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Briton fails to overturn ban on long-term expats voting in UK elections

Harry Schindler, who has lived in Italy since 1982, challenged voting ban for Britons who have lived abroad for over 15 years

Owen Bowcott, legal affairs correspondent
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The court upheld the law banning expatriates from voting in UK elections if they have lived abroad for more than 15 years. Photograph: Ian Forsyth/Getty Images

A 91-year-old Briton who lives in northern Italy has failed to overturn the ban on expatriates voting in UK elections once they have lived abroad for more than 15 years.

The European court of human rights has rejected Harry Schindler's arguments that he is disenfranchised and deprived of his ability to participate in his native country's elections.

The judges dismissed his claim on the grounds that the UK government was entitled to exercise discretion, technically known as its "margin of appreciation", in terms of

interpreting how to enforce citizens' rights to free elections.

Schindler, who was born in 1921, left the UK in 1982 to live with his wife, an Italian national, in Ascoli Piceno, overlooking the Adriatic. The Strasbourg court pointed out that he was entitled to obtain Italian citizenship and vote in Italian elections; he was also entitled to return to the UK and have his voting rights in Britain restored.

During the second world war, he served in North Africa and took part in the allied landings at Anzio in southern Italy and the liberation of Rome. Interviewed about his case in 2011, Schindler told the BBC: "At a time in the UK when there's great concern about participatory democracy, for the government to find reasons not to vote is curious indeed. We feel we are part of the UK. We don't feel we're abroad at all." Both France and Italy have members of their national assemblies exclusively elected by expatriates.

If Schindler had been successful, the case would have far-reaching electoral consequences. It has been estimated that as many as 5.5 million UK citizens live abroad, but no more than 13,000 were registered on UK electoral rolls to vote in 2008.

Dismissing the appeal, the Strasbourg judges said: "Having regard to the margin of appreciation available to the domestic legislature in regulating parliamentary elections, the restriction imposed by the respondent state on the applicant's right to vote may be regarded as proportionate to the legitimate aim pursued.

"The court is thus satisfied that the impugned legislation struck a fair balance between the conflicting interests at stake, namely the genuine interest of the applicant, as a British citizen, to participate in parliamentary elections in his country of origin and the chosen legislative policy of respondent state to confine the parliamentary franchise to those citizens with a close connection with the United Kingdom and who would therefore be most directly affected by its laws."

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