



Institut für Europarecht  
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# The European Court of Human Rights and Populism

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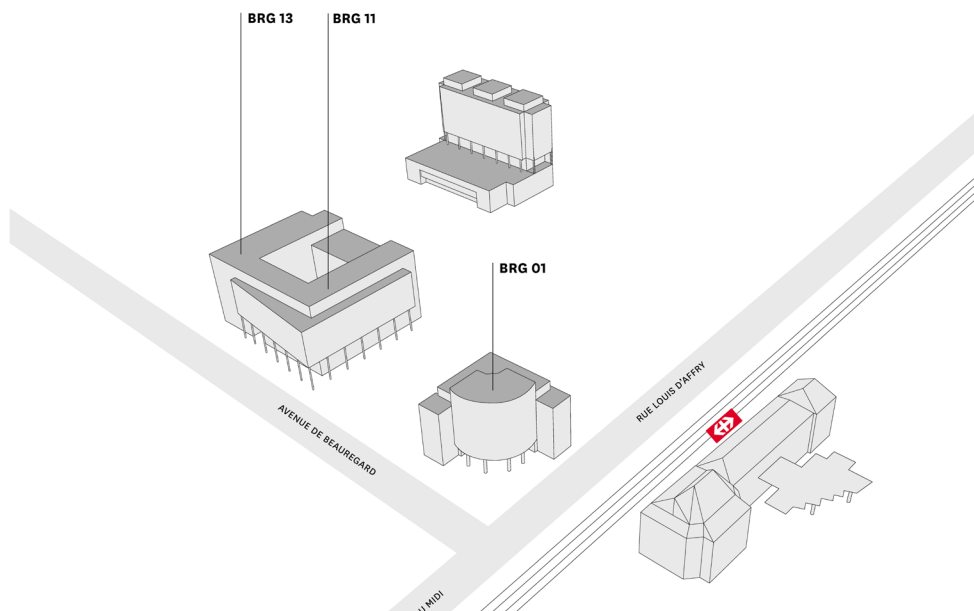
**Tuesday, 5 November 2024, 17.15-19.00**

University of Fribourg, Beauregard, Room BQC 2.813,  
Avenue Beauregard 13

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The European Court of Human Rights is conventionally portrayed as the guardian of a right-based liberal democracy. The historical role assigned the Court's system as an 'alarm bell' against the return of totalitarianism prevails until today. Is the Court equally apt to prevent the rise of populism? In this lecture, I address this issue in three steps. First, I explain why populism poses a serious danger to deliberative and representative democracy. Second, I show that populists do not abolish institutions and rights, but distorts their functions, which makes populism difficult to detect at the supranational level. Third, I draw some implications for the Court's role. I claim that an enhanced proportionality test could detect and counter the populist assault.

**Alain Zysset** is an Associate Professor at the School of Law, University of Glasgow, Scotland. His research focuses on the practice of regional and international courts from the perspective of legal and political theory. His most recent monograph, *Calibrating the Response to Populism at the European Court of Human Rights*, will be published by Cambridge University Press in late 2024. His research has also been published in leading international journals including *International Journal of Constitutional Law*, *Human Rights Law Review*, *Global Constitutionalism*, *Ratio Juris*, *Criminal Law and Philosophy*, *Canadian Journal of Law and Jurisprudence*, *Transnational Legal Theory*, among others.



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