

**Annual Conference of the Action Programme to Combat Discrimination
SANA Lisboa Hotel, Lisbon**

**Access to Justice:
Knowing, understanding and asserting rights to equal treatment**

25/26 April 2005

Welcome address

Barbara Nolan, Head of Unit, European Commission

Ladies and Gentlemen,

On behalf of the European Commission, I am delighted to welcome you to this conference in Lisbon – in what is the second annual conference targeted specifically at the participants of the Community Programme to combat discrimination.

I am very happy to see that so many of the main stakeholders in the Community Programme are here today. And I am particularly pleased to see so many Portuguese participants who came here today on what is one of Portugal's main holidays – Freedom Day, a day of celebration and joy in Portugal.

For this year's conference we have decided to focus on a very specific theme: Access to Justice. We are sure we have made a good choice as this conference has generated huge interest - we have been inundated with requests to participate.

A number of those present here today have contributed to the publication "Equal Rights in Practice – Access to Justice" which has been prepared for this conference. The contributions you made confirm the importance the European Commission attaches to this subject: Laws prohibiting discrimination are not effective if people are unable, in practice, to enforce their rights.

We have many reasons to be proud of what has been achieved in a short space of time at the European level. We have created a legal

framework prohibiting discrimination which is one of the most advanced in the world. Both the **Racial Equality Directive** and **Employment Equality Directive** broke new ground in a variety of ways. The innovations they produced have created a veritable industry of academic analysis and debate! The deadlines for putting these two pieces of Community legislation into national law have now passed and the last few years have witnessed significant changes in national law across the EU as a direct result of this anti-discrimination legislation.

However, the Commission is concerned to note that some important provisions have not yet been fully transposed into national law in all Member States. A big part of our current work involves taking the necessary steps - including legal action - in order to ensure that all Member States transpose and implement the Directives correctly.

But legislation alone is not sufficient to tackle discrimination. And this is particularly true with regard to access to justice. The Directives make clear that everyone who is a victim of discrimination or who considers that they have been unfairly treated because of their personal characteristics, should have adequate means of legal protection and an effective right of redress. A key requirement of the Directives is that Member States must ensure that judicial or administrative procedures are accessible to those who consider that they have suffered discrimination.

But victims of discrimination rarely bring their cases to the courts. Why is this? Research indicates that victims of discrimination often do not take action because they fear that it would be nearly impossible to prove their case, or because they do not believe that the end result would be satisfactory. Many are entirely unaware of their rights, or are in need of advice and support. These are just some of the barriers victims face when seeking access to justice.

It is clear that transposition of the legislation is but one step - albeit fundamental to ensuring effective implementation of anti-discrimination law. Accompanying measures will also need to be required for some time.

And this is where the Community Programme comes in to play. The action programme allows a range of actors to work together on a number of themes, including access to justice, and to exchange experiences at the European level. Our discussions today and tomorrow will illustrate some examples of these initiatives. We will specifically focus on four important themes:

- Session 1 of this conference will focus on activities which seek to raise awareness about the rights conferred to victims of discrimination and the support available to them. We will discuss whether people who feel that their rights have been infringed upon, know where to turn to in order to get help and legal support. We will examine the role of national equality bodies and Member States' awareness raising activities. And

we will hear about training activities for key actors defending and representing the rights of people exposed to discrimination.

- Session 2 will focus on legal advice and representation. You will hear about the legal support offered by NGOs and trade unions and be able to hear in detail how the provisions of the Directives, to give locus standi to associations, are being used.
- Session 3 will highlight the role of training for the legal profession. We will hear about the results of training initiatives for judges and legal practitioners and discuss how the legal profession is dealing with the provisions of the Directives.
- The last session tomorrow will look at some very specific issues: legal routes that can be taken; the difficulties in providing evidence of discrimination and the need for sanctions and remedies to be effective.

We want this conference to be as interactive as possible. There will be plenty of opportunities for questions, dialogue and networking. During these two days our rapporteur, Mr Matteo Bonini-Baraldi, will follow our debates closely in order to present us with a summary of the main conclusions tomorrow afternoon. We look forward to an interesting and lively debate today and tomorrow.

Thank you