



Press release no. 8/2015

Ombudsman makes eight proposals to Commission to avoid fundamental rights violations in multi-billion euro “cohesion” policy

18 May 2015

The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

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The European Ombudsman, Emily O'Reilly, has made eight proposals to the European Commission to help it ensure that the 350 billion euro 2014-2020 “European Structural and Investment Funds” do not support Member State cohesion programmes that breach fundamental rights.

The cohesion policy aims to create jobs, reduce poverty and tackle social exclusion, particularly in the Union's rural and disadvantaged areas. While Member States are primarily responsible - selecting projects, making payments and handling complaints - the Ombudsman says that the Commission cannot abdicate its human rights obligations just because it does not directly manage the funds.

The Commission therefore should: carry out more frequent and thorough on-the-spot visits to Member States who implement the cohesion programmes; launch an online platform where civil society can report fund abuses and violations of the EU Charter of fundamental rights; strictly apply sanctions when Member States fail to fulfil their obligations; verify that national redress mechanisms work well; and seek to avoid fundamental rights violations in the first place by focusing training and capacity building efforts on Member States with a less positive track record in this area.

Emily O'Reilly explained: “The Commission should not allow itself to finance, with EU money, actions which are not in line with the highest values of the Union that is to say, the rights, freedoms and principles recognised by the Charter. Among the fundamental rights issues I was alerted to during this inquiry were the following: EU funds being used to build institutions for people with disabilities instead of community-based living; a planned segregated neighbourhood for Roma,

publicly advertised as benefitting from ESI Funds; and higher barriers to women's associations' access to funds. I trust that the Commission will take my proposals on board at this early stage of the 2014-2020 funding period.”

The Ombudsman has received complaints about national authorities using EU funds in violation of fundamental rights including one concerning a job creation programme that clearly discriminated against women. During her own-initiative inquiry, the Ombudsman consulted members of the European Network of Ombudsmen, the Fundamental Rights Agency, the UN High Commissioner for Human Rights and several civil society organisations. All of their contributions are available here: <http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/59264/html.bookmark>

The European Ombudsman's decision is available here: <http://www.ombudsman.europa.eu/en/cases/decision.faces/en/59836/html.bookmark>