

## DECISION OF THE DIRECTOR

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REF: FRP ToR / DIR/003/2017

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TITLE: Fundamental Rights Platform – Terms of Reference

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### **FUNDAMENTAL RIGHTS PLATFORM TERMS OF REFERENCE**

#### **THE DIRECTOR OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS**

##### **WITH THE INTENTION OF**

Putting in place an effective cooperation between the EU Fundamental Rights Agency (FRA) and civil society organisations, in the framework of a “Fundamental Rights Platform (FRP)” as defined in the Council Regulation<sup>1</sup> establishing a European Union Agency for Fundamental Rights (FRA).

##### **RECALLING THAT**

The Council Regulation establishing the European Union Agency for Fundamental Rights defines the FRP as a ‘*mechanism of exchange of information and pooling of knowledge*’ created for facilitating a ‘*structured and fruitful dialogue*’ amongst civil society organisations, and between civil society organisations and FRA.<sup>2</sup>

The Founding Regulation underlines that the FRP shall be open to all different branches of civil society and include ‘*all interested and qualified stakeholders*’.

The Founding Regulation tasks the Agency to address organisations in the FRP network ‘*in accordance with specific needs related to areas identified as a priority for the Agency’s work*’.<sup>3</sup>

##### **UNDERLINING**

That the FRP is a ‘*working method*’<sup>4</sup>, but not a body<sup>5</sup> of FRA. It is a mechanism of exchange and pooling of knowledge, bringing together civil society organisations working on fundamental rights and based in one of the EU Member States, or in a country which has observer status with FRA<sup>6</sup>. It is not an organisation and it does not consist of ‘members’.

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<sup>1</sup> See Article 10 of the Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (the Founding Regulation), in OJ 2007 L 53, at. pp. 1-14.

<sup>2</sup> See Article 10 and consideration no. 19 of the Founding Regulation.

<sup>3</sup> See Article 10 Para. 3 of the Founding Regulation.

<sup>4</sup> See chapter 2 of the Founding Regulation.

<sup>5</sup> See Article 11 of the Founding Regulation.

<sup>6</sup> See Art. 28 of the Founding Regulation.

That the organisations cooperating within the FRP, including the members of its Advisory Panel, are excluded from acting or speaking on behalf of FRA, and from using the FRA logo. FRA cannot be held responsible for actions and expressions of organisations cooperating within the FRP.

That the founding regulation puts the coordination of the FRP '*under the authority of the Director*' of FRA.<sup>7</sup>

#### **WITH THE AIM OF**

Achieving the following goals, as defined in the FRA note 'Strategic Cooperation for Impact between FRA and Civil Society Organisations through FRA's Fundamental Rights Platform (FRP)' (December 2016)

#### **Facilitating the exchange of information and pooling of knowledge:**

- Among civil society organisations
- Among different FRA stakeholders/fundamental rights players
- Between civil society and FRA

#### **Bringing relevant civil society expertise, knowledge and information to FRA work:**

- Feeding into FRA's Programming documents, including highlighting areas of fundamental rights concern
- Providing feedback on FRA's annual fundamental rights report
- Contributing to FRA projects from conceptualisation to delivery

#### **Communicating FRA evidence in order to achieve impact:**

- Disseminating FRA project results to civil society
- Bringing FRA project results in cooperation with civil society to decision-makers
- Bringing FRA project results in cooperation with civil society to media

#### **Raising awareness of fundamental rights:**

- Building/improving the awareness raising capacities and skills of civil society
- Empowering rights holders through civil society
- Equipping professional groups with skills and knowledge to better protect, promote and fulfil fundamental rights while implementing their duties

#### **Empowering and strengthening civil society:**

- Supporting an 'enabling civic space' for civil society
- Channelling civil society information/consultations to other institutions

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<sup>7</sup> See Article 10 Para. 5 of the Founding Regulation.

## **HAS DECIDED,**

Based on the Founding Regulation, and taking repeated consultations with FRP organisation and the members of the Advisory Panel into consideration, that:

### ***Article 1 - Composition of FRP and conditions for registration***

(1) The Agency shall closely cooperate with non-governmental organisations and with institutions of civil society, active in the field of fundamental rights at national, European or international level.

(2) Within the FRP, FRA cooperates with:

- non-governmental organisations dealing with human rights
- trade unions
- employer's organisations
- relevant social and professional organisations
- churches, religious, philosophical and non-confessional organisations
- universities
- other qualified experts of European and international bodies and organisations.

(3) These organisations are:

- a) Be active in at least one of the EU Member States, or in a State holding observer status with FRA;
- b) unreservedly committed to respecting fundamental rights as enshrined for instance in the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights and to working for their advancement, protection and promotion;
- c) have experience and capacity with regard to the protection and promotion of these rights;
- d) committed to raise awareness of the fundamental rights issues addressed by FRA;
- e) committed to pursuing a 'structured and fruitful dialogue' within the FRP, respecting the dignity and the rights of other organisations and contributing to the overall effective functioning of the FRP;
- f) able, for the sake of transparency, to provide FRA on request with detailed information regarding their organisational structure and financial sources;
- g) refraining from any conduct going against the fundamental rights of any person or group of persons, as are recognized by the Charter and the subsequent interpretations by the authoritative bodies.

## ***Article 2 - Registration***

(1) All organisations meeting the abovementioned criteria and adhering to the points listed, are invited to cooperate within the FRP network. To this end, they shall register to the FRP network database via an online registration.

(2) With registration to the FRP database, organisations agree to cooperate through the FRP and can hence contribute to its aims as outlined in the Preamble.

(2) Registration can take place at any point of time and is valid until the adoption of the next Multi-annual Framework of the Agency (i.e. for a maximum of five years). After this period, organisations are invited to re-register, using again an online application form.

(3) Exceptionally, organisations can be erased from the FRP database earlier, either at their own request, or if the Director of FRA comes to the conclusion that an organisation is violating any of the points listed under Article 1 (3) above. Before erasing an organisation from the database, the Director shall send that organisation a written formal notice detailing the concerns. In the case that the written reply of the given organisation does not adequately address the concerns of the Director, or FRA does not receive any reply within 4 weeks, the organisation will be erased from the database, and can no longer cooperate within the FRP network. This decision by the Director shall be taken after having consulted the Advisory Panel of the FRP.

## ***Article 3 - Advisory Panel***

(1) With the intention of facilitating a transparent and well-functioning communication between the FRP and the FRA Director, as well as amongst civil society organisations, an Advisory Panel (AP) of the FRP is established.

(2) The Advisory Panel is a tool in aiding the good functioning of the FRP, suggesting, where necessary, adjustments and improvements to processes and procedures, thus facilitating support to the work of the Director in organising and coordinating the FRP. The nature of the Advisory Panel is consultative. It deals with procedural issues only and not with questions of content. The Advisory Panel has no representative role on behalf of (organisations registered in) the FRP or FRA. The Advisory Panel will provide advice to the Director.

(3) The Panel consists of max. 11 full members, plus up to 3 observers. Six of the full members are to be elected by the organisations within the FRP network, and up to five to be appointed by the FRA Director. The Director can in addition appoint up to 3 observers to the Advisory Panel from key networks or umbrellas of human rights civil society organisations.

(4) Members of the Advisory Panel are acting in their own independent capacity and are not representing an organisation. Membership in the Panel is for a period of maximum three years. The term starts once the Director has communicated the results of the election (Art. 4) and appointed the additional members (Art. 5). The term ends with the following elections of a new Advisory Panel, the date of which is announced by the Director.

## (5) Organisation of the Advisory Panel

- a) The Advisory Panel is chaired by the Director.
- b) The Panel will communicate electronically and with conference calls, and with a view to having up to two meetings in person a year.
- c) Travel and accommodation will be reimbursed according to the relevant rules.
- d) Administrative support will be provided by the operational services of FRA.

### ***Article 4 – Election of Advisory Panel members***

#### (1) Candidates have to:

- fulfil all conditions listed above under Article 1 (3).
- hold a position with a high level of responsibility within the organisation;
- have a knowledge of the functioning of FRA;
- have a solid background and track record of working with civil society organisations and/or participating in civil dialogue processes with international networks and/or with grass roots organisations.

No candidate can serve more than two terms in a row in the Advisory Panel.

(2) As soon as nominations are submitted, and in any case before the election, the FRA's services will examine the nominees. On this basis, the Director may reject certain candidates if he/she comes to the conclusion that the conditions mentioned above are not met. A rejection decision by the Director shall only be taken after having consulted the Advisory Panel.

(3) Six Advisory Panel members will be elected. Elections take place electronically. Each FRP network organisation, which is registered with FRP two months prior to the date of election, has one vote, and can vote for three candidates. The call for nominations should be launched at least two months prior to the elections. Organisations should have at least one month to submit their nomination from the day FRA launches the call for nominations. Candidates have to be nominated at least one month prior to the voting day.

(4) Every organisation in the database can nominate one candidate. A one-page CV and a one-page motivation statement for each candidate are to be sent to FRA. FRA will publish these documents on its website one month in advance of the voting day. Failing to provide the full documentation by the deadline will result in the withdrawal of the nomination.

### ***Article 5 – Appointment of Advisory Panel members***

#### (1) In addition to the 6 elected members, the Director may appoint persons who:

- fulfil all conditions listed above under Article 1 (2) and (3).
- have a knowledge of the functioning of FRA;
- have a solid background and track record of working with civil society organisations and/or participating in civil dialogue processes with international networks and/or with grass roots organisations.

(2) Up to five Advisory Panel members will be appointed by the Director amongst the organisations registered in the FRP database. The appointment takes place once the election procedure has been concluded. When appointing up to five additional

members of the Advisory Panel, the Director will seek to ensure that all categories of organisations as listed above under Article 1 (2) are represented in the Advisory Panel. He will in addition take due account of a balance of thematic areas, gender, geographical representation, and the diversity of international/EU, national and regional/grassroots levels in the Advisory Panel.

### ***Article 6 – Observers in the Advisory Panel***

(1) The president of the Council of Europe’s Conference of International NGOs is ex officio appointed as observer.

(2) In addition, two other representatives of key networks can also be appointed as observers by the Director.

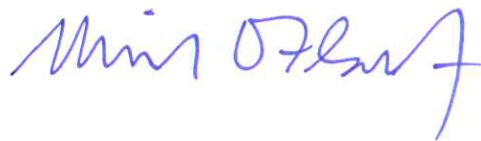
### ***Article 7 - Evaluation***

The Advisory Panel will submit a report about its activity to the Director and to the FRP three months in advance of the end of its term, i.e. before the next Advisory Panel elections. This report shall include a short summary of activities during the term of the Advisory Panel, as well as lessons learned and an evaluation of the state of the FRP, as well as recommendations to FRA in view of the functioning of the FRP.

### ***Art. 8 – Entry into force***

This document enters into force the day after its adoption. It replaces the “Code of Conduct for the participants of the Fundamental Rights Platform” (decision COR/002/2012) from 22 June 2012, and the “Advisory Panel of the Fundamental Rights Platform – Terms of Reference”, from 30 September 2010. Hereby, also participation of organisations in the previous Fundamental Rights Platform ceases.

Done in Vienna, on 17 March 2017

A handwritten signature in blue ink, appearing to read 'Min Orlauf', is written below the text.