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2009 - 2019

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Session 2

Ensuring that the Charter delivers for everyone: the role of civil society organisations, and rights defenders

As underlined in the European Commission's *Report on the application of the EU Charter of Fundamental Rights in 2018*¹ and in the EU Agency for Fundamental Rights (FRA) *Fundamental Rights Report 2019*,² civil society organisations (CSOs) and rights defenders such as National Human Rights Institutions (NHRIs), Equality Bodies and Ombuds institutions and their networks play an essential role in ensuring that people can effectively enjoy their Charter rights in the EU. Their contribution is cross-cutting and ranges from advice, monitoring and (strategic) litigation to awareness raising and fundamental rights education.

CSOs and rights defenders are key partners to help national governments and parliaments promote and protect the rights enshrined in the Charter (this will be specifically discussed in Session 1, panel 1). They are also key actors in helping victims of fundamental rights violations, especially the more vulnerable, know about their rights, identify the adequate redress mechanism and receive effective judicial protection. A recent Eurobarometer survey conducted by the Commission shows that Charter awareness remains relatively low and that there is a high demand by citizens for more information on Charter rights and where to turn when those rights are violated.³ Rights defenders and CSOs are well placed to raise people's awareness of their Charter rights and assist them with litigation.

A recent survey carried out by FRA amongst civil society organisations working in the field of fundamental rights found that half of the respondents were of the view that the relevant staff in their organisation was not sufficiently aware of the Charter.⁴ 80 per cent of the responding CSOs said they had never attended a training on the Charter or provided such training. Almost all NHRIs interviewed by FRA⁵ indicated that they were not exploiting the full potential of the Charter in their work. For CSOs and rights defenders to be able to play their role in an effective manner and make the Charter a reality in people's lives, they themselves need to be fully aware of the Charter, its scope of application and the most recent case law.

Session 2 will focus on the role and impact of strategic litigation of Charter rights (Panel 1), and will highlight promising practices to promote and raise awareness about the Charter (Panel 2).

Panel 1 – The role and potential of strategic litigation

The number of strategic litigation cases involving rights enshrined in the Charter has increased in recent years, which contributes to effective access to justice for all and to a more coherent implementation and application of EU law.

¹ Commission, *2018 Report on the application of the EU Charter of Fundamental Rights*, available [here](#).

² FRA (2019), *Fundamental Rights Report 2019*, available [here](#).

³ Special Eurobarometer 487b of June 2019.

⁴ FRA (2019), *The 'national life' of the EU Charter of Fundamental Rights at its tenth anniversary*, Conference paper, November 2019.

⁵ FRA (2019), *The 'national life' of the EU Charter of Fundamental Rights at its tenth anniversary*, Conference paper, November 2019.

However, handling such cases requires not only legal capacity and specialised knowledge, but also the development of a strategic approach. Indeed, the success of litigation initiatives imply, beyond legal expertise, communication, advocacy and community engagement, to reach policy-makers, mobilise public opinion, maintain victims' engagement in the process and ensure the enforcement of decisions. In this context, the support and assistance to the victims provided by CSOs, NHRIs and Equality Bodies is instrumental. The Commission is currently implementing a preparatory action proposed by the European Parliament to provide support for litigating cases relating to violations of democracy, rule of law and fundamental rights⁶.

Participants in Panel 1 will share their positive experiences of litigation as well as their difficulties and explore avenues for cooperation. Participants will also focus on the specific needs of actors involved in litigation, such as funding, training, networking and peer learning.

Panel 2 – Raising awareness and promoting the use of the Charter

Charter proficiency is essential to be able to identify Charter rights violations. As mentioned earlier, data show that citizens, CSOs and rights defenders do not consider themselves sufficiently well informed.

Tools exist such as Charterpedia⁷ and the European eJustice Portal⁸ (on which presentations will be made over the lunch break). These tools could be better promoted and possibly improved. The European Commission provides funding for trainings on the Charter and FRA has been cooperating with NHRIs on specific training modules for national administrations, civil society and others.⁹ The Commission's proposal for a new Justice, Rights and Values Fund opens the possibility for further funding opportunities, in particular for CSOs and national authorities.

In Panel 2, participants will exchange views on how to improve CSOs and rights defenders' knowledge about the Charter. They will focus on strengths and weaknesses of existing tools and explore ways to improve and disseminate them effectively. In addition, participants will reflect on how to enhance the contribution provided by their networks and promote dialogue and synergies between their members. Participants will also reflect on how the different actors in the Charter's enforcement chain can best share their experience and best practices on awareness and use of the Charter, including successful campaigns. They will explore avenues to address existing challenges in reaching out to the public in an effective way, especially to the more vulnerable persons.

Indicative questions to steer the discussion:

1. What are the key ingredients needed to mount successful strategic litigation cases and what can be CSOs/rights defenders' added value? Would you have best practices to share?
2. What specific obstacles are CSOs and rights defenders facing when supporting victims in a strategic litigation case?
3. Which strategies and tools have proven effective in improving knowledge about the Charter among CSOs and rights defenders? How could existing instruments be improved?
4. How can CSOs and rights defenders best play their role in informing citizens about their Charter rights and where to turn when their rights are violated? How could national governments cooperate with/support civil society actors and rights defenders in developing targeted tools and increase Charter awareness, in particular amongst the more vulnerable population?

⁶ COMMISSION DECISION on the financing of the preparatory action Union fund for financial support for litigating cases relating to violations of democracy, rule of law and fundamental rights and the adoption of the work programme for 2018 (C(2019) 120.

⁷ <https://fra.europa.eu/en/charterpedia>.

⁸ https://beta.e-justice.europa.eu/584/EN/charter_tutorial.

⁹ Commission, *2018 Report on the application of the EU Charter of Fundamental Rights*, focus section on the 10th anniversary of the entry into force of the Charter.