



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

**Address to the
Parliamentary Assembly of the Council of Europe**

Speech by Mattias Guyomar

28 September 2026

Madam President,

Madam Secretary General,

Members of the Parliamentary Assembly.

It is a great honour and a real pleasure to address you today, a little more than a year after my last visit to your Assembly.

Thank you for inviting me again and let me express here my special gratitude to Madam President Bayr.

The separation of powers does not mean isolation.

Having distinct roles should not mean being isolated from each other.

The separation of powers, this key democratic principle which underpins our relationship, is fully compatible with meaningful dialogue.

Indeed, we must seize every opportunity to speak to each other frankly and to explain our concerns, in full respect of our independence and respective roles.

Yours – parliamentary, ours – judicial.

This is equally true at the domestic level. In March, I travelled to Bern to meet and discuss with members of the Swiss Federal Assembly and the Swiss delegation to this Assembly.

There, I emphasised the importance of the shared responsibility between national authorities and the Court in ensuring the proper functioning of the Convention system.

Tomorrow morning, I shall have the pleasure, together with other judges-members of the Court's Bureau, of welcoming the members of the Committee on the Election of Judges for an exchange of views.

This will be an opportunity for us to address the Court's needs regarding a well-balanced composition – including gender parity, given that, currently, only 16 of the Court's 45 sitting Judges are women.

But also, to raise the issue of delays in the submission of lists of candidates by certain Member States and in the filling of vacant posts.

When judges' terms of office expire, they remain in office until replaced.¹ Four of our judges are currently in this situation.

There has been no judge elected in respect of Slovakia at the Court for over a year now.

These are issues that affect not only the Court's composition but also, more fundamentally, the balance of the Convention system and its legitimacy.

Indeed, all 46 judges of the Court derive their strong democratic legitimacy from being elected by your Assembly.

The 'national judge' elected in respect of each of the Member States is an essential link in the DNA chain of the Convention system.

The presence of a judge in respect of each member State is a guarantee of the legitimacy and stability of the system grounded in the collective enforcement of human rights.

This is especially important to uphold in an era of political upheaval like the one we are living in.

The Court should not enter into the sphere of politics, but it increasingly finds itself drawn into that world.

How can it navigate this situation?

Certainly, by stepping up efforts to increase the efficiency and visibility of its work, in keeping with its priorities.

By making the Court's judicial activities more visible and accessible.

For instance, by holding more public hearings – of which there were seven since September last year.²

By opening our Court to visitors. A year ago, in September, we welcomed around 4,000 visitors for our Open Door Day, and from now on, we welcome visitors on guided tours on the first Friday of each month.

By strengthening our presence on social media.

Demonstrating that we are truly an open and accessible Court – 'a Court for all'.

But also, crucially, by explaining our judicial work, through dialogue and opportunities to meet like this one.

By listening to concerns and answering questions, as I will do with you today, for the first time. In strict respect of the Court's judicial independence of which I am a guarantor.

By providing solid and objective information about our judicial work.

As has been done, for instance, in the context of the political discussions known as the 'Chişinău process'.

The process that began with the Open Letter from nine member States, published in May 2025, and which led to the adoption of the political declaration at the last Ministerial Summit in Chişinău in May this year.

¹ Article 23 of the Convention

² *Jesus Pinhal v. Portugal* (48047/15, 2276/20, hearing of 17 September 2025), *Grande Oriente d'Italia v. Italy* (no. 29550/17), hearing of 19 November 2025; *Kuijt v. the Netherlands* (no. 19365/19), hearing of 21 January 2026; *Tergek v. Türkiye* (no. 39631/20), hearing of 4 March 2026; *Kavala v. Türkiye (no. 2)* (no. 2170/24), hearing of 25 March 2026; *S.O. v. Spain* (no. 5742/22), hearing on 1st April 2026; and, in the *Chamber* case *Ukrainian Helsinki Union for Human Rights on behalf of ten Ukrainian children v. Russia* (no. 6719/23), hearing on 22 September 2026.

Thanks to the initiative of the Secretary General, the intergovernmental exchanges took place within the existing institutional frameworks and with safeguards in place.

The key one being for the Court – the legitimate subject, but not actor, of the political debate – to feed reliable information into the process.

It is legitimate for the member States to discuss issues related to migration and the protection of borders.

But this must be done in a manner respectful to the Court's judicial independence.

The Declaration adopted in Chişinău reaffirms the States Parties' support for the independence of the Court and the integrity of the Convention system.³

I am satisfied that it is explicit in this regard.

But the Chişinău declaration is not a roadmap for the Court's judicial activity, nor should it be understood as providing criteria for its work.

In Chişinău's wake, the Court stays on its course.

It pursues its judicial work, as ever, firmly grounded in its judicial independence.

Independence which goes hand in hand with responsibility.

It continues to apply judicial pragmatism by interpreting the text of the Convention in light of the specific context of each case.

As it has done in the past and as it will continue to do in the future.

My constant message to the member States – the primary bearers of the responsibility set out in Article 1 of the Convention to protect its rights and freedoms – being: that the Court hears their concerns – but must never be told what to do.

It is a basic requirement of judicial integrity that no court be told what it should or should not do.

International courts, including our Court, can only fulfil their role in protecting human rights and the rule of law, ensuring accountability, and upholding the international legal order, if their independence is safeguarded.

This includes being shielded from pressure and attacks.

It is this consideration that led the Court to choose judicial unity and solidarity as its guiding theme for this year.

Here, I wish to express our Court's solidarity with the judges and President of the International Criminal Court, targeted by US and Russian sanctions in connection with the exercise of their judicial functions.

As ICC President Akané herself has emphasised, when judges are subjected to pressure, threatened or discredited, it is, ultimately, "the credibility of international law itself that is undermined".

This is another concern that we share with you:

³ 135th Session, 15 May 2026 Chişinău, Republic of Moldova Chişinău Declaration CM(2026)99-final 15 May 2026

Such is indeed one of the conclusions of the report⁴ prepared by your Assembly's Legal Affairs Committee, which will be debated later this week: "Attacks on international organisations central to the international rules-based order are a direct attack on the international order itself."

I have already expressed to President Akané the message of judicial unity on behalf of our Court, and I will repeat it when I visit The Hague next month.

Because precisely at times like these, there is a need for judges to stand together.

Because without judges, there can be no rule of law and no democracy.

Now, let me speak about the Court's role in ensuring Russia's accountability.

This has been a top priority for the Court, and also a top priority question for the Assembly.

Over the past four years, the Court has employed considerable resources to process cases pending against Russia, under its residual jurisdiction – a consequential choice made by the Court's Plenary in 2022.

I want to emphasise that the magnitude of both the task and the resulting achievement are nothing short of exceptional.

In March 2022, the Court had 18,000 applications pending against Russia, both related and unrelated to armed conflict.

Since that time, over 10,000 new applications have been lodged with the Court.

Several inter-State judgments held Russia responsible for gross and widespread human rights violations committed in the context of its military actions against its neighbours.

Like the historic inter-State ruling in *Ukraine and the Netherlands v. Russia*.⁵

In which the Court held Russia responsible for serious and systematic human rights violations that occurred in the context of the conflict in Ukraine since 2014 and following the full-scale invasion in February 2022.

Or the Grand Chamber judgment, adopted in October, which ordered Russia to pay Georgia 253 million euros in damage suffered by more than 29,000 victims.

All cases of greatest significance have been examined.

In particular, with 60 fully reasoned chamber judgments and one Grand Chamber – *Fedotova and Others v. Russia*.⁶

Thousands more have been declared inadmissible or struck out.

A remainder of pending cases, unrelated to armed conflict, was recently struck out by decision of a Chamber of the Court.⁷

I know that this decision, *Lebedeva v. Russia*, has raised some concerns and I will be glad to answer any questions you may have in this connection.

What now remains are 5 inter-State cases against Russia.

Along with 5,700 applications related to armed conflict, their vast majority related to the armed conflict between Russia and Ukraine.

⁴ [Doc. 16475 - Report - Working document](#)

⁵ *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025

⁶ *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, 17 January 2023

⁷ *Lebedeva v. Russia* (dec.), nos. 49120/07 and 878 others, 7 July 2026

And, last week, on 22 September the Court held a public hearing in the case concerning Ukrainian children.⁸

I know the situation of these children has been of particular interest also to this Assembly and its Parliamentary Network on the Situation of the Children of Ukraine.

All this crucial work on ensuring Russia's accountability will continue.

In its work, the Court has also shown, time and again, its respect for the principles of subsidiarity and shared responsibility.

For example – by accepting more requests for advisory opinions, made under Protocol No° 16 – which I encourage all States to ratify.⁹

In March, the Court delivered 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.

Three further requests for advisory opinions are currently pending, and tomorrow the Court will deliver one of those, requested by the Supreme Court of Ukraine, at a public hearing.¹⁰

Also, by requiring applicants to exhaust domestic remedies, as has been done in the Grand Chamber decisions of *Mansouri v Italy*¹¹ and *Kuijt v the Netherlands*¹² (delivered last week), the Court has stressed the importance of national judicial systems addressing human rights complaints first and foremost.

This is an expression of the mutual confidence between the Court and the domestic superior courts.

In other cases, however, the principle of shared responsibility required the Court to exercise its supervision role.

As in the Court's recent Grand Chamber judgment in the case *Kavala v. Türkiye (No. 2)*¹³.

The Court's third judgment concerning the same applicant.

In which the Court addressed Mr Kavala's continued detention from December 2019 to the present day – already eight and a half years.

That has been another matter which has been a longstanding concern of your Assembly.

Referring to Article 18 of the Convention, the Court emphasised that the applicant's case cannot be regarded as an isolated incident.

It stated that "the measures taken by the authorities pursued an ulterior purpose, namely the stifling of pluralism and limiting freedom of political debate, which is at the very core of a democratic society and of European public order".¹⁴

In this connection, the Court has also recently been faced with several thousand new claims relating to the dismissal of civil servants in Türkiye. Around 7,000 have been recorded since October 2025, and more than 5,000 are pending registration.

⁸ *Ukrainian Helsinki Human Rights Union on behalf of ten Ukrainian children v. Russia* (application no. 6719/23).

⁹ Ratified or acceded to by 26 states.

¹⁰ One submitted by the Constitutional Court of Luxembourg, one by the Supreme Court of Slovenia and one by the Supreme Court of Ukraine.

¹¹ *Mansouri v. Italy (dec.)* [GC], no. 63386/16, 29 April 2025

¹² *Kuijt v. the Netherlands (dec.)* [GC], no. 19365/19, 23 September 2026

¹³ 25 August 2026

¹⁴ *Kavala v. Türkiye (no. 2)* [GC], no. 2170/24, §275, 25 August 2026

Special case-processing measures have been put in place to process all these cases effectively.

Such a sudden and massive influx of cases explains the rise in the number of cases pending on the Court's docket.

This situation calls for even more effort and internal reforms, including the careful use of AI, to maintain and further improve the Court's productivity.

End of last year, the Court reached the lowest stock of cases in 20 years.¹⁵

Since the beginning of this year, it has ruled on almost 20,000 applications, with judgments delivered in almost 2,500 cases.

But I want to stress that the Court can only remain effective if it has enough resources.

Indeed, we need your political support, which should also translate into financial support coming from your governments.

This is a condition of our effectiveness and smooth functioning, which depends on the 800 people working together at the Court: 46 judges and 750 members of the Registry.

What is needed is a sustainable and sufficient ordinary budget.

For the Court's autonomy, it is not sustainable to be excessively dependent on voluntary contributions, which by the way are decreasing.

By nature, the judicial work of courts is retrospective.

Adjudicating cases from the past, to render justice in the present day, providing guidance for the future.

The best way to fulfil our mission is to be loyal to the legacy entrusted to us by the founders of the Convention system.

Defending democracy and the rule of law and human rights and the ideals of peace and justice.

Therefore, our guiding theme next year will be peace through law and justice.

To that end, in July 2027, the Court will hold a commemorative event to highlight the role of courts – international, regional and national – in promoting peace through law and justice, including in the context of armed conflict.

It will be organised back-to-back with the 5th International Forum of regional human rights courts, which our Court will host here in Strasbourg.

This string of related events will help to put the spotlight on the Convention system and its role in preserving peace on our continent.

To show that they remain as relevant today as they were 50 years ago, at the time of the 1967 Geneva World Conference on Law and Justice.

And to show the indispensable role that the Convention system plays in upholding the rule of law, democracy, and the European public order.

Why we all work together at the service of the same ideals and values.

¹⁵ 53,450 pending applications at the end of 2025

Ideals and universal values that help to ensure that the path towards peace in Europe is charted along the guiding lines of law, justice, and human rights.

Thank you.