



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

**Official visit by a delegation
of the Supreme Administrative Court of Poland**

Welcome address by Mattias Guyomar
Strasbourg, 6 July 2026

President Chlebny,

Distinguished members of the Supreme Administrative Court of Poland,

Dear fellow Judges of the Court, Registrars, Colleagues,

On behalf of the judges of the European Court of Human Rights, I warmly welcome your delegation to our Human Rights Building.

It is a pleasure to see you again – this time, in Strasbourg, nine months after we were your guests in Warsaw.

Let me thank very warmly your national Judge Anna Adamska-Gallant, *dear Anna*, for your initiative and help in putting together the programme of the visit.

As domestic superior court judges, *you* are our Court's privileged partners.

The principle of subsidiarity means that the primary responsibility for applying the Convention lies with domestic courts.

The supervision of our Court, once the domestic remedies have been exhausted, is subsidiary in nature.

Together, we share the responsibility for applying the Convention.

That is the system's driving force and its strength.

This shared responsibility is expressed in practice through dialogue, particularly the vital dialogue of our respective caselaw.

In addition to our judicial dialogue, there is our institutional cooperation:

Here, I would like to mention our Superior Courts Network. I am very proud to note that it now comprises 112 member courts – including your court – but also 8 observer courts from other parts of the world.

Three new observer courts have joined this year, and more are coming.

Our Strasbourg Court has also just been accepted as a 'guest' by the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union ("ACA-Europe").¹ Connecting

¹ The Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union

our Court to this association is another expression of judicial cooperation to which we attach great importance.

It is a pleasure to host you today for a rich and interesting programme, with discussions on questions of fair trial standards and judicial independence; the proportionality of limitations on rights and freedoms in the geopolitical context; the protection of the private and family life of same-sex couples; and the recent developments on migration.

Let me say a few words about some of these themes.

On fair trial and judicial independence, I would like to recall the many landmark judgments of our Court in connection with applications brought against Poland following past legislative reforms affecting the independence of the judiciary.

Among other things, the Court ruled on: irregular appointments to the Constitutional Court²; the lack of independence of the judges of the Supreme Court due to the appointment procedure³; disciplinary proceedings against judges⁴; the premature termination of the mandate of a serving judge – one of the judges of *your* court – as member of the National Council of the Judiciary⁵; and, most recently, a refusal by a former President of the Republic to appoint the applicants to vacant judicial posts (*Sobczyńska v. Poland*, not yet final - 2026).⁶

I want also to mention the interim measures issued in the case of judges elected to the Constitutional Court, who have so far not been allowed to take up their duties.⁷

The Court has also defended judges' freedom of expression in defence of the rule of law – notably, in the case of *Żurek v. Poland* (2022).⁸ In a different country context, this issue was also addressed in the Grand Chamber judgment in *Danileț v. Romania* [GC] (2025),⁹ issued last year.

I chose to emphasise these cases because they illustrate that the Strasbourg Court is not merely guaranteeing individual rights. It also ensures that judges can fully exercise their role as guardians of democracy and the rule of law.

As regards the session on the question of proportionality of limitations on rights and freedoms in the geopolitical context, I would only like to emphasise that, in deciding cases, the Court is not detached from the reality of the broader threats to human rights, rule of law and democracy in the region.

The contrary is true: it remains very attentive to the legal and political realities in all member States, applying its judicial pragmatism by interpreting the Convention within a given context.

In that respect, let me underline the importance of the case *Ždanoka v. Latvia (no. 2)* concerning the removal of the applicant's name from the list of candidates for parliamentary election, in which the Court has fully taken into consideration the legitimate reasons for Latvia to fear for its security, territorial integrity, and democratic order.¹⁰

² *Xero Flor w Polsce sp. z o.o. v. Poland*, no. 4907/18, 7 May 2021

³ *Advance Pharma sp. z o.o. v. Poland*, no. 1469/20, 3 February 2022

⁴ *Tuleya v. Poland*, nos. 21181/19 and 51751/20, 6 July 2023

⁵ *Grzęda v. Poland* [GC], no. 43572/18, 15 March 2022

⁶ *Sobczyńska v. Poland*, nos. 62765/14 and 2 others, 21 May 2026

⁷ Interim measures issued in the case of *Dziurda and Others v. Poland* (application no. 17392/26), 6 May 2026, <https://hudoc.echr.coe.int/eng-press?i=003-8527755-12107787>

⁸ *Żurek v. Poland*, no. 39650/18, 16 June 2022

⁹ *Danileț v. Romania* [GC], no. 16915/21, 15 December 2025.

¹⁰ *Ždanoka v. Latvia (no. 2)*, no. 42221/18, 25 July 2024

On the protection of the private and family life of same-sex couples, the general principles concerning member States' positive obligations have been set out in the Grand Chamber judgment in *Fedotova and Others v Russia*¹¹ (2023), and also in *Oliari and Others v. Italy* (2015)¹².

In respect of Poland, there is, of course, the judgment *Przybyszewska and Others v. Poland* (2023)¹³ which concerned legal recognition of same-sex couples in Poland, and which remains under the supervision of the Committee of Ministers.

This issue has also been the subject of a judgment of the Court of Justice of the EU¹⁴ and, very recently, in March 2026 – also a judgment of your court.¹⁵

Just the end of last week, our Court handed down a judgment in the case of *A.P. and R.P. v. Poland (2026)* which concerned the refusal by the Polish authorities to recognise a legal parent-child relationship established abroad in respect of a same-sex couple.

In that case, your court had dismissed the applicants' cassation appeals, finding that a birth certificate giving two women as parents would have been in breach of the fundamental rules of the Polish legal order.

Our Court held that there had been no violation in respect of most of the complaints, but it did find a violation of the right to respect for private life and the prohibition on discrimination in respect of the child.

I will only note that the case attracted a number of separate opinions by the judges, some of whom are with us today.¹⁶

This clearly shows the complexity of these issues and will, hopefully lead to interesting and lively discussions.

As regards migration, recent developments, and current challenges: as you know, three migration-related cases, including one against Poland, are pending before the Grand Chamber. And nothing could be said in that respect.

As regards the Chişinău process, let me share with you that it was a relief to see the well-balanced text of the Declaration.

But we remain vigilant and the most important thing is to fully protect the Court's judicial independence.

To conclude, I wanted to share with you the Court's perspective on the current situation regarding the rule of law – which has to be distinguished from 'rule by law' – and judicial independence.

¹¹ *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, 17 January 2023

¹² *Oliari and Others v. Italy*, nos. 18766/11 and 36030/11, 21 July 2015

¹³ *Przybyszewska and Others v. Poland*, nos. 11454/17 and 9 others, 12 December 2023

¹⁴ Case C-713/23 *Jakub Cupriak-Trojan and Mateusz Trojan v Wojewoda Mazowiecki* (Request for a preliminary ruling from the Naczelny Sąd Administracyjny), Judgment of the Court (Grand Chamber) of 25 November 2025.

¹⁵ Judgment of 20 March 2026, II OSK 216/21, in which it held that "[a] refusal to transcribe a foreign same-sex marriage certificate contravenes EU law on freedom of movement, which obliges the administrative authorities to carry out the transcription, regardless of the differences in the Polish legal system regarding marriage."

¹⁶ Judges Wennerström and Derenčinović expressed a joint partly dissenting opinion, Judge Kučs expressed a partly dissenting opinion, and Judges Krenc, Chablais and Adamska-Gallant expressed partly concurring, partly dissenting opinions.

We are today facing a deeply worrying reality. Just as the rule of law – one of the three pillars of the Council of Europe – seemed to be established as a universal model, it is now coming under increasing pressure.

Institutions that safeguard the rule of law – international courts, domestic courts, and individual judges – are being attacked.

I see this as a way to undermine the authority and values of the institutions which they serve, and to hinder their ability to fulfil their mission.

In such times, more than ever, we need judicial solidarity, which translates into protection and mutual assistance.

Not to be seen as a privilege but as an essential guarantee of the rule of law.

Seen also from this perspective, exchanges like the one today bring us closer together and help us to establish the connections and personal bonds that serve to protect us.

Once again, thank you for coming to our Court.

It now my pleasure to hand over the floor to President Chlebny.

Dear President, *dear Jacek*, the floor is yours.

Thank you.