



Between Kyiv and Strasbourg: Solidarity, dialogue, ensuring justice for gross human rights violations

Speech by Mattias Guyomar

Kyiv, 15 April 2026

President Kravchenko,

President Petryshyn,

Chairman Usyk

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

Dear participants,

Last December, I had the pleasure to address many of you online, from Strasbourg. Now I am very grateful for your renewed invitation to speak at today's event and for the opportunity to be here and to meet you in-person, in Kyiv.

At the seat of your Court, Klovskiy Palace, which throughout its history has housed so many institutions: a printing house, a hospital, a school, a museum, and now – your court.

Located in a street named after Pylyp Orlyk, the author of the first Ukrainian Constitution, one of the oldest in the modern world (1710) and a forebear to today's Constitution which, by the way, will turn 30 years old in June this year.

Such a long and rich legacy to look back on with pride, to protect, and to build on. And it is an honour and a privilege to be invited to speak here today, together with your 'national judge', my friend Mykola Gnatovskyy, a natural bond between our Courts.

Thank you for your hospitality.

It is my first visit to Ukraine as President of the Court, and a first one by a President of the Court since Russia's full-scale invasion.

It was important for me to come to Ukraine for several reasons, which are at the same time symbolic and practical.

Firstly, it was important, on behalf of all the judges of the European Court, but also for me on a personal level, to express in this way our solidarity with Ukraine's judicial community, as your country continues to defend itself from Russian attacks.

Secondly, to pursue judicial dialogue, as evidenced by today's event as well as the very constructive conversations we had yesterday at the Supreme and Constitutional Courts.

And thirdly, to give more prominence to the work of the Strasbourg Court in holding Russia accountable for its gross violations of human rights and protecting the rights of victims.

Let me now address these three elements in more detail.

1 - Judicial unity and solidarity

Firstly, the unity and solidarity of the judicial community.

I have made judicial unity our Court's clarion call at the Opening of the Judicial Year in Strasbourg in January. The ceremony was attended by almost 300 members of the judiciary from all over Europe and beyond, including President Kravchenko and judges of the Constitutional Court.

As President Kravchenko noted in a message recorded on the sidelines of the ceremony, the event was, among other things, "an expression of solidarity of the entire judicial community" with Ukraine and its judiciary.

My visit and participation in today's event should be seen as a natural continuation of that expression of solidarity with Ukraine's judiciary, which continues to work effectively despite the war being in its fifth year.

The Court has also explicitly recognised the resilience and adaptation of the Ukrainian judicial system to wartime conditions in its case-law (see, e.g., *Ryashentseva and Others v. Ukraine* [dec.], 2025).

It matters for us, judges, to stand together in the face of external, existential threats – the war, foremost, but also rising attacks on multilateralism and the rule of law. I will touch upon this later on.

2 - Dialogue

In his recorded message, President Kravchenko noted that Europe's judicial community "shares a common goal – adherence to the European Convention and to the principles of the rule of law".

This shared responsibility for ensuring adherence to the Convention is indeed the driving force of the entire Convention system.

A system which rests on "a common understanding" of human rights and draws its substance and inspiration from the political and legal traditions of the member States.

For shared responsibility to be effective, as affirmed by the States Parties in the 2018 Copenhagen Declaration, "there must be good interaction between the national and European levels".

A constructive and open dialogue is needed to bring us closer together and help us determine our respective roles in the implementation and development of the Convention system.

Firstly, interpersonal dialogue, with the good example of today's event and the very constructive meetings we had yesterday with Judges of the Supreme Court and the Constitutional Court. These meetings are crucial in strengthening our mutual understanding and trust.

Secondly, institutional dialogue, and here I want to briefly mention our excellent cooperation through the Superior Courts' Network and the work of your courts' focal points, Mr Rasim Babanly and Ms Oksana Zhitnik.

I also wish to mention the specialised training for judges of the Supreme Court on our Court's case-law, which will take place next week with the online involvement of Judge Gnatovskyy.

And finally, and crucially, I want to emphasise the dialogue of our jurisprudence:

- through advisory opinions under Protocol No. 16: in March, the Court issued an advisory opinion in response to a request from the Supreme Court of Ukraine concerning the scope of Article 8 in relation to the protection of the home. Another request from the Supreme Court, regarding the powers of the judge in tax penalty matters, was received in February and is currently under consideration.

In this regard, let me express my gratitude for having brought such requests to our Court. It has contributed to reviving Protocol No. 16, this vital avenue of judicial cooperation based on subsidiarity.

- and dialogue through our judgments, issued in strict respect of the principle of subsidiarity, both procedural and substantive, according to which national authorities, notably domestic courts, have the primary responsibility to interpret, secure and implement the rights and freedoms set out in the Convention.

As the Court repeatedly found, “because of their direct knowledge of their society and its needs, the national authorities are in principle better placed than the international judge to appreciate what is in the public interest (...), and the Court will generally respect the legislature’s policy choice unless it is “manifestly without reasonable foundation” (*Savickis and Others v. Latvia* (GC, 2022, § 184). While the Strasbourg Court acts as a constitutional court at the European level, it exercises appropriate restraint and only intervenes to address violations that were not effectively resolved at the national level. Member States’ margin of appreciation thus goes hand in hand with European supervision.

Shared responsibility for interpreting and applying the Convention relies on the Court's judicial pragmatism. This is made possible by the Convention’s wording, which has been specifically designed with the idea of accommodating the diverse legal cultures, traditions and realities of the member States.

Such pragmatism is clearly visible in Ukrainian cases. I have experienced this first-hand in my capacity of member, then president, of Section V, but also as a Single Judge for Ukraine during three years.

For example, in *Borzykh v. Ukraine* [dec.] (2024), the Court noted that “due deference must be given to the national authorities’ assessment” of issues “which could only be fully understood by those with a comprehensive knowledge of the historical, social and political background”. In that case, concerning the ban of St. George’s ribbon, the Court found that it had “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” (*Borzykh*, § 52).

In *Ždanoka v. Latvia* (No. 2) (2024), the Court found no violation of Article 3 of Protocol No. 1 (right to free elections) and acknowledged that the respondent State had “legitimate reasons to fear for its security, territorial integrity, and democratic order”. This, according to the Court, called for “an even wider margin of appreciation in protecting those values” (§ 56).

Most recently, the Court has found that that the “specific context of the conflict in Ukraine might make exceptional policy choices necessary”, in the context of restricting access to certain Russian websites and countering the “widespread use of digital and information warfare” (*Boyarov and Others v. Ukraine* [dec.], 2026).

This brings me to my third point: the Court’s role in bringing justice for victims of human rights violations resulting from Russia’s war against Ukraine.

3 – Conflict-related justice

While the Council of Europe has been at the forefront of the accountability efforts in support of Ukraine, the Court continues to play a particular role as it remains the only international judicial body holding Russia accountable for violations of the human rights protected by the Convention.

This is thanks to the Court's historic decision, adopted in March 2022, to retain residual jurisdiction over Russia even after the country's expulsion from the Council of Europe.

The Court's role is fully complementary to that of the Register of Damage, the future International Claims Commission – established in The Hague last December – and the future Special Tribunal for the Crime of Aggression Against Ukraine. All will operate under the Council of Europe umbrella. As I have said at the ceremony in The Hague: Accountability for violations of human rights and reparation for the victims are two equally important sides of the same coin.

The most emblematic examples of the Court's judicial role are, of course, its rulings in inter-State cases: *Ukraine v. Russia (re Crimea)*, delivered in 2024, and the historic ruling in *Ukraine and the Netherlands v. Russia*, delivered last year. In these unanimous rulings, the Court's Grand Chamber 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.

There are two more inter-State applications lodged by Ukraine against Russia. In addition, since Russia's expulsion from the Council of Europe, the Court has handed down more than 15,000 judgments against Russia, and almost 6,000 conflict-related individual applications directed against Russia remain pending. Finally, the Court has indicated a number of interim measures in cases concerning prisoners of war and other persons held in Russian custody.

Through its adjudication of inter-State cases and through its findings of violations of individual rights, in thousands of cases each year, the Court continues its mission of holding Russia accountable.

The Court's judgments certify historical truth, providing a permanent record bearing a legal stamp.

Its findings and awards provide a measure of solace to victims of conflict-related human rights violations.

At the same time, through its judgments, the Court also makes an important contribution in support of the sovereignty of Ukraine.

This is especially important as we witness the progressive unravelling of the rules-based international legal order.

This may seem like a new development to many people in Europe and around the world, but Ukrainians have already been experiencing it first-hand since 2014.

This brings me to my final point.

I am convinced that now, more than ever, there is a need to harness law and justice to restore order to the world.

National and international judges are partners in this shared endeavour.

As judges, we devote our lives to the pursuit of law, justice and the peaceful settlement of disputes.

We defend the rule of law and international law, which is the cornerstone of the rules-based international order based on state sovereignty.

Finally, we safeguard the fundamental freedoms protected by the Convention which, as stated in its Preamble, are 'the very foundations of justice and peace in the world'.

There can be no just and lasting peace without law, justice, human rights, and full respect for human dignity.

Protecting these values, too, is our role and our shared responsibility.

Dyakuyu.