

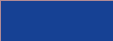


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CONTRIBUTION OF THE EUROPEAN STRUCTURAL AND INVESTMENT FUNDS TO THE 10 COMMISSION PRIORITIES JUSTICE AND FUNDAMENTAL RIGHTS

December 2015





HOW ARE THE EUROPEAN STRUCTURAL AND INVESTMENT FUNDS (ESI FUNDS) CONTRIBUTING TO THIS COMMISSION PRIORITY 2014-2020?

The European Union values human dignity, freedom, democracy, equality, the rule of law and respect for human rights. Europeans share these values which are set out in EU Treaties and the Charter of Fundamental Rights. A European justice area without borders ensures that citizens can rely on and call on a set of rights as needed.

ESI FUND ACTIONS: 2014-2020

The EU Charter of Fundamental Rights has always been respected and followed in the design and implementation of the ESI Funds.

RESPECTING THE EU CHARTER OF FUNDAMENTAL RIGHTS

Regional, local and other public authorities involved in managing the European Structural and Investment Funds (ESI Funds) are **under a legal obligation to respect** the provisions of **the Charter** when they act under the scope of EU law. If this legal obligation is not respected, those who have been violated can, in certain cases, claim damages before a national court.

Furthermore, Article 6 of Regulation (EU) No 1303/2013 requires operations supported by the ESI Funds to **comply with national and Union law**. The European Commission can ensure that EU Funds are managed in compliance with the Charter by interrupting payment deadlines, suspending payments, as well as starting infringement proceedings under Article 258 TFEU.



Beyond legal requirements, ensuring that actions under the ESI Funds are compliant with EU law, including the Charter of Fundamental Rights, may limit the number of complaints received from citizens and companies operating across the EU. In particular, the ESI Funds help to improve citizens' access to several of the rights and freedoms set out in the Charter such as education, vocational training, employment, working conditions and health care.

UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The EU ratified the UN Convention on the Right of Persons with Disabilities (UNCRPD) in December 2010. The Convention is an integral part of EU law and takes precedence over secondary EU legislation. All Member States have signed the Convention and 25 have ratified it, while the remaining three (Ireland, Finland and the Netherlands) are in the process of eventual ratification. The Convention covers a broad range of issues, including support services, employment, education, healthcare, transport and access to information technology. It is a so-called 'mixed' agreement as it covers areas for which both the EU and its Member States have competence. All UNCRPD provisions falling within EU competence are **binding for the EU Institutions and Member States** and should be respected when implementing the ESI Funds.

EX ANTE CONDITIONALITIES RELATED TO NON-DISCRIMINATION, GENDER EQUALITY AND RIGHTS OF PEOPLE WITH DISABILITIES

Following a previous lack of strategic planning in key investment areas, thematic and general ex ante conditionalities were introduced as part of the ESI Funds. This meant establishing regulatory and policy frameworks and administrative capacity before investments were made. **Three general ex ante conditionalities covering**



non-discrimination, gender and disability were introduced to ensure the existence of administrative capacity for the implementation and application of EU law and policy in these areas. Where the applicable *ex ante* conditions are not fulfilled, an action plan should set out the initiatives foreseen, the responsible bodies and a timetable. Failure to complete the action plan is grounds for suspending interim payments by the Commission to the operation concerned.

EUROPEAN OMBUDSMAN'S OWN-INITIATIVE INQUIRY ON RESPECT FOR FUNDAMENTAL RIGHTS IN EU COHESION POLICY

The ESI Funds' legal framework has been strengthened to ensure that Member States have a system in place for handling complaints, including those alleging a violation of the Charter of Fundamental Rights. The Commission will check if a complaints handling system is in place and whether the system delivers effective assessments of cases and disseminates examples of good practices relating to the treatment of complaints by Member States.

In March 2015, Member States were reminded of the importance of respecting the Charter when implementing Union law applicable to the ESI Funds. The obligation of national, regional and local authorities to comply with the Charter was also reinforced.

A guidance document for Member States on this is being developed and trainings on the Charter, its applicability and its relevance in managing the ESI Funds will be held in all Member States.



TRANSITION FROM INSTITUTIONAL CARE TO COMMUNITY-BASED SUPPORT SERVICES FOR INDEPENDENT LIVING (DE-INSTITUTIONALISATION)

On the basis of UNCRPD provisions, EU Funds should **support services based in the community** that allow people to live independently and encourage access to basic services such as education and training, employment, housing, health and transport. The Funds should also **support ways to prevent institutionalisation**. Building or renovating long-stay residential institutions is excluded from EU support, regardless of their size, as this is not in line with EU legislation or UNCRPD's policy.

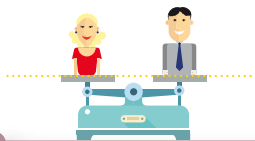
The European Commission has prepared thematic guidance on the transition from institutional to community-based services for all relevant stakeholders. The **European Expert Group on de-institutionalisation** gathers non-governmental organisations (NGOs), international organisations and other stakeholders to work with the Commission to discuss the shift to community-based services and the promotion of the right to independent living for people with disabilities, children and youth living in institutions, the elderly, and people with mental health problems. This work has resulted in guidelines and a toolkit for the efficient use of the ESI Funds, including respecting the Charter's provisions when using these Funds.

USING THE ESI FUNDS TO TACKLE EDUCATION AND SPATIAL SEGREGATION

The EU's anti-discrimination law and policy, including the EU Framework for National Roma Integration Strategies, state that special attention should be given to the educational and spatial isolation of marginalised groups, such as Roma and others. During the previous programming period, some Member States encountered challenges when using the ESI Funds to combat segregation. To alleviate the situation, a guidance note was prepared to help public administrations, and in particular Managing Authorities, to **effectively use these Funds to address the education and housing needs of marginalised communities**.



EXPECTED RESULTS



€ 4.3 billion from the European Social Fund will be used for promoting **equality between men and women**. Investments will focus on increasing the participation and progress of women in employment.



€ 6.2 billion will aim at combating all forms of **discrimination** and improving accessibility for **persons with disabilities**, while easing their integration into employment, education and training.



About **41.7 million citizens** in the EU will benefit from improved health services, including investment in e-health.



PROJECT EXAMPLES

- The **100 additional training places for young people with disabilities** project has been running since 2007 in North-West Westphalia in Germany with the help of EUR 2.3 million in ESF-funding. The project aims to integrate young people into the mainstream labour market after 2.5 years of training. Over 1 000 young people have gone on to secure a traineeship in around 850 partner companies. Key to the programme's success has been that the choice of occupation matches talents and interests, and that participants are offered individual tutoring and coaching.
<http://europa.eu/!PM73XT>
- The **Centre for foster care and adoption** project in Bulgaria is giving children in social care the best possible start in life by moving them out of social care homes and into a loving family environment. Run by the 'For our Children' Foundation, the project is building support services and recruiting foster parents.
<http://europa.eu/!nJ39bv>
- In Latvia, the **transition to community-based care of children and adults** with psycho-intellectual disabilities will be supported, as well as better access to health care **for the entire Latvian population of 2 023 million**.
<http://www.esfondi.lv/nacionala-limena>
- **In the Czech Republic**, the ESI Funds will support increasing availability and efficiency of health care services and moving the centre of psychiatric care to the community.
<http://bit.ly/1NxK3N2>



JUSTICE AND FUNDAMENTAL RIGHTS

- **Helping deprived communities in Pécs, Hungary.** This project supported the inclusion of the Roma community living in the smaller segregated neighbourhoods of Pécs. The project had two components: A Personal and Family Development Plan based on intensive social work and an Infrastructure Development Plan with a particular focus on relocating families. The project helped some 3 500 people.
<http://bit.ly/1ltxp5v>
- **Spain, IRIS Madrid.** Since 1997, the IRIS programme aims to eradicate slums in Madrid by providing social housing to families in need who pay subsidised rent, well below market value. To date more than 2 300 families have been relocated, with many Roma families also benefiting, and settled in to new homes and residential communities in other quarters of the city.
<http://bit.ly/1ltxp5v>

More factsheets on how ESI Funds contribute to Commission priorities are available at http://ec.europa.eu/contracts_grants/funds_en.htm

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