



FUNDAMENTAL RIGHTS CONFERENCE

JUSTICE IN AUSTERITY – CHALLENGES AND OPPORTUNITIES FOR ACCESS TO JUSTICE

6-7 DECEMBER 2012, BRUSSELS

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Ladies and gentlemen,

It is a pleasure for me to welcome all of you to this year's Fundamental Rights Conference, which takes place at a particularly challenging time. I would like to begin by thanking President Schulz and the European Parliament for their willingness to co-host this year's conference and put their premises at our disposal, and also the Cyprus Council presidency for its support. I would also like to express my gratitude to the LIBE and JURI Committees for their cooperation.

[on the Nobel Peace Prize]

It is indeed very fitting that we should hold a conference on access to justice here in the European Parliament, which has been, from the very beginning, such a driving force behind the development of fundamental rights safeguards throughout the EU. In fact, we all can be proud of our tremendous achievements in the field of fundamental rights protection since the EU was created – particularly when we think of the history of this continent.

We are meeting here only a few days before the EU receives the Nobel Peace Prize. And I have to say that I am very proud of this – and I think we can all be very proud – for this prize is for ALL of us. We – that is to say, the EU – are being awarded the

Nobel price for the peace that has been achieved between the peoples and states of Europe. But just as important is the fact that we have achieved peace within – within states, and within communities. We have succeeded in creating institutions and mechanisms that support stability - even in times of crisis.

Eleanor Roosevelt, a great human rights defender, once said that “Where, after all, do universal human rights begin? In small places (...): the neighborhood (...); the school (...); the factory, farm or office (...). Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.”

In this sense, working towards and defending fundamental rights, and in consequence working for peace in small places, in our communities and in our countries and between the EU’s Member States, is a task for all of us. This is why I am very pleased that over 400 of you have taken up our invitation to participate in this joint reflection on access to justice in times of austerity. We are very please that Ms Navanethem Pillay, UN High Commissioner for Human Rights, Commission Vice President Reding and Mr Juan Fernando López Aguilar, Chair of the European Parliament Committee on Civil Liberties, will give the keynote addresses to our conference. The diversity of participants ranges from government ministers to members of the European Parliament, from judges and mediators to victim support workers, from national decision makers to legal professionals. It has become a unique feature of the Agency’s Fundamental Rights Conference that we bring together so many different people who are all working on towards the same goal.

Ladies and Gentlemen,

[What does access to justice mean?]

It is a right enshrined in the EU Charter of Fundamental Rights that anyone whose rights have been violated can obtain a fair and effective response to resolve the issue, and can obtain compensation for the injury suffered. But in order for this to be possible, there are several prerequisites.

- **First** of all, victims must be aware of the fact that their fundamental rights are being violated; in other words, everyone needs to know their rights.
- **Then**, people must be aware that there are mechanisms – both judicial and non-judicial – to help them seek redress.
- And **thirdly**, people must be enabled to pursue justice, whether by themselves, by means of expert advice or representation by a lawyer or an organisation acting on their behalf.

Yet, although access to justice is often, if not always, available in theory, the reality looks very different. There are, for instance, a number of judgments from the Court of Human Rights in Strasbourg which underline this.

To give one example: In a case which dealt with the right of a migrant to non-refoulement, the Court recently found that while in theory a remedy was available to the applicant, this solution was rendered illusory: language barriers, the lack of information, the poor advice available to the detained applicant and the narrow time limit for entering that remedy made it impossible to implement the applicant's rights in practice.

I can assure you that FRA research confirms this – it is something that we see across Member States.

Ladies and Gentlemen,

Access to justice is vital for a number of reasons:

1) Firstly, access to justice is simply a fundamental right in itself. And as such, Member States have an obligation to protect and promote it.

2) Secondly, access to justice is a door to other rights, for it is the means by which people who have suffered a violation of other fundamental rights can seek redress.

Access to justice is therefore crucial for the EU if it is to uphold and continue to develop fundamental rights in general. People, and especially those belonging to vulnerable groups, must know that they are being heard –They must know, if their rights are violated, there is a path – or as we shall discuss during our debates over the next two days, several paths – they can go down to seek redress. High Commissioner Pillay will also speak to you about vulnerable groups.

3) And thirdly, all of this becomes even more pertinent in times of austerity. Because it is when times are hard that there may well be more rights violated, but fewer opportunities to get redress.

- As social hardship grows, more and more Europeans are finding themselves in a vulnerable situation. Unemployment in the EU is at its highest rate in well over a decade, and with this and stagnating wage growth in many countries, poverty and social exclusion are on the increase. Cutting back on access to justice during these difficult times exposes a greater number of people to unresolved fundamental rights violations.
- Another warning signal is the diminishing trust in public bodies, including in the judiciary, that we are seeing in many member states. In a number of

countries, up to three quarters of the population have no trust in the judicial system.

- In times of crisis, there is often a search for scapegoats that can lead to xenophobia, discrimination and an increase in incidents of hate crime. This harms not only the victims, who are targeted because of their religious beliefs, sexual orientation or disability, but it also targets our society, and our democratic functioning, as a whole. Just last week, the Agency presented two new reports on hate crime, which show how important it is to make the phenomenon more visible.

So, overall, in times of austerity more focus on access to justice is needed, not less.

And yet, justice budgets are being cut around the EU – in some countries to up to 20 percent this year.

While the justice system can't remain untouched by the austerity measures being implemented to other parts of national budgets, key questions still need to be answered:

- **What can we do in order to ensure that budget cuts do not impact on the quality of access to justice?**
- **Or, to take it one step further, how can we use the current circumstances to deal constructively with the situation, which could perhaps even give rise to new, innovative ways forward?**

Commission Vice-President Reding, whom we will have the pleasure of hearing later today, recently proposed the idea of setting up a mechanism, in parallel to the economic and social benchmarking systems already in place. The new justice scoreboard could measure the strength, efficiency and reliability of member states' justice systems within the framework of the 'European semester'. This would be an

important step, as it would allow to benchmark also achievements in the area of justice.

Ladies and Gentlemen,

We will be presenting the Agency's new report on *Access to justice in cases of discrimination in the EU* for the first time at this conference. And while it highlights many concerns and challenges, such as the complexity of complaints mechanisms and overly high thresholds, it also shows that there are many positive examples to draw on.

So,

Let us discuss together how we can nevertheless move forward in times of austerity:

I can assure you that in many of my visits to Member States I can see a lot of innovation and ideas. I am looking forward to some of these examples being shared. I am particularly pleased that the Portuguese minister is here to do that, as well as many others.

- What opportunities for reform are emerging from the current situation?
- How can we rethink existing structures? How can we build on the lessons already learned?
- How can we make more and better use of non-judicial mechanisms? To what extent could they supplement traditional forms of justice, freeing up resources for those cases that can only be solved in the courtroom?
- What good practices can we share that might open new ways forward in other places in the EU? Here I would point to some examples of e-justice from some countries.

Ladies and gentlemen,

Once again, I would like to congratulate you all on the winning of the Nobel Peace Prize, 2012. Another Nobel prizewinner, the former UN secretary-general Kofi Annan, said: "Today's real borders are not between nations, but between powerful and powerless, free and fettered, privileged and humiliated". This is not what we want. We have to make sure that not only is there peace between nations, but also equality between citizens. And that means access to justice - for everyone.

I wish you interesting and fruitful discussions here at the Fundamental Rights Conference. And I look forward to getting the long catalogue of inspiring ideas that we can all work on over the coming period.

Thank you for your attention.