

MB DECISION

Decision n°:	2023/08
Subject:	Adoption of the Amendment n.2 of the Programming Document 2023-2025

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

HAVING REGARD to Management Board decision of 17 May 2019 on the Financial Rules applicable to the budget of the Agency (hereinafter referred to as the 'Financial Rules'), and in particular article 32 paragraph 3 thereof,

HAS DECIDED AS FOLLOWS:

Article 1

To adopt:

- a. The Amendment n.2 of the Programming Document 2023-2025, as explained in Annex I.

Done at Vienna, on 29 August 2023

For the European Union Agency for Fundamental Rights



Jim Clarken
Chairperson of the Management Board

Annex:

Annex I – Amendment n.2 of the Programming Document 2023-2025



2023-2025 Single Programming Document

Amendment No. 2

SECTION 3



ANNUAL WORK PROGRAMME 2023

A.2.7 Youth engagement on fundamental rights in the EU – FRA’s Youth Advisory Panel

Area of activity: EQUALITY, ROMA and SOCIAL RIGHTS

Theme: Social Rights

Policy relevance

The [European Union Youth Strategy 2019-2027](#) recognises the unique role young people have in society and specific challenges they face, such as socioeconomic and democratic exclusion or uncertainties about their future. Confronted with a current climate crisis, emerging technologies, deterioration of democratic standards, etc., the full effects on societies are yet unknown, young people not only have legitimate concerns about how the decisions taken today will affect their future but also have concrete ideas of how to address these challenges. Yet, their voices are insufficiently reflected in key decision-making processes. Concerted efforts are needed to involve and empower young people. To address some of these gaps, the EU Youth Strategy invites the Member States and the European Commission to actively engage young people, youth organisations and other organisers of youth work. The [Council Conclusions](#) adopted in November 2022 on promoting the intergenerational dimension in the youth field to foster dialogue and social cohesion reaffirm this commitment and call on all relevant actors to increase their efforts and cooperation to achieve the [youth goals](#) set out in the strategy.

In recent years FRA has actively engaged young people in its work and has made it standard practice to consult children and young adults and work with youth organisations – particularly in the context of the Fundamental Rights Forum, the Fundamental Rights Dialogues, activities pertaining to communicating rights, and research projects related to the rights of the child. What is currently missing is a structured approach to the active participation of young people and youth organisations at a strategic level (rather than on a project specific one). To address this gap, FRA aims at creating a framework to ensure a meaningful, safe, and participatory engagement of young people in its work. This would allow FRA to take account of the youth perspectives more systematically and effectively with respect to fundamental rights in the EU and the specific challenges they are facing. Within the framework of this project, FRA will establish a “Youth Advisory Panel on fundamental rights in the EU” (hereafter “the Panel”), which will serve an advisory function to the Director and the Units for mainstreaming the views of young people aged 16 – 25 into the activities of FRA. Particular attention will be given to ensuring that the Panel provides a platform for consultations with youth risking marginalisation based on potential sources of discrimination, such as their ethnic origin, sex, sexual orientation, disability, religion, belief or political opinion. The Panel will also envisage a role for selected EU level youth organisations, drawing inter alia on the Agency’s Fundamental Rights Platform of civil society organisations. The Panel will be established via an open call, subject to a set of established selection criteria and its composition will aim to ensure representation on diverse topics and reflect gender and geographical balance. It should become operational in the second half of 2023 for an initial duration of 2 years when its impact and functioning will be evaluated.

Objectives

- Provide a space for a structured way of meaningful, safe, inclusive, and participatory engagement of young people on the fundamental rights in the EU
- Facilitate the integration of young people’s views and perspectives into FRA’s own activities
- Support EU efforts to implement the EU Rights of the Child Strategy, the EU Youth Strategy 2019-27, the new European Care Strategy and the Child Guarantee initiative

Activities

- Organising an online and internal consultative meeting with young people to obtain their input on the proposed concept of a Youth Advisory Panel
- Organising a call for expression of interest including an outreach campaign to young people interested in applying
- Preparing the Rules of Procedure laying down the functioning of the Panel and organising first consultations

Outputs

- Online consultative meetings with young people (2)
- Outreach campaign to attract potential candidates
- In-person meeting of the Panel at FRA (1)
- Consultation notes and Rules of Procedure

Financial Resources

	1 st priority	2 nd priority	3 rd priority
Equality, Roma and Social Rights	-	-	15,000
Justice, Digital and Migration	-	-	-
Institutional cooperation and networks	15,000	-	-
Communication and Events	-	-	-
Total	15,000	-	15,000

E.1.3 Exploring operational implications of EU accession to the ECHR for FRA’s work

Policy relevance

Policy relevance and rationale: the EU’s expected accession to the European Convention on Human Rights is one of the most consequential recent legal developments for the protection of fundamental rights in Europe. As the principal human rights agency of the EU which shall closely cooperate with the Council of Europe (Article 9, Regulation 168/2007), it is both necessary and appropriate that FRA develops an informed view on this development. FRA should be prepared for this legal change and understand what changes it may bring for its work in legal, policy, institutional and operational terms with due regard to Council Decision (2008/578/EC).

The project would examine the potential operational implications of the EU’s expected accession to the ECHR for FRA’s work, considering the range of substantive, jurisdictional and procedural issues it will likely entail. In particular, this project would allow FRA to undertake its own legal and policy “due diligence” on the expected accession, enabling it to develop an informed view of what changes, if any, accession would bring for the agency and its work. These changes could range from the interpretation and application of specific substantive and procedural norms under EU law, to jurisdictional questions around lawsuits against the Union institutions and bodies, to partnerships and institutional relationships between the EU and the Council of Europe.

The project would tackle questions relating to legal and policy coherence and how accession might affect the current legal basis of legal protection of fundamental rights within the EU, which is the legal and operational baseline of FRA’s surveys, research and analytical work. One critical change that accession would introduce would be the possibility for individuals to bring complaints against the EU before an independent international human rights court (the ECtHR). It would also reinforce the need for consistency between rulings of the ECtHR and the CJEU on human rights matters. The project could also explore how accession might impact FRA’s own responsibilities, particularly when it issues findings and opinions. Finally, the project will take account of FRA’s work related to other human rights instruments such as CRPD and Istanbul Convention.

The EU legal landscape governing fundamental rights has four normative sources interacting and some structured reflection is warranted as to how these should work together to ensure the highest standard of protection of fundamental rights (universal instruments adopted under the aegis of the UN); the regional HR level (ECHR); the EU (Charter) and domestic law on HR. Accession will likely impact the nature and degree of “integration” or proximity between two of the four sources of law for fundamental rights protection in the EU, namely EU law and ECHR law – whether towards alignment or fragmentation. In either case this will become increasingly important in the area of civil and political rights.

Objectives

- Ensuring FRA is prepared for accession of the EU to the ECHR by drawing on existing scholarship and the inputs of legal experts (including Scientific Committee and Management Board members) and institutional stakeholders (including the EU Commission, the Council of Europe, the CJEU and the ECtHR)
- Working to establish a better understanding of what changes accession may bring for FRA’s work
- Allow FRA to contribute to developments in this area

Activities

Outputs

- | | |
|---|--|
| <ul style="list-style-type: none"> - Conducting desk research to chart the potential operational implications of accession - Organising an expert meeting including relevant members of the SC and MB to test the views and assumptions in the internal mapping - Drafting exercise for an internal legal note on implications of accession for FRA (2024) | <ul style="list-style-type: none"> - Internal draft mapping - Expert meeting report with analysis of scenarios and conclusions about potential operational implications of accession for FRA’s work (2023) - Internal legal note (2024) – no public dissemination prior to accession. |
|---|--|

Financial Resources

	1 st priority	2 nd priority	3 rd priority
Equality, Roma and Social Rights	-	-	20,000
Justice, Digital and Migration	-	-	-
Communication and Events	-	-	-
Institutional cooperation and networks	-	-	-
Total	-	-	20,000