

RETHINKING HUMAN RIGHTS ADJUDICATION IN A CHANGING WORLD

3 - 4 September 2025 - Johannesburg – South Africa

If a man wants to live long, he must be just.

This also applies to States.

Being just prolongs life.

Honourable Madam Chief Justice of the Constitutional Court of South Africa, Ms. Mandisa Maya,

Distinguished Presidents and Members of the Supreme Courts,

Esteemed Participants,

Ladies and Gentlemen,

Let me extend my warmest greetings and highest regards to each and every one of you.

1. It is a distinct honour and privilege for me to be in Johannesburg. In my recollection, Johannesburg occupies a special place as a symbol of courage, solidarity, and the pursuit of justice.

2. I believe that convening such an important meeting in this city holds special significance for our discussions on human dignity and human rights.

3. I wish to extend my sincere congratulations to Honourable Madam Chief Justice Maya, to the Honourable Members of the Court, and to all those who have contributed to the success of this remarkable event. I also convey my profound gratitude for their gracious invitation.

4. It is a great pleasure to be here with my distinguished colleagues at this significant gathering, and to address such eminent participants.

5. In today's globalized world, constitutional justice is shaped not only within national boundaries, but also by universal legal norms and the jurisprudence of international courts. Therefore, cooperation among constitutional courts and supreme judicial bodies of different countries bears critical importance for strengthening the rule of law, safeguarding individual rights more effectively, and ensuring the administration of justice on a global scale.

6. This organization will provide us with the opportunity to discuss the common challenges of constitutional justice and to share our experiences. The sessions to be held will pave the way for an exchange of knowledge, as well as for fruitful deliberations aimed at developing common solutions to the global challenges faced in the field of constitutional justice.

7. At the same time, this event will establish a permanent channel of communication and interaction among us. The atmosphere created here will

not only enrich today's exchanges, but will also shape our future institutional relations, laying a strong foundation for solidarity and cooperation.

8. I sincerely believe that this Summit would yield rewarding outcomes in terms of cooperation and in the academic aspect.

9. Dear fellows, as is well known, exactly eighty-four years ago the world, which had not yet fully recovered from the devastation and misery caused by the First World War, witnessed the outbreak of the Second World War, one of the greatest catastrophes in human history.

10. The war, which began on 1 September 1939 and ended on 2 September 1945, went down in history as the greatest disaster caused by humanity, marked using atomic bombs.

11. During the war, nearly 110 million people were mobilized worldwide. Approximately 80 million people lost their lives. It was a period that inflicted deep suffering on humanity. This tragic process shook social structures and led to the destruction of cultural heritage. Hopes were lost, and dreams were shattered.

12. During this period, virtues such as solidarity and love faded away, bonds among people weakened, and the sense of trust was shaken, while social and cultural dynamics were deeply affected. Ways of thinking and

patterns of behaviour were reshaped. Norms and values underwent profound change. These transformations not only defined that era but also shaped future generations, leaving lasting imprints on the cultural identity of societies. The post-war processes of transformation, in turn, compelled humanity to reflect on how a better future could be built.

13. The true value of peace was deeply understood. This realisation strengthened cooperation among societies. A universal awareness emerged on the protection and promotion of human rights.

14. In response to these tragic events, multilateral agreements were signed to safeguard the international order and human rights. Existing structures of international cooperation were further strengthened. New international mechanisms were established.

15. The Universal Declaration of Human Rights inspired many human rights instruments and agreements. It also served as a source for constitutions and national documents. Regional human rights mechanisms were established, providing supranational protection. The African Court on Human and Peoples' Rights, the Council of Europe and the European Court of Human Rights, and the Inter-American Court of Human Rights can be cited as examples. In addition, multilateral agreements led to the establishment of international courts to prevent and punish crimes against humanity.

16. During this period, it became evident that the principle of separation of powers had to be implemented firmly and without compromise. Accordingly, the legislative, executive, and judicial branches of the State were required to limit one another. In this regard, the judiciary had to function as a separate power, distinct from the legislature and the executive. As a result, the modern nation-state models shaped in the past century were rebuilt based on the principle of separation of powers, with the judiciary established as an independent branch.

17. As is well known, the cornerstone of the judiciary's functioning as a power separate from the legislature and the executive is judicial independence. As an independent power, the judiciary is the fundamental guarantor of democracy, human rights, and the rule of law.

18. In addition, universal virtues based on human rights, freedoms, and the rule of law are also essential elements of democracies. Therefore, for democracies, it is an absolute necessity to safeguard these virtues by establishing independent courts and by providing adequate legal frameworks and guarantees.

19. Moreover, across the world and within every society, the foremost safeguard of the constitutional and social identity of a society lies in the

existence of an independent and impartial judiciary. Such a judiciary, in turn, can be ensured only through the presence of independent and impartial judges entrusted with this vital responsibility.

20. The primary responsibility for upholding rights and ensuring justice lies with judges and prosecutors, the principal actors of judicial course. Accordingly, they must exercise their duties with impartiality, rendering decisions freely within the framework prescribed by positive law, uninfluenced by external pressures and unburdened by subjective emotions or fears. In doing so, they must consistently uphold the primacy of reason and science.

21. Along with judicial independence comes a great responsibility. Independence imposes upon us the duty to act fairly and impartially, and to render decisions in accordance with law and conscience. As members of the higher judiciary, we bear a special responsibility to safeguard constitutional principles and human rights and freedoms. As we all frequently experience, this is by no means a simple task. Acting with conscience, awareness, and responsibility, and delivering just decisions, require a strong inner and mental resilience.

22. Judicial independence is guaranteed under constitutions and legislations of many countries. Likewise, various procedures are envisaged to ensure accountability in the judiciary. Nevertheless, independence and

accountability are, in essence, values that conflict with, or at least compete with, each other. Independence and accountability are surely necessary, but constitutional provisions are not alone sufficient to secure them. Indeed, there may be cases where judicial independence has been ignored for political reasons, or where accountability mechanisms have been abused to target independent judges. Therefore, acting on the basis of judicial independence and justice is, above all, our personal and individual responsibility as judges. As I have just mentioned, resolving disputes fairly on the scales of justice, conscience, and law is a profoundly important task that requires intellectual, moral, and mental effort.

23. Indeed, the emphasis on justice in sacred texts also points to the difficulty of this task. For instance, many verses in the Qur'an command to adjudicate with justice, including the verse 8 of Surah al-Ma'idah.

24. The verse says: "O believers! Stand firm for Allah and bear true testimony. Do not let the hatred of a person lead you to injustice. Be just! That is closer to righteousness. And be mindful of Allah."

25. As can be seen, the verse clearly stresses that justice must be upheld, and one must not stray from it even when dealing with enemies.

Esteemed Fellows,

26. As also laid down in the Turkish Constitution, judges shall be independent in the discharge of their duties; they shall give judgment in accordance with the Constitution, laws, and their personal conviction conforming to the law. No organ, authority, office or individual may give orders or instructions to courts or judges relating to the exercise of judicial power, send them circulars, or make recommendations or suggestions. No questions shall be asked, debates held, or statements made in the Legislative Assembly relating to the exercise of judicial power concerning a case under trial. Legislative and executive organs and the administration shall comply with court decisions; these organs and the administration shall neither alter them in any respect, nor delay their execution.

27. As members of the higher judiciary, we are all well aware that judicial independence is an indispensable part of our task. However, as we move through the first quarter of the 21st century, we unfortunately observe that the catastrophes of World War II and its aftermath seem to have been forgotten, as if they never occurred, and that strong challenges are emerging against human rights, the rule of law, and especially judicial independence.

28. In fact, the incidents and experiences of that period are important lessons that must be remembered and passed down through generations. As today's generation, we have a responsibility to build the future with these lessons of the past in mind. Therefore, we must look back and learn from history in order to cultivate a lasting culture of coexistence. We must continue our pursuit of hope and goodness for humanity, and ensure that

values such as solidarity, love, and trust remain strong and intact. All of this is crucial for the shared future of humanity.

29. In this context, recent developments demonstrate that fundamental principles such as human rights, the rule of law, international cooperation, adherence to rules, peace, freedom, and prosperity are rapidly eroding. They are being increasingly replaced by the notion of military and economic power, brute force, and, so to speak, tyranny. Wars and massacres on one hand, and economic turmoil on the other, have become growing daily threats to international peace and order.

30. The daily bombing of civilians, including children and the elderly, in hospitals, tents, and places of worship, as well as their burning alive, the deliberate targeting of doctors, journalists, and aid workers, and the blocking of humanitarian aid, leaving people to starve, have started to be seen as ordinary. The situation of children dying at a weight lower than their birth weight due to starvation could attract the attention of very few people.

31. Dear friends, as stated by the Secretary-General of the United Nations in his message for the 2024 International Day of Democracy, fundamental rights and freedoms are currently under serious threat across the globe. Freedoms are being eroded, the civic space is diminishing, polarisation is deepening, and mistrust is on the rise. There is growing concern about the future of democracy, peace, and stability.

32. All around the world, right before our eyes; wars, injustices, oppression, and inequalities driven by social viruses such as arrogance rooted in power and wealth, intolerance toward different religious beliefs, xenophobia, racism, and discrimination continue to inflict deep wounds upon the collective conscience. In this climate, the desire for peace, moral values, and justice is growing stronger.

33. Deep global inequalities, severe economic crises, unfair distribution systems, and violations of international law represent the structural roots of numerous challenges from the migration crisis to environmental catastrophes. Unfortunately, it appears that the international community often addresses these challenges with temporary solutions, and in many cases, appears to turn a blind eye and a silent conscience to them.

34. This situation strikes a serious blow to international peace and order, as well as to fundamental principles and norms. The destructive effects of such disorder and extremism will not be confined to certain regions; they will also affect the future of both international relations and the societies of every country. It will even spread a corruption that impacts future generations. Therefore, humanity must respond with a united conscience, taking action together. Eyes and consciences must not be closed to the oppression displayed around the world, to violations of human rights and freedoms, or to the inhumane treatment of victims, especially children and women. Such acts must be confronted promptly, bravely, and fairly, without any discrimination based on race, religion, language, or colour. This is a vital moral responsibility and an essential consequence of being human.

35. Therefore, all societies must strive, even under difficult circumstances, to strengthen cooperation, build trust, and pursue a more inclusive and just world so as to safeguard both current and future generations.

36. All relevant authorities and stakeholders worldwide must collaboratively cultivate an international order based on a win-win approach rooted in justice. They must also take the necessary steps to foster a legal culture that prioritises humanity, and upholds the rule of law, without compromising the balance between security and fundamental rights and freedoms.

37. Esteemed fellows, As I highlighted earlier in my speech, humanity has come to understand, through bitter experience, the grave consequences of systemic injustice within the international order, intolerance, the arrogance stemming from power and wealth, power blindness, as well as of the refusal to coexist peacefully with the other. The past must not be forgotten. The repeated reproduction of division between “us” and “the other” should be avoided. In conclusion, humanity must seek to live in peace with the other and build a world order that makes this possible.

38. Let me address the entire world with the hope of being heard and with the hope of sincere engagement. As humanity, we must not allow our own actions to drive our collective future into a dead end. We should bear in mind that true and lasting peace can only be achieved in a world governed by morality and justice. The shared future of humanity and the prospect of

enduring peace depend on a renewed commitment to moral values and upholding justice across the globe.

39. Let us come together, hand in hand, to make moral values and justice prevail in the world. May we, both as a human and as a State, endure long. We should bear in mind that if a person wishes to live a long life, he must be just, and so does the State. Being just prolongs life.

40. Dear friends; given the current conditions in the world, there is a need for a courageous and strong independent judiciary, both nationally and internationally, in order to safeguard human rights and freedoms, uphold the rule of law, as well as to act in accordance with justice, conscience, and the principle of proportionality. Indeed, such disorder and corruption can only be prevented through a strong and independent judiciary that acts under the guidance of law and conscience.

41. Esteemed Friends, as I conclude my remarks, I would like to wholeheartedly congratulate the Constitutional Court of the Republic of South Africa, its Chief Justice and Members, who, in my view, truly realise judicial independence and the rule of law, uphold human rights and duly perform their constitutionality-review duties, and inspire young legal professionals through their courage and commitment to justice. I would also like to once again express my gratitude for such a successful event and warm hospitality.

42. With the sincere hope that all acts undermining human dignity in our world will come to an end, I extend my respectful greetings to you on behalf of myself and the Members of the Constitutional Court of the Republic of Türkiye. I wish you and your loved ones health, peace, and prosperity.

Thank you for your attention.

Kadir ÖZKAYA
President
Constitutional Court
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