FUNDAMENTAL RIGHTS CONFERENCE 2012

Justice in austerity

challenges and opportunities for access to justice

EUROPEAN PARLIAMENT ◎ 6-7 DECEMBER 2012
ROOM JOSZEF ANTALL 4Q2 ◎ OPENING AT 14.00

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EUROPEAN PARLIAMENT

FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

FUNDAMENTAL RIGHTS CONFERENCE 2012

Justice in austerity - challenges and opportunities for access to justice

European Parliament, Brussels, 6–7 December 2012

Fundamental Rights Agency Exhibition

European Parliament
ASP 1 (Zone G Area Balcony 1st Floor)

26-29 November

The FRA will hold a fundamental rights exhibition at the European Parliament in Brussels in the run-up to its annual Fundamental Rights Conference. The exhibition will showcase the research undertaken by the FRA in various fundamental rights areas.

The exhibition will open with a panel discussion on data protection on 26 November at 18:00. On 29 November at 12:00 the FRA will also present its new reports on hate crime at the exhibition space.

At a time when the European Union (EU) and its citizens are deeply affected by the current economic crisis, we must be vigilant that fundamental rights do not fall victim to budget cuts and other austerity measures. The right to access justice, as guaranteed in the EU Charter of Fundamental Rights, is essential to ensure that fundamental rights are enforced in practice.

What are the effects of the economic crisis on judicial systems and those seeking justice? How can access to justice be maintained for everyone, including vulnerable people, whose situation has become even more precarious during the economic crisis? What are the emerging patterns in litigation, private legal services or state-funded legal aid programmes? How can we turn this time of austerity into an opportunity for innovation, much-needed harmonisation and reform? What are the solutions, and who that can further access to justice at both the national and European levels?

The **Fundamental Rights Conference**, the main annual event of the European Union Agency for Fundamental Rights (FRA), will focus on these and other pressing matters at the European Parliament on 6 and 7 December 2012. This year the conference is hosted under the high patronage of the President of the European Parliament and in close cooperation with two European parliament committees: Civil Liberties, Justice and Home Affairs (LIBE) and Legal Affairs (JURI). The Cyprus Presidency of the Council of the European Union also supports this event.

Some 300 decision makers, practitioners and experts from acros the EU will gather to discuss emerging challenges for access to justice and explore effective solutions that could serve as a European model of good practice.

OBJECTIVES

- Contribute to the debate on the impact of the economic crisis on fundamental rights
- Inform policy and legislative processes to ensure that people across the EU have access to efficient and independent justice in accordance with the EU Charter of Fundamental Rights
- Promote awareness of key fundamental rights issues raised by FRA and other institutions
- Provide a forum for networking and sharing promising practices among key fundamental rights players in Europe

Background

The economic crisis poses challenges to access to justice in the EU. In some EU Member States, cuts in public spending have reduced budgets for courts and bodies with a human rights remit, as well as funding for a number of measures supporting access to justice, such as legal aid programmes and victim support services provided by the non-governmental sector. At the same time, the poor financial sitation and growing unemployment have a disproportionate impact on the most vulnerable groups in society, such as people with disabilities, irregular migrants and children, further limiting their access to justice.

However, fiscal consolidation could also be an opportunity to reform ineffective structures and explore new solutions, thereby ensuring accessible justice for everyone in the EU. Well-functioning and efficient justice systems can help reinforce economic growth. A number of Member States have already introduced some efficiency-boosting measures, reforming courts, streamlining various judicial and non-judicial mechanisms, ensuring better implementation of judicial decisions, improving judges' management skills and strengthening the role of non-judicial redress mechanisms. Much more could be done to improve access to justice.

FRA Annual Dialogue with the Committee of the Regions,

Brussels, 24 September 2012

'The economic crisis – obstacle or incubator for innovation in access to justice?'

The FRA Annual Dialogue with the Committee of the Regions discussed access to justice in times of economic crisis from the perspective of local and regional authorities. The meeting provided an opportunity to exchange ideas and practices on how local and regional authorities can facilitate access to justice for citizens. The meeting's conclusions will feed into discussions at the Fundamental Rights Conference, thereby ensuring a multilevel perspective on fundamental rights.

The economic crisis is affecting all areas of economic and political life, which means that already scarce resources have to be distributed among numerous and often conflicting priorities. It is therefore more important than ever to put a rights-based approach at the core of policy making, ensuring that the principles of fundamental rights guide decision making, taking into account both the rights of victims as well as those of the accused.

The **Fundamental Rights Conference** will examine existing policies, help towards an understanding of the strengths and weaknesses of different judicial systems and their financing mechanisms, and seek to identify the effects of austerity-driven reforms in the field. It will also foster exchange of promising practices and promote innovative solutions that could aid policy makers.

THURSDAY, 6 DECEMBER 2012

Room (JOSZEF ANTALL 4Q2)

12.00 – 14.00 **WELCOME RECEPTION**

14.00 – 14.30 **OPENING**

Martin Schulz, President of the European Parliament

INTRODUCTION

Loucas Louca, Minister of Justice and Public Order, Cyprus
Morten Kjaerum, Director, FRA

14.30 – 15.00 **KEYNOTE ADDRESS**

Navanethem Pillay, UN High Commissioner for Human Rights
Juan Fernando López Aguilar, Chair of the Committee on Civil Liberties, Justice and Home Affairs, European Parliament

15.00 – 16.30 **PANEL DEBATE**

JUSTICE IN RECESSION? CURRENT TRENDS AND CHALLENGES FOR ACCESS TO JUSTICE
What are the key challenges that affect justice systems across the EU? Increasing poverty and unemployment, reduced public funding for justice institutions and legal aid programmes – how does this affect people's ability to seek redress when their rights are violated? What are the costs of the economic crisis for access to justice? What institutional and policy changes have taken place because of the economic crisis?

Panellists:

Paula Teixeira da Cruz, Minister of Justice, Portugal
Teresa Jiménez-Becerril Barrio, Member of the European Parliament, Committee on Civil Liberties, Justice and Home Affairs (LIBE)
Françoise Castex, Vice-Chair of the Committee on Legal Affairs, European Parliament
Maura McGowan QC, Chairman Elect of the Bar Council of England & Wales, UK
Lotta Hakansson-Harju, Member of the Committee of the Regions, Commission for Citizenship, governance, institutional and external affairs (CIVEX), Sweden

16.30 – 17.00 **COFFEE BREAK**
Presentation of the FRA pilot mobile web tool on the Fundamental Rights Charter

17.00 – 17.15 **KEYNOTE ADDRESS**

Viviane Reding, Vice-President of the European Commission and European Commissioner for Justice, Fundamental Rights and Citizenship

17.15 – 18.30 **PANEL DEBATE**

ACCESS TO JUSTICE IN AUSTERITY: NEW OPPORTUNITIES FOR REFORM?
This time of economic crisis could also be an opportunity to rethink how we can ensure access to justice for all, re-shaping existing institutional structures and looking for alternative and more cost-efficient ways to guarantee effective and independent justice. It is time to articulate vigorously the key principles of justice that cannot be ignored or rescinded, even in times of recession, showing how these could guide policy responses and institutional adjustments.

Alternative dispute resolution, non-judicial redress, e-justice, expanding legal standing to non-governmental organisations and other actors, and other mechanisms could be promising tools for the road ahead. What are their costs and benefits? How do reforms in the justice system affect society's most disadvantaged groups, such as people with disabilities, migrants and the elderly? What are the promising practice initiatives that we could learn from?

Panellists:

Claude Moraes, Member of the European Parliament, Committee Civil Liberties, Justice and Home Affairs (LIBE)
Luigi Berlinguer, Member of the European Parliament, Committee on Legal Affairs (JURI)
Julia Laffranque, Judge, European Court of Human Rights, Estonia
Marcella Prunbauer-Glaser, President, Council of Bars and Law Societies of Europe (CCBE)
Miguel Carmona Ruano, President, European Network of Councils of the Judiciary (ENCJ)
Joanna Goodey, Head of Department, Freedoms and Justice, FRA

20.00 – 22.00 **EVENING RECEPTION**

Theatre du Vaudeville
Queen's Gallery 13, 1000 Brussels

Friday, 7 DECEMBER 2012

9.00 – 9.15 **RE-THINKING ACCESS TO JUSTICE IN PRACTICE**

Nils Muižnieks, Commissioner for Human Rights, Council of Europe

9.15 – 9.30 **ACCESS TO JUSTICE IN CASES OF DISCRIMINATION IN THE EU: Steps to further equality**
Presentation of the FRA report

Jonas Grimheden, Team Coordinator Access to Justice, FRA

9.30 – 11.30 **WORKING GROUPS**

INNOVATING JUSTICE – IDEAS, AVENUES, SOLUTIONS
The working groups will focus on specific aspects of access to justice and how they can be improved, despite existing economic constraints. A panel of practitioners will introduce each parallel session, present examples of promising practices, explore innovative models and raise key questions. Discussions in an interactive format will then pool and share participants' experiences on the strengths and weaknesses of different solutions, their practical implementation, and strategies to raise public awareness about fundamental rights and available avenues to justice.

Working group I: **RAISING LEGAL AWARENESS: NEW OPPORTUNITIES IN THE AGE OF E-TECHNOLOGIES?**

Room (ASP A3H1)

Chaired by:

Dick Heimans, Deputy Head of Unit Criminal Law, DG Justice, European Commission

Focus issues:

- Challenges and new ways to raise legal awareness among the general public
- Particular needs of the most vulnerable groups
- New models and tools offered by e-technologies: how effective is e-justice?

Panellists:

Ben Hagard, Head of Communication Unit, Office of the European Ombudsperson
Sabina Klaneček, Ministry of Justice and Public Administration, Slovenia
Ronald van den Hoogen, Ministry of Justice and Security, the Netherlands

Martin Öövel, Head of Division of Information Systems and Work Processes, Department of Judical Administration, Ministry of Justice, Estonia
Martin Schneider, Deputy Director General, Ministry of Justice, Austria

Working group II: **RIGHTS OF VICTIMS OF CRIME IN TIMES OF ECONOMIC AUSTERITY**

Room (ASP A3E1)

Chaired by:

Nathalie Griesbeck, Member of the European Parliament, Committee on Civil Liberties, Justice and Home Affairs (LIBE)

Focus issues: Victims' Directive and Roadmap: challenges for future implementation in times of austerity, with a special emphasis on:

- Cross-border cases
- Compensation
- Information, translation and interpretation
- Promising practices

Panellists:

Ingrid Bellander-Todino, DG Justice, European Commission
Frida Wheldon, Head of Policy, Victim Support Europe
Lisa Kennedy, Tourist Assistance Service, Ireland
Carmen Rasquete, Victims Support Service (APAV), Portugal
Vlasta Langhamerova, White Safety Ring (Bílý kruh bezpečí) – Victim support organisation, Czech Republic
Joanna Goodey, Head of Department, Freedoms and Justice, FRA

Working group III: **ENSURING ACCESS TO LEGAL AID AND ACCESS TO A LAWYER**

Room (JAN 4Q2)

Chaired by:

Tadeusz Zwiefka, Member of the European Parliament, Committee on Legal Affairs (JURI)

Focus issues:

- Legal aid and access to a lawyer in cross-border cases
- Promising practices and innovative solutions in EU Member States

- Role of non-governmental actors – how can governments best support non-governmental legal aid schemes?
- Role of the private sector, including legal expenses insurance and pro-bono work

Panellists:

Jean-Paul Jean, Chair of the Working Group on Evaluation, Council of Europe Commission for efficiency and effectiveness of justice (CEPEJ)
Edouard De Lamaze, Member of the European Economic and Social Committee (EESC), France
Costas Pamballis, Judge, Supreme Court, Cyprus
John Wadham, General Counsel, Commission for Equality and Human Rights, United Kingdom
Fernando Piernavieja Niembro, Chair of Access to Justice Committee, Council of Bars and Law Societies of Europe (CCBE)
Nuala Mole, Senior Lawyer, The AIRE Centre - Advice on Individual Rights in Europe
Costanza Hermanin, Programme manager, Open Society Justice Initiative
Staffan Moberg, Insurance Sweden

Working group IV: **STRENGTHENING ACCESS TO JUSTICE THROUGH BODIES WITH A HUMAN RIGHTS REMIT**

Room (ASP A3G2)

Chaired by:

Jozef De Witte, Chair of the Board of EQUINET and Executive Director of the Centre for Equal Opportunities and Opposition to Racism, Belgium

Focus issues:

- Role of National Human Rights Institutes, Equality bodies, Ombudspersons and Data Protection Authorities
- Impact of the economic crisis on the most vulnerable groups and accessibility of low threshold complaints bodies

Panellists:

Zoi Kardasiadou, Hellenic Data Protection Authority, Greece
Leda Koursoumba, Chair of the European Network of Ombudspersons for Children (ENOC), Commissioner for Children's rights, Cyprus

Sophia Kouloulis-Spiliotopoulos, European Group of National Human Rights Institutions and Hellenic Commission for Human Rights, Greece
Niraj Nathwani, Programme Manager, Legal Research, FRA

Working group V: **TOWARDS EFFECTIVE MEDIATION POLICIES**

Room (ASP A1E1)

Chaired by:

Giuseppe De Palo, Director of JAMS International and co-founder and President of Alternative Dispute Resolution Center, Italy

Focus issues:

- Implementation of the Mediation Directive (2008/52/EC)
- Practical costs and benefits of mediation for cases involving fundamental rights violations
- Balance between mediation and litigation – what is the potential scope for a common European approach?
- Enforceability of agreements resulting from mediation

Panellists:

Michel Benichou, Head of the French delegation to the Council of Bars and Law Societies of Europe (CCBE) and expert in mediation, France
Magdalena Grudziecka, Association of Mediators, Poland
Maija Gellin, Director of National Programme for School Mediation and Restorative Approaches in Education (VERSO), and Board Member of Finnish Forum for Mediation (FFM), Finland
N.N., Mediation Council, Romania (tbc)
Renatas Mazeika, Head of Unit Programme Management, DG Justice, European Commission (tbc)

11.30 – 12.00 **COFFEE BREAK**
Presentation of the FRA pilot mobile web tool on the Fundamental Rights Charter

12.00 – 13.00 **PANEL DEBATE**

THE ROAD TO JUSTICE: NEXT STEPS AND COMMITMENTS
Discussion with the working group chairs

13.00 – 13.30 **CLOSING REMARKS**

Maija Sakslin, Chairperson of the Management Board, FRA

13.30 – 15.00 **LUNCH**

FRA WORK ON ACCESS TO JUSTICE

The conference discussions will draw on the findings of the Agency's on-going work in the field and will inform future projects:

Redress mechanisms and the effectiveness of institutional architecture

FRA has carried out extensive work on the non-judicial redress mechanisms available for victims of fundamental rights violations. The most recent study, Access to Justice in cases of discrimination in the EU, will be launched at the conference, presenting findings from over 350 qualitative interviews on access to justice across various **discrimination** grounds. The 2011 report Access to justice in Europe: an overview of challenges and opportunities provides an EU-wide comparative analysis of the **legal aspects of access to justice in the EU and their effectiveness**, revealing problems that deter victims from taking cases to court to enforce their rights. FRA is also conducting research in the area of **data protection** and will provide evidence from people's experiences and views on the application and use of redress mechanisms in the field. FRA will present the preliminary results from the fieldwork at the conference.

The mandates and powers of key fundamental rights institutions, such as Equality Bodies, NHRIs and Data Protection Authorities are assessed in a series of reports on Strengthening the fundamental rights architecture in the EU.

A number of thematic areas of FRA work involve access to justice. Several studies reveal specific challenges faced by particularly vulnerable groups.

For example:

- **asylum seekers** (Access to effective remedies: the asylum-seeker perspective, 2009);
- **persons with disabilities** (Choice and control: the right to independent living, June 2012)
- **children** (social study on practices and procedures regarding child participation in criminal and civil justice proceedings, due in 2013)
- **persons facing discrimination on multiple grounds** (Inequalities and multiple discrimination in healthcare, due at the end of 2012)

Awareness of rights and redress mechanisms

Insufficient awareness of rights and available redress mechanisms, as well as low levels of trust in justice institutions, are frequent obstacles when accessing justice in practice. The agency's EU Minorities and Discrimination Survey (EU-MIDIS) reveals that the majority of people who are most vulnerable to discrimination are not aware of organisations that could offer support or advice to victims of discrimination.

In response, to this, FRA will launch its project 'Complaints, Legal Assistance and Rights Information Tools for You' or CLARITY in 2013. CLARITY is an online information platform that will provide a one-stop shop on how and where to make a complaint about fundamental rights violations.

FRA is also developing an online application for mobile devices on the Charter of Fundamental Rights of the European Union, which aims to improve access to the Charter and related information.

FRA
EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

HELPING TO MAKE FUNDAMENTAL RIGHTS A REALITY FOR EVERYONE IN THE EUROPEAN UNION

Every year the **Fundamental Rights Conference** brings together the key fundamental rights players in the EU to examine a specific fundamental rights issue, stimulating debate on challenges and exploring solutions. Previous Fundamental Rights Conferences focused on dignity and rights of irregular migrants (2011), child-friendly justice (2010), rights of the most marginalised groups, particularly those vulnerable to discrimination and exclusion (2009) and freedom of expression (2008).

For more information, see: http://fra.europa.eu/fraWebsite/frc2012

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