

Public consultation on future funding activities in the area of Justice, Fundamental Rights and Equality for the period after 2013

I. THE RESPONDENT

I.1. Do you reply as:	an organisation
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I.2. Please state your name/ the name of the organisation that you represent:
Secretariat of the Commission of the Episcopates of the European Community (COMECE)

I.3. Which is your country of residence/ the country where your organisation is established?	Belgium
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I.4. Please indicate the type of organisation that you represent:	Other
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Since you have ticked "Other", please specify below what type of organisation you work for:
Church representation

I.5. Is your organisation registered in the EU Register of Interest Representatives?	No
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I.6. All responses to this public consultation may be published online by DG Justice. Do you wish that your contribution is displayed under your name/the name of your organisation or anonymously?	The contribution may be displayed under the name of the respondent
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I.7. Have you already received funding from DG Justice funding programmes?	No
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II. EVALUATION AND FEEDBACK ON THE CURRENT PROGRAMMES

II.1. How effective and appropriate do you consider the current funding activities of DG Justice?

Could be improved

II.2. In your opinion which are the most important deficiencies of the current funding activities of DG Justice?

III. OBJECTIVES AND FOCUS OF FUNDING AFTER 2013

III.1. In your opinion and taking into consideration the approximate funding levels for the year 2011 (see figures below), for which of the following policies should funding be increased, maintained, decreased or discontinued after 2013?

Civil Justice policy (€ 15.5 million)	Should be decreased
Contract law (€ 0.5 million)	Should be maintained
Consumer and marketing law (€ 0.5 million)	Should be increased
Criminal Justice policy (€ 27 million)	Should be maintained
Anti-drugs policy (€ 4 million)	Should be increased
Fundamental Rights (Charter, Rights of the child) (€ 11 million)	Should be decreased
EU Citizenship (€ 1.5 million)	Should be maintained

Data protection (€ 1.5 million)	Should be maintained
Gender equality (€ 13 million)	Should be maintained
Violence against women, children and young people (€ 20.5 million)	Should be maintained
Non discrimination, including Roma policies (€ 20.5 million)	Should be decreased

If you wish to further explain your choices above, please use the following box:

III.2. Do you believe that there is EU added value in allocating EU funding to achieve the following objectives?

Raise awareness and improve knowledge of the population on their rights and obligations	Agree
Promote EU citizenship	Agree
Improve access to justice	No opinion
Eliminate obstacles to and reduce costs of cross-border judicial proceedings	No opinion
Facilitate cross-border business and consumer transactions	Agree
Promote and support gender equality	Agree
Fight discrimination on the grounds of race and ethnic origin, religion or belief, disability, age or sexual orientation	Strongly disagree
Protect vulnerable persons (Roma, children, victims of violence etc.)	Agree
Reduce drug use and prevent drug related crime	Strongly agree

If you wish to make additional comments or specify additional funding objectives for the area of Justice, please use the following box:

We would like to comment on this Question by referring to four of the five areas covered by the current 2007-

2013 package. Fundamental rights and citizenship Concerning the successor instrument for the 'Fundamental rights and citizenship' programme, we would refer to the relevance of the following elements: • As for the fight against discrimination, we would privilege other areas mentioned in Questions III.1 and III. 2. Not all grounds of discrimination are commonly shared, entailing delicate implications for national sensibilities and possible instrumentalisation/forced interpretation by certain minorities. In this regard, we would like to underline that the principle of non-discrimination is too often subject to a one-sided interpretation, according to which great emphasis is placed on the fact that discriminating means to treat differently identical situations, overlooking the fact that discriminating also means to treat equally intrinsically different situations. Pressures to foster a privileged/preferential status for some of the protected grounds are also strong and should be eased. Considering the very limited scope for EU action in the field of education, we recommend that proportionally limited EU funding is granted to initiatives concerning the fight against discrimination in this area under the future Programme. The same applies to other areas where the EU has limited or no competence to act. No funding should concern initiatives that either directly or indirectly impact upon the area of family law. Funding efforts in the area of fight against discrimination should focus particularly on (and take into full account the specificity of) discrimination on grounds of disability. As for the funding of initiatives carried out by national authorities, it should be expressly clarified that the projects supported do not have to obligatorily cover all the grounds of discrimination listed in Article 19 of the Treaty on the Functioning of the European Union. • We would support the focus being kept, inter alia, on the area of equality between men and women. In this regard, however, we caution against the use of the term 'gender' (equality), which does not reflect the wording used both in the Treaties and in the Charter of Fundamental Rights (specifically in Article 23), where reference is always made to either 'sex' or to equality 'between men and women'. The word 'gender' is often linked with the ideological and not commonly accepted idea of sexuality being based on perception rather than on biological and natural factors. The 'gender' approach attributes a disproportionate priority to subjectivity and the term 'gender' is a 'moral' and ideological concept that cannot be considered as widely shared. • As for fostering interfaith dialogue at the level of the European Union (also part of the original scope of the programme) we would like to underline that: a) we do not share the idea that interfaith dialogue cannot be sufficiently dealt with at the national level and can be better managed at the EU level (Recital 16 of Council Decision No 2007/252/EC); b) in general, we believe that interfaith dialogue suffers if it is structured/run/conducted by institutions (be it at the national or EU level) and that such tasks should be left up to the spontaneous initiatives of the different Churches and religious communities, both as for the times and the modalities of the dialogue; c) it is important not to water down, interfere with or create confusion in the context of interfaith dialogue by simultaneously involving in it humanist/non-confessional entities, which obviously have no positive interest in (and often oppose) the religious element. • Council Decision No 2007/252/EC (establishing for the period 2007-2013 the specific programme 'Fundamental rights and citizenship' as part of the General programme 'Fundamental Rights and Justice') referred, among the general objectives of the programme, to the strengthening of civil society and to the encouragement of an open, transparent and regular dialogue with it in respect of fundamental rights (Article 2.1, letter b). However, in case such funding is to be confirmed in the scope of the new Programme, it should not create any imbalance compared with the distinct dialogue foreseen by Article 17(3) TFEU, which equally deserves to be strengthened and funded with adequate means. • While taking note of the fact that that already according to Decision No 2007/252/EC the objectives of such programme are to be complementary to those of the EU Agency for Fundamental Rights, we would like to recall that the European Parliament, in its resolution of 15 December 2010 On the situation of fundamental rights in the European Union (2009) - effective implementation after the entry into force of the Treaty of Lisbon emphasized that the task of the FRA in the continued observance of the fundamental rights situation within the Union through analysis, assistance and expertise "...requires quality, objectivity, effective impartiality and transparency" (paragraph 31). In this regard we take the opportunity to underline that not always the Agency has given the impression of being effectively impartial and that in some regards the effectiveness of its output can be questioned. Moreover, the duplication of its activities compared with the actions undertaken not only at the Council of Europe's level, but also by DG Justice itself, is a cause of concern. All these elements deserve further reflection, also in light of the necessary evaluation as for the future of the FRA Agency. • As it is the case with the activities of the FRA Agency, no duplication between the actions funded through the programme and those of the Council of Europe should arise. • As for the concept of 'homophobia' (covered by initiatives funded during the current 2007-2013 package) it lends itself to uses that unduly limit (or infringe upon) the right to freedom of expression (protected by Article 11 of the Charter) and in a number of cases also the right to freedom of conscience and of religion (protected by Article 10 of the Charter). It also creates an illegitimate hierarchy between one ground (sexual orientation) and the others covered by EU primary law, by introducing an imbalance in the number of tools foreseen for the protection of persons with regard to the single grounds of discrimination. The concept of 'homophobia' is also very ambiguous and unclear and can be therefore easily subject to misuses. We would therefore recommend not providing for funding for initiatives related to such a problematic concept. In this regard, we would also like to underline that only matters that are explicitly covered by the relevant Decision should be funded, thereby complying with the indications and will of the EU legislator. • As for the area of children's rights, the primacy of the role of guidance that a mother and a father share with respect to their children, and their unique position in respect of the protection of the child's best interests, should be prioritised. The interpretation according to which children and their rights can be seen as separate from their family and parents should be rejected. The right of a child to a harmonious upbringing and growth, the protection of his/her psychological integrity and the development of his/her personality, are also dependent on the family, the stable environment where such needs find unparalleled contributions in the loving care of the mother and the father. Finally, it must always be born in mind that the first right a child has is the one to be born. • Initiatives concerning the protection of personal

data should be dealt with with the highest possible attention for the wide diversity of legal approaches and Constitutional traditions existing in the Member States. Daphne III (Specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk) As for the successor instrument for the 'Daphne III' programme, we would refer to the relevance of the following elements:

- The fight against forced labour and especially against child labour should be considered as one of the main priorities (see Articles 5 and 32 of the Charter).
- The concept of 'protection' (from violence) should also include protection of children from violent pictures and imagery in the media.
- Female genital mutilation was already mentioned in the relevant Council Decision No 779/2007/EC at Recital 12, as a form of violence against women and it should also be explicitly mentioned as one of the phenomena covered by the new programme. More generally, funding should be concentrated on fighting against plagues like domestic violence, including humiliating treatments, barbaric and other harmful traditional practices, sometimes associated with certain 'sectarian' traditions. Such deeds should not have any place or be justified/tolerated for any reason in the territory of the EU. We would also like to emphasise the link between EU funding concerning these specific matters and policies for equality between men and women: in this regard, a positive link to the Christian tradition, in stressing their equal human dignity, can be identified.
- Finally, prevention and attention for the root-causes of violence should also play an important role in the context of the new programme. Civil justice As for the area of civil justice, we would point to the importance of the following aspects:
- The relevant measures and decisions should take into full account the provision of Article 67.1 of the Treaty on the Functioning of the European Union: "The Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States".
- The guarantee of legal certainty can be granted an adequate role in the present programme, provided that a genuine and correct concept of 'legal certainty' is adopted: some EU initiatives seem to create a contradiction between this (desirable) aim and the opposite practical effects of generating confusion and undue interferences with the national systems (e.g. the possibility for parties to choose the applicable law, foreseen by various EU initiatives concerning conflict-of-law rules).
- As for the development of a EU contract law (see page 4 of the background document for the present consultation) we would refer to the remarks submitted with our contribution to the consultation On policy options for progress towards a European Contract Law for consumers and businesses (see in particular pages 2-4).
- Concerning family law with cross-border implications (again, see page 4 of the background document for the present consultation), also in consideration of the particular legal basis foreseen for EU legislative interventions in the field - unanimity in the Council, justified by the need to preserve and protect each single national family law system - we would call for an exclusion of such an area from EU-funded actions under the new Programme.
- As for the right of free movement within the European Union, it should be subject to a correct, balanced interpretation, in order to avoid getting round legislative and ethical options legitimately made at the national level (we reflected on this point in the context of our contribution to the consultation on the theme Less bureaucracy for citizens: promoting free movement of public documents and recognition of the effects of civil status records, at pages 8-9). The same applies to some legal and ethical concerns deriving from the application of the concept of 'mutual recognition' (see pages 6-10 of our contribution to the above-said consultation).
- Drug prevention and information With regard to the successor to the 'Drug prevention and information' programme, we would refer to the relevance of the following elements:
- It is important to preserve a multifaceted approach that does not consider only the (undoubtedly relevant) health-related implications, but also the social aspects of drug use and dependence.
- It is equally important to maintain the focus not only on drug dependence but also on drug use, being the two phenomena closely linked to each other.
- We would support the confirmation - and the eventual enhancement - of the special attention to be devoted to young people as the most vulnerable to this phenomenon in the population (see Council Decision No 1150/2007/EC, in particular Recital 11).
- As for the relevant 'specific objectives', awareness-raising should constitute one of the main priorities.
- Finally, in its resolution of 23 April 2008 On the Green Paper on the role of civil society in drugs policy in the European Union, the European Parliament acknowledged "...that churches and religious communities have been very active in the fight against drugs, and their experiences should therefore be taken into account in the formulation, implementation and assessment of drugs policies" (paragraph 3). This recognition and the following recommendation should be taken into full account both in the context of the relevant EU funding and at the policy-making level.

IV. SIMPLIFICATION AND IMPROVEMENT

<p>IV.1. Do you agree that the funding activities of DG Justice need to be simplified and improved?</p>	<p>Yes</p>
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IV.2. Do you agree with the following measures for simplification/improvement of the funding activities?

<p>Provide funding under one single programme (i.e. launch annually fewer/one calls for</p>	<p>No opinion</p>
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proposals covering a wider range of objectives and priorities)	
Focus funding on bigger projects with greater EU added value	Agree
Simplify selection procedures	Agree
Simplify reporting obligations	No opinion
Extend the use of IT tools at the selection, implementation and reporting phases	No opinion

IV.3. In your opinion which other measures should be undertaken to achieve simplification and improvement?

On the point concerning simplification, we would underline that simplification as such is a desirable goal, provided that it is pursued taking into account the diversities existing between Member States and that adequate mechanisms are foreseen to provide for the respect of the options made at the national level in the areas that are most sensitive from an ethical point of view. We would welcome the focus on bigger projects with greater and clearer EU added value (Question IV.2) provided that such initiatives are based on the highest and widest possible extent of sharing (especially in the ethical context) and that they do not cover controversial areas.

IV.4. In your opinion which measures should be undertaken to improve the dissemination of results and to strengthen the link between policy and funding activities?

V. ACTIVITIES

V.1. How important do you consider the following activities for achieving the funding objectives of DG Justice?

Identification, development and exchange of good practices	Agree
Training, in particular of professionals	No opinion
Exchanges of legal/judicial professionals	No opinion
Cooperation between professionals and organisations and development of specialised networks	Agree
Studies	Agree
Statistics and development of indicators	No opinion
Information and awareness-raising	Agree
Development of IT-tools, such as the e-Justice portal or the European registers for convicted third-country nationals	No opinion

V.2. Please indicate any additional activities which should be supported by DG Justice:

We would like to comment on Question V.1 by stressing that: • Funding aimed at the identification of good

practices can be a positive direction and it should be preserved in the future Programme. • Specialised networks should be characterised by the effective balance independence and objectiveness of participants, while studies and similar initiatives must always ensure professionalism, quality, balance in the composition of the panels, independence and impartiality, as well as respect for the limits to the competences of the EU and the Member States.

VI. DELIVERY MECHANISMS

VI.1. Which actors/organisations are most appropriate to receive funding by DG Justice?

Non-governmental organisations	Strongly disagree
Universities and Research institutes	Agree
Private companies	Disagree
National authorities at regional/local level	Agree
National authorities at central level	Agree
International organisations	Disagree

VI.2. Which types of funding do you consider most appropriate for achieving the funding objectives of DG Justice?

Funding of specific projects with EU added value	Agree
Support to the regular activities of organisations	Strongly disagree
Setting-up of and support to the activities of networks	Disagree
Procurement contracts for the implementation of policy (e.g. studies, evaluations, etc).	Agree

VI.3. If you wish to provide additional comments, please use the following box:

On the point of the actors/organisations that are most appropriate to receive funding by DG Justice (Question VI.1), in our view it would be important to shift a relevant part of EU funding from the sector of non-governmental organisations, where a number of entities may lack the necessary credibility, representativity, relevance and impartiality, to sectors and entities which provide for a greater solidity, independence and quality. The presence of these requirements should be scrutinised with the highest possible attention by the EU when distributing the relevant funds. Funding should be limited to those entities that ensure quality, independence and credibility and that genuinely and truly pursue aims of general European interest. Non-governmental organisations that defend mere group interests or that are clearly ideologically connoted should not benefit from EU funding under the new Programme. No funding should concern initiatives representing interests of specific lobbies, including those formally still considered national/international NGOs. In general, it will be important to insert in the new legislative framework provisions to facilitate the concentration of the bulk of the Programme's funds to initiatives aimed at the well being of our societies in their entirety and not of specific interests. The promotion of a balanced and sustainable EU integration process and especially of the common good should be the central focus of the funded projects. Moreover, the approach to EU funding and policy-making in the area at issue should be inclusive for actors like social partners, Churches and Church-related organisations, compared with civil society (and especially NGOs), while no privileged/preferential treatment should be granted to the latter as for access to the Programme and the role to be played in it. Concerning the types of funding most appropriate for achieving the funding objectives of DG Justice (and more specifically the vague reference to 'Support to the regular activities of organisations' in Question VI.2), also in the light of what is stated above, we deem opportune to eliminate the recourse to the support of the regular activities of NGOs through coverage of their operative costs, which can easily translate itself into undue advantages and privileges for entities benefiting from them, compared with those subjects that either do not

intend or are not in a position to apply for EU funding. We would especially caution against any particular support for entities that do not aim at the common good of our societies, but rather pursue ideologically charged agendas. As for the setting-up of and support to the activities of networks, we would refer to what we stated in replying to Question V.1.

Meta Informations

Creation date

15-06-2011

Last update date

User name

null

Case Number

648012941501416611

Invitation Ref.

Status

N

Language

en

VII. GENERAL FEEDBACK

If you would like to comment on any aspect of the consultation please do so below:

Concerning the more general lines of the new Programme, we would like to refer to the relevance of the following elements: • It is important to prevent irregularities, frauds, misuses and abuses of EU funding. Relevant provisions will have to be included in the new legislative framework, confirming the approach foreseen with the 2007-2013 package. • We strongly support a quality-based approach, rather than one based on the 'popularity' of a subject/issue or on prioritising the most vocal requests made by some specific lobbies. • In general, the efforts funded should not suffer from any 'centralisation' or 'central influence' at the EU level, but rather depend as much as it is possible from actions taken in the light of the local or national approach and sensibilities and let it be developed and flow naturally in the light of the latter. • We call for a balanced, correct and not instrumental use of the concept of human dignity (protected by Article 1 of the Charter of Fundamental Rights of the European Union). This applies in particular (but not exclusively) to funding for the area of fundamental rights and citizenship. • We fully support the idea that EU policies and legislation should be based on robust evidence and be relevant to the needs of, and challenges faced by the Member States and by the majority of EU citizens. The new Programme should contribute to this objective. • Particular attention should be paid, in the distribution of the funding, to the indications contained in Article 22 of the Charter of Fundamental Rights, which calls on the European Union to respect cultural, religious and linguistic diversity (also bearing in mind the reference to the diversity of the cultures and traditions of the peoples of Europe and to the national identities of the Member States and the organisation of their public authorities at national, regional and local levels made in its Preamble). Article 4(2) of the Treaty on the European Union also binds the EU to respect the Member States' identities. • Finally, the most rigorous and attentive respect for the principles of subsidiarity and proportionality should be ensured in the adoption of measures concerning EU funding in the area at issue.