

Session 6.2 – Democracy in the Jurisprudence of the ECtHR, the IACtHR and the AfCtHPR: A Comparative Analysis

1. Objectives

- Understand how democracy functions as a normative principle in the case law of the European, Inter-American, and African human rights courts.
- Identify shared and divergent approaches to democratic values (pluralism, participation, rule of law) across the three systems.
- Analyze how courts use democracy both as an interpretive lens and as a substantive legal standard to assess limitations on rights.
- Critically assess the judicialization of democracy in regional human rights law.

2. Core Topics (with Concrete Examples)

1. Democracy as a Foundational Value
 - ECtHR's conception of democracy as "pluralism, tolerance and broadmindedness" – *Handyside v. United Kingdom* (1976).
2. Political Pluralism and Party Freedom
 - Limits on political parties and democratic necessity – *United Communist Party of Turkey v. Turkey* (1998)
3. Democracy, Political Participation, and Institutional Independence
 - Protection of democratic institutions and actors – *San Miguel Sosa et al. v. Venezuela* (IACtHR, 2018)
4. Democracy and Emergency Powers
 - Democracy under states of exception – IACtHR Advisory Opinion *OC-8/87*
5. Electoral Integrity and Democratic Governance
 - Democracy as an enforceable legal standard – *APDH v. Côte d'Ivoire* (AfCtHPR, 2016)
6. Comparative Perspective
 - ECtHR: margin of appreciation within democratic limits.
 - IACtHR: democracy as a structural and transformative obligation.
 - AfCtHPR: democracy linked to institutional design and electoral fairness.

3. Required Reading

1. ECtHR, *Handyside v. United Kingdom*, 7 December 1976.
2. ECtHR, *United Communist Party of Turkey and Others v. Turkey*, 30 January 1998.
3. IACtHR, *San Miguel Sosa et al. v. Venezuela*, 8 February 2018.
4. IACtHR, Advisory Opinion *OC-8/87, Habeas Corpus in Emergency Situations*, 30 January 1987.
5. AfCtHPR, *Actions pour la Protection des Droits de l'Homme (APDH) v. Côte d'Ivoire*, 18 November 2016.