

THE AGENCY FOR FUNDAMENTAL RIGHTS AND ITS ROLE WITHIN THE FRAMEWORK OF THE EUROPEAN UNION

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Abstract:

The European Union's agency for Fundamental Rights represents one of the Union's decentralized agencies, established to provide expert advice to the European institutions and essentially aims to ensure that the fundamental rights of the people living in the European Union are protected. Thus fundamental rights are established through minimum standards to ensure that every citizen is treated with dignity. Starting with the right to be free, the right not to be discriminated on grounds of age, disability or ethnic origin, the right to protection of personal data or the right to free access to justice and many other rights should be promoted and protected.

Keywords: *European Union, human rights, European institutions.*

The idea that man has, by nature, a number of rights, just due to the fact that he was born a human being, comes from ancient times. For example, Plato said that "all who are here present I consider you all to be parents, relatives, people by nature, if not by law (nomos physis). By nature, the fellow, is the parent of the fellow, but the law tyrannical of the people opposed his contrast to nature " ³ , seeming to distinguish between acquired rights by the law and those acquired as a result of the fact that we are born human beings.

"Human rights and fundamental freedoms are a prime concern of the communities of all time. They should be understood as subjective rights of citizens, essential to life, liberty and their dignity, essential to the free development of human personality, rights established and guaranteed by the constitutions of the states and the national legislation "(Muraru, Tănăsescu, 2009). On the notion of freedom, Mircea Djuvara believed that "a man's freedom extends to the limits of the freedom of the other."

Respecting human rights and fundamental freedoms is a principle that led to the founding of European Union and which, along with all the ensemble of freedoms arising from democracy and the rule of law, form the central axis around which revolve the core values that promote and protects the Union.

Therefore human rights, democracy and rule of law are core values for the European Union and which , introduced even in its founding treaties, they were reinforced by the adoption of a set of documents, which facilitated completion of the institutional stages. Thus the history of the European Union can be sighted through the development of human rights, which decisively influenced the shape and functions of the current organization. Also with every step by which new regulations were established, which led to the development of the Union, were granted new guarantees on human rights (Moroianu Zlatescu, 2008).

One of the main objectives of the European Union today is the promotion and protection of human rights, not only regionally but also worldwide.

Fulfilling this obligation in the context of developments in many fields involve better information and knowledge of the realities and the complex issue of human rights, including the establishment of effective institutions for protection and promotion. To meet such a requirement for the provision of information and data, the European Council decided on 13 December 2003 to create a community agency by developing European

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³ Quote from „Protagoras” (words are attributed to Hippias).

Observatory on Racism and Xenophobia and expanding the scope of its mandate (Moroianu Zlatescu, 2008).

Thus, "under the coordination the European Commission is the European Union Agency for Fundamental Rights. This Agency (FRA) was founded in Vienna by Regulation (EC) no. 168/2007 of the Council of the 15th of February 2007 (OJ L 53/2 22.2.2007). The objective of the Agency is to provide to the competent authorities and institutions of the European Community and its Member States, with assistance and expertise in terms of fundamental rights when implementing the Community law and to support them in taking action and formulate directions for the appropriate action "(EU FRA-<http://europa.eu/about>).

The Agency has the following tasks, through which is making a important contribution to the promotion and protection of human rights:

- To collect, analyze and disseminate, objective, reliable and comparable information on the situation of fundamental rights in the EU;

- To improve the comparability and reliability of data through new methods and standards;

- To establish and / or promote research and studies in the field of fundamental human rights;

- to formulate and publish conclusions and opinions on specific issues on its own initiative or at the request of the European Parliament, the Council or the Commission;

- to encourage the dialogue with the civil society in order to raise public awareness of fundamental rights. However, the The Agency does NOT have the authority to examine individual complaints or take decisions of a regulatory nature (FRA EU-<http://europa.eu/about>).

The activity object of the Agency is considering issues relating to fundamental rights in the European Union and the Member States to implement European legislation.

Also, either at the request of the European Parliament, of the council or of the Committee, or out of its own initiative, may formulate and publish conclusions and opinions on specific thematic topics, available to the EU institutions and Member States in their implementation of the European law to publish an annual report on human rights issues, while highlighting examples of good practice, thematic reports having as base its analysis, researches and surveys an annual activity report to develop a communication strategy and promote the dialogue with the civil society in order to sensitize the public on fundamental rights and to inform in an active way on its work (Moroianu Zlatescu, 2008).

The Fundamental Rights Agency of the European Union is one of the Union's decentralized agencies established to provide expert advice to the EU institutions and is essentially designed to ensure that the fundamental rights of people living in the EU are protected. Thus fundamental rights are set by the minimum standards to ensure that every citizen is treated with dignity. From right to be free, the right not to be discriminated on grounds of age, disability or ethnic origin, the right to protection of personal data or the right to free access to justice and many other rights should be promoted and protected.

According to Article 6 of founding Regulation, in order to ensure the provision of objective, reliable and comparable information, using the expertise of various organizations and bodies in each Member State, taking into account the need to involve national authorities in the collection of data, the Agency:

- a) develops and coordinates information networks and uses the existing networks;

- b) organizes meetings of the external experts;

- c) where necessary, establishes ad hoc working groups.

In carrying out its activities in order to achieve complementarity and ensure optimal use of resources, the agency must take into account the information gathered and activities

conducted by the institutions, bodies, offices and agencies of the Union and the Member States; agency may enter into contractual relations, in particular of subcontracting with other European bodies for the latter to carry out the tasks they have been assigned.

According to Article 10 of the Regulation "the Agency cooperates closely with NGOs and civil society institutions working in the field of fundamental rights, including combating racism and xenophobia at national, European and international level. For this purpose, the Agency established a cooperation network (Fundamental Rights Platform), composed of non-governmental organizations working on human rights, trade unions and employers' social and professional organizations concerned, churches, religious organizations, philosophical and non-confessional, universities and other qualified experts of European and international bodies and organizations (Source: <http://eur-lex.europa.eu/>).

By collecting and analyzing data in the EU, FRA, helps EU institutions and Member States in understanding and addressing the challenges of protecting the fundamental rights of all citizens of the Union. Working in partnership with EU institutions, Member States and other international organizations, European and national, FRA plays an important role in his endeavor to make fundamental rights a reality for all who live in the European Union.

The basis of operation of the European body lie the principles of independence, and the overall interest of transparency and access to documents, data protection and the fight against fraud, after which must be guided in carrying out its duties. In its work, the Agency shall be guided by the context of the multiannual framework program of the EU Charter of Fundamental Rights and anti-discrimination Directives (Moroianu Zlatescu, 2008).

The framework theme of the Fundamental Rights Agency of the European Union shall include, as shown, subject areas such as access to justice, asylum, migration and border data protection and privacy, non-discrimination, protection of persons with disabilities, racism, child rights, etc. . This thematic framework can be exceeded even at the request of the European Parliament, the Council or the Commission, within the human and financial resources of the Agency.

At the same time, FRA cooperates closely with Member States, designating each national binding agents, and government organizations and public bodies in the Member States of the Union, including national institutions with competence in human rights and civil society, constituting for this purpose "platform rights" cooperation network for the exchange of information and knowledge. However from its Board of Directors are part, along with one independent person appointed by the Council of Europe and the other two by the Commission, independent personalities with experience in managing public and private organizations and knowledge of fundamental rights designated by each Member State of the Union (Moroianu Zlatescu, 2008).

FRA maintains close ties especially with the European Commission, European Parliament and Council of the European Union and other international organizations such as the Council of Europe, the United Nations (UN) and the Organisation for Security and Cooperation in Europe (OSCE), governments, civil society organizations, academic institutions, bodies promoting equality and national human rights institutions (NHRIs).

The Agency's work is focused on research projects with cooperation of stakeholders, analysis, advice and opinions made by departments support to promote equality and the rights of citizens to free access to justice. Communication with other institutions and bodies and their awareness and cooperation with agency partners are carried out by specialized departments of the agency.

According to data published on the Agency website, 2013 scored some achievements in the field of fundamental rights as reflected in the work of the Agency. The research conducted by this agency stressed the need for EU legislation to implement border, migration and asylum in full compliance with the legal documents governing the

fundamental rights. This year, the agency also released a handbook on European law on asylum, borders and migration, conducted jointly with the European Court of Human Rights. The Guide that has so far proven to be extremely popular with lawyers, judges, prosecutors, border guards, immigration officials and others, and has been downloaded more than 13,000 times. An updated version of the manual will be published in early 2014 (Agency for Fundamental Rights <http://fra.europa.eu/en/news/2013/year>).

The economic crisis affecting most of Europe has led to increased unemployment and austerity measures taken by the Government seriously offended fundamental rights and has major implications for the legitimacy of the rule of law. Fundamental Rights Agency of the European Union highlighted the impact that budget cuts have on free access to justice, right to education, health care, social services, to a decent living.

The world's most comprehensive study on violence against women was developed by the agency this year. In the acts of violence against women are included crimes such as sexual assault, rape, domestic violence and the perpetration of such acts shall be considered not only a violation of women's rights to dignity and equality, and that in this way can be indirectly affected family members, friends, etc.

In this study, the agency found that one of 20 women has been raped from the age of 15 years, about 18% of women were followed to be harassed from the age of 15, and 5% of women were pursued to be harassed during the 12 months preceding the survey. These dates show that a number of 9 million women in the 28 European Union countries were followed to be harassed in the past 12 months (Source: <http://fra.europa.eu/sites>).

The Union's policy on education, health, employment, non-discrimination, should consider the impact that violence against women has in these areas and highlight in each Member State policies, actions and efforts of each in order to reduce the phenomenon.

Therefore, measures are needed to combat and prevent violence against women, not only at EU level but also at national level.

“The FRA investigation at EU level responds to requests for data on violence against women in the European Parliament, reiterated by the Council of the European Union, the conclusions on the eradication of violence against women in the EU. The results of the investigation interviews can be interpreted in the light of existing data and lack of knowledge on violence against women at EU level and the Member States, and can be used in policy and action on the ground to combat this violation of rights man.” (Source: <http://fra.europa.eu/sites>).

A form of concrete support that the Agency grants to young graduates are reflected in practice paid internships for a period of between 3-12 months, thus offering trainees the opportunity to gain practical experience in the field of fundamental rights in Europe, they thus having a view of the activities and objectives of the Agency and to put into practice the theoretical concepts they hold.

These paid internships are designed to provide opportunities for trainees to stimulate the accumulation of practical experience on the work done in the departments and services of the Agency and not least to enable graduates to contribute to the objectives of the FRA.

Those who can benefit from this project are either citizens of EU Member States candidate countries or potential candidates who hold a university degree or the equivalent for at most 18 months. They should know very well English, but another language of the European Union and not to have received any kind of training in the EU institutions and bodies or have been employed by them.

In conclusion, we can say that although recently established, this body meets the current requirements of economic and social development of Romania, including human

rights and continues to develop in order to support our country's approach to fulfill the requirements set by the Union.

Bibliography:

1. Moroianu Zlatescu Irina (2008) Human rights - a system evolving IRDO Publishing House, Bucharest;
2. Moroianu Zlatescu Irina (2008), Human Rights Review no. 3/2008, Romanian Institute for Human Rights, Bucharest, 2008;
3. Muraru Ioan Tănăsescu Simina (2009), Constitutional Law and Political Institutions, Tenth Edition, Publishing House. Lumina Lex, Bucharest;
4. European Union FRA-http://europa.eu/about-eu/agencies/regulatory_agencies_bodies/policy_agencies/fra/index_ro.htm accessed on December 28, 2013;
5. The Agency for Fundamental Rights - FRA <http://fra.europa.eu/en/news/2013/year-review-highlights-2013>;
6. Regulation (EC) No. 168/2007 of 15 February 2007 on the establishment of the Fundamental Rights Agency of the European Union <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:053:0001:0014:RO:PDF>;
7. http://fra.europa.eu/sites/default/files/fra-2014-VAW-survey-factsheet_ro.pdf.