



## Our rights, our Europe: Standing up for the ECHR

Adopted at the Executive Committee meeting of 10-11 March 2026

At a time when democracy is under pressure, when some governments seek to silence dissent, weaken trade unions, and scapegoat migrants and other minorities, the European Convention on Human Rights (ECHR) has never been more vital. Across Europe, authoritarian tendencies are growing and the institutions that protect people from abuse of power are under attack. Defending the ECHR is a trade union necessity.

The ECHR holds states to account. It ensures that governments are not above the law and that every person can seek justice when their rights are violated. It stands as one of Europe's greatest democratic and human rights achievements. Born from the determination that tyranny and persecution must never again rule our continent, it guarantees dignity, equality, and freedom of all.

The ECHR is a cornerstone of Europe's legal, democratic and moral order. In addition, respect for the Convention and the European Court of Human Rights (ECtHR) is embedded in the EU Treaties, the EU Charter of Fundamental Rights and the Good Friday Agreement, and its respect is a condition of membership. To attack or ignore it is to undermine the very idea of a Europe based on rule of law, democracy, justice, and solidarity, which constitute the values of the EU.

For working people and their trade unions, the ECHR has been a vital source of strength. Article 4 has supported the fight against forced labour. Article 6 has strengthened legal remedies for workers. Article 8 has provided a barrier against growing attacks on workers' right to privacy in the workplace (and at home). The First Protocol to the ECHR has also supported wages' claims of workers.

Article 11 guaranteeing freedom of association has been interpreted by the Court to include the rights to form and join unions, to bargain collectively, and to strike. These are not concessions granted by governments, they are fundamental human rights that governments are obliged to recognise, apply and defend and promote. Amongst others, states must ensure effective protection for trade union representatives against all forms of repression, intimidation or dismissal related to their union activity, in line with the ECtHR's case law and ILO conventions.

In the landmark *Demir and Baykara v. Turkey* case, the Court affirmed that collective bargaining and agreements are essential elements of Article 11 ([Court factsheet on TU rights](#)). In *Enerji Yapi-Yol Sen v Turkey* it recognised the right to strike as being included in Article 11 even without having been expressly mentioned. In *Wilson, National Union of Journalists and Others v. the United Kingdom*, it ruled that employers who punish or reward workers based on union membership violate collective freedom. These cases prove that human rights are institutional remedies that protect people at work and defend democracy itself.

The ECHR provides for essential scrutiny, free of any political agenda, as does the European Committee of Social Rights and its interpretation of the European Social Charter. Judges are not politicians; they apply the law and must make sure that States respect their human rights obligations.



## **A dangerous challenge to the Court**

In May 2025, [nine European governments led by Italy and Denmark issued a joint letter](#) demanding a “*new and open-minded conversation*” about how the Strasbourg Court interprets the Convention – particularly in migration and deportation cases. They argue that the ECtHR rulings have “*limited our ability to make political decisions*” and call for more national discretion over migration and deportations. The United Kingdom has also been questioning aspects of the Convention, especially in relation to immigration control. There are even calls by certain parties/groups to exit from the Council of Europe and the ECHR.

This is a most serious threat to workers’ and trade unions rights as well as to human rights altogether at European level. Behind talk of “balance” lies an attempt to weaken the authority of the Court and re-politicise rights that must be recognised as inherent in all human beings and remain universal. The ECHR exists to secure human rights and in particular to protect individuals from the abuse of state power, not to serve political convenience. To claim otherwise is to rewrite the Convention’s purpose. By ratifying the ECHR, the States have undertaken to respect it in all circumstances, even in times of change and crisis, and to comply with the final judgments of the Court in disputes to which they are parties.

The ETUC rejects the argument that the ECHR restricts democracy. In truth, it ensures that democratic power remains accountable in light of universal principles of justice. By undermining the Convention's and the Court's authority, governments open the door to selective compliance and double standards. The focus on “*foreign criminals*” and “*instrumentalised migration*” spreads misinformation and exploits fear to justify discrimination, diverting public attention from inequality and austerity.

History shows that when the rights of one group are weakened, everyone’s rights are at risk. Undermining the ECHR and the ECtHR (case law) in the name of migration control would harm refugees and minorities – and erode protections for every worker, every citizen, and every union member.

## **The indivisibility of rights**

All human rights matter, and none can stand alone. All rights are universal, interdependent and indivisible. The right to free expression or to a fair trial mean little without the social rights, such as the right to bargain collectively, to strike, and to live and work in dignity and free from poverty and discrimination. Economic and social rights include the right to decent work, to equal pay for work of equal value, to protection against unfair dismissal and to safe and sustainable working conditions. These rights, essential to human dignity, must be regarded as integral to the ECHR and to its interpretation by the ECtHR.

Today, some governments are criminalising solidarity in general and trade unionism in particular, weakening the rights of migrants and refugees, and normalising discrimination at Europe’s borders. Trade unions condemn any migration or asylum policy that results in discrimination or exploitation of migrant workers. Equal treatment, access to trade union rights, and social protection must be guaranteed to all workers, regardless of nationality or residence status.

## **The Lisbon Treaty and the EU’s legal duty to accede to the ECHR**

Article 2 of the Treaty on European Union (TEU) stresses that the European Union is founded on the rule of law and respect for human rights. The EU is also bound by the fundamental rights guaranteed by the ECHR and the case law of the ECtHR on the basis of the Treaties and the EU Charter of Fundamental Rights. Article 6 of the TEU, introduced by the Lisbon Treaty, states that the EU “shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms”. This is not a political choice it is a legal obligation. The Lisbon Treaty places the ECHR at the



heart of the EU's constitutional framework. Accession will ensure that all EU institutions, including the Court of Justice of the European Union (CJEU), are subject to the same verification of compliance with ECHR standards to which national governments are currently subject. **The ETUC calls on the EU to take urgent steps to complete the accession to the ECHR.** This step is vital for Europe's credibility and coherence, and for assisting to address gaps in protection for human rights, including trade union rights.

The principles and obligations of the ECHR apply to all Member States of the Council of Europe, including those outside the European Union. Every Member State has a responsibility to fully implement the case law of the ECtHR.

The Conclusions of the Council of Europe Informal Ministerial Conference of 10 December 2025 included the plan for a political declaration reaffirming the obligation to ensure the effective enjoyment of the rights and freedoms guaranteed by the Convention to everyone within the jurisdiction of member States in the context of the contemporary challenges posed by several aspects of migration. The ETUC will actively contribute to the work of the Steering Committee of Human Rights (CDDH(-EXTRA)) which is preparing the elements for a political declaration to be adopted at the 135<sup>th</sup> Committee of Ministers meeting on 14-15 May 2026 in Chişinău (Moldova).

**The ETUC will defend the European Convention on Human Rights wherever it is under attack.**