



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

Maintaining Peace Through Law: the role of the European Court of Human Rights

KNU Diplomacy Talks

Taras Shevchenko National University of Kyiv

Speech by Mattias Guyomar

Kyiv, 15 April 2026

Can human rights prevent armed conflicts?

Has the European Convention on Human Rights stopped wars?

What can the Strasbourg Court do for peace?

These questions have been asked by many before.¹

There are no straight answers.

However, one thing is clear:

Without human rights, there can be no peace.

Human rights and fundamental freedoms 'are the foundation of justice and peace in the world', according to the Preamble to the European Convention on Human Rights.

Peace which is not understood in negative terms.

Not as a mere absence of violence.

For such situations, when guns simply fall silent, other words can be used:

A ceasefire, a truce, an armistice.

To silence the guns is, and must be, the first and absolute priority.

But in parallel to stopping the violence, it is also important to work towards a real and genuine peace, understood in positive terms.²

A peace that is comprehensive, lasting, and just.

One in which victims have obtained reparation.

One in which perpetrators have been held accountable.

¹ See, for example, former Court President Robert Spano, in Spano, R., "Conflict prevention or conflict resolution: what role for the European court of human rights?", Irish Judicial Studies Journal Vol 7 (2) (2023); or Vice-President of the Court, Angelika Nußberger, in Nußberger, A., 'Promoting Peace and Integration among States' (70th anniversary of the European Convention on Human Rights Conference, Strasbourg, 18 September 2020, https://echr.coe.int/Documents/Speech_20200918_Nussberger_Conference_70_years_Convention_ENG.pdf

² 'Violence, Peace, and Peace Research', Johan Galtung, Journal of Peace Research, Vol. 6, No. 3 (1969), pp. 167-191. See also, Vasak, K., « Le droit de l'homme à la paix », Mélanges en hommage à Louis Edmond Pettiti. Bruxelles : Bruylant, 1998. P. 750-760 : « En effet, de la paix « négative » comprise comme une simple absence de conflits, on en est venu à la paix « positive », qui doit largement dépasser la confrontation armée pour intégrer les exigences de sécurité, de compréhension mutuelle, de tolérance, de développement économique et social, de démocratie et de liberté. »

One asserted by guarantees of non-repetition.

In other words: a peace that is based on law and justice.

The role of the Council of Europe is to act as a guarantor of such peace in Europe.

Founded in response to the horrors of the Second World War, it was born out of the conviction that “the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation.”³

The Council of Europe is, fundamentally, a peace project.

It is based on democracy, human rights, and the rule of law being the essential pillars of peaceful human coexistence.

“Built on the promise of ‘never again’”, as its members declared at the Summit in Reykjavík in May 2023.

A promise that has been fundamentally violated by Russia’s full-scale invasion of Ukraine.⁴

I would like to focus today on the role of the judicial body of the Council of Europe, the Strasbourg Court, which I have the honour to preside, in promoting peace through law and justice

Specifically, I would like to review the Court’s role in three stages:

1) in preventing conflict: by protecting human rights, the rule of law, and the European public order,

2) during armed conflict, by ensuring accountability for human rights violations, by certifying historical truth, and by supporting state sovereignty,

3) post-conflict, by indemnifying victims and solidifying peace.

On the first point:

To quote former Court President, Robert Spano, the Court engages in “**conflict prevention** in terms of the work [it] does ‘upstream’ in maintaining political pluralism and a healthy civil society”.⁵

This is due to the specific nature of the Convention which, by protecting human rights, protects the European public order.

From its early jurisprudence, the Court has made clear that the Convention comprises “more than mere reciprocal engagements between contracting states” since it creates “a network of (...) obligations which (...) benefit from a ‘collective enforcement’”⁶.

It explicitly emphasised “the special character of the Convention as an instrument of European public order (*ordre public*) for the protection of individual human beings”⁷.

By upholding the European public order, by applying the Convention, the Court plays an important role in protecting the elements for a peaceful society – democracy, tolerance and pluralism.

It puts in place safeguards, so that these basic fundamentals of peace are not easily undermined.

³ Statute of the Council of Europe. London, 5.V.1949, Preamble.

⁴ “United around our values”. 16-17 May 2023. Reykjavík Summit. 4th Summit of Heads of State and. Government of the Council of Europe

⁵ Spano, R., “Conflict prevention or conflict resolution: what role for the European court of human rights?”, Irish Judicial Studies Journal Vol 7 (2) (2023).

⁶ *Ireland v. the United Kingdom* judgment of 18 January 1978 (Series A n.º 25), p. 90, §239.

⁷ *Loizidou v. Turkey* (merits), 18 December 1996, *Reports of Judgments and Decisions* 1996-VI

In other words, in times of peace, the Court, by applying the Convention, “creates a climate in which the escalation of conflicts is less likely.”⁸

Most of the time, it works.

Over the course of its seventy-five-year history, the Convention has repeatedly demonstrated its capacity to effect positive, tangible change in this regard.

Sometimes, however, it has not been enough.

Despite the Court’s remarkable achievements in this area, we should openly admit the system’s shortcomings.

The machinery of the Convention and the Court is, by its very nature, reactive. At times, it has been slow or inadequate in reacting, in real time, to massive and systematic violations of human rights, including those related to armed conflict.

This brings me to the second, crucial aspect of the Court’s role – when conflicts occur.

Over the past decades, the Court has been called upon to examine many situations of conflict in Europe, through various inter-State and individual cases concerning human rights in times of armed conflict.⁹ For example, in the context of:

- the Turkish invasion of northern Cyprus in 1974,¹⁰
- the UK authorities’ role during “the Troubles”, a 30-year-long conflict in Northern Ireland,¹¹
- the armed conflict between Georgia and Russia in 2008,¹²
- Russia’s pattern of violations of human rights in Ukraine’s Crimea and in eastern Ukraine in 2014.¹³
- the armed conflict between Armenia and Azerbaijan.
- or various conflicts linked to the fall of Communism and the break-up of the Soviet Union and Yugoslavia.¹⁴

Most of these conflicts gave rise to **inter-State applications**, filed by one or more member States against another.

The examination of such cases is a priority for the Court as they have important legal and political consequences, often for thousands of potential victims behind individual applications that are associated with them.

Such inter-State cases serve not only as an avenue of settling disputes between states. As the Court repeatedly found, the purpose of concluding the Convention was not for the states to pursue

⁸ Nußberger, A., ‘Promoting Peace and Integration among States’ (70th anniversary of the European Convention on Human Rights Conference, Strasbourg, 18 September 2020, https://echr.coe.int/Documents/Speech_20200918_Nussberger_Conference_70_years_Convention_ENG.pdf

⁹ There have been over 30 inter-State cases since the European Convention entered into force in 1953.

¹⁰ *Cyprus v. Turkey*, nos. 6780/74 and 6950/75, Commission decision of 26 May 1975, D.R. 2, p. 125; *Cyprus v. Turkey*, no. 8007/77, Commission decision of 10 July 1978, DR 13, p. 85; *Chrysostomos, Papachrysostomou and Loizidou v. Turkey*, nos. 15299/89, 15300/89 and 15318/89, 4 March 1991, D.R. 68, p. 216; *Loizidou v. Turkey* (merits), 18 December 1996, *Reports of Judgments and Decisions* 1996-VI; and *Cyprus v. Turkey* [GC], 2001).

¹¹ *Ireland v. the United Kingdom* judgment of 18 January 1978.

¹² *Georgia v. Russia (IV)*, n.º 39611/18, 28 March 2023.

¹³ *Ukraine v. Russia (re Crimea)* [GC], n.º 20958/14 and 1 other, 25 June 2024.

¹⁴ *Ilaşcu and Others v. Moldova and Russia* [GC], no. 48787/99, ECHR 2004-VII; *Catan and Others v. the Republic of Moldova and Russia* [GC], nos. 43370/04 and 2 others, ECHR 2012 (extracts); *Mozer v. the Republic of Moldova and Russia* [GC], no. 11138/10, 23 February 2016; *Chiragov and Others v. Armenia* [GC], no. 13216/05, ECHR 2015; *Sargsyan v. Azerbaijan* [GC], no. 40167/06, ECHR, 2015; and *Georgia v. Russia (III)* [GC], no. 38263/08, 21 January 2021).

their individual national interests, but “to establish a common public order of the free democracies of Europe (...)”¹⁵.

This means that, when a state or states refer an alleged breach of the Convention to the Court, “they are not to be regarded as (...) enforcing their own rights, but rather as bringing before the Court “an alleged violation of the public order of Europe”¹⁶

In addition to inter-State cases, the Court has, over the course of its history, received well over 18,000 **individual applications** concerning various international armed conflicts between different Member States.

Currently, 7,500 such individual applications are pending before the Court.

Their vast majority is related to the armed conflict between Russia and Ukraine.

This is hardly surprising.

As noted by the Court, “the events in Ukraine are unprecedented in the history of the Council of Europe. The nature and scale of the violence as well as the ominous statements concerning Ukraine’s statehood, its independence and its very right to exist represent a threat to the peaceful co-existence. (...) These actions seek to undermine the very fabric of the democracy on which the Council of Europe and its member States are founded.”¹⁷

Here, I would like to emphasise what I see as three key aspects of the Court’s response to Russia’s on-going war against Ukraine:

*First, on **accountability**.*

Without accountability, there can be no lasting peace.¹⁸

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.

While the Council of Europe has been at the forefront of the accountability efforts in support of Ukraine, a special role falls to the Court as it currently 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 most emblematic examples of the Court’s judicial role are its historic rulings in the two inter-State cases: *Ukraine v. Russia (re Crimea)*, delivered in 2024; and, arguably the most significant judgment in the Court’s history: the ruling in **inter-State cases *Ukraine and the Netherlands v. Russia***, delivered in July 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.

¹⁵ *Ukraine and the Netherlands v. Russia* (dec.), § 385;

¹⁶ *Ukraine and the Netherlands v. Russia* [GC], n.º 8019/16 and 2 others, 9 July 2025, §161

¹⁷ *Ukraine and the Netherlands v. Russia* [GC], n.º 8019/16 and 2 others, 9 July 2025, §177

¹⁸ “United around our values”. 16-17 May 2023. Reykjavík Summit. 4th Summit of Heads of State and Government of the Council of Europe

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 5,800 conflict-related individual applications directed against the country remain pending.

This aspect of the Court's role is, of course, limited to assessing compliance with the fundamental guarantees contained in the Convention: "[it] is not called upon to decide on the legality of Russia's invasion and occupation of Ukraine (...) or the individual criminal responsibility".¹⁹

This gap will be, hopefully soon, filled by the future Special Tribunal for the Crime of Aggression Against Ukraine, which will also operate under the Council of Europe umbrella.

Secondly, I wish to emphasise the Court's role as the **recorder of truth**.

Truth is an important element of justice. The Court's findings provide a measure of consolation to victims of conflict-related human rights violations.

Victims of conflicts can rely on the Court not only for a statement of a violation or reparation, but also for an authoritative account of what happened.

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

As in the ruling *Ukraine and the Netherlands v. Russia*, which, over many pages, retraced in detail the actual chronology of the conflict.

In the same judgment, the Court held Russia accountable for the downing of Flight MH17.

Thirdly, I want to say a word on the Court's role as a defender of Ukraine's sovereignty.

By finding that fundamental rights had been violated, the Court has, in a sense, upheld Ukraine's sovereignty in the face of Russia's attacks.

By recognising that persons affected by Russian military operations fell within the jurisdiction of the Russian Federation, the Court not only held the respondent State liable. It also affirmed, in the name of the protection of European public order, that the Convention system could not tolerate the forced erasure of a Member State's legal identity.

Finally, allow me to make a brief observation on two elements of the Court's **post-conflict role**.

One aspect consists of **indemnifying victims** of the conflict.

Accountability for violations of human rights and **reparation for the victims** are two equally important sides of the same coin.

This was done, for example, in respect of the conflict between Cyprus in Türkiye. In 2014, Türkiye was ordered to pay Cyprus 90 million euros in respect of the non-pecuniary damage suffered by relatives of almost fifteen hundred (1,456) missing persons, as well as for enclaved Greek Cypriot residents.

More recently, in a judgment issued in October last year, the Court ordered Russia to pay Georgia over 253 million euros in respect of non-pecuniary damage suffered by more than 29,000 victims of a pattern of human rights violations, for which Russia had been found responsible in 2024.²⁰

¹⁹ *Ukraine and the Netherlands v. Russia* [GC], n.º 8019/16 and 2 others, 9 July 2025, §178

²⁰ The 2024 judgment found Russia responsible for breaches of human rights caused by hardening of boundary lines after 2008 conflict, blocking people from crossing the administrative boundary lines freely between Georgian-controlled territory and the Russian-backed breakaway Georgian regions of Abkhazia and South Ossetia. In its judgment of 9 April 2024 the Court found that there had been a pattern or system of violations of the European Convention on Human Rights by Russia: including excessive use of force; ill-treatment; unlawful

Arguably, there is a question of when and how the awards will be paid out. However, the fact that the Court has awarded these sums provides victims not only with hope, but also a concrete entitlement, for the future.

In this regard, in the context of Ukraine, the Court's role is fully complementary to the work of the Register of Damage and the International Claims Commission, established in The Hague last December.

Once conflicts end – or, at least, once violence ends – the Convention system can also help **solidify peace**.

This has been the case, for example, of the 1998 Good Friday Agreement, which brought an end to the legacy of “the Troubles” in Northern Ireland. The Convention has been explicitly embedded in the text of the Agreement, which is today considered the foundation of the Northern Ireland peace process.

To conclude, let me come back to the question that I began my speech with:

What can the Strasbourg Court do for peace?

One must be honest.

As a mechanism built by sovereign states, the Convention system depends on their common will and good faith in upholding it.

When this system is openly and blatantly challenged, as has been done by Russia's war against Ukraine, “[t]he Convention cannot make the impossible possible and stop military hostilities”²¹, to borrow the words of former Court Vice-President, Judge Angelika Nußberger.

But the Court can, as Judge Nußberger has rightly said, send “the message that human rights always matter, even during wars (...) [when] lawlessness seems to reign.”²²

I think that the Court, as well as other jurisdictions, plays an even bigger role in advancing peace.

“The elimination of war (...) is a problem of international policy, and the most important means of international policy is international law,”²³ according to Hans Kelsen.

Today, international law is under attack, on so many fronts.

War rhetoric is omnipresent, tainting and distorting everything – even the law.²⁴ World leaders embrace proud disregard for international law principles, presenting them as obstacles rather than as a means of ensuring harmony, justice, and peace.

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

detention; unlawful restrictions on day-to-day movement across the administrative boundary line and on access to homes, land and families; and, denial of the right to education in Georgian.

²¹ Angelika Nußberger, ‘Promoting Peace and Integration among States’ (70th anniversary of the European Convention on Human Rights Conference, Strasbourg, 18 September 2020, https://echr.coe.int/Documents/Speech_20200918_Nussberger_Conference_70_years_Convention_ENG.pdf

²² Idem.

²³ Kelsen, H., *Peace through Law*, The University of North Carolina Press (1944), p. 18.

²⁴ Leuprecht, Peter. « La Convention européenne des droits de l'homme face à la contestation de ses valeurs fondamentales. » *Revue québécoise de droit international / Quebec Journal of International Law / Revista quebequense de derecho internacional*, numéro hors-série, décembre 2020, p. 69–77. <https://doi.org/10.7202/1078529ar>

The law is, after all, a discourse.

Law is words, and words matter.

At the Court, in the judgments we deliver, words — which express the power of the law — are our tools in the fight against arbitrariness, against wars, against bombs.

Words, which articulate the law and change lives, are our strength.

“There will never be peace on this planet as long as human rights are violated in any part of the world”, as former Court President and Nobel Peace Prize laureate, René Cassin, reminds us.

These words were recently inscribed on the walls of our Court to serve as a constant reminder of the purpose of our work:

A comprehensive, lasting and just peace.

Peace through law and justice.

A peace for all.