

## **A Human Rights Approach to Elections, Glasgow University, 14-15 September 2015.**

### **Participants and research focus**

**Dr Eszter Bodnár, Department of Constitutional Law, Faculty of Law, Eotvos  
Lorand University, Budapest**

“The Level of the protection of the right to vote and stand as a candidate in the practice of  
the ECtHR”

Since the end of the 1990s, the European Court of Human Rights issues every year more and more judgements concerning the Article 3 of the Additional Protocol of the European Convention of Human Rights, namely regarding the right to free elections, in fields as right to vote of persons with disabilities, persons in detention, persons in public offices, persons abroad etc. So nowadays the Court obtains a crucial role in the protection of the right to vote and stand as a candidate.

The goal of my paper is to give an overview about the practice of ECtHR and evaluate the protection’s level. This evaluation would cover the questions how the speciality of an international court can influence the protection’s level; how international and national human rights protection mechanisms are related to each other; how the level of protection has changed in the last years and how the possibility of restrictions on the right to free elections was narrowed.

**Mr. Chemavon Chahbazian, Deputy to the Head of Secretariat, Interparliamentary  
Co-operation and Election Observation Unit, Secretariat of the Parliamentary  
Assembly**

1. To present the Parliamentary Assembly contribution in the soft law during the last, let’s say, 15 years. I mean different resolutions and recommendations adopted by the Assembly in the field of elections and how they deal with different aspects of Human rights linked to elections (women participation in elections; migrants participations in elections; abolition of restrictions on the right to vote; distance voting; Electronic voting; internationally recognised status of election observers.....; other aspects of elections)
2. Monitoring mechanisms of the Assembly in the field of observation of elections, cooperation with other organisations
3. The main challenges of implementation of election legislation in countries where the Assembly observes elections

**Ms Olga Chernishova, Deputy Registrar, Registry,  
European Court of Human Rights**

“European Court and Election Standards: Mapping Problems in Applications against  
Russia”

**Prof Brice Dickson, School of Law, Queen’s University, Belfast**

“The issue of restrictions on expenditure during elections”

**Dr Kanstantsin Dzhetsiarou, School of Law, University of Surrey**

“Was Hirst No.2 a mistake?”

I would be interested in exploring whether the European Court of Human Rights is the right forum to push fundamental reforms in the area of electoral rights or maybe 3P1 undermines its legitimacy. I will argue that the Court’s judgments in these cases might generate serious backlash from the Contracting Parties and undermine its efforts in other areas. At the same time it might not lead to the changes desired. Turkish cases, Russian prisoners’ voting cases and other relevant cases will be discussed.

**Ms Carole Ewart, Convener Human Rights Consortium, Scotland**

**Dr Helen Hardman, Central & East European Studies, School of Social and  
Political Sciences, University of Glasgow**

“The impact of elections and voter de-alignment on human rights”

To what extent do political parties actually represent the views of the electorate? A growing number of political scientists have pointed out that parties, their brands and their shifting programmes are more geared towards securing votes at elections and that such power-seeking behaviour fails to result in meaningful elections. Declining voter turnout at elections demonstrates this growing dissonance between parties and the electorate. In this context, what transpires is a decision-making process which is elite-dominated. Needless to say, liberal democracies are more engaged with their electorates through the channel of civil society than is the case in authoritarian states, but nonetheless, decision-making has become elite-driven as parties in western democracies have become increasingly removed from voters. Although in theory the new democracies of CEE may be able to shed light on the process of party-formation from a modern era (rather than those that evolved around basic cleavages from disputes between different groupings in society around the 18<sup>th</sup> and 19<sup>th</sup> centuries as in the rest of Europe), and so these parties experience less of a ‘representational strain’ (Whitefield & Rohrschneider), at the same time, these party-systems have been based very much on the models of Western Europe and so are prey to the same as well as other shortcomings. In the context of A3:P1 this failure could be interpreted as impinging on citizens’ right to free and fair elections. This paper focuses on the shortfall between parties and the electorate in Council of Europe states.

**Prof Ghia Nodia, Professor of politics, Director of the International School of  
Caucasus Studies, Ilia State University, Tbilisi**

I am interested in elections as part of democratic process, but not so much from legal perspective (right to vote, election legislation in general), but rather in attitudes to it,

especially in general majoritarian tilt of the political culture that is conducive to “winner takes all” principle. This then contributes to generally undemocratic character of the political system.

**Dr Anna Osypchuk, Department of Sociology,  
National University of Kyiv-Mohyla Academy**

**Prof Petra Roter Department of International Relations, Faculty of Social Sciences,  
University of Ljubljana**

“Voting rights of minorities & general issues applicable to the Western Balkans”

**Prof. Petra Schleiter, Department of Politics & International Relations, University  
of Oxford**

“Party systems, the selection and control of politicians and corruption”

This paper examines why democracy and electoral competition can sometimes fail to secure clean government in the interest of the people. Our argument is that party system features, which shape the effectiveness of elections as tools to select and control politicians, play a critical and overlooked role in conditioning the scope for corruption. We conceptualise governmental corruption as a classical principal-agent problem for voters, which is mediated by the extent to which party systems enable the electorate to select politicians who are likely to curb corruption and to hold accountable those who do not. We test this argument through a controlled comparative analysis of corruption in 80 democracies around the world and find broad support for our hypotheses.

**Dr Amaya Úbeda de Torres, Legal Officer, Venice Commission, Division of  
Constitutional Justice**

1. The link between clearly preventive mechanisms- which establish soft law standards - and reparatory mechanisms/ex-post facto (more hard law international obligations) in the field of elections... I have the impression that some of the papers build further on the role of the ECtHR (so hard law) and some would go into exploring other mechanisms (such as PACE recommendations, etc.).

2. The issue of intra party democracy and the fact that the so called liberal model is no longer a solution in the actual context of crisis of political parties. Political parties are no longer to be considered as private institutions which are outside of State's scope, precisely of their public interest role and the repercussions on the human rights approach.



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