



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Helen McEntee T.D.,

Minister for Foreign Affairs and Trade

Jim O'Callaghan T.D.,

Minister for Justice, Home Affairs and Migration

01 December 2025

Dear Ministers,

On behalf of the Irish Human Rights and Equality Commission (IHREC), I wish to raise the Commission's concerns regarding ongoing discussion on potential changes to the European system of human rights protections.

Through our colleagues at the European Network of National Human Rights Institutions (ENNHRI), we understand the Council of Europe (at the initiative of the Secretary-General) will be organising a meeting on 10 December 2025, primarily of Ministers of Justice, to decide whether to task the Council of Europe to make changes to the Convention system, relating to migration following the May 2025 letter of nine heads of state.

IHREC and our colleague national human rights institutions, are deeply concerned at this development. In response to the original May 2025 letter of heads of state, [ENNHRI published a statement](#) outlining our concerns.

We recognise that Ireland has consistently been among the strongest supporters of the Council of Europe and the independence of the European Court of Human Rights.

We also recognise that Ireland has afforded special importance to the European Convention through its incorporation into Irish law.

As you know, the Convention also acts as a foundational guarantee of rights underpinning the Belfast/Good Friday Agreement and the success of the Peace Process. We recognise in particular the strenuous efforts of successive Irish governments to ensure that the human rights protections under the Convention as they apply on the island of Ireland could not be



diminished or undermined by actions of the United Kingdom Government – most notably by the initiation of Inter-State proceedings against the United Kingdom in 2024.

At this critical moment for the system of human rights protections within the Council of Europe, we believe it is more important than ever that Ireland maintains its position of leadership in defence of the ECHR system. In particular, we believe any discussions must:

- Avoid any interpretation/ adaptation to the ECHR system which would introduce a hierarchy of rights and/or rights-holders. If different ‘interpretation of rights’ would be introduced for migrants, this undermines the wider Convention system and the universality and inalienability of human rights. It would open up the door for further restrictions, potentially for other minority groups. It can be worth noting the ‘letter of nine’ is not evidence-based, while the number of cases related to migration (including expulsion of migrants) are small and the Court already offers a wide margin of appreciation in such cases, as argued in ENNHRI’s May 2025 statement.
- Avoid any interpretation or adaptation to the ECHR system which would undermine the independence of the European Court of Human Rights. Again, this would undermine the broader Convention system, and the checks and balances foreseen in that context.
- Ensure that any political declarations in relation to migration addressing the ECHR/ European Court of Human Rights, need to respect international law, and the broader body of international legal instruments applicable, including the 1951 Refugee Convention and the UN Convention against Torture, Inhuman or Degrading treatment or Punishment.

We also believe that any of the political outcomes of the 10 December meeting must be reverted to the existing Council of Europe bodies and procedures, including, importantly, the Steering Committee of Human Rights (CDDH) for further development into any formal Council of Europe political declaration to be adopted by State governments.



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Given the urgency of these issues, we would be grateful if you could indicate at the earliest opportunity the position of the Irish Government with regard to the 10 December meeting and with regard to any proposed Outcome Document relating to that meeting.

Is mise, le meas,

Liam Herrick

Chief Commissioner

Irish Human Rights and Equality Commission

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