

**Committee on Civil Liberties, Justice and Home Affairs (LIBE) –
European Parliament:**

*The implementation of the EU Charter of Fundamental Rights two years
after the Lisbon Treaty's entry into force*

Brussels, 10 November 2011

Speaking points by Eamonn Mac Aodha, CEO, Irish Human Rights Commission
on behalf of the European Group of National Human Rights Institutions (EG NHRI)

*Objective of meeting – for LIBE to assess EU's efforts to respect, protect, promote and
fulfil human rights two years after the entry into force of the Treaty of Lisbon.*

About NHRIs

- EU Member States NHRIs functions include legislative review, research, policy, promotion, education, training, legal intervention, inquiries, complaint.
- Statutory bodies with a constitutional or legal basis governed by United Nations (UN) Paris Principles with a broad (universal human rights mandate).
Accreditation by UN International Coordinating Committee
- EG NHRIs = 36 Council of Europe state NHRIs of which 22 “A” status.
- Within EU 18 NHRIs - “A” Status = 12/ “B” Status = 5/ “C” Status = 1/ Others = 11.
- NHRI may be a national Commission, a national Ombudsman, an Equality body, a national preventive mechanism under OPCAT/ national monitoring mechanism under CRPD or mixture of above.
- Not all Ombudsmen are NHRIs particularly if lack law reform/ legal powers
- European NHRIs have different mandates but “A” status usually have law reform powers.

About EG NHRIs

- As a regional grouping EG regularly interacts with UN Human Rights Council, Council of Europe Commissioner, CDDH (on ECt reform including on EU Accession) and can intervene before the European Court as amicus.
- Examples of type of work undertaken by NHRIs range from immigration legislation/ policy; LGBT; prison condition; police ill-treatment; abuse of children or vulnerable persons by private actors; trafficking etc.

Significance of Charter to work of European NHRIs

- Limited to date. Scope of Charter and its applicability may not yet be clearly understood in national states and may not have been a priority for NHRIs
- Reason: NHRIs mandates already cover the subject matter of many of the rights in the Charter.
- Relevance of Charter to NHRI work on prisons or children not always clear.
- Interpretation of Charter provisions awaited – this changing – Zambrano (Case C-34/09) in immigration sphere, but refers to the ability of EU citizens to “exercise

the substance of the rights conferred on them by virtue of their status as citizens of the Union”. (When considering whether matter comes within EU law- the test may be whether the State is interfering with “genuine enjoyment” of rights rather than traditional test of identifying a hindrance to free movement.)

- No national-level awareness raising of Charter provisions – no funded programmes targeted at NGOs, lawyers or public.

EG recommendations

- Increased information-sharing with EU institutions on Charter initiatives
- Promoting increased knowledge of Charter and its relationship with ECHR
- Increased technical assistance from EC
- EP to invite NHRIs to appear before it on Human Rights issues
- EU to identify pro-active means to ensure ECHR “subsidiarity” through EU legislation/ practice.
- EU to ensure ECHR and UN convention implementation

EG priorities (subject to capacity)

- Deepen interaction with EU:
 - Through CDDH-UE negotiations on accession – Current EG Chair (the Scottish Human Rights Commission) will shortly writing to Vice President Reding expressing EG concern that EU did not proceed with draft text.
 - Through engagement on the UN Convention on the Human Rights of Persons with Disabilities (CRPD).
 - Through EU legislative review – Commission and Parliament.
 - Through amicus curiae intervention in European Court post EU ratification.
 - Through monitoring EU implementation of ratified treaties – CRPD/ ECHR including execution of Judgments – Rule 9 submission to COE Committee of Ministers.

END