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Equality and non-discrimination in the access to justice

Motion for a resolution

tabled by Ms Federica MOGHERINI REBESANI and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Having access to justice should mean being treated fairly according to the law and being able to get appropriate redress for breaches of one's rights. Such redress can be provided by the courts but also by non-judicial institutions such as ombudspersons.

Unfortunately, some groups of people who are particularly subjected to discrimination or who are socially or economically disadvantaged often find legal and practical obstacles to enjoying an equal access to justice. Such groups may include women – in particular victims of violence, women living in rural areas, those having a low education level or no economic independence from their partners –, national or linguistic minorities, people affected by disabilities, migrants, refugees and stateless persons.

Amongst the obstacles that people from such groups face in their access to justice are limited knowledge of their rights, lack of information in their own language, limited access to legal advice due to its cost or distance, mistrust in the authorities and the judicial process, the risk of suffering from secondary victimisation, lack of respect of privacy in the course of the procedure. It should also be taken into account that, with the concern of cutting on public spending, a number of Council of Europe member States are introducing increasingly restrictive policies on free legal aid and representation.

Equal access to justice is key to ensuring equality before the law, not only *de jure* but *de facto*.

The Parliamentary Assembly should conduct an in-depth analysis of the situation in Council of Europe member States and formulate appropriate recommendations, with a view to promoting equality and non-discrimination before the law.

Signed (see overleaf)



*Signed*¹:

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1. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group
NR: Representatives not belonging to a Political Group