

EP HEARING, LIBE COMMITTEE

THE IMPLEMENTATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS TWO YEARS AFTER THE LISBON TREATY'S ENTRY INTO FORCE

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Check against delivery!

Ladies and gentlemen

many thanks for inviting the Fundamental Right Agency to be here with you. We are indeed happy to be able to provide input in the context of the European Parliament's upcoming resolution on fundamental rights. Just like the European Commission's new annual report on the implementation of the Charter, the Parliaments annual resolution on fundamental rights are **important bricks that, together with the FRA annual report build a solid construction** regularly throwing light on the status of fundamental rights within the EU.

We believe that there is a **symbiotic and cross-fertilising relationship between the three annual reports** as produced by the Parliament, the Commission and by the FRA. As example serves our Annual Report 2010 which contains a new chapter on the international obligations of the Union and its Member States that was inspired by the feedback we had received through the Parliament's resolution of December 2010 on the situation of fundamental rights in the EU.¹

At this very moment we are starting to evaluate the information and data we have received as a basis for drafting our annual report 2011. So unfortunately,

¹ <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2010-0344&language=EN>, esp. Para 32.

at this very moment it is too early to provide you with input based on new 2011 data – a first draft of the FRA annual report will only be finalised by end of January. However, we are of course **ready to assist the Parliament and other EU institutions in their work** by providing data and analysis the FRA has produced in 2011.

In fact, over the year 2011 the FRA has produced a plethora of data and analyses that could inform the Parliament when drafting its resolution on the situation of fundamental rights in 2011. Just last week a colleague of mine has **presented to this Committee our findings on the situation of irregular migrants when accessing healthcare services and when employed in domestic work**. Before that we have discussed the findings of our report on the **right to political participation of persons with mental health problems and persons with intellectual disabilities** in the Parliament's Disability Intergroup. In June this year we have presented here in the Parliament our findings on the **potential of the Lisbon Treaty for the protection of persons belonging to minorities, including national minorities** - a report that was drafted on request of the Parliament. Also, in 2011 we have presented data on the fundamental rights **situation at the Greek land border** and the situation of discrimination on the **employment market**. Importantly we have also addressed an **issue that is of interest every single fundamental rights, namely the access to Justice**. As we have heard previously, access to justice has improved at EU level via the treaty of Lisbon. However, we had to see that especially at national level problems persist. **Excessive length of court proceedings** appears to be the most frequent challenge across Member States. High legal costs including lawyers' fees and court fees are other issues to be addressed. Also, restrictive rules on who may take a case to court may restrict the access to fundamental rights.

So to summarise over the year **a lot of evidence collected by the FRA has come your way and we would be very happy if you found our data and analysis helpful for your work**. In this context I would like to recall that the **Parliament**, in last year's resolution, **invited “the EU decision-making institutions to use the data and facts provided by the FRA during the preparatory stage of legislative activity”**. Whereas the FRA – due to certain limitations of competence – was not able to respond to all requests stemming from the Parliament, we hope that this Committee has found our reaction to your requests regarding the draft of a **Passenger Name Record Directive** as

well as on the draft of a **Directive regarding the European Investigation Order** useful.

In order come to an end I would like to stress the importance of assessing trends. To assess to which degree fundamental rights are increasingly (or decreasingly) implemented in practice the **development of Fundamental Rights Indicators** is important. A prominent example where indicators will play a role is the ‘**EU Framework for National Roma Integration Strategies up to 2020**’ adopted by the Commission in the beginning of April 2011 this year. The Commission requested the Agency to expand the FRA survey on Roma to all Member States and “to run it regularly to measure progress on the ground.”

The FRA can offer added value especially when it comes to Outcome Indicators. It can depict the situation on the ground rather than monitoring legal compliance of single Member States. In contrast to other fundamental rights bodies the FRA hence **focuses not on the duty bearer – that is the States - but on the rightsholder – that are the people** in Europe. Outcome-dominated projects that the FRA is currently working on or is preparing, deal with the **situation of Roma, the situation of LGTB persons, the situation of Jews and violence against women**. In all these areas the FRA is conducting large-scale surveys. We would be more than happy to provide the Parliament with the details of these findings once they are ready.

Many thanks for your kind attention.

GNT