

12 November 2019, Brussels

Speech by Minister of Justice Henriksson, making the EU Charter of Fundamental Rights a reality for all: 10th anniversary of the Charter becoming legally binding, 12 November 2019

[CHECK AGAINST DELIVERY]

Vice-President Designate Jourova, dear Vera, Director O'Flaherty, dear Michael, dear participants,

It is my great pleasure to be here today with you to celebrate the tenth anniversary of the Fundamental Rights Charter as a legally binding document. The fact that the anniversary falls during Finland's Presidency of the Council of the EU is a pleasant coincidence. Promoting fundamental rights has been a longstanding priority of Finland's EU policy. Fundamental rights are also an important part of the Finnish Presidency programme. On behalf of the Finnish Presidency, I am happy to wish you all warmly welcomed to this conference.

Respect for our common values is the backbone of the EU. This has been highlighted throughout Finland's Presidency. Democracy, the rule of law and fundamental rights, the famous tripod, are interlinked and interdependent. If one is missing, the whole tripod falls down. We are not talking about luxury items that people living in the EU enjoy only on good days, but about the very foundations of our societies. This is important to keep in mind when talking about fundamental rights: their promotion and protection is even more essential in turbulent times.

We encounter new challenges such as the increase of online hate speech. This requires robust action by all of us, both at the national and the EU level. Freedom of speech is a precondition for a democratic society. Hate speech hampers the full realization of rights, and it is not protected by the freedom of speech. On the contrary, it can limit the access to information and the principle of non-discrimination. And we know that hate speech may also in extreme cases lead to hate crime.

Distinguished guests,

At the EU level, the Charter is our core fundamental rights instrument, the EU's own "bill of rights". It is still a relatively young fundamental rights instrument, at least if compared to UN conventions or the European Convention on Human Rights. However, it is becoming more widely used and known. I think that it is

finally gaining the role it deserves. Yet, more needs to be done to reach its full potential and to fully realize the rights enshrined in the Charter. Therefore, it is important to enhance the use of the Charter at the national level. As a member of the Swedish-speaking minority in Finland, I know how important fundamental rights are to all of us.

Today we are celebrating the tenth anniversary of the Charter becoming legally binding upon the entry into force of the Lisbon Treaty in 2009. Next year, we'll be celebrating the twentieth anniversary of the Charter, since it was drafted by the European Convention and solemnly proclaimed in 2000. We have colleagues among us who have followed the entire lifecycle of the Charter so far. We have witnessed great developments regarding Charter awareness at the national level, resulting in its increased use. Yet, there are still people in the European Union who have never even heard about the Charter.

This means we all have a role to play in the enforcement of the Charter. Action is needed at both the EU level as well as the national level. Here I would like to mention the important set of Council Conclusions on the 10th anniversary of the Charter, adopted on 7 October this year. The Conclusions highlight the importance of the Charter's use by all relevant actors. In particular, the conclusions make an explicit mention of the Council itself, alongside the Member States, the Commission, the Fundamental Rights Agency, National Human Rights Institutions, and other bodies as relevant actors in applying the Charter. That covers many of us here today.

The role of the Courts, both at the European as well as at the national level is crucial. The conclusions underline the importance of the case-law of the Court of Justice of the European Union and the growing role played by national courts in securing the effectiveness of the Charter. In addition, I would like to highlight the important role of national parliaments and that of the academia. Charter-compliant legislation is in the hands of the parliaments. The academia can help in both ensuring that new lawyers are familiar with the Charter as well as providing up-to-date legal research on the Charter.

The Council Conclusions on the Charter include a number of concrete measures by which we can enhance implementation of the Charter. Vice-President Designate Jourova has already mentioned some of them here today. The Commission's Charter Strategy is of particular importance and we welcome the Commission's efforts on this. I am also happy about the introduction of an annual Charter exchange at the expert level at the Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons. This kind of sharing of best practices between the Member States on the use of the Charter is extremely important.

Dear participants,

All branches of the government are needed - the executive, the legislative and the judicial. They each have their own role, but fundamental rights are nevertheless

important in all of them. The use of public power is by nature fundamental rights sensitive. I would like to share with you some of our experiences in Finland in ensuring Charter compliance in legislation and in public administration. The Finnish system assesses the constitutionality of proposed legal acts beforehand. The assessment includes compliance with our Constitution but also with Finland's international human rights obligations. Law drafters are given guidance on how to take fundamental and human rights into consideration when drafting new legislation. At the Government level, the Chancellor of Justice oversees the legality of Government action, including law proposals.

At the Finnish Parliament, the Constitutional Law Committee considers law proposals from the perspective of the Constitution but also with respect to other fundamental and human rights obligations. The Parliament has to take the views of the Committee into consideration.

All these steps aim at ensuring that all pieces of legislation are in line with fundamental and human rights, including the Charter. However, we also need the possibility for ex post assessment, in particular by the courts in individual cases. All members of the legal family need to be aware of the Charter rights and their impact on national legislation. The role of legal practitioners is particularly important.

We have had good experiences from the Charter specific training that we have provided to civil servants. In January, the Ministry of Justice organized a one-day training for government officials on the Charter with particular emphasis on data protection. We received extremely positive feedback and requests for more training on EU fundamental rights. In preparation for the EU Presidency, we have also trained our own EU staff at the Permanent Representation here in Brussels on the Charter, in good cooperation with the Council Secretariat and the Fundamental Rights Agency.

Dear colleagues,

With these positive notes, I would like to finish my speech by underlining the need to be pragmatic. The Charter may still need support from its whole enforcement chain in order to be fully integrated in all relevant acts and activities, but this support does not need to be rocket science. We need better awareness and we need concrete tools. The conference today will provide both. In addition, this is an important opportunity for the key players at the EU level to come together and discuss how to ensure that the crown jewel of the EU legislation, the Charter of Fundamental Rights, gets the attention it deserves.

This policy cycle with the new Commission is an opportune time to look for new initiatives. I am very much looking forward to working with the new Commission in promoting fundamental rights, and I am confident that this task is in good hands. Let's continue working together to further enhance Charter implementation. Finland will be a part of these efforts also after our EU

Presidency. Together we can develop a culture of fundamental rights across the Union.

Last but not least, I would like to thank the Commission and the Fundamental Rights Agency for the excellent cooperation in the preparations of this joint conference. You will hear a number of interesting presentations today. I wish you a good conference. Thank you.