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Exchange of views with the Parliamentary Assembly
Committee on Legal Affairs and Human Rights

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

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Thank you very much Chairperson and members of the committee. It is a great pleasure.

Just a word first about the way I work.

I have got a very broad mandate and so within it I have taken a highly prioritised approach to the work. There are many important areas of human rights where I am not engaged. Not because they are not important but because I have obvious capacity constraints. I will come back in a moment to some areas of priority where I am investing my time.

How I work?

I'm mainly in the field. I try to make sure that my work is not a desk based human rights exercise but a genuine accompaniment of our peoples in the lived experience of their lives. This means that my work is not also about primarily the delivery of reports. I produce actually very few reports but instead it is about advocacy on behalf of those most in need of defence and support in our societies. And of direct relevance for you, my work is extremely law based. For me it will only be an issue of human rights where the human right is identifiable in the relevant treaties or in the relevant practise under the treaties.

Finally, by way of general introduction, I take a highly collegial approach to my work. My mandate is independent, and I value that, but independence is not isolation. I work very closely with partners inside and beyond the Council of Europe. My relationship with PACE is a very important one. Some of you I will have met during country visits. I try and meet the PACE delegation in every country I visit to work with the committees and indeed with the plenary. But right across the Council of Europe system and beyond where my natural partners at the international level include the United Nations and the OSCE and then at the national level national human rights institutions just to take an example.

Enough of the general sort of introduction to how I do the job. Let me come to some specific areas that I'm working on.

The first has to do with embedding or seeking to have human rights embedded in the work towards peace in Ukraine. I remain disturbed by the extent to which discourse around peace for that country is more about land and about transactions than it is about human beings,

people. It is vital that we never forget the human rights of the people in occupied territories. The human rights of the displaced. The protection of human rights in the future reconstruction of that country.

This is the basis for considerable work of mine at the moment, including a meeting I convened of leaders around this topic in Warsaw, just a few months back, at which we were honoured with the participation of your chair.

Moving to a second area of high priority for me that has to do with playing my role in defending the system of the European Convention on Human Rights. There has been a growing chorus of voices from among our member states calling out for changes in at least practise and in some cases even law around certain issues of human rights. You are all very familiar with the initiatives of the statement of nine member states and then much more recently in December of 27 member states. Calling for essentially the hierarchicalisation of rights holders. Whereby some rights holders would have a higher status than others. Migrants in particular and certain categories of migrants to have even less status than others. There are other examples, but I am concerned that the current discussion engages such fundamental human rights principles as the universality of human rights. The protection of such non-negotiable absolutes of the system such as the principle of non-refoulement and the principle of the independence of the court of human rights.

Turning to a third area of attention for me, the oversight of artificial intelligence. I am very strongly of the view that we must put in place adequate guard rails, adequate oversight of artificial intelligence so that this amazing technology is in the service of human dignity and human thriving.

This is the context for my current work to help persuade our authorities across our member states to stay invested in smart oversight. To resist the lobby which is of the view that oversight gets in the way of innovation. The evidence does not support this contention whatsoever. To the contrary smart oversight can actually foster innovation.

Moving to another topic, standing up for human rights defenders. I had not expected when I took on this role quite how busy I would be in advocating for and seeking protection of those who stand up for human rights in our societies. First day in office I had to engage with a government around these issues and there has not been a week since that I have not had to reach out either in public or quietly to a government or to some part of the state to see off some unacceptable threat and burden being placed on human rights defenders or, more broadly, civil society.

The pressures come in multiple forms. They are regulatory, they are about the cutting off of access to funding, cutting off of access to policy makers, and then sometimes just plain threats to life and property.

The last issue, if I may, and I'm well aware that this committee is not working on it, but it is central to my priorities. That is standing up for the human rights of the Roma and Traveller communities. The Roma and Traveller communities are the largest minority group on the

continent, certainly the largest in the Council of Europe and the indicators of their well-being are frankly dreadful whether we're referring to discrimination, harassment, hate, sometimes killing, but also massive deprivation across just every imaginable context of services, education, health, jobs and the list is a very long one.

You will recall the Roma community was also subject to a genocidal attack by the Nazi regime, very little of which is known to our general populations and their plight remains very worrying today. I visited eight countries so far to get a better understanding of the situation of the Roma and Traveller communities on the basis of which I produced a book, *The Unheard Twelve Million*. This is not a report, I call it a book deliberately, it is a book of stories. These are what Roma and Travellers told me about themselves. They are the story of what I have just described, massive exclusion but also a story of an extraordinary set of cultures, very diverse, but extraordinary set of cultures which have deeply enriched our general populations and our societies more general.

By the way, a key message out of this book is the importance of supporting Roma women and girls in taking on leadership within and for their communities. Everywhere I went, frankly, I saw the potential for change being driven not by men, but by women but they need our support to be empowered to do that essential work.

Thank you.