

## Public Lecture

# Democracy in the European Convention on Human Rights

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**Monday 23 March 2015, 18:00-19:30**

**Academic Conference Room, 11<sup>th</sup> Floor, Cheng Yu Tung Tower  
The University of Hong Kong**

Is there a separate (autonomous) “right to democracy”? Or should rather “democracy” be considered as a feature (component) of the European public order, i.e. as an aggregate of rights, institutions and practices? The European Convention adopts the latter approach: democracy is seen as a general context and a necessary guarantee to ensure the effective implementation of individual rights. In this perspective, democracy is closely linked to pluralism understood not only as protection of minorities, but also as the regular and peaceful “alternance” of ruling majorities.

On the other hand, democracy cannot exist without proper implementation of human rights, particularly – political rights (expression, association, assembly) and free elections. The European Convention, and the case law of the European Court of Human Rights, provides here a vast body of standards and requirements. Of particular importance are the guarantees of the freedom of political expression (including different forms of assemblies), unhindered creation of political parties, pluralism in electronic media and, last but certainly not least, undistorted expression of the will of all voters.

At the same time, inherent in the Convention system is some compromise between individual rights and the requirement of defending democratic society. Thus, democratic institutions must not be used (abused) to promote violence, hate or intolerance, as the European history has already shown that it may easily lead to the ultimate destruction of both democracy and human rights.



**Judge Lech Garlicki** is a Polish jurist and constitutional law specialist. Since 1968 he has taught at the Warsaw University, in the years 1980-1993 was member of the Warsaw bar, in the years 1993-2001 judge of the Constitutional Court of Poland and in the years 2002-2012 judge of the European Court of Human Right (president of the 4<sup>th</sup> Section in 2011-2012). He served recently, as visiting professor, at Tel Aviv University, Hong Kong University, New York University and at Yale University. Judge Garlicki is vice-president of the International Association of Constitutional Law and one of the Founding Members of the European Law Institute. He lectured at numerous universities in Europe, the United States, Israel, Japan, China and Hong Kong. He is author or editor of over 300 publications in different languages.

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