



1.1 BILLION EUROS, 63 PROJECTS, SIX COUNTRIES, ONE PATTERN

How EU funds violate fundamental rights

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IMAGES

The front cover image shows the construction of containers for Roma communities in Romania through an EU funded project.

The pictures included in the report come either directly from the project partners or from a variety of publicly available sources, such as websites from the managing authorities, google maps, and project beneficiaries' websites.



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Contents



EXECUTIVE SUMMARY	04
LIST OF ABBREVIATIONS	06
1. INTRODUCTION	07
2. RESEARCH FRAMEWORK: OBJECTIVES, SCOPE AND METHODOLOGY	08
3. FUNDAMENTAL RIGHTS REQUIREMENTS IN THE EU LEGAL AND POLICY FRAMEWORK	13
3.1 Funds management	13
3.2 Requirements in the EU funds legal framework	14
3.3 Policy frameworks on fundamental rights	17
4. LITERATURE REVIEW ON FUNDAMENTAL RIGHTS VIOLATIONS IN EU FUNDS	20
5. KEY FINDINGS OF THE RESEARCH AT NATIONAL AND EU LEVEL	25
5.1 National level	25
5.2 EU level	33
5.3 ‘Competence war’ – who is responsible?	36
6. RECOMMENDATIONS	37
6.1 Ensuring fundamental rights in the 2021–2027 funding period	38
6.2 Strengthening fundamental rights in the post-2027 regulatory framework	40
6.3 Enhancing legal accountability through complaints and strategic litigation	42
7. ANNEXES	43
7.1 – Legal and policy frameworks in the field of fundamental rights	43
7.2 – EU funds regulations	47
7.3 – Overview of complaints disclosed by the European Commission.	52
7.4 – Project examples (Bulgaria, Czechia, Greece, Hungary, Poland, Romania)	53

Executive summary

With the financial support of the Citizens, Equality, Rights, Values (CERV) program the 'EU Funds for Fundamental Rights' (FURI) project was launched in 2024.¹ The project aims to strengthen the capacity of relevant stakeholders at both EU and national levels to raise awareness about the applicability of the Charter of Fundamental Rights in EU funding, to monitor its implementation, and to ensure EU funding complies with the Charter.

Building on initiatives and actions by various national, European and international stakeholders that have exposed fundamental rights violations linked to EU funds, the FURI project undertook both quantitative and qualitative research to investigate such violations in six countries (Poland, Czechia, Hungary, Romania, Bulgaria and Greece) as well as at EU level.

The research focused on the practical insights of rights violations. Special attention was paid to common challenges faced by Roma communities, people with a migrant background, and persons with disabilities.

This report presents a synthesis of the main findings from six national reports and EU-level research.

EU funds continue to be used in violation of fundamental rights

Although EU funding regulations include provisions requiring alignment with fundamental rights, the research reveals widespread non-compliance across all participating countries. The violations identified, and financed with EU funds, include:

- Educational and housing segregation of Roma communities and children with disabilities;
- Use of temporary housing for Roma communities;
- Institutionalisation of people with disabilities, Roma children and family separation;
- Deprivation of liberty of people with a migrant background;
- Limited or no access to mainstream (non-segregated), good quality public services;
- Pushbacks² of people with a migrant background;
- Violation of the rights to protection of personal data of people with a migrant background.

¹ The FURI project is funded by the call for proposals CERV-2023-CHAR-LITI and the grant agreement number is 101143162; For more information, see [FURI project page](#) on the EU funding and tender portal website.

² In the absence of an internationally agreed-upon definition, the [UN Special Rapporteur on the Human Rights of Migrants](#) describes pushbacks as "various measures taken by States which result in migrants, including asylum seekers, being summarily forced back to the country from where they attempted to cross or have crossed an international border without access to international protection or individual assessment."

These violations were identified in 63 project examples involving an estimated total value of 1.1 billion euros.

Fundamental rights requirements are poorly understood by stakeholders

Interviews were conducted with a wide range of stakeholders, for example civil society organisations, public authorities, and fundamental rights bodies, revealed a very low level of understanding of fundamental rights obligations in EU funds. Therefore there is an urgent need to strengthen capacities in all participating countries, and at the EU level, to report cases of fundamental rights violations in EU funds to national and EU authorities. Supported by capacity building actions, the relevant stakeholders, including European Anti-Fraud Office (OLAF), Court of Auditors, should mobilise their resources to prevent and address fundamental rights violations.

Stronger responses are needed to ensure EU funds do not support violations

The lack of adequate responses from national and EU authorities to reported violations highlights the need for clarifications on competences and to use the available legal mechanisms, including suspension of payments and other sanctions. Furthermore, capacity building, including financial support for civil society organisations, is crucial to increase the rate and efficiency of legal actions.

Strong and enforceable legal requirements are needed in the post-2027 EU funds regulatory framework

The findings of the research underscore a critical need for strong legal requirements on fundamental rights in EU funds, and the corresponding implementation mechanisms.

*At least 1.1 billion euros
spent on rights violations*

List of abbreviations

AMIF	Asylum, Migration and Integration Fund
BG	Bulgaria
BMVI	Border Management and Visa Instrument
Charter	EU Charter of Fundamental Rights
CLLD	Community Led Local Development
CZ	Czechia
DG AGRI	Directorate-General for Agriculture and Rural Development
DG EMPL	Directorate-General for Employment, Social Affairs and Inclusion
DG HOME	Directorate-General for Migration and Home Affairs
DG JUST	Directorate-General for Justice and Consumers
DG REGIO	Directorate-General for Regional and Urban Policy
EAFRD	European Agricultural Fund for Rural Development
ENIL	European Network on Independent Living
ERDF	European Regional Development Fund
ESF	European Social Fund
GR	Greece
HU	Hungary
NGO	Non-governmental organisation
OP	Operational programme
PL	Poland
RO	Romania
UNCRPD	Convention on the Rights of Persons with Disabilities



1. Introduction

Reception centre Samos, Greece

The European Union (EU) invests billions of euros each year to advance a wide range of policy goals: from social inclusion and human rights to business development and energy efficiency. Cohesion policy alone accounts for roughly one third of the EU budget, making it one of the Union's most powerful tools to reduce inequalities.³

Yet, despite legal obligations to uphold fundamental rights across and within all stages of EU funding, these principles, values and obligations are not consistently respected in practice at the level of implementation. Over the past decade, civil society organisations have uncovered numerous cases where EU-funded projects have harmed marginalised communities - from financing the educational and housing segregation of Roma, to continued investment in institutions for persons with disabilities, and financing reception centres for asylum seekers that deprive people of their liberty and fail to meet EU and international law standards.

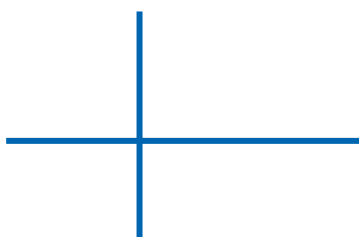
These violations breach not only the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with

Disabilities (UNCPRD), but also reveal systemic weaknesses in how EU funds are designed, managed, and monitored under “shared responsibility” between the European Commission and Member States.

Initiatives and actions to address these issues have come from a wide range of stakeholders, including civil society organisations, the European Ombudsman, and international bodies such as the United Nations. However, these efforts have had very limited – if any – impact on how funds are managed as to guarantee and ensure compliance with fundamental rights. There is no consistent mapping or monitoring of rights violations linked to EU-funded projects. Complaints often go unrecognised, and the roles and capacities of key actors remain unclear or underdeveloped.

This report aims to uncover the failures in implementation of EU funds and their violation of fundamental rights of key communities across six EU countries (Bulgaria, Czechia, Greece, Hungary, Poland, Romania), and also at the EU level.

³ The current EU budget is over €2.0 trillion. It consists of the EU's 2021-2027 long-term budget of €1.2 trillion topped up by the up to €800 billion NextGenerationEU recovery instrument for the years 2021 to 2026. See the [European Commission website](#) for more information.



2. Research framework: objectives, scope and methodology

KEY TAKE-AWAYS

- * The report takes an intersectional approach to explore fundamental rights violations facilitated by EU funds, focusing on key thematic areas such as segregation, institutionalisation, and reception conditions.
- * The report draws upon quantitative and qualitative research and evidence from six EU Member States (Poland, Romania, Bulgaria, Czechia, Hungary and Greece) and at the EU-level.
- * The analysis focuses on selected EU funds under shared management during the 2014–2020 and 2021–2027 programming periods, including European Social Fund Plus (ESF+), European Regional Development Fund (ERDF), Asylum, Migration and Integration Fund (AMIF), and the Recovery and Resilience Facility (RRF).

This chapter provides an overview of the research framework underpinning the report, including its main objectives, thematic focus areas and target groups, geographical scope, and methodology.

Objective

This report aims to shed light on fundamental rights violations linked to the use of EU funds. It identifies systemic gaps and challenges that enable these violations and proposes concrete recommendations to strengthen rights compliance in future EU funding cycles. The research conducted as part of the EU-funded ‘EU Funds for Fundamental Rights’ (FURI) project co-financed by the European Union.⁴

⁴ The FURI project is funded by the call for proposals CERV-2023-CHAR-LITI and the grant agreement number is 101143162; For more information, see [FURI project page](#) on the EU funding and tender portal website. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.

Thematic focus and target groups

People may experience discrimination on multiple grounds, including sex, race, ethnic or social origin, religion or belief, political or other opinions, disability, age, sexual orientation, and residence status. While policy measures often target specific groups, such as Roma, people with disabilities, individuals with a migrant background, or women, these approaches can overlook the fact that many marginalised groups share common challenges and experience intersecting forms of discrimination on multiple grounds.

In light of this, the report takes an intersectional approach, focusing on how discrimination and rights violations impact different groups and contexts.

In particular, it highlights the experiences of:

- Racialised communities, with a particular focus on Roma;
- Persons with disabilities, especially in relation to independent living and community inclusion;
- People with a migrant background, including asylum seekers and people with an irregular migration status.

It also explores key thematic areas where fundamental rights issues have been especially pronounced, such as:

- Housing and educational segregation;
- Reception conditions for asylum seekers;
- Institutionalisation of persons with disabilities and children;
- Urban regeneration initiatives.

Scope of EU funds covered

All EU funds fall under one of three implementation modes, depending on how the funding is managed:

- *Direct management*: the European Commission manages the funding directly;
- *Shared management*: the funding is jointly managed by the European Commission and national authorities; around 70% of EU programmes are run under shared management.⁵
- *Indirect management*: partner organisations or other authorities – within or outside the EU – manage the funding.

This report does not attempt to analyse all EU funds. Instead, it focuses on selected funds under “shared management” between the European Commission and EU Member States during the 2014–2020 and 2021–2027 programming periods.

Table 1 - Scope of EU funds covered

2014 - 2020 programming period	2014 - 2020 programming period	Key themes covered by the fund
European Social Fund (ESF)	European Social Fund Plus (ESF+)	Employment, social inclusion and combating poverty
European Regional Development Fund	European Regional Development Fund	Infrastructure investments, territorial cohesion, social
European Agricultural Fund for Rural Development (EAFRD)	European Agricultural Fund for Rural Development (EAFRD)	Agriculture and rural development
Asylum, Migration, Integration Fund	Asylum, Migration, Integration Fund	Integration of people with a migrant background, asylum
Internal Security Fund	Internal Security Fund	Internal security
	Border Management and Visa Instrument (BMVI)	Border management

⁵ According to the European Commission, see the [website](#).

Many of these funds are governed by a Common Provisions Regulation (CPR), which provides a unified framework for programming, monitoring, and financial management. However, it is important to note that during the 2014–2020 period, the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF) were not covered by the CPR and operated under separate sector-specific regulations. From 2021–2027, these funds fall under the CPR, alongside others such as the ESF+ and ERDF.

The report also includes the Recovery and Resilience Facility (RRF), this being a temporary instrument running from 2020–2026 that aims to mitigate the social and economic impact of the COVID-19 pandemic. References to these regulations can be found under annex 1.

Geographical scope

Research was conducted by FURI project partners at both national and EU levels:

- **National level:** Bulgaria, Czechia, Greece, Hungary, Poland and Romania;
- **EU level:** Institutions and bodies of the European Union, such as European Commission (Directorate-General for Regional and Urban Policy - DG REGIO, Directorate-General for Employment, Social Affairs and Inclusion - DG EMPL, Directorate-General for Migration and Home Affairs - DG HOME, Directorate-General for Justice and Consumers - DG JUST).

Figure 1 - Member states covered by the national research



Methodology

The research combined both desk research and stakeholder engagement at the national and EU level:

- **Desk research and literature review:**

This included analysis of existing evaluations and reports on the implementation of fundamental rights requirements in EU funds at national level, as well as publicly available reports, investigative journalism and media reports.

- **Stakeholder consultations and fieldwork:**

Consultations and interviews were carried out using both qualitative and quantitative approaches. The aim was to better understand the position and views relevant stakeholders on fundamental rights in EU funding. A broad range of stakeholders were involved, including:

- Managing authorities⁶
- Representatives from sectoral ministries (e.g. education, social affairs, housing);
- National human rights institutions, ombuds offices and equality bodies;
- Civil society organisations;
- Local authorities;
- Independent experts on EU funds, human rights, and sector-specific policies.

At the national level, a total of 301 stakeholders participated in the national research.⁷ The country specific findings are summarised in the country reports, whereas this report provides a comparative analysis and some of the transversal findings.

At the EU level, desk research was complemented by an attempt to organise focus groups with European Commission services. While the Directorate-General for Regional and Urban Policy declined to participate and the Directorate-General for Migration and Home Affairs did not respond, informal meetings were held with the Directorate-General for Employment, Social Affairs and Inclusion's and the Directorate-General for Justice and Consumers. In addition, a transparency request was submitted to identify complaints received by the European Commission related to fundamental rights violations in EU-funded projects.⁸

Participating organisations

The FURI consortium and participating organisations reflect the intersectional approach of the project, each of which represent the work for the rights of key main target groups of the project, such as:

- Independent Living Institute Association (PL) – Disability rights
- Awen Amenca (CZ) – Roma inclusion
- Partners Hungary Foundation (HU) – Roma inclusion
- Policy Centre for Roma and Minorities (RO) – Roma inclusion
- Network of Independent Experts (BG) – Disability rights
- Greek Council for Refugees (GR) – Refugee' rights
- Validity Foundation – Disability rights
- European Network for Independent Living – Disability rights
- Bridge EU – intersectional coordination.

⁶ The term 'managing authority' refers to the designated body – either a national, regional or local public authority – responsible for the management and implementation of an EU-funded programme. Its main tasks include selecting and funding projects, monitoring implementation, ensuring compliance with EU and national rules, and reporting to the European Commission.

⁷ The breakdown per country is as follows: 31 Bulgaria, 50 Czechia, 52 Greece, 42 Hungary, 57 Poland, 69 Romania.

⁸ All of the complaints received by Bridge EU are available on the [freedom of information page](#).

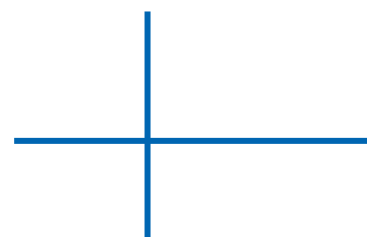
Whereas each organisation has its own expertise in the thematic areas described above, in the scope of the this project, the partners investigated the situation of all the three target groups. In order to include the required expertise in the research activities, the participating organisations invited representatives and experts of all relevant thematic fields.

The intersectional approach remains relatively underdeveloped in several of the participating countries, both in policy frameworks and in practice. This limits the extent to which the specific experiences of people facing multiple and overlapping forms of discrimination - for example, on the basis of gender, disability, migration status, or ethnicity - are meaningfully addressed. One of the key lessons from the research phase of the project is the need to strengthen cooperation among different actors working on equality at national level, including civil society organisations, policy makers, and those involved in implementing or monitoring EU funds.

Greater collaboration across thematic areas (e.g. gender, disability, migration) would support the identification of shared challenges and promote more inclusive responses. To this end, strong capacity-building and awareness-raising activities are needed to promote both practical cooperation and a shared understanding of intersectionality in policy design and implementation.



Residential social care complex under construction, Poland



3. Fundamental rights requirements in EU funding

Reception centre in Samos, Greece

KEY TAKE-AWAYS

- * There are specific legal requirements to ensure respect for fundamental rights, particularly as regards the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities (UNCRPD).
- * EU funds should follow the EU's legal and policy frameworks on fundamental rights.
- * There is limited comprehensive research on EU funds' compliance with fundamental rights. Existing studies generally focus on procedural requirements and the programming level. While individual reports have documented violations, these cases are unevenly distributed across target groups, with more instances related to disability and migrant rights than Roma rights.

This chapter provides an overview of the legal and policy landscape that frames the use of EU funds in relation to fundamental rights (see annex 1 and 2 for a more detailed overview).

It examines the obligations arising from key EU frameworks, the respective responsibilities of the European Commission and Member States under shared management, and concludes with a summary of available literature and evidence concerning fundamental rights compliance in EU funding.

3.1 Funds management

The EU funds covered in this report operate under the shared management principle. This means that both the European Commission and Member States have complementary responsibilities throughout the funding cycle.

- **Programming** – At the beginning of each seven-year programming period, the European Commission and Member States jointly determine strategic priorities for investment. These are formalised in national or regional operational programmes. For example, priorities might include reducing youth unemployment or improving education systems.

Table 2 - Division of responsibilities in the EU funding cycle

EU funding cycle	European Commission	Member States
Programming (e.g. design and preparation of Operational Programmes)	Shared competence	Shared competence
Implementation of EU funds (opening call for proposals, selecting projects, contracting beneficiaries, monitoring and evaluation of projects)	No competence	Full competence
Monitoring and evaluation	Shared competence	

- **Implementation** – Once programmes are adopted, national or regional authorities are in charge of putting them into practice. This involves launching calls for proposals, selecting and funding projects, and overseeing day-to-day operations. Beneficiaries may include public bodies, private actors, and civil society organisations.
- **Monitoring and evaluation** – The European Commission monitors the use of funds, ensures compliance with EU rules, and reimburses Member States for eligible expenditure. Both the Commission and national authorities share responsibility for assessing outcomes and ensuring accountability.

According to the CPR,⁹ the division of responsibilities can be summarised as set out in table 2.

Because responsibilities are shared, accountability is also shared. It is important that any concerns or allegations regarding the misuse of EU funds are addressed to the relevant actors, in line with their respective roles. Further assessment on challenges around competences is under chapter 5.3.

3.2 Requirements in the EU funds legal framework

The Treaty of the European Union (TEU) recognises the Charter of Fundamental Rights of the European Union (Charter) should be applied across all legal and policy actions where the European Commission is responsible.¹⁰

However, legal regulations concerning EU fund also include specific legal requirements to ensure respect for fundamental rights, particularly as regards the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities (UNCPRD). These requirements apply across both the 2014–2020 and 2021–2027 programming periods¹¹ and are set out in overarching and fund-specific rules.

Below, an overview of the most relevant provisions are highlighted, as well as differences between the two programming periods.

⁹ CPR, Articles 7, 69

¹⁰ Consolidated version of the Treaty on the European Union, C 326/13, Article 6(1).

¹¹ This refers to a specific timeframe during which the European Union allocates and implements its budget for various funds and programmes. It is tied to the implementation of policy objectives under the EU's long-term budget and outlines the financial resources available for different funding instruments.

Horizontal principles

In both programming periods, the funds included the following horizontal principles:¹²

- **Gender equality:** Gender equality, gender mainstreaming and the integration of a gender perspective must be ensured throughout the preparation, implementation, monitoring, reporting and evaluation of programmes.
- **Non-discrimination:** Discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation must be prevented at all stages of programme design and delivery. Accessibility for persons with disabilities must also be taken into account throughout.

In the 2021-2027 period, an additional horizontal principle was introduced:

- **Fundamental rights:** Compliance with fundamental rights and the Charter in the implementation of the Funds.¹³

Conditionalities

An important aspect are what are known as 'conditionalities' which Member States are required to fulfil in order to benefit from EU funds. These are institutional and strategic policy arrangements which Member States should have in place before funding can be released. In both programming periods, both horizontal and thematic conditions were established. During the 2014-20 period, these were known as 'ex-ante conditions', whereas they were referred to as 'enabling conditions' in the 2021-2027 period.

- **General and horizontal conditionalities:** Horizontal conditions relate to fundamental rights, such as anti-discrimination, gender equality, and disability. During the 2014–2020 period, Member States were required to demonstrate sufficient administrative capacity for the implementation and application of EU law and policy in these areas, including the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD).¹⁴ These requirements continued into the 2021–2027 period, with significant developments. Most notably, a new horizontal enabling condition on the Charter was introduced. This condition requires Member States to have mechanisms in place to ensure compliance with the Charter as a precondition for using EU funds.¹⁵ In addition, the enabling condition on the UN CRPD now includes a specific criterion requiring Member States to have in place reporting arrangement to the Monitoring Committee on cases of non-compliance of EU-funded operations with the CRPD. In the 2021-2027 programming period, these horizontal conditions apply to all funds covered by the CPR.

¹² Regulation (EU) No 1303/2013, Article 7; Regulation (EU) 2021/1060, Article 9.

¹³ Regulation (EU) 2021/1060, Article 9.

¹⁴ Regulation (EU) No 1303/2013, Annex XI. In the 2014-2020 period these were not applicable to the AMIF and ISF; Regulation (EU) 2021/1060, Article 15 and Annex III.

¹⁵ Regulation (EU) 2021/1060, Article 15 and Annex III.



Renovated large-scale disability home in Bulgaria

- **Thematic conditionalities:**¹⁶ Member States also have to fulfil specific thematic conditionalities, notably on:
 - National strategic policy framework for poverty reduction, which should include measures for the shift from institutional to community based care and to prevent and combat segregation.
 - National Roma inclusion strategic policy framework, which should also address spatial and educational segregation.

When preparing their programmes, Member States must submit documentation demonstrating how these conditions are fulfilled. The European Commission assesses this during the programme approval process. A key innovation in the 2021–2027 period was the introduction of an ongoing review mechanism: the Commission may reassess the fulfilment of enabling conditions at any point during the programming period – not only at its start, such as was the case with ex-ante conditionalities.

As a result, where a Member State is found to no longer meet the required enabling conditions, the Commission may suspend payments during the programming period, offering a more rapid way to suspend and recover funds that are presently being misused.

Partnership principle

EU Member States are required to collaborate closely with a wide range of stakeholders in the design, implementation, monitoring, and evaluation of EU-funded programmes.¹⁷ This includes:

- Public authorities at national, regional, and local levels
- Economic and social partners (e.g. trade unions, employers' associations)
- Civil society organisations (CSOs), including non-governmental organisations (NGOs) and organisations of persons with disabilities (OPDs)
- Bodies responsible for promoting social inclusion, fundamental rights, gender equality, and non-discrimination.

¹⁶ Regulation (EU) No 1303/2013, Annex XI. In the 2014–2020 period these were not applicable to the AMIF and ISF; Regulation (EU) 2021/1060, Article 15 and Annex III.

¹⁷ Regulation (EU) No 1303/2013, Article 5 ; Regulation (EU) 2021/1060, Article 8.

Moreover, the European Code of Conduct on Partnership (ECCP) sets out principles and detailed standards on how Member States should ensure effective participation with a wide range of stakeholders, and establishing core principles and rules including: transparency and accessibility, timely and meaningful consultation, and capacity building for stakeholders. In the 2021-2027 period, for the first time, AMIF, BMVI, ISF are also covered by these rules.

3.3 Policy frameworks on fundamental rights

Beyond fund-specific requirements, broader EU policy frameworks guide the protection and promotion of fundamental rights in the use of EU funds. These horizontal and sectoral policy frameworks are essential for addressing rights violations affecting marginalised communities. They explicitly state that EU funds should support their implementation.

Horizontal policies

A key horizontal strategy is the Strategy to strengthen the application of the Charter of Fundamental Rights in the EU.¹⁹ It emphasises that EU funding has a pivotal role to play to supporting the implementation of EU policies in Member States.

In particular, the Commission has committed to “*monitor that EU funds are used in compliance with the Charter and take appropriate measures, such as possible interruption or suspension of EU funding, or financial corrections when irregular expenditure has not been corrected by the Member States, where justified.*”

Another important policy is the European Pillar of Social Rights Action Plan,²⁰ which emphasises that EU funds should support the implementation of the Pillar. A further important policy framework is the EU Anti-Racism Action Plan 2020-2025,²¹ that aims to strengthen the legal framework to combat discrimination, racism, xenophobia and identify potential gaps to fill.

Sectoral policies

Sectoral policies and legislations are equally important for the EU funds. In the scope of this report, the following are particularly relevant:

Disability rights

The Strategy for the rights of persons with disabilities 2021-2030²² sets out key initiatives in several themes including accessibility, EU citizenship rights, equal access and non-discrimination and independent living. It also addresses how EU funding should support its implementation.

¹⁸ Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds.

¹⁹ Commission Communication, Strategy to strengthen the application of the Charter of Fundamental Rights in the EU, COM/2020/711 final.

²⁰ Commission Communication on the European Pillar of Social rights Action Plan, COM/2021/102 final.

²¹ Commission Communication, A Union of equality : EU anti-racism action plan 2020-2025, COM/2020/565 final.

²² Commission Communication, Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030, COM/2021/101 final.

People with a migrant background

The Action Plan on integration and inclusion for 2021–2027²³ promotes inclusion for all, recognising the important contribution of migrants to the EU and addressing the barriers to the participation and inclusion of people with a migrant backgrounds. It highlights how EU funding should be used to support its implementation. Moreover, until 2026, the Action Plan sets out how EU funds should comply with the Common European Asylum System – a set of law which seek to harmonise common minimum standards for asylum across the EU.

In particular, the Directive laying down minimum standards for the reception of asylum seekers²⁴ creates European Union rules on living (or ‘reception’) conditions for applicants for international protection (asylum seekers or people seeking subsidiary protection) who are waiting for their application to be examined. In the future, legislation related to the Pact on Migration and Asylum will set new requirements.²⁵ The Pact itself raises very serious concerns about potential fundamental rights violations, particularly regarding non-refoulement, detention, right to asylum and racial profiling.²⁶

Roma inclusion

In 2010, the Commission adopted the EU Framework for National Roma Integration Strategies up to 2020 which aimed to tackle the socio-economic exclusion of and discrimination against Roma, by promoting equal access in four key areas: education, employment, health and housing.²⁷ In 2020 the European Commission adopted the EU Roma strategic framework for equality, inclusion and participation for 2020 – 2030.²⁸

Moreover, national Roma integration strategies are part of the conditionalities for EU funding (see above). Following an assessment of these strategies, the Commission made several recommendations relevant to ensuring fundamental rights in EU-funded programmes:²⁹

- It urged Member States to intensify efforts to eliminate segregation and misdiagnosis of Roma children as requiring special education.
- It encouraged steps to ensure meaningful involvement of Roma communities and civil society in every stage of policy development and EU fund implementation – nationally, regionally, and locally.
- It strongly encouraged broader use of these funds for desegregation.³⁰

²³ Commission Communication, Action plan on Integration and Inclusion 2021–2027, [COM/2020/758 final](#).

²⁴ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, pp. 96–116).

²⁵ European Commission, 29 May 2024, [Understanding the EU Pact on Migration and Asylum](#).

²⁶ [Regulation \(EU\) 2024/1717](#); [Regulation \(EU\) 2024/1356](#); [Regulation \(EU\) 2024/1349](#); [Regulation \(EU\) 2024/1358](#); [Regulation \(EU\) 2024/1359](#); PICUM has developed a series of publications analysing the different parts of the EU Pact on Migration and Asylum, with a focus on their impact on detention, return, access to regular pathways and the rights of undocumented adults and children. See: [Analysis of the Asylum Procedure Regulation and Return Border Procedure Regulation](#), [analysis of the Screening Regulation](#), [Children's rights in the 2024 Migration and Asylum Pact](#). See also, ENAR's analysis on [the racialisation of migration in the EU Pact on Migration and Asylum](#).

²⁷ Commission Communication, An EU Framework for National Roma Integration Strategies up to 2020, [COM/2011/0173 final](#).

²⁸ Commission Communication, EU framework for National Roma integration strategy 2020–2030 [COM/2020/620 final](#).

²⁹ Commission Communication, Assessment report of the Member States' national Roma strategic frameworks, [COM/2023/7](#); European Commission report on the implementation of the national Roma strategic frameworks in light of the EU Roma strategic framework for equality, inclusion and participation and the Council Recommendation on Roma equality, inclusion and participation, [COM/2024/422](#).

³⁰ European Commission report on the implementation of the national Roma strategic frameworks in light of the EU Roma strategic framework for equality, inclusion and participation and the Council Recommendation on Roma equality, inclusion and participation, [COM/2024/422](#).

Despite these commitments, most strategies fall short of operationalising intersectionality. While the concept is often referenced – acknowledging overlapping forms of discrimination – concrete guidance on how to implement intersectional approaches is lacking.

EU funds guidance

Finally, to support Member States in using EU funds, the European Commission has prepared specific guidance documents addressing questions related to the interpretation of legal requirements for the preparation, programming, and implementation of EU-funded programmes.³¹

In the 2014-2020 period, these were addressed to Member States. Following a request of the European Council, the Commission did not develop any thematic guidance for Member States for the 2021-2027 EU funds period. Instead, it developed internal guidance to support the services of the European Commission in the negotiation of EU funds programmes. Based on Regulation (EC) No 1049/2001, in close collaboration with the Validity Foundation, Bridge EU requested internal documents of the European Commission to make it available for all interested stakeholders.

Key guidance documents included the following:

- *Fundamental rights:* In the 2014-2020 period, one such overarching guidance note, for example, showed how the Charter also applied to Member States when using ESI Funds.³²

³¹ An overview of the European Structural and Investment Fund guidances in the 2014-2020 period are available at the following link:

http://ec.europa.eu/regional_policy/en/information/legislation/guidance/.

³² For more information see the Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union when implementing the European Structural and Investment Funds ('ESI Funds') [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0723\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0723(01)&from=EN)



Reception centre Samos, Greece

- *Spatial and educational segregation and deinstitutionalisation:* Also in 2014-2020 period, the guidance notes under thematic objective (TO) 9 on social inclusion and poverty, moreover, highlighted the need to tackle educational and spatial segregation³³ and to transition from institutional to community-based care.³⁴ In the 2021-2027 period, a note on the use of EU Funds in tackling educational and spatial segregation was also prepared.³⁵
- *People with a migrant background:* For investments targeting the integration of people with a migrant background, a specific toolkit was prepared covering both programming periods.³⁶

³³ European Structural and Investment Funds Guidance for Member States on the use of European Structural and Investment Funds in tackling educational and spatial segregation, available at:

http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/thematic_guidance_fiche_segregation_en.pdf

³⁴ European Structural and Investment Funds Guidance for Member States on the transition from institutional to community-based care, available at:

http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/guidance_deinstitutionalisation.pdf

³⁵ These internal documents are available on Bridge EU's website: <https://www.bridge-eu.org/freedom-of-information>.

³⁶ European Commission, 2018, *Toolkit on the use of EU funds for the integration of people with a migrant background*; European Commission, 2021, *Toolkit on the use of EU funds for the integration of people with a migrant background: 2021-2027 programming period*.



4. Literature review on fundamental rights violations in EU funds

Renovated large-scale social care home, Poland

KEY TAKE-AWAYS

- * There is limited comprehensive research on EU funds' compliance with fundamental rights. Existing studies generally focus on procedural requirements and the programming level.
- * While individual reports have documented violations, these cases are unevenly distributed across target groups, with more instances related to disability and migrant rights than Roma rights.

Comprehensive research into the fundamental rights compliance of EU funds is limited. While some stakeholders have explored this area, there are relatively few reports considering the overall scale of EU fund disbursement across the Union, and even less so in respect of the impact on marginalised populations.

Existing studies and reports at the EU level tend to focus on:

- *Legal requirements and procedural obligations:* Most available reports – whether by the European Commission,³⁷ the Fundamental Rights Agency,³⁸ the European Court of Auditors,³⁹ or civil society organisations, focus on legal requirements and procedural obligations, such as the horizontal enabling condition on the Charter. These often concentrate on the programming level. Where calls for proposals and projects are addressed, it is typically to emphasise the need to translate legal requirements into practice.

³⁷ European Commission, 2024, Funding to promote, protect and enforce fundamental rights 2024 Annual report on the application of the EU Charter of Fundamental Rights, COM/2024/456 final.

³⁸ FRA, 2023, EU funds: ensuring compliance with fundamental rights.

³⁹ European Court of Auditors, 2024, Special report 03/2024, The rule of law in the EU: an improved framework to protect the EU's financial interests, but risks remain.

- *Participation principle*: Participation, and the lack of it, is also a topic that is often raised, particularly highlighting the importance of civil society.⁴⁰ Some particular attention has also been paid to the role of fundamental rights bodies in monitoring rights compliance of EU funds.⁴¹

While these are essential aspects, the practical implications of fundamental rights requirements remain under-investigated. This hampers the capacity to provide adequate responses and oversight at both EU and national levels. This challenge is compounded by the limited availability and fragmented nature of public information on ongoing investments, which is often patchy, inconsistent across and within Member States, and difficult to navigate.

Research into how EU-funded projects are implemented on the ground, and whether they align with fundamental rights standards, remains limited. Existing investigations – whether led by EU institutions such as the European Court of Auditors and the European Ombudsman, or by civil society – tend to be case-specific and target-group-focused rather than comprehensive. This reflects broader structural limitations and the lack of sustained support for meaningful, systematic monitoring. Without adequate financial resources and political will, effective oversight across all levels remains a challenge.

This situation is mirrored in national-level reports. Across all national reports reviewed, literature indicates that assessments of fundamental rights compliance are either not prioritised within existing evaluations, or are entirely absent. Where included, such assessments typically focus on the programming stage – such as reviewing enabling conditions and broader programmatic elements. In essence, consideration is limited to the early stages of planning, addressing overall themes and priorities. While this perspective is valuable, a significant gap remains: the lack of attention to implementation challenges.

This includes the selection of specific projects through calls for proposals, project monitoring, and the actual delivery of services or activities. In particular, evaluation reports fail to examine how fundamental rights requirements are applied during calls for proposals and in project execution. This is a critical oversight, as fundamental rights violations are more likely to occur during the implementation phase – when projects are active and participants are directly affected.

Despite the paucity of systematic information, some significant reports and complaints do point to rights violations in EU-funded programmes and highlight the need for more scrutiny. However, the available evidence is unevenly distributed across target groups.

As shown below, significantly more reporting is available regarding people with disabilities and migrants, while the focus on Roma communities is much more limited. The reasons behind this discrepancy require further analysis, but several contributing factors can be identified.

⁴⁰ For example see: European Committee of the Regions, 2021, [Application of the Principles of Partnership and Multi-Level Governance in Cohesion Policy Programming 2021-2027](#); European Commission, 2016, [Implementation of the partnership principle and multi-level governance during the 2014-2020 ESI Funds](#); PICUM, 2023, [Partnership principle in EU funds: strong on paper, weak in practice](#); Bankwatch Network, 2017, [EU funds in central and eastern Europe: 'partnership principle' still not translating to 'partnership in practice'](#).

⁴¹ European Network of National Human Rights Institutions, 2022, [Monitoring Fundamental Rights Compliance of EU Funds – Potential role, opportunities and limits for NHRIs](#); EQUINET, 2022, [Equality bodies and the European Structural and Investment Funds realising a potential for change](#); Birtha, M., Wladasch, K. et al. 2025, [Enhancing Charter Compliance on EU funds](#), European Center for Social Welfare policy and research.

These include differences in the capacity and resourcing of organisations working on different issues, the lack of systematic capacity-building for communities most affected by rights violations, and the uneven implementation of the partnership principle. In some contexts, concerns about potential funding cuts may also discourage organisations from speaking out. These structural challenges hinder the ability of civil society to engage in effective monitoring and reporting, particularly where support for independent, community-driven scrutiny is lacking.

Disability rights

The compliance of EU funds with the UN CRPD and the EU Charter have been widely documented in EU-funded institutional care.⁴² The European Network on Independent Living (ENIL), through its EU Funds for Our Rights campaign, uncovered rights violations in Austria, Bulgaria, Romania, Hungary, and Portugal, leading to several complaints.⁴³ The Validity Foundation also identified violations in EU-funded projects, submitting complaints concerning Hungary, Romania, Estonia, and Poland.⁴⁴

Together ENIL, Validity Foundation several complaints concerning Romania, Estonia, Poland. Furthermore, Validity Foundation, Network with Independent Experts and ENIL submitted a case to the European Court of Justice about the violation of the rights of people with disabilities in Bulgaria.⁴⁵

Additionally, the European Union Agency for Fundamental Rights (FRA) highlighted the misuse of EU funds to support institutionalisation, recommending financial corrections for non-compliance.⁴⁶ The European Ombudsman has launched inquiries into EU funds' compliance with the Charter and UN CRPD,⁴⁷ while the European Court of Auditors has criticised the limited impact of EU action in promoting independent living.⁴⁸

Several countries covered in the scope of this report have also received specific recommendations from the UN CRPD Committee which either address poor progress on deinstitutionalisation, including wrongful policies of building small group homes,⁴⁹ or address the use of EU funds in a manner which violates CRPD.⁵⁰ The CRPD committee also addressed use of EU funds in Hungary in an inquiry.⁵¹

Moreover, in its second review of the EU, the UN CRPD Committee called for a comprehensive review of EU legislation, policies and practices to ensure full compatibility with the Convention. It recommended that the EU ensure all new measures adhere to the Convention, require full compliance in the allocation of EU funds by Member States, and establish monitoring mechanisms in close consultation with persons with disabilities. It also urged that post-2027 Cohesion Policy legislation explicitly ban the use of EU funds for institutional care, including small group homes.⁵²

⁴² For instance, during the 2014-2020 programming period, the Community Living for Europe: Structural Funds Watch initiative monitored the use of European Structural and Investment Funds (ESI Funds) to support community living for children, persons with disabilities, and older individuals. This initiative released reports in 2017 and 2018. It should be noted that the website was no longer active at the time of writing this report.

⁴³ See the European Network on Independent Living website for more details [accessed 12 April 2025]: <https://enil.eu/funding/>

⁴⁴ For example: Validity Foundation, 2017, *Straightjackets and Seclusion*

⁴⁵ ENIL Brussels Office and Others v Commission, *Case T-613/19*

⁴⁶ Fundamental Rights Agency, 2018, *From institutions to community living for persons with disabilities: perspectives from the ground*

⁴⁷ See the European Ombudsman cases: *OI/8/2014/AN; SI/3/2018/JN; OI/2/2021/MHZ*

⁴⁸ European Court of Auditors, 2023, *Special report 20/2023: Supporting persons with disabilities – Practical impact of EU action is limited*

⁴⁹ *CRPD/C/BGR/CO/1*

⁵⁰ *CRPD/C/HUN/CO/2-3; CRPD/C/POL/CO/1*

⁵¹ Committee on the Rights of Persons with Disabilities, Inquiry concerning Hungary under article 6 of the Optional Protocol to the Convention, *CRPD/C/HUN/IR/1*

⁵² UN CRPD, 2023, *Concluding observations on the combined second and third periodic reports of the European Union, CRPD/C/EU/CO/2-3*

Migrant rights

Various stakeholders have investigated the use of EU funds in the migration field, both within and beyond the EU. For instance, the European Council for Refugees and Exiles (ECRE) scrutinised the Asylum, Migration and Integration Fund during the 2014-2020 period.⁵³ More recently, ECRE and the Platform for the International Cooperation on Undocumented Migrants (PICUM) explored fundamental rights compliance of funding supporting migrants, asylum applicants and refugees inside the European Union, assessing national programmes.⁵⁴

Other investigations have revealed that EU funds have supported arbitrary detention at the borders in Croatia, Bulgaria, and Hungary,⁵⁵ migrant worker camps in breach of fundamental rights in Italy,⁵⁶ assisted voluntary return programmes in Bulgaria involving Frontex,⁵⁷ or explored Commission's enforcement powers in relation to fundamental rights compliance at the external borders.⁵⁸

The European Ombudsman weighed in on the fundamental rights compliance of EU-funded migration centres in Greece⁵⁹ while the European Court of Auditors assessed the integration of third-country nationals with support from the Asylum, Migration and Integration Fund.⁶⁰ The European Anti-Fraud Office has also investigated financial irregularities involving Frontex.⁶¹

⁵³ The European Council for Refugees and Exiles (ECRE) published a series of report under the title "Follow the Money" on the EU funds for migration. Topics addressed were: the overall design and implementation of AMIF (2018, 2019), the use of AMIF for resettlement and relocation (2020) and the use of AMIF and ISF-BV Funds outside the EU (2022).

⁵⁴ It found, in particular, that as of January 2023, 8 national programmes in Hungary, Poland, and Cyprus were non-compliant with the Charter. See: ECRE and PICUM, 2023, Fundamental rights compliance of funding supporting migrants, asylum applicants and refugees inside the European Union.

⁵⁵ Lighthouse Reports, 2021, Unmasking Europe's Shadow Armies.

⁵⁶ Human Rights Watch, 2023, Letter to European Commissioners Re. Use of EU Funds by Italy to Build Migrant Worker Camps in Breach of Fundamental Rights.

⁵⁷ Statewatch, 2025, Deportations: New role for Frontex as EU pushes for more "voluntary" returns.

⁵⁸ Ripa, J. And Fotiadis, A. 2022, Addressing the violations of fundamental rights at the external border of the European Union. Infringement proceedings and conditionality in EU funding instruments. The Greens/EFA of the European Parliament.

⁵⁹ European Ombudsman, 2023, Decision in strategic inquiry OI/3/2022/MHZ on how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece; European Ombudsman, 21 February 2025, Decision on how the European Commission monitors fundamental rights compliance in the context of EU funds granted to Greece for border management (case 1418/2023/VS).

⁶⁰ European Court of Auditors, 2024, Special report 26/2024: Integration of third-country nationals in the EU – Relevant support from the Asylum, Migration and Integration Fund but its impact could not yet be demonstrated.

⁶¹ OLAF Final Report on Frontex. CASE No OC/2021/0451/A1.

⁶² US State Department of State, 2022 Hungary 2022 Human Rights Report, p. 32.

⁶³ See the Roma Civil Monitor reports here: <https://www.romacivilmonitoring.eu/>

⁶⁴ This was highlighted in the EU Roma strategic framework for equality, inclusion and participation for 2020 – 2030 and the Assessment report on Member States' national Roma strategic frameworks.



Building segregated housing for Roma families, Romania

Roma communities

Evidence of Roma rights violations through EU funding is comparatively limited. However, a complaint was submitted in Hungary regarding a project in Nyíregyháza, which reinforced spatial segregation. As a result of this violation of the Charter, the European Commission suspended payments.⁶² The Roma Civil Monitor explores how EU funds support the implementation of national Roma integration strategies, but this is done in a limited way and without providing evidence of how EU funds contribute to either the implementation or violation of the Charter.⁶³

At the same time, the Commission has repeatedly raised awareness about the need to prevent and address educational and housing segregation in national Roma integration strategies, and to ensure EU funds support the implementation of these strategies.⁶⁴

⁶² US State Department of State, 2022 Hungary 2022 Human Rights Report, p. 32

⁶³ See the Roma Civil Monitor reports here: <https://www.romacivilmonitoring.eu/>

⁶⁴ This was highlighted in the EU Roma strategic framework for equality, inclusion and participation for 2020 – 2030 and the Assessment report on Member States' national Roma strategic frameworks.

5. Key findings of the research at national and EU level

Segregated small group homes for people with disabilities, Hungary

KEYTAKE-AWAYS

- * There is a very low level of understanding of fundamental rights requirements in implementation of EU funds and low level of human and financial capacities of stakeholders were reported in the six participating countries.
- * Due to serious misinterpretation of fundamental rights requirements (preventing and addressing segregation, institutionalisation, pushbacks, etc.) by both national and EU authorities, EU funds are still used for grave and serious fundamental rights violations against marginalised populations.
- * The 'competence war' between national and European authorities results in negligence in addressing rights violations in EU funds and introducing sanctions, and a situation of impunity for duty bearers
- * Involvement of grassroots organisations of marginalised communities, representative organisations, human rights monitors, and 'political enemies' is very limited at all levels of the funds management (e.g. monitoring committees)..

Drawing upon the findings of the desk research, quantitative and qualitative methods, and consultation meetings (see chapter 2), this chapter analyses the outcomes of the research conducted in six EU Member States and at EU level. More detailed findings on specific countries are available in the respective country reports.

5.1 National level

5.1.1 Scope of fundamental rights violations of the project examples

With the help of the consultations, interviews with national and local stakeholders and also desk research, 63 project examples have been collected in the six participating countries (see detailed description of project examples in Annex 4).

These project examples show the main areas of fundamental rights violations faced by Roma communities, people with a migrant background, people with disabilities in connection with EU funds.

The main areas of rights violations include:

- Educational and housing segregation of Roma communities, children with disabilities
- Temporary housing for Roma communities
- Institutionalisation of people with disabilities, Roma children
- Deprivation of liberty of people with a migrant background
- Limited or lack of access to mainstream (non-segregated), good quality services
- Pushbacks of people with a migrant background
- Violation of the rights to protection of personal data of people with a migrant background.

Taking into account the scope and limitations of the research, it did not aim to provide the description of all possible thematic areas of rights violations. At the same time, the areas mentioned above represent those issues which are supported by the highest volume of EU funds support and the number of implemented projects. Based on the estimation of the volume of the call for proposals and also projects listed in Annex 4, the research enables us to infer that around 1.1 billion EUR has used to support projects that fail to align with, or violate, fundamental rights requirements.

Thanks to the project examples, in the scope of this research a more precise description of fundamental rights violations is available. It also helps to translate the general requirements enshrined in the EU funds regulations to practical measures. Considering that both national and EU authorities tend to misinterpret the requirements (see more details in 5.2), these project examples together with the recommendations in chapter 5, should contribute to more detailed provisions in both regulatory and policy frameworks.

5.1.2 Common (intersectional) fundamental rights challenges faced by marginalised communities

As one of the main findings of the country reports, the research revealed the common aspects of fundamental rights violations. Marginalised communities may experience discrimination on multiple and intersecting grounds, including sex, race, ethnic or social origin, religion or belief, political or other opinion, disability, age, sexual orientation, and residence status.

This chapter summarises the main areas, where the common (intersectional) fundamental rights violations have been recognised.⁶⁵

This finding of the research might particularly be important for future policy making. Several policy frameworks, measures are designed to address the needs of specific groups – such as Roma communities, persons with disabilities, individuals with a migrant background, or women – these approaches often fail to account for overlapping and shared structural challenges.

⁶⁵ Please also see Annex 4, Overview of project examples, which is separate document.

Inclusive education and educational segregation

While all children have the right to access a quality, inclusive and non-segregated education, many European countries continue to practice educational segregation. This segregation disproportionately affects marginalised children, including those who are racialised, have disabilities, or come from migrant backgrounds. Such segregation results in an inferior quality of education for these children and impedes their inclusion into society.⁶⁶ Partner organisations reported limited or lack of access to good quality education due to segregated education for Roma and children with disabilities (CZ, HU, RO, GR, BG). In the case of the Czechia, the segregated education is also directly linked to institutionalisation of Roma children, the educational facility is organised in the premises of the residential institutions.

While litigation and enforcement efforts have notably addressed the segregation of Roma children since the 1990s,⁶⁷ similar patterns of segregation affecting children with disabilities have received far less legal and policy attention. The European Court of Human Rights (ECtHR) has recognised that unjustified differential treatment constitutes discrimination, but it has been more deferential in cases involving disability-based segregation.⁶⁸

This is notwithstanding the right to inclusive education for all children with disabilities under the UN CRPD.⁶⁹ In contrast, other human rights bodies have taken a more progressive stance. For example, the European Committee of Social Rights found Belgium in breach of the Revised European Social Charter for maintaining a separate system of special schools and denying enrolment of children with intellectual disabilities in mainstream education.⁷⁰

The European Commission has also taken infringement action against several Member States for the segregation of Roma children in education, including proceedings against the Czech Republic (2014), Slovakia (2015), and Hungary (2016). In 2023, Slovakia was referred to the Court of Justice of the European Union for failing to comply with the Racial Equality Directive by not effectively addressing this issue.⁷²

However, despite similar and persistent patterns of educational segregation affecting children with disabilities, the Commission has not initiated comparable infringement proceedings in their defense.

⁶⁶ Council of Europe Commissioner for Human Rights, 2017, Fighting school segregation in Europe through inclusive education.

⁶⁷ Open Society Justice Initiative, 2016, Strategic litigation impacts: Roma school desegregation

⁶⁸ Council of Europe, 2024, Article 2 Protocol No. 1. Discrimination in access to education, 2024

⁶⁹ CRPD, article 24.

⁷⁰ European Committee of Social Rights decision on admissibility and the merits: Mental Disability advocacy Center (MDAC) v. Belgium: Complaint No. 109/2014; Validity Foundation, 2018, Mass school segregation in Flanders breaches rights of children with mental disabilities, says top European social rights body

⁷¹ INFR(2014)2174; INFR(2015)2025; INFR(2015)2206.

⁷² European Commission, 2023, [The European Commission decides to refer SLOVAKIA to the Court of Justice of the European Union for not sufficiently addressing discrimination against Roma children at school](#)

Institutionalisation

Persons with disabilities have the right to live independently in the community with the support they require and without discrimination. However, institutionalisation remains widespread across the EU, and refers to the placement or detention of people in residential facilities, large or small, as their primary place of residence, and when based solely on the ground of disability, or in combination with other grounds such as the purported need for “care” or “treatment”.^{73,74} It affects both children and adults with disabilities. Children without parental care are also often placed in institutions.

Racialised children, especially those with a Roma background, are disproportionately affected.⁷⁵ For example, in Romania, the General Directorates for Social Assistance and Child Protection (DGASPC) estimate that Roma children make up between 10% and 80% of children in institutional care, depending on the region. In Hungary, around 65% of children in childcare institutions are estimated to be Roma.⁷⁶ Significant evidence exists that institutionalisation also results in a wide range of serious fundamental rights violations, including torture and ill-treatment, and serious barriers to victims accessing complaints systems, legal representation and justice. The coupling of guardianship and institutionalisation, both of which are recognised as human rights violations under the CRPD, has been found in combination to amount to grave and systematic violations of the rights of persons with disabilities in Hungary.⁷⁷ The research conducted by partner organisations have justified the strong link between institutionalisation of Roma children and people with disabilities.

⁷³ UN Committee on the Rights of Persons with Disabilities, 2022, *Guidelines on deinstitutionalization, including in emergencies*, CRPD/C/5.

⁷⁴ UNICEF and Eurochild, 2023, *Children in alternative care: Comparable statistics to monitor progress on deinstitutionalisation across the European Union*; Jan Šiška and Julie Beadle-Brown, 2020, *Report on the transition from institutional care to community based care services in 27 EU member states*.

⁷⁵ European Roma Rights Centre (ERRC), 2011, *Life sentence: Romani children in institutional care*; ERRC, 2021, *Blighted Lives: Romani Children in State Care*.

⁷⁶ Ibid.

⁷⁷ Committee on the Rights of Persons with Disabilities, Inquiry concerning Hungary under article 6 of the Optional Protocol to the Convention, CRPD/C/HUN/IR/1

Deinstitutionalisation of people with disabilities and children deprived of parental care has been a priority of EU policy and funding for many years, as evident for example in the EU's Disability Strategies, the Child Guarantee and the Child Rights Strategy. Despite this being an important issue also for unaccompanied minors,⁷⁸ it has not been identified as an issue to be addressed in the Action Plan on Integration and Inclusion.

Sexual and gender-based violence

Across all examined marginalised groups, sexual and gender-based violence (SGBV) is a crucial element of fundamental rights violations. Institutionalisation, segregated service provisions, geographical isolations are important precursors and contributing factors.

SGBV is highly prevalent across the EU. A survey by the European Union Agency for Fundamental Rights (2014) found that 31% of women in the EU have experienced one or more acts of physical violence since the age of 15, and 1 in 20 (5%) have been raped.⁷⁹

Marginalised communities face additional barriers in preventing and responding to SGBV. These include challenges in reporting crimes, accessing justice, obtaining protection and support services, and overcoming legal and institutional discrimination.⁸⁰ For example, migrant and refugee women often experience racial discrimination, language barriers, and fears of deportation when reporting violence.⁸¹ Similarly, Roma women face systemic discrimination and challenges in accessing justice.⁸² Disabled women are also particularly vulnerable, as they may be dependent on abusive caregivers or face inaccessible support services.⁸³

⁷⁸ UNICEF, 2024, *Transmonee analytical series: Pathways to better protection. Taking stock of the situation of children in alternative care in Europe and Central Asia*

⁷⁹ Fundamental Rights Agency, 2014, *Violence against women: an EU-wide survey. Main results report*.

⁸⁰ European Commission, *Strategy on victims' rights (2020-2025)*.

⁸¹ PICUM, 2012, *Strategies to end double violence against undocumented women*; CoE, 2019, *Protecting migrant women, refugee women and women asylum seekers from gender-based violence*

⁸² Council of Europe, 2022, *Research on barriers of Roma Women's access to Justice in four countries*

⁸³ ENIL, 2023, *ENIL's Proposal for the European Commission Framework for Social Services of Excellence for Persons with Disabilities*

Evidence suggests that marginalised women, such as disabled women and Roma women, have been subjected to forced sterilisation.⁸⁴ LGBTQ+ individuals, particularly trans women, face high rates of GBV, fuelled by transphobia, and often encounter exclusion from support services due to their gender identity.⁸⁵

5.1.3 Limited understanding and awareness of fundamental rights requirements

The partnership agreements covered by this report (PL, BG, RO, EL, CZ, HU) contain explicit references to respect the Charter and the UN CRPD, and prevent segregation, and support desegregation and deinstitutionalisation. Their corresponding operational programmes also include concrete commitments and measures to achieve those aims.

Yet, as further evident with the project examples collected, in practice, these commitments are not upheld. For example, under the 2014-2020 Bulgarian operational programme “Regions in Growth”, Priority Axis 5 (“Regional social infrastructure”) financed two “deinstitutionalisation” programmes, but both ultimately funded construction of new residential care facilities for adults and for children with disabilities, contradicting the partnership agreement.⁸⁶

The gap between programming documents (partnership agreements and operational programmes) and implementation reveals a limited understanding of what these fundamental-rights requirements mean in practice.

Qualitative and quantitative research with stakeholders confirms this low level of awareness, especially at implementation level. This affects every aspect of compliance with fundamental-rights obligations.

A closer reading of the responses leads to three key findings:

1. **Conditionalities are stronger - but still poorly understood.** Stakeholders in every country agreed that conditionality provisions are stricter in 2021-2027 than in 2014-2020. New rules allow the Commission to suspend payments if enabling conditions are breached. Nevertheless, most respondents could not explain how to operationalise these conditionalities or what practical arrangements are needed to enforce them. The same uncertainty surrounds other obligations in the Common Provisions Regulation, such as Article 8 on non-discrimination and gender equality.
2. **Risk assessment procedures are vague.** Respondents from managing authorities generally could not describe how risks of discriminatory treatment are assessed within EU funds. Some mentioned that potential violations are considered when drafting calls for proposals and during project implementation (an issue also flagged in the complaints mechanism - see Chapter 5.2). However, there is still no systematic involvement of fundamental-rights bodies legally competent to assess such violations.
3. **Under-utilised fundamental rights bodies.** The regulatory framework requires fundamental-rights bodies to take part in monitoring committees, offering a clear opportunity for closer institutional cooperation. That opportunity is largely unused.

⁸⁴ European Disability Forum, 2022, [Forced sterilisation of persons with disabilities in the European Union](#).

⁸⁵ Transgender Europe, 2020, [Protection from violence and hate](#); Fundamental Rights Agency, 2020, [A long way to go for LGBTI equality](#).

⁸⁶ As further described in the country report for Bulgaria, the two programmes are BG16RFOP001-5.002 “Support for deinstitutionalization of social services for the elderly and people with disabilities” and BG16RFOP001-5.001 “Support for the Deinstitutionalisation of Childcare”.

5.1.4 Misinterpretation, mal-interpretation and inconsistencies

Despite numerous reports documenting the provision of segregated services for persons with disabilities, people with a migrant background, and Roma – including residential institutions and segregated schools – national authorities do not consistently recognise these practices as fundamental rights violations or discriminatory treatment. Even where the UN CRPD Committee or court rulings have clearly identified discrimination in such cases, national authorities and EU institutions often rely on alternative interpretations that either deflect from or directly contradict these authoritative international findings.

As a result of misinterpretation and deliberate misapplication of fundamental rights standards, significant amounts of EU funds have been allocated to services and facilities that have led to grave violations of fundamental rights – with estimates of wrongful investments reaching hundreds of millions of euros and affecting tens of thousands of individuals. These include investments in segregated education and housing, residential institutions, and group homes, which are sometimes wrongly justified as necessary, temporary, or aligned with the principle of the progressive realisation of rights.

However, under international human rights law, duty bearers are prohibited from taking retrogressive measures – and investments that entrench segregation, such as group homes, are retrogressive, regardless of whether they are labelled as transitional or interim.

As further described under chapter 4, evaluation reports, complaints and inquiries have shown that such investments often amount to permanent service provision for marginalised groups, thereby entrenching discriminatory treatment.

5.1.5 Inadequate understand and capacity to address fundamental rights violations

Low awareness and misunderstanding of discrimination

The majority of respondents were unable to explain how fundamental rights protections are – or should be – integrated into programming.

They also struggled to identify clear examples of violations, and were unable to specifically identify discrimination in the context of EU funds. Notably, the highest rate of non-responses or expressions of uncertainty (e.g. "I don't know what discrimination in EU funds is") came from respondents working in public administration. This reflects a very low level of awareness and understanding within public administrations regarding how fundamental rights apply in practice. For example, many respondents did not recognise that segregated education for Roma children constitutes racial discrimination, or that the institutionalisation of persons with disabilities – regardless of the setting – is a form of discrimination under the CRPD.

The difficulty in providing clear definitions reflects a weak and inconsistent overall framework for safeguarding fundamental rights in the use of EU funds. Rather than a simple gap in understanding, this signals a lack of enforceable guarantees that align with the Charter and international human rights law – including the CRPD, and the Refugee Convention.

Key areas where this weak framework is most visible include the ongoing use of residential institutions, segregated service provision in education and housing, unequal access to quality services for marginalised communities, and the inhuman treatment and segregation of migrants in reception centres.

While civil society organisations demonstrated a higher level of awareness, their understanding varied by country. For example, Romanian organisations showed very low awareness of discrimination in EU funds, whereas in Hungary, some experts were able to provide explanations and concrete examples. Civil society respondents identified several instances of potential discrimination in the use of EU funds, including: segregated service provision in education and housing, institutionalisation of people with disabilities, unequal access to quality services, inhuman treatment of individuals in institutions and reception centres and mismanagement of project proposals and evaluations.

These findings underscore the need for greater awareness and alignment among public authorities, EU institutions, and civil society to ensure that fundamental rights considerations are consistently applied in the implementation of EU funds. More critically, they highlight the necessity of substantially strengthening the overall framework for the protection and enforcement of fundamental rights - in line with the Charter and international human rights obligations - at every stage of programming and implementation, from planning and project selection to delivery and monitoring. Without binding safeguards and clear accountability mechanisms, fundamental rights risks will continue to be overlooked in practice.

Limited capacity across stakeholders

All stakeholder groups were found to have limited capacity to assess fundamental rights risks in EU funds. This was especially true for public authorities, national human rights institutions and equality bodies, many of which lacked expertise on the scope of discrimination, had insufficient knowledge of EU funding mechanisms, and reported staff shortages. These issues represent an important barrier to efficient involvement in the work of monitoring committees.

Efforts to support the capacity building are also inconsistent and limited. For example, some Member States developed guidance at the national level on fundamental rights, such as Romania and Poland.⁸⁷ Only in Poland did stakeholders highlight training provided for public administration institutions on fundamental rights requirements. Moreover, in Poland a mechanism was established to involve the office of Ombudsman in the assessment.

In Hungary, even if a specific responsibility was introduced in the managing authorities (Officer responsible for the Charter), it has not contributed to better understanding of the requirements of the Charter. Instead, these colleagues reported the same low level of understanding these requirements at the level of implementation.

Capacity challenges were also visible in civil society, particularly in identifying and following up on fundamental rights violations. As a result, very few cases were formally reported to national or EU authorities, and even fewer led to corrective action, such as the suspension of payments.

As an important example, a complaint was submitted to the European Commission regarding a housing segregation case in Nyiregyhaza, Hungary. After investigating the project, the European Commission concluded that the project constituted discrimination in the field of housing and educational segregation. As a result, the EU funds support has not been reimbursed for the municipality of Nyiregyhaza, all costs were covered by the budget of the local authority.⁸⁸

⁸⁷ Romania, Ministry of European Projects and Investments (2022), Guide to the Application of the Charter of Fundamental Rights of the European Union in the Implementation of the European Non-reimbursable Funds. <https://mfe.gov.ro/wp-content/uploads/2020/11/07969f81ae7ee026b02856f1a25e3761.docx>; Office of the Commissioner for Human Rights in Poland, 2024, Application of the Charter of Fundamental Rights in the course of implementation of projects financed by EU funds: Handbook and practical guidance for national bodies 88 444.hu. (2022, January 7). Másfél milliárdot bukott az állam, mert Nyiregyháza uniós pénzből szegregáltak a romákat. <https://444.hu/2022/01/07/masfel-milliardot-bukott-az-allam-mert-nyiregyhazan-unios-penzbol-szegregaltak-a-romakat>

5.1.6 Lack of data and indicators

The country reports identified the lack of data and indicators in sectoral policies and EU funds programs as a major barrier to identifying and addressing fundamental rights violations. A clear understanding of segregated service provision, institutionalisation, and unequal access to services requires specific datasets at both national and local levels. However, in several countries, such data is unavailable, preventing EU funds programs from effectively addressing rights violations (e.g., in Greece).

In Romania, Hungary, and Czechia, relevant indicators have been identified for policymaking but have not been properly integrated into EU funds programs. As a result, investments continue to support the construction and renovation of segregated services for Roma, people with a migrant background, and individuals with disabilities across the countries was examined.

A key example of this disconnect between available research and EU funds programming is the ongoing school segregation of Roma children across the EU. Despite infringement proceedings in Slovakia, Czechia, and Hungary, and extensive documentation of this discriminatory practice by both national and EU-level institutions, these findings are not reflected in EU funds implementation. Instead, programme documents may contain general prohibitions against investments in segregated education, but lack the necessary indicators, enforcement mechanisms, or clear implementation guidelines to ensure compliance.

5.1.7 Lack of implementation mechanisms

A key barrier identified across countries is the absence of effective implementation mechanisms to address discriminatory practices perpetuated through EU funds programmes.

This stems directly from the low level of awareness among public authorities regarding fundamental rights obligations and their practical implications in the programming and implementation of EU funds.

Public authorities have not established comprehensive mechanisms within EU funds programmes to identify, prevent, and remedy fundamental rights violations. Effective implementation would require the availability of disaggregated data, trained human resources, and clear conditionalities at national and local levels – elements that are currently lacking (see also Recommendations).

In most countries, mechanisms to address fundamental rights violations are not embedded in national or local policies and legislative frameworks. The absence of clear, well-described, and sustainable implementation tools has led to weak or inadequate responses to discriminatory practices. Although each participating country has access to a ‘technical assistance budget’,⁸⁹ this financial resource is not adequately used to support key components of rights implementation – such as setting up data systems, training experts, or engaging with civil society and fundamental rights bodies.

⁸⁹ In line with the Articles 36 and 37 CPR, The EU dedicates a significant portion of its budget to technical assistance for Member States. It may include actions to support capacity building of the partners, as well as financing for functions such as preparation, training, management, monitoring, evaluation, visibility and communication related to programming.

5.1.8 Participation in monitoring committees

Several country reports highlighted significant gaps in involvement of representatives of marginalised communities in monitoring committees. The selection of representatives may depend on capacities, political affiliations, previous expertise in implementation of EU funds projects, etc. Due to these selection criteria mainly grassroots organisations with limited capacities and expertise in EU funded projects are excluded from the monitoring committees.

This may significantly limit responsiveness to the needs of marginalised communities in the preparation and monitoring of EU funds programmes and projects.

Partners organisations also emphasised that respondents of the research are excluded from the monitoring committees in connection with their alleged political affiliations. In other words, if the ruling government would consider that organisations or experts are attached to 'opposition parties', and/or if they participate in demonstrations against the current government, they might be permanently excluded from the monitoring committees. This particular issue was highly emphasised in the Hungarian report.

5.2 EU level

5.2.1 Interview with Commission representatives

Besides conducting interviews with stakeholders at the national level, representatives of the European Commission were also invited to share their views on fundamental rights violations in EU funds. In this regard, services, such as DG EMPL, DG REGIO, DG HOME and DG JUST were contacted and asked to participate in in-person interviews. Representatives of DG REGIO declined, and representatives of DG HOME did not respond to the invitation. Following the exchanges with Commission services, DG EMPL and DG JUST were jointly interviewed. The low level of agreement to participate indicated a low level of interest in discussing fundamental rights violation in EU funds in spite of the growing evidence.

Here are the main conclusions of the joint 'informal meeting' with DG EMPL and DG JUST:

- Commission representatives received the draft questionnaire before the interview for the purpose of commenting and/or modifying it. Unfortunately, no response was sent. The questionnaire included similar questions to those which have been used at national level by partner organisations, and could have helped to make a comparison of responses received at national and EU level.
- Representatives of DG EMPL and DG JUST stated at the beginning of the interview that they are not ready to respond to the questionnaire. Instead, participants prepared a narrative text, which was presented in the meeting and stated that this was not an interview but rather an 'informal meeting'. They explained this meeting should only reflect the EU level regulatory provisions of EU funds management and not going beyond this scope. Unfortunately, there was no room for dialogue between Commission representatives and the interviewers.

Metal containers for housing of Roma families, Romania



- The presentation focused on the main regulatory requirements about the design and implementation of fundamental rights violations (including the fulfilment of enabling conditions, harmonisation of EU funds programmes with the requirements of the Charter, participation and consultation of civil society, fundamental rights bodies, etc.). There was no room for discussing the thematic scope, target groups specificities, complaint mechanism, competences of national and EU level authorities to identify and address fundamental rights violations, nor any concrete cases or actions taken by the Commission to prevent or remedy violations identified.
- Considering how the interview was arranged by Commission representatives, the outcomes of the meeting did not address of the gaps and inconsistencies which were identified by country reports, assessment of complaints at EU level (see below) and other sources. In this way, an important opportunity was missed to continue the dialogue and potentially to make recommendations on future EU funds policy measures to better respond on fundamental rights violations.

5.2.2 Assessment of complaints at EU level

To better understand how the European Commission assesses complaints concerning fundamental rights violations linked to EU funding, a request for access to documents was submitted to the Secretary General of the European Commission. Through Transparency Requests,⁹⁰ DG EMPL, DG REGIO, DG HOME and DG AGRI were asked to release all relevant complaints from the 2014–2020 and 2021–2027 programming periods.

Altogether, 44 complaints were received: 25 from DG REGIO, 6 from DG EMPL, and 13 from DG AGRI, including pre-closure and closure letters spanning the 2007–2013, 2014–2020 and 2021–2027 periods. At the time of writing, no response had been received from DG HOME.

The analysis of the complaints received led to the following key findings:

- *Low number of complaints within the scope of the research:* While the majority of complaints pertain to the 2014–2020 period – logically, as the 2021–2027 programmes are still in early implementation stages – the overall number of relevant complaints is strikingly low. Out of the 25 DG REGIO complaints, for instance, around half concern administrative, financial, or procedural issues, rather than substantive fundamental rights violations such as segregation or institutionalisation.
- *Geographic concentration of complaints:* Most complaints concern Central and Eastern European Member States, consistent with the greater volume of EU funding allocated to these countries.
- *Inconsistencies in handling complaints:* The analysis highlights inconsistencies in the European Commission's approach to complaints. Known and publicly available complaints submitted in recent years were not included in the documents released, despite clearly falling within the scope of the initial request. In its response to a follow-up transparency request, DG REGIO stated that these had not been disclosed because they were not submitted as 'formal complaints' and were therefore neither registered in the Commission's complaints handling system nor processed accordingly. However, the case in question – concerning Portuguese investments in institutional care and raising serious concerns about non-compliance with the CRPD – warranted the same treatment as other complaints.

⁹⁰ A first request was submitted on 28 October 2024 and second one on 20 February 2025), both of which were split to different services of the commission (n° 2024/5942; 2024/5941; 2024/5943, 2024/6403; 2024/5735, 2025/1059, 2025/1058).

It is unclear why this case was not registered as a 'formal complaint', particularly since other complaints submitted via simple emails (rather than through the formal procedure) were registered and handled as such. This discrepancy raises concerns about poor handling of complaints and potentially maladministration. This is particularly in the context of the absence of a centralised, publicly accessible database of complaints, which would allow for tracking by complainants, assessment by theme or subject matter, and outcomes. The European Ombudsman has also criticised the Commission for delays, inadequate follow-up, and a lack of transparency in its complaints handling.⁹¹

- *Higher number of disability-related complaints*⁹² - The majority of complaints reviewed concern violations of the rights of persons with disabilities. Fewer complaints relate to Roma rights and other marginalised groups. This discrepancy likely reflects the relatively higher level of engagement and organisation of disability rights NGOs in identifying and preventing the misuse of EU funds. A recurring concern in these complaints is the construction or renovation of large-scale residential institutions, which restrict access to independent living, as well as smaller scale segregated residential settings such as group homes. One complaint related to Roma rights focuses on segregated education and housing. Complaints concerning other marginalised groups were limited or absent.
- *Conflict of interest in assessing Charter violations*: In all cases, the European Commission sought confirmation from the relevant national managing authority as to whether a fundamental rights violation had

occurred. In no case did these authorities acknowledge any discriminatory practice. Relying on these assessments, the Commission frequently concluded that "no further action is needed." This practice raises serious concerns regarding conflict of interest: the same public authority responsible for programme design and implementation is tasked with assessing complaints against itself. The Commission must assume greater responsibility in independently assessing discrimination within EU-funded projects.

- *Narrow interpretation of discrimination by the European Commission*: The Commission's assessment demonstrate a restrictive interpretation of what constitutes a fundamental rights violation. Even where complaints cited segregated education or institutionalisation of persons with disabilities - practices deemed discriminatory by the UN CRPD Committee and upheld in court rulings - the Commission often failed to recognise these as violations. This approach appears to reflect internal legal opinions, including one from the Commission's Legal Service stating that the construction of residential institutions for persons with disabilities does not necessarily breach the UN CRPD.⁹³ In its last concluding observation to the EU, the CRPD committee requested the withdrawal of this legal opinion, in order to align the EU funds measures with the CRPD.⁹⁴ Civil society organisations and the CRPD Committee have on many occasions called attention to this misinterpretation of the Convention.⁹⁵ A rare exception is the case of increased segregation in housing and education for Roma communities in Nyíregyháza, Hungary, where the Commission did acknowledge a violation.

⁹¹ European Ombudsman, Case SI/6/2024/JN.

⁹² Several complaints have been released, in which the complainant identified fundamental rights violations, but these complaints more addressed administrative, financial, procedural, etc. issues. In this assessment the priority was given to those areas, which are in line with the focus of the research report (e.g. segregated service provisions, residential institutions, unequal access to services, etc.)

⁹³ ARES(2018)341732, available on [ENIL's website](#)

⁹⁴ UN CRPD, March 2025, [Concluding observations on the combined second and third periodic reports of the European Union](#)

⁹⁵ Ibid

- *Lack of sanctions or follow-up measures* – Perhaps the most concerning finding is the absence of follow-up or sanctions in nearly all complaints reviewed. As outlined above, the Commission's refusal to acknowledge many forms of discrimination results in complaints being closed without action, despite credible evidence. The case in Nyíregyháza stands as the only known exception, where the Commission suspended funding following confirmed fundamental rights violations.

A full overview of the complaints is available in annex 3.

5.3 'Competence war' – who is responsible?

Previous research and the assessment of complaints have highlighted persistent ambiguities regarding who is responsible for addressing fundamental rights violations in the context of EU funds. Several Commission documents emphasise that EU funds operate under the shared management principle: while programming (the design of EU-funded programmes) is a joint responsibility between the European Commission and national authorities, the implementation of these programmes is the sole responsibility of national authorities.

Following this logic, fundamental rights violations occurring at the level of implementation – such as during calls for proposals or project delivery – are considered the responsibility of national authorities to monitor and rectify. This approach is reflected consistently in the European Commission's responses to complaints submitted at EU level.

However, this interpretation of responsibilities has created a gap in accountability. The current interpretation fails to ensure that implementation arrangements are consistent with the objectives and safeguards outlined in the corresponding EU funds programmes. This inconsistency undermines the enforcement of fundamental rights obligations.

Importantly, the European Commission has competence to act in cases where a project or call for proposals is not in line with the approved EU funds programme. In such cases, the Commission has a legal basis to intervene and address the fundamental rights violation. Unfortunately, in the majority of reported cases the Commission has refused to introduce legal or financial measures. One of the few positive examples is the case of housing and educational segregation in Hungary discussed in chapter 5.1.6.



6. Recommendations

Metal containers for housing of Roma families, Romania

KEY TAKE-AWAYS

- * Stronger safeguards are required in the regulatory framework of the post-27 Cohesion Policy period.
- * All inconsistencies between the international and EU/national regulations should be eliminated.
- * Legal actions, such as complaints and litigations should be launched to request clarifications and ruling to prevent and address fundamental rights violations.

Drawing upon the findings, the following chapter outlines recommendations addressing current challenges and future needs to ensure that fundamental rights are upheld in the context of EU-funded programmes. While recognising the national specificities, the recommendations aim to inform the development of guidance that ensures consistency in addressing fundamental rights violations both at national and EU levels.⁹⁶

With the European Commission preparing the regulatory framework for the post-2027 Cohesion Policy period, these recommendations are particularly timely.

They should be vigorously considered and integrated into the revised regulatory framework, alongside a comprehensive and publicly available assessment specifically addressing fundamental rights protections and their impacts.

The goal is to integrate these proposals into the revised regulatory framework, promoting strong adherence to fundamental rights obligations in the design, implementation, and monitoring of EU funds. These recommendations focus on enhancing the regulatory framework, addressing inconsistencies in legal definitions, improving the implementation of rights protections, and strengthening legal actions against violations.

⁹⁶ As part of the FURI project, guidance will be developed at both national and EU level to advocate for the full alignment of EU funds with fundamental rights requirements. This guidance will be presented to and promoted among national and EU policymakers.

6.1 Ensuring fundamental rights in the 2021–2027 funding period

As outlined in the conclusions and stakeholder consultations at both national and EU levels, addressing the inconsistent interpretation of legal definitions relating to fundamental rights violations is essential. Discrepancies and gaps in how fundamental rights violations are defined and understood continue to exist across EU and national legislation and policies. These inconsistencies hinder effective implementation of human rights obligations, including in the context of EU-funded programmes.

To address this, consistent application of legal definitions and concrete implementation mechanisms are needed at both national and EU levels.

Both EU and national level

➤ **Alignment of legal definitions:** To ensure legal coherence and uphold human rights standards, public authorities at both EU and national levels must adopt and apply fully aligned definitions and interpretations of fundamental rights violations – particularly in the planning and implementation of EU funds. These should be grounded in the definitions and authoritative interpretations issued by United Nations bodies, other international organisations, and EU institutions, as well as court rulings.

➤ **Prohibition of funding for recognised fundamental rights violations:** The EU regulatory framework must clearly prohibit the use of EU funds for any measure or investment that constitutes a recognised fundamental rights violation. The following practices are recognised violations of fundamental rights, and therefore must not be supported with public funds, including EU funding:

- The organisation of institutional service structures and the building of new or renovation of existing residential institutions for people with disabilities, children deprived from parental care, elderly constitute fundamental rights violations
- The organisation of segregated educational and housing services and building new or renovation of existing of segregated/isolated educational facilities for marginalised communities.
- The establishment or renovation of reception facilities, that restrict access to mainstream services and/or deprives liberty of residing people constitute fundamental rights violations.
- Pushbacks, illegal detention of people with a migrant background.

National level

National authorities – including managing authorities, ministries, and fundamental rights bodies – should:

➤ **Translate fundamental rights requirements, enshrined in the EU funds regulatory framework,** and also the relevant measures in EU funds programs to practical arrangements at the level of implementation, including:

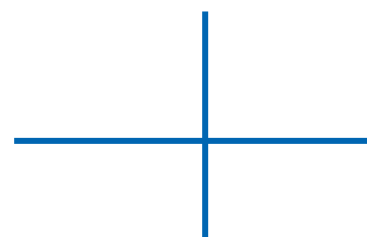
- Designing operational mechanism with direct link to national legal and policy frameworks
- Identifying and monitoring indicators of segregation, institutionalisation, and other rights risks in EU-funded programmes.
- Training a network of experts with a specific mandate to monitor and prevent fundamental rights violations.
- Application of legal definitions and its interpretation published by the United Nations and other international, EU institutions in EU funds programs
- The jurisprudence at national and/or EU level should be directly used in EU funds programs
- Design and implementation of call for proposals and other implementation arrangements with direct involvement of marginalised communities concerned.

- Managing authorities should train their staff on fundamental rights violations, with a direct reference to legal definitions its interpretation published by the United Nations and other international, EU institutions.
- Managing authorities should use the technical assistance of EU funds programs to strengthen the capacity of their staff and also to contract fundamental rights experts with a clear mandate to prevent and monitor fundamental rights violations.
- Technical assistance budget should be also used for capacity building of fundamental rights bodies, including strengthening human resource reinforcement, equipments, training, etc.
- National authorities should assess complaints in line with the legal definitions applied by the United Nations and other international, EU institutions and introduce sanctions, follow-up actions enshrined in the EU funds regulations (suspension of payments, field visits, investigations, etc.)
- National authorities should respond to the common challenges faces by marginalised communities in EU funds programs. for example segregated services and facilities should be dismantled and provide access to inclusive services for Roma, people with a migrant background and people with disabilities.

EU level

The European Commission should:

- Apply the legal definitions published by the United Nations and other international, EU institutions across all EU funds programs and policies. This focus should be also applied in the post-2027 regulatory framework of EU funds.
- Take the responsibility to assess fundamental rights violations, complaints also at the level of implementation of EU funds programs. As a minimum requirement, the consistency between EU funds programs and the implementation measures should be assessed, and if necessary, introduce the necessary sanctions, follow-up actions.



6.2 Strengthening fundamental rights in the post-2027 regulatory framework

The current regulatory framework for the 2021-2027 Cohesion Policy period includes some important provisions aimed at aligning EU funds with human rights standards, such as the Charter of Fundamental Rights. However, the provisions regarding the practical implementation of fundamental rights protections have proven to be weak. This section outlines recommendations to strengthen these protections in the post-2027 period.

Conditionalities

➤ **Clear link between enabling conditions and implementation:**

Given the feedback on the very limited impact of the enabling conditions in the implementation phase, the provisions should include clear criteria that establish a thorough and consistent approach to guaranteeing rights throughout the call for proposals, project implementation and other instruments. This means that all implementation mechanisms should demonstrate alignment with the strategies and policies developed under the enabling conditions. These strategies and policies must, in turn, comply with human rights regulations and their interpretation (see below). This should also apply to the approval of calls for proposals, project selection, monitoring, and audits.

➤ **Practical interpretation of fundamental rights:**

It is equally essential that enabling conditions include a practical interpretation of fundamental rights requirements, clearly defining the scope of investments that should be prohibited. Since human rights obligations and standards generally provide a broad framework (e.g., non-discrimination, right to education, right to independent living, etc.), these provisions should be translated into practical measures, and, where applicable, aligned with the authoritative interpretations of the scope and application of rights

guarantees as outlined in the jurisprudence of treaty bodies. Moreover, all measures identified by national authorities to implement human rights regulations (e.g., the Charter of Fundamental Rights, the Convention on the Rights of Persons with Disabilities, etc.) should be consistent with the standards and interpretations set by authoritative bodies, as well as rulings from national and European courts.

Examples include: rulings by the European Court of Human Rights on segregated education, General Comment No. 5 of the CRPD Committee and its subsequent Guidelines on Deinstitutionalization, including in Emergencies,, and the concluding observations of the CRPD Committee addressed to the EU and Member States, etc.

➤ **Exclusion of non-compliant investments:**

The enabling conditions should explicitly identify measures of investment which are explicitly from EU funding, including:

- Segregated facilities and services;
- Residential institutions, regardless of size;
- Temporary housing;
- Reception facilities that restrict access to basic services or deprive individuals of liberty;
- Equal access to mainstream (non-segregated) public services;
- Racial profiling;
- Violation of protection of personal data;
- Violations of gender equality;
- Any other forms of discriminatory treatment.

> **Involvement of fundamental rights bodies:**

The enabling conditions should provide a clear requirement for ensuring the effective and ongoing involvement of fundamental rights bodies (e.g. Equal Treatment Body, Ombudsman, etc.) in the following areas:

- preparation of the relevant strategies, policies;
- assessment of complaints;
- practical definition of the human rights standards in the field of discrimination, segregation, institutionalisation, etc. also considering national specificities;
- participation in the Monitoring Committees.

> **Sanctions for non-compliance:** In case of substantiated violation of the human rights requirements, the regulatory framework should include clear sanctions, such as:

- suspension of payments
- suspension of the relevant program
- exclusion of the applicant from the call for proposal
- participation in the Monitoring Committees

Non-eligible investments

> **Clear scope of non-eligible investments:**

To provide clear instructions for national authorities on non-eligible investments, the regulatory framework should include a specific provision on the scope of human rights violations, in line with the enabling conditions criteria (see above). Following this provision, any instrument or investment, which that violates human rights requirements, or which will result in human rights violations, should be considered non-eligible and should not be supported by EU funds.

Horizontal principles

> The regulatory framework should include a definition of horizontal principles and its interpretation in practical terms (see above). The horizontal principles should be implemented throughout the preparation, implementation and monitoring phases.

Complaints mechanism

> To ensure that civil society organisations, individuals, and experts can submit complaints both at national and EU level, the regulatory framework should include a transparent and effective complaint mechanism. Apart from the assessment of the complaints in Monitoring Committees (see above), complaints mechanisms should also include measures to reinforce transparency, such as:

- Open a database of submitted complaints both at national and EU level
- Decisions on the complaints should be in line with the standards and interpretation of authoritative bodies and rulings of national and European courts (see above).
- Exchanges between the complainant and the national/EU authorities should be publicly available, and the outcomes of investigations should be made fully available.

Partnership principle

> **Fundamental rights bodies:** In the scope of partnership, fundamental rights bodies should be involved in the following areas:

- preparation of the relevant strategies, policies
- assessment of complaints
- practical definition of the human rights standards in the field of discrimination, segregation, institutionalisation, etc. also considering the national specificities
- participation in the Monitoring Committees

The involvement of fundamental rights bodies should be compulsory and the relevant capacity building (human resource development, technical assistance support, etc.) should be available to respond on their needs.

Civil society: In the scope of partnership and also the involvement in the Monitoring Committees, civil society organisations must be supported to play an important role in the preparation, implementation and monitoring of EU funds. The selection of civil society organisations should be transparent and in the case any discriminative exclusion, fundamental rights bodies should have the right to assess the selection procedure and suggest reparatory measures.

6.3 Enhancing legal accountability complaints and strategic litigation

As highlighted in the analysis of fundamental rights violations linked to EU funds (see Chapter 4), human rights lawyers and activists across various thematic areas have submitted complaints to national and European authorities. Notably, the Validity Foundation, in cooperation with the Network of Independent Experts and ENIL, has brought a case before the European Court of Justice concerning violations of the rights of persons with disabilities in Bulgaria.

However, the number of complaints and legal cases remains disproportionately low compared to the volume of reported or alleged violations across Member States. Moreover, existing cases have not yet produced sufficient systemic change.

Encouraging legal action, including complaints and litigation, strengthens the rule of law and reinforces the Commission's own role in upholding legal obligations under EU treaties, the Charter, and the Funds' regulatory frameworks. Such actions also play a vital role in supporting civil society, particularly in Member States where fundamental rights safeguards may be weak or under threat.

Moreover, litigation can provide legal certainty through case law and preliminary rulings, and help close gaps in the interpretation and application of fundamental rights protections across Member States.

Far from being adversarial, strategic use of legal avenues can serve the Commission's

interest in promoting effective, rights-based implementation of EU funds and protecting the integrity of its financial and legal frameworks.

To strengthen legal accountability and drive reforms, the following actions are recommended:

- Strengthen the capacity of human rights lawyers and activists to pursue legal remedies in response to fundamental rights violations related to EU funds. This includes supporting both complaints and litigation at national and European levels.
- When it comes to reporting about the violation of the rights Roma communities in EU funds supported projects, special resources should be allocated to mobilise activists and lawyers working for Roma communities. This should help to significantly increase the number of legal cases in this field.
- Encourage legal cases that address the misinterpretation of international and European legal standards, including by requesting preliminary rulings from the European Court of Justice to clarify the scope and application of rights protections.
- Support strategic litigation aimed at triggering legal and policy reforms in key areas of concern. These cases should address systemic challenges and be designed to generate broader impact, both through legal precedents and through changes to programme implementation and regulatory frameworks.
- Designate a specific share of EU funds (e.g. 1%) for the independent monitoring of EU-funded actions, including the legal and human rights impacts of funded projects. This should include resources for legal research, strategic litigation, and the independent assessment of complaints and violations, with strong involvement of rights-based civil society organisations.

7. Annexes

7.1. Legal and policy frameworks in the field of fundamental rights

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

Legal frameworks

Fundamental rights

The Charter of Fundamental Rights of the European Union (Charter)⁹⁷ provides that respect for fundamental rights is a legal obligation for the EU institutions, bodies, agencies and offices in all their actions, and for EU Member States when they are implementing EU law (cf. Article 51(1)). The following non-exhaustive list highlights the most relevant articles in the context of this report:

- Article 14 Right to education,
- Article 18 Right to asylum,
- Article 21 Non-discrimination,
- Article 24 Rights of the child,
- Article 26 Integration of persons with disabilities.

Disability Rights

The Convention on the Rights of Persons with Disabilities⁹⁸ is an international human rights treaty intended to protect the rights and dignity of persons with disabilities. The following non-exhaustive list highlights the most relevant articles in the context of this report:

- Article 5 Equality and non-discrimination,
- Article 9 Accessibility,
- Article 19 Living independent and being included in the community.

The CRPD Committee provides authoritative guidance about the provisions through general comment that aim to help States parties to fulfil their obligations. Notably, General comment No.5 on Article 19 - the right to live independently and be included in the community is particularly important for this report,⁹⁹ as are the associated Guidelines on Deinstitutionalization, including in Emergencies.¹⁰⁰

⁹⁷ Charter of Fundamental Rights of the European Union, [C 326/391](#)

⁹⁸ Convention on the Rights of Persons with Disabilities, adopted 12 December 2006 by the Sixty-first session of the General Assembly by resolution; [A/RES/61/106](#)

⁹⁹ General comment No.5 on Article 19 - the right to live independently and be included in the community, [CRPD/C/GC/5](#)

¹⁰⁰ Guidelines on Deinstitutionalization, including in Emergencies, [CRPD/C/5](#)

Ethnic and racial discrimination

The Racial Equality Directive¹⁰¹ sets out the obligation of all Member States to combat discrimination and to ensure that there is no discrimination on the grounds of racial or ethnic origin, notably in social protection, education and access to and supply of goods and services, including housing. EU funds should not be used to perpetuate segregation, which falls within the scope of discriminatory treatment.

Migration

The *Common European Asylum System* (CEAS) is composed of a set of law that seek to harmonise common minimum standards for asylum across the EU. The legislative texts address amongst others asylum procedures and qualifications, and reception conditions. Notably the *Directive laying down minimum standards for the reception of asylum seekers*¹⁰² creates European Union rules on living (or ‘reception’) conditions for applicants for international protection (asylum seekers or people seeking subsidiary protection) who are waiting for their application to be examined. It aims to guarantee a dignified standard of living for asylum seekers in the EU and ensure their human rights are respected.

The CEAS is applicable until January 2026, the date at which the Pact on Migration and Asylum – a set of new rules managing migration and establishing a common asylum system – comes into force.¹⁰³

Child Rights

Ratified by all EU Member States, the *UN Convention on the Rights of the Child*¹⁰⁴ underscores a number of key rights for children, including:

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

¹⁰¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

¹⁰² Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, pp. 96-116).

¹⁰³ European Commission, 29 May 2024, [Understanding the EU Pact on Migration and Asylum](#)

¹⁰⁴ UN Convention on the Rights of the Child adopted 20 November 1989 by General Assembly resolution 44/25

Policy frameworks

Fundamental rights

The *Strategy to strengthen the application of the Charter of Fundamental Rights*¹⁰⁵ in the EU confirms a renewed commitment to ensure that the Charter is applied to its full potential. As of 2021, the Commission presents an annual report, which looks into how the Member States apply the Charter in selected thematic area.

The *Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union when implementing EU funds*¹⁰⁶ explains the enforcement of the Charter in the context of EU funds and the possible consequences of noncompliance with the Charter. It also contains recommendations to the relevant actors how to carry out the assessment of compliance of the actions with the Charter and identifies actions in the context of EU funds that are considered to be actions of implementation of EU law. In addition, it provides a practical tool, the 'Fundamental Rights check-list', to help Member States screen EU funds implementing measures against the Charter.

Social rights

The European Pillar of Social Rights promotes equal opportunities (pillar 1), quality and inclusive education (pillar 3), childcare and support to children (pillar 11), housing (pillar 19), access to essential services (principle 20).¹⁰⁷ Its implementation is supported by the European Pillar of Social Rights Action Plan,¹⁰⁸ which emphasised that EU funds should support the implementation.

Persons with disabilities

In 2010 the European Commission adopted a Disability Strategy for the period of 2010 to 2020¹⁰⁹ which sought to empower people with disabilities so that they can fully enjoy their rights and participate in society and the economy on an equal basis with others. It was followed by a new strategy for the period of 2021-2030¹¹⁰ which sets out key initiatives in several themes including accessibility, EU citizenship rights, equal access and non-discrimination and independent living. It also addresses the role of EU funding.

¹⁰⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Strategy to strengthen the application of the Charter of Fundamental Rights in the EU, [COM/2020/711 final](#)

¹⁰⁶ Commission notice — Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union when implementing the European Structural and Investment Funds ('ESI Funds') [C/2016/4384](#)

¹⁰⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (henceforth Commission Communication) establishing the European Pillar of Social rights, [COM/2017/0250 final](#)

¹⁰⁸ Commission Communication on the European Pillar of Social rights Action Plan, [COM/2021/102 final](#)

¹⁰⁹ [Commission Communication, European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, COM/2010/0636 final](#)

¹¹⁰ [Commission Communication, Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030, COM/2021/101 final](#)

Ethnic and racial discrimination

The *EU Anti-Racism Action Plan 2020-2025*¹¹¹ aims to strengthen the legal framework to combat discrimination, racism, xenophobia and identify potential gaps to fill.

In 2010, the Commission adopted the *EU Framework for National Roma Integration Strategies up to 2020*¹¹² which aimed to tackle the socio-economic exclusion of and discrimination against Roma, by promoting equal access in four key areas: education, employment, health and housing. When the framework came to an end, in early October 2020 the European Commission adopted a new strategy for 2021 to 2030.¹¹³

Migration

The *Common basic principles for Immigrant integration*¹¹⁵ (2004) lay down the main principles for migrants' integration at EU level.

The *Action plan on the integration of third country nationals*¹¹⁶ (2016) provides a framework and concrete actions to support Member States' efforts in developing and strengthening their integration policies, including education, language training, employment and vocational training, access to basic services such as housing and healthcare and active participation and social inclusion, fighting discrimination.

The *Council Conclusions on the integration of third-country nationals legally residing in the EU*¹¹⁷ (2016) invites Member States to focus their efforts on the following areas in accordance with the national policies and priorities on a number of areas including early integration measures, in particular those favouring early access to education, to vocational training and to the labour market, including a focus on introductory and language courses, but also areas offering opportunities to third-country nationals to actively participate in the economic, social, civic and cultural life of Member States; combating discrimination and segregation.

The *Action Plan on integration and inclusion for 2021-2027*¹¹⁷ promotes inclusion for all, recognising the important contribution of migrants to the EU and addressing the barriers to the participation and inclusion of people with a migrant background.

¹¹¹ Commission Communication, A Union of equality : EU anti-racism action plan 2020-2025, [COM/2020/565 final](#)

¹¹² Commission Communication, An EU Framework for National Roma Integration Strategies up to 2020, [COM/2011/0173 final](#)

¹¹³ Commission Communication, EU framework for National Roma integration strategy 2020-2030 [COM/2020/620 final](#)

¹¹⁴ Common Basic Principles for Immigrant Integration Policy in the European Union, [19.XI.2004](#)

¹¹⁵ Commission Communication, Action Plan on the integration of third country nationals, [COM\(2016\) 377](#)

¹¹⁶ Council Conclusions on the integration of third-country nationals legally residing in the EU, 9 December 2015, [15312/16](#)

¹¹⁷ Commission Communication, Action plan on Integration and Inclusion 2021-2027, [COM/2020/758 final](#)

Child rights

The *EU Strategy on the Rights of the Child*¹¹⁸ and the *European Child Guarantee*¹¹⁹ aim to ensure the protection of rights of all children, and secure access to basic services for vulnerable children.

The *Communication on the protection of children in migration*¹²⁰ (2017) sets out priority actions including ensuring protection upon arrival, adequate reception conditions for children, effective guardianship, early integration measures, access to inclusive and non-discriminatory education, timely access to healthcare etc.

7.2 - EU funds regulations

The below sets out the key provisions of all relevant EU funding legislations relevant to the scope of this report in the 2014-2020 and 2021-2027 programming period. It also covers the Recovery and Resilience Facility implemented during the 2020-2026.

2014 – 2020 programming period

Legislation	Articles	Main measures
Common Provisions Regulation ¹²¹	Article 7	To prevent any discrimination based on racial or ethnic origin, during the preparation and implementation of programmes
	Annex XI - Thematic ex-ante conditionalities	Thematic Objective (TO) 9. Promoting social inclusion, combating poverty and any discrimination (9.1 and 9.3) TO 10. Investing in education, training and vocational training for skills and lifelong learning. (10.1, 10.2, 10.3)
	Annex XI - General ex-ante conditionality	1. Anti-discrimination - necessary administrative capacity for the implementation and application of Union anti-discrimination law and policy in the field of ESI Funds.
European Social Fund Regulation (ESF) ¹²²	Article 3 – Scope of support	Investment priorities under TO8, 9 and 10
	Article 8 – Promotion of equal opportunities and non-discrimination	Promotion of equal opportunities for all, without discrimination based on racial or ethnic origin, through mainstreaming and specific actions the principle of non-discrimination.

¹¹⁸ Commission Communication, EU Strategy on the Rights of the Child, [COM/2021/142 final](#)

¹¹⁹ Council Recommendations (EU) 2021-1004 of 14 June 2021 establishing a European Child Guarantee, [L 223/14](#)

¹²⁰ Commission Communication, The protection of children in migration, [COM\(2017\) 211](#)

¹²¹ [Regulation \(EU\) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation \(EC\) No 1083/2006](#)

¹²² [Regulation \(EU\) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation \(EC\) No 1081/2006](#)

European Regional Development Fund Regulation (ERDF) ¹²³	Article 5 – Investment Priorities	Investment priorities under TO 8, 9 and 10
European Agricultural Fund for Rural Development (EAFRD) ¹²⁴	Article 5 – Union priorities for rural development	6. promoting social inclusion, poverty reduction and economic development in rural areas
Asylum, Migration and Integration Fund ¹²⁵	Article 3 - Objectives	2(b) To support legal migration to the Member States in accordance with their economic and social needs, such as labour market needs, while safeguarding the integrity of the immigration systems of Member States, and to promote the effective integration of third-country nationals.
	Article 9 – Integration Measures	Support actions which take place in the framework of consistent strategies, taking into account the integration needs of third-country nationals at local and/or regional level.
Internal Security Fund – external borders and visa ¹²⁶	Article 3(4)	Actions funded under the Instrument shall be implemented in full compliance with fundamental rights and respect for human dignity.

¹²³ Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006

¹²⁴ Council Regulation (EU) No 1300/2013 of 17 December 2013 on the Cohesion Fund and repealing Council Regulation (EC) No 1084/2006; Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005

¹²⁵ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC

¹²⁶ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC

2021-2027 programming period

Legislation	Articles	Main measures
Common Provisions Regulation ¹²⁷	Article 5	To support Policy Objective: - 'a more social and inclusive Europe implementing the European Pillar of Social Rights'. - 'a Europe closer to citizens by fostering the sustainable and integrated development of all types of territories and local initiatives'
	Article 8	To involve relevant stakeholders in the preparation of the Partnership Agreements and programmes. This should be in accordance with the European Code of Conduct on partnership. ¹²⁸
	Article 9	Requires: - the respect for fundamental rights and compliance with the Charter of Fundamental Rights of the EU in the implementation of the Funds. - appropriate to be taken steps to prevent any discrimination based on racial or ethnic origin, during the preparation, implementation, monitoring, reporting and evaluation of programmes.
	Article 15	Both horizontal and thematic enabling conditions are set up. The Member State have to ensure that enabling conditions remain fulfilled and respected throughout the programming period. It shall inform the Commission of any modification impacting the fulfilment of enabling conditions. Where the Commission concludes that the non-fulfilment of the enabling condition expenditure related to the specific objective concerned may be included in payment applications but shall not be reimbursed by the Commission until the Commission has informed the Member State of the fulfilment of the enabling conditions.
	Article 73	For the selection of operations, the managing authority shall establish and apply criteria and procedures which are non-discriminatory, transparent, ensure accessibility to persons with disabilities, gender equality and take account of the Charter of Fundamental Rights of the European Union and the principle of sustainable development and of the Union policy on the environment in accordance with Articles 11 and 191(1) of the TFEU.
	Article 15(1), Annex III	Horizontal enabling conditions: <ul style="list-style-type: none"> • To ensure effective application and implementation of the EU Charter of Fundamental Rights. • To ensure implementation and application of the United Nations Convention on the rights of persons with disabilities (UN CRPD).
	Article 15(1), Annex IV	Thematic enabling conditions: <ul style="list-style-type: none"> • Strategic policy framework for the education and training system at all levels. • National strategic policy framework for social inclusion and poverty reduction (in particular criterion 2) • National Roma inclusions strategic policy framework (in particular criterion 1) • Strategic policy framework for health and long-term care.

¹²⁷ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy

¹²⁸ Commission Delegated Regulation (EU) No 240/2014.

European Social Fund Plus Regulation ¹²⁹	Art 4(1) (e)(i)(j) (k)(l)	<p>Specific objectives cover for example:</p> <ul style="list-style-type: none"> • Equal access to and completion of, quality and inclusive education and training, in particular for disadvantaged groups and accessibility for persons with disabilities. • Socio-economic integration of third country nationals including migrants. • Socio-economic integration of marginalised communities such as the Roma. • Equal and timely access to quality, sustainable and affordable services, including services that promote the access to housing and person-centred care including healthcare (...). • Social integration of people at risk of poverty or social exclusion, including the most deprived and children.
European Regional Development Fund Regulation ¹³⁰	Art 3 (1) (d) (i), (ii), (iii), (iii) bis, (iv), (e) (i), (ii)	<p>Specific objectives cover for example:</p> <ul style="list-style-type: none"> • To improve equal access to inclusive and quality services in education, training and life-long learning through developing accessible infrastructure • To promote the socioeconomic inclusion of marginalised communities, low income households and disadvantaged groups including people with special needs, through integrated actions including housing and social services. • To promote the socioeconomic integration of third country nationals, • To ensure equal access to health care and fostering resilience of health systems, including primary care, and promoting the transition from institutional to family- and community-based care.
Asylum, Migration and Integration Fund ¹³¹	Art 3 (2) (b)	Specific objectives of the fund cover strengthening the Common European Asylum System and supporting integration and social inclusion of third country nationals.
	Art 4	In addition to the stakeholders listed in the CPR, to involve relevant international organisations, non-governmental organisations, such as particular refugee and migrant-led organisations, national human rights institutions and equality bodies, and economic and social partners in the programming.
	Art 6	Requires that gender equality and non-discrimination be integrated and promoted at all stages of programmes and projects. It also mandates preventing any discrimination prohibited by Article 21 of the EU Charter of Fundamental Rights.
Common Agricultural Policy Strategic Plan Regulation ¹³²	Art 6(h)	To promote employment, growth, social inclusion and local development in rural areas.
	Art 9	Member States shall design the interventions of their CAP Strategic Plans in accordance with the Charter of Fundamental Rights of the European Union and the general principles of Union law.
	Art 106 (2)(c)	Each Member State shall organise a partnership with the competent regional and local authorities. The partnership shall include at least the following partners: c) relevant bodies representing civil society and where relevant bodies responsible for promoting social inclusion, fundamental rights, gender equality and non-discrimination.

¹²⁹ Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013

¹³⁰ Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund

¹³¹ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund

¹³² Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013

Border Management and Visa Policy Regulation ¹³³	Art 4	Actions funded under the Instrument shall be implemented in full compliance with the rights and principles enshrined in the Union acquis and the Charter and with the Union's international obligations as regards fundamental rights, in particular by ensuring compliance with the principles of non-discrimination and non-refoulement.
	Art 29(f)	Annual performance reports should set out information on the enabling conditions on compliance with fundamental rights.
Internal Security Fund ¹³⁴	Art 4	Actions funded under the Fund shall be implemented with full respect for fundamental rights and human dignity.

2020 - 2026 Recovery and Resilience Facility¹³⁵

Provision	Main measures
Recital 33	The Charter is only mentioned under this recital, which states that 'recovery and resilience plans should not affect the right to conclude or enforce collective agreements or to take collective action in accordance with the Charter of Fundamental Rights of the European Union, and Union and national law and practices.'
Art 3	The scope covers '(d) social and territorial cohesion' and '(e) health, and economic, social and institutional resilience, with the aim of, inter alia, increasing crisis preparedness and crisis response capacity' and '(f) policies for the next generation, children and the youth, such as education and skills.

¹³³ Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy

¹³⁴ Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund

¹³⁵ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility

7.3 - Overview of complaints disclosed by the European Commission

Using Transparency Requests,¹³⁶ DG EMPL, DG REGIO, DG HOME and DG AGRI were asked to release all relevant complaints related to the Charter of Fundamental Rights from the 2014–2020 and 2021–2027 programming periods.

Altogether, 44 complaints were received: 23 from DG REGIO, 6 from DG EMPL, and 13 from DG AGRI, including pre-closure and closure letters spanning the 2007–2013, 2014–2020 and 2021–2027 periods. At the time of writing, no response had been received from DG HOME despite multiple reminders.

The following tables provides an overview of information on complaints released by Commission services, and provides geographic and thematic breakdowns.

Table 1 Geographic breakdown of the complaints disclosed by programming period

EU Regional breakdown	2007-13	2014-20	2021-27	Total
Central and Eastern Europe ¹³⁷	2	19	4	25
Western ¹³⁸	1	5	1	7
Southern ¹³⁹	3	5	1	9
Unknown ¹⁴⁰		3		3
Total	6	29	6	44

¹³⁶ A first request was submitted on 28 October 2024 and second one on 20 February 2025), both of which were split to different services of the commission (n° 2024/5942; 2024/5941; 2024/5943, 2024/6403; 2024/5735, 2025/1059, 2025/1058).

¹³⁷ This covers Romania, Poland, Estonia, Hungary, Croatia

¹³⁸ This covers France, Germany

¹³⁹ This covers Spain, Italy, Portugal

¹⁴⁰ This concerns the complainants that did not provide consent for the disclosure of their complaint.

Table 2 Breakdown of complaints by main theme and service

Theme	AGRI	EMPL	REGIO	Total
Disability	3	0	9	11
Other fundamental rights	2	0	0	2
Good administration	6	5	9	20
Other, unknown	2	0	4	7
LGBTQ	0	1	0	1
Gender equality	0	0	1	1
Children	0	0	1	1
Roma	0	0	1	1
Migration	0	0	0	0
Total	13	6	25	44

7.4 - Project examples (Bulgaria, Czechia, Greece, Hungary, Poland, Romania)

The project examples are available in a separate document available on the FURI project website and Bridge EU's website.

