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Response to the Request for comments and suggestions for follow-up to the Annual Report 2009 of the EU Fundamental Rights Agency by the Church and Society Commission of the Conference of European Churches¹

Upon the European Union Fundamental Rights Agency (FRA) request for comments and suggestions for the follow-up to the Annual Report 2009, in accordance with article 10(4.b) of FRA's Regulations, the Church and Society Commission of the Conference of European Churches, as a member of the Fundamental Rights Platform, would like to congratulate FRA on the work done on the Annual Report 2009, which this time covers a much broader range of thematic areas, taking in other fundamental rights issues which now fall within the scope of the FRA's expanded mandate. The summary of FRA activities on fundamental rights in the form of research projects, incident reports and opinions produced in 2008 have definitely not gone without notice. We would like to congratulate the staff for very good work and in the spirit of constructive dialogue we are sending you our requested comments and suggestions.

PART I: KEY DEVELOPMENTS IN 2008

When reporting about "Racism and discrimination in the EU", the Racial Equality Directive is of course mentioned. For the reader who is reading the FRA Report for the first time this Directive could be briefly explained and not only its reference 2000/43/EC mentioned.

In paragraph 1.1.2. "Complaints data from Equality Bodies", it would be interesting to explain which methodology FRA used to come to the following conclusion in the statement that

¹ The Conference of European Churches (CEC) is an ecumenical organisation with 125 Anglican, Orthodox, Old Catholic and Protestant churches with 40 European church-related organisations in membership. It's main objective is to strive for the unity of the churches and to strengthen the common witness of its members in church and society. The Church and Society Commission (CSC) of CEC, with offices in Brussels and in Strasbourg, represents the common voice of CEC's members vis-à-vis the European Institutions. In the field of human rights, present priorities include: anti-discrimination, religious freedom/church-state relations, developing a human rights training manual for churches, human rights and human security. As contact address please use: Church and Society Commission, Ms. Elizabeta Kitanovic, 174 Rue Joseph II, 1000 Brussels; tel. 0032 2 230 1732; email eki@cec-kek.be.

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“some Member States have already gone beyond these minimum standards, providing more comprehensive protection against racial/ethnic discrimination”.²

Concerning the statement that “the EU-MIDIS survey, completed in December 2008, found that awareness of anti-discrimination legislation among the migrant and minority groups surveyed is equally minimal”, ***the question is how the FRA is going to respond to this challenge and what will its strategy be to combat the situation of lack of awareness about fundamental rights of all groups in the EU?***

In the paragraph 1.3.1.6. “Religion, culture and diversity”³ where the Report provides new information on the benefits and challenges of a diversity approach, the study came to the conclusion that, although the majority of European companies are aware of diversity issues, “most have yet to embark upon their diversity journeys”. One element of a diversity management approach is the positive recognition of and allowance for religious and cultural differences within the workforce. It is interesting that FRA mentions the trends concerning good practices but it still misses at least a small report on discrimination based on religion or belief. ***We would like to know why there is not even one paragraph on discrimination based on religion or belief in your Annual Report?!***

We would like to use this occasion to ask FRA to produce one comprehensive report on discrimination based on religion or belief, as this issue still has not been approached by FRA in a general sense.

In the paragraph on “Efforts for better and fairer access to education”⁴, only one example is mentioned about efforts for better and fairer access to education. ***Does it mean that there are no other examples about the Efforts for better and fairer access to education?! If that is the case what FRA is going to do about it?!***

In paragraph 1.3.4.2. on the “Other data, reports and studies”⁵, it is said that in Ireland the 2008 study ‘*Health, Faith and Equality*’ warned that standards and services are being compromised by a lack of inter-cultural training.

The study identified various problems relating to persons belonging to different faiths, like the use of medications with animal derivatives and different approaches to medical interventions such as circumcision, blood transfusions, organ transplantations and post mortems. ***The suggestion is that FRA in the future could also quote the judgments of the European Human Rights Court and relay the expertise of the OSCE/ODHIR in the area of freedom of religion or belief.***

In the part on “Developments regarding Fundamental Rights Issues in the EU” the examples that the Report provides are a good contribution to understanding human rights violations and policy makers, except that unfortunately the data about some Member States is missing. ***The question is in which way the Annual Report can support the engagement of civil society in human rights issues if there is not even data concerning all EU Member States?***

² FRA Annual Report 2009 pg. 21

³ FRA Annual Report 2009 pg. 39

⁴ FRA Annual Report 2009 pg. 46

⁵ FRA Annual Report 2009 pg. 52

PART II: FUNDAMENTAL ISSUES COVERED BY THE AGENCY ACTIVITIES IN 2008

The FRA, upon the request of the European Commission and European Parliament, have done several surveys, but there is no information about the impact of the previous surveys done in 2008 on decision-making in the European Commission, European Council and European Parliament. The question is how the advice of FRA is translated into European legislation? What were the concrete examples until now? ***Therefore we would suggest to FRA to develop methodology and criteria for measuring the impact of FRA surveys on EU Institutions and public opinion.***

The pilot media project looks very good and we are looking forward to reading about its results.

This Annual Report was difficult to read and therefore we would suggest that you find more appropriate methodology for writing the Reports. We would suggest that you change slightly your methodology and keep your multi-annual framework as a scheme, reporting state by state. Maybe this could contribute to more clarity.

Templates for the members of the Fundamental Rights Platform should be developed which would certainly be helpful for measuring the influence of civil society on the Annual Reporting by FRA.

We would like also to stress that this is the third time that we are responding to your request and, therefore, it would interesting to know which comments and suggestions from the members of the Fundamental Rights Platform you have taken up for your current work from the previous year.