



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Brussels, 1 December 2005

**CG4(2005) 51**

**SEC (2005) 1567**

**6<sup>TH</sup> MEETING OF THE COMMISSIONERS' GROUP ON  
"FUNDAMENTAL RIGHTS, ANTI-DISCRIMINATION AND EQUAL OPPORTUNITIES"  
23 NOVEMBER 2005**

**SUMMARY MINUTES**

**Chairperson:** Vice-President F. Frattini and President M. Barroso

**In attendance:** Vice-President F. Frattini, Commissioners J. Figel and V. Spidla

**Reference documents:**

|               |  |
|---------------|--|
| CG4(2005)43   | <i>État des travaux pour l'adhésion à la Convention européenne des Droits de l'Homme<br/>Document préparé par la Task-Force coordonnée par M. Petite, sous l'autorité de M. le Président, M. le Vice-Président Frattini et Mme Ferrero-Waldner</i> |
| CG4(2005)44   | <i>Protection des enfants<br/>Document préparé sous l'autorité de M. le Vice-président Frattini</i>  |
| CG4(2005)45/2 | <i>Initiatives dans le cadre de la lutte contre le racisme, la xénophobie et l'antisémitisme<br/>Document préparé sous l'autorité de M. le Vice-président Frattini</i>   |
| CG4(2005)46/3 | <i>Nouvelle stratégie pour l'égalité des chances entre hommes et femmes<br/>Document préparé sous l'autorité de M. Špidla</i>  |
| CG4(2005)47   | <i>Suivi de la proposition de la Commission sur la création de l'Agence des droits fondamentaux (base juridique)<br/>Document d'information</i>  |
| CG4(2005)48   | <i>Plan d'action en faveur des personnes handicapées<br/>Document préparé sous l'autorité de M. Špidla</i>   |
| CG4(2005)49   | <i>Etat des discussions relatives à la Convention des Nations Unies sur les droits des personnes handicapées<br/>Document préparé sous l'autorité de M. Špidla</i>   |
| CG4(2005)50   | <i>Courrier de Mme Ferrero-Waldner au Président sur certains points de l'ordre du jour</i>   |

Vice President Frattini welcomed the participants and chaired the meeting during the discussion on points 1 and 2 of the agenda. President Barroso took over for the conclusions of point 2 and chaired the meeting until its end.

## **1. Preparation of the accession by the Union to the European Convention of Human Rights (ECHR)**

Mr Petite (LS) informed the Group on the results of the contacts with the AT and FIN Presidencies and the Council of Europe. On the one hand, the two next Presidencies are reluctant to any preparatory work, which could give the impression of anticipating the Constitution and create a precedent. On the other hand, the Council of Europe is willing to keep this issue on the agenda and Mr. Davis, Secretary General of the Council of Europe has written to President Barroso in these lines.

Mr Petite presented two possibilities for the consideration of the Group: (i) undertake no action during the reflexion period; (ii) pursue informal bilateral dialogue at technical level with the Council of Europe secretariat. Mr Petite, who noted a risk of seeing the Council of Europe working autonomously, favoured the second option, while stressing that the conditions and limits of such dialogue would have to be unambiguously agreed with the interlocutors.

VP Frattini supported Mr Petite in his approach and noted the importance of the Commission playing an active role, particularly within the broader context of relations with the Council of Europe. He also asked not to exclude by principle further exploration on the possibility of acceding to the ECHR on the bases of current Treaties, bearing in mind that Europe – and the Treaties – has profoundly changed since the Court of Justice ruling in 1996.

Mr Figel also supported Mr Petite approach and noted the new momentum of Council of Europe set of rules, particularly the new additional protocols to the ECHR (i.e. protocol 14). He noted that the engagement vis-à-vis human rights should not stop during the reflection period.

### **Conclusions:**

- ✓ The Group agreed that an informal dialogue with the Council of Europe at technical level should pursue, as set out in the note from the Task Force. A reply to Mr. Davis will be sent according to this line, also taking into account the specifications presented in the note of the Task Force.
- ✓ Mr Petite will inform the Group at its next meeting on the follow-up of these discussions.

## **2. Protection of the rights of the child**

VP Frattini introduced the future Communication on the rights of the child, which will include an action plan. He noted its significance and called for proper coordination and coherence of Commission's internal and external action in this field; to this end an inter-service group could be created. The Communication, planned for March 2006, could be presented at an International Conference to be organised with the EP and include Member States, UN, Council of Europe and international NGO's. In the 4<sup>th</sup> quarter 2006, a European

Forum on the rights of the child chaired by the Commission could be launched so as to ensure coherence between actors at different level working on this field.

Mr Spidla and Mr Figel supported the proposal. The last suggested drawing lessons from the area of youth policy, which will also allow avoiding overlaps, and to involve closely the Presidency in the organisation of the Forum to ensure its success and the full respect of subsidiarity.

**Conclusions:**

- √ The Group gave its general support to the draft Communication, which should be an ambitious text and include action covering both the internal and the external dimension.
- √ VP Frattini will work together with most concerned Commissioners – and services – (i.e. DG EMPL, DG RELEX, DG DEV and BEPA) to ensure developments in this area.

**3. Initiatives in the framework of fight against racism, xenophobia and anti-semitism**

VP Frattini underlined the actuality of racism, xenophobia and anti-semitism in Europe and noted Commission's need to be proactive in this area. Therefore, he encouraged to resume talks on Commission's proposal of framework decision. A Conference in this field could be held next year, in close collaboration with the European Monitoring Centre on Racism and Xenophobia (EUMC). Should Member States remain reluctant to make progress, the Commission will explore how to use in the best way existing instruments and the introduction of penal sanctions for serious cases of racist discrimination, following the recent ruling by the CJ, should not be excluded. Furthermore, the establishment of an inter-service group of racism will strengthen the coherence and co-operation on the aspects of racism in the Commission policies.

Mr Spidla, who supported this approach, wished to ensure the continuation of the existing inter-service group on Romas. VP Frattini clarified that he fully supports maintaining this group.

Mr Figel supported VP Frattini but asked certain points to be further considered and strengthened, such as the promotion of cultural co-operation and the inter-religion dialogue.

**Conclusions:**

- √ The Group gave its general support to the actions proposed in the information note on racism and xenophobia and called for the following aspects to be particularly taken into account: the inter-cultural and inter-religion dialogue dimension; the issue of racism and xenophobia by the public authorities, the role of education in fighting but also preventing racism and the enlargement perspective.
- √ VP Frattini will associate closely most concerned Commissioners and Services (i.e. DG RELEX and DG EMPL) to developments in this area, ensuring no overlaps with actions under other policy areas.

√ DG JLS and DG EMPL will closely collaborate with the SG in the preparation of the answer to the oral question, planned for the December Plenary session, on the works of the Group.

#### **4. Road map on gender equality**

Mr Spidla presented his views on the future Road Map for European gender equality policy, which are mainly to pursue the promotion of the mainstreaming approach in all policy areas and to launch new initiatives in order to respond to new challenges and needs. He noticed the relevance of this fundamental right as part of the "common" European values and the need to promote it in the world and through our international commitments.

President Barroso supported the Road Map and recalled the commitment that he had taken last June before the EP, together with Mr Spidla, to present that proposal.

#### **Conclusions:**

The Group gave its support to the approach expressed by Mr Spidla.

#### **5. Points for information**

##### **5.1. Fundamental Rights Agency (legal basis)**

VP Frattini informed on the meeting held the day before (22.11.2005) with the EP and the Council on this issue and highlighted the inter-institutional commitment to working together and to ensuring an ambitious scope for the Agency. The main concerns expressed by the EP are to avoid duplication with the Council of Europe and to ensure the independence of the Agency. Discussions on the legal basis will continue, following the opinion issued by the Council Legal Service against considering Article 308 as the single legal basis. VP Frattini suggested focusing on substantial aspects -such as the geographic and material scope of the Agency, the co-operation with the Council of Europe or the role of the Agency in co-operation with Member States – rather than to concentrate on the legal basis, bearing in mind the different views defended by the Commission, EP, UK Presidency, and the Council in this particular point.

#### **Conclusions:**

- √ The Group took note of the information given by VP Frattini and supported his approach.
- √ VP Frattini will keep VP Wallström duly informed on developments in this sensitive area, where it is important for the Commission to be co-operative while ensuring the respect of its rights.

## **5.2. Action plan in favour of disabled persons – state of play of discussions regarding the United Nation Convention on the rights of disabled persons**

Mr Spidla informed the Group on the preparation of the European day for disabled persons, which will take place in December, and on the contents of the actual action plan for people with disabilities. He also noted that an international Convention to protect the rights of disabled persons in the framework of the United Nations is expected for 2006 and the Community should be part.

### **Conclusions:**

√ The Group took note of the information given by Mr Spidla.

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Finally, the Group decided that its next meeting will take place on 8 March. Most concerned Cabinets will reflect on the possibility of commemorating the International Women's Day. The meeting envisaged on 29 March is cancelled.

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**GROUPE DE COMMISSAIRES**

**« DROITS FONDAMENTAUX, LUTTE CONTRE LA DISCRIMINATION ET EGALITE DES  
CHANCES »**

**23 NOVEMBRE 2005**

**Liste des participants**

**M. Le Président**

**Commissaires:**

M. Frattini, Commissaire pour la Justice, la liberté et la sécurité  
M. Figel, Commissaire pour l'Education, la formation, la culture et le multilinguisme  
M. Spidla, Commissaire pour l'Emploi, les affaires sociales et l'égalité des chances

**Cabinets:**

Mme Martinez Alberola, Cabinet Barroso  
Mme Martinho, Cabinet Barroso  
M. Gray, Cabinet Wallström  
M Fitch, Cabinet Kallas  
Mme Schmitt, Cabinet Frattini  
M. Ostoja, Cabinet Reding  
M. Biervert, Cabinet Figel  
Mme Hyvärinen, Cabinet Rehn  
M. Levie, Cabinet Michel  
M. Kuehnel, Cabinet Ferrero-Waldner  
M. Jarab, Cabinet Spidla  
Mme Lanova, Cabinet Spidla

**Directions générales:**

M. Moavero Milanesi, Secrétaire général adjoint  
Mme Lorenzi, Chef d'unité f.f. SG  
M. Petite, Directeur général SJ  
M. Ladenburger, SJ  
Mme Hubert, BEPA  
Mme Kiefer, BEPA  
Mme Devonic, Chef d'unité EMPL  
M. Lockett, Chef d'unité f.f. EMPL  
M. Zilgalvis, Chef d'unité RTD  
Mme Vlaminc, Chef d'unité EAC  
M. Fonseca Morillo, Directeur JLS  
Mme Saastamoinen, JLS  
M. Brun, Chef d'unité, JLS  
M. Crabit, JLS  
Mme Koistinen, RELEX  
Mme Sund, DEV  
Mme Dellicour, Chef d'unité AIDCO

**Secrétaire de la réunion:**

Mme LLano Cardenal, SG