



**CONFERENCE
ENHANCING THE IMPACT OF
THE FRAMEWORK CONVENTION**

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The views expressed are those of the author only

Being the new kid on the block, I would like to introduce shortly the mandate of the Fundamental Rights Agency. Since many participants of the conference are interacting with us in many different fields of our mandate, I find it important that you have the full picture.

Firstly, the mandate that we have been given concerns activities relating to data collection and research on fundamental rights issues across the 27 Member States of the European Union (EU). The mandate has then limitations: One in the sense that it is limited to the 27 EU countries, and the other in the sense that we are limited to looking at fundamental rights issues when Member States are implementing EU legislation.

Secondly, based on our research and study activities, we are given the mandate to advise and give our opinion or views on possible actions concerning different issues to EU institutions, such as the Parliament, the Council, the Commission as well as the Member States. Furthermore, these institutions can also refer to us for our advice. To this extent, some of you may have come across a report whose first part we released in late June this year. This report deals with issues of homophobia in the 27 EU countries. This was indeed the result of a request from the European Parliament. We have received a second request from the Parliament concerning a report on minorities in Europe in the 27 countries. The Council of Ministers under the French Presidency has also asked our view and opinion on some specific EU legislation, which represents of course an interesting area for the Agency to embark upon.

Since we are very much in the making and since we are laying the tracks for this new institution, some of the things I'm talking about are already reality, while others are still in the making. The fact that I became FRA's first Director on 1 June 2008 shows how new the Institution is.

Besides data collection, research and advice, we have a very strong awareness raising component. To this extent, I do not consider it necessary that the Agency is seen, but that the issues that we raise are being discussed and for that purpose it is a strength that we are network based. The Agency is an extrovert network based institution. In my view, a very interesting feature of the Agency is that it is, so to say, a 'new generation human rights institution'. To this extent, we are the first regional body whose Members of the Management Board are appointed by their government, but are people belonging to national human rights institutions or similar institutions. This actually means that for the first time we have a formalised link between a regional human rights mechanism and the national protection system. I think this has a symbolic value in the new human rights agenda, which is more bottom up than the older one.

In this respect, I think that with the help of the Council of Europe to build standards and to set the monitoring, the Agency's analysis, studies and advice will refine the human rights architecture of Europe. Thus, to this extent, there is a strong complementarity between the work carried out in Strasbourg and in Vienna.

During the negotiation about the regulations of the Agency, the minority issue was one of the disputed areas. In particular, the question to what extent the Agency should deal with national minorities was raised. It was uncertain for quite some time whether the issue would be mentioned in the Regulation. Eventually, it has remained in the Preamble, in paragraph 10, where there is a direct reference to minorities. Paragraph 10 is worded as follows: "(...) As the Agency to be built upon the existing European Monitoring Center on Racism and Xenophobia, the work of the Agency should continue to cover (...) the protection of rights of persons belonging to minorities (...)".

Moreover, a reference to minorities has also been made in the Agency's multiannual framework, which is a 5-year framework that has been given by the Council of Ministers. Here, minority rights are mentioned in item 3 and 9. In this respect, the Agency has the mandate to address minority rights issues. If you look at our 2008 and 2009 Work Programmes, again you'll see that we do address minority issues. We are building on the old European Monitoring Centre on Racism and Xenophobia (EUMC). Now we are stimulated by the recent request from the Parliament to see how we can refine the data collection in order to target minority issues in a more focused way. In our previous and new reports, you will find a number of interesting pieces of information as well as some analysis on the right of access to education, housing, about violence against minorities etc. This can, however, be refined and more targeted.

The interaction with the Advisory Committee on the Framework Convention is very valuable. Yesterday, I had a meeting with the Advisory Committee where we started the dialogue, and I look much forward to continuing this. We need the input from the Advisory Committee in order to get a sense of where exactly we can add value to the important work that they are doing. Based on its monitoring, the Council of Europe can give us ideas as to what are the specific patterns that need be further analysed.

Just before the coffee break or half into the coffee break, I had a short exchange with Ms Isil Gachet, Executive Secretary to the European Commission against Racism and Intolerance (ECRI). The old EUMC as well as the Fundamental Rights Agency have collaborated with ECRI and we will definitely continue to do so. To give you an illustration of the kind of collaboration: ECRI is working on a general comment on racism and sports, and it happens that FRA is working on a major European wide survey on racism in sports. How can we link our survey with the standard-setting and general recommendation of ECRI? Again, the monitoring based on the general recommendation can feed in at a later stage to new research carried out by the Agency. This is a continuous dialogue, and hopefully it will help us to move some of these agendas.

The Council of Europe's Commissioner on Human Rights is also a key actor in the collaboration between the Agency and the Council of Europe. We have already had a number meetings, common statements and joint projects.

I would like to address two issues before concluding my intervention: First of all, the Council of Europe also has a seat in our Management Board, which means that it is involved in the elaboration of our Work Programmes from very early stages in order to align our programmes with the Council of Europe in all its aspects. Through its seat in the Management Board, the Council of Europe is also involved in the development of our broader strategy which we are currently working on.

Secondly, I would like to recall the ongoing inter-agency meetings that have taken place with the Office of the High Commissioner, OSCE and ECRI. I believe that the Advisory Committee could benefit from taking part in these meetings, as well as I think that the High Commissioner on National Minorities, should also participate in these meetings. These were very valuable meetings and I think we should continue that collaboration.

Thank you for your attention.