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

Exchange of views with the Committee of Ministers

Speech by Síofra O'Leary

31 October 2023

Monsieur l'ambassadeur Kārkliņš,

Madame la Secrétaire générale du Conseil de l'Europe,

Madame la Secrétaire générale de l'Assemblée parlementaire,

Mesdames et Messieurs les Ambassadeurs,

C'est pour moi un grand plaisir de prendre la parole devant vous aujourd'hui, alors qu'une année vient de s'écouler depuis mon accession à la présidence de la Cour.

Cela nous offre une occasion de revenir sur cette année très éprouvante, mais productive, pour la Cour et pour le Conseil.

J'ai la satisfaction d'être accompagnée par la greffière de la Cour, Marialena Tsirli, et le greffier adjoint, Abel Campos, ainsi que par Stefano Piedimonte Bodini et Rachael Kondak, de mon Cabinet.

***

Lorsque je vous ai adressé en avril, avant le 4e sommet, j'ai exposé les grandes priorités de la Cour pour cette année. Je vais revenir sur ces priorités au cours de mon intervention afin d'expliquer comment, concrètement, nous avons cherché à les mettre en œuvre[1].

Avant de commencer, permettez-moi de remercier tout particulièrement la présidence lettonne du Comité des Ministres – Monsieur l'Ambassadeur Kārkliņš et son équipe – pour l'important travail qu'elle a accompli au cours des cinq derniers mois et, en particulier, après le sommet de Reykjavik.

- accélérer le traitement des affaires au niveau de la Grande Chambre ;
- accroître l'intégration et la consolidation de la stratégie pour le traitement des affaires à impact au niveau des chambres ;
- améliorer la manière dont nous exploitons les outils dont nous disposons actuellement pour le traitement rapide des affaires répétitives ;
- déployer les outils conçus pour le traitement de notre stock d'affaires pendantes russes après l'expulsion de l'État défendeur ;
- accélérer et coordonner les affaires interétatiques pendantes qui concernent, en particulier, la situation en Ukraine, et
- dans la mesure du possible à l'heure actuelle, veiller à ce que la Cour soit prête à une possible adhésion de l'UE à la Convention.

Les présidences irlandaise, islandaise et lettonne ont formé un trio dynamique à l'occasion de ce sommet et nous vous en sommes reconnaissants.

La Lettonie a inclus l'exécution des arrêts de la Cour dans son engagement à renforcer l'état de droit, comme en témoigne votre conférence à Riga en septembre, qui était centrée sur le rôle du pouvoir judiciaire dans l'exécution des arrêts de la Cour. Cette manifestation nous a offert une excellente occasion de traiter, comme il faut, l'exécution des arrêts comme un élément clé du succès du système de la Convention.

Nous apprécions aussi le fait que la présidence lettonne ait continué à mettre en avant la priorité du renforcement de la démocratie et de l'état de droit. Le « backsliding » demeure, malheureusement, un problème crucial en Europe aujourd'hui, comme en témoignent des arrêts récents tels que *Tuleya c. Pologne*, *Oktay Alkan c. Türkiye*, *Lorenzo Bragado et autres c. Espagne* et *Pengezov c. Bulgarie*.[2]

Lorsque des lueurs d'espoir apparaissent quelque part en Europe, des évolutions inquiétantes se font jour ailleurs.

Nous nous réjouissons à la perspective de travailler dur avec le Liechtenstein, qui reprendra la présidence d'ici quelques semaines.

***

I. Statistiques

Passons maintenant à un aperçu de l'activité de la Cour au cours des six derniers mois. Comme à l'accoutumée, je commencerai par quelques statistiques.

Au 1er octobre, le nombre de requêtes pendantes devant la Cour s'établissait à 75 350 (soixante-quinze mille trois cent cinquante).

Ce chiffre représente une augmentation de 5 000 (cinq mille) par rapport au chiffre relevé à la fin de l'année 2021, ce qui en dit long sur l'époque que nous-mêmes et certains États membres traversons[3].

Depuis le début de l'année 2023, la Cour a statué sur près de 25 650 (vingt-cinq mille six cent cinquante) requêtes. Des arrêts ont été rendus pour 3 703 (trois mille sept cent trois) requêtes, dont un pourcentage très élevé ont été tranchées par des comités de trois juges.

Ces données témoignent de notre engagement à mieux exploiter les outils dont nous disposons pour un traitement rapide des affaires répétitives et des affaires pour lesquelles notre jurisprudence est bien établie. Les formations de juge unique ont également statué sur près de 18 450 (dix-huit mille quatre cent cinquante) requêtes.

Les trois quarts environ des requêtes pendantes concernent cinq États ; il s'agit des cinq mêmes États que j'ai mentionnés dans mon discours lors de l'audience solennelle de janvier et devant vous en avril.

---

[2] *Tuleya c. Pologne*, nos 21181/19 et 51751/20, 6 juillet 2023 ; *Oktay Alkan c. Türkiye*, no 24492/21, 20 juin 2023 ; *Lorenzo Bragado et autres c. Espagne*, nos 53193/21 et 5 autres, 22 juin 2023 ; *Pengezov c. Bulgarie*, n° 66292/14, arrêt du 10 octobre 2023, pas encore définitif.

[3] 70 150

Par ordre décroissant nous avons la Türkiye, avec environ 24 100 (vingt-quatre mille cent) requêtes, la Fédération de Russie, avec environ 14 850 (quatorze mille huit cent cinquante) requêtes, suivie de l'Ukraine, avec environ 9 250 (neuf mille deux cent cinquante) requêtes, puis de la Roumanie et de l'Italie, avec respectivement 4 600 (quatre mille six cents) et 3 250 (trois mille deux cent cinquante) requêtes.

Quatre-vingt-cinq pour cent des requêtes prioritaires pendantes, qui sont au nombre d'environ 22 500 (vingt-deux mille cinq cents), proviennent de cinq pays, à savoir la Russie (38 %)[4], la Türkiye (19 %)[5], la Roumanie (13 %)[6], l'Ukraine (8 %)[7] et la Grèce (7%). Dans certains États, les affaires prioritaires, il faut souligner, demeurent des affaires répétitives.

Près de 9 600 (neuf mille six cents) requêtes pendantes concernent des conflits entre deux États (Russie/Ukraine, Arménie/Azerbaïdjan et Géorgie/Russie). Comme je vous l'ai déjà expliqué, ces requêtes sont particulièrement complexes et nécessitent des efforts particuliers, en ce qui concerne le personnel et les ressources qui doivent être dédiés au travail de notre unité des conflits ; ressources qui ne sont donc pas disponibles pour le traitement des autres affaires.

Treize affaires interétatiques sont actuellement pendantes devant la Cour (portant sur dix-sept requêtes). Des audiences dans des affaires interétatiques relatives au conflit en Ukraine sont prévues pour le 13 décembre prochain et pour une date ultérieure au printemps 2024.

Passons maintenant aux demandes de mesures provisoires. Entre le 1er janvier et le 30 septembre 2023, la Cour a reçu au total 2 215 (deux mille deux cent quinze) de ces demandes. Elle a indiqué des mesures provisoires pour 1 234 (mille deux cent trente-quatre) demandes et en a rejeté 284 (deux cent quatre-vingt-quatre). 697 (six cent quatre-vingt-dix-sept) demandes n'ont pas été soumises à une décision judiciaire, soit parce qu'elles étaient incomplètes ou prématurées, soit parce qu'elles sortaient du champ d'application de l'article 39 du règlement de la Cour.

Je dois souligner que le chiffre de 1 234 (mille deux cent trente-quatre) mesures provisoires accordées est inhabituellement élevé. Il peut s'expliquer par la saturation des structures d'hébergement pour les demandeurs d'asile en Belgique et par les décisions rendues par les juridictions belges à cet égard. Après que plus de 1 145 (mille cent soixante-cinq) mesures provisoires ont été initialement indiquées concernant la Belgique, au 30 septembre, seulement 189 (cent quatre-vingt-neuf) mesures provisoires demeuraient en place.

En effet, depuis le mois de mai, nous avons levé environ 1700 (mille sept cents) mesures provisoires qui avaient été indiquées dans des requêtes belges, et nous avons rayé ces requêtes du rôle faute de formulaires de requête dûment remplis.

[4] Dans le cas de la Russie, ces requêtes concernent principalement les conditions de détention et des détentions irrégulières.

[5] Dans le cas de la Türkiye, ces requêtes concernent principalement des détentions irrégulières.

[6] Dans le cas de la Roumanie et de la Grèce, ces requêtes concernent principalement les conditions de détention.

[7] Dans le cas de l'Ukraine, ces requêtes concernent principalement des mauvais traitements et des détentions irrégulières dans la région du Donbass et en Crimée, ainsi que la guerre qui est en cours. Veuillez également noter que l'exécution des arrêts *Ivanov* et *Burmych* (non-exécution de décisions internes) demeure pendante devant le Comité des Ministres.

En juillet, en outre, une chambre de sept juges a rendu un arrêt dans l'affaire *Camara c. Belgique*[8], concluant à une violation de l'article 6 à raison du défaut d'exécution par les autorités belges d'ordonnances judiciaires immédiatement exécutoires qui imposaient à l'État l'obligation de fournir un hébergement et une assistance matérielle. La Cour a relevé que, s'il fallait reconnaître les difficultés auxquelles les autorités belges étaient confrontées, les éléments du dossier révélaient néanmoins l'existence d'un problème systémique dans la capacité des autorités nationales à se conformer à la législation interne (et de l'Union européenne) relative au droit au logement des demandeurs d'asile.

Pour finir, je dirai ici un mot sur la consolidation du traitement des affaires à impact, une autre de nos six priorités. Le 1er octobre 2023, environ 15 550 (quinze mille cinq cent cinquante) requêtes ne concernant pas le « noyau dur » des droits protégés par la Convention ont été classées dans la catégorie IV[9].

Jusqu'ici, cette année, 56 (cinquante-six) requêtes à impact ont abouti à un arrêt, 15 (quinze) ont été déclarées irrecevables ou rayées du rôle et 57 (cinquante-sept) ont été communiquées à vos gouvernements. 291 (deux cent quatre-vingt-onze) requêtes à impact sont toujours pendantes devant la Cour, et 256 d'entre elles ont déjà été communiquées.

Citons quelques exemples d'arrêts récents à impact :

- l'affaire *Basu c. Allemagne*[10] concernait des allégations de profilage racial lors d'un contrôle d'identité;
- l'affaire *Locascia et autres c. Italie*[11] concernait la crise des services de collecte, de traitement et d'élimination des ordures dans la région de Campanie et la pollution causée par une décharge; et
- l'affaire *Koilova et Babulkova c. Bulgarie*[12] concernait l'absence de toute forme de reconnaissance juridique et de protection des couples de même sexe.

Le temps qu'il a fallu pour traiter ces affaires témoigne tant de l'efficacité de la stratégie d'impact que de sa raison d'être.

II. Summit follow-up and case processing following expulsion of a High Contracting Party

Six months ago, during my April intervention, we were on the road to Reykjavik. Then, in June, I was asked to address you, together with the Commissioner and the Secretary General of PACE, regarding how to translate the commitments undertaken at the Summit into concrete legal and operational terms. The Court was very appreciative that you sought our input at that key stage.

Here I would like to outline developments relating to accountability and resources, particularly regarding the continued processing of Russian cases at the Court, which constitutes another priority.

We know the issue of accountability is a priority across the whole organisation. At the beginning of the month you adopted a decision expressing your grave concern about the deterioration of the

[8] *Camara c. Belgique*, no 49255/22, 18 juillet 2023.
[9] Grâce au reclassement de plusieurs groupes volumineux de requêtes dans la catégorie des affaires de comité.
[10] Basu c. Allemagne, n° 215/19, 18 octobre 2022.
[11] *Locascia et autres c. Italie*, n° 35648/10, 19 octobre 2023.
[12] *Koilova et Babulkova c. Bulgarie*, no 40209/20, 5 septembre 2023.

human rights situation in territories of Ukraine temporarily controlled or occupied by the Russian Federation.[13]

There are currently five inter-State cases pending concerning Russia,[14] whose treatment has been prioritised for obvious reasons. The Court also continues to deal with around 14,850 (fourteen thousand eight hundred and fifty) individual applications, down from the almost 17,000 (seventeen thousand) pending when the Russian Federation was expelled in March 2022.

The decrease in numbers is thanks to a concerted effort across the board. Applications which raise legal questions in relation to which the Court's case-law is already well-established are being notified to the parties and processed in a simpler manner using case-processing tools which the Court has developed to deal with cases of this nature.

Between 1st January and 30th September 2023, almost 6,700 (six thousand seven hundred) applications have been communicated, and approximately 3,000 (three thousand) applications have seen the adoption of a judgment or decision thanks to the establishment of three Judge Committees across all five Sections.

Notable cases meriting the attention of 7 Judge Chambers continue to result in important judgments and decisions. For example, in *Pivkina and Others v. Russia (dec.)* the Court defined further the scope of its continued jurisdiction in Russian cases.[15] *Glukhin v. Russia*[16] concerned the use of highly intrusive facial recognition technology in administrative proceedings following the applicant's involvement in a peaceful demonstration. In *Nepomnyashchiy and Others v. Russia*, a Chamber focused on the authorities' failure to comply with the obligation to protect members of the LGBTI community from homophobic statements by State officials.[17]

Whether in relation to inter-State or individual applications, it remains essential, for the effective functioning of the Court, and for the realisation of both the letter and the spirit of the Reykjavik declaration, that the Court be sufficiently and sustainably resourced in order to fulfil effectively its judicial functions.

I express the Court's wholehearted thanks to those who have made or pledged voluntary contributions this year, including Croatia, the Czech Republic, Monaco, Finland, Ireland, Norway, Cyprus, Italy, Portugal, France, Spain, Sweden, the Slovak Republic, the Netherlands, and Bulgaria.

The voluntary contributions received are greatly appreciated and we look forward to the pledges being followed up. They ensure that monthly salaries can continue to be paid. However, as your Governments recognised in Reykjavik, they are not a sustainable means to finance the independent and autonomous judicial branch of the Council of Europe which is the Court.

I know that you are in the final stretches of the budget negotiations, and I thank all those who have backed the Court's calls – and my own dogged insistence since the beginning of the year – in relation to funding.

---

[13] Council of Europe, 'Human rights situation in territories of Ukraine occupied by Russia: Committee of Ministers gravely concerned' (5 October 2023) <https://search.coe.int/directorate_of_communications/Pages/result_details.aspx?ObjectId=0900001680acd01a>.

[15] *Pivkina and Others v. Russia (dec.)*, nos. 2134/23 and 6 others, 6 June 2023.
[16] *Glukhin v. Russia*, no. 11519/20, 4 July 2023.
[17] *Nepomnyashchiy and Others v. Russia*, nos. 39954/09 and 3465/17, 30 May 2023.

In case of doubt, we are not seeking luxury or even comfort; merely the necessary resources to perform effectively and on time our statutory judicial functions.

III. Grand Chamber Activity

Speeding up case-processing at the level of the Grand Chamber was another of our priorities over the last year.

We have delivered several Grand Chamber judgments in the last six months. These include the just satisfaction judgment in *Georgia v. Russia (II)* concluding our processing of this significant inter-State case.

In May we delivered a judgment in *Sanchez v. France*,[18] where no violation of Article 10 was found in circumstances where a politician had been fined by the domestic courts for failing to delete Islamophobic comments by third parties on his open Facebook wall which he had been using for election campaigning.

On 1st June, the Grand Chamber declared inadmissible two separate complaints against the Czech Republic, reiterating the importance of the principle of subsidiarity, the proper exhaustion of effective domestic remedies and the limits to the Court's own jurisdiction. [19]

We also have a number of pending Grand Chamber cases of note on the right to strike of German civil servants,[20] restrictions on freedom of assembly during the pandemic,[21] the presumption of innocence,[22] or the administration of a blood transfusion to a member of the Jehovah's Witnesses.[23] Judgments can be expected shortly in the first two of these cases.

One advisory opinion was delivered in April,[24] the processing time having been reduced to just over 6 months. And another will be delivered before Christmas;[25] again with a reduced processing time compared to earlier requests.

Of course, not all cases attract the same level of media and public attention as the three pending climate cases which I mentioned in my April address. As you know, the third of these cases, *Duarte Agostinho and Others v. Portugal and 32 Other States* was heard on 27th September last, with approximately 700 persons hosted by the Court that day.

[18] *Sanchez v. France* [GC], no. 45581/15, 15 May 2023.
[19] *Fu Quan, s.r.o. v. the Czech Republic* [GC], no. 24827/14, 1 June 2023.; *Grosam v. the Czech Republic* [GC], no. 19750/13, 1 June 2023.
[20] *Humpert and Others v. Germany* (nos. 59433/18, 59477/18, 59481/18 and 59494/18).
[21] *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* (no. 21881/20).
[22] *Nealon v. the United Kingdom* and *Hallam v. the United Kingdom* (nos. 32483/19 and 35049/19).
[23] *Pindo Mulla v. Spain* (no. 15541/20).
[24] *Advisory opinion on the procedural status and rights of a biological parent in proceedings for the adoption of an adult* [GC], request no. P16-2022-001, Supreme Court of Finland, 13 April 2023.
[25] No. P16-2023-001.

Preparing for such numbers and for the coordinated legal work of 33 States was complex and required creativity on many different fronts: legal, administrative, technical, logistical, communications, and in terms of security.

The Court is appreciative of the spirit in which the applicants and respondent States engaged and was pleased to deliver a seamless hearing thanks to the crucial work of the Judges and Registry staff and cooperation with the Council of Europe's security services. These efforts contributed greatly to the judicial work ahead, which will not be easy, in cases as complex as these.

IV. Outreach

Another aspect of my multi-faceted role as President is to conduct outreach through official visits with superior courts and national authorities in the member States. I am pleased to say that the last six months have been very productive in this regard.

We hosted several official visits with members of your national Governments over these past six months, including representatives from Türkiye, Bulgaria, France, Slovenia, Armenia, Hungary and Azerbaijan; and will receive the UK Lord Chancellor this afternoon.

We have also promoted visits from national judicial delegations to Strasbourg hosting, in the last six months, judges or judicial delegations from Azerbaijan, the Czech Republic, Poland, Norway, Spain, Hungary, Slovenia and Sweden.

In June we exchanged with the German Federal Constitutional Court at a bilateral in Karlsruhe and I travelled to the Constitutional Court of Austria at the beginning of October to deliver an address on the occasion of their Constitution Day. Also in October I paid an official visit to Spain, where I delivered two public addresses, and then spoke in Rome, alongside the Presidents of the Italian Constitutional Court and the CJEU. On each occasion I was accompanied by the Judges elected in respect of those States.

On 16th October last a delegation of 20 Judges visited Luxembourg for a bilateral meeting organised around different case-law themes and I have already or will this term participate in trilateral exchanges with the CJEU and EU national constitutional and supreme courts in The Hague and Vienna.

Given the complexity and importance of Europe's multi-level system for the protection of human rights and the European Court of Human Rights' role as the court of last resort in this field, our participation in these meetings is crucial.

I should add, as an aside, that in some of our most recent recruitment processes we are looking not just for competence in national and international law but also knowledge of EU law, with a view to ensuring its correct articulation in cases in which questions arise and in preparation for EU accession to the Convention, if or when that occurs.

Other recent events at the Court have included the Annual Forum of the Superior Courts Network (SCN) which was held in June, and the seminar held on 13th October last to take stock of how Protocol n° 16 is operating five years since its entry into force. The seminar sought, in essence, to "demystify" the new non-contentious procedure, and also to provide a forum for national and European judges to exchange ideas about where the advisory opinion mechanism might be further improved.

We're pleased to have published, just last week, updated guidelines for national courts, approved by the Plenary court, to assist national judges when they consider if, when and how to submit a request for an advisory opinion.

On 12th October the Court also hosted over 40 representatives from NGOs and litigators, at our biannual meeting and on 1st December next we will continue our new tradition of a biannual exchange with national bar associations. Given that, in our case-law, we emphasise the "special role of lawyers, as independent professionals, in the administration of justice",[26] this event constitutes an important date in our calendar as we exchange with lawyers and lawyers' associations which too play a pivotal role in the effective functioning of the Convention system.

We also recognise that the Court does not operate in an institutional vacuum, detached from the other areas of work and activity of the Council of Europe. As such, we continue to attach great importance to the maintenance of permanent and dynamic relations between the Court and the various bodies of the Council of Europe.

On 25th April I addressed PACE, emphasising the Court's commitment to subsidiarity and the role for national parliaments in upholding human rights in accordance with this key principle.

I would like to take the opportunity today to thank the outgoing President, Tiny Kox, for his commitment to multi-lateralism and for his steadfast support for the Court and its work.

In June, I participated in an exchange of views with GRECO, and one of the two Vice-Presidents, Marko Bošnjak, represented the Court in an exchange of views with ECRI.

Finally, next week I will participate in an exchange of views with the CPT, accompanied by two Judges of the Court who happen to have been CPT Presidents in the past, and in November I will have the pleasure of meeting with members of the GEC.

V. Situation of Judges Post-Mandate and Judicial Ethics

I would now like to mention two issues concerning Judges: first, the situation of Judges post-mandate and, second, the question of judicial independence and impartiality.

The post-mandate situation of Judges remains a matter of concern for the Court and should be a priority for the Council of Europe. We see it is a key factor which dissuades potential candidates from

[26] See *Morice v. France* [GC], no. 29369/10, § 133, 23 April 2015.

applying for judicial positions at the Court, as they are unwilling to submit to the risk of no suitable point of re-entry into their national system, or worse.

The Court's Status Committee continues to work on this question and we have been liaising with the CDDH's sub-group which is instructed to prepare a report evaluating the effectiveness of the system for the selection and election of the Court's judges, the means to ensure due recognition for judges' status and service on the Court, and providing additional safeguards to preserve their independence and impartiality.

A key element of the post-mandate situation of Judges is ensuring recognition of service on the Court. This includes both the ability for Judges to secure suitable employment post-mandate, commensurate with their acquired experience, and to have their service on the Court recognised for employment and pension purposes.

The reality of a Court docket with 75, 000 plus cases pending is that the workload of a Judge is such that few members of the Court now end their mandate at the age of retirement. Most Judges remain, or wish to remain, professionally active after their 9-year term ends.

It is vital that the Committee of Ministers promotes more robust and complete recognition of service as a Judge at the Court, as this is important for both the attractiveness of the post and for judicial independence. Safeguarding our Judges' professional and material situations upon return ensures that Judges are not dependent on the goodwill of their national authorities.[27] This must be a priority for us all.

It cannot be said often enough: the quality of the Court and its case-law depends on the quality of the independent and impartial Judges elected to perform that role. It is therefore critical that the situation of Judges post-mandate does not detract from the Court's ability to attract the highest quality judicial candidates.

As regards judicial ethics, I stress that adherence to ethical standards remains of key importance to the Court and is a matter which we take very seriously. Pursuant to the Court's Resolution on Judicial Ethics, which was updated in June 2021, I report annually to the Plenary court on the application of these ethical principles, which include, but are not limited to, integrity, independence, impartiality, diligence, and the discretion of all judicial office-holders.

Aware that justice not only must be done but must also be seen to be done, we have just launched a consultation with your Governments and other stakeholders on a new draft Rule 28, which deals with the issue of recusal.

This draft rule seeks to clarify and consolidate the existing grounds for recusal and the procedure followed in relation to the same.

[27] See CDDH, "Draft report on issues relating to judges of the European Court of Human Rights" (DH-SYSC JC(2023)01REV3 22/09/2023), <https://rm.coe.int/draft-report-on-issues-relating-to-judges-of-the-european-court-of-hum/1680aca835>.

Once the consultation is complete, and depending on if and when further changes may be needed, my intention will be to issue a Practice Direction on how recusal operates.

Unsubstantiated attacks on the alleged lack of independence and impartiality of the Court and individual Judges warrant clear communication of facts, rules and processes; allowing us in our judgments and decisions and you generally to dispel misinformation and even fiction.

It is important that I stress that the new draft rule is proposed not to fill a vacuum – the recusal rules were already in place and operating – but to better communicate how we safeguard the independence and impartiality of the Court.

VI. Other Procedural Reforms

As regards other procedural reforms, I have stressed publicly that the Court strives to improve and fine-tune its working methods. It amends the Rules of Court and issues updated Practice Directions for the benefit of all parties if and when the need arises. The last six months have been no different.

Work is underway to present half yearly statistics in a different manner with a view to providing the public with more detailed information on the nature of the requests for interim measures processed by the Court.

A new version of the Rules of Court was published on our website yesterday. It incorporates a new Rule 44 F on the treatment of highly sensitive documents in relation to which the Court engaged in two extensive rounds of consultation with your Governments and other stakeholders.

I do not wish to pre-empt other ongoing Plenary work on Rule 39, which is well-advanced, and on which I hope the Court will communicate in the coming weeks.

To conclude on this point, let me reassure you that my colleagues and I are healthily self-critical; a state of mind essential to ongoing case-management reflection and reform. To this end, the Court is and will remain mindful of constructive comments designed to better its functioning.

However, it is important we be aware of the distinction between, on the one hand, justified criticism seeking to bolster the independence and authority of the Court and, on the other, unjustified attacks at the highest political level in certain member States, whose ultimate purpose or effect may be to sap public confidence in the Convention and its Judges.

Since respect for the Rule of Law is premised on respect for an independent and autonomous judiciary, such attacks are unacceptable and should be condemned in the strongest terms.

Adhering to the values of our organisation: respect for human rights, the rule of law and democracy, even in the darkest hours, helps to sustain the humanity of our societies and the dignity of its members.

These values should not be shrugged off, least of all for political gain. As you head into an electoral year at EU and, in some cases, national level, please do not make of the Convention and the Court a political football.

We live in a time of contagion and increasing fear. We hesitate to turn on our TVs in the evening and flinch at the images when we do. Short-term political gain will be just that, short-lived, and may come at a high price in the *only* region in the world which benefits from this extraordinary collective system for the enforcement of individual rights which both you and I serve.

***

Dear Ambassadors,

When we met in April, I concluded by summarising key challenges facing the Convention system and those challenges remain with us today: democratic and rule of law backsliding; ground-breaking climate change litigation; the increased polarisation and democratic erosion of our societies which the cost-of-living crisis is only likely to exacerbate and, critically, a war on European soil.

To that we can now add brutal conflict in the Middle East and a possible return to the wave of terrorist attacks which we experienced in Europe pre-pandemic.

One difference between then and now, is that we have the Reykjavik Declaration, including your States recommitment to the Convention system, as a guiding framework to meet these challenges while remaining united around our common European values.

I sincerely thank you for your attention and will answer your questions and queries to the best of my ability.