

ENNHRI contribution to the European Commission 2024 Annual Report on the application of the EU Charter of Fundamental Rights

Question 1.

Do you as NHRI / equality body / their European network issue funding for projects aimed at promoting and protecting fundamental rights? If yes, what kind of funding is available? Please provide further information and, where available, project examples.

Answer:

In general, funding for fundamental rights, and advancing the implementation of the EU Charter at the national level, is limited, notwithstanding the efforts the European Commission is making in that sense. NHRIs struggle to cover the expectations of their mandate(s) for the promotion and protection of human rights at the national level, let alone linking to the EU charter strategy and meeting – in terms of resources – the expectations of the European Institutions.

NHRIs are key for the respect of fundamental rights in the EU and advancing the EU's common values of fundamental rights, democracy and the rule of law (art. 2 TEU). In its conclusions of March 2021, the Council of the European Union recognised 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 act as **bridges**:

- Between **civil society and the state**: NHRIs cooperate with a variety of civil society actors to bring an accurate overview of the human rights situation, with recommendations, to government, parliament and other state bodies.

- Between the **national and international arenas**: NHRIs apply international human rights standards at the national level with a full understanding of the local context. They also report to international and regional human rights mechanisms.

NHRIs **address the full range of human rights** and can take different forms, including ombuds institutions, human rights commissions and institutes. Their functions include:

	Advising on the compliance of national laws and practices with all international human rights norms		Monitoring and investigating the human rights situation on the ground
	Advising government, parliament and other public bodies to address human rights concerns		Reporting to international and regional bodies, such as the UN, Council of Europe, EU and OSCE
	Providing support for individuals to enforce their rights through complaints handling, legal assistance or strategic litigation		Publishing research, recommendations and opinions
	Promoting a culture of rights through training and awareness-raising activities		Cooperating with NGOs, civil society, networks and regional bodies
			Supporting the work of Human Rights Defenders

Since 2020, ENNHRI and NHRIs have been reporting on the human rights and the rule of law situation in the respective countries and in the wider-Europe region through joint annual reports on the [state of the rule of law in Europe](#). At the end of August 2023, and for the fourth year running, the all-encompassing ENNHRI [report for wider-Europe](#) and detailed [national country reports](#) have been published.

Except for few exceptions, EU member states in general have one NHRI in each country, albeit with varying accreditation status. Consequently, the strategic added value of EU funding for NHRIs lies with transnational networking and exchanges, for which ENNHRI provides a sound platform to:

- **Strengthen NHRIs by** facilitating the exchange of information and good practices and organising capacity-building activities

- **Supporting NHRIs** with their compliance with the UN Paris Principles during their establishment, accreditation and when they come under threat
- **Connecting NHRIs** to European institutions by facilitating their engagement with regional mechanisms, raising their visibility and intervening on regional legal and policy developments

Funding provided through the **EU Justice programme** and the **Citizens, Equality, Rights and Values (CERV) Programme** Operating Grants have helped the **growth of the ENNHRI network** year on year in terms of establishment in EU Member States growing with new Institutions, as well as the increase in the A-status accreditation of NHRIs around Europe.



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Moreover, funding through both operating grants contributed to:

- Strengthened NHRIs to promote and protect Human Rights, through dedicated support to NHRI establishment and accreditation, compliant with the Paris Principles, to ensure each state's effectiveness in respecting human rights, democracy and rule of law.
- Greater awareness of NHRIs, Paris Principles and NHRI standards by national and regional stakeholders, and increased opportunities offered by NHRIs to civil society / human rights defenders for joint collaborations.
- Improved enabling environment for NHRIs, human rights defenders and civil society through national reforms related to the respect for human rights and rule of law; and calling national governments to account for the implementation of human rights and fundamental freedoms
- Reinforced role of NHRIs in promoting and protecting human rights through the professional development of NHRI leaders and staff on national and local levels.
- Increased NHRI capacity to effect change at national level and improved engagement at regional and international levels; by improved recognition of NHRIs by and engagement with relevant decision makers / stakeholders.
- Enhanced exchanges and mutual understanding and solidarity between NHRIs. Enabling subject matter specific meetings and/or training activities for NHRIs on emerging sub-regional human rights concerns, networking is facilitated and will strengthen NHRIs as vectors for the respect for human rights on the ground.

On EU Member State level, NHRIs are provided with funding from the state, as defined by the Paris Principles, however human rights institutions are often facing budgetary reductions, limitations or attribution of new mandates that result in a lack of adequate resources.



Funding through the Operating Grants has helped strengthen the capacity of NHRIs on the level of staff and leadership and should be continued. However, **more project funding** would enable ENNHRI and NHRIs to develop strategies in the context of increasing expectations, including advocating for adequate budgetary resources. Such funding would allow NHRIs to advance the implementation of fundamental rights and the EU Charter, as well as a growing number of EU regulations impacting fundamental rights which require monitoring by NHRIs (e.g.: EU migration pact, EU AIA, CSDDD, CPR, etc.)

Question 2.

Do you as NHRI / equality body / their European network contribute to directing national / EU / other funding for projects aimed at promoting and protecting fundamental rights to projects from regional and local levels? If yes, what kind of activities do you carry out to this end? Please provide further information.

Answer:

Yes. ENNHRI conducts a wide range of activities to call for **adequate resources of NHRIs**.

Through the **annual rule of law reporting** and reporting in the context of the EU enlargement negotiations, ENNHRI has been monitoring closely funding trends on the national level to NHRIs and documented regular budget cuts, insufficient means provided when attributing a new mandate and in general inadequate resources for institutions to meet expectations.

Upon request, when an **NHRI is under threat**, letters have been sent by ENNHRI – alone and in coordination with other international institutions - to address these matters, expressing concerns and providing recommendations to state authorities. Missions by the ENNHRI Chair and the Secretary General on the national level have been undertaken to seek, amongst others, increases in resources for members. Recommendations by the Sub-Committee on Accreditation (SCA) of the global alliance, GANHRI, include observations on the budget of individual NHRIs, and the ENNHRI Secretariat has actively followed up on such observations.

In 2024, ENNHRI launched a new activity to **promote national standards of NHRIs** including strengthening the resources of NHRIs. In a working session in April 2024, members shared their needs and good practices. Throughout the remainder of the year, ENNHRI will develop main messages and visual materials that can be used by NHRIs to advocate for adequate resources in their countries.

On the European level, ENNHRI has been promoting funding for NHRIs. One of the initiatives implemented by ENNHRI under the Operating Grant was **financial support to third parties (FSTP)**. This is a **unique modality to provide small funds to national independent public bodies** (i.e. NHRIs) to make strategic advancements in the promotion and protection of fundamental rights at the national level, and to share findings and good practices with the wider network. In 2023, ENNHRI was able to implement 9 of such projects in wider-Europe.

ENNHRI also provided **advice for key financial frameworks** including the European Commission on the Multi-Annual Financial Framework, CERV Programme, Neighbourhood, Development and International Cooperation Instrument (NDICI), Instrument for Pre-accession Assistance (IPAI) and the EU Action Plan for Human Rights and Democracy.

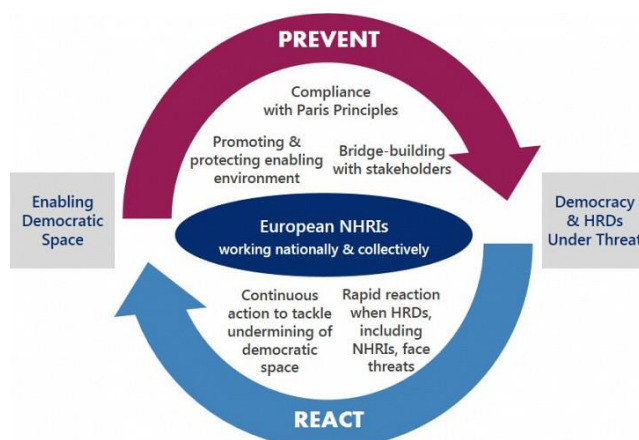
Question 3.

Do your funding efforts related to promoting, protecting, and enforcing fundamental rights explicitly involve civil society organisations or human rights defenders? Please provide further information and, where available, project examples.

Answer:

Yes. In line with the Paris Principles, NHRIs are pluralistic, independent bodies with a mission to build bridges between states and civil society; investing in stronger NHRIs – who are also human rights defenders (HRDs) - is at the same time an investment in better engagement of HRDs with state authorities.

In this context, since 2019, ENNHRI has seen to the implementation of the Marrakech Declaration **“Expanding the civic space and promoting and protecting human rights defenders in Europe, with a specific focus on women”**. This declaration prescribes actions to be taken at national and regional levels, that ENNHRI has translated into a region-specific action plan:



This Marrakech declaration defines NHRIs, as public bodies that promote and protect human rights, as rights defenders. This is also recognized in several calls for proposals under the CERV Programme.

As part of the ‘preventive’ actions, ENNHRI included civic space and threats to HRDs in its **annual rule of law monitoring exercise**, and reports on an annual basis to European Commission DG Justice and Neighbourhood and Enlargement Negotiations, including calling for more resources to NHRIs and access to adequate funding for civil society organisations (CSOs).

Three examples where **project funding** included specifically civil society and human rights defenders:

1. Under the CERV Operating Grant, financial support to third parties, focusing on the **protection of environmental defenders and civil disobedience**, a small project was implemented that included environmental defenders, NHRIs and the Special Rapporteur

on Environmental Defenders. They exchanged during an in-person workshop on environmental civil disobedience in Europe which resulted in an outcome report with recommendations on how NHRIs and ENNHRI can step up their support for environmental defenders.

2. With funding from the Open Society Foundation, ENNHRI conducted three regional projects in close coordination with civil society, to address the violation of migrants' rights at the borders and including advocacy for an **enabling environment for human rights defenders** to work on migrants' rights at borders.
3. Currently ENNHRI is supporting a project of a wide alliance of civil society organisations for the establishment of an **EU human rights defenders' mechanism**, and in parallel is holding a high-level meeting to further identify how NHRIs can step up their protection of HRDs in the European context. **ENNHRI intends to seek specific funding** to continue these efforts.

Question 4.

Have you introduced measures to prevent and mitigate the potential misuse of funding to promote and protect fundamental rights? Please provide further information and, where available, examples.

Answer:

Yes. In the financial support to third parties (FSTP), the first step in the process is for partners to sign a **declaration of honour** where ENNHRI members pledge to support EU values in line with the Paris Principles. As part of the ENNHRI risk register, **on an annual basis the respect of fundamental rights by ENNHRI members is assessed**, and discretions are shared with the ENNHRI Board that can take a staggered approach when addressing a member in such an occurrence.

Every 5 years, on average, ENNHRI members undergo an accreditation peer review, in which members are required to present in which manner they meet the Paris Principles, including:

- Establishment under primary law or the Constitution
- A broad mandate to promote and protect human rights
- Formal and functional independence
- Pluralism, representing all aspects of society
- Adequate resources and financial autonomy

- Freedom to address any human rights issue arising
- Annual reporting on the national human rights situation
- Cooperation with national and international actors, including civil society

If an ENNHRI member is found to be no longer in line with these principles, the institution can lose the A-status **accreditation**. This has happened in the last 5 years twice in the Europe region. The changes have some consequences for the membership to the network, such as a **change in the right to vote** at the ENNHRI General Assembly or the right to hold an elected position in the ENNHRI Board. These developments also play a **role in the assessment of project proposals** under the financial support to third parties as defined by the guidelines.

Question 5.

Do you as NHRI / equality body / their European network co-operate with other international or regional donors than the European Union in the provision of funding to promote, protect and enforce fundamental rights? If yes, is this funding in your view complementary with EU funding? Which further steps could be taken to ensure synergies between the efforts of all actors involved in the funding provision in this field (international, regional, EU, philanthropy, Member State, etc.)? Please provide further information and, where available, examples.

Answer:

Yes. ENNHRI participated in a project led by the EU Fundamental Rights Agency (FRA) on the promotion and protection of fundamental rights and rule of law, funded by **EEA-Norway Grants**. This project, completed in February 2024, was complementary to the EU funding and the work of ENNHRI and NHRIs under the CERV Operating Grant. The project was a good example of where the FRA, selected NHRIs and ENNHRI worked together to build capacities on the national level, and ENNHRI provided opportunities for transnational networking and exchanges in close cooperation with the agency.

Question 6.

Are you as NHRI / equality body / their European network included in the national committees set up to monitoring the implementation of EU funded programmes under the Common Provisions

Regulation (CPR)? Are you involved in the arrangements set up under the horizontal enabling condition to ensure compliance with the Charter? If so, what is your role in this context?

Answer:

Following the [2019 Council Conclusions on the Charter](#), the 2021 [Common Provision Regulation \(CPR\)](#) on EU funds proposes a potential role for NHRIs in monitoring and contributing to the compliance with fundamental rights (EU Charter and UN CRPD) of EU-funded programmes. While the CPR leaves a broad margin of appreciation for national authorities to set up their arrangements at the national level, NHRIs have been approached by state authorities to become involved. As a result, NHRIs have been increasingly involved in the implementation of the CPR, including in the context of the monitoring committees. As reported by FRA ([‘NHRI accreditation status and mandates - update 2024’](#)), **around one-half of the EU NHRIs indicate their involvement in the monitoring of fundamental rights compliance in the use of EU funds at the national level.**

While ENNHRI as network of NHRIs cannot play a direct role in the monitoring of fundamental rights compliance of EU funds of EU Member States, **ENNHRI has raised awareness of NHRIs across the EU about both the potential of taking up such role and opportunities and challenges**, including with a view to ensure compliance of the role with the Paris Principles. In 2022, at the initial stages of the implementation of the CPR, while no EU-level guidance existed yet on the potential role for NHRIs, ENNHRI collected information from its members and developed a [common position outlining the potential roles, opportunities and challenges for NHRIs](#).

Accordingly, ENNHRI outlined the following possible advantages for NHRIs’ engagement in the CPR:

- Access to information on structural reforms taking place in a country, which are not often approached or understood by national authorities involved from a fundamental rights perspective;
- Access to, engagement with and awareness-raising of policymakers and civil servants of ministries involved in structural reforms (e.g.: defence, agriculture) which otherwise do not necessarily engage on fundamental rights and with NHRIs;
- Potential integration of fundamental rights in structural reforms in a country, at the development, monitoring and implementation stages with possibly structural positive impacts on fundamental rights in a country.

In terms of roles, ENNHRI highlighted to its members that they:

- Can take up a role in monitoring committees of EU funded programmes in an *advisory* capacity, rather than a decision-making capacity. The latter would be at odds with the independence requirement under the Paris Principles.
- Can develop fundamental rights curricula and awareness-raising activities for state authorities involved in the implementation of the EU funded programmes.
- Can engage on fundamental rights in the set-up and monitoring of EU funded programmes by building on their existing work, such as disseminating annual and special reports with recommendations

In line with the CPR provisions, the role in the context of the monitoring committees has been particularly emphasised as relevant. Yet, other roles that can be taken up by fundamental rights bodies such as NHRIs are of a more preventive nature, which is particularly important from a human rights-based perspective. The early engagement of NHRIs in the set-up of EU funded programmes has a distinct advantage to positively direct additional resources to the advancement of fundamental rights and the Charter. Further encouragement by the European Commission to state authorities to engage with fundamental rights bodies such as NHRIs at the development stage of EU-funded projects would be beneficial, including in upcoming funding cycles.

Aiming to support the capacity of NHRIs in this area, ENNHRI participated as an expert partner in the regional cooperation project led by FRA ‘[Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law](#)’, funded by EEA and Norway Grants. The project, among others, aimed at developing the capacity of NHRIs to monitor the Charter compliance in the implementation of EU funds, as foreseen by the CPR. NHRIs from seven EU countries were involved: [Bulgaria](#), [Croatia](#), [Cyprus](#), [Latvia](#), [Poland](#), [Slovenia](#), and [Slovakia](#). Each of these NHRIs have undertaken specific activities at national level on ensuring fundamental rights compliance of EU funds.

Within the context of the project, NHRIs’ domestic activities have focused on raising awareness about the EU Charter and the conditionality among state authorities and other relevant actors. For example, the NHRI from [Poland](#) developed a Checklist of Compliance with the Charter of Fundamental Rights of the EU in the implementation of EU funds as well as a Guidance on the Application of the Charter of Fundamental Rights when spending EU funds, with

practical tips for national authorities. Such activities address the lack of knowledge on the EU Charter of Fundamental Rights by state authorities and other actors involved in EU funds monitoring and provided tools to be used by them to carry out thorough monitoring from a fundamental rights perspective. Carrying out capacity building activities to raise awareness of the EU Charter ultimately prevents possible violations of fundamental rights and ensures that when they occur, they will be identified and addressed appropriately.

While NHRIs continue to flag the need for further capacity-building and peer exchange in this area, there is a **potential to develop, on the basis of initial NHRI experience and projects, templates and guidance that could be supporting NHRIs across the region if they take up a role in the context of implementing and monitoring EU funds' compliance with fundamental rights. ENNHRI, possibly in partnership with FRA, could be well-placed to facilitate further peer exchange and cross-regional guidance amongst NHRIs. This would be an area where NHRIs and ENNHRI would require additional resources to carry out this role in the context of the implementation of EU funds (as developed under the next question).**

Question 7.

Which are the main obstacles you as NHRI / equality body / their European network face in carrying out your activities related to EU funding to promote, protect, and enforce fundamental rights? How should these be addressed?

Obstacles faced by NHRIs in the context of the monitoring and contributing to fundamental rights compliance of EU-funded programmes under the CPR.

In line with ENNHRI's 2022 [statement](#), and as confirmed through NHRIs' experience and FRA's reports and [opinions](#), NHRIs face substantial challenges to carry out their roles under the CPR. **Importantly, the challenges faced by NHRIs can still be mitigated in the current funding cycle: by providing further support and guidance to NHRIs, and by raising awareness of state authorities of their responsibility to respect NHRIs' independence, to ensure their meaningful role, and to provide additional resources for these additional tasks of NHRIs.**

The key challenges currently reported by NHRIs include:

- **No additional funds for carrying out this additional role:** carrying out a role in monitoring fundamental rights compliance of EU funded programmes requires substantial resources, while the impact of such work by NHRIs is not easily measured. Allocation of funds by NHRIs for an additional role is challenging in a [context of already limited](#)

[resources to carry out their core mandate](#), while state authorities allocate additional mandates to NHRIs without additional funds, and while no specific EU funds are allocated to independent bodies involved in the monitoring of fundamental rights compliance of EU funded programmes. As highlighted by FRA in its report, while the CPR includes a possibility for EU Member States to fund the bodies involved in fundamental rights monitoring, this is underused. Hence, ENNHRI recommends to the European Commission to raise the awareness of state authorities to allocate resources to the independent fundamental rights bodies -including NHRIs- involved in the monitoring of fundamental rights compliance of EU funds.

- **Limited expertise of NHRIs on the Charter and EU funds:** the specific expertise NHRIs need to be involved in the conditionality compliance on both the EU Charter (with a very broad scope) and EU funds (of a very technical nature) is a challenge. NHRIs have suggested further EU support and guidance in this respect, including a 'fundamental rights checklist' which can be used and disseminated by NHRIs in the context of the monitoring EU funds. As mentioned under question 6, the initiative of the Polish NHRI could offer an important basis for developing cross-regional template and guidance. With further resources, FRA and ENNHRI could lead the development of such resources.
- **Need for meaningful engagement opportunities for NHRIs:** While NHRIs have, to an important extent, engaged in the context of the CPR, they reported that opportunities to engage are often not meaningful, especially in the context of the monitoring committees. As FRA's report highlights, there is a need for meaningful opportunities, including at early stages of the project cycle to ensure the engagement of NHRIs in the longer term. Therefore, the Commission should increase the awareness of state authorities to meaningfully engage with NHRIs and ensure such opportunities.
- **Respect for NHRIs' role in compliance with the UN Paris Principles' independence requirement:** In line with their independence, it is not appropriate for NHRIs to take up a decision-making or voting position in the context of the CPR monitoring committees, nor to issue 'fundamental compliance certificates' to state authorities in advance of the EU funded projects being implemented. Beyond NHRIs, there is a need to ensure state authorities' awareness that the role of NHRIs within EU funds monitoring needs to abide to the UN Paris Principles and respect their independence.
- **Risk of repercussions while no EU protection mechanism in place:** there is a potential risk that when non-compliance is found with the CPR, this may have negative impacts on state authorities' cooperation with fundamental rights bodies involved in compliance-checks, including NHRIs. Currently, there is no EU mechanism in place to prevent such instances or to protect actors because of their involvement in the implementation of the

CPR. While the absence of such protection mechanism can have a chilling effect on the engagement of fundamental rights actors in the monitoring of fundamental rights compliance of EU funds, this should be foreseen in the next EU funding cycle.

Ways forward – how to address obstacles faced by NHRIs in the context of the monitoring and contributing to fundamental rights compliance of EU funded programmes under the CPR

Overall, and considering the above-mentioned limitations, ENNHRI recommends to the European Commission to:

- **Continue** to develop and include, also with a view to the next CPR, the fundamental rights **conditionality of EU funds**;
- **Encourage state authorities to ensure that additional and adequate resources** are allocated to fundamental rights bodies -including NHRIs- involved in the implementation and monitoring of the fundamental rights conditionality. With a view to the next CPR, ensuring the regulation safeguards the allocation of adequate resource to fundamental rights bodies involved in the CPR implementation;
- **Develop common EU benchmarks on independent fundamental rights bodies' role in the context of the CPR**, to ensure appropriate and meaningful involvement of these bodies across EU Member States, and with a view to enhance the effectiveness of the fundamental rights conditionality, not only preventing fundamental rights violations, but also advancing fundamental rights;
- **Raise awareness of state authorities to meaningfully engage with fundamental rights bodies such as NHRIs** in the process of EU funds monitoring, to ensure an adequate and thorough consideration of fundamental rights throughout the different stages of the funding cycle;
- **Develop timely and dedicated EU guidance for fundamental rights bodies**, including NHRIs, on their potential involvement in the implementation of the CPR. Consider the provision of additional resources to ENNHRI to support the development of such EU guidance, and to support cross-regional peer exchange and learning amongst NHRIs;
- **Establish a dedicated reprisal prevention mechanism** at the European Commission through which the fundamental rights actors involved in the implementation of the CPR, including NHRIs, are effectively supported and protected against facing challenges due to their role in the context of the monitoring of fundamental rights compliance of EU funds.

Beyond measures that can be taken in the specific context of the CPR, ENNHRI submits that obstacles reported for NHRIs could also be addressed through the adoption of a **dedicated**

European Commission Recommendation on NHRIs which would support the establishment and functioning of a strong and independent NHRI in each EU Member State. This would clarify, including in the context of the CPR, what is expected from EU Member States to ensure a strong and independent NHRI is in place which can contribute to upholding and advancing fundamental rights in the EU.

Question 8.

Are there other elements related to funding to promote, protect, and enforce fundamental rights that you would like to mention?

Answer:

Yes. ENNHRI would like to recommend that under the CERV regulation's Article 14 (Eligible entities) an **operating grant may be awarded without a call for proposals** to ENNHRI.

ENNHRI is in an exceptional situation, being the **only entity that ensures the coordination of activities between NHRIs in Europe** as recognized in the EU Council Conclusions on strengthening the application of the Charter of Fundamental Rights in the European Union (March 2021), and in Article 38 of the **Regulation (EU) 2021/692** establishing the Citizens, Equality, Rights and Values Programme *to protect and promote rights and values as enshrined in the Treaties, the Charter and the applicable international human rights conventions* such as UN General Assembly in 1993 (Resolution A/RES/48/134) on NHRIs.

About ENNHRI

ENNHRI is the European Network of National Human Rights Institutions. We bring together over 40 National Human Rights Institutions (NHRIs) to enhance the promotion and protection of human rights in Europe. Our network provides a platform for collaboration and solidarity in addressing human rights challenges and a common voice for NHRIs at the European level.