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Extract from interview for the Political Aspects Study of the Initiative on Impunity and the Rule of Law, 22 March 2011

Highlighted in bold is passage cited in the Political Aspects Study

QUESTION: On the current limits to the application of the EU's Charter of Fundamental Rights to European Union law, and the means through which the European Union might at some time accept the power (competence) to apply the standards of the European Convention on Human Rights and case law of the European Court of Human Rights universally within member states of the European Union.

MARIO OETHEIMER: First you would need a body at EU level that has the competence to act: it could be the Fundamental Rights Agency if it were given the competence, but that's a decision for the member states. Let's imagine a possibility to transfer a similar power as the European Ombudsman has, or the European Data Protection supervisor. If you imagine that member states decided to enhance protection of Freedom of Expression within the Union, you would need to have a body which could supervise, and monitor and receive claims from journalists who feel their Freedom of Expression has been unduly restricted. For that you would need a dedicated body, given actual competence to receive claims to work in areas of freedom of expression.

Article 10 has everything you would need with its case law, what you would need is to put together a system of implementation. Whether you will find enough will from Member States is the biggest question mark. My feeling is that you will not.