

Workshop on 'Fundamental freedoms and rights of the Union'
Proposal for a basic text

1. We call on the EU institutions and Member States to acknowledge that they do not exist without citizens. The European institutions must therefore adopt working methods that take systematic account of the real lives of people within the Union and, prior to taking any decisions, systematically assess the impact of those decisions on the population. The European institutions should take into account the most discriminated and disadvantaged the needs of women and the most disadvantaged people in Europe when legislating, as this will benefit all human beings in Europe.
2. We consider the introduction of the provisions on gender equality, social inequality and anti-discrimination with a general application as a progress. All European legislations must be based on and ensure an effective implementation of the transversal clauses and the provisions of the Charter of Fundamental Rights.
3. Gender equality must be considered as a fundamental principle of organising society.
4. We want the EU institutions to act to protect human rights equally for citizens and residents of the EU. As a goal to be reached in the near future, all people residing within the borders of the EU should acquire the same rights.

We strongly regret the unilateral opt-out protocols by the United Kingdom and Poland; we consider this step as a stand against citizens of those countries, and weakening the European Union. We strongly call on the relevant Governments to reconsider their decisions, and we support the efforts of civil society organisations in order to assure equal democratic standards across the European Union.

Building EU policies upon equality, citizenship and non discrimination principles

5. We regret that the Treaty maintains the unanimity rule in adopting measures on citizenship and to fight against discrimination. This creates confusion and misleads people across Europe: On one hand, the EU Charter on Fundamental Rights has been given the same legal value as the Treaties. On the other hand, the unanimity principle makes any legislation on equality unlikely to be adopted in the EU.
6. Discrimination exists daily on many grounds other than the five mentioned in the article 17a of the EU Treaty. EU action should therefore be based on the open definition of Article 21 of the EU Charter of Fundamental Rights.

Implementing the Charter of Fundamental Rights

7. We strongly welcome the articles 24 and 25 of the Charter that protects and promotes the rights of children and elderly people.

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8. We welcome the adoption of a legally binding Charter of Fundamental Rights which will ensure protection of fundamental rights, including social rights of every person living in the European Union.
9. We call on the Commission to evaluate the Charter of Fundamental Rights of the Union and rights of citizens; we call on the EU to establish clear indicators and mechanisms to ensure this evaluation and impact assessment, in close cooperation with civil society and the European Parliament; we call for this evaluation to be made on the basis of both the criteria underpinning the beginning of work on the Charter (Cologne 1999) and the action programme entitled 'Leading by example: a programme of action on human rights for the European Union for 2000'.
10. We strongly welcome the legal personality of the EU and the accession of the EU to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, as stated in the Reform Treaty. We support a high level of cooperation between the European Court of Justice and the European Court of Human Rights in order to guarantee uniformed and thorough safeguards of fundamental rights across the European Union. The EU should further the work begun in the Charter drawing inspiration from the Universal Declaration of Human Rights.
11. We strongly urge all EU institutions as well as state, regional and local authorities to raise awareness on the Charter and European citizenship among the EU's inhabitants on a large scale by making funds available for education in the area of fundamental rights. This also implies assuring that each citizen and resident of the EU could receive freely his/her own copy of the Charter and knows how to invoke the Charter in order to defend her/his rights. It implies the provision of information and all necessary means to enable the proper understanding on how his/her rights are protected. Civil society organisations must be involved in this information process.

Participatory Democracy: Policy making should not only be done for people but with people.

12. We strongly welcome the adoption of the article II 8b on participatory democracy and call on the EU institutions and Member States to make full use of it, hereby establishing a structured and meaningful civil dialogue with non-for-profit and non-governmental organisations.
13. We consider it is the duty of policy makers to ensure the active participation of civil society organisations, especially those representing the interests of discriminated and disadvantaged people - in the drafting, enacting, implementation and evaluation of legislations.
14. We call on more structured cooperation between the European Parliament and non-governmental organisations. The Agora is a first step forward in that direction and could instigate a shift from a top-down approach to policy-making towards effective participatory democracy.
15. We demand a fast application of the citizens' initiative provisions. In the future, the Treaties should foresee the possibility to hold EU-wide referenda on specific issues. In defining the

conditions and procedures for the application of the citizens' initiative, we urge the European Commission to engage with civil society organisations.

We call for a clear and uniformed definition of the term 'civil society organisations', in close cooperation with not-for-profit and non-governmental organisations.

The role of the European Fundamental Rights Agency

We call on EU institutions to bolster the competences and resources that the Agency needs to be able to play an efficient role. We also request for a redefinition of its missions.

16. One of the key missions of the Agency should be to ensure that the EU takes a human rights approach across all its policies in order to better meet the EU's commitments to human rights. This body would systematically monitor EU legislation and policies - externally and internally - for conformity with human rights standards, and receive complaints when European or national legislations violate the Charter and fundamental rights.
17. The Agency should be responsible for the development of Human rights-proofing tools and regular reports on the mainstreaming of human rights in the work of the institutions. With regard to Member States, the role of the agency could be to support a close monitoring of the human rights' record of Member States and accession countries. The Agency should draw on the work done by the Council of Europe on the matter.