



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

**Opening of the judicial seminar
“Judges preserving democracy
through the protection of human rights”**

Introductory speech by Síofra O’Leary

27 January 2023

Presidents of Constitutional and Supreme Courts,
Distinguished speakers,
Colleagues,
Friends,

Firstly, a very warm welcome to this year’s Judicial Seminar which, after the changed rhythm imposed by the pandemic, has returned to its traditional January slot.

It is a privilege and an honour, as President of the Court, to launch this afternoon’s programme.

Let me express my thanks to this year’s Organising Committee: Judges Ivana Jelić, the Chair, Armen Harutyunyan, María Elósegui, Raffaele Sabato and Saadet Yuksel. A lot of work has gone into the preparation of today’s Seminar, including the Background Paper, and I would like our colleagues to know that their investment is fully appreciated by all today.

Thanks are also due to the Registry team: Patrick Titiun, Rachael Kondak, Valerie Schwartz and Tatiana Kirsanova.

The participation of so many senior judicial figures is extremely encouraging; a sign of your support for the Court and for our common European project when such support is most needed.

I would particularly like to welcome our guests from Ukraine, including President Kniaziev from the Supreme Court.

In December last I was due to participate in an online conference organized by the Supreme Court of Ukraine when our proceedings were stopped due to a bombing raid on Kyiv. Against the odds, courts in Ukraine continue to operate in extremely challenging circumstances.

The conference went ahead last week, further testimony to Ukrainian resilience. During my intervention, I underlined the need for great democratic resilience at national and European level if we wish to effectively defend the values which the Council of Europe and this Court reflect. Our societies know only too well the signs of economic downturn and economic recession but many

voters are less attuned to identifying some of the tell-tale signs of democratic recession – from restrictions on civil society, the corrosive effects of corruption and rule of law backsliding to use of the soft power of the media to counter democratic norms.¹ Between 1975 and 2006, the world witnessed a steady expansion of democracies and accompanying freedoms.

Since that decade we see signs of incipient decline, not just in transitional democracies – of which the Council of Europe is home to many – but also in the functioning and self-confidence of established and previously rich democracies.

The European Convention on Human Rights seeks to safeguard effective political democracy – which constitutes a fundamental element of the “European public order”² – and is the only model of government which the Convention recognises.

The tragic events in Ukraine, the expulsion of Russia from the Council of Europe, the crippling of dissent and civil society in that former Member State and the forces which gave rise to these events, help us to keep sight of what happens when democracies break down and what form that slow or rapid process can take.

That is why the role judges play in safeguarding core civil and political rights, such as the ones our speakers will address this afternoon - freedom of expression, freedom of association and assembly and electoral rights - is crucial. We must play our part – within the limits imposed by our judicial role - in ensuring, in the words of Stanford Professor Larry Diamond, that a democratic recession does not become a democratic depression.

I do not wish to take up any more of your time for these opening remarks as I am as keen as you are to hear our speakers. I now have the pleasure to hand over the floor to my colleague, Judge Jelić, who will introduce the Seminar and the speakers on behalf of the Organising Committee.

I wish you all a very productive and fruitful afternoon of discussions.

¹ See L. Diamond, “Facing Up to the Democratic Recession”, *Journal of Democracy* Volume 26, Number 1 January 2015.

² *Ždanoka v. Latvia* [GC], no. 58278/00, § 98, ECHR 2006-IV.