

**THE EU FUNDAMENTAL RIGHTS AGENCY AND THE
PROMOTION OF HUMAN RIGHTS IN EUROPE**

GRADUATION SPEECH

VENICE, 25 SEPTEMBER 2010

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President, Rectors, Professors, Ambassadors and in particular, dearest Masterini and Masteroni and parents,

It is my great pleasure to witness this happy moment, as you celebrate the successful completion of your studies.

Some of you may be about to embark on your first voyage into professional life, others may be returning to familiar territory, and perhaps for a few of you this is just a prelude to further studies. Wherever you are going, however you get there, you share one thing in common: knowledge. And this knowledge relates specifically to improving the lives and well-being of all members of society.

To quote Bob Dylan, *'A hero is someone who understands the responsibility that comes with his freedom.'* The power of human rights, and the responsibility you bear in being keepers of that knowledge, cannot be understated.

Ladies and Gentlemen,

In my speech today I would first like to look at human rights in Europe in a broader context, and then turn to some concrete issues, by showing how the Fundamental Rights Agency works on some of the key challenges that we are facing in Europe today.

You have devoted much time and effort to studying human rights, and the human rights structure, so I certainly do not intend to give you just another lecture about this. Rather, let me give you the perspective on human rights in Europe as someone who started working in this field some 30 years ago.

I first started in the 1980's, already during my studies, giving legal advice to asylum seekers coming to Denmark; I then, in the 90's became one of the founders and the Director of the

Danish Institute for Human Rights; and for 2 years now, I have been the Director of the young EU Agency for Fundamental Rights.

As you can see, a career in human rights can be interesting – but that’s not the reason why I mention my CV here. It is rather because, by coincidence, my professional life is a reflection of what has happened in the development of human rights and the human rights architecture in the EU, over the past decades:

We started from a phase of standard setting, with the Universal Declaration of 1948, and the subsequent conventions. This declaration is unique, also because it shifted – for the first time ever – human rights concerns from the national level and from national law to an international level, and to international law. Human rights became a legitimate international concern. Almost logically, the Declaration was primarily used in a foreign policy context: to name and shame human rights violations that happened from China to Chile, from South Africa to the Soviet Union. But human rights were hardly ever mentioned or questioned in relation to our own domestic situation - and that’s when I was working with asylum seekers. We discussed Human Rights in their country of origin, but not if our asylum procedures complied with Human Rights.

Triggered, inter alia, by the fall of the iron curtain, this foreign policy approach started to change in the early 1990s. Human rights increasingly started becoming part of domestic political debates and legal developments in our own countries. In this way, human rights were “coming home”. And this was reconfirmed at the 1993 UN World Conference on Human Rights in Vienna. Over 150 countries adopted an action programme on how to move ahead with the implementation of human rights within the domestic legal order.

In line with this development, we have witnessed a new and very important development: the drive to build independent national institutions working on human rights – such as the Danish institute which we founded, starting in 1987. Let me give you one figure to show how important this development really was: In 1990, only five internationally recognised national human rights institutions existed world-wide. Today, there are more than 100.

And now, sixty years down the line from the Universal Declaration, we have the EU Charter of Fundamental Rights, which legally binds the institutions of the EU, as well as the Member States, when they are implementing EU Law.

And setting up a European Union Agency for Fundamental Rights three years ago, was a further logical step on this journey to making fundamental rights a reality for everyone in the EU.

Of course, even today, the core elements of monitoring and of engaging governments over abuses remains central, but this Agency adds a new way of thinking and acting on fundamental rights: here is an Agency which was created to deliver deeper analysis, and to

advise governments at all levels on how to go about improving fundamental rights protection. The EU is the first region with such a body.

The Fundamental Rights Agency is a young and still-developing body. We work on specific 5-year priority areas, which are decided by the governments of the EU Member States. Current priority areas include: discrimination, access to justice, racism, the rights of children, data protection and asylum, to name just a few. The Agency is based in Vienna, and has currently about 80 staff members. By the way, and this may be of interest to you – we also offer traineeship programmes to young graduates. I know I will welcome one of you very soon. And of course we may also be a future work place and we need your kind of knowledge.

The core task of the Agency is to give advice to decision-makers in the area of fundamental rights, both at national and at EU level. We base our advice on our analysis of the data and information that we collect.

RESEARCH

With our research, we are able to identify better the scale and structure of the problems that exist, and also highlight where successful solutions and good practices can be found. This data collection and analysis is important, because policy makers need to know what the situation really is, to be able to develop targeted and appropriate policies to improve the situation.

For instance, I am often asked “so which country in the EU is the most racist?” In answering this we would traditionally look at the existing statistics on the number of complaints to police and equality bodies across the Member States. Doing this we find an interesting picture: the number of complaints to the police range from 60.000 in the UK to zero in Italy. What does this mean? We all understand that the UK is not 60.000 times more racist than other countries. So these statistics do not tell us much about the extent of racism. Rather they suggest that some States are not collecting data, whilst others do an accurate job in identifying the problem. Secondly, in many Member States victims are not aware of their rights or how to make complaints about rights violations. Or they are afraid to complain. So the true picture is that those States with the highest number of complaints are those where there is better data collection, better rights-awareness, and a climate where people feel comfortable pursuing a remedy.

So how CAN we learn more about the extent of racism in a country then? The Fundamental Rights Agency has developed a survey methodology, where we interviewed 25,000 migrants and minorities in all 27 EU Member States about their experiences of discrimination and violence. And indeed, here we see a different picture: Across the EU, more than every fourth person from a minority group was a victim of discrimination at least once in the 12 months preceding the survey app. 50% of the Roma respondents. This underlines again that the

official statistics only show the tip of an iceberg – and that is true not only for racism, but for most human rights violations. We have to move from impressions to evidence.

ADVICE

Now, it is all very well identifying existing problems and producing reports. But other activities must follow if we want to make a difference.

For this reason, the Agency translates its findings into evidence-based advice that can be used by policy-makers. We identify what it is that can be done to improve the situation. Then we ensure that the right information gets to the right people. For this, we communicate in a targeted and timely way with our key stakeholders, such as governments, EU institutions, National Human Rights Institutions, and Equality Bodies, as well as other international organisations such as the Council of Europe or several UN bodies.

For example, where legislation is being debated in the European Parliament, the Agency is able to supply Parliamentarians with information that can help inform their debates. To give a very concrete example, the Agency has in the past 15 months done three pieces of solid research about the Roma, namely on freedom of movement, on Roma housing, and a survey on Roma discrimination. In the current debate, we have communicated the findings from these reports to policy-makers. If you are interested, there is also a dedicated web space on Roma at our homepage.

To give another example, the Agency gave input to the ongoing negotiations on a new ‘horizontal’ Directive that will enhance protection from discrimination in EU Law. We provided the European Parliament and Commission with findings related to discrimination on the basis of sexual orientation and gender identity. The discrimination in this area that was underlined in our reports indicates a clear need for enhanced legal protection.

These sorts of ‘advice’ activities have acquired particular importance today. In sometimes highly emotionalised debates, such as the current debate about the Roma, the Agency tries to deliver the facts and figures for contextualising the issue, in order to contribute to a more sober and objective debate. Furthermore, the agency provided in some cases a legal analysis for example in the case of the use of body scanners and other data protection issues.

AWARENESS RAISING

Finally, as well as engaging with specific actors responsible for implementing legislation, the Agency’s task of communication and awareness-raising is no less important. It is impossible to create a society where rights are respected, if society as a whole does not understand why human rights exist and what role they play.

Increasingly we see attacks on human rights coming from particular sections of society who believe that human rights are designed to help terrorists or criminals escape justice. Similarly we see a widespread intolerance towards particular minorities such as the Roma or gay, lesbian and transsexual persons. For this reason, the Agency engages in awareness-raising activities such as holding its annual Diversity Day events, and producing the S'cool Agenda, a diary containing information and quizzes about rights. These activities are aimed at our young people. The Agency is also supporting the creation of training materials for the media and will increasingly focus on particular professional groups, such as teachers, nurses, social workers etc.

Making the public more aware of what human rights are about, and helping to create a climate of respect, are essential. This needs to be done alongside reporting rights abuses, and networking with stakeholders.

Ladies and Gentlemen,

Governments are well aware of their obligations under human rights law. The challenge that we now face and where your expertise will be needed is how to turn these standards into concrete results, and this can only be done by engaging with actors at different levels of government and civil society – by knowing about the actual situation on the ground and identifying how policies need to be shaped to deal with it. This involves engaging in a direct dialogue, not only with central government, but with all actors responsible for delivering the services on which we rely daily: it is teachers in schools, police officers on our streets and nurses in hospitals who guarantee your right to education, or your right to physical integrity, or your right to health. They are all Human Rights defenders and they need to be much better supported in this role.

Masterini and Masteroni,

As graduates of this prestigious institution, vested with your knowledge of human rights, your intelligence and your enthusiasm, you bear great gifts. You also bear a great responsibility to use these gifts to better the lives of those around you. To make fundamental rights a reality for all, requires people with a wide range of talents working in different areas. You have many doors open to you. As you stand on the threshold to the rest of your lives, keep in mind what you have learnt, and how you can use it to make the world a better place. I trust I will meet many of you as colleagues, and - to end again with Bob Dylan – as colleagues who become fundamental rights heroes by taking up your responsibility.

Thank you for your attention.