

The contribution of national fundamental rights bodies to the implementation of the Charter: challenges and opportunities

FRA submission to the 2026 European Commission
annual report on the application of the EU Charter of
Fundamental Rights

Introduction

The [European Union Agency for Fundamental Rights \(FRA\)](#) provides independent, evidence-based assistance and expertise to the European Union and its Member States where these act within the scope of EU law. It does this by collecting and analysing comparative, objective and reliable information and data and providing legal and policy analysis of the situation of fundamental rights across the EU.

Since 2010, the European Commission has published annual reports on the application of the EU Charter of Fundamental Rights. FRA contributes to these reports with evidence, analysis and observations on how the Charter is implemented in the Member States.

FRA welcomes the European Commission's decision to focus its 2026 report on the role of National Human Rights Institutions (NHRIs), Equality Bodies and Ombuds institutions in upholding and promoting the Charter. As FRA's evidence consistently shows, these national fundamental rights bodies play a pivotal role. Through their monitoring, reporting, and where applicable, advisory, complaint-handling and other functions, they facilitate the implementation of the Charter in practice. Their work makes them indispensable actors in ensuring that the Charter is not only referenced, but also effectively applied, with a positive impact in the Member States.

This contribution of FRA relies on evidence collected over the period 2020-2026 and is structured around the following topics, addressing key concerns of the European Commission:

1. Institutional setup, mandates of NHRIs, Equality Bodies and Ombuds institutions
2. The use of the Charter by NHRIs, Equality Bodies and Ombuds institutions and their role in its protection and promotion
3. The challenges faced by NHRIs, Equality Bodies and Ombuds institutions in fulfilling their mandates
4. Possibilities for the EU to better integrate NHRIs, Equality Bodies and Ombuds institutions into fundamental rights monitoring and enforcement

The submission concludes with some observations on how to unfold the potential of NHRIs, Equality Bodies and Ombuds institutions to promote respect for and the application of the Charter.

1. Institutional setup, mandates of NHRIs, Equality Bodies and Ombuds institutions

FRA has documented in a [comparative report from 2020](#) the extent to which the institutional setup and mandates of NHRIs, Equality Bodies, and Ombuds institutions (henceforth: national fundamental rights bodies)¹ vary across EU Member States. While such diversity responds to the specific constitutional systems and contexts in EU Member States, it risks resulting in uneven capacities to promote and protect fundamental rights across the EU. In turn, this may then lead to uneven access to protection for people living in the EU.

Regarding NHRIs, developments across the EU, as reported by FRA over the years and most [recently](#), point to a gradual strengthening of the overall picture, reflected in an increase in the number of institutions that are accredited as fully compliant with the Paris Principles. However, some Member States still lack an NHRI that fully meets these standards (Belgium, Czechia, Italy, Malta, Romania and Slovakia), and in one case (Hungary), the existing institution has been downgraded from A-status to B-status. Given the trend of an increased role of such bodies under EU law, this situation becomes a matter of relevance for the EU. In its 2020 [report which analysed data on the situation of NHRIs](#), FRA stressed that all EU Member States need an independent, effective, impactful and adequately resourced NHRI that complies with the Paris Principles to deliver and promote human and fundamental rights effectively.

Since 2020, important developments in EU law, such as the adoption of the directives on standards for Equality Bodies, have enhanced the EU dimension of the mandate and work of national Equality Bodies. Following the transposition of the two EU directives, structural changes have emerged that show the strengthening of some of these bodies in the EU. The establishment of new Equality Bodies (in Italy and Spain), the merging of municipal anti-discrimination services into one Equality Body in The Netherlands and the

¹ See further FRA [‘Strong and effective national human rights institutions – challenges, promising practices and opportunities’](#) (2020), FRA [‘Opinion 1/2021 – Equality in the EU 20 years on from the initial implementation of the equality directives’](#) (2021), FRA [‘NHRI Accreditation Status and Mandates – 2025 update’](#) (2025).

expansion of the mandates of these bodies in other Member States illustrate this trend.² At the same time, however, in some Member States, policy decisions have weakened these bodies, such as the 2025 Belgian federal government agreement on a 25% budget cut for the Equality Body UNIA.³ FRA therefore considers it important for the European Commission to take broader national developments affecting the Equality Bodies into account in monitoring the transposition of these directives and evaluating their impact. Such developments include the scope of their mandates, their funding and resources, and their situations against the background of the overall national protection system – especially in countries with several Equality Bodies and other national fundamental rights bodies.

Recent developments in EU law and policy making point to an increasing recognition of national fundamental rights bodies beyond the context of equality legislation. Bodies such as NHRIs are increasingly recognised as a potentially important actor for the implementation of EU law as for example [in the context of asylum](#) and [artificial intelligence](#) regulation. However, special attention should be paid to ensuring that sufficient resources are allocated for each new mandate and additional task given to these bodies, so that they can be implemented effectively and without undermining the work of the body that forms its core mandate. Moreover, EU Institutions and Member States should consult NHRIs, Equality Bodies and Ombuds institutions on any legislative or policy initiatives that concern them, including those relating to their mandates and budgets.

The EU Directives on Standards for Equality Bodies require Member States to establish procedures ensuring that these bodies are consulted on legislation, policies, procedures and programmes relating to the rights and obligations derived from the Directives.⁴ The Directives also grant Equality Bodies the right to request follow-up on their recommendations addressed to public authorities.⁵

By contrast, no similar procedural guarantees exist under EU law for NHRIs and Ombuds institutions. Evidence shows that there is no systematic involvement of NHRIs and

² FRANET, Country Research – National developments in combating discrimination, racism, hate speech and hate crime – law, policy and data (forthcoming).

³ FRANET, Country Research – National developments in combating discrimination, racism, hate speech and hate crime – law, policy and data (forthcoming).

⁴ See further Article 15 of Directives (EU) 2024/1499 and 2024/1500 on Standards for Equality Bodies and Directives 79/7/EEC, 2000/43/EC, 2000/78/EC, 2004/113/EC, 2006/54/EC and 2010/41/EU.

⁵ Article 15 of Directives (EU) 2024/1499 and 2024/1500 on Standards for Equality Bodies.

Ombuds institutions in the evaluation of laws from a fundamental rights perspective.⁶ As FRA documented in its 2025 report [Better legislation – Human rights impact assessments in lawmaking](#), in some EU Member States, NHRIs report that they are not consulted regularly on human rights impact assessments conducted in the course of policy and law making.

National fundamental rights bodies are generally mandated to issue recommendations to governments and other public authorities. However, State institutions and bodies are rarely bound by formal procedures to follow-up on recommendations issued by NHRIs and Ombuds institutions. Their recommendations may be ignored by the responsible authorities.⁷ Since Equality Bodies occupy a particular position within the EU fundamental rights architecture, they are currently the only independent fundamental rights institutions whose establishment and rights of participation are mandated under EU law.

National fundamental rights bodies should be ensured effective opportunities to contribute to parliamentary processes on laws and State actions which fall within the scope of EU law and have fundamental rights implications. Consideration should also be given to mechanisms enabling them to inquire about and request follow-up on their recommendations, taking into account their respective mandates and institutional roles, as well as lessons emerging from the implementation of the Directives on standards for Equality Bodies.⁸

Member States may involve NHRIs, Equality Bodies or Ombuds institutions in policy making through consultation and assessment of national action plans. In France, for instance, the NHRI is systematically consulted by the government regarding all action plans falling within its remit as an independent national rapporteur, and it submits an assessment of the implementation of the plans to the government.⁹

⁶ FRANET, Country Research – Mapping and analysis of national human rights structures in the EU – 2024.

⁷ FRANET, Country Research – Mapping and analysis of national human rights structures in the EU – 2024. Luxembourg and Denmark.

⁸ See also [CM/Rec\(2021\)1 - Recommendation of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions \(Adopted by the Committee of Ministers on 31 March 2021 at the 1400th meeting of the Ministers' Deputies\)](#).

⁹ FRANET, Country Research – Mapping and analysis of national human rights structures in the EU – 2024. France.

In its [Civic Space Update report published in March 2026](#), FRA also highlights how NHRIs and Ombuds institutions contribute to identifying the challenges civil society organisations face through monitoring civic space, reporting and developing tools and methodologies. These activities contribute to assessing the enabling environment for civic space and human rights defenders. Member States can use their data, observations and reports to foster an enabling environment for civic space, including civil society and national fundamental rights bodies. Similarly, given their specific mandate under EU law and their role in addressing discrimination and promoting equality, Equality Bodies contribute to the broader fundamental rights framework that underpins an enabling environment for civil society organisations working on equality issues.

2. The use of the Charter by NHRIs, Equality Bodies and Ombuds institutions and their role in its protection and promotion

NHRIs, Equality Bodies and Ombuds institutions use the Charter in a variety of ways, depending on their specific mandates and evolving practice. For example, national fundamental rights bodies with a complaint handling mandate may use the Charter when examining individual cases and where applicable, in semi-judicial and/or legal proceedings. Additionally, [as FRA has reported](#), some of these bodies cooperate with public authorities at the national, regional or local level to promote the application of the Charter, including when those authorities: a) draft legislation or policy initiatives or make use of EU Funds; b) design actions plans in an area that impacts fundamental rights; c) develop measures to raise awareness of fundamental rights. However, as regards the extent and frequency of these engagements, only around one third of the bodies that responded to a recent European Commission survey¹⁰ indicated that they use the Charter in these activities.

National fundamental rights bodies use the Charter not only in the context of performing their mandates, but also in the context of other initiatives. This is the case for instance when they establish platforms for peer exchange on the Charter, organise dedicated capacity-building (often in cooperation with FRA), or engage in EU legislative and policy processes to advance Charter implementation, [as FRA has reported](#).

When the consultation of these bodies is not based on a legal obligation, their possibilities to promote the Charter in the context of law and policy making remain limited. For instance, the systematic engagement of these bodies during the legislative process (e.g. in impact assessments) is uncommon – and so is their systematic consultation in the context of draft legislation. Nevertheless, there are also positive examples based on practice. For example, as a matter of practice, the national Equality Body in Slovenia and the Chancellor of Justice of Finland, who has a broader human rights mandate, have referred to the Charter when commenting on draft legislation on

¹⁰ European Commission, Targeted European Commission consultation of National Human Rights Institutions, Equality Bodies and Ombudspersons for the 2025 Charter report – Summary of survey results, May 2026.

their own initiative, [as FRA has reported](#). However, even where consultation takes place, it is not always meaningful in practice. In some instances, such engagement risks becoming a procedural exercise, requiring significant resources without ensuring that the input provided is duly considered. This highlights the importance of institutional involvement being not only formal but also effective and impactful.

Where national fundamental rights bodies do not have adequate resources to substantially contribute to the application and promotion of the Charter, such Charter engagement places an additional burden on them. They often lack sufficient resources to thoroughly follow relevant legislative developments and ‘structured’ opportunities to intervene in a timely and convenient manner in the legislative process.

A factor that negatively impacts consultation with national fundamental rights bodies is the use of accelerated procedures that do not provide adequate time to scrutinise draft legislation or that bypass human rights impact assessments. The same applies to the practice of governmental regulation ‘by decree’ rather than through the parliamentary legislative process. National fundamental rights bodies should be provided with timely information about legislative and policy related developments falling within the scope of EU law by the state authorities responsible for those developments. This, in turn, would enable national fundamental rights bodies to provide relevant advice, expertise and data related to the Charter, along with other applicable human rights norms.

To improve the application of the Charter in the context of the use of EU funds, Member States should draw on the expertise, data and findings of national fundamental rights bodies. FRA has documented this in its report on [EU funds: Ensuring compliance with fundamental rights](#). When developing and implementing EU funded programmes and projects at national level, adequate consultation of national fundamental rights bodies, which may serve as defenders of rights holders and advisors of the State administration (e.g. fund managing authorities), can facilitate respect of fundamental rights in all stages.

To this end, national fundamental rights bodies should be able to participate not only in monitoring committees (i.e. at the programme/project implementation follow-up stage) but also in consultations regarding programme/project design, drafting, and implementation. Where appropriate to their mandates, they should be able to intervene both in response to complaints of fundamental rights violations and at their own initiative.

Overall, the ability of national fundamental rights bodies to use the Charter, protect its rights and principles, and promote its application, is hampered by their lack of expertise

and resources in this field.¹¹ Therefore, the building of their capacities is essential to enable them to use the Charter to the extent they need. In addition, it would be advisable to establish a permanent framework for the consultation of these bodies.¹²

¹¹ European Commission, Targeted European Commission consultation of National Human Rights Institutions, Equality Bodies and Ombudspeople for the 2025 Charter report – Summary of survey results, May 2026.

¹² ENNHRI submission to the European Commission on its 2026 Report on the EU Charter of Fundamental Rights, 3 June 2026, p.21.

3. The challenges faced by NHRIs, Equality Bodies and Ombuds institutions in fulfilling their mandates

NHRIs, Equality Bodies and Ombuds institutions face a variety of challenges in fulfilling their mandates. While some of these challenges are common, others are specific to the respective bodies and the national context in which they operate, as presented in FRA's [Opinion 1/2021 on the situation of Equality in the EU 20 years after the initial implementation of the equality directives](#) and the FRA report [Strong and effective national human rights institutions – challenges, promising practices and opportunities](#):

- **Adequate funding and resources:** a persistent challenge for many national fundamental rights bodies is the lack of sufficient and adequate resources and capacity, often linked to the expansion of their mandates/increase of their tasks without a corresponding increase in their resources.¹³ Regarding Equality Bodies, FRA noted in its [Opinion 1/2021](#), that they often lack the necessary resources to: raise awareness of discrimination among the general population or groups at risk of discrimination; conduct surveys on discrimination; and report on the state of equality regularly. For multi-mandate institutions, it may be difficult to fulfil all their mandates without adequate funding and resources to cover them.
- **Independence:** The ability of national fundamental rights bodies to operate independently relies on their budgetary autonomy and the independence of their leadership alongside other factors such as a strong legal or constitutional mandate and pluralistic composition, as indicated in the FRA [Opinion 1/2021](#) and [report on NHRIs](#).
- **Fragmented and siloed fundamental rights architecture:** in several Member States, the architecture of national fundamental rights bodies is complex and fragmented. Such fragmentation may risk making the system difficult for citizens

¹³ FRANET, Country Research – Mapping and analysis of national human rights structures in the EU – 2024.

to navigate and may result in incoherence, gaps and hierarchies in rights protection.¹⁴

- **Coordinating multiple mandates:** Institutions with multiple mandates require special efforts within the institutions to coordinate diverse mandates and correspondingly diverse powers, in order to avoid a lack of clarity and hindrances in the full and effective fulfilment of their mandates.¹⁵
- **Limited visibility:** FRA surveys show that overall awareness of the existence of Equality Bodies among the public and groups at risk of discrimination is limited. This restricts rights holders' access to Equality Bodies and reduces the impact these bodies can have at national level. The absence of a local or regional presence can further contribute to low levels of awareness, as the FRA [Opinion 1/2021](#) indicated.
- **Cooperation** between national fundamental rights bodies and other organisations is often informal and on ad-hoc basis, despite the many possible areas of cooperation and complementarity (e.g. data collection, victim support, information campaigns) as the FRA [Opinion 1/2021](#) noted.
- **Limited litigation and remedy powers:** There is significant variation in the capacity of e.g. Equality Bodies to litigate, with resource constraints limiting their use of judicial remedies in practice despite their formal competences, as the FRA [Opinion 1/2021](#) noted. While the Directives on Standards for Equality Bodies may strengthen their powers, their effective use of remedies is likely to remain dependent on sufficient resources. Similarly, national fundamental rights bodies may have limited remedial powers.
- **Enabling environment:** As underlined by the Council of the European Union,¹⁶ EU Member States should ensure a safe and enabling environment for national human rights bodies in which they are free from threats and harassment. [As FRA has reported](#), the EU Institutions and Member States, in close cooperation with these bodies, should put safeguards in place to protect national fundamental rights bodies from threats or other forms of pressure. One possible response at the EU level to the challenges faced by national fundamental rights bodies could be for the

¹⁴ FRANET, Country Research – Mapping and analysis of national human rights structures in the EU – 2024.

¹⁵ FRANET, Country Research – Mapping and analysis of national human rights structures in the EU – 2024.

¹⁶ Council of the European Union, [Council Conclusions on the Charter of Fundamental Rights after 10 years: State of play and future work](#), 2019, p. 11.

Council to host regular exchanges in its working parties on fundamental rights or in other working parties, on the challenges and the potential of national fundamental rights bodies.

4. Possibilities for the EU to better integrate NHRIs, Equality Bodies and Ombuds institutions into fundamental rights monitoring and enforcement

The monitoring and enforcement of the protection of fundamental rights by the EU institutions requires reliable information and data on the situation of fundamental rights in the Member States. As the Commission has noted, this includes regular data collection and identifying possible indicators for monitoring and evaluating.¹⁷ Key activities of the national fundamental rights bodies are the monitoring and analysis of the human rights situations in their respective Member State, publishing reports on these findings, issuing recommendations and public reporting.¹⁸ Similarly, the handling of complaints by the national fundamental rights bodies with this mandate, as well as, where applicable, their quasi-judicial functions or engagement in litigation, provides unique evidence on the protection of fundamental rights – and often on the state of application of the Charter.

While the autonomy and independence of the national fundamental rights bodies extend to their reporting, the data and analysis they provide often covers the application of EU law and EU fundamental rights standards, including the Charter. This may be linked to the transposition of EU law at national level but may also concern other aspects of national practice in implementing EU law. The periodic nature of the reporting of these bodies (every year for NHRIs¹⁹, every four years at a minimum in the case of Equality

¹⁷ See e.g. Communication from the Commission, Revised operational guidance on taking account of fundamental rights in European Commission impact assessments, C (2025) 8354 final, Brussels 4.12.2025.

¹⁸ See further Recommendation CM/Rec(2021) of the Committee of Ministers of the Council of Europe to member States on the development and strengthening of effective, pluralist and independent national human rights institutions, 31 March 2021.

¹⁹ See further Global Alliance of National Human Rights Institutions (GANHRI), '[General Observations of the Sub-Committee on Accreditation](#)', 2018, p. 30.

Bodies²⁰) provides EU institutions with a structured source of information on the protection of fundamental rights. This periodicity and structured character of reporting should facilitate its integration into law and policy making, including in the various reporting cycles of relevant actors at EU level. Encouraging more synchronised reporting and an increased role for national fundamental rights bodies – in full respect of their independence and autonomy – would benefit EU law and policy making.

The EU could encourage involvement of these bodies in the context of the transposition and implementation of EU legislation. For instance, human rights impact assessments conducted at EU level should be complemented by well-informed fundamental rights assessments at national level. Notwithstanding the primary responsibility of the government and the legislator for the fundamental rights compliance of national law and policy, an involvement of national fundamental rights bodies can be key in this regard. When involving such bodies, their respective mandates, priorities and available resources must be considered and their independence and autonomy need to be fully respected.

Regarding the EU Institutions' engagement in monitoring and enforcement activities, data and analysis from national fundamental rights bodies can be used as sources of evidence, for instance in the context of infringement proceedings, when Member States actions or omissions violate EU law – including Charter rights. Drawing on the work of national fundamental rights bodies allows the EU to be informed by independent national evidence.

The Committee on Petitions (PETI) could use the reports, case-law and other relevant decisions from these bodies when responding to complaints dealing with fundamental rights, to better take the national context into account. The European Ombudsman and the European Data Protection Supervisor can also use the evidence and findings of these bodies when reporting or handling their own cases.

To avoid putting the core mandate of national fundamental rights bodies at risk, EU requests for cooperation and inputs from these bodies should be compensated with funding. To fully respect the independence and autonomy of these bodies, EU funding should be provided through an EU budget line which is not linked to specific performance or to specific calls for proposals/applications. Grants should be provided on a periodic basis, subject to objective and transparent criteria reflecting the respective

²⁰ See further Equinet, '[Understanding the New EU Directives on Standards for Equality Bodies](#)', 2024, p.72.

legal frameworks, mandates and functions of the different bodies concerned, combined with adequate accounting and auditing requirements.

Ensuring increased visibility of the work of these bodies at EU level can provide additional incentives (e.g. more systematic references to cases, findings and recommendations of these bodies in Commission documents, European Parliament resolutions, Council conclusions/recommendations, and European Ombudsman and European Data Supervisor reports). Similarly, these bodies would benefit from EU supported opportunities for exchange and networking with their peers, and increased EU support for their activity both at the EU and national levels (e.g. the presentation of their findings in EP debates, participation in EU institutions' meetings or hearings, EU hosting of national debates in which these bodies participate).

Conclusions: Unfolding the potential of NHRIs, Equality Bodies and Ombuds institutions to promote respect for and the application of the Charter

- Strong, independent and efficient national fundamental rights bodies at national level are in the interest of the EU, not least because they can contribute to a Charter compliant adoption, transposition and implementation of EU legislation. As the European Commission monitors the transposition of the EU Directives on Standards for Equality Bodies and evaluates their impact, it should take broader national developments affecting these bodies into account, including the overall national landscape of fundamental rights protection.
- Engaging with the important work of national fundamental rights bodies to a greater extent would allow the EU to be better informed by independent national evidence and findings. The independence and autonomy of these bodies need to be safeguarded and fully respected at all times.
- The EU Institutions and Member States should consult NHRIs, Equality Bodies and Ombuds institutions on any legislative/policy initiatives that concern them. These bodies should be granted effective opportunities to contribute to parliamentary processes on laws and State actions falling within the scope of EU law and impacting on fundamental rights. Where these bodies are entitled to inquire about and request follow-up on their recommendations, they can use this mandate to promote the use of the EU Charter where applicable at national level.
- Member States should engage with their national fundamental rights bodies when transposing and implementing EU law, including in the context of legislative and administrative activities to allow for better law making. It is central that these bodies are provided with timely information about EU related law and policy making impacting on fundamental rights. When involving national fundamental rights bodies, their respective mandates, priorities and available resources must be taken into account.

- National fundamental rights bodies should also be consulted in the context of EU funds. National fundamental rights bodies should have the option to participate not only in monitoring committees (i.e. at the programme/project implementation follow-up stage) but also in consultations regarding programme/project design, drafting, and implementation. This could include engagement with the managing authorities/intermediary bodies, in the design of terms of reference for calls for proposals. Where appropriate to their mandates, national fundamental rights bodies should be able to intervene both in response to complaints of fundamental rights violations, and at their own initiative.
- The evidence, findings, reports and overall expertise of these bodies should be regularly brought to the attention of all relevant actors at EU level including the European Parliament, the Council, the Commission and other EU bodies, such as the European Ombudsman and the European Data Protection Supervisor. The data and analysis of these bodies should be consistently taken into account in EU activities, including Charter monitoring and enforcement.
- To assist in addressing the threats and other challenges these bodies may face, the Council could host regular exchanges in its working party on fundamental rights or in other working parties on the challenges and the potential of national fundamental rights bodies.
- The EU should provide funding and other incentives to support the application and promotion of the Charter by national fundamental rights bodies. These incentives may include increased visibility at EU level of their findings and activities. Similarly, the EU could support capacity-building, exchange and networking both at the EU and national levels. EU funding for national fundamental rights bodies to contribute to EU level mechanisms and processes should be provided through an EU budget line which is not linked to specific performance or to specific calls for proposals/applications, but to objective and transparent criteria reflecting the respective legal frameworks, mandates and functions of the different bodies concerned.