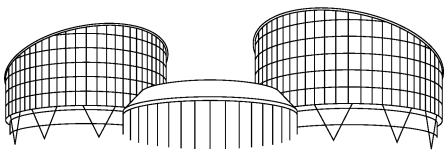

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

XV Warsaw Human Rights Seminar:

"The role of the European Convention on Human Rights and the European Court of Human Rights in strengthening democratic institutions"

Speech by Marko Bošnjak

Warsaw, 10 December 2024

Minister Sikorski,
Ladies and Gentlemen,

It really is a great honour for me, as President of the European Court of Human Rights, to be here in Warsaw opening the 15th edition of your prestigious Human Rights Seminar.

I would like to start by thanking the Polish authorities, and in particular Minister Sikorski, for the invitation to pay an official visit to Poland, and for the extremely warm and hospitable welcome extended to myself, Judge Wojtyczek and my delegation from Strasbourg.

What is more, we are here together in Warsaw on 10 December, Human Rights Day. Today we commemorate the anniversary of one of the world's most groundbreaking pledges: the Universal Declaration of Human Rights. We celebrate and reinforce the achievements of our global human rights architecture, of which the European Convention on Human Rights is a cornerstone. That is something of which we Europeans should be proud.

Indeed, Poland should be proud of its peaceful transition back to democracy in 1989 through a movement inspired by the respect of human rights and dignity.

This Human Rights Seminar is set in the context of two important anniversaries. The 75th anniversary of the founding of the Council of Europe and the 65th anniversary of the European Court of Human Rights. Next year we will also celebrate a key event in our collective calendar. 2025 marks 75 years since the signing of the European Convention on Human Rights in Rome.

As we know the European Convention contained a detailed elaboration of the rights contained in the Universal Declaration. It also contains in its Preamble a reaffirmation of the Parties' "*profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights upon they depend*".

The signatories to the European Convention expressed their commitment to a common heritage of European values: democracy, respect for rights and freedoms and the rule of law. Further recognition and development of rights and freedoms over the last 75 years has also helped to achieve greater unity among the Council of Europe member States.

The importance of the European Convention on Human Rights and the Court's jurisprudence was underlined by the Court's President from 1985 to 1998, Rolv Ryssdal, who noted that the Convention had become "*the single most important legal and political common denominator of the States of the continent of Europe in the widest geographical sense.. a constitutional law for all Europe in the field of human rights protection*".[1]

I believe that that statement is still true today.

This morning I will look at the role played by the European Convention and the European Court of Human Rights in strengthening democratic institutions.

Through its protection of key civic and political rights the Convention plays a vital role in ensuring that the elements we need for a peaceful society - democracy, tolerance broadmindedness and pluralism - are in place. This is what we call "democratic security".

Of course, I utter the word "peace" here in the context of Russia's ongoing war in Ukraine. A war whose consequences are felt primarily by the Ukrainian people. But also, in immediate, direct and concrete ways in Poland –which has opened its doors to approximately one million Ukrainian refugees. Yet as the war casts its shadow over the whole of Europe, one may ask whether democracy has failed in its mission to maintain peace.

While that is perhaps a question which goes beyond the scope of today's seminar, the Member States cannot and must not lose sight of the Convention's spirit. As the only political model envisaged by the Convention, democracy needs to be strengthened as a riposte to efforts we have witnessed to dismantle democracy. Concrete examples of democratic backsliding include the adoption of measures to undermine the judiciary, silence the press, stifle political pluralism, dispense with institutional checks and balances, to the elimination of political competition or the turning of a blind eye to corruption.

In May last year, European leaders used the historic 4th Summit to agree a set of Reykjavik Principles for Democracy, to measure and ensure the long-term health of European democratic systems. This was needed to combat democratic backsliding, external threats as well as new challenges.

Your four thematic panels today address core elements of a functioning democracy: an independent judiciary; a healthy parliamentary system which scrutinises and holds to account the acts of the executive; an active civil society functioning as a watchdog, and an overall societal environment which permits and enables all citizens to access information through various media channels and to express their opinions freely through words and actions.

I am pleased to see representatives from all parts of the Council of Europe participating in your Seminar: from the President of the Venice Commission to an official from the Department of the Execution of Judgments, to the Conference of International NGOs. The Council of Europe, with its judicial branch, the Court, works together to provide Member States with key standards and assistance to reach those standards. The European Court of Human Rights very much sees itself working within the Council of Europe's human rights protection architecture - hand in hand with other monitoring and advisory bodies.

[1] R. Ryssdal, 'The coming of Age of the ECHR', 1 (1996) EHRLR 18 at 18.

Unfortunately, I will not have time this morning to address the four key components of democratic security that you will focus on during your Seminar. Nevertheless, let me touch upon the first topic of the first panel: the role of an independent judiciary as a key component of a democratic system. For the second half of my intervention, I would like to address a new challenge to democratic security which is that posed by digital technologies.

I. An independent and impartial judiciary

Turning, first, to the role of an independent judiciary as a key component of a democratic system, the question I would like to explore is the following:

How has the Court's interpretation of the European Convention on Human Rights, especially in the last decade, assisted in maintaining a strong and independent domestic judiciary?

As I am sure you will agree, a justice system that is independent, fair, and efficient is crucial for upholding the rule of law and ensuring that basic rights and freedoms are protected. This system also fosters public trust in both the judiciary and broader democratic institutions. Ultimately, the judiciary plays a key role in maintaining the rule of law, ensuring that laws are applied impartially and fairly, and thus ensuring justice and democratic governance.

Over recent decades, the role of the national judiciary has evolved. The number of cases brought to the courts and the number of legislative acts the courts must apply have increased dramatically. There has also been an increasing number of challenges to legislative powers and actions brought before domestic courts. Ruling on issues of political, social and economic importance can lead to tensions between the judicial, legislative and executive branches of power. Here I would cite our Grand Chamber in the recent climate change judgment of *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*[2] where we set out the following:

"Judicial intervention, including by this Court, cannot replace or provide any substitute for the action which must be taken by the legislative and executive branches of government. However, democracy cannot be reduced to the will of the majority of the electorate and elected representatives, in disregard of the requirements of the rule of law. The remit of domestic courts and the Court is therefore complementary to those democratic processes. The task of the judiciary is to ensure the necessary oversight of compliance with legal requirements."

As a result of these tensions, we have witnessed a marked increase in cases brought before our Court concerning the independence and impartiality of judges. In particular, we have seen applications brought against Bulgaria, Ukraine, Hungary, Slovakia, Iceland, Türkiye, Croatia, Romania, as well as Poland. One cannot honestly say that this is an issue which has just affected one State nor just one government.

Thorough examination of these applications our Court has developed case-law relating to the recruitment and appointment of judges,[3] career/promotion,[4] transfer,[5] suspension,[6] disciplinary proceedings,[7] reduction in salary following conviction for a serious disciplinary offence[8], retirement

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[3] *Juričić v. Croatia*, no. 58222/09, 26 July 2011.

[4] *Dzhidzheva-Trendafilova v. Bulgaria* (dec.), no. 12628/09, 9 October 2012, and *Tsanova-Gecheva v. Bulgaria*, no. 43800/12, §§ 85-87, 15 September 2015.

[5] *Tosti v. Italy* (dec.), no. 27791/06, 12 May 2009.

[6] *Paluda v. Slovakia*, no. 33392/12, §§ 33-34, 23 May 2017, and *Camelia Bogdan v. Romania*, no. 36889/18, § 70, 20 October 2020.

[7] *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 120, 6 November 2018; *Di Giovanni v. Italy*, no. 51160/06, §§ 36-37, 9 July 2013; and *Eminağaoğlu v. Turkey*, no. 76521/12, § 80, 9 March 2021. As regards dismissal see *Oleksandr Volkov v. Ukraine*, no. 21722/11, §§ 91 and 96, ECHR 2013; *Kulykov and Others v. Ukraine*, nos. 5114/09 and 17 others, §§ 118 and 132, 19 January 2017; *Sturua v. Georgia*, no. 45729/05, § 27, 28 March 2017; *Kamenos v. Cyprus*, no. 147/07, §§ 82-88, 31 October 2017; and *Olujić v. Croatia*, no. 22330/05, §§ 31-43, 5 February 2009.

[8] *Harabin v. Slovakia*, no. 58688/11, §§ 118-23, 20 November 2012.

and removal from post while formally remaining a judge.[9] In short, Strasbourg case-law provides robust protection for national judges throughout their tenure from the moment of their appointment to when they retire from the bench.

We have had some seminal cases in this regard: *Oleksandr Volkov v. Ukraine*[10] from 2013, *Baka v. Hungary*[11] case from 2016; *Guðmundur Andri Ástráðsson v. Iceland*[12] from 2020, and *Bilgen v. Turkey*[13]. I will come to the Polish cases in just a minute.

These cases demonstrate that the Court is no longer assessing judicial independence solely from the fair trial perspective of the rights of persons involved in court proceedings but also from that of judges as litigants themselves and with an eye to protecting personal and institutional independence. In *Bilgen v. Turkiye*, the Court concluded:

"*Given the prominent place that the judiciary occupies among State organs in a democratic society and the growing importance attached to the separation of powers and to the necessity of safeguarding the independence of the judiciary [...], the Court must be particularly attentive to the protection of members of the judiciary against measures affecting their status or career that can threaten their judicial independence and autonomy."*[14]

The Court's judgment in this case, and all of those that I have just outlined, once fully implemented by the member States in question, serve as a safeguard, ensuring that judges can perform their duties without fear of retaliation or political interference.

Let me now turn to the cases against Poland. There are currently 768 pending applications against Poland concerning the reorganisation of the Polish Judicial system, a phenomenon some labelled as "the Polish judicial reform," among the 1,700 total pending applications against Poland. Indeed, Poland appears in 8th place in our table of countries with the highest number of applications.[15]

The issues raised so far by past or pending applications cover i.a. the following situations:

- irregularity in the election of a judge of the Constitutional Court;[16]
- procedures for appointing and promoting judges of the Supreme Court involving recommendation by the National Council of the Judiciary recomposed in 2018;[17]
- lack of judicial review in the procedure for appointment and promoting judges involving a decision of the Polish President;[18]

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[9] *Baka v. Hungary* [GC], no. 20261/12, 23 June 2016, §§ 34 and 107-11; *Denisov v. Ukraine* [GC], no. 76639/11, § 54, 25 September 2018; and *Broda and Bojara v. Poland* (nos. 26691/18 and 27367/18, §§ 121-23, 29 June 2021), and *Gumenyuk and Others v. Ukraine*, no. 11423/19, §§ 61 and 65-67, 22 July 2021. See, for an overview, K. Šimáčková, "Protection of the rule of law and judicial independence through the protection of the rights of judges before the European Court of Human Rights", "EUnited in diversity, II, The Hague, August 2023, forthcoming.

[10] *Oleksandr Volkov v. Ukraine*, no. 21722/11, § ..., ECHR 2013

[11] *Baka v. Hungary* [GC], no. 20261/12, § ..., 23 June 2016

[12] *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, § ..., 1 December 2020

[13] *Bilgen v. Turkey*, no. 1571/07, § ..., 9 March 2021

[14] *Bilgen v. Türkiye*, cited above, § 58.

[15] As of 1 November in decreasing order: Türquie, Ukraine, Russia, Romania, Greece, Italy, Azerbaijan, Poland, the Republic of Moldova and Slovenia.

[16] *Xero Flor w Polsce sp. z o.o. v. Poland* (no. 4907/18), judgment of 07.05.2021, now final (no request for referral to the Grand Chamber made). See decision by the Committee of Ministers CM/Del/Dec(2022)1451/H46-24 in December 2022 calling for the Polish Government to implement this judgment. See also interim resolution of June 2023.

[17] - at the Supreme Court:
Reczkowicz v. Poland (no. 43447/19), judgment of 22.07.2021, final (request for referral to the Grand Chamber withdrawn), concerning the disciplinary Chamber of the Supreme Court, in December 2022 the Committee of Ministers called for the Polish Government to implement the "Reczkowicz group" of judgments, see CM/Notes/1451/H46-25; see also interim resolution of June 2023 ;
Dolińska-Ficek and Ozimek v. Poland (nos. 49868/19 and 57511/19), judgment of 08.11.2021 concenring Chamber of Extraordinary Review and Public Affairs of the Supreme Court ; and
Advance Pharma Sp. z o.o v. Poland (no. 1469/20), judgment of 03.02.2022 concerinig Civil Chamber of the Supreme Court .
- at the ordinary courts:
Brodowiak and Dżus v. Poland (nos. 28122/20 and 48599/20) communicated and procedure pending; this group of cases has been **adjourned** following the pilot judgment *Wałęsa v. Poland*

- the premature termination of the mandate of members of the previous National Council of the Judiciary;[19]
- dismissal of the vice-presidents of a court by the Minister of Justice and lack of judicial review;[20]
- lowering of the retirement age for ordinary court judges;[21]
- measures allegedly targeting judges who have criticised the reform of the Polish judiciary;[22]
- the operation of an extraordinary appeal in Poland;[23] and
- decisions to lift the immunity of prosecutors.[24]

Moreover, in August 2024 the Court communicated a group of 29 cases concerning the alleged lack of independence and impartiality of judges seconded to ordinary courts by the then Minister of Justice.[25]

Let me also add here a word about our interim measures in Polish independence of judiciary cases. In 2022, the Court received a total of 58 such requests from Polish judges and 3 from prosecutors being targeted by disciplinary proceedings, proceeding for lifting of immunity or by other measures they considered to be retaliatory. While the situation was novel for the Court, as the requests did not necessarily fit into the standard practice, the First Section of the Court nevertheless considered that proceedings the magistrates were facing represented immediate risk of irreparable harm for independence of the judiciary. In total 24 requests were granted or partially granted. All interim measures were in the end implemented. I was proud to see that the Court effectively shouldered its part of responsibility when it truly mattered.

The landmark *Wałęsa v. Poland*[26] case from 2023 concerned a defamation judgment which had been overturned a decade after it was finalized, due to an extraordinary appeal initiated by the Prosecutor General. The Court found this process to be an abuse of legal procedure, and violations of Articles 6 and 8 of the Convention were found. The Court's judgment highlighted the risks posed by extraordinary appeals, which had destabilised the Polish legal order and undermined judicial independence.

The *Wałęsa* judgment was pivotal as it applied the Court's pilot judgment procedure, which is designed to address widespread systemic issues. As such, the Court addressed the systemic issues in Poland's judicial system and indicated general measures (§ 329) and found that that the resolution of the disclosed systemic situation required a rapid action which should include taking appropriate legislative and other measures (§ 335). The judgment not only highlighted the violations but also called for significant reforms to restore judicial independence and uphold the rule of law in Poland. Pending the adoption of general measures at domestic level, the *Wałęsa* pilot judgment decided that similar cases which had not yet been notified to the Government should be adjourned for 1 year

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[18] *Sobczynska and Others v. Poland* (nos. 62765/14, 62769/14, 62772/14, and 11708/18)

[19] *Grzęda v. Poland* (application no. 43572/18), judgment of the Grand Chamber of 15.03.2022.
Żurek v. Poland (no. 39650/18) judgment of 16.06.2022

[20] *Broda and Bojara v. Poland* (nos. 26691/18 and 27367/18), judgment of 29.06.2021

[21] change in the law with the result that judges have to retire earlier than previously expected and lack of judicial review: *Pajgk v. Poland* and two other applications (nos. 25226/18, 25805/18, and 8378/19) judgment of 24.10.2023

[22] in particular disciplinary proceedings against judges (including lifting of the immunity of judges):
Tuleya v. Poland (nos. 21181/19 and 51751/20) judgment of 06.07.2023
Juszczyszyn v. Poland (no. 35599/20), judgment of 06.10.2022

[23] discloses a systemic dysfunction justifying application of the Court's pilot-judgment procedure *Wałęsa v. Poland* (no. 50849/21), judgment of 23.11.2023

[24] *Pionka v. Poland* (no. 26004/20); and other cases, communicated and pending.
[25] no. 56930/21 Paweł Bandurski v. Poland);
[26] *Wałęsa v. Poland*, no. 50849/21, § ..., 23 November 2023

as from the date of the delivery of the judgment (§ 335). That decision was supplemented in December 2023 by the Chamber of our Court which applied this extension to other 52 communicated cases concerning allegedly defective judicial appointments to the ordinary courts, as belonging to the same systemic problem.

Let me interject here that the Polish government has given assurances to the Court and the Committee of Ministers that it would make determined and concerted efforts to implement these judgments including the pilot judgment. I expressly thank them for their cooperative approach. This is so important not just for Poland, but also for the Convention system in general. Effective and rapid execution of our Court judgments is central to the success of that system.

As you are aware, on 12 November this year the Chamber decided to extend the adjournment of the cases for another year, until 23 November 2025, to give necessary time to the Polish Government to take effective and comprehensive action.[27]

What principles can we draw from the case-law so far? Firstly, the Court stressed that the Contracting Parties' obligation to ensure judicial independence is crucially important for the Convention system itself. Our Convention system is based on the principle of subsidiarity. It is for national authorities, and in the first instance, national courts, to apply the European Convention. For the Strasbourg Court to have confidence that this is being done, you need independent judges at the domestic level. Secondly, the general principle that all Contracting Parties must abide by rule of law standards and respect their obligations under international law, including those voluntarily undertaken when they ratified the Convention, is brought into focus by these cases.

Domestic law, including national constitutions, cannot be invoked as justification for failure to respect those obligations. Finally, these judgments, in which the Court referred extensively to the parallel rule of law jurisprudence of the Court of Justice of the European Union reflect further the synergy between the two European courts in defence of judicial independence and the values which underpin the Convention.

I will not comment any further on these Polish rule of law cases, as I believe that the ball is now in the hands of the Polish authorities and this strays into a political, rather than a legal, conversation and one which will be pursued with the Committee of Ministers.

However, I may observe that our role – casting light on violations of the Conventions- seems easier than the task of the Polish authorities to remedy the situation and address the shortcomings. I have no doubt that you will succeed in finding the right solutions to this complex situation.

II. New challenges to democracy posed by digital technology

Let me now move to the second point I wish to touch upon: digital technology and its impact on democracy. This is a cross-cutting issue which I am sure will be raised in your discussions on free elections and the functioning of political parties in Panel II; the participation of civil society in Panel III and the rapid dissemination of disinformation particularly in the era of social media in Panel IV.

The Council of Europe, through the work of its various bodies[28] and latterly the Committee on Artificial Intelligence (CAI), has long concerned itself with the problems confronting society as a result of advances in information and digital technologies, and in particular algorithmic and artificial intelligence (AI) systems.

[27] see press release (pending adoption of general measures following the Wałęsa v. Poland pilot-judgment).

[28] See for example the Council of Europe European Commission for the efficiency of justice (CEPEJ): CEPEJ European Ethical Charter on the use of artificial intelligence (AI) in judicial systems and their environment and its working group on cyberjustice.

The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law is the first-ever international legally binding treaty in this field which requires each Party to ensure that activities within the lifecycle of AI systems are fully consistent with human rights, democracy and the rule of law. The Framework Convention on AI was adopted on 17 May 2024 by the Committee of Ministers of the Council of Europe in Strasbourg and opened for signatures on 5 September 2024, on the occasion of the Conference of Ministers of Justice in Vilnius (Lithuania). On that day, ten Parties signed the Framework Convention, including the European Union and the United States of America.

The drafters wished to emphasise that artificial intelligence systems offer unprecedented opportunities to protect and promote human rights, democracy and the rule of law. At the same time, they also wished to acknowledge that there are serious risks and perils arising from certain activities within the lifecycle of artificial intelligence, which can also undermine democratic processes.

As of now, the Court has not had many opportunities to address the impact of new technology and AI for the protection of the rights and freedoms enshrined in the Convention. Nevertheless, it is important that we as Judges and lawyers familiarise ourselves with the concepts. This is why we have chosen the theme of "*Protecting human rights in a world of Artificial Intelligence, algorithms and big data"* for our Annual Judicial Seminar which precedes the opening of our judicial year on 31st January next year.

Let me highlight a few key cases from recent years which could be of interest to your Panel discussions.

My first example can be seen in the context of political expression during an election campaign.

Sanchez v. France, from 2023, concerned the criminal conviction of a politician for xenophobic remarks posted by third persons on the "wall" of his personal Facebook account during an election campaign. The Court addressed, for the first time, the question of the liability of users of social networks on account of comments by third parties. The Court approached the case in the light of "duties and responsibilities" attributable to politicians when they decided to use social networks for political purposes, in particular for an election campaign, by opening fora that were accessible to the public on the Internet in order to receive their reactions and comments (§ 180). The Court pointed out that the applicant had used his Facebook account in his capacity as a politician and for political purposes, during an election campaign to which the impugned comments were directly related (§ 189). He had furthermore been free to decide whether or not to make access to the "wall" of his Facebook account public. Whilst he could not be reproached for that decision itself, in view of the local and election-related tension at that time, that option had clearly been not without potentially serious consequences, as the applicant must have been aware in the circumstances (§ 193). Noting that the applicant had not taken timely steps to review the posted comments and delete those that had been clearly unlawful, and that the domestic courts had given reasoned decisions based on the reasonable assessment of the facts (§ 199), the Court concluded that Article 10 had not been violated in that case (§§ 209-10).

Other issues which we may well see in future applications could concern the dissemination of disinformation and misinformation by malicious actors seeking to influence election results and undermine trust in democracy.

Regarding the participation of citizens in the functioning of democracy, Article 11 and the right to assembly is key. A related case, although dealing with complaints under Articles 8, 10 and 11, was delivered last year. *Glukhin v. Russia* concerned the use by the police of facial recognition technology to track down a participant in a peaceful protest. The applicant mounted a peaceful solo demonstration in the Moscow underground without prior notification. The police identified him from the photographs and the video published on social media and subsequently locate and arrest him while he was travelling on the underground (§ 86). The Court found that the monitoring of the actions or movements of an individual in a public place using surveillance mechanisms may fall within the scope of Article 8 once any systemic or permanent record of such personal data comes into existence (§ 66). The Court further underlined that personal data revealing political opinions should attract a heightened level of protection (§§ 76 and 86). In the context of implementing facial recognition technology, the Court affirmed that it was essential to have detailed rules governing the scope and application of measures, as well as strong safeguards against the risk of abuse and arbitrariness. The need for safeguards was all the greater where the use of live facial recognition technology was concerned (§ 82). In the circumstances of the case, the Court found a violation of Article 8.

Finally, and here I will end this second section of my intervention, the Grand Chamber will be hearing an interesting case next week on the freedom of expression of a judge on a social media platform. *Danileț v. Romania* concerns a disciplinary sanction imposed on a judge by the Romanian National Judicial and Legal Service Commission for posting two messages on his Facebook account. A Chamber of seven judges (by majority) had found that the Romanian government had violated his Article 10 rights and we will see what the Grand Chamber will decide in due course.

III. Conclusion

Let me now tie up some of the threads of my intervention.

This morning I have concentrated in the first half of my presentation on the courts as 'core' democratic institutions, however, there are many others one might think of, such as parliaments, and indeed public administration. Moreover, and thinking more broadly, I could cite the work of electoral commissions which make sure that there is no gerrymandering in elections; trade unions who safeguard the interests of workers; associations defending the public interest including human rights organisations and monitoring bodies; ombudsmen and other good governance organs and of course attorneys, journalists and a free press. All these bodies could also be classed as democratic institutions. Over the last decades the Court has dealt with hundreds, if not thousands, of cases dealing with these democratic bodies and in this way has built up a rich and varied jurisprudence which also serves to bolster democratic security in the Council of Europe member States.

Furthermore, regarding digital democracy, we see that there are many advantages to reaching out to society through digital means, especially to the younger generations. However, safeguards on social media channels are often more difficult to put in place than on traditional regulated broadcasters. We see this in particular in relation to hate speech on the internet and a flood of disinformation which can have serious implications on election results– how do we regulate it?

The digital age will have a very profound effect on democracy. We must be ready to respond to preserve this model of political democracy over attempts to put in place autocracies.

Finally, let me refer again to the Reykjavik Declaration of Heads of State and Government from May last year. There the member States of the Council of Europe reiterated "*the extraordinary contribution of the system established by the European Convention on Human Rights to the protection and promotion of human rights and the rule of law in Europe, as well as its central role in the maintenance and promotion of democratic security and peace throughout the continent*."

Yet, it is important to reemphasise that the machinery of protection established by the European Convention on Human Rights is a joint venture. While the Court's role is to supervise, as a matter of last resort, the implementation by Contracting States of their obligations under the Convention, the primary responsibility for ensuring that the fundamental rights and freedoms enshrined in the Convention are respected and protected at domestic level lies with the Polish authorities and therefore with the Polish courts. This is a further reason why an independent and impartial national judiciary is crucial, not just for Polish rule of law, but also for European rule of law.

In Strasbourg, we have our role to play in strengthening democratic institutions. But you have your role to play in Warsaw and beyond in your beautiful country.

As we lead into 2025 and the 75th anniversary celebrations let us remember that the observance of human rights provides stability, security and (a measure of) peace to our continent. I wish us all every success in this important mission.

Dziękuję bardzo.