

CommHR(2024)56

Conference “Ombuds Institutions / NHRIs amid Turbulent Times: Resilience and Challenges” (on the occasion of the 20th Anniversary of the Human Rights Defender of Armenia)

Online speech by Michael O’Flaherty
Council of Europe Commissioner for Human Rights

Strasbourg, 21 October 2024

Good morning.

Your Excellencies, Madame Human Rights Defender, distinguished participants, I'd like to thank you very much for the invitation to participate in the conference. I sincerely apologise that I cannot be with you physically, and I look forward to doing that very soon indeed.

Let me begin by applauding 20 years of achievement by the Human Rights Defender. The Defender is recognised to have done highly important work. It is trusted and respected. The Defender is brave and resourceful.

All of this was evidenced in 2019, at the time of the last global exercise of accreditation of the Human Rights Defender as a national human rights institution. At that time, the Sub-Committee on Accreditation of the Global Alliance of NHRIs commended it for its, and I quote: “efforts to promote and protect human rights despite the challenging context in which it operates, including by taking public positions on sensitive issues.” And on that occasion, the Human Rights Defender was again awarded the so-called “A” status, the highest status internationally for a national human rights institution.

And it has in fact received that status continuously since 2006, which is commendable. And I would add further that the Human Rights Defender is held in the highest respect and regard regionally and internationally. I'm new to my position as Commissioner, but my colleagues attest to the high regard in which and the excellent cooperation with which previous commissioners have cooperated with the Human Rights Defender.

Most recently, my predecessor Dunja Mijatovic visited your country in 2023 in a context of a very close collaboration and partnership with the Defender. And I've had the honour and pleasure already in July of this year of meetings with Madame Manasyan. A national human rights institution, dear friends, is pivotal in the national human rights architecture of any state.

It sits somewhere between the state and society. And when it's operating at its best, it delivers a number of key dimensions to the life of any country. Above all, it is an independent champion of human rights.

And within that context of being independent and champion of human rights, it is a centre of expertise, the national centre of human rights expertise. It is a brave advocate for respect for human rights. And when it engages human rights, it's the human rights of everyone.

But above all, it's the human rights of those most forgotten, those most neglected, those on the verges, on the edges, forgotten in the corners of our societies. And very importantly, a well-functioning national human rights institution also contributes in a major way to supporting the development in a society of a culture of human rights, a culture of mutual respect, a culture that honours human dignity above everything else. I've had the great honour myself of leading a national human rights institution.

I was Chief Commissioner, for a number of years, of the Human Rights Institution of Northern Ireland. And I saw there myself, the direct lived experience of the role a well-functioning national institution can serve within any society. I particularly saw in the experience, the context of Northern Ireland, the very important role of a national human rights body in moulding a fair and just society in a context of post-conflict.

Now, I'm very glad to say that the pivotal role of national institutions such as the Human Rights Defender is not just a view held by me and other human rights specialists but is increasingly recognised at the global level. In the United Nations, for instance, it's quite remarkable that the global community chose as a key indicator for one of the sustainable development goals, the one that deals with rule of law. It identified that a thriving national human rights institution is a key indicator for the rule of law state.

At the level of the Council of Europe, we saw, for instance, an acknowledgement by Heads of State and Government just last year in the outcome declaration of the Reykjavik Summit.

But Excellencies, colleagues, what is the key to success? I believe that it all boils down to one essential element, and that is an honouring of the applicable standards. Now, the gold standard, if you will, the foundational, the "Grundnorm" for national human rights bodies such as the Human Rights Defender is the United Nations Paris Principles of 1993.

There are four core dimensions already identified in 1993 that are worth emphasising on every occasion such as this.

The first is the importance of guaranteeing the independence of the institution.

Second, and closely related, there is the high importance of protecting the autonomy and the impartiality of the body.

Third, it goes without saying that for this body to function well, it must do so in a safe operational environment. I would add that there must be adequate resources for the body to do its work, guaranteed, secure, multi-annual, adequate resources. And finally, that all of the mandate of the body is guaranteed in law.

Now, the standards contained in the Paris Principles of 1993 have been repeatedly reaffirmed. Within the context of the Council of Europe, for instance, they were reinforced by two sets of recommendations of the Committee of Ministers, as well of, in the particular case of Ombudsman, a set of principles of the Venice Commission.

Now, as the Distinguished Human Rights Defender looks to the coming year, I have some wishes.

Let me leave you with just three. The first is that the Defender and your state continue to strengthen the formal law-based mandate of the Human Rights Defender. For instance, to promote ratification of human rights treaties, but also to guarantee the electoral process of the Ombudsman. I understand that it goes well, but it's of value to embed in law the guarantees that the electoral process is clear, transparent, and participatory. That's the first of my wishes.

The second wish is that there be a continued strengthening of the efforts of the Human Rights Defender to combat discrimination in society. I acknowledge with deep appreciation and respect what has already been achieved in this regard, but we can always go further. Remember, standing up for the people most on the edges of our societies.

And third, there's a wish for the environment. My wish is that there will be an ever-strengthened respect for the institution, an appreciation of its critical role for society, and then following through such respect, the provision to it of every possible support and protection in its operational space.

Excellencies, dear friends, let me conclude by saying that as the Council of Europe Commissioner for Human Rights, I offer my pledge. I offer every possible support and solidarity so that the Human Rights Defender and I, and all of us together, can move forward in delivering, realising Article 1 of the Universal Declaration of Human Rights, a world where everyone is free and equal in dignity and in rights.

I thank you for your attention.