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## Exchange of views with the Committee of Ministers

Speech by Michael O'Flaherty  
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Ambassadors, good morning.

By now you will have seen my report covering the period 1 April to 31 August. You will observe that I have built it around my four priority work areas, and it addresses my engagement with states in the form of visits and otherwise, as well as my thematic focus of attention.

Another dimension of the report concerns my work in building relationships, both internally here in the Council of Europe and externally with international organisations and other networks. The report, of course, only covers the period to the end August. Since then, I have travelled to eight member states, meeting with government officials in four of them: Ireland, Poland, Finland and Türkiye.

I would like to raise three areas of attention in these opening remarks.

First, Ukraine. We convene, of course, 1,000 days since the all-out Russian aggression against that country. Standing up for the human rights of the people remains an issue as existential as ever.

Following my visit to Ukraine in April, I flagged to you the situation of internally displaced persons. My concerns remain: right now, in the context of the onset of winter and the Russian attacks on infrastructure, I'm very worried about the continued need for urgent humanitarian assistance to some three and a half million IDPs and four and a half million returnees. They continue to face serious housing shortages and other social challenges. I would strongly encourage that all actors engage social rights as a frame for response to their plight. While I commend the Council of Europe efforts, I consider that greater attention could be given by relevant actors to promoting the social rights of the people of Ukraine.

My other concern regarding Ukraine has to do with the importance of continuing to shine a very bright light on the situation of those prisoners held by Russian forces, either in Ukraine or in Russia, as well as the plight of those children who were taken to Russia. It is vital that we keep a very strong focus of attention on the release of these people. I meet their relatives when they come to Strasbourg and I am struck by the horrific plight and by their insistence that continued public attention will be needed to secure releases.

In this regard I very much welcome the recent PACE Resolution 2573, as well as the Montreal Pledge adopted in the frame of the Joint Communiqué on the Human Dimension that was adopted in Montreal on the 31st of October. I pledge to continue to pay close attention to the situation of the people of Ukraine, and I also stand ready to provide all possible supports to the important work underway now for accountability and towards peace and reconstruction.

The second issue I wish to raise this morning has to do with migration, and in particular I'm very concerned about the securitisation of a number of borders in the context of an undoubted instrumentalisation of migration by third states. This instrumentalisation is deplorable, however it is important that in responding to it, in protecting our borders, we do not have recourse to securitisation strategies which are at odds with human rights commitments under international law. I've visited a number of frontiers in recent times, and I am concerned about the extent to which human pushbacks take place, the extent to which the possibility to claim asylum is removed, and the very worrying humanitarian situation in some of the restricted-access zones to be found along borders.

It is very important that we do not cede our own commitment to human rights and the rule of law in responding to the outrageous practises of third states. And we also have to keep in mind that securitisation strategies often do not lead to the desired outcome, and to the contrary, they encourage smugglers, and they make the smuggling efforts ever more dangerous.

Before moving on, I recall another aspect of border management: the externalisation of consideration of asylum applications. I am currently reviewing the diverse forms of the practice and will publish my observations and recommendation in the matter early in 2025.

The third issue I wish to raise with you this morning concerns the Middle East or at least the impact in and regarding Council of Europe member states of the conflict in the Middle East. In the first place the evidence is irrefutable regarding the very worrying rise in the practise of antisemitism across our societies.

We see this from reports of the Fundamental Rights Agency of the EU. We see it from in reports from the communities themselves. We see it reflected in a recent EU declaration on the fostering of Jewish life and the combating of antisemitism.

There is less empirical data regarding anti-Muslim hatred but I know from my meetings with leaders of its communities that it is a very great concern there also. We have to reinforce all of the efforts of our societies and our states to combat these outrageous unacceptable practises.

The second dimension of the situation in the Middle East I wish to raise has to do with the transfer of arms by at least some of our member states to the region. Here I recall the previous guidance offered by the Parliamentary Assembly and indeed this Committee of Ministers. In terms of the contemporary situation allow me simply to quote from and associate myself with the words of High Commissioner Volker Türk issued on the 9th of September last when he said: "all parties to conflicts and other states particularly those with influence must do everything they can to put an end to violations. One concrete action would be for states in line with their obligations under the Geneva Conventions and human rights due diligence to refrain from exporting or transferring arms to a party to an armed conflict where there is a real risk that they would be used in breach of international humanitarian law."

Ambassadors, allow me to conclude by referring to the event on Thursday that will mark the 25<sup>th</sup> anniversary of the establishment of the post of Commissioner for Human Rights. I thank Luxembourg warmly for its superb cooperation with my office in arranging the event and I very much look forward to all of you joining us for the occasion.

I thank you for your attention.