

ENNHRI statement on Council of Europe Political Declaration on Migration

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ENNHRI, the European Network of National Human Rights Institutions, calls on the Council of Europe member States to ensure that the Political Declaration on Migration, due to be agreed by the Committee of Ministers at Chişinău on 15 May, respects and affirms the human rights of all individuals and protects the integrity of the European Court of Human Rights and the European Convention on Human Rights system.

The Political Declaration follows suggestions by several member States, initially expressed outside of the Council of Europe structures, that the current interpretation of the European Convention on Human Rights is unduly inhibiting control of immigration. ENNHRI [expressed](#) concerns at these statements. Nevertheless, it welcomes the fact that negotiations on the Political Declaration have since taken place within the framework of the Council of Europe.

Following an informal Ministerial Conference last December, the Council of Europe's Steering Committee on Human Rights (CDDH) has now agreed on [draft elements](#) to form the basis of the Political Declaration. ENNHRI has followed the process of development of the draft Declaration closely. It participated in the extra-ordinary meetings of CDDH as an observer and made submissions on the draft elements and explanatory report for the Political Declaration.

ENNHRI welcomes open and constructive debate on issues of migration and human rights. At the same time, it recalls that any concerns of migration management, as may be expressed in the future Political Declaration, must be addressed without damaging the European system of human rights protection. This system is one of the great achievements of Europe since the end of the Second World War, and an essential safeguard for the rights of everyone in the region. Through many difficult times, the strength of the European Court of Human Rights has meant that people across Europe have been safer and have been treated more fairly and equally.

It is crucial, therefore, that the Declaration expresses support for the independence of the European Court of Human Rights, and also that it does not serve to undermine the Court's independence by seeking to unduly influence its interpretation and application of the Convention. Equally, the Declaration should not be an instrument to facilitate any interference with the independence of national courts in their interpretation and application of the Convention, in line with the caselaw of the European Court.

ENNHRI stresses that across Europe, the credibility and strength of the European Convention system rests on its universal application: that it works to protect the rights of all within the jurisdiction of the Contracting Parties. The Court, in its interpretation of the Convention, has always adapted to address new challenges, and already takes account of public interests in applying the Convention rights. But security, border control and migration management measures to address emerging concerns must be implemented by the member States in full and equal respect of migrants' and refugees' Convention rights. This human rights-based approach is an important means to reinforce security, since protecting security requires respect for human rights.

Across Europe, NHRIs are committed to the implementation of the Convention rights. They understand the importance as well as the challenges of effective national implementation, including in the migration field. ENNHRI calls on member States to draw on this experience in the negotiation of the Political Declaration by consulting closely with NHRIs, as well as civil society, as part of a transparent process to finalise the text.

As the negotiations on the Political Declaration move to the Committee of Ministers, ENNHRI will continue to engage in the process, including with member State governments through member NHRIs, for a final Declaration that is balanced and based on strong legal and factual foundations and that supports the effective protection of the Convention rights for all.

The European Convention reinforces rule of law and supports genuine democracy. At Chişinău, European states must send a message of confidence in the European Convention system, and unequivocal support for the European Court of Human Rights.