

CommHR(2026)14

2<sup>nd</sup> extraordinary meeting of the  
Steering Committee for Human Rights (CDDH)

Video address by Michael O'Flaherty  
Council of Europe Commissioner for Human Rights

Strasbourg, 25 February 2026

Madam Chair,

Dear CDDH members, participants, observers,

I wish I could be physically with you in the room today. But this was, unfortunately, not possible due to prior commitments. However, I do not want to miss the opportunity to share with you a few observations because Member States are embarked on an extremely consequential pathway in terms of the well-being of Europe's human rights protection system.

Since last May, much has been said about the Convention, the European Court of Human Rights and domestic courts and their respective case-law on migration-related challenges. Reflections and debates about increasing efficiency of the Convention system are legitimate. However, the recent discussions, particularly those held outside the Council of Europe, have raised concerns and caused confusion.

It is essential now to provide much-needed clarity. In this context, I consider that the contribution of the Steering Committee for Human Rights is of high importance.

I acknowledge the work already done, on which I have submitted a series of general and more specific comments. I would like to bring to your attention key issues for your consideration today:

First, be legal. Foster a law-based discussion at the Committee of Ministers, it is important to distinguish legal from political considerations; the principles settled in the case law of the Court and your legal analysis from broader political considerations.

Second, be factual. Part of the confusion stems from a lack of clarity about the actual nature and scale of the issues raised by Member States. To foster an evidence-based discussion at the Committee of Ministers, it is important to provide contextual information, illustrative examples and explanations regarding empirical situations you are seeking to address.

Third, be firm. Be firm above all on the principle of universality of human rights and also on the independence of the Court. To preserve the integrity and the sustainability of the Convention system, it is crucial to avoid suggesting a hierarchy of rights holders or in any way diminishing the independence of the Court.

Fourth, be transparent. I welcome the CDDH's decision to prepare not only the "elements for a political declaration", but also valuable background information. I have no doubt that this information will be helpful to the Committee of Ministers. I believe that it is also of public interest and that the publication of this information would contribute to clearing some of the confusion in the public debate.

Madam Chair, Ladies and gentlemen, I wish you a fruitful second extraordinary meeting.