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Title: Protecting Political Participation through Political Parties: An Analysis of EU and ECHR Case Law

Political parties play a fundamental role in democratic life. As key intermediaries between citizens and public institutions, they structure political debate, aggregate interests, and enable the effective exercise of political participation. In the context of the current crisis affecting liberal democracies, notably in Europe, there is a renewed need to reflect on the role of political parties and on the conditions under which they operate.

Against this backdrop, this paper seeks to contribute to the ongoing debate by examining how the jurisprudence of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) function both as sources of regulation and protection of political parties, while at times also imposing limits on their activities. The analysis deliberately focuses on these courts, on the assumption that their jurisprudence may constitute a particularly effective lever for the protection of political parties in contexts where democratic backsliding at the national level undermines domestic safeguards.

The paper first analyses how these two courts frame the essential role of political parties in ensuring political participation. It then explores how the case law articulates political rights with the freedoms of association and expression in order to secure the effective exercise of the right to participate in political life. Finally, it examines the limits of these protections, particularly in cases involving anti-democratic or exclusionary speech. This final dimension highlights the structural tension inherent in democratic systems between the preservation of political pluralism and the safeguarding of democratic order.