

Analysis of responses from the consultation on a new European Commission Strategy on the effective application of the EU Charter of Fundamental Rights

8 June 2020

On 7 December 2020, the EU Charter of Fundamental Rights will celebrate the 20th anniversary of its proclamation. Ten years after having adopted its first “Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union” (COM(2010) 573 final, 19.10.2010), the European Commission is working on the revision of that document.

For this purpose, the European Commission sought input from a wide range of relevant actors in the Charter’s enforcement chain:

- National Human Rights Institutions, Equality Bodies and Ombuds Institutions;
- Legal practitioners (individuals and associations);
- Civil society / human rights defenders;
- Local level actors.

The Commission asked the European Union Agency for Fundamental Rights (FRA) to analyse all four consultations. With this submission FRA contributes to the European Commission’s work on the upcoming Charter Strategy, which will be adopted in autumn 2020. The submission outlines key findings for each of the four groups consulted. For each group, key quotes from the open questions as well as promising practices are also highlighted. All tables and graphs per question and group are provided in separate Excel files attached to this submission.

The Agency stands ready to provide any further assistance and expertise in the context of improving the effective implementation of the EU Charter of Fundamental Rights.

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1. FINDINGS FROM THE CHARTER CONSULTATION WITH NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIs), EQUALITY BODIES AND OMBUDS INSTITUTIONS

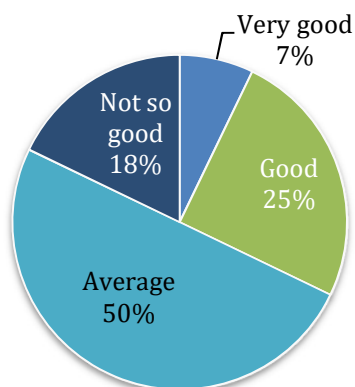
1.1. The sample, group of respondents and Member State coverage

Of the 28 National Human Rights Institutions (NHRIs), Equality Bodies (EBs) and Ombuds Institutions (OIs) that participated in the consultation, all were retained for analysis after applying standard cleaning criteria for survey data.¹ Despite this limited number of respondents, organisations from 19 Member States are represented, which means participation was quite evenly distributed across the EU, with the most frequent case being one responding organisation per Member State. Due to limited numbers of respondents in each category, the analysis presents results for the whole group of respondents, without differentiating between the subgroups of NHRIs, Equality Bodies and Ombuds Institutions.

1.2. Level of EU Charter awareness and use

When asked how they assess the level of knowledge with regard to the Charter within their organisation, about a third (9 out of 28) reported good or very good knowledge, but only 5 out of 28 reported that they frequently used the Charter in the work of their institution. This confirms other findings on the topic (FRA’s report on NHRIs – forthcoming September 2020 – see point 1.11. below) indicating that much remains to be done to improve the use of the Charter by these important stakeholders, which are key to the implementation and awareness of fundamental rights at national level. There is already some level of experience to build on, since 11 organisations report using the Charter “sometimes” and 10 “rarely” (10 respondents).

Figure 1.1. Reported level of EU Charter knowledge in the own organisation



Basis: 28 participating organisations

The EU Charter is most frequently used by the respondents in advising state actors on new policies (21 respondents), and legislatures on draft legislation (18 respondents). This is encouraging, but other

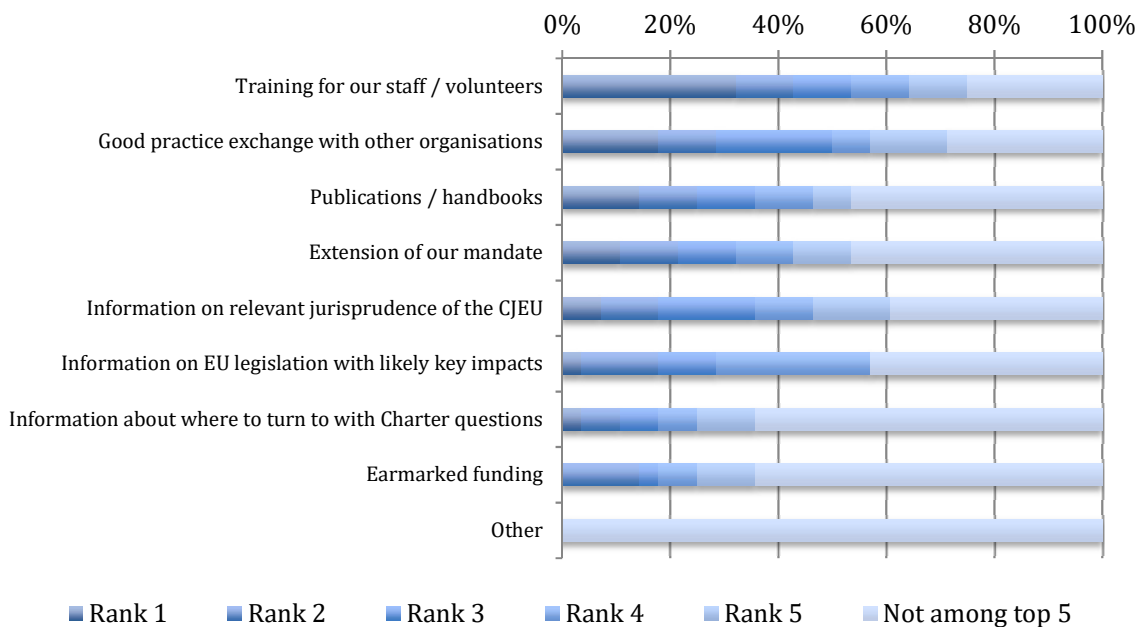
¹Note that it was possible for respondents to select more than one adequate description of their type of institution, and thus to belong to different subgroups in the sample. The term *National Human Rights Institution* was selected in 10 cases, the term *Ombuds Institution* in 7 cases, and the term *Equality Body* in 19 cases. The fact that half of the respondents chose more than one of the terms supports the notion that the three types of institutions are strongly interrelated in practice, and may indeed be understood as one stakeholder group in the context of consultations on the EU Charter.

applications of the Charter are frequently excluded from the mandates of these bodies. Charter use in litigation or strategic litigation was reported by only 8 respondents, and use in handling complaints by 13. This points to an underused potential of the Charter that could be untapped by additional training. More data on the application of the Charter is provided in the annex of this document.

1.3. Drivers and obstacles for using the EU Charter

When asked what measures would best support the use of the Charter by the respondents, training for the organisation's own staff and volunteers received by far the highest importance ranking. It is considered as the most important measure by 9 out of 28 responding organisations (32%), while the measure that is mentioned second most often - good practice exchange with other organisations - is considered most important by 5 (or 18%) of the organisations (Figure 1.2.).

Figure 1.2. Ranked measures that would support own EU Charter use among institutions



Basis: 28 participating organisations

While most organisations have participated in trainings and good practice exchange organised by others, in particular by FRA and ENNHRI, the responses indicate that very few organisations have offered such trainings to others or to their own staff. Events organised (jointly) by FRA, Equinet and/or ENNHRI – or involving these bodies - are more frequently reported as good practice.

Information material on the EU Charter is generally appreciated. More than 80% of the organisations report using guidance, such as FRA Handbooks, national factsheets or video. In view of the benefits of other tools publicly available, such as FRA’s Charterpedia and Charter app, the HELP online courses and tools available through the e-justice portal, organisations could consider making more use of these as well. The results show that 10 respondents reported using tools available on the e-justice portal and 8 respondents using e-learning opportunities.

1.4. Cooperation with national and local authorities

Art. 51 of the Charter obliges the EU and its Member States to promote the application of Charter rights. However, the replies to the consultation suggest that state initiatives to promote the EU Charter on national level are rare or difficult to perceive by the responding organisations. Only 6 out of the 28 participants are aware of such initiatives. This confirms earlier FRA findings.²

NHRIs, EBs and OIs have a special responsibility to remind the legislature and state administrations to ensure that all law-making and policy-making falling within the scope of EU law remains in full compliance with the Charter of Fundamental Rights. 10 out of 28 respondents reported this kind of cooperation with public authorities at national or local level. However, only 6 out of 28 organisations reported such cooperation in monitoring legislation and policies which are *already in force*. Moreover, only 2 out of 28 organisations reported such cooperation in the use of EU funds.

1.5. Obstacles standing in the way of more cooperation

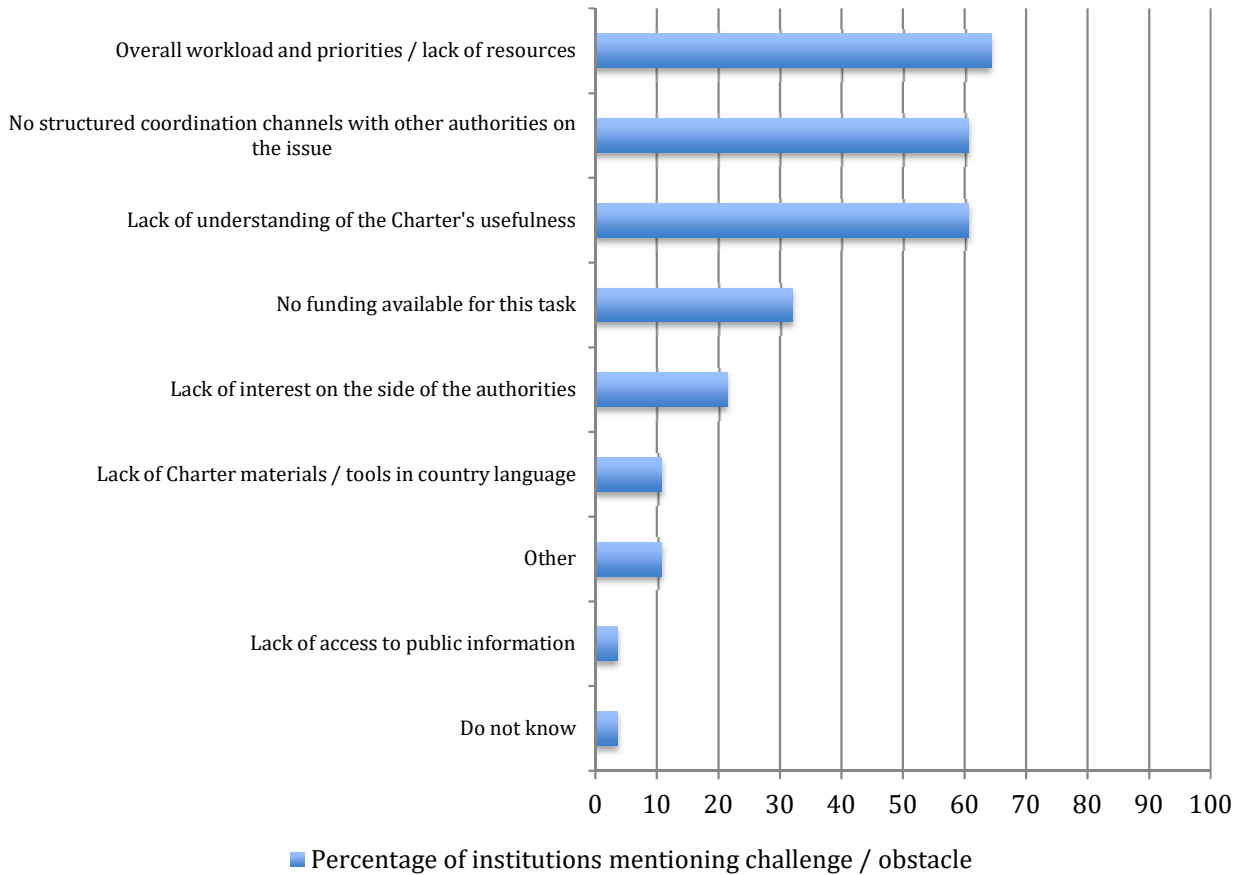
When asked about challenges or obstacles for cooperating with other public authorities to promote the Charter application, respondents mostly mentioned:

- lack of resources, considering the organisations' overall workload and priorities,
- lack of structured coordination channels with other authorities,
- and lack of understanding of the Charter's usefulness.

These three challenges are each confirmed by more than 60% of the responding organisations, while any other challenges are confirmed by a maximum of one third of the organisations (Figure 1.3.). Establishing more structured coordination channels at national level seems highly desirable in light of these findings, as this would open up opportunities for peer-to-peer learning – in a way that should account, on the other hand, for institutions' needs to remain sufficiently independent from other authorities.

² See e.g. FRA (2018), [Challenges and opportunities for the implementation of the Charter of Fundamental Rights](#).

Figure 1.3. Challenges or obstacles for cooperating with public authorities to promote Charter application

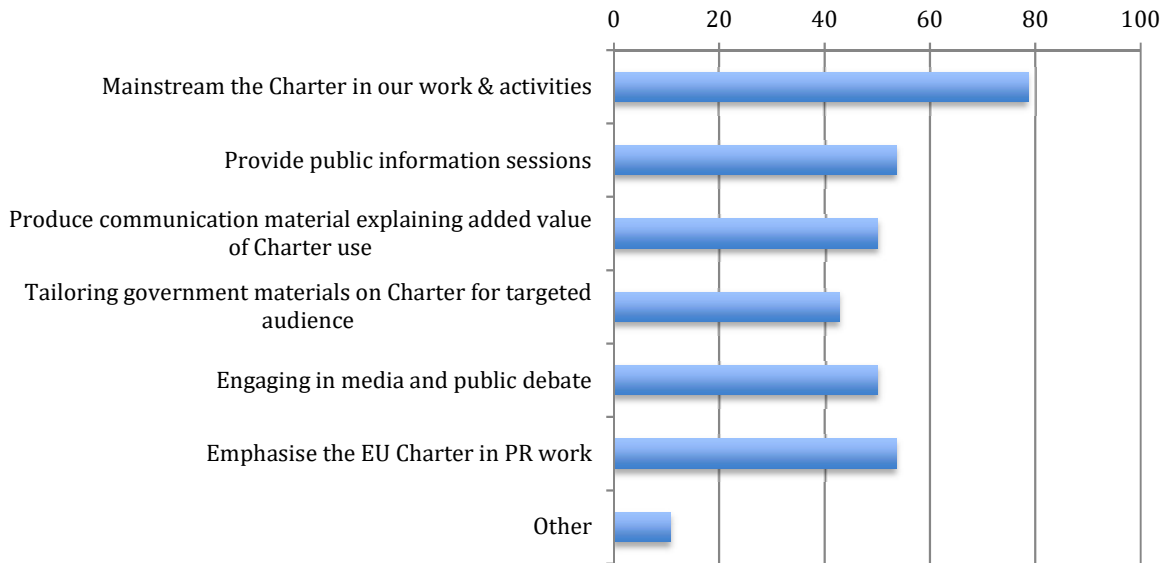


Basis: 28 participating organisations

1.6. Promoting awareness of EU Charter rights among the public

When asked about actions the organisations could take to improve people's awareness of Charter rights, the most frequent answer was to mainstream the Charter in the organisation's work and activities, which typically includes also a mandate for awareness raising and education (22 out of 28 organisations selected this generally phrased option). Interestingly, all other options for action specified in the questionnaire also each received the support of about half of the responding organisations, for example, providing information sessions for the interested public, or producing communication material explaining the added value of using the Charter at national level (Figure 1.4.). This finding confirms findings on the use and awareness of the EU Charter by NHRIs in the forthcoming FRA report on NHRIs (September 2020).

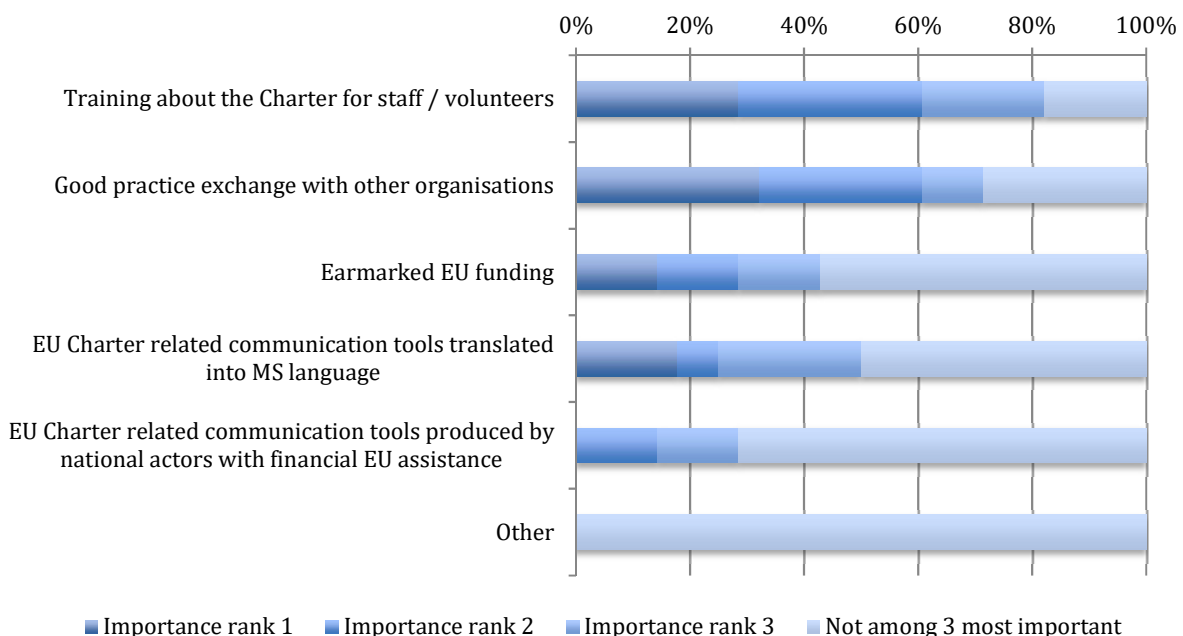
Figure 1.4. Actions that could be taken to improve people's awareness of Charter rights (in % of organisations confirming their importance)



Basis: 28 participating organisations

Respondents were also asked what measures would help them in their efforts to promote EU Charter rights. Training of their own staff and volunteers, and good practice exchange with other organisations, were considered by far the most promising measures. 17 responding organisations ranked these measures either on top of a list of potential measures, or in second place. This seems particularly important in light of the finding that only 5 out of 28 responding organisations have so far engaged in the training of their own staff and volunteers. Figure 1.5. – where the importance of each selectable measure is expressed as proportion of the organisations giving it a certain importance rank – shows all items and the complete results for the question about helpful measures.

Figure 1.5. Ranked measures that could help the NHRIs/OIs/EBs in efforts to inform people about their Charter rights



Basis: 28 participating organisations

1.7. Concluding remarks

Only a third of respondents say that they have a good or very good knowledge of the Charter. This is problematic given that these actors are primary agents in protecting and promoting fundamental rights at national level. The EU should assist them in unlocking their potential as ‘Charter agents’ by providing tools and resources to strengthen their Charter expertise and by promoting a stronger role for these institutions, as relevant Charter actors, within their national systems.

An important building block is already present: NHRIs, EBs and OIs use the Charter most often when they advise governments and parliaments on law and policy. The findings of the forthcoming FRA report on NHRIs (September 2020) confirm this. The results also show that additional investment in training and exchange of promising practices could further strengthen cooperation between these bodies and governments/parliaments. The respondents consider it key to establish structured coordination and formalised channels with public authorities in order to allow for coordinated efforts to better implement the Charter at national level.

A third of respondents already cooperate with EU institutions or bodies to promote the application of the Charter. NHRIs, EBs and OIs identified a variety of measures that would allow them to better inform the public about the Charter. Respondents also expect the EU to concentrate on the provision of training, education and information, as well as the sharing of best practices across national borders.

In their replies to an open question on what support national authorities could offer to NHRIs, EBs and OIs to promote better use of the EU Charter, respondents proposed authorities provide:

- Additional training opportunities,
- Additional funding for capacity-building and awareness-raising,
- More fora for exchange, guidelines and handbooks,
- Increased accessibility of existing sources and tools via on-line environments, and increased availability in national languages, and
- Enhanced cooperation with the respondents, especially in the early stages of the legislative process.

The European Commission could consider providing more funding opportunities for statutory human rights institutions to assist them in developing expertise on the Charter’s application at the national level. This can facilitate their role in assisting Member States to apply the Charter, including in law- and policy-making and when using European Structural and Investment Funds.³ Member States could facilitate cooperation between their public administrations and statutory human rights institutions by establishing ‘Charter focal points’ within their national (as well as regional and/or local) administrations. Such focal points could facilitate coordination, information-sharing and joint planning between national ministries. They could also serve as a link between the national administration and other bodies (including those with a human rights remit) and civil society organisations, as well as between the EU and national levels. In addition, they could identify gaps in the system. Such focal points could collect relevant information on the use of the Charter to then share with national actors across all relevant sectors and, where appropriate, with the administrations of other Member States and EU institutions.⁴

³ FRA opinions in the focus section in the Fundamental Rights Report 2020.

⁴ FRA opinions in the focus section in the Fundamental Rights Report 2020.

1.8. Selected voices from respondents

(direct quotes from the replies to open questions in the questionnaire)

On cooperation with other public authorities

- *“When relevant we mention the EUC in our public consultation memos etc.” /Answer from Denmark – Equality body; National Human Rights Institution*
- *“With the Department of Justice in improving conditions for asylum seekers and in developing a new prison complaints system.” /Answer from Ireland – Ombuds institution*

On challenges standing in the way of such a cooperation

- *“lack of legal mandate of our institution and lack of understanding of its added value in view of the existing national and European legislation” /Answer from Belgium – Equality body; National Human Rights Institution*

On measures that could support them in making more use of the Charter

- *“Creation of communication channels, cooperation at early stages of draft legislation preparation” /Answer from Greece – National Human Rights Institution*
- *“Organisation of exchanges with practitioners, judges, academic, etc. ” /Answer from Belgium – National Human Rights Institution*
- *“... Language barriers could be overcome by national authorities. Most of the FRA materials dealing with the Charter are only available in English, and it would be helpful to have translations into Spanish and the regional languages in Spain to make them more accessible. Awareness-raising activities as well as an enhanced role of the EU Charter in university legal studies and in lawyers', civil servants', judges' and prosecutors' training would be useful, too, as long-term measures.” /Answer from Spain – Ombuds institution*

On measures that could be taken at EU level

- *“FRA does amazing work in this respect and it is difficult for me to imagine what else they could do realistically, apart from more translation into other EU languages. It would be fantastic if FRA could establish direct communication with each and every Ombudsinstitution and to help design something like tailored training plans, but this lies well beyond FRA's capacities probably. However, Charter co-operation could be enhanced within the European Network of Ombudsmen led by the European Ombudsman” /Answer from Spain – Ombuds institution*
- *“Is there easily available information per country? If not, this would be useful.” /Answer from Finland – Equality body*

On raising awareness among the general population

- *“One could also add campaigns that are not directly meant to promote the Charter, but rather some specific rights and principles integral to it. Projects and campaigns could also be built around real and engaging stories of Charter enabling someone to stand up for their rights. Promoting Charter along with the European Pillar of Social Rights could also be a good idea, as it greatly expands the scope of the Charter (fair wages for one).” /Answer from Estonia – Equality body*

Other

- *“The main problem is to give it an added value in comparison with our constitution, because most of the rights contemplated are included in the national constitution” /Answer from Spain – Ombuds institution; National Human Rights Institution.*

1.9. Promising practices

(direct quotes from the replies to open questions in the questionnaire)

- *“A new unit for European and international affairs was set up within the Ararteko two years ago. This year, the unit has drafted a strategic plan comprising external action, mainstreaming of European and international law across the institution's outputs and communications. Our mainstreaming activities include support to staff handling complaints to help them identify Charter-relevant aspects of their cases, which we are testing now, as well as in-house training dedicated specifically to the Charter, which is planned for the last months of 2020. The Charter's application presents many added difficulties as compared to other international human rights instruments owing to the provisions in Articles 51 to 53 and this makes it more laborious to use, especially in a context characterised by high numbers of complaints.” /Answer from Spain – Ombuds institution*

1.10. Full set of tables and graphs (separate file)

1.11. Extracts from upcoming FRA report

EU law and the EU Charter of Fundamental Rights

Closely connected to the values of the EU is the Charter of Fundamental Rights of the EU. In fact, ‘Human rights as recognised in the Charter cover most of the values of Article 2 of the Treaty on European Union, including rule of law and democracy’⁽⁵⁾. Binding and part of the EU’s primary law, the Charter of Fundamental Rights’ field of application is – in contrast to other instruments such as the ECHR – limited, as it is only binding for the Member States when they are acting within the scope of EU law⁽⁶⁾. Given that a significant part of national law and policymaking is directly or indirectly influenced by EU law, a significant part of national norms have to be in conformity with the Charter as they would otherwise run the risk of being declared null and void or incorrectly applied in a given case.

ENNHRI and the EU Charter

ENNHRI published an overview of ‘Implementation of the EU Charter of Fundamental Rights – activities of National Human Rights Institutions’, which deals with monitoring, reporting, advisory functions, complaints handling and litigation, as well as education and awareness. The paper includes several promising practices of NHRIs.

ENNHRI, [Implementation of the EU Charter of Fundamental Rights – activities of National Human Rights Institutions](#)

ENNHRI and Equinet – FRA training on the EU Charter of Fundamental Rights in Croatia, Poland and Finland

FRA and ENNHRI collaborated in 2018 to train 40 staff members of 25 NHRIs from EU Member States and beyond on the application of the EU Charter of Fundamental Rights. The training focused on key themes of the social rights pillar and employment, on the rights of people with disabilities and on asylum and migration. In 2019, FRA held training sessions in Croatia, Finland and Poland, in partnership with NHRIs, targeting public servants, legal professionals and civil society. During 2020, FRA’s capacity

⁽⁵⁾ FRA (2016), Opinion of the European Union Agency for Fundamental Rights on the development of an integrated tool of objective fundamental rights indicators able to measure compliance with the shared values listed in Article 2 TEU based on existing sources of information, p. 2.

⁽⁶⁾ See FRA, [Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level – guidance](#), 2018.

building on the EU Charter of Fundamental rights targets mainly equality bodies, NHRIs, and national administrations.

FRA, [FRA training for NHRI staff on EU's Fundamental Rights Charter, 2018](#).

FRA, [FRA-Equinet Joint Workshop on the Charter of Fundamental Rights of the EU, 2020](#).

The Charter of Fundamental Rights is increasingly used by courts and other actors in the Member States⁽⁷⁾. Non-judicial bodies, including the institutions, appear to acknowledge that they could still make greater use of the Charter⁽⁸⁾. Only 4 of 30 NHRIs covered by this report are already using the Charter systematically whereas the others indicate that they are not yet making full use of the Charter's potential. Still, the number of NHRIs that use the Charter when exercising their functions of human rights monitoring, reporting, providing advice, human rights education, awareness raising or in handling complaints and in litigation has grown over the years⁽⁹⁾.

The Charter is not referred to as a key standard in the NHRIs' set-up: with the exception of a draft law in Sweden, the documents forming the legal basis of the NHRIs within the EU do not mention the Charter explicitly. Only seven NHRIs reference EU law more generally in their legal bases. Whereas this formal absence of the Charter in the legal construction of NHRIs is not a surprise, given the fact that many NHRIs were established long before the Charter entered into force, it is likely to contribute to a situation where the Charter and its relevance are easily overlooked.

Sweden's proposed NHRI law references the Charter

The Charter of Fundamental Rights of the EU is explicit in the envisaged NHRI (proposed draft law, Article 1(3)). This first provision of the draft states that the NHRI is to have as its base, the constitutional fundamental rights, the European Convention on Human Rights, and the Charter. This enumeration is then followed by other international instruments to which Sweden is bound.

(Sweden, The Government Office, Förslag till en nationell institution för mänskliga rättigheter i Sverige [Proposal of a national institution for human rights in Sweden], Ds 2019:4)

When asked to identify the main hindrances that stand in the way of making more use of the Charter, 18 of the NHRIs covered by this report consider the Charter's limited scope to be a disincentive. Nearly as many (16) stated that the lack of understanding of the Charter's added value when compared to international instruments such as the European Convention on Human Rights, or national legal sources (13), is a reason for low levels of Charter use. Thus, NHRIs appear mainly to perceive the Charter to be too complex to apply, whereas only four NHRIs indicated that it would be restrictions in their mandate that would prevent them from making more use of the Charter.

(7) See the Agency's annual report-part on the Charter, FRA, [EU Charter of Fundamental Rights and its use by Member States](#), 2019. See also FRA, [Challenges and opportunities for the implementation of the Charter of Fundamental Rights](#), Opinion – 4/2018, 24 September 2018.

(8) FRA,

[The EU Charter of Fundamental Rights on its 10th anniversary: views of civil society and national human rights institutions](#), November 2019.

(9) ENNHRI, [Implementation of the EU Charter of Fundamental Rights: Activities of National Human Rights Institutions](#), October 2019.

Figure: Use of EU Charter of Fundamental Rights by NHRIs



Note: The specific question asked “Does the body consider the Charter of Fundamental Rights of the EU when exercising its competences?” Some responders mentioned consulting the Charter in a limited capacity, or lacking the resources to make greater use of it, but most treated it as a Yes or No question. Source: FRA questionnaire to 34 NHRIs (33 responses received), 2020.

While recognising that NHRIs do not yet make use of the Charter’s full potential, they acknowledge that overall in their legal and political systems the use of the Charter appears to be increasing. Among NHRIs interviewed, 18 said they felt that the role of the Charter of Fundamental Rights of the EU has increased before the national courts over the last 10 years, while 14 identified such a trend also in the area of law-making, 11 in the area of policymaking, and seven in the domain of political and public debate. When asked whether the role of the Charter has increased over the last 10 years in the work of the respective NHI themselves, among NHRIs that responded to this question 16 NHRIs said that indeed the role has increased, whereas 13 denied such an increase in the Charter’s relevance for the work of the NHRIs.

When asked whether they use the Charter most in education or training, in awareness raising, in the processing of complaints, when advising governments, in litigation before courts, or in mediation, the NHI’s advisory work was mentioned most frequently (19 times) as the most relevant area, followed by awareness raising (16), and education or training purposes (14). This might reflect the fact that in the EU’s legal system, national governments and parliament are indeed in need of advice to deliver on their responsibility to guarantee that national legislation, transposing EU legislation, remains in conformity with the Charter. Given that nearly all EU legislation is transposed into national law and implemented by national authorities, the Charter is a key standard for the work of national parliaments and governments. Despite the fact that the majority of national law-making and policymaking is directly or indirectly linked to EU law, national procedural norms on impact assessment and/or legal scrutiny tend not to mention EU law, let alone the Charter, thereby increasing the risk that the Charter is overlooked by national law and policymakers. FRA has called for revisions of the respective rules to ensure that the Charter is taken into consideration⁽¹⁰⁾; however, the EU legal system would in any event profit from a situation where NHRIs play a more pronounced role in the context of the Charter.

⁽¹⁰⁾ FRA, [Challenges and opportunities for the implementation of the Charter of Fundamental Rights, opinion 4/2018](#), September 2018: ‘EU Member States should review their national procedural rules on legal scrutiny and impact assessments of bills from the perspective of the EU Charter of Fundamental Rights. Such procedures should explicitly refer to the Charter, just like they do to national human rights instruments, to minimise the risk that the Charter is overlooked.’

Figure: Areas of application of the Charter by NHRIs

	Austria	Belgium	Bulgaria – Commission	Bulgaria – Ombud	Croatia	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania – Institute	Romania – Ombud	Slovakia	Slovenia	Spain	Sweden	United Kingdom - E&W	United Kingdom - SCT	United Kingdom - NI	North Macedonia	Serbia		
Education / training																																				
Awareness raising																																				
Processing complaints																																				
Advising governments																																				
Litigation before courts																																				
Mediation																																				
Others																																				

Note: NHRIs were asked to select a maximum of three areas of most frequent application of the Charter. However, some opted to select more areas. All answers were recorded in order to avoid making assumptions about which three areas may be the most relevant.

Source: FRA questionnaire to 34 NHRIs (33 responses received), 2020.

NHRIs in EU Member States have a special responsibility in recalling the obligation of the legislature and the state administration to make sure that all law-making and policymaking falling within the scope of EU law remains in full compliance with the Charter of Fundamental Rights. In a way they are the natural ‘advocates of the Charter’ at national and local levels. Admittedly, the question of whether a concrete proposal of national or local law-making and policymaking falls within the scope of EU law is not always easy to determine but tools are available in order to easily access the reach case-law as developed by the CJEU ⁽¹¹⁾.

The European Commission’s annual report on the application of the Charter highlights the role of NHRIs as well as equality bodies in awareness-raising on the ‘Charter rights and ensuring their effective implementation on the ground.’ ⁽¹²⁾ The Council Conclusions adopted on the occasion of the 10th anniversary of the Charter, in December 2019, emphasise the ‘necessity of safeguarding an enabling environment for independent national human rights institutions, Equality Bodies and other human rights mechanisms.’ The Conclusions also note that NHRIs ‘play a crucial role in the protection and promotion of fundamental rights and in ensuring compliance with the Charter.’ The Council explicitly encourages the European Commission and its Member States and the Fundamental Rights Agency to ‘further enhance their cooperation with these mechanisms and to support them in their respective mandates, including the implementation and promotion of the Charter.’ ⁽¹³⁾ There is a very clear consensus that NHRIs are key agents for ensuring a vibrant implementation and application of the EU Charter at national and local levels. The box on the Polish Ombudsman office below gives some examples how NHRIs can follow up on this responsibility.

⁽¹¹⁾ FRA, [Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level](#), Guidance, 2018.

⁽¹²⁾ European Commission, [2018 report on the application of the EU Charter of Fundamental Rights](#), 2019, p. 7.

⁽¹³⁾ Council of the EU, Conclusions ... December 2019, para. 22. (check quotes against final text) <https://data.consilium.europa.eu/doc/document/ST-12357-2019-INIT/en/pdf> (September 2019?)

Polish NHRI's extensive reference to the EU Charter

The NHRI of Poland frequently refers to Charter articles in its work, such as:

Article 7 (respect for privacy and family life) in a request to the Constitutional Court regarding the medical information system (case number K 33/13);

Article 8 (protection of personal data) in a general address to the Minister of Health in the context of sensitive data in Poland's medical information system;

Article 12 (freedom of assembly and association) in an application to the Constitutional Court regarding the Law on Assemblies (case number K 44/12);

Article 20 (equality) in the context of a case before the Constitutional Court concerning the Polish VAT Act and the higher taxation of e-books in relation to traditional books (case currently pending before the CJEU, case C-390/15);

Article 21 (non-discrimination) in a general address to the Minister of Justice regarding the dismissal of notaries at the age of 70;

Article 25 (rights of the elderly) and Article 26 (integration of persons with disabilities) in the Commissioner's report on the accessibility of public institutions' websites for disabled persons.

Finland – Memorandum of understanding

As an example of a concrete measure, the Government of Finland issued in 2019 a Memorandum on the interpretation and application of the Charter in order to make it better known among civil servants and to promote and mainstream its active use across the administration by means of training sessions on the contents and practical use of the Charter ⁽¹⁴⁾. Such guidance could be developed by NHRIs for themselves.

⁽¹⁴⁾ FRA, Fundamental Rights Report 2020

2. FINDINGS FROM THE CHARTER CONSULTATION WITH JUDGES, OTHER JUSTICE PRACTITIONERS AND TRAINING INSTITUTIONS

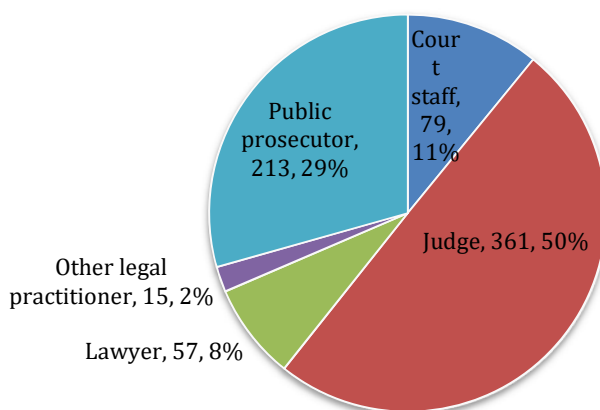
2.1. The sample, group of respondents and Member State coverage

The number of judges, other justice practitioners and training institutions (773) participating in the EU Charter consultation is encouraging and enables a disaggregated analysis with interesting insights. The subsample of individual practitioners – judges, lawyers, public prosecutors, court staff and other individuals – comprises 725 cases after data cleaning.¹⁵ The subsample of organisations – judicial training institutions, associations, networks, and other justice organisations – comprises 48 cases. The analysis will distinguish between these two subsamples on certain different questions they were asked.

2.1.1 The sub-sample of individual practitioners

Among the individuals surveyed, judges form the largest group, followed by public prosecutors, court staff, lawyers, and other legal practitioners (see Figure 2.1.).

Figure 2.1. The sub-sample of individual justice practitioners divided into professional groups

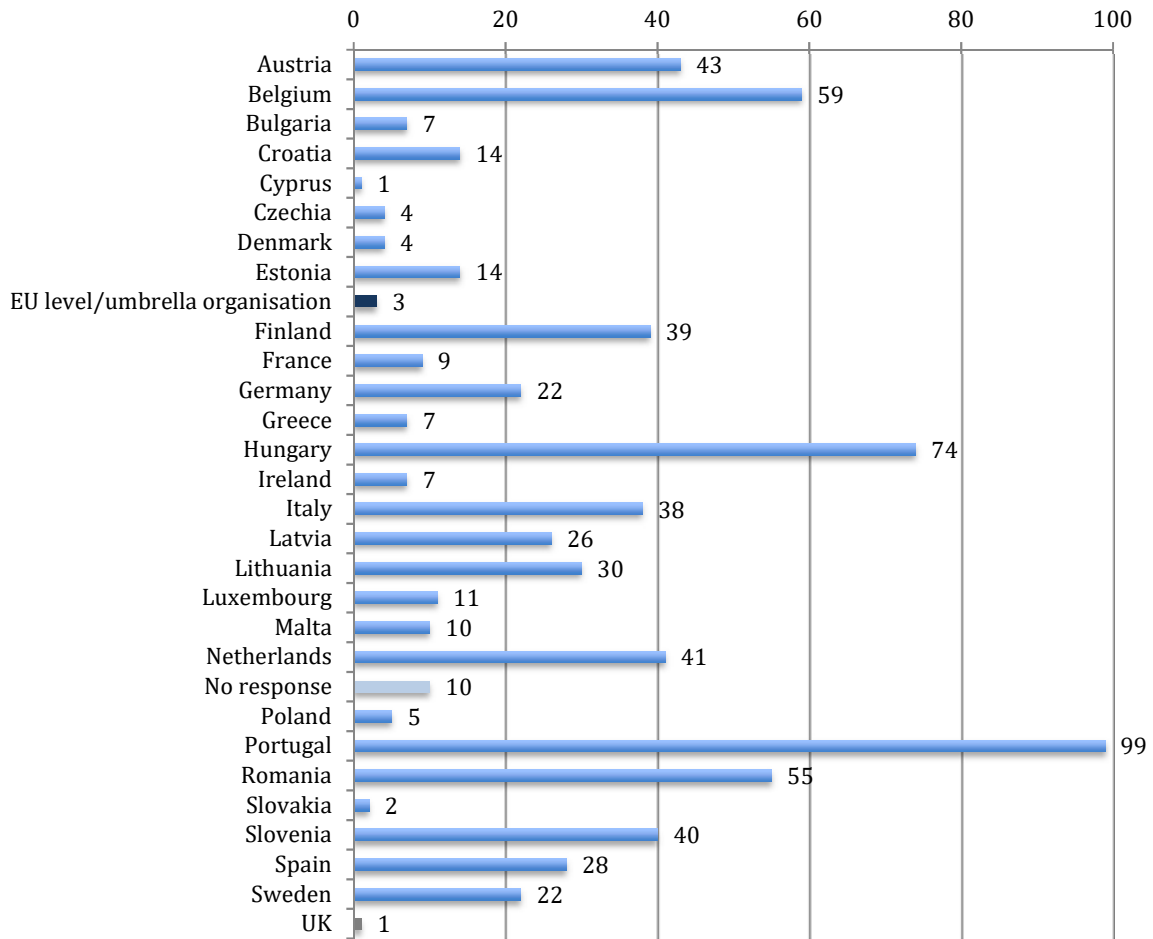


Basis: 725 participating justice practitioners

Respondents from across the EU participated in the consultation reducing geographical bias in the overall results (see Figure 2.2.). The three largest groups of individuals were in Portugal, Hungary, and Belgium representing different European regions. About 20% of respondents work partly or exclusively at EU or international level.

¹⁵ This number of respondents was obtained after excluding eight cases, during standard cleaning procedures for survey data (especially checks for eligibility, for duplicate participation, and for extreme proportions of item nonresponse).

Figure 2.2. Respondent numbers from each country group represented in the justice practitioners sample



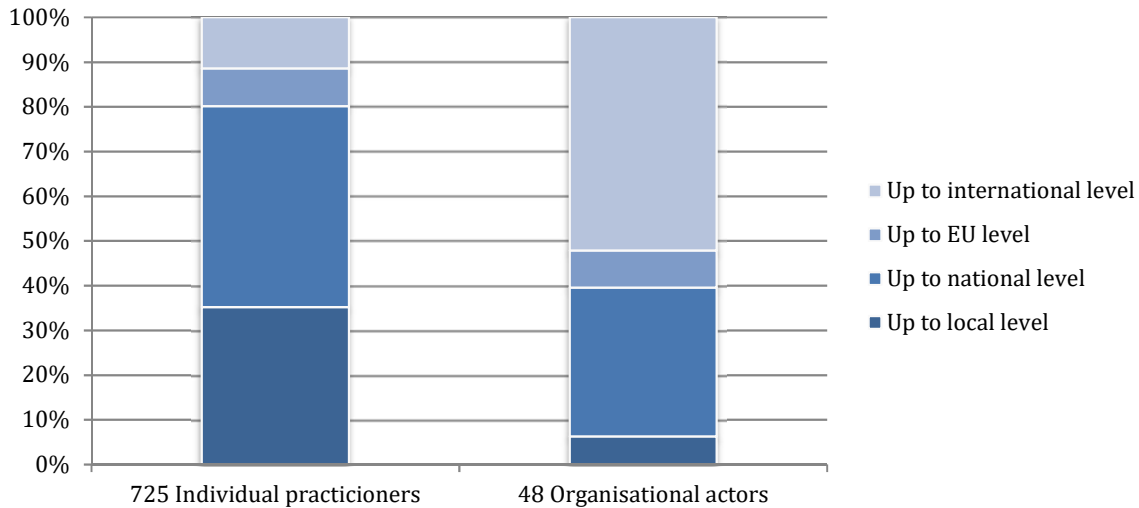
Basis: 725 participating justice practitioners

2.1.2. The subsample of organisational actors

The subsample of organisational actors is geographically dispersed across 20 EU Member States, with the largest number of participating organisations in Spain (7) and Germany (6). 21 out of 48 organisations were *Judicial training institutions* and 27 described themselves simply as *Organisation, association or network*.

Organisations operating at EU/international level represent more than half of all organisations surveyed (Figure 2.3.).

Figure 2.3. Different compositions regarding levels of operation between the subsamples of legal actors



2.2. Levels of EU Charter awareness and use

Slightly more than 30% of all individual practitioners, and among them 45% lawyers, compared to more than 50% of the organisations surveyed use the Charter *sometimes* or *often* (Figure 2.4.).

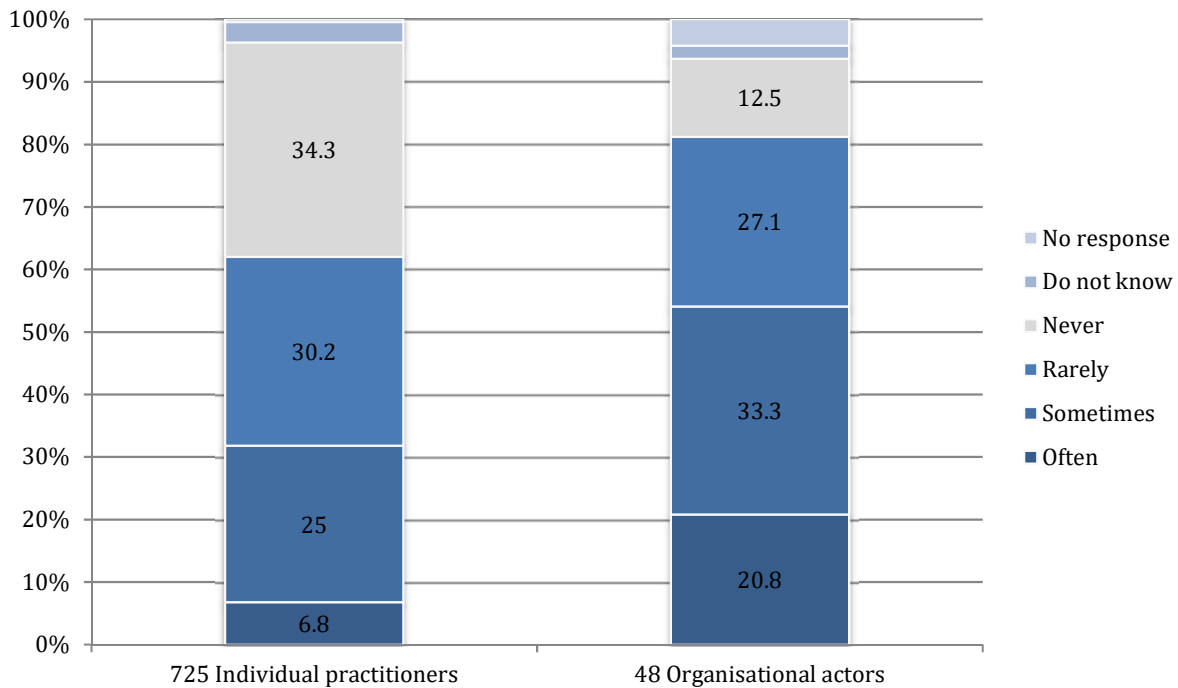
Court staff¹⁶ are frequently unaware if they use the Charter or not, with 13% in this group choosing the "do not know" answer. Practitioners working at EU/international levels use the EU Charter more frequently. Those respondents who said that they never use the Charter were asked in a subsequent question to indicate why. Four out of five of these respondents claim that they have not had cases where the Charter would be relevant.

Participants were also asked if they have enough knowledge about the conditions of Charter applicability and about the substance of Charter provisions. About half of the participating judges and lawyers claimed to have sufficient knowledge about the Charter, while this proportion is somewhat lower in the other professional groups, pointing to a need to improve the knowledge about the Charter.

The majority of practitioners working at EU/international level indicate that they know the Charter sufficiently, but those who have so far not used the Charter indicate *lacking* specific knowledge of the Charter's applicability.

¹⁶ The category "court staff" includes also individual practitioners who declared themselves as "other".

Figure 2.4. Frequency of Charter use in percentages of the individual practitioners and organisational actors



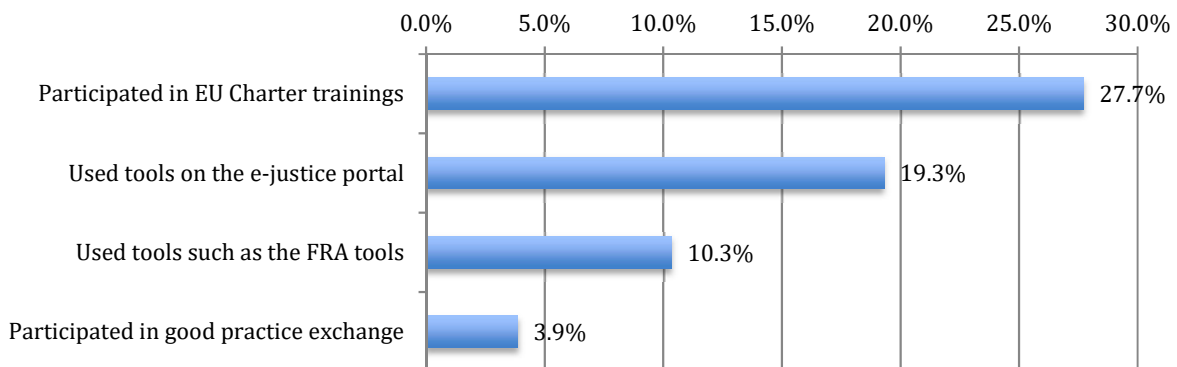
Basis: 725 individual respondents and 48 organisational respondents

2.3. Experiences with Charter training

2.3.1 Experiences with Charter training among individual practitioners

Less than one third of all professional groups have had any training or benefitted from any other knowledge-enhancing measures on the EU Charter so far. The proportion is slightly higher for judges and lawyers, especially those working at EU or international level. Only 4% of all individual respondents have engaged in good practice exchanges (Figure 2.5.).

Figure 2.5. Percentages of individual actors engaging in practices enhancing EU Charter knowledge



Basis: 725 participating justice practitioners

While practitioners working up to the EU and international levels have experienced, on average, more training and other knowledge-enhancing measures regarding the Charter – it is striking that this has nevertheless been the case for only about one third of the members of these higher-level groups regarding training, and for only around 5% regarding the good practice exchange.

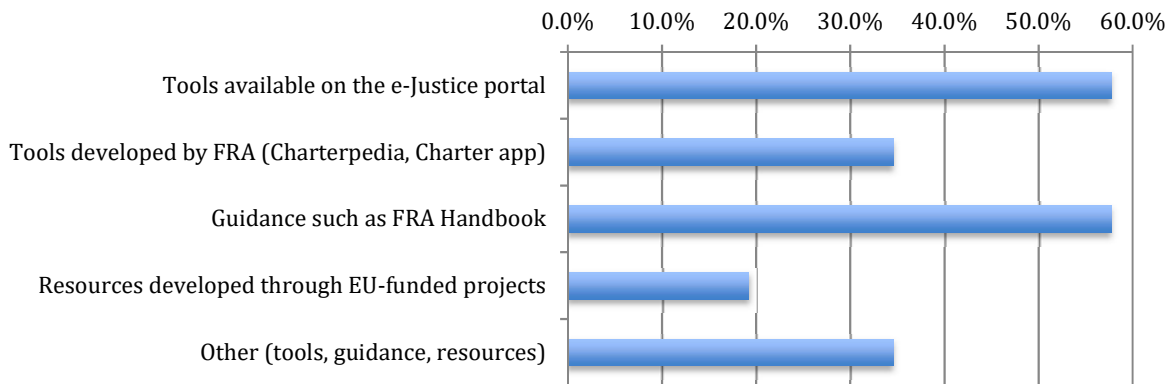
Judges have received Charter training most often among professional groups, and have used the e-justice portal in more cases compared to other professional groups. Lawyers mention more frequently using tools, such as those developed by FRA.

Among those who experienced training, 41% had received it during an EJTN training or seminar. 37% receiving Charter training as part of their training on various topics of EU law, 34% as part of their initial training for judges or other legal professions and 31% as specific subject of continuous training (31%). Only 13% indicated that their training was delivered through e-learning. The most frequently selected answer regarding the different types of training was "other", or "not specified" (42%).

2.3.2. Experiences with Charter training among organisations

15 of the 21 judicial training institutions that were surveyed offer EU Charter training and three would consider doing so. The most frequent type of Charter training offered by these institutions is as part of an initial training curriculum, but several other forms are also offered. More than half of the 26 organisations offering EU Charter training use tools and Charter guidance developed by FRA, as well as tools available on the e-justice portal (Figure 2.6.).

Figure 2.6. Percentage of training-offering organisations using different tools, guidance, or resources



Basis: 26 organisational actors that offer EU Charter training

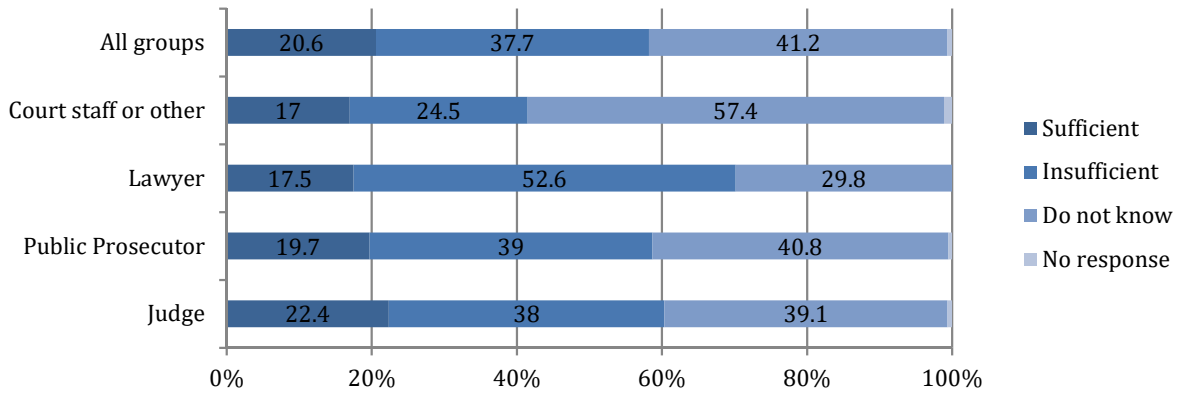
About half of the organisations offering Charter training sometimes do this in cooperation with institutions from other Member States, and also in cooperation with other legal professions.

2.4. Expectations in terms of training

2.4.1 Expectations in terms of training among individual practitioners

Only 21% of individual respondents find the current training opportunities on the Charter sufficient (Figure 2.7.), while about 80% would be interested in receiving such training together with other legal professions. The share of lawyers who would like such training is even more pronounced (88%).

Figure 2.7. Individuals deeming currently available Charter training opportunities (in)sufficient (%)



Basis: 725 participating justice practitioners

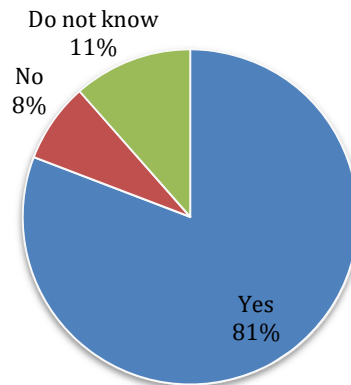
Only 13% of practitioners operating at EU/international level consider the currently available training opportunities on the Charter sufficient, while 89% are interested in receiving such training together with other legal professions.

A significant minority (31%) of individual practitioners consider it essential to provide Charter training in the national languages, rather than only in English, but more (43%) do not consider the availability of training in national languages a key factor. Those working exclusively at national level would value training in their national language slightly more, compared to those working at EU/international level, but the differences are surprisingly small.

2.4.2 Expectations in terms of training among organisations

21 out of 26 organisations that offer training (81%) believe that including Charter trainings in modules on specific areas of EU law would contribute to an increased use of the Charter (Figure 2.8.). This underscores the relevance of sufficient training opportunities that has already been expressed by individual participants.

Figure 2.8. Response percentages for whether including Charter training on specific areas of EU law would contribute to an increased use of the Charter or not



Basis: 26 organisational actors that offer EU Charter training

2.5. Concluding remarks

A very significant part of national law is directly or indirectly influenced by EU law and thus very likely to fall within the scope of EU law, triggering the applicability of the Charter. In this light, the survey findings indicate relatively low levels of Charter awareness and use among legal practitioners. A third of the legal practitioners say that they never use the Charter in their work, with lawyers clearly reporting more frequent use of the Charter than judges, prosecutors and others.

When giving examples where legal practitioners have used the Charter, respondents identify the areas of criminal law (European Arrest Warrant, etc.), asylum and immigration, as well as discrimination and family relations, which confirms earlier FRA findings¹⁷. Article 47 and procedural rights are often referred to as prominent Charter provisions used at national level.

What are the reasons for the underutilisation of the Charter? Four out of five practitioners who never use the Charter claim they have not had cases where the Charter would be relevant. At the same time, less than half of all respondents indicate that members of their professional group have “enough knowledge” about the substance of the Charter and its applicability. It appears likely that legal practitioners are often not sufficiently aware that a legal issue they are working on does indeed fall within the scope of the Charter. Awareness of the intricacies of the Charter’s applicability comes with greater knowledge of this instrument. Although exchanging practices would evidently be a good way to improve knowledge of the use of the Charter, less than 5% of respondents had so far participated in such an exchange. Fostering the exchange of Charter experience across borders and across legal professions would be especially important and something the EU could actively promote and support.

Importantly, the consultation shows that training for legal professionals is essential in improving the application of the Charter at the national level. Each percent of training recipients per professional group seems to be accompanied by about two percent of group members reporting sufficient knowledge on the Charter. In this sense, investment in training capacities pays off in the long run. The results indicate that there is interest for advanced training: four-fifths of responding individual practitioners would be interested in Charter trainings. Providing training and relevant tools in national languages appears also to be important for close to a third of respondents. However, this result could be biased: since the questionnaire was only available in English, only English speakers could complete it, meaning that in reality the demand for non-English training and material could be significantly higher.

362 legal practitioners participating in the consultation submitted a range of proposals on how Member States and/or the EU could better assist them in improving their use of the Charter. Proposals for support to be offered by Member States included:

- Trainings, workshops, seminars,
- Guidelines, handbooks, factsheets and e-learning material,
- Information/promotion of already existing tools/information,
- Making sure that the Charter is respected in law making,
- Mainstream the Charter in regular training,
- Online platforms and databases allowing to search all Charter-relevant case law,
- Analysis of relevant case law,
- Regular newsletters,
- Establishment of focal point responsible for the Charter application,

¹⁷ As reported in the regular Charter chapter in the agency’s Fundamental Rights Report. These chapters can be accessed here: <https://fra.europa.eu/en/charterpedia/fra-charter-resources>

- Direct contact with EU law experts,
- Exchange of practice and experience between legal practitioners (including staff exchange), and
- Regular exchange between governments, parliaments and judiciary.

Concerning support that EU institutions and bodies could provide, respondents gave similar replies with slightly more emphasis on transnational exchanges and exchanges with European courts. Moreover, they asked for other channels – in addition to the preliminary ruling procedure – to allow them to enquire about the applicability of the Charter. Participants were also interested in more information about CJEU case law and the relationship between the Charter and the ECHR or regular information monitoring violations of the EU Charter in the Member States. Many of the proposals included reference to more opportunities for transnational secondments and study visits, including at the CJEU. The EU could help ensure that existing (national and transnational) legal networks put a fresh emphasis on the Charter and its application at national level.

2.7. Selected voices from respondents

(direct quotes from the replies to open questions in questionnaire)

On current use of the Charter

- *“In a broader sense, the Charter helped to “communitarise” HCHR Rights, so that the violations may be detected at an earlier stage rather than the HR Court in Strasbourg could do” /Answer from Italy – Lawyer*
- *“Before the Court of cassation, issues concerning the EU Charter of Fundamental Rights mostly occur in cases of execution of a European arrest warrant. Parties can in a written statement before the court (mémoire en cassation) contest the legality of a European arrest warrant with reference to provisions of the EU Charter of Fundamental Rights. [...]” /Answer from Belgium – Public prosecutor*
- *“I am not sure if it really adds value. When fundamental rights are at stake, the EU Charter is invoked alongside a number of other human rights charters that also apply.” /Answer from Netherlands – Judge*
- *“It ensures the respect of human rights when applying EU law, especially in cases related to the European Arrest Warrant, the Regulations on European International Private Law” /Answer from Romania – Other legal practitioner*
- *“It helped to overcome national rules that were in the way in finding a solution according EU (based) rules” /Answer from Netherlands – Judge*
- *“The articles of the Charter are seldom referred to just as they appear in the Charter but more often in connection with relevant ECJ case law. Most relevant articles so far seem to be article 47 (mostly in asylum cases but also e.g. in competition law cases), articles 18-19 (asylum cases obviously), articles 7-8 (requests for information etc.). Article 51 is also referred to in order to determine whether to Charter applies to the case at hand. The charter often offers additional back-up-argumentation but is seldom used as the decisive legal source.” /Answer from Finland – Judge*
- *“On some extremely rare occasions I refer to the Charter that it contains basically the same regulations as the national constitution. But usually the latter is enough reference even when I need to refer on fundamental rights. Being a criminal judge, in the overwhelming majority of cases I simply rely on the criminal code and the code on criminal procedure. Of course, they are meant to be compatible with the charter and the constitution.” /Answer from Hungary – Judge*
- *“In compliance with the best practices guidelines in the field of judicial training, NIJ applies a horizontal approach on human rights training. Alongside targeted training modules on the Charter, fundamental rights are mainstreamed in the relevant areas of national substantive law. The approach aims at promoting the awareness and implementation of the Charter, taking into account national case law, legislative and regulatory procedures on the issue.” /Answer from Bulgaria – Judicial training institution*

Why the Charter was not used

- *"It is not applicable. We have got the same rights in the Constitution."/Answer from Hungary – Judge*
- *"Let's just say there is such a mass of legislation and guidelines we are obliged to follow, both in our own country as in the EU, so non-binding regulations such as the charter are practically impossible to study/apply/know off/take into account."/Answer from Belgium – Public prosecutor*
- *"we haven't received any guidelines whatsoever concerning this, so I assume we do not need to take this into account" /Answer from Belgium – Public prosecutor*
- *"How to stop abusive claims that the Charter is applicable (certain lawyers raise such arguments in all of their pleadings no matter the case and it wastes time (even little) to motivate in a judgement why the Charter is not applicable)" /Answer from Bulgaria – Judge*
- *"I find the Charter complicated to understand, rather unclearly drafted and difficult to implement in my daily decisions. If you allow me to be frank, I currently do not consider this text as being successful and I have serious doubts about its utility for day-to-day practice. Generally spoken, I think that there is a deep, serious, fundamental problem with the complexity and "understandability" of European law in general."/Answer from Belgium – Judge*
- *"I was responsible for an international training for judges on an international level organized by some European Universities. It was clear to me that the application of the Charter for different reasons. The most worrisome one is the concept, very spread in some countries, especially those with a lesser concern on Rule of Law, that the EU Charter is mainly an academic document, not to be applied by the courts and, if applicable, only in cases that would not interfere with political control by the National Governments. The EU Charter will only be "alive", affecting in a positive manner the life of common Citizens if and when there is a real investment by EU bodies on the implementation of Fundamental Rights and Rule of Law. And for that end the courts and the involvement of judges is truly essential."/Answer from Portugal – Judge*
- *"In Croatia first degree administrative judges do not have the staff to help them to search relevant EU practice and no time to do it alone in working hours, because we have to produce more than twenty judgements every month, and personally I am very interesting to learn more."/Answer from Croatia – Court staff*

Expected support from the Member States in using the Charter

- *"Exchange and "Training on the Job", that means offering (much more) opportunities for taking part or, at least, getting a trainee-time in some of the EU's juridical institutions" /Answer from Germany – Public prosecutor*
- *"facilitate an exchange of views between the legislator, the judiciary and the executive about the impact of the Charter on national law" /Answer from Netherlands – Judge*
- *"On the basis of the knowledge of personal, civil, political, economic and social rights of EU citizens and residents contained in the Charter, I would expect that: Its implementation in legislative processes will be intensified and political action will be taken to promote its use, Genuine judicial control of the various institutions involved in the adoption and management of measures affecting the most vulnerable people, especially in relation to the rights of foreigners, minors and persons of legal age or with disabilities in order to detect with the utmost haste those actions that jeopardize the effectiveness of those rights and act accordingly. Made an assessment about its implementation."/Answer from Spain – Public prosecutor*
- *"systematic overview of relevant (domestic) judicial practice, commentaries to the Charter from domestic perspective" /Answer from Estonia – Public prosecutor*
- *"The more the training on the EU Charter would be interlinked to the area of lawyer's specialization, the more practical and likely it is for them to use the obtained information in their daily practice."/Answer from Czechia – Organisation, association or network*

Expected support from the EU in using the Charter

- *“Obviously, the crucial push and pull factors should come from the Commission directly and its respective units (EU training institutions are not enough in this respect) also by taking part in the concrete training events and by pro-active communications with the Ministries of Justice or judiciaries directly and not only by providing EU funds. Most likely, some kind of a network of national contact points (judges/prosecutors) of MSs should be established to act as a consultative entity, which would prepare a general strategy for better training services that would be in its component parts adjusted to national needs. Much more strictly the basic principle that training for judges must be provided by (experienced) judges should be in place. Such network could support EU training institutions with concrete and more tailor-made proposals in order to revitalise those institutions.” /Answer from Slovenia – Judge*
- *“A synthesis of judicial practice from all the EU member states” /Answer from Romania – Public prosecutor*
- *“secondments in other courts or European institutions, experiences exchange” /Answer from Portugal – Judge*
- *“Study visit/trainee program before ECJ with opportunity to work closely with practitioners on some specific topic relevant for applicant/trainee main scope of domestic work.” /Answer from Croatia – Public prosecutor*
- *“What needs to be known is the approach in all Member States of the European Union. For example, speaking from the perspective of a criminal case, it is important to know since the very beginning of a case exactly how the validity of a piece of evidence is perceived and what are the standards considered when having the evidence gathered. Thus, prosecutors as well as police officers building cases need to be aware of all the necessary aspects. Perhaps apart from the general Handbook EU institutions/bodies could develop targeted documents easily accessible (sectorial, for criminal cases, civil, commercial, family etc.)” /Answer from Netherlands – Other legal practitioner*
- *“a visual chart (to be consulted online) where the key factors are highlighted. Perhaps the FRA can provide a service desk where one could ask questions would be an asset of course, taking into account the cost/benefit ratio. Instructional videos on the most common FAQ could be a quick way to introduce the legal body as a whole in what the agency stands for, how the rights differ from the fundamental rights,...” /Answer from Belgium – Court staff*
- *“Database of relevant judgements of other EU member states courts translated preferably to English.” /Answer from Czechia – Public prosecutor*
- *“For practitioners tailor-made trainings on the Charter in relation with national law are of great importance to gain more knowledge about the Charter. I would like to hear about experiences in other EU countries on the Charter.” /Answer from Netherlands – Public prosecutor*
- *“The commentary (article by article) of the Charter with all relevant case law of the CJEU should be easily accessible to every judge and should be updated promptly. The more this commentary will be translated to national languages the better, but for the start the English version would be a major step forward.” /Answer from Slovenia – Judge*
- *“The tools and information resources developed by the EU Commission and FRA are of key importance in providing support to national authorities with regard to implementation of the Charter. All of them are useful for justice practitioners and contribute to strengthening their professional skills and competence to apply the EU Charter at the national level but an essential prerequisite for a broader dissemination and more effective employment of these tools and resources is their translation into the national languages of the EU Member States.” /Answer from Bulgaria – Judicial training institution*
- *“I think that judges might benefit from the possibility to ask questions about the applicability of EU Charter when they are not aware of the interpretation of an article, other than by means of preliminary rulings. To request a preliminary ruling by the CJEU is quite a commitment for national judges because they need to wait for the Court’s answer and when their request is*

dismissed as inadmissible, the national judge cannot justify the stay of the proceedings and this can affect their career.” /Answer from Romania – Other legal practitioner

On the value of awareness raising

- *“Citizens do not appreciate nothing until it disappears. Unfortunately your work is invisible for average citizens, law often seems a show for them, rights are seen as bullshit (sorry) You should show them the cases where it helps them. Show how it solves their problems - how it would hurt THEM if it would disappear. How it is with and how it is without rights . And make it clear, what is made/protected by the EU. Yes, even the money. And - like advertisements. Shortly. Scientific papers, long articles do not reach the average. Make it short, make it interesting, make it real and connected to their everyday life. Unfortunately, sometimes it seems to me, also in average legal cases it is considered "too high", too sophisticated to mention fundamental rights.” /Answer from Hungary – Judge*

2.8. Promising practices

(quote from the replies to open questions in questionnaire)

- *“Cross-professional training on the EU Charter represents a valuable tool for better understanding of specific roles and constraints faced by other professionals when applying the Charter provisions. NIJ organizes annual practical workshops, in which judges, prosecutors and lawyers are sitting together and share experiences and practices in interpreting and implementing the EU Charter. These cross-professional sessions contribute to establishing a common understanding and uniform practice on the Charter as a fundamental EU legal instrument.” /Answer from Bulgaria – Judicial training institution*

2.9. Full set of tables and graphs (separate file)

3. FINDINGS FROM THE CHARTER CONSULTATION WITH CIVIL SOCIETY ORGANISATIONS AND RIGHTS DEFENDERS

3.1. The sample, group of respondents and Member State coverage

168 Civil society organisations (CSOs) and rights defenders (RDs) participated in the consultation on the effective application of the Charter of Fundamental Rights in the EU.¹⁸ CSOs from all EU Member States, except Finland, responded to this survey. In Italy, Belgium, Germany, Greece, and Spain more than ten organisations participated in the survey. 29 responding organisations operate exclusively at European Union (EU) or international level, while the majority of respondents operate at national or local level. About half of all respondents indicated that they operate up to the international level (82 organisations), while about one quarter of participants (43 organisations) indicated that they operate up to the national level, and another quarter (43 organisations, again), that they operate up to the EU level. The majority of organisations (83%) described themselves as a *non-governmental organisation*.

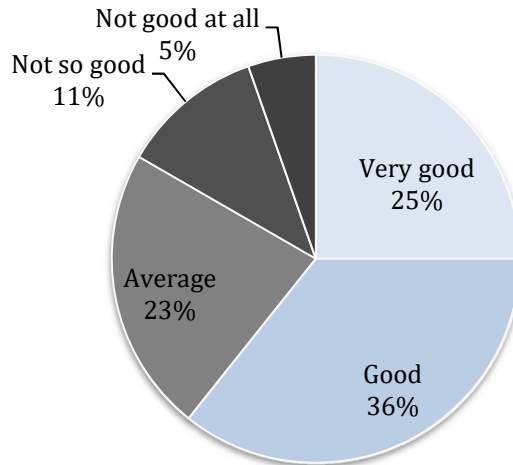
The analysis is based on results from the full sample of 168 participants. A limited number of findings are disaggregated by organisations' level of operation, since the size of relevant sub-samples do support more extensive in-depth analysis.

3.2. Level of EU Charter awareness and use

The participating CSOs and RDs were asked to assess their level of knowledge with regard to the EU Charter and its application. They were also asked whether they use or refer to the Charter in their own work. Figures 3.1. and 3.2. tell a very similar story regarding their knowledge and practice. Almost two thirds of respondents report good or very good Charter knowledge (Figure 3.1.) and a similar proportion uses the Charter often or sometimes (Figure 3.2.). At the same time, more than one third report only "average, not so good or not good at all" level of Charter knowledge and a similar proportion declares that they use the Charter rarely, or never. Organisations operating at EU or international level have better knowledge of the Charter and about 70% use the Charter "often" or "sometimes". In contrast, less than 50% of organisations operating at national or local level report use the Charter as frequently.

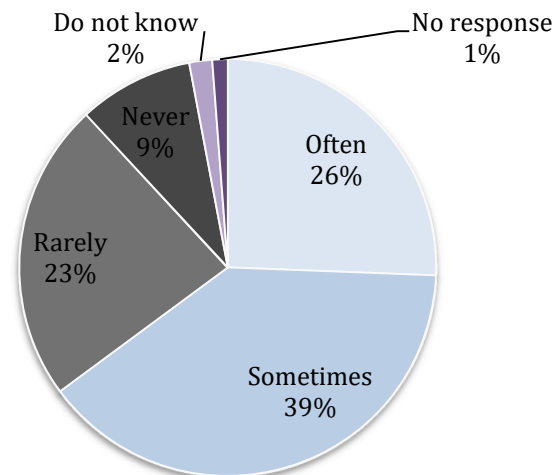
¹⁸ This number of respondents was obtained after excluding four cases, during standard cleaning procedures for survey data (especially checks for eligibility and for extreme proportions of item non-response).

Figure 3.1. Self-reported knowledge level with regard to the EU Charter



Basis: 168 responding organisations

Figure 3.2. Self reported frequency of EU Charter use

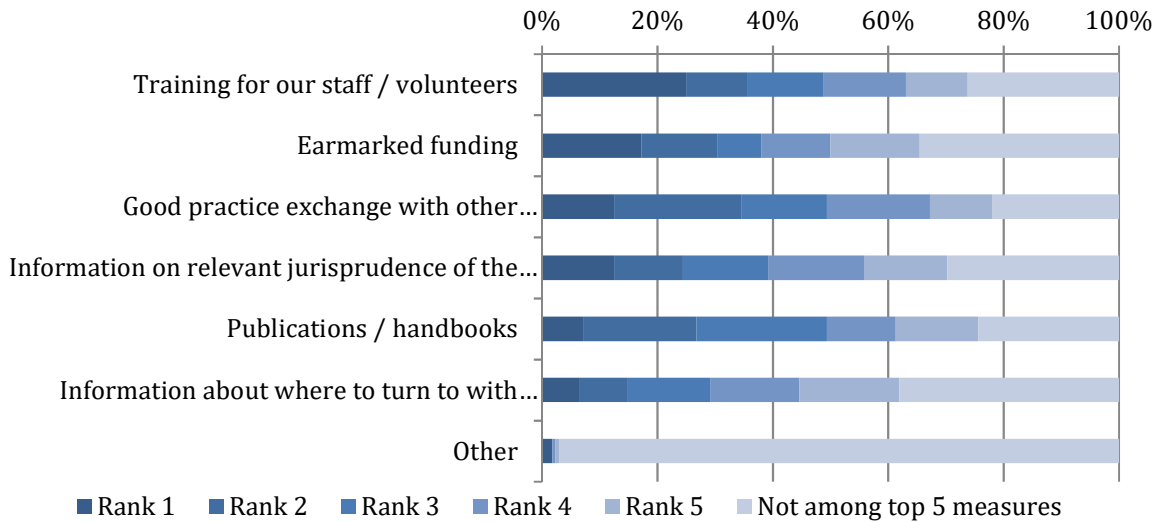


Basis: 168 responding organisations

CSOs were also asked *how* they use the Charter. Most replied that they use it to raise rights awareness (70%) (and more than 80% of those that operate at EU or international level). About 50% use it for campaigning and training purposes and 40% for (strategic) litigation – the proportion of national level CSOs using the Charter for litigation is slightly higher (44%).

CSOs were asked what measures could support them to use the Charter better and more frequently. Among the suggested measures, most respondents selected *training* as the most important measure (25%), followed by *earmarked funding* for increasing Charter knowhow (17%). Good practice exchange also ranks high, not so much in first priority ranking – but it is overall the measure with the most positive responses. Figure 3.3. shows all suggested measures, and other importance rankings. The darker the colouring in each charted bar, the more important the measures according to CSOs surveyed.

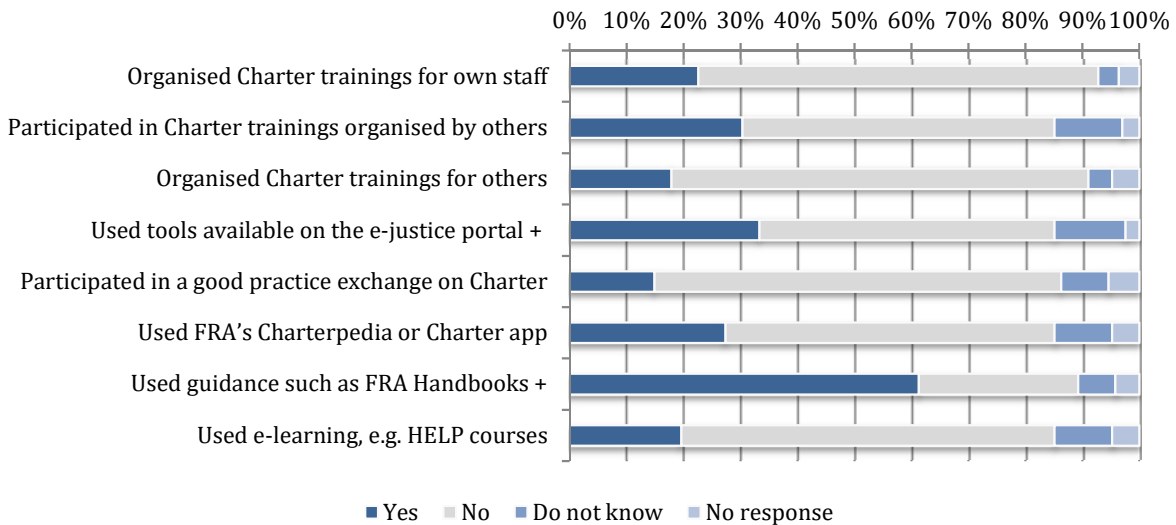
Figure 3.3. Ranked measures that would support own EU Charter use by organisations



Basis: 168 responding organisations

In light of the fact that a large variety of practices and tools facilitating the use of the Charter is already available to CSOs today, participants were asked in what kind of such practices they have engaged so far. The results show that more than 60% of CSOs (more than 75% of those operating at EU level) use guidance on the Charter provided in FRA handbooks, national factsheets or video; about a third (33%) use tools such as those available on the e-justice portal; 27% use FRA’s Charterpedia or FRA’s Charter app; 30% participate in trainings offered by others and 23% organise trainings for their own staff; less than 20% report using e-learning and around 15% exchanges relevant good practice.

Figure 3.4. Charter related practices already experienced by CSOs



Basis: 168 responding organisations

About a quarter of CSOs operating at EU or international level have organised trainings for others. Still, less than one out of five respondents thinks that the training opportunities currently available on the Charter are sufficient and about twice as many consider them insufficient.

Overall, there is high interest by responding organisations to receive training and/or handbooks on how to use the Charter for litigation, with 81% responding positively to this question.

3.3. Cooperation with national and EU authorities

Participants were asked if they cooperate with national public authorities to promote the Charter in a range of different areas. Around 40% replied that they cooperate with national or local level authorities in promoting rights awareness as well as on the monitoring of legislation and policies already in force. About 30% cooperate in designing action plans in areas affecting fundamental rights, as well as in drafting of legislation and policies. On average, CSOs operating at EU or international level are more likely to cooperate with national public authorities.

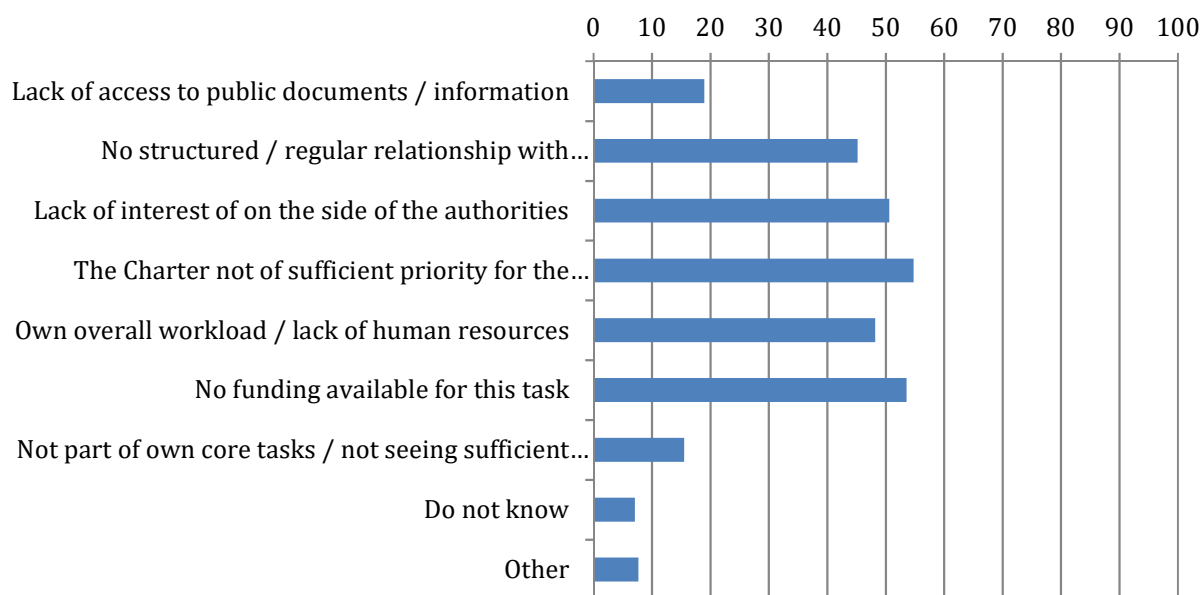
Respondents were also asked if they cooperate with EU institutions and/or bodies to promote the application of the EU Charter. About a third (33%) of all CSOs cooperate with EU institutions. Again, organisations working at EU or international level are somewhat more likely to cooperate than national level organisations.

3.4. Obstacles standing in the way of more cooperation

CSOs were asked to identify up to five challenges or obstacles in their cooperation with public authorities. Between 45% and 55% of the CSOs identified the following as most important (Figure 3.5.):

- Absence of structured or regular relationship with the authorities,
- Lack of interest on the side of the authorities,
- The Charter and its application not being of sufficient priority to the authorities,
- The overall workload and resources of their own organisation that do not permit sufficient cooperation, and
- Lack of funding for this task.

Figure 3.5. Percentage of CSOs/RDs mentioning each challenge or obstacle for cooperating with public authorities



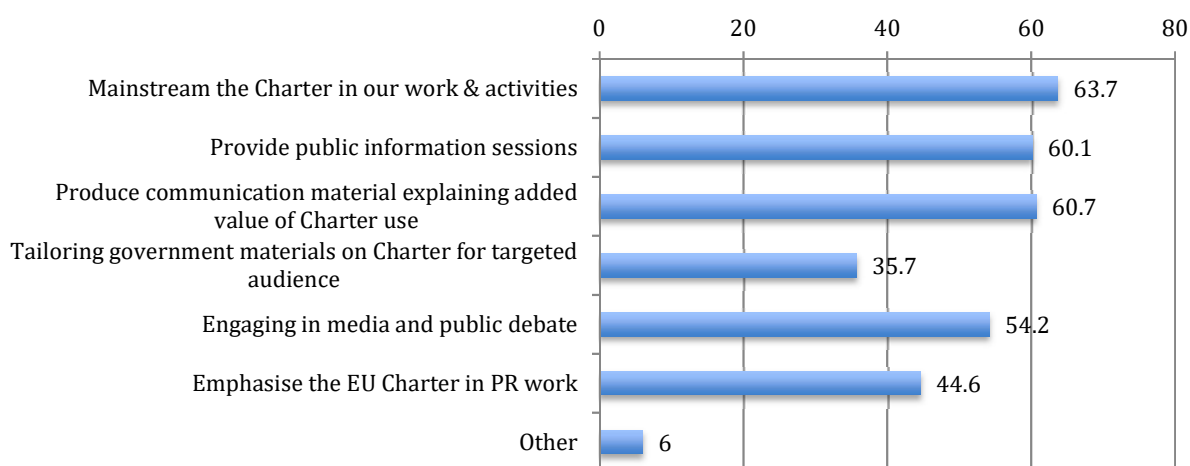
Basis: 168 responding organisations

3.5. Promoting awareness of EU Charter rights among the public

The majority (80%) of CSOs report that people turn to them for information about their rights and an even higher proportion (85%) that they raise awareness about rights.

CSOs operating at EU/international level are more likely to support undertaking action to improve people's awareness of their Charter rights, as compared to national level CSOs - regardless of the type of action. Across all CSOs, more than 60% support three types of potential action: mainstreaming the Charter in their work and activities; producing communication material that explains the added value of using the Charter at national level ; and providing information sessions for the interested public (Figure 3.6.).

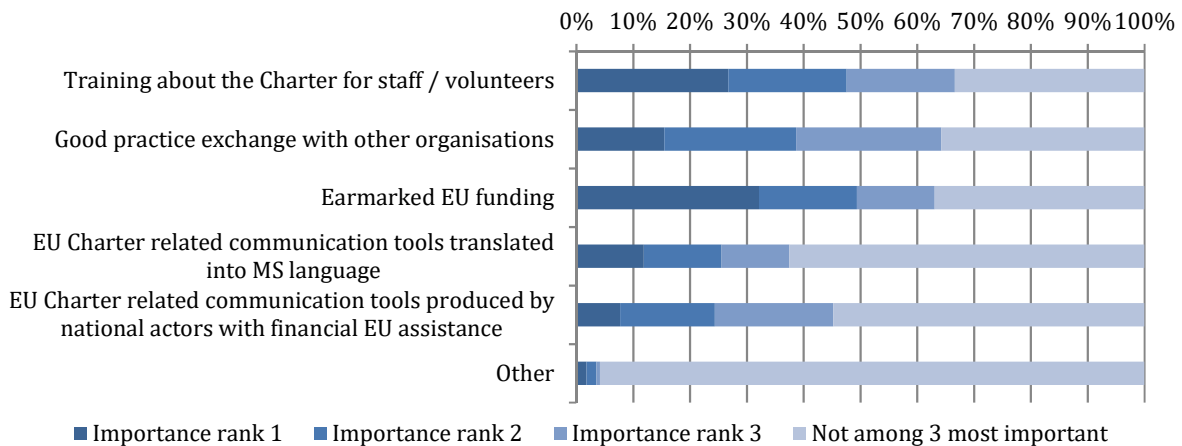
Figure 3.6. Percentage of organisations mentioning actions they could take to improve people's Charter awareness



Basis: 168 responding organisations

CSOs were also asked what measures might help them in their efforts to inform people about their Charter rights (Figure 3.7.). The measures that ranked high include funding (ranked first by 32%) and training for their own staff and volunteers (ranked first by 27%). More CSOs operating at national level emphasised training the most, while CSOs operating at EU/international level emphasised more the availability of earmarked EU funding.

Figure 3.7. Ranked measures that could help CSOs/RDs in efforts to inform people about their Charter rights



Basis: 168 responding organisations

3.6. Concluding remarks

According to the consultation, half of the responding organisations describe their knowledge of the Charter as “very good” or “good”. However, it is important to keep in mind that these are human rights CSOs and it should therefore be expected that an overwhelming majority of CSOs know the “EU’s bill of rights” well. A significant number of CSOs still do not appear to be aware of EU law’s essential role at the national level. This shows that further efforts are needed to raise awareness of the specific function of the Charter at national level, for example in the disbursement of EU funds and/or when EU law is applied. In parallel, the EU should provide more opportunities for Charter-related training and awareness raising to CSOs. Such training will be more effective if it targets thematic areas, for example poverty and social exclusion, migration and asylum, or child protection and access to justice, where EU competence has expanded over the past years.

The disappointing results on cooperation with public authorities at national and EU levels in the application of the Charter show a pressing need to provide convincing evidence to these authorities on the added value of civil society engagement in preparing legislation and policies that must comply with the Charter. Member States are obliged under Article 51 of the Charter to promote its application proactively. The EU could contribute to the fulfilment of this obligation by promoting cooperation between national, regional and local governments with civil society. In this regard, earmarked funding, training, and assistance with the development of tailor-made methodologies and tools would be key.

The self-reported use of the Charter can be seen as positive. Close to two-thirds of responding organisations use the Charter “often” or “sometimes”, and there is further potential to improve this. Not surprisingly, on all questions, organisations working at the EU/international levels indicate better knowledge and greater use of the Charter.

Civil society respondents made a plethora of proposals concerning the support that national and local authorities could provide to them to improve their use of the Charter, including:

- Administrations ensuring that they are themselves sufficiently aware and respectful of the Charter and the obligations flowing from it,
- Earmarking funds for the exchange of know-how with other NGOs,
- Earmarking funds for targeted training,
- Free information materials and tools in national languages on how to use Charter,

- National focal points on the Charter that can be contacted for advice,
- CSO involvement in the design of relevant policies,
- Development of structured procedures, including platforms with CSO participation, for assisting and evaluating the application of the Charter,
- Earmarking funds for the promotion of the Charter,
- Exchange of good practices on structured and regular relationships with authorities,
- Learning about the Charter in school curricula,
- Partnerships with media to provide simple stories of people and their Charter rights,
- Regular Charter monitoring by governments based also on NGO submissions, and
- Handbooks and other Charter tools made available in lesser used and minority languages.

Similar proposals were made regarding the support that EU institutions and bodies could provide to civil society organisations. Training and funding feature prominently, but other proposals are EU-specific. For instance, it was proposed to invite and/or include relevant CSOs in fundamental rights impact assessments and to increase EU consultation outreach to CSOs beyond the usual circles. A repeated call is to make it easier for small CSOs to apply for relevant EU funds. There were also voices calling on the EU to act as a sort of mediator towards governments supporting CSOs when they face challenges in interacting with national authorities. A more regular and visible EU monitoring of the implementation of the Charter at national level was also called for.

An obvious possibility for a strong partnership between the EU and relevant CSOs can be identified in the field of awareness raising – the most prominent area of their Charter use. Close to 9 in 10 of the responding organisations are already engaged in raising Charter awareness, and 6 in 10 state that they could, for instance, provide information sessions for the interested public, so as to improve people’s awareness of their EU Charter rights and where to turn to if these are violated.

3.7. Selected voices from the respondents

(direct quotes taken from the replies to open questions in the questionnaire)

On the current use of the Charter

- *“We provide information on the Charter on our home page, and refer to the Charter in the context of consultations on proposed legislation with the government.” /Answer from Sweden – Trade union*
- *“We have given advice to EU citizens on the EU Charter and Human Rights. However, a general weakness in putting much emphasis on the EU Charter is the lack of efficiency it has in practise when litigating. The ECHR has a much stronger standing in the law and legal practise in Sweden. Therefore, it is an instrument of higher priority.” /Answer from Sweden – Non-governmental organisation*
- *“As stakeholder for best interests of children and their parents in rainbow families, the EU charter is very relevant for us to argue for non-discrimination in general (i.e. on the grounds of... gender identity/sexual orientation) [Article 21], but also for LGBTIQ* family rights (civil unions, marriage equality, equal access to assisted reproductive techniques, (stepchild) adoption, co-parent recognition etc.) [Art. 7, 9, 24] and free movement rights within the EU (Article 45). The EU Charter helps to convince Member States to implement LGBTIQ*-inclusive laws and regulations, it gives (should give) fundamental backing also in corresponding court procedures.” /Answer from Belgium – Non-governmental organisation*
- *“there is no dedicated national Charter implementation strategy in Austria (nor a general human rights national action plan ...)” /Answer from Austria – Non-governmental organisation*
- *“We have no structured processes for dealing with the Charter.” /Answer from Sweden – Trade union*

Possible support from national level

- *“Low threshold dissemination of Charter knowledge through trainings for NGO workers and also workshops for target groups of these organizations.” /Answer from EU level/umbrella organisation – Other*
- *“They could set up focal points for pro bono legal aid to individuals and civil society organisations. However, national or local authorities themselves need training to understand how to better use the EU Charter whenever they are drafting or interpreting relevant national/local regulatory measures to which EU law is applicable. National and local authorities should also invite/include relevant CSOs to participate in the fundamental rights impact assessments (based on compliance with the EU Charter) that they are supposed to carry out before considering/putting forward a draft law or policy document.” /Answer from EU level/umbrella organisation – Non-governmental organisation*
- *“We would need more information even basic information, more knowledge, the possibility of creating a structured network of entities at local, national and international level that can share knowledge and tools for others that are not focused on Human Rights. We need to have a campaign that is directed to civil society organizations, to people and not only to experts in the field; maybe create action among people, in the street could help better than many official and complicated documents. For us it is really rare that a document that is more recent than others is less known and less applied. For some of us the chart seems to be more political than operational. But maybe this is the feeling because it is less known and less understood. We think that it is important that this chart could be promoted more also to promote the value and create an EU approach to Human Rights. We strongly recommend to introduce this topic among the subject in schools... / Answer from Italy, Non-governmental organisation*

Possible support from EU level

- *“A better linkage of EU programs with FRC embedded policies, a monitoring/support of the program implementation structure e.g. national agencies of E+ towards themselves being conform with FRC and being active applicants of the FRC. Furthermore a better accessible funding mechanisms in REC program, the current one is a martyrism for small NGO’s. There is proof that the EU can do better e.g. in the application of E+ youth.” /Answer from EU level/umbrella organisation – Non-governmental organisation*
- *“Lead by example. Build stronger relationship with CSO and not be on the defensive when it is pointed out that some EU policies contravene the Charter” /Answer from Belgium – Faith-based, religious, philosophical or non-confessional organisation*
- *“Provide regular, easy to access information particularly how the Charter has been used in infringement proceedings and cases before the CJEU. Assess and develop ways in which the implementation of Charter rights can become a more transparent and accessible process including through access to information, a more structured process with civil society and those whose rights have been violated, a requirement on states to provide information on how fundamental rights have been implemented in relation to the implementation of directives.” /Answer from Belgium – Non-governmental organisation*
- *“The Commission should take a much stronger role in holding States to genuinely discharging their duties under the Partnership Principle, formally requiring States to establish independent platforms for monitoring the application of the Charter, etc. At present, the Commission doesn’t actively look at the quality of engagement between States and civil society meaning that there is very little sanction for those which decide to severely circumscribe open debate or will only cooperate with preferred voices from civil society, such as is clearly the case in Hungary.” /Answer from Estonia – Non-governmental organisation*
- *“The EU could organize training for the national and local authorities in which the CSOs would be called upon to participate in telling their own problems and proposed solutions” /Answer from Portugal – Faith-based, religious, philosophical or non-confessional organisation.*

3.8. Promising practices

(direct quotes from the replies to open questions in the questionnaire)

- *“One example is our forthcoming Handbook for CSOs on How to Use EU Law to Defend Civic Space (see more detailed info further below).” /Answer from EU level/umbrella organisation – Non-governmental organisation*
- *“With the tenth anniversary of the entry into force of the EU Charter of Fundamental Rights the Blog "EUreka!" decided to offer a sub-blog entirely dedicated to the Charter. This Series is entitled "All EU-r rights". Throughout 2020 - the 20th anniversary of the Charter's proclamation - it will offer information about the Charter. The first entry was published on 1.12.2019 describing the Charter as such. Every 2 weeks additional entries were published. Every blog entry describes a specific Charter right in an easy and attractive language. The readership is the interested general public that wants to know "what is in for me". In order to be more attractive every blog-entry is served with a piece of art belonging to the same series. "All EU-r rights" offers expert knowledge in a simple format in order explain what the Charter adds to the existing fundamental rights landscape. The blog series is a unique endeavour showing that it is possible to communicate complex legal issues in an attractive way. Whoever wants to link to our blog Series "All EU-rights" can do so by using this link: <https://blogs.eurac.edu/eureka/category/all-eur-rights>”/Answer from Italy - Non-governmental organisation (research)*

3.9. Full set of tables and graphs (separate file)

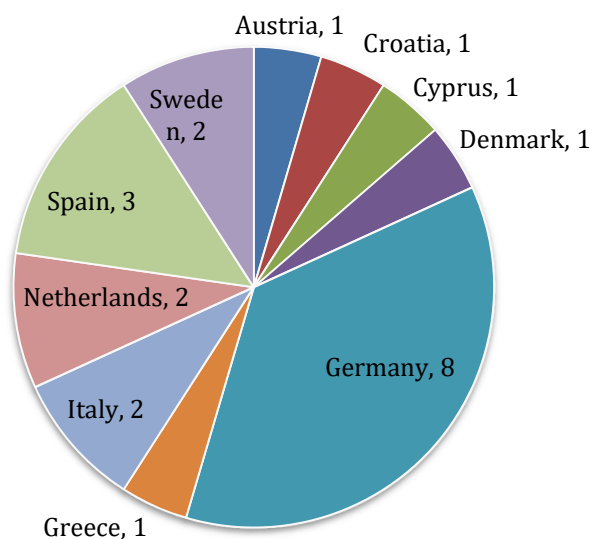
4. FINDINGS FROM THE CHARTER CONSULTATION WITH LOCAL AND REGIONAL AUTHORITIES

4.1. The sample, group of respondents and Member State coverage

Only few local and regional authorities participated in the consultation. Various factors could explain the low participation rate - ranging from the low awareness about the role of local administrations in the implementation of the Charter or in implementing fundamental rights more broadly, to the fact that local and regional authorities were busy in fighting COVID during the consultation period, or that the consultation questionnaire was only available in English and not in all EU languages.

Of 25 initial respondents in the raw dataset, 22 coming from 10 Member States could be retained for analysis, after checking for eligibility and nonresponse issues. It must be emphasised that this sample size, especially in light of the large number of local and regional administrations that would have been eligible for participation, will not enable "representative" findings of local and regional authorities in the EU. However, results of the consultation bring interesting contributions, in particular from a qualitative perspective.

Figure 4.1. Participating authorities from each represented Member State

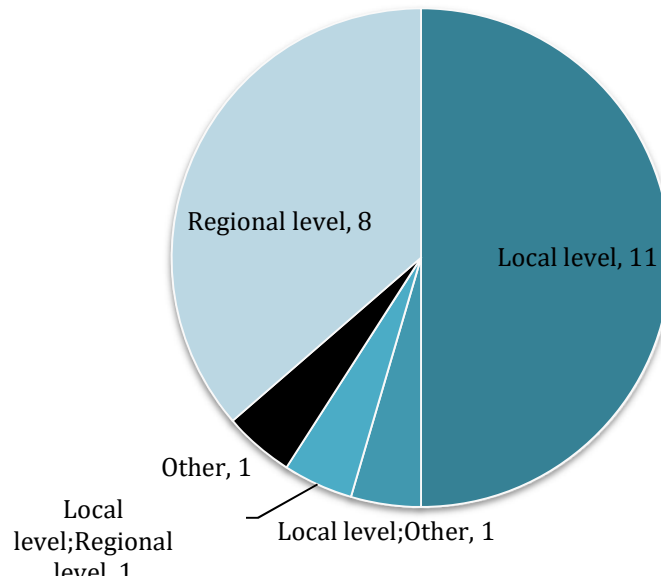


Basis: 22 participating authorities

Participation is very low considering the number of responses as well as the coverage of the number of EU Member States from which respondents are coming from (Figure 4.1.). By far the most (eight) cases are coming from Germany, three cases from Spain, and two or less cases from eight other Member States. The small sample will not support a meaningful analysis of subgroup results, which is why the sample is analysed as a whole.

A quite positive aspect of the sample composition, however, can be seen in the comparable proportions of administrations operating on the local and on the regional levels, and respondents coming from different parts of Europe and from centralised and decentralised states. As visible in Figure 4.2., there has also been a small number of mixed statements about the levels of operation.

Figure 4.2. Level at which the participating authorities work



Basis: 22 participating authorities

Three quarters of the responding administrations (17 out of 22 cases) do implement or manage EU funds. This is important to note, as such funding comes with obligations regarding the application of the EU Charter.

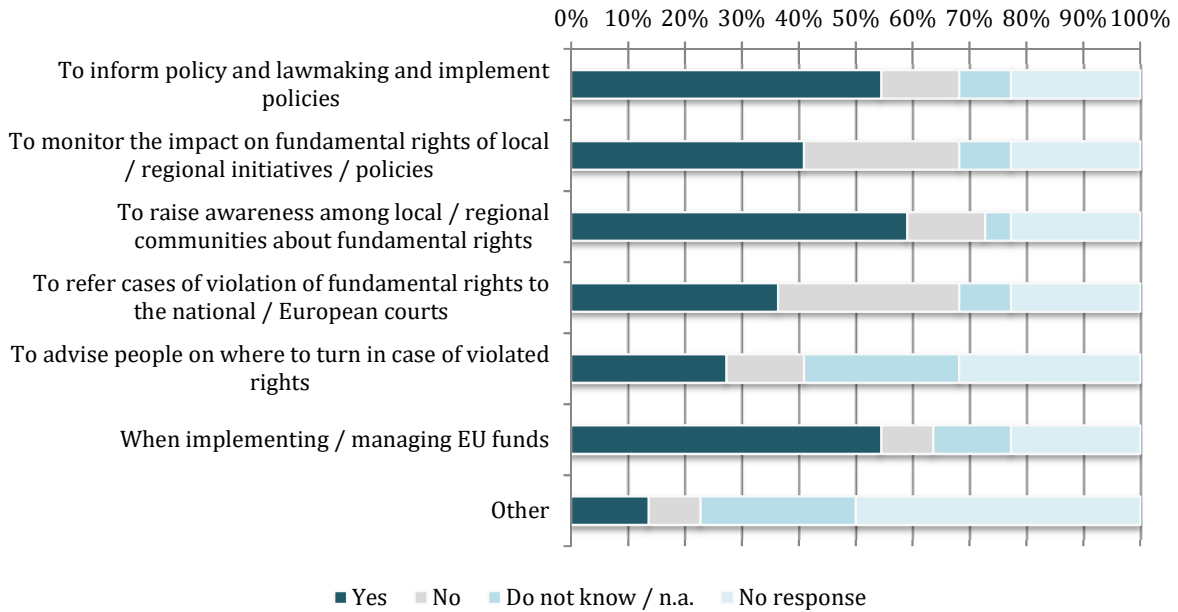
4.2. Level of EU Charter awareness and use

Asked about their knowledge of the Charter and their use of the Charter, slightly less than half of the participating authorities claim a good or even very good knowledge of the EU Charter; and exactly the same number (10) authorities claim to use the Charter either sometimes or often.

Three most important uses of the Charter are reported by more than half of the participating authorities (Figure 4.3.):

- Raising awareness among local or regional communities about fundamental rights,
- Informing policy and law-making, and implementing local and regional policies, and
- Implementing and managing EU funds.

Figure 4.3. How the EU Charter is used



Basis: 22 participating authorities

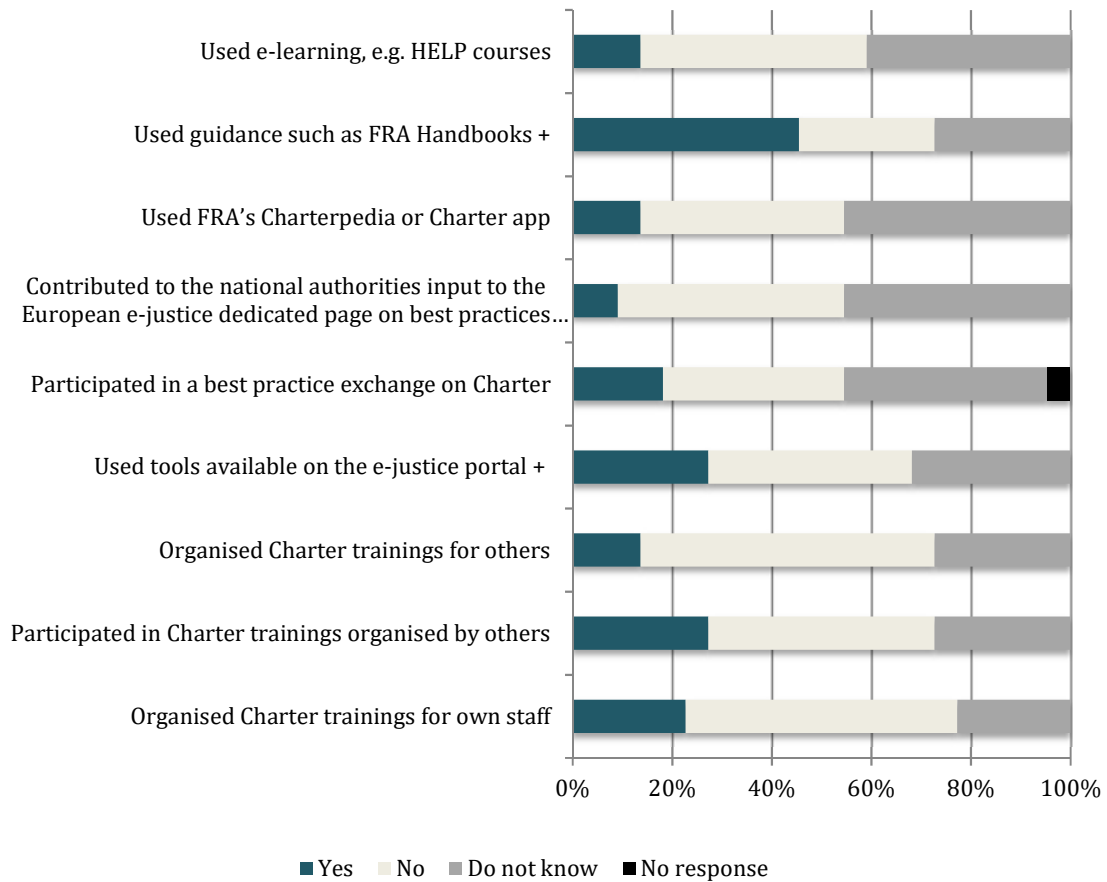
Respondents were also asked what measures could support their EU Charter application. From a selection of proposed measures that would support the Charter's use in the local and regional administrations, two have received the highest importance ranking by four authorities each:

- Online tools and information allowing local and regional actors to better understand the added value of the EU Charter and its scope of application; and
- Advice on the use of the EU Charter when applying for EU funding and when implementing EU-funded projects.

Other measures have received lower importance rankings. No measure stands out by being considered as the single most important one.

Only a small percentage reports specific actions taken to promote the application of the EU Charter (Figure 4.4.). The most popular action – using guidance such as handbooks, national factsheets or video – is only confirmed by ten respondents, so less than half. Various forms of involvement in training (organising it or receiving it) have been confirmed by a maximum of six authorities (cities and regions) per type of training involvement.

Figure 4.4. Percentage of Authorities confirming different EU Charter related practices



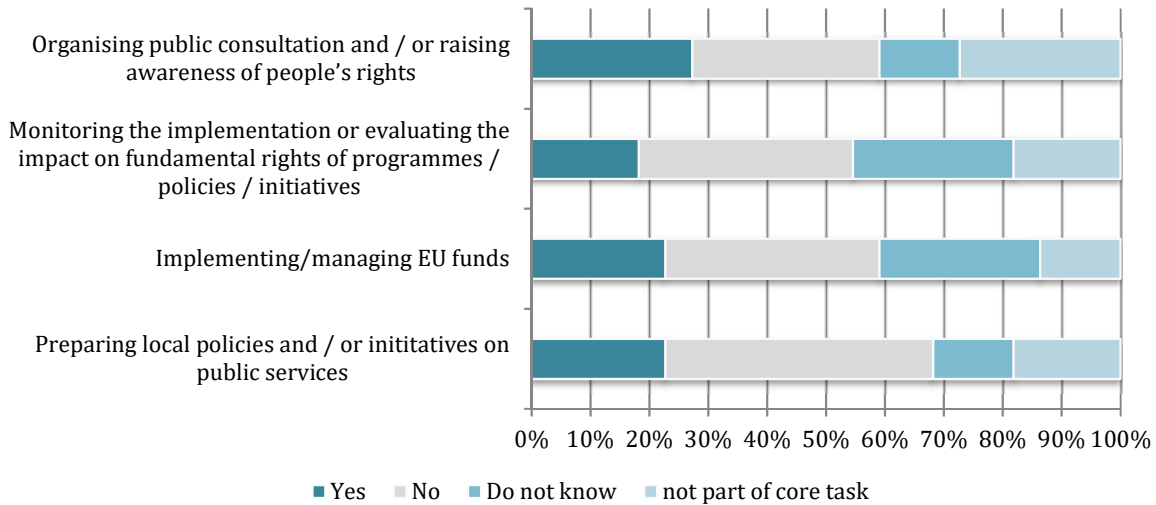
Basis: 22 participating authorities

Considering the very limited use of the Charter by local and regional authorities, the question about training opportunities in the consultation seems particularly important. In their responses, the authorities have deemed the current training opportunities insufficient more frequently than sufficient – but the largest number of respondents (corresponding to 40%) does not know.

The participants in the consultation were asked whether they check the compatibility of local or regional decisions, laws or policies with the EU Charter for issues related to EU law. In their answers, only about one third of the respondents confirm performing such checks.

Another question was asked about forms of cooperation between the authorities and other stakeholders to promote the EU Charter application. Of a series of suggested cooperation forms, none was confirmed by more than approximately 25% of the participants in the consultation (Figure 4.5.).

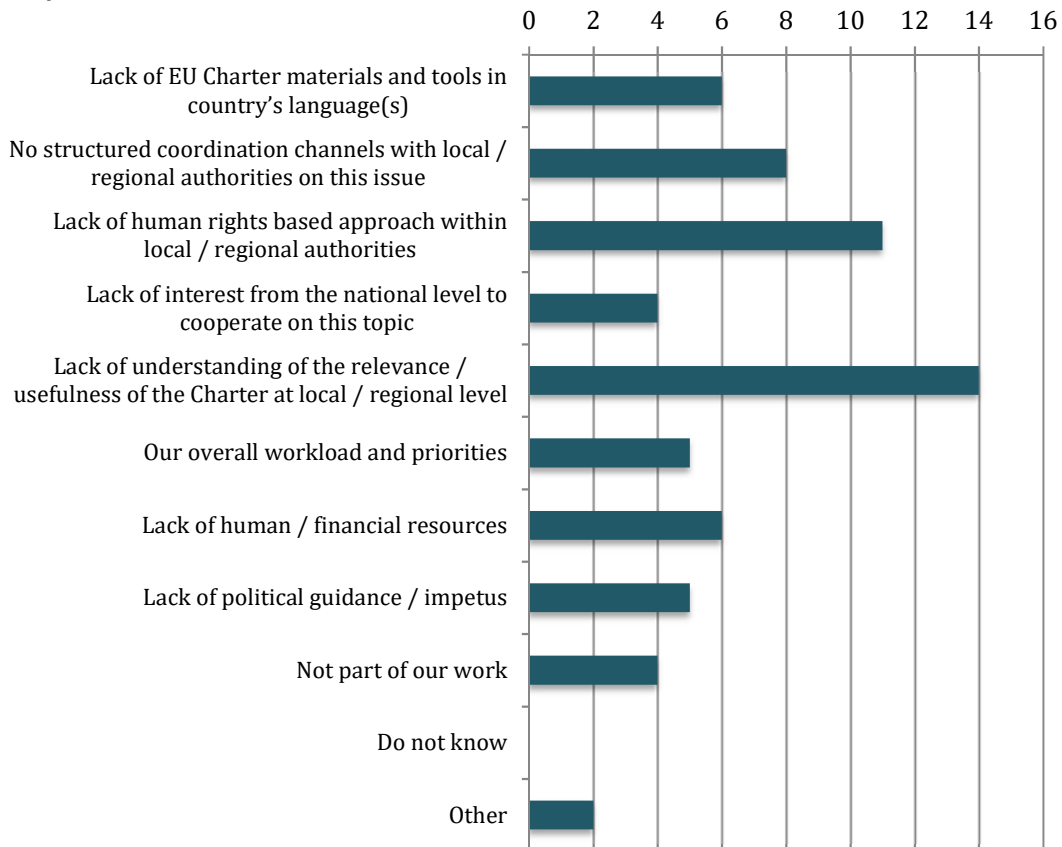
Figure 4.5. Forms of cooperating with other stakeholders to promote the EU Charter



4.3. Challenges and obstacles in more regular use of the Charter

What then, are the most frequently confirmed challenges or obstacles faced in making more regular use of the Charter? The message is quite clear (Figure 4.6.): more than 60% of respondents (14 respondents) perceive a lack of understanding on the relevance, or usefulness, of the EU Charter and its application at local or regional levels; and 50% (11 respondents) confirm the general statement that a human rights-based approach is missing at these levels.

Figure 4.6. Number of Authorities confirming challenges / obstacles in using the Charter more regularly



Basis: 22 participating authorities

4.4. Promoting awareness of EU Charter rights among the public

Despite the obtained picture in the above sections of a currently quite limited Charter application among local and regional authorities, 14 out of 22 respondents say that they do raise awareness about people's rights, and about what people can do in the case of the violation of „their rights“.¹⁹

Turning to a more concrete question, what actions could the authorities take to improve „people's awareness of their rights under the EU Charter“, from their own viewpoint, more than 70% share the opinion that they could do so by emphasising the Charter in public relations work. Several related potential actions receive almost as much support. Cooperation options with National Human Rights Institutions and Equality Bodies, as well as engagement with public personalities, however receive less than 50% support.

4.5. The role of national and EU level in supporting local and regional authorities in the use of the Charter

More than 73% of respondents indicated that they are not aware or do not know of initiatives of their own central government to promote the EU Charter nationally. These results are particularly important, as local and regional authorities are sub-levels of governments, hence subjects to fundamental rights obligations. It becomes more challenging for local and regional authorities to fulfil these obligations if information on fundamental rights is not disseminated within sub-levels of governments.

When asked what the EU Institutions and bodies, in particular also the European Committee of the Regions, could do to support local and regional authorities to better use the Charter, respondents highlight the „usefulness of guidance on concrete use of the Charter“, consider „funding opportunities of front-runners“, as well as information sessions and exchange of practices cross-nationally.

4.6. Concluding remarks

Responses suggest that the use and awareness of the Charter amongst local and regional authorities is rather low. One should also consider that the few who participated may, by this very participation, express a relative engagement and interest in the Charter. However, given the small sample size, it would be worthwhile to consider carrying out a large-scale consultation with local and regional administrations in order to identify avenues on how to maximise the Charter's potential at local and regional levels.

The majority of respondents confirmed a lack of understanding of the Charter's relevance at local and regional levels as a major hurdle for wider Charter use. This might reflect that local and regional authorities tend not to have a tradition of seeing themselves as relevant fundamental rights actors. Moreover, there is not much guidance at the national level in this regard; earlier FRA findings suggest that national governments hardly engage in proactive policies aimed at increasing the awareness and use of Charter rights within their Member States.²⁰

¹⁹ We should note, however, that these statements may partly reflect the question wording in the respective survey section, where rights have not been specified as fundamental rights: “Do you raise awareness about people's rights and what they can do if these rights have been violated?”. Nevertheless, the replies are highly relevant as they underline the potential of these authorities for raising (Charter) rights awareness.

²⁰ FRA (2018), Opinion on challenges and opportunities in the implementation of the EU Charter of Fundamental rights.

However, from a legal perspective, regional and local authorities and national governments are equally obliged under the Charter whenever they act within the scope of EU law. There is clearly a need for local and regional authorities to better understand how they can use the Charter. Various consultation results point to local actors' considerable potential to engage with the Charter, including in promoting its application.

It is thus important that any awareness raising of the EU Charter be accompanied with tailored guidance on why fundamental rights are important for local and regional authorities, as well as concrete examples on how authorities can make use of the EU Charter.

An important hook and incentive to increase awareness of the obligations flowing from the Charter could be the use of EU funds, given that three quarters of the responding administrations indicated that they implement or manage EU funds.

Replies to open questions show that local and regional actors would appreciate more exchanges of experience with the Charter and tailor-made assistance in promoting its use such as, for instance, by offering translations of relevant Charter tools into local languages. In this regard, it is relevant to stress that local and regional authorities have useful channels in place for cross-national exchange and mutual learning through formal and informal platforms (such as the European Committee of the Regions) and various cities' networks (such as the informal group of European human rights cities). Some of these channels, structures and actors could be used to exchange experiences and to increase awareness of the Charter at local and regional levels. For instance, the EUROCITIES initiative invites members to commit pledges to specific articles of the European Pillar of Social Rights and set up action plans to implement these commitments.

The EU could build on selected local and regional authorities that could act as a group of "Charter Champions" assisting EU Institutions and bodies on ways to link the EU Charter to local and regional work. Synergies and cooperation with national human rights institutions and ENNHRI could be explored to empower more local and regional authorities in being more active in promoting and using the EU Charter, building in particular on NHRIs that have set up regional offices.²¹

In conclusion, feedback from the consultation demonstrates a lack of awareness and understanding towards the Charter among local and regional authorities. However, it also highlights opportunities for action at the EU level through targeted measures as well as strong interest from local and regional authorities to make use of the Charter in their work (here, however, the caveat of the small sample size bears repeating). These elements combined could be a "game changer" for the current status-quo and increase the use of the Charter by local and regional authorities, hence making those rights a more direct reality in the daily life of the population of the EU.

²¹For info on such regional offices see the upcoming FRA report on NHRIs.

4.7. Selected voices from respondents

(direct quotes from replies to open questions in questionnaire)

On current use of the Charter

- *“In advising political bodies the Charter is regularly mentioned as a reason why also we also on the city level should work systematically on human rights” /Answer from Netherlands – Local level*
- *“Promote human rights how it is part of our daily life. That it is not only to protect citizens against government, but also in between interaction of citizens themselves.” /Answer from Netherlands – Local level*
- *“As a foundation and context for the design of policies from a human rights approach. The design of public policies requires knowledge of the Charter in order to identify violations of rights as well as to defend the right based on its legal obligation in international conventions.” /Answer from Spain – Local level*
- *“We think that the EU Charter correspond to the fundamental rights in the German constitution which we always obey.” /Answer from Germany – Local level*

On possible support to be delivered to the regional and local levels

- *“Local levels need more support from EU institutions ...the national level will follow” /Answer from Austria – Local level*
- *“Creating a concrete follow up (funding possibility for a frontrunner cities) on the present FRA project on H[uman]R[ights]Cities; and giving them the task to design a process in which cities, local communities and their networks are invited to make the Charter known, developing ways to use it during implementation, but e.g. also to enable a kind of local reporting about 'the local state of art' in relation to the Charter. Inviting in the subsidy framework to come up with a interurban process of bottom-up assessments on Human Rights aspects in which local stakeholder create the basis of a kind of light local accreditation (like on national level is established in the last 2 decades).” /Answer from Netherlands – Local level*
- *“more tailor made communication /Answer from Italy” – Regional level*
- *“National information point / Regional information points / Networking” /Answer from Spain – Regional level*
- *“Often the national levels know too little about the work and projects of the local and regional administrations, because the information and Know-how exchange has often not been given. The federal, state and local authorities should be encouraged cooperate and exchange information much more. Finally, the Charter gives greater visibility and clarity to fundamental rights. It strengthens the European Union as a community of fundamental rights and values.” /Answer from Germany – Local level*
- *“they should initiate a national platform and expertise center for developing human rights cities; and support the idea by telling the story to local politicians that this is an important international policy frame. There should be a clear explanation how to relate this frame to the SDGs and crucial is to design the contours of 'how to become a human rights city?' The FRA (expertise) project on this moment goes in that direction; but the outcome need a follow up on EU level and not on national level. The EU Commission has to make clear that explicitly relating to the EU Charter is e.g. a necessity in the case of applying for EU funding. A special EU fund should be available for supporting cities and their local stakeholders in 'translating' the outcomes of the FRA project into local policies that taking the Charter into account. We need an implementation phase to learn how to make next step and to make Human Rights a common framework for much more cities. How to do that should be clear and easy to understand. But cities should be supported and facilitated to 'find their way' in promoting, using, applying, monitoring, etc. the Charter. It should be easy to understand, but it still will be a difficult process in all those local communities and municipalities. We need a EU funded project in which also local universities are doing critical action research in relation to their cities*

willing 'to become a human rights city'. But cities and universities also need each others peer2peer help. We need a EU network on frontrunner cities, supportive universities and much more follower cities. Many questions cities have in common, e.g. about how to find good ways to promote the Charter; and how to tell the story in relation to the International Conventions, Charters etc." / Answer from Netherlands – Local level

- "Platforms should be set up to enable local and regional administrations to exchange experience and best practice. There are already some monitoring platforms created by the Committee of the Regions for specific European policy areas, this should be extend also to other areas such as the EU Charter for monitoring the Impact on fundamental Rights of local and regional policies and for structured coordination on this issue between the local and regional authorities." /Answer from Germany – Local level
- "The EU Charter is a key milestone of the EU identity but its implementation could benefit from more attention to the economic and social different situations existing in all the EU countries and their specificity. Language (translation in native language), financial resources and dedicated trainings for all actors (political and administrative personnel) are crucial to implement the EU Charter." /Answer from Italy – Local level

On improving rights awareness

- "The relation with universities and cultural sector is crucial. Culture is key in telling the story about rights and finding ways that people can relate to it. Exhibitions, Theatre, Music, Architecture (see e.g. the Gwangju city hall) etc." /Answer from Netherlands – Local level
- "In advising (local) political bodies the Charter is regularly mentioned as a reason why also we also on the city level should work systematically on human rights" /Answer from Netherlands – Local level

4.8. Promising practices

(direct quotes from replies to open questions in questionnaire)

- "As a signatory to the Charter of Diversity, the City of Mannheim has therefore made a voluntary commitment to create a working environment characterised by mutual respect and openness. The diversity management implements this vision and is therefore firmly anchored in the structure of the city administration. (2) By signing the European Charter for Equality between Women and Men at local level, the City of Mannheim has committed itself to making active use of its various roles - as employer, service provider, client and political authority as well as responsibilities in order to work even more effectively towards equal rights and equal opportunities for women and men within the administration and in society as a whole. In March 2020, the Feminist Barcamp 2020 in Mannheim was held under the motto "Gainful employment: equal and fair! - A foundation of gender equality." /Answer from Germany – Local level
- "Since 2016, Barcelona has adopted the government measure "Barcelona, city of rights", which develops actions to prevent and guarantee the rights of citizens and actions to include the human rights approach in public policies: In this line, practices based on the guarantee of rights in the city have been created. Some example: Office for Non-Discrimination, Active municipal registration, Closure of the Barcelona Internment Center for Foreigners, Defending the right to housing, Defending Energy Rights..." /Answer from Spain – Local level
- "[...]declaration of Vienna to the City of Human Rights" /Answer from Austria – Local level
- "(Utrecht) Urban Innovative Action project about developing an innovative refugee welcoming policy (Plan Einstein) was explicitly build on Human Rights principles." /Answer from Netherlands – Local level
- "The LGBT Office was established in 2001, by City Government's Decision 2001/905/42, with two tasks: to provide training to City's personnel and to create/strengthen/implement internal and external network on LGBT topics. Example n. 1: the existence and knowledge of art. 21 of

the EU Charter is spread among the personnel attending the trainings provided by the LGBT Office via a specific session dedicated to Fundamental Rights and Discrimination legal framework. The trainees are City's dependants (public employees, civil servants) working in various departments (Education, Municipal Police, Social Services, Public City Libraries, Youth Services, Migration Office, Registry Office, Sport Facilities). Weblink to an example: http://www.comune.torino.it/politichedigenere/lgbt/lgbt_format.” /Answer from Italy – Local level

4.9. Full set of tables and graphs (separate file)