

MEDEL's 40th Anniversary Conference, 3 June 2025 – Strasbourg

Speech given by **Sirpa Rautio**, *Director of the European Union Agency for Fundamental Rights – FRA*

It is testament to the high regard in which MEDEL is held to see so many people gathered here today to celebrate this important milestone, 40 years in the making. I wish to congratulate MEDEL on this special occasion.

This occasion has brought us all together at a time of challenges and concern for fundamental rights, rule of law and democracy, and I am honoured to be here to provide the perspective of the EU Agency for Fundamental Rights. FRA is the EU's independent human rights agency. We are mandated to safeguard the rights, values and freedoms enshrined in the EU's Charter of Fundamental Rights.

Our priorities reflect the many challenges faced by the EU, its Member States, and its citizens. We address racism, inequality, discrimination, antisemitism and anti-Muslim hatred. We work on topics in which rights have been enshrined, but are not fully enjoyed, like disability, child protection, and access to justice. We have found in recent years that, as the world moves with societal advancements and new technologies, there is a gap in knowledge as to the relationship of these developments and fundamental rights. FRA continues to make the case for the respect of human rights.

Our data clearly show that human rights violations persist. We see in our surveys the profound fear and concern with which people now live their lives in our societies. In FRA's report on Jewish People's Experiences and Perceptions of Antisemitism, 80% of respondents felt that antisemitism has grown in their country in the five years before the survey. It is important to note that this data was collected prior to the 7 October Hamas attacks – and still we see the increases.

Racial discrimination was experienced by almost half of people of African descent in FRA's report 'Being Black in the EU'. This number reached as high as 76%, depending on the Member State. The 10,000 Muslims we surveyed in 2022 all had examples of racism and discrimination to offer, in schools, workplaces, and on our streets.

Yet despite the evident inequalities, the trust required to report harassment, violence and discrimination to the relevant authorities is severely damaged, or perhaps never existed. Of the one third of people who experienced racist harassment, 87 % did not report the incident to any authority or service. Nearly half of these respondents felt that nothing would change if they reported the incident. Among those who did report, 76 % were unsatisfied with how their complaint was handled. This raises the question: how effective are our processes around access to justice?

This trend was also seen with victims of gender-based violence, 13.5% of whom reported the physical and sexual violence and threats they had experienced. Despite many national and European legal developments, such as the Istanbul Convention and the EU's directive on combating violence against women and domestic violence, almost nothing has changed since

FRA first collected this data in 2014; it is still the case that one in three women in the EU-27 has experienced physical violence or threats and/or sexual violence over their lifetime.

Groups in vulnerable positions in our societies continue to be pushed further to the margins. The number of persons with disabilities living in institutions is increasing, despite promises around independent and community living. For member of our LGBTIQ communities, violence, harassment and bullying have had a devastating effect on mental health. The Roma and Traveller community - the largest single minority on the European continent – experiences continuous patterns of discrimination, harassment, and exclusion.

Alongside these shortcomings in protecting people's rights, we see new manifestations that we must learn to contend with. Hate and harassment has moved online. Although the emergence of online platforms and social media has transformed modern communication, so too has it amplified expressions of hate. Disinformation is rampant, and it results in growing suspicion in society, decreasing faith in established institutions and a blind embrace of those sowing seeds of malice and division.

This division is fed by uncertainty, and there is no doubt that we live in uncertain and precarious times. We witness inflammatory rhetoric spouted by leaders every day, wars on our borders, and continued and blatant acts of aggression in one of our neighbouring countries, Ukraine.

In times of uncertainty, we need stable institutions and agreed norms. However, we also see challenges here. The Rule of Law Index 2024, which is carried out by the World Justice Project annually and measures the rule of law in 142 countries and jurisdictions, shows that, for the seventh year in a row, the rule of law has declined globally. Over 6 billion people now live in countries where rule of law is weaker than it was in 2016.

Here in Europe, there are worrying indicators, pointing to the erosion of the rule of law. I see it at the EU's external borders, where people are pushed back by border guards, with little to no accountability. I hear it, when politicians speak words of hate and exclusion, without impunity. Human rights defenders tell me of the pressure – even danger - they come under where their cause is not locally popular.

This, alongside increasingly loud and pervasive views in the EU (and worldwide) that human rights are alternatives or options, rather than legal obligations, sends a clear signal to society that the law no longer rules. We must stand firm in the face of this dissent. Our collective achievements, reflected in the European Convention on Human Rights and the Charter of Fundamental Rights, have seen politicians and governments come and go, and they remain the bedrock of the equal and inclusive societies we strive to achieve.

Allow me a moment to discuss fundamental rights in the specific area of migration. I do this because, amidst the din of political jargon and populist trends, we must never forget the individual at the centre of these divisive discussions.

Since 2014, over 32,000 deaths or disappearances have been recorded in the Mediterranean. This is devastating in any light, but even more so when we consider that the law cannot be clearer: our States have an indisputable duty to save the lives of those arriving at our borders. For a number of years now, my Agency has considered what can be done to reduce the staggering number of rights violations suffered by migrants and asylum seekers. Briefly, these include:

- First, simply save lives. Where they cannot do this effectively alone, they should support any legitimate efforts of civil society. Instead, as my Agency has reported, NGOs face delays, barriers and attempts to criminalise search and rescue efforts in the Mediterranean Sea. A distinction must be made between persons smuggling and trafficking and those honouring the human rights imperative – and duty – of saving lives at sea.
- Secondly, safe and legal pathways to seek asylum in Europe would save lives and greatly reduce the desperate need to resort to smugglers to reach Europe. Moreover, this would render the right to asylum – protected by Article 18 of the EU Charter of Fundamental Rights – a reality for refugees and other persons in need of protection.
- Next, despite the enshrined right to seek asylum, legal restrictions persist that permit the apprehension and immediate summary return of those entering a country by circumventing border controls, without an individual examination of a person's situation. It is necessary to review all such legal provisions in light of international and EU law and jurisprudence. Law reform may be challenging, especially in contexts of divisive politics, but it is essential to the rule of law that States are committed to upholding universal values as reflected in the EU Treaties and the rulings of international courts.
- In addition, it is important to acknowledge that the right to asylum is not automatic and only extends to those who qualify for international protection. Where asylum is not granted, the result should be the safe and dignified return of the person in question. The duty upon States to provide safe, rights-respectful forced returns is explained in a recent FRA paper on Return Hubs.
- Finally, EU monitoring of fundamental rights must be strengthened, and where countries fail to prevent violations, investigations must be thorough, timely and effective.

To conclude - I very much look forward to listening to interventions and discussions over the course of the day. I am convinced that I will return to Vienna armed with promising practices and inspiring ideas which can only enhance our work.

Thank you.