EUROPEAN PARLIAMENT

2004 *2009*

Committee on Women's Rights and Gender Equality

2005/0124(CNS)

22.3.2006

OPINION

of the Committee on Women's Rights and Gender Equality

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council regulation establishing a European Union Agency for Fundamental Rights
(COM(2005)0280 – C6-0288/2005 – 2005/0124(CNS))

Draftswoman: Emine Bozkurt

PA_Leg

AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission[1]	Amendments by Parliament
Amendment 1 Recital 2	
(2) The Charter of Fundamental Rights of the European Union reaffirms the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the social charters adopted by the Community and by the Council of Europe and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights.	(2) The Charter of Fundamental Rights of the European Union reaffirms the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the social charters adopted by the Community and by the Council of Europe ***and the various legal instruments such as the Declaration of the Rights of the Child,*** and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights.
Justification	
Children are a particularly vulnerable group, and it is very important to stress the importance of paying specific attention to them.	
Amendment 2 Recital 4	
(4) A more thorough knowledge and widespread awareness of fundamental rights issues in the Union are conducive to ensuring full respect of fundamental rights. It would contribute to this objective to establish a Community agency whose tasks would be to provide information and data on	(4) A more thorough knowledge and widespread awareness of fundamental rights issues in the Union are conducive to ensuring full respect of fundamental rights. It would contribute to this objective to establish a Community agency whose tasks would be to provide information and data on

[1] Not yet published in OJ.

fundamental rights matters. Moreover, developing effective institutions for the protection and promotion of human rights is a common value of the international and European communities, as expressed by Recommendation No R (97) 14 of the Committee of Ministers of the Council of Europe of 30 September 1997.	fundamental rights matters. Moreover, developing effective institutions for the protection and promotion of human rights ***and the rights of the child*** is a common value of the international and European communities, as expressed by Recommendation No R (97) 14 of the Committee of Ministers of the Council of Europe of 30 September 1997.

Justification

See amendment to Recital 2

Amendment 3
Recital 13

(13) The Agency should present an annual report on the situation of fundamental rights in the Union and the respect thereof by the EU institutions, bodies and agencies and the Member States when implementing Union law. Furthermore, the Agency should produce thematic reports in the topics of particular importance to the Union's policies.	(13) The Agency should present an annual report on the situation of fundamental rights in the Union and the respect thereof by the EU institutions, bodies and agencies and the Member States when implementing Union law. Furthermore, the Agency should produce thematic reports in the topics of particular importance to the Union's policies. ***Gender mainstreaming must be taken fully into account in all reports.***

Justification
Gender mainstreaming should occupy a prominent role in the work of the Agency.

Amendment 4
Recital 15 a (new)

	(15a) The Agency should help support a public policy for the protection of children's rights, by setting up specific programmes ensuring that their rights are fully respected.

Justification

See amendment to Recital 2

Amendment 5
Article 3, paragraph 4

4. Without prejudice to Article 27, the Agency shall, at the request of the Commission, provide information and	4. Without prejudice to Article 27, the Agency shall, at the request of ***the European Parliament, the Council or*** the

analysis on fundamental rights issues identified in the request as regards third countries with which the Community has concluded association agreements or agreements containing provisions on respect of human rights, or has opened or is planning to open negotiations for such agreements, in particular countries covered by the European Neighbourhood Policy.	Commission, provide information and analysis on fundamental rights issues identified in the request as regards third countries with which the Community has concluded association agreements or agreements containing provisions on respect of human rights, or has opened or is planning to open negotiations for such agreements, in particular countries covered by the European Neighbourhood Policy.

Justification

The amendment remedies the abovementioned defects by extending the responsibility of the Agency to all the EU Institutions.

Amendment 6
Article 3, paragraph 4 a (new)

	4 a. Since the rights of the child are a determining factor in the context of respect for fundamental rights in general, the Agency shall seek to undertake and promote priority actions which take account solely of the best interests of children, particularly the most disadvantaged children and those who are abandoned or in a state of psychological or emotional distress. It shall set up a constructive dialogue with Member States in order to ensure that all children's rights are protected.

Justification

See amendment to Recital 2

Amendment 7
Article 4, paragraph 1, point (b)

b) develop methods to improve the comparability, objectivity and reliability of data at European level, in cooperation with the Commission and the Member States;	b) develop methods***, taking account of gender mainstreaming,*** to improve the comparability, objectivity and reliability of data at European level, in cooperation with the Commission and the Member States;

Amendment 8

Article 5, paragraph 1, point (b)

(b) determine the thematic areas of the Agency's activity, always including the fight against racism and xenophobia;	b) determine the thematic areas of the Agency's activity, always including the fight against racism and xenophobia, ***and paying the same attention to thematic areas in which violations of fundamental rights and the rights of the child are perpetrated, as well as to the protection of traditional national minorities and the most vulnerable groups;***

Justification

The Multiannual framework should not suffer from a biased approach combining resource restraints (cfr. other commas of the same article) and a 'preference' for racism and xenophobia, therefore the wording of this comma should mention a commitment to take duly and equally into account all the other fields subject to fundamental rights violation in order to provide the decision-maker with a better defined framework of action.

Amendment 9
Article 5, paragraph 1, point (b a) (new)

	(ba) take account of Article 2 of the Treaty Establishing the European Community, which states that the Community shall promote equality between men and women, and Article 3 of the Treaty which states that that in all the activities referred to in that Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women;

Amendment 10
Article 5, paragraph 1, point (e)

(e) include provisions with a view to avoiding thematic overlap with the remit of other Community bodies, offices and agencies.	(e) include provisions with a view to avoiding thematic overlap with the remit of other Community bodies, offices and agencies ***in particular the Institute for Gender Equality***.

Justification

The best use of resources of both the Institute and the Fundamental Right's implies a specific cooperation that will ease the respect of respective competences.

Amendment 11
Article 11, paragraph 1, subparagraph 1 a (new)

The Member States and the Institutions that appoint members of the board shall aim to ensure that there is a balance between women and men in membership of the Board.

Amendment 12
Article 11, paragraph 6

6. Decisions by the Management Board shall be taken by a simple majority of the votes cast, except as regards the decisions referred to in points (a), (c), (d) and (e) of paragraph 4, where a two-thirds majority of all members shall be required. ***The Chairperson shall have the casting vote.*** The person appointed by the Council of Europe may vote only on decisions referred to in points (a) and (b) of paragraph 4.	6. Decisions by the Management Board shall be taken by a simple majority of the votes cast, except as regards the decisions referred to in points (a), (c), (d) and (e) of paragraph 4, where a two-thirds majority of all members shall be required. The person appointed by the Council of Europe may vote only on decisions referred to in points (a) and (b) of paragraph 4.

Justification

As regards decision-making on the Management Board, the Chairperson should be placed on an equal footing with other members of the Board.

Amendment 13
Article 11, paragraph 8

8. The Director of the European Institute for Gender Equality ***may*** attend meetings of the Management Board as an observer. The Directors of other relevant Community agencies and Union bodies may also attend as observers when invited by the Executive Board.	8. The Director of the European Institute for Gender Equality ***shall*** attend meetings of the Management Board as an observer, ***in order to coordinate the respective annual work programmes***. The Directors of other relevant Community agencies and Union bodies may also attend as observers when invited by the Executive Board.

Justification

Coherent with recital 15 of the Commission's proposal. Moreover, the practical cooperation between the two bodies will have to be done through a coordination of the work programmes, therefore a clearly defined presence of the Institute's Director at the Management Board's meetings is essential to ensure effective cooperation.

Amendment 14
Article 12, paragraph 1

1. The Management Board shall be assisted by an Executive Board. The Executive Board shall be made up of the Chairperson and the Vice-Chairperson of the Management Board and two Commission representatives.	1. The Management Board shall be assisted by an Executive Board. The Executive Board shall be made up of the Chairperson and the Vice-Chairperson of the Management Board***, the person appointed to the Management Board by the Council of Europe*** and two Commission representatives.

Justification

The aim of this amendment is to reinforce provisions intended to avoid duplication of the activities of the Council of Europe and to give the Council of Europe representation on the Agency thus providing a practical mechanism to help avoid duplication of the work of the Council of Europe and ensure consistency and complementarity.

Amendment 15
Article 14, paragraph 1

1. The Forum shall be composed of representatives of non-governmental organisations responsible for fundamental rights and efforts to combat racism, xenophobia and anti-Semitism, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and qualified experts and European and international bodies and organisations.	1. The Forum shall be composed of representatives of non-governmental organisations responsible for fundamental rights ***and the rights of the child*** and efforts to combat racism, xenophobia and anti-Semitism, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and qualified experts and European and international bodies and organisations.

Justification

See amendment to Recital 2

Amendment 16
Article 23, paragraph 1

1. The Staff Regulations of Officials of the European Communities, the Conditions of Employment of Other Servants of the European Communities and the rules	1. The Staff Regulations of Officials of the European Communities, the Conditions of Employment of Other Servants of the European Communities and the rules

adopted jointly by the European Community institutions for the purpose of applying these Staff Regulations and Conditions of Employment shall apply to the staff of the Agency.	adopted jointly by the European Community institutions for the purpose of applying these Staff Regulations and Conditions of Employment shall apply to the staff of the Agency. ***Particular attention shall be paid to the equal representation of women and men.***

Justification

Many Agencies suffer a lack of representation of women in their staff. There is a clear need to underline the respect of equal opportunities so as to have a reference in the regulation while proceeding to the evaluation of the Agency's performance.

Amendment 17
Article 27, paragraph 3

3. The Agency shall concern itself with the situation of fundamental rights in the countries, which participate in accordance with this Article, to the extent it is relevant for the respective association agreement. Articles 4 and 5 shall apply by analogy to that effect.	3. The Agency shall concern itself with the situation of fundamental rights ***and rights of the child*** in the countries, which participate in accordance with this Article, to the extent it is relevant for the respective association agreement. Articles 4 and 5 shall apply by analogy to that effect.

Justification

See amendment to Recital 2

Amendment 18
Article 31, paragraph 3

3. No later than 31 December 2009, the Agency shall commission an independent external evaluation of its achievements during the first three years of operations on the basis of terms of reference issued by the Management Board in agreement with the Commission. This evaluation shall take into account the tasks of the Agency, the working practices and impact of the Agency on the protection and promotion of fundamental rights and shall include an analysis of the synergy effects and the financial implications of any extension of the tasks. The evaluation shall take into account the	3. No later than 31 December 2009, the Agency shall commission an independent external evaluation of its achievements during the first three years of operations on the basis of terms of reference issued by the Management Board in agreement with the Commission. This evaluation shall take into account the tasks of the Agency, the working practices, ***equal opportunities policy within the Agency*** and impact of the Agency on the protection and promotion of fundamental rights and shall include an analysis of the synergy effects and the financial implications of any extension of the tasks.

views of the stakeholders at both Community and national levels.	The evaluation shall take into account the views of the stakeholders at both Community and national levels.

Justification

Many Agencies suffer a lack of representation of women in their staff. There is a clear need to underline the respect of equal opportunities so as to have a reference in the regulation while proceeding to the evaluation of the Agency's performance.

PROCEDURE

Title	Proposal for a Council regulation establishing a European Union Agency for Fundamental Rights
References	COM (2005)0280 – C6-0288/2005 – 2005/0124(CNS)
Committee responsible	LIBE
Opinion by Date announced in plenary	FEMM 29.9.2005
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Emine Bozkurt 4.10.2005
Previous drafts(wo)man	
Discussed in committee	21.2.2006 21.3.2006
Date adopted	21.3.2006
Result of final vote	+: 17 –: 0 0: 2
Members present for the final vote	Edit Bauer, Hiltrud Breyer, Edite Estrela, Ilda Figueiredo, Věra Flasarová, Lissy Gröner, Zita Gurmai, María Esther Herranz García, Rodi Kratsa-Tsagaropoulou, Pia Elda Locatelli, Astrid Lulling, Angelika Niebler, Siiri Oviir, Teresa Riera Madurell, Amalia Sartori, Britta Thomsen, Corien Wortmann-Kool, Anna Záborská
Substitute(s) present for the final vote	Lidia Joanna Geringer de Oedenberg
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	