

# **Overview of the cooperation between the European Union Agency for Fundamental Rights and the Council of Europe**

## **2023 Report**

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# 1. What do we want to achieve and how do we cooperate?

## 1.1. Introduction

The cooperation between the European Union Agency for Fundamental Rights (FRA) and the Council of Europe (CoE) is based on FRA's Founding Regulation<sup>1</sup> and on the 2008 agreement between the European Community and the CoE (hereafter the EU-CoE Agreement), which establishes a general cooperation framework between FRA and the CoE.<sup>2</sup> The cooperation between FRA and the CoE aims to ensure complementarity between their activities and avoid duplication in their work.

The cooperation between FRA and the CoE has evolved over the years, to include closer coordination of activities and synergies between FRA and the CoE Secretariat, the Parliamentary Assembly, the European Court of Human Rights, the CoE Commissioner for Human Rights and other CoE entities.

This report presents the key objectives and methods of cooperation between FRA and the CoE, as well as it provides examples of cooperation between 1 October 2022 and 31 December 2023.

## 1.2. Key objectives

In their cooperation, FRA and the CoE pursue common objectives and strategic priorities related to promoting and protecting human rights. The cooperation focuses on:

- consulting each other to develop synergies and ensure complementarity in the organisations' respective areas of work;
- developing joint projects in areas of mutual concern;
- engaging in dialogue with stakeholders to improve respect for human rights;
- coordinating communication activities to increase awareness of human rights;
- informing each other of the outcomes of each organisation's activities;

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<sup>1</sup> Council Regulation (EU) 2022/555 of 5 April 2022 amending Regulation (EC) No. 168/2007 establishing a European Union Agency for Fundamental Rights, OJ 2022 L 108; Council Regulation (EC) No. 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, OJ 2007 L 53.

<sup>2</sup> Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe, OJ 2008 L 186.

## 1.3. Methods and review of cooperation

### 1.3.1. Permanent mechanisms of cooperation

Various mechanisms laid down in FRA's Founding Regulation and in the EU-CoE Agreement ensure complementarity in the relationship between the organisations.

Article 9 of FRA's amended Regulation prescribes coordination between FRA and the CoE in the preparation of the Agency's annual and multiannual work programmes. This ensures that the CoE's priorities, activities and findings are duly taken into account in developing the work of the Agency.

In accordance with articles 12 and 13 of FRA's founding regulation, the CoE has appointed an independent person to FRA's Management Board, who may and does participate in the meetings of the Agency's Executive Board. This person also votes in the selection of the members of FRA's Scientific Committee.

A representative of the CoE Secretariat is present as an observer at FRA Management Board meetings and attends meetings of the board's Annual Report Editorial Committee (AREDIT).

A senior CoE representative is invited to address FRA's Management Board annually. This allows the CoE and FRA to exchange views and it enables FRA's Management Board to be fully informed of the CoE's key planned activities and of the synergies achieved with FRA's work.

FRA's Director and the independent person the CoE appoints to FRA's Management Board participate in periodic exchanges of views with the CoE Committee of Ministers and its Rapporteur Group on External Relations (GR-EXT).

Article 3 of the EU-CoE Agreement provides that FRA and the CoE each appoint a contact person to deal specifically with matters relating to their cooperation.

The services of both organisations contribute to each other's work at different stages of activities and projects. Regular and ad hoc interinstitutional meetings at different levels further enhance collaboration.

### 1.3.2. Forms of cooperation at operational level

The cooperation between FRA and the CoE is an ongoing, day-to-day process. It takes various forms, including:

- consultations on specific projects and activities;
- regular data and information exchanges;
- participation in hearings of the Parliamentary Assembly of the CoE (PACE);
- participation in project inception meetings;
- joint projects and activities;
- the Agency's observer status in several CoE monitoring and intergovernmental committees;
- participation in respective civil society structures;
- mutual references to each other's work.

The contact people appointed by the CoE and FRA are informed of these activities and exchange information on a regular basis. This means they can facilitate the process and ensure its continuity and consistency.

Since 2019, a biennial meeting takes place between FRA's and the CoE's management teams to further strengthen cooperation and to exchange views on their respective current and future priorities. The next biennial meeting is scheduled to take place in 2024 in Strasbourg.

The Agency cooperates at operational level with relevant CoE entities, services, monitoring bodies and intergovernmental committees. A detailed report of this cooperation is provided in Chapter 3.

In its work, FRA also relies on the standards set by the CoE. In this respect, FRA takes due account of:

- judgments of the European Court of Human Rights (ECtHR) and how they are implemented, notably within the EU;
- decisions and conclusions of the European Committee of Social Rights (ECSR);
- reports and activities of other CoE monitoring bodies and intergovernmental committees;
- reports by the CoE Secretary General, the CoE Commissioner for Human Rights, and the Special Representative of the Secretary General (SRSG) on Migration and Refugees.

FRA's work on the Charter of Fundamental Rights of the EU (the Charter) frequently cites CoE's standards, reinforcing them in an EU context. Charterpedia, FRA's Charter database, incorporates ECtHR references to the Charter. The EU Fundamental Rights Information System (EFRIS)<sup>3</sup> provides details of commitments and compliance with CoE mechanisms.

The CoE regularly uses FRA data and evidence to support its work. For example, evidence from FRA's 2020 LGBTI survey, from the *Second European Union Minorities and Discrimination Survey*<sup>4</sup> or from its work on ethnic profiling<sup>5</sup> informed ECtHR rulings<sup>6</sup>, showcasing the impact of FRA's work on CoE legal decisions.

FRA data and evidence are also regularly referenced in the work of the Parliamentary Assembly and CoE monitoring bodies, such as the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), the Group of Experts on Action against Trafficking in Human Beings (GRETA), or the Advisory Committee on the Framework Convention for the Protection of National Minorities. The CoE Commissioner for Human Rights<sup>7</sup> also mentions cooperation with FRA in her annual report.

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<sup>3</sup> [EFRIS](#) is accessible via FRA's website.

<sup>4</sup> FRA (2017), [Second European Union Minorities and Discrimination Survey - Main results](#).

<sup>5</sup> FRA (2010), [Towards More Effective Policing, Understanding and preventing discriminatory ethnic profiling: A guide](#).

<sup>6</sup> ECtHR, [Macaté v. Lithuania, No. 61435/19](#), 23 January 2023; ECtHR, [Buhuceanu and Others v. Romania \(applications nos. 20081/19 and 20 others\)](#), 23 May 2023; ECtHR, [Basu v. Germany, No. 215/19](#), 18 Jan 2023

<sup>7</sup> CoE, Commissioner for Human Rights (2023), [Annual activity report 2022](#), Strasbourg, CoE, 24 April 2023.

Consultation with the CoE Secretariat, the Special Representative on Migration and Refugees, and the Office of the CoE Commissioner for Human Rights informed and enriched FRA's Fundamental Rights Report 2023.<sup>8</sup>

These cross-references help disseminate the results of the respective activities of the CoE and FRA on a reciprocal basis. More generally, consultation, feedback and participation in meetings and at events have become integral parts of both organisations' working methods.

## 2. Interinstitutional and regulatory cooperation

### 2.1. Institutional and regulatory cooperation

Philippe Boillat, the CoE's independent member of the FRA Management Board, chaired AREDIT and participated in Management and Executive Boards meetings during the reporting period. The CoE Secretariat representative also took part in FRA's Management Board meetings as an observer. The CoE Director General of Human Rights and Rule of Law had an exchange of views with the FRA's Management Board on 16 December 2022.

FRA's Director addressed the Committee of Ministers' Rapporteur Group on External Relations (GR-EXT) on 15 November 2022 and on 5 October 2023, underscoring the evolution of cooperation between FRA and the CoE, and outlining current and future priorities with respect to their cooperation.

On the occasion of his missions to Strasbourg, the FRA Director met with, among others, the President of the Parliamentary Assembly of the CoE, the President of the European Court of Human Rights, the CoE Commissioner for Human Rights, the President of the CoE Conference of International Non-Governmental Organisations (INGOs) and the Director of the Secretariat of the Congress of Local and Regional Authorities.

The Agency consulted the CoE on the drafts of FRA's Strategic Plan 2023–2028, the Programming Document 2024–2026 and of the Annual Work Programme 2024, thereby ensuring programmatic synergies between the two organisations.

An important recognition of the relevance of the cooperation between the Agency and the CoE, appears in the European Parliament resolution of 18 April 2023 on the institutional relations between the EU and the Council of Europe.<sup>9</sup> In the resolution, the European Parliament recalls the pertinence of the cooperation between the Agency and the CoE in the pursuit of common objectives and strategic priorities related to promoting and protecting human rights, and indicates that it is useful both for the CoE and FRA to further expand their relationship.

### 2.2. FRA–CoE cooperation on handbooks

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<sup>8</sup> FRA (2023), [Fundamental Rights Report 2023](#), Luxembourg, Publications Office.

<sup>9</sup> European Parliament, (2023), [Resolution on the institutional relations between the EU and the Council of Europe \(2022/2137\(INI\)\)](#), Strasbourg, 18 April 2023.

Since 2011, the CoE, the ECtHR and FRA have jointly produced handbooks, covering areas like data protection, asylum, borders and immigration, non-discrimination law, the rights of the child or access to justice. Designed for legal practitioners, these handbooks offer guidance on standards from the EU and CoE.

The handbooks examine relevant European law stemming from both the EU and the CoE, including case law from the Court of Justice of the EU and the European Court of Human Rights. They are considered reference documents by practitioners, notably in the development of Human Rights Education for Legal Professionals (HELP) courses, to which FRA participates.

#### *Update on the Handbook on European law relating to access to justice*

The *Handbook on European law for access to justice*<sup>10</sup> consolidates crucial legal standards from the EU and the Council of Europe, drawing from the Court of Justice of the European Union and the European Court of Human Rights. FRA and the European Court of Human Rights are currently preparing an update of this handbook, which is expected to be published by the end of 2024.

#### *Update on the Handbook on European law relating to the rights of the child*

The revised *Handbook on European law relating to the rights of the child*<sup>11</sup> details how European law and case law protect children's distinct interests. French and Italian translations were published in 2023<sup>12</sup>.

#### *Handbook on European data protection law*

The 2018 edition of the *Handbook on European data protection*<sup>13</sup> is available in 22 EU language versions and Korean since 2023.<sup>14</sup> This handbook is designed for legal practitioners who are not specialised in data protection, to familiarise them with this area of the law.

#### *Handbook on European law relating to cybercrime and fundamental rights*

Developed jointly by FRA and the CoE, the Handbook on Cybercrime and Fundamental Rights is under preparation, with a planned release in 2025. This handbook will spotlight major challenges in investigating cybercrime and emphasize states' positive obligations to protect the fundamental rights of victims, especially those in vulnerable situations.

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<sup>10</sup> FRA, COE and ECtHR (2016), [Handbook on the European law relating to access to justice](#), Luxembourg, Publications Office.

<sup>11</sup> FRA, COE and ECtHR (2022), [Handbook on European law relating to the rights of the child – 2022 edition](#), Luxembourg, Publications Office.

<sup>12</sup> Future translations include Bulgarian, Croatian, Czech, Danish, Dutch, Estonian, Finnish, Greek, Hungarian, Lithuanian, Latvian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, as well as Serbian and Ukrainian.

<sup>13</sup> FRA, CoE and ECtHR (2018), [Handbook on European data protection law – 2018 edition](#), Luxembourg, Publications Office.

<sup>14</sup> The Handbook is also available in Arabic, Georgian, and Ukrainian.

## 2.3. European Union Fundamental Rights Information System (EFRIS)

The European Union Fundamental Rights Information System (EFRIS) serves as a centralised hub for accessing human rights information from the CoE, the United Nations and the EU, and it is hosted on FRA's website. EFRIS helps to enhance the visibility of the CoE's mechanisms and findings from its monitoring bodies within EU contexts. EFRIS guides users to the respective CoE databases for each mechanism, thereby contributing to the utilisation of the CoE's monitoring results and the referencing of relevant findings by EU law- and policy makers.

The European Commission refers to EFRIS as a source for its annual rule of law report<sup>15</sup>. Ongoing cooperation on EFRIS, agreed in an exchange of letters signed by FRA's Director and the CoE Secretary General, continued in 2023.

In 2023, EFRIS introduced a search engine indexing information from nine distinct CoE data sources. This transformed EFRIS into a comprehensive one-stop solution, providing up-to-date information from various CoE bodies, including GREVIO, GRETA, the Framework Convention for the Protection of National Minorities (FCNM), as well as findings from the ECtHR, ECSR, ECRI, CPT, the Group of States against Corruption (GRECO), and CoE Execution of Judgments of the ECtHR (EXEC). The inclusion of findings of the European Charter for Regional and Minority Languages into EFRIS is in preparation.

## 3. Operational cooperation

### 3.1 Equality, Roma and social rights

#### 3.1.1. Anti-racism and non-discrimination

In addition to racism and discrimination, the themes of the cooperation between FRA and the CoE in this area include combating hate speech and hate crime, the rights of people with disabilities, LGBTIQ equality, children's rights, and the advancement of social and economic rights.

FRA participated in relevant CoE inter-governmental committees and expert groups, such as the Committee on Anti-discrimination, diversity and inclusion (CDADI), the Committee of Experts on Combating Hate Crime (PC/ADI-CH); the Working Group on sexual orientation, gender identity, gender expression and sex characteristics (GT-ADI-SOGI); and the Committee of Experts on Roma and Traveller Issues (ADI-ROM).

On 8 May 2023, a PACE delegation from the Committee on Equality and Non-discrimination visited FRA, engaging in discussions with its director on a range of topics, from artificial intelligence (AI) to ageing in digital societies. FRA staff and the PACE

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<sup>15</sup> FRA (2023), [Submission by the European Union Agency for Fundamental Rights to the European Commission in the context of the preparation of the annual Rule of Law Report 2023](#), Vienna, 19 April 2023



Secretariat held further discussions at working level, focusing on violence against women with disabilities and issues related to violence and discrimination in policing.

The annual report of the European Commission against Racism and Intolerance (ECRI) for 2022, published in June 2023, references FRA.<sup>16</sup> Furthermore, ECRI's reports on Bulgaria<sup>17</sup>, Hungary<sup>18</sup>, Poland<sup>19</sup> and Cyprus<sup>20</sup> include references to FRA research, surveys and data. ECRI's General Policy recommendation on preventing and combating intolerance and discrimination against LGBTI persons<sup>21</sup> references FRA's 2020 report *A long way to go for LGBTI equality*<sup>22</sup>. ECRI provided input to FRA's updated paper on *Unmasking bias motives in crimes: selected cases of the European Court of Human Rights*,<sup>23</sup> published in October 2023.

FRA contributed to shaping the thematic report on *Hate Crimes and other Hate-motivated Incidents based on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics*<sup>24</sup> prepared by the CDADI-Working Group on Sexual Orientation, Gender Identify and Expression and Sex Characteristics (GT-ADI-SOGI), published in September 2023. The FRA Director delivered a keynote speech at the CoE "European Roundtable: combating SOGIESC-based hate crime across Europe" in Dublin in October 2022. In November 2022, FRA participated in a meeting organised by the CoE Commissioner for Human Rights on the human rights of transgender individuals.

On 29 June 2023, CDADI released a *Training Manual on Equality Data Collection & Analysis to Prevent and Address Systemic Discrimination*<sup>25</sup>. This manual builds on relevant CoE standards and guidance and takes into account the work of the Subgroup on Equality Data facilitated by FRA under the EU High Level Group on Non-discrimination, Equality and Diversity. It also includes a reference to FRA's "Equality data diagnostic mapping tool".

The Commissioner for Human Rights referenced FRA's EU LGBTI survey II<sup>26</sup> in her report following her country visit to the Czech Republic<sup>27</sup>.

### 3.1.2. Roma inclusion

In May 2023, FRA, in cooperation with representatives from the CoE, participated in a meeting focused on 'Local Development' under the EEA & Norway Grants. This event, hosted by the Bulgarian Programme Operator, provided a platform for both

<sup>16</sup> CoE, ECRI (2023), [Annual report on ECRI's activities covering the period from 1 January to 31 December 2022](#), Strasbourg, CoE, June 2023.

<sup>17</sup> CoE, ECRI (2022), [ECRI Report on Bulgaria \(sixth monitoring cycle\)](#), Strasbourg, 4 October 2022.

<sup>18</sup> CoE, ECRI (2023), [ECRI Report on Hungary \(sixth monitoring cycle\)](#), Strasbourg, 9 March 2023.

<sup>19</sup> CoE, ECRI (2023), [ECRI Report on Poland \(sixth monitoring cycle\)](#), Strasbourg, 27 June 2023.

<sup>20</sup> CoE, ECRI (2023), [ECRI Report on Cyprus \(sixth monitoring cycle\)](#), Strasbourg, 7 March 2023.

<sup>21</sup> CoE, ECRI (2023), [General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons](#), Strasbourg, CoE, September 2023

<sup>22</sup> FRA (2020) [EU-LGBTI: A long way to go for LGBTI equality](#), Luxembourg, Publications Office

<sup>23</sup> FRA (2023), [Unmasking bias motives in crimes: selected cases of the European Court of Human Rights – 2023 edition](#), Luxembourg, Publications Office.

<sup>24</sup> CoE, CDADI/ Working Group on SOGIESC (2023), *Hate Crimes and other Hate-motivated Incidents based on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics*, Strasbourg, September 2023

<sup>25</sup> CoE (2023), [Training Manual on Equality Data Collection & Analysis to Prevent and Address Systemic Discrimination](#), Strasbourg, 29 June 2023

<sup>26</sup> FRA (2020), [EU LGBTI survey II A long way to go for LGBTI equality](#), Luxembourg, Publications Office.

<sup>27</sup> CoE, Commissioner for Human Rights of the Council of Europe, [Report following her visit to the Czech Republic from 20 to 24 February 2023](#), Strasbourg, France (2023)

organisations to share insights and experiences related to Roma programmes under the EEA & Norway Grants.

On 22 June 2023, FRA took part in the inaugural meeting of the joint EU/CoE project 'Roma Integration – Phase III,' implemented in Western Balkan countries and in Türkiye. FRA shared its expertise, particularly focusing on the survey on Roma integration to be conducted in Albania, Serbia, and North Macedonia in 2024.

In the context of the joint EU/CoE project "Inclusive Schools: Making a Difference for Roma Children" (INSCHOOL 3), FRA participated in the first training seminar, from 11 to 13 July, and delivered online modules on October 10 and 24, focusing on national data collection on Roma and explaining the sample survey implementation process.

Additionally, in its Fifth Opinion on Romania,<sup>28</sup> the Advisory Committee on the Framework Convention for the Protection of National Minorities, referenced FRA's 2021 Roma Survey, *Roma in 10 European Countries*<sup>29</sup> and Bulletin No. 5 *Coronavirus pandemic in the EU – Impact on Roma and Travellers*<sup>30</sup> from 2020. As well, the CoE's CDADI refers to the same Bulletin No. 5 in its *Study on preventing and combating hate speech in times of crisis*<sup>31</sup>.

### 3.1.3. Social rights, environment and human rights

FRA participated in the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> meetings of the European Committee for social cohesion (CCS). In November 2022, FRA participated in a seminar titled "Social Cohesion: challenges anew". During the seminar, FRA presented the findings from its second Ukraine bulletin<sup>32</sup>.

On 24 April 2023, the virtual roundtable of the CoE's Transversal Challenges and Multilateral Projects Taskforce took place, titled *Implementing Human Rights and Environmental Due Diligence*. This collaborative effort implements one of the recommendations from the 2022 FRA-CoE Senior Management Dialogue, specifically, the enhancement of synergies between FRA and the CoE regarding human rights and the environment. FRA also participated in the first meeting of the CoE Committee of Experts on the Protection of the Environment through Criminal Law (PC-ENV). On 16-17 November 2023, the CoE participated in two events organised by FRA focusing on fundamental rights and environmental protection.

The 13<sup>th</sup> meeting of the Platform on Social and Economic Rights, jointly organised by FRA, the CoE, EQUINET, and ENNHRI, took place on September 28, 2023, in Helsinki. The focus was on "Realizing social rights in the age of digitalization: opportunities and risks." The organisations engaged in discussions on the risks of AI misuse and its potential negative impact on social rights and the labour market, presenting their latest findings.

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<sup>28</sup> CoE, Advisory Committee on the Framework Convention for the Protection of National Minorities (2023), *Fifth Opinion on Romania*, Strasbourg, 5 September 2023.

<sup>29</sup> FRA (2021), *Roma in 10 European Countries – Main Results*, Luxembourg, Publications Office.

<sup>30</sup> FRA (2020), *Coronavirus pandemic in the EU – impact on Roma and Travellers - Bulletin 5*, Luxembourg, Publications Office.

<sup>31</sup> CoE, Steering Committee on Anti-Discrimination, Diversity and Inclusion (2023), [Study on preventing and combating hate speech in times of crisis](#), Strasbourg, November 2023.

<sup>32</sup> FRA (2022) *The Russian war of aggression against Ukraine – The broad fundamental rights impact in the EU - Bulletin 2 | European Union Agency for Fundamental Rights (europa.eu)*, Luxembourg, Publications Office.

### 3.1.4. Rights of the child

The rights of the child remain a key topic for coordination and cooperation between FRA and the CoE.

In October 2022, FRA's Director spoke at the CoE conference "Hear our voice – the rights and best interest of the child in parental separation and care proceedings", presenting findings from FRA's report *Children as suspects or accused persons in criminal proceedings – Procedural safeguards*.<sup>33</sup>

In January 2023, FRA participated in a workshop on the transition to adulthood for unaccompanied children, supported by the Greek Ministry of Migration and Asylum and the CoE. FRA presented key findings from its report *Guardianship systems for unaccompanied children in the EU: developments since 2014*.<sup>34</sup>

In June 2023, FRA joined the preparatory meeting in the context of the Working Group on responses to violence against children (CDENF-GT-VAE), a sub-group of the Steering Committee for the Rights of the Child (CDENF) overseeing the implementation of the CoE Strategy for the Rights of the Child (2022-2027).<sup>35</sup>

FRA also attended the online "Zero meeting" of the CoE Consultation Group on the Children of Ukraine, which took place in October 2023. The Group was established after a decision by Member States at the CoE Summit in Reykjavik in May 2023. On 30 November 2023, at the first official meeting, FRA presented findings from its bulletin on the protection of children displaced from Ukraine.

## 3.2 Justice, digital and migration

Close cooperation and various exchanges took place on topics such as violence against women and domestic violence, artificial intelligence, data protection, business and human rights, cybercrime, migration and victims' rights.

FRA cooperated extensively with the CoE's HELP Programme, engaging in diverse activities to enhance legal education. This commitment encompassed contributing to online course updates and participating in training sessions, such as the 2023 HELP Network Conference on human rights education for legal practitioners<sup>36</sup>. FRA presented Charter tools and materials to judges, prosecutors, lawyers, and trainees in the Western Balkans<sup>37</sup>. Moreover, FRA participated in seminars introducing the HELP course on procedural rights for lawyers in Bulgaria and Greece under the EU-CoE Judicial Training on Fundamental Rights and Rule of Law project<sup>38</sup>. FRA also contributed to updating the online course on child-friendly justice and is currently working on a training course

<sup>33</sup> FRA (2022), [Children as suspects or accused person in criminal proceedings – Procedural safeguards](#), Luxembourg, Publications Office.

<sup>34</sup> FRA (2022), [Guardianship systems for unaccompanied children in the European Union: developments since 2014](#), Luxembourg, Publications Office.

<sup>35</sup> CoE, [Council of Europe Strategy for the Rights of the Child \(2022-2027\)](#), Strasbourg, March 2022

<sup>36</sup> [HELP Network Conference, Strasbourg, 6-7 July 2023](#).

<sup>37</sup> [Council of Europe HELP Regional Training of Trainers for Western Balkans legal professionals](#), Belgrade, 13-13 June 2023.

<sup>38</sup> [Enhancing Procedural Safeguards in Criminal Proceedings and Victims' Rights: Seminar in Sofia under EU-Council of Europe "Judicial Training on Rule of Law and Fundamental Rights" project](#), Sofia, 14-15 June 2023.

related to the Temporary Protection Directive (2001/55/EC). FRA also took an active role in several HELP EU contact points seminars, focusing on expanding human rights training curricula in EU Member States. FRA provided input to a joint CoE, EU and UNHCR seminar for European lawyers on European asylum/migration legal practices to assist Ukrainian refugees in June 2023<sup>39</sup>. FRA also participated in the development of the CoE's HELP course "Introduction to human rights protection in Europe", which focusses on the interplay between the ECHR and the EU Charter of Fundamental Rights and was launched at the end of 2023<sup>40</sup>.

On 6 December 2022, FRA participated as an observer in the 39<sup>th</sup> plenary meeting of the European Commission for the Efficiency of Justice (CEPEJ).

On 8 February 2023, the FRA Director engaged in an exchange of views with GREVIO, the independent group of experts monitoring the implementation of the CoE Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). During this exchange, the Director provided insights into FRA's ongoing activities pertaining to violence against women. References to the FRA survey on violence against women<sup>41</sup> appear in GREVIO's reports on Croatia<sup>42</sup> and Greece<sup>43</sup>. On June 29, 2023, FRA experts held an online meeting with PACE rapporteur, Ms. Béatrice Fresko-Rolfo, to discuss preventing and addressing violence against women with disabilities. This meeting aimed to provide insights for her PACE report<sup>44</sup>, which incorporates findings from FRA's Fundamental Rights Survey.

The CoE Office in Belgrade facilitated a visit to Vienna from 19 to 21 June 2023 for a high-level delegation of the Serbian judiciary, including Serbia's Minister of Justice, representatives of the Ministry of Justice, the Supreme Court, the High Judicial Council, the Judicial Academy and the Judges' Association under a EU-CoE joint project on judicial reform in Serbia. The visit contributed to raising awareness about FRA's work on the EU Charter of Fundamental Rights, and to exchange views about cooperation with Serbian authorities.

On 28 November 2023, the CoE European Commission for the efficiency of justice (CEPEJ) participated in an expert meeting organised by FRA, focusing on the digitalisation of justice and its impact on fundamental rights, in advance of FRA beginning a new project on this topic in 2024.

### 3.2.1. Artificial intelligence, big data and data protection

FRA actively participated in all the 2023 plenary meetings of the Committee on Artificial Intelligence (CAI) as part of the EU delegation, providing evidence-based input for the drafting of a binding instrument on artificial intelligence concerning human rights, democracy, and the rule of law. FRA notably presented its report on *Bias in Algorithms*<sup>45</sup>

<sup>39</sup> [Implementation of the Temporary Protection Status in Europe for people from Ukraine fleeing the war: Council of Europe, EU and UNHCR seminar in Bratislava](#), 16 June 2023.

<sup>40</sup> Seminar [EU-ECHR Interplay: Council of Europe HELP course for EU judges, prosecutors and lawyers](#), Strasbourg, 13-14 November 2023.

<sup>41</sup> FRA (2014), [Violence against women: An EU-wide survey – Main results](#), Luxembourg, Publications Office.

<sup>42</sup> CoE, GREVIO (2023), [Baseline Evaluation Report: Croatia](#), Strasbourg, CoE, 6 September 2023

<sup>43</sup> CoE, GREVIO (2023), [Baseline Evaluation Report: Greece](#), Strasbourg, CoE, 14 November 2023.

<sup>44</sup> CoE, PACE (2023), [Preventing and combating violence against women with disabilities](#), Strasbourg, 22 September 2023.

<sup>45</sup> FRA (2022), [Bias in algorithms – Artificial intelligence and discrimination](#), Luxembourg, Publications Office.

at the January 2023 meeting and contributed to a webinar on AI and gender at a side event at the April 2023 meeting.

FRA also regularly took active part in the activities and meetings of the Consultative Committee of Convention 108.

### 3.2.2. Migration and asylum

The well-established cooperation between FRA and the CoE on migration, asylum, and border-related human rights issues spanned various themes and projects and aims to strengthen human rights protection for people on the move. Regular coordination meetings, organised by the Office of the Special Representative of the Secretary General on Migration and Refugees (SRSG), provided a platform for the FRA and diverse CoE entities involved in migration to share the latest developments.

The 32<sup>nd</sup> General Report<sup>46</sup> of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), stresses the need for effective investigations, referencing FRA's practical guidance on establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders<sup>47</sup>.

In the PACE report on *Pushbacks on land and sea: illegal measures of migration management*<sup>48</sup> – preceding the resolution by the Committee on Migration, Refugees and Displaced Persons regarding pushbacks at land and sea – references are made to FRA reports, including *European standards on legal remedies, complaints mechanisms and effective investigations at borders*<sup>49</sup> and *Border controls and fundamental rights at external land borders*<sup>50</sup>.

In the PACE report on *The theme of migration and asylum in the election campaign and the consequences on the welcoming and rights of migrants*<sup>51</sup> adopted by the Committee on Migration, Refugees and Displaced Persons in September 2023, references are made to FRA's reporting on NGO ships involved in search and rescue in the Mediterranean and criminal investigations<sup>52</sup>.

In December 2023, FRA participated in an exchange of views with members of the PACE Committee on Migration, Refugees and Displaced Persons in the framework of the report under preparation on *Ensuring human rights compliant asylum procedures in Europe*.

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<sup>46</sup> CoE, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, [32<sup>nd</sup> General Report](#), Strasbourg, March 2023

<sup>47</sup> FRA (2022), [Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders](#), Luxembourg, Publications Office

<sup>48</sup> CoE, Parliamentary Assembly, [Pushbacks on land and sea: illegal measures of migration management](#), Strasbourg, September 2022.

<sup>49</sup> FRA (2021), [European standards on legal remedies, complaints mechanisms and effective investigations at borders](#), Luxembourg, Publications Office.

<sup>50</sup> FRA (2020), [Border controls and fundamental rights at external land borders, Luxembourg](#), Publications Office.

<sup>51</sup> [CoE, Parliamentary Assembly, Doc. 15832 – Report: "The theme of migration and asylum in the election campaign and the consequences on the welcoming and rights of migrants"](#), September 2023.

<sup>52</sup> FRA (2023), Search and rescue operations in the Mediterranean and fundamental rights (online)

The second report<sup>53</sup> on Greece of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) refers to FRA training provided to Greece's border control and border crossing units on fundamental rights.

In December 2023, FRA and the CoE issued a third joint guidance note on the rights of children in migration, setting out key elements of European law as they apply to situations at borders.<sup>54</sup>

FRA continued to promote the joint handbook on European law relating to asylum, immigration, and borders. In May 2023, FRA presented the Hungarian version<sup>55</sup> in Budapest at an event hosted by the Hungarian Ministry of the Interior; and in September 2023, the Slovenian version<sup>56</sup> was presented and discussed with legal experts in Ljubljana.

In light of Article 52 (3) of the EU Charter of Fundamental Rights, the case law of the ECtHR remains an important legal source for FRA's work and for EU actors, more generally. For example, in March 2023, FRA participated in the EU Asylum Agency's (EUAA) third High-Level Roundtable meeting on judicial developments in the field of the Common European Asylum System. It drew on case law from the EU's Court of Justice (CJEU), the European Court of Human Rights (ECtHR) and national courts.

FRA provided input to the expert group preparing a guide for practitioners on administrative detention of migrants and asylum seekers, focusing on European fundamental rights standards and safeguards related to deprivation of liberty. The European Committee on Legal Cooperation (CDCJ) on 31 May – 1 June 2023, adopted the guide, which was published in November 2023<sup>57</sup>.

FRA also provided input to a joint EU/CoE/UNHCR seminar for European lawyers on European asylum/migration legal practices to assist Ukrainian refugees, which took place in June 2023 under the HELP in Ukraine project.

### 3.3 Human rights structures and mechanisms

FRA and the CoE maintained cooperation in their support of human rights structures and mechanisms in 2023. The cooperation between FRA and the CoE allowed for efficient coordination in areas such as support for civil society and national human rights institutions.

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<sup>53</sup> CoE, GRETA (2023)03, [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece](#), Strasbourg, 23 March 2023.

<sup>54</sup> CoE and FRA (2023), [Children in migration: fundamental rights at European borders](#), Strasbourg, December 2023

<sup>55</sup> FRA (2020), [Kézikönyv a menekültügyre, a határookra és a bevándorlásra vonatkozó európai jogról](#), Luxembourg, Publications Office

<sup>56</sup> FRA (2020), [Priročnik o evropski zakonodaji v zvezi z azilom, mejami in priseljevanjem](#), Luxembourg, Publications Office

<sup>57</sup> CoE, Division for Legal Co-operation, Directorate General Human Rights and Rule of Law, [Administrative detention of migrants and asylum seekers – Guide for practitioners](#), Strasbourg, November 2023

In 2023, FRA actively cooperated with the CoE on human rights initiatives at the local level. This involved a meeting between the FRA Director and the Director of the Congress of Local and Regional Authorities, and an exchange of information at operational level with the Intercultural Cities Programme of the CoE.

Other specific examples of cooperation include the shared effort on civic space. FRA and the CoE continued to cooperate on the topic of human rights defenders, notably through the IGO Contact Group on Human Rights Defenders. FRA staff coordinating its Fundamental Rights Platform continued to be in regular contact with the Conference of INGOs.

On 20 and 21 April, the CoE took part in the *High-level Conference on Institutional Protection of Fundamental Rights during Crises* co-organised by the Swedish Presidency of the Council of the EU and FRA. The conference delved into lessons drawn from significant crises like the COVID-19 pandemic, Russia's war of aggression against Ukraine and events linked to climate change.

FRA actively cooperates with the CoE under the EEA & Norway Grants, notably as an international partner in projects in the Czechia and Romania where the CoE is the international partner organisation. In 2023, FRA involved the CoE's hate crime and child rights experts in a project funded under the Grants, providing technical support to the Romanian Prosecutor's Office.

### 3.4 Communicating rights

In 2023, FRA and the CoE continued their established cooperation on communicating human rights.

The CoE is actively involved through representatives of its Secretariat and the Office of the CoE Commissioner for Human Rights in the C-10 group of chief communicators from international and regional human rights organisations. The C-10 group aims at increasing the outreach and impact of communicating on human rights through joint activities.

Additionally, the CoE is a major partner of the Fundamental Rights Forum that will take place on 11-12 March 2024, in Vienna. The CoE has taken proactive steps in support of this event, including nominating a representative to serve on the Forum's Advisory Panel, and ensuring the attendance of high-level representatives in person at the Forum.

## 4. Outlook for 2024

FRA and the CoE will continue their established institutional and thematic cooperation in 2024.

FRA will remain active in inter-governmental committees and expert groups, including the Consultation Group on the Children on Ukraine, the Environment and Human Rights Working Group, and in hearings and other activities of PACE.

FRA and the CoE will continue their cooperation in areas such as artificial intelligence through platforms like CAI and globalpolicy.ai.

The cooperation between FRA and the CoE will, where relevant, extend to the implementation of outcomes from the Fourth Summit of Heads of State and Government of the CoE. In this respect, FRA is prepared to contribute to the 'Reykjavik process' aimed at strengthening the CoE's work in the field of human rights and environment.

Further opportunities for cooperation include activities addressing current and potential EU candidate countries with observer status in the work of FRA.

Joint initiatives between FRA and the CoE's HELP Programme continue producing valuable results. Further trainings will be organised for national authorities and stakeholders on the interplay between the European Convention on Human Rights and the EU Charter; on child-friendly justice and child rights; on combating trafficking in human beings. FRA will be invited systematically to contribute to updates and developments of HELP courses.

The European Parliament resolution on the institutional relations between the EU and the CoE<sup>58</sup> suggests further cooperation, for instance expanding EFRIS' coverage of CoE conventions and inviting FRA to contribute to the work of the Venice Commission.

FRA and the CoE, including the ECtHR Registry, will continue to cooperate in developing and updating various joint European law handbooks, including those related to cybercrime, access to justice, and potentially on new topics such as social and economic rights. This could be complemented through a new series of thematic factsheets on European case law.

The EU's future accession to the European Convention on Human Rights also offers potential for closer cooperation, including, for instance, developing materials for legal professionals that address the interrelationship between the ECHR and the EU Charter of Fundamental Rights.

With regard to the entry into force of the Istanbul Convention with respect to the EU, which took place on 1 October 2023, the forthcoming 2024 release of updated survey data on violence against women in the EU will serve as a source for GREVIO's monitoring work, and may further encourage the remaining EU Member States that have not yet done so to ratify the Istanbul Convention. The results of FRA's survey on violence and related human rights abuses against women fleeing the war in Ukraine, which FRA will start analysing in 2024, will also contribute to discussions concerning the implementation of the Istanbul Convention, as well as to the work of the recently established Register of Damage for Ukraine.

Upcoming findings from FRA surveys on Roma & Travellers and on LGBTIQ equality will offer new, robust evidence useful to the work of the CoE. FRA's proven methodologies for reaching hard-to-reach populations can be adapted for broader use within the CoE.

FRA and the CoE will continue their cooperation to support civil society and human rights defenders, sharing relevant findings and initiatives on civic space in Europe.

The CoE's well-established youth policy will be a source of inspiration for the Youth Advisory Panel that FRA is in the process of setting up.

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<sup>58</sup> European Parliament, (2023), [Resolution on the institutional relations between the EU and the Council of Europe \(2022/2137\(INI\)\)](#), Strasbourg, 18 April 2023.



FRA's newly appointed Director, Sirpa Rautio, who will take up office on 1 March 2024, will visit the CoE early on during her mandate for consultations with CoE counterparts on how to further develop the well-established cooperation between the two organisations in years to come.