

Wolfgang Schäussel, Federal Chancellor  
President of the European Council

22 March 2006

Dear Mr Schäussel,

As human rights, social and development NGOs, we attach great importance to the establishment of a Fundamental Rights Agency in the European Union and welcome the commitment of the Austrian Presidency to consider this task a priority.

As you will be aware, the expectations NGOs have of the Agency are qualified by concerns that it will not be able to deal with human rights issues that are of paramount importance in the EU. The restricted approach to EU human rights policy reflected in the Commission proposal, giving the Agency a remit that largely excludes human rights compliance by Member States, would effectively bar it from addressing the reality of the state of human rights within the EU's own borders. This makes it all the more essential that the debate around the establishment of an EU Fundamental Rights Agency is not merely a technical exercise. Our organisations believe that it is particularly important that the negotiations are based on open debate and transparent communication and that issues around independence and civil society participation are not neglected.

Many of our organisations took an active part in the public consultation, which preceded the Commission proposal in June 2005. Today, we are concerned that negotiations are being carried out on the basis of new proposals which significantly depart from the initial Commission proposal, without open communication from the Council. We are further concerned that the proposals do not refer to or fully reflect the UN Paris Principles on national institutions for protection and promotion of human rights, which guarantee the core values of independence and pluralism.

We wish to recall that to ensure the independence of the future EU Fundamental Rights Agency, the roles of the European Commission and of the Member States need to be strictly defined in order to avoid too tight a control over programmes and priorities of the Agency. We also wish to stress again that a key element to ensure pluralism must be that the Agency actively engages with civil society. This implies structured representation of, and effective cooperation with, human rights and social NGOs.

Our organisations would welcome the opportunity to contribute constructively to the discussions on how such objectives may be achieved. We also ask that adequate time be provided for discussion and consultation in order to secure the best possible result. It is better to delay the project than to miss the opportunity to create a meaningful agency.

We look forward to your reply.

Sincerely,

Anne-Sophie Parent, President, The Social Platform  
Dick Oosting, Amnesty International EU Office for the Human Rights and Democracy Network  
Oliver Consolo, Director, European NGO Confederation for Relief and Development (CONCORD)

CC. Josep Borrell Fontelles, President of the European Parliament  
José Manuel Barroso, President of the European Commission  
Tarja Halonen, President of the Republic of Finland  
Matti Vanhanen, Prime Minister of the Republic of Finland

## Annex

*This letter is supported by:*

- 1. Members of the Social Platform, [www.socialplatform.org](http://www.socialplatform.org)**
- 2. Members of The Human Rights and Democracy Network (HRDN)**
- 3. Members of CONCORD, [www.concordeurope.org](http://www.concordeurope.org)**
- 4. Others:**
  - European Roma Rights Centre (ERRC)
  - European Roma Grass Roots Organisation