

CHAIR'S STATEMENT

The EU Agency for Fundamental Rights' 2018 Fundamental Rights Forum brought together more than 700 human rights champions at a time of widening social divisions and increasingly polarised politics across Europe.

The climate has worsened since the previous Forum in 2016. Today we see not only human rights violations, but the rejection of human rights protection systems as a whole. Some of those in high office are taking it upon themselves to choose which human beings are deserving of human rights and which are not. Vital components of rights-respecting societies have been attacked. Since 2017, we have witnessed within the EU the murders of brave investigative journalists. In several parts of Europe, civil society is denied the funds and legal protections needed to operate freely and independently. Politicians, even from mainstream parties, have attacked the legitimacy of the justice system and reduced the meaning of democracy to majority voting. We have each looked in the mirror and questioned how we ourselves are working.

The 2018 Forum focused on ways to address these issues, recognising that human rights are an essential inheritance relevant to all – not just those on society's margins. This statement encapsulates some of the Forum's calls to action, which could make a tangible difference if policy and decision makers would commit to follow them.

Forum participants contributed diverse experiences to articulate an inclusive, pluralistic vision for Europe's future, where belonging is freely defined and where fundamental and human rights make that vision a reality at the most local level. Participants called for more scrupulous implementation of the EU Charter of Fundamental Rights and the Council of Europe human rights standards that are binding for all EU Member States and a prerequisite for mutual trust across Europe. Equally, using the Sustainable Development Goals could transform societies, including those of the EU, to better protect human rights.

Many at the Forum spoke from personal experience about the need to foster the inclusion of those vulnerable to discrimination. That means intensifying the fight against racism, hate crime and hate speech, while respecting freedom of expression. Respect for human rights must be expected of everyone, irrespective of cultural or religious belief.

Others demonstrated how human rights discourses can more effectively engage with the general public's fears, uncertainties and discontent. To that end, they explored the potential of the new European Pillar of Social Rights and its focus on gender equality, youth empowerment and fairer working conditions in a context of rising economic inequality and reduced social protection.

Note: This Chair's Statement seeks to capture the spirit of the Forum and outlines a selection of calls to action that were voiced, mostly but not exclusively in the five main Working Groups. It is, however, not a negotiated and agreed text, and in no way commits any of the participants. For more information about the Forum's outputs, and the discussions in its other open sessions, please see the Forum's website at <http://fundamentalrightsforum.eu/>.

Gender equality was a cross-cutting theme throughout the Forum. FRA repeated its call for the EU to ratify the Istanbul Convention – the Council of Europe Convention on preventing and combating violence against women and domestic violence – and to step up measures to fight the violence endured by millions of women and girls every day.

The unprecedented pace of technological change and its enormous social impact was debated across the Forum. New technologies unlock enormous potential, providing possible solutions to many of Europe's fundamental rights challenges. Tools, for example, to improve dialogue with newcomers and their integration, to make access to justice faster and more affordable, or to customise public services to better meet individual needs. New technologies, however, naturally cause anxiety. They must have respect for fundamental rights built into them early on, and their evolving effect on rights and responsibilities needs to be properly evaluated and regulated.

Another clear message was the need to communicate human rights' relevance more effectively and positively to the general public, as well as to make remedies for rights violations more accessible for everyone. States themselves have a responsibility to become human rights champions, and all those who champion human rights have the responsibility to do more listening. Only then will we move from fragile ground to common ground.

The 2018 Forum built on the dynamic work undertaken at all levels since the first Forum gathered in 2016, from refugee arrival in hotspots to the highest legislative bodies. Once again, this unique event stimulated frank dialogue between EU and national decision makers, interest groups, practitioners from a variety of disciplines, youth and individuals of diverse views, mandates and specialisms, including those who rarely engage with each other elsewhere. It has helped them identify actions that can make fundamental rights a more widely shared reality for everyone in the EU. It has encouraged solidarity and active partnership, and galvanised those entrusted with power or responsibilities to each play their part.

Boosting trust in institutions – a critical dialogue

The Eurobarometer survey shows that, despite small improvements over the past few years, only a minority of Europeans trust national governments, parliaments or the European Union. The Forum's discussions, which paid particular attention to young people's confidence in institutions, were framed by the six dimensions of trust in government identified by the OECD – reliability, responsiveness, openness, better regulation, integrity and fairness, and inclusive policymaking. Ahead of the European Parliament elections in May 2019, it is high time to focus on drivers towards trust in public authorities, such as increasing public consultation, fighting corruption, upholding the rule of law and improving social service delivery.

Calls to action

- EU institutions can win back public trust, by: explaining their human rights obligations and successes more clearly to their citizens; genuinely listening to citizens' concerns; and replacing divisive 'identity-based' politics with inclusive 'value-based' politics.
- The EU institutions and Member States, working at every level, should make every effort to give life to the EU Charter of Fundamental Rights by raising awareness of its potential and promoting its use.
- The next EU budget must become a tool to protect, develop and empower people, enabling better life prospects for everybody in the EU according to the values set out in our treaties.
- EU Member States should critically examine the relationship between their own policy performance and service delivery and their citizens' level of trust. Improved public service delivery to citizens can contribute significantly to building trust. Member States can take inspiration from relevant initiatives, such as the German 115 hotline that allows citizens, businesses and public administration officials to directly connect to the public service they need, regardless of government level.
- In parallel, EU Member States should consider if and to what extent their current practices of public consultation, as well as policing or surveillance, inspire public trust, especially among young people who should be supported to participate more actively in the public sphere. Wherever possible, the principles of early-stage 'co-design' of policies should replace end-stage 'consultation'. Security-driven policies should be no exception.
- The EU's 'better regulation' agenda aims to design and evaluate EU law and policies transparently, with evidence, and backed up by citizens' and stakeholders' input. Member States should consider adopting the EU's 'fitness check' model, which periodically examines effectiveness, efficiency, relevance, coherence and the added value of acting at the appropriate government level. This can support them in identifying how laws, policies and measures interact, any inconsistencies or synergies, and their collective impact.
- Governments and politicians should be vocal in defending the independence of the judiciary, the freedom of the media and other cornerstones of democracy and the human rights framework, especially

when these are under attack. They need to join us in learning new, more inspiring ways to speak with people through non-traditional channels and using more relevant messengers. Governments need to harness new forms of civic expression to reinvigorate democracy.

- Evidence of the judiciary's integrity and probity will increase people's trust. EU Member States must combat judicial corruption, both with preventive measures, and transparent and effective investigations. Failing trust in the judiciary is sometimes used as an argument for its radical transformation into a dependent arm of the executive, under the guise of 'modernisation'. The EU should refute this approach and ensure that Member States address any problems at an early stage, applying the relevant Council of Europe mechanisms.
- More broadly, corruption fatally undermines confidence in public institutions and can violate fundamental rights. The EU should ensure that the European Public Prosecutors Office (EPPO) mandated to investigate, prosecute and bring to judgment fraud and corruption is fully functioning as soon as possible. This will assist Member States to fight corruption. The EU could also consider becoming party to Council of Europe anti-corruption conventions.
- The EU and its Member States should seek independent examination of their transparency and public information standards, as well as their scrutiny and accountability mechanisms, beyond the requirements of the Council of Europe Criminal Law Convention on Corruption. Member States should fully implement the recommendations of the Council of Europe Group of States against Corruption (GRECO) on transparency of political financing and on prevention of corruption in the executive, judiciary and parliaments.
- EU, national and especially local governments struggled over the past years to deal with the arrival of people seeking international protection. This eroded public confidence in governments, institutions and human rights law. Authorities need to both prepare greater capacity to accommodate and process those arriving today or in the future, and greater capacity to communicate with the public during any crisis. The EU should play a leading role in this, to counter the narratives of those who advocate closing internal or external EU borders.
- The new General Data Protection Regulation gives people a right to meaningful information about the underlying logic of automated decisions. Businesses and public authorities should thoroughly assess how artificial intelligence (AI) and algorithms are affecting, or could potentially affect, the enjoyment of fundamental rights, including but not limited to safeguards guaranteeing non-discrimination.

FRA commits to:

- ◆ continue working with the Council of Europe, its strong ally and partner. Our cooperation will become even stronger in these hard times for human rights, through new joint endeavours.
- ◆ continue delivering robust data, which show the effect of fundamental rights violations on trust in public institutions among the general population, including women and men with migrant and ethnic minority background.
- ◆ continue advising the EU and national governments on how to implement rights more effectively and visibly.

Turning up the volume: no voice unheard!

Participants discussed how public institutions and civil society, including arts and human rights groups, can amplify the voices of those most excluded and marginalised, giving them a real say in improving their own lives. Participants showcased examples where arts and human rights 'self-advocacy' brought attention to specific issues, shifted public perception, improved implementation of laws and policies or influenced policymakers. The Forum explored the potential of various strategies, such as peer-to-peer support, participation initiatives, strategic litigation and online vlogging, for empowering rights holders and helping to effect systemic change.

Calls to action

- The EU and its Member States should ensure that national human rights institutions, equality bodies and Ombuds institutions are properly mandated and resourced to provide assistance and information, ensure access to justice, monitor and report human rights abuses, collect and publish data, provide recommendations and contribute to building a human rights culture in society. Their independence must be protected.
- National human rights institutions, equality bodies and Ombuds institutions should always consider the intersection of gender and age with other protected characteristics, such as ethnicity, religion or sexual orientation, in order to deal more effectively with multiple and intersectional discrimination. Policy responses and outreach activities must likewise respect the multiple and intersecting identities of each human being.
- Civil society organisations play a critical role in promoting fundamental rights, as well as combatting racism, xenophobia and related intolerances. The EU and its Member States should ensure that civil society organisations, including women's and youth organisations, are fairly regulated, adequately funded and that their space to work is protected and supported politically.
- The EU, national, regional and local governments should consider means of supporting grassroots organisations more effectively. This may include: more binding local public consultation that engages directly with communities of rights holders; resources for strategic litigation brought by grassroots rights activists, but also for wider advocacy campaigns that should surround any such legal action; reaching out to businesses to support the human rights interests that they share with civil society; resources for rights holders to co-mentor one another and to tackle questions of inclusion with locally tailored solutions.
- Faith communities and religious organisations alongside other civil society actors provide valuable humanitarian assistance to people coming to the EU seeking international protection. Combining their efforts and giving these efforts a higher public profile can strengthen public support for human rights compliant state responses. It can also improve the treatment of those awaiting the outcomes of asylum determination procedures.
- Listening is as important as advocating. Certain formats modelled at the Forum, where rights holders belonging to minorities were given the space to speak about rights issues among themselves, without mediation or filters, should be implemented

in other public fora. Relevant rights holders also need to be more significantly represented on boards of trustees and in newsrooms.

- Arts can be a catalyst for the fulfilment of human rights, sensitising the public to human rights issues and conveying messages that amplify the voices of those who have suffered human rights violations. Freedom of expression, including provocative artistic expression, must therefore be stridently protected in every Member State.
- Acknowledging the increasing importance of online media, further consideration should be given to their role and responsibility as many people's primary source of news and information. Major search engines should consider enhancing the potential of their algorithms to pro-actively offer greater diversity of opinion and information to browsers.

FRA commits to:

- ◆ use its convening power to strengthen the dialogue with human rights institutions and bodies, as well as with civil society actors, through its Fundamental Rights Platform and other means, in order to exchange national experiences and promising practices across the EU.
- ◆ engage with the pressing issues of how the increasing use of big data, artificial intelligence and algorithms may affect the diversity of public discourse and related fundamental rights, such as freedom of thought and expression.
- ◆ apply its "[10 keys to effectively communicating human rights](#)" and give its messages an authentic voice, by choosing messengers – such as rights holders or relatable public personalities – to speak in their own words directly to those who relate to them and in their language.

Local action as a driver of human rights and belonging

The Forum exchanged experiences of engaging with human rights at the local level, for example, when local authorities empower young people, assist with poverty and homelessness, remove people with disabilities from institutions, provide support to older people or deal with the reception and integration of migrants and refugees. It was recognised that there is a wide diversity of governmental models, and some do not promote local solutions as much as others. Most cities and local authorities are, nonetheless, able to make important symbolic and practical contributions to the respect and protection of human rights. Looking to the future, participants discussed ways of improving urban space, for example through universal design and intercultural elements to foster a sense of belonging among all residents.

Call to action

- National governments should provide relevant and timely information to all local authorities on their human rights obligations. For example, they can support initiatives, such as the European Charter for the Safeguarding of Human Rights in the City; involve local authorities in their reporting to human rights treaty bodies and the Universal Periodic Review; and then engage them in planning how to implement their recommendations on the ground.
- Adequate funding must match the duties placed on local authorities to fulfil human and fundamental rights.
- National governments should involve local authorities when developing human rights action plans or related policy initiatives, building on lessons learned from the EU's Urban Agenda. At the same time, the human rights dimension should be mainstreamed across important EU level initiatives, such as Smart Cities or Cities of Culture, as a catalyst for growth and development.
- Human rights should be embedded in local planning by design. Local authorities should invite human rights actors, civil society, especially grassroots organisations, as well as residents, to work with design and planning experts to shape a sustainable and inclusive future for their cities. This is based on the principle 'nothing about us without us'.
- Local authorities can also improve how human rights violations are addressed. Establishing local, independent complaints mechanisms can improve their residents' access to an effective remedy, enhancing community cohesion and trust in public authorities and institutions.
- States should increase the availability of training on applying human rights and non-discrimination obligations for public service professionals, such as healthcare and social workers, and related volunteers. Funds should be made available for community liaison officers, social workers or other mediators to facilitate access to public services for those who may be unaware of their rights and entitlements, especially marginalised groups such as Roma or older people.
- Local authorities, which are responsible for social housing, should ensure that persons in situations of vulnerability have access to affordable housing of sufficient quality. They should make every effort to avoid residential concentration of those with minority ethnic origin as this can lead to phenomena of 'de facto' segregation (e.g. in schools). They should use housing and urban planning to

foster inclusion, through meaningful and gender-sensitive engagement with human rights experts, urban planners and architects, as well as residents and users of public spaces, and without stigmatising vulnerable groups.

- Local authorities are best placed to facilitate the integration of migrants and refugees. The EU, OSCE/ODIHR and the OECD have developed many tools that are already available to assist them. Since integration is a ‘two-way street’, they should work with migrant representative organisations, civil society actors, educational establishments and local business to explore what works best for integration in local educational settings and local labour markets.
- Local authorities collect a range of personal data and are responsible for its use. While open data access is an important new technological development, local authorities should promote its responsible use in full respect of their obligations to respect privacy and protect personal data, especially as regards children.

FRA commits to:

- ◆ continue working at local level, developing and testing consensus building and participatory methods that reach out and engage those civil society actors, individuals and communities that are traditionally excluded.

Social rights to secure equal opportunities and fair working conditions

Robust implementation of social rights identified in international and European human rights instruments is a major part of the answer to public scepticism about human rights. Participants explored how the EU's new Social Rights Pillar can improve the implementation of socio-economic rights upholding the principle of equal opportunities, as well as meeting basic needs. The role of social rights was championed in building a more sustainable economic future, as outlined in the Social Development Goals. There are dramatic changes in the nature of work, with rising rates of teleworking, self-employment, contractual insecurity, and the prospect of artificial intelligence and automation replacing many current jobs. Many Forum debates questioned whether all these challenges can be met by existing human rights instruments..

Calls to action

- EU institutions and Member States should now give life to the rights and principles enshrined in the EU Charter of Fundamental Rights and the European Pillar of Social Rights through concrete legislative and policy initiatives. In doing so, Europe would show that it is making progress on its pledge to Agenda 2030 to “leave no one behind”. This includes ensuring that social and economic rights are appropriately addressed in the European Semester which examines and proposes recommendations for national budgets.
- More than half of the EU's budget is invested through Europe's Structural and Investment Funds. The European Commission's proposal for enabling conditions to ensure the respect of fundamental rights in the disbursement of these public funds is welcomed. It could be further strengthened by adopting mechanisms that increase transparency and accountability. Adequately resourced, national human rights mechanisms and structures, as well as civil society organisations, should play a key role in ensuring that taxpayers' money is used in human rights compliant ways.
- The EU and its Member States should consider the measures recommended by the UN Independent Expert on foreign debt and human rights, to ensure that public spending fulfils human rights obligations. This includes better regulation of financial markets, safeguarding sufficient workforce bargaining power, reliance more on direct than indirect taxes and fighting tax evasion.
- EU accession to the European Social Charter would facilitate the implementation of the European Pillar of Social Rights. It would allow the EU to take full part in this collective international guarantee for the protection of economic and social rights. The EU should incorporate Council of Europe assessments concerning the respect of Member States' obligations under the European Social Charter into their progress assessments of implementing the EU's Pillar of Social Rights.
- The EU and its Member States have a legal and moral duty to reduce the high proportion of children living in or at risk of poverty, often in conditions of severe material and housing deprivation, across the EU. In this regard, EU institutions and Member States should consider the establishment of

schemes, such as the Child Guarantee, which the European Parliament is currently examining. They should also strengthen the Youth Guarantee Scheme and ensure that all young people benefit without any discrimination, as poverty and unemployment continue to affect young people disproportionately in many Member States.

- To strengthen young people's engagement in promoting fundamental rights, EU Member States should consider recognising the right of national civil society organisations, including youth organisations, to lodge complaints before the European Committee of Social Rights.
- FRA provided evidence of severe labour exploitation which affects both EU citizens and migrant workers. The EU and national governments should define in law what constitutes exploitative labour conditions. With the support of the future European Labour Authority, they should ensure that workplace inspections detect criminal forms of labour exploitation. To achieve this, Member States should provide more training to labour inspectors and significantly increase their number. In addition, public authorities should raise awareness about severe labour exploitation among social partners and the general public, and encourage them to report such cases.
- The European Commission proposed in March 2018 a Council Recommendation on access to social protection for workers and the self-employed, which should be adopted and implemented without delay. The recommendation is crucial for promoting sustainable growth and for providing effective social protection for a diverse range of employment and contracts forms, such as on-demand work, voucher-based work, intermittent work, self-employment or platform work. The proposal is in line with the EU's Pillar of Social Rights, which states that "regardless of type and duration of employment relationship, workers, and, under comparable conditions, the self-employed have the right to adequate social protection".

FRA commits to:

- ◆ continue raising awareness and reporting on the enjoyment of social and economic rights, especially for those vulnerable to exclusion, marginalisation and exploitation, in particular children and young people, and to assist public authorities to improve the fulfilment of social and economic rights.
- ◆ assist, when requested, EU Member States implementing European Structural and Investment Funds to fulfil enabling conditions relevant to fundamental rights. FRA also offers to assist national human rights bodies in exercising oversight duties regarding the disbursement of European Structural and Investment Funds.
- ◆ be a vocal champion in the EU of the human rights dimensions of the Sustainable Development Goals, including by exploring how new technologies may support achieve these goals

Strengthening belonging through inclusive education and employment

Participants shared their understanding of how education can promote citizenship, human rights and common values to foster more inclusive societies. Learning institutions should be an integral part of local communities, engaging actively with civil society and business. In parallel, participants exchanged experiences of employment practises that promote diversity, including how best to reinforce and implement anti-discrimination laws. They identified ways to more effectively interlace education sectors and job markets to promote diversity and achieve inclusion.

Calls to action

- Governments should ensure that, across all levels of education, children and young people are taught about their democracies, their rights and corresponding responsibilities. They should use methodologies of active learning and pupil participation, recognising many young people's own feelings of injustice. New technology can also be leveraged to expand human rights education and reach many more students directly.
- Inclusive education prepares young people for living in an inclusive, diverse society. Member States should ensure that:
 - educational systems foster the talents of all learners, enhance respect for gender equality and show zero tolerance for racism and violence, including gender-based violence;
 - educational facilities are designed and equipped through universal design so that people with disabilities can study in all educational settings together with their peers;
 - educational curricula allow children and young people to practice freedom of expression and open, critical thinking;
 - minorities are included in mixed classes, including through measures to counter the effects of residential concentrations;
 - all educational settings respect the sexual orientation or gender identity of both students and staff.
- To tackle discrimination and violence against women and girls in all areas of life, including educational and work settings, EU Member States should review their legislation to ensure that it is in line with the Council of Europe's Istanbul Convention and the EU Victims' Directive. Both instruments have set new standards for responding to victims of gender-based violence. FRA reiterates its call on the EU to ratify the Istanbul Convention and to develop specific measures to implement it.
- A diverse workplace contributes to greater innovation and better organisational performance. National and local public administrations should promote this diversity and, as a first priority, develop concrete action plans to realise it within their own workplaces.
- The European Commission's social dialogue with social partners should effectively address equal opportunities and non-discrimination.
- New technologies and 'blind' methodologies, such as anonymised applications, can help overcome biases in recruitment, especially at an initial stage. But

diversity and inclusivity in the workplace goes beyond recruitment. It involves retention and development policies, and working conditions that take full account of the needs and aspirations of diverse workforces. Using civic and social competencies, which the EU promotes through lifelong learning contributes in linking education and employment. Shared aims are key for these sectors to respond to the fast-changing nature of work, matching workers' skills with employers' needs.

- EU Member States should promote the replication of successful social enterprises, which are inclusive or facilitate access of marginalised minorities to the mainstream labour market.
- EU Member States should explore practical means of supporting and empowering older persons in the use of information and communications technologies, in order to ensure that they are not left behind and excluded from the benefits of new technologies.
- The ground-breaking EU Directive 2014/95/EU on the disclosure of non-financial and diversity information contributes to more transparency and accountability on a range of social issues, particularly gender equality. Member States should apply this directive more widely, including to small businesses and all levels of the public sector.
- Delivering policies for more inclusive education and employment requires collecting a wider range of equality and diversity-relevant data. Public authorities, social partners and equality bodies should make systematic efforts to collect data on diversity and equality in both education and employment.
- EU Member States should ensure the equal treatment and social inclusion of persons belonging to national minorities, as required by EU law and the Council of Europe Framework Convention for the Protection of National Minorities, as well as the European Charter for Regional or Minority Languages.
- The proliferation of hate speech can seriously undermine efforts for a more inclusive society. EU Member States should support civil society initiatives countering hate speech online and offline, especially those targeting children and young people.

FRA commits to:

- ◆ diversity within its own workforce and working partnerships.
- ◆ continue collecting and publishing robust and comparable data on minorities' experiences of discrimination and to continue working with the EU's High Level Group on non-discrimination to improve the availability of robust equality data across the European Union.

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Publications Office

ISBN: 978-92-9474-253-7
doi: 10.2811/441926