

Speech by the Minister of Justice and Public Order of Cyprus, Mr. Loucas Louca

at the Opening Plenary of the Fundamental Rights Conference 2012

Brussels, Thursday 06 December 2012

Ladies and Gentlemen,

Distinguished guests,

It is indeed a great pleasure for me to be here with you today at the Fundamental Rights Conference 2012, organized by the Fundamental Rights Agency in cooperation with the European Parliament and the support of the Cyprus Presidency of the Council of the European Union. This semantically fits with the celebrations of the International Human Rights Day on the 10th of December.

We are all gathered here today to discuss the compelling and very important subject of access to justice in times of austerity.

Participating in such an event is an opportunity for every democratic person, either holding a public office, or just being a citizen to espouse, that the well-established value of access to justice for all, shall, in no way, be compromised or sacrificed, despite the hardships and difficulties we are currently experiencing.

Dear participants,

The Treaty of Lisbon, which entered into force on the 1st of January 2009, introduces for the first time the Charter of Fundamental Rights into European primary law, providing for new solidarity mechanisms and ensuring better protection of European citizens. One of the values enshrined in the Charter is the right to access justice.

At this era of interdependence, witnessing unprecedented political and socioeconomic concerns, but, also, reversals, which affect in many ways human rights, the absolute commitment to the respect for human values and dignity is, more than ever before in the forefront, not simply as an expectation but as a demand by the citizens. In my belief, it is more than ever before in the centre of the expectations of the peoples, the need to foster and uphold the ideals of Freedom, Peace, Democracy and Justice, that can only be established and preserved, if the safeguards of access to justice, are maintained and strengthened, both at European and national level.

In all nations, individuals look to justice systems to resolve some of the most important issues and controversies in their lives. Justice is a service provided to citizens, offenders, victims and the different members of society in general. That does not

just mean access to lawyers and courts, but, also encompasses the right to access ombudsmen, entitlement to arbitration and victim support services. Every citizen involved in any legal or non-legal proceedings, in any capacity, must perceive the service provided by the justice system as a quality service. In this respect, even the most advanced justice system in the world is a failure if it does not provide justice to the people it is meant to serve. Access to justice is therefore critical.

We are all living through a time of global economic crisis. And we are all, to varying degrees, affected by this crisis. No one is immune. But, to introduce radical austerity measures may adversely affect access to justice, thereby threatening the basic mission of safeguarding justice accessible to everyone. This is more so, for the vulnerable groups that are more, badly, hit by the economic downturn.

In such extremely difficult times, it is of high imperative, that all our efforts be intensified to ensure continued progress, and to prevent any regression in what it has achieved so far in the field of justice. We all, must ensure, that the right to access justice is, in no way, sacrificed.

In the best of times, making good on the promise of equal justice under law is expressly derived from the principles of Democracy and Equality before the Law. In times like the

present, making good on the promise of equal justice under law is a further challenge for all governments that should strive to succeed in their commitment to their people.

To achieve this goal, we must altogether work towards a society in which justice is genuinely accessible to everyone, especially the vulnerable. It is all the more important for us to boost confidence and stick together to meet the difficulties head-on. We must ensure that in such ages of austerity, access to justice can be preserved and improved for all- rich and poor.

Profound economic crisis requires a true rethinking of what governments in the area of justice systems do and how they do it. Inevitably, radical questions must be asked:

- If budget cuts cannot be averted, how can governments to the maximum extent possible cut cost without cutting justice services?
- How can it be ensured that there is no overall detriment effect on the quality of justice dispensed?
- What measures can be taken to protect and safeguard the right of vulnerable groups to access justice?
- What measures can be taken to explore innovative solutions and effective structures?

In actual fact, the crisis may provide a window of opportunity to remind us all, that access to justice should be open and available to everyone and that justice systems serve all irrespective of their colour, race, religion, sex; irrespective of whether they are rich or poor. Access to justice should, by no means, be considered as a luxury.

I think that, what should be our primary consideration is how we strengthen and reinforce multidisciplinary work on measures and approaches, thereby ensuring accessible justice for everyone in the EU. It is the obligation of all governments to think creatively and make hard choices.

The challenging and global economic crisis disturbing human rights situation across Europe makes it clear that there is need for collective action. All of us, governments, non-governmental organizations, national institutions, European and regional organizations must insist, concertedly, on the global respect of the rule of law and the building of democratic societies. People have to come closer to realizing that access to justice is a fundamental and democratic right, a central pillar of a free and equal society.

Dear Participants,

The government of the Republic of Cyprus shares the collective obligation of promoting and protecting national, European and international human rights standards, and, at the same time, of showing the necessary firmness and determination of safeguarding that justice is in no way sacrificed on the altar of economic crisis.

The effectiveness of the law and its institutions depends on how committed we all are, not only in making declarations, but in respecting values and principles and in demanding their respect by all, without accepting double standards or compromises.

To this goal, we are all committed to continue sharing the political will and determination. We will do everything we can to bring the full enjoyment of human rights for everyone closer to realization. We have to create a society in which every individual will enjoy his right of access to justice without any fear or favour.

For individuals to be afforded equal justice, and for governments to achieve their mission of providing equal justice accessible to all, Member States must develop viable systems in which this democratic right is highly preserved and guaranteed.

Esteemed participants,

We now have the opportunity to co-manage with our partners our common future vision and that of our children.

Today, hope is placed in our commitment to contribute, along with all good-willed forces in the world, to promoting the values of freedom, equality, justice, democracy and human rights among all people. Despite serious fiscal constraints encumbering Member states, we must honor our obligation to our residents, especially the most vulnerable. The depth and extent of the challenges we face today and the lack of certainty about what lies ahead, must give us pause as we consider the demands placed upon our judicial systems.

We must help to ensure that everyone, and especially the vulnerable ones, has the best possible chance to enjoy, equally, their well-established democratic right of access to justice.

Ladies and Gentlemen,

I am confident that this conference will generate an outcome that will take us forward in the quest for equal justice for all our people – young and old, rich and poor, urban and rural, men and women. Let us work closely together to disperse the shadow of the international financial crisis and usher in a brighter future.

I hope that the conclusions and recommendations that will emerge from the Conference are utilised in the best possible way.

With these considerations, I extend greetings to everyone and wish you productive deliberations and success in the work of the Conference.

Thank you all for your attention!