Ladies and Gentlemen, distinguished guests.

I was delighted to be asked by the Irish Centre for European Law to provide the introductory remarks to the day's proceedings on the topic of Fundamental rights protection in the EU. The importance of fundamental rights and their protection needs no emphasis and I think we, in the EU, can be proud of the culture of protecting fundamental rights now firmly rooted within the European Union. This is a culture from which we all benefit.

The protection of human rights has always been important to Ireland; our history and experiences have demonstrated to us the importance of ensuring that human rights are protected.

Successive governments have ensured that a commitment to the protection of human rights is also part of our foreign policy. This commitment forms a key part of the contribution Ireland makes within the EU on a range of issues, including during our Presidency of the Council and through our other international commitments, such as our current membership of the UN’s Human Rights Council.

It is over fifty years since the Treaty of Rome was concluded in 1957 with the objective of creating an economic community.
The absence of references to human rights in the early treaties was a deliberate one; it was not part of the objective of creating an economic community. From early on, however, the European Court of Justice made it clear that fundamental rights protection was part of the law of the European Communities and in doing so drew upon the European Convention of Human Rights as a special source of inspiration together with the constitutional traditions common to the Member States.

The idea that fundamental rights had a legitimate place within the European Communities subsequently gained political approval. Early expressions of this were to be found in the Directive on equal treatment for men and woman in the workplace.

This was expanded into a general framework for equal treatment in employment prohibiting discrimination on the grounds of religion or belief, disability, age or sexual orientation and further still to ensure equal treatment for persons irrespective of racial or ethnic origin, not just in relation to employment, but also in relation to access to goods and services.

In 2000, the Charter of Fundamental Rights was agreed detailing in a single document the fundamental rights protected in the European Union. The Charter is a truly modern codification of human rights. It protects the rights and freedoms enshrined in the constitutions of the Member States and the European Convention on Human Rights and other international treaties. Moreover, reflecting technological and scientific progress, it expressly guarantees rights to data protection, guarantees in relation to bioethics and rights in relation to good administration.

With the entry into force of the Treaty of Lisbon, the Charter of Fundamental Rights became legally binding and now forms part of the European Union’s primary law.

The Charter moves beyond the idea of the European Convention on Human Rights “as a source of inspiration” for the protection of fundamental rights within the European Union; the Charter makes it clear that where rights in the Charter correspond with those of the Convention, the meaning and scope shall be the same.

It embeds the rights protected by the European Convention on Human Rights in the European Union’s legal framework. Making the Charter legally binding represented
a major step forward in terms of commitment for fundamental rights protection within the European Union.

In addition, the Treaty of Lisbon committed the European Union to acceding to the European Convention on Human Rights.

I am proud to note, that during the course of the Irish Presidency, last month in Strasbourg, agreement was reached at negotiator's level on the draft text of an accession agreement between the European Union and the Council of Europe on the EU’s accession to the European Convention on Human Rights.

The European Union was represented in the negotiations by the European Commission but the Union’s negotiating position was agreed in the Council Working Group on Fundamental Rights. The challenging task of coordinating Member States’ positions in the last few months fell to the Irish Presidency as Chair of the Working Group.


It is also, I suggest, of huge symbolic value. For the first time, the EU through accession, will be submitting all its action to external judicial review and control in human rights matters.

This will reinforce the credibility of fundamental rights protection within the European Union and of its external policy.

It is fair to say that the European Union and its Member States have demonstrated a lasting commitment to the protection of fundamental rights within the European Union.

Ireland is proud to have been part of this evolution of the European Union.

It is something that I expect will continue. At the General Affairs Council last month we had a useful and interesting discussion that the Union needs more effective means to safeguard fundamental rights within Member States. As consideration in
The EU goes forward it will be important to take full account of the existing role and of the potential of the Council of Europe in this area.

Ladies and gentlemen, distinguished guests, you have a full agenda ahead of you. I wish you every success.

Thank you.