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978-1-107-03507-2 — Law, Democracy and the European Court of Human Rights

Rory O'Connell

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‘An outstanding contribution to the literature, which deepens our understanding of the jurisprudence of the European Court of Human Rights on political rights. However, the book does much more than that by setting the legal analysis within a clear theoretical framework, which explores a range of democratic theories to enable a clear and rigorous interrogation of the Court’s conceptions of democracy. From being a background ideal complacently left in the backwaters of legal analysis, democracy is now at the forefront of the battle over European values, and the Court finds itself at the fulcrum of debates concerning the very future of European democracy. This book will be an invaluable reference point for those involved, and to anyone interested in human rights, democracy, and the role of the Court in the democratic enterprise.’

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**LAW, DEMOCRACY AND THE EUROPEAN COURT
OF HUMAN RIGHTS**

Law, Democracy and the European Court of Human Rights examines the political rights jurisprudence of the European Court of Human Rights. It discusses how the Court supports a liberal representative and substantive model of democracy, and outlines the potential for the Court to interpret the Convention so as to support more deliberative, participatory and inclusive democratic practices. The book commences with an overview of different theories of democracy and then discusses the origins of the Council of Europe and the Convention and presents the basic principles on the interpretation and application of the Convention. Subsequent chapters explore issues around free expression, free assembly and association, the scope of the electoral rights, the right to vote, the right to run for election and issues about electoral systems. Issues discussed include rights relating to referendums, voting rights for prisoners and non-nationals, trade union rights and freedom of information.

RORY O'CONNELL is Professor of Human Rights and Constitutional Law at the School of Law & Transitional Justice Institute, Ulster University; from 2014–2020 he was the Director of the Transitional Justice Institute. He is a member of the Executive of the Committee on the Administration of Justice, a member of the Global Challenges Research Hub on Gender, Justice and Security and a former member of the BrexitLawNI ESRC project on the constitutional, legal, human rights and equality aspects of Brexit for Northern Ireland.

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For Eva and Joshua

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Abbreviations

AKP	Justice and Development Party (Turkey)
App no	Application number
BHRC	Butterworths' Human Rights Cases
CEC	Central Electoral Commission
CEDAW	Convention on the Elimination of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CET	Council of Europe Treaty Series
CHP	People Republican's Party (Turkey)
DR	Decisions and Reports
DSP	Democratic Left Party (Turkey)
DTP	Party for a Democratic Society (Turkey)
ECHR	European Convention on Human Rights
EHRR	European Human Rights Reports
EHRR SE	European Human Rights Reports Summaries and Extracts
ESC	European Social Charter
ETS	European Treaty Series
ICCPR	International Covenant on Civil and Political Rights
ILM	International Legal Materials
ILO	International Labour Organisation
MHP	Nationalist Movement Party (Turkey)
NATO	North Atlantic Treaty Organisation
NGO	Nongovernmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe

P1	Protocol 1
P1–1	Protocol 1, article 1
P1–3	Protocol 1, article 3
P12	Protocol 12
PACE	Parliamentary Assembly of the Council of Europe
PKK	Workers’ Party of Kurdistan
RMT	National Union of Rail, Maritime and Transport Workers (UK)
SGP	Staatkundig Gereformeerde Partij (Netherlands)
UCP	United Communist Party (Turkey)
UDHR	Universal Declaration of Human Rights
UN	United Nations
Yearbook	Yearbook of the European Convention on Human Rights