



IRISH HUMAN RIGHTS COMMISSION  
AN COIMISIÚN UM CHEARTA DUINE



COMMISSIONER FOR HUMAN RIGHTS

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## **DOMESTIC PROTECTION OF HUMAN RIGHTS**

### **Strengthening Independent National Structures**

5<sup>th</sup> Round Table

of National Human Rights Institutions, Ombudsmen  
and the Council of Europe Commissioner for Human Rights

Dublin, 16-17 September 2008

**ADDRESS BY**

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Chair, Chief Commissioner Dr. Manning, Commissioner Hammarberg,  
Ladies and Gentlemen,

I would like to thank the Irish Human Rights Commission for the invitation and the excellent organisation of this event. I believe that I speak on behalf of everybody when saying that the Irish Human Rights Commission stands out as a front runner in the family of National Institutions. Further, we owe a great deal to Maurice Manning for having given so much inspiration to the European Group of National Institutions in his capacity as chair.

Thank you as well to the Council of Europe Commissioner on Human Rights for co-organising this conference.

Let me start by stressing that we in Europe have a lot to be proud of in the field of human rights:

- Despite its great difficulties, The European Court on Human Rights is a beacon in relation to the legal development of human rights, not only in Europe, but throughout the world.
- The EU Race Directives have had a great impact in all member states in the fight against racism and xenophobia. Europe is the most advanced region when it comes to specialised agencies combating discrimination.
- Finally, the Charter of Fundamental Rights, which is a modern human rights text, is already being referred to although it is still not legally binding.

Thus, there is a lot to build on, and the people in Europe enjoy a relatively high level of human rights protection.

However, when all this is said, there are still numerous issues to be addressed. In short and in headlines, I can mention:

- Prevailing racism, xenophobia, Islamophobia and anti-Semitism;
- The vulnerable situation of Roma and Travellers;
- Homophobia and discrimination based on age, disability and gender is a reality in all parts of Europe;
- Increase of recordings of sensitive personal data;
- Problems in accessing justice;
- The rights of children and their profound protection; etc.

Unfortunately, the vast number of these violations is all too well known. They are old issues which now occur again in very similar shapes as we have seen them before. This is where Human rights actors - those who make up the European human rights architecture - need to be innovative and develop their approaches to address the violations.

It will come as no surprise to this audience that I find that the emergence of national human rights institutions in Europe is one of the most promising developments of the last decade. It is promising because national institutions are there to promote and to protect human rights at the very local level. You are there to find solutions to the problems taking the outset in the local understanding and in local conditions. You can find avenues and language which regional and international bodies cannot detect due to the distance.

In this way, the national institutions are part of the multilevel protection system which is developing, involving the UN, regional bodies such as the CoE, OSCE and EU, national bodies (NI's and Ombudsinstitutions) and local bodies like municipalities. In the short period that I have been heading the FRA, I have participated in two conferences and have had several meetings with municipalities on human rights in general, and discrimination in particular. This is a very promising development since we are now moving even closer to those who are of our real concern, namely those who are confronted with violations.

It is only through understanding these different roles and possibilities in the overall architecture that we have a chance to optimize the collective impact on the concerns that we all share. That is why a conference like this is of utmost importance.

The Fundamental Rights Agency is the new kid on the block, and why should anyone want to play with us? What can we bring to the group? Let me point to at least three key features that would be interesting in the interaction between NI's and the FRA.

Firstly, we have a mandate to advise the EU institutions on Fundamental Rights questions, and potentially the Agency may in one way or the other be involved in preparing new EU legislation. Since legislation in Member States is increasingly influenced by the EU, it is of great importance that EU legislation is drafted in a way which is conducive to ensuring a culture of human rights. Here a strong dialogue between NI's and the FRA is important, because we need the knowledge about the potential impact of new legislation at national level, and some of you need our core EU law competence. This substantial dialogue can take place in a variety of ways.

Secondly, the FRA has a strong analytical capacity. In particular, we have the capacity to undertake sociological surveys in all Member States and assess the findings in relation to the Fundamental Rights Standards. This analytical capacity hopefully will bring new knowledge about the causes and roots of certain violations. This may help us in the longer run to be more effective in our interventions. Again, the NI's can be a key actor in identifying the issues that need to be studied, and you can help bringing the findings of the studies into the national and local environment in order to find solutions.

Thirdly, the FRA is a network based agency. In every Member State, there is a series of institutions or individuals linked to the Agency. This may be someone from the Ministry of Justice or the Ministry of the Interior, an independent expert, an organisation with special knowledge of racism and xenophobia, general human rights NGOs. Most important in this context is, however, that the regulation says that the member on the Management Board should be a person having high level responsibilities in an independent national human rights institution or other public or private sector organisation. This formal link between the Agency and the NI's is in my view an important new step in creating a more comprehensive protection regime linking the various actors closer together.

In conclusion, I am confident that the NI's in close collaboration with the actors on the panel will be able to move some important issues in the time to come. A lot of concern has been expressed about the potential overlap between the different players. I have to say that, unfortunately, the magnitude of problems in the European societies creates a situation where there is no need for overlap, since there is plenty to do for all of us. The real challenge is to create synergies and constructive complementarity between our programs in order to be much more effective.

Thank you very much.