

**“High-level conference for Ombudsperson Institutions and
National Human Rights Institutions (NHRI)”**
co-organised by the Council of Europe and
the Luxembourg Presidency of the Committee of Minister

Speech by Michael O’Flaherty
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“Dear friends,

last week I was in Kyiv where I spent part of my time with our colleague Dmytro Lubinets, the Parliamentary Commissioner for Human Rights, at his office. I was deeply impressed, amazed by the work he is doing in extraordinarily challenging circumstances. He is playing a unique role in building peace in his country through the negotiation of the release of already now thousands of children that were taken to Russia.

A couple of weeks earlier, I was with another of our colleagues, the Greek Ombuds Andreas Potakis, in Athens. By coincidence, I was present when he delivered to the state his report on the sinking of the *Adriana*. You will remember this dreadful incident where some 700 or 800 people drowned in a boat just off the coast of Pylos in Greece.

This was an essential report in terms of stabilising trust in institutions and advancing a sense that accountability could take place published in a context in which it brought great opprobrium on him.

Those two visits encompass so much of what is essential about the work of ombudsman institutions and national human rights institutions across our continent. The story of Andreas or Dmytro could be a story of so many of you. Even this morning, in the 15-20 minutes I was in the room before we began, I shook hands with so many heroes, people who are doing a job against impossible odds, but which is absolutely essential to the well-being of their countries. As Bjørn Berg already pointed out, this essential work that you are doing is taking place in a context of ever-increasing challenge. What we are facing, I think, is an incremental crisis on our continent.

It is incremental, because over the last decade we have seen layer upon layer of deterioration.

First, we have always had unacceptable levels of human rights abuse. Then came something new a few years ago. It is the explicit repudiation of human rights by some people in high office.

At least initially these people were on the extremes of politics. The repudiation was characterised in its most extraordinary fashion in the Russian aggression against Ukraine. The repudiation of every value, every human rights standard that we could possibly know.

But things could still get worse. In the past year, we have seen a new quality to the repudiation of values and standards. We are seeing it from the “middle”. Centrist governments have started saying that yes, they will violate the law if it gets in the way of their national policy. They will close off the right of asylum and will run the risk of *refoulement* if that is necessary for the well-being of the state.

To add another layer, we are now seeing since the beginning of this year attempts to return our world to a statecraft built on great power politics and outside multilateral fora governed by law and by principle and by standard and by treaty.

This is a brief overview of the incremental crisis I mentioned at the start. Each layer brings with it a further erosion of rule of law.

The erosion of rule of law brings me right back into this room again.

We must not forget that the United Nations Sustainable Development Goals indicate that the existence of a strong and thriving national human rights institution, is a sign of a strong rule of law society. In other words, one of the UN indicators of the health of our societies is whether we have good ombudsman institutions and NHRIs operating on our territories.

Given the level of the threat and the importance of your role, I so greatly welcome the initiative that has been taken of organising this meeting. I particularly applaud how the Council of Europe assembled us in this innovative configuration, bringing Ombudsman institutions and NHRIs together.

I see three functions for our coming together today and for what will follow from this conference.

The first is mutual protection. We need to stand up for each other, to protect each other. Many of you will remember how solidarity among ombudsman institutions helped defend the Ombudsman institution in Poland back a few years ago. To better defend each other we must spend time meeting and engaging each other.

A second important value of this gathering is that of bringing us together in, as I said, this configuration of Ombudsman institutions and NHRIs. If an Ombudsman institution does not also have the NHRI designation, then it is not often that the NHRIs and these bodies actually sit together, despite their commonality, and their shared interest in the well-being of our societies.

I led the Northern Ireland Human Rights Commission for a few years and, encouraged by my colleagues, we built a very close relationship with the Ombuds of Northern Ireland. It is through that partnership that we were able to do things which we would never have been able to do alone as NHRI, such as injecting human rights into the training programmes for the public service.

The third and final of the values I see in this gathering is that it offers the opportunity to build a deeper engagement between your institutions and the Council of Europe, so that you enrich our work. You need to inform the full array of work of the Council of Europe with your insights, your country expertise, your unique understanding of what is needed on the streets to make a difference. And certainly, in my mandate as Commissioner, I want to continue to learn from you.

This allows me then to repeat to you three commitments of my own this afternoon.

First, I will continue to find every possible way to collaborate with you. You are my nearest relatives at the national level. We are family. This is how I approach you. I intend to continue to visit your countries and visit you before I do any other outreach or engagement.

Second, I want to help fill the gaps. Focusing on national human rights institutions for a moment: I am very disappointed that 10 Council of Europe member states still do not have an accredited NHRI. And some of these are key regional players. I find that unacceptable and I will play my part so that NHRIs are put in place.

Third and finally, I come back to the issue of the protection of your institutions and my role. I commit to using my words and my presence in your support and in your defence.

Let me wrap up these opening remarks by speaking to all of us, including me. I have three final brief observations.

First, this is a moment when we could lose heart. Frankly, it is a moment where I could lose heart. It is a moment where I could say it is not working. It is very tempting at the moment to think like this. But it is so vital that we resist that temptation. We must believe ever more tenaciously, ever more deeply in the power of our mandates, in the importance of our institutions, and in their capacity to change our societies.

Second, we must be nimble right now. Those of us who are tempted into bureaucracy or same old, same old, “ritualistic” work, we must be shaken to recognise that this is not a same old, same old moment. It is an acute turning point, a pivotal moment in our history, which requires us to be incredibly creative, incredibly, as I said, nimble and willing to shake off the ways of yesterday.

And the last thing I will say, is about hope. We have *a duty* to be hopeful. We have a duty. We are the leaders on human rights and on values in our societies. We have been explicitly appointed to that role. How can we expect the rest of our society to believe in a better future, to believe in the realisation of the Universal Declaration of Human Rights if we ourselves do not convey our belief that it can be achieved?

With these words, I wish us all a very fruitful conference.

Thank you.”