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6. The European Union Agency for Fundamental Rights (FRA)



Lecture Plan

1. FRA: a brief history and legal regulation
2. FRA objective, tasks and areas of work
3. Structure of FRA
4. Forms of Activity (Operational instruments)
5. Fundamental Rights Report 2018



The FRA logo is at the top left, featuring a stylized blue and yellow figure next to a blue square with yellow stars, followed by the acronym 'FRA' in large blue letters and the full name 'EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS' below it. Below the logo is a photograph of a diverse group of approximately 20 people of various ages, ethnicities, and backgrounds, all smiling. A blue banner runs across the bottom of the image with white text.

Helping to make fundamental rights
a reality for everyone in the European Union

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

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EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

Vienna, Austria
Established in 2007

The European Union Agency for Fundamental Rights (FRA) is the EU's centre of fundamental rights expertise.

FRA was established as an EU Agency with the specific task of providing independent, evidence-based advice on fundamental rights.

1. FRA : a brief history and legal regulation

The European Union Agency for Fundamental rights (Fundamental Rights Agency – FRA) was established **on 1 March 2007** as the legal successor of the European Monitoring Centre on Racism and Xenophobia (EUMC).

The Council of Ministers established the European Monitoring Centre on racism and xenophobia (EUMC) in Vienna in June 1997 as part of a coordinated action to develop a policy to combat racism and xenophobia.

- The legal basis for the establishment of the FRA is in **Council Regulation (EC) No 168/2007 of 15 February 2007**. In its first year, the FRA's activities were transitional, with the aim of it being fully operational in 2008.
- **The Charter of Fundamental Rights of the European Union (CFR)**, ratified on 7 December 2000 (However, its legal status was uncertain until the entry into force of the **Treaty of Lisbon** on 1 December 2009).

2. FRA objective, tasks and areas of work

The objective of the Agency shall be to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law **with assistance and expertise relating to fundamental rights** in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights (Art. 2 **Council Regulation**).

To meet the objective set in Article 2, the Agency shall:

- a. **collect, record, analyze** relevant, objective **information and data**, including results from research and monitoring communicated to it by Member States, Union institutions etc.
- b. **develop methods and standards to improve the objectivity and reliability of data** at European level, in cooperation with Member States;
- c. **carry out, cooperate with or encourage scientific research and surveys at the request of the European Parliament, the Council** etc;
- d. **formulate and publish conclusions and opinions on specific thematic topics**, for the Union institutions and the Member States, either on its own initiative or at the request of the European Parliament, the Council etc;
- e. **publish an annual report on fundamental rights issues**;
- f. publish thematic reports based on its analysis, research and surveys; publish an annual report on its activities;
- g. **develop a communication strategy and promote dialogue with civil society**, in order to raise public awareness of fundamental rights and actively disseminate information about its work.

Areas of work

The thematic areas of the agency's work are determined through a five-year Multi-annual Framework.

At its session on 7-8 December, the Council of the European Union adopted its Decision establishing a multiannual framework for the EU agency for fundamental rights for 2018-2022.

The framework entered into force on 1 January 2018 and includes the following thematic areas:

- ❖ Justice
- ❖ Privacy
- ❖ Equality
- ❖ Migration
- ❖ Racism
- ❖ Commitment





1. Victims of crime and access to justice
2. Judicial cooperation, except in criminal matters



3. Information society and, in particular, respect for private life and protection of personal data



4. Equality and discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, or on the grounds of nationality



5. Rights of the child



6. Integration and social inclusion of Roma



7. Migration, borders, asylum and integration of refugees and migrants



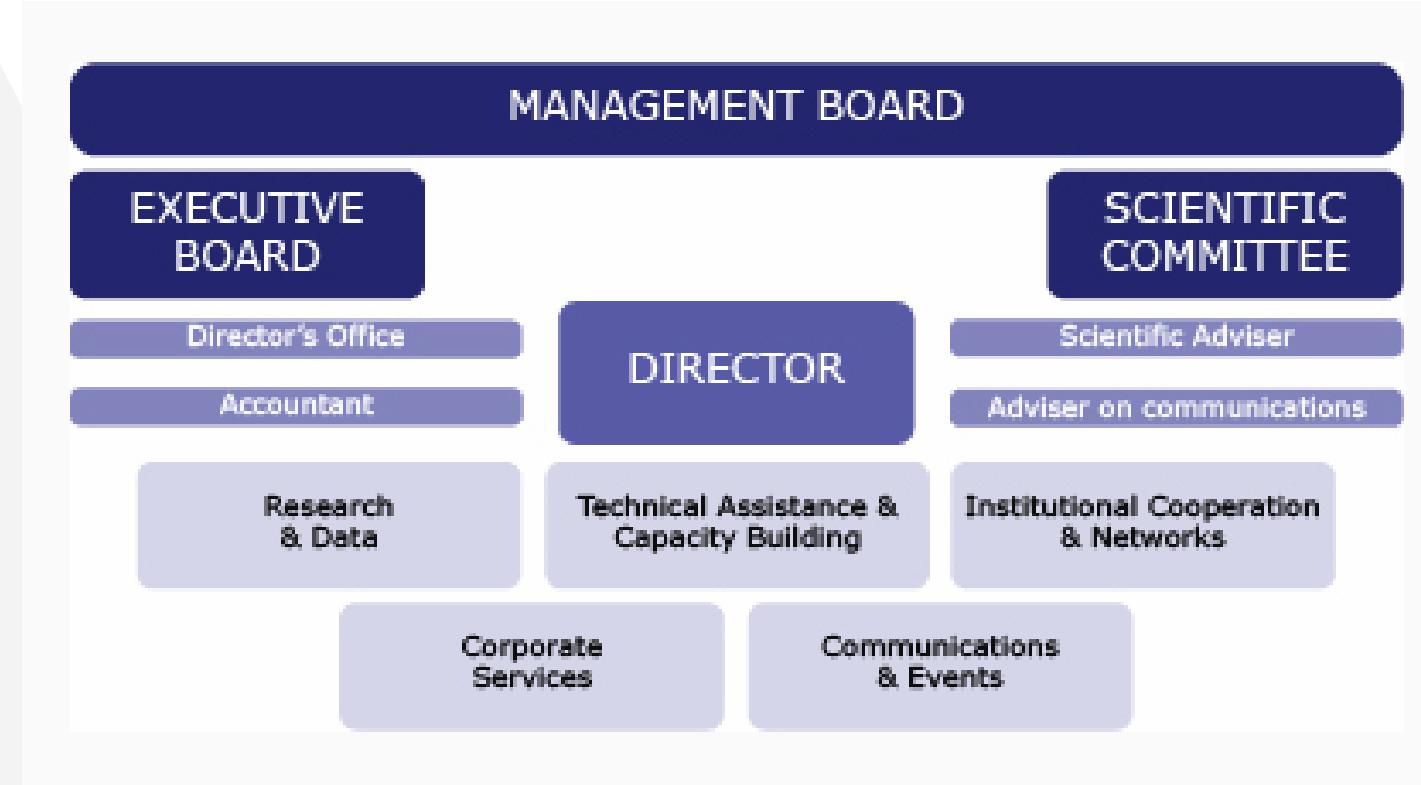
8. Racism, xenophobia and related intolerance



9. Projects and activities covering all MAF areas



3. Structure of the FRA



■ Management Board

The Management Board brings together people with experience in the management of public or private sector organizations and knowledge in the field of fundamental rights.

It is composed of:

- one independent person appointed by each of the 28 Member States of the EU and by each of the States holding observer status
- one independent person appointed by the Council of Europe
- two representatives of the Commission.

The Management Board is responsible for the definition of the Agency's priorities, the establishment of the budget and for monitoring the Agency's operation.

■ Executive Board



The Executive Board is composed of:

- the Chairperson and Vice-Chairperson of the Management Board,
- two other members of the Management Board (elected by the Management Board),
- one of the representatives of the European Commission in the Management Board.

The Management Board member appointed by the Council of Europe also participates in Executive Board meetings.

The Executive Board assists the Management Board in all matters such as preparing decisions. It also assists and advises the Director.

■ Scientific Committee

The Scientific Committee consists of **11 highly qualified independent people** who guarantee the scientific quality of the FRA's work.

The term of office of the members of the Scientific Committee shall be **five years not renewable**. The Scientific Committee elects its Chairperson and Vice-Chairperson for a term of office of one year. The term of office of the current Scientific Committee will be until 4 June 2018 to 3 June 2023.

The Committee covers the various areas of activities of the Agency. They have professional experience as members of EU expert networks and relevant institutions (including for instance the European Court for Human Rights, national constitutional Courts, national human rights institutions, various Council of Europe bodies, the UN Human Rights Committee or UN special procedures).

■ Director

FRA is headed by the Director who is supported by the Director's Office and two advisers; one scientific and one on communications.

The Director's Office guides and manages FRA, ensuring that its objectives and related tasks are achieved efficiently and effectively and in accordance with the direction given by the Management Board.

Michael O'Flaherty is Director of the EU Agency for Fundamental Rights since 16 December 2015.

Previously, Michael O'Flaherty was Established Professor of Human Rights Law and Director of the Irish Centre for Human Rights at the National University of Ireland, Galway.



4. Forms of Activity

□ Research and data collection



The FRA has the task of collecting “objective, reliable and comparable” information and data. It carries out its research on particular themes across the EU rather than monitoring or assessing individual Member States.

The agency often collects information about the protection of fundamental rights in the legal framework of the Member States and provides legal analysis. Sources of information include legislative instruments, court judgments and academic commentary. For example, see the **FRA report on Access to justice in Europe: an overview of challenges and opportunities (2011)**.

Assistance and expertise

The FRA provides “**assistance and expertise**” to EU institutions and Member States to support them “to fully respect fundamental rights” when developing and implementing EU law.

The agency structures its research questions around the needs identified by its stakeholders. The data that it collects are targeted at those areas where decision makers need evidence to shape their policies and legislation. It also allows the agency to focus its research on real-life problems experienced by people on a day-to-day basis.

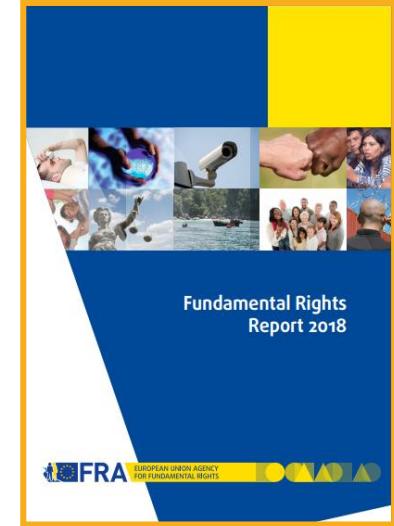
Based on the types of problems identified by the agency and the needs expressed by stakeholders, the advice and assistance may be communicated through a variety of the following forms: **Reports, Request by an EU institution, Request from an EU Member State, Training material and training programmes , Promising practices** .



Reports – The FRA delivers the data and evidence that it has collected through its socio-legal research and analysis to the EU institutions and Member States, together with opinions and conclusions on how to ensure greater respect for fundamental rights.



Training material and training programmes – For example, *the Handbook on European non-discrimination law (2018)*, which was produced together with the European Court of Human Rights (ECtHR) in Strasbourg, guides legal practitioners through discrimination law.



Request by an EU institution – The FRA may be formally requested by EU institutions to formulate opinions on specific thematic topics, or to deliver a legal analysis of legislation or of legislative proposal from a fundamental rights perspective. *For example, in 2011 the European Parliament requested the FRA for its opinion on the proposed Directive on the use of Passenger Name Record (PNR) data.*

□ Communication and rights awareness



The FRA is striving to improve the situation on the ground. It does this by **raising awareness about fundamental rights among the general public and particular professions** that play an important role in delivering or have an impact on our rights, such as teachers, media professionals, the police and legal practitioners.

In addition to printed publications and information stands at key events, the FRA makes full use of the wide range of online communication channels. This includes its website and social media presence on **Facebook, Twitter, LinkedIn and YouTube**.

FRA publishes a **monthly e-Newsletter**. FRA also offers the possibility for **visitor groups** to come to the agency and hear about fundamental rights in the EU and about its work.

5.



Fundamental Rights Report 2018

The Fundamental Rights Report 2018 explores the main developments of 2017 in eight specific areas: equality and non-discrimination; racism, xenophobia and related intolerance; Roma integration; asylum, borders and migration; information society, privacy and data protection; rights of the child; access to justice, including rights of crime victims; and implementation of the Convention on the Rights of Persons with Disabilities.

Fundamental Rights Report 2018

That year's focus chapter, '**Shifting perceptions: towards a rights-based approach to ageing**', discusses how this new approach to ageing is gradually taking hold. Anchored in the recognition that equal treatment is a right regardless of age, it does not ignore the reality of age-specific needs, but refuses to let these define a vital part of Europe's population.

The report also presents FRA's opinions. These outline evidence-based, timely and practical advice on possible policy responses for consideration by the main actors within the EU.

Ageism

What is ageism?

Ageism is the stereotyping of, prejudice or discrimination against individuals or groups based on their age. Although ageism can target young people, most studies in this area focus on the unfair treatment of older people.

Eurobarometer: Discrimination against older people perceived to be widespread

The 2015 Eurobarometer survey on discrimination finds that 42 % of the respondents in the EU-28 perceived discrimination due to old age (being over 55 years old) as "very" or "fairly" widespread in their country. This perception varies widely among Member States, ranging from 22 % in Denmark to close to 60 % in Bulgaria, the Czech Republic, Hungary and Romania. With 5 % of all respondents reporting to have personally felt discriminated against or harassed because of old age, this becomes the most frequently mentioned type of discrimination.

See European Commission (2015), *Discrimination in the EU in 2015*, Special Eurobarometer 437, pp. 16, 70, 71, Brussels.

Figure 1.1: Effects of ageism

1.1.1. Individual level

Discrimination in employment, access to goods and services, poverty, increased risk of violence for people dependent on support

1.1.2. Group level

Facing compound and aggravated challenges and higher risks of experiencing human rights violations

1.1.3. Societal level

Ageist rhetoric undermines intergenerational solidarity

THANKS!

Any questions?