

socialplatform

To: Commissioner Franco Frattini, Commissioner for Freedom, Security and Justice
Commissioner Vladimir Špidla, Commissioner for Employment, Social Affairs and Equal Opportunities

CC: Jonathan Faull, Director General, DG Justice, Freedom and Security
Nikolaus Van der Pas, Director General, DG Employment, Social Affairs and Equal Opportunities
Beate Winkler, Acting Director of the Fundamental Rights Agency
Catherine Day, Secretary-General of the European Commission

Brussels, 22 June 2007

Dear Commissioner Frattini,
Dear Commissioner Špidla,

Re: Social NGOs demands for the Fundamental Rights Agency (FRA)

The Social Platform and a number of its members attended at the beginning of June a meeting in Vienna on the establishment of the Fundamental Rights Agency (FRA). Many members of the Social Platform have indeed responded to the questionnaire circulated in May on the FRA's cooperation with civil society. These members are:

- European Network against Racism (ENAR),
- AGE - European Older People's Platform,
- International Lesbian and Gay Association - European Region (ILGA-Europe),
- European Women's Lobby (EWL),
- European Children's Network (Euronet),
- European Federation of the Elderly (EURAG),
- European Disability Forum (EDF).

Among these responses we have identified common issues that we have raised in Vienna (see in Annex the letter the Social Platform has sent to the FRA on the civil society consultation).

However because the Commission was not represented at that meeting we want to make sure that you are informed of Social NGOs' demands for the FRA.

On the Multi-Annual Framework

The Social Platform has been informed that the Commission and in particular DG JLS is now drafting the Multi-Annual Framework. The next step will be its presentation to the future Management Board of the FRA. However at that stage no official consultation has taken place to ensure that the views of key stakeholders are taken on board in the drafting process of the Multi-Annual Framework. The fact that the Director has not been appointed yet and that the Management Board is just being constituted also raise questions in terms of their capacity to input on the Commission's proposal.

We would therefore like to call on you to ensure that this crucial process of identifying the key headlines for the work of the FRA for the next coming five years is not rushed and allows sufficient time for debate with NGOs.

On the content of the Multi-Annual Framework, we believe that the first priority of the FRA is to develop a systemic approach to fundamental rights at the EU level. This approach should include for instance:

- Mapping all bodies or units that deal with Fundamental Rights in the EU institutions and at national and international levels;
- Make recommendations to address possible gaps and ensure coherency;
- Take stock of the implementation of the Commission's communication on mainstreaming the EU Charter of Fundamental Rights in Commission legislative proposals;
- Develop methodological tools to ensure that EU initiatives are "human rights proofed" i.e. impact assessment, gender and equality mainstreaming;
- Develop data collection mechanisms adapted to Fundamental Rights issues.

Thematic approaches are of course extremely important but without a clear "European human rights system" the outcome of specific work is usually not sustained in the medium and long term.

On the Management Board and the Director

Social NGOs follow with great attention the nomination of the independent experts by Member States and of the Director. In that respect we would like to ask you to ensure the transparency and the clarity of the nomination process, amongst others by publishing the biographies of these experts. We would also encourage some forms of peer review in terms of assessing the respective competences and independence of these experts. We also stress the importance of ensuring the equal representation of women and men in the group of independent experts. We also expect DG Employment, Social Affairs and Equal Opportunities to be involved in the selection process of the future Director.

On the FRA Platform

The Social Platform welcomes the consultation that has been carried by the FRA and in particular on the FRA Platform. As you can see from the letter in annex we have made a list of concrete proposals on the operation of the FRA Platform and we expect a good collaboration with the FRA on the establishment of the FRA Platform. We therefore particularly welcome the suggestion of the FRA to organise a direct meeting between the Management Board and civil society representatives.

Finally we would like to stress how important it is for all of us to ensure the success of the FRA.

The many legitimate critics on the limited mandate of the FRA need now to be responded by EU institutions. The EU's credibility as key human rights actor is at stake and a restrictive approach could provide easy excuse for certain countries to move backwards on fundamental rights.

We therefore would like to request a joint meeting between DG EMPL, DG JLS and the Social Platform as soon as possible to discuss in further detail the future functioning of the FRA and in particular the content of the Multi-Annual Framework.

Yours,

A handwritten signature in black ink, appearing to read 'R. Di Puppò', with a long horizontal stroke extending to the right.

Roshan Di Puppò
Director of the Social Platform

A handwritten signature in blue ink, appearing to read 'Patricia Prendiville', with a long horizontal stroke extending to the right.

Patricia Prendiville
Chair of the Fundamental Rights and
Non-Discrimination Working Group
Member of the Management
Committee