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Example 3 is the *Demir and Baykara v. Turkey* case in which a Turkish civil servants' trade union sued the local administration for its failure to comply with the terms of a collective agreement concluded with the union. After the local Council failed to uphold certain provisions of the agreement, the union's president sued the local administration. The Turkish Court of Cassation not only refused to give effect to the provisions of the collective agreement in favour of the trade union members but also came to the conclusion that the union itself had not acquired legal personality at the time of its establishment. The union applied to the European Court of Human Rights, requesting, *inter alia*, that the right to conclude collective agreements be recognized as a component of the right to form and join unions, guaranteed under Article 11 of the European Convention on Human Rights. Turkey claimed, however, that Article 11 of the Convention could not be invoked by the applicants as they were civil servants and not ordinary contractual employees (indeed, the second sentence of Article 11, paragraph 2 ECHR notes that this article "shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State"). It also noted that, in the past, article 11 ECHR had been interpreted restrictively, as not including a right to collective bargaining (see European Court of Human Rights, *National Union of Belgian Police v. Belgium*, judgment of 27 October 1975, paragraph 38, Series A no. 19). The Grand Chamber of the Court relied on the reading by the European Committee of Social Rights of Articles 5 and 6 of the Revised European Social Charter, to justify an expanded reading of the requirements of Article 11 ECHR: in particular, Article 6 of the Revised European Social Charter (not ratified by Turkey), includes an undertaking "to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements" (art. 6 para. 2). The case is of particular interest because of the detailed reasons the European Court of Human Rights provides, explaining its reliance on comparative law and on sources of international law other than the European Convention on Human Rights (see paragraphs 65-86 of the judgment, here (/c4x/LouvainX/Louv2.01x/asset/_Materials_Jus_Commune_ex3_Final_.pdf)).



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