FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

FUNDAMENTAL RIGHTS IN AN UNCERTAIN FUTURE

STRATEGIC FORESIGHT FOR EUROPE 2040

REPORT



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About this publication

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Foreword

Europe's future will be shaped by technology, geopolitics, demographic change and the climate crisis and by the choices we make in response. Strategic foresight does not predict the future - it explores how change could unfold. It challenges assumptions and helps institutions to prepare before decisions become urgent.

Fundamental rights must shape that process from the outset. Anchored in law, they provide stable reference points in uncertain times, and they compel us to ask who benefits, who bears the costs, and whether legal safeguards, participation and accountability will remain effective under pressure.

FRA is well placed to advance foresight work. Our mandate, our expertise and evidence on people's lived experiences, and our engagement with authorities, civil society and rights holders connect long-term thinking with people's realities. This gives FRA a distinct and indispensable fundamental rights perspective on Europe's future.

This publication on foresight marks our ambition to make fundamental rights an essential resource for anticipatory governance. FRA's foresight exercise examines how rights, and the institutions that protect them, may perform under different future conditions. The accompanying guide shows how fundamental rights can be embedded throughout foresight processes, systematically and comprehensively.

Together, the outcomes of the exercise and the guide support more legitimate and resilient policymaking and help societies to navigate change without leaving anyone behind. We urge EU institutions and Member States to make full use of them so that fundamental rights become an integral part of strategic foresight and long-term decision-making.

Foresight also strengthens FRA's own preparedness. It helps us to anticipate emerging challenges and ensure that our evidence and advice remain agile and relevant as Europe changes.

This work is timely and necessary; the choices of today will determine how well fundamental rights are protected tomorrow.

Sirpa RautioDirector

Introduction

Rapid and far-reaching change is already testing Europe's ability to uphold fundamental rights in practice. As Europe confronts climate change, technological innovation, economic pressures and geopolitical uncertainty, the central question is not only how societies can become more resilient but also how fundamental rights can remain protected under changing conditions. This report explores what adaptations may be needed to keep legal safeguards enforceable over time and how fundamental rights can help shape public choices under uncertainty.

This report examines how long-term developments may affect the exercise, protection and enforcement of rights and what this could mean for legal safeguards, public accountability and institutional preparedness. Integrating fundamental rights into strategic foresight means considering from the outset who may be affected by future developments, which rights and safeguards may come under pressure and how choices made today could affect the protection of rights over time.

To explore these questions, the European Union Agency for Fundamental Rights (FRA) examined how fundamental rights can be embedded into strategic foresight. Strategic foresight explores how different futures may unfold and what they could mean for decisions taken today. The insights presented in this report can help policymakers, human rights organisations and foresight practitioners identify emerging challenges to fundamental rights, consider whether existing safeguards remain effective in different future scenarios and make more informed choices about how to protect rights and prepare for change.

A consortium led by the Austrian Institute of Technology implemented this foresight process in cooperation with FRA. FRA also consulted an informal advisory group, which included Eschel Alpermann (European Parliamentary Research Service, Policy Foresight Unit), Salvatore Finamore (General Secretariat of the Council of the European Union, Analysis and Research Team), Antonia Mochan and Petra Goran (both European Commission, Joint Research Centre, EU Policy Lab), Aaron Maniam (Blavatnik School of Government, University of Oxford) and Lauri Sivonen (independent expert). Finally, Dr Jaakko Kuosmanen (Finnish Academy of Science and Letters) provided expert peer review. While this report is solely the work of FRA, the Agency thanks these experts for their insights and critical review.

Methodological approach

The foresight process was designed to explore how long-term developments may affect the protection and enforcement of fundamental rights in Europe by 2040. It did not seek to predict a single future. Instead, it explored different possible futures to test how rights, legal safeguards and institutions might operate under changing technological, environmental, economic, democratic and security conditions.

The process was informed by FRA's guidance on embedding fundamental rights in strategic foresight, which identifies six mutually reinforcing principles:

1. legality;
2. relevance;
3. participation;
4. equality and non-discrimination;
5. reliability;
6. transparency and accountability.

The process also took account of existing legal obligations under international human rights law, the EU treaties, the Charter of Fundamental Rights of the European Union and relevant EU law.

Evidence gathering and analysis were combined with broad expert participation and consultation. During 2025, more than 140 representatives of EU institutions and agencies, international organisations, national authorities, human rights bodies and civil society organisations and academics, foresight practitioners and human rights experts contributed their expertise across four in-person workshops. This brought legal and policy expertise together with practical experience and perspectives on how future developments may affect different groups and rights. This report is FRA's analytical synthesis of this collective and exploratory process. The findings presented here should not be attributed to individual participants.

The process unfolded in five stages. First, horizon scanning examined developments across social, technological, economic, ecological, political, legal and values-related domains. This led to the identification of factors of change and wildcards that could affect fundamental rights over time. Horizon scanning is a systematic process for identifying emerging developments that may shape the future. Wildcards are low-probability but high-impact events that could significantly alter future trajectories.

Second, these inputs informed the development of exploratory scenarios for Europe in 2040 (see Box: Exploratory scenarios for fundamental rights in Europe in 2040). The scenarios built on the reference foresight scenarios on the global standing of the EU in 2040 developed by the EU Policy Lab at the European Commission's Joint Research Centre and enriched them with a fundamental rights perspective. This entailed applying a fundamental rights lens to questions of geopolitical

change, institutional capacity, social cohesion, technological transformation and crisis preparedness.

Third, participants used the scenarios to develop desirable futures for a rights-based Europe in 2040. These futures focused on six areas high on the EU agenda: environmental protection, the economy, digital transformation, preparedness and security, democratic resilience and the governance of human rights.

Fourth, participants identified pathways that could support the realisation of these rights-based futures by 2040. These pathways translate into possible strategic policy choices that could be made today to strengthen the implementation and enforcement of rights, reinforce institutional capacity and address emerging risks before they become entrenched.

Fifth, the pathways were stress-tested against disruptive developments and changing conditions, including climate shocks, technological failures, geopolitical instability, democratic strain and emergency governance. This exposed assumptions and weaknesses in the pathways, which, in turn, helped in identifying approaches that would remain robust under conditions of uncertainty.

This report's structure reflects the methodology applied: Section 1 depicts one possible Europe in 2040. Section 2 examines the potential implications of societal changes for the protection of fundamental rights. Section 3 suggests pathways for a rights-based future for Europe in 2040. The inclusion of links to initiatives, tools and external web pages in this report does not imply endorsement by FRA.

1. Setting the scene: Europe in 2040

Exploratory scenarios for fundamental rights in Europe in 2040

The foresight process drew on five exploratory scenarios developed in a dedicated workshop to examine how fundamental rights might be protected and enforced under substantially different future conditions. These scenarios are not predictions, forecasts or preferred outcomes. They were designed to test assumptions, identify vulnerabilities and explore whether existing legal and institutional safeguards would remain effective over time.

Taken together, the scenarios enabled participants to examine not only what might change but also which rights would be affected, whether existing protections would remain adequate, who might face disproportionate harm and what forms of legal or institutional adaptation might be required.

One scenario envisages a transformed Europe where fundamental rights, including those of humans, nature, animals and other non-human entities, have become the absolute priority, prevailing over economic profits and military conflict. Following cascading crises between 2030 and 2032, the EU demonstrated superior cooperative systems, leading to a global shift towards rights-based governance and peaceful coexistence.

Another scenario imagines a Europe that has fractured into two blocs: the European Union of Equality, championing expanded fundamental rights with bottom-up democracy, and the European Sovereignty Alliance, formed by European countries that have deprioritised rights protections and normalised authoritarianism.

In a third scenario, Europe is governed by a state–corporate alliance that has instrumentalised human rights for consumer capitalism, with algorithmic control and behavioural profiling replacing individual autonomy. Fundamental rights have been progressively eroded under the guise of 'performative equality', where society operates under an illusion of egalitarianism.

In the fourth scenario, the European Federation has emerged, operating as 'Fortress Europe' in an increasingly hostile world. The European Federation has retained fundamental rights on its territory but prioritised security and strategic autonomy, thereby compromising rights standards when dealing with external partners.

In the fifth scenario, Europe exists in permanent war following NATO's disintegration and global fragmentation into competing blocs. Democratic coalitions struggle to maintain basic rights, while authoritarian regimes proliferate, with fundamental rights systematically sacrificed for collective security.

Source: FRA, Exploring futures of fundamental rights in the European Union – Five scenarios for 2040, (2026).

This section sketches one possible Europe in 2040, drawing on the insights gained from the foresight exercise and the analysis of the exploratory scenarios developed during the process. It is not a prediction, and several developments it depicts are already visible today. In this Europe, the effects of uncertainty, the results of adaptation to existing megatrends and the long-term consequences of decisions made today are clearly visible.

The signs of adaptation are visible in ordinary places. Streets, homes, schools, hospitals, public transport and digital services continue to change in response to climate change, ageing populations, new technologies and shifting security concerns. Some adaptations make life easier, safer or more accessible. Others have created new dependencies, exclusions or forms of uncertainty that affect people's autonomy, dignity and equal access to services.

Digital systems support many routines of daily life, often in the background. They help people access services, work, learn, participate and receive care. Yet their importance is most visible when systems fail, when decisions are difficult to understand or when people are unable to use digital channels on equal terms. The question is no longer whether societies will be digital but how digital systems shape power, access, agency and the ability to understand and challenge decisions that affect people's rights.

Public life unfolds against a backdrop of familiar uncertainty. Environmental pressures, technological disruption, economic insecurity and geopolitical instability do not affect everyone in the same way. Some communities are better protected, better connected and better able to adapt. Others experience disruption resulting from insecure housing, strained services, precarious work, limited ability to get around independently or reduced access to information and access to effective remedies when their rights are breached.

Institutions, communities and individuals increasingly assume that change will continue. Adaptation remains essential, but so does anticipation: identifying risks before they become acute, considering their long-term consequences and preparing for more than one possible future. This changes expectations of public authorities. People expect institutions to act quickly when risks are urgent but also to explain their decisions, remain open to scrutiny and adjust measures when harmful or unequal impacts become visible.

Debates about prosperity, innovation, security and sustainability have also become more connected. Innovation is judged by what it makes possible, who benefits, who is exposed to risk and whether harmful effects can be challenged. Prosperity is assessed through growth and

competitiveness but also access to services, decent work, social protection and opportunity. Security encompasses protection from harm and the requirement that crisis response remains lawful, proportionate, accountable and open to challenge.

Long-term considerations increasingly shape decisions on climate policy, public investment and emerging technologies. Questions about future generations are no longer abstract. They arise whenever today's choices may lock in environmental damage, technological dependencies, public debt, institutional weakness or unequal opportunities.

Europe in 2040 is not shaped by one single trajectory but by tensions between urgency and deliberation, innovation and safeguards, and present needs and future responsibilities. Its resilience also depends on people's ability to understand, claim and realise their rights as conditions change.

2. How future transformations may affect fundamental rights in Europe by 2040

The Europe of 2040 will have been shaped by developments in technology, the environment, the economy, democracy and preparedness. These developments influence how people's rights are protected, how they participate in society and the extent to which they have access to opportunities.

The following sections synthesise insights generated through horizon scanning, analysis of factors of change and wildcards, scenario development, participatory visioning and stress testing. They examine how major drivers of change create uncertainty and how this might affect the protection and enforcement of fundamental rights.

2.1. Living in a digital society

The rapid pace of technological change is such that digital systems are likely to be even more deeply embedded in public administration, labour markets, healthcare, education and everyday life by 2040. Digital transformation is brought about by technologies and infrastructures including but not limited to artificial intelligence (AI).

While the increased use of these systems facilitates access to services and opens up opportunities for participation, it also creates new dependencies on digital infrastructures and the public and private actors that design, operate and govern them. How digital systems develop will continue to have implications for privacy and data protection, equality and non-discrimination, freedom of expression and people's access to services and remedies.

Access to services, information and opportunities increasingly depends on complex technological infrastructures that cut across institutional and sectoral boundaries. Questions of openness, accountability and human agency become central to how rights are protected in digital societies, especially where people need to understand, challenge or seek remedy for decisions that affect them.

Digital tools impact access to public services. Automated decision-making in welfare administration, taxation, migration, law enforcement and justice heightens concerns about surveillance, algorithmic discrimination, opacity and concentration of power. Under conditions where errors or bias may be reproduced across large numbers of cases, the ability to explain, contest and correct decisions is particularly important to avoid structural harms. This increases the importance of verifying the outputs of AI and digital systems, understanding how they operate and ensuring accountability for automated decision-making.

Data-driven business models also continue to evolve rapidly. Profiling, behavioural tracking and

surveillance capabilities shape the information people receive, the consumer choices available to them and how they participate in public debate. Market concentration places extensive control over data and digital infrastructures in the hands of a small number of private actors. As public authorities also rely on privately designed and operated systems, ensuring accountability and oversight becomes more complex, which affects people's ability to seek redress.

Emerging technologies that interact directly with human bodies, behaviour or cognitive processes may raise questions that existing safeguards were not designed to address fully. These include neurotechnology, AI-enabled health technologies and advanced human–machine interfaces. Where technologies record, interpret or influence neural, physiological or behavioural activity, they may challenge established understandings of privacy, bodily and psychological integrity, autonomy, non-discrimination and human dignity. Their future applications remain uncertain, making it necessary to test whether existing protections would be able to respond to novel uses and combinations of technology.

As technologies evolve, public institutions may need to draw on specialised technical and fundamental rights expertise to assess their effects. Courts interpret and enforce legal protections. Regulators, data protection authorities, human rights bodies and other independent institutions monitor compliance, investigate harms and support access to remedies, and thereby protect human rights. The expertise and evidence that they bring together can help in assessing whether existing safeguards will remain effective as technologies and uses change.

Existing international, European and EU human rights obligations provide the legal baseline for digital transformation. The UN Human Rights Council, more than a decade ago, affirmed in a landmark resolution 'that the same rights that people have offline must also be protected online', while the European Convention on Human Rights, as interpreted by the European Court of Human Rights, applies to the use of digital technologies. These frameworks connect data processing, surveillance and automated decision-making with established rights, including to privacy, freedom of expression, non-discrimination, a fair trial and access to an effective remedy. They also underline the importance of legality, necessity, proportionality and effective oversight where public authorities use data-driven or automated systems.

Within EU law, the Charter of Fundamental Rights protects privacy, personal data, and freedom of expression and information, in addition to other rights that digital technologies may affect. The General Data Protection Regulation, Digital Services Act, Digital Markets Act and AI Act give more specific effect to these protections in areas including data processing, platform accountability, digital markets and AI.

The AI Act, for example, prohibits certain practices and establishes requirements and safeguards for high-risk AI systems, including risk management, transparency, human oversight and fundamental rights impact assessments. These legal and institutional protections provide a framework within which evolving technologies, uses and business models can be assessed.

The practical effectiveness of these instruments in the period to 2040 will depend on how they are interpreted, implemented and enforced, whether oversight and remedies remain accessible and

how the framework responds when technological developments expose gaps in rights protection.

FRA publications in the areas of artificial intelligence and digitalisation

Assessing High-risk Artificial Intelligence: Fundamental rights risks, 2025.

Bias in Algorithms – Artificial intelligence and discrimination, 2022.

Digitalising Justice: A fundamental rights-based approach, 2025.

Encryption and concerns about access to private online communication – people's views across the EU, 2026.

Fundamental Rights of Older Persons – Ensuring access to public services in digital societies, 2023.

Getting the Future Right – Artificial intelligence and fundamental rights, 2020.

Online Content Moderation – Current challenges in detecting hate speech, 2023.

Online Fraud – People's experiences across the EU, 2026.

Protecting Children on Social Media – Views on age limits, 2026.

2.2. Adapting to ecological limits

In the lead-up to 2040, climate change, biodiversity loss and ecosystem degradation are likely to intensify, reshaping the conditions in which fundamental rights are protected. Together, these interconnected pressures are often referred to as the triple planetary crisis. Their effects accumulate over time and cut across environmental, social and economic systems.

Rising temperatures, extreme weather events and environmental degradation affect the protection of rights, including the rights to life and health, and rights related to housing and an adequate standard of living. These effects are uneven. People with fewer resources are often more exposed to environmental harm and less able to protect their homes, health and livelihoods or to recover after disruption. Climate change compounds existing inequalities, placing groups already experiencing disadvantage at greater risk of harm to their rights.

Environmental pressures also interact with economic, technological and geopolitical developments. Climate action develops alongside competition over scarce resources, issues arising from technological dependencies and efforts to strengthen economic competitiveness. Decisions on energy systems, industrial transformation and environmental protection determine how costs, benefits and responsibilities are distributed across societies and generations. Short-

term choices, including the delayed deployment of renewable energy, continued dependence on fossil fuels or weak biodiversity safeguards, may constrain the opportunities of future generations.

The triple planetary crisis also interacts with other policy domains. Climate-induced displacement, pressures on ecosystems arising from economic activity, as well as the environmental footprint of technology illustrate how environmental change is connected to digital transformation, economic policy, preparedness and democracy. Digital systems rely on energy, critical raw materials and extensive infrastructures. These dependencies can broaden divides between those who benefit from technological development and those who bear its environmental costs.

Climate mitigation and adaptation measures are necessary to reduce harm, but the measures adopted can themselves affect rights. Changes to energy systems, housing standards, transport, land use and resource allocation impact on people's access to essential services, employment and an adequate standard of living. Their actual and potential effects may differ among groups, communities and regions. How these effects are identified and addressed, and whether those most affected can participate in the decisions concerned, is likely to influence both the distribution of costs and benefits and public trust in environmental action.

Existing human rights obligations provide the legal baseline for environmental protection. The growing international recognition of the right to a clean, healthy and sustainable environment reinforces the connection between environmental protection, access to justice, participation, access to remedies and the protection of people most exposed to harm. At the same time, the practical effects of the recognition of this right will depend on how legal obligations are interpreted, implemented and enforced as environmental pressures evolve.

The International Court of Justice has clarified the connection between States' obligations in respect of climate change and the effective enjoyment of human rights by present and future generations. The European Court of Human Rights has also linked environmental degradation to protected rights, including the rights to life, private life and property.

Environmental protection is an objective of EU law and a principle enshrined in Article 37 of the Charter of Fundamental Rights. EU law requires environmental protection to be integrated into EU policies and provides for environmental impact assessments, access to environmental information and public participation in respect of the environment. These substantive and procedural protections provide a framework within which evolving environmental pressures and policy responses can be considered.

The practical effectiveness of the legal framework as Europe moves towards 2040 in the context of the climate crisis will depend on those substantive and procedural protections being fully embraced. In addition, it will depend on how relevant obligations are interpreted, implemented and enforced, and on whether affected people can access information, participate in decisions, challenge environmental harm and obtain effective remedies. Environmental defenders, civil society organisations and independent journalism can contribute to making environmental impacts visible, although shrinking civic space, disinformation and intimidation may constrain

their ability to do so.

FRA publications in the area of environmental protection

Enforcing Consumer Rights to Combat Greenwashing, 2024.

Fundamental rights and housing in the EU's climate and energy transition, 2026.

Towards a Fundamental Rights-compliant European Green Deal, 2025.

With the European Court of Human Rights: 'Climate change – ECtHR and CJEU case-law', 2025.

2.3. Generating new opportunities in a changing economy

Between now and 2040, economic policy is likely to continue to be shaped by efforts to strengthen Europe's competitiveness, strategic autonomy and resilience, increase productivity and simplify regulatory frameworks. These priorities may support investment and innovation, but they can also affect the balance between economic freedoms, social cohesion and the protection of rights. Prosperity becomes relevant in terms of not only growth and fiscal performance but also whether people can participate in economic life and benefit from economic change.

Existing fundamental rights obligations are relevant to public finance because budget and taxation decisions shape access to services, social protection and equal opportunities. The distribution of public resources and fiscal burdens can affect different population groups in different ways, particularly during periods of demographic change, fiscal pressure or economic disruption. This brings questions of fiscal justice, equality and the human rights impacts of economic policy into debates on prosperity and economic resilience

Access to good-quality public services, including healthcare, education, housing support and childcare, contributes to the effective realisation of economic and social rights and enables people's participation in economic and public life. The sustainable financing of public services may become more difficult as societies face demographic change, fiscal pressure and economic uncertainty. Where services are underfunded, inaccessible or increasingly treated as market commodities, existing inequalities may deepen and people's practical access to rights may weaken.

Economic change is reshaping how people work, acquire skills and access opportunities. As economic and technological systems become more interconnected, a growing share of economic activity takes place through digital platforms, data infrastructures and automated management systems.

New forms of work continue to emerge and create demand for new skills, while prosperity is pursued alongside efforts to promote equality of opportunity. The digital transformation is reconfiguring labour markets through automation, AI and algorithmic management. Access to technological infrastructure, lifelong learning and reskilling may help people participate in evolving labour markets, but uneven access to these resources can reinforce existing divides.

The green transition has been generating new sectors, technologies and employment opportunities. Together with the digital transformation, it is reshaping patterns of investment, production and employment across Europe. This may improve employment and working conditions in some sectors, while workers in carbon-intensive industries may face displacement, precarious transitions or worsening conditions. Platform work and algorithmically managed work can similarly create greater insecurity concerning income, working conditions, collective representation and social protection. Rapid technological and economic change could widen existing inequalities if access to opportunities, skills, social protection and resources remains uneven. The effects of economic transformation depend partly on who can access new opportunities and who bears the risks and costs of adjustment.

As labour markets evolve, greater attention may need be paid to upholding labour rights across diverse forms of employment. The expansion of platform work, algorithmic management and less linear careers raises questions about working conditions, collective representation and whether social protection remains accessible to people whose employment status or working patterns do not fit established models.

Corporate accountability becomes more important as opaque supply chains, digital business models and environmental pressures create the risk of serious human rights abuses and environmental harm. Due diligence, responsible investment and access to effective remedies can help prevent, identify and address adverse impacts on workers, consumers and affected communities. Their effectiveness will influence whether economic activity supports stable livelihoods, fair working conditions and environmental sustainability or whether harms and rights violations are shifted onto workers, consumers and affected communities.

Existing international, European and EU legal frameworks provide the baseline for assessing how economic change affects rights. The International Covenant on Economic, Social and Cultural Rights, International Labour Organization standards and the European Social Charter protect rights relating to work, fair working conditions, social security and an adequate standard of living. They also establish equality and non-discrimination as principles relevant to access to employment, services and social protection.

Within EU law, the Charter of Fundamental Rights protects a range of economic and social rights and principles, including the right to freedom to conduct a business. EU legislation on platform work, adequate minimum wages, working conditions and corporate sustainability due diligence gives more specific effect to these protections in changing labour markets and supply chains.

These legal standards provide a framework within which the effects of economic transformation can be considered. Their practical effectiveness in the period to 2040 will depend on how they are

interpreted, implemented and enforced as forms of work, business models and supply chains evolve and on whether people affected by violations can access effective remedies.

FRA publications in the area of business and human rights

'A human rights approach to due diligence: Reflections on key principles', 2025.

Business and Human Rights – Access to remedy, 2020.

Opinion on Draft Simplified European Sustainability Reporting Standards, 2026.

2.4. Changing expectations of democracy

As 2040 approaches, democratic systems will continue to evolve in response to changing technological, social, economic and geopolitical contexts. Online platforms, recommender systems and AI-enabled information environments can support political participation, public debate and democratic engagement. At the same time, deepfakes, information manipulation, foreign interference and platform concentration are already putting pressure on information integrity, electoral processes and democratic resilience. Shifts in political support for human rights protections may also weaken the institutional safeguards on which those depend. Electoral majorities or political movements may contest established checks and balances, judicial independence or protections for minorities.

Participating in democratic life extends beyond voting. It depends on people being able to express views, assemble, associate, access information and influence decisions that affect them. Citizens increasingly expect to be involved in shaping such decisions. Deliberative and participatory approaches may become more established. Examples include citizens' assemblies, structured dialogue processes, digital platforms and community-based initiatives.

Local and regional authorities are often the bodies to which these expectations are most clearly expressed, as this is where citizens and communities most intimately connect with public administration. The global human rights cities movement seeks to embed international and regional human rights standards in daily municipal governance, urban planning, budgeting and public service delivery.

Expectations of participation vary, but deliberative and participatory approaches may become more established alongside representative institutions. Their democratic value depends less on the format used than on whether participation is accessible, connected to decision-making and followed by a visible institutional response. Perceptions of legitimacy depend on whether people experience democratic institutions as fair, responsive and open to influence. Consultation alone may have little effect on trust where people cannot see how their participation has shaped

decisions, implementation or follow-up.

People's ability to be heard and contribute to public life depends not only on formal citizenship status but also on whether they can exercise their rights, access information and shape the communities in which they live. Barriers such as poverty, insecure work, limited time, communication difficulties, disability and digital exclusion can reduce people's ability to participate, even where formal opportunities exist.

These barriers may particularly affect people with fewer economic resources or less social and political influence, including some ethnic minority and migrant communities and people without citizenship. The effect of factors that can hinder participation are not uniform: for example, digital tools may enable some people to participate in new ways while excluding others who lack digital access or skills, or trust in the institutions concerned.

Social interactions also take place within a complex information and institutional environment. Polarisation, socioeconomic insecurity, disinformation and crisis situations are already testing democratic resilience and are likely to continue to do so. These pressures can reinforce one another: material insecurity may deepen distrust, fragmented information environments may intensify polarisation, and crisis-driven decision-making may reduce opportunities for scrutiny and participation. Democratic institutions and society must strengthen their capacity to withstand such pressures, while preserving open public debate, political participation, accountability and the core features of democratic life.

A vibrant public sphere and an open civic space are part of the infrastructure of democratic resilience. Civil society organisations, journalists, independent media and human rights defenders scrutinise power, bring evidence into public debate and connect institutions with the communities they serve, including those at risk of marginalisation. These actors can make democratic systems more accountable, responsive and inclusive.

Their ability to perform these functions may be weakened by funding insecurity, harassment, restrictive regulation, political interference or limited access to decision-making. Such threats affect not only the organisations and individuals concerned but also the wider capacity of democratic systems to remain accountable, pluralistic and responsive.

Social cohesion and a shared sense of belonging become more difficult to sustain when economic insecurity, fragmented information environments and polarisation undermine public trust. Gaps in the effective protection of rights can translate into disengagement, exclusion and declining confidence in democratic institutions.

Existing international, European and EU human rights law provides the legal foundations of democratic life. The rights to freedom of expression, to peaceful assembly and association and to take part in public affairs enable people to organise, debate, oppose and influence the exercise of public power. The right to free elections supports representative government, while equality and non-discrimination provisions protect against exclusion based on status or identity. Courts and independent institutions contribute to upholding these protections.

Within EU law, the Charter of Fundamental Rights protects freedom of expression and information, freedom of assembly and association, equality and non-discrimination, participation in the democratic life of the EU and good administration. EU rules concerning online platforms, political advertising, media freedom and protection against abusive litigation also support electoral integrity, pluralistic public debate and civic space. These legal and institutional safeguards provide a framework for democratic change without predetermining political outcomes.

Their practical effectiveness in the run-up to 2040 will depend on whether they remain enforceable, whether courts and oversight bodies retain their independence and capacity and whether people can continue to exercise political rights and seek effective protection when democratic safeguards are put under pressure.

FRA publications relating to democracy

Civic Space Update: Enabling civil society to uphold EU values and strengthen democracy, 2026.

Europe's Civil Society: Still under pressure – Update *2022*, 2022.

Human Rights Cities in the EU – A framework for reinforcing rights locally, 2021.

Human Rights Cities in the European Union – A guide to support local authorities in making human rights part of people's daily life, 2022.

Protecting Civic Space in the EU, 2021.

Protecting Civil Society – Update 2023, 2023.

Protecting Human Rights Defenders at Risk – EU entry, stay and support, 2023.

Strong and Effective National Human Rights Institutions – Challenges, promising practices and opportunities, 2020.

'The rule of law and why it matters – explained', 2026.

What do fundamental rights mean for people in the EU? Summary, 2020.

2.5. Preparing for disruption

In 2040, preparedness is likely to remain a prominent feature of public policy and institutional planning. The term 'preparedness' refers to the capacity to anticipate disruption and to maintain essential functions and protect people when risks materialise. This includes preparing for climate-related disasters, technological failures, economic and public health emergencies, and security threats such as organised crime, cyberattacks, hybrid threats, armed conflict and attacks on

critical infrastructure. In democratic societies, preparedness also concerns whether institutions can respond effectively without weakening rights, democratic safeguards or accountability.

Preparedness is increasingly understood as more than the ability to respond to individual crises. It addresses risks that cross sectoral and institutional boundaries. A cyber incident can disrupt healthcare and energy systems; an environmental disaster can affect housing, transport and public services; and geopolitical instability can interrupt supply chains and critical infrastructure. Such cascading effects make it important to consider not only individual threats but also how dependencies between systems may amplify harm and affect people differently.

Security-related preparedness spans internal and external threats and increasingly connects policing, law enforcement, defence, border management, cybersecurity and the protection of critical infrastructure and essential services. These fields have distinct legal and institutional frameworks, but the risks they address may interact. Preparedness raises questions about how authorities coordinate across these boundaries while maintaining clear responsibilities, effective safeguards and democratic control, without normalising exceptional measures.

Digitalisation plays an important role in preparedness. Data-driven and algorithmic technologies may support prevention, early warning systems and crisis response. Their use in policing, border management, public administration and emergency response may improve situational awareness or the allocation of resources, while also increasing dependence on systems whose operation may be difficult to understand or contest. Where these technologies affect liberty, privacy, equality, access to services or procedural rights, their use may also trigger concerns about bias, human oversight, accountability and access to an effective remedy.

Furthermore, preparedness raises questions about legality, proportionality and legitimacy. Crises may require public authorities to act rapidly and, in some circumstances, to use emergency powers, enhanced data sharing or temporary restrictions on rights. The question is whether such measures have a clear legal basis, pursue a legitimate objective and remain necessary, proportionate, time-limited and open to review. Between now and 2040, recurring or overlapping crises may increase the risk that exceptional measures become normalised or that their unequal effects receive insufficient attention.

Preparedness depends on cooperation among authorities, emergency and security services, infrastructure operators, service providers, private companies and affected communities. This cooperation improves response capacity during a crisis, but it also raises questions about responsibility, transparency and accountability when decisions are shared among actors with different mandates and duties.

Where responsibilities are unclear, it may become more difficult to identify who is accountable for decisions, who must prevent or remedy harm and where affected people can seek review or redress. Independent scrutiny remains important even where operational responsibility is shared. Courts, oversight bodies, journalists, civil society organisations and other independent actors will continue to play a role in identifying risks, documenting impacts and scrutinising measures taken in times of crisis.

Between now and 2040, preparedness, anticipation and adaptation may become more routine features of public life, rather than activities associated only with crisis management. Societies may operate on the assumption that climate change, technological disruption, demographic shifts, economic volatility and geopolitical tensions will continue to generate uncertainty.

The challenge is to anticipate and absorb disruption while preserving democratic accountability, equal access to essential services and the effective protection of fundamental rights. In this respect, foresight can test how legal safeguards and institutions might perform under different forms of disruption, identify groups whose rights may be affected disproportionately and reveal where temporary measures or institutional dependencies could become entrenched. It can help in distinguishing forms of preparedness that strengthen the effective protection of rights from those that increase resilience at the cost of accountability, participation or access to essential services.

International and European human rights law places obligations on public authorities both to protect people from foreseeable serious harm and to respect rights when preventing or responding to threats. These obligations relate to rights including life, bodily integrity, liberty, privacy, equality, due process and access to an effective remedy. Protecting rights in preparedness requires effective protection against threats while setting legal limits on the exercise of public power and incorporating procedural safeguards.

Within EU law, the treaties establish an area of freedom, security and justice covering border management, asylum and migration, judicial and police cooperation and the prevention and combating of crime. EU legislation also addresses counterterrorism, cybersecurity, data protection, victims' rights and cooperation between law enforcement and judicial authorities.

These frameworks provide the legal basis for action and require measures affecting rights to remain lawful, necessary, proportionate, subject to judicial protection and independent oversight, and open to effective challenge. Their practical effectiveness in the period to 2040 will depend on whether safeguards, remedies and oversight capacities keep pace with increasingly cross-border, data-driven and interconnected risks.

FRA publications relating to preparedness

Better Legislation – Human rights impact assessments in lawmaking, 2025.

Directive (EU) 2017/541 on Combating Terrorism — Impact on fundamental rights and freedoms – Summary, 2022.

Encryption and concerns about access to private online communication – People's views across the EU, 2026.

'On the road to a rights-based recovery from COVID-19', 2021.

Regulating Online Terrorist Content – Balancing public safety and fundamental rights, 2026.

Surveillance by Intelligence Services – Fundamental rights safeguards and remedies in the EU – 2023 update, 2023.

'Your rights matter: Security concerns and experiences', 2020.

With the European Court of Human Rights: 'Mass surveillance: ECtHR and CJEU case-Law', 2025.

2.6. Cross-cutting dynamics in Europe 2040

The developments described above suggest that protecting fundamental rights as 2040 approaches will depend both on the continuing effectiveness of legal protections and on coherent responses where pressures overlap. Existing law provides the baseline, but technological change, environmental disruption, economic transformation, democratic strain and evolving security risks may test how legal obligations are interpreted, implemented and enforced across different policy fields. The question is not simply whether new regulation will be required but whether existing and future measures will work together without creating gaps, conflicting responsibilities or uneven protection.

Overlapping pressures create demand for rapid action in several policy fields at once. Decisions taken under these conditions may affect substantive rights differently across population groups, while also limiting opportunities or the time available for participation, scrutiny and challenge. Policy coherence has a fundamental rights dimension: responses need to remain consistent with applicable obligations across sectors and preserve procedural protections, including access to information, participation, independent review and effective remedies.

As digital systems and private actors become more influential on decisions affecting people's lives, accountability may become harder to trace. Automated systems, data infrastructures, outsourced services and cross-border supply chains can distribute responsibility across many actors with different legal duties, mandates and capacities. This may make it more difficult to establish who must explain a decision, correct a failure or provide a remedy. The question is whether accountability remains effective as decision-making becomes more complex.

Decisions concerning climate change, critical infrastructure, technology and public investment can have consequences that extend far beyond electoral and policy cycles. They may lock in physical infrastructure, technological dependencies, environmental damage or patterns of resource distribution that are difficult to reverse. Yet institutions often operate under pressures that favour shorter-term considerations. As societies become more attentive to long-term risks and opportunities, questions concerning future generations, cumulative impacts and the capacity of institutions to review and adjust safeguards gain prominence.

Democratic societies depend on openness, independent scrutiny and social conditions that allow

people to exercise their rights. The effectiveness of legal safeguards also depends on the social and institutional conditions under which rights are protected. Socioeconomic inequality, digital exclusion, weakened public services, shrinking civic space and uneven access to justice can reduce people's ability to benefit from legal protections or seek remedies when those protections fail. These effects may reinforce one another: economic insecurity can limit participation, digital exclusion can restrict access to services and information, and weak accountability can allow injustice and inequality to persist.

The issue is whether human rights governance can remain anticipatory, participatory and accountable when technological, environmental, economic and democratic developments interact with pressures linked to disruption and preparedness.

International human rights law, the European Convention on Human Rights, EU primary law and relevant EU legislation provide a binding but evolving framework for addressing these developments. Since the applicable obligations do not operate in isolation, the same decision may affect substantive rights, procedural protections and duties of oversight or accountability across several policy fields.

The practical effectiveness of these legal obligations in the period to 2040 will depend on coherent interpretation and implementation, effective judicial and independent scrutiny and accessible remedies even when responsibilities or impacts span institutions, sectors or borders. Finally, sustained political support will be needed to maintain the legitimacy of international human rights law, and in particular the independence of the courts and tribunals.

3. Pathways for a rights-based future for Europe in 2040

The preceding analysis identified pressures that may affect the effective protection of rights in the period to 2040. This section turns from possible effects to pathways that could help to ensure that legal safeguards, institutions and governance practices remain effective under changing conditions.

Realising a rights-based future for Europe depends on choices made today and on the capacity of institutions and societies to respond to emerging challenges. The pathways presented here are strategic directions for reflection and action, not formal recommendations or predictions of how governance will develop. They do not envisage the replacement or redefinition of existing obligations under international human rights law, EU law or national legal frameworks. Rather, they start from these obligations and consider how their practical effectiveness could be maintained as social, technological, environmental, economic, democratic and security conditions change.

The pathways do not provide an assessment of whether every element of the current legal and regulatory framework will remain fit for purpose in 2040. Instead, they identify areas in which foresight can test the assumptions on which existing protections depend, examine where implementation or accountability gaps may emerge and consider how safeguards, institutions and practices might need to be adapted.

Each pathway combines a broad indication of the expected direction of change with examples of practical tools, institutional innovations and governance approaches identified through the foresight process.

3.1. Embed fundamental rights in decision-making

Fundamental rights are binding legal obligations that apply to public decision-making. Integrating them into decision-making processes from the outset helps ensure that legislation, policies, budgets and programmes comply with those obligations and that rights remain protected during implementation and review. Doing so can also improve the quality and durability of decisions by identifying who may be affected, making unequal or unintended effects visible and clarifying the safeguards and accountability arrangements needed in practice.

Human rights and fundamental rights impact assessments are one means of operationalising legal obligations throughout the policy cycle. Applied during the design of legislation, policies, budgets or programmes, these impact assessments can identify the rights affected, assess who may be affected and inform choices before decisions are taken. Their effectiveness depends on the quality and independence of the assessment, access to relevant evidence and expertise, and whether the findings influence the decision. Follow-up during implementation, monitoring and

review can then show whether anticipated safeguards are working and whether previously unidentified or changing impacts require adjustment.

These impact assessments can be complemented by other approaches. Climate and nature compatibility checks or applying the 'do no significant harm' principle can help align environmental, social and long-term considerations. The value of these approaches lies in assessing whether policies, investments and projects support climate and biodiversity goals. It also lies in making visible possible harms to ecosystems, affected communities and future generations before decisions are locked in.

Using these approaches alongside rights impact assessments can strengthen coherence between climate action and social justice. More broadly, fundamental rights obligations can be integrated from the outset by building transparency and accountability into the design, implementation and review of legislation, policies and programmes.

Public budgets are an area in which fundamental rights obligations have practical consequences, because revenue and expenditure decisions shape access to services, social protection and equal opportunities.Rights-based budgeting applies principles including participation, non-discrimination, transparency and accountability across the budget cycle. It can help in identifying how the allocation of public resources affects different population groups, including people in situations of vulnerability. Where a rights-based budgeting approach is linked to implementation, monitoring and evaluation, it can support more equitable outcomes and strengthen accountability for public finance decisions.

Embedding fundamental rights in decision-making is also relevant where public authorities regulate, fund, contract with or procure from private actors. Due diligence and impact assessment requirements can make human rights and environmental risks more visible in business operations, supply chains and public–private arrangements. Public funding, procurement and regulatory decisions can reinforce these requirements by linking support or market access to applicable rights obligations and by preserving transparency, oversight and access to remedy. This is particularly relevant where simplification initiatives alter reporting, assessment or due diligence requirements.

What this might look like in practice: rights-proofing public finance and policy choices

Rights-based decision-making becomes more effective when human rights standards are applied throughout the policy and budget cycle – from policy design and resource allocation to implementation, monitoring and accountability. Forms of right-based decision-making include human rights impact assessments (in lawmaking or of AI systems, for example), Charter conditionality in EU funding, participatory budgeting, climate and nature compatibility checks and the 'do no significant harm' principle.

Such approaches can help in identifying how policy and funding decisions affect different population groups, including people in situations of vulnerability. Transparent reporting, comparable indicators, benchmarking approaches and feedback loops between budget decisions, implementation and evaluation can support accountability, institutional learning and more equitable outcomes.

Practical approaches may also include economic participation models, such as employee ownership, cooperative enterprises, community wealth building and social enterprises. By anchoring investment, employment opportunities and economic benefits in local communities, these models can make the effects of economic decisions on different population groups more visible and give workers and communities greater influence over choices that affect them.

3.2. Strengthen democratic participation and resilience

Democratic participation strengthens resilience when it gives people real influence over decisions, implementation and follow-up. This requires a shift from ad hoc consultation towards more structured, continuous and accountable forms of participation. Under conditions of declining trust, polarisation and societal insecurity, public engagement needs to create visible links between people's contributions, policy choices and institutional responses. People should be enabled to help in identifying problems, setting priorities and shaping the questions that public institutions seek to address. Institutions that show how public input is used are more likely to sustain trust and demonstrate that democracy can respond to people's everyday concerns.

Communities, frontline service providers, civil society organisations and local authorities often identify emerging pressures before they become visible through formal monitoring systems. Mechanisms that systematically capture lived experience can provide early warning of social tensions and risks of exclusion. This allows public authorities to respond before problems become entrenched.

Democratic resilience also depends on maintaining the space for debate, disagreement and collective problem-solving. Independent media, civil society organisations, human rights defenders and local actors help societies navigate contested issues, counter information manipulation and sustain engagement during periods of uncertainty and disruption. Their role becomes particularly important when disinformation, harassment or shrinking civic space reduces people's ability to participate safely and meaningfully.

Participation mechanisms can broaden the range of experiences and perspectives that shape policy responses. Digital platforms may widen access, but meaningful participation also depends on trusted information ecosystems, pluralistic journalism, media literacy, civic education and local democratic infrastructures. Awareness of rights and remedies further strengthens people's ability to engage with public authorities and challenge decisions.

More permanent civic infrastructures can make public involvement a routine feature of governance, rather than a series of isolated exercises. Citizens' panels, youth assemblies, student parliaments and democracy labs can create spaces for deliberation, experimentation and collective problem-solving, especially when connected to decision-making and follow-up.

Local and regional authorities can reinforce these infrastructures by applying human rights standards systematically to public service delivery, urban planning and local decision-making. Human rights city frameworks provide a practical basis for connecting participation with access to housing, healthcare, education and public safety, while making local authorities more responsive and accountable to the communities they serve.

Participation can also help extend the time horizon of democratic decision-making. Approaches that engage young people or explicitly consider future generations can bring longer-term consequences into public debate and make the interests of those not yet fully represented more visible. This is particularly relevant where decisions on climate, technology, public investment or preparedness will determine the realisation of rights and opportunities over time.

Accessibility, representation and belonging provide the bases for meaningful participation. Digital divides, socioeconomic inequalities, communication barriers, citizenship, age, disability, poverty and limited resources continue to influence who participates and whose experiences shape public decisions. Closing these gaps is not only a matter of inclusion. It affects whether people see themselves as part of democratic life and whether democratic governance remains legitimate, responsive and resilient.

What this might look like in practice: democratic resilience stress tests

Democratic systems are assessed for fairness, legality and performance, but they are rarely tested for their capacity to withstand cumulative pressures before a crisis occurs. Democratic resilience stress tests are an emerging approach that seeks to address this gap.

Drawing on methods already used in areas such as financial stability, cybersecurity and civil protection, these exercises examine how democratic institutions would perform under strain. They explore the resilience of electoral administration, civic space, independent media, information environments and oversight mechanisms. Relevant pressures include disinformation campaigns, foreign interference, prolonged emergencies, technological disruption and declining public trust.

What distinguishes these approaches is their emphasis on anticipation, rather than crisis response. By identifying vulnerabilities before they become acute, stress tests can help institutions strengthen safeguards, improve preparedness and target capacity-building efforts.

3.3. Develop adaptive accountability systems

Accountability requires public authorities and other duty bearers to act in accordance with applicable legal obligations, explain and justify decisions affecting rights, and accept scrutiny and consequences where those obligations are not met. It depends on access to information, independent assessment, the ability of affected people to contest decisions and obtain an effective remedy, and the enforcement of findings or judgments.

Adaptive accountability does not replace these established features of legal accountability. It seeks to keep them effective as technologies, markets, public services and crisis response evolve, including by ensuring that emerging harms and implementation gaps are subject to timely review and that corrective action is taken.

Courts interpret and enforce legal obligations and provide remedies through established legal systems. National human rights institutions, ombudspersons, equality bodies, data protection authorities and other independent oversight bodies complement this judicial role by monitoring compliance, investigating concerns, issuing findings and supporting access to remedies within their respective mandates.

Their effectiveness depends on independence, adequate resources, technical expertise and access to relevant information. Where decisions are shaped by networks of public and private actors, accountability also requires responsibilities to be clearly allocated so that affected people know to whom they can put their case and where they can seek redress.

Accountability depends on institutions being able to access, interpret and act on robust and independent evidence about real-world impacts. Testing, auditing, monitoring and evaluation can help in identifying where systems fail, who is affected and whether harms are isolated or systemic.

Investigative journalists, civic watchdogs and civil society organisations can provide early warnings, document emerging harms and make impacts visible to the public and oversight bodies. Such evidence can inform regulatory or judicial action, but it does not replace the independent legal assessment of whether an obligation has been breached and what remedy or consequence should follow.

Independent verification is particularly important when automated systems are used to monitor or assess other automated systems. Without diverse expertise and institutional scrutiny, assumptions or model architectures may reproduce blind spots or discriminatory biases and create false confidence.

Stronger links between research, policymaking and oversight can support accountability by generating evidence on emerging risks and testing new approaches to safeguards. Strategic

litigation complements monitoring and oversight by bringing emerging rights questions before courts and testing regulatory assumptions in practice. This enables authoritative interpretation of legal obligations and, where a violation is established, access to judicial remedies. Judgments and regulatory findings can in turn reveal where implementation, safeguards or institutional practices need to change.

Accountability is not limited to responding after harm has become widespread. Where required or permitted by the applicable legal framework, independent audits, impact assessments, controlled testing and structured reviews can identify risks before systems or policy interventions are deployed at scale. These anticipatory mechanisms support accountability only when findings can be scrutinised, responsibilities are clear and identified problems lead to prevention, correction or enforcement. Accessible complaints mechanisms, independent review and effective remedies remain essential for translating rights into practice.

What this might look like in practice: adaptive oversight and accountability loops

Adaptive accountability depends on a clear sequence: evidence of harm or failure triggers independent scrutiny, findings lead to corrective action and subsequent monitoring checks whether the response has worked. Complaints, audits, oversight findings and litigation can all initiate this process.

This loop is especially important when automated systems are used, when public services are outsourced and when private actors influence public affairs without established systems of checks and balances. Clear mandates, accessible remedies and time-bound follow-up can help ensure that findings lead to changes in systems, safeguards or practices.

Independent monitoring of forced return operations provides one example, as evidence collected by FRA shows: independent monitoring mechanisms document rights risks and issue findings; access to operational information, follow-up by the responsible authorities and continued monitoring are needed to determine whether the shortcomings identified have been addressed.

3.4. Align innovation with fundamental rights

Rights-based innovation means integrating fundamental rights obligations into the design, development, deployment and review of digital technologies as technologies, markets and governance arrangements evolve. The Charter of Fundamental Rights and EU legislation on data protection, digital services, digital markets and AI have already established legal requirements and safeguards relevant to this process. The longer-term challenge is to ensure that these protections

remain effective as technologies, uses and business models change. Integrating rights from the outset can help ensure that innovation supports rights protection, democratic accountability and environmental sustainability, rather than treating these considerations as constraints to be addressed after deployment.

Digital innovation can create new opportunities to exercise rights and participate in society. Accessible public services, assistive technologies, personalised healthcare and adaptive learning systems can remove barriers to participation. Whether these opportunities materialise depends on whether technologies are accessible, reliable and underpinned by robust data and safeguards that allow people to understand, challenge and seek remedy for technology-mediated decisions that are harmful or unlawful.

Human-rights-based standards, certification systems and participatory design approaches can help translate legal obligations into practical governance and design choices, as FRA has noted. Involving civil society organisations, human rights bodies, affected communities, researchers and fundamental rights experts in these processes supports the early identification of risks, exclusionary effects and unintended consequences, before technologies are deployed.

Rights-based innovation also means designing technologies around people's needs, abilities and rights, rather than requiring people to adapt to technological systems. Accessibility, human agency and contestability can be built into technologies from the earliest stages of development. This can help ensure that innovation strengthens inclusion and respects rights in practice.

Controlled testing environments, regulatory sandboxes and systematic assessment mechanisms can provide evidence about how technologies, including high-risk AI systems, operate in practice. Such approaches can support assessment before and after deployment, helping to identify where systems fail, who is affected and how safeguards may need to be adapted. Under the AI Act, requirements applying to high-risk AI systems already form part of the EU legal framework.

Periodic stress testing can help in assessing whether legal and policy safeguards remain effective as technologies, uses and markets evolve. This is relevant to developments in AI, biometric and immersive technologies, AI-enabled health technologies, neurotechnology and advanced human–machine interfaces, as well as to new applications in education, employment, justice, public administration and security. These approaches can also test whether emerging technologies that aim to address societal needs remain aligned with fundamental rights as they move from experimental settings towards wider use.

At the same time, technological innovation can raise questions that existing legal frameworks were not designed to address directly. Technologies that record, infer or influence physiological, behavioural, emotional or neural activity may challenge established understandings of mental privacy, psychological integrity, autonomy, freedom of thought, non-discrimination and human dignity. This underlines the importance of governance approaches that can identify novel rights questions early while maintaining legal certainty.For example, independent multidisciplinary review mechanisms bringing together scientific, technical and human rights expertise, civil society organisations and affected groups could periodically assess emerging technologies and flag

novel rights questions before their use becomes widespread.

Businesses and industry also have a role to play in rights-based innovation, because they design, develop, supply and operate many of the technologies used by public authorities, employers, service providers and individuals. Their responsibilities arise from applicable regulations and, where relevant, human rights and environmental due diligence requirements.

Where public authorities procure or rely on privately developed systems, contractual arrangements should not obscure responsibility for ensuring legality, oversight, access to information and effective remedies. Clear allocation of responsibilities among developers, providers, deployers and public authorities is needed throughout the technology life cycle.

Rights-based innovation also requires attention to the environmental footprint of digital transformation. Life-cycle approaches, environmental impact assessments and circular economy principles can help in assessing energy and water use, resource extraction, electronic waste concerns and supply-chain impacts. Decisions concerning data infrastructures, computing capacity, energy consumption and critical raw materials influence how the environmental benefits, costs and risks of digital transformation are distributed across societies and generations. Safeguards should also consider whether environmental or human rights harms are shifted to communities or jurisdictions outside the EU.

The growing use of biometric technologies, predictive tools and AI-enabled systems reinforces the importance of oversight that combines technical, legal and institutional expertise. Independent scrutiny and specialised expertise can help in identifying emerging impacts, assessing compliance and maintaining public trust as technologies evolve. As technological development accelerates, institutions should assess not only whether innovations are safe and effective but also how they affect people, public services, democratic participation and rights over time.

What this might look like in practice: rights-based testing and independent assessment

Rights-based innovation can be supported through controlled testing environments, regulatory sandboxes and independent assessment processes that examine the real-world performance and harms of high-risk technologies before and after deployment. Such approaches can enable regulators, accredited researchers, human rights bodies and civil society organisations to assess systems under realistic conditions, identify where they fail, who is affected and how safeguards may need to be adapted.

Independent impact panels that bring together scientists, businesses, human rights experts, civil society organisations and affected groups can also help integrate rights considerations into research, innovation and standard-setting processes. These mechanisms are particularly relevant for technologies that raise novel rights questions, including AI-enabled systems, biometric tools,

neurotechnology and technologies used in education, healthcare, justice, public administration or security contexts. They can also support closer attention to children's rights in relation to online safety, age verification, recommender systems, data protection and AI in education, as well as in emerging debates on mental privacy, cognitive liberty and psychological integrity.

3.5. Ensure a fair and inclusive environmental transition

A rights-based response to the triple planetary crisis requires measures for climate mitigation and adaptation and biodiversity protection to comply with existing fundamental rights and human rights obligations. These measures can help safeguard rights against environmental harm, but they can also affect the protection of rights through changes to housing, energy, transport, employment, land use and access to essential services. A fair and inclusive transition requires their benefits, costs and risks to be distributed without deepening existing inequalities or placing disproportionate burdens on people already facing disadvantage.

Climate action is more likely to be effective and trusted when people affected by environmental degradation or transition measures can influence their design and implementation. Impact assessments, participatory processes and involving affected communities can help make uneven impacts across groups visible and align environmental objectives with equality, social protection and public trust. Meaningful participation can improve the quality and durability of climate action. This applies particularly to measures that affect housing, energy, transport, employment or access to essential services.

Access to justice is a cornerstone of environmental law and governance. Effective implementation depends not only on legal obligations but also on the ability to monitor compliance, identify implementation gaps, challenge harmful decisions and obtain redress when protections fail.

Environmental defenders, civil society organisations, independent journalists and legal support structures play an important role in documenting harm, supporting affected communities and contributing to environmental governance.This requires an enabling environment in which these actors can work independently and safely, free from intimidation, harassment and reprisals, with access to environmental information, decision-making, legal support and effective remedies.

Climate action, biodiversity protection and environmental restoration can generate significant benefits, but they can also create uneven impacts across regions, economic sectors and communities. Just transition measures can help distribute costs and benefits more fairly through social protection, targeted investment, reskilling, economic diversification and support for workers and communities affected by transition pressures. Such measures can strengthen public support for environmental action while reducing the risk that climate policies will deepen existing inequalities.

Environmental stewardship also requires institutions capable of considering long-term ecological interests alongside immediate political and economic priorities. Climate and nature compatibility checks, future-oriented impact assessments and other forward-looking approaches can help make cumulative risks and long-term consequences visible before decisions are locked in. Such approaches can strengthen accountability for future impacts and support decision-making that remains consistent with ecological limits and intergenerational fairness.

Various legal and institutional arrangements can make long-term and ecological interests more visible in decision-making. These include bodies with mandates concerning future generations, requirements to assess long-term impacts, and arrangements through which affected communities or qualified organisations can raise environmental concerns before administrative or judicial bodies. Some legal systems also provide forms of representation or legal standing for particular natural entities. These approaches have different legal foundations and effects and should be considered alongside the enforcement of existing environmental and human rights obligations, rather than as substitutes for them.

What this might look like in practice: future generations and environmental justice mechanisms

Legal and institutional innovation may also involve frameworks that allow ecosystems or natural entities to be represented in judicial or administrative processes. This can include legal personhood, guardianship or representation models, supported by specialised judicial mechanisms, environmental defenders and stronger monitoring of environmental compliance. These approaches can help in identifying implementation gaps and can support more effective remedies for affected communities, ecosystems and future generations.

The recognition of the legal personhood of the Mar Menor lagoon illustrates one way in which ecological interests can be made visible within legal systems. Other models use guardians, commissioners or dedicated institutions to represent future generations and review legislation, public investment and environmental policy from a longer-term perspective. Although such approaches differ, they share a common aim: making long-term ecological and intergenerational interests more visible in institutional decision-making.

3.6. Prepare societies for disruption and change

Protecting rights under conditions of uncertainty requires institutions and societies that can anticipate risks, absorb shocks and adapt without weakening safeguards. Preparedness is broader than crisis management; it concerns the capacity to maintain essential functions and

protect people when disruption occurs, while continuing to comply with applicable legal obligations.

Solidarity mechanisms and universal basic services are also central to social resilience and to protecting rights during major transitions and crises. Predictable support for regions, sectors and communities affected by major transitions or crises can reduce inequalities and prevent exclusion. Access to healthcare, education, housing, childcare and social protection provides stability during periods of change. Lifelong learning and reskilling help people adapt to evolving societal pressures.

Forward-looking planning can help institutions anticipate how risks may evolve and where vulnerabilities may accumulate. Early warning systems, contingency planning, horizon scanning and scenario-based stress testing can support more coherent responses to complex and cascading risks, including where climate, digital, economic and security pressures interact. Their value depends on whether they are connected to decision-making, resource allocation, implementation and review, rather than remaining isolated planning exercises.

Fundamental rights impact assessments can complement these approaches by identifying the applicable obligations, the rights and groups potentially affected and the safeguards required. Scenario-based stress testing can then examine whether those safeguards, oversight arrangements and remedies would remain effective under different forms of disruption.

Preparedness requires cooperation among public authorities, emergency and security services, infrastructure operators, service providers, private actors and affected communities. To support effective and accountable responses, this cooperation should incorporate and maintain clear mandates, identifiable responsibility and accessible avenues for review and redress.

Security-related preparedness is part of this wider agenda. A rights-based approach to disruption needs to consider how cyberattacks, hybrid threats, organised crime, hostile foreign interference, pressures on borders and risks to critical infrastructure may affect rights, institutions and communities. The question is not only how to respond quickly but also how to ensure that security-related measures remain lawful, accountable and subject to democratic control.

Preparedness operates within national, EU and international legal frameworks. These frameworks regulate emergency powers, surveillance, border management measures, law enforcement action, intelligence cooperation and other forms of rapid public intervention. Measures that affect rights must remain lawful, necessary, proportionate and open to challenge.

Courts enforce applicable legal obligations and provide judicial remedies. Parliamentary scrutiny and independent bodies with relevant mandates can review the use of public powers, monitor impacts and investigate concerns. These safeguards are particularly important when emergency measures risk becoming normalised or when the effects of disruption and response measures are distributed unequally.

Responding to crises is only one aspect of preparedness. Institutions also need to learn from experience, monitor implementation and adjust safeguards as risks, evidence and impacts evolve.

Scientific and technical evidence, operational experience, judicial rulings, findings by competent oversight bodies and evidence from affected communities can all inform this process.

These sources of evidence and expertise perform different functions: courts authoritatively interpret and enforce legal obligations; oversight bodies act within their mandates; operational actors contribute practical experience; and affected communities provide evidence about impacts. Learning from these sources can improve preparedness, but any adjustment of safeguards must remain consistent with applicable legal obligations.

What this might look like in practice: rights-based preparedness and adaptive governance

Strategic foresight helps public bodies make more robust decisions under uncertainty. It does not predict the future. Instead, it examines how different developments may interact, tests the assumptions on which policies depend and identifies emerging risks, impacts on people and governance gaps before they become entrenched. Through horizon scanning, scenario building and stress testing, foresight can reveal which safeguards remain effective in different futures, where adaptation may be needed and which measures constitute prudent action despite uncertainty.

To support institutional learning, reviews of findings need to feed back into policy revision. This can include continuous fundamental and human rights impact assessments across policy cycles, systematic follow-up of judicial and oversight findings, stakeholder input and transparent monitoring of implementation. Open scoreboards tracking implementation of the Charter of Fundamental Rights can support comparison, course correction and accountability across the EU and help in identifying emerging gaps over time.

Coordination among courts, national human rights institutions, specialised oversight bodies, civil society organisations, EU institutions and international human rights systems can help connect lived experience, local knowledge and specialised expertise. This could make anticipatory governance more participatory and better able to keep safeguards effective as risks, evidence and conditions evolve.

Conclusion: shaping the future through fundamental rights

The vision of Europe explored in this report is not defined by one single transformation. It is shaped by the interaction of technological change, ecological limits, economic restructuring, strains on democracy and pressures linked to security, disruption and preparedness. Many of these developments are already visible.

What remains uncertain is their scale, direction and interaction in the period to 2040. Developments could expand access, participation and opportunity, but they could also create new dependencies, unequal burdens and accountability gaps. The central challenge for 2040 is not only whether Europe can adapt to change but whether it can do so in ways that keep people's rights, agency and access to remedy meaningful in practice.

Rights protection will increasingly depend on how institutions govern complexity: whether environmental and economic transitions distribute costs and benefits fairly, whether democratic participation meets people's expectations of having real influence, whether automated systems can be understood and challenged, whether crisis preparedness strengthens resilience without normalising exceptional measures and whether safeguards can be reviewed and adjusted as risks, evidence and impacts evolve. It will also depend on whether the rights enshrined in law today remain protected and enforced, and whether legal and institutional frameworks keep pace with changing conditions without weakening existing safeguards.

Fundamental rights law provides a binding framework for making choices under uncertainty. It helps identify who may be affected, whose voices are missing, where power is unchecked, where remedies are weak and where short-term decisions may create long-term harm. It also makes visible the institutional conditions needed to keep rights effective in practice, including transparency, participation, independent scrutiny, accountability and effective access to justice.

The pathways set out in this report reinforce one another. Rights-based decision-making, meaningful participation, adaptive accountability, rights-aligned innovation, a fair environmental transition and preparedness for disruption all point in the same direction: towards governance that is more anticipatory, participatory and accountable.

The examples presented in the boxes illustrate different ways of putting this into practice. They include established legal and governance mechanisms – such as rights impact assessments and requirements regarding judicial and independent oversight and review – and more exploratory approaches, such as democratic resilience stress tests and institutional arrangements for considering future generations.

For policymakers, the findings suggest that long-term thinking should be connected more directly to legal obligations, implementation enforcement and accountability. For human rights actors, they underline the importance of engaging with the systems that will shape how rights are

exercised in practice: digital infrastructures, public finance, environmental governance, labour markets, democratic systems and crisis preparedness. For foresight practitioners, the findings show that futures work can become more robust when it asks not only what may change but who may be affected, which rights and legal safeguards may come under pressure and how rights can remain protected and enforceable over time.

Looking ahead does not remove uncertainty. It does, however, make it possible to test assumptions, anticipate tensions and identify choices that might otherwise remain invisible until harms are already entrenched. In this sense, fundamental rights are not only protections to be defended in times of change. They are also a way of shaping change, by keeping human dignity, equality, accountability and access to justice at the centre of decisions about Europe's future.