

**Overview of the cooperation between the European Union Agency for Fundamental Rights and the Council of Europe**

*(1 July 2014 – 31 December 2016)*

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## **Part I. Objectives, methods and review of cooperation**

### 1. Introduction

The cooperation between the European Union Agency for Fundamental Rights (the Agency or FRA) and the Council of Europe (CoE) is based on the FRA Founding Regulation<sup>1</sup> and on the Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe, which was adopted in 2008.<sup>2</sup> This Agreement established a general cooperation framework with the aim of avoiding duplication and ensuring complementarity and added value to the work of the Agency and the CoE. Pursuant to Article 23 of the Agreement, based on a positive evaluation of the cooperation, the Council of Europe and the European Union (EU) decided not to revise the Agreement for the time-being as it provides for an appropriate and flexible instrument for cooperation.

The cooperation between the Agency and the CoE has been evolving continuously in recent years towards an improved coordination of activities and synergies between both organisations. This document presents key objectives and methods of this cooperation and provides concrete examples of cooperation activities in relevant fields from the period 1 July 2014 – 31 December 2016.

### 2. Key objectives – What do we want to achieve together and in which areas?

The key objectives and strategic priorities of the cooperation relate to the promotion and protection of human rights, as identified through a thorough exchange of views between the Agency and the CoE. The cooperation between the two organisations mainly focuses on:

- Developing joint projects in areas of mutual concern;
- Engaging in dialogue with stakeholders in order to improve the situation of fundamental rights in Europe;
- Coordinating communication activities to increase awareness regarding fundamental rights;
- Informing each other on the results of activities of each organisation;
- Exchanging data and consulting each other at operational level.

The cooperation takes place within specific thematic areas of the Agency's Multi-Annual Framework (2013 – 2017), which has been agreed upon by the Council of the European Union and adopted on 11 March 2013.<sup>3</sup>

- a) Access to justice;
- b) Victims of crime, including compensation to victims of crime;
- c) Information society and, in particular, respect for private life and protection of personal data;
- d) Roma integration;
- e) Judicial cooperation, except in criminal matters;
- f) Rights of the child;
- g) Discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;

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<sup>1</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, OJ L 53, 22.2.2007, p. 1.

<sup>2</sup> Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe, OJ L 186, 15.7.2008, p. 7.

<sup>3</sup> Council decision No 252/2013/EU of 11 March 2013 establishing a Multiannual Framework for 2013-2017 for the European Union Agency for Fundamental Rights, OJ L 79, 21.03.2013, p.1.

- h) Immigration and integration of migrants, visa and border control and asylum;
- i) Racism, xenophobia and related intolerance.

### 3. Methods and review of cooperation

#### 3.1. Permanent mechanisms of cooperation

Different mechanisms laid down in the Agency's Founding Regulation and in the EU-CoE Agreement ensure complementarity in the relationship between the Agency and the CoE. For instance, the CoE has appointed an independent member to the Management and Executive Boards of the FRA, while representatives of the CoE Secretariat are present as observers at FRA Management Board meetings. Moreover, once a year, a senior representative of the CoE is invited to address the FRA Management Board. This gives the opportunity for an exchange of views between the CoE and the FRA and keeps the FRA Management Board fully informed regarding key activities planned by the CoE. Annual exchanges of views between the Committee of Ministers' Rapporteur Group on External Relations (GR-EXT), the independent person appointed by the CoE, the Chairperson of the FRA Management Board and the FRA Director contribute further towards an efficient cooperation between the two organisations.

Moreover, the CoE is associated with FRA's work with civil society organisations, mainly through FRA's Fundamental Rights Platform. On 25 March 2015, FRA took part in a meeting with the CoE Conference of INGOs in Paris in order to get to know CoE counterparts and explore possible synergies and cooperation. Conference calls were held in August and October 2016 between the President of the Conference of INGOs and FRA staff on the issue of shrinking civic space and further cooperation was agreed.

The Founding Regulation prescribes consultations between the FRA and the CoE during the preparation of the Agency's Annual Work Programmes and the Agency's Annual Report on fundamental rights issues (Article 9 of the FRA Founding Regulation). This ensures that CoE priorities, activities and findings are properly taken into account in key FRA documents in general, and in the FRA Annual Report (*Fundamental Rights Report*) in particular. In addition, Article 3 of the Agreement between the EU and the CoE on cooperation between the FRA and the CoE establishes that the Agency and the CoE shall each appoint a contact person to deal specifically with matters relating to their cooperation.

#### 3.2. Forms of cooperation at operational level

The operational cooperation between the FRA and the CoE is an ongoing day-to-day process. This cooperation takes various forms, such as: consultations on specific projects and activities; regular exchange of data and information; participation in inception meetings of projects; joint projects and activities; participation in respective civil society structures; granting of observer status in several CoE human rights monitoring and intergovernmental committees; and complementarily through mutual references to each other's work. The contact persons appointed by the CoE and the Agency are informed about these activities on a regular basis so that they can facilitate the whole process and ensure its continuity and consistency.

In this respect, the Agency cooperates at an operational level with a number of relevant bodies and services of the CoE, including the Registry of the European Court of Human Rights (ECtHR) and the European Commission against Racism and Intolerance (ECRI). The ECtHR case law cites regularly the Agency's reports.<sup>4</sup> ECRI's reports make also regular reference to FRA's work, in particular the EU-MIDIS and the LGBT surveys as well as the *Fundamental Rights Report*. Throughout the year, ECRI participated actively in several events organised by FRA, the collaboration also includes discussion aiming at enhancing co-operation between the relevant institutions and networks, particularly to deal with the themes of hate crime, hate speech, Roma,

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<sup>4</sup> See for example: ECtHR, *M.S. v. Croatia (No.2)*, 19 February 2015 on involuntary placement and treatment.

migration, asylum and social rights in Europe.<sup>5</sup> FRA also cooperates with the European Committee of Social Rights (ECSR), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) as well as other human rights monitoring committees, the European Commission for the Efficiency of Justice (CEPEJ), the Venice Commission, the Office of the Commissioner for Human Rights, the Special Representative of the Secretary General for Roma Issues, the Special Representative of the Secretary General on Migration and Refugees, the Congress of Local and Regional Authorities, the Conference of INGOs, as well as the Directorate General Human Rights and Rule of Law and the Directorate General of Democracy.

FRA relies in its work on the standards set by the CoE and takes due account of the judgments of the ECtHR and the way they are being implemented, the decisions and conclusions of the European Committee of Social Rights, reports and activities of other CoE human rights monitoring bodies and intergovernmental committees, as well as reports of the CoE's Commissioner for Human Rights. FRA also has an online overview for the 28 EU Member States of the status of acceptance of international human rights obligations (UN and CoE). In addition, these comparative tables include data on acceptance of specific provisions of the European Social Charter and the percentage of compliance with these as assessed by the European Committee of Social Rights as well as core statistics from the ECtHR on cases related to the 28<sup>6</sup>. The CoE is also regularly invited to comment on FRA draft reports to ensure, amongst other things, that European human rights standards are properly reflected.

In turn, the work of the CoE is facilitated by the data and findings of FRA. For example, the ECRI's fifth monitoring reports on France, Italy, the former Yugoslav Republic of Macedonia and the United Kingdom and the fourth monitoring report on Armenia refer and use data and information of FRA research as evidence, in particular the EU-MIDIS survey, the LGBT survey, the Roma survey, the opinion on the Framework Decision on Racism and xenophobia – with special attention to the rights of victims of crime and the thematic reports on Access to effective remedies: the Asylum-seeker perspective and Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of anti-Semitism.<sup>7</sup> Moreover, the Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM) makes reference to FRA reports and surveys (e.g. EU-MIDIS Roma survey, Indicators Framework developed by the Roma Working Party facilitated by FRA; FRA thematic reports on education, housing and gender) in its thematic reports.<sup>8</sup>

Such cross-references contribute to disseminating on a reciprocal basis the results of the respective activities of the CoE and FRA. Reciprocal consultation and feedback, as well as participation at meetings and events, have become integral parts of the working methods of both organisations.

On 17-19 October 2016, a FRA representative took part for the first time in one of the CAHROM thematic visits, i.e. to Greece regarding the participation of Roma in advisory and decision-making bodies, as well as in political life. The FRA representative presented the Local Engagement for Roma Inclusion (LERI) project and accompanied experts of the thematic group on a field visit to Megara, which is one of the two LERI localities in Greece.

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<sup>5</sup> European Commission against racism and Intolerance, annual report on ECRIS's activities covering the period from 1 January to 31 December 2015, CRI(2016)28, Strasbourg, May 2016. [http://www.coe.int/t/dghl/monitoring/ecri/library/PressReleases/217-26\\_05\\_2016\\_AnnualReport2015\\_en.asp#TopOfPage](http://www.coe.int/t/dghl/monitoring/ecri/library/PressReleases/217-26_05_2016_AnnualReport2015_en.asp#TopOfPage)

<sup>6</sup> <http://fra.europa.eu/en/publications-and-resources/data-and-maps/int-obligations>

<sup>7</sup> <http://www.coe.int/t/dghl/monitoring/ecri/library/publications.asp#TopOfPage>

<sup>8</sup> <http://www.coe.int/en/web/portal/cahrom>

### **3.3. Review of cooperation**

Cooperation reviews are regularly undertaken. The Committee of Ministers' Rapporteur Group on External Relations (GR-EXT) and the FRA Management Board regularly review and assess progress in the cooperation during exchanges of views with the independent person appointed by the CoE, the Chairperson of the FRA Management Board and the FRA Director. In addition, the services of both organisations carry out regular reviews at different stages of activities and projects, while the regular exchange of information between the respective contact persons, as well as inter-institutional meetings, contribute further towards an enhanced collaboration.

## **Part II. Projects and activities undertaken (1 July 2014 – 31 December 2016)**

### **1. Examples of inter-institutional and regulatory cooperation**

The independent person appointed by the CoE participated in the FRA Executive Board meetings (26 September and 11 December 2014, 20 May, 23 September and 15 December 2015, 26 February, 19 May and 13 December 2016) and the FRA Management Board meetings (11-12 December 2014, 20-21 May, 23-25 September and 15-16 December 2015, 19-20 May and 13-14 December 2016). The CoE Secretariat representative participated in all FRA Management Board meetings as observer.

The CoE Secretariat representative participates as observer in the regular meetings of the Management Board's Annual Report Editorial Committee (AREEDIT). The AREEDIT Committee was created to assist in the preparation of the Annual Report with a view to its adoption in the FRA Management Board. It considers the first draft of the text and provides comments and recommendations.

On 22 January 2015, the then FRA Director, Morten Kjaerum, and the then FRA Management Board Chairperson, Maija Sakslin, visited the Council of Europe in Strasbourg. During this meeting, they addressed the Rapporteur Group on External Relations of the Committee of Ministers and also met the EU Ambassadors to the Council of Europe and the Registry of the European Court of Human Rights, as well as other high-level staff members. At this occasion, FRA delegation discussed continued cooperation between FRA and the Council of Europe.

*For more information:* <http://fra.europa.eu/en/speech/2015/fra-address-council-europes-committee-ministers-rapporteur-group-external-relations-gr>

The FRA Director Michael O'Flaherty paid his first official visit to the Council of Europe in Strasbourg from 2 to 3 February 2016 to introduce himself and present his vision for the Agency's future. While there, he also explored common areas of interest and new lines of action in the context of new challenges in the international arena. During the visit, he met the CoE Secretary General, the Commissioner for Human Rights, the President of the European Court of Human Rights, the Secretary General of the Congress of Local and Regional Authorities, as well as various directors general and directors of the CoE. The FRA Director also met the 28 Heads of EU Permanent Representations to the CoE and the Head of the EU Delegation to the CoE.

On 4 October 2016, FRA Director Michael O'Flaherty met with the CoE Secretary General Thorbjørn Jagland and addressed the Rapporteur Group on External Relations of the Committee of Ministers at the Council of Europe. He stressed the importance of cooperation between the two bodies at a time when human rights are increasingly under pressure. The FRA Director also met the 28 Heads of EU Permanent Representations to the CoE at the EU Delegation to the CoE premises. The FRA Director also met with the Special Representative of the Secretary General

for Roma issues and the Special Representative of the Secretary General on Migration and Refugees.

For more information : <http://fra.europa.eu/en/news/2016/fra-and-council-europe-cooperation-key-ensuring-fundamental-rights-protection>

## 2. Other contacts and coordination activities at inter-institutional level

On 13 November 2014, the then FRA Director Morten Kjaerum visited the Council of Europe in Strasbourg. He met the Secretary-General of the Council of Europe, the Director General of Secretariat of the Parliamentary Assembly, the Commissioner for Human Rights, the EU Ambassador and EU Member States' Ambassadors to the Council of Europe. During these meetings, the Director discussed the cooperation between FRA and the CoE in wide-ranging areas, including cooperation with the national human rights institutions and the outcomes of the Fundamental Rights Conference. FRA's work on violence against women, the rights of lesbian, gay, bisexual, transgender and intersex people, hate crime and Roma inclusion were also on the agenda.

On 22 September 2016, FRA representatives visited Strasbourg to discuss with Council of Europe officials ways of enhancing synergy and complementarity of the two Annual Reports produced respectively by both organisations (the FRA's *Fundamental Rights Report* and the Report by the Secretary General of the Council of Europe on the *State of Democracy, Human Rights and the Rule of Law*). In addition, FRA explored with Council of Europe officials the possibilities for the development of a fundamental rights information system bringing together data from a variety of sources, including UN and CoE mechanisms.

On 14 October 2016, the FRA Director addressed the 108<sup>th</sup> Plenary Session of the European Commission for Democracy through Law (Venice Commission) on issues relating to the rule of law in Europe. He subsequently held bilateral talks with the Council of Europe Commissioner for Human Rights.

On 6 December 2016, FRA Director Michael O'Flaherty addressed the Council of Europe's Steering Committee on Human Rights (CDDH) in Strasbourg. It was an opportunity for both organisations to further strengthen ties, build on synergies and keep abreast of each other's work. There was a particular focus on migration, as well as human rights and business, social rights, female genital mutilation and forced marriage, victims of terrorism and the rights of LGBTI people. FRA Director expressed the wish for a strengthened further cooperation between the CDDH and FRA. In a separate meeting the FRA Director discussed issues related to the situation of NGOs in the EU and the Agency's collaboration with civil society with Ms Anna Rurka, President of the of the Council of Europe's Conference of international NGOs.

## 3. Examples of joint projects and other types of operational cooperation in different thematic areas

### 3.1. FRA-CoE Joint Projects

#### *Update and translations of the Handbook on European data protection law*

The Handbook on European data protection law, jointly prepared by the FRA and the Council of Europe together with the Registry of the European Court of Human Rights is the first comprehensive guide to Council of Europe and European Union law on data protection, taking into account the case law of the ECtHR and the Court of Justice of the European Union. It explains how data protection is regulated under EU law as well as the CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, and other CoE instruments.

This Handbook is now available in 22 EU official languages and 4 others (Ukrainian, Georgian, Korean and Macedonian).

An update of the Handbook is foreseen in 2017 in order to take into account the legislative developments at EU and CoE level and provide for a new version in May 2018.

For more information: <http://fra.europa.eu/en/publication/2014/handbook-european-data-protection-law>  
& <http://www.echr.coe.int/Pages/home.aspx?p=caselaw/otherpublications&c>.

*Update and translations of the Handbook on European law relating to asylum, borders and immigration*

The Handbook on European law relating to asylum, borders and immigration examines the relevant law in the field of asylum, borders and immigration stemming from both European systems: the European Union and the Council of Europe. This Handbook is now available in 22 EU official languages and 2 others (Turkish and Russian).

An update of the Handbook within a couple of years is foreseen in order to take into account the legislative developments at EU and CoE level.

For more information: <http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration> & <http://www.echr.coe.int/Pages/home.aspx?p=caselaw/otherpublications&c>.

*Update of the Handbook on European non-discrimination law*

The Handbook on European non-discrimination law is jointly produced by the European Court of Human Rights and the FRA. It is a comprehensive guide to non-discrimination law and relevant key concepts. An update of this Handbook is planned for 2017.

For more information: <http://fra.europa.eu/en/publication/2011/handbook-european-non-discrimination-law> & <http://www.echr.coe.int/Pages/home.aspx?p=caselaw/otherpublications&c>

*Launch and translations of the Handbook on European law relating to the rights of the child*

On the occasion of the Universal Children's Day on 20 November 2015, FRA, the Children's Rights Division of the Council of Europe and the European Court of Human Rights (ECtHR), launched the Handbook on European law relating to rights of the child. This is the first comprehensive guide to European law in the area of child rights, taking into account both the case law of the ECtHR and the Court of Justice of the European Union (CJEU).

On 5 April 2016, the Handbook on European Law relating to the rights of the child was presented during the Council of Europe's child rights strategy conference in Sofia. FRA presented the handbook's perspectives on issues of protection of personal identity, the right to family and alternative care, protection from violence and exploitation, and migration and asylum. This Handbook is now available in 21 EU official languages.

For more information: <http://fra.europa.eu/en/publication/2015/handbook-european-law-child-rights> & <http://www.echr.coe.int/Pages/home.aspx?p=caselaw/otherpublications&c>

*Launch of the Handbook on European law relating to access to justice*

On 22 June 2016, FRA and the European Court of Human Rights launched a practical handbook on European law relating to access to justice. This Handbook is a comprehensive guide to European law in this area. It seeks to raise awareness and improve knowledge of relevant standards set by the European Union and the Council of Europe, particularly through the case law of the Court of Justice of the EU and the European Court of Human Rights. The Handbook is currently available in 22 EU official languages.

For more information: <http://fra.europa.eu/en/project/2014/handbook-access-justice-europe>  
<http://fra.europa.eu/en/press-release/2016/new-practical-guide-access-justice-european-law>  
& <http://www.echr.coe.int/Pages/home.aspx?p=caselaw/otherpublications&c>

The European Programme for Human Rights Education for Legal Professionals (HELP) uses FRA handbooks as a key reference in the development of e-learning courses. This is particularly the case of two courses developed under the EU-funded "HELP in the 28" project: "Fight against racism, xenophobia and homo/transphobia" and "Data Protection." Model curricula were made available in the first quarter of 2016 and 9 courses will take place in 9 EU countries subsequently. This will continue in future expansion and development of new HELP courses.

### **3.2. Operational cooperation in different thematic areas**

#### *Racism, xenophobia and related intolerance*

Responding to the Council Conclusions on combating hate crime in the EU, FRA set up a Working Party on "Improving Recording and Encouraging Reporting of Hate Crime", which brings together FRA, all 28 EU Member States, the European Commission, the Office for Democratic Institutions and Human Rights (ODIHR) and the European Commission against Racism and Intolerance (ECRI) at the Council of Europe. Civil society organisations were also invited to participate on an ad hoc basis. FRA and the Italian Presidency of the Council of the European Union hosted the inaugural meeting of the Working Party on 4 November 2014 in Rome. On 30 March 2015, the Working Party met in Riga in cooperation with the Latvian Presidency of the Council of the EU. The HELP e-learning course on hate crime (developed in cooperation with OSCE-ODIHR) was presented during the next Working Party on "Improving Recording and Encouraging Reporting of Hate Crime" on 24 November 2015 in Luxembourg.

For more information: <http://fra.europa.eu/en/news/2014/fra-co-hosts-inaugural-meeting-hate-crime-working-party> & <http://fra.europa.eu/en/event/2015/member-states-and-fra-seek-ways-improve-hate-crime-reporting-and-recording>

Furthermore, FRA regularly shares its evidence on racism, ethnic discrimination, xenophobia and related intolerance with ECRI, inter alia in the Framework of the CoE-FRA-Equinet-ENNHRI Platform on hate crime and related meetings.

On 25 - 26 July 2016, FRA attended a seminar in Barcelona entitled "HELP in the 28: a European Seminar on Fight against racism, xenophobia, homophobia and transphobia" at the Spanish Judiciary School. This formed part of the Council of Europe's framework on Human Rights Education for Legal Professionals (HELP Programme). The seminar's objective was to train and discuss with legal professionals legislation at EU and CoE level, the latest developments in case law of the European Court of Human Rights and Court of Justice of the European Union regarding protection against racism, xenophobia, homophobia and transphobia.

#### *Cooperation related to Roma and Travellers*

The overall cooperation between the CoE and FRA related to Roma takes various forms. There are regular meetings to exchange information and coordinate the work. For example, on 26 January 2016, a high level bilateral consultation on Roma and Traveller issues took place

between FRA's Equality and Citizens' Rights Head of Department and the Special Representative of the Secretary General for Roma issues (SRSG) of the Council of Europe for Roma Issues.

Following requests from the CoE SRSG, on 9 March 2016, the FRA organised an informal workshop on Roma indicators developed by the Roma Working Party facilitated by FRA. The workshop was attended by the SRSG and the Head of the SRSG Support Team.

In October 2015 and April 2016, FRA attended CAHROM 10<sup>th</sup> and 11<sup>th</sup> meetings and gave a presentation on the indicators framework produced by the Roma Working Party, an update on EU-MIDIS II and on the Local Engagement for Roma Inclusion Project (LERI). In the report of the 10<sup>th</sup> CAHROM meeting, it was stated (paragraph 35): "*CAHROM took note of the need to follow the developments of Roma inclusion indicators conducted by FRA with a view of taking into consideration such indicators for all Council of Europe member States*". In October 2014, January and November 2015, FRA and the CoE ensured operational cooperation in one locality addressed by both FRA in the framework of the Local Engagement for Roma Inclusion Project (LERI Project) and CoE in the framework of ROMED II and ROMACT. The two project teams actively communicate and exchange relevant information.

On 28 October 2015 and on 29 April 2016, FRA participated in the International Organisation Coordination meeting on Roma issues which brought together the European Commission, the World Bank, the Organization for Security and Co-operation in Europe (OSCE), the United Nations Development Programme (UNDP), the CoE, and FRA.

From 15 to 18 November 2016, FRA contributed to a number of sessions of the 12<sup>th</sup> CAHROM plenary meeting in Strasbourg. It also provided an update on its Structure-Process-Outcome indicators template for measuring progress in implementing national Roma integration strategies, and mentioned developments and output of FRA's LERI project.

In 2016, FRA participated in the first two coordination meetings between international governmental organisations conveyed by the CoE SRSG for Roma Issues on the margin of the 10<sup>th</sup> and 11<sup>th</sup> CAHROM plenary meetings.

### *Equality and non-discrimination*

#### *FRA projects related to the rights of persons with disabilities*

FRA regularly took part in meetings of the Council of Europe Committee of experts on the Rights of Persons with Disabilities (CAHDPH), where it presents the Agency's work on disability rights and participates in the discussions framing the future activities of the Committee (1-3 October 2014, 22-24 April 2015, 5-7 October 2016). While in Strasbourg, FRA has taken the opportunity to discuss its work on the rights of people with disabilities with counterparts from the Parliamentary Assembly of the Council of Europe and the Commissioner for Human Rights' office.

FRA has engaged repeatedly in the development of the next Council of Europe Disability Strategy 2017-2023. In November 2014, FRA submitted a written contribution to the discussion of the taskforce of the CAHDPH on priority areas for the next Council of Europe Disability Strategy. On 5-6 November 2015, the CoE and the Department of Justice and Equality of Ireland held a conference aimed at taking stock of the results achieved in the implementation of the Council of Europe Disability Action Plan 2006-2015 and setting out the priorities and main lines of action for the future Disability Strategy. FRA engaged with the taskforce responsible and in July 2016, and it responded to the consultation on the draft Disability Strategy 2017-2023. FRA also provided information on its work developing human rights indicators on the implementation of the CRPD, in view of potential CoE work in this field.

FRA has also provided comments in the context of the proposed *Additional Protocol to the Convention on Human Rights and Biomedicine (Oviedo Convention) concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment*. On 22 June 2015, the Director General of Human Rights and Rule of Law of the CoE sent a letter to the Interim Director of FRA, inviting FRA to submit observations on the draft text of the draft additional protocol. The Agency provided comments in December 2015, building on previous comments on a preliminary draft submitted in June 2014.

FRA's previous research on the rights of persons with disabilities continues to be a basis for providing evidence-based advice, as well as a reference point for stakeholders. The 2012 report on involuntary placement and treatment of persons with disabilities, including fieldwork evidence, was extensively referenced in the European Court of Human Rights' judgment in the case of *MS v. Croatia No.2*. In addition, the FRA report's analysis of Council of Europe standards is highlighted in a report by the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly (PACE), published in March 2016. The PACE report also draws on FRA's input to the public consultation on a draft additional protocol to the Oviedo Convention.

On 22 April 2015, FRA presented its work on the right to political participation of persons with disabilities at a hearing of the PACE Committee on Equality and Non-Discrimination, sub-committee on disability and inclusion. As a follow up, the Committee prepared a report on political participation of persons with disabilities. Representatives of the Committee met with FRA on 24 October 2016 as part of a fact-finding visit to Austria conducted as part of the preparation of the report. Subsequently, the draft resolution accompanying the report was adopted unanimously by the committee on 24 January 2017 and will be discussed in plenary in March 2017.

On 22 March 2016, FRA presented its work on disability and human rights indicators at a conference in Sofia on "Equal enjoyment of human rights and freedoms by persons with disabilities: achievements and challenges", organised under the Bulgarian Chairmanship of the Committee of Ministers of the CoE.

Drawing on its existing data on the rights of persons with disabilities, in June 2016 FRA provided information on the impact of austerity measures on the rights of persons with disabilities to support the preparation of the Human Rights Commissioner's visit to Greece in July 2016.

#### *Gender equality*

The Council of Europe Gender Equality Unit participated in FRA's Fundamental Rights Forum (20-23 June 2016) where it presented the Council of Europe work and standards to combat sexist hate speech including the link with the CoE Gender Equality Strategy 2014-2017 and the Istanbul Convention as well as on-going work at the level of the Gender Equality Commission to prepare a draft Committee of Ministers Recommendation to combat sexism, including sexist hate speech.

#### *Gender-based violence against women*

On 19 September 2014, the then FRA Director, Morten Kjaerum was invited to give a presentation on the FRA violence against women survey at the conference 'Safe from fear, safe from violence: Celebrating the entry into force of the Istanbul Convention', organised by the Council of Europe, the Ministry of Foreign Affairs of Italy and the Italian Chamber of Deputies in Rome.

For more information: <http://www.coe.int/en/web/istanbul-convention/home> and <http://fra.europa.eu/en/speech/2014/safe-fear-safe-violence-celebrating-entry-force-istanbul-convention>

A conference entitled 'A Europe Free from Gender-Based Violence : from Commitment to Action' was organised on 27 and 28 May 2015 in Prague, Czech Republic, by the Open Society Fund Prague, as a part of a Norway Grants-funded programme, and in co-operation with FRA and the Council of Europe. At the end of the conference, the participants called on the European countries to sign, ratify and implement the Istanbul Convention.

*For more information:* <http://www.dejmezenamsanci.cz/en/about-the-programme/news/call-to-action-istanbul-convention>

On 22 October 2015, FRA participated in a conference organised by the Council of Europe in the context of the Chairmanship of Bosnia and Herzegovina on monitoring the implementation of the Istanbul Convention. FRA made an intervention to highlight the importance of Article 11 concerning data collection and the results of FRA's violence against women survey.

From 21 to 23 September 2016, FRA provided an expert opinion in the 2<sup>nd</sup> Meeting of the Drafting Group on Female Genital Mutilation and Forced Marriage (CDDH-MF) in Strasbourg.

On 10 November 2016, the Agency met with the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in Strasbourg. FRA presented its work on gender-based violence, including the Agency's large-scale survey on violence against women, and recent publication of data on the refugee crisis.

#### *Rights of LGBTI persons*

On 12 May 2015, FRA and the Office of the Commissioner for Human Rights of the Council of Europe launched a debate on the fundamental rights of intersex persons at the International Day against Homophobia, Transphobia and Biphobia (IDAHO) Forum meeting in Montenegro hosted by the government of Montenegro. At this occasion, the Commissioner's Office presented its Issue Paper on human rights and intersex people and FRA presented its Focus paper on the fundamental rights challenges intersex people face in the EU. The FRA and the Human Rights Commissioner of the Council of Europe also presented the papers jointly at an event of the European Parliament's Intergroup on LGBTI rights on 8 September 2015.

On 5-6 April 2016, FRA participated in a thematic session on LGBTI children during the launching conference of the Council of Europe Strategy of the Rights of the Child in Sofia, Bulgaria. During their intervention, FRA presented outcomes of the research on Transgender and Intersex Children in EU Member States.

*For more information:* <http://fra.europa.eu/fr/event/2015/droits-humains-des-personnes-intersexuees-les-defis-relever> & <http://www.gov.me/en/IDAHO-Montenegro-2015/>

On 17-18 November 2016, FRA took part in meetings of the European Governmental LGBTI Focal Point Network in Strasbourg. The FRA expert addressed the plenary session focusing on the everyday life human rights challenges of transgender and intersex children and young people, and chaired a workshop on LGBTI refugees.

*For more information:* <https://www.coe.int/en/web/sogji/-/roundtable-of-the-european-governmental-lgbti-focal-points-network>

#### *Rights of the Child*

On 9 and 10 December 2014, FRA attended a conference organised by the Belgian Chairmanship of the Council of Europe exploring the challenges decision makers face when implementing the complex concept of the child's best interests.

From 12 to 13 May 2015, and from 20 to 21 October 2015, FRA participated in the 2<sup>nd</sup> and 3<sup>rd</sup> Committee of Experts meetings to provide input to and discuss the draft Council of Europe Strategy for the Rights of the Child (DECS-ENF), together with experts from the CoE Member States, European Commission as well as non-governmental organisations.

On 5-6 April 2016, FRA participated at the Council of Europe high-level conference in Sofia where the new Council of Europe Strategy on Children's Rights 2016-2021 was launched. The strategy was adopted by the Committee of Ministers on 3 March 2016 and identifies five priority areas to be achieved for all children: equal opportunities, participation, a life free from violence, child-friendly justice and rights of the child in the digital environment. Furthermore, FRA spoke at a side event on the Handbook on European law relating to the rights of the child as well as the thematic session on the right to non-discrimination of LGBTI young people.

On 29 September 2016, the Agency participated in the first meeting of the Ad hoc Committee for the Rights of the Child (CAHENF) in Strasbourg, one of its main tasks is to oversee the implementation of the Council of Europe Strategy for the Rights of the Child 2016-2021. FRA provided an update on the Agency's activities on children in migration.

On various occasions, FRA has shared relevant information from the CoE via its social media networks and works together with the CoE on raising children's awareness of their rights. The FRA videos on raising children's awareness of their rights to be heard, to information and protection are also available via the CoE webpage. FRA also provided a video statement to raise awareness of the issues of sexual exploitation and abuse for the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse, 18 November 2015. Joint updates on CoE and FRA activities in relation to rights of the child have been given at the yearly European Network for Ombudspersons for Children (ENOC) conferences September 2015 and 2016.

#### *FRA project: Child-friendly Justice*

As member of the informal network of the European Committee on Legal Cooperation (CDCJ), FRA contributes to the work on a strategy to implement the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010), for example through providing training to judges, prosecutors and lawyers through the Technical Assistance and Information Exchange (TAIEX), the European Law Academy and the European Union Agency for Law Enforcement Training (CEPOL) on the implementation of the guidelines based on FRA's project on children and justice.

On 3 June 2015, FRA co-organised with UNICEF, in partnership with the European Parliament Intergroup on Children's Rights, a panel debate on "Prioritizing access to justice for all children in Europe and beyond" in Brussels. The Chair of the Council of Europe Lanzarote Committee addressed the meeting.

*For more information:* <http://fra.europa.eu/en/photo-gallery/2015/prioritizing-access-justice-all-children-europe-and-beyond-conference>

From 21-22 October 2016, the CoE and FRA were invited to speak on access to justice for vulnerable children, in particular children in alternative care, during the 2<sup>nd</sup> National Conference on Child Well-being on the invitation of the Maltese president.

#### *Asylum, immigration and integration of migrants; visa and border control*

FRA and CoE continued to work together in the Frontex Consultative Forum.

FRA sought support by the CPT in order to provide input to the International Centre for Migration Policy Development (ICMPD) project establishing a Framework for a European Pool of Forced

Return Monitors (EPFRM). This project was elaborated in spring 2014 and updated in September 2015. It offers a concept for collaboration on forced return monitoring among EU Member States as well as associated States, bound by the Return Directive (2008/115/EC).

On 10 November 2014, the PACE and the Human Rights Commissioner participated in the Fundamental Rights Conference in Rome. This conference was an occasion to discuss fundamental rights challenges in the area of asylum, border and migrant integration.

*For more information:* <http://fra.europa.eu/en/news/2014/fundamental-rights-conference-2014-concludes-eu-needs-more-holistic-approach-migration>

*FRA report: Migration detention of children*

FRA research project on immigration detention of children – covering both unaccompanied children and children with their parents or guardian – was developed in consultation with the CoE. FRA's research complements CoE initiatives on immigration detention and it also intends to support its work on developing European rules on immigration detention.

*For more information:* <http://fra.europa.eu/en/project/2016/migration-detention-children>

*Guardianship for unaccompanied children*

FRA had numerous interactions and informal consultation with CoE with regard to guardianship for unaccompanied children in the context of the CoE work on children in migration (e.g. in relation to CAHENF, PACE). FRA's support on the issue is referenced by the Agency's extensive work in this area and specifically its report on Guardianship systems for children deprived of parental care in the European Union and the FRA/COM handbook on Guardianship for children deprived of parental care – A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking.

*Access to efficient and independent justice*

On 6 and 7 November 2014, FRA participated in an ERA training entitled "Improving Conditions related to detention" organised in cooperation with the Council of Europe. This training enabled consultations with CoE experts on the 2015 project on prison and detention.

*For More information:* [https://www.era.int/cgi-bin/cms?\\_SID=f191c26e196066c025c7b63ee4e3d591d2f1d2e100339991169756&\\_sprache=en&\\_bereich=artikel&\\_aktion=detail&idartikel=124669](https://www.era.int/cgi-bin/cms?_SID=f191c26e196066c025c7b63ee4e3d591d2f1d2e100339991169756&_sprache=en&_bereich=artikel&_aktion=detail&idartikel=124669)

On 6 and 8 May 2015, FRA participated in an ERA training on detention conditions in Europe in Strasbourg. This conference was the second event of a serie of three. The third one took place in October 2016 in Madrid and was a good opportunity to present FRA upcoming report on detention and alternatives.

*For more information:* [https://www.era.int/cgi-bin/cms?\\_SID=a546fac022e8b724a55baef72577bf6cb3bb599300382041170836&\\_sprache=en&\\_bereich=artikel&\\_aktion=detail&idartikel=125027](https://www.era.int/cgi-bin/cms?_SID=a546fac022e8b724a55baef72577bf6cb3bb599300382041170836&_sprache=en&_bereich=artikel&_aktion=detail&idartikel=125027)

*Social Rights*

On 12 and 13 February 2015, the Belgian chairmanship of the Council of Europe organised in Brussels a high-level Conference on social rights entitled "The future of the Protection of Social Rights in Europe". FRA Scientific Committee members addressed the conference on the

relationship between the Council of Europe and the EU as regards social rights with focus on the EU Charter of Fundamental Rights.

For more information: <http://www.coe.int/en/web/turin-process/conference-brussels> & <http://fra.europa.eu/en/news/2015/fra-contributes-council-europe-event-social-rights>

FRA joined the first meeting of the European Social Cohesion Platform that took place from 27 to 28 June 2016 in Strasbourg. The Platform was created as an ad hoc committee to respond to the request of several Council of Europe member states to create an intergovernmental structure to accompany the efforts of integration of the social aspects in the Council of Europe activities. It has a two-year mandate, from January 2016 to December 2017 and is open to all member States, bodies and institutions of the Council of Europe, but also to international organisations and other relevant stakeholders.

For more information: <https://www.coe.int/en/web/human-rights-rule-of-law/-/first-meeting-of-the-european-social-cohesion-platform>

#### *Information Society, Privacy and Data Protection*

*FRA project: National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies*

On 20 March 2015, FRA took part in the plenary session of the Council of Europe's Venice Commission in Strasbourg and presented the work it is carrying out on the fundamental rights safeguards and remedies that apply to the surveillance work of national intelligence authorities across the EU.

The findings of the FRA project on the protection of fundamental rights in the context of large-scale surveillance were presented at the World Forum for Democracy, 18-20 November 2015. FRA and CoE continued to work together in the preparation of the second phase of this work regarding the field work component of the research project.

For more information: <http://fra.europa.eu/en/project/2014/national-intelligence-authorities-and-surveillance-eu-fundamental-rights-safeguards-and>

#### *Bioethics*

On 5 December 2016, the Agency joined a high-level Council of Europe bioethics seminar on "International case-law in bioethics: insight and foresight" in Strasbourg. The FRA Director chaired a future-oriented panel looking to the future in terms of bioethics case law and human rights.

For more information: <http://www.coe.int/en/web/bioethics/-/international-case-law-in-bioethics-insight-and-foresig-2>

#### *Human Rights /Citizenship Education and Fundamental Rights Promotion*

On 24-25 September 2015, FRA took part in a conference organised by the Council of Europe on 'Human Rights and Democracy in Action: Addressing Radicalisation and Extremism through Education' in Strasbourg. Representatives from education ministries, education professionals and civil society organisations met to discuss the role of education in addressing extremism and radicalisation. The conference explored how this work can be better supported and developed in the years to come, in particular in the framework of the Council of Europe Action Plan to combat violent extremism and radicalisation leading to terrorism.

On 15 October 2015, FRA participated in a meeting on citizenship and human rights education, where FRA presented its activities in these areas and discussed how assessments could be more effective in promoting citizenship and human rights education. The reflections fed into the evaluation of Council of Europe's Charter on citizenship and human rights education.

On 16 October 2015, FRA participated in the 4<sup>th</sup> meeting of the International Contact Group on citizenship and human rights education on existing priorities and future synergies in the Group.

On 16-17 June 2016, FRA took part in the Council of Europe's Human Rights Education for Legal Professionals (HELP) Network Annual Conference 2016. The meeting was an opportunity to discuss the methodological dimension of the HELP Programme. It also offered possibilities to exchange information on best practices for a coherent and harmonised application of case law from the European Court of Human Rights by national courts, and to identify related training needs and cooperation possibilities. During the conference, the HELP Guidebook on human rights training methodology for legal professionals was also presented.

On 6-7 October 2016, FRA attended an annual meeting of the International Contact Group on human rights education and citizenship education; which brings together the Council of Europe, European Commission, Directorate General Education and Culture, Office for Democratic Institutions and Human Rights, Organisation of American States, Office of the High Commissioner for Human Rights and FRA.

*For more information:* <http://www.coe.int/en/web/edc/international-contact-group>

On 7 October 2016, FRA presented its strategy and activities in the area of promotion of fundamental rights, citizenship education at the Roundtable on Perspectives and opportunities in and for human rights education with young people, organised in the framework of the Council of Europe's 3<sup>rd</sup> Compass Forum on Human Rights Education.

*For more information:* <http://www.coe.int/en/web/human-rights-education-youth/-/3rd-compass-forum-on-human-rights-education>

#### *Fundamental Rights Forum 2016*

In 2015-2016, Council of Europe joined the Advisory board of the Fundamental Rights Forum 2016 and provided valuable input and suggestion for synergies with respect to the thematic focus of the Forum on inclusion, refugee protection and the digital age. The design of the Forum and choice of speakers in plenary and in working groups sessions ensured inclusion of different bodies of the Council of Europe.

*For more information:* <http://www.fundamentalrightsforum.eu/>

#### *Human Rights at the Local Level*

FRA and the Congress of Local and Regional Authorities of the Council of Europe have cooperated for several years in the area of human rights at the local level. As follow up of this cooperation, in 2016, the Agency was invited by the Congress to join the Council of Europe's expert group on human rights at the local level. The group was set up to help develop a manual for local and regional authorities on implementing a human rights-based approach locally. The manual will complement FRA's toolkit Joining up fundamental rights which looks more on "how" cities can improve the implementation of human rights locally.

On 2-3 June 2016, FRA joined the delegation of the Intercultural Cities Programme of the CoE during their study visit in Vienna. FRA presented its recent work relevant to local authorities in area of human rights, inclusion of Roma and migration.

On 21 September 2016, the expert group met for the first time to discuss the content of the manual and the project timeline. The manual will be ready by August 2017 and will be presented to local and regional authorities at a Colloquium in Middelburg in September 2017.

For more information: <http://fra.europa.eu/en/joinedup/home>

On 30 November 2016, FRA participated in the second meeting of the Council of Europe's Congress of Local and Regional Authorities Expert Group in Paris. The members discussed key topics and issues that will be part of a manual on human rights that will support elected representatives and local municipalities' staff in implementing human rights in their work. The expert group is compiling key promising practices and will reconvene in April 2017 at the Agency to review the first draft.

### **3.3. CoE-FRA-Equinet-ENNHRI cooperation within the thematic Platforms**

The CoE, the European Network of Equality Bodies (Equinet), the European Network of National Human Rights Institutions (ENNHRI) and FRA reiterated, in the course of the joint conference in Vienna in October 2013, their commitment to work together to strengthen the protection of human rights in Europe focusing on four topics (asylum and migration, Roma integration, combating hate crime, and advancing social and economic rights and socio-economic equality).

#### *Asylum and migration*

On 24 September 2014, the first meeting of the CoE-FRA-ENNHRI-EQUINET Platform on the rights of asylum-seekers and migrants took place in Vienna.

The CoE-FRA-Equinet-ENNHRI Platform on rights of migrants and asylum seekers met again on 15-16 February 2016 in Vienna.

#### *Roma integration*

In June 2016, the third meeting of the "Operational Platform for Roma Equality" (OPRE) took place bringing together the Council of Europe, and the FRA with members of the European Network of Equality Bodies (EQUINET) and the European Network of National Human Rights Institutions (ENNHRI). The meeting, hosted by the Greek National Commission for Human Rights was also attended by the, the European Commission DG Justice and Consumers, the OSCE's Office for Democratic Institutions and Human Rights and its Contact Point for Roma and Sinti Issues, and the Office of the UN's High Commissioner for Human Rights' Office for Europe. Participants discussed the current challenges Roma communities are facing across Europe. They also explored potential joint responses that could ensure a positive impact on the enjoyment of fundamental rights for Roma. A specific emphasis was placed on the issue of housing rights and evictions. FRA provided updates on its Roma related work, highlighting the upcoming results and publications.

The OPRE platform prepared a joint statement on the evictions of Roma and Travellers in Europe which was issued on 29 June 2016 and published on the OPRE website ([http://a.cs.coe.int/team81/opre\\_platform/SitePages/Home.aspx](http://a.cs.coe.int/team81/opre_platform/SitePages/Home.aspx)), as well as on ENNHRI, Equinet and CoE SRSR Roma portal respective websites.

#### *Combating hate crime*

In February 2015, the work plan of the Platform for combating hate crime was adopted. On 31 March 2015, the Platform met with the working Party on hate crime in Riga.

On 28-29 April 2016, FRA organised with the Dutch Presidency of the Council of the European Union organized, in Amsterdam, the fourth meeting of the Working Party on Improving Reporting and Recording of Hate Crime in the EU.

On 18-19 October 2016, FRA launched the Inaugural Meeting of Subgroup on methodologies for recording and collecting data on hate crime.

*Social and economic rights*

On 15 October 2015, FRA participated in the first meeting of the Social and Economic Rights Platform in Strasbourg. Over 30 representatives of four platform partners agreed on promoting social and economic rights, and in particular advocating for broader ratification of the Revised Social Rights Platform.

On 28 January 2016, FRA participated in the 2nd meeting of the Collaborative Platform on Social and Economic Rights – a joint endeavour with the Council of Europe, European Network of National Human Rights Institutions (ENNHRI) and Equinet (the association of equality bodies in Europe). Discussions focused on the implementation of the 'Turin process' and its links to activities of each partner. FRA contributed to the discussion presenting FRA's research related to social rights and highlighted EU's efforts to establish a 'European Pillar of Social Rights'.