



To the attn. of:

Mr Mihai Popșoi, Chairperson of the Committee of Ministers
Ministers of Foreign Affairs and Ministers of Justice of Council of Europe member States
Permanent Representatives to the Council of Europe

Cc:

Mr Alain Berset, Secretary General of the Council of Europe
Ms Petra Bayr, President of the Parliamentary Assembly
Mr Mattias Guyomar, President of the European Court of Human Rights
Mr Michael O'Flaherty, Commissioner for Human Rights

30 March 2026

Dear Minister,
Dear Permanent Representative to the Council of Europe,

COUNCIL OF EUROPE: CHIȘINĂU POLITICAL DECLARATION ON THE EUROPEAN CONVENTION ON HUMAN RIGHTS

On behalf of Amnesty International, the International Federation for Human Rights (FIDH) and the International Commission of Jurists (ICJ), we are writing ahead of the Committee of Ministers 135th Ministerial Session in Chișinău, Moldova, on 14-15 May 2026, to urge you to uphold the integrity of the system of the European Convention on Human Rights (the Convention) for the protection of the human rights of more than 700 million people in Europe.

Our organisations are concerned about the current discussions among Council of Europe member states on issues related to migration and the Convention. These discussions were triggered by a letter signed by nine European Union member states in May 2025 that, in turn, led to a Committee of Ministers' decision of 10 December 2025 to adopt a Political Declaration on such questions at the forthcoming Chișinău Ministerial Session.

In January, February and March this year, Amnesty International, FIDH and ICJ participated as observers in the Steering Committee for Human Rights' (CDDH) extraordinary meetings in the run up to the Chișinău Ministerial Session, providing human rights expertise and evidence-based contributions on key guarantees for the protection of human rights enshrined in the Convention and in the case law of the European Court of Human Rights (the Court).

Whilst acknowledging the progress made on certain issues as a result of the CDDH discussions, we consider that the proposals contained in the CDDH "Outcome document containing elements for a political declaration" of 20 March¹ fall short of States Parties' obligations to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention. The Political Declaration to be adopted in Chișinău could signal a dangerous roll-back with regard to States Parties' commitment to and support for the Court's independence, impartiality and authority and to the universality of human rights.

Ahead of the Chișinău Ministerial Session, we call on you to ensure that the upcoming Political Declaration and any political level discussions leading up to its adoption abide by the following principles:

- **Place States Parties' international law obligations at the centre of discussions on the Convention and the Court, including their obligations under international human rights and refugee law.** As the Court has consistently held, the Convention is not to be interpreted and applied in a vacuum but in harmony with the general principles of international law. To prevent legal uncertainty and ambiguity as to the scope and nature of States' obligations, the Committee of Ministers should avoid language that lacks a clear definition in international law.
- **Support the independence, impartiality and authority of the Court,** in line with the commitment made by Heads

of State and Government at the 4th Council of Europe Summit to reject “attacks at high political levels on the rights protected by the Convention and the judgments of the Court seeking to safeguard them” (Reykjavik’s Declaration, 2023). In particular, the Court’s supervisory jurisdiction and interpretive authority must be preserved by ensuring that authoritative guidance on the application of Convention obligations derives exclusively from its case-law, and not from intergovernmental instruments that risk narrowing or reinterpreting it in a manner inconsistent with the protection of human rights. This must be achieved without compromising the independence of domestic courts, whose legitimate margin of interpretation should be recognised and respected, including when this reflects compliance with other international obligations, in line with Article 53 of the Convention.

- **Abide by the universality, indivisibility, inalienability and interdependence of human rights as enshrined in the Convention:** the application of exceptional rules in migration cases would be incompatible with the Convention and States Parties’ other international law obligations. It would fundamentally undermine the supervisory jurisdiction of the Court and its independent interpretation of the Convention by fettering the Court’s judicial discretion. Additionally, it would violate the human rights of applicants and be contrary to the principle of non-discrimination.
- **Recognise that respect for human rights strengthens national security:** the relationship between human rights and national security or public order should not be framed as inherently in conflict. In line with the Convention and the Court’s case law, ‘national security’ should not be invoked with vague, blanket or indeterminate purported meanings to justify restrictions on Convention rights, given the risk of arbitrariness. State functions and responsibilities in the sphere of public order are complementary to their protective obligations under international human rights law. Respect for human rights has been consistently recognised as an essential condition for safeguarding the rule of law in the face of evolving global security threats.
- **Ensure that the Court’s case-law is interpreted and communicated accurately:** National authorities should refrain from misrepresenting the role and the jurisprudence of the Court to the public. They should instead acknowledge its mandate to protect a wide range of human rights of all individuals within their jurisdiction, and its role in adjudicating different human rights, including when deciding on migration cases. The Committee of Ministers should recognise that compliance with the Convention system and its obligations is instrumental to ensuring public confidence in it.
- **Recall that responses to challenges in the management of migration movements cannot bypass Convention obligations:** domestic rules governing border controls must not render inoperative or ineffective the human rights guaranteed by the Convention and its Protocols.ⁱⁱ States’ migration policies cannot deprive individuals of Convention rights, including the right to an effective remedy and the protection against collective expulsion.
- **Emphasise that Article 3 obligations are absolute and non-derogable under international law:** the prohibition of torture constitutes a peremptory norm of international law, as does *non-refoulement* to torture. The principle of *non-refoulement*, which prohibits the removal of anyone to a country where they face a real risk of torture or other serious human rights violations, applies to everyone, regardless of their migration status or the way they entered a country and irrespective of national security considerations. We call on CoE member states not to attempt to circumvent the Court’s jurisprudence, which provides authoritative interpretation of the Convention’s obligations. Importantly, we recall that in the decisive judgment *Sanchez-Sanchez v. the UK*ⁱⁱⁱ, the Court held that no distinction may be drawn between the minimum level of severity required to meet the Article 3 threshold in a domestic context and that applicable in an extra-territorial context.
- **Approach with caution the concepts of “instrumentalization” and “innovative solutions”:**
 - The concept of **instrumentalization** of migration lacks an internationally accepted definition and has not yet been addressed by the Court in its case law. Caution should be exercised when considering the challenges that the use of this concept may present or which rights, obligations and principles it might engage under the Convention. References to “instrumentalization” must not be used to justify undue restrictions of individual rights under the Convention, nor serve to circumvent Convention requirements for derogations in time of emergency under article 15 of the Convention. The human rights of individuals within the jurisdiction

of States parties, including their absolute right to be protected against refoulement and collective expulsions, are not contingent on the motives of third States or third parties that may or may not have facilitated their movement.

- The same caution is warranted for references to “**innovative solutions**” including migration procedures in third-countries and so-called “return hubs”. In this regard, due account should be given to the concerns raised by the Council of Europe’s Commissioner for Human Rights and the United Nations’ Special Rapporteur on the Human Rights of Migrants regarding the externalization of migration management.^{iv} Any arrangements involving third countries must ensure full compliance with *non-refoulement* obligations, access to fair asylum procedures, and the right to an effective remedy.

The Court has been a bulwark against authoritarian practices and a guarantor of the rights of people affected by war. For the past 67 years, it has secured critical legal reforms and upheld human dignity; offered protection for children, victims of domestic violence, and victims of modern slavery; upheld the human rights of LGBTQ+ persons, defended freedom of expression, association, and the right to a fair trial, and provided legal avenues for victims of crimes under international law and other human rights violations. Many of the human rights protections enjoyed in Europe today arise from the work of the Court.

At a time when the international legal framework and the multilateral system established to uphold it are under sustained attack, Council of Europe member states must reaffirm their commitment to the effective protection of human rights for all individuals by safeguarding the integrity and effectiveness of the mechanisms designed to protect them. Attempts to weaken the Convention’s safeguards, including in the context of migration, risk creating dangerous gaps in the Convention system and undermining the Court’s ability to fulfil its mandate with the authority and independence required for the effective protection of human rights.

Yours sincerely,



Eve Geddie
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Amnesty International



Vice-President
International Federation for Human Rights (FIDH)



Temur Shakirov
Europe and Central Asia Programme Director
International Commission of Jurists (ICJ)

ⁱ [CDDH\(2026\)R3 EXTRA Addendum](#), 20 March 2026.

ⁱⁱ *N.D. & N.T. v. Spain*, nos. 8675/15 & 8697/15, para. 171, 184.

ⁱⁱⁱ *Sanchez-Sanchez v. the United Kingdom*, Application no. 22854/20, 3 November 2022, para. 99.

^{iv} Council of Europe, Commissioner for Human Rights, [Commissioner calls on European states to refrain from actions in externalised migration policies that may lead to human rights violations](#), 4 September 2025. United Nations, Special Rapporteur on the human rights of migrants, A/80/302: Report of the Special Rapporteur on the human rights of migrants, Gehad Madi - [Externalization of migration governance and its effect on the human rights of migrants](#), 4 August 2025.