The EU's new Fundamental Rights Agency (FRA) was launched on 1st March 2007, following agreement by the European Parliament and European Council.

The FRA replaces the European Monitoring Centre on Racism and Xenophobia (EUMC) and extends its function to include all fundamental rights.

The Fundamental Rights Agency will have three key functions:

- Collect information and data about the fundamental rights situation in the EU;
- Provide advice to the European Union and its Member States;
- Promote discussion with society to raise public awareness of fundamental rights.

The Agency will also act as a reference point for individuals seeking advice on how to enforce their rights. Although unable to deal with individual complaints, it can refer people to Member State organisations for help, advice and support in legal matters.

Prior to the launch of the FRA, national governments and some NGOs argued that the Agency risked duplicating the activities of the Council of Europe (CoE), the human rights watchdog founded in 1949. Whilst the European Children's Network (EURONET) and other children's rights NGOs expressed their support for the FRA, they also highlighted concerns over a possible conflict of competences with other human rights bodies.

At the launch, however, the FRA stated that the mandate of the Agency is clearly limited to the EU's distinct legal order, and respects the lead role of the Council of Europe and its European Court of Human Rights in defending human rights in Europe. Provisions have been made to promote synergy and ensure that the different bodies complement each other.
2007 will be a year of transition for the FRA to build up knowledge in regard to fundamental rights and the expertise required under its mandate, and future work programmes. It is expected to be fully functional in 2008, when the Multi-annual Framework (longer-term kind of work programme for the Agency) and governing structures have been finalised and adopted by the European Commission, Council and European Parliament.

How does this affect children’s rights?

The Fundamental Rights Agency has a broad mandate; its founding text does not list the different groups whose rights it intends to protect. Children’s organisations including EURONET have argued that, as all EU Member States have ratified, and are bound by, the United Nations Convention on the Rights of the Child (UNCRC), it is imperative that respect for the rights of the child within the EU and within the EU’s institutions is incorporated into the Agency’s remit. It should contribute, for example, to ‘mainstreaming’ children’s rights in the EU’s activities.

EURONET strongly welcomes the fact that the Agency intends to involve civil society in its work, in particular through a ‘Fundamental Rights Platform’ which will include non-governmental organisations (NGOs). EURONET intends to be actively involved in this Platform and has made contact with the FRA’s civil society representative in order to achieve this. A preliminary meeting is planned for June.

Euronet has the following recommendations for the FRA during this transitional phase to ensure that children’s rights are fully integrated:

1. Collaboration and close liaison between the FRA and the UN Human Rights Treaty Bodies, including the UN Committee on the Rights of the Child, thereby increasing opportunities to raise the profile of the UNCRC.
2. The Commission Communication ‘Towards a European Strategy on the Rights of the Child’ of July 2006, announces the establishment of an EU Forum on Children’s Rights, in which civil society and experts are invited to participate. The Forum, whose first meeting is planned for June 2007, should feed its expertise into the FRA.
3. The EU Coordinator for Children’s Rights, the Commissioner responsible for children’s rights and the future Children’s Unit in the European Commission should maintain close contact with the FRA to secure the implementation of children’s rights in the EU.

However, there is a danger that the Fundamental Rights Agency will remain a weak body without significant impact, as the final mandate given to it by the EU Institutions is relatively limited. Children’s organisations need to work with other human rights NGOs to push for an effective FRA with as much influence as possible on the EU Institutions and beyond.

Useful Links

(available in English, French and German; some documents available in other languages)

EURONET press release on the launch of the FRA:
http://www.crin.org/docs/FRAgency_PressRelease01.03.07.pdf

Social Platform press release on the launch of the FRA:

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