European Union Agency for Fundamental Rights: adoption of a Multiannual Framework for 2007-2012 (implem. Regulation (EC) No 168/2007)

2007/0189(CNS) - 12/09/2007 - Legislative proposal

PURPOSE: setting the multiannual framework for the European Union Agency for Fundamental Rights, 2007-2012.

PROPOSED ACT: Council Decision.

BACKGROUND: in February 2007, legislation adopting the European Union Agency for Fundamental Rights (seeCNS/2005/0124)was published and the Agency became fully operational on 1 March 2007. The Agency?s objective is to provide Community institutions, bodies, offices and agencies, as well as the Member States, with assistance and expertise in the field of fundamental rights ? particularly so when formulating policies and legislation concerning fundamental human rights. The tasks entrusted to the Agency include the collection and analysis of information and data; the provision of advice through reports and opinions; and awareness raising.

According to Article 5 of the Regulation, the thematic areas of activity must be determined by the Council through a multiannual framework. Within these thematic areas the Agency will, in complete independence, carry out the tasks outlined above. The European Parliament, Council or Commission may request work outside of the thematic areas - human resources and financing permitting.

CONTENT: the purpose of this proposal is to set the thematic areas that are to be included in the multiannual framework of the Agency, 2007-2012. The proposed list is based on the results of a wide-ranging consultation process as well as taking account of Parliamentary Resolutions and Council deliberations. The proposed list is ?policy-based? as well as ?topical? thereby allowing the Agency to examine all problems associated with the abuse of human rights within a given thematic theme. Thus, to some extent, all Chapters of the Charter of Fundamental Rights of the European Union will be covered.

In brief, the proposed thematic areas are as follows:

- Racism, xenophobia and related intolerance: this thematic area is prescribed by the Regulation itself.
- Discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, or persons belonging to minorities: as well as the topics listed in this heading, this thematic will also cover ?multiple discrimination? at the work place. As far as ?sexual orientation? is concerned recent developments in the EU, as well as strong demand from the European Parliament on homophobia, requires this later topic to be included in the multi-annual framework. On the matter of ?gender issues?, the Agency will seek to streamline work with that of the European Institute for Gender Equality.
- Compensation for victims, prevention of crime and related aspects relevant to the security of citizens: Security is essential to EU citizens within an area of freedom, security and justice. Crime prevention is an indispensable part of this work and as such victims? rights should be included under the thematic areas.
- Protection of children, including the rights of the child: work will focus on matters relating to free movement, education, social inclusion, youth policies and the media.
- Immigration: work will focus on the treatment of immigrants at border crossings and detention centres for illegal immigrants. It will also concentrate on victims of human trafficking, immigrant integration, female mutilation and forced marriages.
- Asylum: this heading will focus on a particularly vulnerable group of people, who are already subject to extensive Community asylum legislation.
- Border and Visa policy: specific clauses already exist in Community legislation relating to the protection of, and respect for, fundamental human rights in border and visa policy.
- Participation in the Union?s democratic functioning: this thematic study will concern itself with citizens? right to participate in local elections and elections to the European Parliament.
- Human rights and the information society: under this heading issues such as the right to a private life and data protection will be analysed. It will be closely linked to transparency issues as well as touching on issues related to the internet and other electronic communication mechanisms, radio frequency identification, freedom of speech and public interests of security.
- Access to efficient and independent justice: extensive Community legislation in this field (legal aid, simplified civil procedures, common law etc.) already exists and as such is important to the European area of civil justice.

Complementarity: the proposed Framework should include provisions with a view of ensuring complementarity with the remit of other Community and Union bodies, offices and agencies, as well as with the Council of Europe and other international organisations active in the field of fundamental rights. The most relevant Community agencies and bodies in relation to this Multiannual Framework are the European Institute for Gender Equality (COD/2005/0017) and the European Data Protection Supervisor (COD/1999/0153).

In this context, because the gender equality issues will be dealt by the European Institute for Gender Equality, a memorandum of understanding will be concluded between the Agency and the Institute once the latter is in place to ensure appropriate coordination.

The Agency shall deal with issues relating to discrimination based on sex only as part of, and to the extent relevant to its work to be undertaken on general issues on discrimination taking into account that the overall objectives of the European Institute for Gender Equality shall be to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies.

The Agency shall carry out its tasks in the area of human rights issues relating to the information society without prejudice to the responsibilities of the European Data Protection Supervisor for ensuring that the fundamental rights and freedoms of natural persons, and in particular their right to privacy.