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DO'S AND DON'Ts

when it comes to EU Charter of
Fundamental Rights and structural funds

INTRODUCTION

The Regulation 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy¹ (“Common Provisions Regulation”) has foreseen that funds should be used in line with the Charter of Fundamental Rights.

Namely, the effective application and implementation of the Charter of Fundamental Rights of the European Union and Implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCPRD) in accordance with Council Decision 2010/48/EC are horizontal enabling conditions for the implementation of EU funds.

Within in the project, the Ombudswoman organized national diagnostic workshop gathering key stakeholders in relation to usage of structural funds – these included representatives of managing authorities, representatives of national bodies with human rights remit, including Ombuds institutions, civil society representatives and appointed focal point for the Charter of Fundamental Rights.

Based on the discussion the following recommendations were developed.

1. Increase awareness of the Charter of Fundamental Rights!

Civil servants involved in the fund administration (the managing authorities and intermediate bodies) and the beneficiaries (those receiving the funds to actually carry out projects) often lack fundamental rights expertise.

Particular strengthening needs to be provided to anti-discrimination coordinators within the administration as well as to staff working on complaints.

Equally so, the capacity building on the Charter of Fundamental Rights is needed for national human rights institutions as well as to civil society organizations, particularly to be able to monitor and bring complaints forward.

This capacity building should be continuous.

2. Ensure participation of all relevant stakeholders!

Currently, the question which stems from the experience of the previous financial cycle is how different Operational Program's structures interact with different bodies with human rights remit and civil society organizations nationally (eg. which body is included or asked for the Opinion), whether involvement of these bodies is continuous and throughout all phases of EU funds (from partnership agreement onwards), if it is timely involvement (does it allow for sufficient time to react) and if it is substantial (is there a space for discussion), so to be able to detect and react to potential challenges to fundamental rights, considering a complex environment of EU funds.

Hence, it would be important to provide framework and space for regular exchange between key stakeholders in relation to the Charter outside of the meetings of the Monitoring Committees.

3. A role for a focal point on the Charter of Fundamental Rights! – a possible avenue for cooperation and coordination

At national level there is sometimes a lack of communication and coordination in the context of EU funds and fundamental rights. Since Croatia appointed Office for Human Rights and Rights of National Minorities as a focal point for Charter, there is a room for seeing whether meaningful coordination and exchange could be facilitated by the focal point in order to ensure it is continuous.

4. Exchange of practices with other EU members

As this is a new area for many, all participants highlighted that it would be beneficial to exchange with other EU members as well – and through this exchange to share practices of good practice as well as those that did not work, in order to ensure the Charter of Fundamental Rights is consistently used in EU funds.

In this respect, it was particularly focused that Guidelines on the implementation of the Charter of Fundamental Rights in EU funds should be developed by the EU, to ensure more consistent approach.

DON'TS

5. Don't provide capacity building having in mind lawyers!

Most staff working on EU funds don't know much about human rights – help them understand human rights and what rights mean in practice, provide them with information on where to find more information.

6. Try to make it practical!

Bring concrete examples of how Charter for Fundamental Rights matters and how it is relevant to their work!