

## Swearing-in Ceremony of the European Ombudsman, Emily O'Reilly

Speech - **City** Luxembourg - **Country** Luxembourg - **Date** 13/02/2020

Monsieur le Président de la Cour de justice, Mesdames et Messieurs les Membres des Cours de Justice et des comptes, Mesdames et Messieurs les Ambassadeurs, chers invités,

I last addressed this gathering on a beautiful day in late September 2013 following my first election as European Ombudsman and I once again thank the European Parliament for its trust in me.

On that autumn day I quoted the Irish poet Seamus Heaney and spoke of how I took inspiration from his exhortation in the poem he wrote in 2004 in celebration of the new EU member states - to move lips, move minds and let new meanings flare.

I also committed on that day to making the work of my office much more relevant and impactful, to assisting the European institutions to be their own best selves by upholding the fundamental right to good administration.

My office is small, but what it lacks in size it compensates for in ambition and in belief, belief in the ideals of the Union, belief in the capacity of individuals and of institutions to soar beyond personal and vested interest.

All of us are forced now to cling more strongly than ever to those beliefs, not to allow the strength of purpose and of will of those that would do harm to our Union to weaken our own resolve, to take us back to the dark places of the past.

In Strasbourg last weekend, I came across a novel by the South African writer JM Coetzee, the book described as one that explored the meaning of a world '*empty of memory but brimming with questions*', quite perfect words I thought for this, the beginning of the third decade of the 21st century.

I also came across new editions of the works of George Orwell. In one essay, written just a single summer after the end of the Second World War, he made the case for democracy, however flawed, and for a belief in the resilience and endurance of truth despite, as he said, – '*the fading of the concept of objective truth from the world*'.



Orwell wrote ‘ *Against a shifting world in which black may be white tomorrow ... there are ... safeguards. One is that however much you deny the truth, the truth goes on existing, as it were, behind your back.* ’

Many decades later there are still those who play with truth, who bend and shape it to please an ever-expanding crowd, a crowd seduced by the substitution of truth for motive, encouraged to see the truth defenders as ‘the enemies of the people’.

Mr President of the Court, members of the Court, you and I share a similar task, ensuring that truth is not bent out of shape, that the rule of law continues to guide the EU and its institutions.

I make recommendations, you binding judgements - but we both rely on a supportive democratic and cultural infrastructure to survive. History teaches never to take that for granted, the lesson that compelled judges from across Europe to march in support of judicial independence in one member state just last month.

Orwell was aware of the shifting sands on which we perch. He said, “ *The relative freedom which we enjoy depends on public opinion... on the general temper of the country. The law is no protection. If public opinion is sluggish, even if the law forbids it, inconvenient minorities will be persecuted, even if laws exist to protect them.* ”

As Ombudsman, I test the general temper of the EU administration and I want publicly to acknowledge and applaud the high standards and commitment of that administration.

While most of my recommendations are accepted, when a recommendation is not followed, it is clear at times that it is not because of any flawed analysis, but rather because the temper of the administration – at a point in time – did not allow for acceptance.

The Ombudsman therefore acts as a weathervane, exposed to and witness to, the extent to which the institutions protect and defend the Treaties and the Charter of Fundamental Rights.

If I am successful – it is not just because I fulfil my legal mandate – but because the temper of the EU institutions and the democratic infrastructure of the EU – has allowed me to be successful.

In contrast, I have at times witnessed the weakening and undermining of fine Ombudsman colleagues across the world, not because the law changed or they changed, but because the democratic culture had ceased to support them.

But I am ever an optimist and when I heard the new members of the European Commission make their oaths last month, and heard the inspiring words of President Von der Leyen, I found myself once again committing to belief and to hope.

I also noted your own words Mr President endorsing the need for the institutions not to tolerate any compromise or concession that would undermine the common set of values that forms the



hallmark of the European Union.

This is a flawed Union and we as human beings are also flawed. But the Union remains a symbol of the best of the human spirit, of its capacity to seek out the greater good, to allow truth to survive no matter how often it is tested.

We find ourselves fragile at times and we rely on others for support. We rely on this court above all to maintain a steadfast clarity around the rule of law.

As Ombudsman, my work would be nothing without the support of those colleagues who have displayed an ethic that mirrors the finest values of the EU. I thank them for their dedicated and generous loyalty to the Union and to the office.

That support, allied to the support of parliament and the EU administration, has enabled this office to realise the vision of its creators 25 years ago – to become a passionate defender of the people and of the Union - a small office with a big mandate that I will continue to give real life to.

Mr President of the Court, members of the court – on behalf of myself, my office and my family, I thank you for your kindness and courtesy today and I wish you well in the challenging years ahead.