

ENNHRI Action Plan

On strengthening the application of the Charter of Fundamental Rights in the European Union (2021-2024)

Introduction:

In the context of the reinforced EU commitments to strengthen the application of the Charter of Fundamental Rights in the EU, NHRIs have become recognized as key actors for the implementation of the Charter of Fundamental Rights.

Council conclusions (2021), para 27: 'The Council recognises that independent NHRIs [and equality bodies] play a crucial role in the protection and promotion of fundamental rights and in awareness-raising, and contribute to ensuring compliance of national policies with the Charter. NHRIs are key for the implementation of the Charter, given their broad and horizontal fundamental rights mandate and their proximity to citizens.'

Commission Strategy (2020): 'NHRIs monitor the application, implementation and promotion of the Charter on the ground, provide information and support to victims of fundamental rights violations and cooperate with the national institutions to improve their use and awareness of the Charter.'

Accordingly, the momentum is there to further unlock the potential of NHRIs as Charter agents, by supporting the establishment of Paris Principles' compliant NHRIs in each EU Member State, and further building NHRIs' resources, capacity and enabling environment to work on the application of the Charter.

Council conclusions (2021), paras 3 and 29: 'Preventing fundamental rights violations demands adequate training of all the actors in the Charter enforcement chain, including NHRIs, equality bodies and civil society organisations. [...] The Council encourages Member States that have not yet established independent NHRIs in accordance with the [...]«Paris Principles» to do so, recalling also indicator 16.a.1 of the SDGs. Member States where NHRIs have been established should ensure that they are provided with sufficient resources and staff to fulfil their mandate. Furthermore, the Council underlines that securing an enabling environment and adequate funding is essential to unlocking the potential of NHRIs [...] as Charter agents.'

ENNHRI has played a significant role in [facilitating initial capacity-building and peer exchange of NHRIs on the Charter](#), and [has advocated](#) for the EU's recognition of the added value of NHRIs for strengthening the application of the Charter in the EU. This Action Plan sets out ENNHRI's prioritized actions to support NHRIs' contributions to the application of the Charter of Fundamental Rights in the EU over the next four years.

Reflecting ENNHRI's membership across wider Europe, ENNHRI's Action Plan envisages broader regional learning on the application of the EU Charter, for the promotion and protection of human rights across wider Europe. For example, NHRI good practices on the application of the Charter in the EU can inspire wider NHRIs' practices on carrying out their human rights mandate. This is particularly relevant for Accession and Enlargement states, and also in relation to the broader EU external action, as reflected in the EU Action Plan on Human Rights and Democracy.

Similarly, NHRIs' engagement with regional actors in the context of the application of the EU Charter can feed into NHRI's wider engagement with regional human rights actors, for the promotion and protection of human rights. The Council of Europe and its European Convention on Human Rights (ECHR) is particularly relevant, given its inclusion in the constitutional traditions of all EU Member States, the EU founding treaties, and the EU's planned accession to ECHR. The complementarity and mutually reinforcing standards of the Charter and ECHR implies that actions for implementation of standards under one instrument can lead to outcomes for implementation of the other.

ENNHRI's envisaged actions are clustered under four headings which are each mutually reinforcing, and also respond to opportunities recognised by the European Commission and the Council, in addition to NHRIs themselves:

1. Contribute to the existence of an NHRI in compliance with the Paris Principles in each EU Member State;
2. Support the capacity of NHRIs to apply the Charter in their work to promote and protect fundamental rights at national level;
3. Facilitate NHRI individual and collective contributions to EU actors and processes to strengthen the application of the Charter in the EU;
4. Unlock and support NHRIs' multiplier potential to strengthen application of the Charter in the EU.

The implementation of ENNHRI's Action Plan will be evaluated on an annual basis until 2024, as part of the new ENNHRI Strategy 2022-2025, and will be dependent on ENNHRI's available resources for this area of work.

ENNHRI prioritised actions on the application of the Charter of Fundamental Rights in the EU (2021-2024)

1. Contribute to the existence of an NHRI in compliance with the Paris Principles in each EU Member State

Commission Strategy: 'ENNHRI can, with the support of the Commission, assist Member States in establishing and promoting Paris principles' compliant A-status NHRIs.'

ENNHRI's envisaged actions:

- Provide technical support and facilitate peer exchange on the establishment and compliance of NHRIs with the Paris Principles in EU Member States;
 - Submit to relevant EU actors an annual cross-regional report on the establishment and accreditation of NHRIs in each EU Member State and respond to ad hoc requests in this regard from EU actors and Member State representatives;
 - Support NHRIs when they face challenges to their compliance with the Paris Principles, including outreach to EU actors and protection mechanisms when relevant.
- ### 2. Support the capacity of NHRIs to apply the Charter in their work to promote and protect fundamental rights at national level

Commission Strategy: 'European networks of rights defenders, such as the European Network of National Human Rights Institutions (ENNHRI), [...] can play an important role in coordinating capacity building and sharing practice on the Charter among their members.'

ENNHRI's envisaged actions:

- Develop and maintain an online resource on Charter application tailored for NHRIs, including training tools and a database of NHRI good practices;
- Organise transnational capacity-building and peer-exchange for NHRIs on application of the Charter and how to make use of relevant EU monitoring and enforcement mechanisms;
- Support NHRI's capacity to monitor and report on the application of the Charter at national level;

- Facilitate in-country capacity-building for NHRIs on application of the Charter, tailored to specific national contexts and institutional needs.
- 3. Facilitate NHRI individual and collective contributions to EU actors and processes to strengthen the application of the Charter in the EU**

Council Conclusions, para 30: 'The Council notes that there is room to enhance the impact of the work of NHRIs and encourages Member States, the Commission, and other Union institutions, bodies, offices and agencies to further strengthen mutual cooperation with these mechanisms, namely by ensuring their regular and substantiated involvement in exchange of views with the government and in reporting exercises.'

ENNHRI's envisaged actions:

- Facilitate NHRI and ENNHRI access to and cooperation with relevant EU fundamental rights actors and mechanisms;
- Develop and coordinate collective NHRI submissions to EU annual monitoring and reporting on the application of the Charter in the EU;
- Develop and facilitate NHRI's collective statements and contributions on fundamental rights compliance of EU policies and draft legislation;
- Contribute to guidance and capacity-building for NHRIs on monitoring of compliance with the Charter of EU funded projects.

Council Conclusions, para 17: 'The Council recalls that any Union funded project must comply with Union law, including the Charter, where applicable. Thus, it welcomes the introduction of an enabling condition to ensure the respect of the Charter in the next Union budget for 2021-2027. The Council looks forward to the development of a dedicated training module and related assistance by the Commission. The Council encourages Member States to ensure a smooth exchange of information and cooperation in this respect and to involve NHRIs as appropriate. It also invites Member States to consider making use of the expertise of FRA in this regard.'

4. Unlock and support NHRI's multiplier potential on the Charter

Commission Strategy: '[NHRI] Staff trained in transnational training should act as multipliers and train colleagues in their national institutions.'

ENNHRI's envisaged actions:

- Support awareness-raising of the Charter and NHRI's role at national and EU level;
- Support EU and national initiatives to bring together and facilitate cooperation amongst relevant actors involved in the application of the Charter, including NHRIs and Charter national focal points;
- Facilitate capacity-building of NHRIs to act as multipliers of Charter application at national level, including NHRI's role in developing and providing training for national actors (including judges and civil society) to apply the Charter.

