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Observations of the COMECE Secretariat on the draft Charter of Fundamental Rights of the European Union

The secretariat of the Commission of the Bishops' Conferences of the European Community (COMECE) is grateful to the members of the Convention, which drafted the Charter of Fundamental Rights of the European Union, for their considerable and committed work.

Composed of representatives of all the Member States, the Convention succeeded in drafting a text that integrates for the first time in one document civil, political, economic and social rights. Given the limited timeframe of its work and the sensitivity and complexity of its subject matter, it is a remarkable achievement, realised through a new and unique procedure. Although some of the Convention's working methods were not perfect, the participation of civil society and the transparency of its work were a very significant sign of openness in the EU decision-making process.

Protecting the fundamental rights of citizens in relation to the European Union, its institutions and its agencies is an important initiative to which COMECE attaches great value. The COMECE secretariat has followed the work of the Convention closely and contributed to it in a concrete way.¹

The final draft of the Charter aims to define the common values of the European Union. In this light, the COMECE secretariat would like to recall some observations made in its previous comments on the preparation of the Charter:

- It is regrettable that the Heads of State and Government, intervening directly in the work of the Convention, were not able to recognise the historical fact of the cultural, humanist and religious heritage of Europe.
- The openness shown with regard to therapeutic cloning suggests that the Convention preferred to give priority to the interests of biomedical research rather than basic ethical values. Given the evolution of scientific research, it would have been preferable to include a general clause guaranteeing the absolute respect of human life and human dignity.

¹ Initial contribution of the COMECE secretariat, emphasising certain rights, 8 February 2000; participation in the public hearing on 27 April 2000; proposal of amendments to various drafts (Convent 28, 34) during June; reflections concerning the first full draft of 28 July (Convent 45), 24 August 2000.

- Although we are fully aware of the diverse cultures of the member countries of the European Union, it is regrettable that the individualist approach of the Charter does not place value on the role of the family as the basic unit of society.
- Freedom of thought, conscience and religion would not be complete if it did not take into consideration the collective dimension, as well as the freedom of churches and religious communities to establish statutes that are the concrete expression of this freedom. Furthermore, this institutional dimension is part of the constitutional tradition of many Member States. It is useful in this context to recall Declaration No. 11, annexed to the Treaty of Amsterdam.

Finally, we recall that the protection of fundamental rights in the European Union cannot be considered as complete as long as the Union is not a signatory to the European Convention on Human Rights and Fundamental Liberties. It would be desirable if the Intergovernmental Conference would address this question.

The Bishops of COMECE will discuss the final draft of the Charter of Fundamental Rights at their plenary meeting in Brussels on 23-24 November.

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