Bringing the Charter to life
- opportunities and challenges of putting the EU Charter of Fundamental Rights into practice

Copenhagen Seminar

15-16 March 2012

(DRAFT AGENDA)
BACKGROUND

The Charter of Fundamental Rights of the European Union has become increasingly integrated into the law and policy-making processes of the EU’s institutions, especially following recent reforms in internal procedures. Reference to the Charter in the case law of the Court of Justice of the EU has also increased since this instrument acquired legally binding status.

The Charter is not merely a catalogue of abstract principles, as the European Commission repeatedly underlines. The institutions and bodies of the EU are legally bound to ensure respect for fundamental rights as recognised by the Charter whenever they implement or interpret EU law and policy or otherwise take action. The Charter must be respected at every stage of the law-making process: from the point at which the preparation of legislative proposals begins, throughout the process of negotiation, amendment and adoption by the European Parliament and the Council. This requirement also applies to the process of interpretation and implementation of EU law.

Interpretation and implementation at the Member State level is a continuous process that involves the legislative, executive and judicial branches of the State. National courts have an essential function to fulfill in this respect. If a person considers that a national authority has violated the Charter when implementing EU law, he/she/it must be able to turn to the national courts which, following the guidance of the Court of Justice of the EU must ensure that the Charter is fully respected. Information and training for judicial authorities and legal professionals is of key importance in this regard.

National human rights institutions and civil society organizations also have an important role to play in the implementation of the Charter. This can include providing information on substantive and procedural rights to victims of violations; referring individuals to dispute settlement mechanisms, or providing dispute settlement services; assisting and supporting people in taking cases to court; training legal professionals and the media, etc.

At a more general level, if the rights enshrined in the Charter are to be effective in practice, it is essential that citizens and others living or residing in the EU are informed about and understand the scope of these rights and how they can be implemented and enforced. Raising awareness about the Charter, its potential and its limitations, is key to achieving this. Citizens who believe to be victims of fundamental rights violations must have access to practical information regarding their rights and the legal remedies existing in the Member States, as well as information about remedies at the EU level. Citizens should also be informed about where they can turn in cases falling outside the scope of application of the Charter.

The Copenhagen Seminar will therefore explore the opportunities and challenges that exist at both the EU and national levels, in the work of law and policy-makers, complaints mechanisms, specialised human rights bodies and civil society organisations, in order to enhance the profile of the Charter both during the law-making process and in gaining access to justice: putting the charter into practice (day 1) and improving citizens’ access to charter rights (day 2).
DAY 1  
15 March 2012

Welcome & Introduction

13:00 Arrival and registration of participants

13:30 Welcome & introduction
- Morten Bødskov, Danish Minister of Justice
- Morten Kjaerum, Director of the EU Agency for Fundamental Rights

Keynote speech
- Video message from Vice-President Vivian Reding, European Commission

14:15 Coffee/Tea Break

Putting the Charter into Practice at EU Level

14:30 Panel Debate (moderated by Jeremy McBride, Chairperson of the Scientific Committee of the EU Agency for Fundamental Rights)

Opportunities and challenges for EU institutions and bodies

Questions:
1. The status quo: how is the Charter implemented by EU bodies and institutions during the process of elaborating, scrutinising the validity of, or handling complaints about or hearing cases concerning EU law, policy or practice?

2. The potential for improvement: how could the Charter be applied more rigorously during these processes? Should this include for instance increased training on fundamental rights of staff, or making greater use of expertise within other EU bodies or institutions?

3. What improvements could be delivered in the short-term within current institutional constraints, and what improvements could be made over the long-term through future reform?

4. How could inter-institutional co-operation be improved in order to facilitate the implementation of the Charter?

- Prof. Dr. Vassilios Skouris, President of the European Court of Justice
- Dr. Paul Nemitz, Director for Fundamental Rights and Union Citizenship, European Commission
- Prof. Gráinne de Búrca, New York University School of Law
- Prof. Jean-Paul Jaqué, College of Europe, Bruges, Honorary Director-General and Special Counselor of the Council of the European Union

Plenary discussion

16:00 Coffee/Tea Break
Putting the Charter into Practice at National Level

16:30  Panel Debate (moderated by Jonas Christoffersen, Executive Director of the Danish Institute for Human Rights)

Opportunities and challenges for national bodies

Questions:

1. The status quo: how, if at all, is the Charter implemented by national parliaments, governments and judicial authorities in the transposition, implementation and interpretation of EU law? Is the Charter seen to add value to existing human rights provisions in national, European or international law?

2. The potential for improvement: how could the Charter be applied more rigorously during these processes? For example, by making greater use of expertise at the EU, national, and local levels, or by ensuring the provision of legal advice or other support.

3. What improvements could be delivered in the short-term within current institutional or resource constraints, and what improvements could be made over the long-term through future reform?

4. How could the EU institutions and bodies assist Member States in implementing the Charter?

- Mielle Bultermann, Head of litigation team, Ministry of Foreign Affairs of the Netherlands
- Sophia Koukoulis-Spiliotopoulos, Member of the Greek National Commission for Human Rights, Attorney and Counselor at Law
- Ms. Marcella Prubauer-Glaser, President of the Council of Bars and Law Societies of Europe
- Professor Giuseppe Tesauro, former Advocate General of the European Court of Justice, Member of the Italian Constitutional Court

Plenary discussion
DAY 2
16 March 2012

Improving Citizens’ Access to Charter Rights

09:15 Opening

09:30 Serving the people in Europe: the contribution of European and national human rights institutions and mechanisms

- Professor Alan Miller, Chair of the Scottish Human Rights Commission, Chair of the European Group of National Human Rights Institutions
- David Lowe, Head of the Secretariat of the Committee on Petitions of the European Parliament
- Jonas Grimheden, EU Agency for Fundamental Rights

Questions:

1. The status quo: how does the Charter feature in the work of national and EU bodies specialising in handling complaints, informing or otherwise supporting individuals with fundamental rights complaints, and promoting fundamental rights protection more generally? Is the Charter seen to add value to existing human rights provisions in national, European or international law?

2. The potential for improvement: how could the Charter be applied more rigorously during these processes? For example, by increasing awareness of the Charter among the public, including greater understanding of where it does and does not apply.

3. What improvements could be delivered in the short-term within current institutional constraints, and what improvements could be made over the long-term through future reform?

4. How could EU Citizens and other persons living in the EU improve their use of the work of European and National Human Rights Institutions and non-governmental organizations and increase the benefits derived from this work in implementing the Charter? Is there a way these institutions can assist them in this improvement?

10:15 Coffee/Tea Break
10.30  Panel debate (moderated by Alan Miller, Scottish Human Rights Commission)

Serving the people in Europe: the contribution of non-governmental organisations – perspectives from civil society and national human rights institutions

- Nicolas Beger, Director, Amnesty International's EU Office
- David McKenna, President of Victim Support Europe
- Nuala Mole, Director of the AIRE Centre (Advice on individual rights in Europe)
- Peter Reading, Director of Legal Policy, Equality and Human Rights Commission, UK
- Victoria Vasey, Legal Director of the European Roma Rights Centre

Questions:

1. The status quo: how, if at all, do NGOs rely on the Charter when providing support or advice to individuals with fundamental rights complaints, or in promoting fundamental rights protection more generally through advocacy work? Is the Charter seen to add value to existing human rights provisions in national, European or international law?

2. The potential for a stronger role: do NGOs have the potential to play a broader role in increasing awareness about the potential value and limitations of the Charter, both amongst the general population and amongst policy-makers and complaints bodies at the national and EU levels?

3. What improvements could be effected in existing law and policy-making processes and in the handling of complaints, in order to make the Charter more effective in practice? Do NGOs have a potential role to play in putting these improvements into effect?

4. How could EU citizens and other persons living in the EU better benefit from the work of non-governmental organisations in implementing the Charter? Is there a way these organisations can improve their support, better ensuring these persons benefit more from this assistance?

Plenary discussion

12.00  Conclusions
Panel moderators and FRA Director

12:55  Closing remarks
Danish high-level official

13:00  LUNCH and end of seminar