

Ms Ursula von der Leyen
President
European Commission

Strasbourg, 30/04/2020

Subject: Consultation of National Human Rights Institutions, Ombuds institutions and Equality bodies on the new European Commission Strategy on the effective application of the Charter of Fundamental Rights in the EU

Dear President,

I warmly welcome the Commission's decision to consult national human rights institutions, ombudsmen and equality bodies on the application of the EU Charter of Fundamental Rights. The following information may be of interest to the Commission when drafting a new Charter strategy.

Ombudsmen play an important role in protecting fundamental rights, acting as an institutional safeguard that is complementary to the courts. On a daily basis, national ombudsmen handle complaints about alleged breaches of fundamental rights, discrimination and equality issues, and protect vulnerable groups. National ombudsmen often deal with cases concerning the misapplication of EU law. When verifying how national authorities in their respective jurisdictions apply EU legislation, ombudsmen need to uphold the standards set out in the EU Charter.

As European Ombudsman, I coordinate the European Network of Ombudsmen (ENO), which brings together national and regional ombudsmen with a view to safeguarding the rights of EU citizens and individuals under EU law. The ENO facilitates the exchange of best practices and information about the application of EU law. This collaborative approach strengthens the capacity of national and regional ombudsmen on how international and European human rights standards should be applied. By providing a link to the EU level, the ENO helps ensure that national ombudsman institutions can better safeguard the application of the Charter at national level.

Through the ENO, national ombudsmen and the European Ombudsman may launch, in parallel, inquiries on matters related to the protection of fundamental rights in the EU. Such inquiries are particularly relevant when the

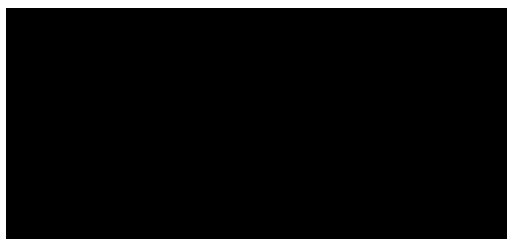


EU and national competence is shared or when the EU and national authorities act jointly. Examples of relevant parallel inquiries include how Frontex coordinates joint return operations¹ or fundamental rights in the context of the EU cohesion policy². Through these inquiries, national ombudsmen and the European Ombudsman have worked together to ensure that provisions in the Charter are upheld. National ombudsmen can also verify compliance with fundamental rights in the context of EU funded programmes³.

More generally, in the context of the development of a new Charter strategy, the Commission should seek to ensure that it complements the post-2020 disability strategy, and sets ambitious goals for protecting rights of persons with disabilities in the EU.

I look forward to reading the Commission's conclusions of the consultation, and its proposal for a new Charter strategy.

Yours sincerely,



¹ Decision of the European Ombudsman closing her own-initiative inquiry OI/9/2014/MHZ - <https://www.ombudsman.europa.eu/en/decision/en/59740>

² Decision of the European Ombudsman closing her own-initiative inquiry OI/8/2014/AN - <https://www.ombudsman.europa.eu/en/decision/en/59836>

³ Decision on strategic initiative SI/3/2018/JN: effective complaint mechanisms for matters concerning European Structural and Investment Funds - https://www.ombudsman.europa.eu/en/correspondence/en/117396#_ftn4