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HUMAN RIGHTS DEMOCRACY RULE OF LAW ABOUT US

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Newsroom

Alain Berset on the joint letter challenging the European Court of Human Rights



On 22 May 2025, at the initiative of **Denmark** and **Italy**, nine Council of Europe member states — including **Austria, Belgium, Czechia, Estonia, Latvia, Lithuania, and Poland** — issued a joint letter calling for a “new and open-minded conversation” about how the **European Court of Human Rights interprets the European Convention on Human Rights**.

Their concern centres on rulings in the field of migration.

These are complex challenges, and democracies must always remain open to reflection through the appropriate institutional avenues. But clarity is essential.

The European Court of Human Rights is not an external body. It is the legal arm of the Council of Europe — created by our member states, established by sovereign choice, and bound by a Convention that all 46 members have freely signed and ratified. It exists to protect the rights and values they committed to defend.

Upholding the independence and impartiality of the Court is our bedrock.

Debate is healthy, but politicizing the Court is not. In a society governed by the rule of law, no judiciary should face political pressure. Institutions that protect fundamental rights cannot bend to political cycles. If they do, we risk eroding the very stability they were built to ensure. The Court must not be weaponized — neither against governments, nor by them.

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This year, the Convention marks its 75th anniversary. The Court has brought its principles to life, guiding European states through threats to judicial independence, political turmoil, even war. In each case, it has served as a steady compass, upholding the rule of law and protecting individual rights within the system of checks and balances our states chose to build together.

The European Court of Human Rights is the only international court adjudicating violations of human rights in the context of the Russian war of aggression against Ukraine. This should never be undermined.

As we face today's complex challenges, our task is not to weaken the Convention, but to keep it strong and relevant — to ensure that liberty and security, justice and responsibility, are held in balance. That is the legacy we inherit. And it is the duty we share.

SECRETARY GENERAL | STRASBOURG | 24 MAY 2025



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