



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

“Over-reaching or under-achieving? The trajectory of the case-law of the European Court of Human Rights”

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Let me begin by thanking most warmly the University of Leuven and in particular Dean Wouter Devroe and Professor Koen Lemmens for their kind invitation to take part in a morning of hopefully stimulating legal, historical and sociological discussion. I would also like to thank the other Professor Lemmens, my friend Emeritus Professor Paul Lemmens, former Judge and Section President of the Strasbourg Court. I salute my fellow panel members. I am very much looking forward to our ensuing discussion.

I would be remiss if I didn't begin by acknowledging that we meet here in Leuven at a potentially transformative moment in our European history, a moment when the relative peace and security which we have taken for granted on our continent has been shattered.

When we celebrated the European Convention on Human Rights' 70th anniversary in 2020, we highlighted that the Convention constituted one of the greatest peace projects in human history. Indeed, the very Preamble to the Convention refers to human rights and fundamental freedoms as the foundation of justice and peace in the world. The work of the Council of Europe and its judicial control mechanism, the Court, has contributed to the stability, security and peace in Europe up to this point. However, it can certainly be questioned whether we have failed in our mission when witnessing current events. It is for others to debate that question. I still maintain my view that the Court has and will continue to play an essential role in protecting human rights and fundamental freedoms to pave the way for peace again.

Indeed, my overall message here today is this: For those that now continue to argue, in the face of this calamity for human lives and peace in Europe, that international human rights law has lost its relevance, that national sovereignty of European States is under threat because of international judges interpreting and applying a human rights convention enforcing fundamental democratic principles and the rule of law, I say, be very careful, be very careful because once again the teachings of history have proven to be true. When these fundamental principles are allowed to decay and weaken, when nationalism, populist politics of identity and unconstrained majoritarianism, are allowed to expand and grow exponentially, catastrophic results are inevitable.

Ladies and gentlemen,

My talk today will be structured along the following three main lines.

In my first section, I will look at criticisms levelled at the European human rights framework by those who consider that the European Court of Human Rights is expanding the rights adopted in the

European Convention on Human Rights beyond their initial (and original) conception. According to these criticisms it is alleged that the Court is “overreaching”.

Secondly, I will address other challenges which the Court faces: these are contentions levelled in the diametrically opposite direction by those who consider that the Court is not doing enough to fight for human rights protection in Europe and is too deferential to domestic authorities’ decision-making. According to these arguments the Court is seen as “under-achieving”.

Yes, as these opposing arguments demonstrate, it is indeed difficult for a human rights court to please everyone, but as I will argue, the fact that we are now seeing criticisms from both directions is somewhat understandable because of the recent trajectory of the Court. It is, in fact, a sign that the Court is developing in the right direction. Why? Because human rights adjudication is all about finding that elusive balance between individual rights and the collective interest. Human rights do not operate in a vacuum. They are never to be interpreted and applied divorced from our common human reality.

Thirdly and finally, I will address how an effective human rights communication strategy can assist the Court in walking the difficult tightrope between allegedly “overreaching” on the one hand and “under-achieving” on the other.

Before I begin, let me set the scene.

It is no exaggeration to claim that the fundamental values of the Council of Europe, namely human rights, democracy and the rule of law, are increasingly being called into question in our society, both at the European and the global level. The rule of law is under pressure. Institutions, like the Council of Europe and the European Court of Human Rights, which are grounded in the concept of collective guarantees of human rights and multilateralism, are also vulnerable to attack, as are domestic and international judges. Current challenges to the European Court of Human Rights and the human rights framework may be understood in the context of the current political polarisation and the rise of authoritarianism which we are witnessing in society in general.

One may ask: Why are courts and their judges a target? No one can reasonably deny that an efficient, impartial and independent judiciary is the cornerstone of a functioning system of democratic checks and balances. Judges are the means by which powerful and often abusive interests are restrained. They guarantee that all individuals, irrespective of their backgrounds, are treated equally before the law. Courts preserve the core value underpinning the fundamental idea of a constitutional democracy. As the former President of the UK Supreme Court Brenda Hale famously stated in a judicial opinion: “democracy values everyone equally, even if the majority does not”.¹

Ladies and gentlemen,

For those who argue for more politics and less law, for the watering down of the concept of human rights, for a weakened role of the courts, often adopting a battle cry under the misnomer “juristocracy”, which I will discuss in a moment, let me again recall, as I stated at the outset, that history has repeatedly taught us that unchecked majority rule risks descending into authoritarianism. The judiciary is therefore an essential component of democratic societies, they reinforce democracy, they are an integral part of any meaningful concept of democratic governance, not the other way around.

¹ Ghaidan (Appellant) v Godin-Mendoza (FC) (Respondent) UKHL 30 § 132.

So, whilst criticising the work of the judiciary, like the Strasbourg Court, or your own domestic courts here in Belgium, is a natural part of democratic debate and of holding power accountable, it is crucial to retain a balance in this debate by providing a thoughtful and reasonable account of current realities, especially in the precarious times in which we live. A Europe in which judges no longer do their jobs independently and impartially for fear of reprisals or attacks, is a Europe without the rule of law. And, ladies and gentlemen, without the rule of law, we will no longer be free, as can be readily seen from current events.

With these preliminary remarks, I move to the next part of my talk where I will set out the various criticisms levelled at the European Court of Human Rights and its judges. I have grouped these examples into two categories, which will facilitate our discussion today, but in reality they are more nuanced.

I. An overreaching Court? So-called human rights inflation

First, the criticism of the Strasbourg Court as overreaching. Examples of the view that the Court is overreaching are not hard to come by. Indeed, I can pick one example not too far from home. In his article from 2015, about seven years ago, entitled, “*Judicial Activism in Strasbourg*”², Professor Marc Bossuyt saw the Court as advancing on what he described as a slippery slope towards less restraint and accordingly less credibility. Examples of activism given were the creation of positive obligations which opened the path to costly economic and social rights; the development of the living instrument doctrine; and the use of interim measures.

Another example comes from the United Kingdom. The case made against the Strasbourg Court by former Supreme Court Justice Lord Sumption in his Reith lectures was that it had ‘invented rights’ and was guilty of ‘mission creep’, as well as having interfered with national political processes in a manner which undermined democracy³.

In 2020, at the inaugural Bonavero Institute Annual Human Rights Lecture⁴, I set out in detail my own response to Lord Sumption’s arguments and in particular to his views on the expanding role of law at the expense of politics. I will rely on some of the arguments I made then in my talk today.

To be clear, these criticisms do not stem just from academics or Judges. Some governments are increasingly uncomfortable with what they see as a form of ‘human rights inflation’; a law-making which has swung away from the legislator towards the courts, resulting in a democratic deficit⁵.

Moreover, some academics have made the case against what they call a “conceptual overreach of human rights” *per se*⁶ in which it is argued that human rights ‘have come to play the role of a ‘universal secular religion’, purporting to offer a comprehensive ethical framework’. Overreach has allegedly led to a massive proliferation of human rights claims, the downgrading of human rights to morally relevant interests and the breaking of the link between rights and duties. According to this view, the overreaching of human rights may be seen as a kind of power grab by elite actors and institutions. Therefore, a “juristocracy”, the term alluded to a moment ago, has allegedly been created where judges are answering sensitive societal questions which they should not be.

² M. Bossuyt ‘Judicial Activism in Strasbourg’ in K Wellens (ed) *International Law in Silver Perspective: Challenges Ahead*, Brill-Nijhoff, Leiden, pp 31–56.

³ See J. Sumption, *Trials of the State—Law and the Decline of Politics* (London: Profile Books, 2019).

⁴ See R. Spano, ‘The democratic virtues of human rights law - a response to Lord Sumption's Reith Lectures’, E.H.R.L.R. 2020, 2, pp. 132-139

⁵ [Human Rights Act Reform: A Modern Bill of Rights](#)

⁶ [Conceptual overreach threatens the quality of public reason | Aeon Essays](#)

What can be said in reply to some of these claims? Allow me to make two points, the first normative and the second descriptive, referring to the actual practices of the Strasbourg Court.

My first point is the following. The nature of this critique is, at its core, one which attempts to downgrade the value of European Human Rights law, as interpreted and applied by domestic courts and the Strasbourg Court, and upgrade the value of politics, in particular representative politics. It assumes that human rights law and domestic politics are pulling in opposite directions. That international courts, such as the European Court of Human Rights, are in fact threatening the development of a robust sovereign democracy. But, ladies and gentlemen is this the case? Is this dichotomy justified?

No, I argue, human rights law in fact plays an integral part in justifiably characterising political action as democratic. In a State governed by the rule of law infused with European human rights values, the legitimate exercise of political power must always be balanced. Fundamental rights and politics are thus inextricably entwined in a true democracy. Moreover, one may ask this: Is the belief in the virtues of representative politics and the diminished role of courts belied by past and more recent human history? Isn't the answer clear?

A society of rational human beings, a community of civilised peoples, can learn from their past failures, readily appreciate the foibles of the human condition. Society may have readily experienced that the *winner takes all* nature of the political process can carry with it grave dangers. After the Second World War European societies established a structure of constitutional democracy in which certain fundamental rights and values were given normative status limiting majoritarian rule. Indeed, the world is now witnessing what happens after decades of the erosion of civil and political freedoms.

In this manner European States attempted to make the political process itself more rational, less prone to being dominated by gut feelings, by fear, anger and hatred, all primitive human elements that have given life to populist and ultimately self-destructive tendencies.

To put this first point more bluntly ladies and gentlemen: Is this really the time in our history, and taking into account the last tragic weeks, to place our bet on more politics and less human rights law? To entrust our destiny to the existence of good faith in the representative political process and argue in favour of limiting the review powers of independent and impartial judges? Truth is after all a cornerstone of democracy. The fundamental premise of democratic politics is that societal solutions and communal compromises are adopted on the basis of some minimum set of shared values and the existence of objective truths. Does that premise hold true in contemporary political processes in our part of the world? I fear not.

Nationalism, tribalism, dislocation, fears of social change and the distrust of outsiders are on the rise again as people, limited by their partisan silos and cyberspace filter bubbles, are losing a sense of shared reality and the ability to communicate across social and sectarian lines.

Just to be absolutely clear at this point so my remarks will not be misconstrued or misinterpreted. By this I do not speak of weakening the role of politics, but rather for domestic law, infused by human rights standards, to continue to sustain its true and inclusive democratic character. By this I also do not mean that pure policy issues and matters of high politics should be resolved in the courtroom. Far from it, but I do argue that in the age in which we live, independent and impartial judges are fundamental for the sustained legitimacy of the political process and the separation of powers. This is not at all about 'judges seizing the policy agenda', as some have claimed. Of course judges should

not remake society. They have a modest role, they assist society in not losing sight of our consensus principles.

Allow me then to turn to my second more descriptive point: The critique levelled at the Strasbourg Court is by and large not up to date. It overlooks the fact that over the last 5-10 years, and most certainly since Marc Bossuyt published his article to which I referred a moment ago, the Court has to a considerable extent recalibrated what I have called the “methodological parameters of its jurisprudence towards a more democratically incentive review mechanism”⁷. Recent Strasbourg jurisprudence provides many, many examples of the Court applying its subsidiarity-based approach which those that critique the Court seem not to be aware of or purposefully disregard, as can be seen from debates in several States. Now, what does this development of the trajectory of the case-law mean in practice?

It is this: When the national authorities have in good faith balanced competing interests, in other words, themselves adequately assessed the necessity of an interference into qualified rights, the Court is increasingly ready to apply the rule that it will require strong reasons for it to substitute its judgment for the one adopted by the national authorities. This reinforces the overall logic of the Convention system which is that human rights should be protected first and foremost at the national level. It is for national politicians, the executive at national level and national judges to protect human rights, not international judges. The Strasbourg Court is only a subsidiary safety valve, only to be activated when all else fails.

One prominent example can be given in cases concerning private and family life (Article 8 of the Convention) for example regarding immigrants which I know has been a topic of debate in this country.

In the case of *Ndidi v. UK* (2017)⁸ the Court established the principle, which has become ever more salient in the case-law, that where domestic courts have carefully examined the facts, applied the relevant human rights standards consistently with Convention and its case-law, and adequately balanced the applicant’s personal interest against the more general public interest in the case, the Strasbourg Court will not substitute its own assessment of the factual details and/or the balance struck for that of the competent national authorities, unless there are strong reasons to do so.

Allow me also to mention here, closer to home, the recent Grand Chamber decision in *M.N. and Others v. Belgium*⁹ a case very much on point when I say that criticism levelled at the Court needs to be up to date and take account of the trajectory of the case-law. In this decision, from 2020, the Court dismissed an application from Syrian asylum seekers who had lodged an asylum request in the Belgian embassy in Lebanon. Why did we dismiss the application? They were after all fleeing a war in their home country.

We dismissed because the Convention has limits as to its jurisdiction to hold Member States responsible in these kinds of situations. As the applicant asylum seekers did not fall within the jurisdiction of Belgium, the Convention was not capable of imposing any responsibility on the Belgian State. Is this an example of “juristocracy”? Of the Court expanding the scope of jurisdiction? Far from it, it is simply the Court acting as a court of law, not a political organ.

Let me also briefly reply to the criticisms of the living instrument doctrine. We all know that the Convention, for almost half a century now, has been interpreted as “a living instrument”¹⁰; this is a

⁷ See R. Spano, ‘The democratic virtues of human rights law - a response to Lord Sumption's Reith Lectures’, E.H.R.L.R. 2020, 2, pp 132-139.

⁸ *Ndidi v. the United Kingdom*, no. 41215/14, 14 September 2017

⁹ *M.N. and Others v. Belgium* (dec.) [GC], no. 3599/18, 5 May 2020

¹⁰ *Tyrer v. the United Kingdom*, 25 April 1978, Series A no. 26

result of the evolutive interpretation given to it. Over the last 50 plus years, the text has constantly adapted to present-day conditions, enabling it to remain relevant. It is this crucial ability which will also equip the Convention to deal with the *global challenges* we are currently facing such as hate speech on the internet, fake news, the environmental crisis and the pandemic.

The crucial element, often overlooked in this regard, is that it was the Member States themselves, based on their sovereign will, that adopted the Convention's text with its often open-ended formulation of principles and standards and entrusted the Strasbourg Court with interpreting and applying them. The idea was never to create a static, fixed, set of principles, in reality a "dead Convention" that would soon become obsolete and devoid of any meaningful rational relationship with the lives we actually live. What would have been the point of that enterprise?

Let me take an example of how the Convention has served these important purposes, an example which is famous in this country, the case of *Marckx v. Belgium*¹¹. It is unthinkable today to imagine a difference in treatment of children born in or outside wedlock. Attitudes have changed in a rather short space of time. Following the Court's judgment in 1979, legislative amendments in Belgium in 1987 abolished the difference in the manner of establishing maternal affiliation and established equality with legitimate children as regards inheritance rights. And let's also not forget the *Belgian Linguistics*¹² case from 1968 after which the laws on the use of language in education, which prevented certain children, solely on the basis of the residence of their parents, from having access to French language schools in the six communes on the periphery of Brussels in the Dutch-language region, were reformed in 1970 following a revision of the Constitution to guarantee equal rights to all communities in the country.

So, in conclusion, both as a normative starting point of principle, but also as a descriptive point based on the factual reality derived from the recent trajectory of the case-law, it is not justified to claim in my view that the Strasbourg Court is guilty of an overreach. Now that does not of course mean that criticising the work of international judges is off limits, of course not, it is both necessary and important in any system of democratic governance, but for it be constructive and not just hyperbole, it has to be based on actual knowledge on how the system is functioning and a balanced and thoughtful appreciation of its normative foundations.

Let me now turn to the inverse criticism, that the Strasbourg Court is not doing enough.

II. An under-achieving Court?

The Court increasingly faces critique from some academics, NGOs and civil society who claim that the Court is not going far enough in its human rights protection and that subsidiarity is used as a trump card to absolve it from taking tough decisions. According to these criticisms, the process-based procedural review which I have just outlined, has led to a "hollowing out of substantive ECHR protections and a check-box style approach to rights protection".¹³

What can be said in response to these contentions?

Today, the Convention is incorporated, and to a large extent, embedded into the domestic legal order of the States Parties, and the Court has provided a body of case-law interpreting most

¹¹ *Marckx v. Belgium*, 13 June 1979, Series A no. 31

¹² Case "relating to certain aspects of the Laws on the use of languages in education in Belgium" v. Belgium (Merits) (Application no. 1474/62; 1677/62; 1691/62; 1769/63; 1994/63; 2126/64).

¹³ See [Harriet Ní Chinnéide, *Avci v Denmark: The expulsion of Settled Migrants and the Pitfalls of process-based review in Strasbourg*, 4 February 2022, Strasbourg Observers blog.](#)

Convention rights. I think I can state without much controversy that this embedding process has been rather successfully achieved in a number of States, including Belgium. This enables States Parties to play their Convention role of ensuring the protection of human rights to the full.

It has also allowed for an increased diversity in the protection of human rights; which has been to my mind a necessary development. Lord Justice Laws is correct when he stated in his contribution to the Hamlyn Lectures in 2013 that, and I quote, '[there] may perfectly properly be different answers to some human rights issues in different States on similar facts'.¹⁴

In the seminal judgment in *Handyside v. the United Kingdom* (1976),¹⁵ the Court laid the foundation for its approach to subsidiarity and the margin of appreciation which has been the touchstone ever since. However, it is true that for over a decade now the Court has been developing its approach in this area.

Following the entry into force of Protocol No. 15 to the Convention on 1 August 2021 a reference to the principle of subsidiarity and to the doctrine of the margin of appreciation has moreover been added to the Preamble of the Convention. It is this trajectory that I am referring to in the title to my talk today.

In States in which the substantive embedding of the Convention has been largely successful, the Court may therefore be in a position to take on a more framework oriented role when reviewing domestic decision-making. This review I have termed *process-based* in the sense that the Court is increasingly examining whether Convention principles have, in fact, been adequately embedded in the domestic legal order and, if so, whether certain material elements allow it to grant deference to national authorities. This is, by and large, limited to qualified rights and not to core or absolute rights.

I reject the view that process based review entails a more lenient approach to European human rights supervision, on the contrary. However, it does require some explanation and hence the need for an effective human rights communication strategy (which I will come to shortly).

I have no doubt that the Convention is best implemented 'at home' by national authorities and national courts ensuring that violations of Convention rights are effectively remedied domestically. Indeed, subsidiarity encourages rights-holders and decisionmakers at the national level to take the lead in upholding Convention standards. This can only increase the ownership of and support for human rights.

In concluding this second point, my overall message to those who criticise the Court for allegedly underachieving is this: The Strasbourg Court cannot perform miracles. The system is based on the logic of shared responsibility. For more than 60 years the Court has created a vast body of case-law on almost all aspects of the Convention.

It is now for the national authorities to demonstrate with their actions that they take their duties under the Convention seriously. Many are doing well in this regard, including the authorities in this country. But when the need arises, when the national authorities disregard their Convention obligations, the European Court of Human Rights has consistently demonstrated that it will remain as firm as ever in applying the principles laid down by the Convention. That has not changed and will not change.

¹⁴ Lord Justice Laws, 'Lecture III: The Common Law and Europe', Hamlyn Lectures 2013, 27 November 2013, at 13.

¹⁵ *Handyside v. the United Kingdom*, 7 December 1976, Series A no. 24

III. An effective human rights communication strategy

I now turn to my third and final part, the need for an effective human rights communication strategy.

“The need for an effective human rights communication strategy” may sound familiar to some of you because it is a sentence which I have picked out from the valedictory lecture given by Paul Lemmens here at the University of Leuven in 2020. That lecture was entitled *“The Protection of Human Rights: A Noble Task for Courts”*.

At the very end of his lecture, Paul stated that the relevance of human rights was being increasingly called into question and that in response there was a need for serious human rights education and training. He referred to the University of Leuven and its good work in that regard. He then posited the need for an effective human rights communication strategy.

I see two distinct but inter-connected aspects to an effective human rights communication strategy.

Firstly, an enhanced knowledge-sharing on the European Convention on Human Rights and the Court’s case-law to improve the understanding and application domestically.

During the decade-long Interlaken reform process, and especially in the important ministerial declarations which have been adopted during the high-level conferences, the Council of Europe Member States committed themselves to more effective national implementation of Convention standards.

Cooperation activities, such as the Human Rights Education for Legal Professionals Programme (known as “HELP”), assist in Convention-compliant adjudication at the national level. Domestic judges, prosecutors and legal professionals are at the front-line of relying on, arguing and applying our Convention standards. It becomes self-evident that these professionals need up-to-date, accurate and engaging training materials on the Convention principles and the Court’s case-law.

The Court itself has over the last decade intensified its efforts in relation to dissemination of its case-law. Furthermore, the Court’s Registry is actively working on a joint programme with the Council of Europe with the objective of launching in fully external version of the Court’s own internal Knowledge Sharing platform firstly in both official languages and subsequently in non-official languages.

Since 2015, the Court has been working with superior courts from Council of Europe member States, currently 99 courts from 44 member States (in Belgium that includes the Constitutional Court, the Council of State and the Court of Cassation) by way of its Superior Courts Network. One of the objectives of the Network is to disseminate Convention standards with a view to enhancing implementation at the national level.

Yet how to respond to those Member States, like Belgium, where the issue is not so much a lack of knowledge or understanding of the case-law, but a growing feeling that the case-law only serves the interests of “others” and not them? Here the communication strategy needs to be more targeted. It needs to emphasise the *impact* that the Convention has had in the State concerned, and to highlight the importance of protecting minority rights not only for the minorities concerned but for the population as a whole.

Secondly, and perhaps more broadly, an effective human rights communication strategy is needed to ensure public confidence in the crucial role that courts play in a democracy.

Courts themselves can and should take proactive measures to enhance public trust in the institution of the judiciary. This is even more important during periods of crisis, such as the global pandemic, which has limited the public's access to courts and in some cases reduced the courts' functioning. The executive also has a crucial role to play in ensuring that courts receive the funding which they need to deliver the service expected of them. Delivering justice in good times requires certain financial and human resources. I would add that this also applies to regional Human Rights Courts, like the Strasbourg Court.

The justice system aims to resolve disputes concerning parties and, by the decisions which it delivers, to fulfil both a "normative" and an "educative" role, providing citizens with relevant guidance, information and assurance as to the law and to its practical application.¹⁶

The levels of confidence in courts' activity are not uniform however. That confidence may also depend on how the courts are portrayed in the media and how they are referred to in political discourse. Here academics have a crucial role to play. Whilst of course they must always adopt a critical mindset, their input should always be balanced and well-informed, not exaggerated or based on misinformation. Adequate information about the functioning of the judiciary and its role, in full independence from other state powers, can therefore effectively contribute towards an increased understanding of the courts as the cornerstone of democratic constitutional systems, as well as of the limits of their activity.

There are a number of ways to make judicial institutions more accessible to the public at large and therefore enhance their transparency: public hearings; the broadcasting of hearings; visits to courts; communication and outreach activities by Judges and spokespersons and the role of the press. Indeed, we recently put together a series of five very short videos on key themes of our case-law: violence against women; LGBT rights; surveillance at the work; hate speech and the prisoners' rights.¹⁷

Our Court is also now looking at its social media presence and analysing how we can be more visible and engage further with different age groups. It is not an easy task to be at the same time present online, but not too present, while keeping the necessary judicial reserve expected of an international court.

Yet I do believe that central to this communication policy is making citizens realise what Europe would look like without the rule of law. Do we want a world in which the rule of unfettered political power would constitute the main rule, the very means by which our lives would be regulated? This would be a world in which our fundamental rights to liberty, freedom of expression, to lead a private life, to enjoy family life, would all be subject to the unfettered and arbitrary will of majoritarian sentiment without recourse to independent and impartial courts. With the recent tragic events, we are getting a terrifying glimpse at what a world like that would look like.

Conclusion

Ladies and gentlemen, I will attempt to draw the different strands of my talk together. First, I would like to reiterate and agree with one point made forcefully by Professor Bossuyt in the 2015 article I mentioned, a point which I have already alluded to in my talk today: criticizing judgments of the

¹⁶ CCJE's opinion no. 7 on Justice and Security (2005) https://rm.coe.int/1680747698#_ftn3

¹⁷ [Conseil de l'Europe - CEDH - CEDH - Haine et Internet - EN on Vimeo \(vimeopro.com\)](#)

European Court of Human Rights, when done in good faith, should not be a taboo. We should all be engaged in a free and frank dialogue and not a self-inflicted monologue.

This is why I have chosen to outline the various criticisms faced by the Court and its mandate. That is why discussions like the one you have organized today at the University of Leuven are so important.

Second, and to conclude, allow me to come back to where I started. The work of the European Court of Human Rights does not weaken the national political process, but in fact seeks to empower it. Human rights law readily accepts that politics can't thrive without law as law forms an integral part of the political fabric of a democratic society. Human rights law rather morally sustains and strengthens the political process in a true democracy governed by the rule of law. Together human rights law and politics should seek to work hand in hand in creating stability and a humane society which respects rights and human dignity. Correctly understood, each has their proper role, and their work is mutually reinforcing. In short, one cannot survive without the other.

Thank you.