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FREMP 308
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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 5 November 2015
To: Delegations
Subject: Summary of discussions

1. Approval of the agenda

The agenda as set out in CM 4311/15 was adopted.

2. Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms

Outcome of proceedings concerning this agenda point is in doc. 15422/12 RESTREINT UE / EU RESTRICTED.

3. Follow-up to the Commission intervention in case Avotiņš v. Latvia (application 17502/07) before the European Court of Human Rights (ECtHR)

The Presidency informed delegations that the written contribution of the Commission would be distributed to delegations. It was agreed to revert to the matter at a later stage.

4. Outcome of the Commission colloquium on fundamental rights in the EU: "Tolerance and respect: preventing and combating anti-Semitic and anti-Muslim hatred in Europe," 1-2 October 2015, Brussels.

A Commission representative informed delegations about the outcome of the above-mentioned colloquium, in particular about the nomination within the Commission of two coordinators, one for antisemitism and one for Islamophobia as well as about key actions following the colloquium. They concern i.e. fostering inclusive education, promotion of diversity and enforcement of non-discrimination rules. Furthermore the Commission will launch a dialogue at EU level with IT companies and bring together businesses, national authorities and civil society to combat hate speech online, including by making it easier for users to report illegal content to companies. Another priority is to ensure proper implementation of hate crime laws and new EU rules on protecting the rights of victims of crime and improving of recording and data collection of hate crime incidents.

Delegations welcomed Commission's initiative to bring together representatives of both Muslim and Jewish communities and inquired about the specific role of the coordinators for antisemitism and for Islamophobia. The Commission representative replied that those coordinators should both react to reports from citizens and contribute to policy making, if necessary.

The Presidency recalled that the Council (Justice and Home Affairs) on 9 October 2015, while discussing the judicial response to the migratory crisis, put forward several actions against hate crime online. A follow up discussion will take place at the Council (Justice and Home Affairs) on 3 December 2015.

5. Human rights and business

(a) Freedom to conduct a business: exploring the dimensions of a fundamental right

A representative of the EU Agency for Fundamental Rights (FRA) gave a comprehensive overview of a recent report about the freedom to conduct a business (Article 16 of the Charter of Fundamental Rights of the European Union). This report analyses the role and scope of this freedom, obstacles to the enjoyment of this right, and outlines promising practices around the EU that could be used by other Member States. Delegations took note of significant differences in the development and implementation of the right of freedom to conduct a business across the EU and reached the conclusion that the potential of Article 16 of the Charter had still not been fully employed.

(b) Council of Europe drafting group on Human Rights and Business (CDDH-CORP)

A representative of the Council of Europe informed delegations about the work of the Council of Europe (CoE) Drafting Group on Human Rights and Business (CDDH-CORP). At the beginning of 2013 the Committee of Ministers tasked the Steering Committee for Human Rights (CDDH) to elaborate a political declaration supporting the UN Guiding Principles on Business and Human Rights¹ as well as a non-binding instrument, which may include a guide of good practice, addressing gaps in the implementation of the Guiding Principles at the CoE level. CDDH-CORP had been set up and worked in particular on a draft recommendation of the Committee of Ministers to member States on human rights and business, a draft explanatory memorandum for the draft Committee of Ministers recommendation to member States on human rights and business and Comments on the draft explanatory memorandum by members and observers. FREMP delegations took note of the state of play of this work and welcomed the fact that this project was close to finalisation.

6. Other business

Delegations were informed by the FRA about the workshop "Towards an EU Communication Strategy to promote respect, non-discrimination, fundamental rights, freedoms and solidarity throughout the EU" which would take place in Vienna, 14-15 December 2015.

The Dutch delegation informed the meeting about a high level seminar on the application of the Charter by the Member States. This seminar will be organised on 19 February 2016 in Amsterdam.

¹ http://www.coe.int/t/dghl/standardsetting/hrpolicy/Other_Committees/HR_and_Business/documents/GuidingPrinciplesBusinessHR_EN.pdf