



## **European Ombudsman video message for the First National Congress of Human Rights**

*Warsaw, 8-9 December 2017*

Good morning everyone from the European Parliament building in Brussels. I am very sorry that I could not attend in person and I am very grateful to Commissioner Bodnar for agreeing to accept my contribution through the magic of online technology.

It has been my privilege personally to know three of the Polish Commissioners for Human Rights – your Ombudsmen - from my time both as Irish Ombudsman and now as European Ombudsman. I remember the late Dr Janusz Kochanowski and have fond memories of a visit he made to Dublin when a new service was being opened to assist many of the wonderful Polish people who had come to live in Ireland.

I also enjoyed excellent collaboration with Professor Irena Lipovicz whom I visited on two occasions in Warsaw and with whom I had the privilege of visiting Auschwitz - Birkenau with our other Ombudsman colleagues, a visit that left an indelible impression on all of us and reminded us of how quickly evil can take root destroying lives and degrading our shared civilisation and values.

I also had the privilege of accompanying Professor Lipovicz as she made an appearance before the Constitutional Court. I remember how impressed I was by the respect shown by the court to the Commissioner's views and recommendations and indeed how important Professor Lipovicz considered that engagement to be not just for herself and her office, but for all Polish citizens.

In recent years I have now come to know Commissioner Bodnar and I would like to convey to this audience the esteem in which he is held within the wider Ombudsman community and how much we support the work he is doing particularly in times that can be challenging.

In Brussels, and in Strasbourg – the seat of the European Parliament and of the European Ombudsman – I frequently draw attention to the Commissioner’s work so that the EU institutions are fully aware of the vital role he plays in supporting citizen rights in Poland and in upholding the rule of law.

From my experience as Ombudsman I regard the way in which an Ombudsman is treated by an administration as an indication of the quality – not just of the Ombudsman – but of the administration itself. In countries with efficient and ethical administrations and where the principle of the primacy of the rule of law is upheld, the Ombudsman is supported and his or her recommendations upheld in virtually all cases. The Ombudsman’s independence is respected and it is rare that his or her work is politicised.

The administration views the office of the Ombudsman as a vital tool of good governance and as a defender of the right of the people to be treated justly. In turn, the Ombudsman carries out his or her work efficiently and impartially and thereby continues to earn the trust and confidence of the people and of the administration. In that way the office of the Ombudsman becomes a means of testing the strength of a country’s democracy and of its commitment to the rule of law.

It is not for me to comment on the politics of any member state but it is fair to say that in many parts of the EU and indeed in the United States much has become contested in the areas of human rights and the rule of law. Values that we considered to be shared across the EU are called into

question and increasingly political discourse has become raw, polarised and even hateful. We naively imagine that history is linear when in fact it twists and turns, reverses into old ways and cultures and teaches us just one thing – that we cannot take anything for granted.

I note that this conference is taking place in the Museum of the History of Polish Jews. Earlier this year I visited Berlin and its museums which also track the horror of the holocaust, not just of the Jewish people, but of people with disabilities, mentally ill people, elderly people, Roma people, gay people and others considered not fit to belong to the human race as perversely conceived by the Nazis and indeed by others.

Those precise horrors are in the past but their shadows, their traces still linger. They linger when we fail to see the full humanity of the other, when we sort our sisters and brothers into the worthy and the unworthy. Even within the EU pockets of discrimination remain against the very same groups of people that were murdered for reasons of racist or homophobic or other kinds of hate eighty years ago. New groups are added, Muslims, migrants, and political capital is accrued on their backs – populist leaders attracting easy and cheap support as they blame the vulnerable and the marginalised for problems not of their making.

That all of these people need our continued protection is evident from a reading of Commissioner Bodnar's annual report for 2016 in which he talks of the six expert committees he draws upon in his work, including committees on senior persons, on persons with disabilities, on migrants, on homelessness, and on health. He is not alone of course among EU Ombudsmen in dealing with those issues and our ongoing need to work on these issues shows that we can never stand still and never think that simply because we have conventions and charters on human rights,

that those words on a page are sufficient to actually give them life.

The election of Donald Trump as US President, the fallout of Brexit, and the rise of certain populist movements in Europe have in many ways created a cold climate for human rights. We read the news from Washington, the news from London and from elsewhere and we witness the debasement of political dialogue, the increasing polarisation of some societies and the casual belittling of those people and those institutions – including the European Court of Human Rights and certain parts of the US Justice system – who strive to do nothing less than to uphold the founding values of their countries.

And when that starts to happen our standards when it comes to human rights can fall, we risk finding acceptable that which would not have been tolerated just a few years ago. And history teaches us where that can lead.

It was in Warsaw some years ago that I first learned about Jan Karski and his efforts to alert the US and other countries to what was happening in Poland under the terror of Nazism. His biographer wrote in 1980:

*Democratic societies demonstrated on this occasion as on many others, before and after, that they are incapable of understanding political regimes of a different character....Democratic societies are accustomed to think in liberal, pragmatic categories; conflicts are believed to be based on misunderstandings and can be solved with a minimum of good will; extremism is a temporary aberration, so is irrational behavior in general, such as intolerance, cruelty, etc. The effort needed to overcome such basic psychological handicaps is immense....Each new generation faces this challenge again, for experience cannot be inherited.*

But there are nonetheless pockets of optimism. We see it in the increased acceptance of the rights of gay people as witnessed by the marriage referendum in Ireland and more recently in Australia. Can you imagine the relief it must be to gay people and to their parents in those and other

countries to know that they can now live without fear of legal or other sanction, that they can express their own humanity just as others do?

We see as well, after a spate of harassment scandals, a fresh awareness of the rights of women and the creation of a new generation of women who will no longer tolerate second class status in any area of their lives.

I have to say nonetheless that I – as a woman - was rather taken aback to see that your conference will be discussing a topic which in English you have translated as “Woman as not fully fledged citizen”.

My surprise was not that a human rights conference would be discussing issues such as domestic violence and equal treatment but rather that it that the title had brought home to me so forcibly what the second class treatment of women actually means – that a state, that a government, is not treating women as full citizens. That cannot be tolerated anywhere and least of all not in a Union committed to equal treatment and non-discrimination.

That issue is not of course confined to any one country yet ironically, one of the positives that has emerged from the election of Donald Trump is the raised awareness among women that our battle to be treated as fully fledged citizens is not yet over. The fight goes on.

In conclusion, while there is room for pessimism in our world, there is also much room for optimism. We owe it not just to ourselves but to our children and even more particularly to the children who live outside of our developed world not to be discouraged by antagonism towards our work. Those children rely on us, on our example, on our belief in our shared and equal humanity to

improve their life chances as our values penetrate also into their worlds. But we can do that only if we continue to live and practice them meaningfully ourselves.

I wish you well in this event and I congratulate the Office of the Commissioner for Human Rights for its courageous work over thirty years and wish you continuing success in the years ahead.