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Steering Committee for Human Rights (CDDH)
Conference on the Protection and the Promotion of Civil Society Space in Europe

Speech by Michael O'Flaherty
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Speech delivered (via video link) at the 100th session of the Steering Committee for Human Rights (CDDH):

Chairperson Oinonen, distinguished members of the steering committee, Friends,

I apologise for not being with you physically. I had to stay in Strasbourg because of unavoidable commitments. But let me start by congratulating the Steering Committee on this 100th session.

I deeply appreciate that you chose the essential topic of standing up for the protection of civil society in the context of the newly announced review of Recommendation (2018)11 of the Committee of Ministers.

The role of civil society is absolutely essential to our shared interest in upholding the rule of law, democracy and human rights.

Take the specific issue of human rights. I cannot think of any element of the human rights machinery that would function without its role.

Look at the origins of human rights. There isn't a single good human rights idea that did not originate in civil society. Look at the role of intellectuals in the academies in the 20th century, in shaping of the concepts. Think of Lemkin, Lauterpact, Higgins. The list is long.

Look at the role of civil society human rights organisations, such as Amnesty International, in the crafting of the Council of Europe and United Nations treaties on torture. I am also thinking of FIDH which proposed the idea of an international declaration of human rights as early as the 1920s.

Beyond the origins of human rights, look at how civil society is the custodian, the true guardian of human rights. How many known and unknown members of civil society have died in its defence.

I'm struck by how it is civil society that is the driving force behind the delivery of human rights every day. I think about the way in which the issues are brought to the attention of policy makers through the voice of civil society. I think of the extent to which civil society provides the deep expertise. There is role of civil society as a service deliverer. How many of the good things that happened in the period of COVID were delivered, perhaps on behalf of the state, but nevertheless by civil society. There is the essential role of civil society as the human rights monitor and critic, but not only in a kind of a negative function, but also proposing the fixes and the corrections. And finally, in this non-exhaustive list, I see civil society as the voice, the bearer of hope, keeping alive the vision of that better world where human rights are fully respected.

It's in this spirit that it's my great privilege to work with civil society on a daily basis. Because of them, I am able to do my job and frankly, do it better.

I meet with civil society on a daily basis. For instance, I was in Paris a few days ago where I met with an astonishing network of NGOs called *Le revers de la médaille*, which has brought together hundreds of organisations engaging on human rights issues around the Olympic Games in an impressive act of advocacy and organisation. I think of all of the civil society and human rights defenders I met at the IDAHOT+ Forum in The Hague just a few weeks ago. And indeed, I think back to my first day in office when I met with young Roma activists who inspired me to take my job ever more seriously.

Now, as we've already heard, civil society is under great pressure in many different places, and this is the subject of your conference this morning. So I'm not going to go through the pressures systematically.

Instead, I'd like to share with you five of my concerns, five things that are on my mind in this broader context of pressures on civil society.

The first of these is the way in which the law is being used, in some places, in an illiberal and undemocratic way, to remove inconvenient voices. I am thinking of the so-called foreign funding laws, which have been the subject of letters from me to two governments. I think of the way law is invoked in some places to excessively restrict the human rights of expression, assembly and association, particularly in the current context of conflict.

The second concern that's on my mind as I speak this morning is the extent to which major crises in our societies have on occasion been instrumentalised to put pressure on civil society.

COVID-19 is a good example of this, and I would like express my appreciation to FIDH for an excellent report that demonstrates exactly what I have just referred to.

The third of my five concerns, well known to us all and no doubt the subject of much attention today, is the frankly shocking level of hate and vituperation channelled towards civil society in today's society. It's online, but it's also offline. It comes from the anonymous individual, but it also comes from the senior political leader, and it seems to be something you can more or less get away with.

Another dimension of the level of hate being expressed right now is that it is profoundly gendered. It impacts women human rights defenders, women members of civil society, far more than men.

The fourth of my five concerns, which is a specific to our continent, to our Europe, to our 46 member states, is the extent to which we still have a long way to go in putting in place the systems to provide shelter to human rights defenders from other countries who need us to take them in and give them with respite, even if it's just for a short period of time. In my previous position as Director of the EU Fundamental Rights Agency, we carried out research on this very issue, where we found that only eight EU member states had structured systems in place to receive such human rights defenders under their jurisdiction. I would strongly encourage all Council of Europe member states to put such systems in place everywhere so that we can welcome those in need of our protection.

I am thinking in particular of human rights defenders from Russia and Belarus, who need us now more than ever. It is not helpful that we are sealing our borders at the very moment when people in need of our protection, in need of asylum, are at our door.

The fifth and last of my concerns is a very challenging issue on which I would deeply appreciate your consideration and advice. What is civil society? Who are the human rights defenders that we must defend

today? I ask this question because we see far too often today the invocation of human rights to suppress the human rights of others. I think it would be worth your and our while to reflect deeply on this issue so that we can chart an ethical and appropriate way forward.

In closing, chairperson and participants, allow me to briefly recall a pledge I made to the Conference of International Non-Governmental Organisations at the very beginning of my mandate.

I told NGOs that the protection, the defence and accompaniment of human rights defenders would be one of my very top priorities. I renew that pledge today.

I said that in delivering on that pledge, I would engage in a continuous dialogue with civil society. That remains my determination.

I pointed out to them that, to be effective in my work, I will need to work in close partnership with civil society, with the system of the Council of Europe, but also externally. I gave the pledge then, and I have since renewed it to external partners, to work very closely with the UN Special Rapporteur, Mary Lawlor, and with the Special Rapporteur under the Aarhus Convention, Michel Forst, and I look forward to deepening that cooperation.

And fourth and finally, I have pledged and I will continue to pay very close attention to the Secretary General's 2023 Civil Society Roadmap, as well as to the content of Recommendation (2018)11 and other important outputs of the Committee of Ministers.

I wish you well for the proceedings.