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

Exchange of views with the Committee of Ministers

Speech by Síofra O'Leary

10 April 2024

Monsieur l'ambassadeur Wanger,

Madame la Secrétaire générale du Conseil de l'Europe,

Monsieur le Secrétaire général adjoint du Conseil de l'Europe,

Madame la Secrétaire générale de l'Assemblée parlementaire,

Mesdames et Messieurs les Ambassadeurs,

I. Introduction

C'est avec grand plaisir que je m'adresse à vous ce matin, accompagnée par la greffière, le greffier adjoint et les membres de mon cabinet.

À moins qu'une crise imprévue ou des besoins institutionnels ne se manifestent – auquel cas, comme vous le savez, je reste à votre disposition – c'est la dernière fois que je m'adresse à vous dans ce cadre en tant que présidente de la Cour. Ce n'est donc pas sans solennité ni une certaine émotion que je prends la parole ce matin.

Le dix-huitième président de la Cour sera élu le mois prochain et j'aurai le grand plaisir de vous présenter mon successeur avant la pause estivale.

Je souhaiterais commencer, ce matin, par remercier l'ambassadeur Wanger, ses prédécesseurs à la présidence, le Comité des Ministres, ainsi que les deux secrétaires générales, ici présentes, pour le dialogue extrêmement ouvert et constructif que nous avons mis en place au cours des deux dernières années. Vous avez apporté à la Cour un soutien précieux tout au long de cette période.

Le respect de la séparation des pouvoirs, qui est si fondamental pour la préservation de l'indépendance de la Cour, suppose que chacun d'entre nous ait conscience du mandat et de la mission qui sont les siens. Les quarante-six juges de la Cour, des deux nouveaux juges qui se joindront à nous la semaine prochaine jusqu'au président, sont liés par les dispositions de la Convention, par le serment

qu'ils ont prêté en tant que juges, par la résolution de la Cour sur l'éthique judiciaire et par les dispositions pertinentes du règlement de la Cour. L'autorité de la Cour et la légitimité avec laquelle elle interprète et applique la Convention, laquelle est, comme je vous l'expliquerai tout à l'heure, un instrument vivant et dynamique, dépendent non seulement du respect que nous-mêmes portons à ces règles mais aussi de leur respect par autrui.

Au sein de cette pièce et ailleurs, j'ai été témoin d'un immense respect à l'égard du travail de la Cour. Je vous en remercie, et je vous remercie également pour la compréhension que vous avez manifestée à l'égard de la franchise qui a souvent marqué mes efforts pour répondre aux différents besoins de la Cour, notamment – mais pas seulement – son besoin d'un financement durable.

Vous avez immédiatement fait suivre d'actes, et non uniquement de paroles, l'engagement en faveur du système de la Convention que vous avez renouvelé lors du quatrième sommet.

L'une des formes qu'a pris votre action, à savoir une augmentation du budget de la Cour, se fait sentir dans le cadre des processus de recrutement qui sont en cours. En ce qui concerne un autre volet de votre action, à savoir l'accroissement des synergies dans le domaine de l'exécution, des progrès ont également été accomplis, comme en témoignent votre décision de février dernier[1].

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II. Le point sur les statistiques et le traitement des affaires

Je vous ai présenté les statistiques pour l'année 2023 lors de l'ouverture de l'année judiciaire.

Ainsi que vous pouvez l'imaginer, nous ne sommes pas restés les bras croisés dans les mois qui ont suivi et, comme il est d'usage, je me tourne vers les chiffres.

Au 1er avril, il y avait 65 700 requêtes pendantes devant la Cour.

Depuis le début de l'année 2024, la Cour a statué sur plus de 9 500 requêtes. Des arrêts ont été rendus relativement à 3 349 de ces requêtes, dont un grand nombre par des comités de trois juges, et ce dans chacune des cinq sections.

Comme l'explique le rapport annuel, nous avons, au cours de l'année écoulée, procédé au basculement nécessaire, sur les plans quantitatif et qualitatif, entre le travail judiciaire des chambres et celui des comités. Il s'agit d'une évolution que mes prédécesseurs et moi-même vous avons expliquée de son amorce jusqu'à son exécution. À présent, les comités traitent, avec rapidité, les affaires répétitives et celles auxquelles une jurisprudence claire est applicable. Cela permet d'assurer

[1] 1488e réunion, 7-8 février 2024, CM/Del/Dec(2024)1488/4.4.

que les chambres de sept juges disposent du temps et des ressources nécessaires pour examiner des questions juridiques nouvelles et plus complexes.

Au cours des derniers mois, les chambres ont continué à concentrer leur activité sur les affaires « à impact »[2] ainsi que sur les autres affaires prioritaires ou très médiatisées, dans des domaines variés. Pour ne citer que quelques exemples, je mentionnerai ici des arrêts concernant :

- la rétention de requérants en tant que demandeurs d'asile après qu'ils eurent déclaré être mineurs, sans que des mesures appropriées ne soient prises pour vérifier leur âge[3],

- le recours au profilage racial par les services de police dans le cadre de contrôles d'identité[4],

- l'effet sur le droit à la vie privée de la surveillance systémique découlant d'une obligation de conservation des données relatives au trafic et des données de localisation[5],

ou

- la compatibilité avec la Convention de la réglementation relative à l'abattage rituel des animaux[6].

Le délai entre l'introduction de certaines de ces requêtes et le prononcé de nos arrêts demeure plus long que nous ne le souhaiterions. Cependant, c'est parce que nous nous sommes attelés à résorber l'arriéré. Si vous comparez la durée actuelle du traitement des affaires de cette nature à ce qu'elle était auparavant, vous verrez que nous sommes vraiment sur la bonne voie. De plus, pour certains États, nous avons déjà atteint le but visé en ce qui concerne le délai jusqu'au prononcé.

Les juges uniques, dont nous publions l'identité depuis le mois de février de cette année, continuent de filtrer les requêtes irrecevables avec efficacité : ils ont ainsi traité plus de 5 200 requêtes depuis le début de l'année.

Cinq États demeurent à l'origine d'environ trois quarts de l'ensemble des requêtes pendantes : la Türkiye, la Russie, l'Ukraine, la Roumanie et la Grèce, laquelle a dépassé l'Italie au début de l'année.

Le nombre de requêtes pendantes contre l'Italie a connu depuis le 1er janvier 2024 un déclin de 13 %, qui s'explique par différents facteurs : un soutien matériel de la part de l'État défendeur, qui a permis une augmentation des effectifs de l'équipe chargée du traitement des requêtes, mais aussi un recours accru aux solutions que sont le règlement amiable et les déclarations unilatérales, ainsi qu'un traitement plus rapide des affaires italiennes, qui ont été regroupées dans la mesure du possible et tranchées par des comités de trois juges.

[2] Depuis la dernière fois que je me suis adressée à vous, en octobre 2023, 29 requêtes « à impact » ont fait l'objet d'une résolution au moyen d'un arrêt, 6 ont été déclarées irrecevables et 24 ont été communiquées à vos gouvernements. À l'heure actuelle, 252 requêtes « à impact » sont pendantes, et 221 d'entre elles ont déjà été communiquées.

[3] *M.H. et S.B. c. Hongrie*, nos 10940/17 et 15977/17, 22 février 2024 (violation de l'article 5 § 1).

[4] *Wa Baile c. Suisse*, nos 43868/18 et 25883/21, 20 février 2024 (violation de l'article 14 combiné avec l'article 8, et violation de l'article 13 à cet égard).

[5] *Škoberne c. Slovénie*, no 19920/20, 15 février 2024 (violation de l'article 8).

[6] *Executief van de Moslims van België et autres c. Belgique*, nos 16760/22 et autres, 13 février 2024 (non-violation de l'article 9 pris isolément et combiné avec l'article 14).

Les chiffres exacts pour chacun des cinq États que je viens de mentionner figureront dans la version écrite de mon intervention, qui sera publiée cet après-midi[7].

Pour ce qui est des demandes de mesures provisoires, entre le 1er janvier et le 1er avril 2024, la Cour en a traité au total 427, indiquant des mesures provisoires en réponse à 151 requêtes et rejetant 88 autres. Enfin, 188 demandes n'ont pas fait l'objet d'une décision judiciaire, soit parce qu'elles étaient incomplètes ou prématurées, soit parce qu'elles ne relevaient pas du champ d'application de l'article 39 du règlement.

Jusqu'à présent, l'année 2024 n'est donc pas touchée par l'augmentation exponentielle du nombre de demandes de mesures provisoires qui avait marqué les années 2022 et 2023 du fait de la saturation des structures d'hébergement en Belgique. Toutefois, qu'il soit question des requêtes en général ou des demandes de mesures provisoires en particulier, nous n'en maîtrisons pas le nombre : la Cour demeure tributaire d'évènements extérieurs. Ces dernières années, marquées par une crise migratoire, une tentative de coup d'État, une pandémie mondiale sans précédent et des conflits, l'ont clairement montré.

III. Grand Chamber work

You may remember that one of the priorities I set for the Presidency was to consolidate and, where possible, speed up, the work of the Grand Chamber, while ensuring that greater celerity did not entail the sacrificing of quality.

In the two latest admissible Protocol No. 16 cases, the requesting courts from Finland and Belgium received advisory opinions decided unanimously by the Grand Chamber within 6 and 7 months of lodging their requests respectively. In just over five years, the Court has dealt with 9 requests for advisory opinions; rejecting 2 requests and issuing 7 opinions. A new Romanian request is now pending.

In addition to its advisory jurisdiction, the Grand Chamber, whether seized following referral or relinquishment, has continued to deal with legal questions of pan-European relevance or of particular importance for a given Council of Europe State given its constitutional makeup.

As an example of the former, in its first Covid case, *Communauté genevoise d'action syndicale (CGAS) v. Switzerland*, the Grand Chamber dealt with national measures banning public events at the outset of the pandemic.[8] Relying on the principle of subsidiarity and its concrete manifestation in the requirement to exhaust domestic remedies, it emphasised the centrality to the Convention system of prior assessment by domestic courts.

As regards the latter category, in *Humpert and Others v. Germany*, the Court dealt with disciplinary sanctions imposed on teachers who breached a constitutional ban on striking for those enjoying civil

[7] Par ordre décroissant, la Türkiye (23 550 requêtes), la Fédération de Russie (9 700 requêtes), l'Ukraine (8 700 requêtes), la Roumanie (3 900 requêtes) et la Grèce (2 450 requêtes).
[8] *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* [GC], no. 21881/20, 27 November 2023.

servant status.[9] Finding no violation of Article 11, the Court considered that the variety of different institutional safeguards provided under German law, in their totality, enabled civil servants' trade unions and civil servants themselves to effectively defend their relevant occupational interests. It also paid close attention to the balancing and weighing-up of different, potentially competing, constitutional interests which had been undertaken by the German Federal Constitutional Court.

This brings me to the judgment and two decisions handed down just yesterday in relation to climate change and the Convention.[10]

The delivery, like the hearings held in 2023, attracted a huge amount of attention. Allow me to say a couple of words about these cases this morning, without, however, drowning you in detailed legal analysis.

Firstly, the processing of these cases was efficiently streamlined. A dedicated legal team and the same judicial formation were assigned to deal with all three cases in a staggered manner. This was important because the three rulings cannot be approached in isolation from each other. They form a trilogy, establishing key procedural and substantive Convention principles in litigation relating to climate change.[11]

In *Duarte Agostinho and Others*, the Court emphasised that the Convention cannot be used to advance proposals which would "lead to an untenable level of uncertainty for the States"[12] in the context of climate change. Arguments put forward by the applicants which would have entailed an unlimited expansion of States' extraterritorial jurisdiction under the Convention and transformed the latter into a global climate-change treaty for which there was no support in its text were not accepted.

In this decision and in *Carême*[13] one also sees why the principles of subsidiarity and exhaustion are so central to the effective functioning of the Convention system. The applicants' approach to subsidiarity in *Duarte* – which had been to ask the Court to rule on climate change *before* the opportunity had been given to the domestic courts to do so – was not followed.[14] A failure to exhaust domestic remedies, depriving domestic courts of the possibility to establish facts and assess complex evidence, was also regarded as depriving the Court of the possibility to examine meaningfully the applicants' alleged victim status under the Convention.[15]

[9] *Humpert and Others v. Germany* [GC], nos. 59433/18 and 3 others, 14 December 2023.
[10] *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC], no. 53600/20, 9 April 2024; *Carême v. France* [GC] (dec.), no. 7189/21, 9 April 2024; and *Duarte Agostinho and Others v. Portugal and 32 Others* [GC] (dec.), no. 39371/20, 9 April 2024.
[11] See further Factsheet – Climate change on the adjourned cases in which the newly established principles will fall to be applied in due course.
[12] *Duarte Agostinho and Others*, § 208.
[13] *Carême*, § 86. On the specific facts of the case the Court found that the applicant did not enjoy victim status under the Convention. However, it did note that the interests of the residents of Grande-Synthe, where the applicant had earlier resided and served as mayor, had been at least partially successfully defended by their municipality before the *Conseil d'État* in accordance with national law.
[14] *Duarte Agostinho and Others*, § 228.
[15] Ibid, § 230.

What emerges from all three cases is the critical need for domestic systems to provide effective channels for applicants to raise climate change complaints and for domestic authorities, including national courts, to deal with those complaints before any application is lodged with the Court.[16]

In the *Klima* judgment, the Court explains in detail the challenging nature of climate change litigation and the Convention constraints under which the Court must operate.[17]

The Grand Chamber has set a high threshold for individual victim status in climate change cases. It has offset this by making greater allowance for recourse to legal action by associations, in recognition of the fact that recourse to collective bodies may be the only accessible means to defend particular interests effectively.[18]

Finally, in the *Klima* judgment the Court has defined the content of the States' positive obligations under the Convention, explaining the differentiated scope of the margin of appreciation in the context of climate change: narrower when it comes to the obligation to act but wide when it comes to the choice of means.[19]

As the Grand Chamber highlighted in the *Klima* judgment, judicial involvement, be it at national or European level, is clearly insufficient to tackle the effects of climate change. In a democratic society governed by the rule of law, the responsibility is primarily on the legislative and executive branches of government to take adequate action. The involvement of the judiciary is complementary to those democratic processes and is necessarily limited to ensuring oversight of compliance with legal requirements.

For its part, the Court has shown that it is ready to shoulder its part of this judicial burden but in accordance with the principle of subsidiarity and within the remit of its role under the Convention.

Finally, as some of you saw at yesterday's Grand Chamber hearing, we have sought to render the public delivery of judgments and decisions more informative and accessible, by changing aspects of the format and content.

IV. Accountability

Turning to the subject of accountability, as devastating war continues to rage on in Ukraine, one of the most critical contributions that the Court can bring to the hope of stability and order on our Continent is continuing to hold those responsible accountable for any human rights violations.

[16] Ibid, § 639. For an overview of domestic case-law concerning climate change, see *Verein KlimaSeniorinnen Schweiz and Others*, §§ 236-272.
[17] Ibid, §§ 410-422.
[18] Ibid, §§ 489 and 499. The Court's approach followed a detailed overview of rapidly developing national case-law and international standards in this field, not least the Aarhus Convention. The latter has been ratified by the vast majority of Council of Europe member States and represents one of the pillars of the EU's environmental legislative framework.
[19] *Verein KlimaSeniorinnen Schweiz and Others*, § 543.

Accountability was one of the lynchpins of the Reykjavik Declaration and remains one of your central objectives.

I have described on previous occasions how we have set down, in a series of Grand Chamber and Chamber judgments from January 2023 onwards the parameters for the exercise of our residual jurisdiction.[20]

When the Russian Federation failed to participate in the hearing held last December in *Ukraine v. Russia (Crimea)*,[21] I reminded the respondent State of their continued obligations under the Convention. But I also reiterated that the Court does not merely accept as established all allegations made by other States and individuals in pending cases. The Court – a court of law - must be satisfied by the available evidence that any claim is well founded in fact and law.

Four inter-State cases are currently pending against Russia.[22] The judgment in a 5th case - *Georgia v. Russia (IV)* - was delivered just yesterday.[23]

A hearing in *Ukraine and the Netherlands v. Russia*, in which 26 States intervene as third parties, will be held on 12th June next.

When Russia ceased to be a high Contracting Party to the Convention on 16th September 2022, the number of pending applications against it stood at 17,450. Today that figure is 9,700.

This sizeable decrease in numbers is thanks to the dedicated work of Judges and registry teams and to the efficient use of our working methods for well-established case-law, what we call Fast Track WECL modules. Since 1st January 2023, judgments have been delivered in respect of 7,069 applications against Russia, thanks to the grouping of cases and the work of additional committees. These impressive results would have been impossible without the relentless efforts of all concerned, particularly the Registry staff competent to deal with Russian cases.

Finally, Chambers of seven Judges continue to deal with priority and impact cases lodged against the Russian Federation.[24]

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[20] See variously, *Fedotova and Others v. Russia* of 17 January 2023, *Kutayev v. Russia* and *Svetova and Others v. Russia* of 24 January 2023, *Ukraine and the Netherlands v. Russia* of 25 January 2023, *Pivkina and Others v. Russia* of 6 June 2023 and *Glukhin v. Russia* of 4 July 2023.

[21] The case concerns Ukraine's allegations of a pattern ("administrative practice") of violations of the European Convention on Human Rights by the Russian Federation in Crimea beginning in February 2014. It also concerns the transfer of Ukrainian "convicts" to the territory of Russia and allegations of persecution of Ukrainian "political prisoners".

[22] *Ukraine v. Russia (re Crimea), nos. 20958/14 and 38334/18; Ukraine and the Netherlands v. Russia, nos. 8019/16, 43800/14, 28525/20 and 11055/22; Ukraine v. Russia (VIII), no. 55855/18; Ukraine v. Russia (IX), no. 10691/21.* There are 14 inter-State cases, for a total of 18 applications, currently pending.

[23] *Georgia v. Russia (IV)* no. 39611/18. The Court found multiple violations of the Convention because of the toll on human rights resulting from the administrative boundary lines established after the armed conflict between Georgia and Russia in August 2008.

[24] The judgments concerned address a range of issues: from the killing of the applicants' relative in 2016 by a border guard of the de facto Abkhaz authorities on Georgian-controlled territory (*Matkava and Others v. Russia*, no. 3963/18, 19 December 2023), to the failure to take preventative operational measures to safeguard the life of, and to investigate the murder of two journalists in Dagestan (*Akhmednabiyev and Kamalov v. Russia*, nos. 34358/16 and 58535/16, 30 January 2024), to the problematic effects of an extremely broad duty of data retention and the law-enforcement authorities' unhindered access to stored Internet communications (*Podchasov v. Russia*, no. 33696/19, 13 February 2024).

V. Overview of procedural reforms

As I have stressed in this forum and elsewhere, the Court has been engaged in several procedural reforms over the last two years, always mindful of constructive engagement by stakeholders which is designed to better its functioning and further streamline its case processing procedures.

The revised and updated recusal rule and new Practice Direction, which seek to clarify and consolidate the existing grounds for withdrawal of judges from a judicial formation or their recusal at the request of one of the parties, is functioning efficiently and a record is kept of requests received.[25] We will, however, be attentive to vexatious and abusive reliance on Rule 28.

With a view to ensuring higher transparency, the Court has also published on its website the judicial formations within its five Sections.

The reform of Rule 28, and the new measures introduced, complement in practical terms the principles set out in the revised and updated Resolution on Judicial Ethics (2021) and reinforce the Court's internal ethical framework, as set out in the Convention[26] and the Rules of Court.[27] It is important that the Court be equipped with adequate procedural mechanisms allowing it to deal with any ethical issues internally, in accordance with its judicial independence and functional autonomy.[28]

The codification and clarification of our well-established practice in relation to interim measures also culminated last month, with adoption of the revised Rule 39 and the publication of a revised and more extensive Practice Direction.[29]

In the latter, the Court clarifies a procedure which was perhaps insufficiently understood or too easily misconstrued over the last years. In the Practice Direction we have also sought to respond to many of the important considerations raised during the consultation procedure.

Other procedural reforms or innovations are sufficiently detailed in last January's annual report such that I will not revisit them.[30]

Whether in relation to third party interventions, recusal or Rule 39, I have encouraged the development of Practice Directions as key tools in the Court's communication of its practice and procedures to parties but also to the public at large.

[25] Press release ECHR 016 (2024), 22.01.2024 on the revision of Rule 28 and the issuing of a new Practice Direction on recusal.
[26] Article 21 of the Convention sets forth the criteria for judicial office.
[27] The criteria for judicial office under Article 21 of the Convention are further developed in Rules 3, 4 and 28 of the Rules of Court. Moreover, Rule 7 provides for a procedure for dismissal from office of a judge who has ceased to fulfil the required conditions for office.
[28] As required not least in in the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 162).
[29] Press release ECHR 073 (2024) 28.03.2024 Amendments to Rule 39 of the Rules of the Court and the Practice Direction on interim measures.
[30] Annual Report 2023 https://www.echr.coe.int/documents/d/echr/annual-report-2023-eng?download=true.

Finally, following the migration last year of the Court's website to a new platform, we have been working internally on revised and updated content to render the site more accessible and informative. This will be launched shortly.

VI. Outreach

Like last year, 2024 has been characterised by extensive outreach and representational work, both in Strasbourg and beyond.

I have welcomed the Heads of State or Government of Liechtenstein, Montenegro and Cyprus to the Human Rights Building, as well as Ministers for Justice and other portfolios from Türkiye, Malta and Moldova. Next week I will welcome the Justice Minister for Latvia. In May I hope to welcome the Justice Minister for Poland to discuss further the execution of key rule of law and other judgments.[31]

Judicial dialogue has included trilateral meetings with the CJEU and national Supreme Courts in Vienna, an international conference on the environment at the Conseil Constitutionnel in Paris, and meetings with superior courts from, amongst others, the Slovak Republic, the Netherlands, Poland, Italy, Portugal, Spain, Switzerland and the French Conseil d'État.

In the coming weeks and months we will receive delegations of judges from the UK superior courts, the Constitutional Court of Latvia, the Danish Supreme Court, the Supreme Court of Slovenia and the Supreme Administrative Court of Sweden.

Judicial dialogue is the lifeblood of our Convention system, as these exchanges and some of the Grand Chamber cases I sought to showcase this morning have demonstrated.

VII. Judicial mandates and post-mandates

In a letter to the Secretary General of PACE, sent at the outset of my Presidency, I emphasised that 12 sitting Judges will come to the end of their mandate this year[32]. In addition, the terms of office of three sitting Judges at the Court have already expired.[33] For two of these posts there remain no valid lists before the PACE.

This was a problem perhaps not envisaged by Protocol No. 14 and one for which the Convention provides no solution at present.

[31] Since last October delegations of Court Judges have also accompanied me in exchanges with the CPT, the Gender Equality Commission, the European Committee of Social Rights, as well as speaking at a special meeting of the Secretary General for the Presidents and Chairs of Inter-governmental bodies.

[32] Namely the Judges elected in respect of Andorra, Armenia, Austria, Bulgaria, Finland, Ireland, Latvia, Liechtenstein, Luxembourg, Monaco, Serbia, and the Slovak Republic.

[33] The judges elected in respect of Poland, Bosnia and Herzegovina and Lithuania.

I thank the Advisory Panel, the Secretary General of PACE and PACE itself for their crucial selection work this year.

A new generation of Judges will thus join the Court, bringing with them fresh experience and energy and I, my colleagues and successor will do all in our power to integrate them as best and as quickly as possible.

The fact that an unprecedented number of judges will be coming to the end of their mandate throughout the year also brings the post-mandate situation of Judges into sharper focus.

At our last meeting in October 2023, I already broached this issue, emphasising the need for Judges to be able to secure adequate employment post-mandate and to have their service on the Court recognised for employment and pension purposes.

I understand that a Rapporteur Group on Human Rights (GR-H) will now prepare a draft declaration on this issue and on protection from threats and reprisals.[34] Speaking on behalf of all of the Judges of the Court, we are encouraged by this development and keen to assist in any way. But we are also mindful of the years which have passed during which successive PACE and CM resolutions addressing the post-mandate situation of Judges have gone without concrete results.

The questions you are set to discuss further are central to the preservation of judicial independence. They also ensure that the best candidates feel able to apply for what is a very demanding judicial post which requires of the office holder to leave behind often their national post, but also their professional environment and, in our experience in recent years, increasingly their families. Difficulties encountered when it comes to access to suitable schools is likely to exacerbate this trend or, worse still, dissuade qualified candidates from applying.

We would urge you to consider a recommendation to address the various issues which arise, not least recognition of service. If potential candidates fear that they will not return to their lives and a livelihood after their mandate, they will not come to Strasbourg.

VIII. Conclusions

I come to my concluding remarks.

Almost one year ago we united in Reykjavik around our common European values. These values run through the fabric of the Convention and are illustrated in almost seven decades of the Court's case-law. Their purpose is to ensure that in the Convention legal space people enjoy the benefits of effective, pluralist democracies, independent and impartial courts, embrace tolerance and promote equality.

[34] CM/Del/Dec(2024)1488/4.2

In these tumultuous times, you should be very wary of the space and oxygen being given to attempts to undermine the authority and raison d'être of the Court and the Convention system.

Parliamentary debates or ministerial speeches in more than one Council of Europe Member State fixate on the need to defy interim measures. The consequences of particular judgments which don't appeal either to a majority in society or to a ruling party are rejected. Opposition figures the subject of repeat judgments in Strasbourg ordering their liberation continue to languish in prison. One of the most prominent, Alexei Navalny, recently died, with 8 Strasbourg judgments in his favour and 27 cases still pending against Russia.

As I stressed at the 4th Summit, the idea that the Convention system was and is for the benefit of *other* States and not a matter of domestic concern in *all* 46 States is and always has been mistaken.

We are blessed in this part of the world with *the* most effective human rights protection mechanism which humankind has thus far devised. It is a mechanism which ensures that your democratically elected governments and your independent and impartial courts are allowed to carry out their functions. It is a mechanism which ensures that States can be held accountable for breaches of rights and freedoms which they have undertaken to respect and ensure.

Let us remain united around our values, conscious of the privileged political and legal space in which we live and work and devoted to passing on to future generations the necessary tools and conditions for its preservation.

Thank you again for the support you have provided the Court, an institution which I have been truly honoured to serve.