

FRA STRATEGIC PLAN
2013-2017



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1.1 FRA's mandate

The European Union Agency for Fundamental Rights (FRA) was set up to provide independent evidence-based advice relating to fundamental rights, in the domain of Union law. Its mission is to “help to make fundamental rights a reality for everyone in the European Union”.

The objective, scope and tasks of the Fundamental Rights Agency are set out in Articles 2 to 4 of Council Regulation (EC) No. 168/2007 establishing the agency. To achieve its objective, the agency collects and analyses data to provide independent, evidence-based assistance and expertise to EU institutions and Member States, as well as other stakeholders. The agency situates its work in the wider context of the Charter of Fundamental Rights of the European Union.

The activities of the FRA are organised around three main tasks:

- data collection, research and analysis;
- providing independent advice to policy makers and cooperation and networking with stakeholders;
- communication activities to disseminate the results of its work and to raise awareness of fundamental rights.

The FRA is not a monitoring or standard setting institution such as the Council of Europe, nor is it empowered to examine individual complaints such as the European Court of Human Rights (ECtHR). It has no regulatory decision-making power. Its mandate stipulates that FRA shall formulate conclusions and issue opinions to European Union (EU) institutions, bodies and agencies and to Member States on the situation of fundamental rights in the implementation of Union law. Moreover, the FRA has the capacity to carry out scientific research and comparative analysis, follow cross-cutting trends, raise public awareness and provide advice and guidance to national governments

as well as to legislators at EU level. The FRA therefore ultimately aims to contribute to evidence-based policy making across the EU 28 (plus EU accession countries).

The purpose of the Charter of Fundamental Rights is to strengthen the protection of fundamental rights in the EU in the light of changes in society, social progress and scientific and technological developments. The agency fulfils its tasks, as defined by its Regulation, by implementing activities within the thematic areas of its five-year Multi-annual Framework, which fall broadly under different chapters of the Charter of Fundamental Rights.

The agency's thematic areas of work are determined through a five-year Multiannual Framework adopted by the Council of the European Union after consultation with the European Parliament. Bearing in mind the objectives of the foundation of the agency and with due regard to its financial resources, the agency shall carry out tasks within the following thematic areas:

- access to justice;
- victims of crime, including compensation to victims of crime;
- information society and, in particular, respect for private life and protection of personal data;
- Roma integration;
- judicial cooperation, except in criminal matters;
- rights of the child;
- discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
- immigration and integration of migrants, visa and border control and asylum;
- racism, xenophobia and related intolerance.

The “FRA Mission and Strategic objectives” – identified for the period 2007–2012 – set out a number of short-term objectives for each of the thematic areas. These objectives were the basis for specific actions with regard to data collection, research and analysis in selected areas and their dissemination and awareness raising towards stakeholders.

1.2 The core activities of FRA

1.2.1 Providing evidence-based advice

The agency provides evidence-based advice to EU institutions and Member States to support them in their efforts to fully respect, protect, promote and fulfil fundamental rights. This advice is provided in different ways, for example through conclusions and opinions based on its independent research, data collection and analysis; or by providing a specific opinion upon request by the European Parliament, the Council or the Commission on a legislative proposal. FRA conclusions and opinions, contained in its comparative reports, are first and foremost addressed to the EU institutions and Member States. However, the FRA’s work supports the activities of other key actors, in particular the Council of Europe and international organisations, such as United Nations Children’s Fund (UNICEF), the United Nations High Commissioner for Refugees, Office for the High Commissioner for Human Rights, Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR), etc., as well as regional and local authorities, national human rights institutions, equality bodies and ombudsperson institutions, as well as civil society organisations.

1.2.2 Collecting and analysing data

The FRA collects and analyses official and non-official data on fundamental rights issues in the EU. Given the differences in data availability across the EU Member States, the

agency has also developed methods to improve data quality and comparability. To address the paucity of data, and, in particular of comparable data, the FRA also conducts its own primary fieldwork research and surveys. Research activities are interdisciplinary articulating legal and social research. Comparative reports are mostly written in-house by expert staff. All publications follow a rigorous review process to ensure the highest possible quality involving the FRA’s Scientific Committee, senior research staff, heads of department and the Director and often external experts. The agency’s research often spans several years, particularly when addressing more resource- or time-intensive issues or when substantial fieldwork research needs to be undertaken. In addition, horizontal activities allow the agency to cover comprehensively a broad spectrum of fundamental rights issues and respond to needs that might arise during a given year.

1.2.3 Cooperating with stakeholders and partners

The agency works closely with EU institutions and advisory bodies, namely the European Parliament, the Council of the EU, the European Commission, the European Economic and Social Committee and the Committee of the Regions, as well as a number EU agencies (in particular Eurofound, EACH, Frontex, EASO, Europol, EIGE and CEPOL). It cooperates closely with the Member States of the EU, in particular through its network of National Liaison Officers (NLOs). NLOs are the main contact points for the agency in the Member States. Continuous exchange and regular meetings help to create a strong working partnership, which guarantees that information is shared and national needs are known and addressed. At the national level, also national human rights institutions, equality bodies and ombuds institutions, civil society

organisations working in the area of fundamental rights, and other institutions working on fundamental rights issues are also important partners.

Finally, FRA has a close working relationship with the Council of Europe, employing its standards and recommendations in its work. FRA also cooperates with the United Nations (UN) system and the Organization for Security and Co-operation in Europe (OSCE).

1.2.4 Communicating and raising awareness

All communication activities are based on the agency's Communication Framework and, more concretely, on its Annual Communication Plan. In order to ensure that its work has real impact on policy, FRA develops information and awareness-raising products, tools and services for institutions, organisations and all other human rights stakeholders. In so doing, the agency ensures that it provides evidence-based, objective, relevant and useful data, targeted information and advice in a user-friendly style and timely fashion. Key tools and channels for the FRA's communication and awareness raising include online, print and audio-visual tools and products, as well as its website and social media channels, events, personal meetings, information stands, speeches, and broadcast and print media.

2.1 Background information

The agency, in compliance with its Founding Regulation 168/2007 (Article 30) commissioned in 2011 an independent external evaluation to undertake a review of progress and achievements during its first five years of operation.

The overall objective was to evaluate the effectiveness, efficiency, added value, utility, coordination and coherence of the work done by the FRA since its establishment in 2007 to date. The evaluation was based on comprehensive data collection (surveys, interviews and focus groups) among all key internal and external stakeholders to the FRA, as well as thematic case studies.

2.1.1 FRA's effectiveness

FRA has fulfilled to a high degree its mandate to collect, record and analyse relevant, objective, reliable and comparable information and data relating to fundamental rights issues in the EU and its Member States.

Overall, the evaluation findings suggest a clearly favourable assessment in terms of the timeliness and adequacy of FRA assistance and expertise relating to fundamental rights. While the findings are very strong among EU-level institutions, the picture is somewhat more mixed at national level. FRA needs to work on ways to be more relevant for Member States. But, given that the relationship goes both ways, Member States also need to boost their requests and increase their receptiveness.

FRA work has contributed to a greater knowledge base regarding fundamental rights issues among policy/decision makers and stakeholders in the EU. Concerning FRA's role in providing input to the legislative process at

the European level, there were several voices in support of an increased role for the agency in providing opinions on future legislation on a more regular basis.

2.1.2 FRA's utility

The general satisfaction with the agency's work is high, and the organisation is seen as accessible and responsive to stakeholder needs.

The evaluation findings suggest a clearly favourable assessment in terms of the FRA's ability to effectively help institutions, bodies, offices and agencies of the Union to ensure full respect of fundamental rights in the framework of the Union law. Survey, interviews and case studies strongly suggest that FRA has been successful in meeting the needs of EU-level stakeholders.

The findings are less positive concerning the results at national level. Developments are currently underway to improve this in particular with more active communication with National Liaison Officers (NLO) concerning the needs of Member States.

There is a clearly favourable assessment in terms of the suitability of FRA's outputs to the needs of its stakeholders. In terms of the extent to which FRA publications on project results have been taken into account by relevant EU, national and local actors on fundamental rights issues, the evaluation shows a mixed result. While contribution was assessed as high at the EU-level, the results were much less positive at the national and local levels.

2.1.3 FRA's added value

FRA is considered to be in a unique role as a provider of comparative, EU-wide studies

The agency is acknowledged for concentrating on topics that are not covered by other human rights actors, and its position as an independent EU agency gives its work additional credibility.

2.1.4 FRA's coordination and cooperation

FRA has established effective procedures for coordination and cooperation which ensure coherence of policies and activities with stakeholders at all levels.

Strong formal procedures exist between FRA and the Council of Europe and the European Commission. These formal procedures are strengthened by informal channels. FRA works in close cooperation with the Council of Europe. No duplication of work has been cited and the two organisations offer solid opportunities for complementary work.

2.1.5 FRA's efficiency

FRA has developed into a well-functioning and effective organisation.

Overall, the evaluation findings show that FRA has developed into a well-functioning organisation, with adequate management structures, planning procedures and control systems. The adequate functioning of the agency has been confirmed by the Internal Audit Services and Court of Auditors, which express overall trust in the agency's procedures and systems in the audit reports. Some examples were mentioned where the lack of duplication of work has led to fewer costs at the European Commission, in Member States or at an international organisation – though exact cost savings are difficult to estimate.

In terms of organisational or institutional factors, no barriers to optimal performance were identified in the evaluation – obstacles relate rather to the mandate and the Multi-annual Framework (MAF).

The mandate and the MAF limit what FRA can undertake and what advice it can bring forward. The evaluation findings show that stakeholders perceive that, as a consequence of the mandate and the MAF, the agency's potential towards providing advice in the field of fundamental rights is not being utilised fully.

Introduction

The following section describes FRA's strategic objectives for the period 2013–2017. These are based on the results achieved by the agency so far and on the main conclusions of the external evaluation as well as on the challenges that lie ahead. Those objectives were derived from a process of intensive discussions held in retreats involving the Management Board, as well as staff.

3.1 Enhancing FRA's contribution to processes at EU level

According to the feedback collected, stakeholders at the EU level are generally very satisfied with the quality of the agency's work. This in turn has sparked an interest in FRA products and created increasing demand for FRA opinions, both formal and informal, in particular on legislation potentially impacting on fundamental rights.

FRA has already taken several steps toward this objective by establishing internal focal points for the European Parliament and Council as well as an EU and Member States project team. It also cooperates actively with other EU agencies and bodies such as EIGE, Frontex, EASO or the European Ombudsperson.

In 2010, the European Council invited the EU institutions to “make full use of the expertise of the FRA, and to consult, where appropriate, with the Agency, in line with its mandate, on the development of policies and legislation with implications for fundamental rights”.

To respond promptly to such requests, FRA will plan and allocate adequate human and financial resources to its advice function. It will assess the needed skills and clarify roles and responsibilities without, however,

underestimating the importance of the research and data collection on which the advice is based.

The creation of a FRA database of all its opinions, including recommendations contained in reports, formal opinions, and other public statements will allow FRA to keep track of its policy line, and ensure consistency and impact tracking over time. FRA will also intensify its contacts with other EU agencies, both on the strategic and operational level.

Main objectives

FRA enhances its relevance for legal and policy processes at EU level

FRA responds to requests for opinions and advice in a timely and competent manner

FRA enhances its coordination with the European Commission, the European Parliament and the Council of the European Union

FRA cooperates efficiently with other EU agencies and civil society

Expected results

FRA is consulted where fundamental rights concerns arise

Findings and analysis produced by FRA are easily available

Data and expertise provided by FRA are increasingly taken up by EU institutions

Key actions

A database of all FRA opinions is created

Human and financial resources for providing advice functions are allocated in FRA work programmes

Contacts with other EU actors are increased

3.2 Enhancing FRA's contribution to processes at the national level

The FRA external evaluation report formulated a series of recommendations to increase the relevance and impact of FRA's work at the national level. Both the FRA Management Board as well as an internal FRA Task Force have started to look more closely at these recommendations to optimise existing and identify 'pilot' initiatives with national stakeholders. To help enhance FRA's contribution to processes at national level, an ex-ante evaluation will be conducted.

The focus will be on assessing key policy and stakeholder relevant opportunities to provide FRA evidence-based advice at national level, facilitate national dissemination of FRA products, including FRA handbooks and participation in events with national stakeholders.

Firstly, FRA will focus on EU Member States (governments) when implementing EU law. It will look at ways in which FRA can strengthen its response to EU Member States' requests for evidence-based advice and expertise, including the participation of FRA experts in expert committees and thematic working groups of EU Member States, such as the FRA Roma Working Group and Hate Crime Working Group. The FRA National Liaison Officers network as well as the Director's visits to Member States will continue to provide an occasion for high-level meetings and formal and informal exchanges with national level stakeholders.

Secondly, FRA will strengthen its relations with national parliaments in order to provide evidence-based advice to relevant parliamentary committees, also building on the work of the Conference of European Affairs Committees of the national

parliaments (COSAC). Intensifying such cooperation will allow the agency to be more in touch with the needs of national parliamentarians.

Thirdly, FRA has already set up mechanisms for cooperating with national human rights institutions and equality bodies. The cooperation with Ombudspersons offices has also recently been strengthened. FRA's work with these national human rights structures will focus on the cooperation in four thematic platforms identified in close cooperation with the Council of Europe, ENNHRI and Equinet: migration and asylum, social and economic rights, hate crime and Roma integration.

FRA will also explore further engagement with civil society associations and local and regional authorities, building on FRA's Fundamental Rights Platform and relations with the Committee of the Regions.

Developing a stronger connection to the Member States is expected to have a multiplier effect on the number of stakeholders reached by FRA and a policy-relevant impact at national level.

Main objectives

FRA increases its cooperation with national stakeholders in order to contribute to fundamental rights policy processes at national level

FRA increases its cooperation with National Liaison Officers and other key national level stakeholders in order to bring FRA evidence-based advice to the centre of national fundamental rights policy making and implementation

Expected results

FRA's evidence-based advice is increasingly taken on board by national policy makers and national parliaments

FRA's evidence-based advice is used by national human rights bodies (NHRIs, ombudspersons, and equality bodies) as well as groups of professionals (police, health workers, educators etc.)

Key actions

To optimise the existing cooperation mechanisms with national liaison officers including by engaging national level experts when specific thematic FRA research is produced

To develop the cooperation with NHRBs in close cooperation with key stakeholders including Equinet, ENNHRI, the Council of Europe, with a focus on four thematic areas

To set up focal points in each national parliament in EU Member States and develop a cooperation mechanism with them

To work further with EU Member State experts in specific working style groups, including in the Hate Crime and Roma Working Groups

Continue regularly visiting Member States and to further engage with civil society and local/regional authorities

- updates on FRA reports on homo- and transphobia and antisemitism.

FRA will progressively look at how it can monitor trends in fundamental rights over time with respect to the following, for example: quantitative data collection (FRA surveys and existing data sources); updating legal analysis; creating benchmarks and indicators; identifying and evaluating promising practices.

Regular monitoring of trends will initially concern a specific number of key fundamental rights areas – in line with the agency's MAF areas.

FRA repeats data collection through surveys in key areas every few years and follows up key legal and social projects – activities which will over time help it establish a comprehensive overview of fundamental rights trends.

FRA will develop new types of outputs, such as online interactives maps and graphs, to make trends easier to see and more accessible to a wide audience. To address fundamental rights issues emerging from these trends, FRA will follow up on the notable trends with relevant actors and activities. Such activities might include sharing promising practices or promoting policy reviews based on FRA evidence. To avoid duplication of data collection and resource use, FRA will pay careful attention to existing data sources to help it identify these trends. To this end, an analysis of existing data sources will be undertaken before the FRA engages in new data collection exercises designed to identify trends.

Where supported by key stakeholders, the agency could consider working with those responsible for different levels of data collection and policy implementation – at the EU and Member State level – to see how FRA

3.3 Identifying trends over time and measuring progress in Member States

Repeating certain key surveys and publishing follow-up reports can help identify trends and measure progress in fundamental rights across the EU and Member States. FRA already has several projects looking at trends and progress over time, including:

- the Annual report;
- the Roma survey;

data, as trend data, could be used to review and develop actions concerning the situation of fundamental rights in the EU.

Finally, monitoring progress in fundamental rights over time will contribute to developing benchmarks and raising awareness on fundamental rights, and will assist better planning of future activities by the FRA.

Main objectives

FRA identifies trends over time and monitors progress across the EU – with respect to key areas

FRA establishes different methodologies for identifying trends

FRA regularly disseminates analyses based on trends

Expected results

The FRA provides a clearer picture of fundamental rights in the EU

Improvements and negative developments in fundamental rights areas will be identified more easily

Key actions

FRA includes the development of trends in its operational planning

FRA identifies areas of primary interest in which its research, focusing on trends, will have an added value

FRA identifies new forms of outputs for disseminating trends and analysis

3.4 Developing timely and targeted responses to fundamental rights emergencies

Fundamental rights emergencies need to be addressed quickly and efficiently. FRA will need to time well its support to decision

makers in responding to these, tailoring each response to the situation.

FRA already has some experience conducting fieldwork research and providing evidence-based advice in crisis situations: it has already published two reports on fundamental rights emergencies (one on *The situation of persons crossing the Greek land border in an irregular manner* in 2011 and one on *Violent attacks against Roma in the Ponticelli district of Naples, Italy* in 2008). Both reports were well-received.

Because of the nature of these phenomena, it is important to ensure that the agency has the necessary flexibility to respond to crisis situations. This could be achieved by putting in place internal workflow procedures with guidelines detailing how human and financial resources should be used and in what circumstances.

In relation to this particular objective it is crucial that the FRA does not duplicate the work of other organisations: the agency will play a strictly complementary role using its expertise in collecting and analysing data through scientifically validated fieldwork practices and cooperate with other entities when this is appropriate.

Main objective

FRA provides robust data, analysis and advice on fundamental rights emergencies

FRA develops the necessary flexibility to respond to fundamental rights emergencies

FRA addresses emergency situations in a timely and adequate manner

FRA plays a complimentary role vis-à-vis other international organisations

Expected results

Improved structure and accessibility of data regarding emergency issues are available

Internal guidelines and best practices detailing response mechanisms are successfully implemented by FRA

Cooperation with other organisations on emergency issues is systematised

Key actions

A project fiche (third priority) is included in AWP to be triggered as needs arise.

Internal workflow procedures are developed

Human and financial resources are assigned in the AWP (third priority) to respond to emergencies

3.5 Improving the impact of FRA communication and awareness raising

FRA has two communication tasks according to its mandate: communicating evidence-based advice by disseminating the results of its work and awareness raising. The focus of FRA communication is to reach decision makers in EU institutions and Member States with assistance and expertise, and to raise awareness of fundamental rights among its stakeholders, including those who are responsible for implementing fundamental rights (such as police officers and border guards), multipliers (such as journalists and educators), and an interested public.

Communication activities will continue to be planned and included throughout the project lifecycle, taking into consideration the constraints of total available staffing and budget.

FRA is revising its awareness-raising strategy, further detailing its approach to awareness raising for each specific target audience.

To boost FRA's impact at national level, FRA will further improve the way this information is presented, where possible with the support of national institutions. FRA partners – such as National Liaison Officers and Management Board members, but also National Human Rights bodies or other main national actors – could support these FRA efforts by, for example, helping to communicate FRA results or organising round tables. When possible, targeted multilingualism will be applied.

The FRA will pursue its efforts to diversify its products, to offer information to each stakeholder in an adequate format. This includes, in particular, the development of more targeted FRA briefs. It also covers a standardised template for executive summaries, which could, where applicable, be translated into more languages. Another initiative to improve visibility and accessibility for FRA project results involves the web: FRA will make sure its website displays data, with a tool to visualise survey data in a tailor-made way.

The FRA will continue to develop awareness-raising material, where applicable in close cooperation with the relevant key stakeholders, for example via the Fundamental Rights Platform. Again, targeted multilingualism will apply.

FRA will strive to further enhance its relations with the media and will continue to use tailor-made media products such as press releases and press kits in all EU languages. Finally, FRA will keep collecting feedback from stakeholders.

Main objective

To improve the impact of FRA communication and awareness-raising activities

To increase the FRA impact on decision-making processes

To make effective use of “multipliers” to help FRA to better understand and reach the national level

To win support from FRA partners for the agency’s communication efforts

Expected results

FRA products will support increasing FRA impact by reaching the target audience groups in a timely, targeted and relevant way

Information and data collected by the agency will be more easily accessible

Key actions

FRA targets its communication efforts on key stakeholders

3.6 Planning FRA work and evaluating its impact

FRA already has a number of instruments in place to help plan and prioritise its work:

The FRA Project Planning Evaluation (FRAPPE) takes place at the start of a project and includes the establishment of concrete indicators to assess its future results in terms of outputs and potential impact.

The FRA reference database helps the agency to track external references to its work, which are one of the indicators currently in use.

The FRA Annual Activity Report includes a wider range of indicators for each project and an in-depth account of all yearly activities.

Some examples of the figures which FRA already collects are: number of downloads and visits to the FRA website, number of copies of publications disseminated, evaluation forms from visitor groups and event participants.

A stakeholder review and an external evaluation have already been carried out during 2011-2012. The planning team has successfully set up and coordinates evaluation procedures and activities.

To complement and perfect these mechanisms, FRA will ensure that evaluation activities are always part of the project cycle. FRAPPE meetings will take place before a project is inserted in the Annual Work Programme and will define its activities, results and indicators, allocating a realistic amount of human resources. This applies in particular to multiannual projects which require an extensive resources.

New indicators and benchmarks will be developed both at project- and macro-level, measuring outputs and outcomes. Project-level indicators will be comparable so that best practices can be shared across departments.

The agency’s Activity Based Budgeting tool allows monitoring and management of the agency’s activities, improving the efficiency of allocating resources. Based on these and other planning tools, the agency can successfully identify opportunities for a direct contribution to EU and Member State needs and has the necessary flexibility to act upon them.

Finally, the FRA will repeat its stakeholder review and external evaluation.

Achieving this goal would entail several benefits for the agency, for example, increased transparency, accountability and the existence of solid data to prove the FRA's added value or identify its weaknesses.

Main objectives

The FRA effectively prioritises its work and evaluates its impact

Evaluation activities are planned for since the first phases of a project

The new performance measurement framework is applied to all projects, emerging best practices are shared throughout the agency

Expected results

A comprehensive analysis of project results will be available

Increased transparency and accountability of FRA work

FRA will have valid arguments based on solid evidence to highlight its added value

Key actions

New indicators are developed

ABB is regularly used to full capacity

A stakeholder review and an external evaluation are conducted

Introduction

FRA will take into account the specific legislative and policy context of the EU to link FRA's work to the Union's priorities for the period 2013–2017. The legislative and policy context will then be examined through the lens of the Charter of Fundamental Rights. This will determine the projects, programmes and activities undertaken by FRA under each thematic area of the Multi-annual Framework (for a comprehensive overview of the relationship between external issues, legislative context and fundamental rights in the Charter and MAF areas please see Annex 1).

In this section the thematic areas of the agency's work which are determined through a new five-year Multi-annual Framework 2013–2017 are described (4.1). We then indicate the main external developments foreseen in this period (4.2). Based on this, the thematic objectives for 2013–2017 are identified within each of the thematic areas (4.3).

4.1 The Multi-annual Framework 2013–2017

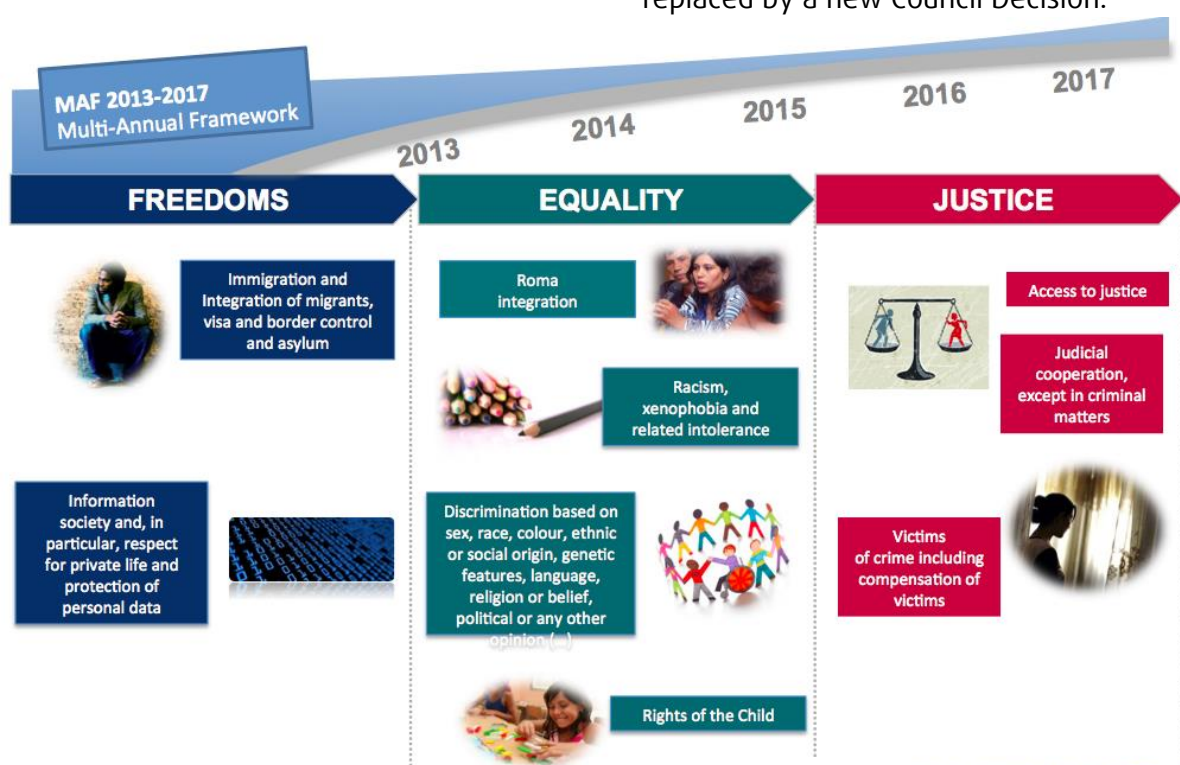
The agency situates its work in the wider context of the *Charter of Fundamental Rights of the European Union*.

The purpose of the Charter is to strengthen the protection of fundamental rights in the EU in the light of changes in society, social progress and scientific and technological developments.

The agency fulfils its tasks, as defined by its Regulation, by implementing specific projects and activities within the thematic areas of a five-year **Multi-annual Framework**. These fall broadly under different chapters of the Charter of Fundamental Rights.

The thematic areas of the agency's work are determined through a five-year Multi-annual Framework. On 11 March 2013, the Justice and Home Affairs Council of the European Union, based on a proposal of the European Commission and after consulting the European Parliament, adopted the agency's current Multi-annual Framework. Work on the FRA Framework complements the work of other EU bodies, the Council of Europe and other international organisations involved in the field of human rights. The current Multi-annual Framework will expire on 31 December 2017 and is expected to be replaced by a new Council Decision.

Figure: The Multi-annual Framework 2013–2017



4.2 External development and issues

4.2.1 Impact of economic crisis

The EU is entering the fifth year of economic and financial crisis. In the first quarter of 2013, around 11 % of the active population was unemployed and in some Member States youth unemployment exceeded 50 %. Member States undertook austerity programmes to reduce national debts, which led to cuts in state budgets. These cuts placed strains on the capacity of some Member States to deliver services to and protection for their citizens, and those residing in their territories.

The impact of these cuts, though differing in magnitude by Member State, has been most visible on unemployment, working patterns, business, poverty, mobility and the youth. With economies weakening, there are severe pressures on social protection services, government administration, schools, the justice system and social cohesion. The cuts have put strain on systems that depend on government funding, such as justice systems, to provide legal aid and deliver justice. As people lose their jobs or fall into poverty they are less likely to turn to the justice system to resolve their issues.

Other phenomena are also at play. A perceived North-South divide in the Union is seen widening, while some Member States face pressures on territorial cohesion. Member States in the South, and to some extent in the East, have felt the full force of the economic crisis. This has consequences for intra-EU mobility with movement from the South and East to the North and West. Extreme right-wing parties have entered national parliaments and populist and anti-establishment political parties have used the

crisis to make gains in some Member States. A dangerous rise in violent racist incidents in one Member State coupled with weak state responses have triggered genuine and justified anxiety about a more widespread increase in manifestations of racism, xenophobia and related intolerance and the growing strength of extreme right-wing parties.

4.2.2 Impact on social cohesion during transition to more competitive global economy

Irrespective of the economic crisis, the EU had embarked on a long-term strategy to maintain its global competitiveness by increasing support for growth in its intangible assets. Intensified global competition, information and communication technologies (ICTs), new business models and the growing importance of the service sector have all increased the importance of intangible assets to firms, industries and national economies.

This is a trend observed in the OECD countries and reflects the shift to a knowledge-based economy. Intangible assets such as innovative property (intellectual property, scientific and non-scientific research and development (R&D), copyrights, designs, trademarks), computerised information (software and databases) and economic competencies (including brand equity, social and business networks, firm-specific human capital and organisational know-how, advertising and marketing) are gradually becoming a greater share of national gross domestic product (GDP). They offer enormous opportunity to maintain global competitiveness. This transition forms part of the Europe 2020 strategy with its priorities on smart, sustainable and inclusive growth. There is an emphasis on innovation, the digital single market and youth mobility, resource efficiency and a new industrial

policy for the globalisation era. This will lead to new patterns of employment, social mobility within and across the Union, and the primacy of education, investments in R&D and a highly skilled workforce. There are possible consequences for social cohesion in the short to medium term. It depends on the EU's ability to ensure social inclusion, manage mobility and draw in the social capital from everyone to ensure that it reflects society.

There is an implicit recognition in Europe 2020 that some groups may be more vulnerable to the transition than others, such as the poor, the low skilled, the disabled, the old, those with a migrant background and the Roma. Fundamental rights need to underpin the transition, guarantee social protection and access to services, including digital services, and maintain social cohesion during periods of flux and change. Other issues such as academic and artistic freedom, freedom of expression, data protection, right to property and protection against the unauthorised marketing of group-specific cultural assets and consumer protection may gain prominence.

4.2.3 Impact of demographic changes

Demographic change in the EU has revealed several trends and patterns. Europeans are getting older, more diverse and more mobile. Migrants and people of foreign descent will increasingly become a larger part of the labour force. Eurostat estimates that the median EU age will rise from 40.6 in 2009 to 47.9 in 2060. With regard to migration, EU-27 Member States are host to around 20 million non-EU nationals. A further 10 million EU nationals are living in another Member State, and about five million non-nationals have acquired EU citizenship since 2001. Among EU nationals, in addition to the approximately 8 % of foreign-born people residing in the EU, a further 5 % have at least one foreign-born

parent. By 2060, persons of all nationalities with at least one foreign-born parent are expected to account for around one third of the EU-27 population. An even larger percentage of the workforce will be of foreign descent.

New patterns of mobility indicate that in addition to traditional male-dominated migration new forms of mobility are emerging. People are moving abroad for shorter periods, mainly to other Member States, to seek work, pursue their education or other life opportunities. These mobile people tend to be well-educated young adults, with high-end jobs. Challenges for fundamental rights will come, for example, from an ageing population. Other challenges include greater diversity, immigrants and the labour force as well as the results of freedom of movement and intra-EU mobility. Although the three phenomena are all interrelated they each bring unique challenges. The ageing population faces issues such as, for example, age discrimination, access to healthcare, life-long learning, digital inclusion, family life and data protection.

A more mobile workforce will raise issues related to residence, business, service provision and non-discriminatory recognition of qualifications and skills. Equally, greater workforce diversity including more migrants, foreign-born workers and their families may put the spotlight on issues related to status, equality, free movement, access to services and education. In addition, issues of irregular migration and asylum seekers will also continue to influence public debates and blur the distinction between legally residing foreign-born nationals, those with a migrant background and migrants in an irregular situation or asylum seekers.

4.2.4 Developments in the freedom, security and justice areas post Stockholm Programme

Continuing tensions between fundamental rights respect and security concerns can be anticipated over the next five years. Issues coalescing around irregular migration, cross-border crime and terrorism can be expected to remain at the forefront of the Union's priorities in these areas.

The Stockholm Programme (2010–2014), which defines the Union's priorities and activities in the areas of freedom, security and justice, comes to an end in 2014. The Stockholm Programme will be superseded by a new document – 'strategic guidelines'. These strategic guidelines are expected to be less detailed and more focused on a set of key interconnected priorities. For the agency it will be important to stress that fundamental rights standards must be kept high. This applies to areas related to security as well as to fields where EU legislation builds on mutual trust among Member States.

In addition, the agency will need to develop relations with key actors designing and adopting the successor document to the Stockholm programme to ensure that fundamental rights remain prominent in the (Athens) strategic guidelines.

4.2.5 Impact of ICT evolution

The evolution in ICT services and products across a wide range of sectors provide many opportunities and raise some fundamental rights concerns. These have been most pronounced in areas such as border management, healthcare, internal security, media and marketing. Much concern is around data protection: the storage, use, exchange and access to private and sensitive data. The development of a digital single market will further reinforce the centrality of ICT services and products in our daily lives. Core general economic services, such as e-justice, e-voting

e-banking, e-recruitment and e-shopping, are increasingly going electronic and depend on ICT infrastructures, making digital exclusion ever more important an issue. In addition, as border management facilitation under the Visa Information System (VIS) and public security systems such as the Schengen Information System (SIS II) are computerised and databases are created issues around data storage, exchange, access and protection become central.

The advent of social media and social networking has raised the issue of privacy, linked to individual control over personal data. Social media and networking work very much on the trust principle, but trust needs to be underpinned by fundamental rights related to data. Equally, safer internet use and the use of the internet to propagate hatred against others in the society are long-standing issues that raise a variety of fundamental rights challenges. These developments will impact on a wide variety of groups in different ways – and understanding the impact and consequences will be central to the fundamental rights agenda. In addition, as some of these services are either outsourced or developed by private sector companies, issues related to corporate social responsibility and human rights guidance for the ICT sector will become more pronounced. In response, the European Commission launched a comprehensive package on data protection in 2012 to reform the data protection rules at a time of technological advances. It is anticipated that the reform package will form the framework for data protection at least over the medium term and tackle immediate issues related to the digital age. Human rights guidance for the business sector is also being developed – which will complement the legislative programme.

4.2.6 Politics of the EU and its institutions

During the next five years a variety of developments will impact on the institutional structure and functioning of the EU. These will have a direct and indirect impact on the priority attached to fundamental rights in the Union. The EU will hold elections for its European Parliament (2014), select a new Commission (2014), make changes to the role of the European Central Bank. It will also involve the International Monetary Fund more closely in economic policy and, in effect, in decision making on resource allocation across key Union policy areas. A consultation – a reflection period – during the second half of 2013 has been called for by the European Commission. This will look into ways in which the rule of law can better be ensured within the EU. The outcome of this discussion will have a significant impact also on fundamental rights, given the extensive overlap between the content of the two areas.

The institutional relationship among the European Parliament, Council and Commission continues to evolve following the changes in the Lisbon Treaty and the the European Parliament's increased powers. The budget discussions revealed tensions among the three institutions. These may continue with the next European Parliament depending on the outcome of the European Parliamentary elections in 2014. The election of nationalist/populist political parties at the national level in some Member States may be replicated at the European level. This would have a direct impact on a host of fundamental rights issues falling under the agency's purview.

In addition, the European Commission's and the European Central Bank's close association with key national level decisions on the economic crisis may further undermine trust and support for the EU and its institutions.

These will inevitably trickle down to the agencies and bodies of the Union. The role and actions of independent bodies of the Union may therefore come under greater scrutiny.

Other aspects to consider include EU accession to ECHR and EU compliance with the UN CRPD. These may result in gradual, but wide-ranging changes to the institutional oversight of the Union and the Union's external relations and inter-governmental cooperation. Fundamental rights such as the right to good administration may gain in importance as electorates hold their governments to greater account both for the way resources are allocated and their conduct in office. Governance issues related to corruption, access, transparency and accountability will therefore continue to be at the forefront of public protests. Mechanisms and bodies set up to regulate and ensure good administration will themselves become the object of greater scrutiny.

4.3 Thematic objectives for 2013–2017

4.3.1 Access to justice including judicial cooperation

Emerging fundamental rights concerns

FRA research shows that access to justice is problematic in a number of EU Member States. This is due to several factors, including a lack of rights awareness and poor knowledge about the mechanisms that are available to access justice. Other reasons include low efficiency and inadequately resourced mechanisms. There are continuing efforts to improve access to justice by, for example, reducing the length of court proceedings, widening the circle of those allowed to bring legal claims, known as broadening legal standing, or developing e-justice. Pressure to reform is driven by the need to improve and further modernise access to justice. It is also boosted by ‘incentives’ at the EU and international levels, such as EU legislation and criticism from Council of Europe or UN bodies. An additional factor is the shift to possibly more ‘frugal’ – cost-saving – justice at a time of financial austerity. Here it is essential that justice should be delivered more efficiently while ensuring fundamental rights compliance. Closer cooperation between Member States in some areas increasingly requires judicial systems to be adapted to better handle cross-border issues. Mutual trust linked to the capacity of judicial systems to provide effective justice represents furthermore one of the important rule of law safeguards.

Access to justice, however, is not limited to courts alone. It also comprises a variety of other non-judicial mechanisms with a human rights remit with diverse mandates and powers, which are responsible for protecting,

promoting or monitoring fundamental rights. These include equality bodies, national human rights institutions (NHRIs) and ombudsperson institutions. Actors beyond the EU, such as the Council of Europe, have, for example, continuously highlighted the benefit of all EU Member States having strong and independent NHRIs. FRA will therefore continue supporting such institutions seeking accreditation with a goal of having at least a clear majority of EU Member States with an A-status NHRI by the end of the period covered by this strategic plan. Collectively, all these multiple bodies facilitate individuals’ access to justice at the domestic level. The work of such bodies helps to address human rights violations more speedily near the victim’s home. This would minimise the need for an individual to turn to complex or expensive judicial mechanisms at national level or to more distant supra-national bodies, such as the ECtHR.

EU legislative and policy context

Judicial cooperation in civil matters as well as in criminal matters in the EU refers to issues having cross-border



implications. The cooperation is based on the principle of mutual recognition of judgments and other decisions related to the judicial process. The EU continues legislating and taking other measures in this area, partly in order to facilitate cross-border access to justice. This includes most notably work on the rule of law in order to secure an area of justice where a significant level of mutual trust exists, free movement of judicial decisions including effective enforcement of rights, alternative dispute resolutions in civil and commercial claims, the rights of individuals in criminal proceedings, collective

redress and e-justice initiatives, including the European e-Justice portal. What will remain particularly important is the completion of the criminal procedure roadmap – creating a minimum level of rights for suspects and accused across the EU – and its effective implementation. This roadmap is also clearly linked to the parallel process of improved rights for victims of crime (see Section 4.3.2. on victims of crime). By ensuring the effectiveness of justice systems for individuals and businesses, the EU legislative and policy instruments aim to facilitate an effective implementation of EU law and provide needed tools in light of the Europe's economic growth strategy 'Europe 2020'. In relation to the criminal aspect of access to justice policies and legislation of the EU in particular, the FRA MAF prevents the agency from taking the initiative to research judicial cooperation in criminal matters specifically. However, the Founding Regulation allows EU institutions and Member States to seek FRA's expertise in this field, which they are increasingly doing (see, for example, Section 4.3.2. on victims of crime).

FRA's planned response

Main objective:

- to contribute to the EU's efforts to enhance mechanisms for ensuring access to justice through judicial as well as non-judicial mechanisms, at the EU and Member State level, which serve to underpin fundamental rights compliance.

Specific objectives:

- ensure FRA becomes a key actor providing robust, relevant and timely evidence-based advice on fundamental rights in the area of access to justice at the EU and Member State level; stimulate debate and action in the EU on how access to justice must be improved using

new technology; identify best practices on awareness-raising on access to justice for marginalised groups – working closely with key stakeholders in the field of justice (including, for example, other EU agencies such as Europol and Eurojust);

- map the 'access to justice situation' in Member States, and establish a learning mechanism for Member States – which can be based on the identification and sharing of promising practices between countries (such as those to address excessively long proceedings);
- look at implications for 'access to justice' in other fundamental rights areas where the agency is working;
- provide evidence where there is a knowledge gap on the functioning of access to justice and the implementation of existing legislation with respect to fundamental rights compliance;
- provide clarity on which access to justice mechanisms are available in the EU and how they work.

Key activities

We will achieve our objectives by:

- conducting un-depth socio-legal research on access to justice in areas such as discrimination and data protection (commenced in 2013);
- undertaking in-house research on different routes via which individuals can complain about fundamental rights violations, with a view to producing an online tool in the form of an 'admissibility check list', focusing primarily on existing non-judicial bodies;
- undertaking in-house research, as well as with Franet input, on the freedom to conduct a business as embodied in the EU Charter and its interaction with, for

example, access to justice in cross-border scenarios;

- developing a handbook, in cooperation with the Council of Europe, on European law related to access to justice.
- disseminating and promoting the agency's handbook on police training and fundamental rights, which can be further enhanced by using the results of the agency's research-based work on access to justice and victims of crime.

Expected results

By implementing the above strategies we expect to achieve the following outcomes:

- contribute to increased awareness of access to justice as a fundamental right in itself and as an enabler also for other fundamental rights;
- highlight obstacles to and possible ways of improving access to justice within the EU, including promising practices;
- provide fundamental rights-centred evidence-based advice on the situation on the ground with respect to selected areas of EU policy, legislation and practice;
- help ensure that the agency's work is fed into the EU policy and legislative processes of the European Commission, the Council and Parliament;
- provide a fundamental rights overview of the scope and components of the right of access to justice, accompanied by comparative reports on the actual situation of access to justice with respect to the agency's research results;
- support above developments through the production of core training material, including handbooks, for justice practitioners – in line with the content and objectives of specific projects.

4.3.2 Victims of crime, including compensation to victims of crime

Emerging fundamental rights concerns

In contrast to the long European tradition of ensuring fair trial rights for defendants, the struggle to define the rights of victims and in particular the appropriate role of victims in criminal proceedings is relatively young. The EU Victims Directive (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime) is certainly a landmark achievement but not the last word on the topic. It should rather be seen as marking the end of the beginning of an evolution that has the potential to reshape criminal justice systems by highlighting and strengthening their fundamental rights basis. What emerges is a concept that organises the criminal justice system around its core function to avoid impunity of severe fundamental rights abuses. Thus victims of severe fundamental rights violations (i.e. the victims of crime), whom some states' traditional, state-centred perceptions of criminal justice have long side-lined, are gradually being promoted into primary stakeholders of criminal justice systems. Some of the key concerns in the field include facilitating access to criminal justice systems and the role of the victim in criminal proceedings: being recognised as a person with rights that must be respected and safeguarded by the criminal justice system. Victims' access to criminal justice systems differs widely among Member States. Differences relate, for example, to the legal means available to victims, to the ability of criminal courts to compensate and redress victims, to the role offered to victims in proceedings, and to the ability of staff to interact with them sensitively and

respectfully. This considerable divergence of systems has its roots in the differing legal traditions and varied perceptions across the EU of the basic relations between victims and the criminal justice system. Victims' strictly procedural rights need to be considered together with their other rights, such as that to protection against re-traumatisation, intimidation or retaliation as well as protection in the context of restorative justice. A crucial issue is that in light of the EU's present austerity policies and budgetary restraints, there is a risk that Member States will be reluctant to commit sufficient resources to improve services for victims. Given the impact of the financial crisis on budgetary policies, the need to fund robust and reliable victim support structures has recently been a matter of public debate in several Member States, where funding to the NGO sector (which provides core victim support services in many states) has been reduced, including cuts to legal aid and compensation.

EU legislative and policy context

Victims of crime are entitled to access to criminal justice (under the ECHR) and to active participation in criminal proceedings (under the Charter of Fundamental Rights of the EU), as well as under the Victims Directive. Closely related legislation covers compensation to victims of crime as well as specific vulnerable groups and certain types of crimes. The 2011 EU 'Roadmap for strengthening the rights and protection of victims of crime' outlines a package of measures proposed by the Commission for victims of crime. With the adoption of the new directive, which constituted Measure A of the roadmap, Measure B, which will provide EU Member States with guidance when implementing the directive, becomes the roadmap's next step. EU Member States have until 16 November

2015 to adopt the necessary national provisions and other measures contained in the directive. Measure B will provide recommendations on practical measures and best practices in relation to the directive by taking stock of the existing best practices among Member States in the field of assistance and protection to victims of crime. This exercise should lead to clear benchmarks for Member States in the implementation of the directive. Other roadmap measures include a Regulation on mutual recognition of protection measures for victims taken in civil matters; a review of Council Directive 2004/80/EC (Compensation Directive); and 'Specific needs of victims'.

FRA's planned response

Main objective:

- to become a main actor in the promotion of the fundamental rights of crime victims; in particular as regards the right of victims to have access to justice, and to make visible the invisible victims of, in particular, hate crime.

Specific objectives:

- ensure that victims' rights are acknowledged and implemented in practice in line with developments in EU legislation and policy;
- ensure that different actors are aware of their responsibilities towards crime victims in diverse fields – encompassing both vulnerable victims and others whose rights need protecting;
- support the Member States in organising their own data collection concerning the extent and nature of victimisation, including victims' experiences of justice and victim support services;
- enhance the monitoring of the actual enjoyment of rights by victims in the EU;

- outline the role of victim support services in being able to ensure that victims' rights are met in practice in line with legislative and policy initiatives;
- carry out comparative, evidence-based research – including the development of indicators;
- present an overview (as part of the Victim Support Services project) of existing models and features of victim support across the EU, looking at the provision of services by both states and NGOs;
- collect promising practice examples of victim support services that can serve as models for victim support and implementation across the EU in line with the requirements of the Victims' Roadmap;
- increase its research on victims of hate crime, on victims of labour exploitation and on children as victims of crime;
- contribute to criminal justice systems that place victims of crime in the centre, as primary stakeholders.
- implementing a project on 'severe forms of labour exploitation' that will provide country specific information on the situation of migrant workers as victims of criminal forms of labour exploitation, and will aim to identify, among other things, the forms and frequency of incidents of labour exploitation; economic areas affected; common risk factors; prevention measures reducing the risks of labour exploitation; and mechanisms to facilitate complaints and allow victims to have access justice and compensation;
- working on support services for victims of crime with the intention that the results from this project can be complemented by the agency's survey work that collects data on victims' experiences of reporting to various services – as evidence on access to justice in practice;
- feeding the outcomes of the agency's EU-wide violence against women survey – which provides a rich database for different users in consideration of women's experiences of violence with regard to policing and justice responses – into policy development aimed at effectively counteracting violence against women;
- expanding the agency's research on victim support services (2011–2013) into a more general examination of the rights of victims of crime, which can feed into other work undertaken by the agency; for example, with respect to children as victims of crime;
- creating targeted group-specific advice, which are based on results from the agency's surveys and other work.

Key activities

We will achieve our objectives by:

- highlighting through FRA's large-scale quantitative surveys on the discrimination of individuals belonging to minorities (EU-MIDIS), violence against women, discrimination against Lesbian, Gay, Bisexual and Transgender (LGBT) people, antisemitism, as well as through a majority population survey, certain forms of victimisation and their prevalence (including the provision of data on victims' reporting of incidents to the police and other organisations such as those providing victim support; in addition to findings concerning victims' reasons for not reporting incidents);

Expected results

By implementing the above strategies we expect to achieve the following:

- develop further the agency's knowledge-based and advice role with respect to the

area of ‘hate crime’ victims and meeting their fundamental rights;

- enable victims to be acknowledged and to become visible, in particular victims of hate crime;
- provide more targeted evidence-based advice, such as opinions (formal and/or informal) and consultation, concerning fundamental rights compliance and crime victims;
- provide expertise in the field of comparative criminal victimisation data collection, and the use to which these data can be put with respect to fundamental rights compliance.

4.3.3 Information society, in particular, respect for private life and protection of personal data

Emerging fundamental rights concerns

A number of fundamental rights concerns exist in parallel with respect to information society, privacy and data protection. In particular, challenges posed by the protection of fundamental rights in the digital world will be high on the agenda given the growing importance of electronic communication in people’s lives. Despite the specific challenges posed by the increasing use of digital technologies, it is essential to ensure that fundamental rights are equally promoted and protected in the online and offline spheres.

Technological developments, increasing data exchange with third countries, and the extension of existing databases represent emerging fundamental rights challenges. Large-scale surveillance has seriously infringed on privacy and protection of personal data, as well as on freedom of expression and freedom of association.

Interactive online communications, such as social media, have changed what is considered ‘private’ vs. ‘public’ information. This shift might make people more vulnerable to violations of their fundamental rights. In particular, it remains essential to ensure that personal data, especially when of a sensitive nature (such as medical data), is not used in a discriminatory way against the individual.

In addition, new technological possibilities, in conjunction with the plethora of personal information available online, open up additional threats related to various form of cybercrime, such as data fraud or identity theft.

The increase in data processing introduces a risk of lower standards of data protection and may broaden the scope of data processed. Using internet applications to outsource the processing of information, such as 'cloud computing', for example, might weaken the legal standing of individuals whose data have been processed remotely. Moreover, sophisticated methods of data analysis, such as 'data mining', can harm individuals if their performance fails to comply with fundamental rights and is instead, for example, discriminatory. At the same time 'big data' sets could possibly offer new possibilities to detect and monitor infringements of fundamental rights.

EU legislative and policy context

With the Digital Agenda for Europe, the European Commission underlined the crucial role of ICT and particularly the Internet, as "a vital medium of economic and societal activity: for doing business, working, playing, communicating and expressing ourselves freely." One of the challenges faced in the implementation of the Digital Agenda for Europe relates to security (especially cybercrime) and the low levels of trust that internet users have in the privacy of online communications and interactions. The government surveillance programmes revealed in 2013 highlight a series of challenges to the protection of fundamental rights in Europe. In particular, the unveiling of these programmes undermined the trust and privacy of ICT users.

Against this backdrop, the new EU legislative framework for data protection currently under discussion takes on additional significance. The framework, which is expected to be agreed by mid-2014, will be accompanied by several associated legal acts, notably reform of the e-Privacy directive and

the data retention directive. These legislative processes will raise a number of fundamental rights concerns.

After 2015, the policy focus is likely to shift to the practical application of general privacy standards and broad themes related to the protection of fundamental rights in the digital age.

FRA's planned response

Main objective:

- to establish FRA as a relevant player in the field of information society, privacy and data protection.

Specific objectives:

- develop FRA work in the area of information society, in particular in the area of fundamental rights in the online world;
- continue its contribution to the implementation of privacy and data protection guarantees in the EU;
- provide expert input and advice to key stakeholders in the area of information society, privacy and data protection;
- provide evidence-based advice to the EU and its Member States on the protection of fundamental rights in the context of large-scale surveillance, and in particular on existing judicial remedies available to individuals in relation to those practices;
- enhance the understanding of European institutions as regards the need to protect fundamental rights in the digital age and to secure a fair balance between competing fundamental the rights (eg. data protection and other fundamental rights);
- strengthen synergies with other key players in the area of information society, privacy and data protection;

- develop of human rights-based indicators in the area of privacy rights;
- explore the use of big data in fundamental rights protection.

Key activities

With its unique working methods combining sociological and legal research, FRA is in a position to provide evidence on current developments and targeted insights in specific areas.

We will achieve these objectives by:

- collecting and analysing primary and secondary comparative data in the field of information society, privacy and data protection. By inserting a dedicated module (where feasible) into the “FRA fundamental rights barometer”, FRA will be able regularly to assess the protection of fundamental rights in the digital environment, in particular in relation to awareness of privacy issues and the risks associated with the use of ICT;
- preparing comparative and thematic reports informing policy makers on developments in the field of information society, privacy and data protection;
- developing legal opinions on draft legislation in the area of information society, privacy and data protection;
- preparing awareness-raising and educational material (Handbook) highlighting promising practices in the area of information society, privacy and data protection;
- enhancing networking and cooperation with key specialised actors in the area of information society, privacy and data protection, such as the Council of Europe, the United Nations or the OSCE as well as professional and non-governmental organisations;

- contributing to the development of big data methods to protect fundamental rights in consultation with experts.

Expected results

By implementing the strategies above FRA expects to achieve the following:

- collect data collection and conduct research and analysis on the development of fundamental rights in the digital world;
- provide evidence of the situation on the ground concerning ICT users and data protection issues to inform legislative and practical initiatives to promote and protect fundamental rights;
- promote and protect fundamental rights relating to data protection and privacy, helping ensure that instead fundamental rights being seen as barriers to the use of and growth in new technologies they are considered instead as barriers only in the context of unlawful activities that can jeopardise fundamental rights;
- raise awareness on fundamental rights guarantees and remedies in the area of data protection at national and European level (including lawyers and national data protection authorities) among non-specialised judges and legal practitioners;
- strengthen cooperation with key stakeholders to ensure synergies, complementarities and enhanced impact of FRA’s work;
- develop new, innovative methods.



4.3.4 Roma integration

Emerging fundamental rights concerns

The last decade saw increasing involvement of various stakeholders in Roma inclusion. However despite efforts at national, European and international level to advance Roma integration, the results on the ground as experienced by Roma people are far from satisfactory. Instead, in those Member States for which survey data are available, there has been on average little improvement over the past 10 years. Racism and ethnic discrimination are important factors affecting efforts to overcome poverty and social exclusion. Many Roma still face deep poverty, profound social exclusion and discrimination, barriers to exercising fundamental rights, such as the right to education, health, decent work, social services or safe housing. It results in limited opportunities for Roma people and particularly the young generation, further entrenching marginalisation and reinforcing trans-generational replication of poverty and marginalisation. This waste of human capital constitutes a loss for European societies in both economic and human terms.

EU legislative and policy context

Over the past years, the EU has made significant efforts to combat the exclusion of Roma and improve their social inclusion. In



September 2010, the European Commission established a Roma Task Force (RTF) with the participation of FRA, to assess Member States' use of EU funds for Roma integration and identify ways to improve the funds' effectiveness. In December 2010, the RTF announced its first findings, highlighting problems in the use of EU funds for the effective social and economic integration of Roma, and in the development of appropriate strategies to address the problems faced by Roma. The April 2011 European Commission Communication on an *EU Framework for National Roma Integration Strategies* up to 2020 aims to address Roma integration in a coordinated and effective way. It links Roma integration efforts to the Europe 2020 strategy and to fundamental rights, defining four areas where national efforts to improve the integration of Roma are required: education; employment; healthcare, and housing. To achieve these goals, Member States were asked to submit national Roma integration strategies to the European Commission by the end of 2011. The European Commission Communication asked FRA to carry out specific work in three areas:

- a. to continue and expand its research collecting data from all EU Member States;
- b. to carry out follow-up survey work measuring progress over time; and
- c. to work with Member States to develop effective monitoring systems for Roma integration that can yield comparable results.

In June 2011, the European Council endorsed the Commission's proposal. By the end of 2011, Member States had presented their national integration strategies to the European Commission, which published its assessment in May 2012 in its Communication on *National Roma Integration Strategies: a first step in the implementation*

of the EU Framework. The European Commission concluded in its assessment that although Member States had made an effort to develop a comprehensive approach to Roma integration much more needed to be done to secure sufficient funding for Roma inclusion, put monitoring mechanisms in place and fight discrimination and segregation. In June 2013, the Commission put forward its Communication on *Steps forward in implementing national Roma integration strategies* and its proposal for a Council Recommendation on effective Roma integration measures in the Member States, which acknowledged the findings of FRA research and data collection and the FRA ad-hoc working party with Member States. The Commission's proposal for a Council Recommendation calls on FRA to support the Member States in defining core indicators and data collection methods to measure progress on a regular basis and enabling efficient reporting and comparison across Member States. The recommendation was issued in December 2013, providing guidance to Member States on enhancing the effectiveness of their national Roma integration strategies with ex-ante conditionality for Roma regarding the structural funds. In April 2014 the Commission issued its third assessment of the progress in implementing the National Strategies for Roma Integration referring to the evidence from FRA surveys and calling to use it as a baseline for further progress assessments.

FRA's planned response

Main objective:

- to contribute to the achievement of the goals set by the EU Framework on Roma integration to respect the fundamental rights of Roma across the EU in the

context of the implementation of the EU 2020 Strategy.

Specific objectives:

- develop and implement robust data collection methods that can provide a comparative analysis of the situation of Roma across the EU in regard to their fundamental rights and their socio-economic conditions of life, mainstreaming gender and age issues;
- support the efforts of the European Commission and Member States to establish and improve monitoring mechanisms and tools for National Roma Integration Strategies;
- identify and promote promising practices on implementing and monitoring local Roma integration policies and actions;
- foster an evidence-based dialogue on Roma integration in the EU, to inform the EU and Member States on the stage of progress of Roma integration as evidenced by FRA's research and to contribute to cross-national sharing of relevant promising practices;
- support efforts to increase the meaningful participation of Roma in the design, development, implementation and monitoring of the relevant strategies, policies and actions at community level; and to explore the feasibility of establishing local monitoring systems for tracking progress at community level.

Key activities

FRA developed a multi-annual Roma Programme (2012-2020) in close cooperation with the European Commission's Roma Task Force. The Programme is periodically reviewed to align with activities of other key actors, such as the European Commission and the Council of Europe, and will achieve its objectives by:

- generating comparable statistical data through surveys to measure progress of national Roma integration strategies;
- collecting and analysing existing data on the situation of Roma in all EU Member States;
- mapping available EU and official national data sources to identify current gaps and needs for disaggregated data relevant to Roma integration;
- communicating data and information on Roma collected by FRA also through innovative visualisation tools to EU institutions, Member States, other actors and the general public;
- working in close collaboration with the European Commission, Member States and other key actors, through a dedicated working party, in order to assist EU Member States in developing data collection methodologies and indicators that can produce comparable results that effectively measure progress made on Roma integration;
- supporting the monitoring of the National Roma Integration Strategies using human rights based indicators and strengthening the links with the EU 2020 Strategy goals and targets;
- conducting in 2013–2016, engagement and action research in selected localities across several Member States promoting the participation of local residents, including Roma, and testing local level monitoring tools for tracking progress at community level;
- enhancing synergies with initiatives undertaken by the European Commission, the Council of Europe, the United Nations Development Programme, the World Bank, the European Economic Area and Norway grants and other key actors and networks active in the area of Roma integration;
- contributing to public and policy debate at EU and national levels by participating in high-level conferences, events and meetings in EU Institutions, national parliaments, by providing targeted policy focused contributions and developing relations with relevant media resources through for instance the development of opinion editorial articles in key newspapers;
- reporting annually to the European Commission on the work of the FRA on the situation of Roma in all EU Member States.

Expected results

By implementing these activities FRA expects to achieve the following:

- assist policy makers in meeting the goals set by the EU framework linked to the EU 2020 Strategy;
- assess the situation of Roma, identify trends and monitor Roma integration in the core areas of education, employment, healthcare and housing;
- provide key actors at the EU and national levels with timely evidence on the situation of Roma in all EU Member States and assist in developing monitoring tools; identify bottlenecks in the implementation of ed using process indicators and share relevant experience in addressing these bottlenecks;
- assist regional and local authorities in effectively implementing and monitoring Roma integration policies;
- ensure FRA data and information are readily available to and easily accessible by stakeholders and the general public;
- develop monitoring tools and systems at local level and interlink them with those used at national level; cooperation with other potential actors, including the private sector on Roma inclusion

4.3.5 Rights of the child

Emerging fundamental rights concerns

Despite international and European commitments, the rights of the child are not always fully respected in the EU. Family violence, children living in institutions, sexual abuse and exploitation, neglect and abandonment, lowering the age of criminal responsibility, child poverty and lack of child participation are just some of the issues affecting the fundamental rights of children in the EU. These topics are regularly present in national media debates, governmental programmes and civil society actions. The EU has addressed some of these challenges when within its mandate, and Member States have, to different degrees taken action or initiated legal and policy reforms.

The economic crisis is slowing the implementation of programmes or reforms, having a detrimental impact on the well-being of children and their families. The crisis and public expenditure cuts are especially impacting on children of certain particularly vulnerable groups, such as children with disabilities, Roma or irregular migrants.

EU legislative and policy context

Among the most relevant EU policy developments are the *EU Agenda for the Rights of the Child* (2011), and the two directives covering trafficking, sexual abuse and exploitation of children, and child pornography (2011). The *EU Agenda for the Rights of the Child* has helped to define further areas in which the EU and its Member States can take action, such as promoting child-friendly justice, exchanging best practices regarding the protection of unaccompanied children, promoting the rights of Roma children, introducing a hotline for missing children and promoting the empowerment and participation of children to

make the most of online technologies while preventing online risks.

A key development concerns child-friendly justice. Making justice accessible to children is a goal found in a number of policy documents adopted in 2011, including the directives mentioned above, the Victims' Directive (2012), and the 2010 Council of Europe Guidelines on child-friendly justice.

In this regard the European Commission launched a major project in 2012 and in close coordination with a parallel and complementary FRA project to map the involvement and the treatment of children in criminal, civil and administrative judicial proceedings across the EU. This work is based on the child rights indicators developed by FRA in 2010 and 2011.

The directive on victims' rights (2012) mentions the need for specific services for child victims and specific awareness raising actions targeted to them. The directive on sexual abuse, sexual exploitation and child pornography and the directive on preventing and combating trafficking in human beings, both to be transposed into national law by 2013, introduce EU-wide requirements on the prevention of all forms of sexual abuse and exploitation of children, on the prosecution of offenders and on victim protection.

The protection of children from sexual abuse and exploitation on the internet is another important concern in the EU. The Commission adopted a *European Strategy for a better Internet for Children*¹ in May 2012. The strategy aims at: stimulating quality content

¹ European Commission (2012), Communication from the Commission to the European parliament, the Council, the European Economic and Social Committee and the Committee of the regions "European Strategy for a Better Internet for Children", COM(2012) 196 final, 2 May 2012.

online for young people; stepping up awareness and empowerment; creating a safe environment for children online; and fighting against child sexual abuse and child sexual exploitation.

In 2015 the implementation of the 2010 action plan to protect unaccompanied minors will be reviewed and new actions will be developed in order to ensure a common EU-wide approach to unaccompanied children.

A more recent area of concern for EU policy has been addressing child poverty in the context of the economic crisis. In 2012 the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council adopted Conclusions on *Preventing and tackling child poverty and social exclusion and promoting children's well-being*. In 2013 the Commission adopted the recommendation *Investing in children: breaking the cycle of disadvantage* which outlines mutual principles, stimulates EU and national action, monitors progress and improves mutual learning in order to fight child poverty.

FRA's planned response

Main objective:

- to mainstream child rights issue throughout the agency's work, in line with the need for a holistic approach, and thus provide robust, relevant and timely evidence-based advice on the protection, respect and promotion of the rights of the child to EU institutions and Member States.

Specific objectives:

- collect comparable primary and secondary data on children's rights based on child rights indicators, particularly on access to justice, child poverty among other child protection relevant issues;

- develop methodologies for conducting trans-national research with children;
- assist EU institutions' and Member States' efforts to feed the results of our research into European and national policy and legislative processes;
- support through evidence based advice the work of other EU agencies, in particular EASO and Frontex, in improving child protection;
- support, through evidence-based advice, the daily work of the professionals dealing with children;
- enhance the exchange of learning and good practices on children's rights, particularly on access to justice;
- increase the awareness of children regarding their rights;
- provide focused analysis across different fundamental rights areas mainstreaming child rights issues across the work of the FRA and some of the on-going research such as on violence against women, data protection, persons with disabilities, Roma children, LGBT and others;
- develop methodologies for conducting trans-national research with children.

Key activities

These objectives will be achieved by:

- designing the research methodology, collecting, analysing and communicating the results of the multi-annual project on child participation in judicial proceedings in close cooperation with the European Commission;
- producing core comparative reports, reports in a child-friendly format, training material, handbooks or good practices compilations for justice practitioners – in line with the outputs of the multi-annual project on child participation in judicial proceedings;

- promoting and facilitating the ex-change between Member States of good practice regarding the participation of children in judicial proceedings.
- developing a handbook of European case law on the Rights of the Child in cooperation with the Council of Europe, ECtHR, European Committee of Social Rights (ECSR) and the Court of Justice of the European Union (CJEU);
- supporting the Commission's efforts to work with Eurostat and national statistical offices in order to develop justice related data disaggregated by age;
- developing synergies with initiatives of the European Commission, the Council of Europe, UNICEF and other EU Agencies to improve the respect and protection of children's rights, in particular regarding child friendly justice and child poverty.
- increase knowledge of legal protection of children in Europe, including among professionals within EU Member States and EU Institutions;
- strengthen cooperation with stakeholders, ensuring synergies, complementarity and impact of FRA's work in promoting the rights of the child.

Expected results

By implementing these activities FRA expects to achieve the following:

- ensure availability of data, analysis and research conclusions on the rights of the child to Member States, EU institutions, civil society and children themselves;
- help ensure that EU institutions and Member States request and use the advice provided by FRA to develop legal and policy frameworks in the area of child-friendly judicial proceedings, child poverty, and children with disabilities among others. Increase awareness on the protection and promotion of the rights of the child among selected professional organisations and stakeholders;
- increase childrens' awareness of their rights;

4.3.6 Discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation

Emerging fundamental rights concerns

Since the Lisbon Treaty the prohibition of discrimination is an issue that cuts across all areas of EU legislation and policy. Non-discrimination on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation is guaranteed by Article 21 of the Charter of Fundamental Rights of the EU. FRA's evidence, however, shows that many persons in the EU continue to experience discrimination on these grounds as well as discrimination on several grounds – multiple and intersectional discrimination.

Currently EU law offers comprehensive protection against discrimination on grounds of sex and racial or ethnic origin. Protection against discrimination on grounds of religion or belief, disability, age and sexual orientation, however, is limited to employment, occupation and vocational training. Evidence from regular *Eurobarometer* research shows that only a minority of EU citizens is aware of non-discrimination legislation. Data from the agency's own surveys show that even fewer members of minority ethnic groups, Roma and LGBT persons are aware of their rights in this respect and/or sought redress when their rights were violated.

While discriminated groups may face similar obstacles in the enjoyment of their fundamental rights, some of the challenges are also specific:

Lesbian, gay, bisexual and transgender people continue to be victims of discrimination on grounds of their sexual orientation or gender identity. FRA survey data show that they face problems in many areas of life including in education, employment and health. Hate-motivated violence is a reality for many. Moreover, there is an emerging need to clarify the fundamental rights situation of transgender and intersex persons specifically. Improving legal protection under equality and non-discrimination legislation for these groups is an urgent issue.

FRA's research in the area of disability since 2009 shows that across the EU people with disabilities still face considerable barriers to living independently, exercising choice and control over their own lives and participating in community life on an equal basis with others. Many of these issues have only recently reached the EU's policy agenda. The accession by the EU to the UN Convention on the Rights of Persons with Disabilities (CRPD) is a major development. It is the first comprehensive human rights treaty to be ratified by the EU as a whole, and the CRPD is also signed by all 28 EU Member States and ratified, to date, by 25 of them. The convention entered into force for the EU on 22 January 2011. Article 33 (2) requires State Parties to "maintain, strengthen, designate or establish" a framework to promote, protect and monitor CRPD implementation. Implementation of the CRPD across the EU will pose significant challenges in coming years compounded by the economic crisis and the impact of austerity measures on people with disabilities. In October 2012, the Council endorsed the Commission's proposal for the EU Framework to monitor the implementation of the Convention "internally" by EU institutions and by the EU Member States in the areas of EU competence. FRA is part of

this framework, with responsibility for data collection and the development of indicators and benchmarks, within the limits of its mandate.

Given the trend of ageing European societies, age discrimination and the fundamental rights problems experienced by older people will become a major challenge. With austerity measures across the EU often affecting pensions, social benefits and healthcare provisions the elderly, together with people with disabilities, face a higher risk of poverty and social exclusion. At the same time the economic crisis has had a severe impact on the employment of young people and youth unemployment has reached record levels in a number of Member States.

Many sex discrimination challenges remain including the 'gender pay gap' and a better representation of women in decision-making positions. Another issue is gender-based violence against women, which includes experiences of physical, sexual and psychological violence, stalking and sexual harassment.

Discrimination on grounds of religion or belief may include phenomena such as the lack of providing reasonable accommodation for those who would like to make use of places of worship/prayer rooms at the workplace. Such discrimination issues may also include allowing derogations when it comes to religious practices subject to the principles of subsidiarity, proportionality and compatibility with EU law.

Finally, more needs to be done to clarify the nature and impact of different forms of multiple and intersectional discrimination.

EU legislative and policy context

The Lisbon Treaty renders the principle of non-discrimination into a horizontal clause

which guides the EU when defining and implementing all its policies and activities. However, a key Commission legislative proposal to give effect to this principle, the so-called 'Horizontal Directive' (2008), which would extend protection against discrimination beyond employment for disability, sexual orientation, age and religion or belief, has come to a standstill in the Council. The European Commission forthcoming report on the implementation of the Racial Equality Directive and the Employment Equality Directive will serve as an opportunity to give this debate new impetus. The European Parliament will also release its *Own Initiative Report* on the subject matter. Other relevant policy files include the follow-up to the 2013 report on the evaluation of the Free Movement Directive.

Disability

Apart from obligations following ratification of the CRPD, the implementation of the European Disability Strategy 2010–2020 provides the main framework for the EU to ensure that people with disabilities enjoy their rights on an equal basis with all other citizens in the EU. More specific legislation to be proposed by the Commission includes the European Accessibility Act which will set out a general accessibility framework in relation to goods, services and public infrastructure, and has therefore a strong disability rights dimension. Furthermore, discussions on the reform of structural funds relate to deinstitutionalisation and the establishment of community-based services alongside adequate and personalised support for independent living.

Sexual orientation and gender identity

A 2012 feasibility study on an EU LGBT Roadmap, initiated by the European Parliament's Committee on Civil Liberties,

Justice and Home Affairs pointed to the need for an EU Action Plan in the area of combatting discrimination on grounds of sexual orientation and gender identity. Eleven Member States as well as the European Parliament have intensified their call to the European Commission to develop such a Roadmap to tackle more effectively discrimination on grounds of sexual orientation and gender identity. An *Own Initiative Report* by the European Parliament is expected in 2014 on the subject. In the meantime, the Commission report on the RED/EED will shed light on the policy challenges faced by discrimination of LGBT persons in the area of employment.

Age

Following the 2012 ‘European Year of Active Ageing and Solidarity between Generations’, the Commission has prioritised poverty reduction, promoting opportunities in the labour market as well as the appropriation of income and pensions for the elderly. It is also promoting healthy ageing and independent living, and related smart investment in health systems, so that the elderly remain innovative and sustainable.

Across the EU one in five of those aged between 15 and 24 are without a job. In Spain and Greece, youth unemployment rates are already above 50 %. This has been described not just as a problem, but as an existential crisis for the EU. The direct economic cost is estimated at more than €150 billion a year. The cost in terms of an increase in poverty and social exclusion and the potentially lasting effects of youth unemployment are immeasurable.

Sex discrimination

The EU continues to systematically promote gender equality through Action Plans in addition to monitoring national implementation of the Employment Equality

Directive and the 2004 Goods and Services Directive. Discussions on the Maternity Leave Directive are still on-going, as is the discussion on an EU strategy to combat violence against women. The European Commission is also expected to review the Gender Recast Directive and to propose amendments to it, focusing in particular on the gender pay gap issue.

Multiple discrimination

There has been little policy or legal development so far, with six Member States recognising multiple discrimination in their legislation.

FRA’s planned response

Main objective:

- to provide robust, policy relevant and timely evidence-based advice on equality and non-discrimination fundamental rights challenges to EU institutions and Member States as well as other stakeholders.

Specific objectives:

- provide focused legal and policy analysis on the challenges in the area of non-discrimination and equality, based on collected and analysed comparable data of a legal, social or statistical nature;
- identify and promote ‘good practices’ in the equality field;
- identify gaps in implementation of non-discrimination legislation and policies both on EU and EU Member State level;
- develop sets of fundamental rights indicators in the area of non-discrimination which form the basis for an informed discussion on ways how to combat discrimination and inequality in the EU and the EU Member States;
- fulfil its specific role under the EU level framework for the monitoring of the CPRD by collecting data, providing evidence

based advice, and developing indicators and benchmarks.

Key activities

We will achieve our objectives by:

- conducting policy-relevant research and collection of data on equality and non-discrimination notably to contribute to discussions on the policy and legislative files “Horizontal Directive”, the EU 2020 Strategy, Equality Directives (RED/EED) as well as updating periodically the legal analysis of national equality legislation implementing EU law. The use of innovative research methodologies may be considered;
- conducting exploratory research on the other MAF grounds of discrimination, for example religion or belief, with a particular focus on the notions of equality, non-discrimination and human dignity;
- conducting policy relevant research in the area of non-discrimination on grounds of disability, notably in projects focusing on ‘identity based violence against children with disabilities’ and ‘political participation of persons with disabilities’;
- completing the analysis and communicating the results of the different projects on the rights of persons with disabilities, including developing indicators and benchmarks to support the monitoring process;
- conducting policy-relevant research in the area of non-discrimination on grounds of sexual orientation and gender identity, notably in projects focusing on ‘public authorities and other duty bearers’ (law enforcement personnel, health workers and teachers), identifying factors which can be drivers or barriers to initiating and implementing equality policies in this field;

- implement the FRA LGBT survey Action Plan for further communicating and disseminating the results of the FRA EU LGBT survey, following its successful launch in 2013. . Activities include the publication of a report on the experiences of discrimination of transgender persons in 2014, providing evidence-based advice to European institutions (i.e. for the European Parliament INI report on a LGBT Roadmap) as well as responding to numerous stakeholder request for survey data;
- develop indicators to measure the respect, protection, and promotion of non-discrimination and equality and populate them with data, notably in the areas of disability (in close cooperation with ANED and the Commission) and LGBT;
- develop and implement a communication and stakeholder strategy to link with key professionals to address discrimination on all ground as well as multiple discrimination. Cooperate with other EU Agencies, such as Eurofound and EIGE;
- to mainstream equality and non-discrimination issues in the work of the agency.

Expected result

By implementing the strategies above we expect to achieve the following:

- provide timely and relevant analysis to EU institutions and EU Member States to show trends over time concerning equality and non-discrimination that can assist policy makers in developing effective responses to combat inequality and discrimination;
- help ensure that EU institutions and Member States draw inspiration from the *FRA Opinion on the situation of equality in the EU* to further develop effective legal

and policy frameworks in the area of non-discrimination and equality;

- participate constructively in the CRPD EU-level Framework to help achieve effective implementation of the CRPD;
- provide a blueprint for Member States, electoral authorities and political parties in making the right to political participation a reality for persons with disabilities, building on FRA's identification of key components of what constitutes an accessible election in *The right to political participation for persons with disabilities: human rights indicators*. EU Member States and EU institutions have used FRA EU LGBT survey data and opinions in setting up and implementing concrete policies in combatting discrimination on grounds of sexual orientation and gender identity;
- strengthen cooperation with stakeholders to ensure synergies and complementarity of work.

4.3.7 Immigration and integration of migrants, visa and border control and asylum

Emerging fundamental rights concerns

The EU has adopted at least 18 directives and 14 regulations, and some eight EU instruments are being (re-) negotiated in this area. All of these have an impact on the fundamental rights of third-country nationals or of people crossing an external EU border. Their application gives rise to many situations where the fundamental rights of individuals are at risk. Specific legal provisions and their application (or non-application) have seen the emergence of case law from the CJEU in this field and resulted in the revision of the EU asylum instruments in June 2013. Immigrants play an important role in the economy of many Member States. In parallel, the need to effectively integrate migrants into EU societies is increasingly being recognised at the EU level. Integration needs to take place within a framework that respects fundamental rights – which means, for example, identifying discriminatory practices against migrants (both regular and irregular). In broad terms, FRA sees the following main challenges relating to:

- access to the territory for people in need of protection and the creation of adequate response mechanisms at borders for people such as asylum seekers, suspected victims of trafficking, separated children and survivors of torture;
- the rights of migrants in an irregular situation, including the expanded use of pre-removal detention, and the absence of solutions for people in return procedures who are not removed for years on end;
- the rapidly increasing use of modern technologies for border surveillance and

- border control purposes and its implications for fundamental rights;
- the persistent differences in national asylum systems in the 28 EU Member States, under which the recognition of refugees depends on where they filed their applications.
- the integration of migrants and the rights associated with their ability to contribute effectively to the economic, social and cultural development of European societies;
- instances of severe forms of labour exploitation, also due to insufficient preventative mechanisms and difficulties in accessing justice for victims.

EU legislative and policy context

Immigration and Return

In addition to instruments on legal migration, tools have been adopted to combat irregular migration. Three directives, on return, on employers' sanctions and on punishing those who facilitate irregular entry and stay, deal with issues that are very sensitive from a fundamental rights point of view, including detention, removal and access to justice in case of exploitation.

Borders

Management of external borders is regulated by the Schengen Borders Code and by a number of related instruments, which must be applied in full respect of fundamental rights. The EU agency Frontex has been created to support Member States in border management. In 2013, the EU set up an information sharing and cooperation mechanism for border surveillance purposes (Eurosur) and new rules on temporary introduction of border controls and on Schengen evaluation were adopted. The Commission furthermore presented two new legislative proposals, including a system to record the entry and the exit of each

foreigner, and a registered travellers' programme allowing for simplified border crossing for those who agree to take part in this programme. Such proposals, also known as the 'smart border package' would suggest the need to collect and store large amounts of biometric data.

Visas

The EU has set up a common visa policy for short stays, which is applied through the delivery of so-called 'Schengen visas'. Procedures and conditions for issuing such visas are laid down in the Visa Code. There is a common list of countries whose citizens must have a visa when crossing external borders. Personal and biometric data of visa holders are stored in the Visa Information System, a large database to which consulates abroad as well as border crossing points have access. A proposal has been made to include a safeguard clause in the Visa Regulation that would allow the temporary suspension of visa waivers, with the indirect aim of preventing abusive asylum applications from countries which benefit from visa exemptions.

Asylum

The EU has adopted common rules governing most aspects relating to asylum. Such rules are the heart of the Common European Asylum System. They were revised in June 2013 following a long negotiation process. The CJEU issued almost 20 judgments clarifying the application of specific provisions of the EU asylum acquis. The European Asylum Support Office was set up to enhance practical cooperation among Member States and to support the implementation of the Common European Asylum System.

Integration

EU supports national and local policies for the integration of migrants and has a set of instruments in place to support integration. The Common Basic Principles for immigrant integration policy were agreed in 2004. They

provide a framework for policy making at the national and local level. This has been complemented by the Common Agenda for Integration, the Stockholm Programme and the Europe 2020 Strategy. Taken together they aim to provide a more comprehensive framework for policy making and to recognise the varied and important contribution of migrants to European societies. In July 2011, the Commission proposed a European agenda for the integration of non-EU migrants, highlighting the potential benefits of migration and diversity.

FRA's planned response

Main objective:

- to promote effective fundamental rights safeguards in the development and implementation of EU policies in the field of Immigration and integration of migrants, visa and border control and asylum.

Specific objectives:

- help ensure FRA becomes a key actor providing robust, relevant and timely advice on fundamental rights to the EU and its Member States;
- produce evidence where there is a knowledge gap, particularly on policies relating to borders, visas, migrants in an irregular situation and returns;
- identify and share promising practices collected through FRA's research activities;
- advise and support Frontex and EASO, especially, with respect to the application of fundamental rights in their respective spheres of work;
- coordinate the agency's efforts with the United Nations High Commissioner for Refugees and other relevant organisations working in this field;

- contribute to the development of policies and actions which support migrant integration and provide a more comprehensive and balanced picture of their positive contribution and added value to the economic, social and cultural development of societies and their trading relations.

Key activities

We will achieve our objectives by:

- collecting and analysing data and information on immigration and integration of migrants, visa and border control and asylum, and in particular on
 - fundamental rights at borders, including the implications of modern border control technologies; and
 - severe forms of labour exploitation;
- publishing opinions and research findings in formats most suitable for the target audience, including by electronic means, with particular focus on the following areas:
 - the treatment of third-country nationals at border crossing points;
 - guardianship arrangements for child victims of trafficking;
 - criminalisation of irregular migration;
 - severe forms of labour exploitation;
 - modern technologies, including biometrics for visa and border control purposes;
- participating in and providing input to working parties, expert and other meetings to support fundamental-rights compliant policy making;
- compiling and sharing promising practices and tools related to immigration, border control and asylum issues, including in the

field of trafficking, as requested by the EU Anti-Trafficking Strategy;

- updating a handbook on European law relating to asylum, borders and immigration for legal practitioners, developed with the ECtHR;
- participating actively in Frontex and EASO Consultative Forum meetings and provide both agencies with timely advice on fundamental rights issues in line with the cooperation agreements signed with FRA;
- developing synergies, as relevant, with activities of the Council of Europe, OSCE and the UN and other relevant actors in support of FRA objectives within this area;
- participating in and providing input for the EU policies to support integration, and continue to support national integration initiatives and frameworks;
- enhancing and developing FRA networking and relations with organisations working on integration issues;
- contributing to the development of evidence- and rights-based policies and actions at all levels of governance related to the integration of migrants;

- engage in targeted fashion with the Council of Europe, OSCE, the UN and other relevant actors in support of FRA objectives;
- assist in ensuring that EU and national level instruments to support integration are informed by fundamental rights and rights based;
- upgrade FRA expertise, networks and data for work on integration.

Expected results

By implementing the strategies above we expect to achieve the following:

- collect policy-relevant evidence through FRA research activities;
- publish reports, opinions, tools, good practices, and other materials; receives invitations to relevant meetings and working parties by EU institutions and provides input on fundamental rights;
- facilitate the work of Frontex and EASO through FRA's fundamental rights expertise;

4.3.8 Racism, xenophobia and related intolerance

Emerging fundamental rights concerns

Combating racism, xenophobia and related intolerance, including hate crime and extremism, as well as countering racial and ethnic discrimination will remain priorities in the EU. Incidents of racism and intolerance are continually observed in Member States, with resulting tensions leading to open and sometimes violent expression of antisemitism, Islamophobia, anti-Gypsyism, racism, etc.. In such a context, EU institutions and Member States must be able to respond quickly and decisively to protect fundamental rights effectively.

EU legislative and policy context

The legal framework underpinning the fight against racism, xenophobia and related intolerance (including hate crime and extremism) rests on the principle of equal treatment, a fundamental value of the EU anchored in a number of its core documents, including the Charter of Fundamental Rights. The Lisbon Treaty grants the EU powers to combat discrimination on the grounds of racial or ethnic origin, and of religion or belief. The Racial Equality Directive provides comprehensive protection against direct and indirect discrimination, as well as against harassment, on the grounds of race or ethnicity in several sectors, such as employment and training, education, social protection and services including housing. In 2013 the European Commission will assess the implementation of the Racial Equality Directive and the Employment Equality Directive and will draw up a report to the European Parliament and the Council by the end of 2013 on the application of these two directives.

The Framework Decision on Racism and Xenophobia harmonises basic criminal provisions among Member States to combat racism and xenophobia. The Decision should be reviewed by 28 November 2013 to assess the extent to which Member States have complied with its provisions.

Other relevant aspects of the political/policy environment include: combating the expression of racism and xenophobia on the internet, as covered by the Framework Decision on Racism and Xenophobia and the Additional Protocol to the Council of Europe Convention on Cybercrime concerning the criminalisation of racist and xenophobic acts through computer systems; combating incitement to hatred based on race, sex, religion or nationality, as covered by the Audio-visual Media Services Directive; combating violent radicalisation and extremism, as covered by the EU's Internal Security Strategy and the setting up of the EU Radicalisation Awareness Network.

On 14 March 2013 the European Parliament adopted a Resolution on strengthening the fight against racism, xenophobia and hate crime drawing on evidence collected by FRA. It called on the European Commission, the European Council and EU Member States to strengthen the fight against violence and discrimination based on bias, including racism, xenophobia, antisemitism, religious intolerance, anti-Gypsyism, homophobia and transphobia.

In its 6 June 2013 Conclusions, the Justice and Home Affairs (JHA) Council of the European Union addressed the need for and possible shape of methods or initiatives to better safeguard fundamental values, in particular as regards the rule of law and the fundamental rights of persons in the Union, and to counter extreme forms of intolerance, such as racism, antisemitism, xenophobia and homophobia.

FRA's planned response

Main objective:

- to serve as an observatory/data warehouse on phenomena of racism, xenophobia and related intolerance including hate crime and extremism, as well as on racial and ethnic discrimination.

Specific objectives:

- enhance the comparability of data at EU level on phenomena of racism, xenophobia and related intolerance including hate crime and extremism as well as on racial and ethnic discrimination;
- monitor the impact and implementation of EU legal instruments to combat discrimination, racism, xenophobia and related intolerances, including hate crimes;
- identify trends concerning the manifestations of phenomena of racism, xenophobia and related intolerance including hate crime and extremism, as well as on racial and ethnic discrimination;
- support EU and national efforts to tackle phenomena of racism, xenophobia and related intolerance including hate crime and extremism, as well as on racial and ethnic discrimination, by collecting evidence of transferable promising practices;
- increase awareness among key FRA stakeholders of phenomena of racism, xenophobia and related intolerance including hate crime and extremism as well as on racial and ethnic discrimination;
- increase awareness among FRA's key stakeholders of Holocaust and Human Rights Education;

- enhance cooperation with FRA's key stakeholders in the field: DG JUST, DG HOME, JHA Agencies, ECRI, CERD, ODIHR, national human rights bodies (NHRBs), social partners and NGOs.

Key activities

We will achieve our objectives by:

- collecting and analysing primary and secondary data on the implementation and impact of relevant EU and international legal instruments (e.g. Framework Decision on Racism; Racial Equality Directive; UN International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Council of Europe conventions);
- collecting and analysing primary and secondary data on phenomena of racism, xenophobia and related intolerance including hate crime and extremism from official (IGOs, law enforcement, criminal justice, etc.) and unofficial (NGOs) sources;
- collecting and analysing data on experiences of ethnic discrimination, racism and hate crime in the EU, examining the experiences and attitudes of migrant and other ethnic minority groups (e.g. EU-MIDIS II);
- developing indicators to measure progress and trends in tackling phenomena of racism, xenophobia and related intolerance including hate crime and extremism, as well as on racial and ethnic discrimination;
- developing a compendium of promising practices concerning tackling phenomena of racism, xenophobia and related intolerance including hate crime and extremism, as well as on racial and ethnic discrimination;

- collecting and analysing data on contemporary forms of racism (antisemitism, Islamophobia, etc.);
- monitoring and measuring trends in officially recorded crimes motivated by hatred and prejudice; and assist Member States in combating hate crime;
- following up on FRA opinions on combating phenomena of racism, xenophobia and related intolerance including hate crime and extremism, and countering racial and ethnic discrimination;
- engaging with key FRA stakeholders in the field (DG JUST, DG HOME, JHA Agencies, ECRI, CERD, ODIHR, NHRBs, EU Member States, social partners and civil society organisations);
- developing training modules on human rights education for (EU and national) officials, covering phenomena of racism, xenophobia and related intolerances including hate crime and extremism;
- following up the conclusions of the 2013 Fundamental Rights Conference on hate crime.
- carry out trend analyses on phenomena of racism, xenophobia and related intolerance including hate crime and extremism, as well as concerning ethnic and racial discrimination;
- put together a compendium of promising practices on tackling phenomena of racism, xenophobia and related intolerance including hate crime and extremism, as well as racial and ethnic discrimination;
- strengthen cooperation with key FRA key stakeholders in the field (DG JUST, DG HOME, JHA Agencies, ECRI, CERD, ODIHR, NHRBs, social partners and civil society organisations);
- hold training courses on human rights education, covering phenomena of racism, xenophobia and related intolerances including hate crime and extremism;
- cooperate with European Commission, JHA Agencies, Eurostat, OSCE-ODIHR and EU Member States in a working group on hate crime data collection;
- Improve reporting on hate crime in EU Member States.

Expected results

The following results will be achieved by implementing the strategies outlined above:

- deliver evidence-based advice (including opinions) on the implementation and impact of EU and international legal instruments on phenomena of racism, xenophobia and related intolerance including hate crime and extremism as well as concerning ethnic and racial discrimination;
- provide evidence-based advice (including opinions) on racism, xenophobia and related intolerance including hate crime and extremism as well as concerning ethnic and racial discrimination;

4.3.9 FRA Surveys – horizontal fiche

Emerging fundamental rights concerns

FRA research has shown that there is a lack of data on many aspects related to the way in which people in the EU are able to benefit from and are protected by their fundamental rights. To fulfil its mandate, FRA carries out primary data collection on fundamental rights in areas where the EU and its Member States have not been able to collect data in a harmonised way, and where better data are needed to investigate the situation on the ground concerning fundamental rights and emerging concerns; for example, with respect to inequalities in terms of fundamental rights outcomes based on ethnicity, immigrant background or sexual orientation.

Despite continuing efforts by the European Commission (including Eurostat), EU Member States and international organisations, comparable data collection remains limited in several thematic areas of FRA's work. In some fields where FRA is mandated to work, EU Member States do engage in administrative data collection, but this is often based on varying national norms and the results are not comparable at the EU level. Furthermore, administrative statistics are often limited in their scope, and survey research is needed to know more about the situation of people who are at risk of having their fundamental rights breached, and also about the role of duty bearers and perpetrators of fundamental rights abuses.

Survey research is well established in the EU as providing comparable data as a basis for policy in key areas – for example, labour force surveys are carried out across the EU to complement administrative statistics on registered job seekers and to guide economic policy. In the same way, comparative survey

data on fundamental rights is needed in order to identify problems, design policies and allocate resources to address fundamental rights concerns. The use of and the response to FRA survey research to date (including the EU-MIDIS I survey, LGBT survey, survey on discrimination and hate crime against Jews, pilot Roma survey and the survey on gender-based violence against women) have confirmed the need for FRA primary data collection through surveys.

EU legislative and policy context

FRA surveys – as large-scale data collection projects – are designed to address several of the agency's thematic areas.

The content of these surveys is defined with reference to the relevant EU legislative and policy framework, as described in the respective thematic fiches in this document.

FRA carries out surveys in order to fulfil its mandate and the tasks assigned to it. Therefore, the data FRA collects does not replace the need to further develop the collection of 'European statistics', as defined in Regulation 223/2009. The 'European statistics' are collected in the framework of the European Statistical System, which is a partnership between the Commission (Eurostat), the national statistical institutes and other national authorities responsible for the development, production and dissemination of European statistics. At the same time, FRA consults with Eurostat when developing its surveys in order to ensure that the selected sampling and fieldwork methods are robust and able to deliver comparable results – targeting thematic areas and population groups that are often not covered within the framework of national statistical data collection; for example – with respect to the experiences of different minority groups as victims of discrimination or criminal victimisation.

FRA's planned response

Main objective:

- to ensure FRA becomes a key actor providing robust and policy relevant comparable data for use as evidence-based advice on fundamental rights at the EU and Member State level.

Specific objectives:

- provide evidence where there is a knowledge gap concerning the way people in the EU are able to benefit from their fundamental rights and the effects of existing legislation to safeguard and promote these rights;
- support Member States in organising their own data collection concerning fundamental rights issues; including, for example, the extent and nature of rights holders' experiences of discrimination and victimisation, including their access to justice and related victim support services;
- contribute to the development of indicators on fundamental rights;
- identify *trends* concerning fundamental rights through the development of rolling survey data collection, alongside analysis of existing secondary data – for example; trends in the manifestation of racism, xenophobia and related intolerance, including hate crime and extremism, as well as on racial and ethnic discrimination; trends with respect to how the majority population experiences fundamental rights in practice – for example, in relation to data protection and privacy;
- develop methodologies for conducting trans-national, comparative research on fundamental rights based on robust data.

Key activities

We will achieve our objectives by:

- collecting and analysing comparable primary data through survey research – including the FRA EU-MIDIS II survey (on selected minority populations in the EU) and the FRA's Fundamental Rights Barometer (on the EU's majority population);
- undertaking secondary data collection to contextualise survey results;
- carrying out further analyses of existing survey data – both external surveys and FRA's own surveys, including the survey on gender-based violence against women, LGBT survey, survey on discrimination and hate crime against Jews in the EU Member States, and Roma pilot survey;
- ensuring access to FRA survey data and results for policy makers, researchers, and other fundamental rights stakeholders, so that they can carry out further analysis of the results;
- providing an easy-to-use interface for policy makers, journalists and the general public to access the survey results on the FRA website using a data visualisation tool which allows users to view results in maps, tables and graphs.

Expected results

By implementing the above strategies we expect to achieve the following:

- make available comparable data and indicators concerning the fundamental rights situation on the ground as evidence-based advice for policy makers at the EU and Member State levels;
- ensure FRA survey results are increasingly referenced in EU and national level policy documents, and in research literature;

- ensure FRA survey (print and online) outputs are requested and accessed to provide support in decision making and in fundamental rights advocacy work;
- ensure FRA advice is sought to contribute to policy debates at the EU and Member State levels.

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External developments and Issues	EU legislative and policy context	Charter of Fundamental Rights	FRA multi-annual framework 2013-2017
<p><u>Impact of economic crisis</u></p>	<ul style="list-style-type: none"> Europe 2020 Employment Strategy Social Investment Package (post Progress, ESF, EGF etc.) Entrepreneurship 2020 Action Plan Services Directive, Intellectual Property rights, Recognition of professional qualifications Corporate governance in financial institutions Freedom of establishment E-commerce (Online services) directive Services of General Interest Package Public procurement Corporate Social Responsibility Tackling discrimination package (RED, EED, Disability Strategy) EU Framework for National Roma Integration Strategies, Diversity management Freedom of movement EURES Cohesion Funds Victims Package Criminal procedure roadmap 	<p><i>Human Dignity (Article 1), Prohibition of slavery and forced labour (Article 5), Protection of personal data (Article 8), Freedom of assembly and of association (Article 12), Right to education (Article 14), Freedom to choose an occupation and right to engage in work (Article 15), Freedom to conduct a business (Article 16), Right to property (Article 17), Equality before the law (Article 20), Non-discrimination (Article 21), Equality between men and women (Article 23), Rights of the child (Article 24), Rights of the elderly (Article 25), Integration of persons with disabilities (Article 26), Workers right to information (Article 27), Right of collective bargaining and action (Article 28), Right of access to placement services (Article 29), Protection in the event of unjustified dismissal (Article 30), Fair and just working conditions (Article 31), Prohibition of child labour (Article 32), Family and professional life (Article 33), Social security and assistance (Article 34), Healthcare (Article 35), Access to services of general economic interest (Article 36), Environmental protection (Article 37), Consumer protection (Article 38), right to good administration (Article 40), right to access to documents (Article 42), freedom of movement and residence (Article 45), right to fair trial (Article 47)</i></p>	<p>FREEDOMS</p> <ul style="list-style-type: none"> Information society and, in particular, respect for private life and protection of personal data Immigration and integration of migrants, visa and border control and asylum <p>EQUALITY</p> <ul style="list-style-type: none"> Roma integration Rights of the child Discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation Racism, xenophobia and related intolerance <p>JUSTICE</p> <ul style="list-style-type: none"> Access to justice, including judicial cooperation Victims of crime, including compensation to victims of crime

External developments and Issues	EU legislative and policy context	Charter of Fundamental Rights	FRA multi-annual framework 2013-2017
<p>Impact on <u>social cohesion</u> during transition to more competitive global economy</p>	<ul style="list-style-type: none"> ▪ Employment Strategy ▪ Social Investment Package ▪ Smart and Inclusive growth - flagship initiatives (digital agenda, innovation, youth, skills, poverty/exclusion) ▪ Tackling discrimination package (RED, EED, Disability Strategy) ▪ EU Framework for National Roma Integration Strategies, Diversity management etc.) ▪ Freedom of movement ▪ EURES, ▪ Cohesion Funds 	<p><i>Human Dignity (Article 1), Prohibition of slavery and forced labour (Article 5), Protection of personal data (Article 8), Right to marry and right to found a family (Article 9), Freedom of assembly and of association (Article 12), Right to education (Article 14), Freedom to choose an occupation and right to engage in work (Article 15), Freedom to conduct a business (Article 16), Equality before the law (Article 20), Non-discrimination (Article 21), Cultural, religious and linguistic diversity (Article 22), Equality between men and women (Article 23), Rights of the child (Article 24), Rights of the elderly (Article 25), Integration of persons with disabilities (Article 26), Workers right to information (Article 27), Right of collective bargaining and action (Article 28), Right of access to placement services (Article 29), Protection in the event of unjustified dismissal (Article 30), Fair and just working conditions (Article 31), Prohibition of child labour (Article 32), Family and professional life (Article 33), Social security and assistance (Article 34), Healthcare (Article 35), Access to services of general economic interest (Article 36), right to good administration (Article 40), right to access to documents (Article 42), freedom of movement and residence (Article 45)</i></p>	<p>FREEDOMS</p> <ul style="list-style-type: none"> ▪ Information society and, in particular, respect for private life and protection of personal data ▪ Immigration and integration of migrants, visa and border control and asylum <p>EQUALITY</p> <ul style="list-style-type: none"> ▪ Roma integration ▪ Rights of the child ▪ Discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation ▪ Racism, xenophobia and related intolerance <p>JUSTICE</p> <ul style="list-style-type: none"> ▪ Access to justice, including judicial cooperation ▪ Victims of crime, including compensation to victims of crime

External developments and Issues	EU legislative and policy context	Charter of Fundamental Rights	FRA multi-annual framework 2013-2017
<p><u>Impact of demographic changes</u></p>	<ul style="list-style-type: none"> • OMC – Long-term care • OMC – Healthcare • Legal immigration directives (seasonal workers, temporary workers, Long-term residence, Family reunification etc.) • European Agenda for Integration • Solidarity in health • Health programme • Diversity and non-discrimination • Structural funds (social cohesion etc.) • Freedom of movement 	<p><i>Human Dignity (Article 1), Protection of personal data (Article 8), Freedom to conduct a business (Article 16), Right to property (Article 17), Equality before the law (Article 20), Non-discrimination (Article 21), Cultural, religious and linguistic diversity (Article 22), Equality between men and women (Article 23), Rights of the child (Article 24), Rights of the elderly (Article 25), Integration of persons with disabilities (Article 26), Family and professional life (Article 33), Social security and assistance (Article 34), Health care (Article 35), Access to services of general economic interest (Article 36), Consumer protection (Article 38), right to good administration (Article 40), right to access to documents (Article 42), freedom of movement and residence (Article 45)</i></p>	<p>FREEDOMS</p> <ul style="list-style-type: none"> ▪ Information society and, in particular, respect for private life and protection of personal data ▪ Immigration and integration of migrants, visa and border control and asylum <p>EQUALITY</p> <ul style="list-style-type: none"> ▪ Rights of the child ▪ Discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation ▪ Racism, xenophobia and related intolerance <p>JUSTICE</p> <ul style="list-style-type: none"> ▪ Access to justice, including judicial cooperation ▪ Victims of crime, including compensation to victims of crime

External developments and Issues	EU legislative and policy context	Charter of Fundamental Rights	FRA multi-annual framework 2013-2017
<p>Developments in the <u>freedom, security and justice</u> areas post stockholm</p>	<ul style="list-style-type: none"> Post Stockholm Package and on-going policies on immigration, integration, asylum, internal security, human trafficking etc.) Data Protection Victims Package Budapest Road map (victims of crime) E-justice Criminal procedure roadmap European Arrest Warrant 	<p><i>Human Dignity (Article 1), Right to life (Article 2), Right to the integrity of person (Article 3), Prohibition of torture (Article 4), Prohibition of slavery and forced labour (Article 5), Right to liberty and security (Article 6), Respect for private and family life (Article 7), Protection of personal data (Article 8), Freedom of thought, conscience and religion (Article 10), freedom of expression and information (Article 11), Freedom of assembly and of association (Article 12), Right to asylum (Article 18), Protection in the event of removal (Article 19), Equality before the law (Article 20), Non-discrimination (Article 21), Equality between men and women (Article 23), Rights of the child (Article 24), Rights of the elderly (Article 25), Integration of persons with disabilities (Article 26), Protection in the event of unjustified dismissal (Article 30), Fair and just working conditions (Article 31), Prohibition of child labour (Article 32), right to good administration (Article 40), right to access to documents (Article 42), freedom of movement and residence (Article 45), right to fair trial (Article 47), Presumption of innocence and right of defence (Article 48), principles of legality and proportionality of criminal offences and penalties (Article 49), right not to be tried or punished twice in criminal proceedings for the same criminal offence (Article 50)</i></p>	<p>FREEDOMS</p> <ul style="list-style-type: none"> Information society and, in particular, respect for private life and protection of personal data Immigration and integration of migrants, visa and border control and asylum <p>EQUALITY</p> <ul style="list-style-type: none"> Rights of the child Racism, xenophobia and related intolerance <p>JUSTICE</p> <ul style="list-style-type: none"> Access to justice, including judicial cooperation Victims of crime, including compensation to victims of crime

External developments and Issues	EU legislative and policy context	Charter of Fundamental Rights	FRA multi-annual framework 2013-2017
Impact of <u>ICT</u> evolution	<ul style="list-style-type: none"> Europe 2020 (smart growth initiatives – digital agenda, innovation) Data protection Intellectual property rights Single market Corporate Social responsibility E-justice (European e-justice portal, e-CODEX, ECRIS) E-Commerce, E-Citizenship Safer Internet Programme 	<p><i>Right to the integrity of the person (Article 3), Protection of personal data (Article 8), Freedom of thought, conscience and religion (Article 10), Freedom of expression (Article 11), Freedom of the arts and sciences (Article 13), Right to education (Article 14), Freedom to conduct a business (Article 16), Right to property (Article 17), Non-discrimination (Article 21), Cultural, religious and linguistic diversity (Article 22), Equality between men and women (Article 23), Rights of the child (Article 24), Rights of the elderly (Article 25), Integration of persons with disabilities (Article 26), Right of access to placement services (Article 29)</i></p>	<p>FREEDOMS</p> <ul style="list-style-type: none"> Information society and, in particular, respect for private life and protection of personal data Immigration and integration of migrants, visa and border control and asylum <p>EQUALITY</p> <ul style="list-style-type: none"> Roma integration Rights of the child Discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation <p>JUSTICE</p> <ul style="list-style-type: none"> Access to justice, including judicial cooperation Victims of crime, including compensation to victims of crime

External developments and Issues	EU legislative and policy context	Charter of Fundamental Rights	FRA multi-annual framework 2013-2017
<p><u>Politics of the EU and its institutions</u></p>	<ul style="list-style-type: none"> ▪ New Commission ▪ New Parliament ▪ Enlargement 	<p><i>Right to vote and stand as a candidate at elections to the European parliament (Article 39),</i></p> <p><i>Right to vote and to stand as a candidate at municipal elections (Article 41),</i></p> <p><i>Right to good administration (Article 41),</i></p> <p><i>Right to access to documents (Article 42), European Ombudsman (Article 43),</i></p> <p><i>Right to petition (Article 44),</i></p> <p><i>Freedom of movement and of residence (Article 45)</i></p>	<p>FREEDOMS</p> <ul style="list-style-type: none"> ▪ Information society and, in particular, respect for private life and protection of personal data ▪ Immigration and integration of migrants, visa and border control and asylum <p>EQUALITY</p> <ul style="list-style-type: none"> ▪ Roma integration ▪ Rights of the child ▪ Discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation ▪ Racism, xenophobia and related intolerance <p>JUSTICE</p> <ul style="list-style-type: none"> ▪ Access to justice, including judicial cooperation ▪ Victims of crime, including compensation to victims of crime

ANNEX 2: Strategy implementation within the planning cycle

The legal and regulatory framework governing FRA (**Founding Regulation and Multi-annual framework**) clearly identifies the mandate, the main tasks as well as the thematic areas of work of the agency. On this basis FRA has put in place a multi annual and annual planning cycle that is integrated with the monitoring and evaluation activities to ensure the review and improvement of both strategic and operational planning. In particular, the **Strategy Plan** includes the main overarching strategic goals and key actions necessary to respond to the outcome of the external evaluation. The achievement of the objectives and implementation of actions is ensured through the systematic annual planning (**Work Programmes and Implementation Plans**) which identify and prioritise the operational activities needed for strategy implementation. FRA's key stakeholders are regularly consulted on the multi-annual and annual work of the agency and engaged in a continuous **Monitoring and Evaluation** process that provides feedback for improving planned activities, results and impacts. These efforts are highlighted in the available reporting tools (**Annual Activity Report and Performance Report**) as they are integrated in the planning cycle and are aimed at supporting the regular **reviews** to keep the agency's strategic and operational planning relevant and meaningful.

TYPE	DOCUMENTS	DESCRIPTION	FURTHER DETAIL	FREQUENCY
LEGAL AND THEMATIC FRAMEWORK	FRA Founding Regulation	<i>Council Decision No. 168/2007 of 15 February 2007</i>	Provides an overall scope and framework for FRA's mandate, objectives and tasks	Multiannual
	Multiannual Framework 2013-2017	<i>Council Decision regarding the adoption of the multi-annual framework for FRA for 2013-2017</i>	Provides an overall scope and framework for FRA's thematic areas of work	Multiannual
LESSONS LEARNT	External Evaluation of the agency	<i>Evaluation of EU decentralised agencies in 2009</i> <i>External Evaluation of FRA (2007-2012)</i>	Provides details of FRA's achievements in the context of key evaluation questions concerning multiannual performance (in terms of agency's relevance and coherence, effectiveness and efficiency, added value and utility of its activities).	Multiannual
STRATEGIC PLANNING	Strategy Plan	<i>Strategic Plan 2013-2017</i>	Includes details of FRA's mission, the long-term objectives and short-term objectives by thematic area. The document also lists FRA's key activities	Multiannual
OPERATIONAL PLANNING and IMPLEMENTATION	Annual Work Programmes	<i>FRA Annual Work Programmes 2013-2015</i>	Provides detailed information on projects and activities to be carried out as well as the allocated human resources and available budgets.	Annual (year N/2)
	Annual Implementation Plans Project plans	<i>FRA Annual Implementation Plan 2013 (internal tool)</i>	Provides detailed information regarding project and activities to address short-term policy developments and emerging needs as well as fine tune deliverables and outputs included in the AWP	Annual (year N-1)
	Projects and activities' implementation	<i>All FRA projects and activities (as planned)</i>	Projects and activities for strategy implementation are carried out	Multiannual & Annual
MONITORING, EVALUATING and REPORTING	Monitoring	<i>Continuous monitoring of implementing projects</i>	Provides information and data regarding project and activities' implementation during their entire life cycle to address problems promptly	Annual
	Ex-ante and ex-post evaluation	<i>Ex ante evaluation projects AWP 2013, 2014 and 2015</i>	Regular evaluations are undertaken before and after project implementations involving all beneficiaries and target groups	
	Reporting	<i>Annual Activity report 2007-2012</i> <i>Annual Performance report</i>	Provide reliable performance information regarding outputs and outcomes to assist management to deliver against targeted results	
REVIEW of the STRATEGIC and OPERATIONAL PLANNING	Strategic Plan	<i>Review of the Strategic Plan 2013-2017</i>	Progress made in the implementation of the strategy and results achieved during projects and activities' implementation provide insights and recommendations for reviewing both strategic and operational planning tools	Multiannual
	Annual Work Programmes Annual Implementation Plans Project plans	<i>Amendments of AWP and AIP</i>		Annual