

# Enhancing Charter Compliance of EU Funds

## Research Report

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## Disclaimer

Regarding chapters 3, 4 and 5 of the present report, please note that some of the data and information were collected under a project commissioned by the [FRA](#); the information and views contained herein do not necessarily reflect the views or official position of the FRA. The data and information were used to help prepare the FRA's 2023 report "[EU Funds: Ensuring Compliance with Fundamental Rights](#)".

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# List of Abbreviations

ACE	All Children in Education
AT	Austria
AGRI	Agriculture and Rural Development
BE	Belgium
BKA	Federal Chancellery of Austria
BML	Federal Ministry of Agriculture, Forestry, Regions and Water Management
CECL	Centre for European Constitutional Law
CF	Cohesion Fund
CfP	Call for Proposals
CJEU	Court of Justice of the European Union
CLLD	Community-Led Local Development
COP	Community of Practice
CPR	Common Provisions Regulation
CPR	Common Provisions Regulation
CSO	Civil Society Organisations
DG	Directorate General
EAFRD	European Agricultural Fund for Rural Development
EC	European Commission
ECCoP	European Community of Practice on Partnership
ECCP	European Code of Conduct on Partnership
ECFIN	Economic and Financial Affairs
EEG	European Expert Group on the Transition from Institutional to Community-Based Care
EFICE	European Funds for Infrastructure, Climate, Environment
EFME	European Fund for Modern Economy
EFSD	European Fund for Social Development
EL	Greece
EMAS	Emergency Assistance
EMFAF	European Maritime, Fisheries and Aquaculture Fund
ENIL	European Network on Independent Living
ENNHRI	European Network for National Human Rights Institutions
ENO	European Network of Ombudsmen
EP	European Parliament
EQUINET	European Network of Equality Bodies
ERDF	European Regional Development Fund
ERRC	European Roma Rights Centre
ESF+	European Social Fund Plus
ESIF	European Structural and Investment Funds
EU	European Union
EYSYDMEY	Special Coordination and Management Service Migration and Home Affairs Programmes

FERS	European Funds for Social Development
FL	Flanders
FRA	European Union Agency for Fundamental Rights
FRPO	Fundamental Rights Protection Officer
FSTP	Financial Support to Third Parties
GANHRI	Global Alliance of National Human Rights Institutions
GNHCR	National Commission for Human Rights of Greece
HEC	Horizontal Enabling Conditions
HOME	Migration and Home Affairs
IBMV	Integrated Border Management Fund
IBW	Investments in Jobs and Growth Austria
IE	Ireland
IHREC	Irish Human Rights and Equality Commission
ILA	Independent Living Austria
INPRIS	Institute of Law and Society
ISF	Internal Security Fund
JTF	Just Transition Fund
LAG	Local Action Groups
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer and Intersex
MA	Managing Authorities
MC	Monitoring Committee
MFF	Multiannual Financial Framework
NDICI	Neighbourhood, Development and International Cooperation Instrument
NGO	Non-governmental Organisations
NHRB	National Bodies with Human Rights Remit
NHRI	National Human Rights institutions
NTA	National Transparency Authority of Greece
OFOP	National Federation of Polish NGOs
OLAF	European Anti-Fraud Office
OP	Operational Programme
ÖROK	Austrian Conference on Spatial Planning
PA	Partnership Agreement
PETI	European Parliament's Committee on Petitions
PL	Poland
REGIO	Regional and Urban Policy
RRF	Recovery and Resilience Facility
SECGEN	Secretariat-General
TFEU	Treaty on the Functioning of the European Union
TO	Thematic Objective
UNICEF	United Nations International Children's Emergency Fund
UNCRC	United Nations Convention on the Rights of Persons with Disabilities
UNHCR	United Nations High Commissioner for Refugees

# 1 Introduction

The allocation and use of European Union (EU) funds are critical for promoting economic growth, social cohesion, and achieving key policy objectives. The EU provides significant resources for a broad range of programmes and projects covering various areas, such as research, education, employment, regional development, social inclusion, environment, humanitarian aid, agriculture, and the marine, among many others. When Member States are using these EU Structural and Investment Funds (ESIF), they must comply with the Common Provisions Regulation (CPR), a complex set of rules, including conditionalities specifically related to compliance with human rights.<sup>1</sup> The CPR explicitly ties access to EU funds to compliance with the Charter of Fundamental Rights of the European Union (the Charter) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). This means they must uphold and promote fundamental rights, avoiding investments that might lead to violations.

In recent years, a series of fundamental rights issues have been identified by non-governmental organisations (NGOs), legal scholars and the European Ombudsman regarding the use of EU funds, such as investment in segregating facilities for different groups in a vulnerable situation (e.g. persons with disabilities, Roma people, children, refugees)<sup>2</sup>. In response, a strengthened mechanism to monitor human rights compliance was introduced in the legislative framework throughout the funding period, with a more articulated role foreseen for national bodies with a human rights remit (NHRBs). The implementation of this new framework faces notable challenges<sup>3</sup>.

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<sup>1</sup> CPR (Commons Provisions Regulation). (2021). Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy. See online: <http://data.europa.eu/eli/reg/2021/1060/oj>

<sup>2</sup> European Ombudsman. (2020). Decision in case 1233/2019/MMO on how the European Commission ensures that Member State governments spend European Structural and Investment Funds in line with the obligations stemming from the United Nations Convention on the Rights of Persons with Disabilities.

<sup>3</sup> European Union Agency for Fundamental Rights. (2021). *Country research on EU funds and national human rights institutions: EU Fundamental Rights in practice and Charter conditionality: Greece*. European Union Agency for Fundamental Rights. Retrieved from [https://fra.europa.eu/sites/default/files/fra\\_uploads/country-research-eu-funds-nhris-](https://fra.europa.eu/sites/default/files/fra_uploads/country-research-eu-funds-nhris-)

There is no long-standing tradition of involving national human rights institutions (NHRIs), ombuds institutions and equality bodies in the governance structures of EU-funded programmes such as the Monitoring Committees.<sup>4</sup> It is, therefore, still unclear how this envisaged role should be realised to improve the fundamental rights compliance of EU-funded projects without putting an additional burden on different stakeholders. Managing authorities (MA), responsible for administering EU funds at national and regional levels, often lack sufficient awareness of fundamental rights frameworks<sup>5</sup>. Despite their expertise in fundamental rights, national Human Rights Institutions (NHRIs), ombuds institutions, equality bodies, and civil society organisations lack the technical knowledge required to navigate the EU funding cycle. These gaps in awareness and capacity hinder the transformative potential of EU funds to support and protect human rights.

This report examines how human rights conditionality can be effectively incorporated into EU funding processes, focusing on selected CPR<sup>6</sup> funds in three EU Member States (Austria, Greece and Poland). Through in-depth desktop research and interviews with managing authorities, we gained a unique view of the implementation of Charter conditionality and the way how the partnership principle is realised during the implementation and monitoring of EU-funded programmes. The report identifies barriers to implementing human rights conditionality and explores the roles of key stakeholders, including managing authorities and national bodies with a human rights remit. It also proposes some recommendations to enhance Charter compliance and strengthen the role of NHRIs at different entry points along the funding cycle. Embedding human rights conditionality in EU funding is not only a regulatory requirement but also an opportunity to advance equitable, rights-based development across the Union. This report offers insights for policymakers, managing authorities, and human rights practitioners to promote compliance with the Charter and UN CRPD.

To address these issues, this report employs a structured approach, analysing a wide range of sources, including academic research, legislative documents, policy papers,

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[greece\\_en.pdf](#). This document was commissioned under a contract with the European Union Agency for Fundamental Rights (FRA) as one of the actions under the project “Greek Ombudsman actions for strengthening good governance, accountability and combating maladministration in the public sector” (2022).

<sup>4</sup> Wladasch, K., Allram-Naaijer, K. & Birtha, M. (2023). *The role of national human rights bodies in monitoring fundamental rights in EU funded programmes*, Policy Brief 2023/2. Vienna: European Centre.

<sup>5</sup> EU Funds: Ensuring Compliance with Fundamental Rights, Fundamental Rights Agency of the European Union, Luxembourg: Publications Office of the European Union, 2023. See here: <https://fra.europa.eu/en/publication/2023/eu-funds?page=9#read-online>

<sup>6</sup> The CPR funds are: European Regional Development Fund; European Social Fund Plus; Cohesion Fund; Just Transition Fund; European Maritime, Fisheries and Aquaculture Fund; Asylum, Migration and Integration Fund; Internal Security Fund; Border Management and Visa Instrument.



and grey literature from public authorities, international organisations, and civil society groups. The report also builds on in-depth national-level desktop research conducted by the project partners in Austria, Greece and Poland, which then produced detailed country fiches. Additionally, the report incorporates insights from nine semi-structured interviews conducted with managing authorities in five EU Member States. It examines how fundamental rights considerations can be integrated into key stages of the EU funding cycle—programming, implementation, and monitoring—and assesses the potential roles of national human rights bodies in ensuring compliance and fostering collaboration among stakeholders.

The rest of the report is structured as follows: Chapter 2 outlines the report’s aim, methodology and limitations. Chapter 3 explains how the EU funding cycle operates, focusing on human rights-related conditionalities applied in the 2014–2020 and 2021–2027 funding periods. Chapter 4 explores the intersection of EU funds and fundamental rights, analyses the implementation of Charter conditionality, assesses compliance/non-compliance, and highlights fundamental rights challenges in EU-funded programmes. Chapter 5 assesses the role of NHRIs, equality bodies, and ombuds institutions in monitoring EU-funded programmes, outlining their standards, capacity and challenges. Chapter 6 provides case studies on the implementation of Charter conditionality and monitoring mechanisms in Austria, Greece, and Poland during the 2021-2027 funding period. Chapter 7 showcases partnership examples for the implementation of Charter conditionality between national bodies, civil society organisations and other stakeholders. Finally, Chapter 8 summarises key findings and offers recommendations.

## 2 Aim and methodology of the research

The main objectives of the ECHO Funds project are to (1) raise awareness about the need to ensure compliance with the Charter during the programming, implementation and monitoring of EU funds, to (2) develop materials that assist stakeholders of the EU funding cycle in ensuring Charter conditionality and to (3) disseminate knowledge about the EU funding cycle and Charter conditionality. This report summarises the findings of Work Package 2 of the ECHO Funds project, which conducted research on EU funds and the multi-annual financial framework (MFF) of the EU, Charter conditionality, compliance and non-compliance with Charter rights and principles, as well as the role of national bodies with a human rights remit (NHRIs, equality bodies, ombuds institutions) and organisations representing civil society in the EU funding cycle. The report seeks to answer the following three research questions:

- (1) How is the Horizontal Enabling Condition on the EU Charter for Fundamental Rights implemented in the 2021-2027 EU funding period?
- (2) How is a partnership organised (e.g. in Monitoring Committees)?
- (3) What role do national bodies with a human rights remit (NHRIs, equality bodies, ombuds institutions) play in monitoring EU funds?

In order to provide answers to these questions, we explore more in-depth in the 3 countries that participate in the ECHO Funds project (Austria, Greece and Poland) how Charter conditionality has been taken into account in the governance of EU funds, as well as during the planning and programming since 2021, and what are the challenges encountered by different stakeholders (managing authorities, NHRIs, civil society) in this regard. Through desktop research, we are also looking at examples of how specific Charter rights are addressed, for instance, in the Partnership Agreement or in the Call for Proposals. This is because there is relatively little information available on the realisation of Charter conditionality throughout the funding cycle and it is feared by some stakeholders that it becomes a box-ticking exercise.

Our desktop research also included further investigation on the actual effects of Charter conditionality: In which areas are specific Charter rights particularly applicable for different funds, and what does this mean in practice? Furthermore, it contains a more structural analysis that focuses on the (potential) role of different stakeholders in the governance structure of EU-funded projects, such as in Monitoring Committees. The research put a particular emphasis on understanding the perspective of managing authorities towards the implementation of Charter conditionality and building partnerships. This report will provide the background for the national multi-stakeholder events organised by ECHO Funds project partners in

Austria, Greece and Poland in 2025 to enhance partnerships and more clarity on the roles.

## 2.1 Methodology

This study builds on two main methodological components:

- (1) desktop research (EU level and national level from Austria, Greece and Poland), and
- (2) semi-structured interviews with managing authorities of different CPR funds from selected Member States (Austria, Belgium/Flanders, Greece, Ireland and Poland).

### Desktop research

ECHOFunds project partners in Austria, Greece and Poland<sup>7</sup> conducted in-depth *national-level desktop research* and produced detailed country fiches by filling out a unified template<sup>8</sup>. The aim of these fiches was to collect information on the way EU funds are regulated under selected CPR funds, with a specific focus on 1) fundamental rights issues/compliance of EU-funded programmes and 2) partnership and the involvement of NHRBs. The fiche was structured into two main parts:

- 1) Literature review (overview of academic and grey, including reports and articles in national languages).
- 2) EU funding in their country and fundamental rights (which included EU funding and governance, the role of NHRBs in monitoring funds, Charter conditionality, and fundamental rights issues).

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<sup>7</sup> The following organisations are partners in the ECHOFunds project:

- LBI-GMR - [Ludwig Boltzmann Institute of Fundamental and Human Rights](#) (Austria, project coordinator)
- [European Centre for Social Welfare Policy and Research](#) (Austria)
- CECL - [Centre for European Constitutional Law](#), Themistocles and Dimitris Tsatsou Foundation (Greece)
- INPRIS - [Institute for Law and Society](#) (Poland)
- [Hungarian Helsinki Committee](#) (Hungary, associate partner)

<sup>8</sup> The ECHOFunds project partners also conducted an extensive mapping of stakeholders representing different target groups who should be invited from the national, regional and local levels to the national workshops and working sessions taking place in 2025. This included representatives of managing authorities of selected EU funds (e.g. ERDF, ESF+), national bodies with human rights remit (like NHRIs and equality bodies), civil society organizations active in the fields of non-discrimination and human rights as well as beneficiaries, like local authorities. Stakeholders differ according to the different national contexts.

The ECHO Funds project partners could choose which CPR funds they wanted to focus on in their country fiches, considering their relevance in the national context.

**Table 1. Summary of CPR funds covered in national-level desktop research**

Country	CPR funds
<b>Austria<sup>9</sup></b>	<ul style="list-style-type: none"> <li>• European Social Fund Plus (ESF+)</li> <li>• European Regional Development Fund (ERDF)</li> <li>• Just Transition Fund (JTF)</li> </ul>
<b>Greece</b>	<ul style="list-style-type: none"> <li>• Asylum Migration and Integration Fund (AMIF)</li> </ul>
<b>Poland</b>	<ul style="list-style-type: none"> <li>• European Regional Development Fund (ERDF)</li> <li>• European Social Fund Plus (ESF+)</li> <li>• Cohesion Fund (CF)</li> <li>• European Maritime, Fisheries and Aquaculture Fund (EMFAF)</li> </ul>

Additionally, an extensive EU-level literature review was conducted, based on the recent publication by the EU Agency for Fundamental Rights (FRA): *EU Funds: Ensuring Compliance with Fundamental Rights*.<sup>10</sup> The literature review analysed relevant academic literature, legislative and non-legislative documents, policy papers, and reports produced by public authorities, international organisations, and civil society organisations. The review summarised the existing body of evidence and identified key findings and emerging patterns related to different aspects of Charter conditionality, partnerships, and the role of National Human Rights Bodies (NHRBs). The literature review was structured around four thematic areas: (1) the EU funding cycle and Charter conditionality, (2) EU funds and fundamental rights, (3) the role of national bodies (NHRIs, equality bodies, ombuds institutions, CSOs), and (4) EU funding programmes in the EU Member States.

We started the review by defining the methodological framework, including the specific research objectives and screening strategies applied to identify and select relevant sources. A three-stage search strategy was employed to identify relevant literature consisting of (1) a targeted search of grey literature through the repositories of key institutions and international organisations (e.g., European

<sup>9</sup> The national-level desktop research in Austria focused on these specific programmes: “ESF+ Employment Programme Austria & JTF 2021-2027”, “ESF+ Programme to Combat Material Deprivation Austria 2021-2027 (Ex-FEAD)” and ERDF Programme “Investments in jobs and growth Austria 2021-2027, ERDF & JTF”

<sup>10</sup> EU Funds: Ensuring Compliance with Fundamental Rights, Fundamental Rights Agency of the European Union, Luxembourg: Publications Office of the European Union, 2023. See here: <https://fra.europa.eu/en/publication/2023/eu-funds?page=9#read-online>

Commission, European Ombudsman, FRA, EQUINET, ENNHRI, United Nations); (2) a search within an academic repository, Scopus; and (3) a manual review of relevant research project outputs and reference lists of the most recent and significant publications identified through the searches.

Key search terms were identified based on the researchers' own knowledge of the field as well as from an initial keyword search on the topic which included and are not limited to: 'EU funds 2021-2027', 'EU Charter of Fundamental Rights', 'horizontal enabling conditions', 'fundamental rights compliance', 'partnership', 'Monitoring Committees', 'fundamental rights violations', 'Ombudsman', 'National Human Rights Institutions', 'civil society organizations', 'funding', 'monitoring', 'implementation', 'transparency', 'compliance', 'partnership', and 'conditionality'. The literature searches across academic and grey literature sources resulted in the identification of approximately 120 relevant records. To extract and organize data, a summary extraction template was developed in Excel. This template captured key characteristics of each reviewed document.<sup>11</sup> Additionally, it categorized findings according to some core aspects of the EU funding cycle: implementation, monitoring, reporting, and evaluation.

### Semi-structured interviews

To complement the EU and national-level desktop research, altogether 9 *semi-structured interviews* were conducted with managing authorities (MA) of different CPR funds in Austria, Belgium/Flanders, Greece, Ireland and Poland. The aim of these interviews was to complement the data collected via desktop research with managing authorities' perspectives about the challenges of implementing Charter conditionality and working in partnership with NHRIs. More concretely, the interviews fill some knowledge gaps regarding:

- 1) how the Charter horizontal enabling conditionality (HEC) is implemented in EU Member States during the programming of specific CPR funds (e.g. ESF+, ERDF, AMIF etc.) and
- 2) how a partnership is organised and can be enhanced with the involvement of equality bodies, ombudsmen, or NHRIs, along with civil society organisations, social partners and other stakeholders.

**Table 2. Overview of interviews conducted with managing authorities**

Country	Institution of the Managing Authority	CPR Fund
Austria	Ministry of Labour and Economy, ESF+ Department	European Social Fund Plus (ESF+)

<sup>11</sup> Including author(s), year of publication, title, document type, topic, relevance and key findings, abstract, and keywords.

<b>Belgium</b>	ESF+ Flanders	European Social Fund Plus (ESF+)
<b>Greece</b>	Unit A.2. Programming & assessment / Managing Authority for Migration & Home Affairs Funds	Asylum Migration and Integration Fund (AMIF)
<b>Ireland</b>	Department of Further and Higher Education, Research, Innovation and Science	European Social Fund Plus (ESF+)
<b>Poland</b>	Ministry of Funds and Regional Policy, Strategy Department	Coordinating Authority of the Partnership Agreement 2021-2027 for Strategic Affairs
<b>Poland</b>	Managing Authority for European Funds for the Modern Economy	European Regional Development Fund (ERDF)
<b>Poland</b>	Ministry of Funds and Regional Policy	European Funds for Infrastructure, Climate, Environment 2021-2027 (EFICE)
<b>Poland</b>	Ministry of Development Funds and Regional Policy, Coordinator for the Charter of Fundamental Rights in the Management Authority of the Technical Assistance for European Funds 2021-2027 (TAEF)	European Regional Development Fund (ERDF)
<b>Poland</b>	Ministry of Funds and Regional Policy	European Social Fund Plus (ESF+)
<b>Poland</b>	Ministry of Funds and Regional Policy, Regional Programme Coordination Department	European Social Fund Plus (ESF+)

We decided to conduct interviews with MAs in all three participating countries of the project (1 in AT, 1 in EL and 6 in PL), linked to the selected CPR funds. This approach provides valuable insights into understanding MA's perspective on the implementation of Charter conditionality and the roles of NHRIs and other stakeholders in monitoring EU (co)-funded projects. The selection of further MAs (IE, BE/FL) builds on the findings of the EU-level desktop research where promising practices were identified regarding partnerships with a broad range of stakeholders, which contributes to better implementation of EU-funded programmes with respect to fundamental rights.

Each interview lasted about one hour, and they were conducted online through MS Teams or Zoom between November 2024 and February 2025. Standardised interview templates were used with common and specific questions dedicated to MAs. The findings of the literature review contributed to the development of the interview guide, with the aim to cover some of the existing gaps in the literature through these interviews. Gaining access to managing authorities to discuss the fundamental rights conditionality was considered a risk in the initial stages of the ECHO Funds project,

but they showed great interest in the project and the topic itself. Their valuable input certainly enriches the findings of this report.

## **2.2 Limitations of the research report**

This research report has a limited scope. First, the scarce availability of information regarding the implementation of the horizontal enabling conditions under the CPR significantly limited the possibility of providing a detailed overview. This may hinder accurate assessment, especially regarding the effectiveness of "Charter arrangements" in ensuring compliance with fundamental rights. It is important to note the variability in how Member States implement these arrangements, and, in this report, we focus only on three Member States. The complexity of the multi-level governance approach may further complicate the analysis. Additionally, given that the MFF runs until 2027, many calls for proposals have not yet been published, and therefore, the effectiveness of Charter conditionality on improving fundamental rights compliance of implemented projects cannot be assessed yet.

Secondly, semi-structured interviews with nine MAs of different CPR funds across five Member States (AT, Flanders/Belgium, EL, IE, PL), also present limitations. The small sample size may not fully capture the diversity of practices across the EU, and the selection of countries and respondents may introduce biases. Furthermore, challenges such as language barriers, differing levels of expertise, and potential biases in responses could affect the reliability of the interview data.

# 3 The EU funding cycle and human rights conditionality

## 3.1 How does the EU funding cycle work?

This section of the report describes in detail how the EU funding cycle works, focusing on the funding period 2021-2027. The aim is to provide a clear description of the different steps of this complex process so that national organisations with a human rights remit might have a better understanding of potential entry points for their engagement.

The **Common Provisions Regulation (CPR)** for the EU budget 2021–2027 sets out the rules for the coordinated and harmonised implementation of EU funds implemented under shared management.<sup>12</sup> The CPR applies to the following funds:

1. European Regional Development Fund (ERDF)
2. European Social Fund Plus (ESF+)
3. Cohesion Fund (CF)
4. Just Transition Fund (JTF)
5. European Maritime, Fisheries and Aquaculture Fund (and financial rules for those) (EMFAF)
6. Asylum, Migration and Integration Fund (AMIF)
7. Internal Security Fund (ISF)
8. Instrument for Financial Support for Border Management and Visa Policy.

Collectively, these funds account for approximately one-third of the entire EU budget. Delivered under a system of shared management, the funding is jointly overseen by the European Commission and national authorities. The CPR is further supported by fund-specific regulations, which outline detailed rules and obligations for each fund. Both the CPR 2021–2027 and the fund-specific regulations are directly applicable within Member States. These obligations must be followed throughout the whole process, from proposing interventions, projects or potential use of funds to implementation, monitoring, reporting and evaluation of all programmes to which CPR applies.

**Shared management** means that the responsibility to manage these funds lies both with the European Commission and the Member States, thus enabling funding to

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<sup>12</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (*Common Provisions Regulation*).



better support the objectives. At the beginning of each seven-year programming period, the Commission and Member States agree on key priorities for investment, which are set out in national or regional programmes. These priorities reflect the needs of the Member States. Once the programmes are agreed upon, Member States are responsible for implementing the planned actions, including the selection of projects, and paying project beneficiaries (public bodies, private companies, civil society organisations etc). The European Commission's role is to monitor the implementation and reimburse the expenditure. This division of roles and responsibilities between the European Commission and Member States is an important consideration for national bodies with a human rights remit when they are seeking the most impactful entry points for engagement. While EU funding instruments not covered by the CPR (e.g. Neighbourhood, Development and International Cooperation Instrument (NDICI), Recovery and Resilience Facility (RRF)) are outside of the CPR (and the scope of this study), national bodies with a human rights remit might seek engagement in monitoring the fundamental rights compliance of funded projects under those programmes too.

The **Partnership Agreement**, prepared by each Member State, should be a concise (maximum 35 pages) strategic document guiding the negotiations between the Commission and the Member State in relation to the design of programmes under the ERDF, the ESF+, the Cohesion Fund, the JTF and the EMFAF.<sup>13</sup> Partnership Agreements include the selected policy objectives, the expected results for each fund and the preliminary financial allocation from each fund by policy objective at national and regional levels (Article 11 of the CPR). For the 2014-2020 funding period, all Member States provided details in their Partnership Agreements about the selection of thematic objectives and investment priorities.<sup>14</sup>

In the current funding period, partnership agreements concern the period from 1 January 2021 to 31 December 2027. They should be submitted before or at the same time as the submission of the first programme. After submission, the European Commission assesses whether they comply with the relevant regulations and whether they address country-specific recommendations under the European Semester and the European Pillar of Social Rights. After the Member States receive the European Commission's assessment, they review the Partnership Agreement, which is then adopted (no later than four months after its initial submission). In principle, Partnership Agreements are not modified during the programming

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<sup>13</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (*Common Provisions Regulation*).

<sup>14</sup> European Parliament (2015), Research for REGI Committee – Review of the adopted Partnership Agreements

period,<sup>15</sup> however, Member States can submit one amendment to the European Commission after the mid-term review.<sup>16</sup> Being involved in the drafting of a partnership agreement by Member States could be an impactful entry point for national bodies with a human rights remit to ensure the overarching policy objectives are in line with fundamental rights and reflect how existing social and economic challenges should be tackled adequately with the help of EU funds.

**Programming** is the next important stage of the EU funding cycle. Member States must submit multi-annual national programmes to the Commission no later than three months after the submission of the partnership agreement. Operational programmes (OPs) are detailed plans in which the Member States set out how ESIF funding will be spent during the programming period. They are based on the partnership agreement and provide information on which of the policy objectives will be addressed, and how they will be addressed from the funding available under the operational programme. In the 2021-2027 funding period, there are five short policy objectives that EU funds should contribute to:

1. a more competitive and smarter Europe;
2. a greener, low-carbon transitioning towards a net zero carbon economy;
3. a more connected Europe by enhancing mobility;
4. a more social and inclusive Europe; and
5. a Europe closer to its citizens by fostering the sustainable and integrated development of all types of territories.

Therefore, each programme must set out a justification of the selected policy objectives, corresponding priorities, specific objectives and the forms of support (e.g. planned use of financial instruments). For the ERDF, the Cohesion Fund, the ESF+, the JTF and the EMFAF, Member States should also prepare a list of planned operations of strategic importance, with a timetable that gives a general overview of the main areas where funding will be spent. During the programming stage, specificities of the CPR must be considered, for instance, there are several 'thematic concentration' requirements for ESF+. These are areas where Member States must spend a minimum amount of their allocation (e.g. under ESF+ allocation, 25 % on social inclusion measures, 5 % on tackling child poverty and 3 % on addressing material deprivation). Programming for the 2021-2027 period is currently underway in all Member States.

The responsibility for the financial management and spending control of ESI funds is with Member States, subject to the Commission's supervision of the overall implementation of the EU budget. Civil society organisations and other stakeholders seeking to influence the use of EU funds thus often focus their advocacy efforts on

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<sup>15</sup> This is different to the 2014-2020 funding period.

<sup>16</sup> Annex II of the CPR includes the template for the Partnership Agreement.

the European Commission in the process of adopting the partnership agreements. During the programming period, however, advocacy makes more sense at the national level to influence the call for project proposals, financed under the different funds.

Member States are responsible for **implementing programmes** at the appropriate territorial level and in accordance with their institutional, legal and financial framework.<sup>17</sup> Progress in the implementation should regularly be presented to the Monitoring Committee and the Commission, with special regard to the link to the relevant country-specific recommendations. At the national level, designated **managing authorities** are responsible for the effective and efficient implementation of the funds, including the selection of operations, programme management and support for the Monitoring Committee. They establish and apply criteria and procedures for the selection of operations. In line with the CPR, these should be “non-discriminatory, transparent, ensure accessibility to persons with disabilities, ensure gender equality, and take account of the Charter of Fundamental Rights of the European Union”, as well as environmental sustainability. The European Disability Forum considered this phrasing in the legislation a big success as it implies that for all funding covered by the CPR, managing authorities must consider the impact on accessibility for persons with disabilities.<sup>18</sup>

Within three months of the adoption of the programme, each Member State sets up a **Monitoring Committee** to oversee the implementation of the programme. It is up to each Member State to decide on the composition of its Monitoring Committee, but it is important to ensure a balanced representation of stakeholders and partners.<sup>19</sup> Each member has a vote, and the rules of procedures are outlined by the Member State. The Monitoring Committee is always chaired by a representative of the Member State or the managing authority, and the European Commission participates in an advisory capacity. The main functions of Monitoring Committees are to examine the progress in programme implementation, and in achieving milestones and targets as well as the fulfilment of enabling conditions and their application throughout the programming period. National bodies with a human rights

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<sup>17</sup> The European Commission is responsible for the implementation of the amount of support from the Cohesion Fund transferred to the Connecting Europe Facility (CEF), the European Urban Initiative, Interregional Innovative Investments, the amount of support transferred from the ESF+ to transnational cooperation, the amounts contributed to the Invest EU Programme and technical assistance at the initiative of the Commission under direct or indirect management in accordance with points (a) and (c) of the first subparagraph of Article 62(1) of the Financial Regulation (Article 7, CPR).

<sup>18</sup> European Disability Forum (2021), *Common Provisions Regulations 2021-2027: Analysis of the final agreement*.

<sup>19</sup> Article 39 of Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (*Common Provisions Regulation*).

remit could be involved in the Monitoring Committees with voting rights. This is likely to be the level of involvement with the greatest impact in proactively monitoring the spending of EU funds and compliance with fundamental rights.

There are several possibilities for EU nationals, residents and business owners to seek **redress**, when the national authorities of a Member State have breached EU law. As is outlined in the Treaties, public authorities and national courts have the main responsibility for the application of Union law. Therefore, it is advisable to exhaust all possible means of redress at the national level (administrative and/or out-of-court mediation mechanisms). Depending on the national system, complaints can be submitted to the national ombudsmen.<sup>20</sup> At the EU level, there are three main options to submit a complaint. Under Article 227 of the Treaty, petitions can be submitted to the **European Parliament's Committee on Petitions (PETI)** in relation to the application of Union law. The **European Commission** can also take up complaints, but only in cases when it is about a breach of Union law by public authorities in an EU country. A complaint to the Commission is permitted regardless of any national-level complaints, as stipulated in Article 69(7) of the CPR 2021–2027, using an online form provided on the Commission's website<sup>21</sup>. Upon receipt of the complaint, the European Commission has 12 months to assess the complaint and decide whether to initiate a formal infringement procedure against the country in question.<sup>22</sup> It is important to note that even if the Commission considers that a breach of EU law has occurred, it may decide not to open a formal infringement procedure. If the Commission brings the case before the European Court of Justice and wins, the country must take all steps to remedy the violations. However, the procedure might take years, and the Commission often consults national authorities directly to verify complaints, limiting its ability to gather information independently<sup>23</sup>. Furthermore, there is no option to appeal to the Court of Justice of the European Union (CJEU) if the Commission rejects a complaint. Thirdly, the **European Ombudsman** can be involved if complainants feel that the European Commission did not deal with their request properly.<sup>24</sup> The European Ombudsman investigates complaints about

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20 The list of national ombudsmen is available here:  
<https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/members/all-members>.

21 Report a breach of EU law by an EU country - European Commission

22 In a recent decision of the European Ombudsman, it was noted that according to a European NGO (ENIL), the Commission has so far not found a breach of EU law or applied any other sanctions in relation to ESI-funded actions related to institutions for persons with disabilities and older persons. See: Decision on the own initiative inquiry into how the European Commission monitors EU Structural and Investment funds to ensure they are used to promote the right of persons with disabilities to independent living and inclusion in the community (OI/2/2021/MHZ) | Decision | European Ombudsman (europa.eu).

23 EU Funds: Ensuring Compliance with Fundamental Rights, Fundamental Rights Agency of the European Union, Luxembourg: Publications Office of the European Union, 2023. See here:  
<https://fra.europa.eu/en/publication/2023/eu-funds?page=9#read-online>

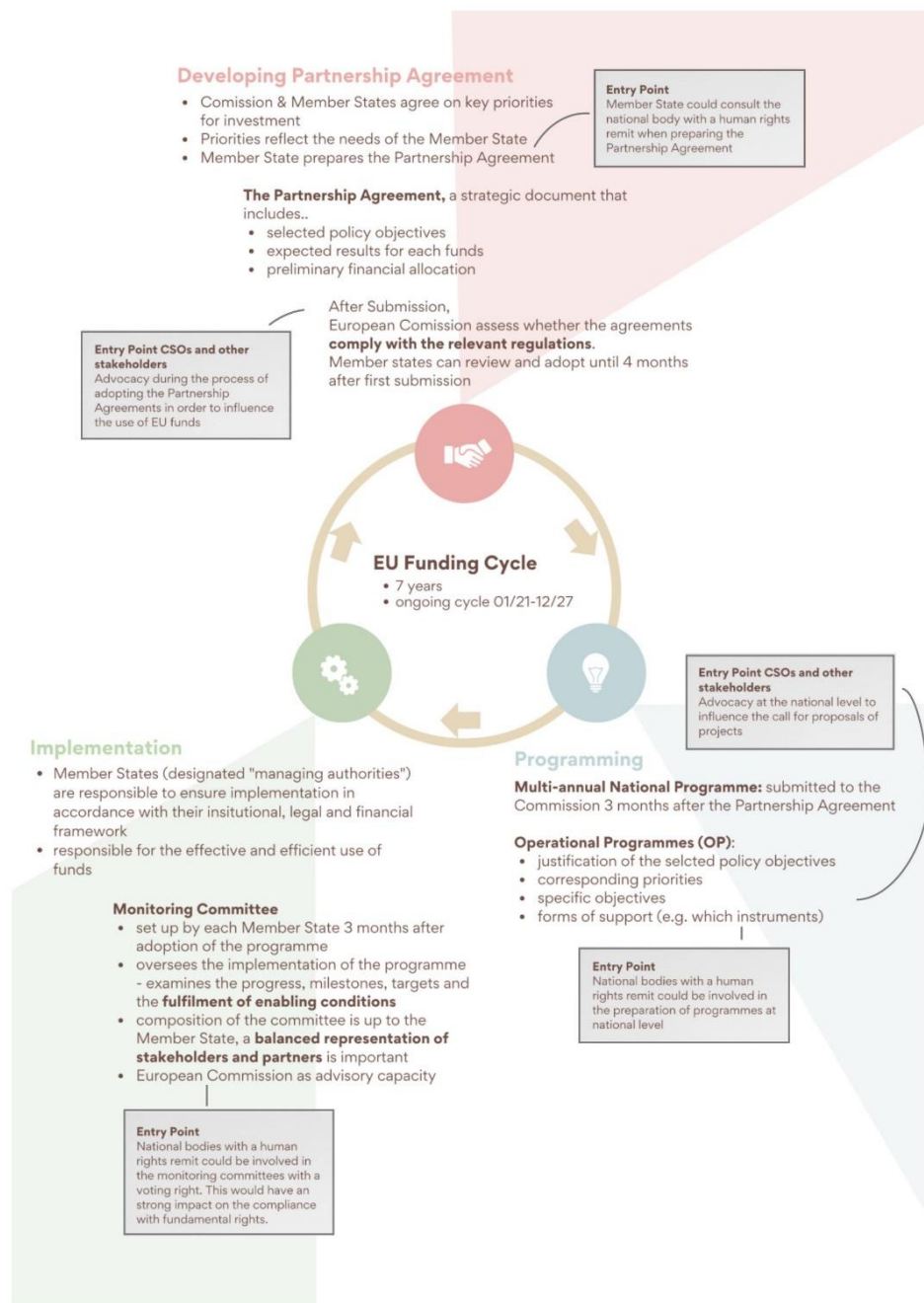
24 The process of filing a complaint with the European Ombudsman may also involve national or regional ombudsman institutions through the European Network of Ombudsmen.

maladministration pertaining to EU institutions and bodies and proactively looks into broader systemic issues.

Furthermore, it is also possible to complain to the **European Anti-Fraud Office**<sup>25</sup> in some cases (i.e. expenditure fraud, misuse of EU funds). At the international level, related to the rights of persons with disabilities, complaints may be filed under the Optional Protocol to the UN CRPD, provided that the concerned Member State has ratified the CRPD. The Committee on the Rights of Persons with Disabilities may also initiate inquiries into serious or systematic violations of CRPD provisions based on reliable evidence.

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<sup>25</sup> See: [Report fraud - European Commission](#)



**Figure 1** Entry points for NHRBs and civil society organisations during the EU funding cycle

Source: Wladasch, K., Allram-Naaijer, K. & Birtha, M. (2023). The role of national human rights bodies in monitoring fundamental rights in EU funded programmes, Policy Brief 2023/2. Vienna: European Centre.

## 3.2 The 2014-2020 EU funding period: ex-ante conditionalities

Conditionalities have been part of a cohesion policy since the reform of the Structural Funds in 1988 to improve the accountability of Member States for their spending decisions.<sup>26</sup> Spending must comply with EU public procurement law, state aid rules, and environmental regulations. As part of a cohesion policy reform, ex-ante conditionalities were introduced for the 2014-2020 funding period to facilitate the efficient use of the European Structural and Investment Funds (ESIF).<sup>27</sup> Their aim was to ensure that necessary conditions (institutional and strategic policy arrangements) were in place at the national level before funding was released to a Member State. According to Article 2 (33) of the CPR, “‘an applicable ex ante conditionality’ means a concrete and precisely pre-defined critical factor, which is a prerequisite for, and has a genuine link to, and a direct impact on, the effective and efficient achievement of a specific objective for an investment priority or a Union priority”.<sup>28</sup>

Ex-ante conditionalities are minimum standards through which the EU influences national and local level policies in areas where it otherwise has limited competence.<sup>29</sup> There were seven general ex-ante conditionalities linked to the horizontal aspects of programme implementation and 29 thematic ex-ante conditionalities, which set out sector-specific conditions for relevant investment areas eligible for support under cohesion policy (investment priorities).<sup>30</sup> The European Commission outlined the following five purposes of ex-ante conditionalities:

1. improving the investment environment in the EU by removing sector-specific barriers;
2. supporting the implementation of country-specific recommendations under the European Semester process;
3. accelerating the transposition and implementation of the EU acquis;
4. better targeting of support from ESI funds;

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<sup>26</sup> Bachtler, J. and Ferry, M. (2015) ‘Conditionalities and the Performance of European Structural Funds: A Principal–Agent Analysis of Control Mechanisms in European Union Cohesion Policy’, *Regional Studies*, 49:8, 1258-1273.

<sup>27</sup> ESI funds in the 2014-2020 period comprised five ESI funds: the European Regional Development Fund (ERDF) and European Social Fund (ESF), the European Cohesion Fund, the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime Fisheries Fund (EMFF).

<sup>28</sup> Regulation (EU) No. 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No. 1083/2006.

<sup>29</sup> Sacco, M. (2020), ‘The European Union and the CRPD: EU opportunities to influence the domestic implementation of independent living rights’, PhD thesis, University of Leeds.

<sup>30</sup> In addition, there were also 12 fund-specific ex-ante conditionalities: eight were linked to Union priorities in the European Agricultural and Rural Development Fund (EARDF), and four were related to the European Maritime and Fisheries Fund (EMFF) (EC 2017).

5. improving administrative capacity and coordination.<sup>31</sup>

In line with the CPR for the 2014-2020 period, the fulfilment of the applicable ex-ante conditionalities was assessed by each Member State in the framework of its preparation of the programmes and potentially in the partnership agreement.<sup>32</sup> In the 2014-2020 funding period, the partnership agreements were divided into two parts, one that was subject to the Commission's decision and included the description of the thematic objectives and the ex-ante evaluation (Article 15 (1) of CPR for the period 2014-2020) and another that was not subject to the Commission's decision.<sup>33</sup> Around 75 % of the ex-ante conditionalities were fulfilled at the time of the adoption of ESIF programmes. In cases when they were not fulfilled, action plans were developed in operational programmes, required to be completed by the end of 2016. The Commission's study showed that ex-ante conditionalities have proved to be an important incentive for Member States to carry out reforms. However, the mechanism to assess the fulfilment of the ex-ante conditionalities was considered too complex, and some conditionalities were too hard to fulfil by national authorities.<sup>34</sup> The European Commission published guidelines on the assessment of ex-ante conditionalities, based on the information about their applicability provided by the Member States.<sup>35</sup> It is important to note that the assessment of ex-ante conditionalities was a one-off exercise, meaning that the guidelines were not applicable when new investment priorities were set during the funding cycle (e.g. as a response to challenges identified in the European Semester), nor checked throughout the programming period.

Through the dedicated thematic objective of promoting social inclusion, combating any discrimination and poverty (TO9), as well as specific mentions of gender equality measures, the 2014-2020 funding period adopted a targeted approach to equal opportunities.<sup>36</sup> While cohesion policy has been open to equality mainstreaming from the early stages, that period provided better-articulated provisions to ensure that

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<sup>31</sup> European Commission (2017), *The Value Added of Ex ante Conditionalities in the European Structural and Investment Funds*, Commission Staff Working Document, SWD (2017) 127 final.

<sup>32</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (*Common Provisions Regulation*).

<sup>33</sup> European Parliament (2015), *Research for REGI Committee – Review of the adopted Partnership Agreements*.

<sup>34</sup> European Commission (2017), *The Value Added of Ex ante Conditionalities in the European Structural and Investment Funds*, Commission Staff Working Document, SWD(2017) 127 final.

<sup>35</sup> European Commission (2014) [Internal Guidance on Ex Ante Conditionalities for the European Structural and Investment Funds - Part II](#).

<sup>36</sup> Viță, V. (2014), 'Ex ante fundamental rights conditionalities – a novel fundamental rights tool in the European Structural and Investment Funds architecture Locating it in the broader EU fundamental rights conditionality landscape', European University Institute, LLM thesis.



non-discrimination and equality are considered in the partnership agreements and operational programmes.<sup>37</sup> This happened both through specific measures and through equality mainstreaming. Three general ex-ante conditionalities linked to anti-discrimination, gender equality and disability, were commonly referred to as the fundamental rights conditionality of ESI funds. Some literature argues that multiple conditionalities may impact negatively on policy effectiveness, as the promotion of faster (to improve absorption), and more targeted (through earmarking) spending can create a conflicting situation with efficiency and quality.<sup>38</sup>

### **3.3 The 2021-2027 EU funding period: horizontal enabling conditions (HEC) and thematic enabling conditions**

The CPR for the EU funding period 2021-2027 sets out ‘enabling conditions’ (horizontal and thematic ones), which are applicable to all funds under the CPR, as well as to all specific objectives. The main difference between these and the ex-ante conditionalities of the previous funding period is that enabling conditionalities must be fulfilled throughout the preparation, implementation, monitoring, reporting and evaluation of the programming period, while ex-ante conditionalities were only checked at the beginning of the cycle when partnership agreements were adopted. The introduction of enabling conditions offers a strengthened mechanism to monitor human rights compliance throughout the funding period but raises several questions about its practical implementation and engagement with the relevant stakeholders in the process.

Article 9 of the CPR establishes four horizontal principles:

- to “ensure respect for fundamental rights and compliance with the Charter”;
- to “ensure that equality between men and women, gender mainstreaming and the integration of a gender perspective are taken into account and promoted”;
- to “prevent any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation”;

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<sup>37</sup> Viță, V. (2014), ‘Ex ante fundamental rights conditionalities – a novel fundamental rights tool in the European Structural and Investment Funds architecture Locating it in the broader EU fundamental rights conditionality landscape’, European University Institute, LLM thesis.

<sup>38</sup> Bachtler, J. and Ferry, M. (2015) ‘Conditionalities and the Performance of European Structural Funds: A Principal–Agent Analysis of Control Mechanisms in European Union Cohesion Policy’, *Regional Studies*, 49:8, 1258-1273.

- and finally, that the objectives of the EU funds “shall be pursued in line with promoting sustainable development” considering the UN sustainable development goals and in full respect of the Union environmental *acquis*.<sup>39</sup>

Annex III contains **horizontal enabling conditions** applicable to all specific objectives and the criteria necessary for the assessment of their fulfilment. In addition to “Effective monitoring mechanisms of the public procurement market” and “Tools and capacity for effective application of State aid rules”, they include the “Effective application and implementation of the Charter of Fundamental Rights” and the “Implementation and application of the UNCRPD in accordance with Council Decision 2010/48/EC”. For the fulfilment of the UNCRPD-related conditionality, Annex III requires that Member States put in place a national framework for the implementation of the UNCRPD that includes:

- objectives with measurable goals, data collection and monitoring mechanisms;
- arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes;
- reporting arrangements to the Monitoring Committee regarding cases of non-compliance of operations supported by the funds with the UNCRPD.

For the fulfilment of the Charter-related conditionality, Member States should put in place:

- arrangements to ensure compliance of the programmes supported by the funds and their implementation with the relevant provisions of the Charter;
- reporting arrangements to the Monitoring Committee regarding cases of non-compliance of operations supported by the funds with the Charter and complaints regarding the Charter submitted in accordance with the arrangements made pursuant to Article 69 (7).

Annex IV contains **thematic enabling conditions** for the ERDF, the ESF+ and the Cohesion Fund and the criteria necessary for the assessment of their fulfilment. These conditions serve a similar purpose to horizontal enabling conditions but

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<sup>39</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (*Common Provisions Regulation*).

present specific requirements linked to different funds. For instance, under the policy objective “A more social Europe by implementing the European Pillar of Social Rights”, there is a specific objective for ERDF to “promote the socioeconomic inclusion of marginalised communities, low-income households and disadvantaged groups, including people with special needs through integrated actions, including housing and social services”. The corresponding enabling condition is to adopt a national strategic policy framework for social inclusion and poverty reduction. There is a list of fulfilment criteria, including, for example, measures to prevent and combat segregation in all fields, including through providing adequate income support, inclusive labour markets and access to quality services for vulnerable people, including migrants.

According to the CPR, when preparing a programme or introducing a new specific objective, Member States must assess whether the enabling conditions linked to the selected specific objective are fulfilled (by using Table 12 of the programme template). An enabling condition is fulfilled if all related fulfilment criteria are met. Technically, it may be that one or the other conditions have not been fulfilled at the time of the approval of the programme. In such cases, the Commission may not reimburse the expenditure until the enabling condition is fulfilled or may reimburse it for operations that contribute to the fulfilment of a corresponding enabling condition. In the current period, Member States must inform the Commission of any modification impacting on the fulfilment of the enabling conditions (Article 15 (6) of the CPR). Throughout the programming period, the Monitoring Committees at the national level should examine the fulfilment of the conditions. If an enabling condition is not fulfilled during the programming period, the Commission will set out an assessment for the Member State and will stop reimbursements if the assessment concludes that the condition remains unfulfilled.

### **3.4 The role of partnership in relation to EU funds**

The principle of partnership is a key feature in the implementation of the funds, building on the multilevel governance approach and ensuring the involvement of regional, local, urban and other public authorities, civil society,<sup>40</sup> economic and social partners and, where appropriate, research organisations and universities.<sup>41</sup> The

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<sup>40</sup> For instance, environmental partners, non-governmental organisations, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.

<sup>41</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying

partnership principle, therefore, promotes cooperation between various social actors and government levels to support the effective delivery of ESIF.<sup>42</sup> Since the entry into force of the Single European Act, cohesion policy has fostered a more participatory governance culture across Europe, by requiring the involvement of regional and local authorities, as well as NGOs and other interest groups, in the planning and implementation of programmes.<sup>43</sup> The basic idea is that issues relating to access to employment and social exclusion are too complex for single institutions to address and that cooperation among different actors would improve the quality and sustainability of investments in this area.<sup>44</sup>

Article 5 of the Common Provisions Regulation concerning the 2014-2020 funding period provided a strengthened legal framework for partnership and multilevel governance and called for the involvement of competent regional and local authorities, other public authorities, economic and social partners, and relevant bodies representing civil society in the partnership agreement and in each programme of the ESI Fund.<sup>45</sup> The provisions on partnership were also supported by the establishment of the **European Code of Conduct on Partnership (ECCP)**, which was adopted in 2014.<sup>46</sup> As a delegated act, it provides guidance to Member States to organise their partnerships with stakeholders, for instance, by defining common standards for partner involvement in ESIF Partnership Agreements, programme planning, implementation, monitoring and evaluation. The ECCP was published after programming started. Thus, it took a while for different actors to become aware of its existence and start to apply it in their national contexts. An important pillar of the Code of Conduct is that it provides flexibility for a differentiated approach towards the partners according to their functions and competencies regarding cohesion policy.<sup>47</sup> National bodies with a human rights remit are covered under Article 3 of the ECCP, as “bodies representing civil society, such as environmental partners, non-

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down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (*Common Provisions Regulation*).

<sup>42</sup> Van den Brande, L. (2014) Multilevel Governance and Partnership, The Van den Brande Report, Prepared for Commissioner for Regional and Urban Policy Johannes Hahn, October 2014.

<sup>43</sup> Van den Brande, L. (2014) Multilevel Governance and Partnership, The Van den Brande Report, Prepared for Commissioner for Regional and Urban Policy Johannes Hahn, October 2014.

<sup>44</sup> European Commission (2018b). Review of the European Code of Conduct on Partnership (ECCP), Thematic Network on Partnership, Technical dossier no.7, Directorate General for Employment, Social Affairs and Inclusion, European Union.

<sup>45</sup> European Commission (2016a). Implementation of the partnership principle and multilevel governance in 2014-2020 ESI Funds.

<sup>46</sup> Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds.

<sup>47</sup> Van den Brande, L. (2014) Multilevel Governance and Partnership, The Van den Brande Report, Prepared for Commissioner for Regional and Urban Policy Johannes Hahn, October 2014.

governmental organisations, and bodies responsible for promoting social inclusion, gender equality and non-discrimination” (Article 3 ECCP).

A Transnational Thematic Network on Partnership was created in 2015 with ESF managing authorities and intermediate bodies, representatives of the European Commission, social partners, and NGOs to explore different partnership experiences and exchange good practices across ESIF. During the 2018 review of the ECCP, the partnership principle was generally considered to be useful as it ensured participation at different decision-making levels and reinforced cooperation among stakeholders.<sup>48</sup> Respondents also emphasised the need to further strengthen the partnership principle in the 2021-2027 period and improve the quality of engagement with a diverse range of stakeholders and the connection between different funds. Moreover, the review revealed several challenges in relation to the implementation of the partnership principle by managing authorities. These challenges include:

- lack of awareness of the ECCP and its principles;
- limited flexibility and time to develop meaningful connections between partners;
- weak representativeness of different partners, especially a lack of end users and local stakeholders;
- lack of transparency and limited accessible information channels;
- weak ongoing involvement during programme implementation;
- lack of support to partners through capacity building and training;
- poor assessment and evaluation at the national level of how the partnership principle works in practice.<sup>49</sup>

Data for that review was collected through desk research and stakeholder interviews with ESF managing authorities, intermediate bodies, NGOs and social partners. The focus of these interviews was on the implementation of the ECCP and on concrete examples of partnership in practice. National bodies with a human rights remit were neither involved directly in the work of the Thematic Network on Partnership nor listed as respondents during the ECCP review process.<sup>50</sup>

The European Commission also conducted a study to review the establishment of the partnership principle and multilevel governance during the 2014-2020 ESI fund

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<sup>48</sup> European Commission (2018b) Review of the European Code of Conduct on Partnership (ECCP), Thematic Network on Partnership, Technical dossier no.7, Directorate General for Employment, Social Affairs and Inclusion, European Union.

<sup>49</sup> European Commission (2018b) Review of the European Code of Conduct on Partnership (ECCP), Thematic Network on Partnership, Technical dossier no.7, Directorate General for Employment, Social Affairs and Inclusion, European Union.

<sup>50</sup> European Commission (2018b) Review of the European Code of Conduct on Partnership (ECCP), Thematic Network on Partnership, Technical dossier no.7, Directorate General for Employment, Social Affairs and Inclusion, European Union.

programming period. For that purpose, a survey was completed involving over 500 respondents, but none was categorised as a national body with a human rights remit. The findings of the study suggest that the partnership principle brings added value to the implementation of European public policy by improving the exchange of technical knowledge and bringing commitment and complementarities with regard to policies, strategies, and funding.<sup>51</sup> The study highlights several challenges too, relating to the mobilisation of partners and finding balanced strategies to manage the different interests and needs of stakeholders, as well as administrative rules that hampered the consultation process.<sup>52</sup> Although the ECCP is not a legally binding document, it still serves as a benchmark to clarify the role of partnerships and the application of the partnership principle.<sup>53</sup>

We did not find any evidence in the literature that would allow us to assess the specific involvement of national bodies with a human rights remit in partnerships during previous EU funding cycles.<sup>54</sup> The general recommendations referring to ways to improve partnership in practice, nevertheless, are also relevant for these bodies when they engage in partnerships during the EU funding cycle.

The ECCP continues to apply in the 2021-2027 funding period. Member States should organise a comprehensive partnership and prepare their Partnership Agreements in line with the European Code of Conduct on Partnership. Partnership thus remains an important aspect of shared management, meaning that partners and stakeholders should be involved during the programming, implementation, monitoring and evaluation stages to ensure efficient and effective spending of the funds. Direct involvement in the work of the Monitoring Committees is an important way to ensure the meaningful and effective participation of key partners during the implementation of the funds. In the context of migrants and refugees, a policy note explicitly mentions that national human rights institutions should be involved with a voting right in the

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<sup>51</sup> European Commission (2016a), Implementation of the partnership principle and multilevel governance in 2014-2020 ESI Funds.

<sup>52</sup> European Commission (2016a), Implementation of the partnership principle and multilevel governance in 2014-2020 ESI Funds.

<sup>53</sup> European Commission (2016a), Implementation of the partnership principle and multilevel governance in 2014-2020 ESI Funds.

<sup>54</sup> The literature review covered the following evaluation studies on the implementation of the partnership principle in the 2014-2020 period: European Commission (2016), *Implementation of the partnership principle and multilevel governance in 2014-2020 ESI Funds*; European Parliament (2015), *Research for REGI Committee – Review of the adopted Partnership Agreements*; EAPN (2016), *Barometer Report, EAPN’s Monitoring the implementation of the 20% of the European Social Funds for the fight against poverty*; Opening Doors for Europe’s Children (2015), *Are European Structural and Investment Funds opening doors for Europe’s institutionalised children in the 2014-2020 programming period? An assessment of the attention for deinstitutionalisation for children and the involvement of children’s organisations in the ESIF implementation process across eight EU Member States*; ETUC (2015), *European Structural and Investment Funds 2014-2020*, Trade Union Guide.

Monitoring Committees, throughout the length of the programming period.<sup>55</sup> However, it is up to the Member States to decide on the specific stakeholders that are involved in the partnership. Some potential partners, especially smaller non-governmental organisations, may lack the necessary resources and administrative capacity to engage in monitoring the funds. The capacity-building provisions of the CPR are relevant here, especially when it comes to enabling smaller NGOs (e.g. local service providers, grassroots organisations) to identify, prepare and implement EU-funded projects, but the provisions could also be used to engage such groups more closely in monitoring the spending of EU funds.

The shared management departments of the European Commission continue the concept of the European Community of Practice on Partnership (ECoPP) for the programming period 2021-2027 by creating a forum for practitioners at all levels of the funds' implementation to exchange good practice, in line with Article 8 of the CPR.<sup>56</sup>

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<sup>55</sup> PICUM & ECRE (2020), 'Partnership in practice: the role of civil society in EU funded actions for the inclusion of migrants and refugees', Policy Note.

<sup>56</sup> For more information, see: [https://ec.europa.eu/regional\\_policy/policy/communities-and-networks/ecopp\\_en](https://ec.europa.eu/regional_policy/policy/communities-and-networks/ecopp_en)

## 4 EU funds and fundamental rights

### 4.1 The Charter of Fundamental Rights of the EU

The Charter of Fundamental Rights of the European Union, with its rights and principles in relation to dignity, freedom, equality, solidarity, citizen's rights and justice, can be seen as the one legally binding document with the purpose of promoting human rights.<sup>57</sup> The Charter was declared in 2000 and came into force in 2009 with the Treaty of Lisbon. The general question here is the relationship between EU funds and the Charter. Does the funding structure of the EU enable, strengthen and support the implementation of the Charter, and if so, in which ways? Can the EU funding structure be seen as a tool to support the realisation of the Charter, and if so, is this tool being used to its full extent? Is the funding structure of the European Union used as a driver for the promotion of human and fundamental rights as declared in the Charter?

Information on the role of the Charter in the funding mechanisms can be found in the Common Provisions Regulation for the EU budget 2021-2027 (CPR). As stated above, CPR is a piece of overarching legislation that applies to various EU funding programmes, and outlines rules that must be followed for the use of funds. These rules must be followed throughout the whole process, from proposing interventions, projects or potential use of funds to implementation, monitoring, reporting and evaluation of all programmes to which CPR applies.

The first of the four horizontal principles set out in Article 9 of the CPR relates directly to the EU Charter of Fundamental Rights:

“Member States and the Commission shall ensure respect for fundamental rights and compliance with the Charter of Fundamental Rights of the European Union in the implementation of the Funds.”<sup>58</sup>

This can be seen as a clear and primary commitment to the role of the Charter in the funding mechanism. The responsibility to ensure the mainstreaming of the Charter

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<sup>57</sup> Charter of Fundamental Rights of the European Union (2012/C 326/02).

<sup>58</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (*Common Provisions Regulation*).



throughout all funding instruments to which the CPR applies has been delegated to the Member States using the funds and the Commission.

As stated in Article 15, “Annex III contains horizontal enabling conditions applicable to all specific objectives and the criteria necessary for the assessment of their fulfilment”.<sup>59</sup>

One of these enabling conditions refers to “the effective application and implementation of the Charter of Fundamental Rights” and demands effective mechanisms in place to ensure compliance with the Charter. This includes “arrangements to ensure compliance of the programmes supported by the Funds and their implementation with the relevant provisions of the Charter” as well as “reporting arrangements to the Monitoring Committee regarding cases of non-compliance of operations supported by the Funds with the Charter and complaints regarding the Charter submitted in accordance with the arrangements made pursuant to Article 69(7)”.<sup>60</sup>

That the EU funding mechanisms are seen as a useful tool not only to enforce the implementation of the Fundamental Rights Charter but also to serve to some extent as a safeguarding structure, is also made clear in the *Strategy to strengthen the application of the Charter of Fundamental Rights in the EU (2020)*. The strategy also points out the enabling conditions of the CPR and the role of the Member States and the Commission defined within. It states that the Commission will:

- “Develop a training module and provide technical assistance to ensure a coherent and effective implementation of the Common Provisions Regulation (‘enabling condition’);
- Assess the fulfilment of the ‘enabling condition’ on the Charter;
- Monitor that EU funds are used in compliance with the Charter and take appropriate measures, such as possible interruption or suspension of EU

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<sup>59</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (*Common Provisions Regulation*).

<sup>60</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (*Common Provisions Regulation*).

funding, or financial corrections when the Member States fail to correct irregular expenditure where justified.”<sup>61</sup>

Furthermore, the role of the Member States is described as:

- “Ensure that EU funds are used in compliance with the Charter and establish the arrangements provided in the Common Provisions Regulation;
- Support national and local staff to design and implement programmes that comply with the Charter, in cooperation with the Commission;
- Facilitate coordination and coherent implementation of the ‘enabling condition’ and make the best use of available technical assistance;
- Include fundamental rights bodies in the Monitoring Committees.”<sup>62</sup>

Back in 2016, the European Commission published ‘*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”)*’. Within the guidance, the three phases of implementation of ESI funds requiring compliance with the Charter are identified as:

- Establishing the ESI Funds intervention strategy and drawing up the programming documents
- Setting up the management monitoring and control systems
- Implementation of the programmes.<sup>63</sup>

The guidance also provided a practical tool, the fundamental rights checklist, to help Member States screen ESIF implementing measures against the Charter. This tool is meant to be used when Member States draw up programming documents (preparation of strategic policy frameworks, partnership agreements, programmes etc.) to ensure the content of the document is in compliance with the provisions of the Charter and that Member States respect the rights protected by the Charter and observe the principles therein.

The checklist enables national authorities responsible for the implementation of the ESI funds to assess whether the actions and measures fall within the scope of EU law and whether they could have any impact on the fundamental rights enshrined in the Charter. In addition to the checklist, Annex III provides a set of key questions to give an initial indication as to which fundamental rights will be concerned. They give general guidance on what specific issues could be considered when checking actions and documents for compliance with fundamental rights.

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<sup>61</sup> European Commission (2020), Strategy to strengthen the application of the Charter of Fundamental Rights in the EU.

<sup>62</sup> European Commission (2020), Strategy to strengthen the application of the Charter of Fundamental Rights in the EU.

<sup>63</sup> European Commission (2016b), ‘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”)’ (2016/C 269/01).

However, it is important to mention that the guidance also states, “whereas the respect for fundamental rights enshrined in the Charter is a legal requirement, there is no legal obligation under the Charter to take active measures of promotion of the rights enshrined in the Charter, but Member States are encouraged to adopt these measures if they wish to do so.”

The question of the Charter's applicability is crucial, as the guidance limits the applicability to the fact of not automatically implementing Union law when handing out the ESIF funds:

“In order to determine whether a national measure involves the implementation of EU law, it is according to the Court of Justice ‘necessary to determine, inter alia:

- whether that national legislation is intended to implement a provision of EU law;
- the nature of the legislation at issue
- whether the national legislation pursues objectives other than those covered by EU law, even if it is capable of indirectly affecting EU law;
- whether there are specific rules of EU law on the matter or rules which can affect it.”<sup>64</sup>

Based on the information given in documents from the European Commission, the binding standards for ESI funds in the Common Provisions Regulation, the guidance published in 2016 or other binding regulations, the assumption can be made that EU funding in general is acknowledged as a useful tool to implement the Charter and mainstream it throughout all activities funded by the EU.<sup>65</sup> The funds affected by the CPR are mandatorily bound to the compliance of the Charter and as described above, there are tools in place to ensure the alignment of the funds with the Charter, at least as long as they fall under the implementation of EU law.

Article 21 prohibiting discrimination as well as Article 23 on gender equality are those that receive most attention from CSOs, when it comes to violations in the course of projects implemented using EU funds. Civil society contributions to an inquiry of the European Ombudsman revealed that issues of gender equality as well as the specific needs of ethnic minorities and members of the LGBTQI community were not addressed during consultations on the draft of the operational programmes, in setting investment priorities, or proposing specific measures, or even in measures proposed to address equal opportunities as a horizontal principle. Civil society

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<sup>64</sup> European Commission (2016b), ‘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”)’ (2016/C 269/01).

<sup>65</sup> Some Member States also publish guidelines; for example, Romania’s ministry in charge of EU funds has issued a guide on legal fundamental rights obligations under CPR 2021–2027. Similarly, the Irish Human Rights and Equality Commission has worked with various public bodies involved in the EU funding process to develop a guide.

organisations have reported that they were not involved in the consultation mechanisms at the most important stages of the funding cycle in the programming period 2007-2013.<sup>66</sup>

Some CSOs reported discrimination when it comes to applying for projects. Unnecessarily complicated procedures that exclude many small grassroots organisations have been mentioned as well as the structural problem of excluding certain groups due to logistical barriers (e.g. when women get funding only for education that does not offer childcare).<sup>67</sup>

### 4.1.1 Charter conditionality implementation

Under the CPR 2021-2027, Member States conduct ongoing self-assessments to ensure compliance with both horizontal and thematic enabling conditions, including the effective application of the Charter during programme implementation. These assessments are conducted during programme development, amendments, or when circumstances affecting compliance arise, and the results are reported to the Commission<sup>68</sup>. The Commission does not reimburse expenditures included in payment requests until it confirms that the Member State meets the HEC and effectively applies the Charter in its EU-funded programmes and projects. If this obligation is not met, the Commission may refuse reimbursement<sup>69</sup>. For example, in its 2022 Partnership Agreement with the Commission for the 2021-2027 period, Poland acknowledged non-compliance with the horizontal enabling conditions. As a result, the Commission withheld €76 billion in October 2022, allocated for Poland's implementation of EU programmes during this period<sup>70</sup>. Similarly, in December 2022, the European Commission adopted the Partnership Agreement with Hungary for the 2021-2027 period, outlining the allocation of €22 billion in cohesion funds. However, due to concerns over Hungary's compliance with the horizontal enabling conditions,

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66 Some Member States also publish guidelines; for example, Romania's ministry in charge of EU funds has issued a guide on legal fundamental rights obligations under CPR 2021–2027. Similarly, the Irish Human Rights and Equality Commission has worked with various public bodies involved in the EU funding process to develop a guide.

67 Civil society contributions to the EU Ombudsman inquiry regarding fundamental rights compliance of EU fund, Case OI/8/2014/AN, Contribution from the women's sector in Northern Ireland (as part of the UK), 27 February 2015, available here: <https://www.ombudsman.europa.eu/en/doc/correspondence/en/59848>.

68 Article 15 of Regulation 2021/1060 on EU funds

69 Article 15 of Regulation 2021/1060 establishing the conditionality mechanism.

70 Application of the Charter of Fundamental Rights in the course of implementation of projects financed by EU funds: Handbook and practical guidance for national bodies (2024), Office of the Commissioner for Human Rights. Warsaw. See here: <https://bjp.brpo.gov.pl/sites/default/files/2024-06/Handbook%20-%20Application%20of%20the%20Charter%20of%20Fundamental%20Rights%20%28EN%29.pdf>

particularly regarding the rule of law and fundamental rights, the Commission withheld €7.5 billion in EU funds from Hungary.<sup>71</sup>

In line with the principle of shared management<sup>72</sup>, the Commission maintains a dialogue with the Member States in the Monitoring Committees or bilaterally. The Commission's 2024 Annual Report on the application of the EU Charter for Fundamental Rights, highlights that consultations in the past years also included a clear call for more information and guidance to support national authorities in the implementation of the Charter HEC, in particular as regards the need for clarity regarding its practical implications<sup>73</sup>. In line with the commitments of the Charter strategy, the Commission has initiated the preparation of a manual that will guide national authorities and bodies in the effective implementation of the Charter HEC<sup>74</sup>.

As far as current procedures stand at the Member State level, there are different measures to ensure human rights compliance of funded projects. For instance, it's common to have respective selection criteria in place. Article 72 CPR states that for the selection of operations, the managing authority shall establish and apply criteria and procedures which are non-discriminatory, transparent, ensure accessibility to persons with disabilities, ensure gender equality, and take into account the Charter of Fundamental Rights of the European Union, the principle of sustainable development and of the Union policy on the environment. Thus, all selection criteria of the Managing Authority must consider the Charter. Another measure during the project implementation phase, could be to sign corporate model grant agreements that provide for the obligation for the selected beneficiaries to respect EU values.<sup>75</sup> This obligation is extended to associated partners, subcontractors, and recipients of financial support to third parties.

In **Greece**, to ensure the effective integration of the Charter into the proposed activities, there is a parameterization for the Charter that helps applicants to explain how they will put its provisions into practice within the scope of their project. A specific table-list is provided at the end of each call for applications. This table serves as a structured framework for the applicants to fill out, where they must describe

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<sup>71</sup> See here: [Brussels recommends freezing €7.5 billion in EU funds to Hungary over rule of law concerns | Euronews](#)

<sup>72</sup> The Commission and the Member State jointly manage the funding, [EU funding by management mode \(europa.eu\)](#).

<sup>73</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Funding to promote, protect and enforce fundamental rights: 2024 Annual report on the application of the EU Charter of Fundamental Rights. Brussels. See here: [eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52024DC0456](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52024DC0456)

<sup>74</sup> *ibid*

<sup>75</sup> See, for instance, the [Horizon Europe model grant agreement](#).

how they plan to apply the Charter to their activities. The beneficiaries are required to complete this table by considering the activities included in their grant proposal and think through the practical measures they will take to implement the Charter within the context of the specific project they are proposing. For example, if the project involves children, the applicant will need to specify how they will ensure compliance with the relevant human rights principles outlined in the Charter. The table filled out by the beneficiary becomes a key tool in this process, serving not only as a report but also as a mainstreaming tool for the Charter's provisions.<sup>76</sup> Furthermore, a Special Committee on Fundamental Rights Compliance<sup>77</sup> is responsible for monitoring the procedures and implementation of national, EU and international legislation in the areas of border protection and international protection.<sup>78</sup> A dedicated Fundamental Rights Protection Officer is responsible for the collection and preliminary assessment of complaints on alleged violations of fundamental rights. Complaints can be submitted through the government platform and the Managing Authority is responsible for reviewing and addressing them. All processes must align with the Charter; for example, the code of conduct as well as internal regulations such as facility regulations. The Managing Authority ensures that information is available on the official website of the Special Coordination and Management Service Migration and Home Affairs Programmes (EYSYDMEY)<sup>79</sup> and that potential beneficiaries are aware of the processes.

In **Austria**, for ERDF programmes, the selection criteria outline cross-cutting issues (sustainability, equality between women and men and protection against discrimination) and a questionnaire is used to assess project proposals' compliance with those. The project selection of cross-cutting issues is based on the extent to which cross-cutting issues are considered at the project level during implementation:

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<sup>76</sup> Semi-structured interview with representative of the Greek AMIF Managing Authority.

<sup>77</sup> Greece, Law 4960/2022, Art 50, Establishment of a Special Committee for Compliance with Fundamental Rights at the Ministry of Migration and Asylum ([Σύσταση Ειδικής Επιτροπής για τη Συμμόρφωση με τα Θεμελιώδη Δικαιώματα στο Υπουργείο Μετανάστευσης και Ασύλου](#)), 4960 ΦΕΚ Α 145/22.7.2022

<sup>78</sup> The Committee consists of (a) an official of the Ministry of Immigration and Asylum, (b) the Head of Fundamental Rights Protection of the Ministry of Immigration and Asylum; (c) an official of the Ministry of Citizen Protection appointed by the Minister of Citizen Protection, (d) an official of the Ministry of Maritime Affairs and Insular Policy appointed by the Minister of Maritime Affairs and Insular Policy; (e) the Governor of the National Transparency Authority (NTA) or a member of the NTA designated by the Governor; (f) the President of the National Commission for Human Rights (GNCHR) or a member of the Commission designated by the President; and (g) the Ombudsperson. Source: ECHO Funds desktop research template for partners – Greece (2024).

<sup>79</sup> Special Coordination and Management Service Migration and Home Affairs Programmes. In Greek: it stands for Ειδική Υπηρεσία Συντονισμού και Διαχείρισης Προγραμμάτων Μετανάστευσης και Εσωτερικών Υποθέσεων, see here: <https://tamey.gov.gr/ma/>

- Promotion of ecologically sustainable development: 19 questions on project design in relation to the sub-themes of waste and recycling, mobility, energy and resources, environment, natural areas and sustainability in the construction of buildings and structural measures;
- Equality between women and men, gender mainstreaming: 5 questions on the project design;
- Equal opportunities for disadvantaged groups and protection against discrimination: 5 questions on project design;

**Figure 2** Questionnaire to assess project proposals' compliance with cross-cutting issues in ERDF programmes in Austria

Punktevergabe und Gewichtung im Detail

Themenblock	Zahl der möglichen Punkte	Voraussetzung für Punktevergabe: Antwort „JA“ (in allen anderen Fällen: 0 Punkte)
Nachhaltigkeit – Empfehlungen gemäß SUP (bis zu 6 Fragen)	1	mind. 1 Frage
	2	mind. 3 Fragen
	3	mind. 5 Fragen
Nachhaltigkeit – weitere wichtige Teilaspekte (bis zu 13 Fragen)	1	mind. 1 Frage
	2	mind. 3 Fragen
	3	mind. 5 Fragen
Gleichstellung zwischen Frauen und Männern	2	2 Punkte bei Berücksichtigung gemäß Ergebnis „Gender Tracking“
Chancengleichheit und Nichtdiskriminierung (bis zu 5 Fragen)	1	mind. 1 Frage
	2	mind. 2 Fragen

The questionnaire is established as one of ten *formal criteria for project selection*, which serves to ensure compliance with the legal and formal requirements. These are knock-out criteria - to be eligible for co-financing under the EFRE Program “Investments in jobs and growth Austria 2021-2027, ERDF & JTF” programme, each project must meet all applicable formal criteria. They are applied across all measures. The respective criterion is: “Questionnaire for cross-cutting issues has been completed, confirmation from the project sponsor, that the objectives of the cross-cutting issues (sustainability and equal opportunities and non-discrimination) are being observed is available.”<sup>80</sup>

In **Poland**, within the European Fund for Modern Economy (EFME) programme (of ERDF), measures have been implemented to ensure compliance with the Charter and promote awareness throughout the funding cycle. *The Project Selection Regulations* include a provision prohibiting the award of funding to subsidiaries or entities controlled by local governments unless the applicant submits a declaration confirming that no discriminatory local laws are in force within the jurisdiction of the local government, in line with the principles outlined in the General Regulation. A *project assessment criterion* requires compatibility with the Charter, and compliance

<sup>80</sup> ECHO Funds desktop research template for partners – Austria (2024).

is assessed based on the project's implementation and scope, with reference to Articles 1, 3-8, 10, 15, 20-23, 25-28, and 30-33 of the Charter. Applicants must describe how their project ensures compliance or neutrality with the specified articles, and if other Charter articles are affected, they must disclose this and ensure neutrality toward those as well. *Project Grant Agreements* include provisions mandating Charter compliance and allow for the withholding of grants or termination of agreements if beneficiaries fail to adhere to horizontal principles or violate Article 9 of the General Regulation. Additionally, *project audits* incorporate questions on Charter compliance in the audit checklists outlined in the EFME Implementing Instructions<sup>81</sup>. Furthermore, for programmes funded under ESF+, the Partnership Agreement and programme documents mandate that all entities apply the provisions of the Charter at every stage of project implementation. The Guidelines for operationalizing the requirements of the Partnership Agreement, regulations, and national laws include project selection criteria that promote the application of these provisions. The responsibility for modifying these criteria, as necessary, lies with the Monitoring Committee of each programme, depending on the programme's needs and specificities. Actions to ensure adherence to the Charter, including in the process of reporting project progress (payment applications), are required. For the European Fund for Social Development (EFSD), the model grant agreements with beneficiaries also include provisions for providing information, as well as for filing and handling requests and complaints regarding Charter violations. In the view of the Managing Authority of the EFSD, the adopted system ensures the inclusion of Charter rights throughout the program.

A key aspect in the implementation of Charter conditionality is to raise awareness on the rights outlined in the Charter among the staff of the Managing Authority, but also among beneficiaries. In **Greece**, beneficiaries are now informed, but efforts are being made to further enhance the available information by providing clearer criteria. To support this, seminars are organized for police officers, coastguard personnel, and lieutenants, with additional training opportunities also being considered. The focus is primarily on front-line staff, as they are directly involved in implementing policies. However, it is equally important to train those in management positions who may submit proposals, and their knowledge base is currently minimal.<sup>82</sup> Expanding their understanding is crucial for ensuring they can contribute effectively to the process.

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<sup>81</sup> Semi-structured interview with representative of the Polish ERDF Managing Authority.

<sup>82</sup> ECHO Funds desktop research template for partners – Greece (2024).



## 4.2 The UN Convention on the Rights of Persons with Disabilities (CRPD)

On 23 December 2010, the European Union ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD), and the Convention entered into force on 23 January 2011.<sup>83</sup> This was a historic moment, as it was the first time that the EU, as a regional integration organisation, became a State Party to an international human rights treaty. It is argued that the ratification of the UNCRPD has the potential to drive the evolution of extensive legislation and policy change on disability, as well as to drive change through EU funding.<sup>84</sup> The UNCRPD is a mixed agreement. Therefore, the UNCRPD provisions are inferior to the provisions of the Treaties of the EU but superior to secondary EU law.<sup>85</sup> EU jurisprudence also considers the UNCRPD as an integral part of the EU legal order.<sup>86</sup>

As a mixed agreement, the EU must implement and monitor the Convention to the extent of its competencies, as outlined in the relevant Council decision.<sup>87</sup> Annex II of the Council Decision contains a declaration of competence that indicates the specific areas where competencies were transferred to the EU from the Member States.<sup>88</sup> The declaration of competence outlines where the EU considers having exclusive competence (compatibility of State aid with the common market, the common customs tariff, and UNCRPD implementation within the EU's own public administration) and areas that fall under shared competency between the EU and the Member States (e.g. combating discrimination on the ground of disability; free movement of goods, persons, services and capital; agriculture; transport by rail, road, sea and air; taxation; the internal market; equal pay for male and female workers). Legal scholars argue that the EU has exclusive competence where the Convention affects existing – or presumably new – EU provisions that establish common rules

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<sup>83</sup> Furthermore, all 27 Member States have ratified the UNCRPD and thus committed to implement its provisions.

<sup>84</sup> Quinn, G. and Doyle, S. (2012), 'Taking the UN Convention on the Rights of Persons with Disabilities Seriously: The Past and Future of the EU Structural Funds as a Tool to Achieve Community Living', *Equal Rights Review*, Vol. 9.

<sup>85</sup> Ferri, D. (2013) 'The UN Convention on the Rights of Persons with Disabilities as an "Integral Part" of EU Law', in Estrada, D. (ed.), *Human Rights of Persons with Disabilities in International and EU Law*, EUI Working Papers, AEL 2013/10, 5.

<sup>86</sup> CJEU, C-335/11 and C-337/11, HK Danmark v. Dansk almennyttigt Boligselskab and HK Danmark v. Dansk Arbejdsgiverforening, judgment of 11 April 2013, para. 30; C-363/12, Z. v. A Government department, the Board of management of a community school, judgment of 18 March 2014, para. 73.

<sup>87</sup> Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European community, of the United Nations Convention on the Rights of Persons with Disabilities [2010] OJ L 303/16.

<sup>88</sup> Annex II of 2010/48/EC 'Declaration concerning the Competence of the European Community with regard to matters governed by the United Nations Convention on the Rights of Persons with Disabilities', [2010] OJ L 303/16.

from which the Member States cannot deviate.<sup>89</sup> The Common Provisions Regulation falls under that category. It is clear that the UNCRPD cannot create any new EU competence where there was none before, nor can it expand existing competence. As the UNCRPD in its entirety is part of the EU legal *acquis*, the implementation of the ESIF Regulations must be in line with the Convention. The responsibility for the implementation of those regulations is shared between the EU and Member States. However, it is expected under “mixed agreements” that the EU and Member States enhance their cooperation to ensure coherence.

EU financial instruments play an important role in realising the rights of persons with disabilities across the EU. For the 2014-2020 programming period, the European Structural and Investment Funds Regulations contained provisions that reflected the entry into force of the Convention and enhanced the promotion of equality, non-discrimination, inclusion and accessibility for persons with disabilities through actions under the funds.<sup>90</sup> In light of this, the implementation of Articles 5 (equality and non-discrimination), 9 (accessibility), 19 (living independently and being included in the community), 24 (education), and 27 (work and employment) of the Convention are of particular relevance in relation to projects financed by EU funds. In the 2014-2020 funding period, Member States had to consider the 11 thematic objectives (TOs) in their partnership agreements, of which TO 9 (promoting social inclusion, combating poverty and any discrimination) and TO 10 (investing in education, training and vocational training for skills and lifelong learning) were the most relevant for disability-related matters. The fulfilment criteria for ex-ante conditionality 9.1, linked to TO9, explicitly included “measures for the shift from institutional to community-based care”.<sup>91</sup> Furthermore, the third horizontal ex-ante conditionality was on disability, and called for “the existence of administrative capacity for the implementation and application of the United Nations Convention on the Rights of Persons with Disabilities”. The fulfilment criteria, linked to this conditionality, included:

- arrangements to involve the representative organisations of persons with disabilities and other relevant bodies in charge of the protection of the rights of persons with disabilities;
- arrangements for training for staff of the authorities, involved in the management of ESI funds, including in the area of accessibility;

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<sup>89</sup> Waddington, L. (2011) ‘The European Union and the United Nations Convention on the Rights of Persons with Disabilities: A Story of Exclusive and Shared Competence’, *Maastricht Journal* 18 (1–2), 429.

<sup>90</sup> UN Committee on the Rights of Persons with Disabilities (2015) *Concluding observations on the initial report of the European Union, CRPD/C/EU/CO/1*.

<sup>91</sup> EU Parliament and Council Regulation 1303/2013, Annex XI Part I.

- arrangements to ensure monitoring the accessibility provision (Article 9) of the UNCRPD throughout the preparation and implementation of the programmes.<sup>92</sup>

Funds provided by the European Union could, therefore, facilitate access to rights and the social inclusion of persons with disabilities by developing community-based services, providing vocational training and employment opportunities, or creating accessible physical and digital environments. Nevertheless, during the first periodic review of the EU in front of the UNCRPD Committee, the committee noted that “despite changes in regulations, the European Structural and Investment Funds continue to be used in different Member States for the maintenance of residential institutions rather than for the development of support services for persons with disabilities in local communities”.<sup>93</sup> The committee recommended that the EU strengthen the monitoring of the use of ESIF so that they are used for the development of support services for persons with disabilities in local communities and not for modernising institutional care facilities. The committee also recommended that the EU suspend, withdraw and recover payments if the obligation to respect fundamental rights is breached.<sup>94</sup> However, as a result of shared management, the enforcement of the ESI Funds Regulations (hard law) through suspension or other coercive measures could remain a programmatic matter of soft governance.<sup>95</sup> This means that the European Commission is not obliged to suspend funding when it detects problems, but it can engage in discussions with the Member State to explore various ways to have the problem addressed at the national level by the managing authorities (e.g. through amendments to the call for proposals).

During an inquiry launched against the European Commission with the European Ombudsman (see section 4.3.2), the Commission argued that the legal framework under the 2014-2020 funding period did not prevent Member States from using EU funds for residential institutions, as long as they did not obstruct the “progress on ensuring independent living arrangements and deinstitutionalisation”.<sup>96</sup> The ex-ante conditionalities did not explicitly prohibit the expenditure of ESIF on residential long-term care institutions. The Commission’s legal service also held the opinion that “investments into long-stay residential institutions may serve the purpose to achieve

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<sup>92</sup> EU Parliament and Council Regulation 1303/2013, Annex XI Part II.

<sup>93</sup> UN Committee on the Rights of Persons with Disabilities (2015) *Concluding observations on the initial report of the European Union*, CRPD/C/EU/CO/1.

<sup>94</sup> The next hearing of the EU in front of the UN CRPD Committee took place in March 2025, but the Concluding Observations were not yet published at the time of writing this report.

<sup>95</sup> Sacco, M. (2020), ‘The European Union and the CRPD: EU opportunities to influence the domestic implementation of independent living rights’, PhD thesis, University of Leeds.

<sup>96</sup> European Ombudsman (2020), Decision in case 1233/2019/MMO on how the European Commission ensures that Member State governments spend European Structural and Investment Funds in line with the obligations stemming from the United Nations Convention on the Rights of Persons with Disabilities. More information is available: <https://www.ombudsman.europa.eu/en/decision/en/130886>.

some of the thematic objectives in Article 9 of the Regulation (EU) No 1303/2013 without undermining the overall aim of Article 19 UNCRPD”.<sup>97</sup> In response, a group of legal scholars produced a legal memo in which they disagreed with the Commission’s approach and argued that segregated facilities and treatment (especially in residential long-term care institutions that constrict living conditions and therefore life chances) are a *prima facie* form of discrimination, falling under the relevant non-discrimination provision in the UNCRPD (Article 5), in the Common Provisions Regulation, and in the EU Charter of Fundamental Rights.<sup>98</sup>

During the 2021-2027 programming period, horizontal and thematic enabling conditions provide strengthened support for the effective and efficient implementation of the funds to ensure the full participation of persons with disabilities in society, in line with the UNCRPD. As regards the assessment of the UNCRPD-related horizontal enabling condition (see chapter 3.3), the **Irish** ESF+ Managing Authority reported a problematic situation they faced that hindered the management of ESF+-funded programmes for a short while.<sup>99</sup> To prove compliance with the HEC, the Managing Authority was putting forward a lot of evidence comprising existing policy documents, including the Disability Strategy, which was expired at the time of the assessment. Other Departments who oversaw making a new policy, intended to make the whole process collaborative, with the participation of disability advocacy organisations, which naturally slowed the process down. As the new Strategy was delayed, the European Commission informed the Irish ESF+ Managing Authority that they could not put in new claims across funds until the new disability strategy was approved. The Irish ESF+ Managing Authority considered this decision unreasonable, arguing that the participatory process of developing the new Strategy shows the government’s good intention to adhere to the core principles of the UNCRPD. Inter-departmental coordination between the Managing Authority and policy units is needed in relation to the assessment of HEC as policies keep expiring. Other factors, like political elections, can further delay policy processes as the finalisation of new policy documents must wait until new ministers are appointed. For the post-2027 period, the Irish ESF+ Managing Authority argues that the principle of HEC could be maintained, but the way how they are monitored should be revised

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97 European Ombudsman (2020), Decision in case 1233/2019/MMO on how the European Commission ensures that Member State governments spend European Structural and Investment Funds in line with the obligations stemming from the United Nations Convention on the Rights of Persons with Disabilities. More information is available: <https://www.ombudsman.europa.eu/en/decision/en/130886>.

98 Quinn, G., de Búrca, G., Waddington, L., Bell, M., Lawson, A., Stein, M., Mattsson, T., Clements, L. (2018), ‘Segregation and segregated facilities as a prima facie form of discrimination: the impermissibility of using the ESIF to invest monies in long term care residential institutions for persons with disabilities’, Legal Memorandum. Available at: <http://enil.eu/news/segregation-and-segregated-facilities-as-a-prima-facie-form-of-discrimination/>.

99 Semi-structured interview with representative of the Irish ESF+ Managing Authority.

to ensure it's not just a box-ticking exercise on the part of the European Commission but is carried out in the spirit of the enabling conditions. However, the assessment process should not lead to unnecessary administrative burdens for Member States and delays in programming (i.e. if claims are not submitted on time, the MA would lose money). On the contrary, the representative of the Flemish ESF+ Managing Authority considered the horizontal enabling conditions weak, as the language of Directives is quite abstract and the proof the Member State/ESF+ MA must provide is nearly meaningless.<sup>100</sup>

The European Expert Group on the transition from institutional to community-based care (EEG) published a checklist for the 2021-2027 programming period to support desk officers of the European Commission in assessing the compliance of proposed measures with the relevant legal and policy frameworks (UNCRPD, EU Charter for Fundamental Rights, UN Guidelines for the Alternative Care of Children etc).<sup>101</sup> The checklist targets officers working at the relevant departments responsible for EU funds programmes (DG REGIO, DG EMPL, DG AGRI, DG HOME, SECGEN, DG ECFIN).

## **4.3 Fundamental rights challenges and existing remedies in relation to EU funds**

### **4.3.1 Examples of fundamental rights challenges in relation to EU-funded programmes in the Member States**

Investment of EU funds in the renovation of existing institutional type of care facilities or building new institutions for persons with disabilities are the most documented issues with negative implications for fundamental rights. Funds have been used in the past to create new residential institutions, mostly for persons with intellectual disabilities in several Member States, and funding regulations were permissive about this kind of use.<sup>102</sup> As residential institutions maintain segregation, instead of fostering the independent living and social inclusion of persons with disabilities, they are in

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<sup>100</sup> Semi-structured interview with representative of the Flemish (Belgium) ESF+ Managing Authority.

<sup>101</sup> European Expert Group on the transition from institutional to community-based care with Hope and Homes for Children (2021), 'EU Funds Checklist to promote independent living and de-institutionalisation'.

<sup>102</sup> Quinn, G. and Doyle, S. (2012), 'Taking the UN Convention on the Rights of Persons with Disabilities Seriously: The Past and Future of the EU Structural Funds as a Tool to Achieve Community Living', *Equal Rights Review*, Vol. 9.

violation of Article 19 of the UNCRPD. The UNCRPD Committee, along with international human rights NGOs, have argued for several years that segregation in institutional care is a form of discrimination.<sup>103</sup> There is no comprehensive analysis of the formal complaints submitted in relation to the misuse of EU funds by investment into social care institutions. However, sporadic evidence can be found in several cases where an official complaint was submitted to the European Commission.

International NGOs seem to use the formal complaint mechanism to inform the European Commission about the misuse as a violation of EU law and the UNCRPD. For instance, in 2020, Independent Living Austria (ILA) and the European Network on Independent Living (ENIL) submitted a formal complaint against the State Government of Upper Austria. In the complaint, it was stated that EUR 7.5 million of the European Agricultural Fund for Rural Development (EAFRD) have been used in Upper Austria to build two segregated living facilities (institutions) and two sheltered employment facilities for adults with disabilities, despite the legal obligations of both Austria and the EU under the UNCRPD. It is worth noting that in the text of the complaint, the report of the Austrian Ombudsman Board, which was submitted in 2018 to the UNCRPD Committee, serves as an important reference for arguments on why the EU co-funded investment into institutional facilities presents a high risk of isolation and segregation from independent life in the community.<sup>104</sup> A second complaint was filed against the State Government of Tyrol in April 2021 for spending approximately EUR 3.2 million of the EAFRD on renovating and creating five residential institutions and three sheltered workshops for adults, including a large institution for children with disabilities.<sup>105</sup> Both complaints asked the European Commission to take action and initiate infringement proceedings in line with the legal regulations to respect the right of persons with disabilities to live independently.

Another example is the formal complaint to the European Commission, submitted in 2020, by the European Network on Independent Living (ENIL) and the Validity Foundation against the investments to construct, renovate, extend, or modernise institutional care facilities for people with disabilities in the Łódzkie Voivodeship, in Poland.<sup>106</sup> The complainers claimed that over EUR 7 million of European Regional and Development Fund (ERDF) money was used in eight projects to create institutional care placements, including an 80-person social care home in Drzewica. At the time of

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<sup>103</sup> General comment No. 5 (2017) on living independently and being included in the community, CRPD/C/GC/5.

<sup>104</sup> Austrian Ombudsman Board (2018): Written Contribution, p. 24f. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fIFR%2fAUT%2f32189&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fIFR%2fAUT%2f32189&Lang=en).

<sup>105</sup> The complaint is available here: <https://enil.eu/news/press-release-disability-groups-file-second-complaint-against-austria-for-eu-funds-misuse/>.

<sup>106</sup> The complaint is available here: <https://validity.ngo/2020/08/10/enil-and-validity-challenge-polish-misuse-of-eu-funding-which-contributes-to-segregation-of-persons-with-disabilities/>.

the submission of the complaint, the implementation of the projects was at different stages, with some having already been completed, but others having not yet started. It was argued that the investments violate European law as they reinforce the segregation, exclusion, and discrimination of this group of persons with disabilities, denying them the right to live independently and in the community.

In the recent decision of the European Ombudsman on another inquiry, it was mentioned that according to the European NGO ENIL, the Polish Ombudsman was not involved by the national authorities in the infringement proceedings against Poland, despite having the capacity to assess whether EU-funded activities undermine progress towards deinstitutionalisation.<sup>107</sup> The UNCRPD Committee carried out a formal inquiry concerning Hungary under Article 6 of the Optional Protocol to the Convention. The basis for the inquiry was information, alleging among other issues, that “a significant amount of resources, including from the European Structural and Investment Funds, continued to be invested in expanding the institutionalisation of persons with disabilities, including through a strategy of moving persons with disabilities from large- to small-scale group homes, preventing their inclusion in society”.<sup>108</sup> The UNCRPD Committee found the State responsible for grave and systematic violations of the rights of persons with disabilities for investing in the expansion of the institutional care system, drawing on extensive EU funding. The committee called on Hungary to ensure that the use of ESIF is always in line with the UNCRPD, and that “under no circumstances [is] such funding ... used to facilitate or maintain the segregation of persons with disabilities, including through investment in the construction, refurbishment, expansion or maintenance of any institutions, regardless of size, and through training or employment of staff in institutions”.<sup>109</sup>

### **4.3.2 Examples of addressing fundamental rights challenges and providing remedies in the 2014-2020 funding period at national and EU levels**

The European Ombudsman carried out several inquiries in relation to fundamental rights issues in the context of European Structural and Investment Funds. In May 2014, the European Ombudsman initiated an inquiry that sought to identify by what means the European Commission can ensure that rights enshrined in the Charter of

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<sup>107</sup> See: [Decision on the own initiative inquiry into how the European Commission monitors EU Structural and Investment funds to ensure they are used to promote the right of persons with disabilities to independent living and inclusion in the community \(OI/2/2021/MHZ\) | Decision | European Ombudsman \(europa.eu\)](#).

<sup>108</sup> UN Committee on the Rights of Persons with Disabilities (2020) ‘Inquiry concerning Hungary under Article 6 of the Optional Protocol to the Convention’, CRPD/C/HUN/IR/1.

<sup>109</sup> CRPD/C/HUN/IR/1.

Fundamental Rights of the European Union are applied and complied with when implementing EU cohesion policy.<sup>110</sup> This was based on the acknowledgement that whilst the relevant regulation<sup>111</sup> referred to non-discrimination and the promotion of equality between men and women, it did not address Charter rights. A consultation of national ombudsmen via the European Network of Ombudsmen (ENO) showed that they had dealt with cases related to the principle of equal treatment, the right to social security, social assistance and healthcare, and the right to be heard. NGOs<sup>112</sup> that had responded to a targeted inquiry launched within the Ombudsman procedure mentioned a lack of transparency in the funding procedures as a main barrier to addressing problems in relation to fundamental rights. The Ombudsman, in her decision, made it clear that Member States' actions in the context of programmes funded under the EU's cohesion policy in most, if not in all cases, do fall under the scope of the Charter of Fundamental Rights of the European Union. The decision also includes guidelines on how the European Commission could improve its procedures to ensure compliance with fundamental rights throughout the funding cycle. These guidelines also include a recommendation to establish a transparent framework that enables civil society organisations to be involved in a supervisory role.<sup>113</sup>

The Ombudsman initiated a strategic initiative in July 2019 to monitor the establishment of effective complaint mechanisms for matters concerning ESI funds. The decision-making process involved the involvement of national ombudsmen, who were tasked with addressing the issues of independence, legal standing, accessibility, and the powers of the complaints handling body. Additionally, the decision-makers considered which issues could be handled through complaints and whether complaints should lead to a suspension of funding.<sup>114</sup>

In reply to the Ombudsman's targeted consultation, the European Roma Rights Centre (ERRC) referred to a case in which the rights of Roma were affected in implementing a project funded by ERDF 2007-2013. A coalition of NGOs had sent a letter of concern to the European Commission, DG Regio and DG Justice. DG Regio replied and agreed that because of the project segregating effects it could not be considered in line with the objectives of ERDF. This did not have any effect on the implementation of the project as planned, and there was no transparency as to the

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European Ombudsman (2014) 'Respect of fundamental rights in the implementation of EU cohesion policy', [OI/8/2014/AN](#).

<sup>111</sup> At that time, EU Parliament and Council Regulation 1303/2013.

<sup>112</sup> Fifteen NGOs responded to the inquiry, half of them via a common contribution to the FRA Civil Society Platform.

<sup>113</sup> European Ombudsman (2015) Decision of the European Ombudsman closing her own-initiative inquiry OI/8/2014/AN concerning the European Commission, 19 May 2015. Accessible here: [https://www.ombudsman.europa.eu/en/decision/en/59836#\\_ftn5](https://www.ombudsman.europa.eu/en/decision/en/59836#_ftn5).

<sup>114</sup> European Ombudsman (2019) 'Strategic Initiative SI/3/2018/JN: effective complaint mechanisms for matters concerning European Structural and Investment Funds — follow-up to OI/8/2014/AN', 18 July 2019. Accessible here: <https://www.ombudsman.europa.eu/en/doc/correspondence/en/117396>.



steps that the European Commission had taken to address the violation of fundamental rights. The organisations expressed their appreciation for the revised legislative framework (the 2014-2020 framework), which introduced the ex-ante conditionality concerning anti-discrimination and the obligation to ensure effective complaints handling procedures. They also recommended including a reference to the general applicability of the Charter of Fundamental Rights of the European Union and for the European Commission to provide guidelines for national authorities on how to develop and operate well-functioning systems of redress.<sup>115</sup> In 2022, in another case, the European Commission suspended and recovered over EUR 4.2 million from a social urban rehabilitation project in Hungary (Nyiregyhaza) that had aimed to tackle the segregation of Roma people, but in reality, people were moved to newly built segregating facilities.<sup>116</sup> Based on our desktop research, this is the only example where the European Commission recovered EU funding as a response to fundamental rights concerns during the implementation of EU-funded projects.

In 2018, the European Ombudsman received a complaint from a Hungarian NGO, concerning the European Commission's response to serious human rights abuses that took place in a social care institution that received ESI funds.<sup>117</sup> Allegedly, the situation in the social care home breached the EU Charter for Fundamental Rights, the European Convention on Human Rights, the United Nations Convention against Torture, and the United Nations Convention on the Rights of Persons with Disabilities. The Ombudsman found it concerning that the European Commission's interpretation of whether funds can be used to renovate large-scale residential institutions was at odds with that of the UN CRPD Committee, especially of General Comment 5 on the implementation of Article 19 of the Convention. The inquiry concluded that no further inquiries are justified in this case, as the Commission does not have a legal basis that enables it to recover the EU funds spent on the social care institution. However, the Ombudsman suggested that the Commission should address the lack of an appropriate legal basis to ensure that the spending of EU funds fully complies with the UNCRPD, adhering to the CRPD Committee's guidance on the interpretation of Article 19 of the Convention.

A second complaint was submitted to the European Ombudsman by a European civil society organisation claiming that the European Commission should have taken

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<sup>115</sup> Civil society contributions to the EU Ombudsman inquiry regarding fundamental rights compliance of EU fund, Case OI/8/2014/AN, Contribution from the European Roma Rights Centre, 27 February 2015, available here: <https://www.ombudsman.europa.eu/en/doc/correspondence/en/59848>.

<sup>116</sup> Source: <https://444.hu/2022/01/07/masfel-milliardot-bukott-az-allam-mert-nyiregyhazan-unios-penzbol-szegregaltak-a-romakat>

<sup>117</sup> European Ombudsman (2019), Decision in case 417/2018/JN on how the European Commission dealt with concerns raised about alleged human rights abuses in a social care institution that had received EU funding. More information is available: [https://www.ombudsman.europa.eu/en/decision/en/119185#\\_ftn4](https://www.ombudsman.europa.eu/en/decision/en/119185#_ftn4).

action in cases where institutional care facilities for persons with disabilities were constructed in Hungary and Portugal using ESI funds.<sup>118</sup> The Ombudsman concluded that the Commission had taken action to address many of the problems identified (e.g. commissioned expert reports, organised site visits, suspended an upcoming call for proposals etc.). Thus, no further inquiries were justified at that stage. At the same time, the Ombudsman identified shortcomings in the response, including that the Commission could have acted sooner and sought to suspend funds once problems were identified, in line with the Regulation.<sup>119</sup> The Ombudsman considers the issue of deinstitutionalisation of particular importance, with special regard to ensuring that funding rules uphold the rights of persons with disabilities, older people and other vulnerable groups. On that basis, the Ombudsman, together with the members of the European Network of Ombudsmen, pledged to examine the need for further work in this area.

In 2021, the European Ombudsman opened its own inquiry into how the European Commission monitors ESI funds to ensure that they are used to promote the rights of people with disabilities and older people to independent living.<sup>120</sup> Besides the legal obligations to implement the UNCRPD, the COVID-19 pandemic accelerated the pressing need to prioritise independent living for persons with disabilities and older people. Residential institutions were particularly affected, and public authorities were unable to protect the health and lives of people living in such institutions. Therefore, the Ombudsman decided to “inquire further into the role of the Commission in ensuring that Member State governments spend ESI funds with a view to promoting independent living for persons with disabilities and older persons”.<sup>121</sup> As the European Commission and national authorities share the management of ESI funds, the European Ombudsman asked its national counterparts, through the European Network of Ombudsmen (ENO), to provide input, based on complaints they

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<sup>118</sup> European Ombudsman (2020), Decision in case 1233/2019/MMO on how the European Commission ensures that Member State governments spend European Structural and Investment Funds in line with the obligations stemming from the United Nations Convention on the Rights of Persons with Disabilities. More information is available: <https://www.ombudsman.europa.eu/en/decision/en/130886>.

<sup>119</sup> Article 6 of that Regulation provides that “operations supported by the ESI funds shall comply with applicable Union law and the national law relating to its application”. Article 7 states that “the Commission shall take appropriate steps to prevent any discrimination based on sex, [...] disability, age or sexual orientation during the preparation and implementation of programmes”. According to Article 63(8) of that Regulation, “the Commission shall [...] (b) exclude from Union financing expenditure for which disbursements have been made in breach of applicable law; (c) interrupt payment deadlines or suspend payments where provided for in sector-specific rules. The Commission shall end all or part of the interruption of payment deadlines for suspension of payments after a Member State has presented its observation and as soon as it has taken any necessary measures [...]”.

<sup>120</sup> European Ombudsman case OI/2/2021/MHZ, More information is available: <https://www.ombudsman.europa.eu/en/case/en/58464>.

<sup>121</sup> European Ombudsman case OI/2/2021/MHZ, More information is available: <https://www.ombudsman.europa.eu/en/case/en/58464>

had received. In its decision, published in April 2022, the European Ombudsman found that the Commission should have provided clearer guidance about the need to promote deinstitutionalisation in the context of the use of ESI funds and should have taken steps to improve the monitoring of ESI-funded activities.<sup>122</sup> Furthermore, the Commission was advised to take a more proactive approach to enforcement, particularly where concerns are raised that ESI-funded activities are at odds with the obligation to promote deinstitutionalisation or concerning upcoming activities under the Recovery and Resilience Facility. Ten specific suggestions were made to improve guidance and monitoring in the current funding period.

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<sup>122</sup> [Decision on the own initiative inquiry into how the European Commission monitors EU Structural and Investment funds to ensure they are used to promote the right of persons with disabilities to independent living and inclusion in the community \(OI/2/2021/MHZ\) | Decision | European Ombudsman \(europa.eu\).](#)

## **5 The role of national bodies with a human rights remit in the EU funding cycle**

With the EU strengthening the application of the Charter of Fundamental Rights, national bodies with a human rights remit have been recognised as key actors for its implementation, ensuring national frameworks uphold a broad range of rights and principles. The CPR provides a legal basis for the involvement of national bodies with a human rights remit, namely national human rights institutions (NHRIs), equality bodies, and ombuds institutions, in the monitoring of fundamental rights compliance during the implementation of EU funds at the national level. This regulatory framework recognises the essential role of these institutions in ensuring that EU funding is allocated and utilised in accordance with fundamental rights. While the CPR leaves a broad margin of appreciation for national authorities to set up their arrangements at the national level, NHRIs are being approached by state authorities to become involved and are engaging in seeking arrangements with state authorities concerning their involvement in the implementation of the CPR.

### **5.1 Mandates and standards for NHRIs, equality bodies, ombud institutions**

In its Rule of Law Report, the European Commission states that “national human rights institutions (NHRIs), Ombudspersons, equality bodies and other independent authorities have an important role in national systems of checks and balances.”<sup>123</sup> Despite their shared commitment to promoting human rights, equality, and good governance, NHRIs, equality bodies, and ombuds institutions differ in their mandates, legal foundations, and areas of competence.

#### **National Human Rights Institutions**

NHRIs are state-mandated bodies that operate independently from government influence, ensuring impartiality in promoting and safeguarding human rights. Their broad mandate encompasses civil, political, economic, social, and cultural rights, aligning with universal human rights standards. As such, NHRIs play a critical role in

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<sup>123</sup> European Commission, 2023 Rule of Law Report The rule of law situation in the European Union, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023DC0800>

addressing a wide range of human rights concerns and ensuring national compliance with international human rights treaties.

NHRIs are formally vested with the authority to promote and protect human rights, as outlined in the Paris Principles.<sup>124</sup> Their advisory function allows them to issue opinions, recommendations, and reports on legislation, administrative provisions, and human rights violations. They also contribute to the preparation of national reports submitted to international human rights bodies, ensuring that national policies align with global standards. Beyond their legal and policy-oriented functions, NHRIs are responsible for fostering human rights education, combating discrimination, and promoting adherence to international human rights obligations. Their engagement in monitoring, advocacy, and awareness-raising efforts strengthens the rule of law and enhances national human rights protections.

The Paris Principles, adopted by the UN General Assembly in 1993 (Resolution 48/134), establish the minimum standards for the status, structure, and functioning of NHRIs. Independence is a core requirement, guaranteed through constitutional or legislative provisions, adequate funding, and fixed-term mandates. To function effectively, NHRIs must have sufficient financial and human resources, free from government interference, ensuring institutional stability and operational autonomy. Furthermore, the principles emphasise pluralism, requiring NHRIs to reflect societal diversity by including representatives from civil society, academic institutions, and minority communities. Such composition strengthens legitimacy and ensures a balanced approach to human rights advocacy.

NHRIs investigate human rights violations, receive complaints, conduct inquiries, and issue recommendations. Their mandate extends to reviewing legislation and policies, proposing amendments, and providing independent advice to align national frameworks with human rights obligations. To strengthen their impact, NHRIs engage with international and regional human rights mechanisms, treaty bodies, and regional institutions.

The Global Alliance of National Human Rights Institutions (GANHRI) accredits NHRIs based on their compliance with the Paris Principles. NHRIs with A-status are fully compliant, granting them full participation in GANHRI, the UN Human Rights Council, and treaty bodies, while those with B-status have limited engagement rights. Regular reviews ensure NHRIs uphold international standards and adapt to evolving human rights challenges, preserving their legitimacy and credibility. The European Network of National Human Rights Institutions (ENNHRI) supports NHRIs across Europe in complying with the Paris Principles through capacity-building, peer reviews, and legal guidance. The 2024 accreditation update highlights progress but also challenges such

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<sup>124</sup> UN General Assembly resolution 48/134 of 20 December 1993 Principles relating to the status of National Institutions (The Paris Principles), Article 1.

as political interference, resource shortages, and legal constraints. Both GANHRIs and ENNHRI's ongoing monitoring and advocacy are essential to uphold NHRI integrity and effectiveness.

## **Equality Bodies**

Equality bodies are national institutions mandated to promote equal treatment and combat discrimination based on gender, race, age, disability, sexual orientation, religion, and other protected characteristics. Established under the EU Equal Treatment Directives – Directive 2006/54/EC (Gender Recast Directive), Directive 2004/113/EC (Gender Goods and Services Directive), and Directive 2000/43/EC (Race Equality Directive) – Member States are required to designate one or more bodies to assist victims of discrimination and ensure compliance with equality standards. However, the directives do not mandate the creation of standalone institutions, leading to varying institutional models, with some equality bodies integrated into ombuds institutions or NHRIs.

The EU Equality Directives provide a basic framework for equality bodies, outlining three core competencies: (1) providing assistance and support to victims of discrimination in pursuing their complaints about discrimination, (2) conducting independent research, and (3) issuing independent recommendations and reports on any discrimination-related matter. The handling of complaints remains the central function of Equality bodies, often receiving the most resources, while research and policy recommendations are less prioritised.

Their broader role includes data collection, awareness-raising, advising policymakers, working with employers and service providers, and fostering equality through collaboration with civil society and public institutions. Through these activities, equality bodies play a crucial role in promoting inclusive societies and strengthening anti-discrimination protections across the EU.

In May 2024, the EU published two directives<sup>125</sup> establishing minimum standards for equality bodies. The Member States are required to transpose these directives into national law within two years. The directives strengthen the independence, resources, and effectiveness of these institutions, ensuring they can fully implement their mandate to promote equality and combat discrimination. They impose a clear

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<sup>125</sup> Directive (EU) 2024/1499 on "standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC" and Directive (EU) 2024/1500 on "standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU"

obligation on states to guarantee the institutional and resource independence of equality bodies. The bodies must operate autonomously, with well-defined rules regarding their composition, powers, and funding to ensure they function effectively and free from political influence. States are also required to equip and empower these bodies with the necessary authority and resources to take proactive measures in preventing discrimination and advancing equality. Public authorities are expected to engage in structured and ongoing consultation with equality bodies, integrating their expertise into policymaking and decision-making processes. Additionally, the directives establish a legal basis for these institutions to collect and analyse data on equal treatment, enabling them to identify and address systemic barriers to equality. Equality bodies must also have the legal authority to act in court proceedings, ensuring they can effectively enforce anti-discrimination laws and safeguard individual rights.

### **Ombuds Institutions**

Ombuds institutions ensure good governance, administrative fairness, and protection against maladministration in public institutions. Their mandate typically includes investigating complaints of unfair treatment, corruption, abuse of power, and bureaucratic inefficiency, promoting transparency and accountability in public administration. While they are usually established under national constitutions or legislation, unlike NHRIs, they are not necessarily subject to international accreditation.

The Venice Principles, adopted by the Council of Europe's Venice Commission in 2019, set international standards to ensure the independence, effectiveness, and legitimacy of Ombuds institutions. These principles emphasise the need for institutional autonomy, free from government influence and political pressure, with a constitutional or legislative foundation securing their permanence and operational autonomy. Their mandate must be clearly defined in law, allowing them to address maladministration, fundamental rights violations, and access to justice. Ombuds institutions must also have the authority to investigate complaints, initiate inquiries, and issue recommendations to public authorities. Adequate and autonomous funding is essential for their effectiveness, granting them full control over budget, staff, and institutional decisions.

Ombuds institutions must be accessible to all individuals, including groups in vulnerable situations, ensuring the public can easily submit complaints. Transparency is fundamental, requiring regular public reports on findings and activities. They must also have the power to access information and documents from public authorities, with legal obligations ensuring compliance with their recommendations. Legal protections must be in place to prevent retaliation against individuals who file complaints or cooperate with the ombuds institution.

Beyond national oversight, ombuds institutions should engage with international human rights mechanisms, including the UN, regional organisations, NHRIs, equality bodies, and civil society, to enhance their impact.

## **5.2 The role of national bodies with a human rights remit in monitoring EU funds**

In 2020, the EU Agency for Fundamental Rights (FRA) collected information from NHRIs regarding their involvement in monitoring the implementation of EU funds, with only three NHRIs reporting such engagement at the time<sup>126</sup>. Data from the 2024 FRA Report on the NHRI accreditation status and mandates highlight that in 2023, this number increased significantly: around half of the EU NHRIs (13 out of 26 respondents) confirmed their involvement in the monitoring of fundamental rights compliance in the use of EU funds at the national level. Despite this progress, several challenges were identified. Eight NHRIs reported a lack of capacity and resources, while three highlighted issues such as limited impact, insufficient knowledge, and inadequate resources. Two NHRIs cited a lack of clarity stemming from insufficient guidance provided by the European Commission. Additionally, some NHRIs noted unclear mandates of EU funding Monitoring Committees and abstract decision-making processes on project involvement. Several institutions emphasised the need to raise government awareness of obligations under the EU Charter of Fundamental Rights, and four NHRIs reported challenges related to interference with their institutional independence<sup>127</sup>.

Referring to the Paris Principles, the ENNHRI issued a statement<sup>128</sup> highlighting the potential role of NHRIs in monitoring EU funding. Based on initial reports from member states such as Croatia, Finland, Greece, and Ireland, NHRIs play a pivotal role in the implementation of the CPR. Their contributions include participating in the Monitoring Committees of EU-funded programmes in an advisory capacity to ensure fundamental rights compliance. NHRIs can also develop fundamental rights curricula and conduct awareness-raising initiatives for state authorities involved in implementing these programmes. Furthermore, by building on their existing work,

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<sup>126</sup> Strong and effective national human rights institutions – challenges, promising practices and opportunities, 2020. European Union Agency for Fundamental Rights (FRA). See here: <https://fra.europa.eu/en/publication/2020/strong-effective-nhris>

<sup>127</sup> NHRI accreditation status and mandates - update 2024, European Union Agency for Fundamental Rights (FRA). See here: <https://fra.europa.eu/en/publication/2024/nhri-accreditation-status-and-mandates-update-2024#related>

<sup>128</sup> Monitoring Fundamental Rights Compliance Of EU Funds – Potential Role, Opportunities and Limits for NHRIs, ENNHRI, 2022. See here: <https://ennhri.org/wp-content/uploads/2022/05/ENNHRI-Statement-on-NHRIs-Monitoring-Fundamental-Rights-Compliance-Of-EU-Funds.pdf>



such as disseminating annual and special reports with recommendations, NHRIs can actively engage in the setup and monitoring of EU-funded programmes, ensuring that fundamental rights are embedded throughout the process. Similarly, ombudspersons are advised to engage, though they must not “engage in political, administrative or professional activities incompatible with his or her independence or impartiality”<sup>129</sup>. It is worth noting that many independent fundamental rights bodies have expressed concerns about maintaining their independence, emphasising the importance of avoiding direct involvement in decision-making processes. While participation in activities related to EU funds does not inherently undermine the autonomy of these institutions, sustained engagement with public authorities during the programming period could risk affecting how their independence is perceived. Evaluating the impact of such involvement on an institution’s independence requires a case-by-case approach, considering its broader mandate and role. For instance, in certain Member States, including Cyprus, Croatia, Finland, and Poland, independent fundamental rights bodies engage in Monitoring Committees strictly as observers with a consultative role.<sup>130</sup> This means they provide advice and recommendations without being formally involved in decision-making processes. Although the CPR 2021–2027 does not explicitly mandate independence, EU law and practice emphasise it as a fundamental component for the effectiveness of complaints mechanisms.<sup>131</sup> International human rights monitoring bodies similarly highlight the significance of independence or impartiality among officials handling complaints in various contexts.

In another report on the roles and opportunities of NHRIs, ENNHRI<sup>132</sup> highlights that NHRIs traditionally focus on monitoring human rights compliance, preparing reports on violations, evaluating regulations and legislative proposals, conducting site visits, and addressing individual complaints. They can also play an important role in shaping national programmes by critically assessing and providing feedback on various aspects. They could review draft national programmes to prioritise funding areas identified by the government and the European Commission while also suggesting additional priorities where needed. Additionally, they could evaluate potential budget shifts to highlight risks of retrogression on prior commitments and draw attention to issues or marginalised groups overlooked in the planning process, such

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<sup>129</sup> See European Commission for Democracy through Law (Venice Commission) (2019), Principles on the protection and promotion of the ombudsman institution (the Venice Principles), Opinion No 897/2017, point 9.

<sup>130</sup> Franet country report – France, p. 10; Franet country report – Estonia, 2023, p. 12; Franet country report – Germany, 2023, p. 25; Franet country report – Finland, 2023, pp. 15–16. See here: <https://fra.europa.eu/en/country-data/2023/fundamental-rights-report-2023-country-research> Information taken from FRAs report: EU Funds: Ensuring Compliance with Fundamental Rights, Fundamental Rights Agency of the European Union, 2023.

<sup>131</sup> Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies (OJ L 167, 4.7.2018, p. 28), Art. 1.2.

<sup>132</sup> <https://ennhri.org/wp-content/uploads/2021/07/Profundo-Background-Paper.pdf>

as the need for measures targeting applicants with specific reception or procedural needs, including minors. Furthermore, NHRIs could offer feedback on the appropriateness of existing targets and resource allocations, identifying gaps and advising on improvements, such as the number and type of reception facilities, training programmes, or the quality standards for public procurement procedures. Through these efforts, NHRIs can contribute to ensuring that national programmes are inclusive, equitable, and aligned with human rights obligations. However, it has been reported that NHRIs lack the necessary capacity and resources to properly fulfil the above-mentioned roles.<sup>133</sup>

For national bodies with a human rights remit to be able to take on monitoring tasks, they must have the appropriate competencies and resources to do so. The Global Alliance of National Human Rights Institutions Sub-Committee on Accreditation<sup>134</sup> has emphasised that “where an NHRI has been mandated with additional responsibilities by the State, it must be provided with additional financial resources to enable it to assume the responsibilities of discharging these functions”. This is also highlighted in a recommendation issued by the Council of Europe Committee of Ministers<sup>135</sup> in 2021. The Commission’s recommendation on standards for equality bodies<sup>136</sup> states that it must be ensured “that each equality body is provided with the human, technical and financial resources, premises and infrastructure necessary to perform its tasks and exercise its powers effectively.” Furthermore, the allocated resources must consider the allocated tasks and competencies. Similarly, for the ombuds institutions, the Council of Europe Venice Principles<sup>137</sup> set out that “sufficient and independent budgetary resources shall be secured to the Ombudsman institution” and that they shall have sufficient staff.

However, despite all these provisions and the mandates and standards described above, resource capacity or allocation remains a challenge for the national bodies with a human rights remit. The European Commission has criticised the fact that in “some Member States existing equality bodies have seen their mandate extended to

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<sup>133</sup> EU Funds: Ensuring Compliance with Fundamental Rights, Fundamental Rights Agency of the European Union, 2023.

<sup>134</sup> GANHRI (Global Alliance of National Human Rights Institutions) (2022), Report and recommendations of the virtual session of the Sub-Committee on Accreditation (SCA), p. 10.

<sup>135</sup> Council of Europe Committee of Ministers (2021), Recommendation CM/Rec (2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions, 31 March 2021, Appendix Section II, paras. 6, 10.

<sup>136</sup> European Commission. (2018a). Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies. *Official Journal of the European Union*, L 167, 4.7.2018, p. 28. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018H0951>

<sup>137</sup> European Commission for Democracy through Law (Venice Commission) (2019), Principles on the protection and promotion of the ombudsman institution (‘the Venice Principles’), Opinion No 897/2017, para. 21.

the most diverse fields without an appropriate increase in resources”<sup>138</sup>. According to EQUINET’s 2022 study<sup>139</sup>, equality bodies face significant resource and capacity constraints that hinder their ability to actively engage in the planning, implementation, reporting, monitoring, and evaluation of ESIFs in their Member States. In its submission report<sup>140</sup> to the 2024 Commission’s Annual report on the application of the Charter, ENNHRI highlights that although NHRIs are provided with funding from the state (as defined in the Paris Principles), human rights institutions often face budgetary reductions, limitations or attribution of new mandates that result in a lack of adequate resources. Furthermore, in relation to Article 33 (2) of the UNCRPD on monitoring bodies, the FRA<sup>141</sup> has repeatedly highlighted the overall capacity issues of the national monitoring bodies. The FRA’s latest report assessing compliance of EU Funds with the Charter reveals ombuds institutions’ concerns about the overall capacity of monitoring bodies (NHRIs, Ombuds institutions and CSOs). The lack of funding for capacity building of CSOs and other bodies appears to be due to the reluctance of Member States to facilitate the funding process, given the sensitivity of certain issues. In some instances, CSOs express concerns about their ability to handle significant budgetary decisions or address strategic issues effectively<sup>142</sup>, as these are often perceived as too abstract to provide any meaningful input. Additionally, the lack of expertise, particularly the lack of availability of trained professionals to manage EU funds, appears to be a challenge for many CSOs, as gathered from the FRA’s interviews.<sup>143</sup> Similarly, independent fundamental rights bodies and other experts interviewed by the FRA note that one of the reasons for their lack of involvement in the issuing of EU funds is that they lack the time, staff, expertise on EU funding and financial resources required for this additional area of activity.<sup>144</sup> Other issues that prevent the proper involvement of NHRIs and other

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<sup>138</sup> European Commission. (2018a). Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies. *Official Journal of the European Union*, L 167, 4.7.2018, p. 28. consideration No 20. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018H0951>,

<sup>139</sup> [https://equineteurope.org/wp-content/uploads/2022/12/ESIF\\_Persp\\_formatted\\_FINAL.pdf](https://equineteurope.org/wp-content/uploads/2022/12/ESIF_Persp_formatted_FINAL.pdf)

<sup>140</sup> <https://ennhri.org/news-and-blog/why-european-union-funding-for-nhris-is-essential-to-promote-and-protect-fundamental-rights/>

<sup>141</sup> FRA (2021), Fundamental Rights Report – 2021, Publications Office of the European Union, Luxembourg, Chapter 10, p. 281.

<sup>142</sup> FRAs interview with Estonian CSO. Information taken from FRAs report: EU Funds: Ensuring Compliance with Fundamental Rights, Fundamental Rights Agency of the European Union, 2023.

<sup>143</sup> FRAs interview with Estonian CSO. Information taken from FRAs report: EU Funds: Ensuring Compliance with Fundamental Rights, Fundamental Rights Agency of the European Union, 2023.

<sup>144</sup> Interviews with representatives from Portuguese and French independent fundamental rights bodies 23 May 2022 and 18 May 2022, a representative from an intergovernmental organisation, 29 June 2022 and a Portuguese CSO representative, 9 May 2022; Franet country report – Croatia, 2023, p. 15. Information taken from FRAs report: EU Funds: Ensuring Compliance with Fundamental Rights, Fundamental Rights Agency of the European Union, 2023.

human rights institutions with a human rights remit in the funding process in the Member States include the bureaucratic nature and the volume of documents to be processed, expertise in using the complex bureaucratic language to facilitate interaction with other actors, and designated human resources.

To address these challenges, ENNHRI launched a new initiative in 2024 to enhance national standards for NHRIs, including efforts to strengthen their resources. During a working session in April 2024, ENNHRI members shared their needs and exchanged good practices to support their work in this area.<sup>145</sup> Furthermore, under its Operating Grant, ENNHRI implemented an initiative called Financial Support to Third Parties (FSTP)<sup>146</sup>. This approach offered small-scale funding to independent public bodies, such as NHRIs, enabling them to strategically advance human rights promotion and protection within their jurisdictions. Moreover, it facilitated the dissemination of findings and good practices across the network. In 2023, ENNHRI successfully supported nine such projects across wider Europe.

The FRA baseline report identified several important recommendations to enhance the involvement of NHRBs in the implementation and monitoring of EU-funded programmes:

- raise awareness about the Charter among local stakeholders and potential beneficiaries;
- strengthen cooperation and optimise the network of bodies;
- ensure the institutional independence of these bodies;
- efficiently cooperate and build trust in institutions;
- secure the protection of processed data;
- provide sufficient training.<sup>147</sup>

In conclusion, the desktop research shows that NHRIs face challenges not only in fulfilling their mandates for the promotion and protection of human rights at the national level but also in aligning themselves with the EU Charter strategy and in meeting the resource expectations set by the European institutions. NHRIs and other bodies with human rights remit should be equipped with the necessary resources to actively participate in Monitoring Committees with a view to developing comprehensive guidance, facilitating effective reporting mechanisms, and enhancing the capacities of managing authorities, intermediate bodies, and beneficiaries. Their broader involvement in the monitoring of EU-funded programmes presents a number

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<sup>145</sup> European Network of National Human Rights Institutions (ENNHRI), ENNHRI contribution to the European Commission 2024 Annual Report on the application of the EU Charter of Fundamental Rights. See here: [https://ennhri.org/wp-content/uploads/2024/08/ENNHRI-contribution-to-European-Commission-2024-report-on-EU-Charter-of-Fundamental-Rights.pdf?utm\\_source=chatgpt.com](https://ennhri.org/wp-content/uploads/2024/08/ENNHRI-contribution-to-European-Commission-2024-report-on-EU-Charter-of-Fundamental-Rights.pdf?utm_source=chatgpt.com)

<sup>146</sup> See here: [https://ennhri.org/about-us/funding-and-projects/?utm\\_source=chatgpt.com](https://ennhri.org/about-us/funding-and-projects/?utm_source=chatgpt.com)

<sup>147</sup> EU Funds: Ensuring Compliance with Fundamental Rights, Fundamental Rights Agency of the European Union, 2023.

of challenges but also opportunities that eventually enhance the compliance of EU Funds with the Charter for Fundamental Rights.

## **6 Overview of Charter conditionality implementation and monitoring EU funding programmes in Austria, Greece and Poland in the 2021-2027 period**

As mentioned before, the national partners in the ECHO Funds project from Austria, Greece and Poland conducted extensive desktop research on how EU funds are organised in their respective countries, with special regard to the implementation of Charter conditionality, compliance and non-compliance with Charter rights in the previous funding period (2014-20), partnerships and the role of national bodies with a human rights remit (NHRIs, equality bodies, ombuds institutions) in monitoring EU funds in the 2021-27 funding period. This chapter provides a detailed overview based on the information collected through these country fiches and linked to the selected CPR funds by country experts. It allows a better understanding of the state of play, as well as challenges and promising practices for building partnerships and ensuring the fundamental rights compliance of EU-funded programmes.

### **6.1 Austria**

#### **6.1.1 Background**

In the 2021-2027 funding period, the Partnership Agreement (PA) of Austria was drawn up within the framework of the Austrian Conference on Spatial Planning (ÖROK) under the leadership of the ÖROK subcommittee Regional Economy.<sup>148</sup> The PA informs that the aim of 'A social and inclusive Europe' will be co-funded by the ESF+-Program Austria (Programm Beschäftigung Österreich 2021–2027 ESF+ & JTF). The PA relates to articles of the Charter of Fundamental Rights of the EU. For example, it informs about compatibility and equality between women and men (p.8). It also directly mentions the Charter:

“The programs are in line with the Charter of Fundamental Rights of the EU, with the European objectives [...] and with the Sustainable Development Goals of the of the United Nations.” (p.17)

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<sup>148</sup> It was officially submitted to the European Commission (EC) and approved by the latter on May 2, 2022 (ÖROK, 2021).

The PA furthermore states that Austria ensures considering the horizontal principles in the preparation and implementation of the programs. However, it is unclear how this will be ensured. Nevertheless, the principles are listed as follows (ÖROK, 2022, p.17):

- horizontal principles of equality between women and men,
- gender mainstreaming and the integration of the gender perspective,
- non-discrimination on the basis of gender, race or ethnic origin, religion or belief, disability, age or sexual orientation, as well as
- the principle of accessibility for persons with disabilities.

The Regional Economy Subcommittee is the central body for the “partnership principle” in the preparation and implementation of the programs. In this respect, the PA is more informative by mentioning that specific measures will be taken to integrate partnerships at the programme level, including the establishment of monitoring groups, stakeholder events and consultation processes (ÖROK, 2022, p.17). In the PA, neither the national human rights institutions nor the ombudsman are referred to as potential partners. Civil society is mentioned as a partner, specifically in relation to capacity building within the ESF+ (ÖROK, 2022, p. 43).

In Austria, the EU Funds are implemented based on programs agreed upon by various federal and provincial authorities working “in close cooperation”, depending on their respective areas of responsibility. Except for the EU Cohesion Fund (CF), all funds of the CPR 2021-2027 are represented in Austria. The ERDF, ESF+, JTF and EMFAF programs were coordinated within the PA framework to guarantee the efficient use of funds. The necessary coordination takes place within the ÖROK, which carries out a wide range of collaborative and operational tasks.<sup>149</sup>

The Austrian partners in the ECHO Funds project chose to focus on:

- “ESF+ Employment Programme Austria & JTF 2021-2027”
- “ESF+ Programme to Combat Material Deprivation Austria 2021-2027 (Ex-FEAD)”
- EFRE Program “Investments in jobs and growth Austria 2021-2027, ERDF & JTF”

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149 <https://www.oerok.gv.at/region>

## 6.1.2 Charter conditionality implementation

### IBW/EFRE & JTF:

In Austria, 15 federal and state funding agencies are responsible for implementing the “Investments in jobs and growth Austria 2021-2027, ERDF & JTF”<sup>150</sup> programme. It mentions “Effective application and implementation of the Charter of Fundamental Rights” (p. 98f) as the *basic requirement* for funded projects<sup>151</sup> and further specifies the following criteria:

- Criterion 1: “Arrangements to ensure compatibility of the programs supported by the Funds and their implementation with the relevant provisions of the Charter. Throughout the programs and their preparations, the issue of EU fundamental rights is taken into account in various formats and consultations, including in the context of partnership consultation processes and the Monitoring Committee. Consideration is given at a fundamental level (e.g. compliance with the legal basis) and, for example, through the involvement of Member State representatives (e.g. human rights coordinator) and/or nationally authorised umbrella organisations in the programming processes and the Monitoring Committees. The obligation to comply with the relevant parts of the Charter is imposed on the beneficiaries in an appropriate form, insofar as this is applicable in accordance with point 2.2.1 of the European Commission Guidelines (2016/C 269/01).”
- Criterion 2: “Arrangements for reporting to the Monitoring Committee on cases of non-compliance of operations supported by the Funds with the Charter and on Charter-related complaints submitted in accordance with the arrangements referred to in Article 69(7). The managing authorities will include reporting obligations in the rules of procedure of the Monitoring Committees. These rules of procedure will be presented to the members of the Monitoring Committee at the constituent meeting for a decision to be taken in partnership. It is planned that complaints and cases of incompatibility will be reported to the members of the Monitoring Committee at the regular meetings (at least annually) by or on behalf of the managing authority and put up for discussion.”

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150 [Investitionen in Beschäftigung und Wachstum Österreich \(efre.gv.at\)](https://www.efre.gv.at/investitionen-in-beschaeftigung-und-wachstum-oesterreich)

<sup>151</sup> Another requirement concerns the “Implementation and application of the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD) in accordance with Council Decision 2010/48/EC1”.



The selection criteria are further specified in a document that introduces so-called cross-cutting issues.<sup>152</sup> In doing so, it refers to the horizontal principles of Article 9 CPR (p. 4) and explicitly mentions that Member States must comply with fundamental rights and the EU Charter of Fundamental Rights. The term “horizontal principles” seems to be equated with “cross-cutting issues”. However, subsequently, only sustainability, equality between women and men and protection against discrimination are referred to as cross-cutting issues.

Regarding these cross-cutting issues, all beneficiaries must complete a **questionnaire**. “It is intended to help raise awareness of the importance of the various cross-cutting aspects (awareness function), ensure minimum consideration of the cross-cutting issues, support the increased consideration of these aspects (project selection function) and collect detailed information on the individual projects, which is subsequently available for monitoring and evaluation (monitoring function)” (p. 4f). Again, the Charter is not referred to as a horizontal principle but mentioned in addition to these.

#### **ESF+:**

The programme “ESF+ Employment Programme Austria & JTF 2021-2027” lists *basic requirements*, including the “effective application and implementation of the Charter of Fundamental Rights” and further specifies “effective mechanisms are in place to ensure compliance with the Charter” (ESF+ Program, 2021, p.88). This includes the following:

1. Arrangements to ensure the compatibility of the programmes supported by the Funds and their implementation with the relevant provisions of the Charter.

During the programming and preparation process, the issue of EU fundamental rights is considered in the various formats and consultations, including in the context of partnership consultation processes and in the Monitoring Committee. Consideration is given at a fundamental level (e.g. compliance with the legal basis) and, for example, by involving representatives of the Member State (e.g. human rights coordinator) and/or nationally authorised umbrella organisations in the programming processes and Monitoring Committees. The obligation to comply with the relevant parts of the

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152 “EFRE Auswahlkriterien: Investitionen in Beschäftigung und Wachstum Österreich 2021-2027 (EFRE & JTF): Methodik und Kriterien für die Projektselektion (Version 2 23.05.2023)”  
[Projektselektion IBW EFRE JTF AT 2021-27 Hauptdokument V2.3 Clean.pdf](#)

Charter is imposed on the beneficiaries in an appropriate form, insofar as this is applicable in accordance with point 2.2.1 of the EC Guidelines (2016/C 269/01).<sup>153</sup>

2. Arrangements for reporting to the Monitoring Committee on cases of non-compliance in operations supported by the Funds with the Charter and on complaints concerning the Charter submitted in accordance with the arrangements referred to in Article 69(7).

The managing authorities include reporting obligations in the rules of procedure of the Monitoring Committees. These rules of procedure will be submitted to the members of the Monitoring Committee at the constituent meeting for a decision to be taken in partnership. It is planned that complaints and cases of non-compliance will be reported to the members of the Monitoring Committee at the regular meetings (at least annually) by or on behalf of the managing authority and presented for discussion. Until April 2024, no non-conformity with the enabling conditions was brought to the attention of the Committee.<sup>154</sup>

Additionally, the document “Verfahren und Kriterien zur Auswahl von Projekten im Rahmen des Programms „ESF+ Programm Beschäftigung Österreich & JTF 2021 – 2027“ (CCI 2021AT05FFPR001)<sup>155</sup> mentions the following *general selection criteria*: “In accordance with Article 73 (1) CPR, accessibility for persons with disabilities and gender equality must be ensured when selecting projects, and the Charter of Fundamental Rights of the European Union, the principle of sustainable development and the Union's environmental policy in accordance with Article 11 and Article 191 (1) TFEU must be taken into account. (see also cross-cutting objectives guide)”.

The Cross-cutting Objectives Guide (“Wegweiser”) refers to three cross-cutting objectives, namely non-discrimination, gender equality, and ecological sustainability. This document is meant to support intermediate bodies and beneficiaries in implementing these cross-cutting objectives in accordance with Regulation (EU)

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<sup>153</sup> Reference to relevant documents: Bundeskanzleramt (BKA) - Grund- und Menschenrechte: <https://www.bundeskanzleramt.gv.at/agenda/verfassung/grund-undmensenrechte.html>  
<https://www.bundeskanzleramt.gv.at/agenda/verfassung/grundundmensenrechte/menschenrechtskoordinatorinnen-koordinatoren.html>  
[https://www.ris.bka.gv.at/Dokumente/Vfgh/JFR\\_09879686\\_11U00466\\_2\\_01/JFR\\_09879686\\_11U00466\\_2\\_01.pdf](https://www.ris.bka.gv.at/Dokumente/Vfgh/JFR_09879686_11U00466_2_01/JFR_09879686_11U00466_2_01.pdf)

Federal law on equal treatment: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?query=federal-standards&law-number=20003395>

<sup>154</sup> Another basic requirement concerns the “Implementation and application of the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD) in accordance with Council Decision 2010/48/EC1”.

<sup>155</sup> [20221220\\_Auswahlkriterien\\_ESFplus\\_JTF.pdf](#)

2021/1060 and ESF+ Regulation (EU) 1296/2013. The calls contain the standardised requirement that the cross-cutting objectives pursuant to Article 73 CPR must be considered and presented in the project application by the beneficiaries. The beneficiaries must already consider the cross-cutting objectives relevant in the project in the application or proposal and present them in a questionnaire. As a first step, the applicant must carry out an actual state analysis and while drawing up the project concept to identify possible gender-related, discriminatory or ecological impacts in the project's field of action. All project phases and project levels must be analysed, i.e. content as well as structures and processes. The intermediate body checks whether the project application or proposal contains information on the cross-cutting objectives. The document lists examples of measures that can be taken for each of the three cross-cutting objectives.

**Table 3. Criteria to fulfil Charter conditionality in Operational Programmes - ESF+, ERDF/Austria**

Criteria	Fulfilment of criteria (Y/N)	Reference to relevant documents	Reason/Description
Effective application and implementation of the Charter of fundamental rights	Y	ESF+ and EFRE Program	See above

### 6.1.3 The work of Monitoring Committee

The ESF+ Monitoring Committee consist of 37 members, including the EC, the Federal Chancellery of Austria (BKA) and six ministries, partly with different additional departments and including (also half-private) organisations, nine federal provinces, five social partners, seven NGOs and/or other organisations representing interests enshrined in the Austrian Federal Constitution, for example, the Austrian Association of Towns and Cities.

Regarding ESF+, according to the rules of procedure<sup>156</sup>/list of members<sup>157</sup>, the following institutions/representatives are members of the Monitoring Committee with voting rights:

NGOs:

.....  
 156 Geschäftsordnung für den Begleitausschuss zur Durchführung des Programms „ESF+ Programm Beschäftigung Österreich & JTF 2021- 2027“ [Geschäftsordnung-Begleitausschuss-FINAL-1.pdf \(esf.at\)](#)

157 Begleitausschuss: ESF+ JTF-BA 2021 - 2027 Mitgliederliste [Veroeffentlichungsliste-BA-2021-2027-17.06.2024.pdf \(esf.at\)](#)

- Arbeit plus - Soziale Unternehmen Österreich;
- Austrian Disability Council (NGO);
- Environmental umbrella organisation;
- Dachverband berufliche Integration Österreich - dabei-austria;
- Federal Working Group for Free Welfare<sup>158</sup>;
- Network of Austrian counselling centres for women and girls;
- Poverty Conference;
- Ombud for Equal Treatment (no nomination);

Others:

- Austrian Association of Cities and Towns:
- Federal Chancellery, Dept. III/6 Socio-economic Equality International and EU Affairs.

The Austrian Monitoring Committee of the “IBW/EFRE & JTF” 2021-2027 consists of 47 members, including the EC, the BKA and five ministries, partly with different additional departments, and including (also half-private) organisations, nine federal provinces, five social partners, private partners such as banks and NGOs or other organisations representing interest groups, for example, the Local Action Groups (LAGs).

Regarding ERDF, in accordance with the rules of procedure<sup>159</sup>, voting members of the Monitoring Committee include:

- a representative of each of the national authorities or bodies responsible for the Horizontal Principles of Article 9 of the CPR (respect for fundamental rights, equality between women and men, non-discrimination, and sustainable development);
- a representative of each of the non-governmental organisations/bodies dealing with social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination;
- a representative of the NGO umbrella organisation dealing with environmental issues.

<sup>158</sup> Caritas, Diakonie, Hilfswerk, Rotes Kreuz and Volkshilfe together form the Federal Working Group for Free Welfare (Bundesarbeitsgemeinschaft Freie Wohlfahrt).

<sup>159</sup> Geschäftsordnung für den Begleitausschuss für das aus dem Europäischen Fonds für regionale [Entwicklung1](#) und dem Fonds für einen gerechten Übergang (Just Transition Fund2 ) kofinanzierte Programm Österreichs unter dem Ziel „Investitionen in Beschäftigung und Wachstum Österreich 2021-2027“ [B4 GO-BA IWB EFRE JTF 21-27 FINAL.pdf](#)

Members linked to fundamental rights and equality issues include<sup>160</sup>:

- Round Table of Women's Representatives of the Länder (Runder Tisch der Frauenbeauftragten der Länder);
- Human Rights Coordinator of the BML;
- Austrian Women's Ring (Österreichischer Frauenring);
- ÖZIV Federal Association, Representation of interests of persons with disabilities/Austrian Disability Council (Österreichischer Behindertenrat);
- Environmental umbrella organisation (Umweltdachverband).

Neither the Ombudsman Board nor the Ombud for Equal Treatment is a member of the Monitoring Committee. Regarding options for complaints, the website "Info for Beneficiaries"<sup>161</sup> mentions the possibility of contacting the Ombudsman Board. The Ombud for Equal Treatment is not mentioned.

#### **6.1.4 The role of national bodies with a human rights remit in monitoring EU-funded programmes**

It is important to note that at the time of data collection for the present report (August 2024), no person was nominated as Ombud for Equal Treatment to the Monitoring Committee of the ESF+, although they would have had a seat with voting rights.<sup>162</sup> Regarding options for complaints, the information on complaint procedures shows that complaints can be submitted to the Austrian Ombudsman Board. The Ombud for Equal Treatment is not mentioned.

In the case of ERDF, neither the Ombudsman Board nor the Ombud for Equal Treatment is a member of the Monitoring Committee. Regarding options for complaints, the website "Info for Beneficiaries"<sup>163</sup> mentions the possibility of contacting the Ombudsman Board. The Ombud for Equal Treatment is not mentioned.

In Austria, the involvement of NHRBs in the national funding structures presents a challenge in that the "responsibilities" for human rights are divided among various stakeholders, including independent bodies, institutional/governmental bodies and non-governmental organizations (NGOs).<sup>164</sup> There is no single entity that should be

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160 Übersicht Institutionen/Stellen der Mitglieder und Expert:innen für den Begleitausschuss IBW/EFRE & JTF 2021-202 [2022-09-13 Mitgliederliste BA IBW-EFRE-JTF.pdf](#)

161 [Infos für Begünstigte - EU-Förderung für regionale Entwicklung \(efre.gv.at\)](#)

<sup>162</sup> Other institutions that are partner of the ESF+ MC, moreover, are known for taking a human rights perspective such as the Austrian Disability Council and the national anti-poverty network.

163 [Infos für Begünstigte - EU-Förderung für regionale Entwicklung \(efre.gv.at\)](#)

<sup>164</sup> ECHO Funds desktop research template for partners – Austria (2024).

involved in the Monitoring Committees (MCs) for EU fund implementation, as the remit of human rights is shared across different actors:

1.) Independent bodies with a human rights remit

- Austrian Ombudsman Board
  - Regional Ombudsman Board
- Ombud for Equal Treatment
  - Regional Offices

2.) Institutional/Governmental Bodies

- Human Rights Coordinators
  - at the federal ministries (incl. federal chancellery)
  - for every federal province
- Human Rights Officers for cities and municipalities
- Equal Treatment Officers at the federal ministries
- Contact Women (Women's Representatives) at the federal ministries
- Equal Treatment bodies in the federal provinces (regional laws)
- Equal Treatment Officers for cities and municipalities

3.) CSOs/NGOs

## 6.2 Greece

### 6.2.1 Background

The Greek partner in the ECHO Funds project chose to focus on the Asylum, Migration and Integration Fund (AMIF)<sup>165</sup>, which aims to enhance the management of migration and asylum processes. During the 2021-2027 period in Greece, AMIF funding plays a vital role in enhancing the support systems for asylum seekers and migrants, ensuring their needs are met in various essential services. The governance of AMIF in Greece is primarily managed by the General Directorate for the Coordination and Management of Migration and Home Affairs Programmes, which is part of the General Secretariat for Migration Policy under the Ministry of Migration and Asylum. The General Directorate for the Coordination and Management of Migration has several strategic objectives aimed at enhancing the effectiveness of migration and asylum policies:

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<sup>165</sup> For more information visit the website <https://migration.gov.gr/ris2/chrimatodotika-programmata-amif-2021-27/>.

- **Needs Identification:** It supports the Ministry in identifying, prioritising, and specifying needs across various policy areas related to the AMIF and other funds, including the Internal Security Fund and the Border and Visa Management Facility.
- **Consultation and Strategy Formulation:** The Directorate plays a crucial role in consulting and formulating strategies for the Immigration and Asylum sector. This involves collaboration with various competent services within the Ministry to ensure that policies are comprehensive and responsive to current challenges.
- **Operational Planning:** The General Directorate for the Coordination and Management of Migration is responsible for drafting the operational plan for the Ministry's policy areas, aligning with the objectives of the AMIF and the National Development Programme.
- **Monitoring and Review:** The Directorate also monitors and reviews both the strategy and operational plans to ensure their effectiveness and adaptability over time.
- **Coordination for EU Allocations:** It coordinates the Ministry's bodies in submitting requests for emergency allocations from relevant EU institutions and contributes to the preparation of the necessary technical documentation.

Various projects have been established under this fund, each focusing on specific aspects of support for third-country nationals and asylum seekers (see Table 4)

**Table 4. List of projects established under AMIF in Greece, focusing on support for third-country nationals and asylum seekers**

Project name	Programme	Aim	Budget
<b>Provision of Catering Services in the structures of the Reception and Identification Service (R.I.S.) (26.07.2023 - 30. 03. 2025)</b>	Home Affairs Fund Safety for All	Providing comprehensive services for the preparation, transport, and distribution of meals in accommodation facilities designated for third-country nationals (TCNs) who have applied for international protection.	€70,593,084.53
<b>Feeding Services - Part A (30. 09. 2021 - 31. 12. 2025)</b>	Home Affairs Fund Safety for All	Covering overhead costs associated with the preparation, transport, and distribution of meals within accommodation facilities for asylum seekers.	€38,073,551.31
<b>Movement Services for Third-Country Nationals (01.03. 2023 - 31. 08. 2024)</b>	Home Affairs Fund Safety for All	Facilitating travel services for TCNs throughout Greece.	€2,992,577.20
<b>The ESTIA 2022 housing programme (16. 04. 2022 - 31. 12. 2023)</b>		Ensuring that asylum seekers are accommodated in functional and appropriate	€31,239,657.00

		housing that meets specific standards.	
<b>Provision of Interpretation Services for the needs of the Reception and Identification Service (01. 03. 2023 - 30.06. 2024)</b>		Providing essential interpretation, intercultural mediation, and tele-interpretation services to support the regional services of the Reception and Identification Service, excluding certain central facilities.	€6,000,000.00
<b>Provision of Facilities Management Services in the inland accommodation facilities of the Ministry of Immigration and Asylum. (01.07.2023 -31.12. 2025)</b>		Providing essential facilities management services within the accommodation structures for asylum seekers	€93,402,551.28
<b>Provision of Facilities Management Services (Part A) (03. 12. 2021 - 31. 12. 2025)</b>		Support the inland accommodation facilities of the Reception and Identification Service.	€37,165,237.92
<b>Provision of Facilities Management Services (Part B) (22. 12. 2021 - 31. 12. 2025)</b>			€60,645,630.35

In addition to the above, Greece has benefitted from approximately €70 million under the call for the submission of requests for additional funding through EU action grants under the Asylum, Migration and Integration Fund (AMIF) to provide support to the reception, asylum and return systems of Member States particularly exposed to migratory pressure at the EU external borders, which was published in January 2022. The following projects have been supported:

- Harmonizing Protection Practices in Greece, implemented by the International Organization for Migration (IOM). The project focuses on the provision of protection activities, mental health, psychological support, and skill development in the mainland camps.
- All Children in Education (ACE), implemented by United Nations International Children’s Emergency Fund (UNICEF). The project focuses on ensuring that all school-age refugee and migrant children find a pathway to formal education. It provides support and facilitates smooth access and continuous attendance at school. Targeted support to key protection activities in Greece,



implemented by the United Nations High Commissioner for Refugees (UNHCR)<sup>166</sup>.

At the time of writing this report, Greece was in a transitional phase, with the programming period for 2014-2020 nearing completion, while the implementation for the 2021-2027 period has already begun. Though it is a challenging period due to overlapping timelines, the programme has already been activated, and implementation is underway. Despite the high demand for funding, resources remain limited, making efficient planning and prioritization essential.

## 6.2.2 Charter conditionality implementation

The published AMIF calls for proposals ensure through several key measures that any funded action or project must strictly adhere to the EU Charter of Fundamental Rights:

- Compliance with legal standards: Beneficiaries are required to adhere to both EU and national laws governing public procurement, employment, and non-discrimination. This includes a focus on gender equality, accessibility for persons with disabilities, and respect for human dignity, in line with the Charter.
- Promotion of equality and non-discrimination: Proposals must actively promote gender equality and prevent discrimination on the grounds of gender, race, religion, disability, or sexual orientation.
- Dignified living conditions: The call emphasizes the right to social security and housing support to ensure dignified living conditions for all, especially those at risk of poverty and social exclusion, as outlined in the Charter.
- Human rights protection: Beneficiaries must respect core human rights principles, including the right to life, the prohibition of torture, and the right to asylum.
- Accessibility for persons with disabilities: All actions must be accessible to persons with disabilities, and if accessibility is lacking, the implementing entity is responsible for ensuring compliance at its own expense.<sup>167</sup>

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<sup>166</sup>For more information visit the website: [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-greece/financial-support-eu\\_en#ref-2021--2027-funding-period](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-greece/financial-support-eu_en#ref-2021--2027-funding-period).

<sup>167</sup> For more information visit the website: <https://tamey.gov.gr/wp-content/uploads/2024/06/6%CE%A9%CE%9B%CE%9646%CE%9C%CE%94%CE%A8%CE%9F-%CE%A3%CE%9D0.pdf>

**Table 5. Criteria to fulfil Charter conditionality in Operational Programmes - AMIF/Greece**

Criteria	Fulfilment of criteria (Y/N)	Reference to relevant documents	Reason/Description
Respect for human dignity and rights	Y	Operational Programme for AMIF 2021-2027, EU Regulation 2021/1060, Greek Law 4914/2022	AMIF-funded projects in Greece include actions ensuring humane conditions for asylum seekers and refugees, such as housing, healthcare, and legal support, aligned with CFR Articles 1 and 18.
Non-discrimination and equal access	Y	Ministerial Decision No. 737910/07.12.2022 (B' 6238), CFR Article 21	Specific actions in the Operational Programme ensure access to services for all migrants without discrimination based on race, gender, or religion.
Protection of vulnerable groups	Y	Operational Programme for AMIF 2021-2027, National Action Plan for Integration	Criteria are set for the protection of minors, women and victims of trafficking or violence, with particular attention to unaccompanied minors and vulnerable families.
Right to asylum	Y	Greek Law 4636/2019, EU Asylum Procedures Directive	All AMIF-related activities, including the asylum procedure and reception services, are required to uphold Article 18 of the Charter, which guarantees the right to seek asylum.
Access to legal aid and justice	Y	Greek Law 3907/2011, CFR Article 47	AMIF projects guarantee legal assistance to asylum seekers and migrants throughout the application process, ensuring access to fair legal proceedings.
Data protection and privacy	Y	General Data Protection Regulation (GDPR), EU Regulation 2016/679	Migrant and asylum seeker data are handled in accordance with GDPR, ensuring their privacy and protection of personal information, a key principle of CFR Article 8.
Monitoring and accountability	Y	AMIF Monitoring Committee (Ministerial Decision No. 737910/07.12.2022)	Regular reviews by the Monitoring Committee ensure that all funded projects comply with human rights standards as per the Charter.

Transparency and public communication	Y	AMIF Communication Strategy 2021-2027	Public communication plans ensure transparency in project implementation, ensuring compliance with CFR's commitment to openness and accountability.
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Additionally, the Fundamental Rights Protection Officer (FRPO) at the Ministry of Migration and Asylum plays a crucial role in ensuring that human rights are respected in the context of migration-related projects.<sup>168</sup> The FRPO's responsibilities include collecting and conducting preliminary assessments of complaints related to alleged violations of fundamental rights during key stages such as entry into Greece, reception of third-country nationals, and the asylum procedure. If a complaint is deemed admissible, the FRPO forwards it to the National Transparency Authority or other relevant authorities as mandated by law.

### 6.2.3 The work of Monitoring Committee

The Monitoring Committee for the Migration and Home Affairs Funds Programmes play a crucial role in overseeing the implementation of the Asylum, Migration and Integration Fund (AMIF), the Internal Security Fund (ISF), and the Integrated Border Management Fund (IBM/BMVI) for the programming period 2021-2027. The Monitoring Committee for these programs was established by Ministerial Decision No. 457538/02.10.2023 from the Ministry of Migration and Asylum, in accordance with EU Regulation 2021/1060 and Greek Law No. 4914/2022.

The committee is tasked with key responsibilities such as:

- Reviewing evaluations, progress reports, and follow-ups on findings.
- Approving the program evaluation plan and any necessary amendments.
- Monitoring the overall progress of AMIF 2021-2027, the new Management and Control System, and consultations with relevant stakeholders.
- Overseeing the timeline of planned calls for proposals and the measures taken by the Managing Authority for effective implementation.
- Assessing the communication strategy for AMIF 2021-2027 and related publicity actions.

<sup>168</sup> For more information visit the website: <https://migration.gov.gr/fro-complaints-form/>

The Monitoring Committee includes a range of stakeholders, ensuring diverse representation<sup>169</sup>:

- Ministry of Migration and Asylum: The General Directorate for Coordination and Management of Migration and Home Affairs Programmes manages the committee's operations.
- Relevant services: Representatives from migration and asylum services, such as the Reception and Identification Service, contribute their expertise.
- Local government representatives: When relevant, local authorities are involved in program implementation.
- Social partners and NGOs: These entities participate to ensure broad stakeholder input, particularly regarding the implementation of migration and asylum-related actions.

Although the legal framework emphasizes the involvement of civil society, there have been challenges in practice.<sup>170</sup> In 2022, the Greek Ministry of Migration established a Monitoring Committee for the Asylum, Migration, and Integration Fund, but limited civil society participation by interpreting it narrowly. In response, the European Commission insisted that civil society representatives must have full membership and voting rights rather than being merely invited observers.<sup>171</sup>

By November 2023, a Ministerial Decision allowed for the election of four civil society representatives with voting rights, chosen through a secret ballot by registered NGOs. However, participation was limited, with only 22 organizations engaging in the nomination and voting process, reflecting a general lack of awareness among many organizations about their role.

Several operational challenges have been identified, such as:

- Limited awareness: Many civil society organisations were not fully informed about their role in the Monitoring Committee, resulting in low engagement in the election process.
- Restrictive interpretation of participation: The initial reluctance to grant voting rights to civil society representatives hindered full accountability and transparency in decision-making.
- Engagement and inclusion: Ensuring effective and meaningful participation of all relevant stakeholders, especially NGOs, remains a critical issue for the committee's future operations.

This situation highlights the ongoing need for greater transparency, communication, and inclusivity in the committee's functioning to enhance the implementation of

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<sup>169</sup> For more information visit the website: [https://www.espa.gr/elibrary/N4914\\_2022-FEK61A\\_21032022.pdf](https://www.espa.gr/elibrary/N4914_2022-FEK61A_21032022.pdf).

<sup>170</sup> ECHO Funds desktop research template for partners – Greece (2024).

<sup>171</sup> ECHO Funds desktop research template for partners – Greece (2024).

these vital migration and integration programs <sup>172</sup>. According to the Greek Managing Authority for AMIF, there is extensive cooperation with civil society actors and international organisations, especially in the case of AMIF, since they participate in the Monitoring Committees, which, by their nature, require the engagement of civil society organisations.<sup>173</sup> Extensive cooperation with CSOs is essential, particularly in areas such as social inclusion, where NGOs play a key role. While during the planning phase, the MA primarily engages public bodies, the implementation process is more collaborative, with direct engagement of NGOs to ensure efficiency. This structure fosters a comprehensive and participatory approach to the programme's execution. Finally, the Monitoring Committee approves the criteria that the Managing Authority will use to assess and evaluate the feasibility and necessity of the proposed actions.<sup>174</sup>

In order to ensure that all members of the Monitoring Committee are kept informed, the Managing Authority created an electronic system (Diavlos') through which members have access to all information.

#### **6.2.4 The role of national bodies with a human rights remit in monitoring EU-funded programmes**

Both the Ombudsman and the Greek National Commission for Human Rights (GNCHR) play significant roles in monitoring fundamental rights compliance in the context of EU-funded programs, particularly those associated with migration and asylum. The Ombudsman and the GNCHR are members of the Monitoring Committee for the Asylum, Migration, and Integration Fund. This committee is responsible for overseeing the implementation of national programs and ensuring that they align with fundamental rights principles. Within the Monitoring Committee, both bodies engage in structured oversight activities. They help track the progress of national programs, monitor the effectiveness of policies, and assess how well these initiatives address the country's needs and priorities. Moreover, the Ombudsman addresses individual complaints related to potential violations of fundamental rights. This includes investigating reports of mistreatment of migrants and ensuring that individuals have access to recourse for rights violations. By being part of the Monitoring Committee, the Ombudsman and the GNCHR can influence policy decisions and practices concerning the application of EU-funded programs. This was also reiterated by the Managing Authority, highlighting that their feedback, including

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<sup>172</sup> For more information visit the website: <https://wearesolomon.com/el/mag/format-el/reportaz/nomothetiko-paixnidi-ypovrgeioy-metanasteysis-me-eurwpaika-tameia/>

<sup>173</sup> Semi-structured interview with representative of the Greek AMIF Managing Authority.

<sup>174</sup> Semi-structured interview with representative of the Greek AMIF Managing Authority.

comments and suggestions, is consistently considered and integrated into the decision-making process, even though they might not be directly involved in the needs assessment and prioritisation stage.<sup>175</sup> They provide valuable insights that help ensure adherence to fundamental rights and the overall effectiveness of the programs.

As the Managing Authority highlighted, the Monitoring Committee is established through a decision made by the Secretary, and the specific actors involved in the process are outlined within this decision.<sup>176</sup> This means that the committee's operations, including its funding and the roles of the various stakeholders, are formally established by an administrative decree. However, there is no separate, formal memorandum of cooperation between the administration and the institutions participating in the monitoring process. While a memorandum could potentially clarify roles and responsibilities in more detail, this is not currently a requirement or practice. Regarding the 2021-2027 programming period, the Greek Ombudsperson has a more defined role. Specifically, the Ombudsperson is designated as a beneficiary in a programme focused on monitoring obligatory returns, which relates to the oversight of forced return processes in the context of migration management. Consequently, the Ombudsperson is listed as a beneficiary in the Partnership Agreement for this program.<sup>177</sup> For the 2021-2027 funding period, the GNCHR was designated through a Memorandum of Understanding signed between them and the Hellenic Ministry of Development and Investment on 18 April 2022, as the competent institution to ensure the “Effective application and implementation of the EU Charter of Fundamental Rights” (strand 3 of the strategy proposed to make the Charter a reality for all), at all stages (consultation with the interested parties, planning, implementation and assessment of projects and operations in the framework of NSRF 2021-2027 operational programmes).<sup>178</sup>

Several challenges hinder the closer involvement of the Ombudsman and the GNCHR in the monitoring of EU-funded programmes. An important issue is the limited institutional independence of the Ombudsman. Concerns have been raised that participation in certain administrative committees could undermine its constitutional independence, especially in light of recent legislative changes. This ambiguity in the Ombudsman's role may lead to conflicts of interest and ultimately hamper effective

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<sup>175</sup> Ibid.

<sup>176</sup> Semi-structured interview with representative of the Greek AMIF Managing Authority.

<sup>177</sup> Semi-structured interview with representative of the Greek AMIF Managing Authority.

<sup>178</sup> Greek National Commission for Human Rights (GNCHR) (2023). Annual report 2023. [https://www.nchr.gr/images/pdf/aithsies\\_ektheseis/2023/ENGLISH\\_REPORT\\_2023.pdf](https://www.nchr.gr/images/pdf/aithsies_ektheseis/2023/ENGLISH_REPORT_2023.pdf)

monitoring of fundamental rights.<sup>179</sup> There is a delicate balance between collaboration and maintaining the integrity and autonomy of these institutions.

According to the ECHO Funds national experts in Greece, the Ombudsman and the GNCHR could adopt several additional roles to strengthen their commitment to monitor EU-funded programmes. This could be achieved by organising training sessions on fundamental rights for various stakeholders, including government agencies, civil society organizations and local authorities. These training sessions would enhance participants' understanding of human rights standards and promising practices, promoting a culture of compliance and vigilance. In addition, they could develop guidelines for the implementation of EU-funded programmes, addressing compliance with legal standards and promoting practices that respect the dignity of all individuals affected by or involved in the projects. Furthermore, regular, systematic reports assessing the compliance of EU-funded programmes with fundamental rights could be produced to enhance transparency and promote accountability among stakeholders.

## **6.3 Poland**

### **6.3.1 Background**

According to the Partnership Agreement, CPR funds are implemented in Poland through 16 regional programs managed by the marshal's offices, with regions corresponding to the territories of the voivodeships, and eight thematic national programs managed by the government through relevant ministries, particularly the Ministry of Funds and Regional Policy. In accordance with the Partnership Agreement, adopted by the European Commission and the Polish government on June 30, 2022, Poland has approximately EUR 76 billion at its disposal under this MFF. Unlike the other countries, the Polish partner in the ECHO Funds project decided not to focus on specific programmes under concrete CPR funds but instead discussed in their country fiche more broadly partnership and the implementation of Charter conditionality across all CPR funds.

For the 2021-2027 MFF, a Partnership Agreement Committee<sup>180</sup> was established, composed of 129 members representing the government, local authorities, and non-administrative partners (social and economic partners, civil society representatives, and academic circles). In line with the principle of partnership, a presidium was

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<sup>179</sup> ECHO Funds desktop research template for partners – Greece (2024).

<sup>180</sup> More: <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/fundusze-2021-2027/umowa-partnerstwa/komitet-ds-up/o-komitecie/>

formed, with a representative selected by each group of partners. The secretariat is managed by the Ministry of Funds and Regional Policy.

To monitor the implementation of the partnership principle throughout the process of programming, implementation, monitoring, and evaluation of European Funds in Poland, and to ensure consistency across various funds and bodies at the national and regional levels, a Subcommittee on Partnership Development<sup>181</sup> was established. It includes representatives from the government, local authorities, social and economic partners, and civil society. The secretariat of the Subcommittee was entrusted to the Polish Federation of Non-Governmental Organizations.

Additionally, a Subcommittee on Community-Led Local Development (CLLD)<sup>182</sup> was established. The creation of this subcommittee is required when CLLD strategies are financed by more than one fund. In such a case, as indicated in Article 31 of Regulation (EU) 2021/1060 of the European Parliament and of the Council of June 24, 2021 (the so-called General Regulation), the relevant program management authorities establish a joint committee for all relevant funds to monitor the implementation of these strategies. In Poland, in addition to funding from the European Agricultural Fund for Rural Development (EAFRD) under the Strategic Plan for the Common Agricultural Policy for 2023-2027, CLLD will also be supported as a territorial instrument in regional programs for 2021-2027 in ten voivodeships, through Cohesion Policy funds, i.e., the European Regional Development Fund (ERDF) or the European Social Fund Plus (ESF+).

Additionally, at the request of NGO representatives on the Partnership Agreement Committee, a Group on Horizontal Principles was established<sup>183,184</sup>. This group is composed of representatives from the government administration, local authorities, civil society, social and economic partners, and the academic community. The group's members include both members and permanent deputies of the Partnership Agreement Committee for 2021-2027, as well as individuals recommended by entities that are part of the committee. The group is divided into three thematic teams:

- The Team on the EU Charter of Fundamental Rights;
- The Team on the UN Convention on the Rights of Persons with Disabilities;
- The Team on the "Do No Significant Harm" principle.

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<sup>181</sup> More: <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/fundusze-2021-2027/umowa-partnerstwa/komitet-ds-up/podkomitety/rozwoj-partnerstwa/>

<sup>182</sup> More: <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/fundusze-2021-2027/umowa-partnerstwa/komitet-ds-up/podkomitety/rilks/o-podkomitecie/>

<sup>183</sup> More: <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/fundusze-2021-2027/umowa-partnerstwa/komitet-ds-up/grupa-ds-zasad-horyzontalnych/>

<sup>184</sup> Multimedia Presentation about the Group: [https://www.funduszeuropejskie.gov.pl/media/134001/Prezentacja\\_z\\_pierwszego\\_spotkania\\_grupy\\_zadaniowej.pdf](https://www.funduszeuropejskie.gov.pl/media/134001/Prezentacja_z_pierwszego_spotkania_grupy_zadaniowej.pdf)



### 6.3.2 Charter conditionality implementation

To meet Charter conditionality, a unique procedure has been developed that defines the responsibilities of all institutions involved in implementing programs to ensure their compliance with the Charter. The procedure covers the monitoring, preparation and reporting of suspected non-compliance with the Charter and applies to all programs implemented under the indicated eight funds. The procedure applies to the verification of Charter compliance at both the grant application submission stage and during project implementation. Suspected cases of non-compliance in projects and/or activities of the beneficiary are reported to the respective fund officer.

### 6.3.3 The work of Monitoring Committee

During the 2021-2027 period in Poland, each Monitoring Committee consists of about 50-60 members, including representatives of various partners. The committee is chaired by a representative of the Managing Authority of the given program, i.e., a government representative (for national programs) or a Marshall's Office representative (for regional programs). The composition of the Monitoring Committee includes:

- representatives of national and regional authorities, administration, and organisations of local governments and the scientific sector,
- social partners (trade unions and employer organisations), business, and social enterprises,
- at least nine representatives of organised civil society, i.e., NGOs, their federations, and unions.
- European Commission representatives also participate in the MC meetings in a monitoring and advisory role.

The Monitoring Committee's rules of procedure and working methods are defined in the regulations adopted at the first meeting, based on the applicable national Guidelines for Monitoring Committees for 2021-2027<sup>185</sup>. The Monitoring Committee should react and inform the European Commission about any violations and when the horizontal enabling conditions are not met in line with EU Regulation 2021/1060 (Article 40 and Article 15 paragraph 6). The Polish partners in the ECHO Funds project argue that non-governmental organisations independent of the authorities ought to be involved in the Monitoring Committee to fulfil that role. In Poland, compared to the 2014-2020 programming period, the number of NGOs in all Monitoring

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<sup>185</sup> The national Guidelines for Monitoring Committees for 2021-2027 - <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/dokumenty/projekt-wytucznych-dotyczacych-komitetow-monitorujacych-na-lata-2021-2027/>

Committees has increased from four seats to at least nine. In each committee, a separate seat is reserved for CSOs monitoring one of the five horizontal principles outlined in Article 9 of the General Regulation, namely the respect for fundamental rights arising from the EU Charter, non-discrimination, accessibility for persons with disabilities, gender mainstreaming (promoting equality between men and women), and sustainable development (in total 5 seats). Additionally, Monitoring Committees include representatives of organisations whose activities are thematically linked to specific programs, such as social inclusion, education, employment, health, digitalisation, economy, just transition, infrastructure and transport, rural areas, urban functional areas, revitalisation, culture and cultural heritage, fisheries, healthy food, food aid for the poorest, and strengthening the capacity of NGOs in shaping and implementing public policies.

According to the Partnership Agreement, the selection of NGOs to Monitoring Committees ought to be carried out through a transparent procedure, independent of national and regional authorities and their advisory bodies. The *Implementation Act for the 2021-2027 period*<sup>186</sup> envisaged only 45 days for elections. On the one hand, this led to insufficient time being allocated for training potential candidates from NGOs on EU funding regulations. On the other, many NGOs faced challenges in completing the application forms on time and managing all administrative barriers in the process. Nevertheless, civil society organisations took 201 seats on the regional program Monitoring Committees and 67 seats on the six established national program Monitoring Committees.<sup>187</sup> Each organisation with a seat delegated a member and a deputy member to the Monitoring Committee. Thus, the total number of civil society representatives on the Monitoring Committees exceeded 500 people. Moreover, civil society representatives were appointed to the Monitoring Committees for Interregional programs (international, transnational, cross-border), the Partnership Agreement Committee (14 seats for CSOs), the Common Agricultural Policy (8 seats), and the National Recovery Plan (14 seats for CSOs).

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<sup>186</sup> Act on the principles of implementation of tasks financed from European funds in the financial perspective 2021-2027 of 28 April 2022 / Ustawa o zasadach realizacji zadań finansowanych ze środków europejskich w perspektywie finansowej 2021-2027 z dnia 28 kwietnia 2022 r. - <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220001079>

<sup>187</sup> Monitoring Committees for the Fisheries FE Program and Food Aid FE Program were not properly established. In the latter case, an advisory team was appointed, and in the case of the Fisheries FE Program, civil society is represented by organizations of fish producers, with an additional 3 NGOs seats in the MC including gender mainstreaming rule.

### 6.3.4 The role of national bodies with a human rights remit in monitoring EU-funded programmes

Neither the Ombudsman nor the regional Ombudsman Deputies are mentioned in the Partnership Agreement for Poland.<sup>188</sup> As part of their general mandate, the Ombudsman regularly reminds the government and the local authorities of the need to apply the Charter and to signal possible violations of it. For example, the Ombudsman learnt of a call for applications for granting one-off funds to start economic activity within the project titled *'Activation of the unemployed registered at the District Labour Office in Zabrze (I)'*. The project is co-financed by the ESF+ within the framework of the European Funds for Silesia 2021-2027 Programme, Measure FESL.05.01. The recruitment criteria excluded certain social groups, including men aged 30 to 49, from the pool of applicants who were potential beneficiaries of the funding support. Thus, they lead to differentiation based on gender and age.<sup>189</sup> In another case, the Ombudsman drew the Minister for Health's attention to the additional barriers that persons with disabilities face when accessing medical care services, specifically gynaecological and midwifery care. The Ministry of Health replied, *"As part of the new MFF of the European Union, within the European Funds for Social Development (FERS) programme, there are plans to implement a project to improve accessibility for people with special needs to specialist outpatient care facilities, including gynaecological surgeries. The Ministry of Health is in the process of preparing the project application. We plan to start implementing it at the end of 2023."*<sup>190</sup>

Additionally, the Office of the Ombudsman reviewed the state of compliance with the EU Charter of Fundamental Rights by Polish public authority institutions and compiled a set of promising practices of national institutions related to the protection of human rights in this area. The research provides a foundation for taking measures to improve compliance with the EU Charter of Fundamental Rights by Polish public authority institutions, particularly by bodies involved in the implementation of European funds.<sup>191</sup>

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<sup>188</sup> Agreement between the European Commission and Poland on funding through European Regional Development Fund (ERDF), the European Social Fund+ (ESF+), the Cohesion Fund, the Just Transition Fund (JTF) and the European Maritime, Fisheries and Aquaculture Fund (EMFAF). (2022). [UMOWA PARTNERSTWA DLA REALIZACJI POLITYKI SPÓJNOŚCI 2021-2027 W POLSCE + Partnership Agreement with Poland – 2021-2027 - European Commission](#) and [EU Cohesion Policy: Partnership Agreement Poland](#)

<sup>189</sup> [Program aktywizacji osób bezrobotnych w Zabrzu. RPO: naruszono zasady równego traktowania](#)

<sup>190</sup> [Problemy opieki ginekologicznej i położniczej dla kobiet z niepełnosprawnościami. Resort zdrowia odpowiada RPO](#)

<sup>191</sup> see <https://bip.brpo.gov.pl/pl/content/rpo-fra-sprawozdanie-bazowe>

The Office of the Commissioner for Human Rights is more relevant in the context of the implementation of EU funds by Polish authorities. As the FRA baseline report explains, “the Commissioner has the right to request relevant explanations and access to case files, to participate in such proceedings on the same footing as a public prosecutor, and to submit pleadings in such proceedings, defending fundamental rights and freedoms at all stages of the proceedings. The Commissioner also has the power on his own to request that administrative proceedings be instituted by competent administrative authorities in accordance with the law. At the end of administrative proceedings, the Commissioner may also independently file complaints with the administrative court and participate in administrative court proceedings at all stages, including the possibility to file cassation complaints to the Supreme Administrative Court and recourse to other extraordinary remedies. These powers allow the Commissioner to intervene effectively in individual cases where fundamental rights and freedoms allegedly have been violated as a result of the actions of bodies and organizational units responsible for the implementation of programmes financed by EU funds in Poland.”<sup>192</sup>

The Office of the Commissioner for Human Rights published a Handbook to ensure a common understanding of some provisions and raise awareness of the Charter.<sup>193</sup> The purpose of this Handbook is “to assist staff of national authorities involved in the implementation of EU-funded programmes and projects while applying the Charter and in assessing compliance with the Charter by others. The Guide is intended to facilitate the determination of whether the Charter is effectively applied and respected by national authorities in the course of implementing EU projects, or whether there has been a limitation of the fundamental rights contained therein in the cases under investigation”.<sup>194</sup>

The Office of the Commissioner for Human Rights reviews 20 to 30 cases related to EU funds each year. These cases primarily arise from individual complaints submitted by citizens, who are typically beneficiaries of EU programs funded or co-funded by the EU budget. In the context of Charter conditionality, the main challenges stem

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<sup>192</sup> Sznajder, M. Węgliński, Cezary. (2023). The role of national bodies with a human rights remit in ensuring fundamental rights compliance of EU funds: Baseline report prepared by the Office of the Commissioner for Human Rights (Ombudsman) (Poland). Office of the Commissioner for Human Rights, Warsaw. <https://bip.brpo.gov.pl/sites/default/files/2024-02/%28j%C4%99zyk%20angielski%29%20Baseline%20report%20-%20FRA.pdf>

<sup>193</sup> Łacny, J., Sznajder M., Węgliński, C. (2024). Application of the Charter off Fundamental Rights in the course of implementation of projects financed by EU funds. Office of the Commissioner for Human Rights. Warsaw: <https://bip.brpo.gov.pl/sites/default/files/2024-06/Handbook%20%20Application%20of%20the%20Charter%20of%20Fundamental%20Rights%20%28EN%29.pdf> )

<sup>194</sup> Ibid.

from the fact that problems are mostly detected only at the stage of project implementation, rather than during the design stage of these programmes. At this stage, it is usually already too late to take steps which would allow for full and effective application of the Charter, including not only the right to good administration (Article 41 of the Charter). However, in many of the discussed cases, the Commissioner for Human Rights decided to exercise their legal competences, participating in or initiating relevant administrative proceedings. They filed actions and appeals on behalf of the concerned individuals before administrative courts, including cassation proceedings before the Supreme Administrative Court.<sup>195</sup>

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<sup>195</sup> Sznajder, M. Węgliński, Cezary. (2023). The role of national bodies with a human rights remit in ensuring fundamental rights compliance of EU funds: Baseline report prepared by the Office of the Commissioner for Human Rights (Ombudsman) (Poland). Office of the Commissioner for Human Rights, Warsaw. <https://bip.brpo.gov.pl/sites/default/files/2024-02/%28j%C4%99zyk%20angielski%29%20Baseline%20report%20-%20FRA.pdf>

## 7 Examples of partnerships in Charter conditionality implementation in EU Member States

Several EU Member States have established partnerships and collaborative frameworks to implement Charter conditionality and ensure compliance with the Charter in EU-funded activities.

In **Latvia**, the Ombudsman's Office worked closely with national institutions and leveraged insights from Slovakia, Poland, Cyprus, and Croatia to produce detailed guidelines on embedding fundamental rights in the planning and execution of EU-funded activities<sup>196</sup>, aiming to promote best practices for ensuring that rights are respected across various phases of EU funding implementation. In **Poland**, the Office of the Commissioner for Human Rights conducted a comprehensive survey targeting authorities involved in implementing EU funds<sup>197</sup>. This anonymous survey was distributed with assistance from the Ministry of Development Funds and Regional Policy to evaluate compliance with the Charter and awareness of its provisions. Responses from various managing, intermediate, and controlling authorities revealed gaps in the practical application of the Charter, highlighting areas where further training and awareness-raising efforts were needed. Meanwhile, the Commissioner for Administration and the Protection of Human Rights in **Cyprus** developed a guide to help public authorities and other stakeholders ensure that activities financed by EU funds fully align with fundamental rights<sup>198</sup>. This guide was created with input from public authorities and other relevant entities involved in the management of EU funds, reflecting a collaborative effort to ensure that all parties involved are equipped with the necessary knowledge to apply fundamental rights standards in their work. The guide provided practical tools and recommendations on integrating fundamental

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<sup>196</sup> Latvian Ombudsman's Office. *A Guide to Applying the New Obligatory Charter Conditionality*. December 2023. Available at: [https://www.tiesibsargs.lv/wp-content/uploads/2023/12/a-guide-to-applying-the-new-obligatory-charter-conditionality\\_en.pdf](https://www.tiesibsargs.lv/wp-content/uploads/2023/12/a-guide-to-applying-the-new-obligatory-charter-conditionality_en.pdf).

<sup>197</sup> Office of the Commissioner for Human Rights, Poland. *Using EU Funds while Upholding and Advancing Fundamental Rights: A Guide to Applying the New Obligatory Charter Conditionality*. May 2024. Available at: <https://bip.brpo.gov.pl/sites/default/files/2024-05/Using%20EU%20funds%20%28EN%29.pdf>.

<sup>198</sup> Commissioner for Administration and the Protection of Human Rights, Cyprus. *Using EU Funds while Upholding and Advancing Fundamental Rights: A Guide to Applying the New Obligatory Charter Conditionality*. February 2024. Available at: <https://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2392E782FFAD1A42C2258B55003F016A/%24file/ENG%20-%20FINAL%20Cyprus%20EU%20Funds%20Guidance%20Report%2026%20Feb2024%20final.pdf>.

rights considerations into all stages of project design and implementation, reinforcing compliance with the Charter.

However, from the work of the ECoPP as well as from the previous Communities of Practice (CoP) on Employment, Partnership, Social Inclusion, etc., and, from other mutual learning activities at the EU-level such as the Peer Reviews, we know that the EU Member States face the following challenges when building partnerships (the list is not exhaustive):

- Resistance of managing authorities to expanding partnership amid potential conflicts of interest (when actors assume a beneficiary role in addition to being members of the MCs);
- Capacity building for partners not working with the EU funds on a regular basis;
- Coordination on calls for proposals when working transnationally and on a multi-funding basis;
- Lengthy consultation processes, which require resources and investments (e.g. partners need to be given enough time to review documents);
- Complex language that needs to be simplified (e.g. using comprehensible English without technical jargon or acronyms);
- Resistance from some partners to join due to limited capacity and the need to support decisions.

Nevertheless, the research conducted for the ECHO Funds project revealed certain partnership practices that supported the implementation of Charter conditionality in various EU Member States. In **Greece**, the national framework for organising partnerships for EU-funded programmes is set by Greek Law 4914/2022<sup>199</sup>. This law regulates the national implementation of EU funds, including AMIF, and defines how partnerships must be structured. It obliges relevant public authorities, civil society organisations, and other stakeholders to be involved in Monitoring Committees and in the planning stages of the programmes.<sup>200</sup> The Operational Programme for AMIF 2021-2027 outlines how the partnership principle is practically applied. This programme ensures that stakeholders—ranging from central government and local authorities to NGOs and social partners—are actively involved in consultations and decision-making processes at all stages of implementation. It highlights the pivotal

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<sup>199</sup> Greek Government. (2022). Law No. 4914/2022 on management, control, and implementation of developmental interventions for the 2021-2027 programming period, establishment of the "National Register of Startups S.A." and other provisions (FEK A 61/21.3.2022). Government Gazette. <https://www.kodiko.gr/nomothesia/document/780302/nomos-4914-2022>.

<sup>200</sup> ECHO Funds desktop research template for partners – Greece (2024).

role of civil society and other relevant bodies in shaping migration policy, ensuring compliance with human rights, and monitoring the effectiveness of AMIF-funded projects (Ministry of Migration and Asylum, 2021). NGOs are critical partners in the implementation of AMIF, particularly in key areas such as asylum seeker reception, integration services, and human rights protection. Local authorities and regional bodies are also key partners in the management and implementation of AMIF-funded projects. They are involved in Monitoring Committees, where they contribute to shaping policies and actions that reflect regional needs and priorities, particularly in areas like housing and local integration measures for migrants. The active participation of local authorities ensures that regional concerns are addressed within the overall framework of the programme. According to the Greek Managing Authority, the involvement of the NHRI, Ombudsman, and CSOs in the implementation of AMIF is satisfactory.<sup>201</sup> However, it is considered inefficient to involve them directly in the design and evaluation stages, as public authorities are responsible for conducting the needs assessment. Moreover, it is considered that the Public Authorities are better placed to express needs that will later create the core of future activities.<sup>202</sup>

In **Poland**, in early 2021, the NGO community strongly emphasised the importance of the Partnership Code through national federations and associations of NGOs. When the government announced consultations on the Partnership Agreement 2021-2027, NGOs criticised the lack of civil society involvement in the preparatory process. The NGO community, particularly the Polish Green Network Association and the Fridays for Future / Youth for Climate, mobilised successfully, and the National Federation of Polish NGOs (OFOP) prepared an appeal highlighting the shortcomings and violations of relevant EU regulations regarding the principle of partnership. NGOs prepared 16 key demands as a basis for further work on the Partnership Agreement and the national and regional programs, highlighting the role and importance of NGO participation in the 2021-2027 MFF.<sup>203</sup> OFOP and the Shipyard Foundation, in cooperation with the Ministry of Funds and Regional Policy, and under the patronage of the mentioned Subcommittee, jointly organised public hearings<sup>204</sup> for both the Partnership Agreement and each of the national programs. According to the Polish

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<sup>201</sup> Semi-structured interview with representative of the Greek AMIF Managing Authority.

<sup>202</sup> Semi-structured interview with representative of the Greek AMIF Managing Authority.

<sup>203</sup> Proposes of civil society organizations regarding the European Union perspective for 2021-2027 in Poland, prep. Iwona Janicka, OFOP (February 19, 2021) - <https://api.ngo.pl/media/get/150951>

<sup>204</sup> Link to the organization of hearings - <https://www.wysluchania-nowaperspektywa.pl/> information on the official government website - <https://www.gov.pl/web/fundusze-regiony/wysluchanie-dla-umowy-partnerstwa>



partners, this was an unprecedented initiative across the entire European Union, made possible by the organisational and financial support of the NGO community.<sup>205</sup>

Polish civil society organisations identified increasing their participation in the Monitoring Committees for European-funded programs as one of their main advocacy goals. This is especially relevant for monitoring horizontal principles, such as sustainable development, non-discrimination, and the EU Charter of Fundamental Rights. Beyond increasing the number of seats in the Monitoring Committees, it was also important for them to ensure that EU funds are available for the effective participation of civil society in these committees. This included carrying out tasks mandated by EU regulations through technical assistance measures, in line with the Code of Conduct of the Partnership. Furthermore, for dialogue and shaping public policies, a budget allocation was reserved in each program for NGOs, amounting to at least 0.25% of the total ESF+ allocation. Similar proposals were raised by social partners, such as employers' organisations and trade unions.

In **Austria**, the ÖROK subcommittee acts as a body for implementing the partnership principle in the preparation and implementation of the programs.<sup>206</sup> The PA informs when specific measures are taken to integrate partnership at the program level, such as the establishment of monitoring groups, stakeholder events and consultation processes. However, the extent and intensity of cooperation vary, depending on the persons involved. The engagement with civil society is mentioned specifically in relation to capacity building within the ESF+, whereas national bodies with a human rights remit, such as the Austrian Ombudsman, are not referred to in the PA. The PA, however, refers to the articles of the EU Charter of Fundamental Rights. The Ombudsman Board (*Volksanwaltschaft*), which is the national body with a human rights remit, is not a member of the ESF+ MC. The Ombud for Equal Treatment (*Gleichbehandlungsanwaltschaft*) is a member but currently lacks a designated person in charge. While there are several NGOs involved in the Monitoring Committees of ESF+ and ERDF (e.g. the Austrian Disability Council, the national anti-poverty network for ESF+), none of them are human rights NGOs with expertise in fundamental rights and non-discrimination in a broader sense. This means that the current members' ability to spot, for example, potentially problematic wording in calls for proposals that could result in discrimination might be limited. The MA proactively invites certain stakeholders (for example, new members joining the ESF+ Monitoring Committee) to bilateral meetings to provide them with an overview and explain how ESF+ works.<sup>207</sup> The minutes of ESF+ Monitoring Committee Meetings

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<sup>205</sup> ECHO Funds desktop research template for partners – Poland (2024).

<sup>206</sup> The implementation of the partnership principle in the ESF+ is also practiced at lower governance levels (e.g., provincial "Länder" levels).

<sup>207</sup> At the same time, regarding the terms and conditions for the settlement of funding and the simplified cost options the Austria Court of Auditors informed the MA that they should not discuss accounting

show that MC members address equality issues/questions.<sup>208</sup> As the ESF+ MA pointed out, collaboration with stakeholders such as the Austrian Disability and NGOs works well (e.g. they join meetings), but they often lobby on their behalf due to their mandate.<sup>209</sup> Unfortunately, the ESF+ MA has also experienced that target groups are sometimes played off against each other (e.g., women and persons with disabilities).

In **Flanders (Belgium)**, partnership is highly valued within the ESF+ and is implemented at the Monitoring Committee level, as well as the local levels. The ESF+ MA engages a broad range of stakeholders in the MC, including social partners, the Flemish Anti-Poverty Network and other NGOs.<sup>210</sup> The Institute of Equal Opportunities is not involved in the MC because it operates at the federal level, and it does not have a regional body. According to a representative of the ESF+ Managing Authority, the involvement of National Health Reporting Bodies (NHRBs) was not prioritised initially due to numerous tasks required at the beginning of the programming period. Nevertheless, the MA recognizes the importance and sees some potential added value, for instance, that the ESF+ MA receives feedback to ensure ESF+ calls are in line with the Charter of Fundamental Rights of the European Union. Staff members are quite experienced in the area of gender-based discrimination, but further training could be useful to enable them to detect potential discrimination on other grounds (e.g. age, disability, religion, sexual orientation, etc.) in project proposals. It is important to note that the ESF+ MA already liaises with the human rights contact point in the ESF+ Agency regarding the MC (e.g., in terms of the governance of ESF+). At present, the ESF+ MA is establishing partnerships with inclusive enterprises, which is a relatively new topic, also in other Member States. Complaints can go directly to the Ombudsman in the Flemish community regarding the governance of ESF+, while complaints about projects are directly sent to the ESF+ MA.

In **Ireland**, the Managing Authority finances all ESF+ upfront from the national fund and then requests reimbursement from the European Commission, a unique approach compared to other Member States. In practical terms, it means that there are no Calls for Proposals (CfP), except for 1-2 programmes during the 7-year period (e.g. one on adult literacy), which are then managed by intermediary bodies. Social partners, the Irish Human Rights and Equality Commission (IHREC), and one to two NGOs are involved in the Monitoring Committee, which has voting rights. However, they primarily exercise their role as commentators at the time of adopting the Operational Programme, as there are no specific CfPs. The Managing Authority organizes in-person Monitoring Committee meetings twice a year, and shares

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issues with ESF+ Monitoring Committee members. Source: Semi-structured interview with representative of the Austrian ESF+ Managing Authority.

<sup>208</sup> Semi-structured interview with representative of the Austrian ESF+ Managing Authority.

<sup>209</sup> Semi-structured interview with representative of the Austrian ESF+ Managing Authority.

<sup>210</sup> Semi-structured interview with representative of the Flemish (Belgium) ESF+ Managing Authority.

documents with participants one week in advance. Furthermore, informal information sessions are organized, involving a broader stakeholder group to discuss policy changes, planned amendments and other funding opportunities. IHREC is mentioned in the Partnership Agreement and in the implementation plans of the programme. Since IHREC had already played a role in monitoring gender equality during the 2014-2020 period, it was decided that they would review the programmes to assess compliance with the HEC in the 2021-2027 period. Initially, IHREC intended to conduct an annual review by collecting data from beneficiaries on how they comply with the HEC; however, in reality, it is a huge amount of work, and IHREC lacks the necessary resources to conduct this detailed assessment on a regular basis.<sup>211</sup> IHREC would require more guidance from the EU level on expectations regarding its role, while staff changes and a lack of technical knowledge about how ESF+ operates could impede their involvement. At the time of collecting information for this report, it was unclear to the ESF+ Managing Authority how the technical assistance budget would be spent and whether IHREC would benefit from it to enable it to carry out the review of compliance with the HEC. From the Managing Authority's perspective, it was a slow process to get IHREC on board, but its role in providing training on equality and fundamental rights proved to be useful.

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<sup>211</sup> Semi-structured interview with representative of the Irish ESF+ Managing Authority.

## 8 Summary analysis and recommendations

The Common Provisions Regulation (CPR) for the EU budget 2021–2027 has introduced new ‘enabling conditions’ (horizontal and thematic) for the programming and implementation of EU funds. Effective application and implementation of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities are referred to in Annex III of the CPR and form part of the horizontal enabling conditions. In the previous funding period 2014-2020, seven general and 29 thematic ex-ante conditionalities were assessed only in the beginning of the programming period, when partnership agreements were adopted, but the horizontal and thematic enabling conditions of the current CPR must be fulfilled throughout the preparation, implementation, monitoring, reporting and evaluation of the funding cycle. In general, this provides a strengthened framework to ensure compliance with fundamental rights in the implementation of funded projects. This responds to a series of fundamental rights issues that have been identified in recent years by NGOs, legal scholars and the European Ombudsman in relation to the use of EU funds, such as investment that segregates persons with disabilities, Roma people or children, instead of fostering their social inclusion. Enabling conditions apply to all funds, covered under the CPR, namely the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund, the Just Transition Fund (JTF) the European Maritime, Fisheries and Aquaculture Fund (EMFAF), the Asylum, Migration and Integration Fund (AMIF), the Internal Security Fund, and the Instrument for Financial Support for Border Management and Visa Policy. After the adoption of the Partnership Agreement and the Operational Programmes, the European Commission’s main role is to monitor implementation and reimburse expenditure. In line with shared management, it is the responsibility of Member States to implement the programmes according to their institutional, legal and financial frameworks, including financial management and control of ESI funds spending (e.g. through Monitoring Committees). The funding cycle is based on a multilevel governance approach and builds on the principle of partnership by involving stakeholders from different levels of government as well as actors from the civil sphere. Bodies responsible for promoting inclusion, fundamental rights, the rights of persons with disabilities, gender equality and non-discrimination must be involved at all stages of the funding cycle as per Article 8(2) of the CPR.

This report discusses the implementation of Charter conditionality and the potential role of NHRIs in monitoring efforts to enhance the compliance of EU-funded projects with fundamental rights. We are zooming in on the governance structures of selected CPR funds, partnerships and the implementation of Charter conditionality in three EU

Member States (Austria, Greece and Poland) while using further examples from other EU countries (e.g. Belgium/Flanders, Ireland), including the managing authorities' perspective. The implementation of the horizontal enabling conditionality in the Charter poses new challenges for Member States throughout the programming, to ensure that it contributes to better project outcomes, without posing significant additional administrative burdens on different stakeholders. The assessment of compliance with the Charter should not become a box-ticking exercise, but rather a meaningful and constant reflection on the implications of specific EU-funded programmes on the fundamental rights of all beneficiaries. The goal is that all rights outlined in the Charter are considered in relevant EU-funded programmes. However, not all individual Charter rights appear to be considered in the calls for proposals by the participating countries of the ECHO Funds project.

Moreover, there remains a lack of clarity on how different Charter rights would apply at different stages of the EU funding cycle. For example, Article 31 of the Charter concerns the right to working conditions that respect one's health, safety and dignity. Construction projects financed under ERDF typically involve a chain of subcontractors. Thus, assessing this right could become a very complex process. Further clarification would be needed on the potential implications for beneficiaries if they have been violating specific Charter rights in the past. For instance, if one of the subcontractors has a track record of not respecting the working conditions of its employees or discriminating against specific groups of employees, would the Monitoring Committees be aware of that at the time of assessing project proposals? More generally, whose responsibility would it be to ensure that beneficiaries comply with specific provisions of the Charter and what would be a realistic and proportionate way to respond to identified challenges and concerns from the past while ensuring a smooth absorption of EU funds in the Member States? Hopefully, the upcoming Manual commissioned by the European Commission will provide more clarity on these issues.

Since 2021, significant efforts have been made in several Member States to implement Charter conditionality by providing training and guidance documents to staff members of the managing authorities and potential beneficiaries to better understand the implications of the Charter during the planning and implementation of EU-funded programmes. For instance, in **Greece**, a specific table-list is provided at the end of each call for applications, where applicants must describe how they plan to apply the Charter to their activities. The questionnaire used in the ERDF/JTF programmes in **Austria** is another good example serving as one of ten formal, knock-out criteria for project selection, ensuring compliance with the legal and formal requirements. To be considered as eligible for co-financing under the IBW/EFRE & JTF programme, each project must meet all applicable formal criteria. However, the cross-cutting issues considered in this questionnaire present a much narrower scope than the Charter rights. The Office of the Commissioner for Human Rights in **Poland**

has issued a Handbook to ensure a common understanding of certain provisions and to raise awareness of the Charter among staff of national authorities involved in the implementation of EU-funded programmes. Regarding the next MFF post-2027, managing authorities emphasised that the principle of HEC could be maintained, but the way they are monitored should be revised, perhaps, and the assessment process should not lead to unnecessary administrative burdens for Member States and delays in programming.

In terms of being involved in partnerships for the implementation of EU funds, typical human rights NGOs often have limited capacities and a lack of understanding of the complex process of programming those EU funds (e.g. technical terminology). Many potentially relevant human rights NGOs have been engaged in a broad range of fundamental rights and rule of law issues, including freedom of speech, the right to association, the right to information, women's rights, children's rights, non-discrimination of LGBTQIA+ people, rights of third-country nationals, or equal access for persons with disabilities, but they do not necessarily have any experience in the implementation of projects financed by European Structural and Investment Funds. NGOs with a strong fundamental rights profile would need to expand their knowledge and expertise in EU funds to be able to provide meaningful input at different stages of programming and project implementation to safeguard fundamental rights compliance. This, together with the occasional reluctance on the part of managing authorities to further expand the membership of Monitoring Committees, may result in human rights NGOs' absence from monitoring EU-funded investments. As the Austrian ESF+ MA has highlighted, there is a need to make roles and mandates clear for each stakeholder involved in the Monitoring Committees.<sup>212</sup> This also concerns public administration, in addition to NGOs, to prevent possible abuse of their role as committee members.

Furthermore, involvement in the Monitoring Committee and its working groups is a voluntary function that entails various tasks (attending meetings, analysing complex documents related to specific areas, such as project selection criteria, sharing materials, formulating opinions, recommendations, etc.). Monitoring Committee members (and their deputies) may receive support from the program's budget under the so-called technical assistance. However, this support is often limited. In **Poland**, for example, participants are reimbursed for travel costs to committee meetings; however, there are differences in the regulations governing the specific Monitoring Committee.<sup>213</sup>

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<sup>212</sup> Semi-structured interview with representative of the Austrian ESF+ Managing Authority.

<sup>213</sup> For two programs, the FE for Social Development and FE for Modern Economy, lump-sum funds have been reserved within the program's technical assistance for each social partner and civil society organization to conduct public consultations, strengthen competencies, and provide advisory support.

The desktop research on ECHO Funds projects found examples of closer involvement of NHRIs and Ombudsmen in monitoring EU-funded projects during the 2021-2027 period, compared to the 2014-2020 period, thanks to the strengthened framework and a more specific role for these human rights bodies. For example, both the **Greek** Ombudsman and the GNCHR play significant roles in monitoring fundamental rights compliance in the context of EU-funded programs, as members of the Monitoring Committee for the Asylum, Migration, and Integration Fund. The GNCHR also provides training to staff members of the Managing Authority, as part of the Memorandum of Understanding signed between them and the Ministry of Development and Investment. There was also an example when the Ombudsman for Equal Treatment in **Austria** would have a seat in the ESF+ Monitoring Committee, but no nomination has been made to fill it from their side. This indicates a level of reluctance among some NHRBs to engage more closely in monitoring EU-funded investments, partly due to their lack of competence or resources (capacity). In some countries, independent fundamental rights bodies participate in Monitoring Committees strictly as observers with a consultative role, thereby avoiding any interference with their independent mandate.

In general, not many complaints are reported by Ombudsman institutions in our participating countries linked directly to Charter conditionality and fundamental rights violations in the context of EU-funded programmes. It is more common for NGOs to submit complaints directly to the European Commission or the European Ombudsman. In **Poland**, the Office of the Commissioner for Human Rights handles 20-30 cases concerning EU funds each year, which are primarily initiated based on individual complaints submitted by citizens, usually beneficiaries of EU programmes financed or co-financed from the ESIF. When it comes to complaints, in the context of Charter conditionality, problems are mostly detected only at a stage when it's too late to ensure the full implementation of the Charter, during the project implementation phase.

It is worth mentioning that beyond NHRBs, there are other actors within the Ministries and the Managing Authority with a designated role and knowledge of fundamental rights, which can promote compliance with those rights and awareness throughout the funding cycle. For example, in **Greece**, the Fundamental Rights Protection Officer plays a crucial role in ensuring that human rights are respected in the context of migration-related and other EU-funded projects. In **Austria**, since 1998, human rights coordinators<sup>214</sup> have been designated in all federal ministries and

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<sup>214</sup> Their tasks include information, documentation and coordination of human rights issues; involvement in the handling of national and international human rights issues; long-term departmental/office-relevant human rights developments; awareness-raising; development of thematic priorities; cooperation with other federal ministries/offices of the federal state government, networking activities; contact point for NGOs and CSOs; participation in the preparation of state reports relevant to human rights.

in every federal state to serve as points of contact on matters of human rights protection.<sup>215</sup> Within the ESF+ **Flanders**, there is a person in charge of human rights, who keeps the topic on the “radar” of the ESF+ MA when designing and implementing ESF+. While these human rights focal points within the administration do not hold an independent status like NHRIs, they could provide an important contribution to the promotion and realisation of Charter conditionality in the Member States. For example, in Austria, the Human Rights Coordinator of the Federal Ministry for Agriculture, Forestry, Regions and Water Management is a member of the MC of the EFRE & JTF program. Mutual exchange between these focal points and the NHRBs could bring clarity to the division of roles, leading to the better integration of fundamental rights throughout the EU funding cycle. Several interviewed stakeholders in the ECHO Funds project emphasised the importance of sharing experiences among EU Member States to identify promising practices and help managing authorities benchmark their strategies against proven successful models, ensuring alignment with EU standards.

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<sup>215</sup> See: [parlament.gv.at/dokument/XXI/AB/4366/fnameorig\\_599861.html](https://parlament.gv.at/dokument/XXI/AB/4366/fnameorig_599861.html). List of Coordinators: [liste\\_der\\_menschenrechtskoordinatorinnen.pdf](#)



## 9 Bibliography

- Bachtler, J. and Ferry, M. (2015) 'Conditionalities and the Performance of European Structural Funds: A Principal-Agent Analysis of Control Mechanisms in European Union Cohesion Policy', *Regional Studies*, 49:8, 1258-1273.
- Charter of Fundamental Rights of the European Union (2012). *Charter of Fundamental Rights of the European Union (2012/C 326/02)*. Official Journal of the European Union, C 326, 391-407. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT>
- Council of Europe Committee of Ministers. (2021). Recommendation CM/Rec (2021)1 of the Committee of Ministers to Member States on the development and strengthening of effective, pluralist and independent national human rights institutions, 31 March 2021, Appendix Section II, paras. 6, 10. <https://rm.coe.int/0900001680a1f4da>
- Council of the European Union. (2009). Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities. Official Journal of the European Union, L 303/16. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010D0048>
- Council of the European Union. (2023). Council Recommendation on the 2023 National Reform Programme of Austria. Brussels. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2023:0620:FIN>
- Court of Justice of the European Union (CJEU). (2013). C-335/11 and C-337/11, HK Danmark v. Dansk almennyttigt Boligselskab and HK Danmark v. Dansk Arbejdsgiverforening. Judgment of 11 April 2013, para. 30. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62011CJ0335>
- Court of Justice of the European Union (CJEU). (2014). C-363/12, Z. v. A Government department, the Board of Management of a Community School. Judgment of 18 March 2014, para. 73.
- Directorate-General Coordination Management AMIF/ISF/Other Funds. (2021). DG Coordination Management AMIF/ISF/Other Funds. <https://migration.gov.gr/dg-coordination-management-amif-isf-otherfunds/>
- EAPN (2016), Barometer Report, EAPN's Monitoring the implementation of the 20% of the European Social Funds for the fight against poverty.
- European Commission for Democracy through Law (Venice Commission). (2019). Principles on the protection and promotion of the ombudsman institution (the Venice Principles), Opinion No 897/2017, point 9. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)005-e)
- European Commission (2014) Internal Guidance on Ex Ante Conditionalities for the European Structural and Investment Funds - Part II.
- European Commission (2016a). Implementation of the partnership principle and multilevel governance in 2014-2020 ESI Funds.

- European Commission. (2016b). 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”) (2016/C 269/01). Official Journal of the European Union. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0723\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0723(01))
- European Commission (2017), The Value Added of Ex ante Conditionalities in the European Structural and Investment Funds, Commission Staff Working Document, SWD(2017) 127 final.
- European Commission. (2018a). Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies. *Official Journal of the European Union*, L 167, 4.7.2018, p. 28. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018H0951>
- European Commission (2018b). Review of the European Code of Conduct on Partnership (ECCP), Thematic Network on Partnership, Technical dossier no.7, Directorate General for Employment, Social Affairs and Inclusion, European Union.
- European Commission. (2020). Strategy to strengthen the application of the Charter of Fundamental Rights in the EU. Publications Office of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0711>
- European Commission. (2021). EU financial support for migration management in Greece. [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-greece/financial-support-eu\\_en#ref-2021--2027-funding-period](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-greece/financial-support-eu_en#ref-2021--2027-funding-period)
- European Commission. (2022). Agreement between the European Commission and Poland on funding through European Regional Development Fund (ERDF), the European Social Fund+ (ESF+), the Cohesion Fund, the Just Transition Fund (JTF) and the European Maritime, Fisheries and Aquaculture Fund (EMFAF): UMOWA PARTNERSTWA DLA REALIZACJI POLITYKI SPÓJNOŚCI 2021-2027 W POLSCE + Partnership Agreement with Poland – 2021-2027. European Commission and EU Cohesion Policy: Partnership Agreement Poland. [https://commission.europa.eu/publications/partnership-agreement-poland-2021-2027\\_en?prefLang=de](https://commission.europa.eu/publications/partnership-agreement-poland-2021-2027_en?prefLang=de)
- European Commission. (2023). 2023 Annual Report on the Application of the EU Charter of Fundamental Rights. [https://commission.europa.eu/document/download/435ae4e8-f5f4-432b-a391-b05468474a1e\\_en?filename=COM\\_2023\\_786\\_1\\_EN\\_ACT\\_part1\\_v3.pdf](https://commission.europa.eu/document/download/435ae4e8-f5f4-432b-a391-b05468474a1e_en?filename=COM_2023_786_1_EN_ACT_part1_v3.pdf)
- European Commission. (2024). Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Funding to promote, protect and enforce fundamental rights: 2024 Annual report on the application of the EU Charter of Fundamental Rights. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52024DC0456>
- European Council on Refugees and Exiles (ECRE) & Platform for International Cooperation on Undocumented Migrants (PICUM). (2023). Fundamental

- rights compliance of funding supporting migrants, asylum applicants, and refugees inside the European Union. <https://ecre.org/wp-content/uploads/2023/03/PIC-ECR-Rights-and-EU-funds-March-2023.pdf>
- European Court of Auditors. (2024). An overview of the assurance framework and the key factors contributing to errors in 2014-2020 cohesion spending. [https://www.eca.europa.eu/ECAPublications/RV-2024-03/RV-2024-03\\_EN.pdf](https://www.eca.europa.eu/ECAPublications/RV-2024-03/RV-2024-03_EN.pdf)
- European Disability Forum. (2021). Common Provisions Regulations 2021-2027: Analysis of the final agreement. <https://www.edf-feph.org/publications/common-provisions-regulation-2021-2027-analysis-of-the-final-agreement/>
- European Expert Group on the Transition from Institutional to Community-Based Care with Hope and Homes for Children. (2021). EU Funds Checklist to Promote Independent Living and Deinstitutionalisation. <https://eurochild.org/uploads/2021/07/EU-Funds-Checklist-to-promote-independent-living-and-deinstitutionalisation.pdf>
- European Network of National Human Rights Institutions (ENNHRI). (2022). Monitoring Fundamental Rights Compliance of EU Funds – Potential Role, Opportunities, and Limits for NHRIs. <https://ennhri.org/wp-content/uploads/2022/05/ENNHRI-Statement-on-NHRIs-Monitoring-Fundamental-Rights-Compliance-Of-EU-Funds.pdf>
- European Ombudsman. (2020). Decision in case 1233/2019/MMO on how the European Commission ensures that Member State governments spend European Structural and Investment Funds in line with the obligations stemming from the United Nations Convention on the Rights of Persons with Disabilities. <https://www.ombudsman.europa.eu/en/decision/en/130886>
- European Ombudsman. (2021). Report on the inspection of documents and meeting on how the European Commission ensures that the Croatian authorities respect fundamental rights in the context of border management operations financed by EU funds. <https://www.ombudsman.europa.eu/cs/doc/correspondence/en/144404>
- European Parliament. (2015). Research for REGI Committee – Review of the adopted Partnership Agreements. [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/563393/IPOL\\_STU\(2015\)563393\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/563393/IPOL_STU(2015)563393_EN.pdf)
- European Union Agency for Fundamental Rights (FRA). (2020). Strong and effective national human rights institutions – Challenges, promising practices, and opportunities. <https://fra.europa.eu/en/publication/2020/strong-effective-nhris>
- European Union Agency for Fundamental Rights (FRA). (2024). NHRI accreditation status and mandates – Update 2024. <https://fra.europa.eu/en/publication/2024/nhri-accreditation-status-and-mandates-update-2024>
- European Union Agency for Fundamental Rights. (2021). *Country research on EU funds and national human rights institutions: EU Fundamental Rights in*

- practice and Charter conditionality: Greece*. European Union Agency for Fundamental Rights.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/country-research-eu-funds-nhris-greece\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/country-research-eu-funds-nhris-greece_en.pdf)
- European Union Agency for Fundamental Rights. (2023). EU funds: Ensuring compliance with fundamental rights. Publications Office of the European Union. <https://fra.europa.eu/en/publication/2023/eu-funds>
- ETUC (2015), European Structural and Investment Funds 2014-2020, Trade Union Guide.
- Federal Law on Equal Treatment. (2000). *RIS - Rechtsinformationssystem des Bundes* <https://www.ris.bka.gv.at/GeltendeFassung.wxe?query=federal-standards&law-number=20003395>
- Ferri, D. (2013). The UN Convention on the Rights of Persons with Disabilities as an “integral part” of EU law. In D. Estrada (Ed.), *Human Rights of Persons with Disabilities in International and EU Law* (EUI Working Papers, AEL 2013/10, p. 5).  
[https://cadmus.eui.eu/bitstream/handle/1814/41985/WP\\_2016\\_01.pdf?sequence=1](https://cadmus.eui.eu/bitstream/handle/1814/41985/WP_2016_01.pdf?sequence=1)
- Franet Country Report – France. (2023). p. 10. Franet Country Report – Estonia. (2023). p. 12. Franet Country Report – Germany. (2023). p. 25. Franet Country Report – Finland. (2023). pp. 15–16.  
<https://fra.europa.eu/en/country-data/2023/fundamental-rights-report-2023-country-research>
- Geschäftsordnung für den Begleitausschuss zur Durchführung des Programms „ESF+ Programm Beschäftigung Österreich & JTF 2021-2027.“  
<https://www.esf.at/wp-content/uploads/2023/01/Geschaeftsordnung-Begleitausschuss-FINAL-1.pdf>
- Global Alliance of National Human Rights Institutions (GANHRI). (2022). Report and recommendations of the virtual session of the Sub-Committee on Accreditation (SCA), p. 10. [https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022\\_E.pdf](https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022_E.pdf)
- Government of Ireland. (2021). Equality and Human Rights in EU Funds, 2021–27: Guidance Tool. Dublin.  
<https://www.pobal.ie/app/uploads/2023/06/Equality-and-Human-Rights-in-EU-Funds-Guidance-Tool-2021-2027.pdf>
- Greece. *Law 4960/2022, Art. 50, Establishment of a Special Committee for Compliance with Fundamental Rights at the Ministry of Migration and Asylum (Σύσταση Ειδικής Επιτροπής για τη Συμμόρφωση με τα Θεμελιώδη Δικαιώματα στο Υπουργείο Μετανάστευσης και Ασύλου)*, 4960 ΦΕΚ Α 145/22.7.2022.
- Greek Government. (2022). Law No. 4914/2022 on management, control, and implementation of developmental interventions for the 2021-2027 programming period, establishment of the "National Register of Startups S.A." and other provisions. FEK A 61/21.3.2022. Government Gazette.  
<https://www.kodiko.gr/nomothesia/document/780302/nomos-4914-2022>

- Greek National Commission for Human Rights (GNCHR) (2023). Annual report 2023. [https://www.nchr.gr/images/pdf/aithsies\\_ektheseis/2023/ENGLISH\\_REPORT\\_2023.pdf](https://www.nchr.gr/images/pdf/aithsies_ektheseis/2023/ENGLISH_REPORT_2023.pdf)
- Information on the Partnership Development Sub-Committee. (n.d.). Information on the Partnership Development Sub-Committee. Polish Ministry of Funds and Regional Policy. <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/zasady-dzialania-funduszy/podkomitet-ds-rozwoju-partnerstwa/>
- Janicka, I. (2021). Proposals of civil society organizations regarding the European Union perspective for 2021-2027 in Poland (prep.). OFOP. <https://api.ngo.pl/media/get/150951>
- Łacny, J., Sznajder, M., & Węgliński, C. (2024). Application of the Charter of Fundamental Rights in the course of implementation of projects financed by EU funds. Office of the Commissioner for Human Rights. Warsaw. <https://bip.brpo.gov.pl/sites/default/files/2024-05/Handbook%20-%20Application%20of%20the%20Charter%20of%20Fundamental%20Rights%20%28EN%29.pdf>
- Lawnet. (2024). Legal news on participation in committees. Retrieved from <https://lawnet.gr/law-news/epifylaxeis-tou-synigorou-tou-politi-gia-ti-symmetochi-tou-se-epitropes-tou-ypourgeiou-metanastefsis-kai-asylou/>
- Ministry of European Projects and Investments. (2022). Guide to the Application of the Charter of Fundamental Rights of the European Union in the Implementation of the European Non-reimbursable Funds. Romania. [guide-to-the-application-of-the-charter-of-fundamental-rights-of-the-european-union.pdf](https://www.mepi.gov.ro/ro/ro/guide-to-the-application-of-the-charter-of-fundamental-rights-of-the-european-union.pdf)
- Ministry of Migration and Asylum. (2021). Funding programs AMIF 2021-27. <https://migration.gov.gr/ris2/chrimatodotika-programmata-amif-2021-27/>
- Ministry of Migration and Asylum. (2021). Monitoring Committee for the Asylum, Migration, and Internal Security Funds (TAMEY) for the 2021-2027 programming period. <https://tamey.gov.gr/mc2021-2027/>
- Ministry of Migration and Asylum. (2024). AEAD Complaints Information. <https://aead.gr/complaints/>
- Ministry of Migration and Asylum. (2024). FRO Complaints Form. <https://migration.gov.gr/fro-complaints-form/>
- Ministry of Migration and Asylum. (2024). Joint Ministry Decision 199769\_21-8-2024 Document. Government Gazette B' 4817. [https://tamey.gov.gr/wp-content/uploads/2024/08/%CE%9A%CE%A5%CE%91-199769\\_21-8-2024-%CE%92-4817.pdf](https://tamey.gov.gr/wp-content/uploads/2024/08/%CE%9A%CE%A5%CE%91-199769_21-8-2024-%CE%92-4817.pdf)
- Monitoring Committee ERDF Austria. (2022). Rules of procedure Monitoring Committee ERDF "Investment in Employment and Growth Austria 2021-2027". [https://www.efre.gov.at/fileadmin/user\\_upload/2021-2027/downloadcenter/Begleitausschuss/B4\\_GO-BA\\_IWB\\_EFRE\\_JTF\\_21-27\\_FINAL.pdf](https://www.efre.gov.at/fileadmin/user_upload/2021-2027/downloadcenter/Begleitausschuss/B4_GO-BA_IWB_EFRE_JTF_21-27_FINAL.pdf)
- Monitoring Committee ESF+ Austria. (2022). Rules of procedure for the Monitoring Committee for the implementation of the program "ESF+ Program Employment Austria & JTF 2021-2027". [https://www.esf.at/wp-](https://www.esf.at/wp-content/uploads/2022/07/ESF%20-%20Investment%20in%20Employment%20and%20Growth%20Austria%202021-2027%20-%20Rules%20of%20procedure%20for%20the%20Monitoring%20Committee%20for%20the%20implementation%20of%20the%20program%20-%20ESF%20%20Program%20Employment%20Austria%20%26amp%20JTF%202021-2027.pdf)

<content/uploads/2023/01/Geschaeftsordnung-Begleitausschuss-FINAL-1.pdf>

Monitoring Committee of the Operational Programme Intelligent Development, (n.d.). *Information on the Monitoring Committee of the Operational Programme Intelligent Development, including its composition*. Operational Programme Intelligent Development. <https://www.poir.gov.pl/strony/o-programie/dowiedz-sie-o-instytucjach-w-programie/komitet-monitorujacy/>

National Commission for Human Rights (NCHR). (2023). *Decision on the legal status of refugees and migrants in Greece: Protection, rights, and obligations*. (Decision No. 423). [https://www.nchr.gr/images/pdf/apofaseis/prosfuges\\_metanastes/2023/423.pdf](https://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/2023/423.pdf)

Official Government Gazette A 61/21.3.2022. (2022). Document. [https://www.espa.gr/elibrary/N4914\\_2022-FEK61A\\_21032022.pdf](https://www.espa.gr/elibrary/N4914_2022-FEK61A_21032022.pdf)

Opening Doors for Europe's Children (2015), Are European Structural and Investment Funds opening doors for Europe's institutionalised children in the 2014-2020 programming period? An assessment of the attention for deinstitutionalisation for children and the involvement of children's organisations in the ESIF implementation process across eight EU Member States

IGJ/ERDF Managing Authority. (2021). Investments in employment and growth Austria 2021-2027 (ERDF & JTF): Methodology and criteria for project selection. [https://www.efre.gv.at/fileadmin/user\\_upload/2021-2027/downloadcenter/Projektselektion/Projektselektion\\_IBW\\_EFRE\\_JTF\\_AT\\_2021-27\\_Hauptdokument\\_V2.pdf](https://www.efre.gv.at/fileadmin/user_upload/2021-2027/downloadcenter/Projektselektion/Projektselektion_IBW_EFRE_JTF_AT_2021-27_Hauptdokument_V2.pdf)

Österreichische Raumordnungskonferenz (ÖROK). (2021). *Partnership Agreement Austria 2021-2027 (PARTNERSCHAFTSVEREINBARUNG ÖSTERREICH 2021-2027)*. [https://www.efre.gv.at/fileadmin/user\\_upload/2021-2027/downloadcenter/Programm/2022-10-05\\_IBW\\_EFRE\\_JTF21-27\\_FINAL\\_BARRIEREFREI.pdf](https://www.efre.gv.at/fileadmin/user_upload/2021-2027/downloadcenter/Programm/2022-10-05_IBW_EFRE_JTF21-27_FINAL_BARRIEREFREI.pdf)

PICUM & ECRE (2020), 'Partnership in practice: the role of civil society in EU funded actions for the inclusion of migrants and refugees', Policy Note.

Public Benefit Activities Council. (2022, October 14). Appendix No. 1 to Resolution No. 83 of the Public Benefit Activities Council on the ordinance amending Resolution No. 82 of the Public Benefit Activities Council on the procedure for selecting civil society organizations to the composition of the committees monitoring cohesion policy programs for 2021-2027. Retrieved from <https://www.gov.pl/attachment/ab2c9ec2-d66c-43ea-bf35-97fac2940520>

Quinn, G., & Doyle, S. (2012). Taking the UN Convention on the Rights of Persons with Disabilities seriously: The past and future of the EU Structural Funds as a tool to achieve community living. *Equal Rights Review*, 9. [https://www.equalrightstrust.org/ertdocumentbank/err9\\_quinn\\_doyle.pdf](https://www.equalrightstrust.org/ertdocumentbank/err9_quinn_doyle.pdf)

Quinn, G., de Búrca, G., Waddington, L., Bell, M., Lawson, A., Stein, M., Mattsson, T., & Clements, L. (2018). Segregation and segregated facilities as a prima facie form of discrimination: The impermissibility of using the ESIF to invest

monies in long-term care residential institutions for persons with disabilities. Legal Memorandum. <https://enil.eu/segregation-and-segregated-facilities-as-a-prima-facie-form-of-discrimination/>

- Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021. (2021). Establishing the European Social Fund Plus (ESF+), and repealing Regulation (EU) No 1296/2013. Official Journal of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1057>
- Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021. (2021). On the European Regional Development Fund and on the Cohesion Fund. Official Journal of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1058>
- Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021. (2021). Laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy. Official Journal of the European Union. <http://data.europa.eu/eli/reg/2021/1060/oj>
- Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021. (2021). Establishing the Asylum, Migration and Integration Fund (AMIF Regulation). Official Journal of the European Union, L 251, 15.7.2021, 1–38. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1147>
- Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021. (2021). Establishing Internal Security Fund (ISF Regulation). Official Journal of the European Union, L 251, 15.7.2021, 94–130. <https://eur-lex.europa.eu/eli/reg/2021/1149/oj/eng>
- Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021. (2021). Establishing the Recovery and Resilience Facility. Official Journal of the European Union, L 57, 18.2.2021, 17. <https://eur-lex.europa.eu/eli/reg/2021/241/oj/eng>
- Republic of Austria Federal Ministry of Labour and Economy. (2021). Procedures and criteria for the selection of projects under the program "ESF+ Program Employment Austria & JTF 2021-2027". Retrieved from [https://www.esf.at/wp-content/uploads/2022/12/20221220\\_Auswahlkriterien\\_ESFplus\\_JTF.pdf](https://www.esf.at/wp-content/uploads/2022/12/20221220_Auswahlkriterien_ESFplus_JTF.pdf)
- Republic of Austria Federal Ministry of Labour and Economy. (2021). ESF+ Programme Employment Austria & JTF 2021-2027. <https://www.esf.at/wp-content/uploads/2022/09/sfc2021-PRG-2021AT05FFPR001-1.0-1.pdf>
- Republic of Austria Federal Ministry of Labour and Economy. (2022). Guide Cross-cutting Objectives of Equality, Non-Discrimination and Environmental Sustainability in the ESF+ (2021-2027). [https://www.esf.at/wp-content/uploads/2022/05/Wegweiser\\_Entwurf\\_neu.pdf](https://www.esf.at/wp-content/uploads/2022/05/Wegweiser_Entwurf_neu.pdf)

- Republic of Austria ERDF Selection Criteria. (2023). *Investments in employment and growth Austria 2021-2027 (ERDF & JTF): Methodology and criteria for project selection (Version 2, 23.05.2023)*.  
Projektselektion IBW EFRE JTF AT 2021-27 Hauptdokument V2.3 Clean.pdf
- Republic of Greece. (2022). Law No. 4914/2022 on the establishment of the National Registry of Start-up Enterprises and other provisions.  
<https://www.kodiko.gr/nomothesia/document/780302/nomos-4914-2022>
- Republic of Poland. (2022). *Act on the principles of implementation of tasks financed from European funds in the financial perspective 2021-2027 of 28 April 2022*;  
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220001079>
- Rijpma, J., & Fotiadis, A. (2022). Addressing the violation of fundamental rights at the external borders of the European Union: Infringement proceedings and conditionality in EU funding instruments; Study conducted for the Greens/EFA, European Parliament, Brussels. <https://extranet.greens-efa.eu/public/media/file/1/7761>
- Sacco, M. (2020). The European Union and the CRPD: EU opportunities to influence the domestic implementation of independent living rights (PhD thesis). University of Leeds. <https://etheses.whiterose.ac.uk/id/eprint/27549/>
- Solomon. (2022). Legislative game of the Minister of Transport.  
<https://wearesolomon.com/el/mag/format-el/reportaz/nomothetiko-paixnidi-ypoyrgeioy-metanasteysis-me-eurwpaika-tameia/>
- Special Coordination and Management Service Migration and Home Affairs Programmes. In Greek: *Ειδική Υπηρεσία Συντονισμού και Διαχείρισης Προγραμμάτων Μετανάστευσης και Εσωτερικών Υποθέσεων*. Retrieved from <https://tamey.gov.gr/ma/>
- Sznajder, M., & Węgliński, C. (2023). The role of national bodies with a human rights remit in ensuring fundamental rights compliance of EU funds: Baseline report prepared by the Office of the Commissioner for Human Rights (Ombudsman) (Poland). Office of the Commissioner for Human Rights, Warsaw. Retrieved from <https://bip.brpo.gov.pl/sites/default/files/2024-02/%28j%C4%99zyk%20angielski%29%20Baseline%20report%20-%20FRA.pdf>
- Sznajder, M., Węgliński, C., & Wróblewski, M. (2024). *Using EU funds while upholding and advancing fundamental rights: A guide to applying the new obligatory Charter conditionality*. Office of the Commissioner for Human Rights. Warsaw. <https://bip.brpo.gov.pl/sites/default/files/2024-05/Using%20EU%20funds%20%28EN%29.pdf>
- The Working Group on Horizontal Principles was set up at the request of the social partners who are members of the Committee. (Uchwała nr 14).  
[https://www.nowoczesnagospodarka.gov.pl/media/114405/Uchwala\\_nr\\_14\\_Grupa\\_robocza\\_horyzonalna\\_PODPISANA.pdf](https://www.nowoczesnagospodarka.gov.pl/media/114405/Uchwala_nr_14_Grupa_robocza_horyzonalna_PODPISANA.pdf)
- Van den Brande, L. (2014) Multilevel Governance and Partnership, The Van den Brande Report, Prepared for Commissioner for Regional and Urban Policy Johannes Hahn, October 2014.



- Viță, V. (2014), 'Ex ante fundamental rights conditionalities – a novel fundamental rights tool in the European Structural and Investment Funds architecture Locating it in the broader EU fundamental rights conditionality landscape', European University Institute, LLM thesis.
- Waddington, L. B. (2011). The European Union and the United Nations Convention on the Rights of Persons with Disabilities: A Story of Exclusive and Shared Competences. *Maastricht Journal of European and Comparative Law*, 18(4), 431-453. <https://doi.org/10.1177/1023263X1101800404>
- Wladasch, K., Allram-Naaijer, K., & Birtha, M. (2023). The role of national human rights bodies in monitoring fundamental rights in EU-funded programmes (Policy Brief 2023/2). European Centre, Vienna. <https://www.euro.centre.org/publications/detail/4668>