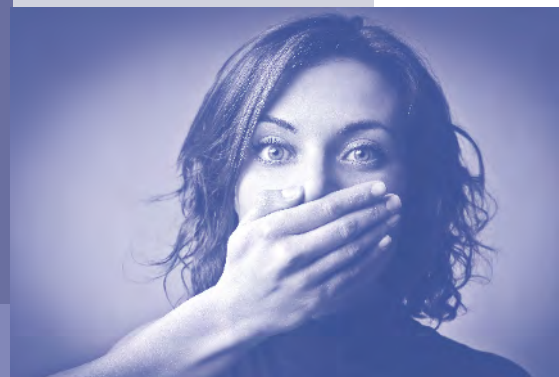


# FUNDAMENTAL RIGHTS REPORT — 2025

REPORT





— A great deal of information on the European Union Agency for Fundamental Rights is available on the internet. It can be accessed through FRA's website at <https://fra.europa.eu/>.

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## Country abbreviations

<b>AL</b>	Albania	<b>EE</b>	Estonia	<b>IT</b>	Italy	<b>PT</b>	Portugal
<b>AT</b>	Austria	<b>EL</b>	Greece	<b>LT</b>	Lithuania	<b>RO</b>	Romania
<b>BE</b>	Belgium	<b>ES</b>	Spain	<b>LU</b>	Luxembourg	<b>RS</b>	Serbia
<b>BG</b>	Bulgaria	<b>FI</b>	Finland	<b>LV</b>	Latvia	<b>SE</b>	Sweden
<b>CY</b>	Cyprus	<b>FR</b>	France	<b>MK</b>	North Macedonia	<b>SI</b>	Slovenia
<b>CZ</b>	Czechia	<b>HR</b>	Croatia	<b>MT</b>	Malta	<b>SK</b>	Slovakia
<b>DE</b>	Germany	<b>HU</b>	Hungary	<b>NL</b>	Netherlands		
<b>DK</b>	Denmark	<b>IE</b>	Ireland	<b>PL</b>	Poland		

# Foreword

As we look back on the state of fundamental rights in the European Union in 2024, we are in no doubt that it has been a challenging year. It has tested the foundations of our shared values as well as our democratic ideals and notions of human dignity.

While there were some welcome developments in 2024, we also saw numerous worrying rights violations and stark evidence of rising inequality. Challenges to democracy, the grave situation of violence against women, and rights abuses on the EU's borders – all highlighted in this report – cannot be ignored.

And yet 2025 looks set to be even more testing and unpredictable. The new priorities of the European Commission and Parliament shift attention towards security and defence. Simplification and deregulation may come at the expense of weaker human rights and environmental protection.

In times of such immense change and uncertainty, staying firm on what we know to be right – the rights protected by the EU Charter of Fundamental Rights – is essential. Fundamental and human rights protection should never be an afterthought. Instead, we should use these rights to secure peace and stability, lest cracks appear and threaten these foundations.

This Fundamental Rights Report 2025 is a call to action, urging Member States and the EU institutions to stand up for fundamental rights and to address the gaps and challenges we have identified. We hope it will serve as a valuable resource for policymakers, practitioners, and civil society organisations. As always, the report contains FRA opinions. The report covers all 27 EU Member States as well as the Republic of Albania, the Republic of North Macedonia (hereafter North Macedonia) and the Republic of Serbia. The FRA opinions and the overview of the main report will be published in all EU languages, plus Macedonian, Serbian and Albanian.

Our thanks go to FRA's Management Board for overseeing this report throughout from drafting to publication. We are also grateful to the Scientific Committee for ensuring that the report is scientifically sound. We extend a special thanks to the National Liaison Officers, whose input underpins the accuracy of EU Member State information. We are also grateful to the various institutions, such as the Council of Europe, for providing valuable input.

**Jim Clarken**  
*Chairperson of the FRA Management Board*

**Sirpa Rautio**  
*Director*

# INTRODUCTION

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In 2024, geopolitical changes and both legislative and societal developments put a strain on fundamental rights in the EU. Divisive identity politics played a role in increasing levels of racism and hate. People of various ethnic backgrounds and religious communities suffer as a result. Hate speech and harmful content continue to spread unchecked online. Rapid digital changes and artificial intelligence (AI) developments threaten to exacerbate existing inequalities. Incidents of thousands of people losing their lives at sea and allegations of ill treatment at borders raise alarms about the treatment of asylum seekers and migrants. These trends threaten democratic values and equality, posing a risk to people's fundamental rights.

Despite the challenges faced in 2024, there are positive developments. The EU has introduced legislation to regulate online spaces and AI, seeking to ensure a digital environment that respects fundamental rights. The 2024 European elections marked a pivotal moment for the EU, ushering in a new mandate. The new European Parliament, European Commission and strategic priorities provide a renewed focus for the EU over the next five years.

This introductory chapter presents selected critical developments affecting fundamental rights in 2024. It summarises findings from research, as well as highlighting new legislation that is important from the perspective of fundamental rights, such as new laws about AI and in the field of migration. These themes emerged from FRA's research and analysis of fundamental rights issues and the work that FRA was doing in 2024. The decision to include certain topics also considered their alignment with the issues that people in the EU care about, according to the latest general population surveys.

## SETTING THE SCENE: FUNDAMENTAL RIGHTS IN A CHANGING POLITICAL LANDSCAPE

### Fundamental rights under stress

The prevailing socioeconomic conditions, geopolitical changes internationally and conflicts put fundamental rights in the EU under stress. The year was marked by conflict continuing in the Middle East and the ongoing Russian aggression against Ukraine.

More than 4 million displaced people from Ukraine remain in the EU and are entitled to legal residence and access to work, housing and legal assistance, education and healthcare <sup>(1)</sup>. War in Gaza raged on and contributed to spikes in antisemitism <sup>(2)</sup> and anti-Muslim hatred in the EU <sup>(3)</sup>. Its impact can be seen in racism, discrimination and polarisation <sup>(4)</sup>. The fall of the Assad regime in late 2024 led some EU countries to reconsider their policies on Syrian refugees and migrants. While some explored returns or voluntary repatriation incentives, others paused asylum decisions. In its conclusions of 19 December 2024, the European Council reaffirmed the United Nations High Commissioner for Refugees' call for safe, voluntary and dignified returns of Syrian refugees <sup>(5)</sup>.

The combined impact of these external challenges in the EU is clear, as 44 % of people in Europe believe that achieving peace and stability would most positively affect their lives, according to recent Eurobarometer survey findings <sup>(6)</sup>.

Racism, discrimination, bias-motivated harassment and hate crime are a daily reality for many people. Inequality continues to disadvantage people of various ethnic backgrounds and religions. Respect for equality and non-discrimination are foundational values of the EU, enshrined in the EU Charter of Fundamental Rights, and the subject of binding obligations under EU law. However, the evidence FRA has collected, presented in this chapter, indicates the existence of an ongoing pattern of racism and discrimination. Jews, Muslims, Black people and Roma are significantly affected, as well as migrants and lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people, FRA's research shows. Offensive content targeting these groups online on social media platforms demonstrates this trend and exacerbates it.

Hateful content can spread quickly online and is difficult to regulate, adding to the challenge. Women disproportionately experience the highest volume of online hate, which often manifests as denigration and contains sexualised content <sup>(7)</sup>.

Against this background, people across the EU continued to struggle financially in the ongoing challenging socioeconomic conditions. The cost of living is a key concern for people in Europe, as Eurobarometer's general population survey for 2024 indicates <sup>(8)</sup>.





While not everyone is affected in the same way, rising energy prices have a widespread impact on most of the population. Many individuals and households face challenges in managing their expenses, with a growing number struggling to make ends meet <sup>(9)</sup>. For example, energy poverty disproportionately affects those already at risk of poverty and exacerbates existing inequalities for disadvantaged groups. To fight climate change while also considering that many people are struggling amid rising costs, FRA called on the EU and its Member States to ensure their national climate and energy plans align with the 2030 agenda's commitment to 'leave no one behind' <sup>(10)</sup>.

Finally, in a major global shift, many countries around the world held elections in 2024, electing new leaders and shaking up the world order. Fundamental rights may not feature so highly on the agenda. New leadership brings with it uncertainties, including changes in the new US administration. The European elections in 2024 were also a critical moment of change for the EU as it sets course in a new direction. The new EU priorities and these developments are discussed in the following section.

### **Fundamental rights in the new EU priorities**

2024 was a year of political change for the EU. The elections in June brought in a new European Parliament with new leaders and new members, and a new European Commission and legislature with refreshed priorities for the EU.

Strategic policy documents released by the EU institutions give an indication of what is to come over the next five years in the new policy cycle. The European Council's strategic agenda for 2024-2029 <sup>(11)</sup>, President von der Leyen's political guidelines <sup>(12)</sup> and the mission letters to the commissioners <sup>(13)</sup> also articulate the EU's priorities. Within these documents, there are signs of both increased protection for fundamental rights and areas where there may be setbacks.

The EU has three priorities, according to the strategic agenda, each of which will potentially impact fundamental rights – both positively and negatively <sup>(14)</sup>. First, the EU is prioritising safeguarding a free and democratic Europe, including through upholding the values of the EU and living up to these values at the global level. This priority goes hand in hand with respect for fundamental rights in the Charter, including the right to freedom of expression (Article 11) and the right to organise under the right to peaceful assembly (Article 12), which are foundational to a democratic society. **Chapter 1 ‘Respect for fundamental rights in the electoral process’** discusses upholding democratic values and fundamental rights in more detail.

In addition, the EU’s accession to the European Convention on Human Rights (ECHR) is currently in progress. That will ensure greater consistency in upholding human rights in EU Member States, and the EU itself <sup>(15)</sup> guaranteeing people’s fundamental rights.

The second priority concerns maintaining a strong and secure Europe, including through strengthening security and defence, implementing a comprehensive approach to migration and border management, and preparing for another wave of enlargement. Although security is a necessary precondition for the enjoyment of rights and freedoms, there is an indication that changes in this area may put a strain on fundamental rights.

For example, heightened border controls and migration management must be compliant with fundamental rights. The risk of ill treatment at borders is a known issue that FRA has been documenting. The section **‘Migration and asylum at EU external borders’** discusses it in more detail. It warrants close oversight and responses in line with EU and international obligations in striking the right balance between increased security measures and respecting people’s rights to dignity and freedom from inhuman or degrading treatment.

A further security-related development is prioritising the safety of citizens, from both online and offline threats. This could be a step towards addressing the issues of online hate and harmful content on social media, as discussed in the section **Racism, hate crime and discrimination**. Safety online is also discussed in **Chapter 2 ‘Effectively protecting women victims of violence’** in relation to hate posted online, which most often targets women.

The third and final priority focuses on fostering a prosperous and competitive Europe, including through delivering on the green and digital transitions. The focus on competitiveness in the economy may lead to discussion about regulation and obligations, which might present a challenge in upholding fundamental rights. For example, prioritising growth may weaken rights protections for workers or consumers, and the expansion of digital technology in our societies could pose risks to a range of rights alongside concerns about privacy and data protection.

Changes to adapt to and mitigate climate change may affect not only the business world but also those in society who struggle amid rising costs of living. The move towards a just transition will also have an impact on jobs in many different sectors and affect people’s livelihoods. Delivering on these objectives means effectively integrating fundamental rights in any legislative and non-legislative initiatives put forward in these areas to meet policy objectives known as ‘leaving no one behind’. Examples are provided in FRA’s recent publication on ensuring compliance with fundamental rights in the European Green Deal <sup>(16)</sup>.

As part of the European Green Deal, the EU introduced new rules on human rights, sustainability and responsible business practices <sup>(17)</sup>. These include

the corporate sustainability due diligence directive (CSDDD) <sup>(18)</sup>, the corporate sustainability reporting directive <sup>(19)</sup> and the EU taxonomy regulation <sup>(20)</sup>.

However, proposed changes will have an impact on these rules. Changing political objectives following the European elections and subsequent global events put pressure on these rules. As part of a plan to improve European competitiveness, on 8 November 2024 the European Commission President, Ursula von der Leyen, announced plans to simplify EU sustainability-reporting rules by consolidating and streamlining them <sup>(21)</sup>. On 29 January 2025, the Commission presented the Competitiveness Compass to guide policy during the 2024–2029 mandate, introducing the ‘Sustainability Omnibus’ as the first in a series of simplification omnibus packages. It aims to simplify sustainability-reporting requirements, as well as sustainability due diligence and taxonomy. On 26 February 2025, the first of these simplifications was announced, proposing substantial changes to the CSDDD and corporate sustainability reporting directive.

While presented as a means to alleviate regulatory burdens on businesses, a number of these changes – if adopted – risk weakening human rights and environmental protections. At the time of writing, the competent EU institutions are still discussing these proposals. It remains to be seen how the proposed changes will affect human rights protection under the CSDDD – and the extent to which the changes are consistent with human rights due diligence, as enshrined in the United Nations Guiding Principles on Business and Human Rights <sup>(22)</sup> and Organisation for Economic Co-operation and Development guidelines.

In summary, the new political leadership in various countries, including the EU, is operating in a highly volatile and unpredictable international environment. This introduces uncertainty due to potential policy shifts regarding fundamental rights. The EU’s new priorities may both strengthen and weaken fundamental rights protection. While these new priorities – safeguarding democracy, enhancing security and ensuring a prosperous, competitive Europe – represent a continuation of progress in some areas, they also introduce new challenges. The focus on security and competitiveness, along with broader regulatory simplification efforts, may undermine fundamental rights protections, particularly in areas such as human rights, environmental protection, data protection and AI governance. Aligning these priorities with fundamental rights is a challenge for the forthcoming period.

The remainder of this introductory chapter provides an overview of selected key issues for fundamental rights. It focuses on issues that were important in 2024 from a fundamental rights perspective. The section ‘**Fundamental rights in 2024: major developments and FRA research**’ highlights major legislative developments in 2024 in digitalisation, AI, and migration and asylum. It showcases the new FRA data published in 2024 on the high levels of racism and discrimination.

Following this, the section ‘**Fundamental rights focus: introducing the chapters**’ sets out the broad themes and explains why these issues – elections and fundamental rights, violent crime against women and the Charter – are the selected focus for this annual review of fundamental rights in the EU. These chapters present new research gathered specifically for this report, and present FRA opinions. FRA opinions are based on legal analysis, and set out targeted action for Member States and the EU to take to address the issues and protect and uphold fundamental rights.

## FUNDAMENTAL RIGHTS IN 2024: MAJOR DEVELOPMENTS AND FRA RESEARCH

This section presents the major developments in 2024 from the perspective of fundamental rights. It provides an overview of major trends and analysis drawn from new data and research that FRA published in 2024, in three key areas.

### **Racism, hate crime and discrimination**

Discrimination, often combined with hate and racism, continues to plague today's society, affecting everyone who is seen as different. Hate speech and harassment, including hate crime and physical bias-motivated violent crime, are very real threats. Harassment can include offensive or threatening comments, and threats of violence both in person and in messages received online. There is also a growing risk of the kinds of attitudes behind racist and discriminatory acts becoming normalised.

Black people, Roma and people from different ethnic backgrounds face racist harassment and racial discrimination. People are targeted on account of their religious beliefs, with the war in Gaza prompting rising antisemitism, alongside anti-Muslim hatred in the EU.



Acts like these violate people's fundamental rights, including the right to the protection of their human dignity, the right to respect for their private and family life, the right to non-discrimination and the right to freedom of thought, conscience and religion.

Fears, misconceptions and 'othering' fuel discrimination and intolerance, and stand in the way of ensuring inclusive, equal and respectful societies. It is not only these individuals who suffer. Institutionalised racism also has an impact on public trust in institutions. It can lead to rifts in social cohesion and affects the democratic values the EU is built upon.

In 2024, FRA published data highlighting the inequality and discrimination that millions experience across the EU. The results of FRA's surveys asking Black people, Jews, Muslims and LGBTIQ people in the EU about their experiences, published in the last year, show widespread hatred, reflecting systemic racial discrimination. Unequal treatment and discrimination hamper their lives. This section only presents the main research outputs from FRA in 2024 and does not provide an overview of other groups potentially affected in similar ways.

Antisemitism remains a live issue in the EU. The latest FRA survey data on antisemitism, published in 2024, show that Jewish people in the EU today continue to fear for their safety and their security <sup>(23)</sup>. Over a third (37 %) of Jews who took part in the survey say they have been harassed because they are Jewish.

Similarly, Muslims experience racism and discrimination, which FRA's research published in 2024 clearly indicates. Almost one in two Muslims (47 %) experience racial discrimination <sup>(24)</sup>. Muslim men, women and children experience this frequently in schools, at workplaces and on our streets.

Soaring numbers of incidents of hate targeted at Jews and Muslims are also evidenced by research that the European Commission against Racism and Intolerance published in 2024 <sup>(25)</sup>.

Racism is not limited to interactions between people in society. Institutionalised racist attitudes can also be ingrained in public services and government policies. Racism exists in public services, such as police forces, that are designed to protect the communities they serve. In 2024, FRA published the first EU-wide report on racism in policing <sup>(26)</sup>. It shows that racism in policing continues to be an issue and is widespread across the EU. Racism in policing has far-reaching effects, fuelling social exclusion and harming trust in police forces.

People who identify as LGBTIQ face similar challenges. FRA's survey of LGBTIQ people last year, one of the biggest surveys of its kind in the world, underscored the need for inclusive policies that consider the diversity of LGBTIQ people <sup>(27)</sup>. The data, published in 2024, show that many experience harassment and hate-motivated violence, with trans and intersex people facing the worst of it. Almost 50 % of LGBTIQ people who took part in the survey were victims of hate-motivated harassment.

Discriminatory experiences can be more extreme for someone who identifies as belonging to more than one of these groups that typically face discrimination, or also has other characteristics, such as age or gender, resulting in a unique experience of discrimination. By way of example, more than half of Muslim respondents felt they had been discriminated against on more than one ground such as their skin colour, religion and ethnic or immigrant background <sup>(28)</sup>. These findings on intersectionality suggest that, although non-discrimination is part of existing laws designed to ensure equality, enforcement is needed to counteract these trends.



### *Developments to address racism, hate crime and discrimination in 2024*

Developments in 2024 represent a small step forward. There have been no major new developments, but initiatives and enforcement attempts build on the existing body of legal standards to prevent racism, hate crime and discrimination.

To address racism, the Commission acts to ensure that racism is punishable by criminal penalties under the framework decision on racism and xenophobia <sup>(29)</sup>. To do this, the Commission launched infringement cases, bringing the total number of infringement proceedings since 2020 to 14 <sup>(30)</sup>. Eight cases have since been closed, and other Member States are making progress although their cases remain open. The Commission's action in this area should encourage countries to align with EU standards.

To tackle hate crime, in 2024, the Commission brought together citizens in the first European citizens' panel on tackling hatred, to discuss the causes of hate in society <sup>(31)</sup>. Their recommendations address media literacy and the role of online platforms. The panel is also a strong example of how citizens can play an important role in shaping policies.

Also relevant to the EU and progress in this area is the work of the Council of Europe. It also took initiatives on hate crime in 2024. A new recommendation, adopted by the Council of Europe's Committee of Ministers, includes a wider definition of hate crime so that member states can more effectively prosecute such crimes <sup>(32)</sup>.

With a view to combating discrimination, in 2024 the European Commission published progress reports about its equality strategies and action plans on antisemitism <sup>(33)</sup> and LGBTIQ equality <sup>(34)</sup>, and EU and national action plans against racism <sup>(35)</sup>. This last report states that infringement proceedings remain ongoing against three Member States that do not implement the racial equality directive. This is one example of how these assessments show that, although there has been progress, not all countries have done enough to implement the existing requirements. In addition, in 2025, two of the major EU equality strategies will be renewed: the strategy designed to promote equality for LGBTIQ people and the strategy to fight racism <sup>(36)</sup>. The rise in anti-Muslim hatred in the last year is a further reason to consider this phenomenon and to take action to counter it. Implementing these strategies along with independent monitoring and accountability is crucial to tackle discrimination.

Furthermore, new directives that the EU adopted in 2024 aim to strengthen the role of equality bodies <sup>(37)</sup>. Increasing the independence, mandate, resources and powers of these bodies should make their work to combat discrimination more effective.

To build on the existing data on affected vulnerable groups, FRA is collecting data examining the experiences of Roma people, and the racism, discrimination and hate crime that these communities face <sup>(38)</sup>. These findings will be published in 2025 and be used as evidence in the interim assessment of the 2020–2030 EU Roma framework <sup>(39)</sup>.

Overall, despite small steps forward being made in 2024, the high levels of intolerance seen in FRA's research in 2024 are alarming. The findings show a lack of progress over the years, despite laws designed to prohibit discrimination under the EU treaties, the Charter and EU equality law. For example, related to discrimination, the evaluations of the equality strategies conducted by the European Commission illustrate areas where Member States

seem to fall short. Member States should do more to enforce laws and adhere to the standards that have been set.

To address these issues, FRA reiterates its calls to the EU and its Member States, put forward in its publications. These include practical steps that the EU and Member States can take.

- First, to prevent discrimination, FRA reiterates its call to the European Commission and Member States to enforce existing EU anti-discrimination legislation and policy. They should put in place independent monitoring mechanisms based on robust and regularly collected equality data on all grounds of discrimination and for all areas of life covered by the law. For more detail, see FRA opinion 2 in *Being Muslim in the EU* <sup>(40)</sup>.
- Second, to tackle antisemitism, Member States should ensure effective monitoring and appropriate funding of strategies and action plans. For more detail, see FRA opinion 1 in *Jewish People's Experiences and Perceptions of Antisemitism* <sup>(41)</sup>.
- Third, to address anti-Muslim hatred, and racism more broadly, Member States should enforce sanctions against racial and religious discrimination, in line with the racial equality directive. For more detail, see FRA opinion 1 in *Being Muslim in the EU* <sup>(42)</sup>.

### Digitalisation and artificial intelligence

AI is increasingly used in daily life. Many people, businesses and governments are using it to speed up routine tasks and save time.

While there are endless opportunities and benefits, using AI can negatively affect fundamental rights. For example, technology and algorithms designed to detect and stop the spread of hate speech may be biased and lead to discrimination with the over-removal or under-removal of certain content. This can put people at a disadvantage based on protected characteristics, such as their ethnic background. There have been numerous examples of the pitfalls and dangers of using new technologies, such as gender-biased machine translations and ineffective facial recognition systems <sup>(43)</sup>.

FRA's report on biased algorithms also illustrated these risks, showing that algorithms that may be used for detecting hate speech online are easily biased towards or against certain groups <sup>(44)</sup>. These results show that algorithms are not neutral and may lead to discriminatory treatment. They embed societal biases and can perpetuate, reinforce or even create discrimination. Given that AI and related technologies can be used in all areas of life and a variety of ways, all fundamental rights may be affected in various ways.

Social media and online platforms rely on such algorithms to moderate content online. When these platforms do not moderate harmful content, people are at greater risk. There are major challenges in detecting and removing hate speech from social media. FRA's research found that women are most often the targets of hate posted online <sup>(45)</sup>. Examples of this can include misogyny, abusive content and threats. Related risks that women face are discussed in **Chapter 2 'Effectively protecting women victims of violence'**.

These examples show that AI and similar technologies used on online platforms can have real-world consequences. Regulation of online platforms is necessary because they can easily have an impact on fundamental rights including non-discrimination, gender equality, and personal data and privacy, alongside freedom of expression.

In recent years there has been a drive for more regulation, and protecting fundamental rights has been one of the main impetuses behind it. Developments in 2024 are highlighted in the following section.

#### *Developments to regulate digital technologies in 2024*

There were significant developments in 2024 regarding the regulation of digital technology and online spaces. Major new legislation to regulate online platforms came into force in 2024 in the shape of the Digital Services Act (DSA) <sup>(46)</sup>. The DSA regulates the conduct of online service providers and platforms, including social media platforms. Importantly, platforms must remove unlawful content that is posted online, such as hate speech. Hateful content online can have an impact on people's mental health.

One example is in the evidence from FRA's recent survey on the experiences of Jewish people. Over 90 % of survey respondents have seen antisemitic content online and 15 % say it negatively affected their mental health <sup>(47)</sup>. The new laws under the DSA will enable the EU to hold platforms to meet higher standards of transparency and accountability and should have a big impact as social media platforms grow and evolve or change their policies.

The DSA can support combating the spread of disinformation and election interference or manipulation, if implemented effectively. Protecting fundamental rights online means protecting both the right to freedom of expression and information and the right to non-discrimination. This remains an area in which FRA will continue to work in 2025 and 2026 to provide for a better understanding of interferences with those rights in the online sphere.

Another significant legislative achievement in 2024 was the adoption of the Artificial Intelligence Act <sup>(48)</sup>. The AI Act is a welcome and timely development that will support the safeguarding of fundamental rights. It prohibits AI from being used for the harmful exploitation of vulnerabilities, being used in predicting individual criminal behaviour or being used in social scoring.

It also categorises certain AI usage in areas relating to education, employment, law enforcement and migration management as high risk and requires providers and certain deployers to assess their systems in relation to fundamental rights. Fundamental rights impact assessments under the AI Act should, when implemented correctly, play a major role in ensuring rights compliance. FRA is involved in providing input in the development of these impact assessments.

FRA will also help ensure the effective implementation of the AI Act by providing evidence and guidance. It is one of five permanent members assigned to the AI Act's advisory forum, outlined in Article 67 of the act. FRA is also working on AI projects focused on assessing high-risk AI, remote biometric identification and digitalisation of justice. Results are expected to be published in 2025 <sup>(49)</sup>.





In parallel to the regulatory efforts on AI by the EU, the Council of Europe adopted the first-ever international legally binding treaty in this field, the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law <sup>(50)</sup>. The European Commission signed the convention on behalf of the EU. Several states also signed it, including Council of Europe member states and non-members, such as the United States. In addition, the Council of Europe is working on several initiatives that tackle the protection of human rights when using AI. It adopted guidance on impact assessment methodology for AI in 2024 <sup>(51)</sup>. It is working on more detailed guidance on promoting equality and preventing discrimination in the field of AI <sup>(52)</sup>.

Both the AI Act and the DSA are important achievements, but it remains to be seen how these provisions will be applied in practice. In early 2025, there was pushback from the United States on regulation related to concerns on innovation and competitiveness. Technology developers also introduced changes in early 2025 on fact-checking. Similar changes in future could have an impact on compliance. Evaluating the implementation of both pieces of legislation will be the main task of oversight bodies in the coming years. Similarly, changes in how online platforms operate, such as changes in content moderation rules or fact-checking, may pose a challenge to regulation under the DSA. Innovation in this space is likely to continue to pose a challenge to regulation.

To address these issues, FRA reiterates its calls to the EU and its Member States put forward in its publications. These include practical steps that the EU and Member States can take.

- First, regarding the risk to women online evidenced by FRA's research, one example of action that could be taken is that online platforms should pay particular attention to misogyny online. Very large online platforms should consider misogyny as one of the systemic risks in the context of the risk assessment and mitigation measures that the DSA requires. For more detail, see FRA opinion 1 in *Online Content Moderation – Current challenges in detecting hate speech* <sup>(53)</sup>.

- Second, to increase the protection of fundamental rights when using AI, impact assessments should be used. In addition, accountability systems should be put in place to monitor and address any negative impact. For more detail, see FRA opinion 3 in *Getting the Future Right – Artificial intelligence and fundamental rights* <sup>(54)</sup>.
- Third, there remains a need for more knowledge, awareness and resources to check for bias in AI algorithms, as well as access to data and datasets. For more detail, see FRA opinion 6 in *Bias in Algorithms – Artificial intelligence and discrimination* <sup>(55)</sup>.

### Migration and asylum at EU external borders

Migration remains a priority for the EU and a highly topical issue across many Member States. Most people who come to the EU come to visit and to work or study. Some people come to Europe seeking safety and fleeing from harm.

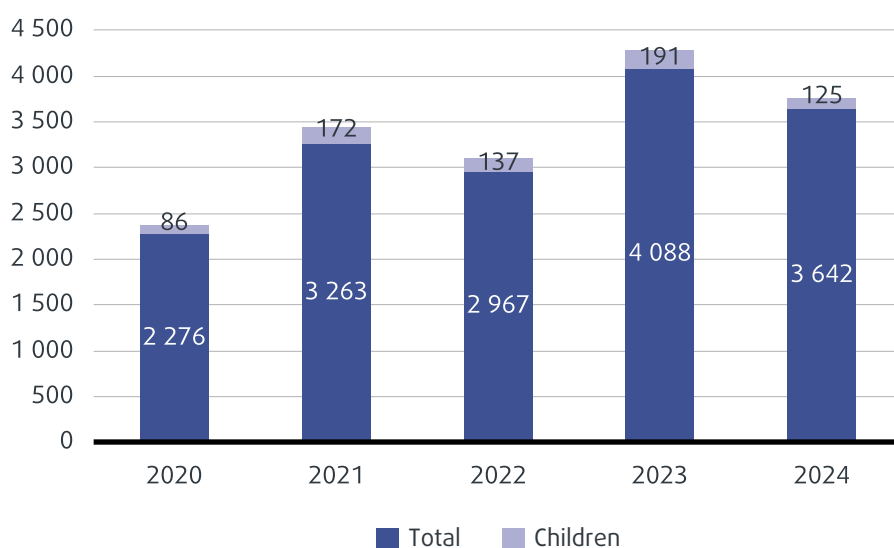
The reality is that many people either die at sea or go missing while trying to reach Europe. There are many developments related to migration that are potentially concerning from the perspective of fundamental rights. Given FRA's work in this area, this section focuses on deaths at sea, ill treatment and other rights violations at borders, which remain a serious concern.

In 2024, 3 642 people died or went missing while attempting to cross by sea to Europe, the International Organization for Migration estimated. This is a slight decrease from 2023 (4 088), due to fewer departures from Tunisia and Libya <sup>(56)</sup>.

**Figure 1** shows these numbers over the last five years. There has been a slight overall upward trend, though the number for 2023 is unusually high. This illustrates the risks associated with perilous sea crossings and that loss of life at sea remains high. This indicates that preventative measures are still needed to prevent future tragedies.

Similarly, in 2024, 82 people died or went missing in the English Channel, an increase of 66 % over 2023 <sup>(57)</sup>.

**FIGURE 1: ESTIMATED NUMBERS OF DEATHS AT SEA, MEDITERRANEAN AND ATLANTIC ROUTES, 2020-2024**



Source: FRA, 2025, created using data from the International Organization for Migration.

Part of the problem stems from a lack of adequate search and rescue capabilities to help people in distress at sea. Attempting to get to Europe by crossing the Mediterranean Sea by boat is dangerous. Civil-society organisations play a key role in saving lives and mitigating the hardships that migrants and asylum seekers experience. Yet civil-society organisations are penalised for their work, as FRA's 2024 report on search and rescue operations highlighted <sup>(58)</sup>. This limits the capacity of these organisations and leaves a deficit in the available search and rescue functions operating in the Mediterranean Sea.

EU countries have several responsibilities to prevent people from dying at sea, and to investigate reports of violations at borders. People crossing the EU's external borders can face challenging circumstances, with migrants being mistreated by border guards or other officials. Practices involving stopping asylum seekers at the border and forcibly returning them to the country they entered from without carrying out an individual assessment violate fundamental rights <sup>(59)</sup>.

Under the Charter, EU countries are legally obliged to respect human dignity, protect the right to life and prevent ill treatment. An important aspect of this is their responsibility to investigate when things go wrong. When there are indicators of human rights violations, including violations of the right to life and personal integrity, investigations must be conducted.

However, many investigations are ineffective, which casts a negative light on border management authorities' operations. Investigations can be ineffective partly due to a lack of political will. FRA's 2024 publication *Guidance on Investigating Alleged Ill-treatment at Borders* provides evidence of ineffective investigations <sup>(60)</sup>. It sets out 10 steps to promote prompt and effective national investigations into incidents of ill treatment at borders. Unfortunately, fundamental rights violations often go unreported, and therefore cannot be investigated.

#### *Developments in asylum and migration in 2024*

In 2024, several legislative instruments were adopted as part of a new pact on migration and asylum. It sets out new rules harmonising asylum procedures and cooperation between Member States, which come into force in mid 2026. The legal acts constituting the pact are published in the EU's Official Journal <sup>(61)</sup>.

The pact revises procedures for those who apply for asylum at border crossing points, those rescued at sea and those who are apprehended after having crossed the border in a way that is deemed irregular. National authorities must screen new arrivals to verify their identities and carry out security checks as well as health and vulnerability checks. A faster border procedure will examine asylum applications at the EU's external borders. Rejected asylum applicants will be channelled into fast-track return border procedures. The border procedures for asylum and return must respect strict timelines <sup>(62)</sup>.

The new rules also raise some fundamental rights risks, largely associated with the speed of the border procedure.

Monitoring compliance with fundamental rights is one of the promising aspects of the new pact. Accurate monitoring is considered to be an effective way to uphold and protect rights. The new rules require Member States to have an independent mechanism to monitor compliance with fundamental rights during the screening of new arrivals and when assessing asylum claims at external borders. The screening regulation <sup>(63)</sup> and the asylum procedure regulation <sup>(64)</sup> set out these rules. Both of those are pieces of legislation that

constitute the pact. Member States must ensure that monitoring bodies are independent and provided with adequate resources.

To make these monitoring activities effective, FRA published practical guidance for Member States to assist them in setting up national independent monitoring mechanisms for the screening and asylum border procedures <sup>(65)</sup>. FRA published the guidance as part of its role in the pact, outlined in the regulations <sup>(66)</sup>.

In 2024, the EU and Member States increased their efforts to make returns more effective. This concerns third-country nationals (i.e. people from non-EU countries) with no legal right to remain in the EU. The EU and Member States suggested amending the rules on returns to speed up and simplify the return process <sup>(67)</sup>.

Related to this, some Member States proposed creating 'return hubs' in non-EU countries. These are places in countries outside the EU, which would temporarily host people who have been ordered to leave, until either the Member State or the European Border and Coast Guard Agency (Frontex) organises their return to where they were originally. FRA analysed the fundamental rights risks this entails <sup>(68)</sup>.

The implementation of EU return policies is a very sensitive area from a fundamental rights perspective. Several fundamental rights guaranteed in the Charter are at stake and must be respected in any initiatives to increase the effectiveness of returns. Without sufficient safeguards, returning third-country nationals could lead to violations of rights such as protection from torture and inhuman or degrading treatment, the right to asylum, *non-refoulement* and the prohibition of collective expulsions. It may also interfere with rights to liberty, the rights of the child, human dignity and access to effective judicial remedies. One example is that the European Committee of Social Rights of the Council of Europe found that the expulsion of children in an irregular migration situation violates the European Social Charter when it is carried out without providing them with any assistance <sup>(69)</sup>.

Nonetheless, there are positive developments in 2024 from a fundamental rights perspective. The appointment of a new Commissioner for the Mediterranean in the EU offers a new opportunity to reinforce action and prevent future tragedies at sea.

Evaluations of how the Schengen area works have repeatedly highlighted the importance of fundamental rights protection at borders <sup>(70)</sup>. They also highlight the need to uphold the principle of *non-refoulement*, which is also part of the Charter: the principle under international law that people like refugees and asylum seekers cannot be forced to return to a place where they may be at risk of severe harm. These evaluations show promise as a tool to address gaps in the implementation of safeguards embedded in the Schengen rules.

The new pact on asylum and migration notably includes a requirement for Member States to establish independent mechanisms to monitor fundamental rights during the screening and the asylum border procedure. This is promising from a fundamental rights perspective, as it provides an opportunity for external evaluation of how well people's rights are being respected throughout the process.

In conclusion, many developments related to migration are potentially concerning from the perspective of fundamental rights. Given FRA's work in this area, this section focuses on deaths at sea, ill treatment and other rights

violations at borders, which remain a serious concern. As some rules in the pact on migration and asylum raise new risks for fundamental rights, fundamental rights monitoring will be essential. Efforts to make returns more effective and efficient are likely to continue in 2025, so this remains an area for vigilance, depending on their application and implementation. Capacity for search and rescue remains critical, while civil society's activity has been reduced as a result of restrictions imposed by some Member States on its work.

To address these issues, FRA reiterates the calls its publications have made to the EU and its Member States. These include practical steps that the EU and Member States can take.

- First, to ensure sufficient search and rescue capacity, Member States and Frontex should collectively ensure that enough appropriately equipped naval assets are deployed where shipwrecks are most likely to occur. For more detail, see FRA opinion 3.1 in the *Fundamental Rights Report 2024* <sup>(71)</sup>.
- Second, to stop non-governmental organisations from being criminalised when they help migrants in rescues at sea, any rules on facilitation should exclude punishing those who provide humanitarian assistance. This should apply to rescuing refugees and assisting them in seeking safety, as well as providing food, shelter, medical care and legal advice to migrants. For more detail, see the final FRA opinion in 'Criminalisation of migrants in an irregular situation and of persons engaging with them' <sup>(72)</sup>.
- Third, to improve investigations into alleged violations, Member States should investigate all allegations of fundamental rights violations at borders promptly and effectively. For more detail, see FRA opinion 3.2 in the *Fundamental Rights Report 2024* <sup>(73)</sup>.

## FUNDAMENTAL RIGHTS FOCUS: INTRODUCING THE CHAPTERS

The chapters in this year's annual report cover the following themes: fundamental rights in elections and gender-based violence. The report concludes with a final chapter analysing how the Charter is implemented.

These themes emerged from FRA's research and analysis of the most pressing issues in fundamental rights and from the work that FRA has been doing in 2024. FRA selected these themes based on their importance from a fundamental rights perspective and the significance of the legislative and policy developments in 2024. The decision to include certain topics also considered their alignment with the issues that people in the EU care about, according to the latest general population surveys.

This section introduces the subsequent chapters and explains the logic behind selecting these themes. It aims to set out each broader theme, before delving into the specific focus of the chapter. Each chapter presents evidence based on new research conducted specifically for this report.

### **Respect for fundamental rights in electoral processes**

In a year when billions of people across the globe exercised their democratic rights to vote in elections, it is timely to look more closely at elections from a fundamental rights perspective. Elections are a cornerstone of democracy, and, without democracy, fundamental rights cannot be a reality. Upholding democratic values is integral to the EU and recognised by European citizens, with almost 40 % of those surveyed in 2024 saying that respect for democracy, human rights and the rule of law are the EU's greatest strengths <sup>(74)</sup>. This is a remarkable change, considering that economic, industrial and trading power



were traditionally seen as among the key assets of the EU and the reasons for which it was originally founded.

Every EU citizen has the right to stand for election and vote in the European Parliament and municipal elections. These rights are protected by Articles 39 and 40 of the Charter. However, having elections that truly respect fundamental rights requires tackling threats and disruption related to disinformation and foreign interference, especially when much campaigning happens online. It also means overcoming structural challenges in representation. Member States have responsibilities in holding elections that go beyond election day, including the campaigning time in the run-up to the elections and any disputes over the results. They must make sure that electoral processes, including electoral campaigns, are fair, transparent and free from manipulation.

To analyse these issues in more detail, Chapter 1 explores these issues from the perspective of fundamental rights, and presents new data on the European elections and the elections that EU countries held in 2024.

See **Chapter 1 ‘Respect for fundamental rights in the electoral process’** for the findings, analysis and FRA opinions.

### **Protecting women victims of violence**

Crime and safety are always a dominant concern among the European population. Everyone wants to feel safe. But some crime, like violent crime, is often experienced differently. For example, women are more likely than men to face domestic violence. Gender-based violence remains a persistent and widespread fundamental rights abuse in the EU. Evidence that Eurostat (the statistical office of the EU), FRA and the European Institute for Gender Equality published in 2024 shows that a third of women in the EU have experienced violence at home, at work or in public <sup>(75)</sup>. One in three women have experienced sexual harassment at work, and in most cases the perpetrator was a man. Affecting so many women in the EU, the reality of



gender-based violence indicates an extreme manifestation of gender inequality in the EU today.

But developments in 2024 to protect women are promising. The landmark EU directive on combating violence against women and domestic violence, adopted in 2024, recognises the need for effective protection <sup>(76)</sup>.

Chapter 2 will explore these issues in detail. It will present data on the extent and nature of violence against women, based on the latest EU-wide survey data, and will refer to legislative and policy developments in protecting victims, alongside the persistent issue of under-reporting, which has an impact on access to justice.

See **Chapter 2 ‘Effectively protecting women victims of violence’** for the findings, analysis, FRA opinions and next steps.

### **EU Charter of Fundamental Rights**

The final chapter of this report looks at how the EU Charter of Fundamental Rights is used and applied. It examines the Charter in different areas to strengthen its use in practice and raise awareness of the rights it protects.

The chapter shows how Member States and national courts use, apply or rely on the Charter in their decisions or making laws. It discusses compliance with the Charter in activities funded by the EU. It also assesses whether people know about the Charter, and the level of knowledge in different governments, and provides an overview of awareness-raising activities in the last year. This analysis contributes to a better understanding of whether fundamental rights are respected and effectively protected.

As 2025 marks the 25th anniversary of the EU Charter of Fundamental Rights coming into force, it is timely to reflect on how well the Charter is adhered to across EU law and policy. Following the EU elections, new EU priorities are implemented, and laws are enacted, which must comply with the Charter.

See **Chapter 3 ‘Implementation and application of the Charter of Fundamental Rights of the European Union’** for the findings, analysis, FRA opinions and next steps.

## **LOOKING AHEAD TO 2025 AND BEYOND**

During 2024, there was significant pressure on fundamental rights. Economic and social rights were already strained by rising inflation, further disadvantaging people already affected by inequality and those who are at risk of poverty. Continuing geopolitical uncertainties and international conflict have had a spillover effect on fundamental rights in the EU. Global events have a felt impact in Member States, surfacing discrimination and racism.

Intolerance of groups who are different from the majority population remains critically high. Targets of hate are most frequently women, LGBTIQ people, people from minority backgrounds and ethnicities, and religious groups. Cumulatively, these challenges signal a worrying trend in consistent violations of individual fundamental rights. Racism and discrimination have profound and far-reaching impacts on society. The reality of gender-based violence also indicates an extreme manifestation of gender inequality.

To counter these trends, in 2024, the EU and Member States sustained their attention to policy areas critical to fundamental rights. Prior to the European elections, the EU sought to finalise its legislative and policy agenda, much of which was geared towards enhancing protection for fundamental rights.

New legislation merits close observation to ensure it does not negatively affect rights. For instance, new laws in the areas of migration include safeguards that will need to be implemented and monitored to ensure they are respected.

Legislative changes in digitalisation and AI are significant markers of progress. The new DSA presents a meaningful opportunity to regulate online spaces, counter disinformation and online hate, and prevent discrimination. It includes a responsibility to assess potential negative effects on fundamental rights, such as freedom of expression, privacy and non-discrimination. The AI Act is a landmark legislative development that should support innovation in this emerging technology in a way that is transparent and conscious of the risks to fundamental rights associated with using AI.

These developments build on the existing protections that the EU and Member States have set up for fundamental rights, in many mechanisms and pieces of legislation. How countries respond, and how quickly the EU and its Member States make progress on their shared objectives, will together determine how well individual rights continue to be respected and nurtured.

In other areas, changes in legislation may have the opposite effect. Legislative developments in areas such as corporate sustainability due diligence are, at the time of writing, affected by the European Commission's deregulation and simplification proposals introduced in early 2025. Although these changes aim to simplify the regulatory framework for businesses, they may also weaken human rights and environmental protections.

This reflects a broader trend whereby the simplification of regulatory frameworks, intended to enhance competitiveness, can come at the expense of fundamental rights safeguards. As these reforms unfold throughout 2025, balancing efficiency with strong rights protections will remain a key challenge.

In 2025, the geopolitical situation is likely to be so volatile that it will be difficult to predict which issues may be challenging for fundamental rights. It will be crucial for those working in fundamental rights to monitor the situation, although the following are likely to continue to be important from the perspective of fundamental rights.

First, the new EU priorities give greater significance to internal security. The implications of this for fundamental rights deserve close attention. For example, to protect rights, fundamental rights must be built into the development of a new internal security strategy.

Second, the new DSA has the potential to ensure a safer online environment and protect people against unlawful hate speech. How the EU and Member States use new laws to regulate online platforms and social media companies and assess their compliance with the rules in the new act should have a big impact.

Third, inequality remains an issue of key importance, as is evident from the levels of gender inequality, racism and discrimination recorded in 2024. Action to prevent discrimination against different groups should be taken. Notably, several EU equality strategies and plans are coming to an end in 2025. They include major strategies on anti-racism, gender equality, LGBTIQ equality and Roma equality. Although these strategies may be ending, the protection they provide, and the initiatives to combat discrimination under them, should continue. Greater enforcement of existing laws would be warranted against this backdrop of discrimination and racism, to protect people in society.



Beyond this, 2025 marks the 25th anniversary of the proclamation of the EU Charter of Fundamental Rights, and the European Convention on Human Rights celebrates its 75th anniversary. These milestones call for reflection and renewing commitment and resolve.

In conclusion, as the EU manages the challenges ahead, upholding fundamental rights will be crucial. Amid new EU priorities, challenging economic and social strains persist. Compounded by geopolitical uncertainties in 2025, safeguarding both economic and social rights and democratic values should be prioritised.

Tensions in society have surfaced over the last few years, and people of all walks of life continue to face discrimination in their daily lives. Discrimination particularly against religious communities, ethnic minorities, women, LGBTIQ individuals and other groups highlights the urgent need for ongoing commitments to counter intolerance.

Developments in 2024 are a record of progress despite the odds. At the EU level, numerous legislative developments were rolled out, many of which enhance or include safeguards for fundamental rights. This is most obvious in relation to digitalisation, and in ensuring fundamental rights are protected online as well as offline. Although technological advancement moves at a pace that is difficult to keep up with, new legislation on digital technology and AI is a signal of readiness to respond quickly to the digital world.

Actions by the EU outlined in this introductory chapter are markers of progress to protect fundamental rights. The following chapters discuss these milestones and actions by Member States, providing greater detail on major developments in 2024. Despite the challenges, these developments are steps in the journey towards fostering a just and equal society based on respect for fundamental rights.

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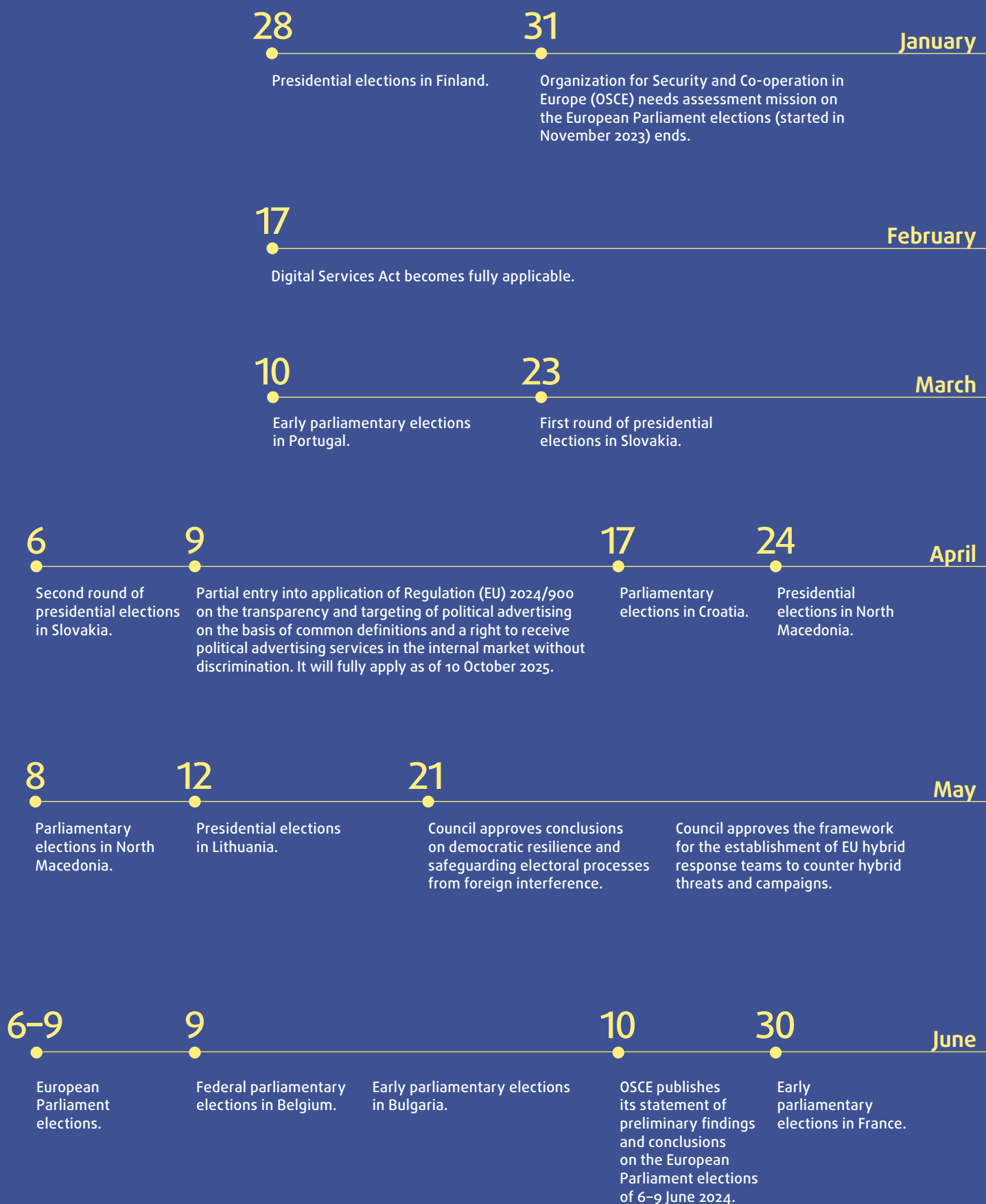
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- (70) See European Commission, '**Schengen Evaluation and Monitoring Mechanism**', European Commission website, 21 November 2024, and in particular recommendations 19, 20 and 23 in the evaluation of Croatia; priority No 1 and recommendations 6, 10 and 63 in the evaluation of Latvia; priority No 2 and recommendations 3, 4, 15 and 16 in the evaluation of Lithuania; and the priority areas and recommendations 10 and 13–15 in the evaluation of Poland.
- (71) FRA, ***Fundamental Rights Report 2024***, Publications Office of the European Union, Luxembourg, 2024, p. 107.
- (72) FRA, '**Criminalisation of migrants in an irregular situation and of persons engaging with them**', 2014, p. 16.
- (73) FRA, ***Fundamental Rights Report 2024***, Publications Office of the European Union, Luxembourg, 2024, p. 107.
- (74) Eurobarometer, '**EU challenges and priorities**', EU website, 2024.
- (75) Eurostat, FRA and European Institute for Gender Equality, ***EU Gender-based Violence Survey – Key results***, Publications Office of the European Union, Luxembourg, 2024.
- (76) **Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence** (OJ L, 2024/1385, 24.5.2024).

# RESPECT FOR FUNDAMENTAL RIGHTS IN THE ELECTORAL PROCESS

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# EU



August

30

OSCE publishes its final report on the Serbian local elections of 2 June 2024.

September

5

OSCE publishes its final report on the Bulgarian early parliamentary elections of 9 June 2024.

23

OSCE publishes its final report on the presidential and early parliamentary elections in North Macedonia of 24 April and 8 May 2024.

24

Major online platforms publish reports on measures to protect European election integrity under the Code of Practice on Disinformation.

29

Parliamentary elections in Austria.

October

13

Parliamentary elections in Lithuania.

27

Early parliamentary elections in Bulgaria.

November

19

Court of Justice of the European Union issues its judgment in Case C-808/21 (*Commission v Czech Republic*), in which it holds that EU law requires EU Member States to open up membership of political parties to EU citizens residing on their territory.

22

OSCE publishes its final report on the Slovak presidential elections of 23 March and 6 April 2024.

24

First round of presidential elections in Romania.

25

OSCE publishes its final report on the Croatian early parliamentary elections of 17 April 2024.

28

OSCE publishes its final report on the European Parliament elections of 6–9 June 2024.

29

Early parliamentary elections in Ireland.

December

1

Parliamentary elections in Romania.

29

Presidential elections in Croatia.

# Council of Europe and UN

22

January

Council of Europe (CoE) Parliamentary Assembly debates the report on the observation of the early parliamentary elections in Serbia (17 December 2023).

17

CoE Parliamentary Assembly adopts a resolution on freedom of expression and assembly of lesbian, gay, bisexual, transgender and intersex people in Europe.

18

April

CoE Parliamentary Assembly adopts an opinion on the draft Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law.

17

May

CoE adopts the Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law.

24

CoE Parliamentary Assembly debates the report on the observation of the presidential and parliamentary elections in North Macedonia (24 April and 8 May 2024).

25

June

CoE Parliamentary Assembly adopts a resolution on strengthening democracy through participatory and deliberative processes, including through the establishment of 'a PACE-Youth Participation Mechanism' created by Resolution 2553.

25

July

ECtHR judgment in the case of *Ždanoka v Latvia* (No 2) (application No 42221/18), in which the court held that prior membership of the Soviet Communist Party was a legitimate ground to stop a Member of the European Parliament from standing for the Latvian parliament.

September

5

Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law is opened for signature.

18

CoE's Consultative Committee of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data issues guidelines to protect voters' personal data.

October

1

CoE Parliamentary Assembly adopts a resolution on propaganda and freedom of information in Europe.

10

UN Human Rights Council adopts a resolution on equal participation in political and public affairs.

25

UN Committee on the Elimination of Discrimination against Women publishes a general recommendation on the equal and inclusive representation of women in decision-making systems.

November

29

Standing Committee of the CoE Parliamentary Assembly debates the reports on the observation of the presidential election (20 October and 3 November 2024) and constitutional referendum (20 October 2024) in the Republic of Moldova and on the observation of the early parliamentary elections in Bulgaria (9 June and 27 October 2024).



2024 was a year of many elections. Alongside the European Parliament elections, elections at the municipal, regional and national levels took place in 19 EU Member States and the 3 EU candidate countries that are also European Union Agency for Fundamental Rights (FRA) observer states.

Democracy is a founding value of the EU (Article 2 of the Treaty on European Union). Free and fair elections are a crucial part of democracy, but also a way for citizens to exercise their fundamental rights.

This chapter discusses the fair and safe conduct of elections, including election campaigns, from a fundamental rights point of view, focusing on the online sphere. It also discusses the inclusiveness of elections in 2024.

The chapter proposes a range of actions to deal with these challenges to ensure the security of fundamental rights throughout the electoral cycle.

## 1.1. INTRODUCTION

2024 was a year of elections, both in Europe and worldwide. The European Parliament elections took place in June 2024, and 19 Member States held municipal, regional or national elections in 2024 <sup>(1)</sup>.

Democracy is one of the values on which the Union is founded, as Article 2 of the Treaty on European Union (TEU) states. EU electoral rights include the rights provided to all citizens under the treaties to participate in the democratic life of the Union, and to elect the Members of the European Parliament by direct universal suffrage in a free and secret ballot. Certain common principles and procedures are set out in EU law, including the 1976 Electoral Act. EU law also enables mobile EU citizens to exercise their right to vote and stand in local elections and in the elections to the European Parliament in their country of residence. This right is set out in the EU treaties <sup>(2)</sup> and in the Charter of Fundamental Rights of the European Union <sup>(3)</sup>. In relation to national parliamentary elections, the right of the people to express their will through periodic elections is protected by the European Convention on Human Rights <sup>(4)</sup>. Elections are also an exercise in the right to political participation laid down in Article 25 of the International Covenant of Civil and Political Rights (ICCPR), Article 5(c) of the UN Convention on the Elimination of All Forms of Discrimination, Article 7 of the UN Convention on the Elimination of All Forms of Discrimination against Women and Article 29 of the UN Convention on the Rights of Persons with Disabilities <sup>(5)</sup>.

The duties of states in the regulation of elections go beyond election day, also covering the run-up to the elections, election campaigns and the settlement of election disputes. States have a duty to ensure that electoral processes, including electoral campaigns, are fair, transparent and free from manipulation. In addition, they should ensure that the elections take place in a safe environment and are inclusive of a wide cross-section of society.

In relation to safety and fairness, this chapter will focus on the online sphere, as this is where there are many new challenges and where the EU is most active when it comes to setting rules relevant to the conduct of elections and the wider campaigning environment. While the reference period is 2024, some relevant developments in the run-up to this electoral year and a particularly relevant report of the Venice Commission from 2025 are included <sup>(6)</sup>. The European Commission for Democracy through Law – better known as the Venice Commission – is the Council of Europe’s advisory body on constitutional matters.

## 1.2. REGULATING THE ONLINE SPHERE AND ELECTIONS: FAIR, TRANSPARENT AND SAFE ELECTIONS

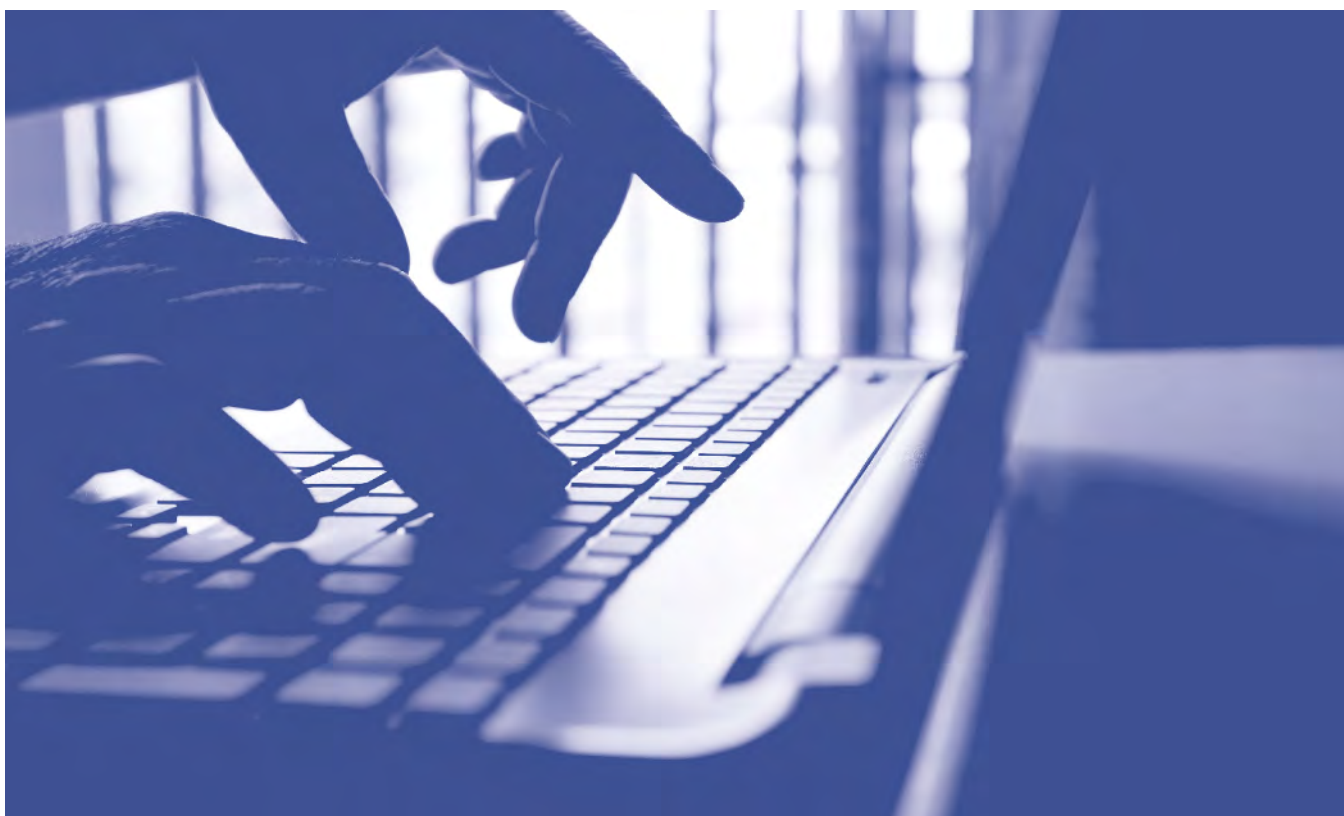
### 1.2.1. Fair and transparent elections in the online sphere

Electoral campaigns are moving ever more online, with party and candidate campaign efforts and political discourse frequently taking place on large online platforms <sup>(7)</sup>. It is clear that online platforms play a key role in ensuring that voters are able to seek out information on political parties and candidates in elections and may play a positive role in the conduct of elections and campaigns <sup>(8)</sup>. At the same time, such platforms are often also used to spread disinformation. The European Commission describes disinformation as ‘verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm’ <sup>(9)</sup>.

In the electoral context, states have a duty under human rights law to ensure that everyone is able to form their opinions free from manipulation, and that pluralism of views is secured <sup>(10)</sup>. Limitations on donations are allowed, as parties and candidates are ‘accountable to the citizenry at large, not to wealthy special-interest groups in particular’ <sup>(11)</sup>. Foreign interference, including foreign funding, in electoral campaigns may be banned, and the Council of Europe’s Committee of Ministers recommends strict regulation thereof <sup>(12)</sup>. At the same time, careful, nuanced regulation is necessary in the case of European political parties <sup>(13)</sup>. Overall, those who seek election to executive or legislative positions are bound by very high transparency standards because they aim to take part in government <sup>(14)</sup>.

#### *Measures taken in the run-up to the European Parliament elections*

Ahead of the European Parliament elections, the Commission worked extensively with the Member States to prepare for the various risks to fair elections that online and offline irregularities pose. Among other measures, the European Digital Media Observatory conducted a risk analysis, which contributed to the setting-up of a rapid response system to detect severe cases of disinformation <sup>(15)</sup>. In addition, the Commission engaged in an action to test the readiness of both the national authorities and civil-society organisations to react to election manipulation and interferences <sup>(16)</sup>. It published a recommendation on inclusive and resilient electoral processes promoting transparency, confidentiality, resilience against cyber threats and the minimisation of foreign influence <sup>(17)</sup>. In the lead-up to the 2024 elections to the European Parliament, the work of the European Cooperation Network on Elections intensified. This is a network of Member States’ authorities responsible for electoral matters that meets regularly. Their work aims to address potential risks and identify solutions and contribute to more resilient electoral and democratic systems. Various European institutions also cooperated to create toolkits for teachers and a series of videos and dedicated websites on foreign interference <sup>(18)</sup>.



### *Online threats to fairness and transparency of elections in 2024*

These preparations proved necessary, as online platforms were indeed used to engage in various types of manipulation of the electorate in 2024, such as those seen in the case of **Romania**, discussed further below. The European Digital Media Observatory reported that what it describes as ‘EU-related’ disinformation, as a percentage of disinformation more generally, increased from 5 % of disinformation monitored in January to 15 % in May 2024 <sup>(19)</sup>. Campaigns aligning with the narratives of certain parties, such as suggesting Western decline and an EU pro-war agenda, were prominent on TikTok during elections in **Czechia**, for example <sup>(20)</sup>. Such narratives also sought to undermine the EU integration project by spreading lies about EU initiatives and positions. These lies included, for example, false claims spread during the **Swedish** European Parliament elections on TikTok that the EU had banned the burning of garden waste <sup>(21)</sup>, or during the **French** European Parliament elections that the EU planned to scrap older vehicles <sup>(22)</sup>.

Online platforms were used to spread disinformation in support of particular candidates, as was the case in the **French, German and Italian** elections <sup>(23)</sup>. The Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights also noted widespread disinformation during the **Slovak** presidential elections, which included fictional quotes posted on a fake web page set up for one of the candidates, and efforts to portray candidates as warmongers <sup>(24)</sup>. Search engine results spreading false claims by pro-Russian groups of election fraud in national elections in **Finland** were prominent in Google’s Finnish-language search engine predictions <sup>(25)</sup>.

Artificial intelligence (AI) was also used in attempts to manipulate the electorate. Examples of this include AI-generated images used in the **French** national elections that pretended to show crowds of refugees landing on European shores <sup>(26)</sup>. A similar use of AI was reported during the parliamentary elections in **Croatia**. There, videos generated with both moderately technical and cheap fake technology and targeting political candidates were shared on X and TikTok <sup>(27)</sup>.

In relation to the European elections, the European Commission concluded in a preliminary assessment that, despite a high threat level, no interference by disinformation was capable of disrupting the European elections <sup>(28)</sup>. National authorities, for example in **Estonia** <sup>(29)</sup>, **Luxembourg** <sup>(30)</sup> and the **Netherlands** <sup>(31)</sup>, echoed these findings. However, the OSCE’s final report on the European elections notes that efforts to combat online disinformation, including the use of deepfake technology and AI on major online platforms, have been insufficient. This is exemplified by the consistent use of such technologies in the majority of Member States during election times, ‘often in connection with negative campaigning and as foreign interference’ <sup>(32)</sup>.

### *An example of risks in the online environment: the annulment of Romanian presidential elections*

Developments in **Romania** highlighted some of the risks posed by determined attempts to exploit online platforms for electoral manipulation. Having initially certified the first round of presidential elections <sup>(33)</sup>, the Romanian Constitutional Court annulled the elections after serious allegations of irregularities were made against the winning candidate. This candidate was a surprise contender: unaffiliated with any political party, unknown to the public and without any declared electoral funds <sup>(34)</sup>. A campaign was waged on TikTok on behalf of this candidate using AI-generated images, including various forms of disinformation and using various artificial methods to

ensure videos went viral <sup>(35)</sup>. The TikTok videos in question had apparently also not been labelled as political advertisements and did not mention their origin or funding source. In addition, the candidate stated publicly that they were running the campaign without any budget <sup>(36)</sup>.

The Constitutional Court justified its decision to annul the election by arguing that the free nature of the vote had not been respected <sup>(37)</sup>. It found that the aggressiveness of the electoral promotion and abusive exploitation of the algorithms of social media platforms, and the lack of transparency of the promotion and of its funding, resulted in the electorate being effectively disinformed and manipulated throughout the electoral campaign <sup>(38)</sup>.

Efforts of the Romanian authorities to remove some of this content from TikTok had failed <sup>(39)</sup>. The security services noted in relation to this incident that Romania was a priority target for hostile action by Russia <sup>(40)</sup>. Ahead of the rerun of the elections, the government gave the Central Election Bureau the power to order the removal of illegal content and to issue heavy fines if this was not done <sup>(41)</sup>.

The Constitutional Court's judgment was controversial. Critics focused on the arguments that, in substance, the judgment contradicted the previously taken decision certifying the elections just days before the second round, that the decision was made after the deadline for appeals and that the annulment could be politically motivated <sup>(42)</sup>. The European Court of Human Rights dismissed the candidate's complaints against the annulment of the elections as manifestly ill founded <sup>(43)</sup>.

This case demonstrates that the sophisticated usage of various online manipulation techniques together (AI, disinformation, artificial enhancement of a candidate's profile, etc.) can threaten key electoral principles such as freedom of voters to form an opinion, transparency, equality of opportunity and fairness, to the point that the legitimacy of an entire election can be questioned.

In an urgent report issued after the Romanian judgment, the Venice Commission emphasised the need for safeguards for decisions to (partially) annul or cancel elections <sup>(44)</sup>. It emphasised that, when such annulments are contemplated, they should be a matter of last resort, and that the decisions, regardless of which body they emanate from, should be appealable to or taken by courts to guarantee the fairness of procedures and facilitate the taking of swift decisions. In relation to the burden of proof, the threshold for annulling an election should be high, although '[a]sking for proof that the election results have been affected would however establish too high a hurdle' <sup>(45)</sup>.

#### *A fundamental rights approach to transparent and fair elections in the online sphere*

The annulment of elections should clearly be a matter of last resort. Attempts to manipulate the electorate therefore require an effective and targeted response to ensure elections remain fair and transparent. How can this be achieved in a fundamental-rights-compliant manner? Various measures are to be considered, ranging from measures that do not interfere with fundamental rights to measures that have a very serious impact.

Measures that do not interfere with fundamental rights include fact-checking, counter-narratives, labels, warnings, awareness raising and the encouragement of critical thinking. Some of these measures are described in the box below.

## PROMISING PRACTICE

# Member State action to ensure election integrity in the online sphere

At the national level, concrete measures were adopted to combat disinformation. They focused on awareness raising and the enhancement of media literacy.

### Communication and awareness-raising campaigns

Awareness-raising campaigns targeting voters and providing them with useful tips have been set up in **Italy** and **Sweden**. **Luxembourg** set up more specific campaigns, dealing with the risks of AI-driven disinformation and deepfakes.

### Guides and workshops

Some activities targeted specific groups. **Belgium** published a guide for candidates, and **France** provided guidelines to online platforms. **Bulgaria** set up workshops aimed at educating journalists.

*Sources:* Italy: Communications Guarantee Authority (Autorità per le garanzie nelle comunicazioni (AGCOM)), '**Campagna di comunicazione ERGA contro la disinformazione online**' ('ERGA communication campaign against online misinformation'), 21 June 2024; Sweden: Swedish Psychological Defence Agency (Myndigheten för psykologiskt försvar), '**Bred informationsinsats i samband med EU-valet**' ('Broad information campaign in connection with the EU election'), 3 June 2024; Luxembourg: Bee Secure, '**Élections européennes: manipulation via désinformation et deepfakes**' ('European elections: Manipulation via disinformation and deepfakes'), 23 April 2024; Belgium: Centre for Cybersecurity Belgium, '**Veilig Online Tijdens de Verkiezingscampagne**' ('Safe online during election campaign'), 2024; France: Regulatory Authority for Audiovisual and Digital Communication (Autorité de régulation de la communication audiovisuelle et numérique (ARCOM)), '**Préconisations relatives à la lutte contre la manipulation de l'information sur les plateformes en ligne en vue des élections au Parlement européen du 6 au 9 juin 2024**' (Recommendations for combating against the manipulation of information on online platforms with a view to the European Parliament from 6 to 9 June), 6 March 2024; Association of European Journalists – Bulgaria (Асоциация на европейските журналисти – България), '**Google News Initiative, AEJ Bulgaria launch a new partnership against election fraud and disinformation**', 30 October 2024.

Another potential response to irregularities in the use of online platforms in elections is to punish the authors of illegal speech through criminal prosecutions and/or to remove such speech from the relevant platform (or render it inaccessible). Generally speaking, however, political speech enjoys very high levels of protection under international human rights law <sup>(46)</sup>. The freedom to conduct a business (Article 16 of the Charter of Fundamental Rights) is also of relevance when measures ordered to be taken against online platforms disrupt their business models. Where EU law is applicable, the relevant rights may only be restricted when the requirements of Article 52 of the Charter are met, namely that subject to the principle of

proportionality the restrictions are necessary and genuinely meet the objectives of general interest recognised by the EU or the need to protect the rights and freedoms of others.

If the law requires that certain content be taken down or other active measures such as changes to algorithms are ordered, this will interfere with the freedoms of expression and information (Article 11 of the Charter, Article 10 of the European Convention on Human Rights). When such restrictive measures come within the scope of application of EU law, they need to conform with the freedom to hold opinions as laid down in Article 11 of the Charter. At the same time, where the integrity of elections is threatened, the freedom to hold opinions and to access information is put at risk. In the context of elections, the Venice Commission has taken the view that states have an obligation to prevent and punish 'infringements of the voters' freedom to form an opinion, including by private actors, as well as to prevent inequality in media coverage during elections' and to safeguard the integrity of the elections <sup>(47)</sup>. In essence, this requires regulation at the level of candidates and political parties and at the level of online platforms, rather than at the level of individual users expressing their views. This includes banning deepfakes and the deceptive use of AI, requiring sponsors of online advertising to be disclosed and, where necessary, banning the use of AI-based mass dissemination through micro-targeting and banning anonymous campaigning <sup>(48)</sup>. It also means ensuring regulations are applied to make sure that algorithms do not favour one candidate over another <sup>(49)</sup>.

A response that would go significantly beyond the abovementioned measures is to suspend the functioning of the online platform(s) used to conduct electoral manipulation, or even ban them altogether. The Venice Commission has indicated that, although any bans issued should generally target only specific content, '[i]n case[s in which] the webpage or system is managed by a foreign entity and has on many occasions disseminated false information aimed at influencing the election results, a general ban could be acceptable' <sup>(50)</sup>.

#### *The growing role of EU law in ensuring transparent and fair elections*

Many of the forms of regulation endorsed by the Venice Commission and presented in the previous sections are now available under EU law. This includes provisions of the Digital Services Act (DSA), which are based on a co-regulatory model <sup>(51)</sup>. Overall, the DSA aims to create a safer digital environment protecting the fundamental rights enshrined in EU legislation and ensuring a level playing field for businesses <sup>(52)</sup>. To do so, the act addresses not only the issue of dissemination of illegal content but also systemic risks potentially generated by 'any actual or foreseeable negative effects on civic discourse and electoral processes, and public security' (Article 34), which include disinformation and foreign information manipulation and interference. It imposes a series of progressively more elaborate obligations on providers of online services – especially very large online platforms (VLOPs) (Facebook, Google, X, etc.) and very large online search engines (VLOSEs) more than 10 % of whose users are within the EU. The DSA requires these VLOPs and VLOSEs to conduct assessments of systemic risks <sup>(53)</sup>. On this basis, they are also required to put in place reasonable, proportionate and effective mitigation measures. These may include, for example, adapting the design and functioning of their systems, including the algorithms they use <sup>(54)</sup>. Section 4 of Chapter IV of the DSA envisages a series of Commission enforcement powers in relation to VLOPs and VLOSEs. These include investigative powers and effective, proportionate and dissuasive sanctions of up to 6 % of the annual worldwide turnover of the service provider in the preceding financial year in the event of a breach <sup>(55)</sup>.



The European Commission has also made clear the relevance of the DSA to the electoral context through the publication of specific DSA guidelines to mitigate risks to the integrity of elections <sup>(56)</sup>. VLOPs are, for example, required to implement election-specific risk mitigation measures, cooperate with civil society and independent experts, and set up specific incident response mechanisms <sup>(57)</sup>.

The EU's political advertising regulation is also of relevance here, as it regulates political advertising in all elections in the EU <sup>(58)</sup>. It requires this specific advertising to be clearly labelled as such and to contain information on who is responsible for such advertising <sup>(59)</sup>. The regulation also bans political advertising from outside the EU in the three months leading up to elections or referendums <sup>(60)</sup>. As the regulation is not yet in force (it will apply from 10 October 2025, with some exceptions), the Commission has not yet taken action to enforce it <sup>(61)</sup>. It was already cited, however, by the Romanian Constitutional Court in the aforementioned case annulling a presidential election.

The new EU regulation on AI also addresses election integrity to some extent. AI systems that are 'intended to be used for influencing the outcome of an election or referendum or the voting behaviour of natural persons in the exercise of their vote in elections or referenda' are classified as high-risk AI in the sense of Article 6(2) of the AI Act <sup>(62)</sup>. This means that such systems can only be used when a range of requirements are fulfilled, including human oversight, risk mitigation measures and the system having a certain level of robustness, cybersecurity and accuracy <sup>(63)</sup>. Non-compliance with the provisions of the act in relation to high-risk AI systems can result in fines of up to EUR 15 million or, in the case of undertakings, up to 3 % of their worldwide annual turnover (whichever is higher) <sup>(64)</sup>. The AI Act's provisions on high-risk AI will apply from 2 August 2026 <sup>(65)</sup>. Moreover, the AI Act mandates transparency requirements for deployers of AI systems that create deepfakes or generate or manipulate text that is meant to inform the public.

Several enforcement actions have taken place at the EU level. For example, the Commission has already opened formal proceedings against TikTok in the case of the Romanian presidential election described above. As the investigation is ongoing, no decisions have yet been issued <sup>(66)</sup>. It will ultimately be for the Court of Justice of the European Union to determine, in cases brought before it, how to apply the range of fundamental rights that are relevant to the electoral context in DSA-related cases.

Currently, at the national level the enforcement of the DSA is still very limited, mainly because of the delayed designation of some of the entities responsible for coordinating the digital services <sup>(67)</sup>. The Commission took action on this against the relevant Member States <sup>(68)</sup>.

The enforcement of EU law in general and its relevant rules in the particularly fast-paced online environment is especially resource intensive. The European Court of Auditors has highlighted the importance of ensuring sufficient staffing and external expertise for the enforcement of EU law <sup>(69)</sup>. To ensure the effective enforcement of EU law vis-à-vis the Member States and powerful large online platforms, significant Commission resources will be required.

### **1.2.2. Elections free from violence and threats**

#### *Safety in the online sphere during elections in 2024*

States have to ensure that elections take place in a safe environment, free from violence, threats and intimidation <sup>(70)</sup>. This applies to the online sphere as well as in-person activities.





According to the final report on the European Parliament elections by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), '[c]ases of harmful rhetoric, including elements of racism, misogyny, xenophobia, islamophobia, intimidation and violence persisted throughout the campaign and increasingly online' <sup>(71)</sup>. OSCE reports found an increase in online hate speech, violence and death threats in **Belgium**, **Germany** and the **Netherlands** <sup>(72)</sup>. Many online harassment cases were targeted at women. According to ODIHR, this harassment mainly took the form of recurring sexist comments, as seen in relation to the European Parliament election campaigns in **Austria**, **Ireland**, **Malta**, **Portugal** and **Slovenia** <sup>(73)</sup>. Verbal attacks and stigmatisation targeting women from minorities were also reported in the OSCE report on the **Bulgarian** parliamentary elections <sup>(74)</sup>. In addition, online campaigns spread disinformation about immigrants, for example by exaggerating the prevalence of rape charges against foreigners, during the **French** European Parliament elections <sup>(75)</sup>. A website was created in **France** calling for the elimination of a list of lawyers who had warned of the dangers of a far-right party <sup>(76)</sup>. Another online campaign spread the narrative in local elections in **Ireland** that a candidate who had lived in Ireland for 21 years had only recently moved there, and that the candidature of a woman of Ukrainian origin in the Irish municipal elections amounted to 'foreign electoral interference' <sup>(77)</sup>.

The online climate may be contextualised by noting the significant number of incidents of political violence that took place offline in 2024. These included an assassination attempt against the Prime Minister of **Slovakia** <sup>(78)</sup>, and a physical attack on campaign workers as well as the intimidation of the Bundestag vice-president in **Germany** by surrounding her car <sup>(79)</sup>. The municipal elections in **Italy** witnessed cases of intimidation and violence, including physical attacks <sup>(80)</sup>. Other examples include the 51 attacks against candidates in national elections, which resulted in some 30 arrests up to July 2024, in **France** <sup>(81)</sup>, and the 378 criminal proceedings connected with the 2024 local and European Parliament elections in **Hungary**, 264 of which were cases of violence or intimidation <sup>(82)</sup>.

EU legislation currently requires Member States to criminalise certain forms of intentional racist or xenophobic offences<sup>(83)</sup>. The DSA requires VLOPs and VLOSEs operating in the EU to take reasonable, proportionate and effective mitigation measures, including in respect of illegal hate speech and cyberviolence<sup>(84)</sup>. From a fundamental rights point of view, Article 20 of the International Covenant on Civil and Political Rights (ICCPR) requires the criminalisation of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Any restrictions based on Article 20 must be compatible with Article 19 of the ICCPR, which protects the freedom of expression in similar terms to the equivalent rights in Article 11 of the Charter of Fundamental Rights and Article 10 ECHR<sup>(85)</sup>.

One challenge in this area is that hate-related incidents are often under-reported<sup>(86)</sup>. In addition, the sheer number of comments containing illegal material such as direct threats to individual politicians can also pose a challenge for law enforcement<sup>(87)</sup>. In addition, as noted in Section 1.2.1, there is a lack of digital services coordinators at the national level.

Other measures may complement criminal prosecution to help ensure the safety of political candidates during elections and/or representatives once elected. Examples include training sessions to help women engaged in politics to deal with online violence in **Portugal**<sup>(88)</sup> and guidance to enhance protection for elected officials in regional and/or municipal elections, as seen in **Denmark**<sup>(89)</sup> and **Sweden**<sup>(90)</sup>. Voluntary codes of conduct or pledges in the electoral context can also help prevent violence and hate speech and encourage an inclusive political discourse. One example is the Code of Conduct for the 2024 European Parliament Election, signed by all European political parties on 9 April 2024, in which they committed to upholding ethical and fair campaign practices.

### 1.3. INCLUSIVE ELECTORAL PROCESSES

To ensure the legitimacy of elected bodies, it is crucial that they represent a broad cross-section of society. This is also vital for legislative and policy discussions that affect the various groups in society; if the legislative body has members from each of these groups, their lived experiences can inform the debate on how potential laws would affect them, improving the quality of legislation and regulation. The motto of the disability community summarises this notion with the phrase ‘nothing about us without us’. Women have the right to equal and inclusive representation in all decision-making systems on equal terms with men. As the UN Committee on the Elimination of Discrimination against Women established, despite significant progress, this right is still not respected, which also seriously hampers the implementation of all other rights<sup>(91)</sup>.

Under international human rights law, measures can be taken to promote the participation of women and under-represented groups, including temporary special measures<sup>(92)</sup>. Member States have the discretion to choose the means of such measures<sup>(93)</sup>.

A look at the outcomes of elections for women and groups such as young people, people with disabilities and other minorities paints a worrying picture. This is also true of the EU. States have acted to promote gender equality and inclusion, but not effectively enough to prevent the stalling or even deterioration of inclusive participation in elected bodies, including the European Parliament. The parliament has made efforts to improve the situation by proposing more binding rules on inclusion, but they have not yet received the unanimous approval required from the Council of the European Union<sup>(94)</sup>.



### 1.3.1. Gender equality

When it comes to the equal participation of women and men, steady progress towards the greater participation of women in the European Parliament seemed to have regressed in 2024. Until the election in 2019, the number of female Members of the European Parliament (MEPs) had steadily increased from 30 % in 1999 to 41 % in 2019 <sup>(95)</sup>. In the 2024 parliament, 39 % of MEPs are women <sup>(96)</sup>.

Since the 2024 elections, the six-person **Cypriot** delegation has consisted only of men. For the other Member States, the percentage of women in delegations ranges from one in six (16.67 %) in **Malta** to 13 out of 21 (62 %) in **Sweden** <sup>(97)</sup>. However, the representation of women in the European Parliament is still slightly higher than the estimated average of one third of women who are members of national parliaments <sup>(98)</sup>. The average percentage of elected women in regional assemblies and municipalities in the EU is 31 % <sup>(99)</sup>.

Member States and the three EU candidate states that hold observer status with FRA have taken a range of measures to promote gender equality in elections. With regard to European Parliament elections, four Member States (**Belgium, France, Italy and Luxembourg**) have measures or quotas requiring 50 % of women on party lists, and five (**Croatia, Greece, Portugal, Slovenia and Spain**) require 40 %; one (**Poland**) requires at least 35 %. Other Member States have no quotas for the European elections <sup>(100)</sup>. **Ireland** and **Malta** are the only two countries that have quotas for some of their national parliaments but not for European elections <sup>(101)</sup>. In most Member States, violations of the required quota on proposed party lists result in the invalidation of these lists. In **Croatia**, financial sanctions apply, while in **Luxembourg** the funding of the party is reduced in the event of non-compliance <sup>(102)</sup>. In **Croatia**, parties often choose to pay the fine rather than align their lists with the legislation in force <sup>(103)</sup>.

Another type of measure to improve inclusion is to make political party financing contingent on respect for inclusion-related measures. This is mainly applied in the area of gender equality, for example in **Austria** <sup>(104)</sup>, **Finland** <sup>(105)</sup> and **Sweden** <sup>(106)</sup>. Other measures to promote gender equality include mentoring programmes in **Germany** <sup>(107)</sup>; voluntary gender

quotas <sup>(108)</sup>; and training and awareness-raising campaigns (e.g. in **Portugal** <sup>(109)</sup>). Tools such as ELGE's self-assessment tool, allowing parliaments to assess their own gender sensitivity, and its gender equality action plans <sup>(110)</sup>, and manifestos – for example that of the European Women's Lobby <sup>(111)</sup> – also exist.

Although some countries, such as Sweden, have seen female political participation rise as a result of voluntary gender quotas, measures to deal with this lack of equal representation do not always work <sup>(112)</sup>. Regarding quotas, for example, issues with women being placed in less electable parts of lists were reported during national elections of **North Macedonia** <sup>(113)</sup> and **Portugal** <sup>(114)</sup>. In **Romania**, despite a requirement that both men and women should be present on the electoral lists that parties present, 18 electoral lists for the 2024 municipal elections did not include any men, and 449 did not include any women <sup>(115)</sup>. Similar issues were reported during the municipal elections in **Serbia** <sup>(116)</sup>. There are many potential causes of such under-representation. These include structural and social barriers. Among these, sexism, unequal access to key resources, and unequal sharing of unpaid care and familial responsibilities feature prominently. Other causes include the working methods of elected assemblies, the status of elected representatives, a perception of low abilities, a high level of abuse and violence in a male-dominated field, including online (see Section 1.2.2), and insufficient safeguards against sexism and gender-based violence in political life. Barriers more directly linked to the process of getting elected (the preferences of the political parties for recruiting select and champion candidates and voters' preferences) <sup>(117)</sup> are also present. A European-level study that surveyed female politicians at the municipal and regional levels found that 29 % of them reported experiencing cyberviolence, leading 18 % of them to become less politically vocal, 32 % of them to quit social media and 33 % of them to feel unsafe <sup>(118)</sup>.

### 1.3.2. Participation of persons with disabilities

Member States have taken a range of measures to improve the participation of persons with disabilities in both European and national elections. At the national level, the participation of voters with disabilities has been encouraged through technical assistance consisting of both concrete accessibility measures and personal assistance, studies on the existing barriers, leaflets in accessible easy-to-read formats and accessible mobile apps (as seen in **Lithuania** <sup>(119)</sup>, **Portugal** <sup>(120)</sup>, **Romania** <sup>(121)</sup> and **Slovenia** <sup>(122)</sup>). At the EU level, some key initiatives to increase the participation of persons with disabilities included the European Commission's guide on good electoral practices to include citizens with disabilities <sup>(123)</sup>, a European Disability Forum manifesto <sup>(124)</sup> and Inclusion Europe's indicators for the participation of persons with intellectual disabilities <sup>(125)</sup>.

However, when it comes to outcomes, the picture of the participation of persons with disabilities is not encouraging. The European Disability Forum is aware of only three MEPs who have openly declared that they have a disability – a rather low number considering that 26.8 % of people over the age of 16 in the EU report having long-term limitations in their activities, which Eurostat uses as a proxy for disability <sup>(126)</sup>. This is also a significant reduction compared with the composition of the previous European Parliament, of which eight members stated that they had a disability <sup>(127)</sup>.

This poor performance is not surprising when one looks at the overall difficulties that persons with disabilities face in exercising their right to cast a vote.





FRA updated its report on the political participation of people with disabilities ahead of the 2024 European Parliament elections and found improvements, but also a range of remaining challenges based on a variety of indicators <sup>(128)</sup>. On the one hand, a number of legal restrictions to the right to vote and stand for elections had been removed, and there were improvements in the accessibility of polling booths and increases in the use of sign language interpretation during electoral campaigns. On the other hand, the report found that there are still barriers to the participation for people with visual, hearing and intellectual disabilities <sup>(129)</sup>. These are based on legal capacity and practical obstacles to voting. In addition, few data on the accessibility of buildings are available, relevant websites are not accessible and it is hard for persons with disabilities to access private media coverage of elections.

Despite improvements and the assessment by observers from civil-society organisations that the participation of persons with disabilities in elections has improved since 2019 <sup>(130)</sup>, election officials still reported that 25 % of the municipalities in the **Netherlands** had one or more polling stations that did not adhere to accessibility standards <sup>(131)</sup>. Persons with disabilities had no assistance in casting their ballot in the final hours of voting in European Parliament elections in **Ireland**, and the responsible authorities issued guidance to encourage presiding officers to provide such assistance <sup>(132)</sup>. Difficulties of varying kinds in accessing polling stations were also reported in **Belgium** <sup>(133)</sup>, **Latvia** <sup>(134)</sup>, **Malta** <sup>(135)</sup>, **North Macedonia** <sup>(136)</sup>, **Slovakia** <sup>(137)</sup> and **Sweden** <sup>(138)</sup>.

### 1.3.3. Youth participation

The picture is not much more encouraging when it comes to youth participation. There have been some efforts to encourage youth participation; for example, communication campaigns targeting young voters were set up in **Finland** <sup>(139)</sup>. To promote the engagement of young people, the EU funded several online platforms providing youth-friendly information <sup>(140)</sup> and educational projects appealing to Gen Z <sup>(141)</sup>.

In addition, two Member States lowered the voting age to 16 years ahead of the most recent European Parliament elections: **Belgium** (2022) and **Germany** (2023). The minimum voting age had already been lowered to 16 years in **Malta** (2018) and **Austria** (2007), and to 17 years in **Greece** (2014) <sup>(142)</sup>. The voting age remains at 18 years in the other 22 Member States. For national elections, the minimum age to stand as a candidate is 18 years in fifteen Member States, 21 years in nine, 23 years in one and 25 years in two <sup>(143)</sup>.

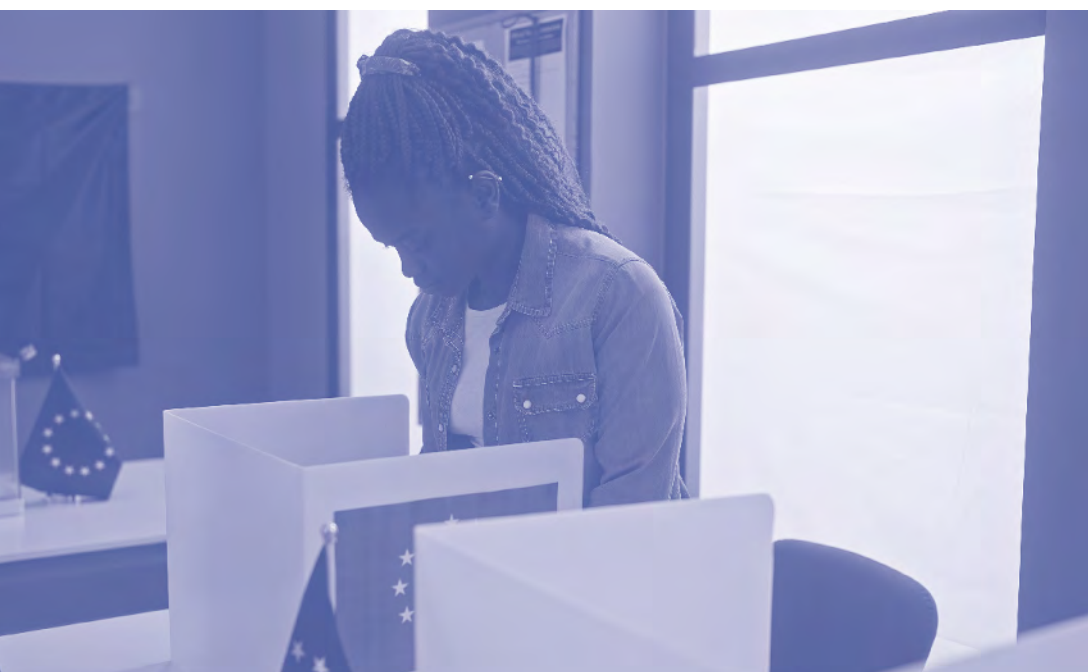
Despite these reforms and measures, only 10 % of MEPs are under the age of 35, compared with 25 % of the European population <sup>(144)</sup>. Five Member States have no people under the age of 35 representing them in the European Parliament, and eight have only one <sup>(145)</sup>. The average age of MEPs in 2025 is 50 years; the youngest member is 24 and the oldest 77 <sup>(146)</sup>.

The **Maltese** delegation to the European Parliament is the youngest, with an average age of 41. The delegation of **Luxembourg** is the oldest, with an average age of 58 <sup>(147)</sup>.

#### 1.3.4. Other groups facing exclusion

Finally, with regard to the participation of various minorities, there also appears to be some backsliding despite efforts to promote inclusivity.

At the level of the Council of Europe, the Parliamentary Assembly adopted a resolution encouraging Member States to provide civic education, launch awareness-raising campaigns and disseminate information in a variety of languages <sup>(148)</sup>. The EU has developed tools such as a voting advice application and a citizens' engagement platform, both accessible in all EU languages <sup>(149)</sup>. It also funded a campaign to promote the participation of migrant women in elections <sup>(150)</sup>. The Parliamentary Assembly of the Council of Europe provided further guidance in its resolution on the role of political parties in fostering diversity and inclusion <sup>(151)</sup>. It called on Member States to take a pro-active approach to combating racism, to refrain from forming political alliances inciting ethnic or racial prejudices, and to refuse to display or disseminate views and media inciting violence ranging from denigration to stigmatisation. The inclusion of lesbian, gay, bisexual, transgender and intersex (LGBTI) people was promoted through the sharing of good practices in the United Nations Development Programme's guide to strengthening the participation of LGBTI people in electoral processes <sup>(152)</sup>. In addition, the civil-society network ILGA Europe provided concrete tips and actions to involve local media in supporting LGBTI rights and encourage candidates to pledge their support for LGBTI rights <sup>(153)</sup>.



Despite these and other efforts, the level of minority representation in the European Parliament and other elected bodies in Europe is stalling. The proportion of MEPs self-identifying as part of a racial or ethnic minority was approximately 3.3 % in 2014 and 4.5 % in 2019 <sup>(154)</sup>. These numbers went down after the departure of a number of MEPs of colour elected to represent the United Kingdom in 2020 <sup>(155)</sup>. Of the current MEPs, 3.2 % are members of national minorities. While this represents an increase from 2.8 % in the last parliament, the current presence of national minorities in the European Parliament is not representative of the actual share of minorities in the EU (6.7 %) <sup>(156)</sup>. In addition, there are no Roma representatives in the newly elected European Parliament. Before, there were at least a small number of representatives of the Roma population in the EU, which is estimated at 6 million <sup>(157)</sup>. Roma women face even more obstacles to reach political decision-making positions.

The situation is mirrored at the national level. For instance, despite the significant Roma population in Bulgaria, civil-society organisations report that there are no Roma in the **Bulgarian** parliament <sup>(158)</sup>. At least 12 Roma candidates stood in the **Czech** regional elections and none were elected. They were placed low on candidate lists <sup>(159)</sup>. The **Slovak** European and presidential elections also had low participation from the Roma population <sup>(160)</sup>. This could be due to structural and social factors, including a lack of registration or identification documents, a lack of information and knowledge about the elections, polling stations being located particularly far from their living environments, being subject to intimidation or being placed particularly low on a party's list when running for elections <sup>(161)</sup>. Good practices were also observed, such as the extensive educational, informational and awareness-raising campaign by Albania's Central Elections Commission, targeting all voters, with a special focus on Roma and Egyptian national minorities.

EU citizens with a migrant background also face difficulties in participating in elections. On the one hand, a study on the participation of candidates in the Flemish Region of **Belgium** found that candidates with a migrant background were under-represented in the European, federal and regional elections in 2024 <sup>(162)</sup>. This suggests that structural barriers within parties remain, making it difficult for this population group to fully integrate into political life. On the other hand, in 2024, the number of candidates with a migrant background in local elections in **Ireland** was more than double that in 2019 <sup>(163)</sup>.

Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people also face challenges in terms of political participation. A United Nations Development Programme study found low participation and difficulties in finding relevant data on LGBTIQ representation in political office worldwide <sup>(164)</sup>. In the **Italian** European Parliament elections, a civil-society organisation working to promote transgender rights filed a complaint about the practice of creating male and female queues at polling stations. It suggested organising the queues by surname instead, as had been done in some cases already <sup>(165)</sup>. In **Romania**, a candidate was elected who was the first openly gay man elected to local office. However, he encountered significant backlash and was subjected to attacks regarding his sexual orientation by other candidates. Additionally, his own party expelled him, withdrew their support and subsequently replaced him <sup>(166)</sup>. In **Hungary**, transgender individuals must participate in elections according to their sex and name at birth, as Hungary only recognises sex at birth in all spheres of public life <sup>(167)</sup>.

## Key findings and FRA opinions

### FRA OPINION 1

The European Commission and the EU Member States should ensure sufficient resources are available to implement and enforce the provisions of the DSA, AI Act and political advertising regulation. Applying and enforcing EU legislation, among other measures, can ensure the integrity of future elections in the EU. It can ensure elections are protected from manipulation by domestic or foreign actors and ensure respect for fundamental rights such as freedom of expression.

Member States should cooperate with the European Commission to ensure mutual learning. They should share promising practices and guarantee that new challenges, such as the use of AI, are addressed. This cooperation will help them respond effectively to the challenges associated with these transnational phenomena such as manipulation and undue influence.

EU law, such as the DSA, has started to be enforced in relation to elections already, and other legislation such as the AI Act and political advertising regulation, if properly enforced at both the national and the EU level, will play a growing role in contributing to the integrity of future elections.

Although Member States took significant measures, and the Commission took a proactive approach to dealing with the potential misuse of online platforms to manipulate elections in 2024, there is evidence of the use of disinformation, the growing use of AI and the use of other techniques to attempt to exert undue influence on the conduct and outcome of elections in the EU. Indeed, one such case even resulted in the annulment of the first round of a national presidential election.

### FRA OPINION 2

The European Commission and EU Member States should deal with threats of violence and intimidation during elections using national and EU law. The DSA is one option of law that they can use to deal with threats. In doing so, they should balance any action with the right to freedom of expression and other fundamental rights.

The recent DSA requires very large online platforms operating in the EU to put in place reasonable, proportionate and effective mitigation measures, such as changing algorithmic systems or the design of their services, or modifying their content moderation processes, in particular in respect of illegal hate speech or cyberviolence. Enforcement of such provisions is limited so far and may be hampered by lack of capacity, lack of political will and lack of compliance by online platforms.

EU law requires the criminalisation of some forms and expressions of racism and xenophobia. The 2024 European Parliament elections witnessed cases of harmful rhetoric, including elements of racism, misogyny, xenophobia, and discrimination against Muslims. Incidents of intimidation persisted throughout the campaign and increasingly took place online, backed up by acts of political violence that contributed to the polarisation of the political climate.



EU primary law grants EU citizens the right to vote and stand for elections in the European Parliament but also at the municipal level in their state of residence. In addition, Member States need to respect their obligations under international human rights law, including the European Convention of Human Rights, which in Article 3 of Protocol No 1 enshrines the right to free elections, as well as the United Nations Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, which require the removal of obstacles to electoral participation on the grounds of disability sex and race/ethnicity. In addition, the International Covenant on Civil and Political Rights protects the broader right to political participation.

The current composition of the European Parliament suggests that membership of the parliament does not reflect overall societies in terms of the inclusion of women, people with disabilities, young people and other minorities, such as people at the intersections of these or other minority categories. This risks negatively affecting its legitimacy and reducing the effectiveness of its work by not enabling it to tap into the lived experiences of members of all the different groups that make up European societies. These concerns are not limited to the EU level but are in some contexts also a challenge at the national and subnational levels.

The EU itself and all its Member States are bound by the UN Convention on the Rights of Persons with Disabilities, which guarantees to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others. The ability of people with disabilities to participate in political life has improved in the last decade.

Despite this, as FRA found in its 2024 report on the political participation of people with disabilities, based on indicators developed by FRA, there are still barriers to their participation based on legal capacity. These include obstacles to voting for people with visual, hearing and intellectual disabilities, a lack of data collection on accessibility of buildings, a lack of web accessibility and difficulties in accessing private media coverage of elections. Problems with the accessibility of polling stations for people with disabilities appear to have persisted in the 2024 elections in a number of Member States.



### FRA OPINION 3

EU Member States should use their legal and policy tools at the national level to improve the inclusivity of elected bodies in the EU.

Member States should consider introducing legally binding measures such as gender quotas or making the financing of political parties and/or campaigns dependent on measures to promote equality and inclusion. They should address sexism, racism and discrimination related to political activities, including online. Member States should seek assistance from the European Commission, exchange promising practices, and seek the advice of experts and relevant civil-society groups to ensure the measures they adopt are both equitable and effective.



### FRA OPINION 4

EU Member States should lift restrictions on the rights to vote and stand for elections, and should make voting facilities and election materials fully accessible for people with disabilities. They should increase rights awareness and offer greater opportunity for political participation. Member States should improve how the political participation of people with disabilities is measured. To do so, they should draw on indicators that FRA has developed.

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# EFFECTIVELY PROTECTING WOMEN VICTIMS OF VIOLENCE

## 2

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16

January

In case C-621/21, Court of Justice of the European Union clarifies that Directive 2011/95/EU, on third-country nationals or stateless persons as beneficiaries of international protection, must be interpreted consistently with the Istanbul Convention, recognising gender-based violence against women as a form of persecution.

17

February

Digital Services Act comes into effect. Online service providers are required to counter the spread of illegal goods, services or content online, including by ensuring that victims can effectively exercise their right to have non-consensually shared intimate or manipulated material removed.

8

March

European Commission publishes its 2024 report on gender equality in the EU on International Women's Day, detailing how, in 2023, the Commission delivered on its commitments (e.g. to ending gender-based violence) in the EU's 2020–2025 gender equality strategy.

11

April

European Parliament calls for the inclusion of the right to abortion in the Charter of Fundamental Rights of the European Union, emphasising that sexual and reproductive health and rights are essential for human dignity, equality and autonomy. The resolution highlights how restrictions on the access to these rights, including abortion, constitute a form of gender-based violence, particularly when women are forced to seek unsafe abortions or carry pregnancies to term against their will.

14

May

EU adopts the directive on combating violence against women and domestic violence. The directive introduces definitions of certain criminal offences (cyberviolence offences, female genital mutilation and forced marriage), specifies that certain criminal offences under national law fall under the definition of violence against women (femicide, rape, forced abortion and sterilisation), strengthens protection and support for victims, facilitates their access to justice, and enhances prevention, data collection, coordination and cooperation.

4

October

In joined cases C-608/22 and C-609/22, Court of Justice of the European Union rules that Directive 2011/95/EU must be interpreted as meaning that a series of discriminatory measures against women (e.g. depriving them of any legal protection against gender-based and domestic violence), adopted or tolerated by an 'actor of persecution' within the meaning of Article 6 of that directive, counts as an 'act of persecution'.

# Council of Europe and UN

February

13

In *X v Greece* (No 38588/21), European Court of Human Rights (ECtHR) holds that the failure of the investigative and judicial authorities to adequately respond to the allegations of rape amounts to a violation of the positive obligations of the state under Articles 3 and 8 of the European Convention on Human Rights.

27

CoE's Commissioner for Human Rights publishes her report *Sexual and Reproductive Health and Rights in Europe: Progress and challenges*, addressing inter alia mistreatment and violence against women in obstetric care and other reproductive health care settings.

March

6

Council of Europe (CoE) adopts the gender equality strategy for 2024–2029. The strategy will guide the organisation's work towards gender equality over the next six years by targeting existing and emerging challenges, for example preventing and combating violence against women and girls and domestic violence.

14

CoE's Commissioner for Human Rights publishes her report *Human Rights and Gender Identity and Expression* on transgender people. It covers a range of issues (including violence against transgender women, who are most likely to be harassed and assaulted).

May

1

CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) enters into force in Latvia, making it the 39th party to the convention.

June

4

CoE publishes its report *Guidance for Safe and Effective Perpetrator Programmes: Article 16 of the Istanbul Convention*. The comparative study maps the existing programmes for perpetrators of domestic and sexual violence, and provides guidelines and recommendations for future programmes.

20

In *Z. v the Czech Republic* (No 37782/21), ECtHR finds a violation of the respondent State's positive obligations under Articles 3 and 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms due to the lack of effective application by Czechia's national authorities of their criminal law system capable of punishing the non-consensual sexual relations alleged by a vulnerable victim who had not objected to them as they were happening.

September

10

Group of Experts on Action against Violence against Women and Domestic Violence (Grevio) publishes its first thematic report on Austria.

17

Grevio publishes its first thematic report on Albania.

3

Parliamentary Assembly of the CoE adopts Resolution 2576 (2024) on preventing and combating violence and discrimination against lesbian, bisexual and queer women in Europe.

15

In *Daugaard Sorensen v Denmark* (No 25650/22), ECtHR holds that there have been such significant flaws in the procedural response to the applicant's allegations of rape that the responding state has violated its positive obligations under Articles 3 and 8 of the European Convention on Human Rights.

October

Grevio publishes its fifth general report on activities for 2023. It stresses the importance of improving training for authorities to better address different forms of violence, including psychological and digital manifestations of violence.

21

Grevio publishes its first thematic report on Spain.

25

On International Day for the Elimination of Violence against Women, UN Women and the United Nations Office on Drugs and Crime publish a report highlighting the high prevalence of femicide.

28

Grevio publishes its first thematic report on Sweden.

November

3

Grevio publishes its first thematic report on Finland.

In *M. Ş. D. v Romania* (No 28935/21), ECtHR holds that Romania's inadequate legal framework and the authorities' handling of the applicant's case – marked by a reluctance to conduct a prompt and thorough criminal investigation into the non-consensual publication of intimate images by her ex-boyfriend – violated Romania's and the authorities' obligations under Article 8 of the European Convention on Human Rights and contributed to her 'revictimisation'.

December

Violence against women remains a widespread reality in Europe, and victims continue to face obstacles to obtaining protection and accessing justice.

This chapter provides an overview and analysis of the most recent EU data on the prevalence and nature of gender-based violence, based on survey data from Eurostat, the European Union Agency for Fundamental Rights and the European Institute for Gender Equality published in 2024.

Alongside the empirical data, the chapter describes relevant legislative and policy developments at the international and national levels. A major milestone was the adoption of the EU directive on combating violence against women and domestic violence in May 2024.

Cyberviolence against women is highlighted in several parts of the chapter as a concrete example of violence against women.

## 2.1. INTRODUCTION

Violence against women remains a pervasive and large-scale violation of women's rights. On average, one in three women in the EU have experienced some form of violence during their lifetime. Victims face obstacles to obtaining protection and accessing justice. At the same time, there have been significant improvements in the area of victims' rights in recent years, with 2024 seeing the adoption of a specific EU directive on violence against women and domestic violence.

This chapter draws on data from the latest EU-wide survey conducted by Eurostat, the European Union Agency for Fundamental Rights (FRA) and the European Institute for Gender Equality (EIGE), reflecting on developments in the 10 years since FRA's first EU-wide survey on violence against women. Section 2.2.1 provides an overview of the data, including an intersectional analysis and highlighting cybercrime as an example of violence against women.

Section 2.2.2 examines the latest legislative and policy developments, as well as relevant jurisprudence on violence against women and their protection as victims of crime, at both the EU and the international level. The need for effective protection of victims has been recognised in the EU directive on combating violence against women and domestic violence.

Finally, Section 2.2.3 examines developments at the national level, covering topics such as the introduction of consent-based definitions of sexual violence, measures taken to enhance reporting and other measures introduced to enhance the protection of women victims of violence.

## 2.2. PROTECTING WOMEN VICTIMS OF VIOLENCE

Millions of women in the EU continue to experience violence due to their gender, including physical and sexual violence and femicide, at home, at work, when out in public places and – increasingly – online. Moreover, victims with intersecting grounds of discrimination can be at a heightened risk of violence. Often, experiences of violence are not reported to the police or other authorities – for differing reasons, including fear, power imbalance between the victim and the perpetrator, economic dependency or feelings of shame or embarrassment. Eurostat, FRA and EIGE published the latest comprehensive data on the situation in November 2024 when the results of the EU Gender-based Violence Survey (EU-GBV survey) (\*) were launched. The results came a decade after FRA's publication of data from the first EU-wide survey on violence against women.



Official statistics only reveal incidents of violence that victims report to the authorities or that authorities otherwise encounter in the course of their work. In comparison, victimisation surveys such as the EU-GBV survey and FRA's survey on violence against women, which are based on a random sample of women across the EU, shed light on the extent of violence against women beyond the limited number of incidents that are reported to the police or other authorities. They also collect details on the perpetrators and the context of violent incidents that are often not available in official statistics.

A short overview of the main findings of the EU-GBV survey is provided in Section 2.2.1, highlighting intersectional experiences of violence. In addition, the prevalence of cyberviolence is discussed based on various data sources, in light of legislative and policy developments in this area that will be outlined in later sections.

### **2.2.1. The extent of violence against women in the EU**

The EU-GBV survey employed a similar approach to asking about women's experiences of violence to that of FRA's 2014 survey on violence against women. That is, both surveys asked respondents about their personal experiences of physical violence and threats, sexual violence, psychological and economic violence, sexual harassment, stalking and violence in childhood. The survey questions covered instances of violence perpetrated by intimate partners and other perpetrators (non-partners).

## **FRA ACTIVITY**

### **EU-GBV survey**

Eurostat developed the EU-GBV survey in consultation with EU Member States' statistical authorities. FRA provided expertise on survey data collection and content. Given that some countries decided not to implement the survey, FRA – on its own initiative, having conducted the first EU-wide survey on violence against women – partnered with EIGE to conduct data collection in 2023–2024 in eight Member States that were not participating in the Eurostat initiative. This ensured the availability of comparable data for all Member States.

In total, the combined results from the data that Eurostat, FRA and EIGE collected are based on interviews with 114 023 women across the EU. Key survey results were published in November 2024 in a joint report by Eurostat, FRA and EIGE, and the FRA and EIGE will publish further results from the survey in 2025.

Source: FRA, EIGE and Eurostat, *EU Gender-based Violence Survey – Key results*, 2024.



## FRA ACTIVITY

# Survey on violence and related human rights abuses against women from Ukraine

As part of FRA's response to Russia's war of aggression against Ukraine, it developed a survey of women who have left Ukraine to seek safety in the EU. The survey team conducted interviews in Czechia, Germany and Poland.

The survey collects data on the situation of women who may have experienced violence related to the war, including physical and sexual violence and sexual harassment, and the support they need. It asks about women's experiences in Ukraine, during their journey to the EU and after arriving in their current place of residence in the EU, including experiences of attempted or confirmed exploitation in the context of offers for transport, employment or housing. The results of the survey will be published in 2025.

For more information, see the [project description on FRA's website](#).

While having a common framework capturing different types of violence, FRA's 2014 survey on violence against women and the 2024 EU-GBV survey also have some differences in terms of questions concerning specific acts of violence. As a result, further analysis is required to draw detailed comparisons between the findings of the two surveys. This analysis will be included in a joint report that FRA and EIGE plan to publish in 2025.

However, the following 'headline' results from the two surveys, carried out some 10 years apart, can be shown (Table 1).

**TABLE 1: PREVALENCE OF VIOLENCE AGAINST WOMEN BASED ON SELECTED RESULTS FROM FRA'S 2014 SURVEY ON VIOLENCE AGAINST WOMEN (VAW 2014 SURVEY) AND THE 2024 EU-GBV SURVEY (%)**

	VAW 2014 survey	EU-GBV survey
Physical and/or sexual violence (lifetime)		
By any perpetrator	33	30.7
By an intimate partner	22	17.7
By a non-partner	22	20.2
Stalking by any perpetrator (lifetime)	18	18.5
Sexual harassment in employment context (lifetime)	32	30.8

Sources: FRA, EIGE and Eurostat, [EU Gender-based Violence Survey – Key results](#), 2024; FRA, [Violence against Women: An EU-wide survey – Main results](#), 2014.

- ▶ NB: For the EU-GBV survey, the prevalence of physical and/or sexual violence includes the act of threatening the victim with violence. While this act is also covered by the questions in the VAW 2014 survey, it was not included in the prevalence of physical and/or sexual violence. The results of FRA's 2014 survey are based on data collected in 2012, and EU-GBV survey data were collected in 2020–2024.

Violence against women remains widespread in the EU, the results indicate. On average, one in three women have experienced some form of violence during their lifetime. Overall prevalence rates remain very similar a decade after the publication of the first survey's results.

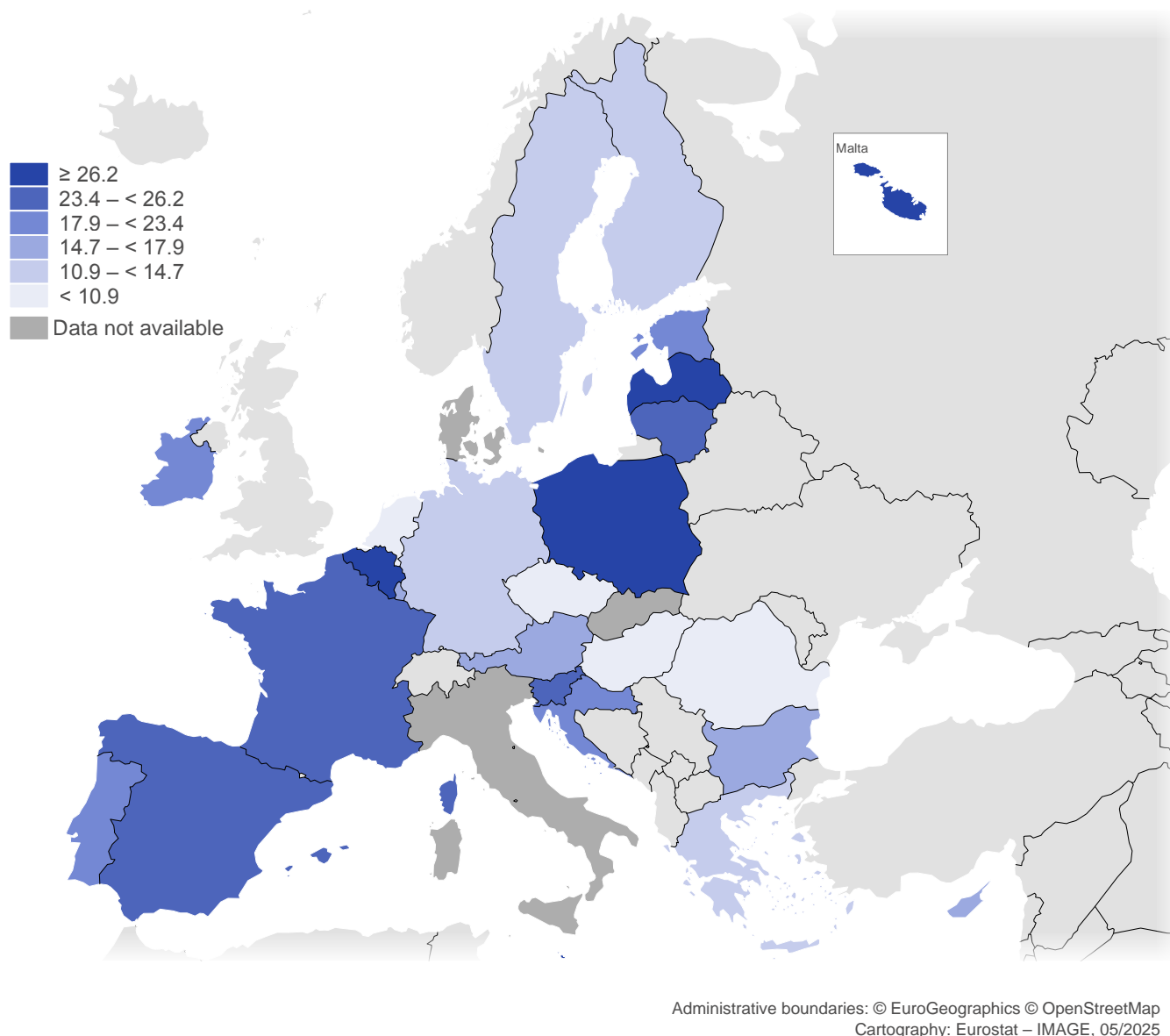
Focusing on the survey data published in 2024, the EU-GBV survey results show that 3.3 % of women in the EU had experienced physical violence or threats, and/or sexual violence, in the 12 months before the survey. Based on population figures for the EU in 2023, this corresponds to 5 354 417 female victims (out of the 162 255 072 women in the EU-27 who are in the age range the survey covers (18–74 years)) <sup>(2)</sup>. As there are victims of violence in the age groups that the survey does not cover (women under the age of 18 and aged 75 or older), the total number of women victims of violence in the 12 months before the survey will be higher.

Population-based surveys are successful in capturing many victims who do not report their experiences to the police or contact other services. In the EU-GBV survey, 13.9 % of women who had experienced physical violence or threats, and/or sexual violence, reported it to the police – this includes violence by any perpetrator. In total, 26.7 % of women had contacted healthcare services, social or other support services, or the police following a violent incident. That means that around three in four victims in the survey had not contacted such support services.

Reasons for women victims of violence not reporting incidents to the police vary. Some reasons for non-reporting are specific to intimate partner violence (e.g. concern about the consequences for one's partner or children). Other common reasons for non-reporting include a lack of confidence that the police will investigate the matter, or feeling fear or shame about what has happened <sup>(3)</sup>.

Focusing on violence perpetrated by intimate partners, Figure 2.1 shows the extent to which women have reported to the police their experiences of physical violence or threats, and/or sexual violence, perpetrated by an intimate partner. Overall, 17.2 % of women in the EU-27 reported these experiences to the police.

**FIGURE 2.1: WOMEN WHO REPORTED TO THE POLICE THEIR EXPERIENCE OF PHYSICAL VIOLENCE OR THREATS, AND/OR SEXUAL VIOLENCE, BY AN INTIMATE PARTNER DURING THEIR LIFETIME (%)**



Source: EU-GBV survey, 2021 edition (Eurostat online data code: gbv\_ipv\_rp).

▲ NB: There are no results available for Denmark, Italy and Slovakia.

In addition to women who shared their experiences of physical, sexual and psychological violence in the survey, every year many women are homicide victims across the EU, according to Eurostat data. More than 1 455 women were victims of intentional homicide in 2022, the most recent year for which data are available (4). This figure is based on data from 25 Member States, as no data were available from Belgium or Portugal. Therefore, the number of women victims of intentional homicide in the EU-27 will be higher.

In most countries for which data are available, more than half of all women victims of intentional homicide in 2022 were killed by a domestic perpetrator – either their intimate partner or another family member. In comparison, in 2022 across 25 Member States (no data were available from Belgium or Portugal), 2 356 men were victims of intentional homicide. However, in most countries where data were available, fewer than one in three of these male victims were killed by an intimate partner or family member. While Eurostat

provides data on intentional homicides according to the sex of the victim, these statistics do not specify the sex of the perpetrator.

These differences between women and men in terms of the perpetrators of intentional homicide and the extent of homicides that take place in the domestic sphere reflect results published in 2021 from FRA's Fundamental Rights Survey, which examined differences in women's and men's experiences of physical violence <sup>(5)</sup>. These results, which are underpinned by decades of research on violence against women, also show that physical violence against women typically takes place in domestic settings, and is usually perpetrated by intimate partners or other family members. In contrast, physical violence against men is most likely to take place in a public setting, involving perpetrators whom the victim did not know before the incident. These differences have relevance for victim support services, given that a close relationship between victim and perpetrator presents challenges for victims when deciding whether to report incidents and for service providers when identifying the most appropriate measures to support and safeguard victims.

### *Intersectional experiences of violence*

People can experience violence to varying degrees depending on different factors – including the differences between women's and men's experiences of violence in the home, as discussed above. These factors may intersect, leading to diverse lived experiences and varying vulnerabilities. As a consequence, women victims of violence should be considered in light of various intersecting grounds of discrimination, such as age, sexual orientation and gender identity, disability, race, ethnic or social origin, religion or belief, as well as other vulnerabilities resulting from circumstances such as poverty, homelessness or refugee status. FRA's Fundamental Rights Survey showed that various groups in the population – for example persons with disabilities – can face a higher risk of violence <sup>(6)</sup>. People may also have specific needs as victims of violence, leading to the need to develop targeted solutions to comprehensively address their needs. While further analysis of the EU-GBV survey results is ongoing, the data released in November 2024 provide details on experiences of violence based on women's age, education, activity limitation (as a proxy for disability), urban residence and country of birth.

The lifetime rate of experiencing physical violence or threats, and/or sexual violence, by any perpetrator is 46.1 % for women with severe activity limitations, but 28.1 % for women with no activity limitations. Women born in a Member State other than their country of residence show higher rates of violence than women who were born in the country where the survey interview took place, or women who were born in a non-EU country. Women living in cities experience physical violence or threats and/or sexual violence at a higher rate (34.0 %) than women living in towns and suburbs (28.6 %) or women in rural areas (27.3 %), when experiences during a woman's lifetime (by any perpetrator) are examined.

The impact of other factors – such as respondents' age – on the survey results remains to be analysed in more detail. Suffice to say, the results indicate higher prevalence rates among younger women for specific types of violence.

### *Cyberviolence*

Technology can provide a platform for perpetrators of violence to expand and intensify acts of violence, sexism and hate against women. For example, these acts could involve publishing online personal or intimate information

about a current or former partner with the intention of causing them harm; using smart technologies, wearable technology, security systems and location-based services to control and intimidate one's partner; and viewing, downloading and sharing illegal and harmful content involving women.

In 2024, Eurostat released the results of its latest survey on the use of ICT in households and by individuals. This wave of the survey included an optional question asking whether people had encountered messages online that they considered to be hostile towards some people, with an opportunity to specify the group that these hostile messages were targeting. In total, 33.50 % of people in the EU had encountered such hostile messages in the three months before the survey <sup>(7)</sup>. Specifically, 12.02 % of people in the EU had encountered hostile messages that targeted people because of their sex. Exposure to such messages is higher among the group aged 16–29 <sup>(8)</sup>.

Results from the EU-GBV survey that cover cyberviolence will be analysed and released in 2025. 11 % of women in the EU have experienced sexual cyber harassment since the age of 15, FRA's 2014 survey on violence against women found. This experience is more widespread among young women: the proportion is 20 % in the age group 18–29 <sup>(9)</sup>. In the 2014 survey, 5 % of women had experienced cyberstalking.

FRA's 2023 report on online hate and content moderation, with findings based on a keyword search method, demonstrated high rates of misogyny across all major online platforms that the research covered <sup>(10)</sup>. Posts targeting women most often included denigrating language, comparing women to objects or animals. Online violence against women was most often sexual violence. Looking at results for the four groups covered in the research that online hate could target – women, Roma, Jewish people and people of African descent – levels of incitement to violence against women were higher than against all other groups.



### 2.2.2. EU and international developments

The persistent and widespread prevalence of violence against women and low reporting rates outlined above underline the need for more effective legal and policy measures to address the needs of women victims of violence. In 2024, important milestones were reached.

At the EU level, the directive on combating violence against women and domestic violence (VAW directive) was adopted, becoming the first-ever EU law in this area <sup>(11)</sup>. Meanwhile, August 2024 marked the 10th anniversary of the entry into force of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) <sup>(12)</sup>. Other relevant developments at the EU and international levels are detailed below.

#### *Policy and legal developments at the EU level*

In 2024, the European Commission continued to implement the EU's 2020–2025 gender equality strategy <sup>(13)</sup>. On International Women's Day on 8 March, the European Commission published its 2024 report on gender equality in the EU, detailing how the Commission had delivered on its commitments in the strategy <sup>(14)</sup>. The report contained a section on ending gender-based violence, outlining the proposed VAW directive. The VAW directive was eventually adopted in May 2024 and entered into force in June 2024 (with the deadline of 14 June 2027 to incorporate it into national law), becoming the first-ever EU instrument to combat violence against women <sup>(15)</sup>.

The new VAW directive introduces harmonised definitions of relevant offences and penalties (Articles 3–11), including forms of cyberviolence (Articles 5–8). It sets standards for the protection and support of victims (Articles 14–33) and contains measures to prevent violence against women and enhance coordination and cooperation (Articles 34–44). It therefore has the objectives of both preventing violence against women and protecting and supporting women victims of violence. The latter is done, for example, by requiring accessible channels of reporting and specialised forms of support for victims of different forms of violence.

In 2023, the Commission published a proposal for the amendment of the victims' rights directive (VRD), which applies to all victims of crime, including women victims of violence. The revision was still ongoing in 2024 <sup>(16)</sup>.

The revision should address certain shortcomings identified during the evaluation of the VRD in 2022 and broadly aims to ensure victim-centred justice <sup>(17)</sup>. More specifically, the revision pursues the following objectives: improving victims' access to information and crime reporting; facilitating access to specialist support for vulnerable victims; ensuring the more effective participation of victims in criminal proceedings; improving access to compensation for victims; and strengthening measures to protect victims. Together, the revision of the VRD and the adoption of the VAW directive signify a considerable effort to strengthen the legal rights of women victims of violence.

2024 was also the year that the Digital Services Act (DSA) entered into force <sup>(18)</sup>. The DSA takes a cross-cutting approach to ensuring an accessible, safe, predictable and trustworthy online environment, and has the potential to contribute greatly to combating cyberviolence against women.



The Artificial Intelligence Act <sup>(19)</sup>, adopted in 2024, bans certain very harmful systems that may enable gender-based violence. Concretely, it prohibits harmful artificial intelligence practices that can be used to perpetuate or facilitate violence against women and girls, such as manipulative or exploitative artificial intelligence systems to track and manipulate individuals, including women and girls. Moreover the act mandates transparency requirements for synthetically generated content, including deepfakes.

A FRA report on online hatred and content moderation, published in 2023, found high rates of misogyny across the platforms that the research covered <sup>(20)</sup>. The report therefore advised, among other things, that very large online platforms should consider misogyny one of the systemic risks in the context of the risk assessment and risk mitigation measures that Articles 34 and 35 of the DSA require. The DSA also suggests other ways to more effectively tackle illegal online content, including cyberviolence, for example through orders to act against illegal content (Article 9) and notice and action mechanisms (Article 16).

Finally, the Grand Chamber of the Court of Justice of the European Union decided, upon a request for a preliminary ruling, that women may qualify for refugee status or subsidiary protection status if they are exposed to gender-based violence in their country of origin <sup>(21)</sup>. It decided that they may be regarded as belonging to a 'social group', within the meaning of Directive 2011/95/EU. It reasoned that, when interpreting the directive in light of the Istanbul Convention, gender-based violence must be recognised as a form of persecution and women may qualify for refugee status if they are exposed to it in their country of origin.

#### *Policy and legal developments at the international level*

In March 2024, the Council of Europe adopted the gender equality strategy for 2024–2029, outlining goals and priorities for the following six years <sup>(22)</sup>. The strategy is structured around six objectives, among which are preventing and combating violence against women and girls and domestic violence, and ensuring equal access to justice for women and girls. The strategy notes the challenges related to providing specialist and dedicated support services to women victims of violence and low reporting levels in relation to domestic violence, echoing findings in relevant FRA reports <sup>(23)</sup>.

In November 2024, the Council of Europe's Violence against Women Division launched a network of specialised lawyers and non-governmental organisations assisting victims of violence against women. The network is intended as a knowledge-sharing platform for strategic litigation <sup>(24)</sup>. In October 2024, the Parliamentary Assembly of the Council of Europe adopted Resolution 2576(2024) on preventing and combating violence and discrimination against lesbian, bisexual and queer women in Europe. It noted that lesbian, bisexual and queer women have been sidelined for a long time, and are now especially targeted by anti-gender movements, which attack women's rights and the rights of LGBTI persons, and attempt to silence them or deny them their legitimate place in public spaces. The resolution points out that lesbian, bisexual and queer women experience stigma and discrimination based on gender, sexual orientation and their specific identity as women who do not conform to societal expectations, stereotypical gender-related roles or conventional standards of femininity, and that they may be victims of physical, verbal and psychological violence, including so-called honour crimes seeking to deny their sexual orientation, punish them for assuming it or control their bodies <sup>(25)</sup>.



In 2023, the EU acceded to the Istanbul Convention, after which it took on a role within the Committee of the Parties (CoP) of the Istanbul Convention <sup>(26)</sup>. The CoP supervises the implementation of the findings by the Group of Experts on Action against Violence against Women and Domestic Violence (Grevio).

In 2024, the Council of the European Union adopted several decisions on positions to take on behalf of the EU within the CoP. For example, in December 2024, the Council decided to support a draft decision that provides for a procedure for Grevio recommendations. The decision outlines, for instance, that recommendations must be limited to only the most pressing concerns that require immediate action <sup>(27)</sup>.

The European Court of Human Rights – building on extensive case-law in this area <sup>(28)</sup> – delivered several relevant judgments in 2024 in relation to women victims of violence, of which two will be highlighted here. In the case *X v Greece*, the court noted that obligations under the European Convention of Human Rights must be interpreted by having regard to the gendered understanding of violence, and found that the Greek authorities had not carried out an effective investigation into the alleged rape of a British national. For example, they did not provide her with information in a language she could understand and did not inform her of the progress of the investigation or trial <sup>(29)</sup>.

In the case of *MŞD v Romania*, the court affirmed that online violence, including the non-consensual sharing of intimate images, is a form of gender-based violence that undermines the physical and psychological integrity of women and girls, and found a violation of the right to respect for private and family life in a case in which an ex-partner disseminated intimate images of the victim <sup>(30)</sup>. The court found that the legal framework, as it stood at the time of the events in question <sup>(31)</sup>, had been inadequate to protect the victim from online violence, that the investigation had been ineffective due to excessive delays and that the authorities contributed to revictimisation by assigning part of the blame to the victim.

The European Committee of Social Rights of the Council of Europe, in its conclusions in respect of the articles of the European Social Charter relating to children, families and migrants, published on 20 March 2024, found a number of states to be in non-conformity with Article 16 of the Charter due to inadequate measures to combat domestic violence <sup>(32)</sup>.

The UN also continued its efforts in relation to gender equality and combating violence against women. On the International Day for the Elimination of Violence Against Women, UN Women and the United Nations Office on Drugs and Crime published a report highlighting the high prevalence of femicide <sup>(33)</sup>. Worldwide in 2023, 140 women and girls died every day at the hands of their partner or a close relative, meaning that one woman was killed every 10 minutes. The 16 Days of Activism against Gender-based Violence took place around the world in 2024, and the message for that year was 'Every 10 minutes, a woman is killed. #NoExcuse. UNiTE to End Violence against Women' <sup>(34)</sup>.

### **2.2.3. National developments**

Many relevant steps have been taken at the national level in Member States and candidate countries to enhance the prevention of and response to violence against women, through both policy and legislative measures. This section will discuss steps taken at the national level to ratify the Istanbul Convention, to introduce consent-based definitions of sexual violence, to

enhance reporting and enable *ex officio* investigations, and to enhance the protection of victims and their procedural rights. It will also report on measures introduced to combat cyberviolence.

#### *Ratification of the Istanbul Convention*

When the EU acceded to the Istanbul Convention, all Member States had already signed it. However, five Member States (Bulgaria, Czechia, Hungary, Lithuania and Slovakia) have not ratified the convention since signing <sup>(35)</sup>.

Important progress was made in 2024, as **Latvia** ratified the convention in January, and it entered into force in Latvia in May. In the Latvian government's first-ever national action plan against violence against women and domestic violence, for 2024–2029, it emphasised implementing the convention's provisions <sup>(36)</sup>.

Interesting developments also took place in **Czechia, Hungary** and **Lithuania** in relation to the potential ratification of the convention. In **Lithuania**, the Constitutional Court concluded that the provisions of the Istanbul Convention do not conflict with the Lithuanian constitution <sup>(37)</sup>. Questions in this regard had been brought to the court by the Lithuanian parliament – among others, whether the use of the term 'gender' in the convention conflicts with the concept of family enshrined in the constitution. The court's opinion may clear the path for the convention's ratification.

In **Hungary**, a member of parliament belonging to the opposition submitted a resolution proposal on the ratification of the Istanbul Convention <sup>(38)</sup>. The proposal referred to the prevalence of violence against women in Hungary and the lack of effective (legislative) measures to address it. Such measures include ensuring that the prosecutor's office can initiate criminal proceedings *ex officio*. The proposal was rejected, in line with the parliament's earlier declaration that it 'does not wish to incorporate either the concept of gender or the gender perspective of the Istanbul Convention into [its] national law' <sup>(39)</sup>.

In **Czechia**, the parliament rejected the government's proposal to ratify the Istanbul Convention in January 2024, among other reasons due to concerns about the imposition of a 'gender ideology' <sup>(40)</sup>. The Government Council for Gender Equality subsequently adopted a recommendation for the government to resubmit a proposal to ratify the convention in 2025 <sup>(41)</sup>.

#### *Consent-based definitions of sexual violence*

In 2024, several states introduced consent-based definitions of sexual violence, in line with Article 36 of the Istanbul Convention. The criminalisation of non-consensual sexual acts is also required under Articles 3 and 8 of the European Convention on Human Rights <sup>(42)</sup>, as interpreted by the European Court of Human Rights since 2003 <sup>(43)</sup>. The introduction of consent-based definitions of sexual violence is consistent with a trend noted in the *Fundamental Rights Report 2023*, of 'the increasing recognition of the need to criminalise sexual violence based on the absence of consent, rather than based on other qualifiers such as force and coercion' <sup>(44)</sup>.

In 2024, a series of court cases in **France** drew worldwide attention due to the horrific underlying facts and the brave victim, who waived anonymity to shift the shame away from victims of sexual violence. Gisèle Pelicot was sedated by her ex-husband multiple times across a decade. He raped her and invited other men to rape her while she was unconscious <sup>(45)</sup>. The primary perpetrator, Dominique Pelicot, pled guilty to all charges.



Yet most of the other men on trial denied the charge of rape, which in French law is qualified by violence, coercion, threat or surprise <sup>(46)</sup>. They argued, among other things, that they did not realise she had not given consent. All defendants were ultimately convicted in December 2024 based, for example, on video evidence and statements from the victim. However, some appealed the convictions <sup>(47)</sup>.

These cases underline the importance of consent-based definitions of sexual violence. Several authorities and civil-society organisations have called for an amendment of French law to rectify the absence of a consent-based definition <sup>(48)</sup>. In addition, several court cases are ongoing at the European Court of Human Rights involving French women victims of sexual violence. Some of them argue for a consent-based definition of rape <sup>(49)</sup>.

In the **Netherlands**, the new Sexual Offences Act took effect in 2024. This act introduced, among other things, the new crime of 'negligent sexual assault'. In addition, it amended the crime of rape to cover 'negligent rape', meaning that there are substantial reasons to suspect that the sexual acts were performed against the victim's will <sup>(50)</sup>.

In **Poland**, the definition of rape in the Criminal Code was amended, similarly basing it on a lack of consent and thereby bringing it in line with Article 36 of the Istanbul Convention <sup>(51)</sup>.

**Czechia**, despite not being a party to the Istanbul Convention, changed the definition of rape from 'forcibly coerced sexual intercourse' to 'non-consensual intercourse' <sup>(52)</sup>. It also amended the definition of statutory rape to provide protection to victims of sexual assault who freeze as a result of the assault and are therefore unable to communicate their lack of consent <sup>(53)</sup>.

### *Reporting and ex officio investigations*

As mentioned in Section 2.2.1, only one in four women contacted support services following a violent incident. Both the VAW directive and the Istanbul Convention contain requirements for Member States and states parties to the convention in relation to reporting, aiming to encourage women victims of violence to report more frequently (Article 14 of the VAW directive, Articles 27 and 28 of the Istanbul Convention). The VAW directive builds on the VRD (Articles 4 and 5). Under the VAW directive, ensuring that victims can report acts of violence should also include facilitating the reporting of acts online or through other accessible and secure ICT, at least for cybercrimes. Both the VAW and the Istanbul Convention also address third-party reporting by certain professionals.

In **Cyprus**, amendments were submitted to parliament aiming to protect individuals from criminal or civil liability if they file complaints or provide testimony on (suspected) gender-based violence that comes to their attention in the course of their professional activities <sup>(54)</sup>. **Lithuania** adopted amendments requiring doctors to inform both the police and the Centre for Specialised Complex Assistance when they think that an individual may be a victim of sexual violence <sup>(55)</sup>. In **Romania**, amendments were tabled to require doctors to register any suspicions of domestic violence in a patient's medical file <sup>(56)</sup>.

In **Spain**, a free 24-hour telephone service was adapted to channel calls from women and children with intellectual disabilities to a dedicated unit, given the increased prevalence of sexual violence against this group <sup>(57)</sup>. In **Sweden**, a chat function is being developed to enable national helplines to reach a wider range of target groups <sup>(58)</sup>. In the **Netherlands**, undercover officers helped to reveal a case of street harassment. This led to the first conviction for sexual harassment in a public space based on the new Sexual Offences Act <sup>(59)</sup>.



## PROMISING PRACTICE

### Panic Button app

In both Cyprus and Greece, the Panic Button app is being rolled out to address gender-based violence. It enables users to alert the police that they are in danger without the perpetrator knowing. The app can be installed on smartphones. A (potential) victim can send an alert by pressing and holding an indicator on the mobile phone screen. The police then automatically receive their location and can intervene.

In Greece, the app has been provided at the national level since 2024. In Cyprus, it was rolled out in a pilot in 2024, and a bill was submitted to parliament to institutionalise it.

Sources: Ministry of Civil Protection, Ministry of Economy and Finance, Ministry of Digital Governance, and Ministry of Social Cohesion and Family, 'Το «Panic Button» επεκτείνεται σε ολόκληρη τη χώρα – Χορηγείται πλέον σε κάθε ενήλικο θύμα ενδοοικογενειακής βίας' ("Panic Button" is extended to the whole country – It is now granted to every adult victim of domestic violence'), Ministry of Social Cohesion and Family website, May 2024; Cyprus, Ο περί της Πρόληψης και της Καταπολέμησης της Βίας κατά των Γυναικών και της Ενδοοικογενειακής Βίας και περί Συναφών Θεμάτων (Τροποποιητικός) Νόμος του 2024 (The (Amendment) Act of 2024 on Prevention and Combating of Violence against Women and Domestic Violence and Related Matters), 20 June 2024; Cyprus: Advisory Committee for the Prevention and Combating of Domestic Violence, 'Ραγδαία η αύξηση περιστατικών ενδοοικογενειακής βίας. Πότε έρχεται και τι είναι το «κουμπί πανικού»' ('Domestic violence is rapidly increasing. When does it come and what is the "panic button"?'), Advisory Committee for the Prevention and Combating of Domestic Violence website, 8 June 2024.

Both the VAW directive and the Istanbul Convention state that investigations can start *ex officio* – that is, at the initiative of the competent authorities – and do not depend on a complaint from the victim (Article 15 of the VAW directive; Article 55 of the Istanbul Convention). In **Portugal**, a draft law was presented to ensure that rape and other crimes involving sexual violence could be prosecuted *ex officio* <sup>(60)</sup>. In **Bulgaria**, following the entry into force of amendments to the Domestic Violence Protection Act, the prosecutor is now authorised under that act to initiate protection proceedings in certain cases <sup>(61)</sup>.

#### *Protection of victims and procedural rights*

The Istanbul Convention (Articles 18–25), the VAW directive (Articles 15–21 and 25–33) and the VRD (Articles 9, 12, 18, 22 and 26) oblige Member States to support victims and protect them against repeat and secondary victimisation. In 2024, several Member States continued to strengthen the rights of victims of gender-based violence and to provide better protection.

**Malta** introduced the Domestic Violence Prevention Act. It contains provisions on a procedure for preventing domestic violence and risk management. Individuals who deem themselves to be at risk of domestic violence may



request information on their intimate partner's history of convictions related to gender-based violence and domestic violence) <sup>(62)</sup>.

**Greece** introduced requirements of individual risk assessment and risk management by identifying appropriate immediate protection measures for the victim of domestic violence to prevent the recurrence of violence and secondary victimisation <sup>(63)</sup>. **Slovenia** introduced a new method allowing for a more realistic assessment of the risks victims of crime (including gender-based violence) face, whereby the victim support service may conduct an individual risk assessment for the victim <sup>(64)</sup>. Previously, only the police and the public prosecutor's office could do this.

In **Croatia**, in addition to specifying the scope of risk assessment, amendments to the Criminal Procedure Act and the Domestic Violence Protection Act require the anonymisation of any personal information and the secure and confidential verification of the victim's residence. This information must be sealed in a special envelope and stored separately from other information on the victim's case. Access to this information is prohibited without permission from the authority overseeing the case <sup>(65)</sup>. The protection of victims' identities and privacy was also strengthened in **Ireland** (along with strengthening the right to legal representation) <sup>(66)</sup> and the **Netherlands** <sup>(67)</sup>. A new law in **Croatia** introduced the right of victims of all crimes, including gender-based violence, to access victim support services and to be supported by a trusted person immediately after the crime is committed. The new rules grant victims certain rights automatically, with no need to file a request. These include the right to be notified about the release or escape of the perpetrator and any measures taken to ensure the victim's protection. Furthermore, victims of sexual crimes and victims benefiting from special protection have a right to be questioned through video link <sup>(68)</sup>. Victims of violence against women and violence by intimate partners must also be heard before a protection measure is imposed, extended or lifted <sup>(69)</sup>.

The right to information was also reinforced in **Italy** <sup>(70)</sup> and **Romania** <sup>(71)</sup>, where victims now have a right to be promptly informed about the release or escape of the perpetrator from detention, and about any relevant measures adopted for their protection.

Some Member States amended their laws on protection orders. A provisional protection order (pending the pronouncement of a protection order) applicable to victims of gender-based violence was introduced in **France** <sup>(72)</sup>, while in **Italy** <sup>(73)</sup> a new offence of violation of restraining orders was added and **Croatia** introduced a possibility of deprivation of liberty in cases of violation of a protection order <sup>(74)</sup>. **Romania** <sup>(75)</sup> extended access to temporary restraining and protection orders to all victims of physical or psychological violence, including when the perpetrator is not a family member or a former spouse or life partner. This is especially relevant to victims of sexual violence, stalking, cyber harassment, online hate speech and revenge porn <sup>(76)</sup>. In addition, the Romanian Ministry of Justice developed a guide focusing on reporting, protection and compensation for victims of gender-based violence <sup>(77)</sup>. Psychological violence has been explicitly added to the law on domestic violence in **Greece**, along with some clarifications on restraining orders to make them more effective <sup>(78)</sup>.



FRA's findings in its 2024 paper 'Stepping up the response to victims of crime: FRA's findings on challenges and solutions' <sup>(79)</sup> show that Member States generally lack comprehensive and effective mechanisms to protect victims, who are often exposed to secondary victimisation in practice <sup>(80)</sup>. Secondary victimisation mainly results from authorities' treatment of victims during proceedings, as findings from FRA research published in 2019 demonstrate <sup>(81)</sup>. The results of a qualitative study, published in 2024 in the **German** federal state of Bremen <sup>(82)</sup> show that, in some areas of the support system, there is sometimes a lack of communication appropriate to the situation, which can lead to secondary victimisation. Focusing on the need to prevent repeat and secondary victimisation, the government of **Finland** proposed prohibiting mediation for violent offences committed against individuals in an intimate relationship with the perpetrator <sup>(83)</sup>.

### *Cyberviolence*

The VAW directive explicitly requires the criminalisation of certain forms of cyberviolence in dedicated provisions (Articles 5–8) <sup>(84)</sup>. The directive also contains requirements in relation to the online reporting of cybercrimes (Article 14), the securing of electronic evidence (Article 15) and measures to remove certain online material (Article 23).

Member States must incorporate the VAW directive in national legislation by 14 June 2027 (Article 49). Article 23 of the VAW directive refers to the DSA, which contains requirements for providers of intermediary services (e.g. online platforms) to carry out orders to act against illegal content (Article 9). The DSA can also help to combat cyberviolence through notice and action mechanisms (Article 16), which victims can use to make providers aware of potentially illegal content that they may have to act upon, or by very large online platforms taking cyberviolence into account as a systemic risk in the context of the risk assessment and risk mitigation measures they are required to take (Articles 34 and 35). This section highlights developments at the national level in combating cyberviolence.

Several Member States introduced legislative changes that address forms of cyberviolence. **Bulgaria** introduced amendments to the Domestic Violence Protection Act, including a broad protection measure targeting cyberviolence that 'prohibit[s] the perpetrator from contacting the victim in any form, including by telephone, electronic or ordinary mail and fax, as well as by any other means and systems of communication' <sup>(85)</sup>. The **Czech** government proposed a new criminal offence related to the abuse of identity to produce and distribute porn. Among other sources, it referred to Article 5 of the VAW directive <sup>(86)</sup>.

In the **Netherlands**, the new Sexual Offences Act included a new article criminalising sexual harassment in public spaces, both offline and online <sup>(87)</sup>. In **Croatia**, the latest amendments to the Criminal Code introduced a crime of unauthorised image recording and distribution <sup>(88)</sup>.

Finally, **France** adopted a law introducing an offence related to deepfakes of a sexual nature. That can be seen as implementing elements of Article 5 of the VAW directive <sup>(89)</sup>.

Cyberviolence was also addressed at the policy level. In **Portugal**, the programme of the new government included the aim of fully incorporating the VAW directive in national legislation <sup>(90)</sup>. Among other things, the government wants to evaluate the current legal framework in relation to cyberstalking, cyber harassment and online incitement to violence or hatred. In **Slovenia**, the new national programme for the prevention of domestic

## PROMISING PRACTICE

### Centre for complex care for victims of sexual violence

In 2024, a centre for complex care for victims of sexual violence (PORT) was launched in Czechia. It offers a wide range of support services, in one building, to victims of sexual violence and sexual harassment. These include social and legal counselling, psychotherapy, crisis support and crisis accommodation, sexually transmitted disease testing, forensic examination and a questioning room.

The goal is to enhance the quality of care for victims, reduce the risk of re-traumatisation, and provide victims of violence with appropriate support for the healing process and coping with the trauma they have experienced.

Source: proFem, 'We are opening PORT center and moving to a new address', proFem website, 22 January 2024.

## PROMISING PRACTICE

# Data Protection Authority's online reporting mechanism for non-consensual sharing of intimate material

The Italian Data Protection Authority (DPA) published an online tool that can be used when there is a well-founded fear that images with sexually explicit content may be disseminated without consent. A form is available on the DPA's website for individuals to fill out and indicate the platforms concerned. Afterwards, the individual must transfer the content concerned to the DPA. The DPA can then take appropriate measures and notify the platform to try and counter (further) dissemination.

The tool aims to be a user-friendly and easily accessible instrument for lodging complaints to the DPA regarding the non-consensual sharing of intimate videos or photos online.

*For more information, see Italy: Data Protection Authority (DPA), **Segnalazione Revenge Porn**, DPA website, n.d.*

violence and violence against women for 2024–2029 contains a commitment to preventing online violence and harassment, for example by conducting awareness-raising and training activities with primary and secondary school children <sup>(91)</sup>.

In several Member States, research was conducted to better understand the challenges of addressing forms of cyberviolence, paving the way for future measures. In **Belgium**, an autonomous federal public institute, the Institute for Equality between Women and Men, evaluated the Sexism Act. It pointed out that, although the act covers cyber harassment in principle, there is de facto impunity because the Belgian Constitution requires trial by jury for press-related matters including online messages, which can be seen as introducing a bar to seeking justice <sup>(92)</sup>. The institute therefore suggested a modification to the constitution and made several other recommendations about securing electronic proof and ensuring training for the police and prosecutors to enable them to effectively investigate and prosecute forms of cyberviolence <sup>(93)</sup>.

In **Finland**, a government-commissioned study examined the challenges of addressing cyberviolence within support services, police work and criminal procedures. It issued recommendations about, for example, digital evidence, and the screening and initial mapping of violence <sup>(94)</sup>. In **Sweden**, the government commissioned the Swedish Gender Equality Agency and the county administrative boards to evaluate the current state of knowledge on the digital dimensions of men's violence against women – among others, based on Grevio's recommendation to increase knowledge about the digital dimensions of men's violence against women <sup>(95)</sup>.

## Key findings and FRA opinions

### FRA OPINION 1

EU Member States should enhance structures that facilitate crime reporting and offer support to women victims of violence in line with their legal obligations. For example, they should set up alternative reporting options, such as third-party reporting, and proactively disseminate information on support and services. The police and other public services should be trained in victim-appropriate responses to encourage women to report crimes, use support services and get access to justice. Training should also cover the handling of cyberviolence cases.

The Istanbul Convention, the VRD and the newly adopted directive on combating violence against women and domestic violence all contain requirements that oblige states to adopt targeted measures aiming to facilitate reporting by women victims of violence (Articles 27 and 28 of the Istanbul Convention; Articles 4–5 of the VRD; Article 14 of the VAW directive), alongside requirements to protect and support women victims of violence (Articles 18–25 of the Istanbul Convention; Article 8–9 of the VRD; Articles 15–21 and 25–33 of the VAW directive).

The latest EU-wide survey conducted by Eurostat, FRA and EIGE shows that violence against women remains widespread. At the same time, it indicates that only 13.9 % of women who have experienced physical violence or threats, and or/sexual violence, reported their experiences of violence to the police. More broadly, 26.7 % of women contacted healthcare services, social or other support services, or the police following an incident of violence.

Under-reporting has a range of reasons, including a lack of confidence that the police will investigate the matter.

It means that women victims of violence are often not in a position to access support and protection. Continued low rates of reporting violence to the police and other authorities lead to questions around the effectiveness of national authorities in investigating and punishing this type of crime, as women do not feel able to come forward to report abuse and seek redress.

Article 36 of the Istanbul Convention requires states parties to criminalise any acts of a sexual nature that take place without the consent of one of the people involved. Consent must hereby be given voluntarily and be assessed in the context of the surrounding circumstances. The adoption of consent-based definitions of sexual violence in the Member States is progressing. In the *Fundamental Rights Report 2023*, FRA noted that a few Member States had adopted new legislation and legislative proposals in this respect. In 2024, three Member States introduced consent-based definitions of sexual violence in their national laws.

This is in line with contemporary understandings of sexual violence, which do not rely on force or similar features. The Pelicot trial in France, involving the repeated rape and sexual abuse of an unconscious woman, sparked a global debate, underlining the need for consent-based definitions of sexual violence.

The newly adopted directive on combating violence against women and domestic violence contains specific provisions dedicated to criminalising forms of cyberviolence (Articles 5–8). It also contains requirements in relation to the online reporting of cybercrimes (Article 14), securing electronic evidence (Article 15) and measures to remove certain online material (Article 23). The DSA, which entered into force in 2024, can support the fight against cyberviolence, for example through orders to act against illegal content (Article 9) and notice and action mechanisms that can be used to report potentially illegal content (Article 16).

High rates of misogyny were demonstrated by a 2023 FRA report on online content moderation. FRA's 2014 survey on violence against women found that one in five young women (aged between 18 and 29) had experienced sexual cyber harassment. These findings are supported by more recent Eurostat data, which show that young women have a higher chance of encountering hostile messages targeting people because of their sex.

In some Member States, research has been conducted or is under way to better understand the challenges of addressing forms of cyberviolence within their legal systems, paving the way to incorporate the directive on combating violence against women and domestic violence. In others, steps have already been taken to adopt or amend legislation criminalising forms of cyberviolence.



## FRA OPINION 2

EU Member States that have ratified the Istanbul Convention should criminalise sexual violence using consent-based definitions of rape and other forms of sexual violence. FRA reiterates this call previously presented in the *Fundamental Rights Report 2023*.



## FRA OPINION 3

EU Member States should review their laws and policies to ensure they meet the requirements of the directive on combating violence against women and domestic violence. They should transpose it without delay and pay particular attention to requirements on online reporting options, securing electronic evidence and measures to remove certain online material.

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# IMPLEMENTATION AND APPLICATION OF THE CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

# 3

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The European Commission is monitoring the fundamental rights implications of EU expenditure. Its 2024 annual report on the application of the Charter of Fundamental Rights of the European Union shed light on the funding of activities related to fundamental rights and the need to respect the Charter when using EU funds. At the national level, it is still to be seen how monitoring and complaint mechanisms will be used to ensure that all EU-funded activities are fully Charter compliant. There is also room for more emphasis on the application of the Charter in other contexts.

### 3.1. INTRODUCTION

The requirement to comply with the Charter covers all actions of the EU Member States when they are implementing EU law, including lawmaking and EU funds. However, national legislative processes make limited use of the Charter, and they often lack transparency and meaningful involvement of the relevant human rights actors. National courts remain key in ensuring that fundamental rights in the EU are enforced at the national level. National human rights and ombuds institutions, equality bodies and civil society have persistently highlighted issues related to the application of the Charter.

The obligation to respect the Charter when using EU funds has become more visible in the work and activities of EU institutions. Pursuant to the common provisions regulation (CPR), Member States have an obligation to ensure Charter compliance in EU-funded activities through monitoring and complaint mechanisms. At the national level, funding is of major importance for the protection and promotion of fundamental rights, especially in the current times of budgetary cuts by governments and local and regional authorities. Many Charter-related awareness-raising campaigns and capacity-building initiatives are based on EU funding opportunities.

2025 marks the 25th anniversary of the proclamation of the Charter. That provides an opportunity to raise awareness of the protection it offers to people in the EU and to reflect further on the enforcement of fundamental rights in the EU.





## Legal corner

### Horizontal enabling conditions

The CPR requires ‘enabling conditions’ to be fulfilled to trigger payments from the eight EU funds the regulation covers. These conditions are linked to the implementation of specific objectives. ‘Horizontal enabling conditions’ are applicable to all specific objectives and the criteria for the assessment of their fulfilment. One of the horizontal enabling conditions is the effective application and implementation of the Charter.

## 3.2. EU INSTITUTIONS’ FOCUS ON CHARTER-COMPLIANT EU FUNDING

Several EU institutions discussed and highlighted the need to respect the Charter when implementing EU funds and noted the need to take concrete action to promote fundamental rights in that respect. The European Commission’s 2024 annual report on the application of the EU Charter of Fundamental Rights (Charter report) focused on funding directed towards promoting, protecting and enforcing fundamental rights in the EU at the levels of both the EU (through various EU funding programmes) and the Member States <sup>(1)</sup>. The report also deals with the CPR, explaining how the EU seeks to ensure that projects funded under the ‘big eight’ EU funds that the regulation covers do not violate the Charter (the horizontal enabling condition on the effective application and implementation of the Charter).

While the European Commission’s Charter report concludes that the EU and international public and private donors make considerable funding available, it also highlights that not enough funding reaches key players in the area of fundamental rights. Challenges include difficulties in finding information on available funding, the availability of funding for the fundamental rights actions of local and regional authorities, and the effect of funding cuts in cases where they restrict the abilities of civil society and fundamental rights bodies to contribute to open, democratic discourse.

To facilitate the consistent and effective implementation of the horizontal enabling condition about the Charter within the ambit of EU funds governed by the CPR, the European Commission is developing a digital training manual on EU funding for fundamental rights. By doing so, it aims to support the work of national managing authorities in charge of implementing the EU funds covered by the CPR, and other public and private stakeholders involved in the implementation of EU funding throughout the programming process.

Other EU institutions have also addressed the issue of funding in the context of fundamental rights. The European Court of Auditors analysed the criteria the European Commission uses, with the aim of protecting the EU’s financial interests, to check whether a Member State complies with the rule-of-law-related aspects of the Charter. According to the court, whereas these criteria cover the proper functioning of judicial systems in the Member States, they do not include the prevention, detection and correction of systemic conflicts of interest and fraud and corruption. However, many of these elements are covered under the first horizontal enabling condition, dealing with public procurement <sup>(2)</sup>.

After Hungary adopted a judicial reform package in 2023, the European Commission considered that the horizontal enabling condition on the Charter had been fulfilled in what concerns judicial independence, releasing EUR 10.2 billion from Hungary’s overall EU development allocation for 2021–2027 <sup>(3)</sup>. The European Parliament criticised the European Commission’s decision and brought an action against the Commission before the Court of Justice of the European Union (CJEU) to annul the decision <sup>(4)</sup>.

Furthermore, the European Economic and Social Committee emphasised the importance of ‘value-based criteria for EU funding programmes’, expressing its concerns about the shrinking of the civic space in some Member States. The committee suggested that EU funds should be frozen for Member States that do not respect, among other rights, the rights to freedom of association and freedom of expression <sup>(5)</sup>.





Finally, the autumn of 2024 marked the start of a new legislative mandate for the European Parliament and the European Commission. The new Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection, Michael McGrath, made several commitments before the European Parliament regarding the Charter.

Indeed, in 2024, the European Commission continued to initiate infringement proceedings in cases where violations of the Charter had been identified, in line with its commitments to this end from the Charter strategy. It brought infringement proceedings before the CJEU against Estonia <sup>(6)</sup> and Hungary <sup>(7)</sup> for violating the Charter.

Looking ahead, the trend of the increasing reliance on the Charter by EU institutions and bodies is expected to continue. In 2025, the European Commission is conducting a midterm review of the Charter strategy, which allows it to assess the strategy's implementation during the first five years and to gather input on potential new measures to be taken to further strengthen the effective application of fundamental rights by 2030 <sup>(8)</sup>. The mission letter of Commissioner McGrath stresses that the upcoming multiannual financial framework will have 'strong safeguards on the rule of law – including the general regime of conditionality, applying to all funds' <sup>(9)</sup>. Furthermore, the 25th anniversary of the Charter's proclamation will offer an opportunity for the EU and its Member States to reflect on achievements and existing gaps in the effective application of the Charter during the first quarter of a century of its existence.

**"I will work tirelessly to uphold the Charter of Fundamental Rights. This will include building greater awareness of the Charter among citizens and empowering civil society. ... Where breaches of the Charter occur in the application of EU law, we stand ready to act, using all means at our disposal, including launching infringement proceedings, which have proved to be an effective tool."**

European Parliament, 'Verbatim report on the hearing of Michael McGrath', Brussels, 5 November 2024, p. 6.



### 3.3. APPLICATION OF THE CHARTER AT THE NATIONAL LEVEL

This chapter reviews how Member States have sought to give effect to the horizontal enabling condition on the effective application and implementation of the Charter when implementing EU funds under the CPR. In addition, it looks at the extent to which national legislative procedures assess possible impacts of relevant legislation on Charter-afforded rights. The chapter also presents developments regarding the Charter focal points and examples identified in the Member States in which the Charter played a role in cases before national courts and in the work of national human rights institutions (NHRIs) and ombuds institutions. Finally, it covers relevant awareness-raising activities in the Member States.

#### 3.3.1. Fulfilment of the horizontal enabling condition about the Charter

Member States continued to give effect to the provisions of the CPR, including the Charter horizontal enabling condition under Article 15(1) of the CPR. The regulation requires Member States to establish 'arrangements' for reporting to the monitoring committee on complaints submitted in accordance with the arrangements made pursuant to Article 69(7). Member States adopted different measures to comply with this obligation.

**Bulgaria** <sup>(10)</sup>, **France** <sup>(11)</sup> and **Greece** <sup>(12)</sup> developed online tools and platforms to submit complaints related to fundamental rights violations that materialise in the context of EU-funded projects. Other countries provided a contact email in this regard, for instance selected managing authorities in **Italy** <sup>(13)</sup>, and the **Netherlands** <sup>(14)</sup>. In **Sweden**, the Swedish Agency for Economic and Regional Growth (responsible for the European Regional Development Fund and the Just Transition Fund) may receive complaints concerning the management of the relevant EU funds through notifications from other authorities or during the evaluation of progress reports <sup>(15)</sup>.

An example of how complaints are dealt with was found in **Slovenia**, where the managing authority for the 2021–2027 European cohesion policy programme (Ministry of Cohesion and Regional Development) is required to examine the complaint by conducting on-the-spot checks or by reviewing the relevant documents. It should propose appropriate corrective measures and may refer the complainant to another appropriate institution, or may, in agreement with the complainant, pass on the complaint to other competent bodies. An online form is provided for reporting. The managing authority must take note of anonymous reports. However, it will only act if it has sufficient information for consideration. The managing authority should report to the monitoring committee of the European Cohesion Policy Programme any non-compliance with the Charter of the operations the funds support <sup>(16)</sup>.

Examples from three Member States show the type of guidelines being drafted in 2024 for the management of EU funds, establishing different ways of assessing the horizontal enabling condition relating to the Charter.

In **Latvia**, the guidelines explain how to assess the impact of objectives and actions of EU funds on the Charter's Articles 20 (equality before the law), 21 (non-discrimination), 23 (equality between men and women) and 26 (integration of persons with disabilities), with examples for each relevant fund. Furthermore, the guidelines recommend actions to promote equality, inclusion and respect for fundamental rights guaranteed by the Charter. The guidelines also suggest a methodology for evaluating if individual project applications comply with the Charter, including relevant criteria that can be used in this regard <sup>(17)</sup>.

In **Slovenia**, the guidelines include a list of questions referring to the first four chapters of the Charter. For example, it should be checked whether a project has an adverse impact on human dignity, the right to life and integrity, or whether there is a risk that the activity under investigation involves forced labour or trafficking in human beings. Furthermore, it should be examined whether a project respects workers' rights, or whether it affords a high level of environmental protection. The guidelines also include concrete examples of how to satisfy Charter requirements in various areas (e.g. education, work and employment) <sup>(18)</sup>.

In **Sweden**, the guidelines provide a brief overview of the content of the Charter, how the Charter relates to other legal norms, the consequences of non-compliance, and both internal and external channels for reporting violations of the Charter <sup>(19)</sup>.

Examples of training in the context of the CPR's horizontal enabling condition regarding the Charter were found in four Member States. Training on equality and non-discrimination was provided in **Croatia** <sup>(20)</sup> to the network of anti-discrimination coordinators and in **Poland** <sup>(21)</sup> to the beneficiaries of EU funds. Training was also provided to staff of managing authorities in **Bulgaria** <sup>(22)</sup> and **Latvia** <sup>(23)</sup>.

Independent public bodies with powers in the area of fundamental rights are an important element of the enforcement of EU law, as recognised in two directives that the EU legislator recently adopted. The directives aim to set new standards for equality bodies and strengthen their independence, mandates, resources and powers <sup>(24)</sup>. This development is of particular importance in view of reports that some of those bodies, which often combine various mandates, struggle to meet expectations for the promotion and protection of human rights at the national level <sup>(25)</sup>. Regarding the implementation of the Charter horizontal enabling condition under the CPR, these bodies often report limitations posed by their mandates, a lack of funding, limited expertise and no meaningful involvement in the context of EU funding <sup>(26)</sup>.



Nevertheless, some NHRIs and ombuds institutions have been actively involved in providing expertise on the Charter in the context of EU-funded programmes, despite their limited financial capacities <sup>(27)</sup>. The Ombudsperson of **Cyprus** issued a report explaining the funding cycles and the role of the Ombudsperson in the monitoring process, and providing guidelines for assessing compliance with the Charter at the drafting, implementation and evaluation stages of projects <sup>(28)</sup>.

In **Poland**, the Commissioner for Human Rights drafted a handbook and practical guidance for national authorities involved in the implementation of EU-funded programmes and projects. The handbook offers an introduction to the Charter and a checklist for assessing compliance <sup>(29)</sup>. Furthermore, the commissioner, in a statement before the Minister for Agriculture and Rural Development, pointed to potential discrimination based on marital status. Single farmers were not entitled to State aid for losses encountered due to bad weather. The commissioner referred to, among others, Article 21 of the Charter (non-discrimination), noting that Member States are obliged to comply with the prohibition of any discrimination at every stage of the implementation of EU-funded programmes and projects. The minister replied that the Ombudsperson's opinion will be considered when introducing further legal solutions aimed at aiding agricultural producers whose activities are affected by adverse weather <sup>(30)</sup>.

The **Slovak** National Centre for Human Rights published a guide for managing authorities and beneficiaries of EU funds, explaining the horizontal enabling condition relating to the Charter, and when and how it should be applied. The guide also provides information on the legal basis for the horizontal enabling condition and on other useful sources <sup>(31)</sup>.

Despite reports from civil society organisations on possible breaches of fundamental rights in the operation of EU funds <sup>(32)</sup>, there appear to be hardly any formal complaints in that regard. Only one complaint was found in **Estonia**, where the Chancellor of Justice passed on a complaint concerning a joint project – a recreational area – between Estonia and Latvia, funded by the European Regional Development Fund, to the Latvian NHRI. The chancellor found that the recreational area had been inaccessible for people with disabilities from the Latvian side <sup>(33)</sup>. This limited use of national complaints mechanisms could point to a lack of awareness of or trust in the relevant procedures. Indeed, lack of fundamental rights expertise <sup>(34)</sup> and limited knowledge about complaints mechanisms at the national level for civil-society organisations persist <sup>(35)</sup>.

Member States are guiding their managing authorities in the implementation of the CPR in different ways. In this regard, it will be important that all Member States have the same understanding of the obligations stemming from the Charter and that the European Commission will provide the relevant guidance.

### **3.3.2. Impact assessment and legal scrutiny of legislative proposals**

In the 2020 Charter strategy, the European Commission invites the Member States to 'use impact assessments and legislative scrutiny procedures to ensure that initiatives implementing EU law comply with the Charter and develop guidance and training for national and local administration' <sup>(36)</sup>. Impact assessments and legal scrutiny ensure that impacts on fundamental rights are considered in any piece of legislation that might affect their enjoyment. This section will analyse how fundamental rights are considered during and after the legislative process in the Member States.

Preliminary results of the above research in **Estonia** and **Slovenia** show that the use of the Charter in the legislative process is topic dependent. While references to national constitutional law or international obligations such as those under the European Convention on Human Rights (ECHR) are very frequent, references to the Charter are rare. It is not always obvious to the national authorities that they are implementing EU law, which would call for the consideration of the Charter already at the stage of making law. This is more likely in areas in which the legislator is incorporating EU legislation or when otherwise regulating areas that are largely harmonised by EU law, such as data protection, asylum and migration.

However, the increasing case-law of the CJEU on fundamental rights may increase the likelihood of national legislators referring to the Charter when drafting legislation. For instance, in **Finland**, the Charter has become increasingly relevant in the legislative process due to CJEU case-law, whereas 15 years ago the focus was only on the ECHR <sup>(37)</sup>. This, however, does not mean that all Charter concerns necessarily have a decisive impact on bills. The proposal of the Act on Temporary Measures to Combat Instrumentalised Migration provided for restricting the receipt of applications for international protection to a small part of the Finnish border and its immediate vicinity. The proposal recognised the tensions with the Charter's Articles 4 (prohibition of torture and inhuman or degrading treatment or punishment), 6 (liberty and security), 18 (asylum) and 19 (protection in the event of removal, expulsion or extradition). However, it justified derogations from these rights on account of security and territorial integrity (under Article 4(2) of the Treaty on European Union and Article 72 of the Treaty on the Functioning of the European Union <sup>(38)</sup>). The Constitutional Law Committee noted that the proposal restricted at least the right to apply for international protection, *non-refoulement* and the right to an effective remedy. However, it considered that the exceptions to fundamental rights obligations were limited <sup>(39)</sup>. The Administration Committee, endorsing the Constitutional Law Committee's assessment, made changes to the proposed act. The changes included providing people who have been removed from Finland with the opportunity to request the reassessment of their removal in writing from the Finnish Border Guard within 30 days of their removal. However, their removal would not be suspended while they awaited a decision <sup>(40)</sup>. Various experts criticised the decision to endorse the bill despite the fundamental rights concerns raised <sup>(41)</sup>.

In **Slovenia**, the Tax Procedures Act was amended to include the right of people holding information on a certain taxpayer to object to the transfer of that data to another Member State. The relevant impact assessment refers to the CJEU joined cases C-245/19 and C-246/19 <sup>(42)</sup>. According to this case-law, if national legislation does not provide the opportunity for a person to bring a direct action against a decision of the competent national authority but requests that that person provide information, it does not respect the essential content of the right to an effective remedy guaranteed by Articles 47 (on the right itself) and 52(1) (on the Charter's scope and interpretation) of the Charter <sup>(43)</sup>. In **Greece**, the impact assessments of three laws supporting the right to education referred to various provisions of the Charter together with other international human rights treaties <sup>(44)</sup>.

NHRIs in two thirds of the Member States contributed in 2024 to legal scrutiny of various legislative proposals. Although fundamental rights impact assessments are rare, more than half of NHRIs in the Member States were involved in assessing the impact on human rights of various legislative proposals and evaluating adopted legislation (Figure 3.1) <sup>(45)</sup>.

## FRA ACTIVITY

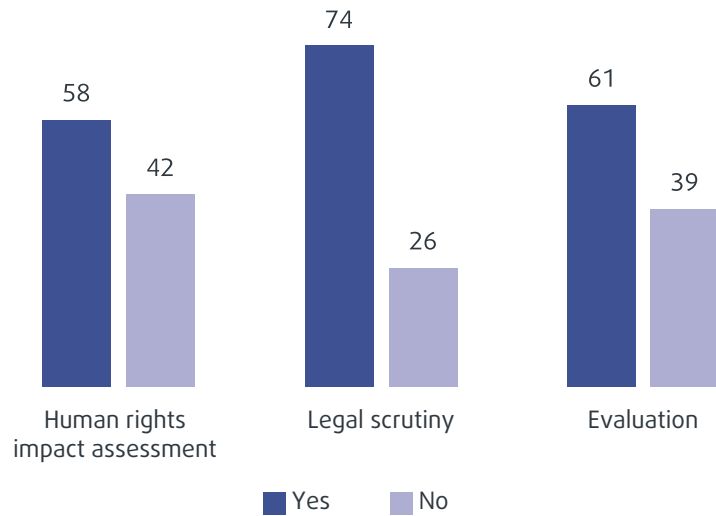
### Project on human rights impact assessment

FRA is carrying out research on how human and fundamental rights impact assessments and legal scrutiny of legislative proposals, and evaluations of legislation, are conducted. The research entails interviews of experts from Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, the Netherlands, North Macedonia and Slovenia. It also involves consultations with NHRIs, equality bodies and civil-society organisations. It will feed into a report on the challenges and opportunities, drivers and hurdles of human rights impact assessments that FRA is to publish at the end of 2025.

Source: FRA, 'Human rights impact assessment and evaluation of legislation in EU-30 – Drivers and hurdles'.



**FIGURE 3.1: NHRIS' INVOLVEMENT IN DRAFTING AND EVALUATING LEGISLATION IN THE 27 MEMBER STATES (%)**



► NB: 31 NHRIs from 27 Member States responded to FRA's NHRI survey. In some cases, more than one institution in the same country responded to the survey.

Source: FRA, *NHRI Accreditation Status and Mandates – 2025 update*, Publications Office of the European Union, Luxembourg, 2025.

The members of the European Network of National Human Rights Institutions report several issues in their countries with regard to legal scrutiny and impact assessments. For example, NHRIs in **Finland**, **Germany**, **Portugal**, **Slovakia** and **Slovenia** reported that insufficient time is provided for public consultation during legislative procedures. In **France**, **Latvia** and **Sweden**, the NHRIs deplored the lack of proper human/fundamental rights impact assessments. In **Romania**, although national law contains detailed provisions on the transparency of the legislative process for all legislative acts of public administration <sup>(46)</sup>, the European Network of National Human Rights Institutions member from Romania highlighted gaps in publishing draft bills and opportunities to participate in the legislative process. Furthermore, NHRIs in **Estonia**, **Romania** and **Spain** reported issues related to participation at the local level. NHRIs' comments on legislative proposals were seen as not properly considered in **Finland** and **Sweden** <sup>(47)</sup>.

### 3.3.3. National courts

In all Member States, examples could be identified in which the Charter played a role in national courts. Selected cases below show how the national courts applied the Charter.

Examples from four Member States show how national courts explicitly analysed the scope of application of the Charter under Article 51(1) before applying the Charter. In **Austria**, the Supreme Administrative Court held that Article 47(2) of the Charter (right to an effective remedy and to a fair trial) applies to the application of the Austrian Environmental Impact Assessment Act 2000, which was introduced to implement the EU directive on the assessment of the effects of projects on the environment <sup>(48)</sup>. In **Greece**, the Council of State held that the removal of the confidentiality of communications, pursuant to national law, by imposing specific obligations on providers of communications services fell within the scope of the directive on privacy and electronic communications <sup>(49)</sup> and the Charter's Articles 7 (privacy), 8 (data protection), 11 (freedom of expression), 47 (right to an effective remedy and to a fair trial) and 52 (scope and interpretation) <sup>(50)</sup>.



In **Lithuania**, the Supreme Administrative Court held that it was necessary to refer to the provisions of the Charter when an issue in the administrative proceedings fell under the directly applicable Schengen information system regulation <sup>(51)</sup>. Similarly, the Constitutional Court of **Slovenia** held that the Takeovers Act, incorporating the takeover bids directive (Directive 2004/25/EC) <sup>(52)</sup> in national law, fell within the scope of EU law and required the application of Article 47 of the Charter (right to an effective remedy and to a fair trial). In this case, minority shareholders complained that they could not challenge the presumption under the Takeovers Act that the price offered to them in a takeover bid had been fair. The Constitutional Court remitted the case to the first- and second-instance courts. It instructed them to assess whether the contested national provision complies with Article 47, referring requests for a preliminary ruling to the CJEU in the event of doubt <sup>(53)</sup>.

Conversely, in **Malta**, the national court did not find a link with EU law in a case concerning the right to appeal against a decision revoking temporary humanitarian protection. It therefore decided that the Charter was not applicable. The court noted that the proceedings related to asylum applications did not involve direct references to or applications of EU law that would necessitate the protection afforded by Article 47 (right to an effective remedy and to a fair trial) of the Charter. Instead, they were based on national provisions governing the asylum process <sup>(54)</sup>.

In four Member States, national courts applied the Charter to give direct access to an individual right. In **Austria**, the Constitutional Court found a violation of Article 47(2) of the Charter (right to an effective remedy and to a fair trial) for failure to hold an oral hearing in an asylum case <sup>(55)</sup>. In **Bulgaria**, a court used Articles 41 (good administration) and 52 (conditions for limiting rights) of the Charter directly to protect the applicant's rights in relation to a return decision <sup>(56)</sup>.

In **Cyprus**, a deportation order issued against a Syrian beneficiary of international protection on the grounds of public security was annulled, based on the principle of proportionality and the right to a hearing enshrined in the Charter, when implementing the qualification directive (Directive 2011/95/EU) <sup>(57)</sup>. In **Czechia**, the Supreme Administrative Court referred to Article 4 (prohibition of torture and inhuman or degrading treatment or punishment) of the Charter to clarify that the principle of *non-refoulement* also applies to national provisions regulating a decision to leave the country, even in the absence of specific regulation. The court held that the police must indicate specifically the country to which a foreign national must return <sup>(58)</sup>.

In three Member States, national courts used the Charter to interpret national law. In **Cyprus**, the Administrative Court used the Charter to interpret a provision of national asylum law to mean that the asylum examination process should respect the best interests of the child <sup>(59)</sup>. The Judicial Division of the Council of State in the **Netherlands** interpreted the Aliens Act considering Articles 7 (privacy) and 8 (data protection) of the Charter. The court held that the military police had investigated the mobile phone of a non-EU national unlawfully <sup>(60)</sup>.

The Court of Appeal of **Luxembourg** held that the national law on the right to an allowance in lieu of leave not taken – which is enshrined in Article L.233-9 of the Labour Code – must consider the CJEU's interpretation of Article 31(2) (working conditions) of the Charter <sup>(61)</sup>.

## FRA ACTIVITY

### Charter e-learning

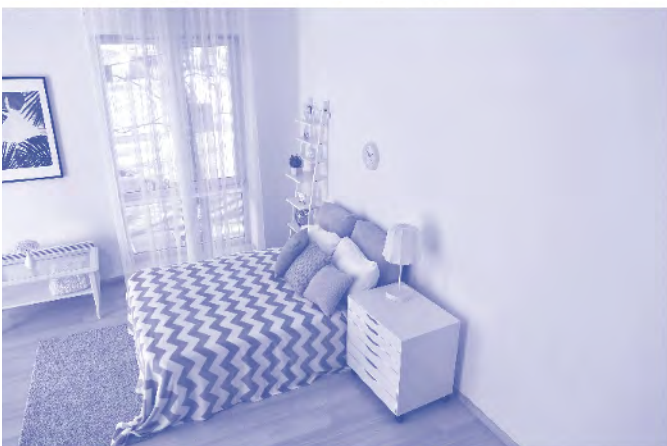
FRA created an e-learning course on the Charter, providing guidance on the scope of application of the Charter, practical case studies, video tutorials and more. These materials have been translated into additional EU languages: Danish, Estonian, Finnish, Lithuanian, Portuguese and Slovenian.

Source: FRA, 'FRA e-learning', FRA website, n.d.

Other notable cases that included national courts' examination of a (possible) breach of the Charter were found in five Member States. In **Bulgaria**, a national court concluded that national law violated the applicant's right to work (Article 15) and the presumption of innocence (Article 48) in a case concerning the applicant's dismissal following a criminal charge <sup>(62)</sup>. In **Denmark**, the Supreme Court upheld a lower court's decision depriving a person (who had dual citizenship of Denmark and of Bosnia and Herzegovina) of her Danish citizenship due to her involvement with the Islamic State in Syria, which resulted in a criminal conviction for supporting terrorism. Considering the nature and severity of the crime and the defendant's ties with Bosnia and Herzegovina, the Supreme Court concluded that deprivation of the defendant's citizenship would not conflict with the principle of proportionality and with Articles 7 (private and family life) and 24(2) (rights of the child) of the Charter <sup>(63)</sup>.

In **France**, the Supreme Court allowed the execution of the European Arrest Warrant issued by Sweden, finding no systemic and general deficiencies in the issuing state. The court noted that Sweden was obliged to respect Articles 18 (right to asylum) and 19 (protection in the event of removal, expulsion or extradition) of the Charter and the Qualification Directive <sup>(64)</sup>.

In **Germany**, the Federal Court of Justice found that a landlord's unauthorised video surveillance of tenants entailed a violation of the right to privacy and data protection. The court interpreted national law considering Articles 7 (private and family life) and 8 (personal data) of the Charter and the broader EU data protection framework <sup>(65)</sup>.

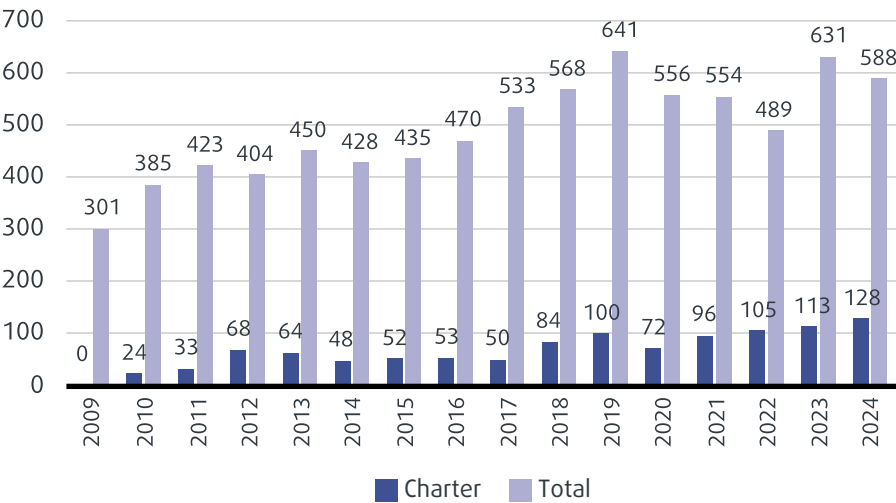


In **Slovenia**, the Charter’s provisions served as a benchmark for assessing whether the transfer of plaintiffs to the Member State responsible under the Dublin III regulation would result in a violation of the prohibition of inhuman or degrading treatment and the principle of the best interest of the child <sup>(66)</sup>.

To conclude, a case from **Romania** dealt with the relationship between the ECHR and the Charter in the context of the retroactive application of the more lenient criminal law. The High Court of Cassation and Justice referred to Article 49(1) (principles of legality and proportionality of criminal offences and penalties) of the Charter, Article 7 of the ECHR (no punishment without law) and provisions of national legislation to establish that the retroactive application of the more lenient criminal law is a generally accepted legal principle and that it establishes a higher level of protection for human rights than the level the CJEU jurisprudence prescribes. Applying Article 53 of the Charter (level of protection), the national court held that the principles of legality and proportionality of criminal offences and penalties should apply irrespective of the nature of the crime, including for crimes against the financial interests of the EU <sup>(67)</sup>.

In 2024, the CJEU received 588 requests for preliminary rulings, and 128 (22 %) of these mentioned the Charter. The proportion of requests referring to the Charter has been increasing over the years (Figure 3.2).

**FIGURE 3.2: TOTAL NUMBER OF REQUESTS FOR PRELIMINARY RULINGS, AND REQUESTS THAT REFER TO THE CHARTER, 2009–2024**



Source: CJEU.

The cases presented above show continuing reference to and application of the Charter in national case-law, although national courts do not always carry out a prior analysis of whether the case falls within the scope of EU law under Article 51(1). The trend covers a variety of cases, mostly related to asylum, migration and data protection, or employment, surrender procedures and environmental matters.

### 3.3.4. National human rights institutions and other fundamental rights bodies

Information that FRA collected in 2024 <sup>(68)</sup> shows that many NHRIs and equality bodies make use of the Charter in their work. Five notable examples show how they promote respect of the Charter at the national level through petitions, interventions before courts and the public administration, and through reports.

For example, the Irish Human Rights and Equality Commission (IHREC) brought, for the first time, proceedings against **Ireland** before the Irish High Court, using its own legal standing under the Irish Human Rights and Equality Commission Act 2014. IHREC argued that the Irish Government failed to provide sufficiently for the basic needs of asylum applicants, and was therefore in violation of several Charter articles. The court found in favour of IHREC's claim. It held that the government had failed to provide sufficiently for the basic needs of newly arrived international protection applicants between 4 December 2023 and 10 May 2024, whether by way of the provision of accommodation, shelter, food and basic hygiene facilities or otherwise, in breach of that class of persons' rights pursuant to Article 1 (dignity) of the Charter. An appeal hearing was held on 6 and 7 March, with judgment reserved by the court to issue later <sup>(69)</sup>.

The Ombudsperson of **Czechia** launched an inquiry concerning the provision of state-funded accommodation to beneficiaries of temporary protection from Ukraine. The Ombudsperson referred to the Charter as a framework for interpreting the notion of suitable accommodation under Article 13 of the temporary protection directive <sup>(70)</sup>. In that regard, they highlighted Article 1 of the Charter (dignity), as well as Articles 24 (rights of the child), 25 (rights of the elderly), 26 (integration of persons with disabilities) and 34 (social security and social assistance) <sup>(71)</sup>.

The Ombudsperson of **Poland** intervened before the Chief Commander of the Border Guard in procedures for handling declarations by foreigners apprehended after crossing the Belarus-Poland border and seeking international protection in Poland. The intervention raised concerns about how the Border Guard processes such declarations, emphasising the need for compliance with Article 18 (asylum) of the Charter <sup>(72)</sup>.

The Danish Institute for Human Rights published an analysis on the police's use of facial recognition in **Denmark**, assessing possible interferences with Articles 7 (private and family life) and 8 (data protection) of the Charter. The institute recommended that facial recognition is only used with a clear and precise legal basis in the Police and Administration of Justice Act <sup>(73)</sup>.



The National Consultative Commission on Human Rights in **France** criticised the amendment of a law that allows for the expulsion of non-EU nationals who are convicted criminals. The amendment removed the provision that exempted long-term residents from such expulsion. The Commission noted that this amendment does not comply with, among others, Article 7 (private and family life) of the Charter <sup>(74)</sup>.

NHRIs and equality bodies have an active role in the application of fundamental rights as acknowledged in the Charter strategy, and especially the European Commission's 2022 Charter report on a thriving civil space <sup>(75)</sup>. However, to be able to carry out their mandate effectively, they must be provided with adequate resources in terms of both financial support and expertise, as the Council highlighted in its conclusions on the role of the civic space in protecting and promoting fundamental rights in the EU <sup>(76)</sup>.

#### PROMISING PRACTICE

### NHRI project funded through European Economic Area and Norway Grants

A regional project, led by FRA and involving NHRIs from seven Member States, as well as the European Network of National Human Rights Institutions, piloted activities to promote the application of the Charter. These included, for instance, a media campaign of the Cypriot ombuds institution on the Charter, including radio segments and videos about the Charter and the rights it covers. The Ombudsperson of Croatia provided training on the Charter to ombudsperson advisors, civil servants working in the area of EU funds and civil-society organisations. At the concluding conference of the project, recommendations were directed to Member States and the European Commission to ensure that the EU could build on strong and effective NHRIs to protect the fundamental rights enshrined in the Charter.

Sources: FRA, *Concluding conference statement on the role of national human rights institutions*, 2024; Cyprus: Office of the Commissioner for Administration and the Protection of Human Rights, 'Organization of a media campaign on the EU Charter of Fundamental Rights, in the framework of implementing a regional project, funded by the EEA and Norway Grants', n.d.; Pučka pravobraniteljica Republike Hrvatske, 'Projekt: „Podrška nacionalnim institucijama za ljudska prava u praćenju ljudskih prava i vladavine prava“', Pučka pravobraniteljica Republike Hrvatske website, n.d.



### 3.3.5. Charter focal points

In the Charter strategy, the European Commission invited the Member States to appoint Charter focal points for information exchange and coordination purposes <sup>(77)</sup>.

The European Commission brought together the Member States' Charter focal points in October 2024 to attend a meeting of the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons together with the Member State delegates and to exchange views on the latest developments, including the focal points' role in mainstreaming fundamental rights in their Member States. On this occasion, the focal points received training on integrating fundamental rights in national legislative impact assessments. They were also informed about the European Commission's updated guidance for fundamental rights impact assessment, which will be published in spring 2025.

The Charter focal points were also invited to participate in the CharterXchange that FRA organised in December 2024, and will be invited to contribute to the Commission's midterm review of the Charter strategy in 2025.

At the national level, the Irish Charter focal point delivered in December 2024 a presentation on the Charter to a group of senior officials from various government departments. In parallel, training and capacity-building activities are being planned in support of preparations for the Irish Presidency (2026). These will include a webinar on the Charter <sup>(78)</sup>. The Dutch Charter focal point organised a seminar for civil servants working for the national government, focusing on the relevance and application of the Charter in the practices of the national government <sup>(79)</sup>.

In half of the Member States, the Charter focal points are located within the Ministry of Justice, whereas most of the other Member States locate the focal points in other ministries or administrative units <sup>(80)</sup>.

The European Commission's midterm review of the Charter strategy in 2025 will be an opportunity to look at ways to enhance the effectiveness of the focal points' role nationally.

## FRA ACTIVITY

### CharterXchange

The second annual EU CharterXchange was held on 9, 10 and 11 December 2024, attracting more than 500 practitioners and other stakeholders. The CharterXchange is an initiative of FRA and the European Commission to enhance the application of the rights enshrined in the Charter. It aims to increase the visibility and understanding of the Charter, provide a platform for mutual learning and build capacity in specific areas, for instance at the subnational level, in EU funds and in national courts.

Source: FRA, '2nd annual EU CharterXchange', FRA website, 2024.

### 3.3.6. Awareness raising and training

Dedicated EU funding has played a major role in increasing training and awareness raising on the Charter. Legal professionals continued to benefit significantly from training on the Charter. For example, the Council of Europe's EU-funded Human Rights Education for Legal Professionals course on the interplay between the ECHR and the Charter continued to gain relevance among legal professionals. The course has been translated and launched in national languages in **Ireland, Italy, Lithuania, Portugal, Romania, Slovenia and Spain** <sup>(81)</sup>.

Judges and prosecutors received training on the Charter in **Bulgaria** <sup>(82)</sup>, **Cyprus** <sup>(83)</sup>, **France** <sup>(84)</sup>, **Greece** <sup>(85)</sup>, **Hungary** <sup>(86)</sup>, **Latvia** <sup>(87)</sup>, **Slovakia** <sup>(88)</sup>, **Slovenia** <sup>(89)</sup> and **Spain** <sup>(90)</sup>. Lawyers in private practice were trained in **Belgium** <sup>(91)</sup>, **Bulgaria** <sup>(92)</sup>, **Cyprus** <sup>(93)</sup>, **Estonia** <sup>(94)</sup>, **France** <sup>(95)</sup>, **Hungary** <sup>(96)</sup>, **Malta** <sup>(97)</sup>, **Slovakia** <sup>(98)</sup> and **Spain** <sup>(99)</sup>.



Civil servants received training on the Charter in **Bulgaria** <sup>(100)</sup>, **Finland** <sup>(101)</sup>, **Greece** <sup>(102)</sup>, the **Netherlands** <sup>(103)</sup>, **Portugal** <sup>(104)</sup> and **Romania** <sup>(105)</sup>. In **Croatia**, an e-learning tool on the Charter is under development. Its pilot version was made publicly available in 2024 to civil servants in public administration <sup>(106)</sup>.

Several EU-funded projects focusing on the Charter kicked off in 2024. For example, the project FAIR, implemented by a consortium of organisations from nine countries, which are part of FRA's Franet network, developed initiatives to promote rights awareness. The awareness-raising activities within these initiatives will target civil-society organisations, lawyers, the judiciary and experts. A collection of tools will be created in English and in national languages for the organisation and implementation of a communication campaign on fundamental rights <sup>(107)</sup>.

Another project, called Stellar, focuses on raising awareness of the Charter in the context of EU climate and energy policy, including for strategic litigation <sup>(108)</sup>. Furthermore, as part of the FOCUS project, which aims to raise public awareness of the Charter, a workshop was organised focusing on the review of EU legislative proposals. The workshop outcomes were summarised in a blog post, as part of a series of articles focusing on the Charter <sup>(109)</sup>.

The project SCUDI, funded through the citizens, equality, rights and values (CERV) programme, aims to reinforce strategic litigation capacity as a key mechanism for the implementation of the Charter in **Italy**. The project will include the development of a legal database and knowledge platform, the training of lawyers and human rights activists, and the creation of a European network of civil-society organisations involved in sea rescue <sup>(110)</sup>.

## PROMISING PRACTICE

### Increasing awareness of fundamental rights

The Dutch Lawyers' Association (Nederlandse Juristen-vereniging) devoted its annual meeting of 2024 to the significance of the Charter for the Dutch legal order. Five conference papers (together 340 pages) offered a 'crash course' on the Charter and addressed the Charter's impact on administrative law, criminal law, private law and labour law.

*Source: Handelingen Nederlandse Juristen-vereniging, Vol. 153, 2024.*

## PROMISING PRACTICE

### Increasing public awareness of the Charter

In Bulgaria, the civil-society organisation Active Policies Foundation published a series of articles focused on the Charter. The series aims to increase public awareness of fundamental rights enshrined in the Charter. Each of the articles corresponds to one of the Charter's titles, providing a structured and comprehensive approach to explaining the Charter's various sections and their significance.

*Source: Active Policies Foundation (Фондация „Активни политики”), ‘Харта на основните права на Европейския съюз’ (‘The Charter of Fundamental Rights of the European Union’), NGOBG.info website, 19 January 2024.*

## PROMISING PRACTICE

# Promoting the Charter in schools

A project funded through the CERV programme has been implemented in Italy to promote the Charter among students at secondary school. After each session, the students are asked to provide an illustration for each Charter article. The project has also led to a book that visualises the Charter provisions, entitled *For a Colourful Europe – Get to know and appreciate the EU Charter of Fundamental Rights* (*Per un Europa a colori. Conoscere a far valere la Carta dei diritti fondamentali dell'UE*).

Very few local authorities make use of EU-funded projects to promote the Charter. One notable example is the project RightsCities, operationalising FRA's human rights cities framework <sup>(111)</sup>. This project aims to raise awareness of the Charter among city governments and local civil society <sup>(112)</sup>. In **Poland**, a tool was funded that presents the EU and the Charter in an accessible way. The tool is intended for grassroots stakeholders, such as librarians, activists, people associated with civil society and teachers <sup>(113)</sup>.

While awareness-raising activities on the rights enshrined in the Charter are numerous, differences in the level of knowledge on the Charter remain among the Member States. The 2024 Eurobarometer survey on justice, rights and values showed that, on average, 62 % of people in the EU-27 are aware of the Charter, with awareness being lowest in **Hungary** (48 %), **Ireland** (46 %), **Latvia** (48 %), **Lithuania** (45 %) and **Romania** (45 %). **Sweden** has the highest percentage of people with knowledge of the Charter (82 %). The biggest increase since 2021 was noted in the **Netherlands** (4 percentage points), while the biggest decrease was observed in **Ireland** and **Portugal** (29 percentage points each) <sup>(114)</sup>.

Training on fundamental rights is increasingly provided to legal professionals <sup>(115)</sup>. However, civil servants could benefit more from such training. In light of these findings, it will be important for the Member States to continue promoting the Charter at different levels of public administration.

## Key findings and FRA opinions

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### FRA OPINION 1

The European Commission should encourage EU Member States to share best practices in the implementation of the Charter horizontal enabling condition. These are set out under the common provisions regulation. This should be done with the participation of national bodies competent for fundamental rights.

### FRA OPINION 2

EU Member States should continue providing training on the Charter to public administrations involved in the management of EU funds.

Member States should increase the awareness of the complaint mechanisms available in their national systems to ensure respect of the Charter in the implementation of EU funds.

Member States are approaching the implementation of the CPR, including its provisions on the Charter, in different ways. Evidence suggests that there is a need for further capacity building for the fundamental rights actors involved in the process, to ensure that the available procedures are fully used and that all use of EU funds covered by the CPR is fully in line with the Charter.



### FRA OPINION 3

EU Member States should ensure, when considering fundamental rights in the legislative process, that national human rights institutions, equality bodies and ombuds institutions participate effectively and are consulted in a meaningful way. This includes, for example, providing timely information about legislative proposals, giving enough time to provide comments to the proposals and providing feedback when comments are not considered.

In the context of considering fundamental rights during the legislative procedure in the Member States, issues were reported as to the involvement of NHRIs, equality bodies and ombuds institutions. These appear to be due to insufficient time reserved for consulting fundamental rights bodies, resources and meaningful ways of considering their opinions in the consultations.

Awareness raising and training on the Charter is flourishing, thanks to EU-funded opportunities, but differences among the Member States in knowledge on the Charter continue to exist. There appear to have been only a few initiatives promoting the Charter among public administrations, in particular at the subnational level.



#### **FRA OPINION 4**

EU Member States should enhance their efforts to promote the application of the Charter among all levels of public administration, including the subnational level. They should deliver awareness-raising and training activities, using the 25th anniversary of the proclamation of the Charter as an opportunity.

#### **FRA OPINION 5**

The European Committee of the Regions could consult its members and explore avenues to increase the application of the Charter at the regional and local levels.

#### **FRA OPINION 6**

The European Commission should continue to fund training and capacity building on the Charter for local, regional and municipal authorities. It should keep encouraging the integration of the Charter into human rights training by national human rights institutions, civil society and legal professional networks as important intermediaries. The Charter focal points could play a role in these awareness-raising efforts.

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# PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

The *Fundamental Rights Report 2025* provides a comprehensive overview of the state of fundamental rights in the European Union, highlighting major developments and trends in 2024.

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The remaining chapters cover issues such as inclusive elections, gender-based violence, and the implementation of the EU Charter of Fundamental Rights. They offer new research and analysis of the progress made. The report highlights the major EU policymaking developments to address these issues and the gaps that remain. It presents FRA's opinions on these developments, setting out the actions that should be taken by the EU and Member States.

The *Fundamental Rights Report 2025* is a valuable resource for those seeking to stay informed about the EU's shifting landscape of fundamental rights. It supports policymakers, practitioners, and civil-society organisations working to promote and protect fundamental rights.



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