

CommHR(2024)27

Exchange of view with the Committee of Ministers

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

Strasbourg, 19 June 2024

President,
distinguished Ambassadors,

Thank you for the invitation to engage in dialogue with you today.

I have been in office for ten weeks. During that time, I have engaged the human rights challenges as they presented themselves, I have devoted time to the partnerships and cooperation that are essential to my job, and I have commenced the process of refining my strategy.

My broad strategic themes are unchanged from those I presented to you in the electoral process.

First, I seek to embed concern for human rights in our engagement with the great issues of the moment.

The primordial of these issues is standing up for the human rights of the people of Ukraine in face of the Russian aggression. That is why my first visit, in April, was to Kyiv. That visit afforded me the opportunity to listen extensively to Ukrainian partners and to better understand the situation.

On the conclusion of the visit, I called for sustained attention to be paid to:

- The plight of children transferred to Russia.
- The grave human rights violations perpetrated against people in the temporarily occupied territories.
- The need to respond to immediate humanitarian concerns, such as the reconstruction of destroyed schools and development of housing for internally displaced persons.
- Provision of support to civil society, including in occupied territories

And to

- Support to the Registry of Damages so that it can play its essential role for delivery of victim-centred justice.

I thank the Ukrainian authorities warmly for their facilitation of the visit.

Another of the great issues of our times is the migration of people into our countries.

The applicable regional and international law could not be clearer – every one of these persons who seeks asylum is entitled to a fair and individualised determination of their application. I am concerned at the extent to which this right is either being eroded or is not honoured. This is a part of the context

for the statement I issued in April regarding the adoption of a migration related law by the United Kingdom. That is why I wrote last week to the Parliament of Finland regarding a draft law currently under consideration. And I have commenced dialogue on migration related matters also with a number of other governments.

A specific aspect of migration policy receiving my attention is the so-called “externalisation” of migration management – the engaging by a state of another state to undertake specific tasks, including, in some cases, the reception and processing of individuals. There are diverse models of such cooperation each raising distinct human rights considerations. The practices will be the subject of a set of recommendations I will soon publish.

Ambassadors,

There are other great issues confronting our societies – all of which raise important human rights considerations, these include oversight of artificial intelligence, the challenge of tackling the triple planetary crisis and meaningful efforts to overcome poverty. I am looking at each of these areas to determine the useful contribution that I can bring.

The **second** of my broad strategic themes is that of standing up for the human rights of the most marginalised people in our societies – those pushed to the edges and often overlooked.

I consider that the most important group in this regard is the Roma and Travellers – some ten to twelve million people present in most of our member states. On taking up office my first engagement was with Roma young people. I pledged to them that their human rights and those of their communities would be an abiding priority for me. That is why my office is embarked on a major new study mapping their lived realities and offering specific, actionable, and targeted recommendations to member states and others. The report will be evidence based, including drawing from country visits by me. The first of these will be undertaken in coming days to Slovakia.

There are many other marginalised communities. Among those who will receive my attention are persons in occupied or disputed territories, the elderly, and persons with disabilities.

My **third** broad strategic theme is to support human rights defenders. These people are the life blood of our systems for the protection of human rights. Yet they face increasingly precarious situations in very many places. I will do whatever I can in support of their human rights. That is why, in recent weeks, I have written letters to the parliaments of two member states, Georgia and Slovakia, regarding worrying legislative developments. I regret that the Georgian law was adopted since I consider that it is not compatible with the State’s human rights treaty obligations. I ask the Slovak parliament to consider the contents of my letter and amend their draft legislation accordingly.

An essential aspect of my work for human rights defenders is to listen to them. That is why I have already and will continue to convene meetings with them. I am grateful to those who met with me in recent weeks here in Strasbourg, as well as in Geneva and in the context of a number of other gatherings across Europe.

The final of my broad strategies is to retain and exploit the capacity to engage quickly with urgent human rights situations – something that I consider central to the role of Commissioner. That is the context for a number of the actions I have described to you.

Ambassadors,

There is a shadow that lies across all of us in 2024 – that is the presence in our region and on our globe of multiple devastating conflicts. They have a profoundly negative effect for respect for human rights and they must be to the forefront of our attention.

Among those confronting us in the Council of Europe region there is, of course, the aggression against Ukraine. Beyond the considerations I mentioned earlier, it will be essential to ensure that human rights will be adequately and appropriately addressed in whatever pathways to peace, reconstruction and post-conflict justice that will emerge. In this regard I am disappointed that there is no explicit use of the term ‘human rights’ in the otherwise strong communique of the Summit on Peace in Ukraine, issued on 16 June.

There is the war in Gaza. I am concerned regarding the reliably reported escalation that it has triggered in our countries of patterns of antisemitism and of hatred against Muslims. Furthermore, as national authorities police demonstrations and other forms of debate and protest, I urge respect for the human rights of expression, assembly, association, and movement, including through strict application of the principles of necessity, proportionality and non-discrimination.

On the subject of the transfer of weapons to the Middle East, I call on the relevant member states to carefully heed the applicable PACE resolutions and the Committee of Ministers’ recommendations.

One other dimension of conflict that I invite you to recall is its correlation with patterns of migration.

Within the EU the two dominant groups of asylum seekers over the past year have been – according to the EUAA – Syrians and Afghans. These groups – together with Guineans – also constitute the principal groups of migrants who arrive in the EU by means of irregular crossings. As our Council of Europe member states consider how to develop migration-related law and policy it is essential that they never lose sight of these realities – a great many people reaching our shores and crossing our borders are in search of safety from the horrors of war and persecution. They deserve better than so many of them get.

Monsieur le Président, Mesdames et Messieurs les Ambassadeurs,

Je suis conscient du fait que mon mandat est large, que mes ressources sont limitées et que des choix doivent être faits. Je m'efforcerai de faire ces choix de manière structurée, en m'appuyant sur des plans d'action pluriannuels qui refléteront les priorités stratégiques que je vous ai exposées.

Les plans d'action de mon bureau contribueront à garantir que l'ensemble de mon travail soit généré, et qu'il porte attention à la mise en œuvre des arrêts de la Cour européenne des droits de l'homme.

En termes de méthodes, je mobiliserai toute la boîte à outils du mandat, y compris les outils de diplomatie publique et discrète ainsi que les outils de dialogue avec tous les acteurs concernés. Je publierai des analyses et des recommandations chaque fois que cela sera utile. Mon travail sera alimenté par mes visites au sein des Etats, qui seront très ciblées et thématiques. En effet, les visites de pays donnant lieu à un rapport complet, sur le modèle de ce que faisaient mes prédécesseurs, seront plus rares.

Je crois fermement au respect des principes de coopération et de complémentarité, tout en protégeant mon indépendance. En conséquence, j'attacherai de l'importance à nos échanges

réguliers. Je m'efforcerai également de vous remettre en temps utile mes rapports périodiques d'activité afin qu'ils puissent alimenter notre dialogue.

Je vous remercie.