



Ministry  
of Justice

# **Balance of Competences Review on Fundamental Rights:**

## Summary of Stakeholder Engagement Events

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## **Notes**

These meetings were held as part of the evidence gathering process for the Balance of Competence Review on Fundamental Rights. The meetings were held under the Chatham House rule.

### **General**

Participants discussed general views about EU fundamental rights and human rights. There was discussion surrounding the future of the UK's relationship with the EU and the European Convention on Human Rights (ECHR). Another point of discussion was media coverage of human rights. Not all comments at the events were entirely within the scope of the review.

Consideration was given to the EU's overarching competence on fundamental rights, including the competence of individual EU institutions. There was discussion on the prioritisation of work within the Commission, and the possible factors that influence this.

There was debate on whether the EU's competence on fundamental rights is in the national interest, and here opinions were exchanged on what constitutes national interest. Points were raised relating to the Call for Evidence document for the Review, with some discussion on whether the document presented fundamental rights negatively.

### **EU Charter of Fundamental Rights**

Participants discussed the EU Charter of Fundamental Rights. Consideration was given to whether the Charter simply reaffirms pre-existing rights and principles, and whether it has increased the visibility of those rights. Participants discussed the distinction between rights and principles in the Charter. Some discussed whether references to the Charter had increased in domestic cases with views given on possible reasons. Consideration was also given to whether the Charter had impacted on particular groups of individuals within the UK and in other EU Member States. Some discussed the levels of awareness of the Charter in the legal community. There was also discussion of ECJ case law on fundamental rights, and whether it reflects interests in the UK.

Some participants discussed Protocol 30 to the EU Treaties, its current and potential effects, as well as whether it has clarified or confused the application of the Charter in the UK.

## **Fundamental Rights Agency**

The Fundamental Rights Agency (FRA) was considered by some participants. There was discussion about the usefulness of the FRA, and about how it prioritises work. A point of focus for some participants was the outputs of the FRA, with consideration of the effect of the FRA's outputs on different groups within the UK and the EU Member States. Opinions were exchanged on whether the Agency represented value for money. It was discussed whether the FRA's work should have a greater role in setting the priorities of the EU.

## **Rights, Equality and Citizenship Funding Programme**

Views were exchanged on the Rights, Equality and Citizenship Funding Programme. There was debate on whether the funding programme was accessible to small NGOs and on whether the programme is free from political influence.

## **EU Accession to ECHR**

Some participants considered the EU's Accession to the ECHR. A point of debate was whether, and in what way, the EU's accession would have an impact on the UK. Views were exchanged on the impact accession might have on the use of the Charter. There was debate on whether the EU's accession to the ECHR might alter the relative powers of the Parliament and the judiciary in respect of the UK. Some participants discussed whether the *Bosphorus* presumption would apply after accession.

## **Devolved Administrations**

There was some consideration of fundamental rights in context of the Devolved Administrations. There was discussion of how the Human Rights Act 1998 is tied into the devolution settlements, and whether this means that fundamental rights have a limited effect in relation to devolved legislation. Participants also considered the extent to which fundamental rights have been relied on before courts in Scotland, Wales and Northern Ireland.