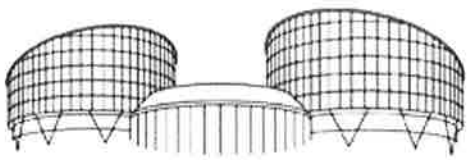

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF MILLER AND OTHERS v. THE UNITED KINGDOM

(Application no. 70571/14 and 6 others - see appended list)

JUDGMENT

STRASBOURG

11 April 2019

This judgment is final but it may be subject to editorial revision.

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

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

Aleš Pejchal, *President,*
Jovan Ilievski,
Gilberto Felici, *judges,*
and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having deliberated in private on 21 March 2019,

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. Notice of the applications was given to the United Kingdom Government ("the Government") on 21 September 2018.

THE FACTS

3. A list of the applicants is set out in the appendix.

I. THE CIRCUMSTANCES OF THE CASE

4. The applicants were all incarcerated at the relevant time following criminal convictions for a variety of offences. They were automatically prevented from voting, pursuant to primary legislation, in one or more of the following elections: the elections to the European Parliament on 22 May 2014; the elections to the Scottish Parliament on 5 May 2016; and the parliamentary election on 8 June 2017 (for further details see the appended table).

II. RELEVANT DOMESTIC LAW AND PRACTICE

5. The relevant domestic law and practice is set out in the Court's judgments in *Hirst v. the United Kingdom (no. 2)* [GC], no. 74025/01, ECHR 2005-IX; and *Greens and M.T. v. the United Kingdom*, nos. 60041/08 and 60054/08, ECHR 2010 (extracts).

6. Further developments since the *Greens and M.T.* judgment are set out in the Court's decision in *McLean and Cole v. the United Kingdom* (dec.), nos. 12626/13 and 2522/12, 11 June 2013; in *Firth and Others v. the United Kingdom*, nos. 47784/09 and 9 others, 12 August 2014; in *McHugh v. the United Kingdom*, no. 51987/08 and 1,014 others, 10 February 2015; and in the Court's decision in *Millbank and Others v. the United Kingdom*, nos. 44473/14 and 21 others, 30 June 2016).

7. In 2018 the respondent Government adopted a number of administrative measures, including a change in policy and guidance in relation to prisoners released on temporary licence and on home detention curfew. On 6 December 2018 the Committee of Ministers at its 1331st meeting adopted Resolution CM/ResDH(2018)467 declaring that it was satisfied with the measures adopted by the respondent Government and deciding to close the examination of the *Hirst (No.2)* group of cases.

COMPLAINTS

8. The applicants complain under Article 3 of Protocol No. 1 to the Convention that as convicted prisoners in detention they had been subject to a blanket ban on voting in elections and had accordingly been prevented from voting in elections (see paragraph 4 above).

THE LAW

I. JOINDER OF THE APPLICATIONS

9. 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

10. 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."

11. The Court refers to the principles established in its case-law regarding ineligibility to vote in elections (see paragraphs 5 and 6 above).

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

13. 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 that at the date of the index elections (all of which preceded the package of measures adopted by the respondent Government in 2018) the statutory ban on prisoners voting in elections was, by reason of its blanket character, incompatible with Article 3 of Protocol No. 1.

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

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. 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."

16. Regard being had to the documents in its possession and to its case-law (see, in particular, *Firth and Others,* cited above), 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 11 April 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Acting Deputy Registrar

Aleš Pejchal
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's name Date of birth	Representative's name and location	Election Details
1.	70571/14 27/10/2014	**Christopher Miller** 09/10/1984		European Parliament 22 May 2014
2.	72616/14 13/11/2014	**James Cullinane** 11/09/1964		European Parliament 22 May 2014
3.	28334/16 12/05/2016	**Brian Dick** 29/12/1969		Scottish Parliament 5 May 2016
4.	31138/16 26/05/2016	**Joseph Millbank** 19/07/1960		Scottish Parliament 5 May 2016
5.	31413/16 25/05/2016	**John Marshall** 06/06/1945		Scottish Parliament 5 May 2016
6.	59442/17 09/08/2017	**Marcia Petra Julia Walker** 21/12/1973		General Election 8 June 2017
7.	81835/17 29/11/2017	**Michael Christopher Hora** 10/04/1966	Leigh Day Solicitors London	General Election 8 June 2017