



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

**THIRD INTERNATIONAL HUMAN RIGHTS FORUM**  
**Dialogue between Regional Human Rights Courts:**  
**“Challenges to the European Human Rights Protection System”**

**Speech by Síofra O’Leary**

*University of Costa Rica, San José, 25 May 2023*

Señora Decana,  
Dr García-Sayán,  
Presidenta Daud Aboud,  
Presidente Pérez Manrique,  
Compañeros jueces de las Cortes interamericana, africana y europea,  
Señoras y señores,

Es un honor y un placer participar en esta sesión pública sobre los desafíos y dificultades enfrentando nuestros sistemas regionales para la protección de los derechos fundamentales. Con vuestro permiso voy a seguir en inglés.

I would like to focus on three specific challenges facing the European system, the first of which is of long-lasting origin:

a) namely the high number of cases on the European Court’s docket and the consequences for our judicial work;

b) secondly, the increasing number of inter-State and conflict cases; and, lastly,

c) emerging and novel human rights issues identifiable in our recent judgments and pending cases.

\*\*\*

Before I address these three topics, I think it’s worth saying a few words about the overall challenges facing the Council of Europe as it seeks to protect human rights, democracy and the rule of law in this, its 8<sup>th</sup> decade.

The Council of Europe is, as you know, the parent organisation of the independent and autonomous European Court of Human Rights (‘the Court’). It exercises some critical functions in the overall Convention system, notably the supervision of execution of the Court’s judgments by the CM and the election of judges by the PACE.

As I explained earlier in our judicial forum, the 4<sup>th</sup> Summit of Heads of State and Government of the Council just took place in Reykjavik.<sup>1</sup> High-level Summits are rather exceptional in the Council of Europe's history.<sup>2</sup> The Reykjavik Summit was organised to address the principal challenges facing Europe following the war in Ukraine and the decline in some member States in standards of democracy, rule of law and respect for human rights.

In preparation for the Summit, the Court contributed to the reflection process with a Memorandum adopted by the plenary Court. We called upon the member States to reaffirm their commitment to the Convention system as a mechanism for guaranteeing peace and stability in Europe and as the central instrument of European public order in the field of human rights.

The Memorandum also identified three critical challenges to the Convention system that require urgent action at the political level.

*First – resources.* The Court's budget in 2022 amounted to a sum just short of 75 million euros. While this budget may at the first sight appear significant to you – when compared to the Inter-American Court's or the African Court's budgets<sup>3</sup> – it should be put in the context of the number of applications the Court handles annually and the size and complexity of its docket,<sup>4</sup> to which I will return later in my presentation. That budget is clearly insufficient and the Memorandum therefore stressed the need for sufficient and sustainable resources to preserve the functioning of the Court now and in the future.

The second point raised relates to the accountability of States, particularly in relation to inter-State and conflicts-related cases. The Memorandum explained the marked increase in the number of inter-State cases due to an increase in conflicts between Council of Europe member States or former member States, including the Russian Federation. It underlined the need for the Court's work in relation to accountability to be understood and not endangered by insufficient resources.

The third point stressed by the Plenary Court was execution. Deficiencies in execution and compliance with the Court's judgments and decisions undermine the effectiveness of the Convention system but also the authority of the Court.

The Court's key messages are reflected in the final Summit Declaration.<sup>5</sup> The States have explicitly reaffirmed their "deep and abiding commitment" to the Convention and the Court and devoted a special annex recommitting to the Convention system as "the cornerstone of the Council of Europe's protection of human rights," pledging sufficient and sustainable resources and timely execution of our judgments. It remains to be seen how these political pledges will be implemented in practice.

\*\*\*

Turning to the first challenge I wish to address today, namely the European Court's docket and the strategies we have developed to tackle it.

---

<sup>1</sup> [Fourth Council of Europe summit - Portal \(coe.int\)](#). See the Court's [Press release](#), 17 May 2023 and [Memorandum](#), 20 March 2023.

<sup>2</sup> The Reykjavik Summit was preceded by the summits in: Vienna (1993), Strasbourg (1997) and Warsaw (2005).

<sup>3</sup> The IACtHR regular budget is some 5 million dollars (see the 2022 [Annual Report](#), p. 184) and the ACtHPR regular budget is little more than 10 million dollars (see the 2022 [Activity Report](#) para 38).

<sup>4</sup> In 2022 some 45,500 cases were allocated to the Court's judicial formations and that the Court decided a total of close to 40,000 applications in that year 2022 ([Annual Report](#), p. 141). The ACtHPR received 7 new cases and adopted 56 decisions (including various procedural decisions), see the Activity Report, cited above, p. 4; while the IACtHR received 24 new cases and adopted a total of 34 decisions, see the Annual Report, cited above, pp. 39 and 48.

<sup>5</sup> [Reykjavik Declaration](#).

The European system of human rights protection enshrined in the Convention was, when created, unique of its kind, giving the right to individuals to take a case before an international human rights court.<sup>6</sup>

States are required not to hinder in any way the effective exercise of this right. The Court, for its part, does not have any certiorari capacity when dealing with individual applications. It is required to examine each and every – properly submitted – application which reaches it.

In practice, since the setting up of the system allowing for the right of direct access to the Court (in 1998), the number of applications has consistently increased, achieving a peak in 2011 when more than 160,000 applications were pending before the Court. This situation – born of direct access to the Court coinciding with a rapid increase in High Contracting Parties - was untenable. The number of pending cases was threatening to suffocate the whole system and render it completely inoperative in practice.

This situation was tackled, and the numbers have been progressively reduced, through a decade-long reform of the Convention system and of the Court which started in 2010.<sup>7</sup> Some important changes to the system, notably the introduction of the possibility for the Court to examine cases in single judge formations and to process more cases via committees of three judges (Protocol No. 14), have been introduced.

Internally, through the evolution of its working methods, the Court has devised differentiated and effective case processing strategies adapted to the different categories and types of applications pending before it.

Thus, case-processing systems have been put in place allowing the Court to deal more expeditiously with manifestly inadmissible or unmeritorious cases and to process more effectively cases belonging to the category of well-established case-law of the Court which are now processed through simplified and abridged procedures by the aforementioned committees.

The Court has also put in place the procedure of immediate simplified communication of cases to the respondent Governments, as well a system allowing the parties to explore the possibility of a friendly settlement before proceeding to the contentious phase of the proceedings.

A comprehensive internal reflection on Grand Chamber work has allowed the Court to streamline its work on the most complex cases, including in the context of the exercise of its new, non-contentious jurisdiction in relation to advisory opinions issued under Protocol No. 16 to the Convention. Since those opinions are requested in cases which remain pending before the requesting national courts, we seek to deliver the opinions as promptly as possible.

Moreover, in the past two years the Court has introduced rapid identification and more expeditious processing of cases which are particularly important for a given State or for the development of the Convention system and which raise new issues regarding the interpretation and application of the Convention. These impact cases may concern a variety of questions such as democratic good governance, the rule of law, the environment, new technologies, equality and domestic violence, to name but a few.<sup>8</sup>

---

<sup>6</sup> Introduced by Protocol No. 11 to the Convention which came into force on 1/11/1998.

<sup>7</sup> Started in Interlaken (2010) and was boosted by the conferences in Izmir (2011), Brighton (2012), Oslo (2014), Brussels (2015) and, most recently, Copenhagen (2018).

<sup>8</sup> "[A Court that matters/Une Cour qui compte](#)": A strategy for more targeted and effective case-processing, 17 March 2021.

Impact cases don't concern core rights (such as the right to life and protection against ill-treatment) which are prioritised for that reason. They nonetheless raise very important legal issues of relevance for the State in question or for the Convention system as a whole. This justifies rapid identification and more expeditious case-processing than was previously the case.

But are these reforms of the Court and its working methods alone sufficient to ensure the effective functioning of the European human rights protection system? In reality, they are not. Let me explain.

Currently there are 77,100 applications pending before the Court. This number is an increase compared to the number of applications pending at the end of 2022 and 2021,<sup>9</sup> each of which were marked by an increasing number of new applications.<sup>10</sup>

The main reasons for this increase are the arrival of a considerable number of new applications in the aftermath of convictions by Turkish courts following the attempted coup d'état in Türkiye in 2016, as well as peaks in immigration and asylum cases from, for example, Greece and Belgium. Moreover, some persistent problems in some member States – such as inordinate length of legal proceedings or inadequate conditions of detention – continuously give rise to new incoming applications to the Court, despite the case-law principles in their regard being well-established. When systemic or structural problems in a given State are identified by the Court but not resolved, or when effective national remedies do not exist, applicants will continue to seek redress in Strasbourg.

Almost three quarters of the pending applications are against five countries.<sup>11</sup> Close to 90% of the pending priority applications come from 6 countries: Russia,<sup>12</sup> Türkiye,<sup>13</sup> Romania, Belgium,<sup>14</sup> Ukraine<sup>15</sup> and Greece.<sup>16</sup> Moreover, close to 80 % of the Court's present docket is composed of applications concerning questions in relation to which the Court has well-established case-law or repetitive applications.

While the various working methods introduced by the Court allow it to continue dealing with the pending applications – and most importantly with the “impact” cases – with an impressive output,<sup>17</sup> the statistics that I just mentioned show that the internal efforts by the Court can never in themselves suffice to ensure the long-term effectiveness of the current European human rights protection system.

The internal upheavals, conflicts and democratic and rule of law erosion and backsliding in some member States in recent years, coupled, as I said, with long-lasting failures to take effective steps to remedy the underlying systemic or structural problems previously, and often repeatedly, identified by the Court, are the main cause of the constant increase in the number of applications.

This is something for the member States to tackle. As I stressed in my recent address to the Committee of Ministers – the Council of Europe's main political body – sustainable solutions at

---

<sup>9</sup> Which were 70,150 and 74,650 respectively.

<sup>10</sup> 44,300 and 45,500 respectively.

<sup>11</sup> These are, in descending order, Türkiye, with approximately 23,600 applications, the Russian Federation (in respect of which the Court exercises residual jurisdiction), with approximately 15,600 applications, followed by Ukraine, with approximately 9,900 applications, and Romania and Italy, with 4,650 and 3,700 applications respectively.

<sup>12</sup> Mostly concerning conditions of detention and deprivation of liberty.

<sup>13</sup> Mostly concerning deprivation of liberty.

<sup>14</sup> Issues linked to immigration.

<sup>15</sup> Linked to ill-treatment and detentions in the regions of Crimea and Donbas.

<sup>16</sup> Mostly concerning conditions of detention.

<sup>17</sup> In 2022, the Court decided close to 40,000 applications, giving judgments on more than 4,000 applications. Since the beginning of 2023 (until 22 May 2023), the Court has ruled on almost 11,800 applications. Judgments have been given on 2,103 applications, of which 1,931 were decided by committees of three judges. Single-judges ruled on more than 7,600 applications.

national level are needed to avoid the Court being confronted with such a docket. Only this can allow the Court to operate effectively and to guide, through its judgments and decisions, the member States' policies and legislation in new emerging matters, ensuring that they are compatible with human rights.

I should add that, in relation to one repetitive issue – the non-enforcement of domestic court judgments in Ukraine – in which various formations of the Court had processed more than 14,000 applications and where the Court was seized of over 12,000 more, the Grand Chamber delivered a judgment in a case called *Burmych*<sup>18</sup> noting that such repetitive and systemic non-compliance with the Court's case-law was an issue of execution to be tackled no longer by the Court but by the Committee of Ministers when supervising the execution of the Court's earlier judgments, including a pilot judgment on the matter.<sup>19</sup> The Court found, in particular, that in these cases it had discharged its judicial function by identifying the systemic shortcoming, finding a violation of the Convention and providing guidance as to the general measures to be taken for the satisfactory execution of the pilot judgment so as to ensure relief and redress for all victims, past, present and future, of the systemic violation found.

\*\*\*

The second challenge to the Convention system that I want to address today – the increasing number of inter-State and conflict cases – reflects the current conflicted state of our European continent. While the pending cases, which I will explain, put a considerable strain on the Court's resources and, consequently, on the effective operation of the Convention system, it should also be said that they reflect the faith placed by individuals and States in that system.

As I remarked earlier, the right of individual application is the cornerstone of the European human rights system. It is normally the procedural mechanism through which the Court is seized. It is thus via Article 34 of the Convention that the Court principally interprets and develops the European human rights law and standards enshrined in the Convention.

However, part of the idea of collective enforcement of human rights referred to in the Preamble to the Convention, is the possibility of an inter-State complaint under Article 33. This provision provides that any Convention Party may refer to the Court *any* alleged breach of the Convention rights by another Convention Party.

When handing down the admissibility decision in *Ukraine and the Netherlands v. Russia*<sup>20</sup> in January this year, a case which concerns the events in Eastern Ukraine since 2014 and the downing of Malaysia Airlines flight MH17, the Grand Chamber stressed that:

“when a High Contracting Party refers an alleged breach of the Convention to the Court under Article 33, they are not to be regarded as exercising a right of action for the purpose of enforcing their own rights, but rather as bringing before the Court an alleged violation of the public order of Europe.”

---

<sup>18</sup> *Burmych and Others v. Ukraine* (striking out) [GC], nos. 46852/13 et al, 12 October 2017.

<sup>19</sup> *Yuriy Nikolayevich Ivanov v. Ukraine*, no. 40450/04, 15 October 2009.

<sup>20</sup> *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16, 43800/14 and 28525/20, § 385, 30 November 2022.

Historically the number of inter-State cases has been very low. Before 2007 – that is, before the Russian conflict with Georgia and subsequently Ukraine – there had been a handful of such cases before the Court.<sup>21</sup>

However, since 2007 the Court has received 20 new inter-State cases, the great majority of which concern military conflicts between two States.<sup>22</sup>

Currently there are 14 pending inter-State cases before the Court, covering 18 applications. 13 of the 14 cases relate to ongoing conflicts between States, 6 of these involve the Russian Federation. They also give rise to a very high number of individual applications when conflict related, currently some 10,000. This is an absolute record in the history of Convention system.

The inter-State cases, and the related individual cases, require specific efforts, especially in terms of expertise and resources. They involve complex and sensitive issues of fact and law.

Moreover, an additional complexity of these cases – the majority of which involve Russia as the respondent State – is that following its expulsion from the Council of Europe on 16 March 2022,<sup>23</sup> Russia ceased to cooperate with the Court and the office of the judge in the Court elected on behalf of Russia ceased to exist.<sup>24</sup> Legally the Court has the means to overcome these difficulties (by relying on rules relating to the burden of proof and inferences which may be drawn from a failure of the respondent State to cooperate, as well as by appointing *ad hoc* judges from amongst the sitting judges).<sup>25</sup> The fact remains that such conduct on the part of a respondent State, which remains bound by a duty to cooperate under the Convention and the Rules of Court, renders more difficult the processing and deliberation of these cases.

Organisationally, the Court has responded to this surge in inter-State and conflicts cases by creating a specialised Conflicts Unit to deal with these applications. Priority has been accorded to the cases pending in relation to Crimea, Eastern Ukraine and the 2022 invasion of Ukraine, but the processing of other cases is also advancing.

Certainly, as the Court stressed in its Memorandum for the Reykjavik Summit, resources are important to tackle this high number of inter-State cases. But, yet again, it seems to me that the lasting solution to allow the proper operation of the Convention system is beyond pure questions of organisation and working methods within the Court.

As long as military conflicts, uncertainty, decline in democratic standards and respect for the rule of law and the principles of international law are gaining ground on our continent, it is hard to expect any radical change and the reversal of current trends as regards our case-load generally and

---

<sup>21</sup> *Greece v. the United Kingdom*, nos. 176/56 and 299/57; *Austria v. Italy*, no. 788/60; *Denmark and Others v. Greece*, nos. 3321/67 et al, and 4448/70; *Ireland v. the United Kingdom*, nos. 5451/72 and 5310/71; *Cyprus v Turkey*, nos. 6780/74 and 6950/75, 8007/77 and 25781/94; *France and Others v. Turkey*, nos. 9940/82 et al; and *Denmark v. Turkey*, no. 34382/97.

<sup>22</sup> Russia-Georgia conflict: *Georgia v. Russia (No 1)*, no. 13255/07; *Georgia v Russia (No. 2)*, no. 38263/08; *Georgia v. Russia (No. 3)*, no. 61186/09 and *Georgia v. Russia (No. 4)*, no. 39611/18. Cases related to the Russian invasion in Ukraine: *Ukraine v. Russia (re Crimea)* and *Ukraine v. Russia (No. 7)*, nos. 20958/14 and 38334/18; *Ukraine v. Russia (No. 2)*, no. 43800/14; *Ukraine v. Russia (No. 3)*, no. 49537/14; *Ukraine v. Russia (No. 4)*, no. 42410/15; *Ukraine and the Netherlands v. Russia*, nos. 8019/16, 43800/14 and 28525/20; *Ukraine v. Russia (No. 8)*, no. 55855/18; *Ukraine v. Russia (No. 9)*, no. 10691/21; *Ukraine v. Russia (No. 10)*, no. 11055/22; and *Russia v. Ukraine*, no. 36958/21. The Azerbaijani-Armenian conflict has given rise to the following cases: *Armenia v. Azerbaijan*, no. 42521/20; *Azerbaijan v. Armenia*, no. 47319/20; *Armenia v. Turkey*, no. 43517/20. Only 3 cases were linked to some other issues in relation mostly to property matters. See *Slovenia v. Croatia* (no. 54155/16) and *Liechtenstein v. the Czech Republic* (no. 35738/20). *Latvia v. Denmark* (no. 9717/20) concerned an issue of extradition.

<sup>23</sup> See [Resolution](#) of the European Court of Human Rights on the consequences of the cessation of membership of the Russian Federation to the Council of Europe in light of Article 58 of the European Convention on Human Rights.

<sup>24</sup> See [Resolution](#) of 5 September 2022.

<sup>25</sup> See *Georgia v. Russia (III)* (just satisfaction) [GC], no. 38263/08, §§ 10-11 and 25-27, 28 April 2023.

inter-State cases in particular and, consequently, in the strains which inter-State and conflict cases place on the overall effectiveness of the Convention system.

\*\*\*

This brings me to the third and last part of my intervention today in which I want to touch upon the challenges arising from emerging and novel human rights issues.

These are of course not as worrying and institutionally distressing matters as those just discussed, but they are sensitive in the sense that some of them may test the limits of the Court's evolutive interpretation of the Convention and, in some instances, the institutional legitimacy of the Court to tackle them.

Before I mention some concrete examples, allow me to cite a passage from the Court's recent judgment in *Fedotova and Others v. Russia*<sup>26</sup> (concerning the absence of any form of legal recognition and protection for same-sex couples in the respondent State). Summarising the principles on the evolutive interpretation of the Convention, the Grand Chamber held:

"[T]he Convention is a living instrument which must be interpreted in the light of present-day conditions and of the ideas prevailing in democratic States today ... Since the Convention is first and foremost a system for the protection of human rights, the Court must have regard to the changing conditions in Contracting States and respond, for example, to any evolving convergence as to the standards to be achieved ... As is apparent from the case-law ... a failure by the Court to maintain a dynamic and evolutive approach would risk rendering it a bar to reform or improvement ..."

As noted by the Grand Chamber in *Fedotova*, the principle of evolutive interpretation of the Convention has allowed the Court to ensure the protection of society's underdogs and to develop the principles of human rights law to an extent which is nowadays often taken for granted.

Indeed, looking from today's European perspective, it is difficult to imagine that children would be subject to corporal punishment in school,<sup>27</sup> that the new gender identity of post-operative transgender persons could not be recognised in law<sup>28</sup> or that individuals would not be entitled to conscientious objection to military service.<sup>29</sup> Yet, these are all developments arising from the Court's interpretation of the Convention. They are, at least in part, Convention achievements.

But what role will the living instrument principle play in the Court's tackling of today's emerging human rights themes?

Instead of providing you with a ready and definitive answer to this question – which, I have to admit, I don't have – I would rather want to note two such emerging themes and leave them with you for further reflection. Some of these cases have already reached the Court and are pending before the Grand Chamber, which prevents me from commenting on the legal resolution of the issues arising therein.

---

<sup>26</sup> *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, 17 January 2023.

<sup>27</sup> See *F.O. v. Croatia*, no. 29555/13, §§ 59-60, 22 April 2021.

<sup>28</sup> *Christine Goodwin v. the United Kingdom* [GC], no. 28957/95, ECHR 2002-VI.

<sup>29</sup> *Bayatyan v. Armenia* [GC], no. 23459/03, ECHR 2011.

First – *climate change* cases – a subject to which we will return in our judicial forum tomorrow. While the Court has developed abundant environmental case-law,<sup>30</sup> it has only recently been seized of cases concerning broader issues of climate change. There are three such cases currently pending before the Grand Chamber.

The Grand Chamber case of *Verein Klimaseniorinnen Schweiz and Others v. Switzerland* (application no. 53600/20) concerns a complaint by a Swiss association and its members, a group of older women, concerned about the consequences of global warming on their living conditions and health. The case of *Carême v. France* (application no. 7189/21) concerns a complaint by a former inhabitant and mayor of a French municipality, who submits that France has taken insufficient steps to prevent climate change and that this failure entails a violation of the right to life and the right to respect for private and family life. The case of *Duarte Agostinho and Others v. Portugal and 32 Others* (application no. 39371/20) concerns the complaint of a group of children and young people from Portugal alleging a failure by the 33 Convention Parties and Signatory States to the 2015 Paris Agreement to comply with their commitments in order to limit climate change.

In March this year the Court held a hearing in of *Verein Klimaseniorinnen Schweiz and Others* and in *Carême*. Both of these cases attracted unprecedented legal and media attention. A hearing in *Duarte Agostinho and Others* is planned for September. In these cases, the Court welcomed third party interventions from a variety of UN and civil society bodies but also from 8 Council of Europe States, which intervened in *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*.

Other pending climate applications, including three against multiple member states, have been adjourned pending examination of the Grand Chamber cases.<sup>31</sup>

As I am presiding the Grand Chamber composition in the three pending cases, you will appreciate that I am not able to provide any further comments on them. What I can say, however, is that these are legally complex and challenging cases and, as it transpires from the parties' pleadings at the hearing, the nature and extent of the European Convention's relevance in this context is at the heart of the parties' dispute and the legal issues raised before the Court. The latter cover questions ranging from victim status and exhaustion, to jurisdiction within the meaning of Article 1 of the Convention, or the existence and scope of positive obligations.

The second theme I want to mention concerns the effect of developments in the field of artificial intelligence and new technologies on human rights. The Court has still not dealt with cases concerning, strictly speaking, artificial intelligence. This is perhaps not surprising given the current lack of clarity over what artificial intelligence really is and to what extent it can be used to deal with matters potentially interfering with the Convention rights of individuals. The principle of exhaustion also means that the challenges to the use of algorithms and artificial intelligence which we see emerging before national courts take a few years to arrive in Strasbourg.

However, the Court has had a chance to emphasise the necessity of strict compliance with the requirement of lawfulness and the need to achieve proportionality between the various interests at stake in cases concerning the processing of personal data and otherwise interfering with the private and family lives of individuals,<sup>32</sup> including in case of use of algorithmic mechanisms.<sup>33</sup>

---

<sup>30</sup> See [Guide](#) to the case-law of the European Court of Human Rights – Environment.

<sup>31</sup> [Status of climate applications](#) before the European Court.

<sup>32</sup> See [Guide](#) to the Case-Law of the of the European Court of Human Rights – Data Protection.

<sup>33</sup> See *Big Brother Watch and Others v. the United Kingdom* [GC], nos. 58170/13 and 2 others, 25 May 2021.



I am also pleased to see that in the current European initiatives of regulation of AI technologies – both at Council of Europe<sup>34</sup> and European Union<sup>35</sup> levels – the principles of the Court’s existing case-law are duly taken into account.

\*\*\*

Allow me to conclude my intervention this evening by saying that while the challenges to the European human rights protection system are significant and complex, the Court – its judges and registry staff – will continue with the same investment as ever in defence of democracy, human rights and the rule of law, which underpin the Convention system and on which the community of European States in the Council of Europe is based.

As I said to the Heads of State and Government in Iceland, our resolve and their commitment to these values is needed now more than it has been for many years in the Convention legal space.

I thank you for your attention.

---

<sup>34</sup> See CAHAI [Feasibility study](#) of a legal framework for the development, design and application of artificial intelligence, based on Council of Europe’s standards on human rights, democracy and the rule of law (2020); see also [“Zero Draft”](#) [Framework] Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law public.

<sup>35</sup> See, for instance, [Daft Compromise Amendments](#) on the Draft Report on EU Artificial Intelligence Act, 9/5/2023.