

# GUIDANCE ON RESPECTING FUNDAMENTAL RIGHTS IN EU FUNDS

Practical steps to ensure compliance  
with the Charter of Fundamental Rights





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# WHAT SHOULD EU FUNDS SUPPORT?



## FUNDAMENTAL RIGHTS VIOLATIONS

INSTITUTION



CLOSED RECEPTION CENTERS



SEGREGATED HOUSING

## INCLUSION IN THE COMMUNITY



# Contents

<b>EXECUTIVE SUMMARY</b>	<b>6</b>
<b>1. INTRODUCTION</b>	<b>8</b>
1.1 Why this guidance	8
1.2. Who is it for?	8
1.3. Which EU funds and programming period does it cover?	8
1.4. What policy areas and target groups does it cover?	10
1.5. What is it based on?	11
<b>2. GUIDING PRINCIPLES AND SAFEGUARDS</b>	<b>12</b>
2.1 Applying and operationalising cross-cutting principles	12
2.2 Alignment with human rights legal standards	13
2.3 Excluded investments: prohibition of funding fundamental rights violations	15
2.4 Application of intersectionality	16
2.5 Legal accountability through complaints and strategic litigation	17
<b>3. PROGRAMMING</b>	<b>19</b>
3.1 Operationalising fundamental rights – the need for an implementation plan	19
3.2 Partnership	20
3.3 Monitoring committees	21
3.4 Complaints mechanisms	22
3.5 Measures to ensure structural reforms across thematic areas	23
<b>4. IMPLEMENTATION MECHANISM</b>	<b>25</b>
4.1. Application of fundamental rights requirements throughout the implementation	25
4.2 Designing call for proposals	26
4.3 Selection of operations	27
4.4 Complaints mechanisms	28
4.5 Monitoring and evaluation	28
<b>5. CONCLUSIONS</b>	<b>30</b>
<b>ANNEXES</b>	<b>31</b>
Annex 1 – EU funds regulations: key provisions for 2028–2034	31
Annex 2 - Legal frameworks in the field of fundamental rights	32
Annex 3 - Policy frameworks in the field of fundamental rights	35

# EXECUTIVE SUMMARY

This guidance provides practical steps for ensuring that EU funds are designed, implemented, and monitored in full compliance with the EU Charter of Fundamental Rights and other binding human rights legal requirements.

## WHY THIS GUIDANCE?

Research conducted under the FURI project showed that fundamental rights violations supported by EU funds are not isolated incidents, but occur across Member States, funding programmes and impact different marginalised communities.

## FOR WHOM?

The guidance is intended for EU and national authorities responsible for programming, implementing and monitoring EU funds under shared management.

## WHAT DOES IT COVER?

The guidance focuses on EU funds implemented for both the 2021–2027 and the 2028–2034 programming periods. While based on the European Commission’s proposals on the 2028–2034 programming period, the recommendations remain applicable regardless of the final legislative outcome

## KEY RECOMMENDATIONS

### 1. Apply human rights obligations consistently (see chapters 2.1, 2.2)

- Adopt and apply aligned definitions and interpretations of fundamental rights requirements, particularly in the planning and implementation of EU funds. These should be grounded in the definitions and authoritative interpretations issued by United Nations bodies, Council of Europe, EU institutions, and relevant court rulings.

### 2. Take an intersectional approach (see chapter 2.4)

- Apply an intersectional lens at all stages of programme design, implementation, monitoring and evaluation, addressing the common needs and challenges of Roma communities, people with disabilities, people with a migrant background.

### 3. Prevent EU funds from contributing to fundamental rights violations (see Chapter 2.3)

- Exclude EU funds support for any measure that constitutes a recognised rights violation, such as institutionalisation, segregated education or housing, temporary or substandard accommodation, deprivation of liberty, discriminatory or inaccessible public services, pushbacks, racial profiling, or data protection breaches

### 4. Integrate safeguards across all phases of funding (see chapters 3 and 4)

- Design calls for proposals that embed human rights obligations, rely on robust needs assessments, and involve civil society and rights-holders.
- Apply transparent, rights-based selection criteria aligned with legal standards and excluded investments.
- Put in place monitoring systems capable of identifying risks or violations at any stage of implementation.
- Take timely corrective measures when inconsistencies or violations emerge (e.g. suspension, modification, or cancellation of call for proposals or projects).
- Ensure that complaints both at national and EU level mechanisms are accessible, independent, and capable of triggering remedial action.

# 1. INTRODUCTION

## 1.1 Why this guidance

Every year, the European Union invests billions of euros to advance a wide range of policy goals: from social inclusion and human rights to business development and energy efficiency. Cohesion policy alone accounts for roughly one third of the EU budget, making it one of the Union's most powerful tools to reduce inequalities.<sup>2</sup>

When EU funds are used, they should respect fundamental rights. Yet civil society organisations continue to uncover cases where EU-funded projects have harmed marginalised communities. Research carried out under the FURI project showed that fundamental rights breaches are not isolated incidents, but occur across Member States, funding programmes and marginalised communities..

The guidance provides practical steps to ensure that EU-funded measures comply with the EU Charter of Fundamental Rights (Charter) and other legal obligations, from the design of programmes to the selection and monitoring of projects.

## 1.2. Who is it for?

This guidance is primarily intended EU and national authorities responsible for managing EU funds, such as the European Commission, including managing authorities, ministries, and fundamental rights bodies.

Taking into account that negotiations on the proposals for the 2028-2034 programming period are ongoing, the recommendations may also serve the European Parliament and the Council.

The guidance may also be useful for civil society organisations.

## 1.3. Which EU funds and programming period does it cover?

This guidance focuses on EU internal funds: programmes implemented within the European Union under the framework for shared management between the European Commission and national or regional authorities. It addresses the structures and procedures used for programming, implementation, monitoring, and evaluation of these funds.

While the focus is on internal EU funding under shared management, the approach and safeguards described may also be relevant for EU funds under direct management, as well as for funds used in the EU's external action. The overarching message is the same: all EU

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<sup>2</sup> The current EU budget is over €2.0 trillion. It consists of the EU's 2021-2027 long-term budget of €1.2 trillion topped up by the up to €800 billion NextGenerationEU recovery instrument for the years 2021 to 2026. See the European Commission [website](#) for more information.

## Snapshot of findings from the FURI Project (2025)

### *What do fundamental rights violations in EU funds look like?*

The FURI project assessed how EU funds comply with the EU Charter of Fundamental Rights, and documented cases where funded projects breached fundamental rights across six EU Member States (Poland, Czechia, Hungary, Romania, Bulgaria and Greece).

Overall the project identified 63 projects that breached fundamental rights, together representing €1.1 billion in EU investment.

The rights violations documented include:

- Educational and housing segregation of Roma communities and children with disabilities;
- Use of temporary housing for Roma communities;
- Institutionalisation of people with disabilities, Roma children and family separation;
- Deprivation of liberty of people with a migrant background;
- Limited or no access to mainstream (non-segregated), good quality public services;
- Pushbacks of people with a migrant background.

The guidance presents pictures from these projects. Further details available in the national and European Reports.<sup>1</sup>



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<sup>1</sup> Bridge EU, 2025, [1.1 billion euros, 63 projects, six countries, one pattern: How EU funds violate fundamental rights and Annex 4 – overview of project examples](#). All the reports are available on the FURI project website: [www.furi.gcr.com](http://www.furi.gcr.com).

spending should respect and promote fundamental rights, regardless of where or how it is implemented.

The principles and recommendations outlined here are intended mainly for use in the next funding cycle (2028–2034). They are based on the European Commission’s proposals for the upcoming period,<sup>3</sup> while recognising that negotiations are ongoing and the final legislative texts may introduce some changes. References to draft articles in this guidance refer to the Commission’s proposals, unless otherwise specified.

Although the guidance refers to the draft EU funds proposals, its recommendations are grounded in operational experience and challenges observed to date. For this reason, they are expected to remain relevant and applicable irrespective of the final outcome of the negotiations, supporting national and EU authorities in ensuring effective fundamental rights compliance in practice.

The guidance should also inform how the Commission evaluates fundamental rights compliance during the 2021–2027 programming period.

#### **1.4. What policy areas and target groups does it cover?**

All measures, if poorly designed or implemented, can lead to discrimination. As a result, this guidance is intended to prevent and address fundamental rights violations across a wide range of policy areas, including transport, housing, education, social and health services, employment, and other public services.

Moreover, while policies often target specific groups (such as Roma communities, persons with disabilities, or people with a migrant background), they may fail to consider that many people face multiple and intersecting forms of discrimination. These may relate to sex, race, ethnic or social origin, religion or belief, political opinion, disability, age, sexual orientation, gender, socio-economic situation, or residence status.

This the guidance thus adopts an intersectional approach and places particular emphasis on the rights of :

- Racialised communities, especially Roma and people with a migrant background;
- Persons with disabilities;
- People with a migrant background regardless of their residence status (including asylum seekers and undocumented people).

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<sup>3</sup> Proposal for a regulation of the European parliament and of the Council establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509, [COM\(2025\) 565 final](#)

## 1.5. What is it based on?

The guidance is based on the experience of the 2014-2020 and 2021–2027 funding period, including funds such as the European Social Fund Plus (ESF+), European Regional Development Fund (ERDF), Cohesion Fund, Common Agricultural Policy (CAP), Asylum, Migration and Integration Fund (AMIF), and Internal Security Fund (ISF).<sup>4</sup>

In particular, it is based on findings of previous research and complaints, including the FURI project findings (see chapter 1.1). It is also grounded in international and European legal instruments in the field of fundamental rights, notably:

- EU Charter of Fundamental Rights (Charter)<sup>5</sup>
- European Convention on Human Rights (ECHR)<sup>6</sup>
- European Social Charter<sup>7</sup>
- UN Convention on the Rights of Persons with Disabilities (UN CRPD)<sup>8</sup>
- UN Convention on the Rights of Child (UN CRC)<sup>9</sup>
- Racial Equality Directive 2000/43 (Racial Equality Directive)<sup>10</sup>

An overview of relevant fundamental rights and EU funds provisions is included in the annex.



<sup>4</sup> As this guidance was being finalised, the European Commission released a [Manual on fundamental rights in EU funding](#).

<sup>5</sup> Charter of Fundamental Rights of the European Union, [C 326/391](#)

<sup>6</sup> [European Convention on Human Rights](#) as amended by Protocols Nos. 11, 14 and 15 supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13, 16

<sup>7</sup> [European Social Charter](#) (Revised) (ETS No. 163), adopted in Strasbourg on 3 May 1996

<sup>8</sup> [Convention on the Rights of Persons with Disabilities](#), adopted 12 December 2006 by the Sixty-first session of the General Assembly by resolution A/RES/61/106

<sup>9</sup> [UN Convention on the Rights of the Child](#) adopted 20 November 1989 by General Assembly resolution 44/25

<sup>10</sup> [Council Directive 2000/43/EC](#) of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

## 2. GUIDING PRINCIPLES AND SAFEGUARDS

Across the programming and implementation of EU funds, several guiding principles should be followed in order to adequately ensure that EU funds are aligned with the Charter. As the EU's primary fundamental rights instrument, the Charter must be interpreted in line with other binding human rights standards. In this chapter, the key principles are described.

### 2.1 Applying and operationalising cross-cutting principles

Across all thematic areas of EU funds programme design and implementation, the following core principles must be upheld (Article 7):

- the rule of law, understood as a Union value which includes legality, legal certainty, prohibition of arbitrariness, effective judicial protection, including access to justice and the safeguarding of fundamental rights, as well as non-discrimination and equality before the law<sup>11</sup>;
- rights, freedoms and principles set out in the Charter of Fundamental Rights, including in particular preventing “any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation, implementation, monitoring, reporting and evaluation of the Plans” (Article 7). In line with Article 53 of the Charter, this must be understood as ensuring the highest level of protection provided by EU and international human rights law.

The FURI project findings demonstrate a systemic failure to correctly interpret and apply fundamental rights obligations under international and European law. Violations documented across the 2014-2020 and 2021-2027 programming periods, including segregation in education and housing, institutionalisation of persons with disabilities and children, deprivation of liberty, show that cross-cutting principles are often not operationalised in practice. .

Implementation is further hindered by the absence of clear standards, guidance and regulatory tools on how to interpret the Charter and translate its provisions into operational measures. This creates ambiguity regarding legal obligations and contributes to EU funds being used in ways that contravene the Charter.

Although the draft EU funds proposal requires Member States to establish and maintain effective mechanisms to ensure that all measures financed under their Plans, and their implementation, comply with the Charter (Article 8) and the rule of law (Article 9), it does not set out concrete implementation mechanisms to ensure compliance at national level.

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<sup>11</sup> Article 2, [Regulation \(EU, EURATOM\) 2020/2092](#) of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget

### **RECOMMENDATIONS – OPERATIONALISING CROSS-CUTTING PRINCIPLES**

To ensure EU funds are implemented consistently with the Charter and the rule of law, public authorities should:

- Adopt clear, operational guidance on how to interpret fundamental rights violations obligations in practice, across all stages of the funding cycle.
- Apply the highest level of protection as required by Article 53 of the Charter, ensuring alignment with international human rights standards.
- Establish concrete mechanisms (procedures, tools, templates, training) enabling implementing bodies to identify, prevent and address fundamental rights risks.
- Ensure systematic monitoring of compliance with Charter obligations and timely corrective measures where risks or violations are identified.

## **2.2 Alignment with human rights legal standards**

To ensure legal coherence and uphold human rights standards, public authorities at both EU and national levels must adopt and apply aligned definitions and interpretations of fundamental rights violations particularly in the planning and implementation of EU funds. These should be grounded in the definitions and authoritative interpretations issued by United Nations bodies, Council of Europe, other international organisations, EU institutions, and relevant court rulings (including infringement proceedings)..

All measures taken to implement human rights regulations must therefore be consistent with the standards and interpretations set by these authoritative bodies, as well as by national and European courts (including findings arising from infringement proceedings).

### **RECOMMENDATIONS – ENSURING THE IMPLEMENTATION OF DEFINITIONS AND STANDARDS**

To guarantee legal coherence and prevent discrimination, public authorities should:

- Apply definitions of rights violations that are consistent with UN, Council of Europe, and EU authoritative interpretations, including relevant case law.
- Ensure that all definitions and standards used in EU funds programming and implementation reflect the highest level of protection under EU and international human rights law.
- Regularly review and update internal guidance and criteria to reflect emerging jurisprudence and authoritative findings from international monitoring bodies.
- Require that managing authorities, intermediate bodies and beneficiaries use these aligned standards in all assessments, decisions and monitoring processes.

Table 1 provides a non-exhaustive overview of key legal instruments and related guidance documents.

*Table 1 Non-exhaustive list of relevant legal instruments and guidelines*

Legal instrument	Key guidance document
Charter of Fundamental Rights of the European Union <sup>12</sup>	<ul style="list-style-type: none"> <li>Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union when implementing EU funds<sup>13</sup></li> </ul>
Convention on the Rights of Persons with Disabilities (UN CRPD) <sup>14</sup>	<ul style="list-style-type: none"> <li>General comment No.5 on Article 19 - the right to live independently and be included in the community<sup>15</sup></li> <li>Guidelines on Deinstitutionalization, including in Emergencies<sup>16</sup></li> <li>Concluding observations of the CRPD Committee addressed to the EU and Member States.</li> </ul>
Racial Equality Directive <sup>17</sup>	<ul style="list-style-type: none"> <li>Note on the use of EU Funds in tackling educational and spatial segregation 2021-2027 programming period<sup>18</sup></li> <li>Toolkit on the use of EU funds for the integration of people with a migrant background 2021–2027 programming period<sup>19</sup></li> </ul>
The 1951 Refugee Convention and its 1967 Protocol <sup>20</sup>	<ul style="list-style-type: none"> <li>Council of Europe European Commission against Racism and Intolerance (ECRI) General Policy Recommendation N°16 on safeguarding irregularly present migrants from discrimination<sup>21</sup></li> </ul>

<sup>12</sup> Charter of Fundamental Rights of the European Union, [C 326/391](#)

<sup>13</sup> Commission notice — Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union when implementing the European Structural and Investment Funds ('ESI Funds') [C/2016/4384](#)

<sup>14</sup> [Convention on the Rights of Persons with Disabilities](#), adopted 12 December 2006 by the 61st session of the General Assembly by resolution A/RES/61/106

<sup>15</sup> General comment No.5 on Article 19 - the right to live independently and be included in the community, [CRPD/C/GC/5](#)

<sup>16</sup> Guidelines on Deinstitutionalization, including in Emergencies, [CRPD/C/5](#).

<sup>17</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

<sup>18</sup> European Commission, [Note on the use of EU Funds in tackling educational and spatial segregation 2021-2027 programming period](#)

<sup>19</sup> European Commission, 2021, [Toolkit on the use of EU funds for the integration of people with a migrant background 2021–2027 programming period](#)

<sup>20</sup> [Convention and protocol relating to the status of refugees](#)

<sup>21</sup> ECRI General Policy Recommendation N°16 on safeguarding irregularly present migrants from discrimination adopted on 16 March 2016, [CRI\(2016\)16](#)

## 2.3 Excluded investments: prohibition of funding fundamental rights violations

Legal standards can only be considered effective in EU funds if they explicitly prohibit the use of EU funds for any measure or investment that constitutes a recognised violation of fundamental rights, as established in international and/or European human rights law. This includes, but is not limited to, the UN CRPD, the UN CRC, the ECHR, the relevant case law and authoritative guidance of UN and Council of Europe bodies, as well as EU equality and non-discrimination law (e.g. the Racial Equality Directive).

### RECOMMENDATIONS – LIST OF EXCLUDED INVESTMENTS

Drawing on existing legal interpretations, jurisprudence and documented evidence of discrimination in EU funds, the following measures are widely recognised as violations of fundamental rights and must not be supported with public funds, including EU funding:

- The organisation of institutional service structures and the building of new or renovation of existing residential institutions for people with disabilities, children deprived of parental care or older persons, regardless of the size (e.g. small group homes).
- Segregated educational facilities (e.g. Roma, racialised groups, persons with disabilities)
- Segregated housing projects for Roma, racialised groups, people with disabilities, or other marginalised communities
- Temporary housing facilities
- Reception or accommodation facilities that restrict access to mainstream services and/or deprive residents of their liberty
- Segregated and inaccessible public services
- Pushbacks, immigration detention, of people with a migrant background
- Violations of data protection and privacy rights
- Racial profiling in service delivery, policing, or migration control
- Any other practice constituting discriminatory or degrading treatment

These examples are indicative. EU funding must also exclude any investment that directly or indirectly contributes to, sustains, or enables facilities or practices that violate fundamental rights (e.g. energy-efficiency renovations, digitalisation, staff training, or capacity-building activities).

The European Commission and Member States must assess (ex-ante and post facto) and exclude any practice that may constitute a fundamental rights violation, including those identified through emerging evidence, evolving legal standards and new jurisprudence.

## 2.4 Application of intersectionality

Intersectionality is used and interpreted in numerous European, UN and other international policy documents to ensure the cross-sectional approach across thematic fields and target groups.

Applying this perspective helps identify both the specific needs of individuals who face multiple forms of discrimination and the common structural challenges affecting several marginalised groups. This is particularly relevant for communities such as racialised communities (e.g. Roma), persons with disabilities, and people with a migrant background.

In this guidance, intersectionality understood in two complementary ways:

### *a) Sub-groups of marginalised communities (multiple discrimination)*

It is essential to identify and address the needs and challenges of sub-groups of marginalised communities, as their experiences cannot be captured by single-category approaches. Integrating this lens allows policies and measures to respond more accurately to specific patterns of discrimination.

Some examples include:

- People with disabilities within the Roma, migrant communities
- LGBTQI+ persons in Roma, migrant, disability communities

Recognising the distinct experiences of these sub-groups, and the distinct forms of discrimination which they experience, ensures that policies do not overlook those who face compounded or less visible forms of exclusion.

### *b) Common needs and challenges of different marginalised communities*

Many marginalised groups face similar structural barriers, yet the legal and policy responses to these challenges are often uneven. Understanding these commonalities can help identify inconsistencies in policy attention, avoid siloed approaches, and promote more coherent and inclusive approaches.

Some of the examples of common challenges and inconsistencies include:

- Educational segregation disproportionately affecting Roma, disabled, and migrant children. While segregation of Roma children has received more attention (including infringement proceedings), similar patterns affecting other groups are often less addressed.
- Institutionalisation of children and adults with disabilities. Roma children may face comparable risks of institutionalisation, but targeted measures tend to focus primarily on disability rather than addressing racialised dimensions.

- Racial profiling of Roma and people with a migrant background. This practice affects several racialised communities, yet policy discussions often focus on one group at a time rather than addressing the broader systemic issue.

### **RECOMMENDATIONS - APPLYING AN INTERSECTIONAL APPROACH IN EU FUNDS**

To ensure that EU-funded measures identify and address both specific and structural patterns of discrimination:

- Apply an intersectional lens at all stages of programme design, implementation, monitoring and evaluation, including in needs assessments, indicators and consultation processes.
- Identify sub-groups within marginalised communities whose experiences may be obscured by single-ground approaches and require tailored responses.
- Address systemic challenges affecting multiple communities, ensuring coherence across thematic areas and avoiding siloed responses.
- Ensure participation of organisations representing different communities and intersectional groups in the preparation, implementation and monitoring of funds.

## **2.5 Legal accountability through complaints and strategic litigation**

FURI project findings show that the number of complaints and legal cases remains disproportionately low compared to the volume of reported or alleged violations across Member States. Existing cases have also not yet produced sufficient systemic change.

Strengthening legal action, including complaints and strategic litigation, is essential to uphold the rule of law, ensure compliance with EU treaties, the Charter and the Funds' regulatory frameworks, and support civil society, particularly where fundamental rights safeguards are weak. Strategic litigation also helps secure legal certainty and close gaps in the interpretation of rights obligations across Member States.

### **RECOMMENDATIONS - STRENGTHENING LEGAL ACCOUNTABILITY AND SYSTEMIC REFORM**

To strengthen legal accountability and drive systemic reform, the following actions should be introduced by public authorities:

- Build the capacity of human rights lawyers and activists to pursue legal remedies in cases involving EU funds, including both administrative complaints and litigation at

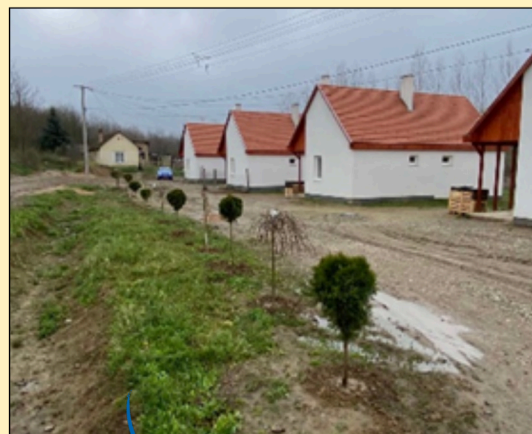
national and European levels.

- Allocate dedicated resources to support Roma rights litigation, ensuring that activists and lawyers working with Roma communities can bring forward cases concerning rights violations in EU-funded projects.
- Encourage cases addressing misinterpretation of EU and international legal standards, including the use of preliminary ruling requests to the Court of Justice of the EU to clarify the scope of fundamental rights protections.
- Promote litigation that exposes intersectional discrimination and rights violations, particularly those affecting multiple groups (e.g. Roma, migrants, persons with disabilities) or spanning different policy areas (e.g. school segregation, institutionalisation, environmental justice).
- Support strategic cases aimed at triggering legal and policy reforms, designed to generate broader impact through precedent-setting judgments and improvements in programme implementation and regulatory frameworks.
- Allocate a small dedicated share of EU funds (e.g. 1%) to independent organisations for monitoring, legal research, strategic litigation and complaints assessment.

## Project examples: housing segregation



→ Romania



→ Hungary

## 3. PROGRAMMING

The draft EU funds proposal foresees for the 2028 – 2034 programming period the establishment of a National and Regional Partnership Plans (NRP Plans) per member states, which would address the general and specific objectives of the fund (articles 2 and 3). This chapter sets out recommendations on how to effectively ensure that the NRP Plans are aligned with the Charter.

### 3.1 Operationalising fundamental rights – the need for an implementation plan

According to the draft EU funds proposals “each Member State shall prepare and submit to the Commission the NRP Plan setting out their agenda of reforms, investments and other interventions” (article 21). Among the requirements of the NRP Plans, Member States should provide a “self-assessment of the compliance with the Charter horizontal” (Article 22(o)) and “ensure that the NRP Plan contributes to the Union’s social objectives. At least 14% of the total Union contribution and loans shall be dedicated to meeting these objectives,…” (Article 22(q)).

#### Project examples: reception of asylum seekers



Greece

At the same time, there is no requirement to describe the implementation mechanism (operationalisation) of fundamental rights requirements enshrined in the Charter, also aligned with the international and European legal definitions and jurisprudence. Without this requirement Member States may translate fundamental rights provisions in a non-consistent way, as it was described in the EU synthesis report of the FURI project. Furthermore, the lack of this provision might also lead to no commitment to introduce practical steps.

#### **RECOMMENDATIONS - HOW TO EFFICIENTLY IMPLEMENT CHARTER PROVISIONS?**

To efficiently implement fundamental rights requirements at national level, EU and national authorities should:

- Ensure the NRP Plans includes explicit references to the Charter, the rule of law, or relevant infringement procedures and case-law (from national courts, the CJEU or ECtHR);
- Ensure that the self-assessment on the compliance with the Charter is consulted with civil society organisations, fundamental rights bodies;
- Design an operational mechanism on the implementation of the Charter with a direct link to national legal and policy frameworks in a form of guidance, policy line, regulations, etc;
- Identify and monitor indicators of segregation, institutionalisation, and other rights risks in EU-funded programmes.
- Train a network of experts (also those lived experiences) with a specific mandate to monitor and prevent fundamental rights violations.
- Apply legal definitions and its interpretation published by the United Nations and other international, EU institutions in EU funds programs
- Use the jurisprudence at national and/or EU level directly in EU funds programs
- Design and implement call for proposals and other implementation arrangements

### **3.2 Partnership**

According to the draft EU funds proposals, a balanced representation of (among others) of civil society (e.g. representing rights of persons with disabilities, gender equality, non-discrimination etc.), fundamental rights bodies, national human rights institution is required for the development and implementation of the NRP Plans (Article 6).

The FURI project found that the implementation of the partnership principle is not always ensuring a balanced representation of stakeholders representing marginalised groups. The involvement of stakeholders in consultations, monitoring committee, etc. often depends on their cooperation and commitment to the national government policy. This leads to exclusion of organisations representing critical voices against the policies of the national governments.

This might be also exacerbated by the introduction of populist regulations on deliberately shrinking the civic space, banning organisations receiving financial support from abroad (even if this “foreign country” is also member of the European Union) and/or Soros foundations, exclusion of human rights protection organisations (initiating litigations), etc.

#### **RECOMMENDATIONS - REPRESENTATION OF STAKEHOLDERS AND INVOLVEMENT OF FUNDAMENTAL RIGHTS BODIES**

Public authorities should:

- Ensure a balanced representation of stakeholders (also in line with Article 55), including organisations representing marginalised groups, critical positions, human rights protection, litigation, etc., in consultations, monitoring committees, etc.
- In case of any complaint on exclusion, discriminative treatment of any organisation in regards of partnership, the monitoring committee(s) should review the “objective and transparent criteria” and if necessary, to relaunch the involvement procedure.
- The involvement of fundamental rights bodies in the monitoring committees should be compulsory and the relevant capacity building (human resource development, technical assistance support, etc.) should be available to respond to their needs.
- Fundamental rights bodies should be involved in the following areas: preparation of the relevant strategies, assessment of complaints, practical definition of the human rights standards in the field of discrimination, segregation, institutionalisation, etc.

### **3.3 Monitoring committees**

Monitoring committees play an important role in ensuring respect for fundamental rights. The draft EU funds proposals foresees that monitoring committees should:

- examine the fulfilment of the Rule of Law and Charter horizontal conditions (Article 56(1)(c)).
- approve “the methodology, criteria and procedures for the selection of operations, including any changes thereto. The criteria applied and procedures used shall be non-discriminatory, inclusive and transparent, ensuring accessibility to persons with disabilities, ensuring gender equality, and take account of the Charter of Fundamental Rights of the European Union” (article 56(2)(b)).

However, in contrast to the 2021-2027 period, the proposal does not require Member States to have in place reporting arrangements in the monitoring committee regarding cases of non-compliance of operations supported by the Funds with the Charter.

## RECOMMENDATIONS - FUNCTIONING OF MONITORING COMMITTEE ALIGNED WITH THE CHARTER

To ensure that monitoring committees align with the Charter practice these should:

- Ensure that the methodology, criteria and procedures for the selection of operations follow the guidance listed in this document, notably as it concerns the prohibition of funding for recognised fundamental rights violations and alignment with legal definitions under international human rights frameworks (see chapter 2).
- Request fundamental rights bodies to review the call for proposals.
- Put in place operational mechanisms to receive and assess complaints in case of non-compliance with the Charter.
- Ensure that the minutes of the monitoring committee are made publicly available.

### 3.4 Complaints mechanisms

As in previous programming periods, the draft EU funds proposals requires Member States to *“make arrangements to ensure the effective examination of complaints concerning the use of the Fund, in accordance with their institutional and legal frameworks, and upon request by the Commission, examine complaints submitted to the Commission falling within the scope of the NRP Plan and inform the Commission of the results of these examinations”* (article 58).

Complaints mechanisms constitute an essential component of effective monitoring of EU funding and safeguarding fundamental rights.

However, as FURI project research shows, existing practice falls significantly short, with persistent gaps covering:

- Disproportionately low number of complaints and legal cases compared to the volume of reported or alleged violations across Member States, and limited publicly available information on complaints, outcomes, or follow-up actions.
- Lack of adequate, clear, and transparent procedures within monitoring committees for receiving, registering, and reviewing complaints.
- Absence of independent oversight in the complaints review process: fundamental rights bodies, equality bodies, and national human rights institutions are not systematically consulted; managing authorities conducting self-assessment of alleged fundamental rights violations the European Commission relies primarily on managing authorities' self-assessment, even in cases involving alleged breaches of EU fundamental rights obligations.
- Inconsistent or unclear timelines for acknowledging, assessing, and responding to complaints.

The current system raises serious concerns regarding independence, impartiality and access to an effective remedy (including compensation for victims), given that the authority responsible for managing the funds is often the same authority examining the complaint.

These shortcomings undermine the credibility of the system, weaken prevention of rights violations, and limit the ability of civil society and affected communities to hold authorities accountable.

#### **RECOMMENDATIONS - EFFECTIVE COMPLAINTS MECHANISMS**

To ensure that civil society organisations, individuals, independent experts, and communities can effectively submit, follow, and challenge complaints, national and EU authorities should adopt transparent, accessible, and independent complaint mechanisms. This should include

- Ensuring monitoring committees can formally receive, register, assess, and follow-up on complaints, with clear rules of procedure and safeguards against conflicts of interest.
- Ensuring the fundamental rights bodies assess the complaints submitted on the basis of fundamental rights violations.
- Establishing a publicly available database (at national and EU levels) that records complaints, the stage of assessment, decisions, and measures taken.
- Guaranteeing that decisions on complaints follow the standards, guidance, and interpretations of authoritative bodies, including equality bodies, National Human Rights Institutions, the European Court of Human Rights, the Court of Justice of the EU, and relevant UN treaty bodies.
- Ensuring transparency of exchanges between complainants and national/EU authorities, including publication of correspondence (with due consideration for personal data protection), and full public access to investigation outcomes and remedial actions.

### **3.5 Measures to ensure structural reforms across thematic areas**

Ensuring fundamental rights in EU funded operations should be also closely linked to reform (transformation) of public services. In all relevant policy fields, discussed in this guidance (segregation in education and housing, institutionalisation, non-equal access to public services, etc.) the need for public policy reform is essential.

It should cover public services in education, employment, health, social care and housing. Public policy reforms might directly or indirectly violate fundamental rights of marginalised

groups by not respecting some basic requirements (see below). Reforms might also be driven by budget costs, which also contribute to violations of basic rights in regards of equal access, accessibility, etc.

### **RECOMMENDATIONS - ESSENTIAL REQUIREMENTS TO BE FOLLOWED BY PUBLIC SERVICE REFORMS**

In order to ensure structural reforms across thematic areas, public authorities should ensure that public service reforms:

- Equal (non-discriminative) access to good quality public services for all, with a particular attention to marginalised groups
- Additional support for marginalised groups facing barriers in enjoying equal access to public services (e.g. transport means, outreach services, etc.)
- Public services should be accessible for all people, with particular attention to people with any type of disabilities, mothers with young children.
- Public services should ensure independent living conditions (e.g. social housing, community services, etc.) and avoid developing residential institutional services.
- Public services should also respect freedom and liberty, including movement, decision-making, choice.
- Public services should be financially sustainable and affordable for all people, with particular attention to marginalised groups.
- Jurisprudence both at national and EU level on provision of public services might also trigger public service reform. For example strategic litigation cases have indicated access to community-based services, inclusive education, non-segregated housing, etc.

### **Project example: pushbacks**



→ Greece

## 4. IMPLEMENTATION MECHANISM

This chapter provides specific guidance on how fundamental rights requirements should be operationalised in the NRP Plans (see also section 3.1).

In particular, the NRP Plans should explicitly require the development of an implementation mechanism detailing how fundamental rights obligations will be applied throughout all instruments (e.g. conditionalities, calls for proposals, selection criteria, monitoring arrangements, etc.). This mechanism may be integrated directly into the NRP Plans or set out in a separate document, such as an implementing regulation.

The sub-sections below outline the core elements that must be included in the implementation mechanism, applicable across all thematic areas.

### 4.1. Application of fundamental rights requirements throughout the implementation

FURI project findings show that enabling conditions in the 2021–2027 period had very limited impact. The implementation mechanism should therefore establish clear and consistent criteria to ensure that fundamental rights are upheld throughout all stages of implementation: the preparation and approval of calls for proposals, project selection, monitoring and audits.

Because human rights obligations and standards provide a broad framework (e.g. non-discrimination, right to education, right to independent living), these should be translated into concrete, operational measures and aligned with the human rights legal standards (see also section 2.2).

#### **RECOMMENDATIONS - DEVELOPING CRITERIA TO OPERATIONALISE FUNDAMENTAL RIGHTS**

To ensure fundamental rights compliance throughout the implementation, it is necessary that public authorities :

- Set clear, operational criteria for integrating fundamental rights throughout call for proposals, project selection, monitoring and audits, aligned with the human rights legal standards.
- Require regular updates of implementing measures to reflect emerging jurisprudence, evidence and standards.

## 4.2 Designing call for proposals

Calls for proposals should be fully aligned with fundamental rights obligations. They play a crucial role in shaping how EU funds are used: they set the framework within which beneficiaries design and apply for projects, and they also establish the criteria and safeguards that managing authorities use to assess and select projects.

Getting this stage right is therefore essential to ensure that only measures consistent with legal obligations are financed and that discriminatory practices are filtered out early in the process.

### RECOMMENDATIONS - ELEMENTS TO INTEGRATE IN CALL FOR PROPOSALS

Public authorities should ensure that they integrate the following key elements in call for proposals. This is essential to ensure that call for proposals are consistent with fundamental rights requirements:

- Objectives and priorities should be based on systematic data collection and/or research.
- Target groups are identified based on a needs assessment.
- Projects should be required to include a robust needs assessment, which may include individual needs assessments, infrastructure mapping, and human capital mapping.
- Only measures that are clearly aligned with fundamental rights requirements should be eligible for funding (see section 2.2).
- Measures that violate legal obligations should be explicitly excluded (see section 2.3)
- Independent civil society organisations representing rights holders, as well as public bodies responsible for promoting social inclusion and fundamental rights (e.g. rights of racialised communities, persons with disabilities, children, families, homeless persons, older people, gender equality, and non-discrimination), should be consulted in the design of calls and meaningfully involved in implementation, monitoring, and evaluation.
- Calls for proposals should be designed to support integrated intersectional and cross-sectoral approaches. For example, supporting deinstitutionalisation may require sequential calls on social housing, training of community-based care providers, and recruitment of personal assistants. In some cases, applicants may need to apply to multiple calls.
- Calls for proposals should include relevant indicators. These should be based on the identified needs and adapted to the specific objectives of the call.

### 4.3 Selection of operations

The criteria for the selection of operations should be comply with the fundamental rights requirements and implemented in a transparent manner. The selection criteria should be aligned with the human rights legal standards described in Chapter 2.2 and reflect the scope of excluded investments set out in Chapter 2.3.

This ensures that funded projects do not contribute (directly or indirectly) to discriminatory, segregating or otherwise rights-violating practices.

To effectively uphold these standards, managing authorities should establish and implement clear procedures for identifying inconsistencies or risks of non-compliance during the assessment of applications.

#### RECOMMENDATIONS - REACTING TO NON-COMPLIANT INVESTMENTS

Where a call for proposal or project is identified as been inconsistent with, or in violation of, fundamental rights requirements, funds managing authorities should be consider the following actions:

- Suspension of the call for proposal and/or projects
- Alignment / modification of the call for proposals to ensure compliance with fundamental rights requirements
- Cancellation of call for proposal or project where compliance cannot be achieved or where the measure inherently contradicts legal obligations.

Managing authorities should document these decisions and ensure that applicants are informed of the reasons.

### Project examples: institutionalisation



Poland



Greece



Hungary

## 4.4 Complaints mechanisms

As outlined in Chapter 3.4, Member States must establish accessible, independent, and effective complaints mechanisms to ensure that individuals and organisations can report potential or actual violations of fundamental rights linked to EU-funded measures. While the previous chapter sets out the basic design requirements, it is equally important to ensure that these mechanisms operate effectively during implementation.

This includes ensuring clear procedures, proactive communication, accessibility, measures, confidentiality safeguards, and transparent follow-up processes. Without these operational elements, even well-designed mechanisms risk being ineffective in practice.

### **RECOMMENDATIONS - ENSURING EFFECTIVE IMPLEMENTATION OF COMPLAINTS MECHANISMS**

To ensure that complaints mechanisms operate as intended and uphold fundamental rights requirements during implementation, public authorities should:

- Ensure that all requirements and recommendations identified in Chapter 3.4 are fully applied at national level.
- Guarantee that information about the complaints mechanism is widely disseminated, including through accessible, user-friendly formats and communication channels.
- Ensure that individuals and organisations can easily submit complaints, including through confidential and accessible procedures.
- Put in place clear timelines and transparent processes for assessing, handling, and responding to complaints.
- Ensure that outcomes of complaints lead to corrective measures where relevant, including the adjustment, suspension, or termination of EU-funded measures that infringe fundamental rights.

## 4.5 Monitoring and evaluation

Following Article 22 (2e) of the draft EU funds proposals, the NRP Plans should set out clear arrangements for monitoring of the Plan. Article 50 also identifies the responsibility of the coordinating authority in monitoring of the Plan. At the same time, the proposal does not refer specifically to monitoring the implementation of fundamental rights, including the Charter conditionality. Furthermore, role of civil society, fundamental rights bodies or other independent bodies in monitoring is not clarified, which jeopardises the objectivity and credibility of the monitoring of fundamental rights.

As regards the evaluation of the implementation of fundamental rights, the proposal does not identify any role for Member States (e.g. for the monitoring committee, coordinating authority, etc.). Moreover, it does not include references to independent evaluation mechanism (with the close involvement of civil society, experts, etc.) either. To monitor the implementation of fundamental rights in the Plan and draw conclusions for future initiatives, the role of an independent mechanism should be strengthened.

#### **RECOMMENDATIONS - ENSURING EFFECTIVE MONITORING AND EVALUATION OF FUNDAMENTAL RIGHTS**

It is essential to ensure an independent monitoring and evaluation of fundamental rights in the implementation of the NRP Plans.

- Member States should allocate financial resources for independent monitoring and evaluation of the implementation of fundamental rights. This should be also closely linked to the monitoring of the Charter conditionality.
- Civil society organisations, fundamental rights bodies and other independent organisations should be involved in the monitoring and evaluation of the implementation of fundamental rights.
- The European Commission should include the lessons learnt, conclusions of the monitoring of fundamental rights should be included in the mid-term review of the EU funds and also in future regulations.
- Any explored violation of rights, misinterpretation of legal standards, etc in the scope of monitoring should be submitted in a form of complaint to the relevant national and/or EU authorities.

## 5. CONCLUSIONS

EU funds have significant potential to promote equality, social inclusion, and respect for fundamental rights. However, evidence from the FURI project shows that fundamental rights breaches remain widespread across Member States and funding programmes, particularly affecting Roma communities, persons with disabilities, and people with a migrant background. These violations stem from inconsistent interpretation of legal standards, weak safeguards in funding procedures, inadequate complaints mechanisms, and insufficient involvement of civil society and fundamental rights bodies.

To ensure that EU funds fully comply with the Charter and international human rights law, authorities must adopt clear operational standards, exclude recognised rights-violating measures, and embed an intersectional approach across all stages of programming and implementation. Effective partnership, independent monitoring, transparent complaints mechanisms, and alignment with authoritative legal interpretations are essential to prevent discrimination and ensure accountability.

Stronger implementation mechanisms, grounded in consistent human rights definitions and supported by structural reforms in public services, are necessary to translate legal obligations into practice.

Integrating these safeguards into the next programming period (2028–2034) will be crucial for ensuring that EU funding not only avoids harm but actively contributes to strengthening fundamental rights across the Union.

# ANNEXES

## Annex 1 – EU funds regulations: key provisions for 2028–2034

The following section summarises the key provisions proposed for the 2028–2034 programming period. As negotiations are still ongoing, the provisions reflect the European Commission’s proposal published in July 2025. An overview of the relevant provisions for the 2014–2020 and 2021–2027 programming periods, as well as for the Recovery and Resilience Facility (2020–2026), is available in the FURI project’s EU report.

European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security <sup>22</sup>	
Article	Main measure
Art. 3	Specific objective of the fund, para (e) "to protect and strengthen fundamental rights, democracy, the rule of law and to uphold Union values"
Art. 6	Partnership shall include a balanced representation of the following partners,, including "relevant bodies representing civil society, such as environmental partners, non-governmental organisations, youth organisations, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination, national human rights institutions and organisations"
Art. 7	Measures in the NRP Plan to designed so that they respect: "(a) the principles of the rule of law as set out in Article 2, point (a), and Article 3 of Regulation (EU, Euratom) 2020/2092; (b)the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union. The Member States shall respect those rights, freedoms and principles throughout the preparation and implementation of their respective Plans."

<sup>22</sup> Proposal for a Regulation of the European Parliament and of the Council establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509, [COM/2025/565 final](https://eur-lex.europa.eu/eli/reg/2025/565/final)

<b>European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security</b>	
<b>Article</b>	<b>Main measure</b>
Art. 8	Requires Member States shall put in place and maintain effective mechanisms to ensure compliance of the measures supported by their Plans and their implementation with the relevant provisions of the Charter of Fundamental Rights of the European Union throughout the implementation of the Fund ('Charter horizontal condition').
Art. 9	Requires Member States to ensure the respect of the principles of the rule of law as set out in Article 2, point (a), and Article 3 of Regulation (EU, Euratom) 2020/2092 throughout implementation of the Fund (the 'rule of law horizontal condition').

## **Annex 2 - Legal frameworks in the field of fundamental rights**

The below sets out an overview of legal frameworks in the field of fundamental rights, focusing on those rights that are most relevant for the guidance.

<b>Fundamental rights</b>
<p>The Charter of Fundamental Rights of the European Union<sup>23</sup> provides that respect for fundamental rights is a legal obligation for the EU institutions, bodies, agencies and offices in all their actions, and for EU Member States when they are implementing EU law (cf. Article 51(1)). The following non-exhaustive list highlights the most relevant articles in the context of this report:</p> <ul style="list-style-type: none"> <li>• Article 14 Right to education,</li> <li>• Article 18 Right to asylum,</li> <li>• Article 21 Non-discrimination,</li> <li>• Article 24 Rights of the child,</li> <li>• Article 26 Integration of persons with disabilities.</li> </ul>

<sup>23</sup> Charter of Fundamental Rights of the European Union, [C 326/391](#)

## Disability rights

The Convention on the Rights of Persons with Disabilities<sup>24</sup> is an international human rights treaty intended to protect the rights and dignity of persons with disabilities. The following non-exhaustive list highlights the most relevant articles in the context of this report:

- Article 5 Equality and non-discrimination,
- Article 9 Accessibility,
- Article 12 Equality before the law,
- Article 13 Access to justice,
- Article 19 Living independent and being included in the community.

The CRPD Committee provides authoritative guidance about the provisions through general comment that aim to help States parties to fulfil their obligations. Notably, General comments No.5 on Article 19 on the right to live independently and be included in the community and No.6 on Equality and Non-discrimination are particularly relevant for this guidance important, as are the associated Guidelines on Deinstitutionalization, including in Emergencies.<sup>25</sup>

## Ethnic and racial discrimination

The Racial Equality Directive sets out the obligation of all Member States to combat discrimination and to ensure that there is no discrimination on the grounds of racial or ethnic origin, notably in social protection, education and access to and supply of goods and services, including housing. EU funds should not be used to perpetuate segregation, which falls within the scope of discriminatory treatment.<sup>26</sup>

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<sup>24</sup> Convention on the Rights of Persons with Disabilities, adopted 12 December 2006 by the Sixty-first session of the General Assembly by resolution [A/RES/61/106](#)

<sup>25</sup> General comment No.5 on Article 19 - the right to live independently and be included in the community, [CRPD/C/GC/5](#); General comment No.6 on equality and non-discrimination, [CRPD/C/GC/6](#); Guidelines on Deinstitutionalization, including in Emergencies, [CRPD/C/5](#).

<sup>26</sup> [Council Directive 2000/43/EC](#) of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

## Migration

The 1951 Refugee Convention and its 1967 Protocol provide the internationally recognized definition of a refugee and outline the legal rights they are entitled to.<sup>27</sup>

The Common European Asylum System (CEAS) is composed of a set of law that seek to harmonise common minimum standards for asylum across the EU. The legislative texts address amongst others asylum procedures and qualifications, and reception conditions. Notably the Directive laying down minimum standards for the reception of asylum seekers<sup>28</sup> creates European Union rules on living (or 'reception') conditions for applicants for international protection (asylum seekers or people seeking subsidiary protection) who are waiting for their application to be examined. It aims to guarantee a dignified standard of living for asylum seekers in the EU and ensure their human rights are respected.

The CEAS is applicable until January 2026, the date at which the Pact on Migration and Asylum - a set of new rules managing migration and establishing a common asylum system - comes into force.<sup>29</sup>

## Child rights

Ratified by all EU Member States, the UN Convention on the Rights of the Child<sup>30</sup> underscores a number of key rights for children, including:

- Article 2 Non-discrimination,
- Article 3 Best interest of the child,
- Article 12 Participation,
- Article 24 Access to healthcare,
- Article 28 Right to education.

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<sup>27</sup> [Convention and protocol relating to the status of refugees](#)

<sup>28</sup> [Directive 2013/33/EU](#) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, pp. 96-116).

<sup>29</sup> European Commission, 29 May 2024, [Understanding the EU Pact on Migration and Asylum](#)

<sup>30</sup> [UN Convention on the Rights of the Child](#) adopted 20 November 1989 by General Assembly resolution 44/25

### Annex 3 - Policy frameworks in the field of fundamental rights

The below sets out an overview of policy frameworks in the field of fundamental rights, focusing on those rights that are most relevant for the guidance.

<b>Fundamental rights</b>
<p>The <i>Strategy to strengthen the application of the Charter of Fundamental Rights in the EU</i><sup>31</sup> confirms a renewed commitment to ensure that the Charter is applied to its full potential. As of 2021, the Commission presents an annual report, which looks into how the Member States apply the Charter in selected thematic area.</p> <p>The <i>Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union</i><sup>32</sup> when implementing EU funds explains the enforcement of the Charter in the context of EU funds and the possible consequences of noncompliance with the Charter. It also contains recommendations to the relevant actors how to carry out the assessment of compliance of the actions with the Charter and identifies actions in the context of EU funds that are considered to be actions of implementation of EU law. In addition, it provides a practical tool, the ‘Fundamental Rights check-list’, to help Member States screen EU funds implementing measures against the Charter.</p>
<b>Social rights</b>
<p>The <i>European Pillar of Social Rights</i> promotes equal opportunities (pillar 1), quality and inclusive education (pillar 3), childcare and support to children (pillar 11), housing (pillar 19), access to essential services (principle 20).<sup>33</sup> Its implementation is supported by the <i>European Pillar of Social Rights Action Plan</i>, which emphasised that EU funds should support the implementation.<sup>34</sup></p>
<b>Persons with disabilities</b>
<p>In 2010 the European Commission adopted a <i>Disability Strategy</i> for the period of 2010 to 2020<sup>35</sup> which sought to empower people with disabilities so that they can fully enjoy their rights and participate in society and the economy on an equal basis with others. It was followed by a new strategy for the period of 2021-2030 which sets out key initiatives in several themes including accessibility, EU citizenship rights, equal access and non-discrimination and independent living. It also addresses the role of EU funding.</p>

<sup>31</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions *Strategy to strengthen the application of the Charter of Fundamental Rights in the EU*, [COM/2020/711 final](#)

<sup>32</sup> Commission notice — *Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union when implementing the European Structural and Investment Funds (‘ESI Funds’)* [C/2016/4384](#)

<sup>33</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (henceforth Commission Communication) establishing the European Pillar of Social rights, [COM/2017/0250 final](#)

<sup>34</sup> Commission Communication on the European Pillar of Social rights Action Plan, [COM/2021/102 final](#)

<sup>35</sup> Commission Communication, *European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe*, [COM/2010/0636 final](#)

## Ethnic and racial discrimination

The EU Anti-Racism Action Plan 2020-2025<sup>36</sup> aims to strengthen the legal framework to combat discrimination, racism, xenophobia and identify potential gaps to fill.

In 2010, the Commission adopted the EU Framework for National Roma Integration Strategies<sup>37</sup> up to 2020 which aimed to tackle the socio-economic exclusion of and discrimination against Roma, by promoting equal access in four key areas: education, employment, health and housing. When the framework came to an end, in early October 2020 the European Commission adopted a new strategy for 2021 to 2030.

## Migration

The Council of Europe European Commission against Racism and Intolerance (ECRI) General Policy Recommendation N°16 seeks to ensure access by all persons in this particularly vulnerable group – women, men and children - to those human rights which are guaranteed to them in international human rights law, in particular as concerns education, health care, housing, social security and assistance, labour protection and justice, while they are within the jurisdiction of a member state. It calls for the creation of effective measures ("firewalls") to prohibit social services providers from sharing the personal data of suspected irregular migrants with immigration authorities.<sup>38</sup>

The *Common basic principles for Immigrant integration* (2004) lay down the main principles for migrants' integration at EU level.<sup>39</sup>

The *Action plan on the integration of third country nationals*<sup>40</sup> (2016) provides a framework and concrete actions to support Member States' efforts in developing and strengthening their integration policies, including education, language training, employment and vocational training, access to basic services such as housing and healthcare and active participation and social inclusion, fighting discrimination.

The *Council Conclusions on the integration of third-country nationals legally residing in the EU*<sup>41</sup> (2016) invites Member States to focus their efforts on the following areas in accordance with the national policies and priorities on a number of areas including early integration measures, in particular those favouring early access to education, to vocational training and to the labour market, including a focus on introductory and language courses, but also areas offering opportunities to third-country nationals to actively participate in the economic, social, civic and cultural life of Member States; combating discrimination and segregation.

<sup>36</sup> Commission Communication, A Union of equality : EU anti-racism action plan 2020-2025, [COM/2020/565 final](#)

<sup>37</sup> Commission Communication, An EU Framework for National Roma Integration Strategies up to 2020, [COM/2011/0173 final](#)

<sup>38</sup> ECRI General Policy Recommendation N°16 on safeguarding irregularly present migrants from discrimination adopted on 16 March 2016, [CRI\(2016\)16](#)

<sup>39</sup> Common Basic Principles for Immigrant Integration Policy in the European Union, [19.XI.2004](#)

<sup>40</sup> Commission Communication, Action Plan on the integration of third country nationals, [COM\(2016\) 377](#)

<sup>41</sup> Council Conclusions on the integration of third-country nationals legally residing in the EU, 9 December 2015, [15312/16](#)

The *Action Plan on integration and inclusion for 2021–2027*<sup>42</sup> promotes inclusion for all, recognising the important contribution of migrants to the EU and addressing the barriers to the participation and inclusion of people with a migrant background.

### **Child rights**

The *EU Strategy on the Rights of the Child*<sup>43</sup> and the *European Child Guarantee*<sup>44</sup> aim to ensure the protection of rights of all children, and secure access to basic services for vulnerable children.

The *Communication on the protection of children in migration*<sup>45</sup> (2017) sets out priority actions including ensuring protection upon arrival, adequate reception conditions for children, effective guardianship, early integration measures, access to inclusive and non-discriminatory education, timely access to healthcare etc.

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<sup>42</sup> Commission Communication, Action plan on Integration and Inclusion 2021-2027, [COM/2020/758 final](#)

<sup>43</sup> Commission Communication, EU Strategy on the Rights of the Child, [COM/2021/142 final](#)

<sup>44</sup> Council Recommendations (EU) 2021-1004 of 14 June 2021 establishing a European Child Guarantee, [L 223/14](#)

<sup>45</sup> Commission Communication, The protection of children in migration, [COM\(2017\) 211](#)

