



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

75 years of implementation of the European Convention on Human Rights in Europe and 30 years of implementation in Ukraine

Online address for Supreme Court of Ukraine

Speech by Mattias Guyomar

19 December 2025

President of the Supreme Court [Stanislav Kravchenko]

Acting President of the Constitutional Court [Oleksandr Petryshyn]

Chairman of the High Council of Justice [Grigoriy Usyk]

Judges of the Supreme Court, the Constitutional Court, and Appeal Courts

Excellencies, fellow speakers,

Dear Friends,

I

It is a pleasure and a privilege for me to address you today. I regret that I cannot be with you in person, but I am very grateful for your invitation to speak.

At the outset, allow me to express my solidarity with you and your close ones as your country continues to defend itself against Russia's attacks and faces another difficult winter.

Let me thank Judge Gnatovskyy, *dear Mykola*, for representing the Court at this conference. As the judge elected in respect of Ukraine, your experience, your expertise and your dedication make you a natural bridge between our Court and Ukraine's judicial community. Thank you for being there.

II

Today's event is particularly timely. Several weeks ago, on 4 November, we marked the anniversary of 75 years of the European Convention of Human Rights at a solemn ceremony held at the Court.

It was an opportunity to reflect on the origins of this unique system for the protection of human rights, established as a response to the devastation of war and to every kind of totalitarianism.

From 12, the Convention expanded to 47 States – now 46, following Russia's expulsion – to become the most advanced and effective international mechanism for enforcing human rights in the world.

III

Today's event taking stock of the 30 years of implementation of the Convention in Ukraine is also particularly relevant.

The Convention has been repeatedly described by the Court as a 'constitutional instrument of European public order' (*Loizidou v. Turkey [GC], 1995*).

This constitutional order must be understood as embracing, not excluding, national constitutional identities. As the Preamble reminds us, the Convention rests on "a common understanding" of human rights and draws its substance and inspiration from the political and legal traditions of the member States.

Through its daily judicial activities, the Court acts as a constitutional court at the European level: examining individual applications to address fundamental issues facing contemporary European societies.

This mandate – the Court's mandate to "maintain and further realise human rights", as stated in the Preamble of the Convention, is shared with national courts.

This reflects the true nature of the Convention system – not one of hierarchy, but of complementarity between jurisdictions.

IV

As early as 1976, the Court recalled that 'the safeguard mechanism established by the Convention is of a subsidiary nature in relation to national systems for the protection of human rights' (*Handyside v. United Kingdom*).

Since the entry into force of Protocol No. 15 in 2021,¹ the principle of subsidiarity has been formally embedded in the text of the Convention's Preamble.

Subsidiarity means that national authorities, domestic courts – *you* – have the primary responsibility to interpret, secure and implement the rights and freedoms set out in the Convention and its Protocols.

The Strasbourg Court supports member States' capacity to 'bring rights home', to borrow an expression used by my predecessor, former Court President Robert Spano, by strengthening the effectiveness of their domestic justice systems.

This is mirrored by the Convention's wording, designed to accommodate the specific legal cultures, traditions and realities of the member States.

In Ukraine's context, this is particularly important when dealing with legal dilemmas posed by the war.

In *Borzykh v. Ukraine [dec.]* (9 November 2024, 11575/24) – the case about the St George ribbon symbol – the Court recalled that "national authorities are better placed than the Court to understand and appreciate the specific societal problems faced in particular communities and contexts". It found "no reason to call into question the importance and sincerity of the Ukrainian government's efforts to tackle the problem of modern challenges to State security posed by military conflict".

V

The 'shared responsibility' for interpreting and applying the Convention also relies on the Court's judicial pragmatism – its ability to interpret the Convention within a specific context.

¹ Ratified by Ukraine on 22 March 2018.

An example of such legal pragmatism, of how the Court understands and respects the legal realities of war – which is the theme of the 4th session of today’s conference – is its recent decision in *Ryashentseva and Others v. Ukraine* [dec.] (9 September 2025, 54680/15).

It that decision, the Court explicitly acknowledged the context of “difficulties in ensuring the proper functioning of the judicial system in certain regions in view of ongoing hostilities” and “the limitations and impediments caused by the occupation”.

It recognised the resilience and adaptation of the Ukrainian judicial system to wartime conditions, in that “the Ukrainian Government had made its judicial system accessible to the residents of territories outside of its control through the relocation of the judicial bodies”. It also noted that “the investigative authorities of Ukraine continued to carry out investigations into alleged human rights violations in the temporarily occupied territories”.

VI

‘Shared responsibility’ also implies, while respecting the independence of the Court and the binding nature of its judgments, a constructive and open dialogue on our respective roles in the implementation and development of the Convention system.

A judicial dialogue that fosters mutual understanding, partnership, and trust.

I am glad to see that dialogue between the Court and Ukraine’s judiciary will be the theme of the 3rd session of today’s event.

In addition to ‘dialogue of case law’, the principle of shared responsibility finds its expression in the institutional cooperation between courts. A prime example of such judicial dialogue is the Superior Courts Network, which celebrates its 10th anniversary this year. The Supreme Court of Ukraine and Ukraine’s Constitutional Court are members of the Network.

The possibility introduced by Protocol No. 16, which entered into force in 2018,² for highest domestic courts to request our Court for advisory opinions, is another avenue for judicial dialogue. I note that the Court has recently accepted a request for such an advisory opinion, submitted by Ukraine’s Supreme Court.³ This request is now pending before the Grand Chamber.

Judicial dialogue includes the sharing of knowledge. Here, I would like to mention that the Court’s unique online tool, the ‘Knowledge Sharing Platform’, is now also available in Ukrainian.

Finally, institutional cooperation is most effective when it is reinforced by strong personal connections. I have already mentioned the key role played by the national Judge, and I also hope to meet other representatives of Ukraine’s legal community at the Opening of the Judicial Year here in Strasbourg in January.

VII

To conclude, I would like to make a point about the Convention’s continuing relevance to today’s challenges.

Specifically, I want to speak about the crucial role played by the Convention and the Court in responding to the human rights consequences of the war in Ukraine.

As part of its adjudication of thousands of cases lodged with it each year, the Court continues its mission of holding Russia accountable for human rights violations even after the country’s expulsion from the Council of Europe.

² Ratified by Ukraine on 22 March 2018.

³ On 16 September 2025, the Court accepted request (no. P16-2025-001) for an advisory opinion, submitted by Ukraine’s Supreme Court on 21 August 2025.

The Court's role will be complemented by the future Claims Commission, launched in The Hague earlier this week. Accountability for violations of human rights and reparation for the victims are two equally important sides of the same coin.

The Court is the only international judicial body to hold Russia accountable for violations of human rights protected by the Convention.

Of the 16 000 cases pending before the Court in September 2022, more than half have already been decided.

The most emblematic examples of the Court's judicial role are its rulings in inter-state cases: first, in *Ukraine v. Russia (re Crimea)*, delivered in 2024, and, most recently, the historic ruling in *Ukraine and the Netherlands v. Russia*, delivered last July.

In these rulings, the Court's Grand Chamber, unanimously, held Russia responsible for gross and widespread human rights violations committed in the context of the conflict in Ukraine since February 2014 and since the full-scale invasion in February 2022.

Through its adjudication of inter-State cases and its findings of violations of individual rights, the Court supports the sovereignty of Ukraine.

The Court's judgments are several things at once:

A historical record.

A bill of accountability.

And a message to future generations:

Human dignity cannot be erased.

Truth cannot be silenced.

Thank you.