

Comments of Professor Michael O'Flaherty on his receipt of the Higher Doctorate in Laws of the
National University of Ireland.

Dublin, 22 November 2019

Pro-Vice Chancellor

Registrar

Members of the University

Dear friends

I thank the University most sincerely for awarding me this degree. I am greatly honoured.

I have benefited greatly from the NUI. I earned my primary degree at UCD, where also, I made some of the best friends of my life – many of them are here today. Years later, I was fortunate to hold a chair at NUI Galway. Today I am an adjunct professor at the University of Maynooth. And, what is more, I attended my first ever lectures in human rights at what was then UCG, although I was not even registered there as a student. The lecturer was Denny Driscoll and I am delighted that he has joined us for today's ceremony. I thank Denny for opening up to me a world of study and practice that has shaped my life.

These days I am outside the academy, working in the field. I lead the EU agency responsible to support it to be human rights-compliant. This we do by spotting the problem areas, analysing them and proposing solutions to the decision-makers. From this point of view, the situation across our European societies is not encouraging.

Just to focus on one group, children, there are many grave concerns. A few weeks ago, I was at the Moria migrant facility on the island of Lesbos in Greece. There I observed children in impossible situations – for instance on the day of my visit just 300 of the 1,000 children in the facility were protected in the so-called "children's safe zone". The rest were housed in deplorable conditions with the general camp population, without even the most basic of protections measures. More generally, 25 million children in the EU – a quarter of the entire child population live in poverty. The figures are even more shocking when we look at the plight of children within vulnerable communities – 41% of Roma children go to a bed each night in a home where people are hungry.

These disturbing facts about the human rights situation of children are mirrored in the experience of so many others in our societies – stories of human rights abuse or neglect. They are compounded by a new phenomenon – the explicit repudiation of human rights standards by some who hold high office. For instance, not so long ago I participated in an event with a then senior public official who argued that human rights standards hindered delivery of public policy. Even 25 years ago, it was most unusual to hear such a remark made so expressly and casually.

In this moment of history then one is tempted to ask the question whether the era of human rights is over – whether it has failed and or lost its necessary authority.

While the question is reasonable, my answer is a resounding "no". Despite the dark days, the human suffering, the criticism of the system, I remain hopeful. My hope is evidence based.

In the first place – and this is a rewarding part of my job – I repeatedly encounter communities determined to build a more just and fair world. Time and time again I meet with groups across society who are marked by an impressive generosity of spirit. I saw it for instance two days ago at an event in the European Parliament to mark the 30th anniversary of the Convention on the Rights of the Child. A thousand young people packed into the chamber and filled it with passion, determination to change things and an accompanying righteous anger.

I also base my hope on the impressive resilience of the human rights protection infrastructure, such as that of the EU. Take, for instance, the work and record of the European Court of Justice, which grows ever more evidently a powerful and principled defender of human rights and related values.

I also observe a little acknowledged but none the less real capacity of our societies and our policy makers to strengthen that infrastructure. A current example is the significant progress being made for enhanced EU mechanisms to ensure respect for rule of law across its Member States.

Of course, hope alone will achieve nothing – it must be matched with strategies. It requires us all, together, in our diversity of roles to address the range of issues. At the heart of this community of action must lie the Academy. University research is a *sine qua non* for the survival of the human rights discipline and protection system. This evening I would offer two suggestions regarding academic engagement.

In the first place I wish to see a re-acknowledgement that human rights primarily is a legal discipline. Its recent widespread unmooring from law has been unhelpful – presenting it as just one more moral or ethical code, given content and meaning by whatever values are championed by the researcher. We should return to acknowledging the primordial context and significance of the relevant international and other human rights legal instruments.

But that is not enough – law and legal research alone can only partially address the great questions of the day. The legal discipline of human rights studies must engage in rich and deep interdisciplinary investigations. Let me offer two examples. Take first the regulation of artificial intelligence – an important topic of the moment – here the lawyers must work with many disciplines. Perhaps the most important engagement should be with philosophers, given the extent to which artificial intelligence and its regulation throw into relief such issues as the nature of human identity and human agency. Another important contemporary human rights concern regards the challenge of conveying our messages, of persuading policy maker, of convincing them with our human rights claims – here research partnerships are needed between the lawyers and, among other, cognitive scientists and epistemologists.

Irish universities are well placed to rise to the challenge of smart, law-based interdisciplinary research. Much such work is already underway within the strong human rights centres and clusters across NUI and other institutions. I also observe in Irish universities a welcome respect for applied studies intended to impact public policy and across our societies

Dear friends,

The challenges of the present time are daunting but the opportunities are evident. I encourage us, across our disciplines and functions, to come together in pursuit of the wonderful vision that is captured in article 1 of the Universal Declaration of Human Rights - of a world where all people “are born free and equal in dignity and rights”.

Thank you.