



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

International Conference

**“UKRAINIAN CONSTITUTIONALISM IN THE 21ST CENTURY: CONSTITUTIONAL
DEVELOPMENT, THE TEST OF WAR, AND THE CHALLENGES OF EUROPEAN
INTEGRATION”**

*On the Occasion of
the 30th Anniversary of the Constitution of Ukraine*

CEREMONIAL SESSION

*The Role and Significance of the Constitution of Ukraine for State-Building and
State Development*

Speech by Mattias Guyomar

26 June 2026, Kyiv (online)

*Dear President Zelenskyy,
Dear Speaker of the Parliament Stefanchuk,
Dear President Petryshyn,
Dear President Kravchenko,
Dear guests,*

It is an honour and a pleasure to address you, on behalf of the European Court of Human Rights, at this event celebrating the 30 years of the Constitution of Ukraine.

Thank you also to our colleague and friend, Judge Mykola Gnatovskyy, who is representing the Court in-person.

The Constitution is 30 years old today.

But the legacy of Ukraine's constitutionalism is much, much older than that.

Back in April, in Kyiv, I saw the monument of Pylyp Orlyk in front of the Supreme Court building.

He is holding a mace – the symbol of military authority.

But also – a quill, and a stack of paper.

The first Ukrainian Constitution, which he wrote in 1710.

One of the oldest in the modern world.

Well ahead of its time in proposing the idea of the separation of powers.

A prototype for the modern Constitution that we honour today.

A mace and a quill.

A weapon and a pen.

To me, this image symbolises the idea of state power bound by law.

It also shows that strong security and strong rule of law are not opposites.

In fact, they go hand in hand.

This is what the Secretary-General, Alain Berset, has called “democratic security” – “security based on democracy and on established and predictable rules.”¹

A democracy in which judicial bodies, by safeguarding the constitutional order and protecting human rights, prevent arbitrariness – the very antithesis of the rule of law – and protect peace.

On the wall behind me, you can see the words of René Cassin:

“There will never be peace on this planet as long as human rights are violated in any part of the world”.

Respect for human rights is strongly anchored in the text of Ukraine’s Constitution, right from the beginning.

Its Article 3 makes “[a]ffirming and ensuring human rights and freedoms (...) the main duty of the State.”

The catalogue of rights and freedoms in the Constitution reflects the Convention.

This is partly because the drafting of the Constitution coincided with the process of Ukraine’s accession to the Council of Europe².

The European Convention inspired this work.

Both instruments have a shared DNA.

On this basis, the Constitutional Court of Ukraine draws on our Court’s case-law extensively in its jurisprudence.

Conversely, judgments of Ukraine’s superior courts, including the Constitutional Court, provide a source of inspiration for our Court.

As Europe’s constitutional court for human rights, the Strasbourg Court steps in, after national remedies have been exhausted, to ensure the effective protection of human rights, in keeping with the principle of subsidiarity.

Reconciling the constitutional identity of the Convention with national constitutional identities.

¹ What democratic security in a rearming Europe? Speech by Alain Berset, Secretary General of the Council of Europe, 24 February 2026.

² Ukraine joined the Council of Europe on 9 November 1995.

One of my predecessors, Court President Jean-Paul Costa, speaking in Kyiv exactly 15 years ago, rightly noted that “Our Court and the national constitutional courts protect rights which are largely the same”.³

This is the nature of our Convention system, based on shared responsibility for interpreting and applying the Convention.

I have experienced this first-hand in my capacity of member, then president, of Section V in which Ukrainian cases are decided, but also as a Single Judge for Ukraine.

In protecting fundamental rights, we are partners.

And we continue to nourish this partnership.

During my recent visit in April – a visit which had a profound effect on me – I greatly appreciated my conversations with Presidents Petryshyn and Kravchenko and their colleagues at the Supreme and Constitutional Courts.

And a very good dialogue with the Presidential administration and government officials.

Facilitated by the Council of Europe Office in Kyiv and Ambassador Janczak.

Last week, a delegation of the Constitutional Court of Ukraine visited Strasbourg.

Such occasions bring us closer together and help us forge our respective roles.

More personally, they also give us an opportunity to express solidarity with Ukraine’s judicial community.

A judicial community that has withstood what today’s event calls ‘the test of war’.

Whose resilience in delivering justice in war-time conditions has been explicitly recognised in our case-law.⁴

Our Court continues to play its crucial role in holding Russia accountable for its gross violations of human rights.

Through inter-State cases and in thousands of individual cases adjudicated each year.

Ensuring accountability, providing a historical record, indemnifying victims, and defending sovereignty.

In complementarity to the other bodies under the Council of Europe umbrella.

In support of Ukraine’s legal sovereignty.

In shared responsibility.

Together with you.

Thank you.

³ The role of the national authorities, especially the courts, and the future of human rights protection in Europe, Jean-Paul Costa, President of the Court, Kyiv, 1 July 2011.

⁴ e.g., *Ryashentseva and Others v. Ukraine* [dec.], 2025; *Borzykh v. Ukraine* [dec.] (2024).