874/14 30/10/2014	Kenneth SMITH 04/12/1963	European Parliament 22 May 2014
4.	71699/14 06/11/2014	Kevin Alexander MATHERS 17/09/1987	European Parliament 22 May 2014
5.	73574/14 19/11/2014	William Hugh LAUCHLAN 01/07/1976	European Parliament 22 May 2014
6.	73638/14 18/11/2014	Steven McARTHUR 24/02/1988	European Parliament 22 May 2014
7.	73771/14 17/11/2014	Harry CALDWELL 22/02/1974	European Parliament 22 May 2014
8.	73783/14 17/11/2014	Shaun Thomas Robertson LESLIE 07/02/1987	European Parliament 22 May 2014
9.	73909/14 18/11/2014	Robert David ANDERSON 07/12/1962	European Parliament 22 May 2014
10.	73911/14 17/11/2014 & 11/05/2015	Adrian RUDDOCK 04/01/1973	European Parliament 22 May 2014, Westminster Parliament 7 May 2015
11.	74403/14 18/11/2014	Christopher Andrew READINGS 28/09/1966	European Parliament 22 May 2014
12.	74409/14 18/11/2014	Thomas MICHALOWSKI 24/01/1971	European Parliament 22 May 2014
13.	75735/14 18/11/2014	John Christie Burnett WALKER 09/06/1965	European Parliament 22 May 2014
14.	75846/14 17/11/2014	James STRATTON 18/12/1942	European Parliament 22 May 2014
15.	2294/15 17/11/2014	Scott Francis BOWRING 16/04/1971	European Parliament 22 May 2014
16.	18149/15 18/05/2015	Howard SIMMERSON 01/07/1962	Westminster Parliament 7 May 2015

No.	Application no./ Date of introduction	Applicant name/ Date of birth	Election Details
17.	24868/15 13/05/2015	Marcia Petra Julia WALKER 21/12/1973	Westminster Parliament 7 May 2015
18.	26031/15 21/05/2015	Brian DICK 29/12/1969	Westminster Parliament 7 May 2015
19.	26045/15 20/05/2015	Ian William Buchanan WILSON 11/07/1973	Westminster Parliament 7 May 2015
20.	28688/15 28/05/2015	David Bruce PENMAN 15/01/1975	Westminster Parliament 7 May 2015
21.	32681/15 12/06/2015	Paul SINCLAIR 19/06/1989	Westminster Parliament 7 May 2015
22.	32685/15 18/06/2015	Guy EVANS 21/01/1969	Westminster Parliament 7 May 2015