



## DELIVERABLE 2.4

# Report on the FAIR focus group activities



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## Deliverable 2.4 Report on the Focus Groups activities

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## 1. Introduction

This report is the collection of the analysis conducted on the focus group discussions with representatives of public authorities, independent human rights bodies, experts and civil society organisations conducted in the nine EU Member States participating in the FAIR Consortium.

The goal of the focus groups – implemented during Task 2.4 of the project – was to discuss with relevant stakeholders the preliminary results of the research conducted so far by FAIR partners through the “Mapping the EU Fundamental Rights Charter Across Nine European Countries: A Study on the Implementation, Use and Recommendations for Improved Domestication” (D 2.1) and the Survey conducted in September-October 2024, whose results will feed into D 2.3. More specifically, participants were invited to comment and share their points of view on the barriers that were mapped on the effective use and implementation of the EU Charter in their country contexts; they were also invited to discuss the limits of the EU Charter as legal instrument meant to serve for the protection of fundamental rights, and if/how they use such instrument in their professional activities.

The discussion carried out during the focus groups was also relevant to identify best practices, measures and strategies to improve the use and the visibility of the Charter at country level and foster the capacity to develop the participants’ professional activities. Eventually, the participants provided useful suggestions and recommendations on the upcoming activities of the FAIR project, in terms of thematic focus to adopt and stakeholders to involve.

Two focus groups were held in each country with representatives of civil society organisations and public entities and authorities. Each one had a target of 6-8 participants and lasted about two hours: however, the minimum threshold was impossible to achieve in some cases; the reasons are explained in the comments to each focus group. Socio-demographic information on the participants is also reported in the report. Focus groups could be held either online or in-presence: most country research groups decided to conduct the focus groups online to better suit the participants’ preferences and availability. Each focus group was conducted by a moderator with the support of an assistant moderator whose role was to keep notes and cope with any problem arising during the discussion.

Focus groups were audio-recorded for research purposes: all personal data of the participants were anonymized in view of the publication of this report.

## 2. Reporting templates of focus groups conducted in the 9 Countries of the FAIR consortium

### Belgium Focus Groups

**Public authorities**

**Number of participants:** 2

**Country:** Belgium

**Date of the focus group:** 14 November 2024

**Online/in presence:** Online

**Moderator:** Leslie Kassongo Tambu

**Assistant moderator:** Nadine El-Dekmak

**Duration:** 1h

#### 1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights

Both P1 and P2 indicated that they were aware of the existence of the EU Charter of Fundamental Rights, as well as its content, scope, and role. Specifically, P1 - Awareness Advisor at Flemish Human Rights Institute- noted that, while he does not have a legal background and is instead a historian, he initially had limited knowledge of the Charter. He described himself as a "normal citizen" who was unaware of the Charter's details until his current position, which has provided him with more information:

*"Before I started working for my human rights organization, I had heard of it [the EU Charter], but to be completely honest, as an ordinary citizen, I was somewhat unaware of its content. It was only after I began working in a human rights organization and collaborating with other human rights institutions that it became more prominent in a certain sense, but still prominent in the background."<sup>1</sup>*

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<sup>1</sup> Als ik spreek van mijn periode voor ik werkte voor mijn mensenrechteninstelling, had ik er [Het EU Handvest] wel van gehoord, maar om heel eerlijk te zijn, de inhoud ervan als gewone burger, ontging mij eigenlijk enigszins. Het is eigenlijk pas door te beginnen werken in een mensenrechteninstelling en met andere mensenrechteninstellingen dat het wel prominenter is in een zekere zin, maar dan prominent in de achtergrond

P1 further observed that while many citizens may be aware of the Charter's existence, they often lack a deeper understanding of its content and scope.

## **2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

Both participants emphasized the significance of the EU Charter of Fundamental Rights and cautioned against underestimating its importance. They both agreed that the Charter should be more actively utilized, not only within their respective fields of work but also more broadly. Although they both recognise its importance, they do admit that the use of the EU Charter within their respective work is more prominent in the background.

P2 – Coordinator Istanbul Convention at Institute for the Equality of Women and Men- specifically noted that incorporating the EU Charter into her professional practice would provide a stronger foundation for their claims, complementing other national, international, and European instruments they currently rely on:

*"We have a lot of national legislation and many decrees. We have all these basic principles that have been incorporated [into our national legislation], and we refer to them (...) but in addition, we should also refer to [the EU Charter], because it provides more 'power,' more authority. And we actually overlook that aspect, which should always be considered, even in our own legal cases and mediations. They are also bound by it. It's a fundamental principle that could make our solid foundation even stronger, and we need to use it more."<sup>2</sup>*

P1 further stressed the need for increased awareness among citizens to enhance the Charter's relevance and ensure its broader impact.

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<sup>2</sup> *We hebben heel veel nationale wetgeving en heel veel decreten. We hebben al die basisprincipes die vertaald zijn [in onze nationale wetgeving] en we verwijzen daar naartoe (...) en eigenlijk bijkomend zouden we daar [Het EU Handvest] ook naar moeten verwijzen, want het geeft meer 'power', meer macht. En eigenlijk vergeten we dat stuk en dat zou eigenlijk wel altijd mogen, ook bij onze eigen rechtszaken en bemiddelingen. Die zitten daar ook in vast. Het is een basisprincipe dat ons solide beton nog steker zou kunnen maken en we moeten dat meer gebruiken.*

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants' professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

Both participants identified several reasons for the limited use of the EU Charter in their work. In addition to the abstract nature of the Charter, they pointed out that other more specific instruments are typically preferred in their professional practice. For instance, P1 explained that his work primarily relies on decrees related to human rights violations, as the mandate of his institution is based on these decrees.

Additionally, both participants noted that many of the principles enshrined in the EU Charter are also reflected in national (Belgian) legislation. Given that these national instruments are more familiar and perceived as more directly applicable, the participants expressed a preference for relying on them rather than the EU Charter, as mentioned by P1 - Awareness Advisor at Flemish Human Rights Institute:

*"But I also think there is a certain subsidiarity aspect to it, because it is closer to the people. So, when people say, 'it comes from the EU Charter,' it already sounds 'far removed from me,' and I'm speaking as an ordinary citizen now."*<sup>3</sup>

P1 - Awareness Advisor at Flemish Human Rights Institute- also explained that, due to the nature of his work, he is not always in a position to reference the EU Charter, even if he wished to do so. The litigation chamber of his institution operates independently and is entirely separate from the advisory division. As a result, even if P1 sought to encourage the litigation chamber to make greater use of the EU Charter, such an initiative would not be feasible:

*"Our dispute chamber is completely independent from the VMRI itself. So, it's there, but they have a completely independent status. We are having a meeting like this now, and it would be nice if I could go to the dispute chamber and say, 'Look, could you refer more to the EU Charter in your assessments?' But I can't do that myself. They truly operate completely independently."*<sup>4</sup>

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<sup>3</sup> Maar ook zit er denk ik een zeker subsidiariteitsgegeven in, want het zit dicht bij de mens. Dus als men zegt, "het komt daar van het EU Handvest", dan klinkt dat al "ver van mijn bed" en dan spreek ik als gewone burger nu.

<sup>4</sup> Onze geschillenkamer is volledig onafhankelijk van het VMRI zelf. Dus het zit erin, maar ze hebben een volledig onafhankelijk statuut. We hebben nu zo'n meeting en het zou leuk zijn moest ik naar de geschillenkamer kunnen gaan en zeggen: "kijk, zouden jullie in jullie beoordelingen niet meer naar het Europees Handvest verwijzen". Maar dat kan ik zelf niet. Zij werken echt volledig onafhankelijk.

P2 highlighted a gap or limitation in the implementation of the EU Charter, referencing the practice of shadow reporting employed in relation to other conventions, such as the CEDAW Convention (Convention on the Elimination of All Forms of Discrimination Against Women). Under this process, states that have ratified the convention are required to submit reports to the CEDAW Committee, detailing the steps taken to implement the rights defined in the convention. A significant level of interaction with NGOs is involved to assess whether the state has effectively implemented these rights. P2 expressed the view that such an approach is lacking with respect to the EU Charter. When drafting state reports concerning EU fundamental rights, and when referencing the Charter, P2 noted the absence of NGOs to verify the accuracy of a state's implementation. She suggested that the involvement of NGOs could serve as a valuable mechanism for monitoring the use of the Charter, potentially acting as a political tool to ensure its proper implementation and to raise awareness of its application.

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

Neither participant was able to identify any notable practices, experiences, projects, or events in which the EU Charter played a central role. P2 - Coordinator Istanbul Convention at Institute for the Equality of Women and Men- did mention attending events where various EU instruments were discussed, including the EU Charter, though not as a primary or central instrument:

*“The question lies in the 'crucial' role. I have attended events where this principle [the EU Charter] was mentioned, but again, where it did not play a crucial role.”<sup>5</sup>*

P2 further noted that she attended an event where a judge from the European Court of Human Rights (ECHR) was a speaker. The judge discussed various case law and judgments from the ECHR in which legislation related to EU fundamental rights was applied. P2 suggested that this could serve as an interesting practice, particularly in the context of the EU Charter.

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<sup>5</sup> *Het zit hem in 'cruciale' rol de vraag. Ik ben naar evenementen geweest waar dit principe [Het Handvest van de Europese Unie] vermeld is, maar opnieuw, waar het geen cruciale rol speelde.*



P1 - Awareness Advisor at Flemish Human Rights Institute - suggested the development of informational leaflets for civil society organizations, which could be incorporated into their practices to help them understand how the EU Charter can be applied within the context of their work, alongside other instruments they may already be using:

*"Considering our target audience, it might be interesting to develop something like a brochure as a tool for civil society organizations. Not as the only instrument, but to show how they can integrate it into their work. Perhaps this could offer an opportunity to approach it from an awareness-building perspective."*<sup>6</sup>

#### **5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

Both participants expressed interest in attending national seminars focused on raising awareness and promoting the implementation of the EU Charter. However, they indicated that they would not necessarily be inclined to attend an event that solely emphasizes and discusses the central role of the EU Charter.

P1 – Awareness Advisor at Flemish Human Rights Institute- mentions that he would rather see an integrated approach of the different EU instruments that exist:

*"If we simply place everything side by side, the [EU Charter] will fade into the background. I think it would be much more interesting (...) to say, 'We will take an integrated approach. This is one of the many instruments available, and here the [EU Charter] might have a more prominent role.' But I wouldn't say, 'everything specifically about the Charter.'" <sup>7</sup>*

P2 emphasized that discussions regarding the promotion of awareness and knowledge of various conventions, such as the CEDAW Convention and the Istanbul Convention, have already taken place.

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<sup>6</sup> Als we denken aan ons doelpubliek, is het misschien interessant om richting een soort van brochure als handvaten te gaan voor het middenveld? Hoe zij het kunnen, opnieuw niet als het enigste instrument, maar hoe ze het kunnen implementeren in hun werking. Misschien dat er daar een mogelijkheid ligt om vanuit de bewustwording te werken.

<sup>7</sup> Als we het allemaal naast elkaar gewoon plaatsen, dan gaat het [Handvest van de EU] naar de achtergrond. Ik denk dat het veel interessanter is (...) om te zeggen 'we gaan een geïntegreerde aanpak nemen. Dit is één van de vele instrumenten die er bestaan en waar het [Handvest van de EU] misschien een prominentere plaats krijgt.' Maar ik zou niet zeggen van 'alles specifiek over het Handvest'.

These discussions aim to develop a comprehensive 'toolbox' for the knowledge and application of these conventions. However, P2 expressed concern that a similar initiative for EU instruments, particularly the EU Charter, could lead to the creation of numerous, potentially fragmented tools. She suggested that it would be more beneficial to organize events that explore multiple conventions in depth, while identifying the most relevant (EU) principles within the Belgian context. Such events, she noted, could be valuable for public authorities, NGOs, as well as lawyers and members of the judiciary.

### **Comments/observations/other information**

Originally, 4 participants were confirmed to attend the focus group for public authorities and entities. However, one participant was unable to easily follow due to a language barrier (this is due to the fact that in Belgium there are more than one official language). Another participant was held up in another meeting, therefore the focus group consisted of two participants.

Both participants expressed enthusiasm regarding the prospect of the national seminars and the findings of the study, particularly the proposed toolbox. They both attended the focus group to gain further insight into the awareness of the EU Charter. As a result of their participation, both participants acknowledged that they had become more aware of the fact that they do not make sufficient use of the EU Charter and recognized the need to incorporate it more actively in their work.

### Socio-demographic information on the participants

	How would you describe yourself?	Age	Country, city	Profession	Role in the institution	The years you have worked in your current position at the institution	The years (if any) you have worked in the field of fundamental rights
<b>P1</b>	Male	30-50	Belgium, Brussels	Historian	Awareness advisor at Vlaams Mensenrechteninstituut (Flemish Human Rights Institute)	< 5	N/A
<b>P2</b>	Female	> 50	Belgium, Brussels	Coordinator	Coordinator Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence) at Instituut voor de Gelijkheid van Vrouwen en Mannen (Institute for the Equality of Women and Men)	> 10	> 10

**Civil Society Organisations (CSOs)**

**Number of participants:** 4

**Country:** Belgium

**Date of the focus group:** 13 November 2024

**Online/in presence:** Online

**Moderator:** Nadine El-Dekmak

**Assistant moderator:** Leslie Kassango Tambu

**Duration:** 2h

**1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

Participants agreed that the level of awareness on the EU Charter is minimal among the public and sometimes civil society organisations.

P1 stressed that it is hard to estimate the general public awareness on the Charter. On the other hand, participant P1 noted that at Kenniscentrum Kinderrechten (Keki) organisation, the Charter does not seem to be a prominent reference within the organization or the broader field of youth and children's rights in Flanders as other instruments, like the UN Convention on the Rights of the Child, are more commonly used considering that they already address similar issues. P1 further explained that, at KeKi, they interact with policymakers who in their turn, tend to rely on international frameworks rather than EU-specific tools such as the EU Charter and EU-specific instruments such as The Child Guarantee<sup>8</sup> (which is a big project working on poverty, for example among children). Despite the accessibility and funding tied to initiatives like the EU Child Guarantee, it is not integrated into mainstream youth policy discussions. This suggests a disconnect between available EU resources and their adoption at the local level.

In this aspect, P1 highlighted that instruments like the EU Child Guarantee, often omit any mention of the Charter in their national implementations, as seen in Belgium, which instead references the UN Convention on the Rights of the Child.

According to P1 - Research and Policy Advisor at Children's Rights Knowledge Centre, at Kenniscentrum Kinderrechten (KeKi)- the Charter and related EU initiatives are not actively "living" tools in the field of children's rights and youth policy in Flanders, where international frameworks dominate the discourse:

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<sup>8</sup> European Commission, [European Child Guarantee](#)

*“...I have the feeling in our organization it's not something that's living inside the organization. If the content of the Charter is the same as in other instruments like the UN Convention of the Rights of children or the contents... but because it's covered by other instruments. We often work with policymakers, but I'm not sure if that's relevant because they they're not part of the question. But I also have the feeling that for policy workers working on youth and children and children's rights, the Charter and actually EU Law, let's say as such, is not very much used in Flanders, at least for example they made in the EU, you now have the child guarantee and it's a big project working on poverty, for example among children, there's a lot of money going to it as well. There's a Belgian coordination for it, but well, we had elections in Belgium and the Youth department made a statement on where youth policy should go, and they include many international instruments like the Convention of the Rights of a Child, but not the child Guarantee for example of the EU, and also not the Charter. But I think this child guarantee is really accessible as a policy instrument on the core what the youth department is working in many levels, and still, they're not really using it. So no, I don't think it's very known...”*

*Also not for policymakers in Flanders who are not subject of the question, but I think it's important to see. Yeah, it's not living as such in the children's rights or children youth world.*

When it comes to the awareness level of the EU Charter in relation to Civil Society Organisations such as Nansen organisation, P3 highlighted that while they are familiar with legal tools such as case law from the European Court of Human Rights (ECtHR) and decisions from international treaty bodies, their practical use of the EU Charter of Fundamental Rights is less developed for multiple reasons. First, digging into the use of the EU Charter —especially how it is applied by courts like the ECtHR—requires navigating complex resources. Furthermore, P3 mentioned that tools explain the EU Charterlike those from the Fundamental Rights Agency (FRA) and academic reviews of case-law (such academics include Luc Leboeuf and Jean-Yves Carlier) are helpful but can be overwhelming.

Second, the Charter has a limited scope in migration law, as P3 stated that many Charter provisions are primarily designed for EU citizens, limiting their direct applicability to non-EU citizens, especially those in irregular situations which reduces the perceived relevance of the Charter in asylum and migration work. Despite this, P3 gave specific attention to the European Asylum and Migration Pact which could elevate the Charter's importance. As states align with it, the Charter may become a key legal tool in ensuring compliance with fundamental rights. According to P3 – Director of Nansen:

*“...And voila probably an opportunity is the European Asylum Migration Pact, because we know all will be forced to really go back to the Charter, which is the only tool that the States will agree to comply with in the future...”*

P2 added that while people broadly understand the concept of human rights, their awareness of the specific scope and content of the EU Charter is minimal, and in turn, this extends to professionals at Caritas International, including social workers. P2 explained that even among legal practitioners, there is hesitation and a lack of confidence in using the Charter. This stems from challenges in understanding its exact scope, its relationship to other legal frameworks like Belgian law or the European Convention on Human Rights (ECHR), and its applicability in specific cases. In addition, explaining the Charter’s relevance to non-legal stakeholders, such as municipal officials or other civil servants is perceived as particularly challenging due to its technical and abstract nature. According to P2 - Legal Advisor at Caritas International – Department of Asylum and Migration:

*“And I don't feel confident using it and I think P1 has also already mentioned, there's a lot of tools available. I think she'll be also really an expert who knows a lot about this for me, like, OK, I need to if I want to use it, there needs to be like a click. Let's look for the tools. Maybe I'll find the tools, maybe I won't. If I find them, I need to apply them. So there's a huge process and to do it well, because I think that's always the aim. If you use such instruments, you need to respect the instruments also, you need to do it in a good way and this is something that is difficult to do with human rights law in general but with the Charter specifically also because it knows a specific context, it relates to EU law specifically and then it has the whole relation to how does that work in a national context? And then explaining this you can explain this to judges, but imagine explaining it to a civil servant working for a municipality that their way of thinking may violate the EU Charter because of....then it becomes quite of a difficult matter.”*

Lastly, in the perspective of P4, people whom they interact with are not at all aware of the existence of the Charter, or its scope and content. They explained that at Liga voor Mensenrechten, the Charter is referred to but usually in combination with other human rights instruments and never on its own. In the view of P4-Volunteer and Member of the Council at Liga voor Mensenrechten- this says a lot about how the Charter is not really used by judges or in general by civil society organisations given that despite it being a valuable instrument, it is not recognised as such making its use less important:

*“...And also in our work, when we refer to it, it's usually in combination with other human rights instruments. So it's never as it's own and I think it says a lot about also. I mean, it's said a lot about how it's not really used by judges or in general, by civil society there's, I mean. I guess it has a lot of value, but I guess if it's not recognized as such, we will less likely use it in our work...”*

## **2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

None of the participants mentioned that the EU Charter represents a pivotal instrument in their work, instead they consider it to be less important than other legally binding instruments.

In this aspect, P1 indicated that at KeKi, they do not use the EU Charter in their work but rather refer to the UN Convention on the Rights of the Child, Belgian national laws that translate the rights of children such as the decree on the position of minors. They added that KeKi is a multidisciplinary organisation, they therefore have a broader view on children's rights than a legal view. According to P1, Research and Policy Advisor at Kenniscentrum Kinderrechten (KeKi):

*“So, we don't work on the Charter, we only work on the UN Convention on the Rights of a Child and we also we are an interdisciplinary organisation. So, we try to have a broader view on children's rights than a legal view. So, we will often talk about, for example, the societal meaning of rights and children's rights, and not only refer to the legal documents and the legal anchor, let's say, of children's rights, but take it a lot broader. So, but if we use legal standards, it's often the UN Convention on the Rights of the Child or the national laws in Belgium that are the translation of children's rights, for example, the how do you say this in English ... The decree on the position of minors, which is like in youth care, and there they implemented a lot of children's rights within this decree, so that's like one of the legal standards we also often use.”*

At Caritas International, and specifically at the department of asylum and migration, P2 indicated that their mission is to accompany migrants along their migration trajectory, and this implies that the way they implement rights is a very pragmatic one as the main criteria is how to improve the lives of those migrants in a fast and effective manner. They explain that when advocating on behalf of migrants to government officials or citizens, human rights arguments are employed strategically, often in conjunction with emotional, logical, or other legal arguments to ensure effectiveness. The application of rights, such as the Charter, is

not an easy thing to do because it is very abstract and it is deeply rooted in the practical outcomes they can achieve to change a person's situation, rather than legal proceedings, as their department does not litigate directly. In comparison to the previous role of P2 as a lawyer in the Flemish Bar, their engagement with the Charter and human rights was more technical and judicial in nature. The arguments were typically framed within the context of legal proceedings, where the interpretation and application of the Charter had a more defined and structured impact. In this role, the Charter's relevance was closely tied to its effectiveness in supporting legal claims and securing judgments.

When it comes to Nansen – The Belgian Refugee Council – the EU Charter is also not used a lot in their work despite Nansen intervening in their own capacity in the asylum procedures of individuals before the 1st instance Asylum Authority (which is in Belgium, the General Commissioner for Stateless and Refugees), and carrying out strategic litigation as a third party intervention before the European Court of Human Rights. When it comes to the EU Charter not being referred to often in their activism, P3 mentioned that they were involved as a member of the working group of members of the management board involved in the supervision of the annual report of FRA, which includes traditionally, one chapter on the implementation of the Charter in the national context. In this aspect P3 – Director of Nansen - mentioned that the Charter remains an insufficiently used tool despite efforts to having it reach its full objectives:

*“... So that was my closest involvement to looking into Charter related issues, of course, as you know, is very much concerned about how to support civil society how to engage with any actors from the judiciary to the civil society, including members of parliament, about the implementation of the Charter and, as you have stated as well, these efforts have not reached their full objectives yet. That there is still this recurrent statement or conclusion that the Charter remains an insufficiently used tool or that it's not .... maybe the tool was not fit for its purpose...”*

At Liga voor Mensenrechten, they often do not refer to the EU Charter, as stated by P4, as it's use depends on a case-by-case situation. According to P4 – Volunteer and Council Member at Liga voor Mensenrechten – in some cases it is not necessary to refer to the EU Charter:

*“...Now in the Council, for instance, we are really working on a case-by-case basis. So, we are not always referring to the Charter of the EU because it's not necessarily needed. Sometimes we have ... we see a law that may be in violation with the Constitution and then we are thinking about initiating proceeding before the Constitutional court. So, we will likely not now refer to the Charter, but then in*



*some other cases we are doing that. So yeah, and we also doing third party interventions before several courts, but like I mentioned, it's really on the case-by-case basis."*

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants' professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

P1 mentioned that they have limited experience with the EU Charter of Fundamental Rights and acknowledged that makes it difficult for them to pinpoint specific gaps in its implementation. However, drawing on a study conducted at Keki - to understand the reason behind why children's rights are not often central despite having numerous tools on children's rights- P1 highlighted a broader issue in the application of rights frameworks, including the Charter: the assumption that individuals or organizations inherently have the motivation to apply these tools effectively. Their research identified that many existing tools and frameworks fail to address the "thresholds"—barriers that hinder the practical application of such rights instruments. These barriers may include a lack of knowledge or competence, ineffective contexts, or the reality that certain arguments, like those based on human rights, are not always the most effective in practice. P1 argued that focusing on identifying and overcoming these thresholds is more crucial than simply creating additional tools or resources. In this regard, P1 suggested that future efforts to improve the implementation of the Charter should prioritize understanding these barriers and developing strategies or language to help overcome them. P1 - Research and Policy Advisor at Children's Rights Knowledge Centre, at Kenniscentrum Kinderrechten (KeKi)- believed could that this approach could lead to more meaningful and practical use of the Charter in various contexts:

*"...This year, we kind of researched why...Well, you have a lot of tools on children's rights and still children's rights are often not central. In the approach in policy or other areas we kind of researched why and we found that in many tools or frameworks there is an assumption that people have the motivation to apply them. So many tools don't actually talk about the thresholds you can experience when you apply the tools. So for example, when P2 was saying human rights arguments are just often not the most effective arguments, I think this is one of the things that should be central to any approach you have to having a better implementation of the Charter because people can have the motivation but they will always have thresholds implementing the Charter, be it because they don't have the competence or the knowledge, or because their context is just not good for it so. My answer*

*would definitely not make a lot more tools, but more be... Find the thresholds and look at strategies to overcome those thresholds. Or create language about overcoming these thresholds, yeah.”*

P1 reflected on why Kenniscentrum Kinderrechten (KeKi) does not actively use the EU Charter of Fundamental Rights in their work, offering several reasons tied to organizational culture, focus, and practical challenges. Firstly, P1 noted that the Charter is not embedded in the culture of children's rights advocacy. Their default reference is the UN Convention on the Rights of the Child (CRC), which dominates as the primary legal framework. This habitual reliance on the CRC means the Charter is rarely considered, and even among researchers in children's rights, the Charter does not seem to have a prominent place according to P1. Secondly, P1 noted that the nature of KeKi as an organisation plays a significant role, as it focuses on policy and strategic work at macro levels rather than engaging in individual cases or providing legal assistance. This broad, interdisciplinary approach to strengthening children's rights and children's societal positions prioritizes systemic change over legalistic strategies. Consequently, legal instruments like the Charter are not central to their methods or goals. Lastly, P1 admitted personal surprise at realizing they have never considered using the Charter in their work, despite having a legal background. However, this reflection comes hand in hand with realising that it is difficult to know the benefit of its use in practice. According to P1 - Research and Policy Advisor at Children's Rights Knowledge Centre, at Kenniscentrum Kinderrechten (KeKi):

*“...And it's really, it's something because I I have a legal background, but I have never worked with the Charter since I'm working in children's rights and actually by this conversation, I'm shocked by myself because I'm, oh, maybe I could have strengthened some arguments. But then I was Also thinking that actually when I'm talking to people, they are often they often don't have a legal background. And when I'm talking about children's rights, the question I always get is what does this mean to me? What Can I do with this? Why is this important to me? And when I'm talking about the Convention on the rights of a child, it's already difficult to explain because you can't really go to court and tell them, hey, I have a right to a healthy environment. It's in the general comments of the convention on rights of a child, it's very difficult to explain what people can do with it. But with the Charter, I would find it even more difficult because there you have the competences. That are I. I would find it difficult to explain to people that don't have a legal background what they can actually do with the Charter in their daily practice. So maybe that's also why I have never really thought about using it.”*

In addition to the UN Convention on the Rights of Children, P1 mentioned that when crafting strong policy-level arguments, they prioritize referencing Belgian or Flemish legal and policy frameworks over international standards. They view international instruments often being perceived as abstract, additional, or optional. In contrast, regional or national laws, such as the Constitution, are considered more binding and authoritative. By connecting international standards to these local frameworks, they enhance their arguments' relevance and weight.

Additionally, P1 mentions that they frequently rely on non-legal documents, such as policy documents (such as Youth and children's rights policy plan) rather than strictly legal instruments. P1 emphasized that policy documents are also quite central in the way that we approach fundamental rights, so that they often actually don't use legal standards, but that they really focus on the promises they made in policy documents as a strategy.

P2 identified effectiveness as a key factor in why the EU Charter of Fundamental Rights holds less practical significance in their work. They acknowledge the theoretical potential of the Charter, but stress its limitations in real-world application, particularly in the field of asylum and migration. According to them, the first issue is the practical outcome of invoking rights under the Charter. Even if a right is successfully invoked and a violation is proven, there is no guarantee that the right will ultimately be respected or enforced. This broader issue with human rights law undermines confidence in its effectiveness as a tool for change, particularly in contentious areas like migration. P2 added that the second challenge is the limited impact of human rights arguments in policy debates. While theoretically sound, human rights arguments are not always persuasive or practical in influencing policy decisions. In practice, other types of arguments may carry more weight in such discussions. In this aspect, P3 supported the answer of P2.

P2 also added that invoking human rights in court, especially in immigration cases, requires thorough preparation, factual substantiation, and detailed elaboration considering complexity and the abstract character of invoking generally, a human right in court. Unlike straightforward legal rules, human rights arguments often need significant groundwork, making them less straightforward to apply. This complexity can be a barrier, especially for judges who might prefer concrete legal frameworks. Using an example of a disability rights case, P2 illustrated how courts might shy away from addressing abstract human rights principles. In this case, involving a disabled individual who objected to a care provider's frequent changes in personnel, the court resolved the issue using contract law rather than delving into disability rights or human rights law. P2 - Legal Advisor at Caritas International – Department of Asylum and Migration-attributed this to the concrete nature of contract law, which contrasts with the abstract and potentially unfamiliar territory of human rights arguments:

*“...And outside of immigration law, I think, the abstract character and the complexity, for example, for civil law judges in my very limited experience So I don't have a lot of cases where human rights were invoked, but for example in disability, for a civil court judge to accept a human rights argument, I have the feeling this is maybe personal, that this for them is not an easy thing to do.*

*We are used to use very concrete, very specific rules where A+B equals C. I give one example of a case where a disabled person would didn't like personal contact, but he could not live without nurses touching him. But he didn't like the fact that the organization that was taking care of him switched nurses all the time. The organization said yeah, but for us, we have shortage of personnel, we don't have the possibility. In the end, the person complained one time too much and the organization taking care and said OK, we stop all contact, and we'll transfer your case to another organization and there will be another nurse who comes to you. Took it to court disability, human rights arguments, the judge would like not touching that. We want the case based on contract law. Because that's very concrete and that's very easy to apply. But the disability aspect is something or human rights law aspect was something that's abstract and difficult to... That's my assessment, a personal assessment of a specific case. But I think it may apply in a broader, broader context...”*

P2 noted that their legal approach often combines various international and national laws, including widely recognized conventions such as the Istanbul Convention and the International Covenant on Civil and Political Rights. They also highlighted the utility of principles of good governance, particularly in the Belgian context, as a practical and straightforward alternative for addressing certain issues. Compared to more abstract rights, such as the right to be heard under the Charter, principles of good governance provide a clear and readily applicable framework. This simplicity makes them an appealing option in practice, especially when navigating complex discussions around the applicability of EU law or its implementation in Belgium.

In another instance, P2 emphasized the effectiveness of translating the principles of the EU Charter of Fundamental Rights into every day, relatable language, particularly when engaging with local stakeholders like municipal workers. Instead of directly referencing legal terminology such as "right to family life" or "non-discrimination," they advocate for framing these rights in terms of fairness and empathy. For instance, they might ask questions like, "How would you feel in this situation?" or "Does this seem fair or just to you?" This approach focuses on practical and emotional reasoning, making abstract principles more tangible and understandable. P3 noted that such emotionally grounded arguments often resonate more effectively than strict legal references, fostering better engagement and understanding among non-legal audiences.

P3 complemented the discussion by reflecting on their waning confidence in the EU Charter of Fundamental Rights, primarily due to the Court's concept of a "core substance" for fundamental rights. This jurisprudence introduces complexity by implying that rights have a core essence beyond their straightforward interpretation, making the Charter seem inaccessible to those without deep expertise in EU law. They describe this shift as creating a "labyrinth," leaving its effective use to legal specialists. Focusing on asylum and migration, P3 criticized the reluctance of states to implement fundamental rights for asylum seekers and migrants, highlighting the tension between the Charter's principles and the EU's policies in this field. They note that children's rights, including procedural safeguards like the right to be heard, tend to be less politically sensitive and thus generate more usable jurisprudence. These procedural rights are seen as practical tools for defending human rights compared to the more abstract and politically fraught articulation of asylum rights under the Charter. P3 also emphasizes the technical challenges involved in applying procedural rights. These rights require careful scrutiny of how states implement EU law, necessitating navigation through multiple layers of legislation and procedures. This complexity further diminishes the Charter's accessibility and utility in practical advocacy.

During the discussion, P3 mentioned the ongoing Maximilian Schrems v Data Protection Commissioner case (which challenges the widespread use of video conferencing for personal interviews during asylum procedures) in which the arguments focus on issues like data retention, network security, and compliance with EU law. While they suspect EU case law might have been invoked, they are however unsure whether the Charter was explicitly used in the arguments<sup>9</sup> and added that this case is currently before the Council of State.

P4 emphasised the limited use of the EU Charter of Fundamental Rights in their organization (Liga voor Mensenrechten) noting that it is only occasionally invoked and usually in combination with other human rights instruments. One primary reason for this is a general lack of familiarity with the Charter within the organization. Additionally, P4 mentioned that they rely more heavily on Articles 9 and 10 of the Belgian Constitution when addressing discrimination cases before the Constitutional Court, as these constitutional provisions effectively meet their legal needs. Despite the lack of practical use, P4 acknowledged the importance of the Charter as a human rights instrument. However, they emphasize that their goals are often achievable through alternative legal frameworks, reducing the necessity of directly invoking the Charter in their work. In terms of limits and gaps in implementing the EU Charter, P4- Volunteer and Member of the

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<sup>9</sup> The EU Charter of Fundamental Rights was indeed invoked in the Maximilian Schrems v Data Protection Commissioner [case](#), including Article 7 and Article 51, among others.

Council at Liga voor Mensenrechten- mentioned that the difficulties in implementing it is often related to its effectiveness, stating that in order to win a case, they would rather refer to other instruments that judges are familiar with:

*“...In terms of what's the problems of implementation of this Charter, I cannot really speak a lot for that. But I think maybe it's yeah, due to the effectiveness of it. Like I mentioned before, we are only using the Belgian Constitution for a discrimination case and I think it's because we know that it will achieve to something that we want. Well, then the Charter, because judges are less familiar with it. No one really knows it. So, it's you ... Yeah, I want to have a successful case, and you're going to use the tools that will allow you to bring a case to a good end...”*

Lastly, P4 highlighted that their organization, Liga voor Mensenrechten, faces challenges in promoting human rights due to the current political climate, which is increasingly polarized and less focused on human rights. This makes it difficult to foster diversity and build consensus around human rights issues.

To navigate these challenges, they often find it more practical to reference the national Constitution rather than European human rights instruments. The Constitution is perceived as more accessible and authoritative in this context, helping to bridge gaps and facilitate dialogue with governmental bodies that may not readily recognize or prioritize human rights standards at the European level.

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

None of the participants were able to identify good practices, experiences, projects, events, focusing on fundamental rights where the EU Charter played a crucial role, however, they were able to provide suggestions on what could be a good practice in this field.

P1 mentioned that when KeKi has conducted a research to understand the reason behind why children's rights are not often central despite having numerous tools on children's rights, they had a notable interaction during a participation session with professionals, where one professional remarked that “children's rights have become a dirty word.” This statement underscored the resistance they face in centring children's rights in their work. From these discussions, the professionals emphasized the need for accessible language and arguments to counter resistance effectively. They often encounter "yes, but" responses, such as claims of insufficient resources or time, which hinder their efforts. They expressed a desire for tools to respond constructively and persuasively to such objections, enabling them to advocate for children's rights more

effectively within their organizations. Indeed, according to P1- Research and Policy Advisor at Children's Rights Knowledge Centre, at Kenniscentrum Kinderrechten (KeKi):

*“...We had some participation moments with children and also with professionals, and during the participation moment with the professionals, there was one professional who said, well, children's rights have become a dirty word. It's not possible in my work to put children's rights Central anymore and we talked a lot as well about good practices and what we could do about it and how we could support each other. When you want to put children's rights central in your work. But. You just feel a lot of resistance and what we took from this moment is that many people are actually looking for language, let's say or arguments, because they often get the “yes, but” in their work. Yes, it's important to think about the children, let's say, but we don't have enough money. We don't have enough time. We don't. And they said we just want language to be able to talk to, for example, our superiors to tell them, yeah, I know you're saying “yes, but, but”. And then you can reply to the, but let's say. So, I think that's one of the things that I took from this experience...”*

P2 had also no experience or knowledge on good practices, experiences, projects, events, focusing on fundamental rights where the EU Charter played a crucial role. Nonetheless, they were able to provide some suggestions on making the EU Charter of Fundamental Rights more relevant and applicable in practice. Indeed, P2 found value in the focus group discussion as it prompted a realization of the need to study the Charter more deeply and explore its potential applications. This acknowledgment itself is seen as a "good practice," encouraging more such engagements. P2 explained that a key interest lies in better understanding how the Charter differentiates itself from other instruments. Specifically, what unique impact its use could have compared to other legal frameworks. Furthermore, P2 emphasized the need for simple, step-by-step guides or tools to help professionals, particularly those without a legal background (e.g., social workers), apply the Charter efficiently. This could include:

- Trainings tailored to different audiences.
- Creation of "ambassadors" within organizations who specialize in the Charter and its application.
- National-level initiatives to disseminate knowledge and good practices.

However, before initiating such trainings, P2 suggested clearly establishing the benefits of using the Charter by demonstrating concrete outcomes or advantages in practice that would help motivate professionals to adopt its use.

As mentioned in the last section, P2 also emphasized the effectiveness of translating the principles of the EU Charter of Fundamental Rights into every day, relatable language, particularly when engaging with local stakeholders like municipal workers. Instead of directly referencing legal terminology such as "right to family life" or "non-discrimination," they advocate for framing these rights in terms of fairness and empathy. For instance, they might ask questions like, "How would you feel in this situation?" or "Does this seem fair or just to you?" This approach focuses on practical and emotional reasoning, making abstract principles more tangible and understandable. P3 noted that such emotionally grounded arguments often resonate more effectively than strict legal references, fostering better engagement and understanding among non-legal audiences.

P3 agreed with what has been mentioned by P2 and focused on the context of asylum and migration policies to mention that despite its theoretical importance, the Charter appears underutilized in major research initiatives like the VULNER project (which focuses on vulnerable persons in need of international protection). This underlines a gap between the Charter's potential and its practical application. P3 then noted that while numerous high-profile events and trainings focus on the Charter, they often fail to address specific, actionable needs in areas like asylum and migration. This suggests a need for events or training tailored to practitioners working in these fields, rather than broad, generalized discussions. Indeed, according to P3 – Director of Nansen:

*“... Someone needs to bridge the gap between what we need and that we cannot find in the Charter by ourselves because it would require massive research and knowledge and understanding and the usual production of high level events about the Charter, which are probably meant to attract a lot of people but which are disconnected from the needs and honestly there are not so many charter related events addressing specifically asylum and migration EU policies...”*

P3 added that Institutions like the European Academy of Law (ERA) offer high-quality training on EU law and the Charter. However, their cost makes them inaccessible to small civil society organizations, limiting their practical impact. In this aspect, P1 highlighted the challenges small civil society organizations face in accessing EU resources and engaging with EU-level initiatives. They refer to JINT (a Belgian organization that serves as the National Agency for EU youth programs, such as Erasmus+ Youth and the European Solidarity Corps) which acts as an intermediary between the EU and CSOs, coordinating funding and facilitating programs focused on international cooperation, youth exchanges, and capacity building. P1 suggested that the EU could adopt a similar accessible model for fundamental rights-focused initiatives such as expanding the focus beyond youth, for example, while JINT is youth-centered, this model could be



adapted to include other topics, such as human rights, asylum, migration, or the EU Charter. In addition to creating pathways for organizations outside the "EU bubble" to participate, ensuring wider reach and diversity in representation.

Lastly, P4 was unable to identify good practices, experiences, projects, events, focusing on fundamental rights where the EU Charter played a crucial role.

**5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

**a. Any other information provided by the participants:**

P3 highlighted the significant challenges faced by smaller civil society organizations in accessing and utilizing the EU Charter of Fundamental Rights, particularly in the context of asylum and migration work. These intermediaries act as bridges between the complex EU-level frameworks and national civil societies, providing essential tools, expertise, and guidance that smaller organizations often cannot access on their own. However, P3 points out several barriers. Securing EU funding, such as through the CERV program, is extremely difficult for smaller organizations due to eligibility constraints, which limits their ability to update or expand their use of tools like the Charter. This issue is compounded by the existence of what the speaker refers to as a "civil society bubble." Larger, well-connected organizations dominate the EU advocacy space, while smaller groups without dedicated advocacy staff or resources are effectively excluded. Once outside this bubble, it becomes nearly impossible to re-enter or benefit from the shared knowledge and tools.

According to P3, resources constraints further exacerbate the problem as engaging meaningfully in EU-level initiatives, such as attending forums and meetings organized by bodies like the Fundamental Rights Agency, requires time, expertise, and finances that smaller organizations often lack. This restricts their ability to participate in discussions that directly impact their work.

To this end, P3 underscored the importance of strong partnerships with EU-level umbrella organizations, which can contextualize the Charter's relevance and make it more accessible to smaller groups. Although initiatives like Gabriel Toggenburg's "Charter Breakfast" posts on social media<sup>10</sup> provide helpful insights into

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<sup>10</sup> [Gabriel N. Toggenburg](#) is an Honorary Professor for European Union and Human Rights Law at the University of Graz and Head of Sector at the European Union Agency of Fundamental Rights in Vienna. He provides insights on the EU Charter on fundamental rights on his social media including [LinkedIn](#).

the Charter, they are insufficient for equipping smaller organizations to use the Charter as a practical tool in their advocacy and operations.

**b. Suggestions provided for the National Seminars.**

P1 expressed a desire for national seminars to focus on providing a clear, compelling explanation of why and how the Charter of Fundamental Rights of the EU (the Charter) stands out from other instruments. They suggest that such seminars should address both theoretical and practical dimensions, offering concrete examples of its application, especially in specific areas like asylum or other policy fields. This would make the seminar more relevant and motivating for professionals working in human rights-focused roles.

P3 highlighted the importance of a comprehensive overview of the Charter of Fundamental Rights of the EU and its application to the instruments under the EU Asylum and Migration Pact during the seminar (e.g., non-refoulement, procedural guarantees). This would provide a valuable resource for advocacy and defending individual rights during the implementation of the Pact, considering that the Charter is rhetorically emphasized as a foundational document in official instruments, however, there are concerns that its principles, such as the non-refoulement obligation, are often contradicted in practice by specific provisions within these instruments, creating potential breaches of fundamental rights

On the other hand, P4 suggested the seminar to focus on understanding how policymakers and decision-makers perceive the EU Charter of Fundamental Rights, and how to present arguments rooted in the Charter effectively, is highly practical and insightful. P4 added that having representatives from municipalities, the OCMW (Openbaar centrum voor maatschappelijk welzijn - Public centre for social welfare) and other decision makers authorities, to participate in the seminar as it would be interesting to let them share and participate as it would be a first step into convincing decision makers into applying the Charter themselves too. In this aspect, P4 highlighted that engaging the judiciary would make it more effective to increase the application of the EU Charter of Fundamental Rights is an excellent idea as judges play a critical role in ensuring the enforcement of rights under the Charter, and tailored initiatives could enhance their understanding and usage of it.

**Comments/observations/other information**

Originally, 6 participants were confirmed to attend the focus group for civil society organisations, however, two participants were unable to attend last minute.

The focus group therefore consisted of four participants, each from a different civil society organisation working on different advocacy topics which added diversity to the discussion, focusing not just on asylum and migration but also on children's rights, and human rights in general. P1 is Research and Policy Advisor at Children's Rights Knowledge Centre, at Kenniscentrum Kinderrechten (KeKi) working on the rights of the

child, while P2 is a legal Advisor at Caritas International, specifically working at the department of Asylum and Migration. On the other hand, P3 is the Director of Nansen (The Belgian Refugee Council) that works on international protection related issues, and lastly, P4 is a volunteer and member of the Council at Liga voor Mensenrechten working on human rights.

Participants showed enthusiasm and interest in regard to the focus group and the FAIR project in general. Positive comments were raised in relation to the respect of time and the explicit focus on the Charter and their expertise and knowledge. Indeed, some participants found value in the focus group discussion as it prompted a realization of the need to study the Charter more deeply and explore its potential applications. This acknowledgment itself is seen as a "good practice" according to some of them.

The participants were able to answer the majority of questions mentioned in the focus group easily, with a bit of unsureness when it came to identifying projects and events where the EU Charter was mainly the centre of the topic. Nonetheless, participants were able to provide concrete suggestions for the national seminar in relation to what would they need and what would make them interested to attend.

#### Socio-demographic information on the participants

	How would you describe yourself?	Age	Country, city	Profession	Role in the institution	The years you have worked in your current position at the institution	The years (if any) you have worked in the field of fundamental rights
P1	Female	30-50	Belgium, Gent	Research and Policy Advisor in children's rights	Research and Policy Advisor at Children's Rights Knowledge Centre, at Kenniscentrum Kinderrechten (KeKi)	< 5	< 5
P2	Male	30 - 50	Belgium, Brussels	Lawyer	Legal Advisor at Caritas International – Department of Asylum and Migration	5 - 10	5 - 10
P3	Female	> 50	Belgium, Brussels	Director of Nansen	Director of Nansen (Belgian Refugee Council)	> 10	> 10
P4	Female	< 30	Belgium, Molenbeek	Lawyer, PhD Candidate	Volunteer and Member of the Council at Liga voor Mensenrechten	< 5	N/A

## Bulgaria Focus Groups

**Public authorities**

**Number of participants:** 9

**Country:** Bulgaria

**Date of the focus group:** 31 October 2024

**Online/in presence:** In presence

**Moderator:** Dimo Getsov

**Assistant moderator:** Gabriela Yordanova

**Duration:** 02:12:00 h

### 1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights

There is a prevailing perception that citizens lack awareness regarding the content, scope, purpose, and implementation of the EU Charter of Fundamental Rights. Many citizens are unfamiliar with the Charter, perceiving it as an abstract and distant piece of legislation. In particular, they fail to recognize the value and purpose of being informed about the Charter. These public attitudes can be attributed to two primary factors.

First, Bulgarian civil society demonstrates indifference toward the Charter, characterized by a lack of engagement and an inability to perceive its relevance to everyday life. This attitude is reflected in the sentiment that the Charter "does not concern or interest them".<sup>11</sup> Second, even when individuals encounter the Charter, they often experience confusion regarding its significance and how it differs from other legal frameworks that safeguard human rights, whether at the national or European level.

Against this backdrop, it has been suggested that while citizens are aware of their rights and entitlements, they "do not know these rights stem from the Charter".<sup>12</sup> This indicates a lack of understanding about which specific legal instruments uphold and protect their fundamental rights. Moreover, citizens appear unconcerned with identifying the precise source of these rights, as they see fundamental rights as inherently guaranteed, irrespective of the document in which they are enshrined.

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<sup>11</sup> не го касае и не го интересува.

<sup>12</sup> не знаят, че са от Хартата.

Additionally, it has been observed that local authorities, particularly in smaller municipalities, may lack full awareness of what constitutes a violation of the Charter, thereby compromising citizens' rights. This lack of knowledge, coupled with citizens' limited understanding of the range of rights upheld by the Charter, can result in breaches going unnoticed and unaddressed. Consequently, the content, scope, and purpose of the Charter may become subject to misinterpretation and misuse.

## **2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

The focus group participants actively engage with fundamental rights in their professional roles and exhibit varying degrees of familiarity with the EU Charter of Fundamental Rights, depending on its relevance to their daily practices. The participants' primary areas of expertise include issues related to human rights protection, child policy, employment, and migration. Representatives working within human rights institutions emphasized that the EU Charter is an indispensable reference document in their professional activities, contributing to their extensive understanding of its scope and implementation. As one participant noted: "Human rights are part of my daily routine. The Constitution is here, the Charter is here—on both sides of my desk".<sup>13</sup> Furthermore, respondents indicated that they often consult the Charter alongside national legislation. The Charter not only supplements national legislation but also functions as a motivating and reinforcing instrument for its implementation, owing to its congruence with analogous legal frameworks of similar content.

Another participant explained that when addressing citizens or sending letters of inquiry regarding a complaint, they intentionally reference the EU Charter of Fundamental Rights when it is relevant and included within the applicable context. This practice is justified by the Charter's applicability exclusively in areas governed by European Union law. The participant further emphasized that their routine use of the Charter - particularly through referencing it in correspondence with external entities - serves to raise awareness among civil society and national institutions about its provisions and relevance.

A similar practice is observed in the field of migration. One participant noted that when addressing a case, the first document they reference is the national Asylum and Refugee Act, followed by the EU Charter of Fundamental Rights, before citing additional human rights legislation. This approach underscores the significance and authority attributed to the Charter by professionals in the field. Furthermore, the participant

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<sup>13</sup> темата за човешките права е мое ежедневие. Конституцията е тук, Хартата е тук - от двете страни на бюрото.

expressed doubt that anyone working in this area would be unaware of or fail to apply the Charter, emphasizing that its absence would render practitioners even more vulnerable in their efforts to uphold rights and standards.

The final perspective on participants' use of the Charter in their professional activities centers on its interpretative flexibility, depending on the specific context of its application: "Anything relevant in this regard that has a connection, we would utilize from the Charter".<sup>14</sup> This is exemplified by the process of addressing reports of human rights violations, where practitioners assess the extent to which the principles of the Constitution and the Charter have been breached. Although the Charter is embedded in their daily professional practices, its interpretative flexibility highlights the lack of a universally standardized approach to its implementation. This adaptability encompasses various methods of applying the Charter; one example mentioned was the use of checklists to assess the extent to which fundamental rights have been upheld.

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants' professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

During the focus group discussion, participants highlighted several key challenges related to the operationalization of the EU Charter in their professional activities. These challenges included the Charter's dual nature as both broad and niche, its similarities to other legislation, and its administrative application. A significant issue identified was the oversaturation of national and EU legal norms, which complicates understanding the specific purpose and scope of each piece of legislation. As one participant remarked:

*"The more alarming issue is that this reflects the impotence of the state—also of the European Union. When a specific issue or problem cannot be addressed, written norms are churned out. But no one considers that these norms must be implemented. This creates serious collisions within the system. We have horizontal policies, but the problem is placed in the middle."<sup>15</sup>*

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<sup>14</sup> Всичко в тази връзка, което има допирна точка, бихме използвали от Хартама.

<sup>15</sup> По-страшното е, че всъщност това е безсилието на гържавата. Безсилието включително и на Европейския съюз. Като не можете да се справите с определен въпрос или проблем, бъivate написана норма. Само че не си давате сметка, че тази написана норма трябва да се прилага. Тук вече в системата става сериозна колизия. Ние имаме хоризонталните политики, а в средата слагаме проблема.

Another participant added:

*“There is an over-proliferation of written rules. The more experience we gain as an EU member state, the more I feel this has become an avalanche. Especially in our work, there is a constant demand for new mechanisms, instructions, and coordination documents to be drafted. At some point, however, the system ‘bugs out’.”<sup>16</sup>*

These observations underscore the administrative confusion that impedes the effective implementation of the Charter. Participants expressed uncertainty regarding which legislation or Directive to apply in specific contexts and how to interpret them appropriately. They also noted that:

*“The specificity of the issues has become so nuanced that legal norms no longer suffice. By legal norms, we mean the text of a statutory or sub-statutory act.”<sup>17</sup>*

Another significant challenge identified was the general lack of public awareness about the processes for reporting rights violations and the available legal mechanisms for seeking redress. Participants reported that citizens often struggle to identify whom to contact for assistance in filing complaints, further complicating efforts to fully implement the Charter. Citizens frequently find the terminology used to be challenging to comprehend, further alienating and discouraging them from engaging with it. This gap not only limits professionals’ ability to apply the Charter effectively but also constrains its potential to safeguard fundamental rights.

In situations where the Charter cannot be effectively applied, participants reported turning to the European Commission to file complaints. They explained that the legal documents and instruments used as alternatives to or in conjunction with the Charter vary depending on the institution and the specific legislation being enforced. Each institution, they noted, tends to rely on particular legislative documents or Directives that align with its priorities. Participants from human rights organizations mentioned that UN Conventions are sometimes referenced at the transnational level. At the European level, instruments such as the European Convention on Human Rights are preferred. When multiple conventions are applicable, priority is given to those ratified by Bulgaria.

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<sup>16</sup> Твърде много се нарояват всякакви писани правила. Колкото повече навлизаме и трупаме опит като гържавна-членка, имам усещането, че това е лавинообразно. Особено в нашата работа непрекъснато се иска някакви механизми, инструкции и координации, които да бъдат написани. В един момент обаче, системата „бъзва.

<sup>17</sup> спецификата на проблемите стана толкова специфична, че правната норма не върши работа. Под правна норма разбирате текста в един закон или подзаконен акт.

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

Participants emphasized the importance of ensuring that the entities and institutions responsible for implementing the EU Charter of Fundamental Rights possess a comprehensive understanding of its application. Efforts to enhance such knowledge were deemed crucial for improving the overall utilization of the Charter. Participants suggested that optimizing procedures would strengthen mechanisms to both safeguard fundamental rights and address emerging rights-related issues effectively. Leveraging EU Operational Programs for the long-term promotion and development of the Charter was identified as a promising strategy.

The need for education, professional qualification, and re-qualification training was highlighted as both a necessity and a good practice. To support these goals, various programs and vouchers are offered to help individuals advance and integrate into the labor market. Additionally, participants suggested employing television advertisements, radio broadcasts, and social media campaigns to raise awareness of these programs. Awareness-raising initiatives were also recommended to familiarize citizens with newly introduced legal documents, particularly in clarifying key concepts that are difficult to translate accurately from English to Bulgarian. Strategic communication, such as the dissemination of informational brochures in high-traffic institutional buildings, was cited as a potentially effective approach to increasing public awareness.

Participants strongly supported the use of storytelling to communicate the importance of the Charter and its potential to address violations of fundamental rights. They emphasized that real-life narratives, showcasing how individuals' rights had been compromised and subsequently protected through the Charter, could foster a more profound emotional connection and public engagement. In this context, FRA's 2018 publication, *10 Keys to Effectively Communicating Human Rights*, was recommended as a valuable resource, promoting positive narratives over pessimistic accounts of rights violations. As one participant noted:

*"We shouldn't just talk about statistics, about numbers of individuals, but instead highlight the human stories behind those numbers - stories that make it easier to empathize."<sup>18</sup>*

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<sup>18</sup> Да не говорим само за статистика, толкова на брой лица, а заг тази статистика – човека със съответната съдба, към която много по-лесно ще станем съпричастни.



The inclusion of civil society organizations and human rights activists, recognized as highly knowledgeable about the Charter, in the process of policy drafting and formulation was identified as another beneficial measure. Additionally, participants suggested that recognizing and praising executives and institutions that respect and uphold the principles of the Charter could incentivize greater alignment with its values. This approach, already employed by the European Commission, celebrates institutions that foster inclusive environments and provide robust social services.

Finally, a participant referred to a document developed by a Polish human rights body that provides guidelines on applying the EU Charter effectively. They proposed that creating similar guidelines could significantly aid institutions in ensuring the Charter's proper implementation.

#### **5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

One participant expressed concern that the domain of human rights involves a complex interplay, as it simultaneously requires institutional compliance with fundamental rights and freedoms while also influencing personal and interpersonal relationships, which are shaped by the state of existing human rights. The participant emphasized that the government should exercise caution when intervening in societal processes related to fundamental rights. Another participant highlighted the significance of internalization, suggesting that how individuals perceive the protection of fundamental rights could serve as a more powerful driver of change than the mere creation of norms and legislation designed to uphold them. In line with this perspective, it was proposed that, at times, member states' adherence to the Charter may be more formal and performative than a genuine effort to assess its real impact on individuals' rights.

#### **Comments/observations/other information**

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	How would you describe yourself?	Age	Country, city	Profession	Role in the institution	The years you have worked in your current position at the institution	The years (if any) you have worked in the field of fundamental rights
P1	Woman	30-50	Bulgaria, Sofia	Public Relations	Public Relations	< 5	5 - 10
P2	Woman	> 50	Bulgaria, Burgas	Lawyer, social work	Junior expert	< 5	5 - 10
P3	Woman	30 - 50	Bulgaria, Sofia	n/a	Senior expert	< 5	5 - 10
P4	Woman	30 - 50	Bulgaria, Sofia	Civil servant	Junior expert	< 5	< 5
P5	Woman	30 - 50	Bulgaria, Sofia	Civil servant	Managing body of program "Human Resources Development"	> 10	> 10
P6	Woman	> 50	Bulgaria, Sofia	Chief expert	Analysis and Forecast Department	5 - 10	> 10
P7	Woman	30 - 50	Bulgaria, Sofia	Chief expert	n/a	5 - 10	5 - 10
P8	Woman	30 - 50	Bulgaria, Sofia	expert	n/a	5 - 10	5 - 10
P9	Woman	30 - 50	Bulgaria, Sofia	n/a	n/a	5 - 10	5 - 10

**Civil Society Organisations (CSOs)**

**Number of participants:** 9+2

**Country:** Bulgaria

**Date of the focus group:** 6 November 2024 (on 24 October 1 FG was held with 2 participants only)

**Online/in presence:** Online

**Moderator:** Dimo Getsov

**Assistant moderator:** Gabriela Yordanova

**Duration:** 1:42:00 (47:00 min for the one held on 24 October)

**1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

In their daily work CSOs see that the Charter is unfortunately not the most popular tool. It is seen as exotic. And still, for many CSO representatives, European Union law in general is alien and exotic maybe because it is not taught equally well in law schools.

Next, CSOs describe the Charter's nature as special. It comes into play when there is ultimately an application of European Union law. So, one must, not just formally, be familiar with the institutions of the European Union, its structure and functions, and the types of acts. One must deal with European Union law regularly so that one can be able to judge when it will be applicable. The areas are additionally quite broad. One must also be familiar with the case-law of the Court of Justice of the European Union, because it interpretively extends the applicability of European Union law at times, so that one can judge when to call the Charter to life. We have also seen references to the Charter in quite a formal way, without any consideration of whether European Union law is applicable at all. Both of these show a lack of familiarity with the European Union law. Specifically, a lack of familiarity with the Charter. Many people have heard of it.

The survey results showing that some 50% of Bulgarian respondents are aware of the Charter seem very high to the focus group respondents. They believe that many of these respondents confuse it with documents with similar names. This is so because not only for the Charter, but there is also no public attitude that people care about human rights. And this is a huge problem in Bulgaria. The Charter is neither embedded in the education system nor is there any systematic action and policies in this regard. The Charter is also newer than the other human rights documents. So, it is not at all surprising that people do not know it.

The promotion of the Charter itself, which the project aims to achieve, is not for the ordinary citizen, a respondent argued. The ordinary citizen is protected by the domestic legislation. All the rights under the Charter are in the domestic legislation, and it works. It is another matter now how the law is implemented in practice. They insisted that people are well aware of their rights despite having difficulties naming the

documents that list such rights. Therefore, raising awareness on the Charter would make sense if the concrete procedures for safeguarding one's rights are advertised:

*"Because look - the Charter is a framework agreement. It's not even an agreement, it's a framework document that concerns only the member states of the European Union. In comparison, the human rights convention [i.e. the ECHR] concerns all the members of the Council of Europe, which is a little bit broader. Correspondingly, there is also the Universal Declaration of Human Rights, which concerns all the nations that are members of the United Nations and participate in the meeting. So all these things overlap and overlap. The question here is how these rights specifically, down to the citizens, are realised. That's what people are interested in - how exactly, if somebody hits me, or kidnaps me off the street into a corner, or locks me in a basement, what can I do? Now we come to the specific procedural legislation, which I will come back to, and the fact that there actually is one. If someone hits you or insults you, or violates your bodily integrity, there are laws. It is a different matter in terms of procedures. Yes, they are there. Yes, they're not perfect."<sup>19</sup> (P3)*

Some respondents shared observations about lawyers' ignorance of the Charter and their fear of the "applicability of EU law". Many legal practitioners lack in-depth knowledge of European Union law and the case law of the Court of Justice of the European Union, which is quite rich and gets richer. They acknowledge the effort-consuming commitment to keep up with its development. It would be helpful if lawyers could have access to resumes of the development of EU law and CJEU case-law they would be more encouraged to use the Charter as a vibrant and effective tool.

There is an intensive discussion within the NGO sector and European networks, about future potential cases, about a future judicial history that has yet to be built. In this context, the Charter suddenly becomes much more important because it remains unchanged. Directives change, regulations change, national

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<sup>19</sup> "Защото погледнете – Хартата е едно рамково споразумение. То даже не е споразумение, това е един рамков документ, касаещ само страните членки на Европейския съюз. Докато Конвенцията за правата на човека касае всички членове на Съвета на Европа, което е малко по-разширено. Съответно има и Всеобща декларация за правата на човека, която касае всички народи, които са членове на ООН и участват в заседанието. Така че всички тези неща се припокриват и преповтарят. Тук въпросът е как тези права конкретно долу, сведени до гражданите, се реализират. Това ги интересува хората – как точно, ако някой ме удари или отвлече от улицата в някой ъгъл, или ме затвори в мазето, какво аз мога да направя? Тук вече опираме до конкретното процесуално законодателство, към което аз ще се върна, и това, че всъщност има такава. Ако някой те удари или обиди, наруши твоята телесна неприкосновеност, има закони. Друг е въпросът по отношение на процедурите. Да, има ги. Да, не са свършени."

legislation also changes, but the Charter does not change. This would make the reference to it more important in time.

#### **6. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

Some respondents believe that the civil society sector does not often use or refer to the EU Charter in its activism. The CSO representatives have to realise the opportunity to use it within their advocacy work and within the framework of direct interaction with different national institutions. Others, in contrast, admit to carrying out intensive advocacy work. They participate in almost every possible working group at the institutional level related to children's policies, where the policies are made, the so-called Insight advocacy, participation in these working groups, conversations, etc. There they actually base the whole idea of strategy and policies on the concept of rights, on the Charter, and the other conventions.

Participants also noted that often rights defenders focus mainly on the first part of the Charter where the right to life, guaranteeing dignity, the right to liberty, security, privacy, family life, etc. rights are. And very often they forget that the entire document is much broader. It also includes economic rights, solidarity, etc. that CSOs forget. Looking at these rights, looking at the Charter in a much broader way can make it more attractive to citizens.

Another aspect, in which the CSOs' recognize the Charter is relevant to their work is civic education. In general, all focus group participants insisted on its importance in any aspect of the involvement of the EU Charter in people's lives and repeatedly stressed upon the need of strengthening civic education to boost the awareness of the Charter in general. In their words, civic culture is very closely linked to the understanding of institutional means of protecting rights, not speaking about the EU Charter, but also in general to the idea that any citizen goes and seeks some extrajudicial, and if necessary judicial means, assertion of their rights. In this sense, civic education should be a central topic when we talk about how we promote the EU Charter.

#### **7. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants' professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

The gaps and limits of the implementation of the Charter were intensively discussed among participants. They agreed on several major gaps:

- The main gap, and it is a general one, is that a fundamental document which in practice replaces part of the European Constitution, to be applied has to go through a court every time to show that this document exists and that the rights in it apply to anyone. This means that in practice this document does not work. For me, with the Charter, in this way, the big flaw here is that the Charter is unworkable because it has to be proved every time.
- Another issue relates to the Charter requirement that administrative authorities have to give reasons for their decisions. They, however, do not give reasons and are not accountable for not having reasons. This is an essential gap that needs to be filled
- Another gap concerns the civil activists - they are divided into portfolios. Everybody looks at their sector through their own prism. Some are mainly focused on fundamental rights from the perspectives either of identity or the right to self-determination, while others are focused on access to information by administrative bodies and so on. And there is no coherence to their actions.
- The lack of sustainability in advocacy and civic education work carried out by CSOs is hindered by their predominantly project-based work. Once the projects end, it is difficult to secure funding for their programmes to continue so many of them fade away.
- Many municipalities do not have the capacity and expertise to bring down legislation or European best practices in the field of citizens' right to participation. They don't know in terms of expertise how to organise their process, for example, to even consult on the adoption of secondary legislation.
- The matter of EU legislation is extremely complex to Bulgaria's civil society. All the legal acts, their position, and their hierarchy are extremely complex. So they cannot convey to the general public, because it is a very specific legal matter. It sometimes confuses legal practitioners.
- The Charter represents a framework agreement, a respondent believes. All the rights referred to in it are present in the national legislation. It cannot be otherwise. We use it through national legislation. The organisations that are bringing cases for protection the breach of any right under the Charter are applying the national legislation. If it is not in line with European legislation we are subject to sanctions, and very often, when such a discrepancy is seen, cases are brought against Bulgaria to bring its legislation into line with European legislation. In those terms, the Charter should be applied at EU level predominantly.
- Another group of respondents sees a major gap in the quality of education. Moreover, the culture of lifelong learning, of pursuing education, needs to be activated and sustained, and the

obstacles to that include the fact that it is difficult to navigate the extraordinary amount of information that people are exposed to.

#### **8. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

The participants were unable to outline good practices. Some of them believed that the only indicator for best practice in the use of the Charter would be the number of cases initiated under it.

*“At the very least, it should be said that this Charter exists. I still advocate that it should be like a textbook on dignity. That is to say, you should know that this minimum of your rights is guaranteed and that they are actually spelled out as procedures in our legislation.”<sup>20</sup> (P1)*

#### **9. Any other information provided by the participants. Suggestions provided for the National Seminars.**

When raising awareness about a legal document, such as the Charter, some of the respondents’ experience has shown that it is good not to work with the dry matter of a document, but to explain to people the essence their fundamental rights, which are protected not only at European but also at national level. Further on, if the Charter needs to be promoted, it should be through the procedures which apply it. We need to get specific - if we want the Charter to work, we need to get specific on the procedures and explain the way this Charter can affect one’s life when they have a problem.

In terms of suggestions about who would be invited to the national seminars, the respondents agreed about the importance of the Education Ministry and teachers’ being there. Besides the usual suspects, another participant added, national seminars should invite the unusual suspects – the local authorities and their legal advisors.

#### **Comments/observations/other information**

In Bulgaria, practically two focus groups were held. The first one, held on 24 October, brought together only two participants, therefore, a second one had to be organized on 6 November. The insights shared by the two participants in the first focus group were mechanically added to the findings shared by the participants in the second focus group (participants 10 and 11 in the table below).

<sup>20</sup> *“Най-малкото трябва да се говори, че тази Харта съществува. Аз пак застъпвам мнението, че тя трябва да бъде като учебник по достойнство. Т.е. трябва да знаеш, че този минимум от правата ти са гарантирани и че те реално са разписани като процедури в нашето законодателство.”*

### Socio-demographic information on participants

	How would you describe yourself?	Age	Country and city	Profession	Role in the organisation	Years working in your current role at the institution/organisation	Years working in the area of fundamental rights
P1	Male	30-50	Sofia, Bulgaria	Lawyer	Lawyer, legal advisor	> 10	> 10
P2	Female	30-50	Sofia, Bulgaria	Legal professional	Senior legal advisor	> 10	> 10
P3	Female	> 50	Varna, Bulgaria	Lawyer, conciliator, mediator	Chairperson	> 10	> 10
P4	Male	30 - 50	Sofia, Bulgaria	n/a	Director	< 5	5 - 10
P5	Male	> 50	Sofia, Bulgaria	expert	Project and advocacy manager	> 10	> 10
P6	Male	30-50	Sofia, Bulgaria	Institutional advocacy	Chairperson	< 5	5 - 10
P7	Female	n/a	Varna, Bulgaria	n/a	CEO	n/a	n/a
P8	Female	n/a	Varna, Bulgaria	n/a	n/a	n/a	n/a
P9	Female	n/a	Varna, Bulgaria	Legal practitioner	Conciliator	n/a	n/a
P10	Male	30-50	Sofia, Bulgaria	Legal practitioner	Chairperson	> 10	> 10
P11	Female	30-50	Sofia, Bulgaria	Legal practitioner	founder	> 10	> 10



## Croatia Focus Groups

### Public Authorities

Number of participants: 6

Country: Croatia

Date of the focus group: 8 October 2024

Online/in presence: online

Moderator: Iva Zenzerović Šloser

Assistant moderator: Lovorka Bačić

Duration: 1:20

### 1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights

Focus group participants highlighted a low level of awareness among the general population regarding the EU Charter of Fundamental Rights. They emphasised the importance of improving public knowledge and strengthening awareness about the Charter and the rights it guarantees. Participants noted that citizens have limited opportunities to engage with the Charter, except through occasional public media campaigns, which are insufficient. They stressed the need for enhanced promotion and awareness-raising efforts, identifying civil society organisations, the Government Office for Human Rights and Rights of National Minorities, and the Ombudsman's Office as critical actors in these initiatives. However, participants also pointed out that these entities require additional support to implement such actions effectively.

*"Educating citizens about their rights and how they can use them is important, and this is where the key role of the Office for Human Rights and the Rights of National Minorities, the Ombudsman, and other public authorities is in promoting the various rights guaranteed by the Charter and how to achieve their protection." (P1)<sup>21</sup>*

A representative from the Government Office for Human Rights and Rights of National Minorities (P3) shared findings from their recent research, "Perception of Discrimination Among Adult Citizens in Croatia", which revealed that while some citizens are aware of the Charter's existence, most are unfamiliar with its content:

*"These are the data related to familiarity with the Charter: 29.6% of citizens are not familiar with the Charter at all; 50.2% are poorly familiar; 15.5% are well familiar; 3.7% are very well familiar; and 0.9% are excellently familiar. This tells us that around 80% of citizens are*

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<sup>21</sup> Edukacija građana o pravima i kako ih mogu koristiti je važna, tu je zapravo ključna uloga Ureda za ljudska prava i prava nacionalnih manjina, Pučke pravobiteljnice, ali i drugih tijela javne vlasti u promicanju različitih prava koje povelja osigurava i kako ostvariti njihovu zaštitu. (P1)

*unfamiliar with the Charter and its contents (when those who answered 'not at all' and 'not very familiar' are added up)." (P3)<sup>22</sup>*

Participants also noted insufficient knowledge about the Charter among public administration, institutions, stakeholders, and beneficiaries. They highlighted the need for targeted training and education to address these gaps:

*"Not enough is known about the application of the Charter; the police and judicial academies should be asked how many trainings they organise in the annual training plan for experts of various profiles where the Charter is included as a source of law at the EU level and in the Republic of Croatia." (P3)<sup>23</sup>*

*"Our institutions are not sufficiently informed about the content and their obligation to adapt their actions following the right to good governance... and, importantly, how to harmonise the actions of bodies with guaranteed rights, even in cases where the body is not obliged to act under the Charter." (P1)<sup>24</sup>*

## **2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

Concerning their institutions' professional positions and fields of work, the focus group participants differ in the Charter's level and scope of use. Still, all agree that it is relevant to their work. They emphasised the importance of the Charter as a document and instrument that can improve the implementation of human rights and the prevention of discrimination, and one of the tools that are useful in work both through the creation of public policies and for dialogue with various stakeholders.

*„The Charter is one of our tools, instrumental in our work, both through the creation of public policies and in the dialogue with various stakeholders as another carrot where we try to get stakeholders to increase the visibility and knowledge of the Charter through implementing their public policies. We are talking about raising awareness of the Charter through various events." (P3)<sup>25</sup>*

<sup>22</sup> Ovo su podaci vezani za upoznatost s Poveljom: 29,6% građana\_ki uopće nije upoznato s poveljom; slabo je upoznato 50,2%; dobro upoznato 15,5%; vrlo dobro upoznato 3,7%; a izvrsno upoznato 0,9%. To nam govori da oko 80% građana\_ki nije upoznato sa poveljom i njenim sadržajem (kada se zbroje ovi koji su odgovorili uopće nisam i slabo sam upoznat\_a). (P3)

<sup>23</sup> ... nedovoljno se zna o primjeni Povelje; trebalo bi policijsku i pravosudnu akademiju pozvati i pitat koliko edukacija organiziraju u godišnjem planu edukacije stručnjaka različitih profila gdje je uključena povelja kao izvor prava na razini EU i u RH. (P3)

<sup>24</sup> Nisu dovoljno ni naše institucije upućene sa sadržajem pa tako i da su dužne prilagoditi svoje postupanje sukladno i pravu na dobro upravljanje. ...., i važno - kako uskladiti postupanje tijela sa zajamčenim pravima pa i u slučajevima kada tijelo nije dužno postupati sukladno Povelji. (P1)

<sup>25</sup> Povelja nam je jedan od alata, iznimno korisna u radu, i kroz kreiranje javnih politika i u dijalogu sa različitim dionicima kao još jednu mrkvu gdje se trudimo dobiti dionike da pojačaju kroz provedbu svojih javnih politika vidljivost i poznavanje povelje. Razgovaramo da se kroz različita događanja pojača upoznatost s Poveljom. Pučka je baš završila jedan projekt sa raznim dionicima, a jedan od ciljeva je bila promocija povelje. (P3)

P1 applies the Charter in his work as a complement to national systems and legislation and sees its unique value in the clearly stated right to good administration, which raises the standards of the institutions' work. He considers the Charter as a tool with which public administration can achieve better and greater modernisation and professionalisation, and the application of the Charter means attaining high standards.

*“I am glad that the right to good administration has also been made clear - this right is essential for the work of institutions. To ensure the standards of the institutions' work, the institutions' decisions must have an explanation, and the reasons for making decisions known as well as how the legal protections are ensured.” (P1)<sup>26</sup>*

*“The Charter is important for public administration because it ensures human rights standards, can serve as a guide for officials on respecting and promoting human rights, and leads to the importance of transparency and accountability in public administration. Here, through the right to good public administration, the timeliness of resolving requests is important, citizens have the right to access information, and the prevention of discrimination (e.g. in employment). Implementing the Charter means high standards in public administration - efficient and accountable administration, and compliance with the Charter's principles encourages public administration's organisation and better quality of public services. It is an important legal framework for public administration. In this way, it can become more responsive to the needs of citizens and improve standards related to the quality of treatment.” (P1)<sup>27</sup>*

The Office for Human Rights and the Rights of National Minorities is the contact point for the implementation and promotion of the Charter, and every year, they produce a report on its implementation in various areas and topics. For many years, they have been organising conferences at which they thematise the Report for the Republic of Croatia and the implementation of the Charter. Within the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination (in the action plan) that they follow, one entire measure is related to awareness and use of the Charter. The Office also uses materials from the Fundamental Rights Agency (issued in 2019) associated with implementing the Charter in its work - case studies on implementing the Charter and educational material. In 2023, the Office conducted and published a survey, "Perception of

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<sup>26</sup> *Drago mi je da je jasno stavljeno i pravo na dobru upravu – to je pravo značajno za rad institucija, da se osiguraju standardi rada institucija, ključno je da odluke institucija moraju imati obrazloženje, da se znaju razlozi donošenja odluka i na koji način je osigurana pravna zaštita. (P1)*

<sup>27</sup> *Za javnu upravu je Povelja je važna jer ima ulogu osiguravanja standarda ljudskih prava, može biti kao vodič za službenike o poštivanju i promicanju ljudskih prava, vodi ka važnosti transparentnosti i odgovornosti u radu javne uprave. Tu je kroz pravo na dobru javnu upravu važna pravovremenost rješavanja zahtjeva, da građani imaju pravo na pristup informacijama, sprječavanje diskriminacije (npr. kod zapošljavanja). Realizacija Povelje znači visoke standarde u javnoj upravi – učinkovita i odgovorna uprava, usklađivanje sa načelima iz povelja potiče organizaciju javne uprave i bolju kvalitetu javnih usluga. To je važan pravni okvir za javnu upravu i na taj način ona može postati responzivnija prema potrebama građana i poboljšati standarde vezane za kvalitetu postupanja. (P1)*

Discrimination among Adult Citizens of the Republic of Croatia", where one question was related to the Charter and the perception of discrimination.

*“The Charter is one of the tools that is extremely useful in our work, both through the creation of public policies and in the dialogue with various stakeholders as another carrot where we try to get stakeholders to increase the visibility and knowledge of the Charter through the implementation of their public policies. We are talking about increasing awareness of the Charter through various events.” (P3)<sup>28</sup>*

Two persons from the ministries working on the management of EU funds (European Social Fund + for the Efficient Human Resources Programme and in another ministry – the Competitiveness and Cohesion Programme and the Integrated Territorial Programme) pointed out that ensuring mechanisms for compliance with the Charter is a condition for using the funds and this has become part of their procedures. To this end, they had to devise activities that ensure that the rights from the Charter are respected in all phases of implementation and monitoring, and now have various mechanisms with which they try to provide the application of the Charter and during tenders, they check the compliance of the documentation with the Charter so that it is not violated.

In addition, P2 stated that the ministry has improved procedures and compliance with the Charter in the instructions for potential applicants. In the form, there is a section related to the Charter. It has become part of their procedures not to violate the provisions of the Charter. It has been improved regarding administrative monitoring compliance with the Charter, and greater importance has been given to it. Through their calls in the field of social inclusion, projects that seek to realise the rights promoted by the Charter are implemented, and in those calls, activities can also be aimed at realising rights through information, promotion and media campaigns.

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants’ professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

Focus group participants identified several key gaps and limitations in implementing the EU Charter of Fundamental Rights nationally. A critical issue noted was the insufficient awareness among various professionals, particularly within institutions, regarding the content of the Charter and their obligations to adapt their actions in line with its provisions. This gap was particularly evident in the context of the right to good governance.

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<sup>28</sup> Povelja nam je jedan od alata, iznimno korisna u radu, i kroz kreiranje javnih politika i u dijalogu sa različitim dionicima kao još jednu mrkvu gdje se trudimo dobiti dionike da pojačaju kroz provedbu svojih javnih politika vidljivost i poznavanje povelje. Razgovaramo da se kroz različita događanja pojača upoznatost s poveljom. (P3)

Participants emphasised the urgent need for targeted promotion, education, and public awareness-raising initiatives. They underscored the importance of organising campaigns to enhance understanding of the Charter among both professionals and the general public. Such efforts are essential to address the current lack of knowledge and facilitate the effective implementation of the Charter.

*“Under the Hungarian EU presidency, the second training on the application of the Charter was conducted for various professional groups, so the need for this is recognised. Not enough is known about the application of the Charter; the police and judicial academies should check how many training courses they organise in the annual plan for the education of experts in various profiles where the Charter is included as a source of law at the EU level and in the Republic of Croatia.” (P3)<sup>29</sup>*

*“The promotion part is missing. In addition to education, campaigns should also be carried out so that citizens are aware. We have added to the website reports of irregularities and the possibility of reporting non-compliance related to the Charter and the Convention, but that is for the applicants, and citizens will not come to our website - that is why public campaigns are needed. Civil society has a significant role in promotion. The Office for Human Rights or the Ombudsperson offices could carry out campaigns, but they need support in their work to implement them. We all need to do more of that together.” (P4)<sup>30</sup>*

Ministries serving as managing bodies for EU funds highlighted the lack of established mechanisms to facilitate the practical implementation of the Charter. They emphasised the need for structured tools and processes to ensure respect for Charter rights throughout all phases of program management, including implementation and monitoring.

Participants concluded that while there is a foundational level of knowledge about the Charter in various areas, developing the essential tools and providing the information necessary for its practical application remains insufficient.

*“It is related to EU funds; we encountered an initial wall - how will we implement it in practice? There are insufficient resources, and many of the materials we consulted were related to the judiciary. So, it was little useful for what we had to design; no examples from practice hindered our ability to navigate initially. The European Commission itself did not design materials that would be useful to us either. Of course, we have guidelines for the past programming period, but we had to navigate ourselves. The Charter is not a known*

<sup>29</sup> Pod predsjedanjem Mađarske EU već drugi trening napravljen o primjeni povelje za različite profesionalne skupine, dakle prepoznaje se potreba za tim – nedovoljno se zna o primjeni povelje; trebalo bi policijsku i pravosudnu akademiju pozvati i pitat koliko edukacija organiziraju u godišnjem planu edukacije stručnjaka različitih profila gdje je uključena povelja kao izvor prava na razini EU i u RH. (P3)

<sup>30</sup> Nedostaje dio promocije, osim edukacije trebalo bi i kampanje raditi građani budu upoznati. Mi smo dodali na web prijave nepravilnosti, i mogućnost prijave neusklađenosti vezane uz Povelju i Konvenciju ,ali to je za prijavitelje, a građani neće doći na naš sajt – zato trebaju javne kampanje. Civilno društvo ima značajnu ulogu u promociji, kampanje bi mogao raditi Ured za ljudska prava ili Pravobraniteljice no trebaju podršku u svom radu da to provode. Više toga trebamo napraviti svi skupa. (P4)

*document, and that is why we decided to organise training for everyone in the system which is in the control and project management bodies to undergo training - and that is part of the action plan. E-education is also planned to reach as many people as possible so that people can get at least basic information about the Charter. Through e-education, we can reach more people.” (P4)<sup>31</sup>*

## OTHER INSTRUMENTS

Focus group participants noted that, besides the EU Charter of Fundamental Rights, they frequently rely on international instruments such as the Council of Europe and UN conventions and reports on implementing these documents. They highlighted the importance of analysing feedback from these bodies and coordinating activities based on such insights, which serve as essential tools for policymaking.

P3 emphasised the relevance of the Committee on the Elimination of Racial Discrimination's (CERD) final considerations in addressing racial discrimination, particularly in developing measures and public policies.

Other instruments referenced included:

- The Convention on the Rights of Persons with Disabilities (notably integrated on equal footing with the Charter by the Ministry of Regional Development and EU Funds),
- The UN Convention on the Status of Refugees and its related protocols,
- The Convention for the Protection of Human Rights and Fundamental Freedoms, and
- The Convention on the Rights of the Child.

These instruments complemented the Charter, providing additional frameworks for protecting and promoting fundamental rights in participants' professional activities.

Concerning my area of interest (borders and police actions), there is the Convention for the Protection of Human Rights and Fundamental Freedoms. We have several proceedings at the EU Court of Human Rights against the Republic of Croatia related to the actions of the police in violation of the Charter's provisions. (P1)<sup>32</sup>

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<sup>31</sup> *Kod nas je to povezano s EU fondovima, susreli smo se s početnim zidom – kako ćemo to provest u praksi, nedovoljno je resursa, a dosta materijala koje smo konzultirali je bilo povezano uz sudstvo. Dakle, malo korisno za ono što smo mi morali osmišljavati, nije bilo primjera iz prakse, to nam je u početku bila prepreka u snalaženju. Ni sama europska komisija nije osmislila materijale koji bi nama bili korisni, naravno imamo smjernice za proteklo programsko razdoblje, ali morali smo se sami snalaziti. Povelja nije dokument koji je poznat, zato smo mi smislili da organiziramo edukaciju za sve u sustavu koji su u tijelima kontrole i upravljanja projektima da prođu edukaciju - i to je dio akcijskog plana, u planu su i e-edukacije kojima bi doprli do što većeg broja ljudi da ljudi dobiju barem osnovne informacije o Povelji. Kroz e-edukacije možemo doprijeti do više ljudi. (P4)*

<sup>32</sup> *S obzirom na područje mog interesa (granica i postupanje policije), tu je Konvencija za zaštitu ljudskih prava i temeljnih sloboda. Imamo nekoliko postupaka na EU sudu za ljudska prava protiv RH vezano za postupanje policije u kršenju odredbi Povelje. (P1)*

#### 4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.

Participants highlighted several good practices primarily focused on promoting, disseminating, and educational activities related to the EU Charter of Fundamental Rights. Among the examples discussed were the collection and sharing of information and collaborative efforts among institutions in conducting research and producing reports. One notable example is the research conducted and published by the Office for Human Rights and the Rights of National Minorities, titled "Perception of Discrimination Among Adult Citizens of the Republic of Croatia."

Additionally, participants cited the annual conference organised by the Office, which presents yearly reports on human rights and the implementation of the Charter, as a key platform for knowledge exchange and awareness-raising. Other practices included the establishment of the Network of Coordinators for Non-Discrimination, which facilitates coordination and knowledge sharing among stakeholders.

One participant specifically emphasised the role of the Ombudsman in advocating for the right to good governance. They highlighted instances where the Ombudsman has warned public bodies about non-compliance with this principle, which has contributed to raising standards in institutional practices.

*"We have a Network of coordinators for non-discrimination (appointed representatives of each body that works on control and implementation of funds), and now the cities that are part of the Integrated Territorial Program are included, their representatives (from 22 cities) are included in this network. The network is a mechanism for exchanging information; education is organised for their representatives concerning their problems, programs, and procedures. These trainings are part of the action plan for human rights and non-discrimination, so it is not sporadic, but they are part of the plan. We had education sessions with the state school for public administration. Hence, everyone who works on the funds passed the basics, and we also have thematic or narrower educations - three additional ones every year." (P4)<sup>33</sup>*

*"There is material on the Office's website; exchanging and creating good practices and collecting material is good practice. ... Last year, CSOs strengthened throughout the EU, and the complete report can now be read. These are good*

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<sup>33</sup> *Imamo Mrežu koordinatora za nediskriminaciju (imenovani predstavnici svakog tijela koje radi na kontroli i provedbi fondova), a sad su uključeni i gradovi koji su u programu Integrirani Teritorijalni Program, njihovi predstavnici (iz 22 grada) su uključeni u ovu mrežu. Mreža je mehanizam za razmjenu informacija, organiziraju se edukacija za njihove predstavnike u odnosu na njihove probleme, programe, procedure. Ove edukacije su dio akcijskog plana za ljudska prava i nediskriminaciju, dakle nije sporadično nego su edukacije dio plana. Imali smo edukacije sa državnom školom za javnu upravu pa su svi koji rade na fondovima prošli osnove, a imamo i tematske odnosno uže edukacije - tri dodatne svake godine. (P4)*

*practices where all institutions involved in the compilation and collection of information and ministries can read what each other is doing and the positions of the Ombudsperson and other ombuds offices.” (P3)<sup>34</sup>*

*“It is good that the Ombudsperson has started to emphasise the right to good administration and say that the bodies are not in compliance with it and to cite cases where the actions of the bodies are not in compliance, for example, regarding the submission of complaints by citizens about the work of civil servants, police officers or other public services.” (P1)<sup>35</sup>*

In 2023, the Office for Human Rights and the Rights of National Minorities issued the Bulletin on the Application of the EU Charter of Fundamental Rights, which promotes existing online tools for the practical application of the Charter. Participants highlighted the value of utilising resources from the EU Agency for Fundamental Rights (FRA), such as Charterpedia, EFRIS (European Fundamental Rights Information System), and FRA’s e-learning tools, particularly for administrative and judicial bodies. Participants mentioned various innovative approaches to raising public awareness, including soft activities such as quizzes to popularise the Charter. One example is the EU pub quiz organised by the Croatian Law Centre in collaboration with the Faculty of Law, which targeted young people as a key audience. Media campaigns were also cited as practical awareness-raising tools; however, participants emphasised the need for targeted efforts to engage younger audiences through digital platforms. Suggestions included producing concise, engaging video content for platforms like TikTok and other social media channels.

The Office for Human Rights and civil society organisations were identified as key actors in these activities, leveraging their outreach capabilities and tools to connect with younger demographics. Participants also stressed that promoting the positive values enshrined in the Charter should be a central focus of any awareness-raising campaigns.

## **5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

A participant from the ministry expressed interest in the exchange of practices within the EU, particularly regarding integrating the Charter into national procedures and developing mechanisms for its application. They emphasised the importance of learning how the Charter is implemented in various

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<sup>34</sup> *Ima materijala na web stranici Ureda; razmjena i kreiranje dobrih praksi te prikupljanje materijala je dobra praksa. ... Prošle godine je bilo osnaživanje OCD-a u cijeloj EU i kompletan taj izvještaj se može sad pročitati. To jesu dobre prakse gdje i sve institucije uključene u kompilaciju i prikupljanje informacija te ministarstva mogu pročitati što rade jedni i drugi i stajališta Pučke pravobraniteljice i drugih pravobraniteljica. (P3)*

<sup>35</sup> *Dobro je što je Pučka pravobraniteljica počela isticati pravo na dobru upravu i govoriti da tijela nisu u skladu s tim i navoditi slučajeve gdje postupanje tijela nije u skladu na primjer oko podnošenja pritužbi građana na rad službenika, policajaca i li drugih javnih službi. (P1)*



public administrations across EU member states to identify potential adaptations for the domestic context.

Another participant suggested contacting the EU Agency for Fundamental Rights (FRA) to propose an initiative for collecting and sharing independently created tools and resources developed by EU member states. This would facilitate knowledge exchange and offer practical examples of how the Charter can be effectively applied in diverse settings.

### Comments/observations/other information

N/A

### Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)

	How would you describe yourself?	Age	Country, city	Profession	Role in the institution	The years you have worked in your current position at the institution	The years (if any) you have worked in the field of fundamental rights
P1	Male	30 - 50	Zagreb, Croatia	Lawyer	Professor	> 10	> 10
P2	Female	30 - 50	Zagreb, Croatia	Prof. of Sociology and Philosophy	Head of Department at Ministry	< 5	< 5
P3	Female	> 50	Zagreb, Croatia	Lawyer	Highest Advisor	< 5	> 10
P4	Female	> 50	Zagreb, Croatia	Sociologist	Head of department, Sector for coordination in the preparation and implementation of projects and for coordination of the use of technical assistance funds, Directorate for the implementation of operational programs and financial instruments	< 5	> 10
P5	Male	30 - 50	Zagreb, Croatia	Master of Philosophy	Advisor	< 5	< 5
P6	Female	30 - 50	Zagreb, Croatia	Sociologist	Deputy Ombudsperson	< 5	> 10

## **Civil Society Organisations (CSOs)**

**Number of participants:** 7

**Country:** Croatia

**Date of the focus group:** 9 October 2024

**Online/in presence:** Online

**Moderator:** Lovorka Bačić

**Assistant moderator:** Iva Zenzerović

**Duration:** 1:20

### **1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

The focus group findings indicate that professionals working in civil society organisations dedicated to promoting and protecting human rights are generally familiar with the EU Charter of Fundamental Rights. However, awareness among activists and volunteers within these organisations is significantly lower. Participants highlighted that the broader public remains largely unaware of the Charter, often confusing it with the European Convention on Human Rights.

According to the discussions, citizens facing challenges in realising their rights or experiencing a lack of state protection typically refer to violations of specific laws rather than invoking the Charter. Moreover, the public has a limited understanding of how to use the Charter concerning their state.

Participants also expressed concern over the insufficient awareness and application of the Charter among institutional actors, including the judiciary and other public bodies. Judges, in particular, exhibited a lack of understanding and a general reluctance to pursue further education on the Charter. The group found it troubling that, even after 15 years, the Charter has yet to integrate fully into institutional and societal practice.

### **2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

Participants employed in civil society organisations (CSOs) reported being familiar with the EU Charter of Fundamental Rights and incorporating it into their work. Legal professionals typically became acquainted with the Charter through formal education, whereas others gained knowledge of it through non-formal education opportunities, such as seminars or international summer schools. Additionally, some participants encountered the Charter while preparing grant applications, which served as a framework for promoting EU values (e.g., through the European Social Fund or Active Citizens Fund).

*"I studied the Charter more thoroughly because of the grant applications we applied for. We have used the Convention more often. NGOs also rarely use it – we do not refer to these*

*international mechanisms enough, neither the Charter nor the Convention. Some things, such as protecting human rights in Croatia, are regressing, and we need these documents.”*  
(P6)<sup>36</sup>

The Charter is considered highly relevant and significant in the current context, marked by a regression in human rights protections, particularly for women and minority groups. Participants view the Charter as providing more robust protection than conventions and national laws, although they noted that institutional familiarity with its application remains inadequate.

*“The Charter is stronger, as participants highlight, for example, cases involving the status of children of foreign nationals, EU citizens, and the denial of the right to education. It took us a long time to figure out who was competent – whom to turn to. We eventually reached Solvit, which operates based on the Charter. That was a discovery. Once we got to them, problems began to be resolved. Until then, Croatian laws were not being respected; with the Charter, it’s easier. Currently, the state lacks sufficient capacity to promote the Charter and handle cases effectively; it must strengthen its capacities. We have taken on the role of finding references in legislation and the Charter to support citizens when they present their problems.”* (P5)<sup>37</sup>

Participants explained that immediate action often involves turning to the courts and judicial mechanisms when addressing rights violations. However, many individuals lack the resources or resilience to engage in lengthy legal battles. For instance, parents are often hesitant to pursue legal action. Participants also emphasised that merely citing the Charter is insufficient; other strategies or mechanisms should complement its use to achieve meaningful impact.

**3. Identification of the main gaps/limits in the implementation of the EU Charter at the country level and of its use in the participants’ professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

Participants unanimously identified the lack of knowledge and awareness about the Charter as a significant issue among citizens, professionals, and lawyers. They noted that the European Convention on Human Rights (ECHR) remains better known, with the Charter still gaining traction. The transition from the well-established ECHR to the Charter is ongoing.

Despite this, participants recognised the Charter as a faster and more effective tool for realising rights. However, the lack of public awareness about its opportunities and scope poses a significant challenge.

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<sup>36</sup> Bolje sam proučila Povelju zbog natječaja na koje smo se prijavljivali. Više smo koristili Konvenciju. Udruge ju također slabo koriste – ne pozivamo se dovoljno na te međunarodne mehanizme, ni Povelju ni Konvenciju. Neke stvari, poput zaštite ljudskih prava u Hrvatskoj idu unazad, trebaju nam ti dokumenti. (P6)

<sup>37</sup> Povelja je snažnija što možemo vidjeti, kako ističu sudionici npr u statusu djece stranaca, građana EU i uskrate prava na obrazovanje. Dugo nam je trebalo da shvatimo tko je nadležan – kome se obratiti. Došli smo do Solvita – koji je zadužen na temelju Povelje. To je novo otkriće. Kada smo do njih došli, problemi su se počeli rješavati. Do tada se nisu poštovali hrvatski zakoni, uz Povelju je lakše. Država trenutno ima preslabe kapacitete da promovira Povelju i prihvaća slučajeve, treba se kapacitirati... Preuzeli smo ulogu da u aktima i Povelji nađemo na što ćemo se pozvati kada nam građani predstave svoj problem. (P5)

Effective Charter utilisation requires specialised knowledge, access to external experts, and opportunities for experience sharing and learning from others who have successfully implemented it. Participants also noted differing interpretations of the Charter between domestic and international experts.

*"We are currently using the Charter to argue a case regarding Community Work Without Compensation – we are fighting to protect EU values. An analysis of international mechanisms has been conducted. We use the Charter when analysing phenomena and violations within our society. However, as a legal professional – my professors teach me one thing, while international trainings teach us something else: they teach us that the Charter supersedes national legislation. We are confused." (P6)<sup>38</sup>*

Participants mentioned the European Convention on Human Rights, the Convention on the Rights of the Child, the Convention Relating to the Status of Refugees, the Dublin Regulation, the EU Directive on Migration, and the Aliens Act, among other international mechanisms and documents frequently used in their work. Shadow reports and UN mechanisms were highlighted as key tools for advocacy and exerting pressure.

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

Participants emphasised that the Charter provides robust tools to support their work.

*"Our principle of work is: we start with a national act, then the higher national act, which is the Constitution, and finally, we reinforce everything with the Charter or the Convention. Our documents include explanations of rights – this approach has proven to be relatively successful when structured this way; it works: from lower to higher acts." (P5)<sup>39</sup>*

For instance, it has been used to protect victims and witnesses of criminal acts and uphold the right to equality in education.

*"After the Network for the Protection of Victims and Witnesses was established, there was a shift in the system; the position of victims has changed – the process is now more humane, with less re-traumatisation. It is important to ensure follow-up support and to provide system capacities. All projects are based on the Charter, especially those focused on human rights. This includes combating sexism, homophobia, and transphobia in the media. We have received many more responses. The Council for Electronic Media does*

<sup>38</sup> Povelju upravo koristimo u argumentiranju slučaja Rada za opće dobro bez naknade – borimo se zaštititi EU vrijednosti. Napravljena je analiza međunarodnih mehanizama. Korsistimo ju kad analiziramo pojave i kršenja unutar našeg društva. No, kao pravnicu - profesori me uče jedno, a na međunarodnim edukacijama nas uče drugo, oni nas uče da je Povelja iznad nacionalnog zakonodavstva. Zbunjeni smo. (P6)

<sup>39</sup> Princip našeg rada je: imamo nacionalni akt, nacionalni akt iznad njega koji je Ustav, a onda sve to zakucamo s Poveljom ili Konvencijom... Naši dokumenti sadrže obrazlaganje prava – to se pokazalo kao relativno uspješno kada se tako posloži – funkcionira: od nižih prema višim aktima. (P5)

*not perceive these as violations, which is precisely why we use the Charter in our arguments.” (P1)<sup>40</sup>*

Specific examples include successfully advocating for changes to kindergarten enrolment regulations to align with the Charter (P5) and implementing free legal aid for migrants and asylum seekers (P2).

*“In cases concerning children’s access to kindergarten enrolment, we invoked the Charter and the principle of equality. Enrolment regulations have been changed in many places and are now more aligned with the Charter.” (P5)<sup>41</sup>*

*“The implementation of free legal aid for migrants and asylum seekers, access to healthcare, the right to housing, inclusion in the education system, and additional courses. Programs for employment and retraining.” (P2)<sup>42</sup>*

The Charter has also been applied in legal proceedings to combat discrimination and in educational and advocacy activities.

*“The Charter is used in legal cases to combat discrimination and provide direct assistance in specific cases – these proceedings have been successful. We use the Charter in communication with institutions, particularly in administrative procedures when officials are insufficiently informed. However, referencing national legislation tends to have a greater impact.” (P6)<sup>43</sup>*

As a good practice, participants highlighted the collaborative efforts of CSOs in drafting shadow reports for the Universal Periodic Review (UPR).

*“The principle of our work is: we have a national act, a higher national act which is the Constitution, and then we anchor everything with the Charter or the Convention... Our documents include explanations of rights – this has proven to be relatively successful when organised in this way – it works: from lower to higher acts.” (P3)<sup>44</sup>*

<sup>40</sup> Nakon što se oformila Mreža za zaštitu žrtava i svjedoka se u sustavu dogodio pomak, položaj žrtava je promjenjen -i postupak je humaniji, manje je retraumatizacije, važno je osigurati podršku za praćenje i dati kapacitete od strane sustava... Svi projekti su oslonjeni na Povelju, svi ljudsko-pravaški. U suzbijanju seksizma, homofobije, transfobije u medijima. Puno više odgovora dobili. Vijeće za elektroničke medije to ne doživljava kao povredu, upravo zato koristimo Povelju u argumentaciji. (P1)

<sup>41</sup> Kod pristupa djece na upis u vrtiće pozivali se na povelju i jednakost, na dosta mjesta su se promijenili pravilnici za upise u vrtić koji su sada više usklađeni s Poveljom. (P5)

<sup>42</sup> Implementacija besplatne pravne pomoći za migrante i tražitelje azila, pristup zdravstvu, pravo na stanovanje, uključivanje u obrazovni sustav, dodatni tečajevi. Programi za zapošljavanje i prekvalifikaciju. (P2)

<sup>43</sup> Koristi se u pravnim slučajevima, za suzbijanje diskriminacije, direktna pomoć u slučajevima – uspješni su postupci bili. U komunikaciji s institucijama koristimo Povelju, ali u upravnim postupcima, kada su službenici nedovoljno upoznati. Veći je efekt kada se pozivamo na nacionalno zakonodavstvo. (P6)

<sup>44</sup> Naš princip rada je: imamo nacionalni akt, viši nacionalni akt koji je Ustav, a zatim sve učvrstimo Poveljom ili Konvencijom... Naši dokumenti sadrže obrazloženja prava – pokazalo se da je ovakav način organizacije relativno uspješan – funkcionira: od nižih prema višim aktima. (P3)

**5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

Focus group participants emphasised incorporating expert knowledge, external specialists, and experience-sharing opportunities into seminar programs. They also suggested involving key institutional actors, such as the Ombudsman’s Office, the Council for National Minorities, and the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, in the educational process.

Participants noted that learning from practical examples of how the Charter has been implemented and used in other contexts would significantly enhance the effectiveness of national seminars.

**Comments/observations/other information**

N/A

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	How would you describe yourself?	Age	Country, city	Profession	Role in the institution	The years you have worked in your current position at the institution	The years (if any) you have worked in the field of fundamental rights
P1	Female	30 - 50	Poreč, Croatia	Project Manager	Coordinator	> 10	> 10
P2	Female	> 50	Zagreb, Croatia	Lawyer	Legal advisor	< 5	5 - 10
P3	Female	30 - 50	Zagreb, Croatia	Legal officer	Program Manager for Justice and Human Rights	< 5	< 5
P4	Female	< 30	Sisak, Croatia	Bachelor of Public Administration	Administrative assistant	< 5	< 5
P5	Female	30 - 50	Kastav, Croatia	Preschool Teacher	President, Project Manager	< 5	> 10
P6	Female	30 - 50	Osijek, Croatia	Lawyer	Executive Director	> 10	> 10
P7	Female	30 - 50	Croatia	Master of Law (LL.M)	Legal advisor	< 5	< 5

## Cyprus Focus Groups

Indicate the category of participants (CSOs/public authorities): **public authorities**

Number of participants: **9**

Country: **Cyprus**

Date of the focus group: **22 November 2024**

Online/in presence: **Online**

Moderator: **Corina Demetriou**

Assistant moderator: **Nicos Trimikliniotis**

Duration: **1.21**

### **1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

The moderators explained the privacy policy and asked for permission to record, following which they presented a power-point through screen-share with an overview of the results of the on-line survey carried out in the framework of the FAIR project earlier in the year. The participants enquired about the survey, when it was carried out and what was the sample. P3 mentioned that the European Commission also carried out recently a survey on the use of the Charter which also concluded that there was low awareness of the Charter.

P1 said the Ministry of Education staff members do not have knowledge of the Charter do not use it in their work. She was not aware of any training seminars or awareness on the Charter being carried by any organisation.

### **2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

P8 said that in his own field of work, which is the rights of older people, the Charter is an important tool and his department is consulting it regularly to promote the rights of the elderly, including the right to dignified living, social support, freedom to express culture and religion, and that they always make sure that any policy or legislative proposals impacting these rights are compliant with the Charter. He added that older people are not familiar with social media and in order to reach them more conventional means must be used to raise awareness, like mass media and especially radio and television, using simple language. He stated that the Charter is used in combination with the European Social Charter and other EU Directives within

their mandate, pointing out that people should be exposed to holistic awareness raising in a simple language and for those rights which affect them, because not all Charter rights affect everybody.

P2 said the Charter is important in the policies of the Youth Board and that they are constantly engaged in awareness raising for the Charter amongst the youth. Their main obstacle is that youth are difficult to engage and use tik tok extensively. P4 said that he has been following the deliberations of the Human Rights Parliamentary Committee for the past three years and there was hardly any reference to the Charter. He added that the Charter is occasionally raised in the sectoral committees when parliamentarians seek a tool to strengthen their arguments or in the preamble of legislations transposing the acquis. The Parliamentary Committees' secretariats consist of lawyers and are the ones responsible for checking compliance of all bills and draft laws with human rights instruments including the Charter, which serves as a safeguard to ensure that proposals do not infringe the Charter. It is for the secretariat to inform the MP if a certain proposal is compliant with the Charter.

P9 stated that the Charter is considered by public opinion as a general and vague tool to be used as and when needed; its binding character is often disregarded and is viewed as a statement of principles. The MPs themselves are often unaware of the seriousness of the Charter and of its binding nature. Generally speaking, there appears to be a general tendency to disregard human rights and to ignore the fact that the Charter is a binding tool to protect our rights. The Charter is not sufficiently utilized to protect rights in labour relations, in asylum and migration and in environmental issues which is not surprising given the fact that there is no knowledge of the fact that it is binding. At certain levels of the legislative level and at the level of policy development, there are people who may be aware of the Charter but choose to ignore it to promote policies that serve interests.

P10 said she was aware of the Charter but was not sure of its legal standing and where a person can file complaints when their rights are violated. P9 said the Charter is binding for institutional bodies and the member states and can be used to apply to the Court of Justice of the EU. Participants stated it can also have direct application and can be used in national courts in areas of the law where the acquis applies. There was little knowledge amongst the participants about its use in the national courts. P9 said that a technical processing to be made of draft laws and bills, whereby an ex ante check is made by the secretariat to ensure that proposals comply with the gender equality acquis, environmental protection and other matters but non-compliance is common and the government relies on the fact that private individuals cannot take cases to court for Charter violations. To fill this gap it is possible to use EU bodies, a process which requires knowledge and time which is often not there in the case of professionals working in the field of fundamental



rights. Bills and draft laws are first checked by the Attorney General's office; the secretariat check is more technical and its members require MPs to make corrections but it is up to the MPs to decide whether to take the secretariat's comments on board or to ignore them. P4 said that sometimes after a law is adopted the President reverts stating that the law adopted infringes the Charter and must be revised; there are a few such examples.

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants' professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

P3 said that before a bill is submitted to the Attorney General's office, government ministries submit the proposal to the Law Commissioner to check for fundamental rights compliance. There is a national strategy for fundamental rights in place and the Ministry of Justice checks all bills it submits for compliance with each chapter of the strategy. This was the case with the law on juvenile justice which is being implemented in stages; as at present, the Justice Ministry is in the process of setting up detention centers for children on conflict with the law, in collaboration between public and private sector. P3 mentioned the example of the House for the Child, which was also the result of public and private collaboration. He added that slow and steady steps are being taken for individuals to become aware of the Charter and claim their rights, pointing out that low awareness of the Charter is a pan-European phenomenon. Referrals to the CJEU by Cypriot courts are very few; complainants tend to use the ECtHR where they can submit their applications directly. P3 attributed the lack of CJEU rulings against Cyprus to the fact that a long process of warnings takes place prior to the infringement proceedings and often Cyprus complies with the Commission's recommendations before the case ends up in Court. According to P3, during a meeting between the Charter National Focal Points and the European Commission, it emerged that the Charter is largely unknown in most countries and it is necessary for the public to become informed of their rights in order to claim them. Awareness must be intensified using the media, the Cyprus Bar Association and other institutions.

P2 said that there are other human rights tools which are more commonly used than the Charter, which for some reason is lesser known. Perhaps the reason is because it is a relatively new instrument compared to the other tools and needs to be better promoted. In the field of public awareness, P4 said that anything in a written text does not reach the wide masses of the public; awareness must be conducted in simple language, with images, with social media campaigns, videos etc. P4 said the language of the Charter is rather general and unless it is subjected to interpretation by the CJEU then its added value is not immediately understood.

P4 added that the parliament is forwarding to all parliamentary researchers the CJEU rulings, however nobody has sufficient time to study them. Recently one parliamentary party proposed that the right to a clean environment as enshrined in the Charter should become a constitutional right. Participants were not aware that the Charter applies only in areas transposing the acquis and did not identify its limited scope of application as a potential weakness

**4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

P3 stated that the information in the public sphere about the Charter does not reach society at large, only professionals in the field of rights and wondered whether the office of the European Commission in Cyprus could undertake a Charter awareness initiative. P4 said that representatives of the offices of the European Commission and the European Parliament in Cyprus are regularly invited and attend parliamentary sessions on issues of concern and the carrying out of awareness campaigns does seem to be relevant to their tasks and mandate.

P1 asked how the Attorney General's office use the Charter in its work and whether it conducts a regular check of bills for compliance with the Charter. P3 said the Attorney General's office has a special section that examines CJEU decisions and advises governmental bodies about developments that may concern them, with guidance on how to formulate the legal and policy framework in a manner compliant with the Charter. He added that Charter awareness must take place at different levels particularly using social media, using simple information on how to pursue their rights and without having to pay lawyers, adding that the Justice Ministry is keen on activating citizens to take an active role in claiming their rights. For this reason, the government introduced measures to bring government services closer to the citizens to facilitate the process. P1 said that rights awareness is already carried out at schools and the scope of the awareness content could be expanded to include the Charter.

**5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

**Comments/observations/other information**

P1 stated it would be useful to map the use of the Charter in academic institutions and especially which ones are offering the Charter in its curricula.

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	<b>How would you describe yourself?</b>	<b>Age</b>	<b>Country, city</b>	<b>Profession</b>	<b>Role in the institution</b>	<b>The years you have worked in your current position at the institution</b>	<b>The years (if any) you have worked in the field of fundamental rights</b>
P1	Woman	>40	Cyprus, Nicosia	Officer Ministry of Education, Sports and Youth	European and International Affairs, Lifelong Learning and Adult Education	< 5	> 10
P2	Woman	>40	Cyprus, Nicosia	Cyprus Youth Organisation	Youth officer	< 10	< 10
P3	Man	> 50	Cyprus, Nicosia	Ministry of Justice and Public Order	National contact point for the Charter	> 10	> 10
P4	Man	<35	Cyprus, Nicosia	Parliamentary researcher	Parliamentary assistant for MP	<5	> 15
P5	Woman	<55	Cyprus, Nicosia	Officer at Deputy Ministry for Social Welfare	Social Welfare Officer	> 15	> 15
P6	Woman	<40	Cyprus, Nicosia	Officer at Deputy Ministry for Social Welfare	Social Welfare Officer	>10	<10
P7	Woman	<40	Cyprus, Nicosia	Officer at Department for Social Integration of Persons with Disabilities	Officer	<10	<10
P8	Man	40 - 50	Cyprus, Nicosia	Department for management of welfare benefits, Deputy Ministry for Social Welfare	Officer for low income pensioners	>10	>10
P9	Woman	>40	Cyprus, Nicosia	Parliamentary researcher	Parliamentary assistant for MP	<5	> 15
P10	Woman	>40	Cyprus, Nicosia	Department for management of welfare benefits, Deputy Ministry for Social Welfare	Officer for minimum guaranteed income	>10	>10

**Civil Society Organisations (CSOs)**  
**Number of participants: 8**  
**Country: Cyprus**  
**Date of the focus group: 20 November 2024**  
**Online/in presence: Online**  
**Moderator: Nicos Trimikliniotis**  
**Assistant moderator: Corina Demetriou**  
**Duration: 1.37**

### **1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

The moderators explained the privacy policy and asked for permission to record, following which they presented a power-point through screen-share with an overview of the results of the on-line survey carried out in the framework of the FAIR project earlier in the year. The participants introduced themselves and their organisations and expressed agreement with the survey findings regarding the low levels of awareness of the Charter in Cyprus at several layers including at the layer of public administration and policy makers. P4 mentioned that there are many pending issues as regards the Charter and accessing rights is always a problem for activists because of the impediments in accessing the judicial process. By way of example he stated that, only a few minutes before the start of this meeting, he was informed that the Social Welfare Services had succeeded in securing an Court order declaring a person with disability as 'incapable', stripping her of her legal capacity; this was a typical example of how the courts are often failing rights without recourse to human rights instruments and without the possibility of human rights organisations to intervene.

*"We are at a dead end as regards the national courts" (P4)*

P4 added that recently the task of examining complaints for Charter violations was handed to the Ombudsman and he was uncertain how this would work. Other participants stated that the Ombuds institution already has several other mandates without the necessary resources and expertise to carry them out, adding that many complainants choose not to file complaints to this institution as the chances of rejection were high and this would make their position vis-à-vis the authorities even worse. It was pointed out that the Ombuds mandate in relation to the Charter was restricted to examining complaints regarding the use of EU funds and their compatibility with the Charter.

P4 added that his organisation is mostly using the CRPD in order to pursue rights, which gives them the opportunity to file their complaints at the competent UN body. He stated that filing complaints to international institutions presupposes acceptance by the member state of the complaints procedure, therefore these processes are not without impediments either:

*“Unfortunately, only a very small number of disability activists know the details of these rights. Some of the Charter rights are already known to them but the context and the source of these rights is confusing for many of them. There was never an awareness-raising campaign in Cyprus as regards the Charter. Sometimes we mention the Charter in our communications with the authorities, but no-one takes this citation seriously into account; they will go ahead and do whatever they had decided to do anyway.” (P4)*

P8 stated that from their experience in interacting with public authorities in the field of health care, civil servants from the Ministry of Health and from the Social Welfare Services were unaware of the Charter and it was up to the NGO to point out to them their Charter obligations. The Charter’s significance in its extra judicial application lies in state officers on whose compliance the NGOs rely, being aware of the Charter. If they are not aware of the Charter and their Charter duties, there is little ground for communicating demands premised on the Charter.

P3 agreed with the above statement:

*“We work with the rights of women at pregnancy and birth and there is little scope for lengthy judicial processes. To the extent that the Charter rights are also found in our Constitution, we prefer to cite the Constitution because health professionals are not aware of the Charter. There must be an institutionalized tool to enable us to use the Charter better.”*

## **2. Assessment of the relevance of the EU Charter in the participants’ professional activity/activism**

P5 stated that although her organisation is working specifically on rights and legal processes, they do not use the Charter in their daily work:

*“The Charter is a tool that, even for us working with Charter rights on the ground, is not part of our everyday work. The reason is because the Charter rights are already mentioned in other instruments and there is no practical mechanism specifically for the Charter to make it user-friendly. If the Charter came with its own complaints mechanism, it would encourage everyone to use it. At this moment, it is a dry tool, even when used in Court. In the absence of a mechanism, it does not offer any added value. We only used it once in a complaint we filed with the European Commission.” (P5)*

P7 also stated that they do not use it because the public authorities are unaware of it:

*“Although we are aware of it, we don’t use it. Whenever we try to quote it, the receivers are not aware of it. In order to speak the same language with our receivers, this language does not include the Charter or its value. With the agencies that we do advocacy work, we tend to use other instruments such as ECHR, but not the Charter.” (P7)*

P1 stated that awareness is the most important aspect in making the Charter more useful and useable:

*“I would focus more on awareness. It is given that the persons participating in this focus group are aware of the Charter as it is part of our work, but because of the horizontal nature of the Charter, awareness is key and must be done by the state in order to provide an institutional backing to it. We are part of the Ministry of Justice’ mechanism on the rights of women and we have never been invited to participate in an awareness raising or training for the Charter. If we were never called to join such activities, you can understand why others, with less rights engagement than us, are even less informed.” (P1)*

P8 agreed with all other participants that public authorities and policy makers in particular are not aware of the Charter but also, they are unwilling to implement rights, and they may be using the lack of awareness of the Charter as an excuse.

*“The issue is what pressure there is on policy makers to implement it. If there is no pressure on public authorities to implement it, then the instrument is of little value. Had there been an*

*effective implementation mechanism, this on its own would serve as pressure on public authorities to implement it to avoid being exposed.” (P8)*

The discussants agreed that the absence of an implementation mechanism is an added problem to the authorities’ lack of will to implement it. P8 stated that NGOs dealing with children and with health issues do not have the luxury to wait for years in order for time consuming procedures to yield results; they need quick and effective responses without going to court.

P2 said that the usefulness of the Charter often depends on who you are dealing with. He stated that his organisation is grass roots and they only had to use legal language once when they communicated with MPs:

*“I wouldn’t say that the Charter was on top of our list in order to communicate in a legal language. We cited national legislation. The Charter is seen as a lesser tool by both policy makers and activists. We will choose to concentrate on tangible tools that can help further our complaints.” (P2)*

P3 stated that, in her work, she only used the Charter in the reports she has been writing; she never used it as a tool to pursue rights:

*“It’s not a tool. It is merely an extra reference.” (P3)*

P6 stated that her organisation sometimes uses Charter to conduct awareness, especially when addressing youth and children, to enable them to make a general introduction about rights and how they impact their everyday life, without going into detail. Other than that, the Charter was described as “something distant and unknown” (P6).

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants’ professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

P8 stated that her organisation is dealing with children and, in their communications with public authorities, they are mostly citing the Child Guarantee and other relevant child centred human rights instruments.

P5 stated that there is a widespread feeling that there is an absence of rule of law in Cyprus, which renders the Charter pointless. She described it as “an additional tool alongside others which are also ignored by policy makers,” adding that the Deputy Minister on Migration recently showed a complete disregard for the ECtHR decision against Cyprus regarding the pushbacks which makes activists feel it is pointless to invoke legality.

P1 stated that usually there is no extra need to invoke the Charter and that it’s hard enough to invoke national law:

*“If you cite the Charter it’s harder to find a stronger argument to make your view heard amongst policy makers. We feel the response is more direct if we invoke national legislation.” (P1)*

The fact that the Charter is applicable only in areas transposing the *acquis* was not perceived as a major problem. P5 stated that they do not even get to the stage of examining the scope of the Charter. P5 stated it is a fact that the Charter does not offer anything over and above the other human rights instruments and for this reason they do not go into citing it in addition to the other instruments:

*“The only area where the Charter becomes useful is in order to use the complaints mechanism of the European Commission. In order to use that mechanism, one needs to show an individual case in detail to demonstrate a systemic problem. We tried it two times and we were disappointed by the way in which the Commission treated our complaint. Their response was late by a few years, there is a tendency to reject the complaints, they disregard the systemic problem emerging from the individual complaint raised and they respond that they do not look into individual cases. They generally seem to prefer to avoid launching infringement proceedings. When a tool does not help you, you tend to forget it in your everyday work.” (P5)*

P7 said there is a big training gap on the Charter and that NGO practitioners do not have the necessary knowledge to make use of the Charter.

P2 said the problem in the context of hate crime, either homophobic or racist, is that the Charter comes to their aid after the fact; it cannot serve as a deterrent. The Charter only comes in as a last resort, after the



weakness of the state to protect people is demonstrated. There is no recourse to trigger mechanisms before the hate crime:

*“During our exchanges with the police when we are reporting a hate crime, the Charter is the last thing on our mind.” (P2)*

P1 said she did not have legal background but was of the view that the legal advisors which their organisation appoints when rights are infringed did not make use of the Charter, although she was not sure why.

P5 said access to legal aid and the length of the judicial process are major disadvantages in the use of the Charter, as they render strategic litigation in Cyprus meaningless:

*“In Cyprus there is no human rights culture and no pro-bono work by lawyers. Without legal aid, we can’t do much. The other main problem is the fact that courts are so slow in delivering decisions that the decisions are often rendered meaningless. If the authorities know that a decision will take four years, this does not constitute pressure on the authorities to meet their duties under the Charter. Even if at the end of the day we get a positive decision, who will implement it after four years? If time was not of the essence, then it would be possible for NGOs to apply to the Court for matters relating to asylum reception conditions. Time is of the essence in many areas of the law that NGOs are dealing with” (P5)*

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

The only positive example of the use of the Charter was the newly set up Administrative Court of International Protection which adjudicates exclusively appeals against administrative asylum rejections. P5 stated that because of its exclusive focus on asylum decisions and special mandate to carry out its own investigations, this court has evolved and has lots of positive decisions relying on the Charter, which is the only human rights document where the right to asylum is clear. P5 added that the expertise of lawyers appearing before this court is also increasing, as asylum is a specific area, compared to the general administrative court where all kinds of cases may be examined, and the situation as regards expertise is

chaotic. P5 added that awareness raising must target lawyers and that it is too ambitious to target anyone else.

Participants offered the following suggestions for a better use of the Charter:

- A practical user-friendly mechanism to examine Charter violations (all participants);
- Legal aid to bring Charter violations to court (P5);
- Charter expertise on the part of lawyers and judges (P7);
- Specific promotion tools for specific rights, not one mechanism for the entire spectrum of the Charter (P3). A more thematic approach is needed, for instance NGOs working on gender can coordinate between them for awareness raising, training and better implementation (P1).

#### **5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

#### **Comments/observations/other information**

The participants stated that the nature of the Charter is such that it gives the authorities the opportunity to avoid their responsibilities and escape liability. P4 expressed disappointment with how the European Commission handled their complaint against a particular agency that came to Cyprus to prepare a new law on children with disabilities. P4 added that his organisation filed another complaint to the European Commission about the fact that the Audiovisual Directive was not implemented in Cyprus as there were no programs on TV for blind persons; his organisation was disappointed by the response of the European Commission, which stated from the outset that they may not examine their complaint and finally asked them to re-submit it. P4 reported a further disappointing experience when they filed a complaint about the use of EU Funds in a manner that was contrary to the Charter: they complained about the obstacles on the pavement of the main avenue in the capital city, placed in the context of a regeneration project financed by EU funds, because the objects placed on the pavements posed risks for blind persons. In response to their complaint, the municipality merely fixed those obstacles on the pavement, instead of removing them. P4 stated that this poor response did not bring any reaction from the European Commission who were funding the project. P4 said Cyprus is a small country and the European Commission does not take us seriously. P5 said that same problems are faced by their colleagues in most EU countries. P4 further reported that, according to EU Regulation, public transport must be accessible, the drivers must be trained, there must be

vocal notices etc, which were not being implemented in Cyprus, but the ineffectiveness of the procedures make it difficult for them to file complaints and see them to a successful completion.

P4 said that his organisation filed a complaint to the Ombudsman about the change of notices in buses which had replaced older ones that had large and readable letters, with new ones with smaller letters which are not readable. The Ombudsman's response was that she was sending letters to the authorities for two years, without receiving any reply from them.

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	How would you describe yourself?	Age	Country, city	Profession	Role in the institution	The years you have worked in your current position at the institution	The years (if any) you have worked in the field of fundamental rights
P1	Woman	>40	Cyprus, Nicosia	Social expert	Project officer in women and children support group	< 5	> 10
P2	Man	>50	Cyprus, Nicosia	Lawyer	President of LGBTIQ group	5 - 10	> 10
P3	Woman	> 35	Cyprus, Nicosia	Lawyer	Project officer in women's support group	> 10	> 10
P4	Man	>50	Cyprus, Nicosia	Disability activist	Representative of disability organisation	>20	> 25
P5	Woman	40 - 50	Cyprus, Nicosia	Lawyer	Migrant/refugee support group	> 15	> 15
P6	Woman	<40	Cyprus, Nicosia	NGO officer	Project officer, in NGO	<10	<10
P7	Man	<30	Cyprus, Nicosia	NGO Officer	Managing Director in migrant/refugee support group	<10	<10
P8	Woman	40 - 50	Cyprus, Nicosia	NGO officer	Director in migrant / refugee children support group	>10	>10

## Greece Focus Groups

**Public Authorities**

**Number of participants: 7**

**Country: Greece**

**Date of the focus group: 14 November 2024**

**Online/in presence: Online**

**Moderator: Maria Mousmouti**

**Assistant moderator: Christina Tsoulfidou**

**Duration: 1 hour and 11 minutes**

### **1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

The majority of participants indicated that while some information about the EU Charter of Fundamental Rights (hereinafter the EU Charter) is provided to public authorities and institutions, it is generally viewed as incomplete and lacking in comprehensiveness. Specifically, there is a clear need for more thorough, detailed, and accessible information that covers all aspects of the EU Charter in a way that is both understandable and actionable.

Moreover, a significant concern highlighted by stakeholders is the difficulty in understanding the more complex elements of the Charter. This lack of clarity hampers the effective application of its provisions in everyday practice and impedes their integration into public policies and actions.

*“There is information available to the public authorities, but this information is not complete and comprehensive. The Charter is not easy to use, it has complex aspects, especially in the rule of law.” (P6)<sup>45</sup>*

With regard to public awareness, a notable gap in knowledge exists concerning fundamental rights and the steps citizens can take when these rights are violated. As one participant pointed out:

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<sup>45</sup> Υπάρχει ενημέρωση στις δημόσιες αρχές παρόλα αυτά η ενημέρωση αυτή δεν είναι πλήρης δεν είναι ολοκληρωμένη. Δεν είναι εύκολή η αξιοποίηση του Χάρτη, έχει σύνθετες πτυχές ειδικά στο κράτος δικαίου.

*"The fact that the public is not aware of the Charter is something that we as a body have as a belief. In fact, in an upcoming action that we will be launching in the middle of a project, it is one of the objectives".(P3)<sup>46</sup>*

## **2. Assessment of the relevance of the EU Charter in the participants' professional activity**

The significance of the EU Charter varies across institutions, with its importance reflected in a range of approaches and practices. Specifically, some participants noted that the nature of their work is closely tied to fundamental rights and their protection, making the EU Charter essential for their tasks. This includes its use in providing opinions on draft laws and legislative provisions. As one participant from the Hellenic Data Protection Authority (P2) explained:

*"The hard core of our work is a fundamental right, so we always start and go back to it (the EU Charter) since we are talking about a fundamental right we have to" (P2)<sup>47</sup>*

Other participants emphasized that the Ministry of Asylum is supported by expertise and staffed by European organizations, such as EUAA. As a result, the EU Charter of Fundamental Rights is integrated into their strategy and operational standards.

While the EU Charter plays an important role within each public authority, it is acknowledged that there may still be gaps or limitations in fully promoting its principles across all agencies. Special attention is also given to capacity building activities on fundamental rights and the EU Charter itself, with some even mentioning that information about the EU Charter is included in introductory training for new staff.

This revision clarifies the role of the EU Charter in the Ministry's operations, the importance of training, and the recognition of potential gaps in its implementation.

*"There is a very long and clear reference to the EU Charter and how it governs...in all the competences of the service" (P6)<sup>48</sup>*

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<sup>46</sup> Το ότι το κοινό ο κόσμος δεν γνωρίζει το Χάρτη είναι κάτι που το έχουμε κι εμείς ως φορέας ως πεποίθηση. Μάλιστα σε μια επικείμενη δράση μας που θα ξεκινήσει από διάμεσα στο πλαίσιο ενός προγράμματος είναι ένας από τους στόχους.

<sup>47</sup> το hard core της δουλειάς μας είναι ένα θεμελιώδες δικαίωμα οπότε πάντοτε ξεκινάμε και γυρίζουμε σε αυτό (Χάρτη) αφού μιλάμε για θεμελιώδες δικαίωμα είμαστε και αναγκασμένοι.

<sup>48</sup> Γίνεται πολύ μεγάλη και σαφής αναφορά στο Χάρτη και στο πώς αυτός διέπει...το σύνολο των αρμοδιοτήτων της υπηρεσίας.

Finally, it was pointed out that Greek legislation incorporates to a significant extent provisions of the EU Charter of Fundamental Rights and this harmonisation ensures the implementation of its provisions. As it is typically said:

*"I have been in service for 4.5 years and I have not found the opportunity to deal extensively and in depth with the EU Charter of Fundamental Rights and the various conventions, we go back to the articles and the legislation that we deal with on a case-by-case basis ... we generally apply in general the national legislation as it has been harmonised with the EU Charter". (P4)<sup>49</sup>*

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants' professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

One of the limitations identified by the participants is that while there is awareness on the EU Charter through trainings and other capacity building activities in public services, there is lack of clear linkages and connection of fundamental rights and the work itself . Meaning that officers although they do have the information in theory, this is not reflected in their day-to-day work.

*"Where we should aim as a service is how to make a connection in people's minds that every action they take should be in the context of the EU Charter and not just in theory because the practice is working in the field and it's a very hard thing and difficult... every employee, everything they do should have that framework (i.e. fundamental rights) in mind and act according to that.... This is a very difficult bet; we are trying to do this by constantly integrating new trainings and referring to the theoretical framework but I believe we still have a long way to go." (P5)<sup>50</sup>*

<sup>49</sup> Υπηρετώ εδώ 4.5 χρόνια και δεν έχω βρει τη δυνατότητα να ασχοληθώ εκτενώς και σε βάθος με τον Χάρτη θεμελιωδών δικαιωμάτων και με τις διάφορες συμβάσεις ανατρέχουμε περιπτώσιολογικά και συμβουλευόμαστε τα άρθρα και τη νομοθεσία που κάθε φορά χειριζόμαστε ... εφαρμόζουμε γενικά σε γενικές γραμμές τη νομοθεσία την εθνική έτσι όπως έχει εναρμονιστεί με το Χάρτη.

<sup>50</sup> Εκεί που πρέπει να στοχεύσουμε ως υπηρεσία είναι πώς θα πρέπει να γίνεται σύνδεση στο μυαλό των ανθρώπων ότι η κάθε ενέργεια που κάνει θα πρέπει να είναι στο πλαίσιο του Χάρτη και όχι μόνο στη θεωρία γιατί η πράξη είναι η εργασία στο πεδίο και είναι ένα πολύ σκληρό πράγμα και δύσκολο... θα πρέπει ο κάθε

A significant gap was also noted in the area of education and information on the EU Charter of Fundamental Rights. In particular, it was noted that staff of public authorities are often forced to resort to a form of "self-education", i.e. to seek information on their own and try to understand the provisions of the EU Charter without systematic guidance or support.

*"Many times colleagues, myself included, we are called upon or on our own to be trained and learn things even the very basic" (P7)<sup>51</sup>*

This fact highlights a clear imbalance compared to other legal texts, for which there is a much greater availability of training materials, specialised guides and training programmes. In particular, it was reported that there is a gap in information and training on the scope of the EU Charter. This makes the EU Charter less accessible and understandable and potentially has a negative impact on the ability of civil servants to use it effectively in the context of their responsibilities.

Finally, the need for a better channel of communication with the Fundamentals Rights Officer of the Ministry was mentioned as so far there is no direct contact and a closer cooperation is considered beneficial.

According to the majority of participants, a fairly frequent phenomenon is the parallel reference to both the European Convention on Human Rights (ECHR) and the EU Charter.

*"I mean we use them in parallel in most cases where it is possible, and it is possible in many cases ...I mean the reference is made in both texts." (P2)<sup>52</sup>*

It was pointed out, however, that the choice of legal framework often depends on the subject matter, with the ECHR being preferred in many cases due to its older nature and the extensive case law that

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υπάλληλος, κάθε τι που κάνει να έχει στο νου του αυτό το πλαίσιο (ενν. θεμελιωδών δικαιωμάτων) και βάσει αυτού να ενεργε..... Αυτό είναι ένα πολύ δύσκολο στοίχημα, το προσπαθούμε εντάσσοντας συνεχώς νέες εκπαιδεύσεις και κάνοντας αναφορά στο θεωρητικό πλαίσιο αλλά έχουμε ακόμα δρόμο πιστεύω.

<sup>51</sup> πολλές φορές συνάδελφοι και βάζω και τον εαυτό μου μέσα καλούμαστε ή μόνοι μας να εκπαιδευτούμε και να μάθουμε πράγματα ακόμη και τα πολύ βασικά.

<sup>52</sup> Δηλαδή χρησιμοποιούμε παράλληλα στις περισσότερες περιπτώσεις που είναι εφικτό και είναι εφικτό σε πολλές περιπτώσεις ...Δηλαδή η αναφορά γίνεται και στα δύο κείμενα.

has developed around it. This case law offers greater legal certainty and a sense of familiarity to legal practitioners and public authority officials.

*"The only thing I can think of is that the ECHR is an older, more far-reaching text and the truth is that it has a rich jurisprudence after so many years in force ... the rich jurisprudence of the Court of Human Rights is more wellknown than the Charter .... although it's not so recent (the EU Charter), but it's a bit younger, it's 20 years old." (P2)<sup>53</sup>*

Indeed, often, as discussed below, the ECHR seems to meet the needs of professionals and the added value of the EU Charter is not always obvious. Consequently, a reference to its provisions comes as an extra addition to a rather comprehensive argument.

*"My reference to the Charter will be about "completeness" and I don't feel that I'm adding or that the argument is getting stronger because I refer or I don't refer to the Charter; I'm referring it to be okay; let's say about completeness in the reference to the legal framework." (P1)<sup>54</sup>*

At the same time, it was pointed out that the scope of the EU Charter of Fundamental Rights is often considered more restrictive, as it applies mainly to issues that fall under EU law, such as the right of access to documents. However, this restrictive application can also be seen as an advantage, especially when referring to EU institutions, as the EU Charter's specific scope can offer more targeted protection and guidance.

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

- ***Cooperation and synergies between public services at European level in the Member States.***

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<sup>53</sup> Το μόνο που μπορώ να σκεφτώ εγώ είναι ότι η ΕΣΔΑ είναι ένα πιο παλιό κείμενο μεγάλης εμβέλειας και η αλήθεια είναι ότι έχει και μια πλούσια νομολογία μετά από τα τόσα χρόνια ισχύος ... η πλούσια νομολογία του Δικαστηρίου των Ανθρώπινων Δικαιωμάτων είναι πιο οικείο ο Χάρτης ... παρόλο που εντάξει τελικά δεν είναι αυτός τόσο πρόσφατος πλέον είναι όμως λίγο νεότερος είναι 20 χρόνια.

<sup>54</sup> η αναφορά μου στο Χάρτη θα είναι για την πληρότητα κι εγώ δεν νιώθω ότι θα προσθέσω ή ότι το επιχείρημα γίνεται πιο δυνατό επειδή λέω ή δεν λέω το Χάρτη το λέω για να είμαι εντάξει ας πούμε σχετικά με την πληρότητα στην αναφορά του νομικού πλαισίου.



- a) Initiatives aimed at ensuring that EU legislation is consistently applied in all countries covered by that legislation, and promotes cooperation, such as the European Data Protection Board. In particular, it was mentioned that cooperation between authorities, issuing opinions on draft EU legislation/regulations etc. makes a positive contribution.
- b) Working with the Fundamental Rights Agency where a leaflet was produced on fingerprinting that it is mandatory in reception facilities of asylum seekers in Greece. As it says:

*"This is an example of a very good cooperation and a good result and I want to tell you that also for us in our own area of expertise, personal data, we have several synergies and we are planning more synergies" (P2)<sup>55</sup>*

- **Informing Right Holders**

- a) Information leaflet on fingerprinting: in the context of discussions and work of the EuroDAC group, where there was cooperation with the Fundamental Rights Agency . The information leaflet is a guide on how asylum seekers should inform data subjects about fingerprinting, where it is mandatory in reception facilities
- b) Information leaflet on labour rights: In the framework of a cooperation of the Ministry of Labour, an information leaflet was developed on access to work, the right to complain, decent working conditions, etc. The brochure was translated into different languages to make it accessible.

- **Sharing tools available for professionals between institutions.**

The sharing of tools such as Charterpedia, where one can find out about case law, is instrumental in keeping professionals better informed. For more information visit: [Charterpedia database](#).

- **Capacity building.**

- a) The introduction of the EU Charter of Fundamental Rights in the introductory training of public authority staff, emphasising how instructions and day-to-day operations are and must be in line with the provisions of the EU Charter of Fundamental Rights.

*"We have (civic servants) the information provided but this is a very important step; that there is this basis to move forward and I think it is a good practice" (P5)<sup>56</sup>*

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<sup>55</sup> αυτό είναι ένα παράδειγμα μιας πολύ καλής συνεργασίας και ενός καλού αποτελέσματος και θέλω να σας πω ότι επίσης εμάς στο δικό μας τομέα στα προσωπικά δεδομένα έχουμε αρκετές συνέργειες και προβλέπονται μάλλον αρκετές συνέργειες.

<sup>56</sup> P5: "Την έχουμε την πληροφορία παρέχεται αλλά είναι ένα πολύ σημαντικό βήμα το ότι υπάρχει αυτή η βάση για να προχωρήσουμε και θεωρώ ότι είναι μια καλή πρακτική που θα μπορούσε να γίνει αναφορά."

- b) Training seminar: Practical Applications for Public Administration and Local Government. The Charter of Fundamental Rights of the EU - Contemporary Applications in Civic Administration and Local Government" The training programme is addressed to public sector executives (Ministries, supervised NGOs, local authorities of the first and second level) who are involved in issues related to the Charter of Fundamental Rights of the EU, e.g. legal services and apply EU law, services responsible for the management of European Funds and Programmes, public administration and local government services dealing with the public or handling public affairs. For more information please visit the link: [21\\_2\\_2024.pdf](#)

#### **5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

Great emphasis was given to capacity building within public authorities and the need to link theoretical frameworks to actual implementation. Having Data Protection Agency representatives present in the FGD enabled sharing good practices on implementing EU Charter's provisions. Participants shared in different moments the need to link theory with practice.

*"So, the connection between theory and practice i.e. the article that I abstractly listen and read what it means or what it tells me to do or not to do in my daily life. Exactly, at the stage of delivering a decision at the stage of informing in every context in every context that every official is working to keep this in mind..." (P5)<sup>57</sup>*

#### **Comments/observations/other information**

The FGD composition included 7 participants from public authorities with different expertise covering areas of trafficking, asylum and migration, human rights, data protection and gender equality.

- ❖ An interesting finding was that Hellenic Data Protection Authority is very invested in working within the scope of the EU Charter and was able to share several promising practices with the rest of the group.

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<sup>57</sup> Άρα η σύνδεση της θεωρίας με την πράξη δηλαδή το άρθρο που αφηρημένα ακούω και διαβάζω τι σημαίνει αυτό ή τι μου λέει ότι πρέπει να κάνω ή να μην κάνω στην καθημερινότητά μου. Ακριβώς, στο στάδιο της επίδοσης μιας απόφασης στο στάδιο της ενημέρωσης σε όλα τα πλαίσια στο κάθε πλαίσιο που λειτουργεί ο κάθε υπάλληλος να έχει αυτό στο νου του.

- ❖ Most of the participants were more familiar with other legal documents, mainly ECHR and national legislation. All participants mentioned the need of trainings and awareness raising on EU Charter's provisions.
- ❖ Participants were able to share their experiences and reflections on the EU Charter application in their day-to-day work. This FGD was also an opportunity of networking among relevant stakeholders and the participants shared various promising practices among each other and their needs that can feed in future FAIR activities in Greece.
- ❖ A major shortcoming of the group's composition was that, despite the attempts, we failed in involving NHRI and the ombudsperson. Both organisations had packed schedules till the end of 2024. We will focus on engaging with all stakeholders as identified in mapping activity in future actions.

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	How would you describe yourself?	Age	Country and city	Profession	Role in the organisation	Years working in your current role at the institution/ organisation	Years (if any) working on fundamental rights in any capacity
P1	Female	30 - 50	Greece, Athens	Lawyer	Legal Consultant at General Secretariat for Vulnerable Persons and Institutional Protection	5 - 10	5 - 10
P2	Female	30 - 50	Greece, Athens	Lawyer	Legal Consultant at General Secretariat for Vulnerable Persons and Institutional Protection	5 - 10	5 - 10
P3	Male	30- 50	Greece, Athens	IT scientist	Special Scientist in	> 10	> 10

					Hellenic Data Protection Authority		
P4	Female	30-50	Greece, Athens	Civic Servant	Civic Servant at Ministry of Social Cohesion and the Family General Secretariat for Demographic and Housing Policy Directorate for Child and Family Protection Department for Foster Care and Adoption	<5	5-10
P5	Female	30-50	Greece, Athens	Civic Servant	Educational Department Supervisor in Ministry of Asylum and Migration	5 - 10	> 10
P6	Male	30-50	Greece, Athens	Civic Servant	Head of Human Rights Department, Ministry of Social Cohesion and Family	< 5	5-10
P7	Female	30-50	Greece, Athens	Civic Servant	Head of Un. Minors' department at Ministry of Social Cohesion and Family	5-10	5-10

**Civil Society Organisations (CSOs)**  
**Number of participants:**9  
**Country:** Greece  
**Date of the focus group:** 12 November 2024  
**Online/in presence:** Online  
**Moderator:** Maria Mousmouti  
**Assistant moderator:** Christina Tsoulfidou  
**Duration:** 1 hour and 42 minutes

### **1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

The participants agreed that the level of awareness about the contents, scope and role of the EU Charter of Fundamental rights (hereinafter the EU Charter) among the general population is quite low. Citizens do not have the necessary information and tools to understand the rules of law, including information on the EU Charter's provisions. As many participants pointed out, the Eurobarometer survey finding that 42% of citizens declaring aware of the EU Charter seems quite high, since in recent years, Greek citizens have increasingly distanced themselves from political institutions, contributing to a broader climate of depoliticization. This trend is also reflected in the general lack of awareness regarding the contents, scope, and role of the EU Charter. As a result, there is a diminished willingness to engage with or seek information about these matters.

*"I thought the percentage was too high. Compared to what I have in mind is that at least...I think that in Greece at least, the percentage of citizens who have knowledge of the Charter is much lower." (P7) <sup>58</sup>*

Moreover, participants with experience in public education (P2, P5 and P9) highlighted that civic education in Greece has been quite limited in schools and topics such as European law and matters of active citizenship are rarely promoted. Additionally, they mentioned that information provision in schools is limited, and teachers struggle to find time and tools to carry out awareness raising activities to educate children about the EU Charter, the institutions and human rights in general.

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<sup>58</sup> Μου φάνηκε πάρα πολύ μεγάλο το ποσοστό. Σε σχέση με την εικόνα που τουλάχιστον έχω εγώ...Νομίζω ότι στην Ελλάδα τουλάχιστον είναι πολύ μικρότερα τα ποσοστά των πολιτών, οι οποίοι έχουν εικόνα του Χάρτη.

*"Until 2022 I was working in secondary education, I am a teacher as well as a lawyer, (children) could familiarize themselves with some institutional texts, they could hear about trafficking and difficult issues through the courses of sociology, but since these stopped, there is no time and scope to have such discussions"<sup>59</sup> (P9)*

On field level, professionals report that EU Charter provisions are quite unclear to the public and beneficiaries of organizations' services. It was highlighted that the complexity of the legal framework combined with the executive bureaucracy makes it even more difficult for beneficiaries to understand them. (P8)

At the level of civil society organisations, lawyers and other professionals are better informed about the EU Charter and how to use it compared to previous periods. There has been an increased involvement in recent years in training courses organised within the framework of the European Union's Fundamental Rights Agency (FRA) or through other programmes promoted by the European Union.

## **2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism.**

The participants demonstrated a strong awareness of the provisions of the EU Charter, with five out of nine participants having a legal background and working as lawyers in the organizations they represented. Some had direct experience working on projects related to the EU Charter, reflecting a significant level of engagement and expertise.

A key conclusion drawn from their feedback was that, within civil society organizations, lawyers and other professionals are now better informed about the EU Charter and its application than in previous years. This improvement is attributed to increased participation in training courses organized by the European Union's Fundamental Rights Agency (FRA) and other EU-supported programs. These training opportunities have reportedly enhanced participants' understanding of the EU Charter. However, challenges remain, including unfamiliarity with its practical use and a perception that the EU Charter adds limited value, which often discourages its broader application by practitioners.

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<sup>59</sup>μέχρι το 22 επειδή δούλευα στη δευτεροβάθμια εκπαίδευση, είμαι και εκπαιδευτικός εκτός από δικηγόρος μπορούσαν να έχουν επαφή με κάποια θεσμικά κείμενα μπορούσαν να ακούσουν για τραπεζικές, μπορούσαν να ακούσουν για δύσκολα θέματα μέσα από το μάθημα ας πούμε της κοινωνιολογίας από τη στιγμή που καταργήθηκαν αυτά δεν υπάρχει ο χρόνος και το πεδίο για να γίνουν τέτοιες συζητήσεις.

*“I recently attended some seminars from the Bodossaki Foundation that were exclusively about the Charter. In general, I have understood that there is more discussion now than ever before, I don't know. That's what I feel.” (P1)<sup>60</sup>*

The participants' legal expertise was complemented by their key roles in their respective organizations, which spanned various sectors such as child protection, refugee support, education, and human rights monitoring.

Some participants had attended capacity-building activities, while others had developed tools to support other professionals. Two individuals were actively involved in research and monitoring activities related to fundamental rights, demonstrating a deep awareness of the FRA's work. Many participants emphasized that specific EU Charter provisions particularly relevant to their fields, such as Article 18 (right to asylum) and Article 24 (rights of the child), are utilized into their professional practices and advocacy efforts.

*“The organization, through its legal service is involved in the implementation of the Charter mainly regarding the right to asylum and the provision of legal protection to refugees and migrants but also through advocacy efforts in various areas whether it has to do with education, asylum or equality and women's rights are rights that exist in the articles of the Charter so they are included in our area of expertise.” (P5)<sup>61</sup>*

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants' professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

Participants highlighted several limitations regarding the application of the EU Charter of Fundamental Rights. One of the primary issues identified was that the EU Charter is not widely used, mainly because it

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<sup>60</sup> Πρόσφατα παρακολούθησα και κάποια σεμινάρια από το Ίδρυμα Μποδοσάκη που αφορούσαν αποκλειστικά το Χάρτη. Γενικά έχω καταλάβει ότι αυτή την περίοδο μπορεί και από πάντα, δεν ξέρω, γίνεται περισσότερη συζήτηση. Αυτό νιώθω.

<sup>61</sup> (Η οργάνωση) μέσα από την νομική της υπηρεσία έχει να κάνει με το implementation του χάρτη κυρίως όσον αφορά το δικαίωμα στο άσυλο και την υπαροχή νομικής προστασίας σε πρόσφυγες και μετανάστες αλλά και μέσα από τη συνηγορία που κάνουμε σε διάφορους τομείς είτε έχει να κάνει με την εκπαίδευση είτε έχει να κάνει με το άσυλο είτε έχει να κάνει με την ισότητα και τα δικαιώματα των γυναικών είναι αφορά δικαιώματα που υπάρχουν στα άρθρα του χάρτη οπότε αποτελούν πεδία ενασχολησής μας.

is not frequently implemented or cited in court decisions. This lack of judicial reliance undermines its perceived authority and relevance. Additionally, there is a significant information gap among public authorities regarding the EU Charter's provisions and their obligations to implement them. This lack of awareness impedes its practical application in administrative and legal practices.

A key concern raised was the need for better information and training for civil servants. Participants emphasized that it is crucial for directives and circulars to be aligned with the provisions of the EU Charter since civil servants are bound by specific directives and instructions.

Furthermore, two critical gaps in understanding the EU Charter were identified. The first relates to insufficient training for lawyers on the binding nature of the EU Charter and its practical scope. Without this foundational knowledge, the potential of the EU Charter as a tool for promoting and protecting fundamental rights remains underutilized.

*"As long as there is lack of awareness among lawyers that this binding document (the EU Charter) has been around for so many years and you can call upon it in a huge range of cases and not just for International Protection, I think most of us are not aware of it." (P3)<sup>62</sup>*

The second very important element added to the discussion is the unfamiliarity with the provisions and the definition of the scope of the EU Charter, leading practitioners to legal texts where there is greater familiarity. The following personal story is indicative of the challenges and limitations that legal professionals might face.

*"It clearly says that the provisions apply only when member states apply Union law. This was personally binding for me, and I felt that maybe in a case related to the immigration code...I was not quite sure that I could invoke it (EU Charter) that we are talking about a case that Union law is applied, so I can invoke the Charter. I didn't always feel safe and secure." (P1)<sup>63</sup>*

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<sup>62</sup> Όσο δεν υπάρχει αυτή η ενημέρωση των δικηγόρων, ότι υπάρχει αυτό το δεσμευτικό κείμενο (Χάρτης) εδώ και τόσα χρόνια και μπορείτε να το καλείστε σε ένα τεράστιο εύρος υποθέσεων και όχι μόνο για την Διεθνή Προστασία, νομίζω ότι οι περισσότεροι από εμάς δεν το γνωρίζουμε.

<sup>63</sup> Λέει ξεκάθαρα ότι οι διατάξεις το απευθύνονται όταν τα κράτη-μέλη μόνο όταν εφαρμόζουν δίκαιο της Ένωσης. Αυτό το μόνο όταν εφαρμόζουν δίκαιο της Ένωσης προσωπικά μου ήταν δεσμευτικό και ένιωση ότι μπορεί σε κάποιο κομμάτι που αφορά το μεταναστευτικό κώδικα...δεν ήμουν απόλυτα σίγουρη ότι μπορούσα να το επικαλεστώ ότι μιλάμε για περίπτωση που εφαρμόζεται δίκαιο της Ένωσης, άρα μπορώ και να επικαλεστώ το χάρτη. Δεν ένιωση πάντα ασφαλής και σίγουρη.



It is important to note that throughout the discussion participants mentioned an educational gap in identifying the added value of the EU Charter so that it could be used more often.

At the level of civil society organisations, there is too much confusion with the ECHR. In addition, although social organisations are aware and informed of the content of the EU Charter, the implementation of the ECHR is so much more widespread and well known that it obscures the potential and prospects of using the EU Charter.

*"They're not so concerned with what the Charter predicts. It comes more as an afterthought...looking at the press releases or reports that they (the organizations) publish every year. The references to the Charter are sporadic and it's only when for some reason it clicks with special issues." (P6)<sup>64</sup>*

In Greece there is much more interpretation of the content of the rights protected in the ECHR, prompting professionals to refer to it for their own cases. As it is typically said:

*"I think that from a lawyer's point of view the case law is much richer in ECHR and so there is more interpretation of the content of the rights protected in the ECHR." (P9)<sup>65</sup>*

It was also noted that to a certain extent, particularly when it comes to children's rights, there is an overlap in the provisions of the EU Charter which are related to the Convention on the Rights of the Child.

For participants working in child protection there is a plethora of texts that they use in their work. They reported that they use the Convention on the Rights of the Child, the Greek Constitution, provisions of European Law and while there is awareness of Article 24 of the EU Charter, this plethora of legal resources pushes practitioners to a choice of tools to use.

*"We have to find out, I think, in order to use the Charter what is the added value of invoking it in the pleading and asking for its application in an advocacy text." (P9)<sup>66</sup>*

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<sup>64</sup> Δεν ασχολούνται τόσο πολύ με το τι προβλέπει ο χάρτης. Έρχεται περισσότερο ως ένα afterthought...κοιτώντας τα δελτία τύπου ή τις εκθέσεις ή τις αναφορές που δημοσιεύουν (οι οργανώσεις) κάθε χρόνο. Οι αναφορές στο χάρτη είναι σποραδικές και είναι μόνο όταν για κάποιο λόγο κουμπώνει με τα ειδικά θέματα.

<sup>65</sup> Εγώ θεωρώ ότι από άποψη επαγγελματία δηλαδή δικηγόρου είναι πολύ πιο πλούσια η νομολογία από άποψη ΕΣΔΑ και έτσι υπάρχει περισσότερη ερμηνεία του περιεχομένου των δικαιωμάτων που προστατεύονται στην ΕΣΔΑ.

<sup>66</sup> πρέπει να βρούμε για να χρησιμοποιηθεί νομίζω ο χάρτης ποια είναι η προστιθέμενη αξία του να επικαλεστείς στο δικόγραφο και να ζητήσεις την εφαρμογή και σε κάποιο κείμενο συνηγορίας.

Finally, special emphasis was given to the educational community, and it was pointed out that the Charter is not one of the first texts that teachers would use to educate children about their rights as there are much more child friendly tools for other legal texts such as the Convention on the Rights of the Child.

*“The educators that we are talking to, would not be using (the EU Charter) as one of the first texts to inform children about rights but they would rather go to child rights or something else a little bit more child friendly” (P4)<sup>67</sup>*

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

##### **a. Trainings**

The discussion highlighted the need for training and awareness-raising on Fundamental Rights. It would be useful to run a series of specific and targeted courses on the EU Charter at the national school for judges. Corresponding professional development seminars for lawyers through the bar associations.

It was also mentioned that it would be useful to include in these trainings exercises and case studies on the implementation of the EU Charter. Participants gave their own examples of training where practitioners used these tools for advocacy and litigation.

##### **b. Tools and materials available to professionals.**

Tools closer to professionals

The legal community has shaped specific ways of working in Greece and young professionals are still being trained in this way. Even if there are tools that enable you to see case law, such as Chartepredia, they do not always keep up with the working culture in each member country. The adaptation of these tools should be flexible to support existing methodology and help lawyers to perform better, offering convenience, speed and accuracy without altering the essence of legal practice.

*“I think they're called information notes in terms of the case law that an article goes to... The court in that particular case interpreted that particular article that way...while Chartepredia exists*

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<sup>67</sup> Ροι εκπαιδευτικοί με τους οποίους μιλάμε δεν θα ήταν ένα από τα πρώτα κείμενα τα οποία θα χρησιμοποιούσαν έτσι ώστε να ενημερώσουν τα παιδιά για τα δικαιώματα πολύ περισσότερο θα πήγαιναν στα δικαιώματα του παιδιού ή σε κάτι άλλο λίγο πιο child friendly.

*those are not tools that we're familiar with; if somehow those are put into a format like that, I think it would be easier to see the case law collected." (P9)<sup>68</sup>*

Manual on unaccompanied children and fundamental rights.

The handbook includes some good practices that civil society organisations have adopted to address gaps in relevant national legislation. The handbook, designed by SUNproject partners, is available here. [DOWNLOAD Practitioners' Handbook on Safeguarding Unaccompanied and Separated Children's Rights](#)

c. Projects and actions that address critical gaps and provide expertise.

The importance of implementing projects that address gaps observed at the national level such as the reduced budget or lack of budget for legal expenses and the lack of interface with legal aid and the lack of expertise on the part of lawyers was mentioned.

d. Civic education and information for citizens

Finally, the need to invest in educating citizens on fundamental rights issues. A more simplified version of the EU Charter, as has been done for other legal texts, would make a decisive contribution.

Participants stressed the need to focus on younger age groups through the education community. The importance of the materials available to teachers was also mentioned and that it would be useful to have the texts in a simpler and child friendly format.

**5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

The discussion underscored the importance of providing training and raising awareness on Fundamental Rights, with a focus on tailoring the content to specific target groups. Different groups—such as judges,

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<sup>68</sup> νομίζω λέγονται information notes όσον αφορά το case law που πάει ένα άρθρο... Το δικαστήριο στην τάδε περίπτωση ερμήνευσε έτσι το συγκεκριμένο άρθρο...μεν υπάρχει το charterpedia υπάρχουν αλλά αυτά δεν είναι εργαλεία με τα οποία είμαστε εξοικειωμένες και εξοικειωμένοι αν κάπως αυτά μπουν σε ένα τέτοιο φορμάτ νομίζω θα είναι και πιο εύκολο να δούμε και αυτά την νομολογία συγκεντρωμένη.

lawyers, citizens, and rights holders—have distinct needs, and the training should be designed accordingly to ensure it is relevant and effective for each audience.

Another key point was the development of child-friendly materials aimed at raising awareness of Fundamental Rights, specifically for use in schools. These materials would help introduce young people and children to their rights in an accessible and engaging way.

Additionally, there was a call for the dissemination of training programs at the national school for judges, ensuring that judges are well-informed about Fundamental Rights in their legal practice. Similarly, professional development seminars for lawyers should be organized through bar associations to ensure that legal professionals are up-to-date on human rights issues and can effectively integrate them into their work.

#### **Comments/observations/other information**

The composition of the group of participants of this focus group represented a wide variety of civil society organizations working within the protection of fundamental rights and supporting vulnerable groups such as children, GBV survivors and asylum seekers.

The selection process aimed to include professionals with intersectional expertise, ensuring a broad representation of experiences and perspectives.

The discussion was open, and the participants seemed comfortable in sharing their personal experience and challenges on using of the EU Charter. The focus group was also an occasion of networking among relevant stakeholders: during the discussion, some of them exchanged experience, expertise and best practices of their organisations.

It is crucial to mention that beside our efforts to engage organisations working with persons with disabilities and organisations focusing LGBTIQQ matters, they were unable to join mainly because they are understaff and they are working with volunteers. We are aiming to engage them in following activities of the project.

#### **Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	How would you describe yourself?	Age	Country and city	Profession	Role in the organisation	Years working in your current role at the institution/organisation	Years (if any) working on fundamental rights in any capacity
P1	Female	30 - 50	Greece, Athens	Lawyer	Lawyer	<5	<5
P2	Male	30 - 50	Greece, Athens	Social Policy	Social Policy Manager	5-10	5-10
P3	Male	30 - 50	Greece, Thessaloniki	Lawyer	Advocacy Expert	5-10	>10
P4	Female	30-50	Greece, Athens	Educator	Educational Programmes Assistant	5-10	5-10
P5	Female	30-50	Greece, Athens	Lawyer	Advocacy Officer	<5	>10
P6	Female	30-50	Greece, Athens	Lawyer and Researcher	Lawyer and Researcher	5-10	5-10
P7	Male	30-50	Greece, Athens	Political Scientist	Researcher	<5	5-10
P8	Female	30-50	Greece, Thessaloniki	Lawyer	Lawyer	<5	5-10
P9	Female	30-50	Greece, Thessaloniki	Lawyer	Advocacy officer	5-10	>10

## Italy Focus Groups

### Public Authorities

Number of participants: 6

Country: Italy

Date of the focus group: 12 November 2024

Online/in presence: Online

Moderator: Marta Capesciotti

Assistant moderator: Ilaria Massimi

Duration: 1:46:27

### 1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights

The participants agreed that the level of awareness on the contents, scope and role of the EU Charter is quite scarce especially in the general population but also among public authorities and administrators. P1 – a representative of the National Antidiscrimination Office (*Ufficio Nazionali Antidiscriminazioni Razziali* – UNAR) – stressed that public authorities might have a more comprehensive understanding of the role of Charter if their mandate is closely connected to the protection of fundamental rights. Moreover, the role and scope of the Charter are often confused with other binding legal documents, especially the European Convention of Human Rights (ECHR).

*“From the point of view of the citizen in the street, there is not only, in my opinion, a very low knowledge of this instrument. There is at the same time a great deal of confusion between the various European instruments, between the European Convention on Human Rights and the Charter, and this is quite obvious, in my opinion. At the institutional level, it is clear that when working in the human rights sector, the Charter is known as an instrument, but it remains in my opinion an extremely sectorial knowledge. Outside the human rights sector, in my opinion, knowledge is very low.” (P1)<sup>69</sup>*

This point of view was confirmed also by P2 – the Ombudsman of the Lazio Region – who explained the limited use of the Charter by public authorities by the low level of awareness about its scope and application.

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<sup>69</sup> Dal punto di vista del cittadino della strada non solo c'è, a mio avviso, una bassissima conoscenza di questo strumento. Esiste allo stesso tempo una grandissima confusione tra i vari strumenti europei, tra Convenzione europea dei diritti dell'uomo e Carta, e questo è abbastanza evidente, secondo me. A livello istituzionale è chiaro che, quando si lavora nel settore dei diritti umani la Carta è conosciuta come uno strumento, però resta a mio avviso una conoscenza estremamente settoriale. Usciti dal settore dei diritti umani, a mio avviso, la conoscenza è molto bassa.

The lack of initiatives promoting the EU Charter was confirmed also by P6, the Guarantor for childhood, disabilities and elderly people of the Lombardy Region:

*“The public promotion of rights has always been centred on international conventions and there has never been any direct action on the Charter instead. And I must say that I do not have much knowledge of cultural operations carried out on this specific Charter in the Lombardy region, but I would not mind taking it on in the future, given the multiple delegations and the transversal relevance of my mandate. [...] banally, even in the regional legislative framework, the Charter is not mentioned among the elements taken into consideration, while specific international conventions are always cited. [...] So I would say that yes there is a very strong lack of visibility.”*  
(P6)<sup>70</sup>

## **2. Assessment of the relevance of the EU Charter in the participants’ professional activity/activism**

None of the participants mentioned the EU Charter as a pivotal instrument in their professional activity. According to P3 – the Guarantor of the Rights of Persons with Disabilities of the Umbria Region – for instance, the relevance of the Charter in his field of activity is weak, especially if compared with the UN Convention on the Rights of Persons with Disabilities which was directly introduced in Italy with a national law.

*“As far as my area of work is concerned, the Charter is little known. Of course, it is true that on the subject of equality, its Chapter III talks about non-discrimination and the inclusion of persons with disabilities and so on, but as far as my specific field is concerned, we are much more inclined to consider the UN Convention on the Rights of Persons with Disabilities, which has also become State law since 2009.”* (P3)<sup>71</sup>

<sup>70</sup> La promozione pubblica dei diritti è sempre stata centrata sulle convenzioni internazionali e non è mai stata fatta un'azione diretta invece sulla Carta. E devo dire che non ho grande conoscenza di operazioni culturali fatte su questo specifico documento in regione Lombardia ma non mi dispiacerebbe farmene eventualmente carico in futuro, viste le molteplici deleghe e la pertinenza trasversale. [...] banalmente anche nell'impianto legislativo regionale la Carta non viene citata tra gli elementi presi in considerazione mentre vengono sempre citate le convenzioni internazionali specifiche. [...] Quindi direi che si sconta sì una mancanza di visibilità molto forte.

<sup>71</sup> Per quanto riguarda il mio ambito di lavoro, la Carta è poco conosciuta. Ovviamente è vero che in tema di uguaglianza il suo Capo III parla di non discriminazione e di inserimento delle persone con disabilità e quant'altro, però, per quanto riguarda il mio ambito specifico, noi siamo molto più portati a prendere in considerazione la Convenzione ONU per i diritti delle persone con disabilità che è anche legge dello Stato dal 2009.

A similar stance was expressed by P5 – representing the National Authority for the Protection of Childhood and Adolescence (*Autorità Garante per l'Infanzia e l'Adolescenza* – AGIA) – who mentioned the UN Convention on the Rights of the Child: in his experience, the EU Charter might be used as an additional instrument further reinforcing the protection of the rights of children and adolescents.

*“Ecco, anche noi come AGIA diciamo che in prima battuta chiaramente rileva la Convenzione ONU sui diritti dell'infanzia e dell'adolescenza. È chiaro che poi noi sappiamo che tra i diversi partner con cui si collabora, gli addetti ai lavori, come già stato detto, c'è anche una conoscenza della Carta di Nizza. Così come appunto presso di noi viene poi utilizzata a ulteriore rinforzo dell'importanza di determinati di diritti riconosciuti già dalla Convenzione ONU del 1989.” (P5)*

On the opposite, the EU Charter proves to be a key instrument for those public authorities directly working with the EU Commission, managing EU Funds or for those independent authorities involved in research projects financed by the EU.

It is also worth mentioning that some of the participants mostly deal with fundamental rights in terms of training and awareness-raising actions. It was the case of P4 who reported that the RE.A.DY network is committed to providing training opportunities to civil servants and to organising awareness-raising activities on discriminations targeting LGBT people. The EU Charter does not play a role in communication activities, whereas training scheme also include the Charter in its modules: however, it is mentioned in the preamble of the declaration of intents that municipalities are required to sign and commit to when adhering to the RE.A.DY network. So, in this case the EU Charter is used as a declaration of values and principles, rather than a practical instrument to protect the rights at stake. However, P4 was the only participant that stressed the centrality of the EU Charter when it comes to the protection of the rights of LGBT people: the Charter is a legal binding document that enshrines a disposition explicitly protecting the fundamental rights of this social group, something that is completely absent in the national legislation. For this reason, she observed that a more intense focus on the Charter should be included in the RE.A.DY network's communication campaigns and activities.

*“With regard to the area of discrimination that the RE.A.DY network deals with, the Charter is a very important reference because there is a reference to sexual orientation. Here these references are scarce in our legislation. [...] Your invitation is very important and interesting*



*because perhaps we do not emphasise the role of the Charter enough in our information campaigns.” (P4)<sup>72</sup>*

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants’ professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

All participants stressed that the EU Charter is not the legal instrument that is used to enforce fundamental rights in their professional activity. According to them, the Charter lacks the strength that is necessary to guide decision-making and the implementation of services and support systems, especially when compared to national legislation and, in some cases, regional legislation which is often the legal framework establishing independent authorities at local level. Moreover, the EU Charter is provided with limited financial and human resources for its effective implementation in all EU Member States.

*“In my opinion, one must also keep in mind the resources that are dedicated to this Charter. So, if we make a comparison with the system of the European Convention on Human Rights in Strasbourg, then we have a Court which has been in existence for many years and we have a system of secretariat of the Convention which in any case is composed of a structure that has about 1500, 2000 people working. I do not think any of this exists for the EU Charter of Fundamental Rights.” (P1)<sup>73</sup>*

P2 further stressed that the EU is perceived as distant by many administrators, as well as by the general population.

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<sup>72</sup> Per quanto riguarda l'ambito di discriminazioni di cui si occupa la rete RE.A.DY la Carta è un riferimento molto importante perché comunque c'è un riferimento all'orientamento sessuale. Ecco questi riferimenti invece sono esigui nella nostra legislazione. [...] Il vostro invito è molto importante e interessante perché forse non sottolineiamo abbastanza il ruolo della Carta nelle nostre campagne informative.

<sup>73</sup> Secondo me bisogna tenere ben presente anche quelle che sono le risorse che sono dedicate a questa Carta. Allora se noi facciamo un confronto con il sistema della Convenzione europea dei diritti dell'uomo a Strasburgo, allora noi abbiamo una Corte che esiste da tanti anni e poi abbiamo un sistema di segretariato della Convenzione che comunque è composta da una struttura che ha circa 1500, 2000 persone che lavorano. Io non credo che esista niente di tutto questo per la Carta dei diritti fondamentali della UE.

*“There is a certain distance between the European and the national level, which to some extent also affects the modus operandi of our administrative officials and managers.” (P2)<sup>74</sup>*

In this respect, P6 reported that his institutional role and mandate is defined by a law adopted at regional level which therefore is the main legal document he must comply with. This regional law does not mention the EU Charter in its preamble or guiding principles, differently from other international or EU legal documents. A similar observation was proposed by P2 who mentioned that the regional laws introducing Ombudsman at regional level are often obsolete and outdated and might be approved before the EU Charter was introduced (for instance, the regional law establishing the Lazio Ombudsman was passed in 1980). Moreover, he relevantly observed that the role of the EU Charter is further weakened by the limited cooperation and networking among public authorities at all levels of governances: because of this, their legislative offices do not exchange considerations and good practices, rather resorting and referring to the already existing legislation; this lack of cooperation is another barrier to an increased use of the EU Charter as document of reference in national and regional legislation which are rarely conceptually renewed.

The UN Convention on the Rights of the Child is one of the international legal documents mentioned by the participant as guiding instrument of their professional activity. This was the case of P5 who observed though that the EU Charter substantially overlaps with the UN Convention in most of its dispositions concerning child protection. He also reported that the jurisprudence of the European Court of Human Rights is extremely well known in Italy and often mentioned in national case law and official documents, especially when it comes to the respect of private and family life (Art. 8 of the ECHR). Similarly, the UN Convention on the Rights of persons with disabilities was mentioned by P3 as guiding instrument in his professional activity, also considering that the Convention has been recognised by the Italian State with a national law. Eventually, P4 stressed that local administrations must often comply with regulations and guidelines adopted at local level and focusing on the protection of fundamental rights: these documents – which have a strong direct influence on the policies that are implemented – are drafted referring to national and international legislation, and they can therefore refer also to the EU Charter.

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<sup>74</sup> C'è una certa distanza tra il livello europeo e quello nazionale, che in un certo qual modo influisce anche nel modus operandi dei nostri funzionari amministrativi e dirigenti.

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

P3 was the only participant explicitly referring a good practice relating to the EU Charter. He reported that the EU Strategy on the rights of persons with disabilities 2021-2030 has proved to be a pivotal tool for the protection of the rights of persons with disabilities and is often used by the Regional Guarantor in its activities in local schools. The Strategy is based on the UN Convention on the Rights of persons with disabilities but also on the EU Charter.

*“Here in Umbria, we do a lot within schools to make people aware of the European Disability Strategy, which is actually based on the UN Convention on the Rights of Persons with Disabilities, but also on the Charter of Fundamental Rights of the European Union, and also on the Lisbon Treaty of 2008. [...] and it is true what has been said before by colleagues, that the school environment is the area we can refer to in order to make children, boys and girls aware of everything that is said within the European Union.” (P3)<sup>75</sup>*

The other participants could not mention any good practice or relevant experience or project; however, they all suggested possible future initiatives to reinforce the role of the EU Charter at national and local level. P1 confirmed that more efforts could be made to increase the role of the EU Charter in the actions programmed by the National Antidiscrimination Office, for instance in the upcoming programme to increase awareness on fundamental rights and discriminations of healthcare services. Similarly, P4 mentioned that the EU Charter might be integrated in the programme of the next annual event of the RE.A.DY network which will focus on LGBT adolescents. P2 reported that regional Ombudsmen often visit schools to inform students about their rights: the EU Charter might be introduced as core element of this action. P6 stressed that more resources should be invested in training civil servants and public services and administrators that poorly use the EU Charter in their activities.

*“We should address the legislators directly, at regional and national level, to make more use of the reference to the Charter. Because if it is mentioned in the texts accompanying proposed*

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<sup>75</sup> Noi qui in Umbria facciamo molto all'interno delle scuole per far conoscere la Strategia europea sulla disabilità, che in realtà è basata sulla Convenzione ONU per i diritti delle persone con disabilità, ma in realtà anche sulla Carta dei diritti fondamentali dell'Unione europea, e anche sul trattato di Lisbona del 2008. [...] ed è vero quello che è stato detto prima dai colleghi, e cioè che l'ambito scolastico è l'ambito su cui possiamo fare riferimento per far conoscere ai bambini, ai ragazzi e le ragazze tutto quello che viene detto all'interno dell'Unione europea.

*laws, then perhaps it is also used as an inspiration for arguments, narratives. And this already does a lot because, in any case, the laws are the ones that then impact on people's lives.” (P6)<sup>76</sup>*

A crucial role should be also played by awareness activities in Italian schools: in this respect, regional school offices should be encouraged to include the EU Charter in school programmes and additional activities that are compiled on a yearly basis.

#### **5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

P6 commented that – differently from other international and EU legal documents protecting fundamental rights – the EU should invest more in dissemination child-friendly and accessible versions of the EU Charter that might be used to raise awareness on its content, role and scope among vulnerable persons. The same participant suggested that the national seminar might include a relevant focus on education and schools, as pivotal drivers of awareness on the EU Charter.

*“Compared to other texts, I am not aware of any versions of the Charter aimed at younger children or versions with different levels of accessibility and comprehensibility. While there are versions of other texts available in plain language and translated into different languages. For example, of the UN Convention on the Rights of the Child there is also a simplified version for children. Here it would be necessary to produce products that are comprehensible and intelligible beyond the formal original text. This could facilitate the dissemination.” (P6)<sup>77</sup>*

#### **Comments/observations/other information**

The composition of the group of participants of this focus group represented a wide variety of public authorities dealing from different perspectives with the protection of fundamental rights. All of them were

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<sup>76</sup> Bisognerebbe rivolgersi direttamente ai legislatori, a livello regionale, nazionale, affinché utilizzino di più il riferimento alla Carta. Perché, se viene citata nei testi che accompagnano le proposte di legge poi magari utilizzata anche come elemento di ispirazione di argomentazioni, narrazioni. E questo già fa tanto perché comunque i provvedimenti di legge sono quelli che impattano poi sulla vita delle persone.

<sup>77</sup> Rispetto ad altri testi, non mi risultano delle versioni della Carta rivolte ai bambini più piccoli o versioni con dei livelli di accessibilità e comprensibilità diverse. Mentre esistono delle versioni di altri testi disponibili in parole semplici e tradotte in diverse lingue. Per esempio, della Convenzione ONU sui diritti dell’infanzia e dell’adolescenza esiste anche una versione semplificata per i ragazzi. Ecco sarebbe necessario realizzare dei prodotti che siano comprensibili e intelligibili anche al di là del testo originale formale. Questo potrebbe facilitare la diffusione.

representatives of public or independent institutions; some of them had a thematic mandate concerning the protection of fundamental rights of specific social groups. Only two out of six participants were representatives of national institutions protecting fundamental rights, namely the National Antidiscrimination Office (*Ufficio Nazionali Antidiscriminazioni Razziali* – UNAR) – P1, and the National Authority for the Protection of Childhood and Adolescence (*Autorità Garante per l’Infanzia e l’Adolescenza* – AGIA) – P5. All other participants represented regional or local institutions: P2 is the Ombudsman of the Lazio region; P3 is the Guarantor of the Rights of Persons with Disabilities of the Umbria Region; P4 is a civil servant at the municipality of Turin and representative of the RE.A.DY network of municipalities countering discriminations against LGBT people; P6 is the Guarantor for childhood, disabilities and elderly people of the Lombardy Region. This combination of authorities with a national and local mandate allowed the discussion to cover all levels of governance and to better focus on the effective implementation and respect of fundamental rights on the field. Local administrations and independent authorities have in fact more direct contact with marginalized groups and victims of discrimination, and they are also in charge of implementing most of public social policies or of enforcing rights in people’s everyday lives.

The overall climate of the focus group was relaxed and participants felt free to share their experiences and points of view of the effective use of the EU Charter when it comes to protecting fundamental rights. The focus group was also an occasion of networking among relevant stakeholders: during the discussion, some of them exchanged views on the activities of their organisations and on how to improve cooperation and synergy.

A major shortcoming of the group’s composition was that, despite the attempts, we failed in involving a representative of public authorities specifically protecting the rights of migrants and/or asylum applicants: we hope to fill this information gap during the focus group with representatives of civil-society organisations.

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	How would you describe yourself?	Age	Country, city	Profession	Role in the institution	The years you have worked in your current position at the institution	The years (if any) you have worked in the field of fundamental rights
P1	Man	> 50	Italy, Rome	National Anti-discrimination Office of the Italian Government	Expert	< 5	> 10
P2	Man	30 - 50	Italy, Rome	Regional Ombudsman	Ombudsman for the Lazio Region	5 - 10	5 - 10
P3	Man	> 50	Italy, Perugia	Regional Guarantor for the Rights of Persons with Disabilities	Regional Guarantor for the Umbria Region	> 10	> 10
P4	Woman	> 50	Italy, Turin	RE.A.DY network of municipalities countering discriminations against LGBT people	Employee	5 - 10	> 10
P5	Man	30 - 50	Italy, Rome	National Authority for the Protection of Childhood and Adolescence	Officer	< 5	< 5
P6	Man	30 - 50	Italy, Milan	Regional Guarantor for Childhood, Disabilities and the Elderly	Regional Guarantor for the Lombardy region	> 10	> 10

**Civil Society Organisations (CSOs)**  
**Number of participants: 4**  
**Country: Italy**  
**Date of the focus group: 21 November 2024**  
**Online/in presence: Online**  
**Moderator: Marta Capesciotti**  
**Assistant moderator: Ilaria Massimi**  
**Duration: 01:23:56**

### **1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

Participants reported a varied level of awareness on the scope and contents of the EU Charter of Fundamental Rights in the general population and among professionals. P1 provided an overview of the situation in this respect in Italian prisons: detainees show different levels of awareness of their rights, depending on their personal situation, social and educational background, as well as on their decision to study during detention.

*“The detained persons with whom we are in contact and those who contact us can be of very different types: so, there are those who have no knowledge of any kind of right, even the most minimal, and those who do have a study and knowledge. Maybe because he has studied or has a longer detention and so at some point he has studied, or maybe because he has really studied them in his path, in his court case and maybe he has even taken a degree. So, I'm dealing with the persons who are not even aware that they are entitled to a visit or an interview and with those who know everything even better than we do.” (P1)<sup>78</sup>*

She stressed that the rights enshrined in the European Convention on Human Rights (ECHR) is often mentioned in prisons by detainees: this is because, in her opinion, Italy was condemned several times for detention conditions in Italian prisons, and some improvements have been achieved thanks to the jurisprudence of the ECHR. Detainees often ask their lawyers and the associations to denounce their detention conditions to the ECHR, hoping to obtain an improvement of their situation. Moreover, P1 also highlighted that the introduction of the criminal offence of torture in 2017 allowed to report and denounce

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<sup>78</sup> Le persone detenute con cui siamo in contatto e quelle che ci contattano possono essere di tipologie diversissime: quindi c'è chi non ha consapevolezza di nessun tipo di diritto, anche il più minimo, e chi invece ha uno studio e una conoscenza. Magari perché ha studiato o ha una detenzione più lunga e quindi a un certo punto ha studiato, o perché magari li ha proprio studiati nel suo percorso, nel suo caso processuale e magari si è preso anche una laurea. Quindi, ho a che fare con la persona che non ha consapevolezza neanche di aver diritto ad una visita o a un colloquio e con chi sa tutto anche meglio di noi.

some critical episodes of violence against detainees occurring in Italian prisons, and also allowed a more intense media coverage: this resulted into an increased awareness on fundamental rights of detainees in the general population and in the public debate. P1's association has the authorization to visit Italian prisons, monitor detention conditions and also raise awareness among detainees (and their families) about their fundamental rights. P2 reported that the level of awareness on fundamental rights is particularly low when the most marginalised social groups are considered (e.g., migrants, Roma people, etc.): in some cases, they believe they have not rights at all. For this reason, P2's association organises awareness-raising and sensitisation campaigns to spread a culture of rights among these groups. When it comes to activists, on the opposite, the level of awareness on fundamental rights and discriminations is extremely high: in this case, the problem is the sense of disillusionment about the possibility to have their rights respected, despite the efforts. P3 reported an interesting overview of the level of awareness on fundamental rights among justice professionals: according to her experience, senior lawyers and judicial authorities generally consider EU instruments of protection of fundamental rights as secondary compared to national ones; this is probably because they studied law many years ago when the role of EU law was not that incisive in the Italian legal system.

*“I have to take another aspect into consideration: the generation of lawyers a little older than mine tends to see European protection instruments as of secondary importance. Most of them actually studied even before the Lisbon Treaty and therefore there is a professional disconnect between younger and older colleagues.” (P3)<sup>79</sup>*

Consistently, judicial authorities are often reluctant to take the jurisprudence of the Court of Justice of the EU into account when deciding the case, preferring to resort to domestic case laws. The level of awareness among women who suffered and survived gender-based and domestic violence is extremely diverse depending on their social and educational background: however, a common element is the perception of the EU as distant and not having a direct impact on their lives.

*“As far as people's awareness is concerned, it clearly depends on the origin and socio-cultural background of the people, because there are women who do not even recognise their minimum rights as victims. So, let alone the possibility of recourse to higher courts that are perceived as*

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<sup>79</sup> Devo tenere in considerazione un altro aspetto: la generazione degli avvocati un pochino meno giovane della mia tende a vedere gli strumenti di tutela europea come di importanza secondaria. La maggior parte di loro in realtà ha studiato anche prima del Trattato di Lisbona e quindi c'è uno scollamento professionale rispetto tra i colleghi più giovani e più anziani.



*so distant. So still the stigma of Europe as a distant system in my opinion is there, or at least I experience it.” (P3)<sup>80</sup>*

Eventually, P4 shared her perception of a low level of awareness on fundamental rights among academics in scientific fields different from legal studies. The general population has a strong awareness and perception of their rights to privacy and data protection: in her experience, the General Data Protection Regulation (GDPR) is an instrument people are aware of, and many communication campaigns have been implemented in Italy to disseminate its contents and application.

## **2. Assessment of the relevance of the EU Charter in the participants’ professional activity/activism**

P1 reported that the EU legal system in general – and the EU Charter of Fundamental Rights, in particular – is scarcely used in case of violations of fundamental rights of detainees, since it does provide for a direct protection in this field (besides the general protection of human dignity). Other international instruments (see following questions) can have a more direct impact on the rights of this population group. The lack of a direct potential impact of the EU Charter on the protection of fundamental rights is confirmed also by P4. P3 and P2 reported that the EU Charter is perceived as the context and framework of the EU legal instruments that they use (i.e., EU Directives); other international instruments have a more direct impact (e.g., the ECHR, the Istanbul Convention, etc.).

## **3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants’ professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

The main limit of the EU Charter mentioned by the participants (P4 in particular) is the lack of awareness on its scope and contents both among professionals, students and in the general population.

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<sup>80</sup> Per quanto riguarda invece la consapevolezza delle persone, chiaramente dipende dalla provenienza ed estrazione socioculturale delle persone, perché ci sono donne che non si riconoscono neanche i diritti minimi in quanto vittime. Quindi, figuriamoci la possibilità di ricorrere alle corti superiori che vengono percepite come così lontane. Quindi ancora lo stigma dell'Europa come un sistema lontano a mio avviso c'è, o almeno io lo riscontro.

*“As far as I am concerned, the limitation stems from the lack of knowledge at all levels. So, starting from training: school, education, university. And often young students have no knowledge of national sources either, let alone European ones, just to give a complete overview anyway.” (P4)<sup>81</sup>*

Similarly, P3 reported that civil society and academics are aware of this instrument; the same cannot be said for justice professionals who generally use other legal instruments with a more direct impact on the cases they are working on.

*“Maybe there is attention in academia and maybe in some sections of civil society more at the level of research and monitoring. On the part of technicians, in my opinion, the instrument is not sufficiently well known. So, the lawyers themselves focus, for obvious reasons, on certain aspects that immediately make the instrument of the Charter less expendable.” (P3)<sup>82</sup>*

As for other instruments and legal documents used by the participants in their activities, P1 mentioned the ECHR, and more specifically its Art. 3 as a practical instrument to denounce violations of fundamental rights of detainees and improve detention conditions in Italy. Moreover, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe is the international body P1’s organisation refers to the most in case of violations of fundamental rights, besides national competent authorities. Eventually, she also mentioned UN international conventions. P3 reported that EU law is a key instrument to counter gender-based and domestic violence: she mentioned the importance of EU Directives in this field as a way to protect the victims’ rights in judicial proceedings. In this respect, the EU Charter of Fundamental Rights intervenes as a background context of these Directives, and not as a direct tool of protection of fundamental rights. Similarly, P4 mentioned the EU GDPR as a crucial tool to protect the fundamental rights to privacy and data protection, as well as the decisions of national and EU independent authorities. Eventually, P4 mentioned the ILO conventions as a key instrument to protect the fundamental rights of workers and to counter labour exploitation.

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<sup>81</sup> Per quanto mi riguarda, il limite deriva dalla mancanza di conoscenza a tutti i livelli. Quindi, partendo dalla formazione: scuola, istruzione, università. E spesso comunque i giovani studenti non hanno conoscenza neanche delle fonti nazionali, quindi tanto meno di quelle europee, giusto per fare comunque una panoramica completa.

<sup>82</sup> Magari c’è attenzione nel mondo dell’accademia e magari in alcune fasce della società civile più a livello di ricerca e monitoraggio. Da parte dei tecnici, secondo me lo strumento non è sufficientemente conosciuto. Per cui gli stessi avvocati si concentrano per ovvi motivi, su determinati aspetti che rendono immediatamente meno spendibile, meno spendibile lo strumento della Carta.

**4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

None of the participants could mention good practices or experiences where the EU Charter played a central role. However, some of them suggested possible ways to raise awareness and disseminate the Charter's contents. P1 stressed that networking events should be fostered where CSOs – active in different fields of intervention – could meet and exchange views and strategies: this type of events could be an opportunity to inform about the role the Charter could play and foster its use by CSOs and activists.

*“It would perhaps be necessary to have initiatives in which we network together, each one perhaps talking about the rights that they monitor or deal with as an association and as a civil society organisation. And then what is produced together can become a source for other associations and a tool for disseminating the Charter.” (P1)<sup>83</sup>*

As it was the case in the previous focus groups, participants (P1 and P4) mentioned the importance of raise awareness among students where the sensitivity towards rights is generally high. P4 also mentioned that public events – such as festivals, debates, conferences, etc. – could be an effective way to raise awareness in the general public.

**5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

When it comes to possible ways forward, P3 relevantly suggested the importance of developing a practical toolbox of instruments providing indications on how to use the EU Charter to protect fundamental rights, targeting specifically the relevant categories of professionals, such as lawyers, professionals working for services countering gender-based violence, etc.

*“I think that a useful tool, at least for my work, could certainly be a vademecum containing insights that would offer a series of concrete tools in the application of the Charter. We are*

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<sup>83</sup> Sarebbero forse necessarie iniziative in cui magari ci si mette insieme in rete, ognuno racconta magari la sua fetta di diritti che monitora o di cui si occupa come associazione e come realtà della società civile. E poi ciò che viene prodotto insieme può diventare una fonte per le altre associazioni e anche uno strumento di divulgazione della Carta.

*lawyers and we conduct trials in different locations and at different levels. How can we use the tool in a practical way? We, the anti-violence workers, the anti-trafficking workers ...” (P3)<sup>84</sup>*

The importance of disseminating practical tools to enforce the EU Charter was also mentioned by P2.

### **Comments/observations/other information**

Four representatives of CSOs took part in the focus group. The Italian research team of the FAIR project had difficulties in involving CSOs and associations despite contacting more than 40 of them. The main difficulty was the impossibility to match the availability of those professionals and activists that expressed their availability; some others never replied to our contact request. For these reasons, it was impossible to comply with the minimum threshold of 6 participants.

The four participants all were women with solid expertise in the protection of fundamental rights in different fields of activity and activism. The first participant (P1) was a researcher and coordinator of volunteers of the most well-known association defending the rights of detainees and monitoring detention conditions in Italy. The second participant (P2) was the coordinator of the gender justice area of Oxfam Italia. The third participant (P3) was a criminal lawyer working for the social cooperative Be Free which provides support and assistance to survivors to gender-based and domestic violence, discriminations on ground of gender and human trafficking. The fourth participant (P4) was a criminal lawyer with a specific expertise on the fundamental rights to privacy and data protection, working both for a private firm and for the [Observatory on Privacy, AI and New Technologies](#) of the “Marco Biagi” Foundation.

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<sup>84</sup> Io penso che uno strumento utile almeno per il mio lavoro, sicuramente potrebbe essere un vademecum contenenti degli approfondimenti che vadano a offrire una serie di strumenti concreti nell'applicazione della Carta. Noi siamo avvocate e portiamo avanti dei processi in diverse sedi e a diversi livelli. Come possiamo utilizzare lo strumento in maniera pratica? Noi, le operatrici anti violenza, le operatrici antitrattra ...

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	How would you describe yourself?	Age	Country, city	Profession	Role in the institution	The years you have worked in your current position at the institution	The years (if any) you have worked in the field of fundamental rights
P1	Woman	30 - 50	Italy, Rome	Associazione Antigone	Senior researcher and coordinator of the legal office	< 5	5 - 10
P2	Woman	30 - 50	Italy, Arezzo	Oxfam Italy	Project Manager - Desk Officer Domestic Program Gender Justice	5 - 10	5 - 10
P3	Woman	30 - 50	Italy, Rome	Be Free social cooperative	Lawyer	5 - 10	5 - 10
P4	Woman	30 - 50	Italy, Modena	"Marco Biagi" Foundation – Observatory on Privacy, AI and New Technologies	Lawyer	< 5	> 10

## Portugal Focus Groups

### Public Authorities

Number of participants: 8

Country: Portugal

Date of the focus group: 6 November 2024

Online/in presence: Online

Moderator: João Paulo Dias

Assistant moderator: Marina Henriques

Duration: 02 hr 18 min

The Focus Group with Public Entities and Authorities (PEA) provided relevant information and, overall, also a general consensus on the main topics discussed, in line with what happened with the focus group with CSO. The participants presented different views, related to the area where they act and based in the experience where they operate. Nevertheless, similar positions and arguments were registered, with small differences. The following main topics were discussed and the report presents the main arguments, also sustained in several excerpts of statements produced by the participants in the focus group with representatives of PEA.

### **1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights by PEA**

The level of awareness revealed by all the participants, concerning the Charter of Fundamental Rights, was quite high, showing that, not only they know its existence and contents, but also displaying a great knowledge of their (not) use within their associations and the difficulty it reveals in terms of its implementation. This assessment validating the knowledge of the participants, concerning the Charter of Fundamental Rights, is not a surprise due to the nature of the public entities represented in the focus group. In fact, all the public entities represented, with different levels of commitment, work in and with fundamental rights. Therefore, the Charter is a well-known instrument, which doesn't mean it's fully used and applied, as it will be showed.

*"I don't think this Charter has that much visibility in our country, and this is a great challenge, a great responsibility for the states. And I believe that these people feel that both in their*

*country and in the European Union things are not very clear and need more practice. There is no specific knowledge of this Charter.”<sup>85</sup> (P13)*

The historic and cultural trajectory of the European Union is not transversally recognised as relying relevance to fundamental rights, as its genesis was based more in economic interests. Therefore, the late assuming of fundamental rights as a structural pillar of the European Union makes more difficult the assumption of the Charter as a reference document. Additionally, the former existence of other international relevant documents, including thematic documents that provide tools for specific needs and claims, is more useful for many institutions.

*“I think it's a practice based on this cultural view that human rights and fundamental rights are not a matter for the European Union. The European Union, its main objective and its main action and its history and genesis have very little to do with human rights and fundamental rights. When we look at the European Union, it's difficult for the first word that comes to mind to be fundamental rights or human rights.”<sup>86</sup> (P9)*

In general, due to their professional roles, in their entities, the knowledge on the contents and relevance of the Charter is well-recognised. This was a basic assumption that led participants to move immediately to the following topics. In addition, it is not historically easy for the Charter to assume a structural relevance and replace other previous existing international documents, general or thematic, that still prevail when it is necessary to use or make reference to a specific document.

## **2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

The relevance of the Charter as a professional instrument used in daily activities or pursuing the competencies of the entities is diverse, according to their mission and nature. There are entities that use the Charter as a fundament in their reports or institutional opinions or reviews and there are others

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<sup>85</sup> “Eu acho que esta carta não tem assim tanta visibilidade no nosso país, e este é um grande desafio, é uma grande responsabilidade dos estados. E acredito que estas pessoas sentem que quer no seu país, quer na União Europeia as coisas não estão muito claras e carecem de mais prática. Não há um conhecimento específico desta carta.” (P13)

<sup>86</sup> “Eu acho que é uma prática assente nesta visão cultural de que direitos humanos e direitos fundamentais não é com a União Europeia. A União Europeia, o seu objetivo principal e a sua ação principal e o seu histórico e génesis tem muito pouco que ver com direitos humanos e direitos fundamentais. Quando olhamos para a União Europeia, é difícil a primeira palavra que vem ao nosso olhar ser direitos fundamentais ou direitos humanos.” (P9)

that have a closer contact with the Charter in training actions or through their participation in specific structures, where the fulfilment with Fundamental Rights must be ensured, as it is the case of national funding programmes with EU financing.

The following excerpt resumes the diversity of activities developed in the represented public entities, although some only act in partial ways, according to their nature and competencies or specificity of the scope of intervention (labour equality, people with disabilities, protection of children, gender equality, etc.).

*“The Charter is sometimes invoked in complaints (...), although not as often as we would like. On the other hand, the Charter is also invoked in position statements (...), in requests for constitutionality checks or in recommendations to change the law. The Charter is also used in our work as a groundwork. It has also been used in thematic reports (...) and in the monitoring committee for European Union funds (...), to ensure that the funds respect the rights enshrined in the Charter. (...) And finally, with regard to training activities, our institution has taken part in projects with similar entities in the European Union on the Charter.”<sup>87</sup> (P14)*

The Charter is assumed, for these public entities, as a reference document when it comes to draft public policies and actions to tackle identified problems, even when it is necessary to use other complementary documents, for more specific thematic areas.

*“In terms of legislative policy documents and public policy measures and actions, the Charter is a reference document. (...) The Charter is an important reference document and (...) I'd like to emphasise that. Then it has to be complemented with other reference documents that we have specifically in each of the areas, in the area of science, in the area of labour, in the area of social protection.”<sup>88</sup> (P11)*

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<sup>87</sup> “A Carta é, por vezes, invocada nas queixas (...), embora não tantas vezes quanto o que seria desejado. Por outro lado, a Carta também é invocada nas tomadas de posição (...) nos pedidos de fiscalização de constitucionalidade ou nas recomendações para alterar a lei. A Carta é ainda utilizada no nosso trabalho como fundamento. Depois, também tem sido utilizada em relatórios temáticos (...) e no comité de acompanhamento dos fundos da União Europeia (...) para garantir que os fundos respeitam os direitos consagrados da Carta. (...) E por fim, relativamente às ações de formação, a nossa instituição tem participado em projetos com entidades congéneres da União Europeia sobre a Carta.” (P14)

<sup>88</sup> “Ao nível dos documentos de política legislativa e de medidas e ações de política pública, a Carta é um documento de referência. (...) A Carta é um documento de referência importante e (...) eu queria relevar isso. Depois tem que ser complementado com outros documentos de referência que nós temos especificamente em cada uma das áreas, na área da ciência, na área laboral, na área da proteção social.” (P11)



*“The way the Commission uses this Charter is, (...) for example, for political proposals, for action programmes or for projects that we develop, both at national and international level, we usually use this document as a guide to fundamental rights.”<sup>89</sup> (P8)*

*“(...) in the evaluation report of the Law (...), where the Charter is mentioned as one of the sources of international law that is normally used, (...) so obviously yes, whenever reference is made to international or European legislation, reference is made to the Charter.”<sup>90</sup> (P10)*

In sum, the Charter is considered relevant, although their use can adopt several ways and forms, according to their structural importance, scope of institutional action, competencies, existing of other instruments more adequate to fulfil their mission and developing the regular activities.

### **3. Identification of the main gaps/limits in the implementation of the EU Charter and of its use in the participants’ professional activities/activism**

The participants identified several gaps and limitations in the use of the Charter by their entities and in their daily professional practices. The following excerpts validate the main arguments used, that were considered consensual and transversal. One has to highlight that the interventions were more complementary than controversial, meaning that participants easily reached common shares opinions without any topic of disagreement.

The first topic that was raised relates with the general lack of awareness of the Charter, by entities and their professionals, in terms of pragmatic and practical use in the thematic competencies of each entity. The Charter is considered wide-range, while their institutional work is far more delimited, which demands the use of other, national or/and international, documents and legislation.

*“It’s very difficult to raise awareness. Because the area (...) is very wide-ranging, (...) and reaching all of this is very difficult indeed. Awareness-raising (...) is more at Convention*

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<sup>89</sup> “A forma como a Comissão utiliza esta Carta é, (...) por exemplo, para propostas políticas, para programas de ação ou para projetos que desenvolvemos, tanto no plano nacional como internacional, normalmente vamos sempre recorrer a este documento como orientador dos direitos fundamentais.” (P8)

<sup>90</sup> “(...) no relatório da avaliação da Lei (...), onde é referida a Carta como uma das fontes de direito internacional a que normalmente se recorre, (...) por isso, obviamente que sim, sempre que é feita a referência à legislação internacional ou comunitária, é feita a referência à Carta.” (P10)

*level. On the question of the Charter, it's not something we work with on a daily basis.*<sup>91</sup>  
(P13)

The wide-range of the Charter poses the question of not being able to tackle down specific needs of multiple vulnerable groups, for any reason, whether LGBTI+, immigrants, workers, people with disabilities, women, children, among other. Therefore, the use of other reference documents or legislations to provide concrete answers for specific demands is commonly referred.

*“And so here is a limitation that we experience, which is practical, which is concrete, which is that the Charter does not respond to all the groups that we institutionally work with, so to speak, either in favour of human rights or the fundamental rights of certain social groups. And this is a limitation, while we have other international instruments at our disposal that are more complete and that safeguard us in this work. (...) Between the Universal Declaration of Human Rights and the Charter of Fundamental Rights, we use the Universal Declaration of Human Rights and the respective covenants, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. Because even though they are older in time, they limit our action less when we talk about, for example, specific groups.”*<sup>92</sup> (P9)

The fact that the Charter doesn't provide the better solutions and instruments for specific groups is reinforced. And to be useful, the Charter must enforce its applicability for specific vulnerable groups, which demands the change of scope of the Charter and the introduction of more practical instruments.

*“I think that the issue of the Charter also has to do politically with the very foundations of the European Union and with the areas of discrimination that are guaranteed and protected in the Treaty. By not mentioning all the diversity of people living in the European Union, we feel that everything will then fail, and so we have these doubts. In other words, we feel that*

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<sup>91</sup> “É muito difícil fazer esta sensibilização. Porque a área (...) é muito abrangente, (...) e chegar a isto tudo é de facto muito difícil. A sensibilização (...) é mais ao nível da Convenção. Relativamente à questão da Carta, não é algo com que nós trabalhemos diariamente.” (P13)

<sup>92</sup> “E, portanto, aqui está uma limitação que sentimos, que é prática, que é concreta, que é a Carta não dar resposta a todos os públicos com que nós institucionalmente trabalhamos, digamos assim, ou em prol dos direitos humanos ou os direitos fundamentais de determinados grupos sociais. E isto é limitador, enquanto temos outros instrumentos internacionais ao nosso dispor mais completos e que nos salvaguardam neste trabalho. (...) Entre a Declaração Universal dos Direitos Humanos ou a Carta dos Direitos Fundamentais nós usamos a Declaração Universal dos Direitos Humanos e os respetivos pactos, Pactos dos Direitos Cívicos e Políticos e o Pacto dos Direitos Económicos, Sociais e Culturais. Porque ainda assim, mesmo sendo mais antigos no tempo, limitam-nos menos a nossa ação quando falamos em, por exemplo, públicos específicos.” (P9)

*there is a need for the Charter to be enforced and used, but we do have some difficulties with the scope it has, or the lack of scope it has.*<sup>93</sup> (P10)

*And this is a limitation, while we have other international instruments at our disposal that are more complete and that safeguard us in this work.*<sup>94</sup> (P12)

Therefore, the participants found it not to be strange or uncommon to use other instruments and legislations to invoke their rights, whether in courts or in other entities, especially when it comes to the international legal system.

*“It’s probably not as frequent as we might expect. And I attribute this to a lack of awareness, on the part of people who take their case to justice, of the existence of the Charter itself as a basis for invoking their rights. On the other hand, other instruments are used for this purpose, particularly from the international legal system, which end up being used as a reference as well.”*<sup>95</sup> (P14)

The Charter of Fundamental Rights is also a recent European reference document. In that sense, participants considered that there is an historic tradition to use other “older” instruments that, additionally, are, not only easy to call and apply, but also are not so general and, by that sense, allows an easy use for specific topics or thematic. The shortage of tradition of the EU, in what concerns to defend human rights or fundamental rights, was also called to the discussion, as the basic foundations of the EU were economic. And only in the last decades, there was an emerging concern more focused on human rights, fundamental rights, rule of law and other major principles important for democratic societies, social cohesion and the fight against any form of discrimination.

*“When we talk about fundamental rights and human rights, I’ll say it again, the European Union is not an institution that immediately springs to mind in these areas, not because of*

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<sup>93</sup> “Eu acho que a questão da Carta também politicamente tem que ver com os próprios alicerces da União Europeia e com as áreas de discriminação que estão garantidas e protegidas no Tratado. Ao não estar toda a diversidade de pessoas que vivem na União Europeia mencionadas, sentimos que depois tudo vai falhar e, portanto, temos estas dúvidas. Ou seja, sentimos que há necessidade da Carta fazer valer e ser utilizada, mas temos de facto algumas dificuldades na abrangência que ela tem, ou na falta da abrangência que ela tem.” (P10)

<sup>94</sup> “No âmbito do PT2030 foram inseridas duas obrigações horizontais, uma delas o cumprimento da Carta dos Direitos Fundamentais e (...) até as próprias instituições, e as próprias pessoas que estão no comité, tem alguma dificuldade de implementar isto nos fundos. E eu posso dizer que a implementação que está a ser feita é uma implementação declarativa. No fundo, as entidades poem lá o visto a dizer que estão a cumprir a Carta dos Direitos Fundamentais e a Convenção das Nações Unidas. (...) Há dificuldades das próprias instituições, portanto, é muito generalizado.” (P12)

<sup>95</sup> “Não é, se calhar, tão frequente quanto seria expectável. E atribuo isso a haver alguma falta de conhecimento, por parte das pessoas que se dirigem o seu caso à justiça, da existência da própria Carta como fundamento para invocarem os seus direitos. E, por outro lado, utilizam-se outros instrumentos para esse efeito, designadamente do sistema jurídico internacional, que acabam por ser também utilizados como referência.” (P14)

*the shortcomings I've mentioned, but because of the difficulties we have in working with some of the European Union's instruments. And also because historically the European Union, from our perspective, has been a little lacking in this area, in other words... (...) That's why I'm telling you that we obviously work with the Charter as a formative element, because it's part of the tools we give people in terms of training. But it brings us difficulties, because we feel that the Charter itself limits our action, especially when we're doing very specific work.”<sup>96</sup> (P9)*

A specific topic that was discussed several times refers to the introduction, within the EU cohesion funds that are transferred to Portugal, of the obligation to take into consideration of fundamental rights in all the funded projects (investments and activities) that are approved nationally, by the competent entities, including the monitoring and auditing phases. Nevertheless, as it was underlined, the major concern of EU funds remains focused on the correct financial execution and the achievement of the quantitative measurable outputs, with the concerns related with the evaluation of fundamental rights' impacts being left aside in terms of importance.

*“Within the scope of PT2030, two horizontal obligations were inserted, one of them being compliance with the Charter of Fundamental Rights and (...) even the institutions themselves, and the people on the committee, have some difficulty implementing this in the funds. And I can say that the implementation that is being done is a declarative implementation. Basically, the organisations put their stamp on it saying that they are complying with the Charter of Fundamental Rights and the United Nations Charter. (...) There are difficulties on the part of the institutions themselves, so it's very widespread.*

One last limitation, that was raised and considered relevant, relates to the lack of use of inclusive language, that can make the contents and their significances easier to reach and be understood by all citizens, regardless of their level of education, digital literacy or disability, among other difficulties.

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<sup>96</sup> “Quando falamos de direitos fundamentais e de direitos humanos, vou repetir, a União Europeia não é uma instituição que nos venha imediatamente à cabeça nestas áreas, não é por estas lacunas de que vos falei, mas por algumas dificuldades que temos operativamente em trabalhar com alguns instrumentos da União Europeia. E também porque historicamente a União Europeia, na nossa perspetiva, tem faltado um bocadinho às pessoas nesta área, ou seja... (...) E, portanto, é por isso que vos digo que nós obviamente trabalhamos a Carta enquanto elemento formativo porque faz parte e vem nos instrumentos que nós passamos em termos formativos às pessoas. Mas traz-nos dificuldades, porque sentimos que a própria Carta nos limita à ação, sobretudo quando estamos em trabalhos muito específicos.” (P9)

*“It also has to do with the lack of inclusive language in the information itself, in a clear way, of what that Charter means, what is behind it and the very meanings of that Charter.”<sup>97</sup>*  
(P13)

Several gaps and limitations were identified. They are in line also with the contributions of the participants in the other focus group with representatives of CSO. From the lack of awareness to the difficult to use in concrete topics, or the existence of other relevant documents, all these makes the use of the Charter more challenging, something that is assumed by the representatives of public entities, that know well the Charter and its contents.

#### **4. Good practices/experiences/projects/events in the promotion of the EU Charter**

When it came to identify good practices developed by the presented public entities, the participants only referred, in diminished number, the inclusion of the Charter in some training activities, for general context of the instruments that exist internationally in the defence of the rights of citizens. Some other entities, as mentioned above, use the Charter in the draft of opinions, recommendations or legislations, in the introductory section, to map the reference documents that are considered relevant. Some other also mentioned that in some procedures, related with complaints that are received, the Charter is invoked as a document that stands up to safeguard the rights of citizens. But in practical terms, the use of the Charter in some training activities was the only good practice referred by participants, besides small involvement in specific funded projects and the participation in international commissions where the Charter is used as a reference document, at the level of the EU.

*“I'd like to emphasise, as a good practice, (...) but the Charter is part of our training materials. It's on our website, (...) but, above all, it's part of our training activities as a guiding document.”<sup>98</sup>* (P9)

There was, in general, an absence of examples of good practices of the use of the Charter in regular activities of the participant public entities, heavily based on the arguments above presented as limitations to its usage. The use for training activities is very restricted and do not confer any relevance to the Charter.

<sup>97</sup> “Tem a ver também com a falta de linguagem inclusiva da própria informação, de forma clara, do que é que aquela Carta quer dizer, o que é que está por detrás dela e os próprios significados daquela Carta.” (P13)

<sup>98</sup> “Quería reforçar, enquanto boa prática, (...) mas a Carta faz parte dos nossos materiais formativos. Está no nosso site, (...) mas, sobretudo, faz parte das nossas ações formativas enquanto documento orientador.” (P9)

## 5. Any other relevant information / recommendations

The participants, representing public entities and authorities with knowledge and competencies in general and specific fundamental rights, mapped several proposals and recommendations that could contribute to the change of status of the Charter, providing a greater and pragmatic relevance. The first idea that arose is the lack of understanding of the Charter, in terms of its practical use, and the reduce articulation between institutions, in order to publicise the Charter and the ways it can be framed and applied. It demands the adoption of several measures, since training to its inclusion as a working regular document.

*“The institutions don’t have a very clear understanding of this Charter either due to a lack of articulation between the different institutions. So I think that, as a whole, they should work much harder to publicise the existence of this Charter and also to work more closely together.”<sup>99</sup> (P13)*

*“I think it’s important to promote awareness-raising activities, in fact, so that both people and institutions are more aware of the Charter. That’s my suggestion.”<sup>100</sup> (P14)*

A general proposal was identified, assuming a political statement, by suggesting the issue of a guideline or recommendations by the Council of Ministers, that should be applied to all areas of governance and public policies. And this was defended as a decision with real impact for the raising awareness and relevance of the Charter, in a transversal way, throughout all the governmental areas.

*“My proposal would be a guideline or recommendation, at the level of the Council of Ministers, for the various areas of government to take into account, at the level of formulating public policies and also legislation, that the Charter be a reference document. This is the only way to have any impact, because otherwise, training is great, and I think it is, (...) but often those who attend training are not those who formulate policies and legislative proposals.”<sup>101</sup> (P12)*

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<sup>99</sup> “As instituições também não têm um entendimento muito claro desta Carta por falta de articulação entre as diferentes instituições. Portanto, eu penso que no conjunto deviam trabalhar muito mais na divulgação da existência desta Carta e também fazer um trabalho de maior articulação.” (P13)

<sup>100</sup> “Acho que é importante promover ações de sensibilização, de fato, para que quer as pessoas, quer as instituições, tenham maior conhecimento da Carta. Essa é a minha sugestão.” (P14)

<sup>101</sup> “A minha proposta seria uma orientação ou recomendação, ao nível do Conselho de Ministros, para as várias áreas governativas terem em atenção, ao nível da formulação das políticas públicas e também legislativa, que a Carta fosse um

The establishment of the Charter as a reference document for public policies, especially in what concerns in sensitive areas related with the guarantee of the rights of vulnerable groups, demands the existence of independent public bodies, such as the Ombudsperson, but answering to specific or concrete rights of the people, and not only in claims against public entities. This topic emerged as relevant, in line with several positions adopted by the EU, that often recommend the existence of independent public bodies in areas such as immigrants, people with disabilities or racism, among other.

*“(...) the need to ensure greater independence, not only in terms of independence from political power, but also in terms of independence in terms of operation, so that public entities can be provided with adequate resources to fulfil their mission. And this is already a major concern.”<sup>102</sup> (P10)*

A greater articulation between institutions was also defended as very important to promote the share of good practices, discuss the measures that can be embraced to endorse its use or to identify instruments for the good promotion of the Charter in practical terms, to overcome doubts and things that might not be so clear to the understanding of the professionals that must use the Charter. The focus group was considered a novelty as they are not used to participate in similar discussion groups, especially integrating people from different public entities, although working in the areas of human and fundamental rights.

*“(...) the institutions should also have more dialogue with each other, in terms of the good practices they have to share with each other. And this inter-institutional dialogue, (...) in order to clarify, perhaps, some of the things it describes.”<sup>103</sup> (P13)*

Finally, it was proposed that the Charter shall be disseminated, not only in training activities or in practical terms, but also in accessible language, to be understood by all citizens, regardless their limitations and disabilities. This also reinforces the previous mention to the need to be “translated” for different languages, to reach different audiences, as for instance children at primary schools.

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documento de referência. Só assim é que se vai conseguir ter algum impacto, porque, caso contrário, a formação é ótima e acho que sim, (...) mas muitas vezes quem vai à formação, não é quem está na parte da formulação das políticas e das propostas legislativas.” (P12)

<sup>102</sup> “(...) necessidade de acautelar uma maior independência, não só a nível da independência em relação ao poder político, mas também de independência em termos de funcionamento, de forma a que os organismos públicos possam ser dotados dos recursos adequados para a prossecução da sua missão. E esta já é uma preocupação muito grande.” (P10)

<sup>103</sup> “(...) as instituições devem também dialogar mais umas com as outras, no sentido destas boas práticas que têm para partilhar umas com as outras. E esse diálogo interinstitucional, (...) de forma a clarificar até, se calhar, algumas coisas que vêm nela descritas.” (P13)

*“It could be transformed into a Charter with a more accessible language. For example, there are various resources for transforming that Charter with information into a sign language, for example, Braille, audio description, etc. There are other formats so that the Charter can be understood by all the people. Because it has a very technical language. For citizens to be able to access the full information, it would be necessary for this document to be understood by the masses and yet, in our view, this is not the case.”<sup>104</sup> (P13)*

In sum it was consensual the idea that if the Charter does not meet citizens’ expectation, it won’t be recognised as relevant or useful in the claims for their rights. And, in that sense, it also be useless for institutional and professional implementation in public entities, as its value for daily work will be reduced or none.

### **Comments/observations/other information**

In the end, it was very positive to see that the participants are willing to evaluate the best ways in which their organisations can include more references to the Charter, whether in training sessions or even in concrete actions related to regular proceedings related with their competencies and missions. They inclusively committed to the promotion of the discussion of the thematic internally, with other colleagues and their heads of office or board of directors.

The need for good and validated information and data, both qualitative and statistical, on the implementation of public policies, in order to better gauge their realisation and success in fulfilling fundamental rights, was also considered to be transversally important for the different areas of activity.

The focus group took a longer duration than expected, but all the participants were very satisfied at the end, further requesting any document or material produced, within FAIR, that might help to support their action inside their public entities.

### **Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

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<sup>104</sup> “Podia-se transformar numa Carta com uma linguagem mais acessível. Por exemplo, há vários recursos para transformar aquela Carta com uma informação em uma língua gestual, por exemplo, em braille, em áudio descrição, etc. Existem outros formatos para que aquela Carta seja entendível pelas pessoas no seu todo. Porque tem uma linguagem muito técnica. Para que os cidadãos consigam aceder à informação plena seria necessário que este documento fosse entendido pelas massas e, no entanto, na nossa ótica, isso não acontece.” (P13)



	Gender	Age	Country, city	Institution	Role in the institution	Years in your position at the institution	Years (if any) worked in the field of fundamental rights
P1	Female	30 - 50	Portugal, Lisbon	CNPDPJ – Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens / National Commission for the Promotion of the Rights and Protection of Children and Young People	Member of the Office for International Relations	5 - 10	5 - 10
P2	Male	30 - 50	Portugal, Lisbon	CIG – Comissão para a Cidadania e a Igualdade de Género / Commission for Citizenship and Gender Equality	Member of the Support Office for Equality and Non-Discrimination	> 10	> 10
P3	Female	30 - 50	Portugal, Lisbon	CITE – Comissão para a Igualdade no Trabalho e no Emprego / Commission for Equality in Labour and Employment	President	< 5	< 5
P4	Female	30 - 50	Portugal, Lisbon	GEP – Gabinete de Estudos e Planeamento do Ministério do Trabalho, Solidariedade e Segurança social / Studies and Planning Office of the Ministry of Labour, Solidarity and Social Security	Director of International Relations and Cooperation Services	> 10	> 10
P5	Female	30 - 50	Portugal, Lisbon	INR – Instituto Nacional de Reabilitação / National Rehabilitation Institute	Head of Division of the Technical Support Office	> 10	> 10
P6	Male	30 - 50	Portugal, Lisbon	Me-CDPD – Mecanismo Nacional de Monitorização da Implementação da Convenção das Nações Unidas Sobre os Direitos das Pessoas com Deficiência / National Mechanism for Monitoring the Implementation of the United Nations Convention on the Rights of People with Disabilities	Vice-President, Researcher/Professor	5 - 10	5 - 10
P7	Female	30 - 50	Portugal, Lisbon	PdeJ – Provedoria de Justiça / Ombudsperson's Office	Member of the International Relations' Office	< 5	5 - 10
P8	Female	> 50	Portugal, Lisbon	SGMAI – Secretaria-Geral do Ministério da Administração Interna / General Secretariat of the Ministry of Internal Affairs	Member of the International Relations' Office	< 5	5 - 10

### **Civil Society Organisations (CSOs)**

**Number of participants: 7**

**Country: Portugal**

**Date of the focus group: 23 October 2024**

**Online/in presence: Online**

**Moderator: João Paulo Dias**

**Assistant moderator: Carlos Nolasco**

**Duration: 02 hr 30 min**

#### **1. *Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights by CSO***

The level of awareness revealed by all the participants, concerning the Charter of Fundamental Rights, was quite high, showing that, not only they know its existence and contents, but also displaying a great knowledge of their (not) use within their associations and the difficulty it reveals in terms of its implementation. Nevertheless, it was also consensual, based on their experience in the different associations, that there is a lack of awareness of the Charter by the general population and, more specifically, a difficulty in the implementation of the Charter in the different areas of intervention due to its reduced concretisation. It means that the Charter is seen as having a wide scope, while the associations act in limited areas where there are other documents that serve as reference, whether national or international, such as domestic violence, people with disabilities, immigrants, LGBTI+, among other.

The Charter is often cited as a wide scope reference document, in line with the Portuguese Constitution or other international major documents.

*“For us, the Charter of Fundamental Rights of the European Union is an extremely important basic document, which has inevitably reflected the spirit of the Union, based on common values that make perfect sense to us, which characterise a democratic state governed by the rule of law, and which are therefore based on the principles of human*

*dignity, freedom, equality and solidarity, which we always take as a starting point in our work.”<sup>105</sup> (P2)*

The absence of concrete rights, in the other hand, in a more reduced scope, to meet defined necessities, is one of the main obstacles to the use of the Charter by associations or even the citizens they support. The wide scope of the Charter, for associations that deal with tangible rights, makes more difficult to operationalise on their daily work, even when they have to make a claim to any institution.

*“The Charter itself is not an instrument that our organisations use, but we often refer to it, because in the area of mental health these rights are often timid, and they are questioned. (...) many of the rights that are enshrined in this Charter, for our participants, with this experience of mental illness, end up not being the day-to-day practice.”<sup>106</sup> (P6)*

The problem starts also at school level, where the young people may know the Charter, but have a lot of difficulty to realise how it can be useful, in practice, in their daily life.

*“We’ve noticed that young people, even in schools, are aware of the existence of the Charter, but have no idea of its applicability, in other words, even in relation to its content, they often don’t know their rights. (...) And they often have no idea of how they can use it to their advantage either. (...) At the level of youth associations, exactly the same thing happens, in other words, they are aware of the Charter, but are unaware of the impact it has on their daily lives and their rights.”<sup>107</sup> (P5)*

The main idea that we can withdraw from the contributions of the participants is that there is a good level of awareness of the Charter, but it remains a difficulty in its daily use for concrete thematic related with their work, as well as there is also a lack of awareness by citizens, mainly in how it can help to meet their needs and solve their problems.

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<sup>105</sup> “A Carta dos Direitos Fundamentais da União Europeia, para nós efetivamente é um documento de base extremamente importante, que traduziu inevitavelmente o espírito da União, assente em valores comuns que nos fazem todo o sentido, caracterizantes de um Estado de Direito democrático aliás, e que assentam, portanto, nos princípios da dignidade do ser humano, da liberdade, da igualdade, da solidariedade, os quais temos sempre como ponto de partida no nosso trabalho.” (P2)

<sup>106</sup> “A Carta, por si própria, não é um instrumento que as nossas organizações utilizam, mas referenciamos muitas vezes, porque na área da saúde mental estes direitos são muitas vezes tímidos, são postos em causa. (...) muitos dos direitos que estão consagrados nesta Carta, para os nossos participantes, com esta experiência de doença mental, acabam por não ser a prática do dia-a-dia.” (P6)

<sup>107</sup> “Nós reparamos que os jovens, e mesmo nas escolas, têm o conhecimento da existência da Carta, mas não têm noção da aplicabilidade dela, ou seja, mesmo em relação ao seu conteúdo não conhecem muitas vezes os seus direitos. (...) E muitas vezes não têm noção de como podem usar isso a seu favor também. (...) A nível das associações juvenis acontece exatamente a mesma coisa, ou seja, eles têm conhecimento da carta, mas desconhecem o impacto que ela tem no cotidiano delas e dos seus direitos.” (P5)

## **2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

The participants find the Charter as a very important reference document. Within their daily work they are bended to their principles, just by working with fundamental rights, whether in gender violence or in the formation of the youth for future challenges. But when the accomplishment of the rights, as inscribed in the Charter, is a far distance goal, it turns up more difficult to be aware of its importance and how it can be implemented.

One of the areas where the Charter is not used is in courts or by other public institutions, when some concrete rights are at stake, because they act within national legislation and with specific laws more focused to answer to the concrete problem that needs to be solved. Associations also don't refer to the Charter, in terms of its common use, mainly due to the option for other documents or laws where the rights are more discriminated and operationalised

*"There is also a frontal violation of what is meant by women's rights and the best interests of the child, among many other fundamental rights that are set out in this Charter. And that, whether it's the courts or other institutions that we work with, they don't actually have or don't apply these rights, even though they are aware of them."*<sup>108</sup> (P2)

The fact that Charter isn't used as a reference and binding document doesn't mean that associations do not follow the contents and guidance of what is in the Charter. In fact, by the simple fact that these associations act in the fight for specific rights means that they are in line with the Charter, but they just don't use it as a guidance document in their activities.

*"Within this sector of the social economy (...) they may not be as aware of this document and the importance it certainly has in guiding the political choices that these organisations also make. But I think it's more a lack of awareness than not following some of the Charter's principles. They may do so more unconsciously. Now, I'm sure that if there are*

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<sup>108</sup> "Existe uma violação frontal também daquilo que significa os direitos da mulher e o interesse superior da criança, entre muitos outros direitos fundamentais que vêm enunciados nesta carta. E que, quer sejam os tribunais, quer sejam outras instituições com as quais nós trabalhamos, de facto não têm ou não aplicam estes direitos, embora tenham conhecimento dos mesmos." (P2)

*organisations for whom this document is important, it's social economy organisations. I have no doubt about that.”<sup>109</sup> (P1)*

In sum, while the Charter is a document of wide scope in terms of rights that needs to be defended, associations act more specifically in narrow thematic, meaning that the option for other reference documents is adopted to tackle concrete problems. It doesn't denote that associations do not follow the principles and values of the Charter, but that the Charter don't provide the necessary answers for the specific problems they need to solve.

### **3. Identification of the main gaps/limits in the implementation of the EU Charter and of its use in the participants' professional activities/activism**

The implementation of the Charter, as a reference document or as a binding document for public policies or for the use of associations suffers from several limitations and obstacles. The participants highlighted some of them, again with a large consensus, as the approach and difficulties are transversal.

One of the most referred difficulties in the process of hegemony of the Charter, as a reference and binding document, is the regular use of other relevant national documents and laws that, not only sustain similar rights and values, but also because they are more known by entities and people and easy to use to resolve the identified problems. It is a national culture that is embodied in all the institutions and also in most of the training of professionals, mostly sustained in the necessities acknowledged by daily practice.

*“People in general, and especially professionals, are aware of what Fundamental Rights are. However, they refer to the Portuguese Constitution, among other internal diplomas. They never refer to international legislation. As if everything that happens outside Portugal were a separate reality. And it isn't.”<sup>110</sup> (P2)*

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<sup>109</sup> “Dentro deste setor da economia social (...) podem não estar tão conscientes deste documento e da importância que ele tem, certamente, no nortear das opções políticas que estas organizações também fazem. Mas eu acho que é mais uma inconsciência do que propriamente não seguir alguns dos princípios da Carta. Podem fazê-lo de forma mais inconsciente. Agora, eu estou certa que se há entidades para cujo este documento é importante são as organizações da economia social. Não tenho dúvida nenhuma sobre isso.” (P1)

<sup>110</sup> “As pessoas em geral, e principalmente os profissionais, têm conhecimento do que são Direitos Fundamentais. No entanto, remetem para a Constituição Portuguesa, entre outros diplomas internos. Nunca recorrem para diplomas internacionais. Como se tudo aquilo que se passasse de Portugal para fora fosse uma realidade à parte. E não é.” (P2)

Another obstacle relates with the inefficiency of the state institutions and laws to ensure the the safeguard and implementation of the rights. In that sense, in citizens and associations don't see their problems solved, the correspondent rights will be useless. Therefore, there is a gap between the existing laws and the exercise of the rights, which makes emerging frustrating feelings and powerless perceptions.

*"There's often a certain tendency not to talk about these issues from the point of view of rights, but from the perspective of the problems that each society faces. And then the way in which the problems and inefficiencies of the government and the authorities have to be resolved. And I think that, therefore, makes it difficult to publicise the instrument itself, because there is almost a frustration, as far as civil society in particular is concerned, at the inoperability of the legal instruments. So it's difficult to convey the usefulness of the instruments."*<sup>111</sup> (P3)

The distance between law in books and law in action is also raised as an obstacle and limitation of the recognition of the Charter as a major reference document. Especially in what concerns the adopted public policies that often follows the abstract rights and principles, but, in concrete, has opposite consequences. In that sense, people feel very distant from an abstract document, that is far from the necessities felt in the ground.

*"I think the benchmark is seen as interesting, by example, by the organisations and government bodies in the area, who have decision-making power, but I think it's seen as a distant goal. OK, we'll get there one day. But in the meantime, when we try to get there, we keep creating and reinforcing structures, policies and regulations that are the opposite of what we should be doing."*<sup>112</sup> (P6)

The average knowledge of international reference documents related with fundamental and human rights often causes confusion and misunderstanding on what document is mentioned or shall be used. This goes in addition with a limited knowledge of the general legislation by citizens, sometimes with

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<sup>111</sup> "É que há uma tendência, muitas vezes, para não se estar a falar destas temáticas numa lógica de direitos, mas sim numa lógica de problemas que cada sociedade enfrenta. E depois da forma como se tem que resolver as problemáticas e as ineficiências do governo e das autoridades. E eu penso que, portanto, isso faz com que haja uma dificuldade na divulgação do próprio instrumento, porque há quase uma frustração, no que toca à sociedade civil em particular, na inoperância dos instrumentos jurídicos. E então é difícil transmitir aquilo que é a utilidade dos instrumentos." (P3)

<sup>112</sup> "Eu acho que o referencial é visto como interessante, pelo exemplo, pelas organizações e pelas instâncias governamentais da área, que têm poder de decisão, mas eu acho que é visto como uma meta longínqua. Ok, iremos lá chegar um dia. Só que, entretanto, quando tentamos lá chegar, vamos mantendo e vamos continuando a criar e reforçar tudo o que são as estruturas, as políticas ou os regulamentos que são o contrário do que deveríamos estar a fazer." (P6)

difficulties in knowing what to do to claim for their rights or what they feel that they have right for. There are also specific thematic documents, national and international, that sometimes have a stronger impact and are more adequate to answer or/and solve concrete problems or violations of fundamental rights.

*“Many of the participants in the round tables, in the context of a previous project we carried out, were confused between instruments, specifically between the Charter and, for example, the European Convention on Human Rights. There was clearly a basic lack of knowledge of the legislation applicable to their area of activity. This led us to the general conclusion that the problem lies not only in knowledge of the Charter in particular, which is obviously a relevant instrument and can be very useful, but also in knowledge of the legislation in general, applicable to their area of activity, the capacity building of these organisations and the training of people who work with applicants for international protection.”<sup>113</sup> (P4)*

Therefore, in line with the previous limitations and difficulties, there is a mismatch between reference legal documents that can be call to fight for their rights. And sometimes people are not aware or don't have the knowledge enough to use the Charter in different contexts and claims, meaning that its operability is not clear for many people and institutions.

*“The Charter is sometimes somewhat overshadowed by other legal instruments. (...) The Charter has several purposes, not only direct application, but also interpretative assistance for the interpretation of other provisions, both national and, for example, directives or regulations of the European Union itself. And I think that's very important.”<sup>114</sup> (P4)*

The existing of EU funded projects and activities, that must comply with fundamental rights by regulation, often do not comply with the required fundamental rights' approach, as the main focus of accountability is the financial execution and the quantitative accomplishment of the outputs, reducing the fundamental rights to a check list in time of submitting the application. This raises an obstacle to

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<sup>113</sup> “Muitos dos participantes das mesas redondas, no âmbito de um projeto anterior que desenvolvemos, faziam confusão entre instrumentos, designadamente entre a Carta e, por exemplo, a Convenção Europeia dos Direitos Humanos. Havia claramente um desconhecimento de base da legislação aplicável à sua área de atuação. Isso levou-nos à conclusão geral de que o problema não está só nos conhecimentos da Carta, em particular, que é obviamente um instrumento relevante e que pode ter bastante utilidade, mas também do próprio conhecimento da legislação em geral, aplicável à sua área de atuação, da capacitação destas organizações e da formação das pessoas que trabalham com requerentes de proteção internacional.” (P4)

<sup>114</sup> “A carta às vezes está na sombra um pouco de outros instrumentos jurídicos. (...) A Carta tem vários propósitos, não só aplicação direta, como o próprio auxílio interpretativo para a interpretação de outras disposições, tanto nacionais como, por exemplo, diretivas ou regulamentos da própria União Europeia. E isso acho que é muito importante.” (P4)

the existence of fundamental rights' approach and perspective by the time of elaborating the application to EU funds, made available directly by the EU or through the national cohesion funds.

*“Most of these projects (...) never meet the Charter of Fundamental Rights, and (...) if that were a requirement, many social projects that I think are contrary to independent living (...) would have no force and there would be others that had more force.”<sup>115</sup> (P6)*

The absence of professional and capable legal support, in public entities and associations, besides for citizens, is presented as a great limitation to the regular work on the fight for fundamental rights and, by consequence, on the process of legitimation of the use of the Charter. One thing leads to the other, so to speak, meaning that the reduced legal capacity of institutions makes the use of the Charter less probable, in general or in concrete issues.

*“One of the gaps is this lack of legal support and knowledge on the part of organisations to help people know where to turn if their rights are being violated and how they can take action.”<sup>116</sup> (P6)*

In general, the identified obstacles and limitations to a regular use of the Charter, as a reference legal document or an instrument to claim for the fundamental rights, relies on six main aspects, namely: the lack of knowledge of the Charter; the difficult to apply to the charter to claim for the fundamental rights to solve concrete problems; the overlapping of international and national documents and laws, that makes more pragmatic to use national legislation and instruments; the existence of thematic reference and legal documents, that provide more adequate answers and solutions to concrete violations of fundamental rights; the reduced relevance of fundamental rights in all the process of implementation of EU funds; and the institutional legal fragilities in terms of capacity to use national, or even more international, legal documents in their daily activities and to solve specific problems.

#### **4. Good practices/experiences/projects/events in the promotion of the EU Charter**

The participants provided a limited range of good practices in the promotion of human rights or/and fundamental rights. More frequently, they referred to the promotion of training actions, that are more

<sup>115</sup> “A maior parte destes projetos (...) nunca vão ao encontro da Carta dos Direitos Fundamentais, e (...) se isso fosse um requisito, muitos projetos sociais que eu acho que são contrários à vida independente (...) não tinham força e haveria outros que tinham mais força.” (P6)

<sup>116</sup> “Uma das lacunas é esta falta de apoio jurídico e de conhecimento das organizações para ajudarem as pessoas a saberem onde se dirigir, se os seus direitos são violados e como é que podem atuar.” (P6)



focused on the topics where they work regularly, such as gender violence, people with disabilities and so on. They tackle specific fundamental rights, where sometimes the Charter is referred as a general framework, but the activities are thereafter focused to the thematic they work on. Even when the focus is the promotion of several fundamental rights, not always the Charter is used as a reference document or, if it is, it is mentioned in a light way.

“We also do something interesting, which is promoting various Charter themes in schools, particularly secondary schools, such as equality, inclusion, for example, or women's rights. We pay a great deal of attention to these areas, which are very important right now, where we focus a lot on today's young people.”<sup>117</sup> (P5)

Another identified good practice, made possible by the existence of a funded activity, was the training of people with experience in leadership or with a potential to assume future leadership roles. And this can have a spin off effect, allowing the spread of the thematic throughout the country and in multiple institutional settings and contexts. Although the main focus was not on the Charter, it is often referred as a complementary source of information for general context.

*“Through projects funded by the EEA Grants, we promoted leadership skills, bringing the various organisations together for international leadership training on the promotion of human rights, etc. And then the people themselves went on to spread these rights to other people with training experience in the country, to other organisations, schools and universities. In other words, (...) this dissemination about how people, despite having a diagnosis, sharing their story, have these rights, work, have their own homes, etc., and I think that was a good practice that we did. (...) Most of these projects (...) never meet the Charter of Fundamental Rights, and (...) if that were a requirement, many social projects that I think are contrary to independent living (...) would have no force and there would be others that had more force.”<sup>118</sup> (P6)*

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<sup>117</sup> “Nós também fazemos uma coisa interessante, que são ações de promoção a nível das escolas, em particular do ensino secundário, de várias temáticas da Carta, como a igualdade, a inclusão, por exemplo, ou também o direito da mulher. Temos bastante atenção nessas áreas que são bastante importantes agora, em que focamos muito nos jovens de hoje.” (P5)

<sup>118</sup> “Através de projetos financiados pelo EEA Grants, promovemos as capacidades de liderança, juntando as várias organizações para uma formação de líderes internacionais sobre a promoção dos direitos humanos, etc. E depois as próprias pessoas foram espalhar estes direitos por outras pessoas com experiência de formação no país, por outras organizações, escolas e universidades. Ou seja, (...) esta divulgação sobre o que as pessoas, apesar de terem um diagnóstico partilhando a história deles, têm estes direitos, trabalham, têm habitações próprias, etc., e acho que foi uma boa prática que nós fizemos. (...) A maior parte destes projetos (...) nunca vão ao encontro da Carta dos Direitos Fundamentais, e (...) se isso fosse um requisito, muitos projetos sociais que eu acho que são contrários à vida independente (...) não tinham força e haveria outros que tinham mais força.” (P6)

Some participants highlighted the necessity to use the Charter in multiple dimensions and activities, including in communication materials, concomitantly with other documents and laws, national or international. It must be enshrined in the daily activities of the entities and must be assumed as a structural landmark.

*“A good organisational practice is, in fact, in line with what I've just said, to use references to the Charter on a daily basis in all these communications, to do so in a systematic way, not only including references to national legislation and European Union's directives and regulations, but also to the Charter, which in practice applies to almost every topic of discussion or thematic area in our daily work with national authorities, with the courts or with other types of institutions.”<sup>119</sup> (P4)*

Another contribution, based also in a previous funded project, where a dissemination activity was developed, presented a roadmap throughout the country where the provided training with an intersectionality approach, including several rights included in the Charter, to promote awareness of the Charter and the rights involved. Although it is also a training activity, it was planned and executed with a wide range and ambition.

*“One project we organised a few years ago, which ended in 2017, was the Citizenship in Portugal Roadmap, which included many of the rights enshrined in the Charter. We travelled around 280 municipalities in the country. The Charter was used as an instrument in the content itself, which was taken to various audiences. (...) I would say that we used and abused the Charter, in other words, we tried to ensure that it had an intersectionality within what are our main mission areas, whether in the area of advocacy, communication, capacity building or in the area of animating a network.”<sup>120</sup> (P1)*

The presented best practices and proposals for the promotion of the Charter goes around three main approaches, namely: the integration of the Charter as a reference document in all the institutional

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<sup>119</sup> “Uma boa prática de organização, é, efetivamente, na linha daquilo que acabei de dizer, utilizar diariamente em todas estas comunicações as referências à Carta, fazê-lo de forma sistemática, não só incluindo as referências à legislação nacional e às diretivas e regulamentos da União Europeia, mas também à Carta, que na prática se aplica em quase todos os tópicos de discussão ou as áreas temáticas no nosso trabalho diário com autoridades nacionais, com os tribunais ou com outros tipos de instituições.” (P4)

<sup>120</sup> “Um projeto que dinamizámos há uns anos atrás, que terminou em 2017, foi o Roteiro Cidadania em Portugal, que tinha muitos daquilo que eram os direitos consagrados na Carta. Nós corremos 280 municípios do país. A Carta era usada como instrumento nos próprios conteúdos que eram levados a vários públicos. (...) Eu diria que era usar e abusar da Carta, ou seja, procurarmos que ela tenha uma interseccionalidade dentro daquilo que são as nossas áreas principais de missão, seja na área do advocacy, na área da comunicação, na área da capacitação ou na área da animação de uma rede.” (P1)

materials and guidelines; the including of the contents of the Charter in training activities, to capacitate professionals and citizens, as a whole; and the inclusion of the Charter as a complementary legal document and for communication purposes and materials.

### **5. Any other relevant information / recommendations**

The participants added some proposals that may be effective in the promotion of the Charter. One global idea is to include the contents of the Charter in the education material in a transversal way, for secondary students. The rights enshrined in the Charter are more than adequate to be included in different subjects, with diverse approaches. And this training should also be applied to the current and future teachers, including as mandatory training materials.

*“Faced with this, there is no other way but to effectively include these issues of gender, violence, the right to equality, etc. in the school curriculum as fundamental rights. (...) They have to be included in the various subjects, whether it's history or science. (...) Over the years they have been included in various pieces of legislation, which have been enshrined, and young people have no idea that they exist. So let's put them into the various subjects. (...) And this also involves training the professionals who are teaching this subject.”<sup>121</sup> (P7)*

Another way to promote the use and implementation of the Charter is to support the associations legal capacity, to play a complementary or substitute role of the state, not only due to the existence of many people with different needs, but also based of the weak welfare state that is not able to provide satisfactory answers to the major problems related with fundamental rights.

*“It's about trying to empower these organisations at various levels. Organisations often play a role in replacing the state's obligations. For example, in our area, with regard to the duties of hosting asylum seekers in Portugal, or those who are already refugees, where the state has a duty to host them during this period, the state enters into agreements with non-governmental organisations to fulfil the state's obligations. In this sense, it is also the state's obligation to ensure that these organisations have the capacity to do this, that they have*

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<sup>121</sup> “Perante isto não há outra forma senão incluir efetivamente nos currículos escolares estas questões de género, estas questões de violência, do direito à igualdade, etc., enquanto direitos fundamentais. (...) Tem que estar incluído nas diversas disciplinas, seja ao nível da disciplina de história ou ao nível das ciências. (...) Ao longo dos anos foram inscritas em diferentes diplomas, que têm vindo a ser consagrados, e que os jovens não fazem a mínima ideia que eles existem. Então vamos lá colocá-los nas diversas disciplinas. (...) E implica também aqui uma formação dos próprios profissionais que estão a dar esta disciplina.” (P7)

*the appropriate knowledge to deal with the public they have to help on a daily basis and with whom they work.”<sup>122</sup> (P4)*

The need to translate to different audiences what these rights are and how they are operationalised in each specific case, according to the needs of each person, was also proposed as a good way to promote the use of the Charter as a useful legal and political instrument. The translation refers not specifically in literal sense, of translating for national languages, but for different forms of language according to the target audiences. For young students, it can assume the form of a comics’ book or a piece of theatre or even a music song. The relevance of way to communicate is essential for the spread of the Charter, as an existing instrument with pragmatic use in the promotion and fulfilment of fundamental rights. And this is a responsibility of the EU and the states, that cannot rely only in the associations. In this sense, the option for funding strategies based on “projects”, with specific duration, narrow objectives and goals and limited funding, contributes to a limited sustainability of the actions that can lead to the promotion of the Charter. In addition, it is the EU and the member states that must also assume fundamental rights as a structural pillar in any public policy that is designed and implemented, in any area or topic relevant for the rights of citizens.

*“We have given extensive training not only to the police, but also to victim support technicians, as well as to the public prosecutors themselves. I’m not surprised to say that there is some resistance to receiving this training. (...) Awareness-raising actions must be taken into account, carried out not only by NGOs, but by the Portuguese state itself. This can’t just be about projects. I think the problem is that we often focus on projects for certain issues when they should, as they should, (...) be part of public policy.”<sup>123</sup> (P7)*

The participants in the focus group with representatives of civil society associations highlighted that it is necessary a structural adoption of the Charter by each state, with a long duration strategy, not only in terms of concrete activities, but also in what refers to the funding and definition of priorities for public

<sup>122</sup> “É tentar capacitar mais essas organizações a vários níveis. Muitas vezes as organizações têm papel de substituição das obrigações do Estado. Por exemplo, na nossa área, no que toca aos deveres de acolhimento de requerentes de asilo em Portugal, ou que já são refugiadas, em que o Estado tem dever de acolher durante esse período, o Estado celebra acordos com as organizações não governamentais para serem estas a cumprir as obrigações do Estado. Nesse sentido, é uma obrigação também do Estado promover que essas organizações tenham capacidade para o fazer, tenham conhecimento adequado para lidar com o público que tem que ajudar diariamente e com quem trabalham.” (P4)

<sup>123</sup> “Temos dado extensa formação não só às polícias, como aos técnicos de apoio à vítima, como também aos próprios magistrados do Ministério Público. Não será surpresa eu dizer que oferecem efetivamente alguma resistência na receção desta formação. (...) As ações de sensibilização devem ser tidas em conta, levadas a cabo não só pelas ONGs, mas pelo próprio Estado português. Isto não pode passar só por projetos. Eu acho que o mal muitas vezes é que, para certas temáticas, nós apostamos em projetos quando deviam, como tem que ser, (...) fazer parte da política pública.” (P7)

policies. Remaining the spread and adoption of the Charter dependent of the funding for small term's activities will have a negative impact on their relevance.

### ***Comments/observations/other information***

The participants were all committed to the objective of elevating the Charter to a more relevant role, in comparison to other documents and instruments used nationally or thematically. Nonetheless, they actively contribute with ideas, proposals and actions to promote the Charter to a higher level of European and national importance, knowing the difficulties and obstacles that are commonly shared by all the associations and taking into consideration the added value resulting from a different approach and strategy, that all could benefit, especially the people that needs more and are in more vulnerable contexts.

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	Gender	Age	Country, city	Institution	Role in the institution	Years in your position at the institution	Years (if any) worked in the field of fundamental rights
P1	Female	30 - 50	Portugal, Lisbon	ANIMAR – Rede de promoção da Cidadania e do Desenvolvimento Local / Network for the Promotion of Citizenship and Local Development	Project and Training Manager	> 10	> 10
P2	Female	30 - 50	Portugal, Oporto	APAV – Associação Portuguesa de Apoio à Vítima / Portuguese Association for Victim Support	Legal Professional at the Support Victim's Office	> 10	> 10
P3	Other	30 - 50	Portugal, Lisbon	Associação ILGA Portugal – Intervenção Lésbica, Gay, Bissexual, Trans e Intersexo / Association for Lesbian, Gay, Bisexual, Trans and Intersex Intervention	President, Activist	5 - 10	5 - 10
P4	Female	30 - 50	Portugal, Lisbon	CPR – Conselho Português para os Refugiados / Portuguese Council for Refugees	Legal Professional at the Legal Office	5 - 10	5 - 10
P5	Female	< 30	Portugal, Oporto	FNAJ – Federação Nacional das Associações Juvenis / National Federation of Youth Associations	Vice-president, student	< 5	< 5
P6	Male	30 - 50	Portugal, Lisbon	FNERDM – Federação Nacional de Entidades de Reabilitação de Doentes Mentais / National Federation of Rehabilitation Organisations for the Mentally Ill	Member of the Executive Board, Psychologist	5 - 10	5 - 10
P7	Female	30 - 50	Portugal, Oporto	UMAR – União de Mulheres Alternativa e Resposta / Union of Alternative and Responsive Women	Legal professional	> 10	> 10

## Slovenia Focus Groups

**Public Authorities**

**Number of participants: 8**

**Country: Slovenia**

**Date of the focus group: 23 October 2024**

**Online/in presence: Online**

**Moderator: Katarina Vučko**

**Assistant moderator: Katerina Kočkovska Šetinc and Maja Ladić**

**Duration: 01 hr 48 min**

### **6. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

During the focus group the participants shared different opinions about the level of awareness of the EU Charter among civil servants /public authority employees. It is important to note that the participants were representatives of very different public authorities with different mandates, namely the mandate of some of these institutions is not primarily focused on fundamental rights but are in one way or another obliged to use the Charter.

For example, one of the participants (P2) assessed that the awareness of the Charter among the civil servants and employees in the public institutions is relatively low and that the Charter is not being used on their own initiative, but because there are external incentives or demands for its use.

On the contrary, another participant (P1) assessed that their employees are fairly aware of the Charter, particularly those with a legal background. But since their institution uses the Charter regularly and due to their international cooperation, the level of awareness is high. However: *"We are aware that this is a professional 'bubble'. In the second segment, where we have users, customers, I would say there is a low level of awareness, but this is more about the general population."*<sup>124</sup> (P1)

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<sup>124</sup> Zavedamo se, da gre za nek strokovni 'balonček'. V drugem segmentu, kjer pa imamo uporabnike, stranke, pa bi rekla, da gre za nizko stopnjo zavedanja, a to se bolj tiče splošne populacije.

One of the participants (P7) mentioned that they incorporate the Charter in their work particularly because they believe that the level of awareness on the national level needs to be improved. However, the awareness regarding the field of application of the Charter is poor. The participant referred to Article 51 of the Charter which states that the provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law.

Their institution believes that there is more room for improvement and greater application in the transposition of EU Directives in the national legal system so that the responsible institutions make sure that the transposition is in line with the Charter. Here training of civil servants responsible for the transposition would be needed. Another aspect is the preliminary rulings where all national courts (and not just the highest ones) could ask the CJEU for clarification. Then there is the issue of horizontal use, direct use among the individuals, who could refer to the Charter in judicial proceedings, for example in labour disputes (employer-employee relations). In this aspect, additional trainings of lawyers through the Bar Association and its Academy and judges through the Judicial Training Centre would be needed.

Regarding preliminary rulings, participant P6 mentioned the very recent case law *Kubera vs. Slovenia* (C-144/23): The CJEU ruled that Article 267, Paragraph 3 of the Treaty on the Functioning of the European Union (TFEU) must be interpreted as precluding national courts and tribunals of final instance from refusing to grant leave to appeal without first considering whether a question concerning the interpretation or validity of EU law should be submitted for a preliminary ruling.

Furthermore, the CJEU emphasized that national courts must provide clear reasons when refusing to refer such questions. According to the CJEU's settled case law, a court of final instance may refuse to refer questions if they are irrelevant to resolving the dispute if the provision of EU law in question has already been interpreted by the Court (*acte éclairé*), or if the correct interpretation is so clear that there is no room for reasonable doubt (*acte clair*).

In the context of Slovenian law, this means that the Slovenian Supreme Court will need to consider parties' arguments and proposals for referring questions to the CJEU and must provide reasons if it declines to do so. This ruling is expected to significantly impact the Supreme Court's judicial practice in Slovenia. The CJEU's judgment will affect all legal orders of other Member States which envisage a system of leave to appeal.

This will significantly affect the reasoning of the Slovenian Supreme Court's decisions, as up until now, the Supreme Court has rejected applications for leave to appeal with only a brief statement that the leave is not granted. This change will have a major impact on the dialogue between the CJEU and national courts, and it will also be important for the parties involved, as they can only understand the significance of the decision through a reasoned explanation, which is a fundamental right under Article 47 of the EU Charter.



Participant P7 agreed that due to the obligation of the national courts concerning the requests for preliminary ruling and the low awareness of the Charter, particularly expert public should be the target group of awareness raising efforts – not to compete with the ECHR which is more known and used in Slovenia, but to use it as an additional mechanism for protection of fundamental rights in Slovenia.

Training of lawyers would perhaps be one of the most efficient activities for raising the awareness and the use of the Charter. In individual cases the lawyers probably do not aim to reach the CJEU, probably it seems quite remote to them – they mostly see their case going to the second instance, not even to the Supreme Court or the Constitutional Court, let alone CJEU. (P6)

#### **7. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

One of the participants mentioned that she as a lawyer is not dealing with the issues of fundamental rights in general, but there was a need to integrate the EU Charter in their operations:

*“In our department, the Charter has been incorporated into our work processes by some initiative of our own, not because it is perceived as a legally relevant document, but because it has been defined as binding by the acquis for the design of the structure for the absorption of EU funds.”<sup>125</sup> (P2)*

Participant P2 mentioned that in their public authority the Charter has quite a significant role, but more in a general, systemic level as they are responsible for the effective use of EU funds, where Charter needs to be respected. They are obliged to integrate the Charter into the relevant system. Namely, the respect of the Charter is the so called ‘enabling condition/ *omogočiteni pogoj*’, which means that the Charter must be respected in all aspects and phases of the use of the EU funds. The mechanism has been established but in the participant’s assessment, it has so far not been extensively used in practice. She further mentioned that the integration of the Charter in these mechanisms has not provided for a significant upgrade of the rules that are otherwise established in the national legal system.

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<sup>125</sup> Na našem resorju Listina v naše delovne procese po neki lastni inerciji, ker bi jo zaznali kot pravno pomemben document, ampak ker nam jo je pravni red za zasnovo ustroja črpanja EU sredstev opredelil kot zavezujočo.

Participant P6 mentioned that they use the Charter when implementing or transposing EU law in the national legal system and in the dialogue with the European Commission in the process of preparation of the EU legislation. But usually, issues are greater in Regulations as they are used directly, as the national legal systems differ significantly from one another. For example, in the next years, a Regulation will enter into force that will allow foreign law enforcement agencies to request data directly from national electronic service providers – and the national authorities will not be notified about that.

Participant P7, as a representative of one of the human rights organizations, has mentioned that their institution has lately increasingly strived to integrate the Charter in their work. In particular, by cooperating in joint projects with other similar institutions from other EU Member States.

Participant P4 is working in the field of coordination of gender equality policies and the Charter is often used in this respect (Article 23).

Participant P1 mentioned that their public authority often uses the Charter (and the EU Court of Justice case law), both in their consultancy role and in international cooperation. Although they primarily refer to national legislation and constitution and EU Regulation (data protection), as the latter adequately operationalize the relevant provisions of the Charter. The Charter is used as a common denominator when communicating with corresponding authorities of other EU member states. But there are also areas of their work (freedom of information), where the national law prescribes the rights much more strongly than the Charter.

Participant P5 as a representative of another human rights institution mentioned that they mostly use the Charter when developing recommendations in the legislative process when new laws /amendments are being adopted. Further, the Charter is presented in their trainings, however, not in depth.

**8. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants' professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

In discussion, the participants mentioned the following challenges:

- Human and fundamental rights are established on different levels, including the national constitution and legislation, the participant mentioned that the Charter is primarily not being used.

The participant (P8) assessed that the Charter would most likely be used if it prescribed a right that is not established on the national level.

Similarly:

- Different national and international legislation / conventions provide for similar / identical rights – although they each have different mechanisms established, courts, case law, the right in itself is similar. When it comes to human rights, the national Constitution is the primary source of reference. In Slovenian context, the European Convention on Human Rights and ECtHR have an important role, often more important role than the Charter and the EU Court of Justice.
- Not only ECHR and the ECtHR caselaw has a longer tradition and is more often referred to in Slovenia, but it also has to be noted that human rights are a constitutional category in Slovenia, therefore the Constitutional Court is the highest court in the country that rules on issues of human rights, which is not the case in all EU Member States.
- The relationship between CJEU and ECtHR can be very complex and practitioners do not have the capacity to deal with these issues.
- Low level of awareness in courts; for the respect of fundamental rights, it is important that the courts of first instance are aware of the rights and also understand how international courts interpret the content of these rights rather than referencing the Charter expressly. However, precisely that is the issue – it seems that courts of first and also second instance do not follow the case law of international courts. Perhaps the lack of time / being overburdened is the issue. (P6)
- The distance between national legal systems and EU law and the CJEU that interprets it is sometimes great. Even the decisions of national courts, including the Constitutional Court, are not sufficiently transferred into practice – perhaps because the authorities that implement legislation and should also take into account the decisions are overburdened and do not follow the case law. Perhaps this is the issue of non-precedential judicial systems. (P6)
- Although some of the human rights institutions regularly use the Charter in their arguments, the decision makers rarely respond to them. The reasons may be different, the participant mentioned the lack of knowledge, ignorance or perhaps even willingness to consciously ignore fundamental rights in favor of internal regulation, established practice, etc. (P5)

- Field of application art. 51 of the Charter, its scope and field of application are limiting its use in practice.
- Participant P1 mentioned that as implementors of EU law they rely on CJEU as interpreter of international instruments. However, its decisions are very legalistic, it is very much different to read than the ECtHR caselaw, it is less user-friendly. (P1)
- Furthermore, access to CJEU for an individual is much more limited. Action for annulment under Lisbon Treaty may be the exception, but the access is still far more limited compared to the ECtHR which is accessible after the exhaustion of domestic legal remedies, which is well known both to the public and to Slovenian lawyers:

*“ I do not think that the EU Charter can compete at all with the European Convention on Human Rights, either in scope or in access to the court. It is a completely different form of legal protection, or a different scope of legal protection, which is really strictly linked to EU secondary law.”<sup>126</sup> (P7)*

- Additionally, in general in Slovenia there is a low awareness and understanding of the primacy of EU law. (P1)
- Horizontal use of the Charter on the national level, beyond Articles 21 and 22 of the Charter (equal treatment) is a challenge.

#### **9. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

One of the participants (P7) mentioned that emphasizing cases of good practice can have positive effects. They listed several activities of their own authorities or activities they are aware of.

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<sup>126</sup> Jaz mislim, da Listina EU sploh ne more tekrovati z Evropsko konvencijo o človekovih pravicah, ne po obsegu ne po dostopnosti sodišča. Gre za čisto drugo obliko pravnega varstva, ali pa za drugačen obseg pravnega varstva, ki je res striktno vezan na sekundarno pravo EU.

#### Human Rights Ombudsman:

- When visiting the Asylum Home and determining that the accommodation conditions were inadequate, the Human Rights Ombudsman referred to Article 18 of the Charter (interference with the right to asylum).
- Recommendations and advocating for Individual treatment of asylum claims and respecting the procedural guarantees, combating illegal pushbacks (referring to Article 18 + 19(1) of the Charter – prohibition of collective expulsions)
- Compensation for victims of crime – Article 5 of the Victims of Crime Compensation Act determined only SI and EU nationals as eligible, the Human Rights Ombudsman in accordance with the principle of equal treatment (also on the basis of the Charter) argued that also third country nationals should have the right to compensation, the law was then amended.
- Project (2022-2024), partnership of seven NHRIs, coordinated by FRA. Focus: roles of NHRIs in relation to fundamental rights and rule of law, national implementation of the Charter, trainings, baseline studies (preliminary findings are similar to those of the FAIR project). Training for employees, translation of train-the-trainers handbook (FRA, case studies). Recommendation to the Administrative Academy to prepare training for civil servants, which was accepted, programme is in preparation.
- Using the Charter in the request for constitutional review of the act on the police tasks and powers.
- Referring to the Charter in the response to the suspension of broadcasting activities of Russian media outlets.
- Developing information on how to implement the right to good administration (art. 41) on the national level and what it entails.

#### Advocate of the Principle of Equality:

- Referring to the Charter when recommending that the amendment of the Act on national elections returns the right to vote to people with intellectual and psychosocial disabilities
- Referring to the Charter when recommending to the Government to provide for a more inclusive translation of the CRPD.

Ministry of Cohesion and Regional Development:

- Development of checklists to be used in the design of different operations, calls for proposals, policy documents that ensure compliance assessment in relation to the Charter.

Participant P1 mentioned that the practice of EU institutions should be reviewed in terms of possible good practices as they use the Charter more directly.

#### **10. Any other information provided by the participants. Suggestions provided for the National Seminars.**

Participant P6 mentioned that when the state transposes EU law it is sometimes very 'mechanical', it should be 'organic', not just copy/paste but take into account the specific nature of the national legal system, while respecting the principles behind the EU legislation. Some of the transposition issues may be resolved if the provisions of the Charter were used as a guiding principle for interpretation on how to transpose the EU law.

The example of compensations for victims of crime – the mentioned provision of Article 5 of the Victims of Crime Compensation Act was adopted due to the provisions of a relevant EU Directive that demanded that the right is granted to EU nationals. But taking into consideration national laws, there is no reason to limit the right just to EU nationals and not awarding it also to third country nationals if they become victims of crime in Slovenia. The laws should not be just a compilation of incoherent provisions from different sources, they should have some internal logic that abides by the general principles and fundamental rights.

Regarding the national seminars, a few participants recommended including the judiciary. Preliminary rulings should be promoted so that the lower-instance courts use this mechanism more often. Preliminary rulings which can often be related to the Charter, should be understood as a judicial dialogue (national courts – CJEU).

Further, civil servants who transpose and implement the law, lawyers and other human rights defenders, including civil society – seeking synergies to identify topics on which they could attend joint trainings or target them separately through their specific training institutions.

Role of the Government Legislative Service – every time there is an EU law that needs to be transposed, there should be a protocol for the review of the implications of the Charter and national legal system. Sometimes laws that are being adopted should be stopped at the Government level because such implications are not thought through. This should not be done by the line ministries but at the Government Legislative Service and then the National Assembly's Legislative Service. Therefore, these services should also be included in the awareness-raising events.

Participant P3 would wish to include any topics concerning cohesion policies, but since that may be too narrow, it would be good to include regional agencies, associations of municipalities so that they become aware of the relationship between fundamental rights and cohesion policies.

Another comment that was made at the focus group was that in Slovenia there is a lack of human rights impact assessment mechanisms. The Human Rights Ombudsman is striving that the human rights impact assessment should be included in the legislative process. Although that has not been successful so far, maybe another push in the context of the Charter should be made. The Ministry of Public Administration claims that this is already done within the nomotechnical standards and that there is a new regulation in preparation. However, these nomotechnical standards do not include human rights impact, but there is the EU law impact – and the Charter is EU primary source of law.

### **Comments/observations/other information**

The participants were representatives of the various national public authorities with different mandates and experiences with the implementation of the Charter. The discussion during the focus group was fruitful as all the participants were willing to share their experiences and views regarding the use of the Charter in the national context and the existing gaps and challenges.

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	<b>How would you describe yourself?</b>	<b>Age</b>	<b>Country, city</b>	<b>Profession</b>	<b>Role in the institution</b>	<b>The years you have worked in your current position at the institution</b>	<b>The years (if any) you have worked in the field of fundamental rights</b>
P1	Female	30-50	Slovenia, Ljubljana	lawyer	Head of international cooperation	> 10	>10
P2	Female	30-50	Slovenia, Ljubljana	lawyer	Lawyer in the legal service	5-10	<5
P3	Female	30-50	Slovenia, Ljubljana	Magister of science	Monitoring of the Charter	<5	<5
P4	Female	30-50	Slovenia, Radovljica	Vice-secretary	Development of gender equality policies	>10	>10
P5	Male	30-50	Slovenia, Ljubljana	lawyer	Legal consultant in the legal department	>10	>10
P6	Male	30-50	Slovenia, Ljubljana	lawyer	Secretary, Human Rights	>10	>10
P7	Female	30-50	Slovenia, Ljubljana	lawyer	Assistant manager, Human rights monitoring	5-10	>10
P8	Male	>50	Slovenia, Ljubljana	lawyer	Legal expert, legislation review	>10	>10



**Civil Society Organisations (CSOs)**

**Number of participants: 4 (focus group) + 2 (interviews)**

**Country: Slovenia**

**Date of the focus group: 24 October 2024 plus additional interviews with two participants who at the last minute were not able to attend the focus group (P5: 23 October 2024 and P6: 25 October 2024)**

**Online/in presence: online**

**Moderator: Katarina Vučko (who also conducted additional two interviews)**

**Assistant moderators: Katerina Kočkovska Šetinc and Maja Ladić**

**Duration: 1 h 27 min (focus group), interview with P5 (30 min.) and interview with P6 (27 min.)**

**1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

The focus group findings indicate that while CSOs professionals recognize the Charter as an important document for human rights within the EU context, their understanding often remains at a conceptual level. The P4 participant noted that, while she does not engage directly with the Charter, she interacts with its rights indirectly through her daily work, particularly by organizing consultations for CSOs.

The P3 representative highlighted their strong involvement in digital rights and their commitment to upholding them. From this perspective, the Charter is seen as a key document shaping their work, given its inclusion of articles related to digital rights. She also emphasized that their Institute is one of the members of the Legal Network for the Protection of Democracy where they are also concerned with the protection of certain fundamental rights. In addition, P3 participant explained that the organization where she works is primarily an advocacy and activist organization, while Legal Network for the Protection of Democracy uses legal means to safeguard human rights. The participant P2 mentioned that beside their regular programme for victims- protection they are implementing a programme for providing help and support to migrants by organizing psycho-social counselling and in that area, they become aware of numerous fundamental human right violations which are covered by the Charter.

**2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism**

Discussant P2 a said that CSOs members engaged in social protection are aware of the European Convention of Human Rights and Ethical Codes applicable to their work, but she is not sure what proportion of them is truly familiar with the content of the Charter. She pointed out that a larger percentage of CSOs recognize the ECHR more readily than the Charter, or even the national Constitution. Participant P4 stated

that, although she is not involved in advocacy work, she indirectly encounters Charter rights that are or could be implemented in Slovenia based on the Charter. However, she doesn't have the feeling that CSOs excluding the ones that engage more specifically with human rights protection, dealing with human rights content (for ex. environmental rights) realize the importance of the Charter and what they could achieve if they recall the Charter.

Participant P1, who works in the legal counseling office for LGBTIQ+ population, stated that in everyday legal counseling, they rely heavily on domestic legislation and rarely refer directly to the Charter. She mentioned in the frames of an ongoing project, a survey was conducted in which they asked, among other things, about familiarity with the Charter. Although they still don't have the final report, she recalls that over 40% of respondents belonging to the LGBTIQ community said they had heard of the Charter.

Participant P5 explained how the Charter is used in Slovenia, stating:

*"If I turn now to our work, in these key areas—environment, asylum, and migration, then the vulnerable groups—if we are in the process of drafting a remedy or a policy paper for Slovenian decision-makers, I would say that the order of reference to the legal framework would of course go from the legislation to the Constitution and possibly to the Charter."<sup>127</sup>*

In addition, she stated:

*"It largely depends on how much the Charter offers us in concrete terms. Since it is a more abstract document with principles that need to be interpreted and applied in each specific case, its inclusion in legal advocacy processes can vary. It may or may not be referenced, depending on the context. For instance, if we are addressing the Administrative Court and know that the judge assigned to the case is familiar with the Charter and considers it within their interpretative framework, we would include it in our argument. However, in other cases, such as press statements, we might reference it, but I would estimate that the likelihood is more often below 50%."<sup>128</sup>*

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<sup>127</sup> Če se zdaj obrnem na naše delo na teh ključnih področjih – okolje, azil in migracije – ter na ranljive skupine, potem bi rekla, da v primeru priprave pravnega sredstva ali policy paperja za slovenske odločevalce vrstni red sklicevanja na pravni okvir seveda poteka od zakonodaje prek Ustave in morda do Listine.

<sup>128</sup> Zelo odvisno je od tega koliko nam Listina ponuja konkretnih rešitev in ker vemo, da gre za bolj abstraktni dokument z abstraktnimi načeli, ki jih potrebno vsakokrat vsebinsko zapolniti, je potem v tem pravnem zagovorniškem procesu to mogoče pride noter, pa pogosto tudi ne. Tudi zaradi same strukture nekega pravnega sredstva. Na primer, če mi gremo na Upravno sodišče, ker vemo, da sodnik v primeru je eden tistih, ki Listino razume, jo ima v spektru svojega

She also mentioned that their addressees tend to respond better to legislation and the Constitution than to the Charter. However, they are in the process of moving towards referencing the Charter, as European legislation expands the possibilities for argumentation mainly through its Directives.

Participant P6 mentioned that she refers to the Charter in her work, but when it comes to her advocacy and research activities, the Charter is not her primary tool considering that she deals with national cases, she primarily refers to the national legislative framework and the Constitution. In addition, she said:

*“I am surprised that 64% of the respondents marked that they are familiar with the Charter, because I personally acquainted with it through promotional activities by the European Commission. In fact, I encountered the promotion of strategic litigation with the help of the Charter as a sort of payment for its use, or that the European Commission is now paying the civil society sector, which has completely different needs, to start thinking about how to use it. I wouldn’t say that this only has negative effects— the Charter is definitely useful, but you need to know it very well, and you must also have a strong understanding of European legislation in the field you want to work in.”<sup>129</sup>*

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants’ professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

Participant P4 identifies limited human capacity and knowledge as the primary challenges, noting no other significant constraints. She explains that professionals in social care often focus solely on immediate support for individuals, leaving little capacity to consider broader, systemic improvements. She also observed that maternity homes and safe houses, particularly smaller organizations, appear unable to engage in advocacy work at all.

Participant P3 expressed that, in her view, referencing the Charter carries little weight. For instance, when discussing her right to privacy, mentioning the Charter does not, in her opinion, add any significant strength

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razumevanja in naslanjanja, potem se bomo tudi tam sklicevali, sicer pa tudi v izjavah za javnost morda da, vendar bi rekla, da več kot 50 % verjetnosti, pa tudi ne.

<sup>129</sup> Presenečena sem, da je 64 % obkrožilo, da pozna Listino, ker sem tudi sama do nje prišla preko promocijskih aktivnosti Evropske komisije. V bistvu sem strateško litigacijo s pomočjo Listine doživela kot nekakšno plačevanje za uporabo, oziroma da Evropska komisija zdaj plačuje nevladni sektor, ki ima povsem druge potrebe, da bi začel razmišljati o tem, kako jo uporabiti. Ne bom rekla, da ima to le negativne učinke – zagotovo je Listina uporabna, vendar jo moraš zelo dobro poznati, prav tako pa moraš dobro poznati Evropsko zakonodajo na področju, s katerim se želiš ukvarjati.

to her argument. She also stipulated that this is because the Charter is not a well-known document, and its significance is unclear when referenced. It's uncertain how much weight such an argument carries. Moreover, it seems that even in advocacy efforts—whether appealing to the public or to legislators—the Charter is rarely the first point of reference. By her view, the major gap in the implementation of the Charter is that there is no critical moment in the conception of things among CSOs members and public as well, where the violation of the Charter is seen as urgent, prompting immediate action.

Discussant P3 added that another issue is the lack of collaboration and networking within the NGO sector. For example, those working with victims often do not connect with professionals who have advocacy or legal expertise. In particular, she perceives the legal capacities in the NGO sector to be particularly limited, for instance, when working with someone whose Charter rights have been violated, it can be difficult to find an organization that can help them recognize and safeguard those rights.

Assistant moderator shared her experiences working in a social protection program that provided psycho-social support to victims of violence. She explained that although she felt inclined to engage in advocacy, the lack of time was a major obstacle. Additionally, she highlighted that most social protection programs are predominantly state-funded, and raising concerns about potential breaches—such as violations of asylum rights by the state—could sometimes be unpleasant or even risky considering future funding. Another obstacle is that social protection programs mainly focus on social advocacy, which, in her opinion, is not clearly defined. Additionally, only a small number of organizations provide free legal counselling to vulnerable populations.

The moderator confirmed that opportunities for legal aid funding are indeed limited, although there are some exceptions, such as the UNHCR, which funds legal aid for asylum seekers, and the Legal Network for the Defence of Democracy, which unites various organizations has the potential for strategic litigation. The participant P3 said that Legal Network for the Defence of Democracy is also facing lack of funding, because even if it is pro bono aid, the lawyers after some time are expected to get some reduced lawyer's tariff. By participant's opinion, there are aspirations and there is capacity, but the fact that legal aid is not being funded is a problem indeed. She underlined:

*“There are programmes that promote the use of the Charter, there are even programmes that pursue strategic litigation and fund everything but strategic litigation.”<sup>130</sup>*

Participant P4 said that were and there will be calls for project applications on the topic of strategic litigation, but she has an impression that the CSOs are not aware of the importance of the advocacy itself, they present a lack of knowledge regarding advocacy.

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<sup>130</sup> Obstajajo programi, ki spodbujajo uporabo Listine, in celo programi, ki se ukvarjajo s strateško litigacijo, vendar financirajo vse razen strateške litigacije.

Participant P2 noted that yet we cannot say that the Charter is a competitor of ECHR due to the fact that still many people have never heard about the Charter before, especially if we are talking about the general public. She believes that more needs to be done in relation to Charter's promotion on a daily level. Participant P5 believes that while there is awareness of the Charter among CSOs, its applicability is not well understood. There is a clear need for organizing trainings, workshops, and similar initiatives to address this gap, so that the CSO sector can begin to refer to the Charter, use it in its communication, and view it as a tool for advocacy.

The moderator also mentioned that she has a perception that there is a general lack of knowledge of European law, the EU Law, and if that is the case, everything tends to feel somewhat intangible.

The participant P6 while speaking on main gaps in the implementation of the EU Charter also shared the general assumption that justifies professionals to rely solely on the national legislation:

*“Everything from the European legislation is literally transposed in the national legislation and there is a mentality that there is nothing in European legislation that has not been implemented here, because we are copy-pasters of European legislation. In fact, when you look at the national legislation, you can't even identify what truly represents European Union law.”<sup>131</sup>*

She also noted that the lack of lawyers in the NGO sector contributes to the existing gap in the use of the Charter. For example, five lawyers cannot cover all the areas of potential Charter implementation, as a deep and specialized knowledge is required to effectively apply it.

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

Moderator emphasized the importance of fostering cooperation among various actors during advocacy activities.

P3 highlighted the educational system, particularly schools (both primary and secondary), as a powerful actor in promoting the Charter. She suggested that campaign designers adopt innovative approaches to

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<sup>131</sup> Vse, kar je iz evropske zakonodaje je dobesedno preneseno v nacionalno zakonodajo, in imamo to mentaliteto, da ni ničesar v evropski zakonodaji, kar ne bi bilo pri nas implementirano, ker smo taki, kako bi rekla, copy paste izvajalci evropske zakonodaje. V bistvu ti, ko gledaš zakonodajo sploh ne veš, kaj je to, kar od tega je v bistvu pravo Evropske unije.

engage students, such as organizing social activities like camps and contests under the theme *“Let’s make human rights fun again.”*

All participants agreed that such initiatives could be integrated into the curriculum of existing subjects, such as civic education. The participant P4 further suggested collaborating with magazines targeted at children and teenagers to effectively promote the Charter. She stressed the importance of starting this process early in children’s upbringing, including in kindergartens, as perceptions formed at this stage are particularly impactful.

P3 also shared her impression that the European Court of Human Rights (ECHR) gained recognition primarily through its case law. She proposed that significant cases be more widely disseminated to the public. While she was uncertain if there are notable ECJ cases relevant to Slovenia, she believed such cases likely exist but have not been publicized. She emphasized that impactful communication relies on sharing case law that resonates and makes an impact.

Participants of the focus group concluded that there is insufficient awareness of ECJ case law, and its decisions are less likely to reach the public compared to those of the ECHR. This reflects a persistent focus on ECHR case law over that of the ECJ.

#### **5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

P4 suggested organizing seminars for professionals who provide direct support to beneficiaries, such as fieldworkers, as they are undoubtedly aware of daily occurrences of human rights violations.

P3 added that training sessions for journalists should also be considered. Participant P5 stated that the primary focus of the trainings should be on advocacy organizations that are ready to support those providing direct assistance to beneficiaries, whether in relation to LGBTIQ+ rights, environmental issues, or other areas, including through strategic litigation. In her opinion, at this stage, it is unlikely that grassroots organizations will start referring to the Charter more frequently. Participant P6 emphasized that trainings on the Charter should be offered across all relevant fields, with trainers being informed of the specific aspects of the Charter that apply to each particular area.

#### **Comments/observations/other information**

One of the focus group participants expressed positive surprise at the key findings of the online survey on the Charter. If she recalls correctly, 64% of respondents reported having heard of the Charter. She

speculated that the pandemic might have contributed to the increased awareness of human rights, as it sparked more discussions on the topic.

P1 noted with a dose of humour that she primarily associates the Charter with CERV projects, as it is still rarely referenced in their daily work.

P5 believes that referring to Directives that may not have been fully transposed is also a good way to strengthen awareness of the applicability of the Charter.

P6 said:

*“When promoting the Charter, it is necessary to conduct a very detailed review of specific areas, such as asylum, discrimination, etc. First, it would be essential to precisely define which specific aspects are regulated by European law within your area of concern, and only then you would be able to start thinking about the use of the Charter.”<sup>132</sup>*

#### **Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	How would you describe yourself?	Age	Country, city	Profession	Role in the institution	The years you have worked in your current position at the institution	The years (if any) you have worked in the field of fundamental rights
P1	Female	30-50	Slovenia, Ljubljana	lawyer	Head of advocacy and legal counselling	5 - 10	5 - 10
P2	Female		Slovenia, Ljubljana	Social network organiser, professor of Slovenian language	Expert worker	<5	>10
P3	Female	30-50	Slovenia, Metlika	Programme Coordinator	Director	5 - 10	>10
P4	Female	30-50	Slovenia, Ljubljana	Lawyer	Head of the legal service	<5	5 - 10
P5	Female	30-50	Slovenia, Ljubljana	Lawyer	Director	>10	>10
P6	Female	30-50	Slovenia, Ljubljana	Higher education law teacher	Assistant Professor and Head of Department / Director of an NGO	>10	>10

<sup>132</sup> “Pri promociji Listine je potrebno narediti zelo podroben pregled posameznih področij, na primer azila, diskriminacije itd. Najprej bi bilo treba natančno opredeliti, katere posamezne točke so urejene z evropskim pravom znotraj tvojega problemskega področja, šele nato pa bi lahko začel razmišljati o uporabi Listine”.

## Spain Focus Groups

**Public authorities**

**Number of participants: 6**

**Country: Spain**

**Date of the focus group: November 7th, 2024**

**Online/in presence: Online**

**Moderator: Nuria Ferre, Raquel Verdasco**

**Assistant moderator: Cecilia Estrada Villaseñor**

**Duration: 1 hour 15 minutes**

### **1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

To address the question above, the participants began by identifying their level of knowledge of the Charter of Fundamental Rights. Most of the participants stated that their level of knowledge of the Charter is minimal, in that they have a general understanding of what is written in the document, but they do not have extensive or deep knowledge of it. For instance, one of the participants highlighted that the Charter is often confused with the Universal Declaration on Human Rights. Although many participants are aware of the rights protected by the Charter, they consider that the national Constitution or even national laws are enough to protect the rights covered by the Charter. Therefore, its applicability is often bypassed by other laws making it lose its power and content.

*“The rights in the Charter, since they are in our Constitution, we study the Constitution and there is a lot of jurisprudence on the Constitution, and the Charter is quoted a little bit as far as I have seen [...] but we always take them from our domestic law because all the Charter rights are in our Constitution.” (P2)<sup>133</sup>*

On the other hand, one of the participants mentioned that it is a “weak document” due to its interpretative criteria and that this is why it is not directly used by relevant actors. In relation to national jurisprudence, participants reflected that the Charter has been reduced to being a mere interpretative document which is applied according to the criteria of judges to choose or dismiss directives.

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<sup>133</sup> Los derechos de la Carta, al estar en la Constitución, nosotros estudiamos la Constitución y hay mucha jurisprudencia sobre la Constitución y la Carta se cita un poco como por lo que yo he visto [...] pero siempre tiramos de nuestro derecho interno, porque todos los derechos de la Carta sí que están en nuestra Constitución.



*“Therefore, I believe that up to now, the Charter of Fundamental Rights has been reduced to being used to apply an interpretative criterion by the judges as to which directives may or may not have value. This has taken a lot of value away from it, which has turned into a very weak document in comparison with how it was created and what it was projected to be.” (P5)<sup>134</sup>*

## **2. Assessment of the relevance of the EU Charter in the participants’ professional activity/activism.**

Participants, in general, highlighted the limited use they make of the Charter. For instance, one of the participants, that is a representative of the State lawyers, stated that he never uses the Charter. Another participant mentioned that he uses the European Court on Human Rights case law directly related to the European Convention on Human Rights as it is more developed and that often overlaps with the fundamental rights protected by the Charter.

The conclusion is that there is a very limited use of the Charter in relation to the professional fields of the participants and that the residual use of the Charter is not for the purpose of implementation of this law, generally speaking, due mainly to the existence of different legal tools that often overlap with the Charter, as it was portrayed in the previous section. However, one of the participants highlighted that the existence of the Charter is very positive, even if its practical application is reduced. Moreover, another participant mentioned that he uses the Charter for elaborating project proposals, as well as for his advocacy work, together with other legal tools.

*“Let’s say, personally, I value positively the existence of the Charter and that in the Treaties of the European Union, direct reference is made to it, let’s say, more as a political declaration of intentions, that is, I prefer that it exists, even if it has a very residual practical application, than that it does not exist.” (P3)<sup>135</sup>*

## **3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants’ professional activities/activism. Please include here**

<sup>134</sup> Entonces, yo creo que hasta ahora la Carta de Derechos Fundamentales ha quedado reducida un poco también a utilizarla para aplicar un criterio interpretativo por parte de los jueces sobre qué directivas pueden tener un valor o no. Eso le ha restado un montón de valor, lo que la ha convertido en un documento, pues muy débil en comparación con cómo fue su creación y en lo que estaba proyectado.

<sup>135</sup> [...] personalmente, valoró positivamente la existencia de la Carta y que en los Tratados de la Unión Europea se haga referencia directa a ella, digamos, más como una declaración política de intenciones, o sea, prefiero que exista, aunque tenga una aplicación práctica muy residual, a que no exista.

**information on other instruments/legal documents that are rather used, as mentioned by the participants.**

Three of the participants (from the judiciary administration) explain that the Charter does not extend the competences of Member States and is interpretative in nature, which can lead to difficulties in its practical implementation. This reflects a tension between the EU's fundamental norms and the actual implementation of its provisions in the legal framework.

*“Going a little further into the idea of the limitations that we see on a day-to-day basis, I believe that the Charter itself also states that under no circumstances will the competences of the Member States be extended. So, it is the Charter itself which is, shall we say, limiting itself and which gives a merely interpretative value as a complement to other more specific provisions. So, if the Charter says that it cannot extend the competences of the Member States, there will be no acts of secondary legislation that derive directly from the Charter. It is therefore very difficult to apply in practice.” (P3)<sup>136</sup>*

Two of the participants highlighted the reduction of the political sphere to the local and provincial levels. They explicitly mention that their work is related to the "local" and "provincial" spheres, and emphasize that "in the end, it's the same." This suggests that, despite the administrative differences between the local and provincial levels, both spaces face similar political dynamics. This could indicate that, from their perspective, the restrictions they experience at the local level are replicated at the provincial level, which may allude to a political structure that centralizes certain decisions or limits regional autonomy in Spain.

*“Well, in the political realm, at least the framework doesn't operate within that, let's say, within the framework of a fundamental charter of citizens' rights. The framework is much more limited, and it is assumed, especially in the local sphere, which is the one I work in, both local and provincial, that in the end, it's the same.” (P6)<sup>137</sup>*

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<sup>136</sup> Un poco ahondando en la idea del de las limitaciones que vemos en el día a día, yo creo que también la propia Carta viene a decir que en ningún caso ampliarán las competencias de los Estados miembros. Entonces ya es la propia Carta en la que [...] se limita y que da un valor meramente interpretativo de complemento de otras disposiciones más concretas. Entonces, si la carta dice que no puede ampliar las competencias de los Estados miembros, no va a haber actos de Derecho derivado que deriven directamente esa carta. Entonces es muy difícil la aplicación concreta.

<sup>137</sup> Bueno, en el en el ámbito político, por lo menos, el marco no se mueve dentro [...] del marco de una carta fundamental de Derecho de la ciudadanía. El marco es mucho más reducido y se supone, sobre todo en el ámbito local, que es el que yo me dedico, tanto local como provincial, que al final es lo mismo.

*“Well, I wanted to comment here regarding my experience in office as a public official, as my colleague mentioned earlier, in the end, we focus on local and provincial regulations.” (P1)<sup>138</sup>*

Two of the participants criticized the widespread lack of knowledge regarding the European Union, both among the general population and citizens, and public officials. There is a noticeable lack of understanding of fundamental EU institutions, mechanisms, and legal documents, such as the Charter of Fundamental Rights. This ignorance may lead to ineffective or misinformed political decision-making, which can have serious consequences for governance, especially in relation to EU-related matters. The statement highlights the need for better education, training, and awareness within political spheres to ensure that decisions align with European standards and legislation.

*“As for the value of the Charter, I agree that the knowledge about it is very weak or practically non-existent in many institutions.” (P5)<sup>139</sup>*

One of the participants discussed the relationship between three key human rights documents within the European Union: The Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, and national constitutions. The participant highlights the overlap and potential confusion between these legal instruments, as well as the differences in public awareness of them, arguing that this translates in the Charter of Fundamental Rights of the European Union facing strong competition from the European Convention on Human Rights (ECHR), (which must be signed by any country wishing to join the EU). This sets up the idea that there is a complex, overlapping relationship between the legal protections offered by the EU Charter, the ECHR and national constitutions, as well as their legal systems, that involve multiple layers of protection for human rights. There is a similarity between the three documents, showing no significant differences in terms of basic human rights protection. A key point is that, despite the similarity of these documents, people are generally much more familiar with the European Convention on Human Rights than with the other two documents due to the applicability that derives from it having an associated court: the European Court of Human Rights.

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<sup>138</sup> Bueno, yo a aquí quería comentar, con respecto a mi experiencia en el mandato como cargo público, como antes comentaba el compañero, al final nos centramos en las normativas locales provinciales.

<sup>139</sup> En cuanto al valor de la Carta, voy a coincidir en que el conocimiento que se tiene de ella [...] es muy débil o prácticamente inexistente en muchas instituciones.

*“The Charter of Rights of the European Union has a very powerful competitor within the European Union itself, which is the European Committee of Human Rights. So, of course, in reality there is an overlapping, and I do not know if it is by layers or by columns or however you want, between internal constitutions, the European Convention on Human Rights, which any country of the European Union that wants to be part of the European Union must have subscribed to, and then the Charter of Fundamental Rights. In reality, the three are very similar [...] there are no more basic rights than are in the three texts, but people are much more familiar with the Convention on Human Rights for one reason: because it has a Court of application, which is the Court of Human Rights.” (P2)<sup>140</sup>*

#### **4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

The participants identified a few ‘good practices’. Taking the previous information into account, most of the interviewees consider that the Charter is little known, and its applicability is not so important. One good practice pointed out by one of the participants is training employees of the Administration of Justice. In relation to this, a project directed at training for lawyers called Aula de Derechos Humanos was mentioned. This initiative uses the Charter of Fundamental Rights as a key reference point to train lawyers, especially on issues such as procedural guarantees and the rights of detainees, which are explicitly protected by the Charter. This same participant mentioned how bar associations, particularly smaller ones with fewer resources, request such training to understand and apply admissibility criteria and other fundamental procedural rights.

*“As a project technician here at the Foundation, we continue to use the menu, for example, in terms of training for the legal profession, we have a project called the Human Rights classroom, in which we organise training sessions for, at the request of the bar associations, an expert is sent. This is also usually requested by smaller bar associations, which do not have such a large budget, and training sessions are organised, for example, on admissibility criteria. But issues of procedural rights, procedural guarantees for detainees. All those issues that are used, where*

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<sup>140</sup> La Carta de Derechos de la Unión Europea tiene un competidor muy potente en el propio ámbito de la Unión Europea, que es el Comité Europeo de Derechos Humanos. Entonces, claro, en realidad no deja de haber una superposición, y no sé si es por capas o por columnas o como queráis, entre constituciones internas, Convenio Europeo de Derechos Humanos, que cualquier país de la Unión Europea que quiera formar parte de la Unión Europea debe tener suscrito, y luego la Carta de Derechos Fundamentales. En realidad, los tres son muy similares [...] no hay más derechos básicos de los que están en los tres textos, pero la gente conoce mucho más el Convenio de hechos Humanos por una razón: porque tiene un Tribunal de aplicación, que es el Tribunal de Derechos Humanos.

*the experts do use the Charter of Fundamental Rights. They also use the much more accurate regulations that are applied in reality, but they do use it to put all of this into context. That would be the good practice that I find in my day-to-day work.” (P5)<sup>141</sup>*

The following participant in this excerpt addresses several issues related to good practices in her public body, from inclusive communication to accessibility of public information, making some suggestions that are important to improve the understanding of rights and regulations by all citizens. The participant underlines the importance of easy reading as a tool to make official documents accessible to a large majority of citizens, regardless of their level of education. She mentions that even people with a university education can have difficulties understanding complex documents (such as a community certificate), which shows that the accessibility of information should not only depend on the academic level of the person. The participant raises the need to integrate a gender and intercultural approach in the drafting of documents, especially when dealing with fundamental rights. The participant gives an example on the right of women and girls to feel safe in the city, suggesting that not all rights are perceived in the same way by all people, and some may have a more relevant impact on certain groups. The participant also suggests that the Charter of Fundamental Rights (or similar) could more explicitly provide for the drafting of supporting documents to facilitate access to and understanding of fundamental rights. This suggestion underlines the importance of making legislation and rights accessible and understandable for all citizens, not only for experts.

*“When we write or try to ensure that there are documents that reach the citizens of Bilbao City Council and I suppose a lot of other distractions. We try to apply what is called easy reading, easy reading is a tool for the democratisation of information to make it accessible to all citizens, because we often find that we don’t even understand the Act of the Community where we live, of people with university studies.” (P4)<sup>142</sup>*

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<sup>141</sup> Yo podría comentar que, como técnico de proyectos, aquí en la Fundación sí que utilizamos la carta, por ejemplo, en temas formativos para la abogacía. Tenemos un proyecto que se llama Aula de Derechos Humanos, en el cual organizamos formaciones para, a petición de los colegios de abogados [...]se desplaza un experto o una experta a los colegios de abogados. Normalmente esto lo suelen pedir colegios de abogados un poco más pequeños, que no tienen tanto presupuesto. Y se organizan formaciones, pues, por ejemplo, para los criterios de admisibilidad, [...] temas de derechos procesales, garantías procesales de las personas detenidas... Todos esos temas que sí que se utiliza, donde sí los expertos sí que he visto que utilicen la Carta de Derechos Fundamentales. También utilizan la normativa mucho más certera que se aplica en la realidad, pero sí que la utilizan como para poner en contexto todo esto. Esa sería la buena práctica que encuentro yo en mi trabajo día a día.

<sup>142</sup> Cuando escribimos o intentamos que haya documentos que lleguen a la ciudadanía en el Ayuntamiento de Bilbao y supongo que un montón de distracciones más. ¿Intentamos aplicar lo que se llama la lectura fácil, la lectura fácil es una herramienta de democratización de la información para hacer que lleve a toda la ciudadanía, porque muchas

The participants point out that training is an essential aspect to ensure a proper and widespread use of the Charter. 90% of the participants mention that there should be in-depth and specific training (for instance, training in universities) in sectors such as law and politics, where knowledge of fundamental rights acquired through the Charter has direct applicability in professional praxis. This observation reflects a normative perspective on the need to strengthen human rights education at the academic and professional levels. It is proposed that future lawyers, politicians and decision-makers should not only be aware of the existence of the Charter but also understand its scope and potential in the context of its practical application in the different spheres of power. The intervention suggests that universities play a central role in academic training related to the EU Charter of Fundamental Rights. This point reflects an institutional approach that recognizes educational institutions as privileged vehicles for the transmission of technical and normative knowledge, as well as for the creation of professional competencies. Moreover, the mention of universities implies that training in fundamental rights should not be limited to a superficial or instrumental approach but should encourage a comprehensive study covering both the theoretical and practical aspects of the Charter, facilitating its effective integration into political and judicial decision-making. The participant suggests that a thorough knowledge of the Charter could open new possibilities for actively using it to solve political and social problems, beyond its symbolic function. This argument reflects an implicit critique of the view of the Charter as a document of merely declarative value, mentioned to legitimize speeches without real practical application. Instead, the participants advocate its use as a normative instrument capable of influencing the political agenda and the formulation of public policies. Two of the political agents interviewed emphasize that since politics is the engine of social change, more education on the Charter and its more conscious use could directly influence the advancement of human rights and the evolution of public policies within the European Union. This commentary underlines the direct relationship between normative knowledge (the Charter) and the exercise of political power. In this sense, the Charter is presented not only as a fundamental normative document, but also as a tool for political transformation, which can contribute to social progress if properly understood and applied:

*“I think that training would be key, especially in places where it should be, it could be used at the level of well, as I say, at the legal level, at the political level, at the level of high level, and well, training too? Well, at the key of the universities. I think it would be important that they be trained in this document, no, because if especially in the field, for example, of law or politics, then they should know not only about the existence or not, but also a more in-depth study of this charter YYY what this charter could contribute. Because surely it could, it could be put to*

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veces nos pasa que no entendemos ni el Acta de la Comunidad donde vivimos, EH? De personas con estudios universitarios.

*more use if there were more knowledge about. About the level that can be acquired. Mmh, that it not only serves as a, that a complement to the narratives, to the speeches, but also to be applied, especially in the day to day, in politics, which is what in the end is what moves progress and changes things YYY, well, and above all that, well, the maximum proposal I would make is for this Charter to be more widely known in all areas.” (P1)<sup>143</sup>*

*“Well, to expand a little, I think that there is, well, training is obviously fundamental and in general I think that there is a total lack of knowledge, a lack of knowledge about how a state works in general, a lack of knowledge about how our state works, what the competences of each administration are, how many administrations there are.” (P3)<sup>144</sup>*

The intervention sets out a pragmatic approach to the relevance of the EU Charter of Fundamental Rights, suggesting that its incorporation into academic and professional training would not only enrich the political debate, but also promote a more effective and everyday use of fundamental rights in political and legal practice. This approach refers to the theory of law that advocates the inclusion of human rights in the internal normative structure, as well as to political theory that emphasizes the importance of legal frameworks in shaping public policy and democratic development. The suggestion of in-depth training also responds to the need for a legal and political culture that integrates fundamental rights not only as a symbolic component, but as fundamental pillars in the construction of the rule of law and democracy in the EU.

To implement these changes, it would be necessary to: develop educational programs that include not only the study of the Charter, but its practical applicability in political and legal scenarios; incorporate the Charter in the continuing education processes of professionals in the areas of law, politics and public administration; and, promote a cultural change in the political and legal spheres, where fundamental rights are really a tool for change and not just a reference in speeches. Other participants suggest access to

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<sup>143</sup> ¿La formación creo que sería clave, sobre todo en los sitios donde se deberá, se le podría dar uso a nivel de bueno, como digo, a nivel jurídico, a nivel político de de alta esfera YY bueno, la formación también? Pues bueno, la en la llave de las universidades. Creo que sería importante que se forme en este en este documento, no, porque si por sobre todo en el ámbito, por ejemplo, de abogacía o político, pues que sepan de las no solo de la existencia o no, sino que un estudio más en profundidad sobre esta carta YYY lo que pudiera aportar esta carta. Porque seguro que se le pudiera, se le podría dar más usos si si hubiese más conocimiento sobre. Sobre el nivel que se puede a adquirir. Mmm, que no solo sea sirva como un un, eso un complemento de las narrativas, de los discursos, sino que también se les apliquen, pues sobre todo en el día a día, en la política, que es lo que al final es lo que mueve el avance y cambia las cosas YY, bueno, y sobre todo eso, pues formación en lo que la propuesta máxima que yo daría para que esta Carta estuviera más conocimiento en todos los ámbitos.

<sup>144</sup> Bueno creo por ampliar un poco, creo que existe, bueno, la formación evidentemente es fundamental y en general creo que existe un desconocimiento total, unos conocimientos sobre cómo funciona en general un Estado en existe, un desconocimiento de cómo funciona nuestro Estado, cuáles son las competencias de cada administración, cuántas administraciones hay.

case law and judicial consistency: The participant's proposal highlights the importance of case law as a tool to ensure that judges can correctly apply fundamental rights in their decisions. The repertory of case law on the Charter would provide a crucial frame of reference for a uniform interpretation of rights, which in turn would contribute to legal certainty and effective protection of fundamental rights across the EU. Need for centralization and systematization: The suggestion to centralize the doctrine on the Charter reflects the need to systematize the case law of the CJEU and other relevant judgments, to facilitate their access by judges in their daily work. This would also imply a coordinated effort at the institutional level to efficiently collect, organize and disseminate the most relevant judicial pronouncements on the Charter. There is also a proposal for reforms in continuing education: While academic training is fundamental, the participants also note the importance of continuing education based on updated jurisprudence, to ensure that judges have access not only to the theoretical principles of the Charter, but also to its practical application in the context of judicial decisions. This could involve the creation of educational resources and legal databases that compile key judgments and provide detailed analyses of their application in specific cases. Recommendations: creation of a judicial repertory on the EU Charter of Fundamental Rights, with a focus on key judgments of the CJEU and other relevant courts, to serve as a tool for the practical application of the Charter in the judicial sphere. Incorporation of the Charter doctrine in the continuous training of judges, through educational programs using practical cases and recent case law to update and deepen knowledge on fundamental rights. Promotion of collaboration between national and European judicial bodies to ensure interpretative consistency and uniformity in the application of fundamental rights:

*“I, in addition to what Sandra commented on training, which seems fundamental to me. At least in our field of work, what would facilitate or facilitate the knowledge of judges is the dissemination of the judge's doctrine. The judge's doctrine exists on the Charter because in the end, in order to resolve, we need to know what other jurisdictions have said, whether they are internal or international. So, just as there is a repertoire on the application of the Constitution, which are not exhaustible, just as there is a repertoire on the application of the Convention, which is also exhaustible, I do not know if there is any repertoire on the application of the Charter, and I am referring to judgments of the Court of Justice, because I do not know what it says. I am talking about criminal matters, it is about the principle in a month without iden, that is, you say about the principle of proportionality or about the motivation of judicial decisions that limit fundamental rights. In the case of wiretapping, that is, all this dissemination of this doctrine, Eh? Well, it is. It is important because at the end of the day, judges do not decide in Blanco every case, nor can we decide every case in, let's say, inventing, but we use the repertoire, well, the jurisprudence, we use the repertoire of Human Rights and I think it would be interesting*



*to know what the sentence says. It is the judge on the Charter with regard to the application of fundamental rights in the judicial sphere. I have spoken in the jurisdictional field, I suppose, there are many other fields that are also susceptible of compilation and dissemination.” (P2)<sup>145</sup>*

## **5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

In general, the Charter of Fundamental Rights is not an instrument that is very well known. It mentioned the importance of the content being better known than the instrument itself. The participants also mentioned weaknesses of this instrument, such as the interpretative criterion that it includes on the importance given to it in your labor spheres or in general.

The existence of other relevant legal instruments such as the European Convention on Human Rights or the constitutions of each country, which already include the rights of the Charter of Fundamental Rights, and which have been used more and therefore have had more jurisprudential development and so on. So, in the end, the Charter remains in the background. The participants also mentioned regulations and other legal documents, apart from the constitutions and the European Convention on Human Rights, local regulations or statutes of autonomy or different charters of services or rights that may be included in the work of the local councils, of the different councils.

On some occasions, the Charter is used in other areas such as the formulation of projects, in the case of *Fundación Abogacía*.

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<sup>145</sup> Yo, además de lo que comentaba Sandra en materia de formación, que me parece fundamental. Tal por lo menos en nuestro ámbito de de trabajo, lo que facilitaría o lo que facilita mucho el conocimiento a los jueces, es la difusión de la doctrina del. Te juez existe sobre la Carta porque al final nosotros para resolver, necesitamos saber qué han dicho otros son jurisdiccionales, sean internos o sean internacionales. Entonces, igual que hay repertorio sobre la aplicación de la Constitución, que son inabarcables, igual que el repertorio sobre la aplicación del Convenio, que también soy un abarcables, yo no sé si hay algún repertorio sobre la aplicación de la Carta, y me refiero a sentencias del T Jue, pues no sé sobre qué dice. Sobre yo hablo de temas penales, es sobre el principio en un mes sin iden, o sea que dices sobre el principio de proporcionalidad o sobre la motivación de resoluciones judiciales que limitan derechos fundamentales. ¿En el caso de intervenciones telefónicas, es decir, toda esa difusión de esa doctrina, Eh? Pues es. Es importante porque, al fin y al cabo, los jueces no decidimos en Blanco todos los asuntos, ni podemos decidir cada asunto en, digamos, inventando, sino que tiramos de repertorio, pues de jurisprudencia, tiramos de repertorio de Derechos Humanos y sería yo creo interesante conocer qué dice la sentencia. Es el juez sobre la Carta en lo que se refiere a la aplicación de los de los derechos fundamentales en el ámbito judicial. Yo he hablado en el ámbito jurisdiccional, supongo, hay otros muchos ámbitos que también son susceptibles de de recopilación y difusión.

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	Gender	Age	Country and city	Occupation	Role in organization	Experience in organization (years)	Experience on Fundamental Rights in any capacity (years)
<b>Participant 1</b>	Woman	30 - 50	Spain, Dos Hermanas	Equality Officer	Officer	5 -10	5 - 10
<b>Participant 2</b>	Man	>50	Spain, Madrid	Judge	Team Coordinator	>10	>10
<b>Participant 3</b>	Man	30 - 50	Spain, Madrid	State Attorney	Representation and defense of	<5	<5
					the General State Administration in contentious-administrative proceedings		
<b>Participant 4</b>	Woman	30 - 50	Spain, Bilbao	Sociologist	Immigration Officer	>10	>10
<b>Participant 5</b>	Man	30 - 50	Spain, Madrid	Project Officer / Lawyer	Officer	5 – 10	5 – 10
<b>Participant 6</b>	Man	30 - 50	Spain, Dos Hermanas	Politician	Provincial Deputy	<5	<5

**Civil Society Organisations (CSOs)**

**Number of participants:** 7

**Country:** Spain

**Date of the focus group:** November 5<sup>th</sup>, 2024

**Online/in presence:** Online

**Moderator:** Cecilia Estrada Villaseñor, Adam Dubin

**Assistant moderator:** Raquel Verdasco

**Duration:** 1 hour 19 minutes

**1. Assessment of the level of awareness concerning the contents, scope and role of the EU Charter of Fundamental Rights**

In the analysis of the level of knowledge of the contents, scope and role of the Charter of Fundamental Rights of the European Union, there is a contrast between the perceptions and uses of this instrument by NGO professionals and academics.

From the NGO perspective, a general lack of knowledge of the Charter as the main tool for the defense of human rights is identified. In practice, these professionals resort more frequently to other more familiar instruments, such as the international protection directives, the Asylum Directive or the fundamental rights enshrined in national constitutions. However, in specific contexts, such as the analysis of the European Pact on Immigration and Asylum, reference has been made to the Charter to emphasize the need to protect human rights, although the general framework of the EU as a defender of rights on paper is generally referred to more often. In this sense, legal practitioners within NGOs tend to demonstrate a greater awareness of the Charter. However, there remains significant skepticism about its usefulness and practical relevance, especially in cases where the European Pact is seen as not respecting the red lines set out in the Charter.

*"I believe that the Fundamental Charter as such is not very well known. It is true that now, [...] a couple of years ago, we have used it a lot, as a result of all the humanitarian diplomacy and the analysis of the contributions to the European Pact on Immigration and Asylum. [...] We have turned to the Fundamental Charter to see what it could say and what we could rely on for all that we wanted to defend." (P7)<sup>146</sup>*

In other areas of NGO action, such as advocacy for children rights, the Charter is not a primary normative

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<sup>146</sup> La Carta Fundamental como tal yo creo que no es muy conocida. [...] Es verdad que ahora, [...] hace como un par de años, si hemos acudido mucho a ella, a raíz de toda la diplomacia humanitaria y el análisis las contribuciones al Pacto Europeo de Inmigración y Asilo. [...] Hemos acudido a la Carta Fundamental para ver qué es lo que podía decir y en qué nos podíamos apoyar para todo lo que queríamos defender.

reference. When children are mentioned in the Charter, the provisions are perceived to be insufficient in comparison with other instruments such as the Convention on the Rights of the Child. Moreover, in situations where human rights are clearly violated, NGOs tend to resort to legal texts that are closer to the citizenry, such as national constitutions, without the need to resort to instruments considered more distant or abstract, such as the Charter. In general, the use of this instrument depends on the professional sphere; while those who work in political advocacy tend to use it more, those who offer direct attention rarely resort to it.

From the academic perspective, in the law field, it is mentioned that the Charter arrived when there were already many instruments for the protection of human rights at the national and international level. This has led to other texts, such as the European Convention on Human Rights, being much better known, studied and applied. The Convention, by offering direct access to the European Court of Human Rights, is perceived as more useful and clearer in content and application. Even in specialised studies, the Charter is often used more as interpretative support than as a basis for jurisprudence, especially in the analysis of directives of the Court of Justice of the EU, whose ambiguity in interpreting the Charter reinforces this perception. In political science, it is recognised that the Charter, although originally conceived as an outward-looking instrument, can be useful in countering proposals within the EU that run counter to human rights. It is perceived as an additional tool that, in some cases, can balance power between judges and politicians in controversial contexts, such as migration management.

*"As a researcher, I think it may have to do with the fact that it is a very late charter, that is, it only comes into force with the Treaty of Lisbon, in the context of an overdose of Human Rights mechanisms at national and European level, and at international level. So, I believe that there is very clear competition between the human rights system of the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union." (P2)<sup>147</sup>*

Overall, the level of awareness and use of the Charter varies significantly according to professional context and thematic area. While some see its usefulness in specific cases, others see it as secondary to more established and accessible instruments.

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<sup>147</sup> Como académico yo creo que puede tener que ver con el hecho de que es una carta muy tardía, es decir, que solo entra en vigor con el Tratado de Lisboa, en un contexto que podríamos decir de sobredosis de mecanismos de Derechos Humanos a nivel nacional y europeo, y a nivel internacional. Entonces en particular, yo creo que hay una competencia muy evidente entre el sistema de Derechos Humanos del Convenio Europeo de Derechos Humanos y la Carta de Derechos Fundamentales de la Unión Europea.

## 2. Assessment of the relevance of the EU Charter in the participants' professional activity/activism

Participants agreed that the relevance of the EU Charter of Fundamental Rights in their professional or activist activities is limited. Its main use is as an interpretative tool to clarify and guide the application of other regulations within the framework of EU law, rather than as a stand-alone instrument with a direct and practical impact on their daily work. It is argued that in the field of children's rights, for example, the Charter is not an important reference for academic work, NGOs or public administration. The Convention on the Rights of the Child is much more influential due to its greater recognition, normative force and doctrinal development. In addition, participants noted that the Charter does not fully exploit the human rights approach to child protection, as it does not sufficiently specify the obligations of states towards children. In the case of human trafficking, although the Charter includes an explicit prohibition, its practical usefulness is limited. Participants reported that they must rely on more specific and detailed regulations, such as the Aliens Act (Ley de Extranjería) or local protocols, to ensure effective protection of victims.

*"For the academic world specifically focused on Children's Rights, not on migrant children or children who might aspire to become refugees or receive some form of international protection, but in general, it is not a reference point. It is not." (P5)<sup>148</sup>*

On the other hand, some participants underlined the political potential of the Charter to prevent backsliding on fundamental rights, as in the case of the right to asylum. However, there is also a perceived lack of action by the European Commission in its role as guardian of the Treaties, which further diminishes the effectiveness of the Charter in this area. Finally, NGOs mentioned that widespread unfamiliarity with the Charter, both within their teams and among key actors, such as the public administration or security forces, also limits its use and relevance.

*"At the political level, what I see is that, in some way, the Charter is not being utilized, but rather it is clearly being, well, even vilified or blatantly ignored. Therefore, it is the Commission that should act as the guardian of compliance. [...] We, as social organizations or groups of*

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<sup>148</sup> Para el mundo académico de específico sobre los Derechos del Niño, no de los niños migrantes o de los niños que puedan aspirar a ser refugiados o a tener algún tipo de protección internacional, sino en general, no es un referente. No lo es.

*affected or vulnerable individuals, are the ones using the Charter in our arguments and demanding that it be respected and that effective compliance be ensured.” (P3)<sup>149</sup>*

**3. Identification of the main gaps/limits in the implementation of the EU Charter at country level and of its use in the participants’ professional activities/activism. Please include here information on other instruments/legal documents that are rather used, as mentioned by the participants.**

Participants identified several gaps and limitations in the implementation and use of the Charter of Fundamental Rights at the national level:

*Lack of awareness and lack of visibility:*

Both within NGOs and among key institutional actors (public administration, law enforcement), there is a low level of awareness of the Charter and its applicability, which restricts its use in practical and legal contexts, limiting its potential as a tool for advocacy or litigation.

*Structural weakness of the Charter:*

Participants noted that the Charter lacks strong mechanisms to ensure its effective implementation. This translates into its more limited role as an interpretative tool rather than a standard for determining normative validity or directly guaranteeing rights.

*“There is also an invisible effectiveness in the inaction of the Union and the States by not adopting measures that could go against it. I believe that these dimensions must also be considered when assessing the effective scope of the Charter.” (P6)<sup>150</sup>*

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<sup>149</sup> A nivel político es donde veo que de alguna manera no se está utilizando, sino que se está claramente, bueno, incluso vilipendiando o se está ignorando manifiestamente las propias disposiciones de la Carta. Entonces, [es] la Comisión, [la] que debe actuar como guardiana del cumplimiento. [...] Somos las organizaciones sociales o los grupos de personas, digamos afectadas o vulnerables, los que estamos utilizando la Carta en nuestros argumentarios y las que estamos reclamando, que se respete o que se vele por el cumplimiento efectivo.

<sup>150</sup> Hay una efectividad también invisible en la no acción por parte de la Unión y de los Estados no adoptar medidas que puedan ir en contra. Yo creo que también, pues hay que valorar estas dimensiones en lo que se refiere a la efectividad de la Carta.

*Lack of specificity in rights and obligations:*

In areas such as children's rights, the Charter fails to sufficiently address the specific obligations of states towards these vulnerable groups. This has led to a preference for other standards, such as the Convention on the Rights of the Child, which are seen as more precise and better developed doctrinally.

*Dependence on other regulations:*

On issues such as human trafficking or social rights, participants stressed the need to rely on national laws or specific protocols, such as the Aliens Act or fiscal guidelines, to ensure concrete protection measures. This underscores the Charter's operational limitations in providing detailed guidance or enforceable obligations.

*"If we were to talk about the issue of trafficking, it is true that the Charter fundamentally prohibits human trafficking, and indeed, there is that great principle. However, when we work to identify people in trafficking situations, we must rely on other regulations to provide this protection. Specifically, we have to rely on the Immigration Law for aspects such as reflection and recovery periods, and so on." (P7)<sup>151</sup>*

*Insufficient protection of social rights*

In the realm of social and labor rights, participants pointed to the Charter's minimal substantive guarantees. For instance, its provisions often outline general principles rather than specific obligations, leaving national governments responsible for defining and implementing these rights. A case in point is the 2012 Spanish decree law that restricted access to public healthcare for irregular migrants. While the decision faced legal challenges invoking instruments such as the European Convention on Human Rights and the Charter, these frameworks failed to provide robust protections. The Tribunal Constitucional upheld the decree, emphasizing the limited scope of the Charter in addressing critical social rights and illustrating the significant latitude afforded to national legislatures, even when fundamental protections are at stake.

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<sup>151</sup> Si hablásemos en tema de trata, pues es verdad que la Carta fundamental se prohíbe la trata de seres humanos y efectivamente, pues ahí está el gran principio, pero cuando trabajamos identificamos a personas que estén en situaciones de trata, nos tenemos que amparar en otra normativa para poder ejercer esta protección y tenemos que ampararnos en la en la Ley de Extranjería para los periodos de reflexión, restablecimiento, etcétera...

*“But there is a limit, the Charter itself. Social rights, the content of entitlements is so minimal that, in the end, it is the States that ensure these rights with much greater density and scope. Thus, it is difficult to attribute the merit to the Charter when it is the States that provide this protection.” (P6)<sup>152</sup>*

*Contradictions at the political level:*

Participants also identified inconsistencies in the application of the Charter by EU institutions. For example, while the Charter guarantees the right to asylum, recent political decisions, such as the endorsement of measures that suspend this right in Poland, directly contradict its principles. This suggests a lack of political commitment to the principles of the Charter, which negatively affects its implementation.

*Preference for established instruments:*

Lawyers and activists tend to prioritise other better established and better-known legal instruments, such as the 1951 Geneva Convention or national protocols, as these are perceived to be more robust, specific, and likely to lead to successful outcomes. The relative novelty and limited jurisprudence surrounding the Charter make it a secondary resource.

In conclusion, while the Charter provides an essential normative framework for fundamental rights in the EU, its implementation is hampered by lack of awareness, limited mechanisms for enforcement, minimal substantive guarantees, and inconsistent political support. This forces practitioners and activists to rely on more established instruments and leaves the responsibility of ensuring effective protection largely in the hands of national governments, resulting in significant disparities in rights realization across member states.

**4. Good practices/experiences/projects/events mentioned by the participants. Suggestions provided to other participants/to other professional fields.**

While participants primarily focused on identifying areas for improvement and making recommendations for the better use and implementation of the Charter of Fundamental Rights of the European Union (CDFUE),

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<sup>152</sup> Pero hay un límite, que es la propia Carta [...] Los derechos sociales, el contenido prestacional es tan mínimo que al final son los Estados los que garantizan a una densidad y un alcance mucho mayor. Los derechos sociales, el contenido prestacional es tan mínimo que al final son los Estados los que garantizan a una densidad y un alcance mucho mayor. Entonces es difícil imputar el mérito a la Carta cuando son los Estados los que otorgan esta protección.



some positive examples of progress were also noted. These examples, alongside the broader suggestions, highlight both current opportunities and potential strategies for strengthening the Charter's impact on human rights protection.

One positive example mentioned was the approach being adopted in Ceuta and Melilla, where legal professionals and institutions are increasingly integrating a rights-based focus into their work. Participants highlighted efforts by local bar associations to promote legal frameworks, such as the Charter, as tools for advancing human rights. This reflects a growing openness within the judicial system in these territories to adopt a more protective and institutionalized approach to rights. With the upcoming legislative ratification of the European Pact on Migration and Asylum, participants identified a "window of opportunity" to position the Charter as a central instrument in these discussions. This demonstrates how local initiatives, when aligned with EU-level developments, can foster a stronger culture of human rights protection.

In addition to this example, participants proposed several strategies to further enhance the Charter's visibility and effectiveness. A key suggestion was to deepen the understanding of how the Charter intersects with other international instruments, such as the Convention on the Rights of the Child (CRC). This could help identify opportunities to jointly leverage both frameworks for defending vulnerable groups, including migrant children. For instance, strategies like deinstitutionalization and the prioritization of family- and community-based care were discussed as aligned with both the CRC and the Charter, presenting a chance to use these instruments together to advocate for systemic change.

*"I think it could be very interesting [...] to conduct a study on the intersection between the Convention and the Charter regarding their implications at all levels, both in terms of the scope of their content and the possibilities for defending rights, [...] exploring what avenues might exist. This is particularly relevant because, when it comes to the rights of children and adolescents, we face a very significant limitation." (P5)<sup>153</sup>*

Another important recommendation was the need to provide comprehensive training for legal professionals, including judges, to strengthen their awareness of the Charter and its application. These programs would aim to foster a sense of responsibility as "European judges" and equip them to use

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<sup>153</sup> Me parece que podría ser muy interesante [...] hacer un estudio de la intersección entre la Convención y la Carta en las implicaciones que tiene a todos los niveles, tanto en cuanto al alcance de su contenido, como en cuanto a las posibilidades de defensa de los derechos, [...] que cauces podría haber, porque ciertamente en el tema de los derechos de niños, niñas y adolescentes tenemos esta limitación muy, muy grande.

the Charter not only as a hermeneutic tool but also as a criterion for evaluating the validity of legislative and executive acts. Expanding such training to other legal practitioners would also promote broader awareness of the Charter's potential to protect fundamental rights.

*“What measures or actions could be useful to strengthen awareness and application? Training courses for judges that promote their awareness, not only as national judges but also as European judges—judges who have the obligation to apply these transnational instruments for the protection of rights.” (P6)<sup>154</sup>*

Participants also stressed the importance of addressing political influences that might undermine the Charter's implementation. They pointed out how the current political composition of EU institutions can heavily influence the interpretation and application of the Charter. To counter this, they advocated for efforts to ensure that the Charter's core mission of protecting human rights is consistently reflected in enforceable measures, especially in politically sensitive areas such as migration.

Migration and asylum policies were a recurring theme in the discussion. Participants called for vigilance in ensuring that such policies comply with the Charter's guarantees, particularly regarding equitable treatment and access to social rights for migrants. They emphasized the need to use the Charter as a benchmark for demanding stronger protections and preventing political factors from overriding fundamental rights.

*“There is a very wide margin of interpretation, and this margin, I believe, is fundamentally shaped by society at any given moment. Right now, we have a composition in the Parliament and the European Commission that clearly influences how the Charter and each of its principles will be interpreted.” (P7)<sup>155</sup>*

In conclusion, while there are clear gaps in the implementation and awareness of the Charter, positive developments such as the rights-based initiatives in Ceuta and Melilla show that progress is possible.

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<sup>154</sup> Qué medidas o qué acciones podrían ser útiles para reforzar el conocimiento y aplicación... Cursos de formación a los jueces que fomente su conciencia, no solo como juez nacional sino como juez europeo, juez que tiene la obligación de aplicar estos instrumentos transnacionales de protección de derechos

<sup>155</sup> Hay un margen muy amplio de interpretación y este margen, esta interpretación fundamentalmente yo creo que viene condicionada por la sociedad en cada momento. Ahora mismo tenemos una composición en el Parlamento y en la Comisión Europea, que marca claramente cómo se va a interpretar esa Carta Fundamental y cada uno de los principios que contempla...

By building on such examples and advancing intersectional studies, training programs, and depoliticized approaches to rights protection, the Charter can become a more powerful tool for safeguarding human rights across the EU.

**5. Any other information provided by the participants. Suggestions provided for the National Seminars.**

When asked about topics of interest related to the EU Charter of Fundamental Rights for future seminars, participants provided several insightful suggestions. These ideas aimed to enhance the practical understanding and use of the Charter among diverse professional groups and institutions, emphasizing its intersection with other frameworks and its potential to address pressing human rights issues.

One key suggestion was to design seminars targeting legal professionals working on the front lines with migrants, particularly those involved in the reception and integration system. This includes individuals engaged in programs for humanitarian assistance and asylum. Participants emphasized the importance of examining the intersection and contrast between the Charter and the European Pact on Migration and Asylum in these contexts. Another recommendation was to extend this training to professionals in entities focused on child protection. Despite appearing distant, these areas intersect significantly, as many child protection organizations manage programs for migrant children that could greatly benefit from such training. This would also highlight the differences in how human rights for adults and children are addressed and question why such abrupt distinctions exist in their treatment.

*“In any case, training for those who work with migrants upon their arrival would also be very welcome. As a suggestion, exploring the interplay between the European Pact on Migration and the Charter [...] how both can be combined and how the Charter can provide support...”*  
(P7)<sup>156</sup>

Participants also suggested shifting the focus from merely explaining the content of the Charter to exploring its added value compared to other instruments. For instance, seminars could analyze the unique rights included in the Charter, rights interpreted more progressively or protectively by the Court of Justice of the European Union (CJEU), and specific cases illustrating the Charter's impact. This would

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<sup>156</sup> Pero bueno, en cualquier caso, también esta formación también a las personas que atienden a las personas migrantes que llegan también sería muy bienvenida. Y ya como sugerencia, entre Pacto Europeo de Migraciones y la Carta fundamental [...] cómo ambas cosas pueden combinarse y cómo la Carta fundamental puede apoyar...

underscore the Charter’s importance and contributions to advancing fundamental rights. The participant suggesting this idea, an academic specialized in public international law and EU law, put it this way: “formulate it in terms of added value in a context where we have a lot of stimuli, a lot of documents and (...) make the counterpart see to what extent it can be relevant”<sup>157</sup>.

In addition to targeting legal professionals, participants proposed extending the training to key governmental actors, particularly those in ministries such as the Ministry of the Interior and the Ministry of Inclusion, Social Security, and Migration. Sensitizing staff in these institutions, including the Office of Asylum and Refuge, about the Charter could strengthen their awareness and capacity to incorporate its principles into policy and decision-making processes.

*“From a legal perspective, the focus on Law, which, for example, is being promoted in this case by bar associations, is key. I believe there is currently a significant window of opportunity, as the European Pact is about to be ratified at the legislative level, the Charter is a very valuable tool in this context.” (P5)<sup>158</sup>*

Law enforcement agencies (FCSE) were also identified as a critical group for such training. Participants stressed the need to incorporate knowledge about the Charter into their existing training programs through a transversal approach. Rather than offering standalone sessions, the idea was to embed this training within their regular internal curricula. This approach could be supported by universities and legal professionals who could help develop concise, accessible materials for integration into training programs. A similar initiative has already been implemented in the context of female genital mutilation, where materials were provided to university students in fields like pharmacy and medicine. This ensured that trainers could effectively impart knowledge without requiring extensive prior study. Another example of successful transversal training is the work done with the Sustainable Development Goals (SDGs), which has reached multiple professional sectors.

*“For example, everything related to the training of police, the Civil Guard, and all the State security forces and bodies—they already have their own training programs. [...] If their*

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<sup>157</sup> Formularlo en términos de valor añadido en un contexto que tenemos muchísimos estímulos, muchísimos documentos y (...) hacer ver al interlocutor en qué medida puede ser relevante.

<sup>158</sup> Desde el punto de vista jurídico el enfoque de Derecho, que, por ejemplo, si se intenta promover en este caso desde los colegios, por ejemplo, de la abogacía. O sea, creo que ahora hay una ventana de oportunidad importante porque se va a ratificar en el plano legislativo el tema del Pacto Europeo y la carta es una herramienta muy interesante.

*curriculum could be complemented with talks on this topic or similar initiatives, I think it would also be very beneficial.” (P6)<sup>159</sup>*

Overall, these suggestions reflect a comprehensive strategy to enhance the visibility and practical application of the Charter. By engaging a wide range of actors, from legal professionals to ministries and law enforcement, and emphasizing transversal, context-sensitive training, the Charter’s principles could be more effectively integrated into various professional and institutional contexts.

### Comments/observations/other information

**Socio-demographic information on the participants (Report here the information tables filled in during the focus groups)**

	Gender	Age	Country and city	Occupation	Role in organization	Experience in organization (years)	Experience on Fundamental Rights in any capacity (years)
<b>Participant 1</b>	Woman	>50	Spain, Madrid	University teaching and research staff	University teaching and research staff	>10	>10
<b>Participant 2</b>	Man	30 - 50	Spain, Madrid	University professor	University teaching and research staff	<5	5 -10
<b>Participant 3</b>	Woman	30 - 50	Spain, Madrid	Lawyer	Senior Advocacy and Impact Officer	<5	5 -10
<b>Participant 4</b>	Woman	30 - 50	Spain, Madrid	Lawyer	Responsible of Legal Programme	>10	>10
<b>Participant 5</b>	Woman	30 - 50	Spain, Málaga	Social Worker	Childhood Policy Officer	<5	>10
<b>Participant 6</b>	Woman	30 - 50	Spain, Sevilla	University professor	University teaching and research staff	>10	>10
<b>Participant 7</b>	Man	>50	Spain, Madrid	Industrial Engineer	Director of Migrations	>10	>10

<sup>159</sup> Por ejemplo, todo lo que tiene que ver con Formación de policía y de Guardia Civil y de todo lo que son fuerzas y cuerpos de seguridad del Estado, ellos tienen su propia formación [...] Entonces, si se pudiese [...] complementar [su temario] con charlas sobre el tema o cosas así, pues creo que también estaría muy bien.