

The Slovak Presidency of the Council of the European Union

Mr Marian Filčík, Chair of the Council Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP)

Via email

Brussels 4 October 2016

Dear Mr Marian Filčík,

RE: A clear mandate for the Fundamental Rights Agency to tackle social and economic barriers to fundamental rights, and protect human rights in law enforcement and criminal justice At your meeting of the Council Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) you will be discussing the [proposal for a Council Decision](#) establishing a Multiannual Framework for the European Agency for Fundamental Rights (FRA) for 2018-2022.

[Social Platform](#), the largest civil society alliance fighting for social justice in Europe, and the EU Internal Human Rights Policy Working Group of the [Human Rights and Democracy Network](#), together represent about 100 pan-European networks of civil society organisations.

We call on you to adopt the European Commission's proposal, in line with FRA's [Management Board Opinion](#), for a Multiannual Framework with the eight thematic areas referred to in Article 1(2). We particularly support the proposal to include 'Judicial and Police Cooperation', and 'Social Inclusion' as part of the Agency's thematic areas for 2018-2022.

Why FRA should have a mandate to work on judicial cooperation in criminal matters and police cooperation:

- **The FRA's mandate is currently not in line with the changes brought about by the Lisbon Treaty which abolished the old pillar structure and extended the community method to cover police cooperation and judicial cooperation in criminal matters.** Increased activity in these fields, including through the European Security Agenda, the adoption of common standards for the protection of the rights of suspects and accused persons in criminal proceedings, as well as for victims of crime, has direct relevance for human rights. Enhanced cooperation on the prosecution front, including in the field of counter-terrorism, has serious implications for human rights that call for greater scrutiny. Human rights are essential in an area of freedom, security and justice that is built on mutual trust, including in criminal matters. There is a great need for research and data to support law making and enforcement of legislation by member states in a way that is respectful of human rights; the involvement of FRA is therefore essential.
- **FRA can support the EU Justice Agenda for 2020** by ensuring that legal practitioners – from lawyers and bailiffs, to judges and prosecutors – are knowledgeable about relevant EU legislation, and by reinforcing the effective integration of fundamental rights in judicial training and cooperation; for instance, ensuring common minimum standards of procedural rights in criminal proceedings and the applicability of the Victims' Rights Directive to all victims of crime.

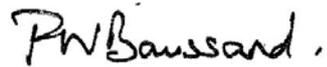
Why FRA should have a mandate to work on social inclusion:

- **Social exclusion increases the risk of experiencing discrimination and contributes to the under-reporting of discrimination;** this is why social inclusion should be defined as a thematic area in itself, as well as a horizontal responsibility for FRA to ensure the thematic area of 'equality and non discrimination'. FRA has already demonstrated its added value through its work on [children](#) and [migration](#). It has been confirmed by the [European network of national equality bodies](#) that poverty and

discrimination are 'two sides of the same coin', and the European Court of Justice also recognises the importance of social rights. Enabling FRA to develop data on socioeconomic rights would reinforce EU and Member States' efforts to respect fundamental rights when designing and implementing economic and financial policies.

We trust that you will give these issues your utmost attention ahead of your discussions in the Council.

Yours sincerely,



Pierre Baussand
Director of Social Platform



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*On behalf of the EU Internal Human Rights
Policy Working Group of the Human Rights
and Democracy Network*