

FUNDAMENTAL RIGHTS REPORT

CHALLENGES AND ACHIEVEMENTS IN 2025

REPORT





- A great deal of information on the European Union Agency for Fundamental Rights is available on the internet. It can be accessed through FRA's website at <https://fra.europa.eu/>.

The *Fundamental Rights Report – Challenges and achievements in 2025* is published in English.

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Contents

FOREWORD	3
INTRODUCTION	6
EUROPEAN VALUES AND PROCESSES	8
FUNDAMENTAL RIGHTS IN 2025: SELECTED DEVELOPMENTS AND FRA RESEARCH	16
LOOKING AHEAD	26
ENDNOTES	28
1. THE DIGITAL AGE: FOSTERING OPPORTUNITIES WITHOUT THREATS TO GOVERNANCE AND ACCOUNTABILITY	32
1.1. INTRODUCTION	38
1.2. PEOPLE'S EXPERIENCES WITH SOCIAL MEDIA AND CONTENT MODERATION	39
1.3. THE EU'S REGULATORY RESPONSE TO DIGITAL THREATS TO FUNDAMENTAL RIGHTS AND DEMOCRACY	42
1.4. THE ROLE OF CIVIL-SOCIETY ORGANISATIONS IN PROTECTING FUNDAMENTAL RIGHTS AND DEMOCRACY ONLINE	48
1.5. LACK OF TRANSPARENCY AND ACCESS TO PLATFORMS' DATA: A SERIOUS LIMITATION TO ACCOUNTABILITY	52
1.6. CONCLUSIONS	56
ENDNOTES	58
INDEX OF COUNTRY REFERENCES	58
2. THE HOUSING CRISIS AND PEOPLE EXPERIENCING HOMELESSNESS	62
2.1. INTRODUCTION	67
2.2. THE EU HOUSING CRISIS AND HOMELESSNESS	68
2.3. THE RIGHT TO HOUSING AND PROTECTION FROM HOMELESSNESS	71
2.4. ADDRESSING HOMELESSNESS AND PREVENTING EVICTIONS	76
2.5. CONCLUSIONS	86
ENDNOTES	88
INDEX OF COUNTRY REFERENCES	88
3. EMPLOYMENT CHALLENGES AND LABOUR EXPLOITATION OF THIRD-COUNTRY WORKERS, WITH A FOCUS ON DISPLACED PEOPLE FROM UKRAINE	92
3.1. INTRODUCTION	96
3.2. LEGAL AND POLICY DEVELOPMENTS RELATING TO THIRD-COUNTRY WORKERS IN THE EU	97
3.3. WORKING CONDITIONS AND EXPERIENCES OF DISCRIMINATION	101
3.4. LABOUR EXPLOITATION AND ACCESS TO JUSTICE	107
3.5. CONCLUSIONS	110
ENDNOTES	112
INDEX OF COUNTRY REFERENCES	112
4. APPLICATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS	116
4.1. INTRODUCTION	118
4.2. EU INSTITUTIONS AND THE APPLICATION OF THE CHARTER	119
4.3. MEMBER STATES AND THE APPLICATION OF THE CHARTER	123
4.4. USE OF THE CHARTER BY FUNDAMENTAL RIGHTS BODIES AND CIVIL-SOCIETY ORGANISATIONS	132
4.5. CONCLUSIONS	135
ENDNOTES	137
INDEX OF COUNTRY REFERENCES	137

Country abbreviations

AL	Albania	EE	Estonia	IT	Italy	PT	Portugal
AT	Austria	EL	Greece	LT	Lithuania	RO	Romania
BE	Belgium	ES	Spain	LU	Luxembourg	RS	Serbia
BG	Bulgaria	FI	Finland	LV	Latvia	SE	Sweden
CY	Cyprus	FR	France	MK	North Macedonia	SI	Slovenia
CZ	Czechia	HR	Croatia	MT	Malta	SK	Slovakia
DE	Germany	HU	Hungary	NL	Netherlands		
DK	Denmark	IE	Ireland	PL	Poland		

Foreword

In a time of intense geopolitical instability and security threats, the European Union is increasingly tested in upholding rules-based governance and fundamental rights. In Europe, we have witnessed changes to legislation affecting equality, and rollbacks of the rule of law. It would be a mistake to see these as mere changes in procedure and process; these damage democracy and the rights it protects. Diminishing democratic systems are a danger to future generations being able to claim and access basic rights.

The unpredictable international environment and ongoing wars are having an impact here at home – not least on people’s sense of safety and wellbeing. Across the EU, people are feeling pressures in their daily lives due to the prolonged cost-of-living crisis. In real terms, costs are rising and making an already difficult situation even more challenging.

The annual report of the European Union Agency for Fundamental Rights (FRA) gives readers an overview of the state of fundamental rights in the EU in 2025. Its introductory chapter looks at European values – those enshrined in the founding treaties – and how the EU Charter of Fundamental Rights supports, reinforces and gives life to these values. The report shows that such values are not always reflected in reality. This year’s edition includes thematic chapters on safety online, housing and homelessness, and issues related to employment for workers from outside the EU. It also analyses the application of the EU Charter of Fundamental Rights by Member States.

First, as people spend increasing amounts of time online, the dangers, especially for children, are becoming an everyday concern. Debates around the regulation of digital platforms and spaces have intensified because of people’s worries about dangerous online content. The EU has laws in place to regulate and protect the online space as places for participation in public discussion and access to information. The EU has laws in place to regulate and protect the online space, but the enforcement of these laws has faced challenges including holding tech platforms to account and some political pushback from outside the EU.

Second, the report addresses the ongoing housing crisis, where soaring costs affect many individuals and families, as more and more people cannot afford their homes and risk becoming homeless. Young people and vulnerable groups face hardships that undermine their access to the basic right to adequate housing and many remain unprotected against eviction and homelessness.

The third and final thematic chapter explores a tension within the EU’s labour market. While certain areas are experiencing labour shortages, some workers from outside the EU who come to fill these gaps struggle to find employment and end up experiencing labour exploitation and discrimination. This includes people who fled Ukraine, seeking safety and hoping to find fair work.

Although Member States and the EU institutions are facing challenges on many fronts, this report is a call to leaders at the highest level as well as to policymakers, lawyers, civil society, and all who protect rights, to bolster belief in and commitment to the EU's founding values. Peace and prosperity depend on our ability to exercise our democratic rights and civic freedoms. Democracy makes it possible for the fundamental rights highlighted here to exist, be claimed, and be enforced. At a time when the very basic foundations of rights, democracy, and a global order that respects rules are being treated as optional on the international stage, those who stand up for rights must unite. We must find the courage to push back against attempts to increase inequality, perpetuate hardships and dilute hard-won rights. FRA calls on the EU and its Member States to apply the EU Charter of Fundamental Rights as the legal standard, and to renew their commitment to the founding values.

The findings of this report are a resource for policymakers, practitioners, and civil society organisations, highlighting good practice examples and outlining the impact of new laws and processes. The report covers all 27 EU Member States as well as the Republic of Albania, the Republic of North Macedonia (hereafter North Macedonia) and the Republic of Serbia.

My thanks go to FRA's Management Board for overseeing this report throughout, from drafting to publication. I am grateful to the Scientific Committee for ensuring that the report is scientifically sound. A special thanks also goes to the National Liaison Officers, whose input underpins the accuracy of EU Member State information, and to the various institutions, such as the Council of Europe, for providing valuable input.

Sirpa Rautio
Director

INTRODUCTION

EUROPEAN VALUES AND PROCESSES	8
EUROPEAN VALUES AS POLITICAL FOUNDATIONS	9
EUROPEAN VALUES AND LEGAL OBLIGATIONS	10
FUNDAMENTAL RIGHTS IN EU LAWMAKING	12
FUNDAMENTAL RIGHTS IN 2025: SELECTED DEVELOPMENTS AND FRA RESEARCH	16
INTERNAL SECURITY: EMBEDDING FUNDAMENTAL RIGHTS	16
ASYLUM AND MIGRATION IN THE EU: A FUNDAMENTAL RIGHTS PERSPECTIVE	19
EQUALITY PROTECTION: GAPS AND KEY CHALLENGES	22
LOOKING AHEAD	26
ENDNOTES	28

The year 2025 marked both a milestone and a point of reflection: 25 years since the proclamation of the Charter of Fundamental Rights of the European Union (the Charter) and a year of significant tests of the values it enshrines.

This introductory chapter presents key developments from 2025, drawing on FRA's analysis of the year's fundamental rights issues. Three policy areas are examined: internal security in the EU and the impact of security on rights; asylum and migration, including border practices and access to protection; and equality and non-discrimination, highlighting persistent lived experiences of inequality. Across these areas, we ask how effectively Charter rights operationalise European values – the values enshrined in Article 2 of the Treaty on European Union – and where safeguards have proved insufficient in law, process or practice.

The year's events underline the enduring importance of the Charter and the EU's foundational values. Looking ahead, EU values should be translated into practical and enforceable rights, with the Charter as the practical tool bringing them to life.

EUROPEAN VALUES AND PROCESSES

The year 2025 highlighted the relevance of the EU's foundational values for the process of European integration. While solemn declarations marked the 75th anniversary of the European Convention on Human Rights (ECHR) and the 25th anniversary of the EU Charter of Fundamental Rights (the Charter), the year also served as a reminder of the need to support these values consistently, as their interpretation and application continue to evolve within changing legal and political contexts.

Article 2 of the Treaty on European Union (TEU) defines the EU as a community of values; the Charter and related EU legislation give these values operational form through enforceable rights when implementing EU law. In 2025, developments across the EU Member States tested how effectively that commitment to values is translated into practice – particularly when it comes to democratic lawmaking, digital governance, the safeguarding of rights in internal security policies, the treatment of migrants and asylum seekers at borders, and equality and non-discrimination.

Hungary continued to face scrutiny under Article 7 of the TEU due to concerns that its actions breach or risk seriously breaching the EU's fundamental values. The lack of progress under Article 7 of the TEU further confirmed the political nature and overall limitations of this procedure ⁽¹⁾.

Concerns were also raised in other Member States – not least in relation to equality and legislation affecting lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people, and constitutional amendments, such as in Slovakia, which were considered to conflict with shared obligations arising from EU law ⁽²⁾. Migration and asylum also remained a contested field, revealing diverging views on what safeguarding fundamental rights at borders requires in practice ⁽³⁾.

Many 'European values' are universal in character. What is distinctive is how they are interpreted and applied within the EU's legal order: they are conditions for membership, for mutual trust between Member States and for the enjoyment of rights derived from EU law.

Against this background, it is clear that European values are not about lofty anniversaries, but about what it means to be a union of states founded – in line with Article 2 of the TEU – on the values of:

respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities ⁽⁴⁾

and where these values are:

common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail ⁽⁵⁾.

In 2025, the central question was therefore not whether the Union proclaims these values, but whether policy choices, administrative practice and legislative processes – at the EU and national levels – consistently operationalise them through the Charter rights that give them concrete legal meaning.



European values as political foundations

Since the signing of the Treaty of Lisbon in 2007, Article 2 of the TEU has referred to foundational 'values'. The way in which the EU approaches these values has developed over time, including over the three decades of the new millennium.

The first decade began with the proclamation of the Charter in 2000 – a crucial moment in shaping the EU's commitment to the values ⁽⁶⁾. The second decade saw much political attention dedicated to the rule of law and how the EU can best protect and promote this key pillar of its constitutional architecture. Developments in the third decade now push the EU to focus increasingly on democracy and democratic resilience – a trend that is also reflected by the Council of Europe, with the launch of its process intended to lead to a new democratic pact. This was seen in 2025, when the European Commission launched its democracy package, consisting of the European Democracy Shield initiative and the first EU strategy for civil society. These actions recognise the extent to which values depend on vibrant civil societies at the national level. A healthy civic space, pluralism and solidarity are key to maintaining values-based governance, as highlighted in various FRA reports ⁽⁷⁾.

Article 2 of the TEU functions as a cross-cutting foundational compass within the EU's legal framework. While it does not form a competence base that would allow the EU to legislate on the values it lists, it provides a point of normative convergence across EU law and policies. In fact, references to Article 2 can be found across all areas. Examples from 2025 range from culture ⁽⁸⁾ to education ⁽⁹⁾ and the digital arena. In that sense, Article 2 frames the aims of EU action and informs the interpretation of EU measures across policy fields.

Digital regulation, including the governance of AI and very large online platforms, has been justified to a significant extent by reference to fundamental

rights, democratic integrity and the protection of pluralism. This anchoring is consequential: it signals that protecting rights such as freedom of expression and information (Article 11 of the Charter) and data protection (Article 8 of the Charter) is increasingly treated as part of safeguarding democracy under Article 2 of the TEU, while also raising questions about whether safeguards and remedies are sufficiently robust in practice.

EU legislation also protects individuals who act in the public interest, including where their actions are aimed at protecting the values enshrined in Article 2 of the TEU ⁽¹⁰⁾. Additionally, respect for Article 2 values is part of the EU's enlargement and neighbourhood policies ⁽¹¹⁾.

Alongside binding legislation, the EU has developed a range of policy strategies designed to promote and protect fundamental rights in specific areas. In 2025, the European Commission announced several initiatives, including an anti-poverty strategy, the strengthening of the child guarantee scheme, an action plan against cyberbullying, an enhanced strategy for the rights of persons with disabilities up to 2030, a 2026–2030 anti-racism strategy, a 2026–2030 LGBTIQ+ equality strategy and a 2026–2030 gender equality strategy ⁽¹²⁾.

European values and legal obligations

Article 2 of the Treaty on European Union as a binding standard

Article 2 of the TEU is increasingly invoked before the Court of Justice of the European Union (CJEU). By the end of 2025, the court had confirmed its case-law on the legal implications of Article 2 in a Grand Chamber judgment ⁽¹³⁾. Another pending case, concerning stricter national child protection legislation, is expected to clarify whether, and under which conditions, Article 2 of the TEU can serve as the legal basis for infringement proceedings ⁽¹⁴⁾. The overall direction is, however, clear: Article 2 is not simply about principles. The court has confirmed that 'numerous provisions of the Treaties, frequently implemented by various acts of secondary legislation, grant the EU institutions the power to examine, determine the existence of and, where appropriate, impose penalties for breaches of the values laid down in Article 2 TEU committed in a Member State' ⁽¹⁵⁾.



Under Article 49 of the TEU, only European states that respect the values listed in Article 2 of the TEU and commit to promoting them may apply for EU membership. States already in the EU may face political sanctions under Article 7 of the TEU if they commit a serious and persistent breach or show a clear risk of such a breach.

Like constitutional provisions in many Member States that enshrine fundamental rights and/or describe the national identity of the respective state, Article 2 defines the type of political and legal order the EU seeks to uphold. The CJEU has described the values in Article 2 as an 'integral part of the very identity of the European Union'. It has also clarified that these values are expressed through principles that impose 'legally binding obligations for the Member States' ⁽¹⁶⁾. This reflects the original purpose of Article 2: to provide a clear and common normative basis 'so that the Member States can discern the obligations resulting therefrom which are subject to sanction' ⁽¹⁷⁾. Against this background, Advocate General Ćapeta, in her opinion of 5 June 2025, described Article 2 of the TEU as expressing the EU founders' choice regarding the type of society the Member States have pledged to build together ⁽¹⁸⁾.

Regarding the rule of law and judicial independence, the CJEU has provided further guidance on what Article 2 of the TEU implies for national legal systems. While Member States retain some discretion in implementing principles of the rule of law, compliance cannot lead to different levels of protection across the Member States ⁽¹⁹⁾. Moreover, Member States may not adopt legislation that substantially reduces the protection of shared values compared with the existing level of national protection. In this respect, the court – at least concerning judicial independence – has pointed to a principle of non-regression flowing from EU law ⁽²⁰⁾.

Whether – and under which conditions – Article 2 of the TEU can serve as a **self-standing** ground for infringement proceedings (within the scope of EU law) or even as an **autonomous** ground of infringement ⁽²¹⁾ (outside this scope) remains to be clarified in pending ⁽²²⁾ or future case-law ⁽²³⁾.

Monitoring, enforcement and operational safeguards

In any event, effective monitoring of compliance with Article 2 of the TEU is essential ⁽²⁴⁾. Important information for such monitoring comes from the European Commission's annual rule of law reports. These reports present the situation and corresponding country-specific recommendations across the four key areas on the functioning of justice systems, anti-corruption frameworks, media pluralism and freedom, and other institutional issues related to checks and balances. While this last section of the annual rule of law report includes the process of lawmaking, the situation of independent authorities such as national human rights institutions and the existence of an enabling framework for civil society, it does not monitor fundamental rights as such. Neither does the annual report on the application of the Charter provide an overview of fundamental rights violations.

This creates a gap in the existing evidence base related to the implementation of EU fundamental rights obligations. Fundamental rights violations do not arise only when Member States transpose EU legislation. They often occur at later stages of implementation, including administrative practice and operational decision-making. These areas remain less visible and less systematically assessed.

The European values also have legal implications for the EU itself. The Union is held by the treaty to respect and actively promote these values, common

to both the EU and its Member States ⁽²⁵⁾. This obligation is reinforced by the EU's participation in binding international human rights treaties. The EU is a party to the UN Convention on the Rights of Persons with Disabilities (CRPD) and has ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) within the limits of its competences. In doing so, it has accepted concrete legal obligations that bind its own institutions when they legislate, implement policy or take administrative decisions. At the same time, the ongoing process of accession to the ECHR signals the EU's intention to submit its acts for external judicial scrutiny, as is the case for all its Member States. While the entire institutional framework of the EU is obliged to advance both the Union's objectives and its values ⁽²⁶⁾, there is no formal mechanism to ensure that EU legislation is systematically 'Article 2-proof'. However, rigorous fundamental rights impact assessments can contribute practical safeguards. Several Article 2 values – such as dignity, equality and non-discrimination – correspond directly to Charter rights. Others, including democracy and the rule of law, are closely linked to procedural guarantees in the Charter, such as transparency, participation and effective remedy, and to the proportionality requirement in Article 52(1) of the Charter.

For this reason, fundamental rights impact assessments ⁽²⁷⁾ should be carried out systematically and thoroughly. FRA's 2025 report *Better Legislation – Human rights impact assessments in lawmaking* shows that this is often not the case ⁽²⁸⁾. Many legislative proposals are adopted without an impact assessment having been carried out, or with a limited assessment. According to the Council of the European Union, 85 % of the legislative proposals presented by the European Commission in 2024 were not accompanied by an impact assessment ⁽²⁹⁾. This gap is particularly striking given that EU strategies and speeches routinely invoke 'European values' of democracy, fundamental rights and the rule of law. Yet these references are rarely supported by systematic *ex ante* or *ex post* evaluations of fundamental rights compliance in law and in practice.

EU funding is another lever for enforcing Article 2 values. Since 2020, the EU has had the ability to suspend its funding where systemic breaches of the rule of law risk affecting the Union's financial interests ⁽³⁰⁾. Consistent monitoring and application of this conditionality are essential ⁽³¹⁾. In addition, the so-called horizontal enabling conditions seek to ensure that EU-funded activities fully comply with the Charter and the CRPD ⁽³²⁾. As new financial rules will be adopted in 2026, it will be important to strengthen these safeguards ⁽³³⁾.

Fundamental rights in EU lawmaking

The EU has developed a remarkable complex lawmaking process that scores higher than its Member States in terms of stakeholder engagement, regulatory impact assessment and *ex post* evaluations. ⁽³⁴⁾ Given that EU legislation must remain in line with EU primary law, including the EU Charter of Fundamental Rights, EU lawmaking is closely linked to EU values. In 2025, various actors focused on this link, including FRA which published a report entitled *Better Legislation – Human rights impact assessments in lawmaking*.

An element that had contributed to this interest is the legitimate ambition to simplify EU legislation.



FRA'S OPINION ON DRAFT SIMPLIFIED EUROPEAN SUSTAINABILITY REPORTING STANDARDS

The draft simplified ESRs introduce several changes, including extensive reductions in mandatory data points and an increase in the use of estimates and proxies in value chain reporting. Social metric reductions affect gender equality, non-employee transparency, work-life balance and occupational health and safety, while climate and pollution disclosures have become less prescriptive. These changes may render severe or systemic human rights impacts less visible, particularly where they occur deep in value chains or affect marginalised groups.

Moreover, the simplification of climate and pollution reporting may slow the detection of harms affecting fundamental rights to health, decent work and a safe environment.

Conducting a fundamental-rights-based impact assessment of changes proposed to the ESRs benefits the simplification of reporting standards. Such an assessment helps to ensure that efficiency gains are achieved without compromising the protection of human rights or the quality of disclosures.

Source: FRA, Opinion on Draft Simplified European Sustainability Reporting Standards, Publications Office of the European Union, Luxembourg, 2026.

In fact, in 2025, the EU launched an unprecedented simplification endeavour aimed at competitiveness, as outlined in the Draghi report ⁽³⁵⁾ ⁽³⁶⁾. The European Commission presented a number of simplification initiatives ⁽³⁷⁾, confirming its intention to sustain this momentum through 2026, with more than half of the planned legislative initiatives having a 'significant simplification dimension' ⁽³⁸⁾.

The main vehicle of this agenda was the use of omnibus legislative packages – single acts amending multiple legal instruments simultaneously. Derived from the Latin for 'for all' or 'to all', omnibus acts amend several legislative instruments in a single proposal. Previously used primarily for technical adjustments, such as to modernise old legislation, 2025 saw omnibus packages deployed to introduce extensive and substantive legal changes across policy domains. In total, 10 omnibus packages were presented in 2025, covering areas such as sustainable finance, investment and the single market, AI, data protection, environmental legislation and food safety ⁽³⁹⁾.

The Omnibus package of 2025 involved the use of urgency procedures foreseen under the Better Regulation Framework, including adapted consultation methods, rather than a standard impact assessment – including the assessment of fundamental rights – reviewed by the Regulatory Scrutiny Board.

While there is no inherent tension between safeguarding EU values and the pursuit of a simplification agenda and no presumptive incompatibility between simplified lawmaking and fundamental rights impact assessments, it is important that fundamental rights remain key pillars of the Union's actions. At the same time, it should also be noted that a simpler, clearer and better enforced EU rulebook may lead to the strengthening of the rule of law and the other founding values of the Union.

Fundamental rights impact assessments (including within broader impact assessments) help ensure the legality and legitimacy of the process by identifying and addressing potential rights implications at an early stage. They help to ensure that legislative reform remains compatible with Charter standards, in particular the requirement that limitations on rights be necessary and proportionate. FRA's 2025 report entitled *Better Legislation – Human rights impact assessments in lawmaking* notes that *ex ante* human rights impact assessments are 'a critical point in better lawmaking'

and that, in order to avoid the risk that simplifying legislation and cutting red tape comes at the expense of rights, pursuing a participatory rights-based approach from the outset should help ensure that people's real experiences shape the rules.

EU primary law provides for public and democratic participation ⁽⁴⁰⁾, transparency and right of access to documents ⁽⁴¹⁾ and proportionality ⁽⁴²⁾. The interinstitutional agreement on better lawmaking, concluded by the three main EU institutions, underscores their importance in lawmaking and the importance of public consultation and impact assessments ⁽⁴³⁾. The European Commission has also adopted its own better regulation toolbox ⁽⁴⁴⁾ and guidelines ⁽⁴⁵⁾, defining better regulation as an 'open and transparent' process where broad consultation is 'the basic rule'. The European Ombudsman has stressed in that regard that the Commission rules on better regulation, although not legally binding, generate legitimate expectations from the public and should be complied with ⁽⁴⁶⁾.

As also underlined in FRA's 2025 report entitled *Better Legislation – Human rights impact assessments in lawmaking*, legislative processes are not merely technical processes: they are the primary channel through which individuals, civil society and affected communities can participate in shaping the rules that govern them.

Where participation and transparency are limited, the space for public debate narrows and the ability of individuals to anticipate, contest or influence regulatory change diminishes. As stressed by the European Ombudsman, this may weaken accountability; erode public trust in EU lawmaking, especially where no justification of urgency is provided ⁽⁴⁷⁾; and create uncertainty about whether the measures adopted are necessary and proportionate.

The legislative process for Omnibus I (Directive (EU) 2026/470) was concluded at the end of 2025, with the final adoption by the European Parliament on 16 December 2025, after an agreement was reached with the Council ⁽⁴⁸⁾. It included proposals amending Directives 2006/43/EC, 2013/34/EU, (EU) 2022/2464 and (EU) 2024/1760 as regards certain corporate sustainability reporting and due diligence requirements. Given FRA's work in this area, this first omnibus package provided an example for the agency to consider.

In particular, it narrowed the scope of the Corporate Sustainability Reporting Directive to companies with more than 1 000 employees and with more than EUR 450 million in net annual turnover. Furthermore, it narrowed the scope of the Corporate Sustainability Due Diligence Directive to companies with more than 5 000 employees and with a net turnover of above EUR 1.5 billion. Moreover, the obligation for companies to adopt a transition plan for climate change mitigation was eliminated, as were the provisions on an EU-wide harmonised civil liability regime.



On 21 May 2025, the European Ombudsman opened an inquiry into the procedure that had led to the adoption of the Omnibus I proposal and identified several shortcomings, including the lack of transparency, participation and impact assessment ⁽⁴⁹⁾. The Ombudsman insisted that principles of good lawmaking ‘cannot be compromised even for the sake of urgency’ ⁽⁵⁰⁾. Although the Commission rules allow for certain derogations in case of ‘political urgency’, the concept of urgency is not defined in detail, nor are guidelines provided ⁽⁵¹⁾. The Ombudsman held that political priorities do not necessarily amount to political urgency and that, in any case, the Commission had not substantiated the urgency in a structured manner.

The Omnibus I package also envisages a revision of the European sustainability reporting standards (ESRSs). The recent simplification of the ESRSs aimed to ease the reporting burden on companies, particularly smaller entities, while seeking to retain the essential safeguards that underpin effective sustainability disclosure. On 16 December 2025, pursuant to Article 49(3)(b) of the Accounting Directive (as amended by the Corporate Sustainability Reporting Directive), the European Commission requested that FRA provide its opinion on the European Financial Reporting Advisory Group proposal for simplified ESRSs. FRA provided its opinion in February 2026. It concluded that the sustained focus on a risk-based human rights framework aligned with the approach articulated in the UN’s guiding principles on business and human rights should be welcomed for its potential to enhance focus and practicality. It also noted that some of the proposed deletions, restructuring or new flexibilities may reduce the visibility of human rights impacts, weaken transparency or create legal ambiguity – particularly for vulnerable groups.

In October 2025, the European Commission presented its Work Programme 2026 which announces for early 2026 a Communication on better regulation ⁽⁵²⁾.

FUNDAMENTAL RIGHTS IN 2025: SELECTED DEVELOPMENTS AND FRA RESEARCH

This section considers selected fundamental rights developments that distinguished 2025. It focuses on topics that featured prominently in the year's political and legal debates and that fall within FRA's core areas of work, namely:

- internal security;
- asylum and migration at external borders;
- equality and non-discrimination.

Across these domains, the recurring question is how effectively Charter rights operationalised values enshrined in Article 2 of the TEU – and where safeguards proved insufficient in law, process or practice.

While the EU must respect Member States' national identities in accordance with Article 4(2) of the TEU, this does not render compliance with Article 2 of the TEU optional. Shared values of democracy, the rule of law and respect for human rights constitute a common normative baseline. They underpin the mutual trust on which the EU is built, including mechanisms of mutual recognition such as the European Arrest Warrant, and remain a condition for the enjoyment of rights derived from EU law.

Internal security: embedding fundamental rights

Global developments in recent years have continued to impact discussions on and advances in internal security in the EU and the role of fundamental rights in this context, with a corresponding overlap in concerns about and responses to both internal and external security⁽⁵³⁾. Internal security threats, including online, pose significant risks to fundamental rights and democracy as core European values.

At the same time, internal security measures frequently result in interferences with fundamental rights protected by the Charter. In particular, measures in this field may affect the rights to privacy and data protection (Articles 7 and 8), freedom of expression and information (Article 11), freedom of assembly



and association (Article 12), asylum and protection against *refoulement* (Articles 18 and 19), non-discrimination (Article 21) and an effective remedy and fair trial (Articles 47 and 48). Ensuring that security policies both protect and respect these rights is essential for maintaining public trust, legal certainty and the effectiveness of EU action.

In 2025, the pace of policy developments in the field of internal security reflected the tension between the desire for urgent action and the need to underpin procedural safeguards. The following sections look at how the EU aims to accommodate these different objectives in its new strategic framework adopted in 2025 and highlight two areas where FRA's recent work has tried to address this tension between internal security measures and rights: online manifestations of terrorism and enhancing law enforcement's use of technology to effectively combat crime.

ProtectEU: a broad response to evolving threats

In April 2025, the European Commission issued the ProtectEU internal security strategy ('the strategy')⁽⁵⁴⁾, which provided a new strategic framework for the EU's internal security policies and set out the key legislative and policy actions for 2025–2029. Part of the EU's broader response to the evolving landscape of threats in the EU and beyond, the strategy complements the preparedness union strategy⁽⁵⁵⁾, the white paper on European defence readiness⁽⁵⁶⁾ and the European Democracy Shield⁽⁵⁷⁾. This broader perspective on security, including the interplay between its internal and external dimensions, is reflected in the cross-cutting priorities of the strategy, which call for a whole-of-society approach to security, mainstreaming security considerations across all EU activities and stepping up investment in security.

Thematically, the strategy covers a range of areas, including combating serious and organised crime, and terrorism and violent extremism; increasing resilience to a variety of hybrid threats; strengthening cooperation with non-EU countries; and enhancing the capacities of actors such as the European Union Agency for Criminal Justice Cooperation (Eurojust), the European Union Agency for Law Enforcement Cooperation (Europol) and the European Border and Coast Guard Agency (Frontex). The strategy is the fourth iteration of EU strategies addressing security and provides – for the first time – a more explicit reference to FRA and its role than its predecessors⁽⁵⁸⁾; however, the strategy does not grant corresponding enhanced capacities to FRA.

Given the inherent interplay between internal security measures and fundamental rights, many initiatives covered by the strategy will have an impact on rights, ranging from law enforcement access to digital data and data retention, to the better protection of children against crime both online and offline, and enhanced efforts to combat terrorism and violent extremism. The impact on rights warrants careful scrutiny, which FRA, alongside other actors, will undertake with respect to key areas.

The focus on hybrid threats also means that phenomena such as the 'instrumentalisation' (or, in the language of the strategy, 'weaponisation') of migration, and disinformation and election interference, have been firmly brought into the remit of EU internal security. Fundamental rights issues associated with addressing these challenges are discussed in **Chapter 1** 'The digital age: fostering opportunities without threats to governance and accountability' and **Chapter 3** 'Employment challenges and labour exploitation of third-country workers, with a focus on displaced people from Ukraine'.

Addressing terrorist content online while safeguarding freedom of expression

The strategy expressly recognises the role of FRA's expertise in informing security policies. A number of FRA's ongoing activities in 2025–2026 are highly relevant to the priorities of the strategy.

In the field of combating terrorism and violent extremism, the strategy places a particular emphasis on countering the spread of terrorist content online. Such content is a key threat to fundamental rights, democracy and the rule of law. At the same time, measures aimed at addressing the proliferation of terrorist content need to be accompanied by safeguards against erroneous removal of other content, protecting freedom of expression and information (Article 11 of the Charter) and other rights, such as non-discrimination (Article 21 of the Charter).

FRA's report *Regulating Online Terrorist Content – Balancing public safety and fundamental rights* ⁽⁵⁹⁾ informed the European Commission's evaluation of the Terrorist Content Online (TCO) Regulation ⁽⁶⁰⁾, one of the key actions of the strategy for 2026. In the report, to avoid over-removal of content that is not terrorist in nature and to support the uniform application of rules across the EU, the clarity and foreseeability of the provisions of the TCO Regulation could be further enhanced. Building on FRA's work on AI and online content moderation ⁽⁶¹⁾, the report highlights the increased risk of erroneous removal of legal content in particular languages or related to certain topics, which can amount to discrimination, particularly when it comes to content moderation by online platforms, which may rely too much on automated tools.

The FRA report also underlines the need to ensure that all types of terrorist content are effectively targeted, noting that, despite its growing online presence, it is still often more challenging to correctly identify and remove right-wing terrorist content than – for example – jihadist content. The report also identifies where the effectiveness of safeguards and remedies under the TCO Regulation could be further enhanced and calls for further guidance, training and awareness raising among authorities applying the legislation and among providers of online services that are affected by it.

Safeguarding rights while enhancing law enforcement's use of technology and access to data

Technological developments present both an opportunity and a challenge for law enforcement when it comes to combating crime. A case in point is the use of remote biometric identification – such as facial recognition software that can assist law enforcement in identifying people suspected of criminal offences or other threats. It is a topic of high relevance both to the priorities of the strategy concerning innovation and enhancing law enforcement capabilities and to the implementation of the AI Act ⁽⁶²⁾, which permits the use of such tools only under strict conditions. The rights to privacy and the protection of personal data (Articles 7 and 8), freedom of expression and assembly (Articles 11 and 12), non-discrimination (Article 21) and an effective remedy (Article 47) are among those Charter rights most directly affected by the use of such technologies.

Besides analysing the experience of law enforcement and other experts, FRA's research conducted in this field in 2025 also collected the views of the general public on the use of facial recognition technology through small-scale surveys that were carried out in public spaces. The findings underline the need for clear legal frameworks, a high level of transparency before adopting and when deploying such tools, and ensuring sufficient accuracy of such



tools to avoid wrongly flagging people and to avoid outputs that are discriminatory towards certain population groups. The importance of effective external oversight and access to effective remedies is highlighted. The research also found significant concerns that such technologies could be abused and that their deployment in public spaces could amount to general and indiscriminate surveillance, making it even more important that appropriate safeguards are applied. Responses from the small-scale surveys show that the use of such technologies would affect the readiness of a significant share of people to attend public events or protests – findings that are of clear relevance to core European values.

The strategy also highlights areas where technological developments are perceived as having a negative impact on law enforcement capabilities. To support the ongoing discussions in the EU on potential solutions that could enhance law enforcement's effectiveness when combating crime while safeguarding cybersecurity and fundamental rights, FRA initiated research in 2025 looking at how measures that allow law enforcement to access data from encrypted devices and communication affect privacy (Article 7), data protection (Article 8), fair trial (Article 47) and other rights. The findings will inform actions related to encrypted data envisaged in the strategy and further elaborated in the roadmap for lawful and effective access to data for law enforcement ⁽⁶³⁾ issued by the Commission in June 2025.

Conclusions

Evolving security priorities within the EU will continue to have implications for fundamental rights, and ensuring that rights are safeguarded is essential for making security measures effective, sustainable and lawful. With its expertise and upcoming findings, FRA will continue to support the EU institutions and Member States in the development and implementation of security policies in line with the protection of fundamental rights.

Asylum and migration in the EU: a fundamental rights perspective

This section highlights how developments in asylum and migration in 2025 tested the EU's shared values and their concrete expression in Charter rights. Applying this chapter's overarching lens – that the values of Article 2 of the TEU are given practical effect through legally enforceable rights – it examines two trends in asylum and migration across the EU with particular implications for dignity, the right to asylum (Article 18 of the Charter), the prohibition of *refoulement* and collective expulsion (Article 19) and access to an effective judicial remedy (Article 47). This section looks first at increasing reliance on security-driven border and migration management and, second, at reforms

concerning procedural safeguards under the EU's pact on migration and asylum ⁽⁶⁴⁾.

FRA's analysis draws on research and data from national human rights institutions and other EU agencies to show where these developments create new risks for these core rights of the Charter.

Security-driven border management and fundamental rights

As noted in the EU's first annual asylum and migration report, published in 2025 ⁽⁶⁵⁾, ensuring fundamental rights at the border remains a challenge.

Member States bordering Belarus and Russia adopted measures in response to the instrumentalisation of migrants by non-EU countries. Latvia, Lithuania and Poland introduced legislation restricting access to asylum at their borders with Belarus. These measures left people stranded in border forests without shelter or access to humanitarian assistance, which has created tension with regard to fundamental rights ⁽⁶⁶⁾. Finland extended an act preventing access to the territory and to asylum at the border with Russia until the end of 2026 ⁽⁶⁷⁾.

In a 2025 position paper, FRA recognises that the EU and its Member States may take measures to counter the instrumentalisation of migrants. However, the paper stresses that countermeasures falling within the scope of EU law must remain fully compliant with EU law and uphold the fundamental rights guaranteed by the Charter ⁽⁶⁸⁾. It underlines that responses should target the actors behind the instrumentalisation, not the people affected, and that they must respect absolute rights such as the prohibition of torture and *non-refoulement*, that is, sending people back to where their lives and freedom are at risk. The paper sets out the following four types of measures to counter instrumentalisation of migrants and refugees in full compliance with fundamental rights.

- **Targeting the actors that instrumentalise migrants.** Member States may take steps to counter state-sponsored migrant smuggling, impose sanctions on hostile states and restrict the visas of people from those



countries. They should not punish the people who have been instrumentalised or the humanitarian organisations that support them.

- **Dealing with migrant arrivals.** Member States have a duty to treat migrants humanely and allow them access to asylum procedures. Under the EU's pact on migration and asylum, countries will be able to benefit from extended timelines to register applications for international protection and to examine them in the framework of the border procedure.
- **Working with transport companies.** Member States can use various measures to deal with companies involved in smuggling of migrants or trafficking in human beings. These range from providing training to airline staff to revoking travel companies' licences to operate in the EU.
- **Responding to the militarisation of borders.** The blurring of lines between border management measures (where EU law applies) and military measures (which largely fall outside the scope of EU law) risks undermining fundamental rights protection. The paper stresses that any activities conducted to deal with migrants and refugees at borders must comply with the Charter.

In July 2025, Greece suspended access to asylum for those arriving in Crete by boat from North Africa for three months ⁽⁶⁹⁾. The European Court of Human Rights issued interim measures to prevent removals under this policy, as lawyers reported ⁽⁷⁰⁾.

At least 36 people died or went missing at sea, including a child, while trying to reach the EU or leaving the EU for the United Kingdom in 2025. In the same period, 3 409 people were reported dead or missing on sea routes to Europe in the Mediterranean Sea or via Atlantic Ocean crossings to the Spanish Canary Islands, including at least 137 children ⁽⁷¹⁾.

Civil-society actors play a crucial role in search and rescue (SAR) operations but face legal and administrative hurdles, as well as physical attacks by Libyan actors ⁽⁷²⁾. FRA's 2025 update on SAR operations lists 86 administrative or criminal proceedings initiated against SAR operations by civil-society actors since 2017 ⁽⁷³⁾. With regard to land borders, in Latvia in 2025, an activist was sentenced for assisting asylum seekers at the border with Belarus ⁽⁷⁴⁾. Five Polish activists – the 'Hajnówka Five' – who were prosecuted for providing humanitarian aid to refugees near the Belarus-Poland border were ultimately acquitted for lack of evidence of personal gain ⁽⁷⁵⁾.

For years, national statutory human rights bodies have been monitoring fundamental rights at borders and in facilities hosting migrants. In 2024, they carried out several hundred monitoring missions across the EU ⁽⁷⁶⁾. Member States started to assign to their national ombudsperson institutions the mandate to monitor fundamental rights under the Screening Regulation ⁽⁷⁷⁾, with FRA's support ⁽⁷⁸⁾.

Allegations of mistreatment, summary returns and violence at borders persist, as documented, for example, by the Greek National Commission for Human Rights ⁽⁷⁹⁾, by the Office of the United Nations High Commissioner for Human Rights regarding Bulgaria ⁽⁸⁰⁾ and by United Nations High Commissioner for Refugees regarding Cyprus ⁽⁸¹⁾. In two cases concerning actions for damages under Article 340(2) of the Treaty on the Functioning of the European Union, the CJEU held that, in principle, Frontex can be accountable for rights violations during forced returns and in the context of alleged pushbacks at sea. It also provided guidance to ensure that the victim's burden of proof is not excessive ⁽⁸²⁾. FRA recalls the need for prompt, independent and effective investigations ⁽⁸³⁾. Although FRA did not observe any structural changes to improve the effectiveness of national investigations of ill treatment allegations at borders, more incidents of loss of life and alleged ill treatment during border management have been brought to the attention of judicial authorities.

Efforts to strengthen procedural safeguards

Member States' efforts to implement the pact on migration and asylum are bringing some coherence to the way that asylum applicants are received and treated at borders.

Asylum application numbers decreased by 19 % in 2025 compared with 2024 ⁽⁸⁴⁾, but backlogs remain high, especially in France, Germany, Italy and Spain ⁽⁸⁵⁾.

Temporary protection for people fleeing Ukraine remained accessible, with 4.3 million people holding such status at the end of 2025 in the EU ⁽⁸⁶⁾. Displaced children from Ukraine have the right to access education under the same conditions as nationals, but out-of-school rates are rising among children with disabilities from Ukraine ⁽⁸⁷⁾.

The EU is increasingly exploring new approaches to returns – such as return hubs and partnerships with 'safe third countries'. In its position paper *Planned Return Hubs in Third Countries – EU fundamental rights law issues* ⁽⁸⁸⁾, FRA underlined that such innovations must be designed and implemented in full compliance with fundamental rights. The legal basis for creating a return hub outside the EU must be a binding agreement with a non-EU country, not just an informal arrangement. There must be a return decision for each person transferred to a return hub. EU law safeguards, such as those for women and girls, or people with vulnerabilities, and rules prohibiting arbitrary detention must be adhered to. The treatment of returnees transferred to a return hub must respect human dignity. Finally, FRA strongly recommends independent monitoring ⁽⁸⁹⁾.

Conclusions

Recent developments show a mixed picture: swift access to protection for people fleeing Ukraine shows the EU's capacity for rights-based action in crises, while deaths and violent summary returns at the EU's external borders highlight tension with regard to fundamental rights. New developments with regard to information technologies, such as the EU AI Act, will have an impact on asylum and migration policies in the EU and beyond ⁽⁹⁰⁾.

Monitoring and judicial oversight have improved in some Member States, yet major challenges remain. A deterrence-oriented approach reflected in a joint letter by nine Member States prompted the Council of Europe, at an informal ministerial conference in December, to reaffirm the binding nature of the ECHR and the authority of the European Court of Human Rights ⁽⁹¹⁾, and to begin work on a political declaration to be adopted in mid-May 2026 during the Committee of Ministers' meeting in Chişinău ⁽⁹²⁾.

Equality protection: gaps and key challenges

This section examines how effectively the principle of equality is protected in the EU and where key challenges and gaps persist. Applying this chapter's values lens, it considers how the EU's commitment to equality under Article 2 of the TEU is translated into concrete Charter rights – particularly those afforded by Articles 20–23, including the prohibition of discrimination (Article 21). Recent legal and policy developments, and their uneven implementation in practice, show that protection against discrimination still varies across Member States. Such disparities matter: when Charter-based equality rights are applied inconsistently across the EU, this foundational EU value risks remaining a principle on paper rather than a lived reality.



2025: a pivotal year for equality

In 2025, EU equality policy shifted from setting goals to implementation. This shift in focus is revealed in the Commission's communication 'A roadmap for women's rights' ⁽⁹³⁾ and its 2025 gender equality report ⁽⁹⁴⁾. Combating gender-based violence, narrowing labour market gaps and challenging stereotypes are no longer considered problems of design, but problems of delivery. Another example of this approach is the 2026–2030 LGBTIQ+ equality strategy ⁽⁹⁵⁾, which commits the EU to mainstreaming equality across policies.

One of the political developments in 2025 was the Commission's decision to maintain the long-delayed proposal for the Equal Treatment Directive (Article 19 of the Treaty on the Functioning of the European Union) on the table. Although it was initially listed for withdrawal ⁽⁹⁶⁾, several Member States challenged the decision and argued that gaps in equality protection in employment needed to be addressed ⁽⁹⁷⁾. In July 2025, in light of the positions expressed by the Council and the European Parliament, given the need to ensure that all grounds of discrimination listed in the Treaty are equally protected at EU level, the Commission announced ⁽⁹⁸⁾ that the proposal would remain under consideration in 2026.

The reaffirmed commitment to the Equal Treatment Directive reflects growing recognition of the fragmentation across the discrimination grounds listed in Article 19 of the Treaty on the Functioning of the European Union, which prevents the full realisation of Article 21 of the Charter. The decision responds

to consistent calls from FRA, the European Parliament and civil society, including the European Network of Equality Bodies (Equinet). The European Commission's stance was informed by FRA's *Fundamental Rights Report – 2025* ⁽⁹⁹⁾, which evidences persistent hate crime and racism, implementation gaps and digitalisation-related risks. Complementary analysis from the European Parliamentary Research Service ('Potential European added value' ⁽¹⁰⁰⁾) and a complementary impact assessment ⁽¹⁰¹⁾) provided a socioeconomic case for harmonisation.

Equality bodies were strengthened in 2025. New legally binding minimum standards for equality bodies came into force – Directive (EU) 2024/1500 ⁽¹⁰²⁾ and Council Directive (EU) 2024/1499 ⁽¹⁰³⁾. They require Member States to ensure independence, adequate resourcing, inquiry and dispute resolution powers, and the capacity to support victims and intervene in litigation. With a deadline of June 2026 for transposition into national legislation, 2025 was the first year of institutional reform.

Case-law developments in 2025 strengthened equality protection in the EU. The CJEU ruled that gender identity on public registers can be corrected under the General Data Protection Regulation (GDPR) without providing evidence of surgery, in C-247/23 (*Delids*) ⁽¹⁰⁴⁾. The court also clarified in C-394/23 (*Mousse v Commission nationale de l'informatique et des libertés (CNIL) and SNCF Connect*) that obliging customers to select a gendered title (e.g. 'Ms' or 'Mr') is not 'necessary' under the GDPR and can amount to discrimination based on gender identity, reinforcing the GDPR's role in safeguarding equal treatment ⁽¹⁰⁵⁾. It also upheld the Minimum Wages Directive, in C-19/23 (*Denmark v Parliament and Council*) ⁽¹⁰⁶⁾, with implications for equality in low-paid sectors. In addition, in C-417/23, the CJEU provided guidance on whether Denmark's classification of 'transformation areas' by proportion of 'non-Western' residents may amount to direct discrimination on the ground of ethnic origin under the Racial Equality Directive, leaving the final assessment to the national court ⁽¹⁰⁷⁾.

Furthermore, in 2025, key instruments started to be implemented, testing equality bodies' mandates and Member States' implementation capacity. The first, the Pay Transparency Directive ⁽¹⁰⁸⁾, requires Member States to have clear methodologies for assessing work of equal value, and clear sanctions and remedies, by 7 June 2026, in order to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. It recognises that pay gaps can result from intersectional discrimination, which will require authorities to develop evidentiary approaches capable of identifying the combined impact of multiple, overlapping grounds of discrimination, rather than assessing them individually. Equality outcomes depend on how harms are defined and measured; intersectional realities require integrated proof models, equality data strategies and mandates that the new directives on standards for equality bodies now make institutionally feasible. Research highlighted the persistent under-recognition of intersectional discrimination in EU and national frameworks ⁽¹⁰⁹⁾.

The second instrument, the Combating Violence against Women and Domestic Violence Directive ⁽¹¹⁰⁾, requires criminalisation of specified conduct, including the most widespread forms of cyberviolence, alongside robust victim support systems and the collection of comparable data by 14 June 2027.

Finally, equality is increasingly linked to digitalisation and AI. The EU participated in the negotiations on the Council of Europe Framework Convention on Artificial Intelligence and signed the convention in 2024 ⁽¹¹¹⁾. It also adopted its position in preparation for a forthcoming Council of Europe recommendation on equality and AI, which aims to provide guidance to Member States to

promote equality, including gender equality, and prevent and combat discrimination arising from AI systems ⁽¹¹²⁾. Research further underscores the need to prevent algorithmic bias while safeguarding data protection and security ⁽¹¹³⁾. For more on AI, see [Chapter 1](#) 'The digital age: fostering opportunities without threats to governance and accountability'.

Lived experiences of inequality from FRA survey evidence

FRA survey data show persistent discrimination across education, work, housing and public services. Roma, people of African descent ⁽¹¹⁴⁾, LGBTIQ people ⁽¹¹⁵⁾, people with disabilities, Jews and Muslims continue to face high levels of unequal treatment, harassment and hate-motivated violence. Survey data show that 6 % of Jews ⁽¹¹⁶⁾ and 19 % of Muslims have experienced discrimination in public spaces ⁽¹¹⁷⁾. Muslim respondents are twice as likely to report having unmet medical needs as members of the general population ⁽¹¹⁸⁾. People with disabilities continue to face barriers linked to the uneven transposition of the European Accessibility Act.

Intersectional experiences intensify these harms. FRA data illustrate this compounding effect: young Muslim women who wear religious clothing more often reported discrimination in job searches (58 %) than those who do not (38 %); people of African descent with disabilities more often reported being discriminated against (46 %) than those without activity limitations (32 %); and young LGBTIQ people were more likely to have experienced harassment (70 %) than older respondents (41 %) ⁽¹¹⁹⁾. These experiences are reinforced by structural inequalities and highlight the practical consequences of fragmented legal protection.

Fragmented protection: why harmonised equality standards matter

Fragmented national laws and inconsistent implementation of anti-discrimination measures have created a patchwork of protection across the EU. Millions of people experience unequal treatment depending on where they live, undermining the EU's commitment to guaranteeing equality as a fundamental right under Article 2 of the TEU and Article 21 of the Charter. Protection remains uneven – aspirational in some Member States and enforceable in others.

The limited scope of EU equality law beyond the Employment Equality Directive (Council Directive 2000/78/EC) leaves gaps in key areas such as housing, education and healthcare. But the Racial Equality Directive (Council Directive 2000/43/EC) demonstrates that wider protection can achieve tangible progress when coupled with effective national enforcement. A horizontal equality directive would help eliminate inconsistencies, reduce artificial hierarchies among protected grounds and reduce costs ⁽¹²⁰⁾. Political commitment, adequately resourced equality bodies, independent oversight and systematic data collection are also necessary.

Conclusions

In a context of geopolitical instability and polarisation, security pressures, persisting narratives that undermine equality, and socioeconomic transition, equality is not peripheral but foundational to democratic resilience and social cohesion. A robust, harmonised EU anti-discrimination framework is essential to realise equality across all grounds of discrimination and all areas of life and is central to advancing broader EU political objectives. Overall, although the EU has strong equality laws on paper, they do not yet guarantee equality for everyone. What happens in 2026 will be crucial. Adopting the Equal Treatment Directive, strengthening equality bodies and properly enforcing

new laws will be essential. The renewed focus on the Equal Treatment Directive must translate into enforceable law, coherent policy and sustained efforts to close existing gaps. Member States must align legal frameworks with evolving societal realities such as new forms of discrimination linked to digitalisation, AI and the green transition. The EU should strengthen the role of equality bodies, integrate FRA survey data and research into policymaking and improve equality data systems. As the EU approaches the 20th anniversary of the CRPD, it must deliver on its own obligations under this legislation.

Effective enforcement, robust equality data and coherent law and policy are essential to rebuild trust and make equality a reality across the EU.

LOOKING AHEAD

Looking ahead, the developments highlighted in this chapter show how tension around the values in Article 2 of the TEU materialised across several policy domains in 2025. These values are not abstract aspirations: they take concrete legal form through the rights enshrined in the Charter. Ensuring that these values and corresponding rights are applied in daily practice requires a renewed effort on monitoring so that omissions and cases of non-compliance are detected and addressed. What is needed in this regard is the systematic collection of objective and reliable data, coherent analysis and political will.

Across the areas examined, a common structural concern emerges: there is pressure on the legal and procedural safeguards that translate foundational values into practical guarantees. There is currently no formal mechanism to ensure that EU legislation is systematically ‘Article 2-proof’. Yet fundamental rights impact assessments can provide an important safeguard, particularly because several Article 2 values correspond directly to Charter rights, while others – such as democracy and the rule of law – are closely tied to Charter-based procedural guarantees like transparency, participation and effective remedy. FRA’s 2025 report *Better Legislation – Human rights impact assessments in lawmaking* ⁽¹²¹⁾ shows that such assessments are still not carried out consistently. Strengthening the systematic and thorough application of fundamental rights impact assessments, alongside accessible and inclusive public consultations, remains essential.

Similar considerations apply to EU funding. Conditionality mechanisms and horizontal enabling conditions are key levers for ensuring compliance with the Charter and the CRPD. As new financial rules are adopted in 2026, maintaining and, where necessary, reinforcing these safeguards will be important to ensure that funding instruments continue to drive rights-compliant implementation.

While Omnibus I measures may eventually be challenged by the CJEU regarding their compatibility with EU primary law, vigilance is already needed during the preparation and recasting of legislation to ensure full respect for EU general principles and fundamental rights. With the European Commission preparing a revision of its better regulation framework against the backdrop of successive omnibus packages, FRA calls for ensuring systematic and thorough application of fundamental rights impact assessments in the EU legislative process, and ensuring the accessibility and inclusiveness of public consultations ⁽¹²²⁾.

Evolving internal security priorities will likewise continue to have implications for fundamental rights. Ensuring that security measures remain lawful, effective and sustainable requires maintaining clear legal bases, well-defined powers and appropriate safeguards, particularly where technological tools

such as remote biometric identification or data access measures are concerned. FRA will continue to support the development of rights-compliant security policies by providing evidence and guidance.

Concerning migration and asylum, implementing the pact offers an opportunity to strengthen safeguards to prevent *refoulement*, if adequately supported by independent monitoring, effective guardianship for unaccompanied children and strong civil-society cooperation. FRA will play a key role through its guidance and expertise to help ensure that safeguards are meaningfully upheld.

Persistent inequalities remain a major challenge to the EU's social cohesion and democratic resilience. The policy hinge of 2026 is clear: progress towards a coherent and harmonised EU legal framework on equality. This includes adopting the Equal Treatment Directive; ensuring the timely transposition and effective implementation of the directives on standards for equality bodies; completing the incorporation into national law of the directives on pay transparency and combating violence against women and domestic violence; operationalising equality-related safeguards under the AI Act; and translating the 2026–2030 anti-racism strategy into enforcement and measurement tools. Independent expert monitoring will support these endeavours, such as the forthcoming evaluation of the EU's compliance with the Istanbul Convention. Advancing this agenda is essential to realise equality across all grounds and all areas of life.

Endnotes

- ⁽¹⁾ See Grabowska-Moroz, B. and Grogan, J. (eds), *Rule of law beyond the EU Member States 2025*, Central European University Democracy Institute: Rule of Law Clinic, 2025, p. 17.
- ⁽²⁾ See FRA's **statement of 7 October 2025 on recent developments affecting fundamental rights in the EU**; ILGA-Europe's **joint open letter of 17 October 2025 on new constitutional amendments adopted in Slovakia**; and the **European Commission's letter of formal notice to Slovakia (INFR(2025)2208) of 21 November 2025**.
- ⁽³⁾ See the **letter on safeguarding human rights signed by nine Member States**, dated 22 May 2025; the **statement delivered to the Conference of Ministers of Justice of the Council of Europe on 10 December 2025, signed by 27 states including 19 EU Member States**; and the **conclusions of the informal ministerial conference of 10 December 2025**.
- ⁽⁴⁾ Article 2 of the TEU, first sentence.
- ⁽⁵⁾ Article 2 of the TEU, second sentence.
- ⁽⁶⁾ See **FRA Opinion 2/2016** on Article 2 of the TEU.
- ⁽⁷⁾ See, for example, FRA, *Civic Space Update: Enabling civil society to uphold EU values and strengthen democracy*, Publications Office of the European Union, Luxembourg, 2026.
- ⁽⁸⁾ See, for example, **Council conclusions on the strategic role of culture, cultural heritage and audiovisual works in upholding European values and democratic resilience** (OJ C, C/2025/6562, 10.12.2025, ELI: <http://data.europa.eu/eli/C/2025/6562/oj>).
- ⁽⁹⁾ See, for example, **Council recommendation of 12 May 2025 on a European quality assurance and recognition system in higher education** (OJ C, C/2025/3006, 28.5.2025, ELI: <http://data.europa.eu/eli/C/2025/3006/oj>), including a commitment to promoting common European values as established under Article 2 of the TEU.
- ⁽¹⁰⁾ See Article 4(2)(e) of **Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation')** (OJ L, 2024/1069, 16.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1069/oj>).
- ⁽¹¹⁾ See, for instance, **Regulation (EU) 2025/535 of the European Parliament and of the Council of 18 March 2025 establishing the Reform and Growth Facility for Moldova** (OJ L, 2025/535, 21.3.2025, ELI: <http://data.europa.eu/eli/reg/2025/535/oj>).
- ⁽¹²⁾ **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Commission work programme 2025: Moving forward together – A bolder, simpler, faster union**, COM(2025) 45 final of 11 February 2025.
- ⁽¹³⁾ Judgment of the Court of Justice of 18 December 2025, **Commission v Poland**, C-448/23, ECLI:EU:C:2025:975.
- ⁽¹⁴⁾ See, for example, Opinion of Advocate General Čapeta of 5 June 2025, **European Commission v Hungary**, C-769/22, ECLI:EU:C:2025:408.
- ⁽¹⁵⁾ See Judgment of the Court of Justice of 16 February 2022, **Poland v Parliament and Council**, C-157/21, ECLI:EU:C:2022:98, para. 195.
- ⁽¹⁶⁾ Judgment of the Court of Justice of 16 February 2022, **Hungary v Parliament and Council**, C-156/21, ECLI:EU:C:2022:97, para. 232.
- ⁽¹⁷⁾ See Secretariat of the European Convention, **'Draft of Articles 1 to 16 of the Constitutional Treaty'**, CONV 528/03, 6 February 2003, p. 11.
- ⁽¹⁸⁾ Opinion of Advocate General Čapeta of 5 June 2025, **European Commission v Hungary**, C-769/22, ECLI:EU:C:2025:408, para. 155.
- ⁽¹⁹⁾ Judgments of the Court of Justice of 16 February 2022, **Hungary v Parliament and Council**, C-156/21, ECLI:EU:C:2022:97, paras 233 and 234, and of 5 June 2023, **Commission v Poland**, C-204/21, ECLI:EU:C:2023:442, para. 73.
- ⁽²⁰⁾ See Judgment of the Court of Justice of 20 April 2021, **Repubblika v Il-Prim Ministru**, C-896/19, ECLI:EU:C:2021:311, paras 63 and 64.
- ⁽²¹⁾ The terminology for this distinction is used by Advocate General Čapeta in Case C-769/22; see Opinion of Advocate General Čapeta of 5 June 2025, **European Commission v Hungary**, C-769/22, ECLI:EU:C:2025:408, para. 32.
- ⁽²²⁾ See, for example, Opinion of Advocate General Čapeta of 5 June 2025, **European Commission v Hungary**, C-769/22, ECLI:EU:C:2025:408.
- ⁽²³⁾ For references to analysis, see Lourenco, M., Delarque, E. R. and da Silva, E. T., 'Article 2 TEU – Lines that bind and blur', *EU Law Live – Weekend Edition*, No 256, 2025.
- ⁽²⁴⁾ **Communication from the Commission to the Council and the European Parliament on Article 7 of the Treaty on European Union – Respect for and promotion of the values on which the Union is based**, COM(2003) 606 final of 15 October 2003.
- ⁽²⁵⁾ Article 3 of the TEU.
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THE DIGITAL AGE: FOSTERING OPPORTUNITIES WITHOUT THREATS TO GOVERNANCE AND ACCOUNTABILITY

1

1.1.	INTRODUCTION	38
1.2.	PEOPLE'S EXPERIENCES WITH SOCIAL MEDIA AND CONTENT MODERATION	39
1.2.1.	ENCOUNTERING HATE SPEECH AND HARMFUL CONTENT ONLINE	40
1.2.2.	PEOPLE HAVING THEIR ONLINE CONTENT REMOVED	41
1.3.	THE EU'S REGULATORY RESPONSE TO DIGITAL THREATS TO FUNDAMENTAL RIGHTS AND DEMOCRACY	42
1.3.1.	THE DIGITAL SERVICES ACT AND ITS FUNDAMENTAL RIGHTS SAFEGUARDS	43
1.3.2.	ENFORCEMENT ACTION UNDER THE DIGITAL SERVICES ACT IN 2025	46
1.3.3.	OTHER EU LAWS PROTECTING FUNDAMENTAL RIGHTS AND DEMOCRACY ONLINE	46
1.3.4.	FURTHER EU INITIATIVES PROTECTING DEMOCRACY ONLINE	46
1.4.	THE ROLE OF CIVIL-SOCIETY ORGANISATIONS IN PROTECTING FUNDAMENTAL RIGHTS AND DEMOCRACY ONLINE	48
1.4.1.	CIVIL-SOCIETY ORGANISATIONS SUPPORTING THE PROTECTION OF FUNDAMENTAL RIGHTS AND DEMOCRACY ONLINE	48
1.4.2.	ONLINE THREATS TO CIVIL SOCIETY	50
1.5.	LACK OF TRANSPARENCY AND ACCESS TO PLATFORMS' DATA: A SERIOUS LIMITATION TO ACCOUNTABILITY	52
1.5.1.	DATA AND INFORMATION REPORTED BY PLATFORMS	52
1.5.2.	ACCESSING SOCIAL MEDIA DATA TO HOLD PLATFORMS ACCOUNTABLE	55
1.5.3.	ASSESSING THE USE OF ALGORITHMS BY PLATFORMS	56
1.6.	CONCLUSIONS	56
	ENDNOTES	58



September

10

The CJEU, in *TikTok Technology v Commission*, annuls the European Commission's decisions setting supervisory fees applicable to Facebook, Instagram and TikTok, which were determined in implementing decisions. The court ruled that the Commission's methodology for calculating the fees should have been adopted in a delegated act, in accordance with the rules laid down in the DSA.

11

The European Data Protection Board adopts **guidelines on the interplay between the DSA and the General Data Protection Regulation**.

October

24

The European Commission's preliminary findings show TikTok and Meta in breach of their obligation to grant researchers adequate access to public data under the DSA.

November

12

The European Commission publishes the **European Democracy Shield** and the EU strategy for civil society.

17

The European Commission publishes a report regarding the interaction between the DSA and other legal acts.

18

The European Board for Digital Services publishes its **first report in cooperation with the Commission pursuant to Article 35(2) DSA** on the most prominent and recurrent systemic risks and mitigation measures.

December

5

The European Commission issues a fine to X for breaching its transparency obligations under the DSA.

18

The CJEU upholds the European Commission's decision to designate Amazon Store a very large online platform.

Council of Europe and UN

4

February

In *Bazhenov and Others v. Russia*, the European Court of Human Rights (ECtHR) holds that Russia violated the prohibition of discrimination in conjunction with the right to private and family life when authorities failed to investigate the non-consensual dissemination of lesbian, gay, bisexual, transgender and intersex individuals' private information on homophobic social media platforms.

9

April

The Council of Europe's Joint Council on Youth adopts a **roadmap on artificial intelligence, youth policy and youth work**.

8

22

July

In *Google LLC and Others v. Russia*, the ECtHR holds that Russia violated the right to freedom of expression and the right to a fair trial by imposing disproportionate fines on Google LLC for refusing to remove political content from YouTube and by compelling the platform to restore accounts of a sanctioned television channel.

In *Bradshaw and Others v. the United Kingdom*, where the complaint was made in relation to disinformation and a foreign influence campaign during elections, the ECtHR rules **that the United Kingdom had not violated its obligations to hold free and fair elections**, enjoying a wide margin of appreciation in deciding how to counter these threats.

23

September

The UN Special Rapporteur on the promotion and protection of the right to freedom of expression publishes a report on **threats to freedom of expression online in turbulent times**.

6

17

October

The Organization for Security and Co-operation in Europe publishes a handbook on **safeguarding media freedom in the age of big tech platforms and AI**.

In *Ilareva and Others v. Bulgaria*, the ECtHR finds a violation of the right to private and family life in conjunction with the prohibition of discrimination, and the court applies the concept of discrimination by association to human rights defenders targeted by online hate speech due to their activism.

20

24

The Council of Europe's Commissioner for Human Rights publishes a meeting report entitled **The Human Line: Safeguarding rights and democracy in the AI era**, following a consultation with experts on AI and human rights.

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, the Organization of American States Special Rapporteur on freedom of expression and the African Commission on Human and Peoples' Rights Special Rapporteur on freedom of expression and access to information in Africa issue a **joint statement on AI, freedom of expression and media freedom**.

November

5

The Council of Europe's Committee on Artificial Intelligence adopts the HUDERIA model and its accompanying Context-Based Risk Analysis (COBRA) resources as part of the **Council of Europe's framework for the risk and impact assessment of AI systems from the perspective of human rights, democracy and the rule of law.**

20

The Council of Europe's **Steering Committee on Anti-discrimination, Diversity and Inclusion** and the Council of Europe's Gender Equality Commission approve a draft recommendation on equality and AI.

25

The Council of Europe's European Committee on Crime Problems and its Gender Equality Commission approve a **draft recommendation on accountability for technology-facilitated violence against women and girls.**

27

The Council of Europe Steering Committee for Human Rights adopts a **handbook on human rights and AI.**

December

3

The Council of Europe's **Steering Committee on Media and Information Society** approves the **draft recommendation** of the Committee of Ministers on online safety and empowerment of users and content creators and adopts a **guidance note on the implications of generative AI for freedom of expression.**

The Council of Europe's Steering Committee on Media and Information Society adopts the policy documents '**Resisting disinformation: Ten building blocks to strengthen information integrity**' and '**National media and information literacy (MIL) strategies: Practical steps and indicators**', and adopts a **feasibility study on benefits and challenges to freedom of expression in immersive realities.**

Over one in three people in the EU have encountered hateful content online, with racist content being the most common. One in ten people in the EU have had their content blocked or removed from online platforms, although they considered it to be legitimate.

While digital platforms increase opportunities for public dialogue and democratic participation, illegal and otherwise harmful content poses significant risks to fundamental rights and democracy. The EU is increasingly acting in this area, but enforcing rules and legislation is challenging, and it is hard to provide the right support for both ordinary citizens and civil society.

The complex regulation of online platforms was further exacerbated by global geopolitical issues in 2025, with the enforcement of EU law and the protection of fundamental rights and democracy online facing political and corporate resistance, mainly from outside the EU.

This chapter highlights the EU's ongoing regulatory responses to online threats to fundamental rights and democracy. It focuses on the enforcement of the Digital Services Act, as the EU's most important tool for ensuring that rights are protected in online spaces.

1.1. INTRODUCTION

In 2025, global geopolitical issues affected the EU's efforts to regulate the online space. While the EU stepped up its efforts to protect democracy and fundamental rights online, it faced major challenges and threats due to political interference from outside the EU and a lack of cooperation by large corporations. What is more, civil society actors in the EU received pushbacks and threats in response to provide the necessary support to foster a healthy online space. The findings in this chapter show that urgent action is needed to crack open the opaque systems used by large online platforms, to preserve an open and inclusive online environment.

Online communication has reshaped how we participate in public discussions. At its best, digital media enhances the exercise of freedom of expression and information, fostering democratic engagement. However, the spread of online hate, combined with a lack of available information on the practices of online platforms, threatens the enjoyment of fundamental rights and impedes democratic processes.

Democracy is one of the core values on which the EU is founded (covered by Article 2 of the Treaty on European Union), and the integrity of the online space is a key aspect of its protection. It is therefore essential that people can express themselves freely and have access to reliable and trustworthy information.

Civic participation through online voting or petitions, digital citizens' assemblies and the creation of dedicated political platforms are all positive democratic initiatives fostered through the digital space ⁽¹⁾. Yet the way online platforms are moderated may also discourage online democratic participation. FRA's 2024 survey of Jewish populations in 13 EU Member States showed that encountering online hate made people less likely to engage in online discussions ⁽²⁾. This, in turn, hampers freedom of expression and information.

The EU has introduced legislative measures, such as the Digital Services Act (DSA), to regulate online content. The act also addresses challenges regarding how to deal with illegal content online, including illegal hate speech. While the DSA does not define what is illegal, it prescribes how online services need to tackle illegal content, as defined in other EU and national laws.

This chapter provides insights into online threats to fundamental rights linked to the protection of democracy. It focuses on the rights to freedom of expression and information and non-discrimination online, covering, in particular, hate in the digital space. This aligns with the European Commission's 2025 work programme prioritising the protection of democracy.

The chapter first presents unique FRA data – collected at the end of 2025 – from a survey of the 27 Member States regarding experiences with online hate, such as racism, antisemitism and homophobia, and perceptions of unfair content moderation decisions taken by online platforms.

Second, it addresses the EU's regulatory response, focusing on the DSA and enforcement actions under it in 2025.

Third, the chapter explores the important role of civil-society organisations (CSOs) in helping to ensure that the online space remains free of harmful content, including illegal hate speech, and that online platforms are held accountable.



The final section gives an overview of available information and data that allows for a critical examination of online content moderation practices. It points to online platforms' lack of transparency with respect to data availability.

The chapter **does not** discuss aspects of misinformation and disinformation online, the targeted influence on online communication of various (foreign) actors, the safety of journalists and media freedom, or election interference or crisis interventions, although these are important areas of the digital sphere.

As 2025 saw challenges to the protection of rights and the enforcement of laws online, not only due to the lack of transparency of online platforms but also due to threats and political pressures from outside the EU, tackling the regulation of content moderation, using online hate as an example, remains the focus of the chapter and a central area of concern for FRA.

1.2. PEOPLE'S EXPERIENCES WITH SOCIAL MEDIA AND CONTENT MODERATION

Nowadays, it is common for people to encounter harmful and potentially illegal content online. At the same time, people may see online content that they had thought to be legitimate blocked or deleted. While some potentially unclear and wrong decisions in content moderation by online platforms are unavoidable due to the magnitude of online content, urgent action is required to overcome these challenges in the regulation of online platforms, as this chapter shows.

This section provides unique FRA survey data – collected at the end of 2025 through a Eurobarometer survey – on experiences with online platform content moderation. It presents data on people's encounters with various types of hate speech and other harmful content online and their experiences of having their own content blocked or removed from platforms. The data illustrate the scale, nature and challenge of the problem, which [Section 1.3](#) addresses with respect to the EU's regulatory response.

1.2.1. Encountering hate speech and harmful content online

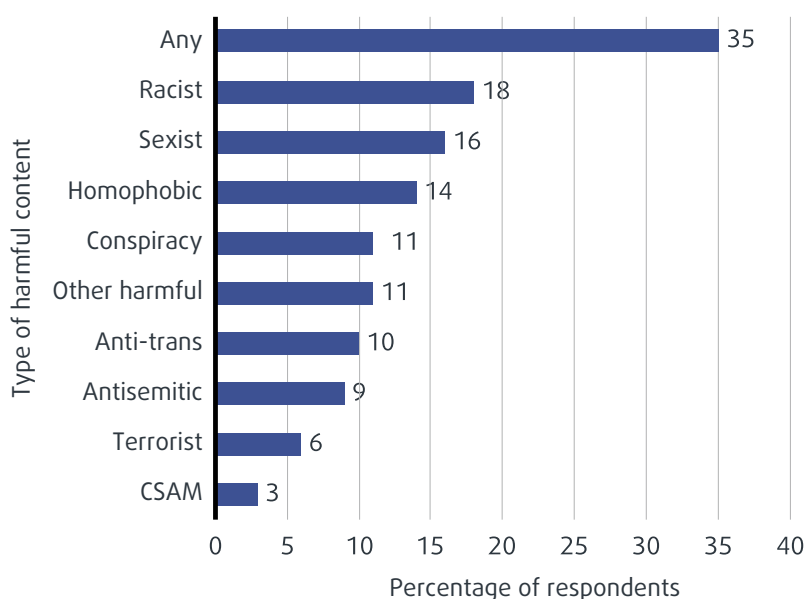
FRA commissioned a Eurobarometer survey that interviewed a representative sample (26 453 respondents) of the EU's population aged 15 years or older in November 2025. The results provide unique, current data on how people experience certain types of hate speech and other harmful content online in all 27 Member States. People were asked to indicate whether they had encountered selected types of hate speech and/or other harmful content. The survey measures respondents' assessments of the content and is therefore subjective and limited to the categories selected. The data reveal that in the 12 months before the survey more than one third of people (35 %) had come across content online that they found to be harmful (see **Figure 1.1**).

Of the content considered harmful, racist content was encountered most often. Some 18 % of people reported coming across posts, images or videos that they considered hostile towards or degrading to ethnic groups. This is followed by sexist content (16 %) and homophobic content (14 %). Approximately 1 in 10 people in the EU encountered conspiracy theories (11 %), anti-trans content (10 %), antisemitic content (9 %) and other content they considered harmful (11 %).

Less often, but very worryingly, some respondents (6 %) indicated coming across terrorist content online. Another 3 % encountered child sexual abuse material online. Extrapolating these results to the EU population aged 15 and above, an estimated 11 million people encountered child sexual abuse material online in 2025.

Across most Member States (18 in total), people most often encountered racist content. 'Other harmful content' appears more often in some eastern Member States. This was the case in **Bulgaria, Croatia, Czechia, Estonia, Romania** and **Slovakia**. In **Lithuania** and **Poland**, the type of harmful content most often encountered was homophobic, and in **France** sexist content was very slightly more prevalent than racist content.

FIGURE 1.1: PEOPLE ENCOUNTERING HARMFUL CONTENT ONLINE, BY TYPE OF CONTENT (%)

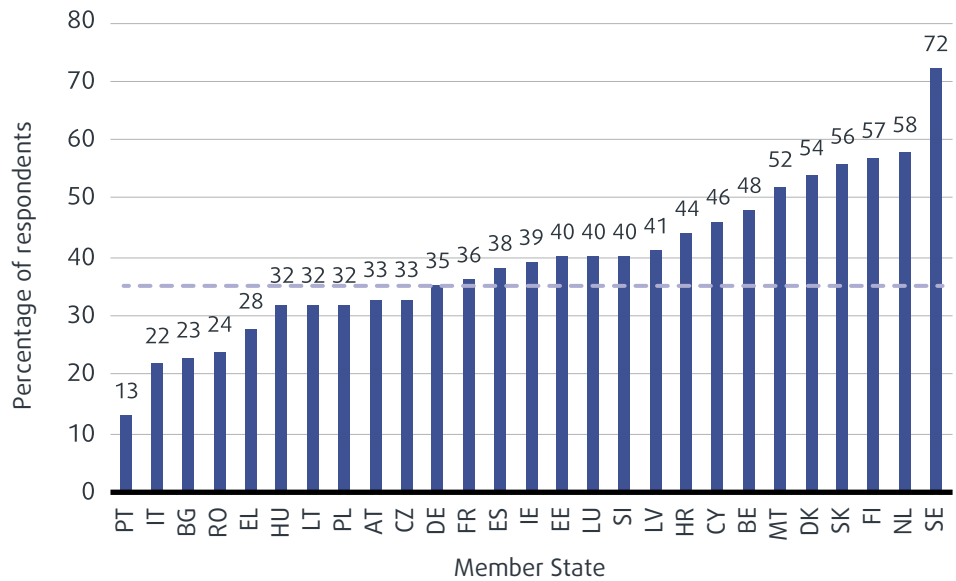


Source: FRA (2026), based on the Eurobarometer survey, wave 104.2.

Figure 1.2 shows the percentage of people having encountered any type of harmful content by Member State, based on the survey. Results range from 72 % in **Sweden** to 13 % in **Portugal**.

- Notes: n = 26 453. Question: 'In the past 12 months, have you personally come across any of the following types of online content? You may select all that apply. (Multiple answers possible.)' 'Any' means that respondents selected at least one of the options provided. 'Racist' = racist content, such as posts, images or videos that respondents considered hostile or degrading to ethnic groups; 'sexist' = sexist content that respondents considered hostile or degrading to women; 'homophobic' = content that respondents considered hostile or degrading to people based on their sexual orientation (such as gay, lesbian or bisexual people); 'other harmful' = any other content that respondents considered harmful; 'conspiracy' = content that contained harmful conspiracy theories; 'anti-trans' = content that respondents considered hostile or degrading to trans (transgender) people; 'antisemitic' = antisemitic content, including Holocaust denial; 'terrorist' = terrorist content, including material that promotes radicalised actions or encourages violence in the name of extremist causes; 'CSAM' = child sexual abuse material.

FIGURE 1.2: PEOPLE ENCOUNTERING HARMFUL CONTENT ONLINE, BY MEMBER STATE (%)



► Notes: $n = 26\,453$. Question: 'In the past 12 months, have you personally come across any of the following types of online content? You may select all that apply. (Multiple answers possible.)' See the notes to Figure 1.1 for the different types of content asked about. The dashed line indicates the EU average.

Source: FRA (2026), based on the Eurobarometer survey, wave 104.2.

Figures 1.1 and 1.2 provide subjective assessments of content encountered online. People may disagree on whether certain content is harmful and potentially illegal. However, these subjective assessments reveal insights into users' experiences with online services. Among those respondents who indicated having encountered any harmful content online, almost one in two (49 %) thought all of the content they came across should have been deleted or removed from the platform. Another 31 % considered that at least some of the content should have been deleted.

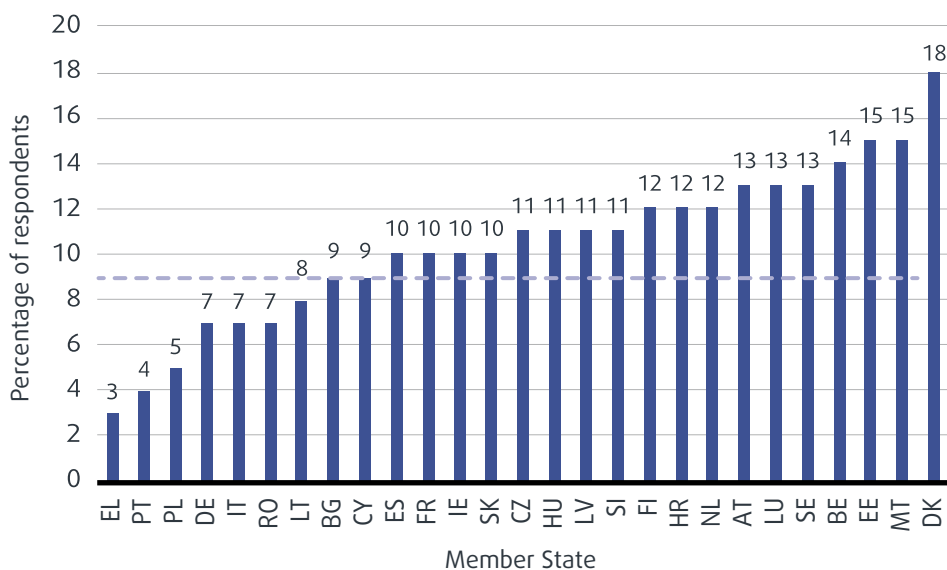
The percentage of people who encounter harmful content is also influenced by the percentage using the internet and using specific platforms. Respondents most often came across harmful content on platforms that are also used by more people. Survey respondents encountered harmful content most often on Facebook (42 %), followed by Instagram (28 %), TikTok (24 %), YouTube (22 %) and X (formerly Twitter; 12 %).

1.2.2. People having their online content removed

According to the FRA Eurobarometer survey, 9 % of people in the EU aged 15 or over have had their online content removed or blocked, despite considering it to be legal. It is important to note that this was users' own subjective assessment of the legality. Their content may have been illegal or otherwise against the terms and conditions of the platform they used. Some 4 % of respondents mentioned that this had happened several times.

Experiences vary across Member States, as shown in **Figure 1.3**. This was experienced most often in **Denmark**, with 18 % of respondents having their content removed, although they considered the content to be legal. Respondents from **Estonia** (15 %) and **Malta** (15 %) also report fairly high levels. In contrast, very few people in **Greece** (3 %), **Portugal** (4 %) and **Poland** (5 %) reported having had content they uploaded or attempted to upload, which they considered to be legal, blocked or deleted. Slightly more than half of those respondents whose content was blocked or deleted did not take any action.

FIGURE 1.3: PEOPLE HAVING THEIR CONTENT BLOCKED OR REMOVED FROM ONLINE PLATFORMS, BY MEMBER STATE (%)



◀ Notes: $n = 26\,453$. Question: 'Have you tried to upload or post content online which was legal but was blocked or removed by an online platform, including social media?' The dashed line indicates the EU average.

Source: FRA (2026), based on the Eurobarometer survey, wave 104.2.

The integrity of the online space depends on a variety of factors. With this in mind, EU law addresses the processes through which online content needs to be moderated. The [section 1.3](#) discusses some core aspects of such regulation and its enforcement.

1.3. THE EU'S REGULATORY RESPONSE TO DIGITAL THREATS TO FUNDAMENTAL RIGHTS AND DEMOCRACY

The EU has established rules that serve to protect fundamental rights and democracy online, and the European Commission has taken enforcement action against online platforms, demonstrating that the conduct of some platforms is not aligned with regulatory requirements that serve to protect democracy and fundamental rights. EU policy and legislative initiatives in 2025 showed that more action is needed to protect the online space. One area of particular concern remains the proper protection of children online. While several initiatives aiming to increase the protection of children in the online space took shape in 2025, the solutions are not straightforward and require thorough fundamental rights assessments to progress.

This section outlines selected relevant provisions of the DSA, which regulates the responsibility of online service providers to address illegal content online and ensure a healthy and safe online space. The DSA does not define what content is illegal; this is done through other EU and national laws. There are several other EU laws complementing the DSA that support the protection of democracy and freedom of expression and information online. Some laws provide frameworks that define illegal content, while others include parallel obligations to address related or similar regulatory objectives, but with a different scope, focus or audience.

The DSA is a relatively new law, fully entering into force in February 2024. This section provides an overview of 2025 enforcement actions under the DSA and other non-legislative initiatives, such as the European Democracy Shield.

1.3.1. The Digital Services Act and its fundamental rights safeguards

The European Commission presented the legislative proposal on the DSA in 2020 as an element of the European democracy plan. It was presented in response to emerging risks to democracy as a legislative framework for ensuring regulatory oversight of, accountability for and the transparency of the online space ⁽³⁾.

The DSA, adopted in 2022, sets out ‘harmonised rules for a safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights enshrined in the Charter [the EU Charter of Fundamental Rights], including the principle of consumer protection, are effectively protected’ ⁽⁴⁾. The rules specified in the DSA primarily concern online service providers, including online platforms ⁽⁵⁾. The obligations for online platforms under the DSA vary according to the size of the platform: the bigger the platform, the greater their responsibilities, especially for very large online platforms (VLOPs) and very large online search engines (VLOSEs). A platform qualifies as a VLOP if more than 10 % of people in the EU use it (i.e. over 45 million monthly users) ⁽⁶⁾.



To prevent over-removal and censorship, the DSA prohibits the imposition of general monitoring obligations. This ensures that platforms are not required to proactively police all content ⁽⁷⁾. All service providers are exempt from liability for third-party illegal content they host unless they have knowledge of its presence and fail to act expeditiously once they have obtained such knowledge ⁽⁸⁾, either through notification or their own detection ⁽⁹⁾. The DSA supplements this liability exemption principle with a set of procedural and transparency safeguards that protect users against the arbitrary moderation of their content. In view of safeguarding a healthy online space and of developments that took place in 2025, the following sections examine selected relevant DSA provisions.

1.3.1.1. *Assessing systemic risks*

The DSA requires VLOPs and VLOSEs to assess systemic risks stemming from the design and functioning of their services and related systems ⁽¹⁰⁾. These should be conducted at least once a year and prior to deploying functionalities that are likely to have a critical impact on the identified risks. The assessments should be specific to platforms' services and consider a range of systemic risks covering (1) the dissemination of illegal content; (2) negative effects on fundamental rights; (3) negative effects on civil discourse, electoral processes and public security; and (4) negative effects in relation to gender-based violence, the protection of public health and children, and serious negative consequences to a person's physical and mental well-being.

In identifying systemic risks, VLOPs and VLOSEs are obliged to consider whether certain factors influence them. This includes the design of their recommender systems and content moderation systems, the applicable terms and conditions and their enforcement, systems for selecting and presenting advertisements, and data-related practices of the provider ⁽¹¹⁾. Further, VLOPs and VLOSEs are also obligated to put in place reasonable, proportionate and effective measures to mitigate systemic risks.

VLOPs and VLOSEs are further obliged to make publicly available reports on the result of the risk assessments, reports on risk mitigation measures and audit reports and to submit these to the European Commission and the digital services coordinator (DSC) of the country of their establishment ⁽¹²⁾. The DSCs are independent national authorities designated by Member States to monitor and enforce parts of the DSA.

1.3.1.2. *Transparency and data provision*

The DSA includes a range of transparency and accountability obligations for online services, relevant to the general public and to researchers.

These include the obligation of providers of intermediary services to publish reports on their content moderation (DSA transparency reports), the obligation of providers of hosting services to inform users about moderation decisions and to submit anonymised versions of such statements to a public database (the DSA Transparency Database) and a series of other transparency obligations related to recommender systems and terms and conditions.

In addition, the DSA establishes a framework allowing access to data for DSCs and qualified researchers who wish to monitor and study systemic risks and mitigation measures in the EU (Article 40 of the DSA). This includes both a mechanism to grant researchers access to public data and a mechanism mandating access to non-public data for vetted researchers. This mechanism is further specified in the delegated act adopted in July 2025, outlining rules for granting vetted researchers access to data ⁽¹³⁾. The delegated act complements the DSA's rules on data access by laying down the technical conditions and harmonising procedures for the management of the data access process. It specifies which information must be made public to facilitate researchers' applications to access relevant non-public datasets. In October 2025, the Commission launched the DSA Data Access Portal, where researchers can find information on the matter and exchange with VLOPs, VLOSEs and DSCs on data access applications ⁽¹⁴⁾.

1.3.1.3. *Voluntary codes of conduct*

Under the DSA, voluntary codes of conduct can be drawn up to facilitate and contribute to the proper application of the act ⁽¹⁵⁾. VLOPS and VLOSEs that subscribe to such codes are subject to an obligatory annual audit under the DSA to verify their compliance with commitments under the codes of conduct.

Before the DSA's adoption, voluntary codes of conduct were already in place to address the lack of regulation in some areas, such as countering illegal hate speech. In 2025, two codes of conduct were integrated into the framework of the DSA: (1) the Code of Conduct on Countering Illegal Hate Speech Online+, which builds on the code of conduct adopted in 2016 and reviewed in 2025 ⁽¹⁶⁾; and (2) the Code of Conduct on Disinformation, which seeks to combat disinformation through various measures ⁽¹⁷⁾.

1.3.1.4. *Protection of children online*

The EU has put in place a comprehensive legal and policy framework to ensure better child protection and empowerment. Children should be protected online as they are offline, an objective reflected in the EU strategy on the rights of the child. The protection of children online remains one of the areas of greatest concern – in the EU and globally – with respect to fundamental rights safeguards. With this in mind, the Commission published guidelines in 2025 on measures to ensure a high level of privacy, safety and security for minors online pursuant to Article 28(4) of the DSA ⁽¹⁸⁾. While they remain non-binding, the guidelines offer a set of measures that providers can implement to ensure a high level of privacy, safety and security for minors.

The protection of children online is of major concern to people in the EU. FRA data, collected at the end of 2025, show that the vast majority of people in the EU are concerned about children encountering harmful (in particular violent) content online ⁽¹⁹⁾. This concern has led to several initiatives in the Member States (and beyond) to establish legal restrictions on social media use for children up to a certain age ⁽²⁰⁾ and, in 2025, the European Commission started setting up a panel to advise the Commission on this topic in early 2026 ⁽²¹⁾.



1.3.2. Enforcement action under the Digital Services Act in 2025

The responsibility for enforcing the DSA is shared between national authorities, particularly DSCs, and the European Commission. DSCs are responsible for supervising and enforcing the DSA in relation to providers established in their Member States ⁽²²⁾.

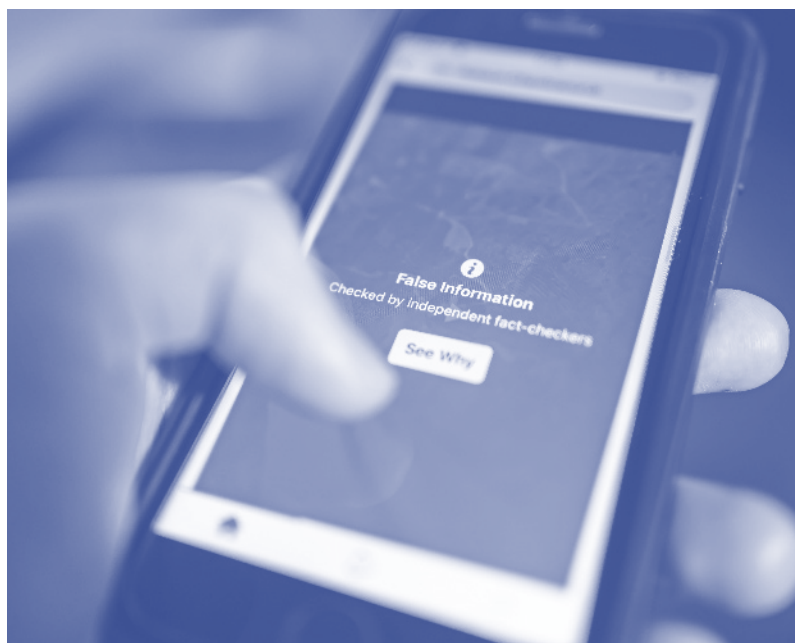
Since the DSA came into force, several enforcement actions have been launched by the Commission ⁽²³⁾. To date, the Commission has designated 25 VLOPs and VLOSEs and has sent requests for information to all of them. In October 2025, the Commission preliminarily found two companies, Meta (owning two VLOPs: Instagram and Facebook) and TikTok, in breach of their transparency obligations under the DSA. This was in relation to their obligations to grant researchers adequate access to public data under Article 40 of the DSA ⁽²⁴⁾. The Commission also preliminarily found Meta, with regard to Instagram and Facebook, in breach of its obligations to provide users with simple mechanisms to report illegal content and to allow them to effectively challenge content moderation decisions ⁽²⁵⁾. Furthermore, in December 2025, the Commission issued a fine of EUR 120 million to X for breaching its transparency obligations. The breaches related to the deceptive design of X's 'blue checkmark', the lack of transparency of the platform's advertising repository and its failure to provide access to public data for researchers ⁽²⁶⁾.

1.3.3. Other EU laws protecting fundamental rights and democracy online

Several EU laws other than the DSA support the protection of democracy and freedom of expression and information online. They address, among other things, certain forms of hateful content online, and many of them interact with the DSA ⁽²⁷⁾. While some EU laws provide frameworks that define illegal content, which online platforms have obligations to consider under the DSA, others include parallel obligations to address related or similar regulatory objectives, but with a different scope, focus or audience. The former include Directive (EU) 2024/1385 on combating violence against women and domestic violence ⁽²⁸⁾, Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children ⁽²⁹⁾, Directive (EU) 2017/541 on combating terrorism ⁽³⁰⁾ and Council Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law ⁽³¹⁾. The latter include legislative frameworks that address online content with regard to the realisation of freedom of expression and information and the effective protection of democracy. These include the Audiovisual Media Services Directive, amended in 2018 ⁽³²⁾; the Terrorist Content Online Regulation ⁽³³⁾; the European Media Freedom Act ⁽³⁴⁾; and the Artificial Intelligence Act ⁽³⁵⁾.

1.3.4. Further EU initiatives protecting democracy online

In 2025, the EU continued to launch initiatives, partly non-legislative, that aimed to protect the online information space. Most notably, the European Democracy Shield was launched as part of the democracy package ⁽³⁶⁾. The European Democracy Shield seeks to meet the challenges caused by the internal and external pressures on European democracies. It comes in light of growing geopolitical confrontation, international and regional conflicts, and technological disruption. In particular, 'authoritarian regimes seek to create or widen divisions, instrumentalise conflicts, discredit democratic actors, in particular free media and civil society, and undermine free and fair elections' ⁽³⁷⁾. This includes methods such as the use of disinformation campaigns, AI-generated content and the proliferation of illegal hate speech online.



The aim of this initiative is to counter foreign information manipulation and interference online and to focus on societal resilience and preparedness ⁽³⁸⁾. The European Democracy Shield is built around three pillars that support the protection and promotion of democracies, one of which focuses on 'reinforcing situational awareness and support[ing] response capacity to safeguard the integrity of the information space' ⁽³⁹⁾.

With this aim in mind, the European Democracy Shield seeks to further the effective enforcement of the DSA and the implementation of other legislation, such as the AI Act and European Media Freedom Act.

In the context of safeguarding online spaces, the European Commission announced in its 2026–2030 LGBTIQ+ equality strategy that it is considering harmonising the definition of a hate offence committed online. This legislative initiative is based on a potential extension of the areas of crime covered by Article 83(1) of the Treaty on the Functioning of the European Union to harmonise the definition of hate offences committed online ⁽⁴⁰⁾. This proposal also featured in the anti-racism strategy published in early 2026 ⁽⁴¹⁾.

Other relevant initiatives at the EU level, not directly related to democracy but related to the protection of fundamental rights online, include the preparation of the action plan against cyberbullying (eventually adopted in February 2026 ⁽⁴²⁾), the launch of a blueprint for an EU approach to age verification and the continuation of the implementation of the European strategy for a better internet for kids. In July 2025, the European Commission launched a public consultation and call for evidence to inform its planned legislative initiative on the Digital Fairness Act, which aims to address specific challenges and harmful practices that consumers face online, such as deceptive or manipulative interface design, misleading marketing by social media influencers, addictive design of digital products and unfair personalisation practices, especially where consumer vulnerabilities are exploited for commercial purposes ⁽⁴³⁾.

1.4. THE ROLE OF CIVIL-SOCIETY ORGANISATIONS IN PROTECTING FUNDAMENTAL RIGHTS AND DEMOCRACY ONLINE

Amid global power struggles about controlling the online space, civil society has an important role to play. However, those aiming to foster a healthy online space face threats and obstacles that are not acceptable in democratic societies. As this chapter will show, civil society and others engaged in the protection of fundamental rights online are in dire need of further support and protection to be able to fulfil their roles.

A free and vibrant civil society is an essential component of European democracy. It plays an important role in ensuring that democracy functions properly, with respect for fundamental rights and the rule of law, including in the online world. The EU strategy for civil society, adopted in 2025, lays the groundwork for the strengthened engagement, support, protection and empowerment of civil society ⁽⁴⁴⁾.

This section examines civil society's potential to help the DSA function properly and highlights the threats civil society faces in the online sphere.

1.4.1. Civil-society organisations supporting the protection of fundamental rights and democracy online

The DSA recognises the important role of CSOs in helping to ensure that content moderation complies with fundamental rights law.

To support platforms in identifying illegal content, the DSA allows expert organisations to become trusted flaggers. Trusted flaggers are entities with knowledge and competence in identifying and reporting illegal content in their specific area of expertise ⁽⁴⁵⁾. Any entity that demonstrates that it meets the conditions laid down in Article 22(2) of the DSA, such as expertise and competence in reporting illegal content, independence from online platforms and diligence and objectivity, can be designated a trusted flagger, including CSOs. The DSA requires platforms to prioritise the assessment of notices by trusted flaggers ⁽⁴⁶⁾. Such notices are not legally binding but can indicate to platforms that certain content may be illegal.

In addition, CSOs may also be monitoring reporters, helping evaluate the performance of companies that have signed the Code of Conduct on Countering Illegal Hate Speech Online+, which is now integrated into the DSA framework ⁽⁴⁷⁾. Signatories of the strengthened 2022 Code of Practice on Disinformation, which was also integrated into the DSA framework in 2025, are expected to report on how they work with civil society.

Furthermore, the DSA provides for the participation of CSOs in the drafting of voluntary codes of conduct to be integrated into the DSA and in the drawing up of voluntary crisis protocols for addressing extraordinary crisis situations affecting public security or public health under Article 48 of the DSA.

Even without the status of trusted flagger under the DSA, CSOs can make use of the notice and action mechanisms that online service providers are required to have in place to allow users to flag content they consider to be illegal ⁽⁴⁸⁾.



CSOs contributed their expertise to consultations on the drafting of the Commission guidelines for VLOPs and VLOSEs on the mitigation of systemic risks for electoral processes, in anticipation of the 2024 European Parliament elections ⁽⁴⁹⁾. Similarly, the Commission guidelines on measures to ensure a high level of privacy, safety and security for minors issued under the DSA in 2025 were drafted in consultation with stakeholders, including CSOs. The guidelines invite online platforms to consider adopting effective monitoring and evaluation practices in consultation with children, guardians, academia, child rights experts and CSOs ⁽⁵⁰⁾.

As part of regular and systematic cooperation with CSOs, one of the eight working groups set up by the European Board for Digital Services addresses cooperation with civil society ⁽⁵¹⁾.

The DSA calls on VLOPs and VLOSEs to conduct risk assessment and design mitigation measures ‘with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations’ ⁽⁵²⁾.

CSOs have also independently issued guidance on the DSA. For example, in 2023, Access Now and the European Center for Not-for-Profit Law published the policy paper *Towards meaningful fundamental rights impact assessments under the DSA* ⁽⁵³⁾. In March of 2025, the DSA Civil Society Coordination Group published its analysis of the first risk assessment reports submitted by the major platforms as required by the DSA. The report identifies useful practices and considerations for future reporting. For example, it calls for greater consideration of media pluralism as a component of freedom of expression and better examination of how platform design and functioning influences civic discourse and electoral processes ⁽⁵⁴⁾.

Additionally, researchers affiliated with CSOs who are conducting scientific research with the primary goal of supporting their CSO’s public mission may also be granted access to the data, both public and non-public, of VLOPs and VLOSEs to study systemic risks under the DSA ⁽⁵⁵⁾.

1.4.2. Online threats to civil society

While the DSA provides for and acknowledges the important role of CSOs in upholding fundamental rights online, in 2025, CSOs continued to face challenges in fulfilling their roles, including being targeted with online attacks themselves.

In FRA's civic space consultation during 2025, covering experiences in 2024, almost one in five responding CSOs (18 %) indicated that they had experienced online verbal attacks and threats 'often' in the preceding 12 months. Nearly half (49 %) of respondents reported facing such attacks 'sometimes'. In contrast, 70 % of these organisations indicated that they had not experienced restrictions on their online content during the same period. Some 20 % faced restrictions sometimes, and 2 % often. In FRA's consultation, CSOs also reported experiencing so-called strategic lawsuits against public participation, and CSOs working on digital rights in particular often reported that they suspected being subjected to surveillance by law enforcement ⁽⁵⁶⁾. Globally, 7 in 10 women human rights defenders, activists and journalists report experiencing online violence ⁽⁵⁷⁾.

CSOs also encountered challenges in collecting data from online platforms when analysing fundamental rights risks on said platforms. As early as 2020, prior to the DSA's entry into force, the CSO AlgorithmWatch collected data on Instagram's newsfeed through data donations to study the algorithm on the platform, and prior to the publication of the findings it asked Facebook for comments. The company subsequently claimed that this violated the platform's terms of service and declared, according to AlgorithmWatch, that '[t]hey would have to "mov[e] to more formal engagement" if [the CSO] did not "resolve" the issue on their terms'. Subsequently, AlgorithmWatch terminated the project and deleted the data collected, noting that 'an 'organization the size of AlgorithmWatch cannot risk going to court against a company valued at one trillion dollars' ⁽⁵⁸⁾.

In 2025, the Gesellschaft für Freiheitsrechte (GFF), together with Democracy Reporting International (DRI), sued X for refusing to provide publicly accessible data, which DRI needed to examine the influence of social media



on the 2025 **German** federal election and to assess transparency regarding potential manipulation. The case was brought before the Berlin Regional Court ⁽⁵⁹⁾. The court initially ruled in favour of DRI and required X to release the data. However, following an appeal by X, GFF and DRI withdrew the lawsuit for procedural reasons. While the court dismissed the case, it confirmed that cases relating to access to research data can be filed in the jurisdiction where researchers conduct their work, rather than where the platform has its legal representative ⁽⁶⁰⁾.

With regard to covert surveillance, at the beginning of 2025, WhatsApp (owned by Meta) announced that 90 individuals had been targeted by spyware developed by the Israeli company Paragon Solutions. Many were representatives of CSOs or journalists, including two journalists from **Italy** ⁽⁶¹⁾. Meta notified the affected users ⁽⁶²⁾. Multiple Members of the European Parliament questioned the European Commission, seeking transparency, accountability and an EU response to safeguard freedom of expression and protect personal data ⁽⁶³⁾.

This incident echoed the 2022 Pegasus scandal. The scandal had previously been scrutinised by the European Parliament, which highlighted the impact of surveillance tools on fundamental rights and called for robust oversight and remedies, urging the EU to establish an inquiry to protect individuals from undue surveillance ⁽⁶⁴⁾. The European Commission condemned unauthorised access to interpersonal communications and other data stored on user devices as it undermines core European values, such as the fundamental rights to privacy and data protection ⁽⁶⁵⁾.

In September 2025, in *Ilareva and Others v. Bulgaria* ⁽⁶⁶⁾, the European Court of Human Rights (ECtHR) reiterated that national authorities have a duty to protect individuals from hate speech and harassment both online and offline ⁽⁶⁷⁾. The case involved human rights activists in **Bulgaria**, targets of online hate speech and death threats on Facebook due to their advocacy work for refugees and migrants. The court found that the Bulgarian authorities 'issu[ed] mostly procedural decisions on the applicants' complaints, not making any credible attempts to investigate' ⁽⁶⁸⁾, as they did not effectively pursue evidence from Facebook, such as user data, site owners and IP (Internet Protocol) addresses, that could have helped identify the perpetrators ⁽⁶⁹⁾. The case highlights the recognition by the court of the concept of online hate speech directed towards human rights defenders on racist grounds by association.

Most recently, at the end of 2025, significant negative actions were taken against those advocating for the DSA. The United States issued travel bans on several European politicians and activists specifically relating to their role in advocating for and enforcing the DSA's accountability framework. These included former European Commissioner Thierry Breton and the heads of HateAid, a CSO that has been recognised as a trusted flagger under the DSA. Other CSOs affected include the Center for Countering Digital Hate and the Global Disinformation Index ⁽⁷⁰⁾. These travel bans triggered strong criticism from the highest political levels in Europe. The European Commission reacted by highlighting in this context that 'freedom of expression is a fundamental right in Europe and a shared core value with the United States across the democratic world' ⁽⁷¹⁾.

1.5. LACK OF TRANSPARENCY AND ACCESS TO PLATFORMS' DATA: A SERIOUS LIMITATION TO ACCOUNTABILITY

The European Commission needs to continue its work to hold online platforms to account. While more and more information and data are now available about how online platforms work, the current situation still does not allow for a thorough and structured analysis of the systems' inner workings, including their potential to interfere with fundamental rights. Due to the lack of openness of online platforms, it is not possible to properly understand how they interfere with fundamental rights and democracy. The availability of data and information on how online platforms work – which are currently accessed mainly through making use of the relevant DSA provisions that require platforms to make them available – urgently needs to improve.

Transparency and access to information from online platforms are key to ensuring a safe and rights-compliant digital space. This section provides data and an analysis of the information available to assess and monitor the accountability of online platforms with regard to fundamental rights. It highlights that the lack of access to data impedes outside actors' ability to hold online platforms to account for their potential interference with fundamental rights and democracy.

The section starts with an overview of the data and information that is made available by online platforms themselves, through the DSA Transparency Database and through their own transparency reports. The second section discusses ways to access social media data to conduct external scrutiny of platforms' conduct. The third section provides a brief overview of the use of algorithms by online platforms, when making content moderation decisions.

1.5.1. Data and information reported by platforms

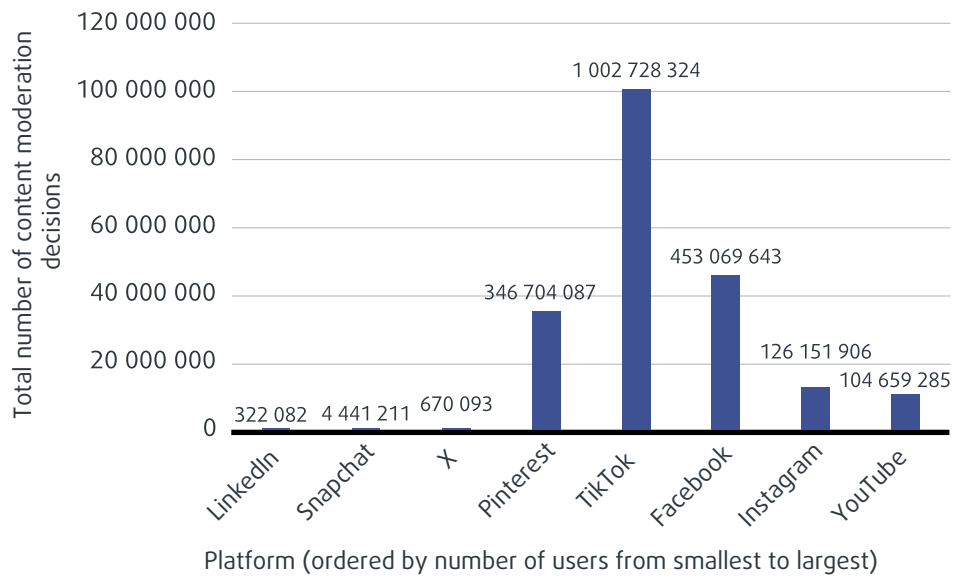
1.5.1.1. DSA Transparency Database

The DSA obliges online platforms to explain content moderation decisions to their users in so-called statements of reasons. The European Commission has set up the DSA Transparency Database, which collects anonymised versions of these statements to enhance transparency and facilitate scrutiny. In January 2026, the database contained more than 37 billion statements of reasons submitted by 281 active platforms, most often related to disabling access to content but also regarding the removal of content.

This database provides a major opportunity to understand how platforms' content moderation practices evolve. To provide some insights into content moderation, FRA analysed data on statements of reason submitted by eight selected VLOPs over one year, from January 2025 to December 2025 ⁽⁷²⁾.

Figure 1.4 shows that a large number of content moderation decisions took place in 2025. The total number of statements submitted by eight selected VLOPs over one year amounted to more than 2 billion. While the size of the platform is related to the number of content moderation decisions, some platforms, notably TikTok, Facebook and Pinterest, reported particularly high numbers of content moderation decisions. In 2025, TikTok made more than 1 billion content moderation decisions, Facebook about 453 million and Pinterest about 347 million.

FIGURE 1.4: CONTENT MODERATION DECISIONS IN 2025, BY (SELECTED) VERY LARGE ONLINE PLATFORMS



► Notes: The overview in Figure 1.4 is based on data from the DSA Transparency Database dashboard, from which the available detailed data for eight selected VLOPs were downloaded for the full year of 2025.

Source: DSA Transparency Database, 2026.

Most reported content moderation decisions are based on the general category ‘scope of platform service’ (28 %), followed by the category ‘illegal or harmful speech’, which is the reason for every fourth decision (23 %). Other quantitatively relevant decision categories among the platforms covered include scams and fraud (16 %), pornography or sexualised content (7 %) and violence (4 %). Moreover, about 2 % of reported decisions concern ‘negative effects on civic discourse or elections’.

It is important to mention that quantity is only one aspect, as some content decisions are of major importance in each single case. For example, ‘risk for public security’ was mentioned the least, but the impact of content in this category, that is the impact of risks for public security, can be significant, and more than 96 000 decisions were reported based on this category.

There are, again, considerable differences across platforms. Whereas the ‘scope of platform service’ is most often reported by LinkedIn, Instagram and Facebook, TikTok most often reports that ‘illegal and harmful speech’ is the main reason for action. YouTube most often takes action related to ‘scams and fraud’, whereas Pinterest, X and Snapchat most often take action related to the category ‘pornography or sexualised content’.

Alongside FRA’s analysis, some independent researchers have provided in-depth analyses of the database (73). Researchers acknowledge that the database has huge potential to increase the understanding of platforms’ conduct and content removals, to improve the clarity of categorisation and to enable structured reporting by platforms – but they also call for improvements if the available data are to be independently and accurately interpreted (74). In the middle of 2025, the Commission updated the requirements for submitting statements of reasons to the DSA Transparency Database to align with the data categories in the Implementing Regulation on Transparency Reporting, in effect from 1 July 2025 (75).

1.5.1.2. Reports from online platforms

Another very important source of information are the reports published by the online platforms themselves, as required under the DSA. VLOSEs and VLOPs must submit annual systemic risks reports, including evaluations of risks stemming from their services, and must publish transparency reports biannually ⁽⁷⁶⁾. Similarly, all providers of intermediary services, except for small enterprises and microenterprises, must also publish transparency reports on their content moderation practices, such as the number of orders they receive from all relevant national judicial or administrative authorities, the measures they take in moderating content, the number of pieces of content they take down, and the accuracy and rate of error of their automated content moderation systems ⁽⁷⁷⁾. Transparency reports, in contrast to systemic risk reports, are published not only by VLOPs and VLOSEs, but also by other smaller providers covered by the DSA. VLOPs and VLOSEs, due to their size, are required to publish such reports twice a year, while other providers need only publish once a year. These two categories of reports enable regulators, researchers and civil society to scrutinise their practices and enhance accountability.

In 2025, the European Board for Digital Services, in cooperation with the European Commission, published its first annual report identifying and assessing the most prominent and recurrent systemic risks according to VLOPs' and VLOSEs' reports ⁽⁷⁸⁾. It not only considers the risks identified by the platforms, but also includes risks identified by CSOs and independent researchers.

Using the DSA's systemic risk framework, the European Board for Digital Services has identified several systemic risks. One risk for the online platforms to address is the presence of illegal and harmful content (including terrorist material, child sexual abuse material and incitements to violence), which is possibly exacerbated by the interface and recommender systems that the platforms use ⁽⁷⁹⁾. Challenges relating to content moderation systems employed by platforms were noted by CSOs and independent researchers, notably gaps in the moderation of certain languages, adaptation of users' behaviours (e.g. use of coded language) to circumvent platform policies, and less developed content moderation measures for audio, podcast and livestream content ⁽⁸⁰⁾. Several fundamental rights risks were also identified, notably to freedom of expression and information, with both over-removal and under-removal posing risks to the protection of this right.

The European Board for Digital Services observed that CSOs and independent researchers mentioned systemic risks related to the intentional manipulation of services and risks related to the functioning of the recommender systems, which could affect certain populations ⁽⁸¹⁾. As for the risk assessments related to civic discourse, electoral processes and public security, the board noted that many providers reported actual or foreseeable risks to civic discourse driven by large-scale misinformation and disinformation, including through foreign interference and information manipulation campaigns, and that social media platforms acknowledged the potential role of their algorithmic, advertising and content recommendation systems ⁽⁸²⁾.

After the first two rounds of DSA risk assessment reports, academia and civil society observed a lack of standardisation in producing and presenting the reports ⁽⁸³⁾. While transparency reports must follow a standardised approach, as put forward by the Commission's 2024 guidelines ⁽⁸⁴⁾, this does not apply to systemic risk reports. This has resulted in great variation in risk reports' content and style, which also reduces comparability. The lack of a harmonised approach to risk reporting, so far, has resulted in a variety of formats and

methodologies, the coverage of different periods, and different levels of redaction of certain information ⁽⁸⁵⁾.

1.5.2. Accessing social media data to hold platforms accountable

In addition to the social media platforms themselves publishing information, analyses and data, it is essential for stakeholders to be able to scrutinise these platforms through independent data collection and access. However, there are challenges linked to this process, notably limited access to social media data.

Alongside analysis and critique of the DSA's Transparency Database, FRA has engaged in additional research to increase understanding of the collection and analysis of social media data, based on data from social media with respect to online hate. In 2023, FRA published a report on challenges linked to content moderation. Notably, during this research, it was not possible for FRA to access data from Facebook and Instagram due to the limited accessibility of the platforms' data collection interfaces ⁽⁸⁶⁾.

In 2025, FRA carried out further data collection on hate targeted at women, Muslims and people of African descent, based on keyword searches on X, YouTube and Telegram. FRA also wanted to cover TikTok, but could not do so, even as part of a small pilot project, owing to the length of the formal process for accessing the data.

Challenges in accessing social media data to scrutinise interferences with democratic processes and fundamental rights are reported by academic researchers. For example, the well-known case of election interference in **Romania** in 2024 ⁽⁸⁷⁾ has been analysed and discussed from a methodological perspective by academic researchers ⁽⁸⁸⁾.

Data access challenges are combined with difficulties in measuring systemic risks on online platforms. For example, when measuring hate speech online, it remains difficult to conclude whether certain content may be considered illegal or not. FRA's 2025 data collection, based on almost 20 000 posts extracted over a period of three months, using keywords linked to online conversations about women, Muslims and people of African descent ⁽⁸⁹⁾, showed (following a manual and automated analysis of the posts) that about 86 % of the posts potentially contained some kind of hate speech.



Given the major influence that online platforms have on democratic processes and, more generally, the distribution and exchange of information, a variety of analyses are needed to provide a fuller picture of the main digital threats posed online.

As discussed in [Section 1.3](#), Article 40 of the DSA crucially allows vetted researchers to access data from online platforms whenever they plan to investigate systemic risks. FRA has already encouraged the European Commission to ensure that independent research institutes and academic researchers, and EU agencies such as FRA, can access the data of online platforms without burdensome administrative procedures or other potential obstacles, while remaining in line with data protection safeguards ⁽⁹⁰⁾.

However, the enforcement of the DSA shows that online platforms do not necessarily comply with accessibility requirements and in this way avoid scrutiny and accountability, including from EU agencies such as FRA.

1.5.3. Assessing the use of algorithms by platforms

The data analysed in [Section 1.5.1](#) about content moderation decisions from the DSA Transparency Database also include information about the automation of these decisions, meaning whether AI was used to detect and act upon content. Of all the statements of reasons analysed by FRA for the year 2025 from eight VLOPs, the vast majority of content was automatically detected (81%). Of all the content moderation decisions, approximately every second decision (49 %) was fully automated. Another 44 % of decisions were reported to be partially automated. However, there is a large difference between platforms. TikTok reported that the vast majority of decisions were fully automated at 95 %, and 5 % were not automated (no partial automation reported). Pinterest, Facebook and Instagram partially automated (almost) all decisions (96–98 %). LinkedIn and Snapchat did not automate most decisions (81 % and 79 %, respectively), whereas X reported not automating almost all of their decisions (99%). YouTube fully automated 42 % of their content moderation decisions. X only reported content that was found to be illegal, whereas other platforms also reported content that was legal but blocked or removed as it was against their terms and conditions.

In 2025, the role of algorithms in content moderation still remained unclear. One major concern relates to the fact that the AI systems used for content moderation are easily biased and may lead to discrimination in content moderation decisions. For example, FRA's report on bias in algorithms of 2022 analysed how certain words linked to protected groups can make algorithms 'overreact' to harmless content ⁽⁹¹⁾.

1.6. CONCLUSIONS

This chapter, based on FRA's analysis of data and available resources – such as the DSA Transparency Database – provides insights into the very real challenges of holding online platforms to account for their content moderation practices, which are directly and indirectly influencing the integrity of the online information space and in turn impacting the health of European democracies.

Democratic processes need transparency when it comes to information provision and engagement in public discussions. Online platforms, particularly those used by a very large percentage of the population in the EU, shape the way people interact and how they exchange and receive information. For example, the proper combating of online hate is one of the many aspects helping to foster a healthy online space.

The regulation of the online space remains one of the most important challenges the EU faces. In light of this, major steps were taken in 2025 to enforce existing rules that protect fundamental rights and democracy online. The European Commission is working towards holding online platforms to account, but the effectiveness of its actions has to be measured against what people encounter online and the extent to which illegal and harmful content remains online.

As indicated in FRA's 2023 report on online content moderation ⁽⁹²⁾, in order to hold online platforms accountable under the DSA, researchers should have access to data from online platforms without burdensome administrative procedures. The current gaps that exist with respect to knowledge of and opportunities to examine how online platforms manipulate and interfere with their users need to be addressed in practice so that independent, vetted civil-society and research organisations – as well as entities such as FRA – can help the Commission and Member States' DSCs to hold online platforms to account. This should be seen as an opportunity to address the threats posed by the unchecked actions of platforms and a means of ensuring that fundamental rights and democracy are underpinned online and, correspondingly, offline.

Endnotes

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Index of country references

BG	40, 51
CZ	40
DE	51
DK	41
EE	40, 41
EL	41
FR	40
HR	40
IT	51
LT	40
MT	41
PL	40, 41
PT	40, 41
RO	40, 55
SE	40
SK	40

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- (73) Groesch, S., Birrer, A., Just, N. and Saurwein, F., **‘Big data, small answers: How the DSA Transparency Database falls short of its regulatory objectives’**, *Telecommunications Policy*, Vol. 50, No 1, e103088, 2026; Kaushal, R., van de Kerkhof, J., Goanta, C., Spanakis, G. and Iamnitchi, A., **‘Automated transparency: A legal and empirical analysis of the Digital Services Act Transparency Database’**, in: *FACCT ‘24: Proceedings of the 2024 ACM Conference on Fairness, Accountability, and Transparency*, Association for Computing Machinery, New York, 2024, pp. 1121–1132; Shahi, G. K., Tessa, B., Trujillo, A. and Cresci, S., **‘A year of the DSA Transparency Database: What it (does not) reveal about platform moderation during the 2024 European Parliament election’**, *arXiv*, No 2504.06976, April 2025.
- (74) Trujillo, A., Tiziano, F. and Cresci, S., **‘The DSA Transparency Database: Auditing self-reported moderation actions by social media’**, *Proceedings of the ACM on Human-Computer Interaction*, Vol. 9, No 2, Article CSCW187, 2025, pp. 1–28.
- (75) European Commission, **‘Harmonised transparency reporting rules under the Digital Services Act now in effect’**, European Commission website, last updated 1 July 2025.
- (76) **Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act)** (OJ L 277, 27.10.2022, p. 1), Art. 42(4).
- (77) **Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act)** (OJ L 277, 27.10.2022, p. 1), Arts 15, 24 and 42.
- (78) European Board for Digital Services, ***First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures***, 2025.
- (79) European Board for Digital Services, ***First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures***, 2025, pp. 10–13.

- (⁸⁰) European Board for Digital Services, *First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures*, 2025, p. 11.
- (⁸¹) European Board for Digital Services, *First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures*, 2025, p. 14.
- (⁸²) European Board for Digital Services, *First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures*, 2025, pp. 19–21.
- (⁸³) Albert, J., ‘*DSA risk assessment reports: A guide to the first rollout and what’s next*’, DSA Observatory website, 9 December 2024.
- (⁸⁴) Commission Implementing Regulation (EU) 2024/2835 of 4 November 2024 laying down templates concerning the transparency reporting obligations of providers of intermediary services and of providers of online platforms under Regulation (EU) 2022/2065 of the European Parliament and of the Council (OJ L, 2024/2835, 5.11.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/2835/oj).
- (⁸⁵) For instance, in X’s report from 2025, shared with the public, redactions were made in several sections of the report (including the removal of data points on content moderation measures, along with other information), seemingly without reason. See, for instance, X, *Report setting out the results of X internet unlimited company risk assessment pursuant to Article 34 EU Digital Services Act*, 2025, p. 37: ‘Between July 2024 and June 2025, X suspended [XX] accounts for violations related to Abuse and Harassment, Hateful Conduct, and Violent Content policies, accounting for [XX] of all suspensions. Additionally, X removed [XX] posts for the same violations, representing [XX] of all removed posts.’
- (⁸⁶) FRA, *Online Content Moderation – Current challenges in detecting hate speech*, Publications Office of the European Union, Luxembourg, 2023.
- (⁸⁷) As discussed in FRA’s 2025 *Fundamental Rights Report*. See FRA, *Fundamental Rights Report – 2025*, Publications Office of the European Union, Luxembourg, 2025, pp. 34–35.
- (⁸⁸) Goanta, C., Zannettou, S., Kaushal, R., van de Kerkhof, J., Bertaglia, T. et al., ‘*The great data standoff: Researchers vs. platforms under the Digital Services Act*’, 20th International AAAI Conference on Web and Social Media (ICWSM 2026), forthcoming.
- (⁸⁹) Data collection was performed by Trilateral Research.
- (⁹⁰) FRA, *Online Content Moderation – Current challenges in detecting hate speech*, Publications Office of the European Union, Luxembourg, 2023.
- (⁹¹) FRA, *Bias in Algorithms – Artificial intelligence and discrimination*, Publications Office of the European Union, Luxembourg, 2022.
- (⁹²) FRA, *Online Content Moderation – Current challenges in detecting hate speech*, Publications Office of the European Union, Luxembourg, 2023.

THE HOUSING CRISIS AND PEOPLE EXPERIENCING HOMELESSNESS

2

2.1.	INTRODUCTION	67
2.2.	THE EU HOUSING CRISIS AND HOMELESSNESS	68
2.2.1.	EVICCTIONS CAN LEAD TO HOMELESSNESS	69
2.2.2.	HOUSING CRISIS AFFECTS MINORITY GROUPS DISPROPORTIONALLY	70
2.3.	THE RIGHT TO HOUSING AND PROTECTION FROM HOMELESSNESS	71
2.3.1.	LEGAL FRAMEWORK AND OBLIGATIONS	72
2.3.2.	FORCED EVICTIONS	73
2.3.3.	EU POLICY RESPONSES	74
2.4.	ADDRESSING HOMELESSNESS AND PREVENTING EVICTIONS	76
2.4.1.	NATIONAL STRATEGIES AGAINST HOMELESSNESS	77
2.4.2.	INTERVENTIONS AGAINST EVICTION	80
2.4.3.	MAKING HOUSING AVAILABLE AND AFFORDABLE	82
2.5.	CONCLUSIONS	86
	ENDNOTES	88

22

April

The European Commission **sets up the Housing Advisory Board**, an expert group tasked with providing independent advice in the preparation of the European affordable housing plan.

14

May

The European Committee of the Regions publishes an opinion factsheet on **the role of cities and regions in the European affordable housing plan**.

10

15

18

September

The European Parliament adopts Resolution 2024/2120(INI) on **the role of cohesion policy investment in resolving the current housing crisis**.

The Special Committee on the Housing Crisis in the European Union, set up in December 2024 by the European Parliament, publishes a draft of its report on **the housing crisis in the EU with the aim of proposing solutions for decent, sustainable and affordable housing**.

The European Economic and Social Committee publishes an opinion, '**For a European affordable housing plan – The contribution of civil society**', calling on the Commission, inter alia, to enforce the right to housing and for the introduction of 'housing first' programmes in all EU Member States.

9

October

The European Commission publishes **guidance on the implementation of the Social Climate Fund** to help Member States implement their social climate plans to support access to affordable energy-efficient housing, including social housing.

20

November

The Housing Advisory Board publishes **recommendations to the European Commission** regarding the European affordable housing plan.

15

16

17

December

The European Parliament Special Committee on the Housing Crisis in the European Union publishes a **report mapping housing needs in the EU**, assessing the impacts of scarcity and providing an overview of relevant EU legislation.

The European Commission presents the first ever **European affordable housing plan** to comprehensively respond to the housing crisis, including a dedicated pillar on the protection of the people most affected.

Eurofound publishes its report **Foundational Challenges: The housing struggles of Europe's youth**.

18

The Court of Justice of the European Union rules in Case **C-417/23, Slagelse Almennyttige Boligselskab Afdeling Schackenborgvænge and Others v MV and Others**, on the application of non-discrimination in housing rights within national legislation, the interpretation of ethnic discrimination and the limits of state power in enacting policies based on ethnic criteria.

Council of Europe and UN

January

8

The UN Human Rights Council publishes a report by the Special Rapporteur on adequate housing entitled ***Towards a just approach to the global housing crisis and migrants***.

24

The European Committee of Social Rights (ECSR) publishes its conclusions on the complaint ***European Federation of National Organisations Working with the Homeless (Feantsa) v. Czech Republic*** (No 191/2020), stating that Czechia is in violation of Article 16 of the European Social Charter due to its inadequate efforts in addressing the housing crisis, including on issues related to security of tenure and risk of eviction, particularly for Roma.

February

6

In ***Caldarar and Others v. Poland*** (No 6142/16), the European Court of Human Rights holds that the demolition of dwellings occupied by Roma families, carried out without adequate procedural safeguards and proportionality assessments, amounts to a violation of Article 8 of the European Convention on Human Rights.

20

The UN Economic Commission for Europe (UNECE) publishes a report on the **challenges of and priorities for improving housing affordability in the UNECE region**.

26

The ECSR publishes its conclusions on the complaint ***Defence for Children International et al. v. Spain*** (No 206/2022), stating that 'stable, consistent and secure access to adequate energy' is a key element of the right to housing, and that interferences with access to energy violate the European Social Charter.

March

19

The ECSR publishes its conclusions on the complaint ***Feantsa v. Belgium*** (No 203/2021), stating that Belgium violated Article 16 of the European Social Charter by failing to take adequate measures to improve housing affordability, enforce housing standards and collect data on evictions and homelessness.

May

30

UN-Habitat adopts its **2026–2029 strategic plan**, focusing on adequate housing.

July

2

The ECSR adopts interim measures in the case ***European Roma Rights Centre v. Italy*** (No 244/2025), to ensure adequate temporary accommodation for Roma families allegedly evicted without legal safeguards or provision of alternative housing.

August

11

The UN General Assembly publishes a report by the UN Secretary General on **inclusive policies and programmes to address homelessness**, discussing global developments in homelessness policies and calling for coordinated and rights-based national strategies, improved data systems and recognition of the intersectional experiences of homelessness.

27

The UN Human Rights Council publishes a report by the Special Rapporteur on adequate housing on **land and the right to adequate housing**, calling on states to intervene in the private sector and reframe land as an essential component of the right to adequate housing.

Council of Europe and UN

1

The Council of Europe Commissioner for Human Rights publishes his book entitled *The Unheard 12 Million*, addressing the human rights situation of Roma and Travellers across Europe, including the situation regarding right to adequate housing and accommodation.

2

The Parliamentary Assembly of the Council of Europe issues Resolution 2626 on **analysis and guidelines to guarantee the right to housing**, calling on Council of Europe member states to treat housing as a human right, invest in affordable housing and adopt legal safeguards against forced evictions and homelessness.

8

October

UNECE ministers adopt **ministerial commitments on housing affordability and sustainability**, recognising that access to 'adequate, affordable, sustainable and resilient housing' is a right and committing to increasing its supply.

22

The Council of Europe Committee of Ministers issues **Recommendation CM/RecChS(2025)22**, complementing the *Feantsa v. Belgium* case, recommending that Belgium take steps to improve access to affordable housing, collect disaggregated homelessness data, prevent evictions and prohibit rental discrimination.

15

December

The UN General Assembly adopts a resolution (**A/RES/80/175**) urging states to address homelessness and its drivers.

Rising housing prices and the lack of social and affordable housing options have driven a housing crisis in the EU. Increasing numbers of people cannot afford their homes, to the extent of facing homelessness and housing exclusion.

While housing lies primarily within the competence of the EU Member States, primary and secondary EU law contains obligations on housing policy and regulations, for example in the EU Charter of Fundamental Rights.

This chapter provides an overview of legal and policy developments in the Member States aimed at addressing the housing crisis. FRA calls for a rights-based approach to housing to address homelessness effectively, protect against forced eviction and provide safeguards for those in vulnerable situations.

2.1. INTRODUCTION

House prices rose by 53.4 % across the EU between 2015 and 2024 ⁽¹⁾, while rents increased by 16.8 % over the same period ⁽²⁾. Despite a lack of consistent and comparable data, there are indications that homelessness is on the rise. According to estimations by the European Federation of National Organisations Working with the Homeless (Feantsa), 1 287 000 people were homeless in the EU in 2025 (European typology of homelessness and housing exclusion ('ETHOS light') definitions 1, 2 and 3) ⁽³⁾. In 2024, an estimated 400 000 children lived rough, in night shelters or temporary accommodation ⁽⁴⁾.

Definition: homelessness (ETHOS)

Feantsa has developed a widely recognised and used framework definition of homelessness. ETHOS light distinguishes between six categories: (1) people living rough in public/external spaces, (2) people in emergency accommodation shelters, (3) individuals living in accommodation for people who are homeless, (4) people living in institutions, (5) people living in non-conventional dwellings due to lack of housing and (6) people living temporarily in conventional housing with family and friends.

Source: Feantsa, 'ETHOS light – A harmonised definition of homelessness for statistical purposes'.

International human rights law recognises the right to housing ⁽⁵⁾ as part of the right to an adequate standard of living ⁽⁶⁾. Article 34 of the EU Charter of Fundamental Rights recognises the right to housing assistance to ensure a decent existence for all those who lack efficient resources ⁽⁷⁾. Principle 19 of the European Pillar of Social Rights recommends that social housing and adequate shelter be provided for people who are homeless and that vulnerable people be protected from forced eviction ⁽⁸⁾.

Forced eviction is defined by the UN Committee on Economic, Social and Cultural Rights as:

the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights ⁽⁹⁾.

The European Commission's priorities for 2024–2029 ⁽¹⁰⁾ reflect the impact of recent crises on living standards, the lack of access to affordable housing and essential services, and a need to address the root causes of poverty. The Commission's actions in these areas include a new action plan for the implementation of the European Pillar of Social Rights, an EU anti-poverty strategy, strengthening of the child guarantee scheme ⁽¹¹⁾ and the first European affordable housing plan ⁽¹²⁾.

FRA's contribution to the European Commission public consultation on the European affordable housing plan calls for a human-rights-based approach (HRBA) to affordable housing and for grounding policies in EU fundamental

rights law and international human rights law ⁽¹³⁾. An HRBA offers a comprehensive framework for policymakers anchored in a system of rights and corresponding legal obligations ⁽¹⁴⁾. It requires that principles of equality and non-discrimination, attention to people in vulnerable situations, participation of rights holders and accountability of duty bearers guide all stages of policy development, implementation and monitoring.

This chapter provides an overview of the housing crisis through a fundamental rights lens, with a specific focus on homelessness and forced evictions, which are prohibited by international law.

The first section introduces the current state of the housing crisis and homelessness in Europe. The second section discusses the fundamental rights obligations of EU Member States to protect people from homelessness and policy responses developed by the EU to address the housing crisis. In the third section, FRA presents the results of its research, based on data and information from 30 countries (the EU-27 and FRA's three observer countries, **Albania, North Macedonia and Serbia**), to identify gaps and challenges in addressing homelessness, preventing evictions and providing support for people needing to leave their homes. The chapter draws on previous work by FRA, in particular the chapter on the cost-of-living crisis in the 2024 *Fundamental Rights Report* ⁽¹⁵⁾, FRA's research on the European Green Deal and fundamental rights in the context of the EU energy transition ⁽¹⁶⁾ and FRA's survey data on precarious housing and experiences of homelessness among minority groups ⁽¹⁷⁾.

2.2. THE EU HOUSING CRISIS AND HOMELESSNESS

House prices have surged across Europe and rents have increased by 16.8 % between 2015 and 2024 ⁽¹⁸⁾. Furthermore, significant differences have emerged in the type and quality of housing, along with whether it is owned or rented. More than two thirds of EU residents own their homes; however, less than half of those with an income below the 'risk of poverty' threshold are homeowners ⁽¹⁹⁾. The number of dwellings for which building permits were granted in the EU decreased by 20 % in 2023, putting increasing pressure on the housing market and housing ⁽²⁰⁾.

The proportion of household budgets devoted to housing has increased dramatically due to the housing and cost-of-living crises ⁽²¹⁾. This is especially true in urban centres, which house a large proportion of the EU's population: 27 % of people in these areas are spending more than 25 % of their disposable income on housing, compared with 17 % of people in rural areas ⁽²²⁾. The housing cost overburden rate, which shows the share of the population living in a household where total housing costs exceed 40 % of disposable household income, was 10 % for people living in a city compared with 6 % for people living in rural areas ⁽²³⁾.

In 2025, the European Committee of Social Rights reviewed measures adopted by States Parties in response to the impacts of the cost-of-living crisis on social rights, including the right to housing, guaranteed under Article 31 of the revised European Social Charter. In some Member States, the committee found violations of Article 31(2) on multiple grounds, including the high number of evictions, loose inter-agency coordination with regard to preventing evictions, inadequate financial measures taken by the national authorities to prevent evictions and an excessive reliance on makeshift or transitional forms of accommodation that do not offer a definite prospect of access to normal housing ⁽²⁴⁾.



Housing needs far exceed supply, compounding the housing affordability and availability crisis ⁽²⁵⁾. Pressures in the housing market have been exacerbated by a series of external shocks, including the COVID-19 pandemic, geopolitical instability and an ongoing energy crisis, but also by infrastructural and investment developments ⁽²⁶⁾.

The most recent Eurostat survey on income and living conditions included a one-off set of questions on homelessness, providing a new EU-wide estimate: in 2023, 4.9 % of people in the EU aged 16 or older reported experiencing housing difficulties in their lifetime. The statistic was higher for people at risk of poverty or social exclusion, with 8.4 % having experienced housing difficulties ⁽²⁷⁾, compared with 3.9 % of those not at risk ⁽²⁸⁾. In addition, the population and housing census carried out in each Member State in 2021 identified a total of 1 185 585 people in the EU as 'homeless or living in non-conventional forms of housing'. These censuses provide insights into the distribution and basic characteristics of homeless people, although the figures should be interpreted with caution given the methodological differences between countries ⁽²⁹⁾. More recently, the Organisation for Economic Co-operation and Development (OECD) has established a database for OECD countries, including 22 EU Member States, estimating that 2 million people were homeless in OECD countries in 2024 ⁽³⁰⁾.

2.2.1. Evictions can lead to homelessness

Some evidence shows that, since the end of the COVID-19 pandemic, countries have begun to rescind their bans on evictions, as indicated by the rising eviction numbers (see [Section 2.4](#) of this chapter).

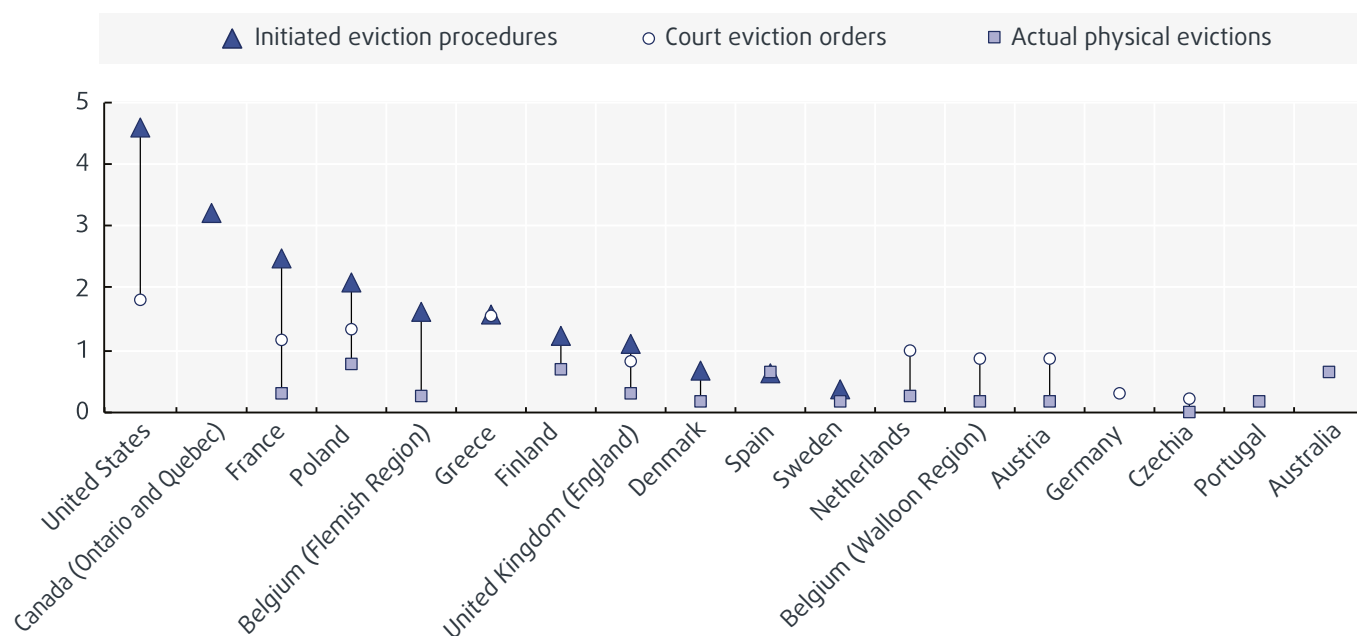
Comparable and timely data on eviction orders, forced evictions and the number of rehousing and other interventions to prevent lawful evictions or protect people in the event of lawful evictions are also lacking. While ETHOS provides a widely recognised framework definition of housing exclusion and homelessness, defining, measuring and monitoring homelessness remain complex. There is a lack of a harmonised statistical definition, coupled with methodological and data collection challenges, and many countries do not undertake data collection.

In February 2025, the OECD launched a monitoring framework to measure the extent of homelessness, outlining approaches to collecting data, providing

definitions and strategies for 40 OECD countries and EU Member States and developing a policy toolkit ⁽³¹⁾. Although there are differences across countries, the eviction procedure can be divided into three phases: (1) initiated eviction procedures, (2) court eviction orders and (3) actual evictions of tenants ⁽³²⁾. Preventive measures and safeguards should reduce the initiation of eviction procedures or court orders and, once started, prevent these processes from resulting in actual physical and forced evictions.

Figure 2.1 highlights the uneven data landscape with regard to evictions. Few countries have data on all three eviction steps. In **France**, for example, only a small proportion of eviction orders result in actual eviction. In **Finland**, by comparison, the number of eviction orders is much lower, but a majority result in actual eviction.

FIGURE 2.1: NUMBER OF INITIATED EVICTION PROCEDURES, COURT EVICTION ORDERS AND ACTUAL EVICTIONS OF TENANTS AS A SHARE OF ALL RENTAL HOUSEHOLDS, 2023 OR LATEST YEAR FOR WHICH DATA WERE AVAILABLE (%)



Source: OECD, 'Figure HC3.3 – Evictions procedures', OECD Affordable Housing Database, <http://oe.cd/ahd>, accessed 23 January 2025.

2.2.2. Housing crisis affects minority groups disproportionately

FRA survey data and research findings show that distinct segments of the population in the EU experience the housing crisis differently. This calls for increased attention to those who are already in vulnerable situations and in need. Children, women, young and older people, people with disabilities, people with ethnic or migrant backgrounds, or of certain religious affiliations, and people belonging to the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) community or visible minorities face distinct obstacles in accessing affordable and decent housing ⁽³³⁾.

The current EU housing affordability crisis has pronounced impacts on younger age groups, as confirmed by a recent Eurofound report on the housing challenges faced by Europe's youth. In several Member States, the average age at which a young person leaves the parental home has been increasing, including for those in employment. Homelessness is on the rise, and young people in cities are among the groups particularly affected ⁽³⁴⁾.

FRA ACTIVITY

FRA data on housing, poverty and social rights

In 2025, FRA compiled data from its surveys and research on immigrants and descendants of immigrants, Muslims, Roma and Travellers, LGBTIQ+ people and child poverty to provide input to Commission public consultations, shedding light on fundamental rights. The aim is to leave no one behind when rolling out the European affordable housing plan, the EU anti-poverty strategy and the new action plan for the European Pillar of Social Rights and related EU funds.

*Sources: FRA, **A Rights-based Approach to Affordable Housing – FRA input to the first EU affordable housing plan**, Vienna, 2025; **FRA contribution to the public consultation on the EU anti-poverty strategy**, Vienna, 2025; and **FRA contribution to the public consultation on the new action plan for the European Pillar of Social Rights**, Vienna, 2025.*

Data from FRA's 2024 Roma Survey reveal high levels of housing deprivation, with 47 % of Roma and Travellers living in damp, dark homes or housing without proper sanitation. Roma also face systematic discrimination when trying to rent or buy housing (35 % have experienced this). According to survey predictions, only four countries are likely to reach the EU target to increase effective equal access to adequate desegregated housing and essential services for Roma by 2030. Furthermore, 31 % of Roma households had been forced to leave their accommodation in the past five years; 3 % of all respondents had been forced to leave due to a legal order ⁽³⁵⁾.

Housing difficulties affect LGBTIQ+ people disproportionately. The most recent FRA data on LGBTIQ+ people show that, overall, 1 % of the survey respondents (6 % of intersex respondents) said that they had had to sleep rough in a public space at least once or for a period in their life. By comparison, the proportion among the general population was only 0.2 %. Out of all respondents to the LGBTIQ+ survey, 13 % said that they had had to stay with friends or relatives temporarily ⁽³⁶⁾.

Rising prices and the unaffordability of housing may negatively affect the enjoyment of fundamental rights protected under EU law ⁽³⁷⁾. These include the rights to human dignity and gender equality, non-discrimination, respect for private and family life, access to housing support, social security and assistance, and the ability to access essential public services, along with the rights of groups more susceptible to poverty and exclusion.

2.3. THE RIGHT TO HOUSING AND PROTECTION FROM HOMELESSNESS

Under EU law, housing policy is primarily a matter of Member State competence. However, the EU may address certain housing issues via its exclusive competence on services of general economic interest ⁽³⁸⁾ and State aid rules (Articles 106 and 107 of the Treaty on the Functioning of the EU (TFEU)), as well as through its shared and supporting competences, particularly in the areas of energy (Article 194 of the TFEU), economic, social and territorial cohesion (Article 174 of the TFEU), social protection (Articles 9 and 151 of the TFEU), consumer protection (Articles 12 and 169 of the TFEU) and non-discrimination (Articles 10 and 19 of the TFEU) ⁽³⁹⁾.

This section outlines EU and international legal norms and standards pertaining to the right to housing and protection from homelessness.



2.3.1. Legal framework and obligations

2.3.1.1. *International legal framework*

The International Covenant on Economic, Social and Cultural Rights (ICESCR) (Article 11) protects the right to housing as a component of the 'right to an adequate standard of living' ⁽⁴⁰⁾. All EU Member States and three FRA observer countries have ratified the ICESCR ⁽⁴¹⁾.

Article 2(2) and Article 25(1) of the ICESCR mandate that the right to housing be enjoyed without discrimination. The right to housing is also guaranteed for vulnerable people: for children under Article 3 of the UN Convention on the Rights of the Child, for women under Article 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination against Women, by prohibiting gender-based housing-related discrimination, and for persons with disabilities under Article 19 on independent living under the Convention on the Rights of Persons of Disabilities. Discrimination based on race or ethnicity is prohibited under Article 5(d)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination.

The UN Committee on Economic, Social and Cultural Rights has clarified the normative content of the right (e.g. security of tenure, affordability, accessibility) and states' corresponding obligations (General Comment No 4) ⁽⁴²⁾; defined 'forced evictions' and related safeguards (General Comment No 7) ⁽⁴³⁾; and confirmed that covenant rights apply to everyone, including non-nationals, refugees, asylum seekers, stateless people, migrant workers and victims of international human trafficking, irrespective of legal status (General Comment No 20) ⁽⁴⁴⁾.

The Council of Europe framework enshrines the right to housing in Article 31 of the revised European Social Charter ⁽⁴⁵⁾. States that have accepted this article undertake to carry out the following measures: promoting access to housing of an adequate standard, preventing and reducing homelessness and making housing affordable to those without adequate resources. However, only a minority of the EU-27 and three FRA observer countries have accepted these provisions without reservations, while Article 30 (the right to protection against poverty and social exclusion) has been accepted by half of the states and Article 16 (the right of the family to social, legal and economic protection), also related to housing, by virtually all of them.

2.3.1.2. *EU legal framework*

EU law does not provide for a right to housing per se. However, according to Article 34 of the EU Charter of Fundamental Rights, 'the Union recognises and respects the right to social and housing assistance'. Other rights provided for in the Charter may touch on housing, including those guaranteed by Article 7 (respect for private and family life, home and communications), Article 17 (right to property), Article 21 (non-discrimination), Article 25 (the rights of the elderly), Article 26 (integration of persons with disabilities), Article 33 (family and professional life), Article 36 (access to services of general economic interest) and Article 38 (consumer protection). The Racial Equality Directive ⁽⁴⁶⁾ further prohibits ethnic or racial discrimination in the field of housing, including access to social housing. As housing remains largely a matter of Member State competence, EU action is limited, despite the fact that the treaties commit the EU to combating social exclusion and promoting economic, social and territorial cohesion (Article 3 of the Treaty on European Union). The Council of the European Union recommendation of 12 March 2021 on Roma equality, inclusion and participation states that Member States should ensure equal treatment in access to adequate,



unsegregated housing by, inter alia, 'prevent[ing] forced evictions by promoting early warning and mediation, [by organising] support for people at risk of eviction and ... provid[ing] adequate alternative housing, [in particular for] families' ⁽⁴⁷⁾.

FRA has reiterated the central importance of housing in combating poverty and social exclusion ⁽⁴⁸⁾. In policy terms, the European Pillar of Social Rights emphasises access to social housing and assistance for those in need – particularly vulnerable and homeless people – and protection against forced eviction (principle 19), which also informs EU policymaking, including through the European semester ⁽⁴⁹⁾.

2.3.2. Forced evictions

Forced evictions may render people homeless, exacerbating social exclusion and rights violations, especially for those already in vulnerable situations. The ICESCR prohibits forced evictions, including in cases of arrears on rent or mortgage payments ⁽⁵⁰⁾. With all EU Member States and three FRA observer countries having ratified the ICESCR, they are bound by its provisions and invited to consider the authoritative interpretation of the ICESCR. Pursuant to this, Member States should provide legal safeguards and preventive measures ⁽⁵¹⁾, as further discussed in [Section 2.3.3](#).

As homelessness also constitutes a 'prima facie violation of the right to housing' ⁽⁵²⁾, the UN Committee on Economic, Social and Cultural Rights has held that States Parties to the ICESCR must ensure that nobody is evicted into homelessness ⁽⁵³⁾. Still, evictions remain widespread in the EU ⁽⁵⁴⁾.

Definition: forced evictions

Forced evictions refer to the removal of people against their will from the home they occupy without the provision of appropriate protections compliant with international and regional human rights law. This includes the lack of meaningful engagement with those affected, relocation to adequate alternative housing and access to justice, and conduct of evictions in conditions that disregard human dignity. Such circumstances include evictions 'at night, during the winter, in severe weather conditions, from shelters or if they will lead to homelessness'.

Sources: UN Committee on Economic, Social and Cultural Rights, *General Comment No 7: The right to adequate housing (Art. 11.1 of the covenant) – Forced evictions*, 20 May 1997, paragraph 3; European Parliament, *Resolution of 21 January 2021 on access to decent and affordable housing for all*; and UN, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context – Land and the right to adequate housing*, New York, 2025.

The European Court of Human Rights (ECtHR), for its part, has long recognised that forced evictions may violate the right to respect for private and family life ⁽⁵⁵⁾ and, in some circumstances, the prohibition of inhuman or degrading treatment ⁽⁵⁶⁾. The loss of housing is considered to be 'a most extreme form of interference with the right to respect for the home' ⁽⁵⁷⁾, which must be given 'the same meaning and scope' as reflected in Article 7 of the Charter ⁽⁵⁸⁾. In 2025, several cases of forced evictions reached both the ECtHR and the European Committee of Social Rights, particularly concerning Roma families. In *Caldarar and Others v. Poland* ⁽⁵⁹⁾, the ECtHR held that the demolition of dwellings occupied by five Roma families without procedural safeguards amounted to a violation of their right to respect for private and family life.

In *Feantsa v. Belgium*, the European Committee of Social Rights found a violation of Article 16 of the revised European Social Charter on the grounds that **Belgium** failed to take adequate measures to effectively prevent forced evictions, enforce housing standards and improve housing affordability for vulnerable groups ⁽⁶⁰⁾. The Council of Europe's Committee of Ministers later recommended that Belgium 'take steps to prevent evictions' and 'collect comprehensive quantitative and qualitative data regarding all aspects of homelessness and evictions' ⁽⁶¹⁾.

2.3.3. EU policy responses

While housing remains primarily a matter of Member State competence, EU institutions have taken steps to address the growing housing crisis.

In December 2024, the European Parliament established the Special Committee on the Housing Crisis in the EU (HOUS) to assess current housing needs, policies, trends, issues and best practices at the national and EU levels ⁽⁶³⁾. In line with these objectives, the HOUS committee examined issues pertaining to skilled workforce shortages ⁽⁶⁴⁾, the role of institutional investors in housing ⁽⁶⁵⁾ and regulatory aspects of short-term rentals in the EU ⁽⁶⁶⁾. It paid special attention to vulnerable groups, including young people, older people and households with children ⁽⁶⁷⁾ and people with disabilities ⁽⁶⁸⁾. The HOUS committee draft report discussed the role of the EU in housing and highlighted the importance of increasing housing supply, supporting housing demand, securing funding and facilitating investment, and exchanging housing data ⁽⁶⁹⁾.

Because housing is not just a commodity. It is a fundamental right.

Dan Jørgensen, Commissioner for Energy and Housing, presenting the European affordable housing plan in December 2025 ⁽⁶²⁾

In June 2025, the European Commission established the Housing Advisory Board, an expert group tasked with providing independent advice in the preparation of the European affordable housing plan. In November 2025, it presented 10 recommendations. The first of these, aligned with recommendations from the UN Special Rapporteur on housing ⁽⁷⁰⁾, states:

We need a paradigm shift, so housing is seen as essential social as well as economic infrastructure ⁽⁷¹⁾.

Following its call on social partners ⁽⁷²⁾, the European Council in turn called on the Commission to present an 'ambitious and comprehensive plan for affordable housing' ⁽⁷³⁾.

On 16 December 2025, the European Commission presented the first European affordable housing plan. The plan sets out to support all levels of national authorities and bring stakeholders together in order to deliver affordable housing to all Europeans. It reflects the recommendations of the Housing Advisory Board and recognises that 'housing is not just a commodity, but a fundamental right and a cornerstone of human dignity' ⁽⁷⁴⁾.

With regard to groups at risk of discrimination, as announced in the 2026–2030 LGBTIQ+, anti-racism and gender equality strategies, the Commission will publish a study on housing inequality and discrimination with an intersectional approach by early 2027. Its findings will contribute to the implementation of the European affordable housing plan, promoting safe, accessible and non-discriminatory housing.

Policy definition: European affordable housing plan

The plan features key measures to ensure affordable, sustainable and quality housing under four pillars: (1) boosting supply, (2) mobilising investment, (3) enabling immediate support while driving reforms and (4) protecting the most affected. The plan proposes a Council recommendation on housing exclusion that will be presented by the European Commission as part of the EU anti-poverty strategy. The pillars will be implemented through 10 actions, including 'addressing homelessness and supporting tenants and households in vulnerable situations' (IV.10), from 2026 onwards. On 16 December 2025, the Commission adopted **Commission Decision (EU) 2025/2630 on services of general economic interest**, updating State aid rules to facilitate investments in housing. In 2026, the Commission will organise the first EU housing summit and set up a European housing alliance to facilitate cooperation and share knowledge and good practices.

Source: **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – The European affordable housing plan**, COM(2025) 1025 final of 16 December 2025.

2.3.3.1. *Social rights and the eradication of homelessness*

In 2021, EU institutions, Member States and social partners recognised combating homelessness as a priority for a social Europe and set out to eradicate homelessness by 2030 in the Lisbon Declaration ⁽⁷⁵⁾. Herein, they agreed to launch the European platform on combating homelessness ⁽⁷⁶⁾ to deliver capacity, facilitate mutual learning, strengthen evidence on and monitoring of homelessness and optimise the use of available funding sources in line with principle 19 of the European Pillar of Social Rights. The Lisbon Declaration recognises that the elimination of homelessness can contribute to the 2030 EU targets on poverty and social exclusion. In 2026, the Commission will adopt the first EU anti-poverty strategy and will put forward further initiatives to deepen the implementation of the European Pillar of Social Rights. As part of the EU anti-poverty strategy, the Commission will present a proposal for a Council recommendation on fighting housing exclusion. The proposed recommendation will aim to support vulnerable people in precarious housing situations and to prevent and address homelessness by promoting policies based on a person-centred, housing-led and integrated approach.

2.3.3.2. *Housing in the context of climate change and the energy transition*

The increase in energy prices impacts the affordability of housing. Decarbonisation targets and related measures set through the European Green Deal ⁽⁷⁷⁾ risk exacerbating the housing crisis.

The EU addresses energy poverty and the impact of the cost-of-living crisis in several climate and energy policy files. The Social Climate Fund (SCF) ⁽⁷⁸⁾ became active on 1 January 2026 and is designed to make the green transition more inclusive by providing support to vulnerable households and small businesses affected by high energy costs, including in the transport and building sectors. Measures that are eligible for SCF funding include building renovations, investments in the building sector, access to affordable energy-efficient housing and income support for vulnerable households. The SCF will provide over EUR 85 billion in funding, available to Member States between 2026 and 2032, on the basis of national plans outlining planned measures. In principle, they were to be submitted to the Commission for approval by mid 2025. As of January 2026, only four Member States had submitted their social climate plans (**Latvia, Lithuania, Malta and Sweden**) and, among these, only one had been endorsed by the Commission (Sweden's).

FRA continues to highlight the nexus between energy poverty and fundamental rights and reiterate the importance of housing in combating poverty and social exclusion ⁽⁷⁹⁾, calling on Member States to incorporate fundamental rights safeguards when implementing their social climate plans, especially regarding the right to housing ⁽⁸⁰⁾.

2.4. ADDRESSING HOMELESSNESS AND PREVENTING EVICTIONS

Most Member States have plans and policies in place to combat homelessness, protect vulnerable groups from eviction and promote affordable housing ⁽⁸¹⁾.

This section outlines policy measures and approaches adopted by countries related to homelessness, evictions and affordable housing in the 27 Member States and three candidate countries (**Albania, North Macedonia and Serbia**) in 2025.

The lack of a precise definition of homelessness at the EU level or between countries has contributed to differing approaches to addressing homelessness

FRA ACTIVITY

Fundamental rights and housing in the EU's climate and energy transition

In 2024, FRA conducted research in all Member States on housing and energy renovation policies in the context of the climate and energy transition. It found that the design and implementation of programmes very often leave the most vulnerable behind. FRA therefore calls for the systematic integration of fundamental rights safeguards into housing and energy policies. The report was published in January 2026.

Source: FRA, **Fundamental rights and housing in the EU's climate and energy transition**, Publications Office of the European Union, Luxembourg, 2026.

and monitoring outcomes across Member States, rendering the comparability and monitoring of homelessness and housing challenging. In only a few Member States is access to adequate housing recognised as an enforceable right. In this context, homelessness and housing policies that are not guided by or based on fundamental or social rights put fundamental rights at risk.

Approaches to affordable and social housing or housing assistance also differ between countries. Models range from broad income-based eligibility for social housing to targeted housing support for specific vulnerable groups. However, housing allowances are common across Member States and provide direct financial support to households in need. In some cases, energy-related allowances are also granted to help cover rising energy bills.

2.4.1. National strategies against homelessness

The right to housing is reflected in the national constitutions of some Member States, including **Belgium** and **Portugal**. **France** has recognised an enforceable right to housing since 2007.

Combating homelessness is a priority across most Member States, as evidenced in national strategies and action plans. Currently, 17 out of 27 Member States, and observer state **Albania**, have adopted national homelessness strategies. These national strategies vary significantly, including with regard to setting clear targets and goals.

Furthermore, differences exist in how homelessness is defined – that is, which living situations count as ‘homelessness’ – across these strategies and other national policies and statistics. Some countries have adopted the ETHOS / ETHOS light framework as the national reference for defining homelessness and others have not (see the box ‘Definition: homelessness (ETHOS)’ earlier in this chapter). As the ETHOS classification is designed to capture both visible and some ‘hidden’ forms of homelessness, countries that have adopted it, such as **Spain, Finland, Luxembourg** and **Malta**, often have more uniform and inclusive definitions. This also aids in comparability between countries. While about a third of states have adopted ETHOS-based definitions, others, such as **Bulgaria, Denmark, Estonia, Ireland** and **Poland**, have not.

2.4.1.1. Criminalisation of homelessness

A lack of alignment between Member States has also emerged with respect to the criminalisation of rough sleeping. For example, under the 2018 seventh amendment to **Hungary’s** Fundamental Law, habitual dwelling in public spaces may be criminalised ⁽⁸²⁾. Although the Hungarian Constitutional Court has upheld this amendment, it has been criticised as problematic and potentially incompatible with fundamental rights. As stressed by a 2024 study by the UN Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on adequate housing, ‘criminalization of persons experiencing homelessness or poverty is not a suitable solution and may violate a wide range of human rights’ ⁽⁸³⁾. In the absence of a right to housing, measures that address homelessness risk being reactive and punitive, rather than pre-emptive and guaranteeing both social protection and human dignity. Already vulnerable people may be exposed to further hardships, sanctions and penalties ⁽⁸⁴⁾. Research shows that Hungary’s law may not be widely applied in practice ⁽⁸⁵⁾, although the legal provision is still in place ⁽⁸⁶⁾.

Criminal sanctions for arbitrary occupation are in force in Hungary ⁽⁸⁷⁾ and were applied in 2025 in **Cyprus** ⁽⁸⁸⁾ and **Italy** ⁽⁸⁹⁾.

2.4.1.2. Housing-led policies

Housing-led policies aim to provide stable and regular housing to homeless people and support them in independent living. The Commission's affordable housing plan has called for housing-led solutions, including 'housing first' solutions, accompanied by integrated approaches to combating poverty and exclusion ⁽⁹⁰⁾. With this approach, housing must come first, and social or psychological support comes only after housing is secured.

Definition: housing first

In many traditional homeless services, people are first expected to demonstrate that they are 'housing ready' – meaning that they have to prove their ability to live independently or with only low levels of support – before they can access stable housing.

In the housing first approach, permanent housing is the starting point, rather than the end goal, supported by policies and practices that are designed to keep people in existing ordinary housing if they are experiencing or at risk of homelessness.

The core principles of housing first are:

- housing as a human right;
- choice and control for service users;
- separation of housing and treatment;
- recovery orientation;
- harm reduction;
- active engagement without coercion;
- person-centred planning;
- provision of flexible support for as long as it is required.

Source: Housing First Europe Hub, 'What is housing first', Housing First Europe Hub website, accessed 17 November 2025.

Several Member States, including **Austria, Belgium, Croatia, Czechia, Denmark, Ireland, Latvia, Slovakia** and **Sweden**, have adopted housing first programmes. Many have been implemented at the local level, such as the EU-funded housing first initiative in Brno, Czechia.

One particularly promising example comes from **Ireland**. Unlike other plans, which are often implemented at the local or municipal level, Ireland's plan is implemented at the national level and funded by the government, marking a central commitment to the effort to end homelessness and avoiding fragmented approaches and ad hoc interventions in different local contexts. Like other housing first models, Ireland's plan seeks to provide immediate and permanent housing to those experiencing homelessness and facilitate social inclusion through individualised support services ⁽⁹¹⁾.

Ending homelessness by adopting a 'housing first' policy is the best way of guaranteeing we have the supply to meet all our housing needs, especially for the younger generation, the elderly and those with disabilities.

Key message 3 in the **Housing Advisory Board's recommendations to the European Commission** in 2025

2.4.1.3. *Data and monitoring homelessness and evictions*

Most countries do not collect reliable, disaggregated data on homelessness, disaggregated data on evictions and/or disaggregated data on groups at risk of discrimination who might be more likely to experience housing difficulties (e.g. younger and older people, LGBTIQ+ people, persons with disabilities, women, people affected by racism, Roma, people of specific religious affiliations). Member States such as **Bulgaria, Cyprus, Greece, Lithuania and Romania** and the candidate countries **Albania** and **Serbia** report having no consolidated national eviction statistics. Moreover, there is a lack of comparability in the definition, scope and type of data collected (e.g. as regards data on execution orders, notices of termination and actual evictions carried out by courts), and there are differences in disaggregation and periodicity. In some countries, such as **Germany**, eviction statistics are collected at the regional level, not the national level. In **Ireland** and **Spain**, the data reported do not distinguish between evictions from residential and non-residential properties. By contrast, **Croatia** only collects reliable data on evictions from public housing. Even where data on evictions from private households exist, there is the risk of 'hidden' evictions and undercounting, as available statistics often do not capture all cases, including when tenants leave their homes due to threats of eviction; this has been highlighted, for example, as an issue in **Belgium's** eviction statistics. Also often not reflected in national eviction data are evictions from informal settlements. In **Greece**, non-disaggregated data on evictions are available based on the number of applications submitted to the courts and orders for the return of leased property.

Where Member States collect consolidated national statistics on evictions from private households, these data can rarely be broken down further to understand which groups are most affected. However, there are some promising examples: **Sweden** collects annual national eviction statistics, including demographic information on age and gender, while the **Finnish VATT Institute for Economic Research** collects data on the educational, economic and migrant backgrounds of those evicted in **Finland**, albeit not regularly.

Where national statistics on homelessness are available, these are often taken from censuses and services and administrative data and mostly record the number of people sleeping in a shelter or using publicly available homelessness services. This is the case, for example, in **Ireland, Lithuania, Serbia and Slovenia**, and significantly under-represents the extent of homelessness, as it does not include those categories of people sleeping rough or staying with friends or family. In countries such as **Italy** where national statistics bodies undertake homelessness counts, this is done infrequently. A feasibility study carried out in 2024 by the **Austrian** Ministry of Social Affairs confirms the methodological challenges in gathering homelessness data due to varied practices at the regional level and by shelters and non-governmental organisations. In many countries, the most reliable data on homelessness come from non-governmental organisation counts and estimations.

PROMISING PRACTICE

Homelessness census

In both **Bulgaria** and the Netherlands, recent initiatives aim to collect reliable information on the number and characteristics of homeless people, given the absence of comprehensive national homelessness data. These censuses operate at the municipal level, are carried out by or in cooperation with academic institutions and are funded by the national and/or municipal government.

The aim of these censuses is to collect data on the number and social characteristics of homeless people. The Bulgarian census, for example, collects information on addiction and social ties, and the Dutch census stresses the importance of identifying specific groups (e.g. children, older people and undocumented people).

Comprehensive data from these censuses provide the opportunity for more effective and informed homelessness policies, and effective resource allocation and social interventions.

Sources: Sofia Municipality, '**Sofia joins the census of homeless persons**', Stolica website, 2 October 2025; and Utrecht University of Applied Sciences, '**ETHOS homelessness count**', Utrecht University of Applied Sciences website, 2025.

2.4.2. Interventions against eviction

In several Member States, there is a lack of concrete and appropriate pre- and post-eviction support, such as advice, financial support and the provision of alternative accommodation. Pre- and post-eviction measures and support are uneven and often the responsibility of local and municipal authorities. The large margin of discretion of municipalities in applying eviction measures results in differences between cities, as well as Member States.

The sections below explore the protective and preventive measures against evictions put in place in the Member States and three observer countries across the three main phases of eviction.

2.4.2.1. Pre-eviction interventions and protection of vulnerable groups

Safeguards such as serving a formal notice or requiring a court order prior to eviction are common to almost all 30 countries, although specific modalities and deadlines vary. Safeguards are strongest where proportionality, deferrals and rehousing are codified, especially for vulnerable groups – as in **Finland, Portugal and Slovenia** – and they are weakest where they rely on general administrative principles without detailed rules, as in **Bulgaria**. **Italy** has reduced the notification period prior to evictions. Other countries, such as **Belgium, Luxembourg, Serbia and Spain**, strengthened safeguards against eviction in 2025.

Although Member States have different eviction prevention and protection measures, few provide specific and clearly defined measures to protect vulnerable groups in cases of eviction or when faced with the threat thereof. In some countries, evictions may be challenged in court on the basis of the vulnerability of the evictee(s). For example, in **Denmark**, courts consider factors such as age, health and the presence of children in challenges to the termination of rental agreements. Similarly, in **Spain**, the 'vulnerable situation' of tenants can trigger the extraordinary suspension of eviction and

the involvement of social services, and make the relevant authorities responsible for securing alternative housing.

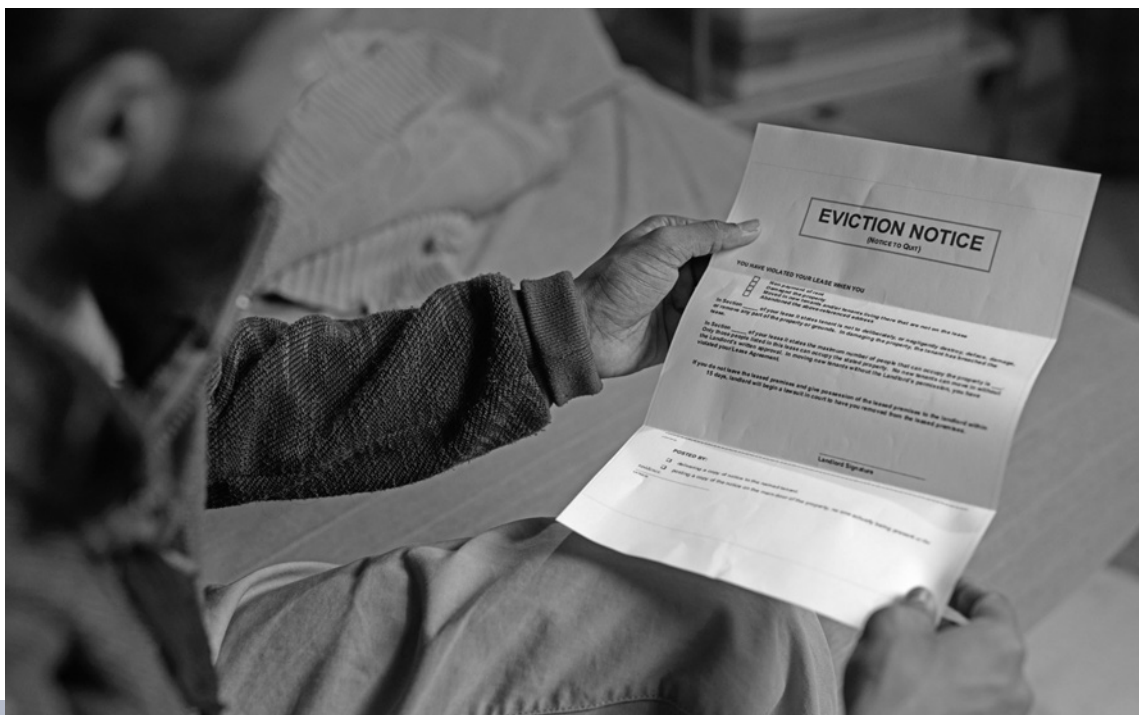
Evictions generally require a court order – notably in **Malta** (self-help evictions are a criminal offence) – and notice and appeal windows are clearly codified. Proportionality is implemented in a handful of contexts – for example, **Slovenia**'s postponement of enforcement in unlawful construction cases where evicting would be a disproportionate interference with the home. Another example is **Finland**'s Enforcement Code principle that actions may not cause greater inconvenience than required (with move day deferrals and mandatory notifications to social/child protection when needed). **Croatia**'s package of safeguards that provides an evicted debtor with a cash housing allowance for a limited period of time is another example of protection provisions. In contrast, **Bulgaria** has no codified proportionality test for evictions; the practice relies on the general administrative law and ECtHR case-law ⁽⁹²⁾, which the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe considered insufficient in an opinion issued in May 2024 ⁽⁹³⁾.

Where removals result from planning/building development, legal tension persists between public interest demolition and the right to guarantee a home and/or rehousing for affected groups and individuals. Such tension has been recorded in **Bulgaria**, as evidenced in ECtHR case-law ⁽⁹⁴⁾, and in **Slovenia**.

Eviction prevention measures range from structured advisory services and debt relief to hard stops – total, immediate, and legally binding halts to the removal of a tenant from their home – and relocation tools. Some states provide debt counselling and assistance to people with unpaid bills as a way to prevent eviction at a later stage; these include **Austria**, **Belgium** and **Portugal**.

2.4.2.2. Eviction moratoria

A moratorium, or temporary suspension of eviction procedures for a given period, is another type of protective measure. Moratoria usually take place during wintertime, and more exceptionally based on socioeconomic vulnerability or during bad weather, public holidays or states of emergency. In **Serbia**, for example, evictions may not be carried out in bad weather, on Sundays, during public or religious holidays, at night, before elections or around the start of the school year.



Eviction moratoria exist during the winter months in several Member States. They are subject to conditions in **Belgium** and **Hungary**. In Hungary, for example, the moratorium applies if the dwelling is used as a residential home; that is, it applies only to tenants, not to ‘arbitrary occupiers’ – although tenants can also be evicted in instances where they have other housing solutions available or if the owner of the residence needs it for their own housing ⁽⁹⁵⁾. The **Belgian** Constitutional Court noted that the moratorium aims to prevent situations that are contrary to human dignity in the absence of rehousing solutions. In **France**, evictions may still be carried out during the winter months if alternative housing is available. Other types of eviction moratoria exist across the EU. Some countries institute ad hoc eviction moratoria in emergency situations. Moratoria during the COVID-19 pandemic were reported in at least four jurisdictions – **Greece, Ireland, Italy** and **Spain** – with most subsequently lifting these once emergency frameworks ended. In addition to a pandemic-era moratorium on evictions in Greece (which has since expired), evictions were suspended in response to Cyclone Ianos in 2020, and Spain’s moratorium for ‘socioeconomically vulnerable’ households has been extended repeatedly.

2.4.2.3. *Post-eviction interventions*

An important post-eviction intervention adopted by some states is alternative housing or rehousing, which is a requirement in several Member States. Yet, as the data collected in the 30 countries show, it is difficult to confirm that such requirements are in place and they appear generally to be inconsistently enforced.

In other countries, there are no legal guarantees or municipal obligations ensuring the provision of alternative accommodation for those facing eviction and for other people needing to leave their current dwelling without having access to an affordable next dwelling.

Measures aimed at ensuring that nobody is left homeless do exist in several countries that provide rehousing and alternative accommodation, such as **Belgium, Croatia, Finland, Luxembourg, Malta, Poland, Portugal** and **Slovenia**.

2.4.3. **Making housing available and affordable**

2025 saw the launch of the European affordable housing plan. Data on practices of Member States in ensuring access to affordable housing provide both the backdrop and baseline for its implementation.

Member States have adopted a range of measures to address the cost of living and indirectly protect people (especially vulnerable groups) from the grave consequences of financially untenable living situations. Across the 30 countries researched, efforts to make homes affordable fall into four overlapping clusters:

- regulating rents and strengthening tenant redress;
- boosting supply (including of social housing) through public-funded building and social economy housing providers (e.g. limited-profit housing associations and cooperatives);
- stewarding the existing housing stock through regulating vacant housing and short-term rentals;
- providing targeted subsidies and access schemes to keep housing costs affordable.

Measures taken by Member States to make housing accessible to all should make specific provision for additional and acute challenges faced by particular groups (e.g. younger and older people, LGBTIQ+ people, persons with disabilities, women, Roma, people affected by racism, people of specific

religious affiliations) and provide additional targeted assistance. They should provide additional support to these groups to ensure that the fundamental rights contingent on housing are respected, and that the discriminatory effects of housing policies are prevented. There is a risk of spatial segregation for groups exposed to discrimination when designing and implementing housing policies and a risk of reinforcing their isolation and discrimination against them.

Housing policies on the allocation of available housing can set eligibility criteria for social housing, creating legal and/or practical barriers to groups with limited resources accessing housing solutions. Adding to such risks, discriminatory realities in the private housing market can lead to forms of de facto spatial segregation, with negative consequences for social inclusion.

2.4.3.1. *Regulating rents and strengthening tenant redress*

Rent regulation measures, rental-related remedies, rent control systems and standing rent tribunals continue to be important tools to address the lack of affordable rental properties. In 2025, several Member States adopted such measures. In **Belgium** (Brussels Region only), the Housing Code was amended in 2025 to introduce mandatory reference rent indicators in all lease agreements (as of 1 May 2025) and establish a joint rental commission empowered to assess unfair rental practices. In **France**, rent control was initiated in 2019 as a five-year pilot scheme in dozens of cities. In 2025, it was extended to cities in the overseas territories on a voluntary basis. France introduced a Bill to make the rent control permanent, pending its final adoption. In **Austria**, the federal government adopted a 'rental package for affordable housing' (effective since 1 January 2026), under which rents may be increased only once a year and rent increases themselves must be limited.

In 2025, **Germany** instituted strong federal and regional rent regulation measures, with the renewal of the so-called *Mietpreisbremse* (rent brake) until 2029. It limits the rent of new leases only to 10 % above the rent paid for comparable properties in the area, and there is an ongoing debate about its long-term impact on rent prices.

PROMISING PRACTICE

Rent tribunals

Rent tribunals provide the opportunity for tenants to challenge and, in some cases, be reimbursed for excessive rents, and have been introduced in several countries. One such example is the Netherlands' housing valuation system, which is used to determine the maximum rental price for properties taking into account factors such as size and location. Based on this system, local authorities and tenants may challenge the rent level before the national rent tribunal and be reimbursed if it is deemed excessive. Similar systems can be found in **Austria** and **Belgium**, for example. Rent tribunals are more effective in cases involving indefinite rental contracts and the protection of tenants against termination of contract. However, it has to be noted that systems that operate on a reimbursement basis will not benefit households with lower incomes who cannot afford to cover the higher rent temporarily.

Source: Franet, Country Research – Fundamental Rights Report – Challenges and achievements in 2025: Housing crisis and people experiencing homelessness.

2.4.3.2. *Boosting supply and stewarding the housing stock: regulating short-term rentals*

The shortage of affordable housing has also been addressed by boosting housing supply through measures that facilitate or fund construction projects, including through public-private partnerships, the management of social housing projects, increasing the social housing stock and social rental management.

Other affordable housing measures have focused on stewarding the existing housing stock by regulating short-term rentals and addressing vacant housing.

Measures to regulate short-term rentals are increasingly discussed at the EU level and feature in the 2025 European affordable housing plan. Eurostat data confirm that the use of short-term rentals continued to increase in the EU throughout 2025 ⁽⁹⁶⁾.

In 2025, **Spain** adopted an act establishing a single rental registry and a 'digital one-stop shop'. The measure seeks to improve the transparency and sustainability of short-term rental practices through facilitating data exchange and making it obligatory to obtain registration numbers to be listed on short-term rental sites. Another relevant example is **Hungary**, where the local government of Budapest's touristic sixth district introduced a ban on short-term rentals, as of 1 January 2026 ⁽⁹⁷⁾. The Constitutional Court in **Italy** in its judgment 186/2025 ⁽⁹⁸⁾ has rejected the government's appeal and validated the legitimacy of the Consolidated Tourism Act of the Tuscany region, which introduced criteria for and limitations on accommodation activities, non-hotel facilities and short-term tourist rentals, with the aim of governing tourist flows in a balanced way and counteracting the distorting effects of overtourism. The court's decision opened up the possibility of regions and municipalities developing targeted regulatory solutions, tailored to the specific characteristics of different territorial contexts, from historic art cities to seaside or mountain destinations, in addition to urban areas marked by strong university and employment appeal. As such, it evidences the social function of property in the process of balancing the interests of the owners and the community and of conceiving and dealing with tourism as an economic activity and resource to manage and not one to accept passively in the absence of socially relevant criteria that ensure housing availability and affordability.

In its 2025 affordable housing plan, the European Commission announced that it would propose a legislative act addressing short-term rentals to complement the Regulation on Short-term Rentals ⁽⁹⁹⁾, which is based on the Article 114 TFEU aiming to harmonise the legislation without compromising principle of subsidiarity regarding to application of Articles 56 and 57 TFEU, foreseen to be applicable from May 2026.

PROMISING PRACTICE

Addressing vacant housing in Belgium, Croatia, Malta and Spain

Other Member States, including **Belgium**, **Croatia**, **Malta** and **Spain**, have instituted policies to address vacant housing. For example, in Croatia and Spain, such measures often take the form of programmes with financial support/incentives to refurbish privately owned vacant housing and make it available for public rental purposes. In Belgium, several administrative tools to address vacant housing are available to municipalities, including seizure of vacant properties and administrative fines. Meanwhile, in Malta, financial incentive schemes are complemented with specialised housing projects that repurpose previously vacant properties for housing for vulnerable groups.

Source: Franet, Country Research – Fundamental Rights Report – Challenges and achievements in 2025: Housing crisis and people experiencing homelessness.

2.4.3.3. Targeted subsidies and access schemes to keep housing costs affordable

A number of countries have instituted housing allowances and benefit schemes, rent subsidies and housing-expense-related financial support. These measures vary significantly across Member States in terms of their impact, their structure (one-time payments or recurrent monthly/annual support) and who is eligible. Different countries provide these allowances to different vulnerable groups, most commonly to low-income individuals, but also sometimes to people with disabilities, single parents, large families, refugees, trafficking victims, etc. However, in a few countries, negative developments, such as a reduction in or the termination of government funding, were reported.

Finland: housing allowances

Although the majority of Member States have some form of housing benefit, allowance, grant or subsidy, **Finland** may be taken as an illustrative example.

Finland has a well-developed system of housing allowances. The most common supplement is the general housing allowance (*asumistuki/bostadsbidrag*), which covers up to 70 % of rent, water and heating costs (up to the maximum allowable housing cost per municipality). The allowance is determined by income, assets, size of household and additional municipal regulations; people with disabilities may also qualify for higher allowances.

However, there have been considerable amendments to housing allowances in Finland, for example reductions for students and pensioners, and the exclusion of owner-occupied households.

Sources: Franet, Country Research – Fundamental Rights Report – Challenges and achievements in 2025 – Finland: Housing crisis and people experiencing homelessness; Kela Finland, 'How do income and assets affect general housing allowance?', Kela Finland website, 29 December 2025.

Finally, states have also been taking measures to address the energy crisis, for example by providing subsidies to cover high energy costs or establishing projects to increase the energy efficiency of buildings. States that adopted energy subsidies in 2025 include **North Macedonia** and **Slovakia**. Other states, including **Belgium** and **Estonia**, implemented measures to increase the energy efficiency of housing.

2.4.3.4. *Housing exclusion through protecting local identity*

An illustrative example of a measure designed to promote housing availability that may be discriminatory in practice is **Hungary's** 2025 'law protecting local self-identity'. This act gives municipal authorities the power to set residency conditions in order to preserve the traditions, social order and values of the local community. They may impose limitations related to the employment status, language proficiency and educational background of residents, etc. Close to 300 municipalities have relied on this law to issue decrees, in several cases incorrectly, excluding those with criminal records, individuals with unpaid taxes and recipients of social security support. Some communities have introduced additional mandatory preconditions such as financial 'immigration contributions'. These decrees are subject to supervision by government offices, which in nearly half of the cases took measures *ex officio* to restore the legality and non-discriminatory nature of the local legislation.

Hungary's Deputy Ombudsperson for national minorities has voiced concern over the potentially discriminatory and exclusionary effects of this law. Municipal decrees under this law may prevent certain groups – especially low-income and Roma people – from accessing housing in certain settlements and communities, resulting in discrimination in housing. This may exacerbate spatial segregation of Roma in Hungary – a group that already faces disproportionate issues in accessing quality housing ⁽¹⁰⁰⁾ – as also seen in **Denmark** ⁽¹⁰¹⁾.

2.5. CONCLUSIONS

The housing crisis and related measures remain high on the policy agenda of the EU and its Member States. However, the legal and policy landscape remains fragmented, with ad hoc measures and legislation compounded by a lack of comparable and robust data. At the same time, a number of EU policy initiatives show promise: the 2025 European affordable housing



plan ⁽¹⁰²⁾ marks a clear step forward, recognising that ‘housing is a fundamental right and a cornerstone of human dignity’. In addition, the European platform on combating homelessness and the creation of a European housing alliance can support the Member States in implementing integrated, housing-led approaches that seek to end homelessness in the spirit of the Lisbon Declaration.

At the Member State level, all have adopted plans and policies to address homelessness, which persists across the EU. Yet FRA findings confirm that these measures vary significantly in their approach and that several miss core elements of a rights-based approach, although the housing first approach adopted by some Member States is a promising practice grounded in fundamental rights. The lack of a shared definition of homelessness and significant differences in the scope and enforceability of protection of vulnerable groups from eviction hinder efforts to eradicate homelessness and secure affordable housing for everyone across the EU.

An HRBA to housing can help advance these policy objectives by providing a comprehensive and consistent framework within which to address housing and homelessness. It can help anchor plans, policies and programmes on affordable housing and homelessness in corresponding obligations enshrined in EU and international human rights law. Such an approach can support a shift from philanthropy and charity to binding enforceable legal entitlements and obligations. It supports a move from special measures and emergency protection to holistic design, implementation, monitoring and assessment of law and policy. The operational principles of an HRBA, including equality and non-discrimination, attention to people in vulnerable situations, participation, legality, accountability and monitoring, can help move from ad hoc interventions and emergency protection measures to the systematic implementation of human-rights-compliant housing policies and legislation.

With the 2025 European affordable housing plan, the EU has stepped up its efforts to provide meaningful support to the Member States through policy and financial instruments and by fostering exchange and cooperation initiatives on housing policies. Looking forward, the following three areas require particular attention.

- Consistently with an HRBA, Member States’ policies combating housing exclusion and addressing homelessness and evictions should protect and empower those in vulnerable situations, taking stock of promising practices in the EU and combining the protection of owners’ property rights with tenants’ security pursuant to the affordable housing plan (p. 18).
- There is a need to develop a common and comprehensive operational definition of homelessness and housing exclusion. This will help ensure more effective monitoring of homelessness at the local and national levels, to develop appropriate and targeted policy action to end it. It will also support a more consistent level of protection across Member States.
- Member States should strengthen their efforts to prevent and combat homelessness and housing exclusion, support social housing and housing assistance of good quality, and secure affordable housing by building on EU policy measures, such as the revised decision on services of general economic interest, as presented in the affordable housing plan (pp. 10–11). Such action can help provide housing for low- and middle-income households, including essential workers, households with specific family circumstances, people with disabilities, women, younger and older people, LGBTIQ+ people, Roma, people affected by racism and people of specific religious affiliations affected by homelessness.

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Index of country references

AL	68, 76, 77, 79
AT	78, 79, 81, 83
BE	74, 77, 78, 79, 80, 81, 82, 83, 86
BG	77, 79, 80, 81
CY	77, 79
CZ	78
DE	79, 83
DK	77, 78, 80, 86
EE	77, 86
EL	79, 82
ES	77, 79, 80, 82, 84
FI	70, 77, 79, 80, 81, 82
FR	70, 77, 82, 83
HR	78, 79, 81, 82
HU	77, 82, 84, 86
IE	77, 78, 79, 82
IT	77, 79, 80, 82, 84
LT	76, 79
LU	77, 80, 82
LV	76, 78
MK	68, 76, 86
MT	76, 77, 81, 82
PL	74, 77, 82
PT	77, 80, 81, 82
RO	79
SE	76, 78, 79
SK	78, 86
SI	79, 80, 81, 82
RS	68, 76, 79, 80, 81

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EMPLOYMENT CHALLENGES AND LABOUR EXPLOITATION OF THIRD-COUNTRY WORKERS, WITH A FOCUS ON DISPLACED PEOPLE FROM UKRAINE

3

3.1.	INTRODUCTION	96
3.2.	LEGAL AND POLICY DEVELOPMENTS RELATING TO THIRD-COUNTRY WORKERS IN THE EU	97
3.2.1.	ADDRESSING EU LABOUR SHORTAGES	97
3.2.2.	ATTRACTING THIRD-COUNTRY WORKERS	98
3.2.3.	INTEGRATING THIRD-COUNTRY NATIONALS INTO THE EU LABOUR MARKET	98
3.2.4.	PROTECTING THIRD-COUNTRY WORKERS FROM EXPLOITATION	99
3.3.	WORKING CONDITIONS AND EXPERIENCES OF DISCRIMINATION	101
3.3.1.	EMPLOYMENT STATUS	101
3.3.2.	JOB QUALITY AND WORKING CONDITIONS	103
3.3.3.	BARRIERS TO LABOUR MARKET PARTICIPATION	104
3.3.4.	RISK OF POVERTY	106
3.4.	LABOUR EXPLOITATION AND ACCESS TO JUSTICE	107
3.4.1.	LABOUR EXPLOITATION AMONG PEOPLE DISPLACED FROM UKRAINE	107
3.4.2.	ACCESS TO JUSTICE AND REMEDIES	109
3.5.	CONCLUSIONS	110
	ENDNOTES	112

20

January

The European Commission publishes its **5th report on the progress made in the EU in combating trafficking in human beings**, which outlines the main anti-trafficking actions from 2021 to 2024.

5

20

March

The European Commission adopts the communication **'the union of skills'**, which aims to boost EU competitiveness by addressing skills shortages through enhanced education, lifelong upskilling, free movement of skilled workers and talent attraction.

The European Labour Authority publishes its report **Contractual chains and recruitment patterns of posted third-country nationals** examining the experience and challenges of third-country nationals posted in EU Member States.

11

June

The European Commission releases the **mid-term review of the Commission action plan on integration and inclusion**.

15

16

July

The Council of the European Union publishes an **implementing decision** extending the temporary protection for displaced Ukrainians.

The Commission proposes a **regulation for Union support for asylum, migration and integration** covering 2028–2034, allocating about EUR 12 billion to promote effective integration of non-EU nationals, legal migration pathways and national reforms under the pact.

15

September

The European Commission publishes the report **Employment and Social Developments in Europe – Unlocking the potential of people: Promoting higher employment in the EU**, which analyses the population residing in the EU that is outside the workforce and suggests policies to enhance labour market participation.

3

18

November

The Organisation for Economic Co-operation and Development (OECD) publishes the report **International Migration Outlook 2025**, which analyses recent developments in migration movements and the labour market inclusion of immigrants in OECD countries.

The Danish Presidency of the Council of the European Union and the European Parliament conclude negotiations on an EU law establishing an **EU talent pool**.

4

8

December

The European Commission issues the **quality jobs roadmap**, a renewed commitment to fostering quality jobs while striving for a more competitive economy. Social partners play a key role.

The European Commission publishes the report **Study on the concept of trafficking in human beings for the purpose of labour exploitation on the basis of illustrative national legislation and jurisprudence**, which highlights how trafficking in human beings for the purpose of labour exploitation is addressed across selected Member States.

Council of Europe and UN

March

11

The Group of Experts on Action against Trafficking in Human Beings (GRETA) publishes its **fourth evaluation report on Austria**.

17

The UN High Commissioner for Refugees publishes the report ***High Employment Rates, But Low Wages: A poverty assessment of Ukrainian refugees in neighbouring countries***.

26

GRETA publishes its **fourth evaluation report on Slovakia**.

The Congress of Local and Regional Authorities of the Council of Europe adopts **Resolution 510** and **Recommendation 527** on empowering cities and regions to combat human trafficking for labour exploitation.

April

28

GRETA publishes its **fourth evaluation report on Cyprus**.

The UN General Assembly publishes the report ***Migrant Domestic Workers and Trafficking in Persons: Prevention, rights protection and access to justice*** by the Special Rapporteur on trafficking in persons.

June

6

GRETA publishes its **14th general report**, covering developments in efforts to combat human trafficking in 2024.

19

GRETA publishes its **fourth evaluation report on Croatia**.

20

The Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings adopts **recommendations** on the basis of GRETA reports concerning Austria, Cyprus, Liechtenstein, Slovakia and Ukraine.

October

9

GRETA publishes its **fourth evaluation report on Bulgaria**.

23

The UN General Assembly adopts a **political declaration on the implementation of the UN global plan of action to combat trafficking in persons**.

November

12

GRETA publishes its **fourth evaluation report on Romania**.

18

The International Labour Organization publishes **revised indicators of forced labour**.

24

GRETA publishes its **fourth evaluation report on Denmark**.

The EU is grappling with acute labour shortages across both high- and low-skilled occupations. Migration is increasingly used to address these gaps. Yet, despite the growing demand for their contributions, many third-country workers in the EU continue to hold precarious positions, face heightened risks of labour exploitation and have limited access to adequate protection.

This chapter analyses data on labour market integration and experiences of labour exploitation of third-country workers, with a focus on displaced people from Ukraine. It also examines the role of support organisations in facilitating access to justice, drawing on FRA's surveys and other data published in 2022–2025.

3.1. INTRODUCTION

The EU faces acute labour shortages, with Eurostat reporting a 2.1 % job vacancy rate (*) in 2025 – equivalent to millions of unfilled positions. Workers from outside the EU are increasingly used to fill many of these positions. Efforts to attract workers from outside the EU are made against the background of strict EU migration policies and a firm anti-immigrant stance in many EU Member States. In addition, residence permits linked to a specific job and with limited rights, together with other factors, expose third-country workers to risk of labour exploitation.

Building on three FRA surveys – on **Ukrainian** displaced people in the EU (2022), on immigrants and descendants of immigrants (2022) and on violence and related human rights abuses against women fleeing the war in Ukraine (2024) – and other FRA data, this chapter highlights the situation of third-country workers – meaning workers coming from outside the EU. It focuses on employment challenges third-country nationals in the EU face and rights afforded to them under EU law, and looks at instances of exploitation.

Section 3.2 examines legislative and policy developments in 2025 to address labour shortages, attract third-country nationals to the EU and protect them from labour exploitation. **Section 3.3** presents key indicators on working conditions among third-country workers, with a focus on displaced people from Ukraine. Finally, **Section 3.4** explores experiences of labour exploitation among displaced people from Ukraine and summarises the findings from a recent FRA online survey with 30 trade unions and non-governmental organisations (NGOs) across the EU supporting third-country workers with their complaints related to labour exploitation.

FRA SURVEYS

People fleeing Ukraine (2022)

Target population: people who had fled Ukraine since the start of Russia's war of aggression on 24 February 2022 (including EU or third-country nationals who resided permanently in Ukraine)

Sample size: 14 685

Coverage: BG, CZ, DE, EE, ES, HU, IT, PL, RO, SK

Fleeing Ukraine: Displaced people's experiences in the EU (2023)

Barriers to Employment of Displaced Ukrainians (2023)

EU Survey on Immigrants and Descendants of Immigrants: the third EU Minorities and Discrimination Survey (EU-MIDIS III) (2022)

Target population: immigrants and descendants of immigrants originating or with parent(s) from African countries south of the Sahara, North Africa, Syria and Türkiye

Sample size: 16 124, including 8 336 third-country nationals

Coverage: AT, BE, DE, DK, EL, ES, FI, FR, IE, IT, LU, NL, PL, PT, SE

Being Black in the EU – Experiences of people of African descent: EU survey on immigrants and descendants of immigrants (2023)

Being Muslim in the EU – Experiences of Muslims (2024)

Violence and related human rights abuses against women fleeing the war in Ukraine (2024)

Target population: women who had left Ukraine since the start of Russia's war of aggression on 24 February 2022

Sample size: 1 223

Coverage: CZ, DE, PL

Seeking Safety from War – Violence and rights abuses against women from Ukraine (2026)

3.2. LEGAL AND POLICY DEVELOPMENTS RELATING TO THIRD-COUNTRY WORKERS IN THE EU

3.2.1. Addressing EU labour shortages

Labour and skill shortages have increased in all Member States in the last decade ⁽²⁾. According to a report published by the European Commission in 2025, labour shortages were 20 % higher in the EU in 2023 than in 2019 ⁽³⁾ and are expected to continue to rise. According to the European Employment Services 2025 report, healthcare occupations, construction occupations and hospitality occupations, such as cooks and waiters, have been listed as shortage occupations for many years ⁽⁴⁾. According to a 2023 Eurobarometer report, 78 % of small and medium-sized enterprises in the EU faced difficulties recruiting workers with adequate skills ⁽⁵⁾.

Throughout 2025, Member States continued to work on the implementation of the 2024 Commission action plan to tackle labour and skill shortages ⁽⁶⁾. Supporting the integration of migrant workers into the labour market is considered one of its key measures. Women, older people, migrants and people with disabilities are particularly under-represented in the labour market, according to a 2025 report by the European Commission ⁽⁷⁾. Among the over 50 million people in the EU who remain outside the workforce, 7 million are migrants. The action plan to tackle labour and skill shortages also aims to improve working conditions in certain jobs to attract additional workers, including through increased collective bargaining and more effective enforcement of labour law – especially in sectors and occupations requiring more manual skills and lower education levels, or those with a higher level of health and safety hazards.

3.2.2. Attracting third-country workers

A key initiative to attract third-country workers to the EU to fill labour gaps is the creation of the EU talent pool ⁽⁸⁾, the first EU digital platform facilitating international recruitment of third-country workers residing outside the EU, focusing on occupations where there are EU-wide shortages of workers.

Following the European Commission proposal for a regulation establishing the EU talent pool ⁽⁹⁾ in November 2023, the co-legislators reached political agreement on the proposal in November 2025.

The proposed regulation includes some safeguards for workers. It establishes national contact points, who are requested to keep a registry of non-compliant employers ⁽¹⁰⁾. The registry will include employers who have been considered non-compliant in accordance with national registries or under the Employers Sanctions Directive (Directive 2009/52/EC) ⁽¹¹⁾ and Directive (EU) 2024/1712 on preventing and combating trafficking in human beings and protecting its victims ⁽¹²⁾. Before a job vacancy is advertised, the national contact points should check that the employer in question is not listed in the registry of employers who have been permanently excluded or whose access to the EU talent pool has been refused or suspended ⁽¹³⁾.

Some stakeholders highlighted limitations relating to the protection of workers. For example, the European Trade Union Federations (ETUFs) and the European Trade Union Confederation (ETUC) expressed concerns about the risk of fraudulent recruitment practices by labour intermediaries and that long subcontracting chains may hinder the enforcement of labour rights ⁽¹⁴⁾.

The European Commission communication on the union of skills ⁽¹⁵⁾, of March 2025, sets out further initiatives to attract third-country workers to the EU, including a new visa strategy (published in January 2026) ⁽¹⁶⁾ to streamline the processing of long-stay visas and residence permits for ‘talents and innovators’. A forthcoming skills portability initiative will explore common EU rules for recognising the skills and qualifications of third-country nationals in the EU, and multipurpose legal gateway offices will help to better link third-country workers and employers (the first one was set up in India in February 2026).

The year 2025 saw additional progress in the implementation of the EU talent partnerships, EU schemes aimed at fostering skills development and legal labour mobility in cooperation with selected non-EU countries.

3.2.3. Integrating third-country nationals into the EU labour market

The 2021–2027 EU action plan on integration and inclusion underscores that, once migrants arrive in the EU, Member States are encouraged to facilitate their early integration into the labour market ⁽¹⁷⁾. In June 2025, the European Commission published the mid-term review of the action plan. In relation to employment, most Member States reported using EU funding to support labour market

PROMISING PRACTICE

Labour pathways for refugees in Italy

In October 2023, the Italian government introduced **Law 50/2023**, which provides for the legal entry of more than 450 000 third-country workers in three years. It created, for the first time, two dedicated quotas for refugees: an annual quota for refugee workers (250 places for each of the years 2023, 2024 and 2025, then increased up to 320 places for the following three-year programming period); and an extra quota (outside the general quota system) for refugees who have completed a specific professional training and civic linguistic course. The United Nations High Commissioner for Refugees (UNHCR) supports the implementation of the four projects under the additional quota scheme, which provide targeted training for refugee workers in their countries of origin, assistance with job placement and legal and practical support for integration upon arrival. In 2015, FRA called for increasing the legal avenues to reach the EU, including through labour mobility schemes for people in need of international protection. Implementation of the law will need to be reviewed carefully in the coming years to see if the arrivals reflect the numbers planned by the government.

Sources: Government of Italy, **Law 50/2023**, Official Gazette of the Italian Republic, 5 May 2023; information provided by UNHCR Italy, 23 February 2026; FRA, **Legal entry channels to the EU for persons in need of international protection: A toolbox**, Vienna, February 2015.

integration, engaging public employment services in assisting migrants to find employment. A growing number of Member States reported using tools to recognise the qualifications of beneficiaries of international protection and displaced people from **Ukraine**. In line with overall EU employment trends, the employment rate of third-country nationals increased from 55 % in 2013 to 63 % in 2023. However, the review identified several challenges: migrants' low participation in the EU labour market, particularly among those with high or very low education levels, and among migrant women and recent arrivals (other than those arriving with a work-related residence permit); overqualification, with migrants with a university degree almost twice as likely to be overqualified for their jobs as the local population; and over-representation in temporary jobs and a much lower employment rate of migrant women (20 percentage points lower than that of women nationals).

3.2.4. Protecting third-country workers from exploitation

Article 5 of the EU Charter of Fundamental Rights prohibits slavery, forced labour and trafficking in human beings, and under Article 31 every worker has the right to working conditions that respect their health, safety and dignity.

Substandard work and living conditions can sometimes develop into labour exploitation. There is no international definition of labour exploitation, which may range from labour law violations ⁽¹⁸⁾, entailing administrative or civil law sanctions, to severe violations, which are criminal under the legislation of the Member State where the exploitation occurs, which can include restrictions on personal freedom and rights and, in extreme cases, amount to forced labour. In 2025, FRA and the European Labour Authority (ELA) published joint guidance on the identification of labour exploitation ⁽¹⁹⁾; in the same year, the International Labour Organization updated its indicators on forced labour ⁽²⁰⁾. FRA's past reports ⁽²¹⁾ highlighted that migrant workers are particularly vulnerable to labour exploitation, especially due to their dependency on employers for residence permit renewal, lack of knowledge of the language in the country where they work, and limited information on their rights and where to seek redress.

EU labour law instruments contain provisions protecting workers, which also apply to third-country workers, such as the directive on measures to encourage improvements in the safety and health of workers ⁽²²⁾.

Additionally, EU law instruments regulating the rights and obligations of third-country nationals holding different legal statuses – from asylum applicants to seasonal workers and long-term residents, and those individuals in an irregular situation – contain specific rules that vary from one category to another. Some basic protection measures apply to all ⁽²³⁾; for example, all workers, regardless of their legal status, have the right to back pay and the right to lodge a complaint.

Recent amendments to EU law have strengthened the protection of workers. The revised Single Permit Directive ⁽²⁴⁾, which lays down the single application procedure for a combined work and residence permit, and which applies to most migrant workers ⁽²⁵⁾, allows workers to change employers. Although restrictions apply during the first six months (Article 11(2)), they do not apply in duly justified cases of a serious breach by the employer of the terms and conditions of the employment relationship. Although workers' residence permits are still tied to a specific employer, the new provisions reduce dependency on abusive employers. The revised directive also introduces the possibility for migrant workers to be unemployed for at least three months without losing their residence permit (Article 11(4)). Member States must transpose these new rules by May 2026. By June 2026, under the Reception Conditions Directive ⁽²⁶⁾, Member States will have to grant applicants for international protection access to the labour market after six – instead of nine – months (Article 17).



However, there are gaps in implementing EU law safeguards. For example, the ELA's 2025 report on posting of third-country nationals ⁽²⁷⁾ highlights issues like unpaid social security contributions and underpayment. A 2023 study ⁽²⁸⁾ conducted in **Belgium, Czechia** and **Spain** highlights cases of labour exploitation of third-country workers with a single permit and workers' reluctance to report abusive employers due to the risk of deportation.

The evidence shows an increase in the number of registered victims trafficked for labour exploitation. A 2025 report by Eurostat ⁽²⁹⁾ shows a marked increase in the proportion of workers subjected to forced labour or services, which in 2024 reached a similar level to the proportions subjected to sexual exploitation. Recent legal and policy developments in the EU emphasise renewed efforts in protecting third-country workers against labour exploitation and trafficking for labour exploitation. A revision of the Anti-trafficking Directive adopted in 2024 ⁽³⁰⁾ expands the prohibition to prosecute or apply penalties to trafficking victims for criminal offences that they were compelled to commit as a direct consequence of their subjection to trafficking, extending this protection to civil and administration offences such as undeclared work (Article 8). This should encourage victims of trafficking for labour exploitation to report the crime. In a mission letter issued in September 2024 to Magnus Brunner, the European Commissioner for Internal Affairs and Migration, President Ursula von der Leyen called for stepping up 'enforcement and, where necessary, review[ing] the rules on preventing exploitation of workers in Europe with an irregular status' ⁽³¹⁾.

In 2025, the Group of Experts on Action against Trafficking in Human Beings – the independent expert committee established by the Council of Europe Convention on Action against Trafficking in Human Beings ⁽³²⁾ to monitor its implementation by States Parties – published country reports on **Austria** ⁽³³⁾, **Bulgaria** ⁽³⁴⁾, **Croatia** ⁽³⁵⁾, **Cyprus** ⁽³⁶⁾, **Denmark** ⁽³⁷⁾, **Romania** ⁽³⁸⁾ and **Slovakia** ⁽³⁹⁾. The group's recommendations include conducting more proactive workplace inspections with added resources, establishing licensing systems for recruitment agencies and providing better support and labour market access for asylum seekers.

Overall, recent EU legal and policy developments reflect a growing reliance on third-country workers to address persistent labour shortages. At the same time, the EU has strengthened its legal framework to better protect third-country workers from exploitation, but enforcement gaps highlight the need for more effective safeguards, oversight and access to rights in practice.

3.3. WORKING CONDITIONS AND EXPERIENCES OF DISCRIMINATION

The revised European Social Charter ⁽⁴⁰⁾ guarantees a broad range of fundamental rights related to employment, ranging from the right to work to the right to safe and healthy working conditions and fair remuneration, and the right of employed women to protection in the event of maternity. Third-country nationals who are authorised to work in Member States are entitled to working conditions equivalent to those of EU citizens. The European Pillar of Social Rights action plan ⁽⁴¹⁾ aims to ensure equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion, including through implementing non-discrimination measures.

FRA research provides evidence on precarious working conditions of third-country nationals in the EU when compared with the EU-born population. Like other reports and research on the integration of non-EU migrants into the labour market ⁽⁴²⁾, FRA findings on selected indicators – employment status and occupational status, sector of employment, type of contract, prevalence of undeclared work and overqualification – refer to persistent disadvantages of third-country workers in the labour market when compared with the EU-born population.

This section presents FRA's findings on displaced people from **Ukraine** first, followed by findings on other third-country nationals. In March 2022, due to the Russian war of aggression against Ukraine, the Council of the European Union announced the activation of the Temporary Protection Directive ⁽⁴³⁾. Temporary protection status grants, among other elements, a right to reside and access the labour market. Ukrainians were able to work in the EU immediately after their arrival. In contrast, Member States can delay access to the labour market for asylum applicants by up to six months after registering their application ⁽⁴⁴⁾.

3.3.1. Employment status

3.3.1.1. Displaced people from Ukraine

On average, 39 % of male respondents and 31 % of female respondents who took part in the FRA survey of displaced people from **Ukraine** in August–September 2022 and who arrived in the EU shortly before or after 24 February 2022 were in paid work ⁽⁴⁵⁾. Some 10 % of men and 16 % of women had been in paid work since they left Ukraine but were not at the time of the survey. About half of the men (47 %) and women (49 %) surveyed had not been in paid work since leaving Ukraine.

According to the results of a 2024 FRA survey in three Member States on violence and related human rights abuses against women fleeing the war in **Ukraine**, almost half (45 %) of surveyed women (in this case, women displaced by Russia's war of aggression against Ukraine, aged 18–74) were in paid employment, with a higher rate in **Czechia** (54 %) and **Poland** (50 %) than in **Germany** (20 %) ⁽⁴⁶⁾. For 5 % of women, paid employment was a continuation of work they already held before arriving in the EU, for example teleworking for a Ukrainian employer.

The employment rates of **Ukrainian** women in three Member States in 2024 (45 %) were close to those recorded among the women from African countries south of the Sahara, North Africa, Syria and Türkiye in 15 Member States in 2022 (49 %).

A 2024 survey by UNHCR ⁽⁴⁷⁾ found that the employment rate of people displaced from **Ukraine** had experienced a sizable increase from 2023 in most countries, rising by nine percentage points year-on-year to 64 % in Member States hosting most of the displaced people from Ukraine. This rate is close to that of the general population in the countries covered (71 %) (75.8 % for the EU-27 ⁽⁴⁸⁾).

The significant increase in the employment rate of **Ukrainian** displaced people over the last few years indicates the effectiveness of the targeted measures introduced by Member States to help increase the number of employed beneficiaries of temporary protection ⁽⁴⁹⁾.

A joint publication by the Organisation for Economic Co-operation and Development (OECD) and the European Commission, *Indicators of Immigrant Integration 2023: Settling in* ⁽⁵⁰⁾, shows that it takes at least 10 years of residence for immigrants who arrive for family or humanitarian reasons to find employment at almost the same level as the native-born population.

3.3.1.2. Third-country nationals covered by EU-MIDIS III

FRA's 2022 EU Survey on Immigrants and Descendants of Immigrants – EU-MIDIS III – covered immigrants and descendants of immigrants originating or with parent(s) from African countries south of the Sahara, North Africa, Syria and Türkiye (**FRA surveys**). Nearly half of survey respondents (48 %) were third-country nationals, with varying residence status and length of stay in their country of residence. Nearly half of third-country nationals (47 %) had spent 11 years or more in the country; one fifth (21 %) had spent 6–10 years; and one third (33 %) had spent up to 5 years. The majority of third-country nationals (86 %) held a residence or other permit to stay in the country, while 8 % were asylum seekers or refugees. The findings presented are based on a subsample of the third-country nationals covered by EU-MIDIS III.

The EU-MIDIS III findings in 15 Member States show that the employment rate – the percentage of people aged 20–64 who are employed – is lower among third-country nationals than the general population (62 % and 75 %, respectively) ⁽⁵¹⁾.

Third-country national women are less likely to be employed than women of the general population and third-country national men. There is a notable difference in labour market participation between third-country national women (49 %) and men (73 %) aged 20–64 (compared with 69 % and 80 % among the general population, respectively).

The employment rate is lower among third-country nationals with disabilities (50 %) than those without disabilities (67 %). The employment rate is also lower among third-country nationals who have a limited (valid for less than one year) or no residence permit than those who have long-term residence status: nearly half of those who have no residence permit (46 %) and slightly more than half of those who have a limited residence permit (54 %) are employed. The share of employed third-country nationals increases among those whose residence permit is valid for five years or is unlimited (67 %).

In addition, the employment rate is lower among third-country nationals who had asylum seeker, refugee or subsidiary protection status (54 %) than among those holding a residence permit (65 %) at the time of the survey. In addition, the gender difference is most prominent in the employment rate among third-country nationals who had asylum seeker, refugee or subsidiary protection status (26 % for women and 67 % for men).

The findings on employment rates confirm that the labour market inclusion of people displaced from **Ukraine** was faster than in the case of other third-country nationals. The employment rates of **Ukrainians** have been increasing and the majority of them were employed in the host country within approximately two years of their arrival, while for other third-country nationals it took at least five years to reach similar levels of employment rates. Access to the hosting country's labour market immediately after their arrival was an important prerequisite for people displaced from **Ukraine** to seek employment.

3.3.2. Job quality and working conditions

Beyond employment rates, the quality of third-country nationals' employment may significantly affect their well-being and risk of living in poverty. The findings of FRA's surveys refer to high job insecurity and precarious employment, particularly among recently arrived third-country nationals.

The majority of employed **Ukrainians** (60 %) in FRA's 2022 survey (covering 10 Member States) worked under a temporary contract. Nearly every 10th working **Ukrainian** was employed without a contract (9 %).

Overall, one in every three third-country nationals aged 20–64 (35 %) covered by EU-MIDIS III in 15 Member States works in elementary occupations, compared with 8 % of the general population across all 27 Member States ⁽⁵²⁾, with no relevant gender differences.



The EU overqualification rate ⁽⁵³⁾ is calculated for employed people with tertiary education (International Standard Classification of Education levels 5–8). The overqualification rate is the proportion of people with tertiary education who are employed in a low- or medium-skilled occupation. The EU-MIDIS III data suggest that a higher proportion of third-country nationals than the general population work in jobs requiring qualifications below their educational level. The overqualification rate is 46 % for third-country nationals in 15 Member States and 22 % for the general population in the EU-27 ⁽⁵⁴⁾.

Job security is another important aspect of the quality of employment. Across Member States covered by EU-MIDIS III, third-country workers are over three times more likely than the general population to have temporary contracts of limited duration (35 % and 11 %, respectively). This is related to residence status and is most often observed among third-country nationals with a limited residence permit, valid for less than one year (52 %) or from one year to less than five years (45 %). The gender differences are not significant.

3.3.3. Barriers to labour market participation

Eurostat data show that one in four (23.5 %) foreign-born people aged 15–74 residing in the EU said that they had faced obstacles in getting a suitable job in their current host country ⁽⁵⁵⁾. In 13 out of 26 Member States with available data, the lack of language skills in the host country's language was cited as the most common obstacle to getting a suitable job. Other specific obstacles include 'lack of recognition of foreign education', 'restricted rights to work due to citizenship or residence permit' and 'discrimination due to foreign origin'.

The Member States provided people displaced from **Ukraine** with access to their labour markets immediately after their arrival – an important prerequisite for these people to start the process of seeking employment. Data from FRA's 2022 survey and other research by the OECD (2023) ⁽⁵⁶⁾, the UNHCR (2024) ⁽⁵⁷⁾ and the European Migration Network (2024) ⁽⁵⁸⁾, suggest that the labour market inclusion of people displaced from Ukraine was faster than in the case of other groups of displaced people.

The findings of FRA's 2022 survey of people displaced from **Ukraine** in 10 Member States identified a lack of language knowledge (51 %) and caring responsibilities for children or elderly or sick relatives (28 %) as the main barriers to finding paid work (the latter markedly more often among women (33 %) than men (9 %)) ⁽⁵⁹⁾. Similarly, the 2024 UNHCR survey ⁽⁶⁰⁾ shows that a lack of local language knowledge (35 %), inadequate pay (24 %) and a lack of positions that match their skill set (17 %) or offer a suitable schedule (15 %) remain the main barriers to employment among people displaced from Ukraine, especially among working women ⁽⁶¹⁾.

Evidence from different studies show that knowledge of the host country's language can play a decisive role both for labour market integration and, more broadly, for social inclusion ⁽⁶²⁾. The results of six waves of the panel study of **Ukrainian** refugees in **Germany** (the Federal Institute for Population Research's German Family Demography Panel Study) show a significant increase in employment rates of Ukrainian refugees in the third year after arrival, following completion of integration and language courses ⁽⁶³⁾. The EU-MIDIS III findings show that better proficiency in the host country's language is linked to relatively better labour market outcomes ⁽⁶⁴⁾.

EU-MIDIS III respondents who were not employed were asked about the reasons for not looking for a job. Women and men of working age

(20–64 years) mentioned different reasons. Many more unemployed third-country national women than men mentioned caring for small children or elderly/sick relatives (37 % and 3 %, respectively) or being a homemaker (29 % and 2 %, respectively) as their main reason for not looking for a job. For men, the main reason mentioned for not looking for a job was health problems (40 %; 19 % for women), followed by completing studies or being too young (23 %; 9 % for women), or having no legal permit to work (14 %; 5 % for women).

EU law prohibits discrimination on the grounds of racial or ethnic origin. The Racial Equality Directive ⁽⁶⁵⁾ and Employment Equality Directive ⁽⁶⁶⁾ establish a framework for combating discrimination. FRA findings from its EU-wide EU-MIDIS and research have repeatedly shown that immigrants and other racialised or minoritised groups in terms of ethnicity, skin colour or religion/beliefs, among other characteristics, continue to face widespread discrimination, racism and hate crime, despite the legal protection in place. Discrimination in the labour market and at work is one of the main barriers to immigrants' labour market participation and employment.

Based on the 2019 Eurobarometer survey in the EU-27 ⁽⁶⁷⁾, 17 % of EU respondents reported feeling discriminated against, on any grounds, in the previous 12 months. The EU-MIDIS III findings show that 37 % of third-country nationals in the 15 Member States had felt discriminated against in the previous 12 months on any grounds in seven areas of life. Overall, 48 % of third-country nationals reported experiencing discrimination on any grounds in seven areas of life in the past five years.

When considering the prevalence of racial discrimination – that is, discrimination on at least one of the three grounds of skin colour, ethnic or immigrant background and religion or religious beliefs – 46 % of third-country nationals have experienced racial discrimination in at least one area of life in the past five years, and 35 % in the 12 months before the survey.

Across areas of life, the highest rates of racial discrimination among third-country nationals occur in the area of employment – that is, when looking for a job (five-year prevalence of 35 %) or at work (five-year prevalence of 31 %) – and when trying to rent or buy an apartment or house (five-year prevalence of 36 %).

The survey findings show that only 5 % of third-country nationals who had felt discriminated against in the 12 months preceding the survey had reported any of the incidents. Very few victims of discrimination reported incidents to an equality body, which is a designated body for promoting equal treatment and protecting individuals from discrimination, including assisting victims of discrimination. Therefore, the incidents of discrimination remain largely invisible to institutions with a legal obligation to help victims.

FRA's 2022 survey shows that every 10th person displaced from **Ukraine** (10 %) felt discriminated against while looking for a job in 10 Member States. The higher rates of discrimination reported by third-country nationals surveyed in EU-MIDIS could be related to higher patterns of discrimination among respondents with a North African or sub-Saharan African background covered by the survey. In EU-MIDIS II (2017), when asked what they thought the reason was for the most recently experienced incident of discrimination in employment on the grounds of ethnic or immigrant background, every second respondent who had experienced such discrimination mentioned skin colour or physical appearance. This highlights how racialised factors, such as physical traits, amplify bias for these groups compared with others.

3.3.4. Risk of poverty

3.3.4.1. Displaced people from Ukraine

On average, 47 % of respondents to FRA's 2022 survey of displaced people from **Ukraine** and 40 % of respondents to its 2024 survey of women fleeing the war in Ukraine reported that their household could make ends meet only with some or great difficulty.

On average, respondents with limitations in daily activities were more likely to have difficulty making ends meet across all surveys.

According to the findings of the 2024 UNHCR survey ⁽⁶⁸⁾, although employment rates of people displaced from **Ukraine** have increased, approximately one in five of those displaced – staying in countries neighbouring Ukraine – live below the poverty line ⁽⁶⁹⁾. The 2025 UNHCR report ⁽⁷⁰⁾ on displaced people from Ukraine residing in 10 Member States shows that 25 % of families with at least one working member fall below the poverty line – more than double the host country rate ⁽⁷¹⁾.

3.3.4.2. Third-country nationals covered by EU-MIDIS III

The OECD report *Indicators of Immigrant Integration 2023: Settling in* ⁽⁷²⁾ and the Joint Research Centre of the European Union's *Atlas of Migration – 2025* ⁽⁷³⁾ both show that immigrants are on average much more likely to be poor than members of the native-born population. The EU-MIDIS III findings corroborate this. On average, 19 % of the general population in the EU faced difficulty or great difficulty in making ends meet in 2022. EU-MIDIS III (2022)



shows that 36 % of third-country nationals encountered the same level of difficulty in the 15 Member States covered. Barriers to accessing the labour market and more precarious employment than that experienced by the general population are significant drivers of financial vulnerability and socioeconomic inequality among third-country nationals in the EU, including displaced people from **Ukraine**.

Overall, while access to the labour market under temporary protection enabled faster employment for people displaced from **Ukraine**, third-country nationals continue to face persistent disadvantages in employment, job quality and exposure to discrimination. The next section examines the prevalence of poor working conditions, which may amount to labour exploitation, among people displaced from Ukraine and access to justice for third-country workers who experienced labour exploitation.

3.4. LABOUR EXPLOITATION AND ACCESS TO JUSTICE

3.4.1. Labour exploitation among people displaced from Ukraine

The vulnerable situation of many people fleeing the war in **Ukraine** has raised concerns that they may be recruited for informal employment, which increases their risk of labour exploitation. Both FRA surveys of people fleeing Ukraine (2022, covering both women and men, and 2024, covering women) asked respondents about their experiences of labour exploitation and indications of trafficking in human beings. This was not asked about in EU-MIDIS. Therefore, this section will focus on experiences of labour exploitation among displaced people from Ukraine, whereas **Section 3.4.2** will look at access to justice for all third-country workers.

In FRA's 2022 survey, among respondents aged 16+ who had worked since they had fled **Ukraine**, almost two thirds of female respondents (60 %) had not experienced exploitation at work. However, 3 in 10 respondents (30 %) had experienced some form of exploitation at work. 15 % of respondents mentioned having to work very long hours and 9 % stated that they had been underpaid or not paid at all. About 9 % said that they could not communicate freely with other workers or anyone else and 7 % said that they had worked without a contract or with a contract that did not cover all their working hours. In general, men mentioned experiencing exploitative conditions slightly more often than women (31 % and 27 %, respectively). In addition, people who had worked without a written employment contract were more likely to have experienced other forms of labour exploitation than people who had one.

Among the respondents to FRA's 2024 survey, a notable share of women who had carried out paid work since arriving in **Czechia, Germany and Poland** reported problems related to labour exploitation.

Overall, 36 % of women who had carried out paid work since arriving in their country of residence in the EU (including those who were working at the time of the interview) indicated that they had to work without a contract or that the contract did not cover all their working hours. Some 29 % had to work very long hours, while 24 % were underpaid or not paid at all for work they were doing. Finally, 12 % were prohibited from taking any breaks during their working day. The increased prevalence of labour exploitation among women in the 2024 survey compared with the 2022 survey may reflect a rise in the phenomenon itself, heightened awareness of exploitative labour conditions, or greater acceptance of such conditions, as some of the support

and services initially provided to people fleeing **Ukraine** have since been scaled back.

When asked if, since arriving in the EU survey country, women had been offered work involving tasks and conditions that made them feel uncomfortable or suspicious, 15 % indicated that they had received such offers. These offers were more commonly encountered by women in **Czechia** (21 %) and **Poland** (16 %) than in **Germany** (6 %). Such offers most frequently included extremely low wages (39 %), a lack of written contract (38 %) or unusual employment conditions (28 %). The 2024 survey indicates that certain groups are more vulnerable to exploitation, such as recent arrivals, young people, people with disabilities and people affected by poverty.

The 2024 survey findings show that women from **Ukraine** have most often experienced labour exploitation in the accommodation and food service sector (25 %), the manufacturing sector (14 %) and the wholesale and retail trade or other related services (11 %).

The 2022 survey findings show that displaced people from **Ukraine** most often experienced problematic situations while working in manufacturing. Gender differences were observed in some sectors, with more women than men facing exploitative experiences while working in tourism and hospitality and domestic/care work, and more men than women facing such situations in construction and transport and logistics.

The 2024 survey also asked **Ukrainian** displaced women about experiences of sexual harassment in the context of work. Some 25 % of women interviewed in three Member States reported having experienced sexual harassment in the 12 months before the survey. The same questions were asked of the general population of these countries in the context of FRA's 2014 survey on violence against women, which showed that 22 % of women surveyed in **Germany**, 21 % in **Czechia** and 11 % in **Poland** had experienced sexual harassment in the 12 months before the survey. The results show a higher prevalence of sexual harassment in the context of work among displaced women surveyed in 2024 in Czechia, Germany and Poland than among the general population of these Member States. The 2024 EU Gender-based Violence Survey asked respondents about their experience of sexual harassment at work in a different way. Therefore, it is not possible to compare the results of the 2024 EU Gender-based Violence Survey with the situation across those three Member States in the 2024 survey on Ukrainian displaced women ⁽⁷⁴⁾.



3.4.2. Access to justice and remedies

Article 47 of the EU Charter of Fundamental Rights provides for the right to an effective remedy. When the negative treatment of workers amounts to a crime under national law, all victims of crime have specific rights under the Victims' Rights Directive ⁽⁷⁵⁾. Victims of trafficking in human beings are entitled to assistance and support measures under Article 11 of the Anti-trafficking Directive ⁽⁷⁶⁾. EU legal instruments governing different categories of migrant workers include provisions facilitating access to complaint mechanisms, either directly or through third-party assistance, such as trade unions. This section looks at access to justice for third-country workers and presents the findings from a 2025 FRA online survey with trade unions and NGOs across the EU supporting third-country workers (irrespective of nationality) with their complaints related to labour exploitation.

Despite the EU's substantial progress in establishing a legal framework for migrant rights protection, the evidence shows that the actual implementation of this framework has gaps in many Member States. Reports by FRA and others show that few migrant workers, irrespective of nationality, file complaints and even fewer recover the wages owed to them, and that in some Member States remedial mechanisms are very difficult to use in practice ⁽⁷⁷⁾.

In many Member States, front-line organisations promoting the rights of migrant workers and victim support organisations play a key role in taking on claims for workers who have suffered labour exploitation or other work-related abuse.

Between March and July 2025, FRA conducted a small-scale survey with 35 trade unions and NGOs supporting third-country workers across the EU with their complaints in 21 Member States. The survey, which was non-representative, asked about the violations experienced by third-country workers and the barriers to accessing justice, especially back payment. The survey also informed the forthcoming 2026 report on the implementation of the Employers Sanctions Directive.

Based on the complaints received from third-country workers, the key violations of labour and health and safety laws reported as occurring 'very often' or 'often' by the surveyed organisations are denial of rest periods, annual leave or sick leave (reported by two thirds of the organisations); unpaid overtime (reported by two thirds of the organisations); and wages not paid / not paid in full (reported by 18 out of 30 organisations).

Approximately two thirds of the organisations that completed the survey reported that they support the worker to obtain their outstanding wages through 'informal communication with the employer'. One third of the organisations reported that they contact the labour inspectorate. Only one organisation mentioned going to court 'often' and eight mentioned going to court 'sometimes'.

Organisations were asked to assess the relevance of a predefined list of barriers to bringing cases by third-country national workers to the national labour inspectorate. According to the 20 organisations actively engaging with the national labour inspectorate in the handling of complaints, the key barrier is lack of evidence, followed by lack of safeguards for the worker against return. Other obstacles include the limited mandate of the labour inspectorate to address the complaint (especially the labour inspectorate's lack of power to enforce decisions awarding back pay when abusive employers fail to comply) and the lack of timely follow-up by labour inspectors on the complaints sent to them.

When it comes to the right to back pay, very few of the surveyed organisations have comprehensive data on complaints, award decisions and amounts actually paid to third-country workers. Nevertheless, organisations were asked to assess how often positive outcomes are achieved for third-country workers who submit complaints. Fewer than one third of responding organisations reported outstanding wages being fully paid to workers ‘very often’ or ‘often’, while a similar share said wages were partially paid very often or often. According to the organisations, the main reason for lack of payment of due wages by the employer is insolvency. Other reasons include the fact that the worker did not go to court to obtain an enforcement decision and the fact that the employer could not be identified or is a ‘letterbox’ company. FRA’s small-scale survey shows that, when relevant authorities award due wages to third-country workers, the workers usually have to go to court to enforce the decision but receive little support. In some Member States, NGOs have a limited mandate and cannot represent the worker in an enforcement case.

In summary, FRA findings show that many people displaced from **Ukraine** face labour exploitation in the EU, including unpaid work, excessive hours and a lack of contracts. Despite the safeguards in EU law, access to justice for exploited third-country workers remains limited in practice.

3.5. CONCLUSIONS

The EU and its Member States face acute labour shortages. According to the 2024 Draghi report ⁽⁷⁸⁾, the EU fails to attract highly skilled migrants from abroad and retain talent. The pact on asylum and migration ⁽⁷⁹⁾ stresses that successful migrant integration and inclusion policies foster social cohesion and promote the EU’s competitiveness. Migrants offer significant untapped potential for the EU’s economy, and the EU has taken steps to increase migrants’ participation in the labour force and attract skilled workers from non-EU countries.

FRA findings outlined in this chapter confirm that there are serious employment-related challenges affecting third-country workers. First, whereas support measures for people fleeing the war in **Ukraine** led to their faster inclusion in the labour market, other third-country nationals needed at least five years to reach similar levels of employment rates. Second, a much higher proportion of migrants with tertiary education are employed in low- or medium-skilled occupations than the general population in the EU-27 (46 % compared with 22 %). Third, many third-country nationals say that in the past five years they have faced racial discrimination when looking for work (35 %) and when at work (31 %). Fourth, migrants are exposed to a higher risk of labour exploitation; for example, 24 % of displaced women from Ukraine who had carried out paid work since arriving in the EU indicated that they had been underpaid or not paid at all for the work. Finally, if exploited, it is difficult, if not almost impossible, for migrant workers to receive compensation and unpaid wages.

FRA ACTIVITY

FRA–ELA guidance on identification of labour exploitation

Labour inspectors are essential for enforcing workers’ rights and for detecting and addressing labour exploitation. To better equip labour inspectors to carry out these tasks, the ELA and FRA have developed a guide for workplace inspectors on how to detect labour exploitation. The guide focuses on workers in the EU who work in a country other than their own. Such workers are particularly vulnerable to labour exploitation.

The guide:

- explains the different forms of labour exploitation;
- summarises the rights that EU law grants to specific categories of non-national workers;
- guides inspectors on how to speak to these workers;
- helps to identify signs of labour exploitation;
- suggests how to support victims of labour exploitation.

Source: FRA and ELA, *Detecting and Addressing Labour Exploitation – A guide for labour inspectors*, Publications Office of the European Union, Luxembourg, 2025.

At the same time, the EU and its Member States have started to address these challenges, as the 2025 mid-term review of the Commission action plan on integration and inclusion ⁽⁸⁰⁾ illustrates. Over the past decade, FRA has issued reports on migrant integration and labour exploitation that offer evidence-based advice on fundamental rights aspects. Looking forward, the following five areas require increased attention.

- Successful support measures for displaced people from **Ukraine** offer a lesson learned. They should be extended to other groups. For example, Member States should allow access to the labour market and related vocational and language training from the beginning to those asylum seekers who are likely to stay.
- To better tap into third-country nationals' skills, in its 2023 report on the rights of long-term residents ⁽⁸¹⁾ (Opinion 8), FRA called for EU legislation to establish quick, fair, transparent and affordable systems of recognising qualifications obtained abroad. Meanwhile, national authorities should apply the measures listed in the 2023 Commission recommendation ⁽⁸²⁾ on the recognition of qualifications of third-country nationals and ratify the United Nations Educational, Scientific and Cultural Organization Global Convention on the Recognition of Qualifications Concerning Higher Education ⁽⁸³⁾, which provides a global framework for the recognition of qualifications concerning higher education.
- Third-country nationals who are authorised to work in Member States are entitled to working conditions equivalent to those of EU citizens. To ensure equal treatment in practice, Member States' stronger enforcement of existing EU equal treatment and non-discrimination legislation in employment is needed, including through proactive labour inspections, effective equality bodies, dissuasive sanctions and accessible remedies for victims.
- Employment agencies, recruitment agencies and their subcontractors play an important role in preventing exploitation. As suggested by FRA in its 2019 report on the exploitation of migrant workers ⁽⁸⁴⁾ (Opinion 1), Member States should consider introducing measures to license, monitor and sanction non-compliant employment and recruitment agencies in order to prevent fraudulent or deceptive recruitment practices. Such measures will be particularly relevant in the context of implementing the regulation establishing the EU talent pool, the first EU-wide online platform for the recruitment of third-country workers.
- Actions to promote labour market inclusion and combat the exploitation of migrant workers require resources. The new EU multiannual financial framework offers an opportunity. For this, the new legislative package, in particular the proposal for the new European Fund ⁽⁸⁵⁾, must expressly reflect the need to support actions to combat exploitation of third-country workers and support their access to justice, including by providing more funding to labour inspectors, trade unions and civil-society organisations supporting exploited workers in recovering outstanding wages.

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Index of country references

AT	100
BE	100
BG	100
CY	100
CZ	100, 101, 107, 108
DE	101, 104, 107, 108
DK	100
ES	100
HR	100
PL	101, 107, 108
RO	100
RU	101
SK	100
UA	96, 99, 101, 102, 103, 104, 105, 106, 107, 108, 110, 111

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APPLICATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS

4

4.1.	INTRODUCTION	118
4.2.	EU INSTITUTIONS AND THE APPLICATION OF THE CHARTER	119
4.2.1.	INSTITUTIONAL INITIATIVES TO APPLY THE CHARTER	119
4.2.2.	THE CHARTER AND LEGAL COMPLIANCE	121
4.3.	MEMBER STATES AND THE APPLICATION OF THE CHARTER	123
4.3.1.	THE CHARTER IN LAW, POLICY AND ACTION IN THE MEMBER STATES	123
4.3.2.	THE CHARTER AND EU FUNDS	129
4.4.	USE OF THE CHARTER BY FUNDAMENTAL RIGHTS BODIES AND CIVIL-SOCIETY ORGANISATIONS	132
4.4.1.	USE OF THE CHARTER BY FUNDAMENTAL RIGHTS BODIES	132
4.4.2.	USE OF THE CHARTER BY CIVIL SOCIETY	133
4.5.	CONCLUSIONS	135
	ENDNOTES	137

The EU Charter of Fundamental Rights was proclaimed over 25 years ago. Although the Charter has become a key legal pillar of the EU, the rights and principles it contains are neither sufficiently known nor applied consistently across the EU. Less than half of Europeans are aware of the Charter, according to Eurobarometer data. The European Commission's mid-term review of the Charter strategy reveals that, even among legal practitioners, the Charter continues to face challenges in becoming a key fundamental rights standard that is applied in daily legal practice where EU law is applicable.

Evidence confirms the need for continued professional training and enhanced monitoring to ensure that the Charter is respected and that the application of its provisions are promoted at the national level. Further efforts by EU institutions and EU Member States alike are needed to mainstream the use of the Charter in their work and make society aware of its importance, so as to enable the Charter, and by extension the EU, to deliver on its role in providing protection and fundamental rights fulfilment – be it in the context of law and policymaking, the implementation of the law or the use of EU funds.

4.1. INTRODUCTION

The EU Charter of Fundamental Rights has created expectations of extensive protection for the people living in the EU. EU Member States are obliged to comply with the Charter when they act within the scope of EU law, and the EU institutions and bodies are always obliged to comply with the Charter. The application of the Charter, however, meets challenges, especially at the national level. FRA's annual fundamental rights reports have, over the years, provided ample evidence that the Charter remains underused in legal practice despite the fact that it is – and has been since 1 December 2009, the entry into force of the Lisbon Treaty – a legally binding instrument. While legal practitioners (key actors in applying the Charter) are familiar with national human rights frameworks and the European Convention on Human Rights (ECHR), they are often much less aware of and inclined to consider the Charter in the numerous contexts where EU law is relevant. At the EU level, the Charter has become a standard tool, frequently referenced by the institutions and bodies, but its potential is not yet fully used.

Considering the relative youth of the Charter compared with other key international treaties dealing with human rights, including the ECHR, which had its 75th anniversary in 2025, the track record of the Charter – since its proclamation 25 years ago – has nevertheless been very positive overall. It has substantially contributed to strengthening the fundamental rights culture in the EU, to ensure that EU legislation and policies comply with, and are interpreted in accordance with, fundamental rights. It has also ensured that the EU institutions devote attention to those rights and protect them through their activities. The Charter has also pushed Member States to protect fundamental rights when acting within the scope of EU law and to be inspired by the encompassing wording of the Charter, even beyond its limited field of application.

The Charter has directly empowered individuals to access specific fundamental rights in cases involving Charter provisions with recognised 'horizontal effect', such as the prohibition of discrimination laid down in Article 21 of the Charter. The right to a fair trial and effective remedies (Article 47) is an example of a provision that significantly influenced national legal systems, as its frequent use by national judges, including in requests to the Court of Justice of the European Union (CJEU) for preliminary rulings, illustrates. The Charter has given Member States and EU administrative bodies new tools to better ensure the protection of fundamental rights and thereby contribute to the protection of democracy and the rule of law. In light of its Article 52(3), the Charter has also contributed to supporting the implementation of the ECHR and the jurisprudence of the European Court of Human Rights. In so far as the Charter contains rights that correspond to rights guaranteed by the ECHR, the meaning and scope of the Charter rights are to be the same as those laid down by the ECHR. Yet the Charter has opened the door to EU law providing more extensive protection. The Charter has supported the activities of national human rights bodies, legal practitioners and civil-society organisations (CSOs) advocating and litigating for rights. At the same time, evidence shows that these key stakeholders often lack the structures, capacity or resources to ensure the Charter's application in all relevant contexts.

The challenge for the future is, from FRA's perspective, therefore twofold. First, national governments and the EU must do more to assist relevant actors in using the Charter wherever it is applicable and adds value. FRA has provided concrete suggestions in this regard in its annual fundamental rights reports. Second, it would be important to increase the evidence base surrounding compliance with the Charter at the national level whenever Member State authorities are acting within the scope of EU law. Only with



"Fundamental Rights are an effective barrier to the arbitrariness of power."

Siniša Rodin, Judge at the CJEU, in his **speech** at the Conference '25 Years of Rights: Reflecting on the Impact of the Charter' in Brussels on 10 December 2025.

The EU Charter can be a powerful tool, but only if it is made truly accessible, politically supported and embedded in local realities through proactive EU and Member State engagement.

CSO (regional level) from eastern Europe, submission to Targeted European Commission consultation of civil society representatives for the 2025 Charter report.

such increased levels of capacity and transparency will the Charter's full value be realised, serving as an anchor and compass for the protection of fundamental rights nationally, regionally and locally. Strong political support from the EU institutions and Member States at those three territorial levels is required. The conclusions of this chapter provide advice on how the use of the Charter by the EU and Member States could be improved.

4.2. EU INSTITUTIONS AND THE APPLICATION OF THE CHARTER

4.2.1. Institutional initiatives to apply the Charter

On 5 December 2025, the European Commission published its 15th annual report on the application of the Charter, which takes stock of the implementation of the strategy adopted in 2020 to strengthen the Charter's application ⁽¹⁾. Based on the results of the accompanying consultation of a wide range of actors, the Commission concludes that awareness of the Charter among public authorities, professionals and the wider public needs to be improved. It also underlines the need for sustained capacity building and improved access to information. Finally, it underscores that monitoring and enforcement remain essential to ensuring that the Charter is consistently implemented and applied at all levels. While the European Commission stresses that information and training need to be scaled up substantially, announcing a variety of measures in that regard, the ways in which monitoring and enforcement will be supported are less clear. The European Commission refers to further developing its annual Charter reports, taking strengthened measures to support the Charter's implementation and application in the Member States and launching a mutual learning programme to help national stakeholders exchange best practices on the Charter. The Commission also agrees to organise the work of Charter focal points (responsible for easing the flow of information and best practices on the Charter and coordinating capacity-building efforts in the Member States) as a Commission network. This could be an initial, and surely necessary, step to strengthen monitoring and especially enforcement. However, concerted support from the Commission and from the Council of the European Union would be required to ensure that effective monitoring and enforcement mechanisms are set up.

The Commission underscores that the provisions of the Charter are at the core of EU legislation and policies. Although this is true from the perspective that references to the Charter in EU legal and policy documents are frequent, their concrete assessment of impacts on Charter rights remains too often superficial and inconsistent ⁽²⁾. Operational guidance such as that the Commission updated at the end of 2025 ⁽³⁾ is useful to recall the relevance of fundamental rights impact assessments across the EU's legislative process. The Commission in its report recommends organising exchanges of best practices to ensure that the Charter is respected throughout the legislative cycle. It has invited the Council to continue raising awareness of its own guidance on fundamental rights compliance in the Council's working parties ⁽⁴⁾.

Alongside the European Commission, the European Parliament and the Council are also responsible for ensuring that EU law and policymaking are in line with the Charter. The Parliament has over the years played an important role in co-creating files relevant to fundamental rights in its Constitutional Affairs Committee; its Committee for Civil Liberties, Justice and Home Affairs; and other relevant committees. This work has concerned topics that are often highly technical, such as personal data, fundamental rights in criminal or civil judicial procedures, or asylum and migration ⁽⁵⁾.



Outside the context of legislation, the European Parliament also engages with the Charter and its rights through various means, as shown by the 2025 Constitutional Affairs Committee study *The implementation of the Charter of Fundamental Rights in the EU institutional framework* ⁽⁶⁾. Parliament resolutions on the Commission's annual reports on the application of the Charter or on the situation of fundamental rights in the EU ⁽⁷⁾ contribute to the development of the institutional context in which the Charter can influence key EU agendas and internal policies, such as national security. This has, for instance, prompted the European Parliament to declare that any measures taken on the basis of national security regarding migration must be necessary and proportionate and not undermine the rights guaranteed by the Charter. It has restated that Article 19 of the Charter, for instance, provides for protection in the event of removal, expulsion or extradition by prohibiting collective expulsions and, therefore, requiring individual assessment and prohibiting the rejection of applications for international protection based solely on a specific nationality ⁽⁸⁾. However, the European Parliament has yet to develop interparliamentary cooperation actions with national parliaments on issues relating to the application of the Charter, as suggested in the 2020 Charter strategy. Changes in the political composition of the European Parliament and the evolving broader political landscape, where defence, security and competitiveness considerations are gaining increasing weight, may have a negative impact on the consideration of the Charter, and fundamental rights more broadly, as a priority.

As regards the Council, it is a matter of practice that its Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons adopts annual conclusions on the Commission's Charter reports. In 2025, these conclusions underscored the importance of funding to promote, protect and enforce fundamental rights. As FRA has stressed in various recommendations in past fundamental rights reports, this working party has the potential to become a regular hub for the transnational exchange of practices, know-how and experience with the application of the Charter across the EU – a finding shared by the Council and the European Commission ⁽⁹⁾.

4.2.2. The Charter and legal compliance

A variety of EU actors play a role in ensuring compliance with the Charter. The European Commission bears a special responsibility in its capacity as watchdog for the EU treaties. In 2025, for instance, it used the Charter in Case C-448/23, *Commission v Poland*, relating to the impartiality and independence of the judiciary and the Constitutional Court (Trybunał Konstytucyjny) of **Poland** ⁽¹⁰⁾. While infringement procedures have been considered a potential fundamental rights tool ⁽¹¹⁾, the Commission's use of the Charter in the context of infringement proceedings has been relatively uncommon. In the 2020 Charter strategy, the Commission noted that it will closely monitor cases where a Member State shows a 'systemic failure' in applying the Charter when implementing EU law. Earlier, it had stated that it would give high priority to infringements that reveal 'systemic weaknesses which undermine the functioning of the EU's institutional framework' and thus 'pursue cases in which national law provides no effective redress procedures for a breach of EU law or otherwise prevents national judicial systems from ensuring that EU law is applied effectively in accordance with the requirements of the rule of law and Article 47 of the Charter' ⁽¹²⁾. However, Member States do not normally report on how fundamental rights have been considered when notifying the European Commission of the transposition and implementation of legislation to which the Charter is relevant.

As the Commission's 2025 infringement packages illustrate, the infringement proceedings often deal with issues closely connected to, or impacting, the enjoyment, protection and fulfilment of Charter rights, even if the Charter is not mentioned. Actions or omissions that violate EU law, including secondary legislation, may also violate Charter rights, even if this is not the main focus of the proceedings. Given that the provisions in EU secondary law are often more detailed than those of the Charter, the European Commission and the CJEU tend to base their legal argumentation on the former, rather than the latter. However, it would increase the visibility of the Charter if, when relevant, the Charter was referred to in these contexts. Such an approach would also be consistent, given that EU secondary law has to be interpreted in light of Charter provisions.

In fact, the role of the Charter has become increasingly visible in CJEU proceedings. In many rulings on preliminary references, the court uses the Charter as a key standard. Even in some actions for annulment, the CJEU relies on Charter articles such as Articles 41 and 47 ⁽¹³⁾. Finally, in 2025, Article 47 played a key role in the CJEU rulings in two actions for damages against the European Border and Coast Guard Agency (Frontex), where the first concerned a pushback of the applicant to sea and the second concerned the transfer of a family from **Greece** to Türkiye as part of a joint return operation where the existence of the return decisions was not properly verified ⁽¹⁴⁾. The CJEU stressed the liability of Frontex and the need to adapt the conditions establishing EU liability to applicants in order to comply with the principle of effective judicial protection ⁽¹⁵⁾.

An important element for ensuring compliance with the Charter in EU legislation is assessing its impacts on fundamental rights. However, the European Ombudsman has underlined that no impact assessments were carried out in important legislative cases due to 'urgency'. The European Ombudsman recommended that the Commission should ensure a predictable, consistent and non-arbitrary application of its 'better regulation' rules. Even when legislative proposals are prepared in a context of immediate urgency, they need to comply with the principles of a transparent, evidence-based and inclusive lawmaking process, as stressed by the European Ombudsman ⁽¹⁶⁾.

The European Data Protection Supervisor (EDPS) has also raised Charter concerns. In the context on the proposed regulation to extend the temporary derogation of certain provisions of the ePrivacy Directive in order to combat child sexual abuse online, the EDPS noted that the goal of combating child sexual abuse must be pursued with the necessary safeguards for the private communications of individuals and, by extension, their fundamental rights to privacy and personal data ⁽¹⁷⁾.



In addition to the European Parliament's ability to challenge legal and other acts of the other EU institutions in violation of EU law before the CJEU, its own Committee on Petitions (PETI) responds to complaints and concerns relating to EU fundamental rights. In PETI's 2025 draft report (on its deliberations during 2024), the committee noted having received a total of 1 518 petitions during 2024 ⁽¹⁸⁾. PETI highlights that fundamental rights remain one of the main subjects of the petitions received: 11.4 % of the total ⁽¹⁹⁾. While there was a decrease of 2 % compared with the previous year, it should be borne in mind that petitions recorded under other categories – such as the environment, justice, consumer rights and health – may also relate to fundamental rights concerns. In turn, PETI describes the petitions under the fundamental rights category as including alleged breaches of the General Data Protection Regulation and, notably, 'the respect of the rule of law and democracy' ⁽²⁰⁾. The committee also highlights as petition topics the use of AI and the protection of privacy, particularly the use of child sexual abuse material under the category of 'child pornography' ⁽²¹⁾.

The European Ombudsman for its part dealt in 2025 with 44 cases concerning fundamental rights issues, out of 913 cases in total ⁽²²⁾. The cases in which fundamental rights protection constituted the key aspect included cases involving a variety of issues related to the Charter. These ranged from compliance with the Charter as a horizontal enabling condition under the Common Provisions Regulation (dealing with EU funds) to the scope of the application of Article 51 of the Charter in connection with fundamental rights compliance in EU funding under the Neighbourhood, Development and International Cooperation Instrument. Two cases dealt with Article 41 of the Charter on the right to good administration. Another case dealt with Article 37 on environmental protection ⁽²³⁾.

Regardless of the efforts by the various EU institutions and bodies to address fundamental rights violations through the application of the Charter, the overall system of Charter implementation lacks a source of consolidated information on violations, based on structured, objective, comparable and reliable data. Obtaining this information could serve to identify patterns and trends for a more preventive approach. Although the annual reports of the Commission on the application of the Charter provide an overview of selected Charter ‘themes’, they are for this very reason limited in their scope. These reports result from consultations with numerous stakeholders, pointing to gaps in implementation and highlighting fields where more could be done. However, they mainly focus on examples of Charter application in the Member States with the objective of mutual learning, rather than on cases of ‘non-application’ or problematic interferences with Charter rights. A focus on the latter case type would also be necessary if the Charter implementation were to be monitored and enforced.

4.3. MEMBER STATES AND THE APPLICATION OF THE CHARTER

4.3.1. The Charter in law, policy and action in the Member States

As FRA has been reporting on an annual basis since 2012, in many Member States, the level of application of the Charter still appears low. The fact that, in accordance with Article 51 of the Charter, the Charter binds Member States only where authorities are acting within the scope of EU law has complicated its application across national law, policy and action in the Member States. Evidence still suggests that Member States too often largely fail to ensure that the Charter is considered and applied as a key legal standard whenever their legislation, policy and action fall within the scope of EU law.

Nevertheless, the Charter is slowly but steadily gaining ground in all three branches of government – albeit unevenly, as the Franet country reports illustrate ⁽²⁴⁾. Considering the increasing share of national law and policymaking directly or indirectly influenced by EU legislation, the relatively low level of Charter application is, however, still a cause for concern.

Various hurdles for and drivers of the application of the Charter can be identified at the national level. Many Member States consider that they have a very well-developed and strong fundamental rights tradition in their constitutional systems. However, it appears that this sometimes leads to a perception that the Charter would add no value if applied next to their own constitutional rights and the well-known and often considered simpler to apply ECHR ⁽²⁵⁾. As the results of the consultation of legal practitioners conducted for the preparation of the **2025 annual report on the application of the EU Charter of Fundamental Rights** show, given the Charter’s limited field of application, it is sometimes perceived to add a layer of complexity rather than one of protection. Nevertheless, in areas regulated in detail by EU law, legal practitioners are likely to consider the Charter particularly valuable for interpreting EU legislation. This concerns areas such as personal data protection, non-discrimination, cross-border cooperation (e.g. for a European Arrest Warrant) or asylum and migration. Other types of cases where the Charter is often invoked concern the *ne bis in idem* (double jeopardy) principle, detention and the protection of children. The Charter’s added value is also well considered at the level of procedural rights. This is seen in areas such as the environment or asylum law ⁽²⁶⁾.



4.3.1.1. *The Charter in domestic law, policymaking and action*

The use of the Charter in the framework of legislative drafting or impact assessments varies largely across policy areas and ministries. This is linked to lack of awareness of the added value of the Charter but also to the fact that the Charter is rarely explicitly mentioned as an obligatory standard in procedural rules in the context of national lawmaking. Although national rules regularly require checking the compliance of draft legislation with international treaties and EU law in the course of the legislative process, the requirement of a dedicated ‘Charter compatibility’ assessment of draft legislation is less common, as highlighted in FRA’s 2025 report on better lawmaking ⁽²⁷⁾. While fundamental rights impact assessments exist at the national level, they are often not applied in all relevant contexts. Expediency is often the argument to omit these assessments in lawmaking. In **Slovenia**, for instance, a security law with considerable implications for a Roma community was adopted in an urgency procedure during 2025 without assessing its impacts on fundamental rights ⁽²⁸⁾. Moreover, it appears that the Charter is often overlooked in lawmaking in the Member States. Only in a few Member States do the respective procedural guidelines explicitly refer to the Charter. This is the case in **Denmark, Estonia, Finland, Germany, Greece** and the **Netherlands** ⁽²⁹⁾. Such provisions enhance the likelihood that impacts on Charter rights and principles are assessed when drafting laws transposing EU legislation ⁽³⁰⁾.

Independent external fundamental rights expertise might compensate for this oversight by ensuring that the ‘Charter arguments’ are brought into processes of legal scrutiny and impact assessment. However, such involvement of external and independent expertise is far from systematic. For instance, in **Belgium**, the systematic practice of consulting the equality body Unia (the Interfederal Centre for Equal Opportunities and Opposition to Racism and Discrimination) and the Institute for the Equality of Women and Men on draft legislation remains a matter of practice rather than legal obligation ⁽³¹⁾. In **Finland**, according to Section 74 of the constitution, the competence of the Constitutional Law Committee is restricted to assessing the compatibility of legal bills (and other matters brought for its consideration) with the constitution and international human rights treaties. Thus, the constitutional review of legislative proposals in light of EU law falls under the competence of the committee only when such review is based on grounds relating to the constitution or to human rights conventions. This

PROMISING PRACTICES

Austria

The Constitutional Service of the Federal Chancellery coordinates a network of Human Rights Coordinators across all Federal Ministries and provinces. This central structural embedding facilitates the improvement of human rights mainstreaming and is tasked with improving the integration of human rights considerations, including the Charter, into administrative work. The Austrian Charter focal point is located in the Constitutional Service of the Federal Chancellery of the Republic of Austria.

Source: Franet, Country Research – Fundamental Rights Report – Challenges and achievements in 2025 – Austria: The use of the Charter at the national level (forthcoming).

Luxembourg

The ‘Charter Up!’ roundtable gathered public servants, judges, lawyers, NGOs and civil society representatives to discuss the Charter’s practical application. [It was part of a project that] strengthens the knowledge and ability of CSOs, rights defenders and legal professionals to effectively engage at national and EU level and improve access to rights enforcement under the Charter. In addition to events, the project developed practical tools, such as a legal newsletter summarising case law, an online database and a Charter checklist to assist practitioners in assessing when and how the Charter may be effectively invoked.

A comprehensive practitioner’s guide is under preparation.

Source: Franet, Country Research – Fundamental Rights Report – Challenges and achievements in 2025 – Luxembourg: The use of the Charter at the national level (forthcoming).

reduces the opportunities for the committee to incorporate the Charter into its assessments ⁽³²⁾. Notwithstanding this, the Chancellor of Justice actively comments on draft legislation. He referred to the Charter, for instance, regarding the extension of the validity of the Act on Temporary Measures to Combat Instrumentalised Migration ⁽³³⁾, which restricts the reception of asylum claims to a limited area of the external frontier until 31 December 2026. This concerns an EU external border, and EU regulations on border management apply, together with other national and international legal provisions. The Chancellor referred particularly to the principle of *non-refoulement*, the right to seek international protection and the prohibition of inhuman treatment. The Chancellor also commented on the draft bill, finding that the government did not sufficiently justify the extension of the validity of the act ⁽³⁴⁾.

Next to a lack of awareness of the Charter or a lack of explicit reference to the Charter in procedural rules, other practical or more political factors can negatively impact the application of the Charter. An example of a political factor is the bypassing of human rights impact assessments through urgency procedures or through actors not allowing adequate time for drafting and adopting legislation. A driver of the increased application of the Charter at the national level, at least within the public administration, could be the Charter focal points. Even where their function is modest and limited to coordination, these focal points may link relevant actors and foster the exchange of know-how and experience. However, their lack of mandate or substantive competence may limit their impact. For instance, in **Latvia**, the Ministry of Justice hosts the Charter focal point, the primary function of which is to coordinate information. The focal point cannot be consulted by other ministries or government offices or ensure interministerial coordination on issues related to fundamental rights or the Charter ⁽³⁵⁾.

Proper internal mechanisms for coordination in the context of fundamental rights have the potential to enhance the application of the Charter. For instance, in **Luxembourg**, the Interministerial Committee on Human Rights meets regularly under the Ministry of Foreign and European Affairs, Defence, Development Cooperation and Foreign Trade, creating a standing forum for horizontal coordination and agenda setting, complementing similar interministerial coordination mechanisms for specific rights areas ⁽³⁶⁾.

However, such interdepartmental/interministerial coordination and cooperation mechanisms, including at the regional/local level, are still absent from a majority of Member States, despite having the potential to guarantee the regular exchange of experiences and practices, which can enhance awareness and application of the Charter.

EU funding proved to be a driver of the application of the Charter – including at the local level. For instance, the Rightscities project, co-funded by the EU, supports EU cities in integrating the Charter into their everyday governance. Through capacity building, tool development and knowledge exchange, the project empowers the cities of Vienna, Utrecht, Lund, Gdansk and Sopot and their residents to uphold human rights in practical and sustainable ways ⁽³⁷⁾.

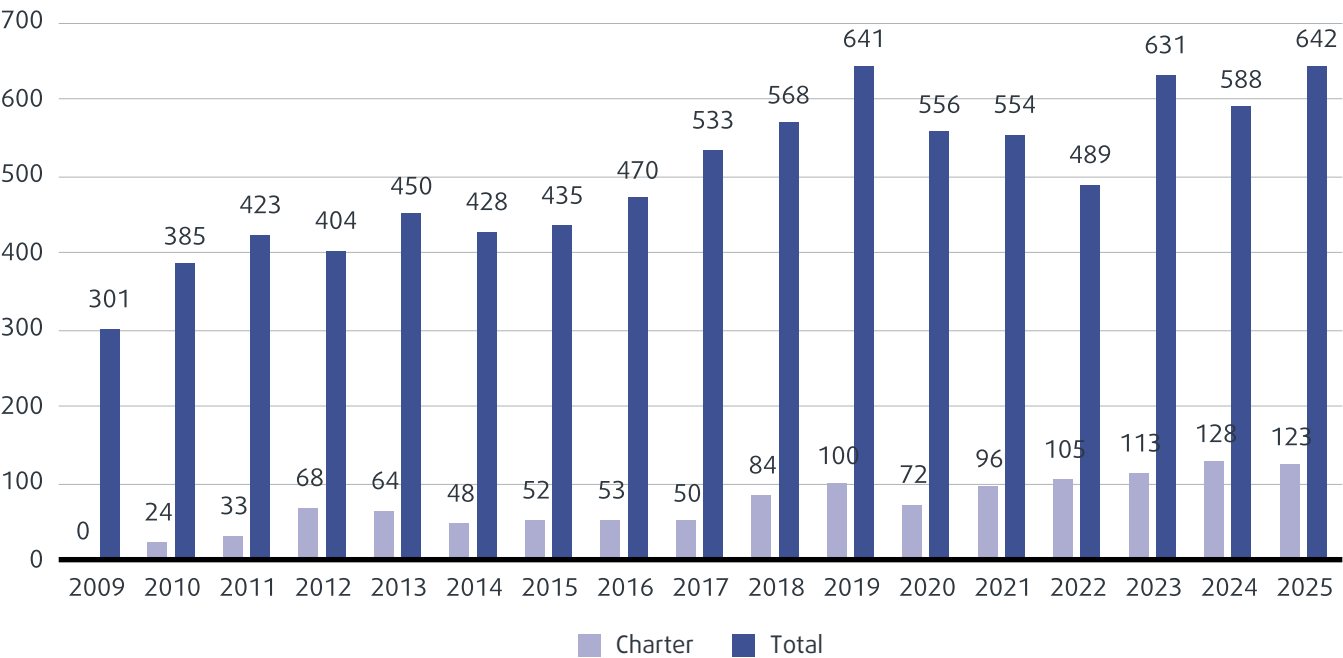
In **Sweden**, there have been some interesting local initiatives linking the Charter to policy and service delivery. The County Administrative Board (Länsstyrelsen) has developed guidelines for a rights-based approach across sectors. The guidelines are used for municipal capacity building and training (e.g. on data protection and non-discrimination) and to ensure that all measures and decisions comply with the Charter, which the guidelines mention is legally binding. Consequently, there are examples of the Charter being invoked in local policy as well as in administrative training ⁽³⁸⁾.

4.3.1.2. The Charter before national courts

The use of the Charter by the judiciary varies broadly between different Member States and is influenced by the prevailing judicial culture, including the procedural and substantial standing of EU law in legal practice. In addition to the EU law versus strictly national law divide that Article 51 of the Charter draws regarding the Charter’s own applicability, factors negatively impacting the likelihood of practitioners engaging proactively with the Charter include heavy caseloads and lack of training on the Charter and its application. Judicial training and exchanges among justice practitioners increase the likelihood of these actors applying the Charter in national courtrooms. In **Estonia**, for instance, the judiciary engages proactively with matters related to the Charter through the **Estonian** Lawyers’ Union’s dedicated seminars on the application of the Charter and the Supreme Court’s frequent references to the CJEU ⁽³⁹⁾.

That national courts are increasingly engaging with the Charter can be seen in the requests for preliminary rulings that are successfully lodged with the CJEU and that raise issues related to the Charter. In 2025, the CJEU received a total of 642 requests for preliminary rulings from national courts, 123 of which referred to the Charter (see **Figure 4.1**).

FIGURE 4.1: TOTAL NUMBER OF REQUESTS FOR PRELIMINARY RULINGS AND NUMBER OF REQUESTS THAT REFER TO THE CHARTER, 2009-2025



Source: FRA, based on data reported by the CJEU from 2009 to 2025.

Another factor when considering the overall influence of the Charter at the national level is how it is formally integrated into the legal system and what stance the constitutional courts take regarding it. For instance, in **Latvia**, the Constitutional Court stipulates that, to bring a claim about a breach of an international legal instrument before the court, the applicant must substantiate that the specific international legal provision provides broader protection of fundamental rights than the Latvian Constitution. Accordingly, for a claimant to challenge the compliance of a legal provision with the Charter, the person first needs to substantiate that protection under the Charter is broader in scope than that under the constitution. The Constitutional Court has not instituted any proceedings concerning the compliance of a Latvian legal provision with the Charter thus far ⁽⁴⁰⁾.

The Constitutional Court of **Bulgaria** actively supported the application of EU law in addition to national law during 2025, following amendments to its rules of procedure in 2021, which require that judicial referrals to the Constitutional Court include an assessment of relevant EU law. Accordingly, several cases have been dismissed for failing to meet this requirement. This has underscored the increasing obligation for judges to engage substantively with EU law, including the Charter, and to use mechanisms such as preliminary references to the CJEU before seeking constitutional review ⁽⁴¹⁾. Similarly, the Constitutional Court of **Luxembourg** insists that, before addressing the court with a request for a constitutional review, the lower court needs to carry out an EU compliance check of the legal norm in question ⁽⁴²⁾.

In **Austria**, the Constitutional Court has recognised those Charter rights ‘similar in wording and determination’ to rights guaranteed by the Austrian Constitution as constitutionally guaranteed rights since a landmark decision in 2012 ⁽⁴³⁾. In **Germany**, the Charter is used as a constitutional benchmark in areas of law fully harmonised by the EU legislator ⁽⁴⁴⁾. Having a ‘semi-constitutional status’ arguably contributes to the overall prominence of the Charter in these legal systems. At the same time, the Charter also has relevant influence in systems where constitutional review and EU law compliance are kept separate. For instance, in a judgment assessing legislative amendments tightening family reunification requirements, conditions for residence authorisation and judicial protection in migration procedures in **Portugal**, the Constitutional Court noted that, even if the contested norms fall within the scope of EU law, an incompatibility with EU law alone does not in itself amount to unconstitutionality. Nevertheless, the Constitutional Court of Portugal recognised its duty to interpret the constitutional principles in harmony with EU law ⁽⁴⁵⁾.

Various instances arose in 2025 in which national courts relied directly on provisions of the Charter when overruling lower courts or reviewing national legislation. For instance, the **Austrian** Constitutional Court ruled that, under Article 47 of the Charter ⁽⁴⁶⁾, an oral, public hearing for an unaccompanied child was mandatory for the Federal Administrative Court to form a ‘personal, fair and reliable impression’ of the credibility of the application for international protection of the child. In **Germany**, the Federal Constitutional Court overruled a decision of the Court of Appeal in the context of a European Arrest Warrant ⁽⁴⁷⁾. The question that arose was whether the Charter rights of the complainant, who identifies as non-binary, would be sufficiently guaranteed in **Hungary**. While the extradition was declared unlawful by the Federal Constitutional Court under Article 4 of the Charter, it could not be overturned in practice, as the accused had already been surrendered to Hungary by the German authorities. In another case, the Federal Administrative Court did not overrule the lower court but came to a different result concerning a potential violation of Article 4. The case concerned the deportation of an applicant, born in Gaza and stateless, to **Greece**. The Federal Administrative Court noted that persons entitled to protection in Greece can satisfy their basic needs regarding accommodation, food and hygiene through their own earned income ‘including in the informal economy’ and through support offered by non-governmental aid organisations. The court found the requirements of Article 4 regarding accommodation to be satisfied in state-tolerated ‘informal settlements’ and in accommodation provided by churches, non-governmental organisations or private individuals, if the premises offer at least temporary ‘protection from the elements’ and allow space for the most basic needs of life ⁽⁴⁸⁾. The transfer of asylum seekers and the execution of European Arrest Warrants are contexts where the Charter continues to be applied rather frequently, as examples from **Slovenia** ⁽⁴⁹⁾ and **Malta** ⁽⁵⁰⁾ confirm.

The relevance of the Charter became especially visible in cases where the Charter was directly invoked by and applicable to a private party, where courts overturned the decisions of lower courts by referring to the Charter, or where national decisions or laws were annulled due to arguments based on the Charter. For instance, the Civil Cases Department of the Senate of the Supreme Court of **Latvia** ruled that Article 31(2) of the Charter was directly applicable in the legal relationships between companies and board members. The court noted that the concept of ‘worker’ has an autonomous meaning under EU law and recognised that a member of the board of a capital company may also be ‘an employee’ under certain circumstances – relating to the right to paid annual leave particularly ⁽⁵¹⁾. The Supreme Administrative Court of **Austria**, in a ruling of 26 May 2025 referring to Article 47 of the Charter ⁽⁵²⁾, recognised an environmental organisation’s subjective right to state compliance with national legal provisions implementing EU environmental law ⁽⁵³⁾. Similarly, in **Czechia**, the Supreme Administrative Court ruled that the exclusion of the judicial review of the inadmissibility of a temporary protection request was incompatible with Article 47 ⁽⁵⁴⁾.

In **Lithuania**, the Constitutional Court relied on Articles 1, 7, 9 and 21 of the Charter in framing Lithuania’s constitutional obligations to recognise and protect same-sex couples and families ‘in fact’ ⁽⁵⁵⁾. The Lithuanian Supreme Administrative Court relied on Articles 7 and 24.(1) of the Charter in finding that the Migration Department had not properly balanced national security considerations with fundamental rights. The court held that a refusal to renew a residence permit on national security grounds cannot be based on general or abstract assumptions. Authorities must carry out a concrete, individualised and proportionate assessment of the situation of the person, considering family life and the best interest of the child as required by the Charter ⁽⁵⁶⁾. The Supreme Court of **Hungary** instructed lower courts to apply Hungarian legislation related to asylum and immigration in conformity with Charter Article 47 standards and the CJEU jurisprudence in the joined cases *NW and PQ v Országos Idegenrendészeti Főigazgatóság and Miniszterelnöki Kabinetirodát vezető miniszter (National Directorate-General for Aliens Policing and Minister heading the Prime Minister’s Cabinet Office)* ⁽⁵⁷⁾.



An administrative decision of the **Croatian** Health Insurance Institute was annulled by the Administrative Court in Osijek by relying on Articles 10(1) and 21 of the Charter, combined with Article 14 of the Constitution of Croatia and Article 9 of the ECHR. The decision had rejected a request for medical treatment abroad concerning an operation without blood transfusion ⁽⁵⁸⁾.

Several cases concerned requests for public disclosure of personal data. In **Czechia**, the Supreme Administrative Court annulled the decisions of the Ministry of Justice and the Municipal Court in Prague that fined a company for not filing data in the Czech Register of Beneficial Owners under Act No 37/2021 (part of the Czech regime implementing EU anti-money-laundering directives). According to the Supreme Administrative Court, and in line with CJEU jurisprudence, the duty to publicly disclose personal data breached Articles 7 and 8 of the Charter ⁽⁵⁹⁾. In **Romania**, the Constitutional Court found unconstitutional national provisions on integrity in the exercise of public functions that obliged a civil servant to disclose the income of her spouse and dependant adult children. The court considered the requirement that declarations of assets be published on the website of the institution where the declarant works and on that of the National Integrity Agency to contravene Article 26 of the Romanian Constitution and Article 7 of the Charter – in addition to Article 8 of the ECHR and Article 12 of the Universal Declaration of Human Rights ⁽⁶⁰⁾.

4.3.2. The Charter and EU funds

The preamble to the EU's Financial Regulation stresses that compliance with the Charter is 'essential' for the implementation of the budget. Its Article 6(3) goes further by legally obliging Member States and the Commission to ensure such compliance ⁽⁶¹⁾. In addition, the EU has over the years increasingly provided funds for projects that proactively protect and promote fundamental rights within the EU, thereby complementing its long-standing practice of funding such types of projects in non-EU countries. The package of instruments that the European Commission proposed in July 2025 for the next 2028–2034 multiannual financial framework includes a regulation establishing the agoraEU programme framework, which has three strands, one of them (next to 'culture' and 'media') being 'democracy, citizens, equality, rights and values'.

Finally, there is the ambition of the EU to horizontally ensure the promotion of fundamental rights protection in developing programmes, activities and projects under EU funds. This is currently done under the 'Charter horizontal enabling condition' laid down in the Common Provisions Regulation ⁽⁶²⁾. In that regard, the proposals for the new funding landscape introduced in July 2025 aim to preserve the horizontal conditionality of the Charter. The proposal for a regulation establishing a European fund for economic, social and territorial cohesion, agriculture and fisheries and maritime, prosperity and security allows for the suspension of funds in cases of Charter violations for all EU-funded areas, including some areas not covered in 2021–2027, such as agriculture ⁽⁶³⁾. It will be important that the various references to the Charter in the draft legal documents are retained throughout the negotiations on the multiannual financial framework.

As part of the arrangements established to comply with the current horizontal Charter conditionality, some Member States have established contact points responsible for monitoring compliance with the Charter under the funds governed by the Common Provisions Regulation ⁽⁶⁴⁾. This has been the case in **France**, for instance, and in **Italy**, where contact points responsible for monitoring compliance with the Charter – and also for receiving complaints – have been established at the regional level ⁽⁶⁵⁾. Another key aspect under Charter conditionality has been the establishment of specific 'Charter

arrangements' to ensure that the programmes and projects funded comply with the Charter throughout their life cycle. This has enabled key fundamental rights actors, including national human rights bodies and CSOs, to contribute to designing programmes and projects, sometimes through formalised consultation processes or through participation in 'monitoring committees', which the Common Provisions Regulation requires Member States to establish ⁽⁶⁶⁾. The 2020 Charter strategy included specific demands in this respect ⁽⁶⁷⁾. In practice, however, the data collected by FRA in 2025 show that Member States mostly incorporate the Charter only in the programme design phase and not during implementation. And, for both phases, this is usually done only for some programmes ⁽⁶⁸⁾.

In some Member States, applicants for funding are explicitly asked to consider whether the project complies with the Charter, and this is assessed by the authorities responsible for handling funding applications. Some national administrations have taken a more proactive approach. For instance, in **Lithuania** the European Social Fund Agency – under the Ministry of Social Security and Labour – organises consultations after calls for projects are published. These consultations help applicants plan projects in line with the Charter, improve the quality of activities and support the protection of the rights of vulnerable groups. For several calls under the Asylum, Migration and Integration Fund, information was provided on organising psychosocial, sport, language training, social services, information and mediation activities ⁽⁶⁹⁾.

However, some Member States experienced difficulties in identifying experts on the Charter – or on fundamental rights more generally – and in involving them in fund management or in the work of monitoring committees. In the **Netherlands**, for instance, the expert body designated to provide expertise (the national human rights institution (NHRI)) lacked sufficient human resources to participate in all the monitoring committee meetings ⁽⁷⁰⁾. In most Member States, training on fundamental rights was offered, but in a majority the training only reached a limited number of staff in the state administration – or beyond – and often took the form of a one-time, brief exercise, giving limited opportunities to gain practical knowledge, except in a few Member States. One such exception is **Sweden**, where the Swedish Council for the European Social Fund provides introductory sessions for all national staff and for members of the monitoring committee. It also oversees compliance at all stages to identify any potential breaches. Furthermore, the Swedish council has developed a guide on the Charter and guidance for the preparation of applications ⁽⁷¹⁾.

The setting-up of responsible committees entitled to provide advice and receive complaints did not necessarily lead to their receiving complaints, which may indicate that the outreach and impact of such mechanisms is limited ⁽⁷²⁾. In the majority of Member States, easily identifiable and accessible complaints procedures for the general public are missing – even in Member States that aim to ensure that projects seeking funding demonstrate compliance with the Charter prior to their approval, such as in **Estonia** ⁽⁷³⁾. This raises questions about the appropriate functioning of Charter arrangements and the fundamental rights monitoring of the funds more generally. As FRA noted in its report *EU Funds – Ensuring compliance with fundamental rights*, Member States should ensure that prospective complainants are pointed to the right body or bodies to file complaints, including by making relevant information on both complaint bodies and Charter arrangements available on dedicated funding websites and by clearly designating entry points for complainants ⁽⁷⁴⁾.



In most of the Member States, there are no public registers of complaints, although in **Bulgaria**, for instance, the Social Assistance Agency, among other bodies, maintains a register of complaints submitted under the Charter ⁽⁷⁵⁾. In **Greece**, the National Transparency Authority (NTA) has been designated as the competent body for complaints regarding the use of EU funds. Although the NTA has a dedicated inspection team to assess and investigate claims of fundamental rights violations, its 2025 report includes no specific reference to complaints about Charter infringements or fundamental rights violations among the 154 complaints received. The NTA online complaint form does not make specific reference to the Charter or to fundamental rights and includes very basic information ⁽⁷⁶⁾.

In **Croatia**, the Ministry of Regional Development and EU Funds recognised that, of the 27 complaints received from project applicants, a number related to the topics of accessibility for persons with disabilities, the promotion of equality between women and men, non-discrimination and sustainable development ⁽⁷⁷⁾.

In some Member States, the national human rights bodies too have taken a proactive stand in monitoring EU-funded programmes and in dealing with complaints, as also seen in **Croatia**. During the public consultation on instructions for applicants in the call for proposals for 'Digitalisation of services of local and regional self-government units', the Croatian Ombudswoman submitted an opinion to the Ministry of Regional Development and EU Funds that emphasised the need to comply with minority language legislation (see [Section 4.4.1](#)).

In May 2025, the CSO Bridge EU published a report that explores the fundamental rights violations occurring under five EU funds that involve 'shared management' between the European Commission and six Member States ⁽⁷⁸⁾. The report alleges that there are various shortcomings, including: (1) low levels of understanding of fundamental rights requirements in implementing EU funds and low levels of human and financial capacities of the relevant stakeholders; (2) misinterpretation of fundamental rights requirements by both national and EU authorities – with EU funds still being used for grave and serious fundamental rights violations against marginalised populations; (3) persistent ambiguities regarding the division of responsibilities between the European Commission and national authorities; and (4) limited involvement of grassroots organisations from marginalised communities and human rights monitors at all levels of the funds management and the limited involvement of monitoring committees in particular.

4.4. USE OF THE CHARTER BY FUNDAMENTAL RIGHTS BODIES AND CIVIL-SOCIETY ORGANISATIONS

4.4.1. Use of the Charter by fundamental rights bodies

NHRIs, ombudsperson institutions and equality bodies (henceforth, fundamental rights bodies) are key drivers of an administrative and governance culture based on fundamental rights. Increasingly, they are also involved in supporting the application of the Charter.

The European Network of National Human Rights Institutions (ENNHRI) has underlined that NHRIs have taken up their role in advancing the implementation of the Charter as laid out in the 2020 Charter strategy, referring particularly to their provision of continuous platforms for peer exchange, their organisation of dedicated capacity building in cooperation with FRA and their engagement in EU legislative and policy processes to advance Charter implementation ⁽⁷⁹⁾.

Out of the 34 NHRIs responding to a recent FRA survey, 20 had used the Charter in their work related to education, training and awareness raising; 5 in litigation before the courts; and 1 in the context of mediation ⁽⁸⁰⁾.

However, according to the European Commission consultation (to which 23 fundamental rights bodies responded), only a few (1) produce and/or distribute material on the Charter for specific audiences and on specific rights (e.g. for people with disabilities, children); (2) produce and/or distribute information on which remedies are available in their Member States in cases where Charter rights have been violated; and (3) organise information sessions for the public on the Charter. This seems to indicate that, regardless of the relatively intensive use of and support for the application of the Charter by fundamental rights bodies, they lack the capacity or resources to undertake the 'next steps' in the support and promotion of the broader use and application of the Charter ⁽⁸¹⁾.

Nevertheless, just over one third of the respondent fundamental rights bodies cooperate with public authorities at the national or local level to promote the application of the Charter when they draft legislation or policy initiatives and make use of EU funds under the Common Provisions Regulation. Just under one third of the respondent bodies cooperate with public authorities at the national or local level to promote the application of the Charter when designing action plans in an area that impacts fundamental rights. Just under half of the respondent bodies cooperate with public authorities at the national or local level to promote the application of the Charter when developing measures to raise awareness of fundamental rights.

National bodies have played a key role in monitoring Charter compliance in national legislation. For instance, in **Slovakia**, the Public Defender of Rights, through its petition to the Constitutional Court of the Slovak Republic of 11 August 2025, has challenged Act No 109/2025 for violating the Charter. The act introduced obligations, among others, (1) to publish an overview of contributors to non-profit organisations, civic associations and international organisations, foundations and funds, excluding the option for donors to request anonymisation of their personal data; and (2) for all legal forms of non-governmental organisations to include in their reports an overview of people who contributed to their activities, including the amount of their monetary donation or other contributions. The Public Defender of Rights has alleged that there are violations of freedom of association and expression

PROMISING PRACTICE

Czechia

The creation of the Children's Ombudsman in July 2025 strengthened oversight and advisory capacity, supporting the gradual mainstreaming of Charter-protected rights across education, social services and local administration.

Source: Franet, Country Research – Fundamental Rights Report – Challenges and achievements in 2025 – Czechia: The use of the Charter at the national level (forthcoming).

(Articles 12 and 11) and respect for private life and personal data (Articles 7 and 8) under the Charter ⁽⁸²⁾.

The national equality body of **Slovenia**, the Advocate of the Principle of Equality (Zagovornik načela enakosti), participated in discussions on the 2025 amendments to the Housing Act (Stanovanjski zakon) and provided recommendations to improve the draft legislation. The advocate cautioned that the draft law, like the Housing Act then in force, restricted eligibility for public (non-profit) rental housing exclusively to Slovenian nationals. This constituted discrimination on the ground of nationality, as it resulted in unequal treatment of third-country nationals who are long-term residents. According to the advocate, this contravenes Article 34 of the Charter, read in conjunction with Article 11 of Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents ⁽⁸³⁾. The directive requires that long-term residents enjoy equal treatment to nationals, including regarding access to procedures to obtain housing. Accordingly, the Advocate of the Principle of Equality recommended that the group of eligible beneficiaries for public rental housing be expanded to include people covered by the directive. However, when the National Assembly adopted the amendments to the Housing Act in July 2025, it failed to act on the recommendation.

As regards upholding the Charter in the context of EU funds, FRA has noted that state authorities need to further ensure meaningful involvement of NHRIs throughout the programming cycle ⁽⁸⁴⁾. FRA and NHRIs (through the ENNHRI) have called on Member States to ensure the allocation of additional resources to support such additional monitoring roles, which the ENNHRI notes have been assumed by NHRIs in around half of the Member States so far ⁽⁸⁵⁾.

For instance, the **Greek** National Commission for Human Rights (GNCHR) participates in the monitoring committee of the Migration and Home Affairs Funds (including the Asylum, Migration and Integration Fund; the Border Management and Visa Instrument; and the Internal Security Fund) ⁽⁸⁶⁾. The Ombudsman of **Cyprus** participates in the monitoring committee of the 2021–2027 Thalia programme as an independent observer without the right to vote and provides *ex ante* guidance to the management authority and the intermediary body, assisting with decision-making regarding compliance with the Charter and the Convention on the Rights of Persons with Disabilities for the projects proposed for funding. In January 2025, the Ombudsman presented the data emerging from its monitoring activity in the previous year, during which 38 projects were submitted to the Ombudsman, who provided guidance on 33 of them and on a grants scheme ⁽⁸⁷⁾.

In **Croatia**, the Ombudsman has played an important role in monitoring and reporting on complaints related to the Charter, in particular regarding its prohibition of discrimination. This included monitoring and reporting on the rejection of certificates from another Member State as insufficient and the unequal scope of services across local government units in the context of the ‘Zaželi-protiv institucionalizacije’ call ⁽⁸⁸⁾.

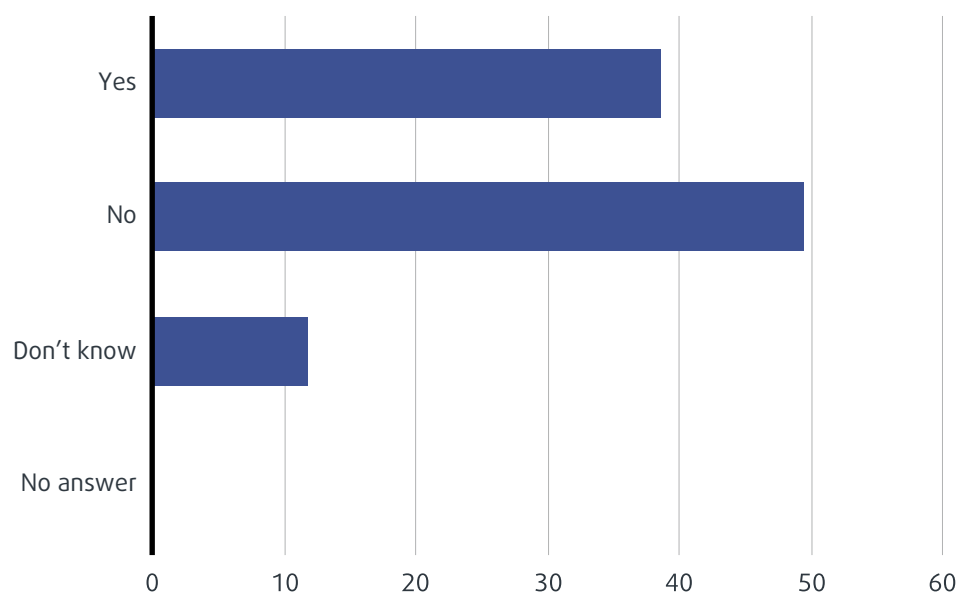
4.4.2. Use of the Charter by civil society

The important role of civil society in promoting and protecting the rights enshrined in the Charter has been confirmed in the EU strategy for civil society, adopted in November 2025 ⁽⁸⁹⁾. Already in its 2022 annual report on the application of the Charter, the European Commission had highlighted the role of civil-society actors in providing expertise for the policymaking and legislative work of national authorities and EU institutions, and in helping to

ensure that these bodies are held accountable for respecting fundamental rights ⁽⁹⁰⁾.

However, the use of the Charter by civil society has often proved difficult (see **Figure 4.2**). Nearly half of civil-society respondents to the survey carried out in the context of the European Commission's mid-term review of the strategy to strengthen the application of the Charter (49.5 %) indicated that they, or their organisations, did not have enough knowledge of the substance of individual Charter provisions. Only 38.61 % felt that they did have enough knowledge. Similarly, more respondents indicated that they did not have enough knowledge about the conditions of application of the Charter (47.52 %) than that they did (42.57 %).

FIGURE 4.2: SHARE OF RESPONDENTS WITH KNOWLEDGE OF THE SUBSTANCE OF INDIVIDUAL CHARTER PROVISIONS (%)



Source: Submissions to *Targeted European Commission consultation of civil society representatives on the EU Charter of Fundamental Rights for the 2025 Charter report*, survey question 17b.

◀ Notes: Results presented in the figure are based on 101 organisations' answers in a survey. Question: 'In your opinion, do you / does your organisation have enough knowledge on the substance of individual Charter provisions?'

At the same time, the survey findings indicate that the usefulness of the Charter is widely accepted by the organisations, including as a basis for legal and advocacy work. It underpins legal writings, supports complaints or legal actions, including strategic litigation, and strengthens demands for regulatory change. The Charter's usefulness was also noted in the context of participating in the work of monitoring committees for EU funds or in the context of EU funds more broadly.

The usefulness of the Charter is further illustrated by the relatively high level of activity promoting its use. Of the organisations responding to the mid-term review survey, 57.43 % promoted the use of the Charter by advocating for fundamental rights, 47.52 % by conducting awareness-raising activities and 33.66 % by collecting information on incidents negatively affecting fundamental rights and, where relevant, reporting on such incidents – among other promotional activities.

The Commission should also establish effective monitoring mechanisms to track violations and promote regular dialogue and partnerships with civil society. Mainstreaming Charter rights into EU funding and policies would further empower civil society organisations and strengthen fundamental rights protection across the EU.

CSO (EU level), submission to Targeted European Commission consultation of civil society representatives for the 2025 Charter report.

Some of the challenges that CSOs experienced in implementing and applying the Charter appear to be similar to those experienced by the public sector or by legal practitioners, as described in the previous section: they point to having varying degrees of understanding of the Charter and its practical implications. Similarly to professionals of the public sector, CSOs that work at the national level in particular often indicate that they prefer to use the national human rights standards, rather than the Charter. By contrast, organisations that operate at the EU level indicate that they refer to the Charter more regularly, in their analysis of EU policies, advocacy work and public consultations at the EU and international levels.

Key suggestions by CSOs emerging from the consultation include proposals for strengthening their capacities to apply the Charter through training, resources and funding; enhancing the monitoring of the Charter to ensure compliance; and facilitating access to justice in order to obtain redress (e.g. by granting direct standing to CSOs before the courts, including the CJEU) ⁽⁹¹⁾.

To strengthen the monitoring of the application of the Charter, and to support and promote its application at the EU and national levels, civil-society respondents signalled a broad range of actions. Some entail the full use of existing EU mechanisms, including infringement proceedings. Others would require the establishment of new EU mechanisms, such as the proposal that a monitoring system with accredited bodies that collect quantitative and qualitative data be established. Some suggestions imply a 'bottom-up' approach, supporting for instance that national ombudsperson institutions prepare reports on compliance with the Charter, while others are directly addressed to the European Commission, such as the request that its annual reports on the application of the Charter contain specific recommendations and monitor the alignment of state practice with international obligations.

Another need emphasised has been regular dialogue with and support for civil society. Civil-society respondents called on the European Commission to create more inclusive consultation mechanisms, ensuring that civil society – particularly from marginalised regions and groups – can meaningfully contribute. In this regard, it should be noted that the EU strategy for civil society, which the European Commission adopted in November 2025, attached particular importance to dialogue with civil society and contains a decalogue of guiding principles for this dialogue ⁽⁹²⁾. Finally, the CSO consultation has encouraged the Commission to fund legal clinics and networks to assist CSOs locally and regionally, to provide financial and technical support for strategic litigation and to create an EU-level legal hub offering tailored advice and tools.

4.5. CONCLUSIONS

Soon after the Charter entered into force, FRA started to track its use. Since 2012, FRA has recommended specific actions at the national and EU levels in its annual fundamental rights reports. Several of these proposals have been acted upon. For instance, the European Commission invited Member States to establish Charter focal points under its 2020 Charter strategy. The mid-term review of the Charter strategy now aims to turn the focal points into a formal network. The revised EU judicial training strategy places increased emphasis on training related to the Charter, with EU funding supporting such efforts. Some of FRA's more 'structural' recommendations – such as EU support for the role of NHRIs and other fundamental rights expert bodies in the application of the Charter at the national level – have also found their way into EU policy commitments, including in Council conclusions.

While these EU efforts are commendable, the Charter remains not sufficiently used, starting in lawmaking. As also highlighted in FRA's 2025 report on better lawmaking, the European Commission should ensure that fundamental rights impact assessments of legislation are conducted systematically and thoroughly. The European Parliament, the Council and the European Commission should consult independent external fundamental rights experts when assessing fundamental rights impacts. Member States should ensure that the Charter is considered and applied as a key legal standard when a legislative project falls within the scope of EU law. The relevant procedures and guidelines should explicitly refer to the Charter. Member States should state how fundamental rights have been considered when notifying the European Commission of the transposition and implementation of legislation where the Charter is relevant.

Infringement procedures and other EU-level measures that could address non-compliance with the Charter depend on the availability of reliable information. The EU lacks systematic information on non-compliance with the Charter when it is not linked to the wording of laws transposing EU legislation but materialises further down the implementation chain. The European Commission's annual report on the application of the Charter in its current iteration is not a monitoring tool. In FRA's view, systematic and periodic data collection and analysis based on objective and reliable information should be established, covering the national situation in thematic fields of EU competence, including where EU funds are used. Evidence shows that the potential of the horizontal enabling condition on the Charter in EU funding is not fully realised. Fundamental rights are often not adequately considered and incorporated ⁽⁹³⁾. Opportunities to alert relevant bodies of fundamental rights violations and for seeking redress are limited. Member States should ensure that fundamental rights expertise is part of fund management. Fundamental rights expertise should be included in the preparation and assessment of calls for proposals and throughout project planning and implementation, and in the work of the monitoring committees.

Eurobarometer data confirmed in 2025 that awareness and knowledge of the Charter remains low among the EU population. Over half of the respondents would like to get more information on where to turn to if their rights are violated, the content of the Charter and when it applies. Based on the citizens, equality, rights and values programme experience, the European Commission should establish a Charter awareness-raising programme to be implemented by Member States, in cooperation with key knowledge holders such as NHRIs and legal experts from civil society. Member States should ensure that knowledge of the Charter and its concrete application are mainstreamed in legal education and the training of practitioners, including by using the multilingual FRA Charter tools.

Index of country references

AT	127, 128
BE	124
BG	127, 131
CY	133
CZ	128, 129
DE	124, 127
DK	124
EE	124, 126, 130
EL	121, 124, 127, 131, 133
FI	124
FR	129
HR	129, 131, 133
HU	127, 128
IT	129
LT	128, 130
LU	125, 127
LV	125, 126, 128
MT	127
NL	124, 130
PL	121
PT	127
RO	129
SE	125, 130
SK	132
SI	124, 127, 133

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