

2019-2021

FRA
PROGRAMMING
DOCUMENT

AMENDMENT NO: 2

SECTION 3: WORK PROGRAMME 2019

Area of activity 2: Judicial cooperation, except in criminal matters

A 2.2 – Presumption of Innocence: procedural rights in criminal proceedings

PRIORITY 1	STATUS: NEW	TYPE: <i>multiannual</i>	START: 16/12/2018
------------	--------------------	--------------------------	-------------------

DESCRIPTION and ADDED VALUE of the PROJECT

The directive strengthening certain aspects of the presumption of innocence (Directive 2016/343/EU), which is part of the Criminal Procedure Roadmap set out in the Stockholm programme, was adopted in 2016, with the transposition deadline expiring in 2018. According to Article 12 of the directive, the Commission shall, by 1 April 2021, submit a report to the European Parliament and to the Council on the implementation of this directive.

The directive aims to enhance the right to a fair trial in criminal proceedings across the EU by laying down minimum rules to make sure that the right to be presumed innocent until proven guilty is respected throughout the EU, in accordance with existing international standards and guarantees; in particular those relating to the right to a fair trial and presumption of innocence arising from Articles 47 and 48 of the Charter of Fundamental Rights of the European Union (hereinafter the EU Charter) and Article 6 of the European Convention on Human Rights (hereinafter the ECHR). By ensuring the minimum standards across the EU in this area, the new rules are supposed to contribute to the strengthening of the Member States' trust in each other's criminal justice systems.

The project, as requested by the European Commission, will explore practices and opportunities on the application of the right to be presumed innocent in criminal proceedings and the fundamental rights implications for the persons concerned. The project will situate its research in a wider context of an important group of rights known as the 'rights of defence' and in this way, build up on the findings of FRA's previous projects in this area, namely on the right to interpretation, translation and information, as well as the right of access to a lawyer and the rights of persons requested under the European Arrest Warrant. Apart from the relevant standards of the EU (incl. the EU Charter) and the Council of Europe, due regard will be also given to relevant standards from the United Nations.

PROJECT OBJECTIVES

- Contribute to the Commission's assessment under Article 12 of Directive 2016/343/EU;
- Contribute to the proper implementation of fundamental rights and secondary EU legislation at Member State level as concerns specific aspects of the presumption of innocence

LINK TO FRA STRATEGIC PILLARS

This project is linked to the FRA Strategic Pillars 1, 2 and 4.

PROJECT PLAN FOR 2019

ACTIVITIES	OUTPUTS
➤ FRANET desk research combined with a field work in selected EU Member States.	➤ 6 – 8 FRANET country reports

RESOURCES PLANNED FOR 2019

Human Resources		Financial Resources		1 st priority	2 nd priority	3 rd priority
		<i>Research and Data</i>		147,000	-	43,000
<i>Temporary Agents</i>	0.50	<i>Technical Assistance & Capacity building</i>			-	-
<i>Contract Agents</i>	1.00	<i>Institutional Cooperation & Networks</i>			-	-
<i>SNEs</i>	0.10	<i>Communications & Events</i>		-	-	-
Total	1.60	Total		147,000		43,000

Area of activity 4: Equality and discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, or on the grounds of nationality

A 4.6 – Update of the Handbook of European non-discrimination law

PRIORITY 1 STATUS: ongoing TYPE: multiannual START: 01/01/2017

DESCRIPTION and ADDED VALUE of the PROJECT

In 2010, the agency and the European Court of Human Rights jointly developed a handbook on case-law on non-discrimination, culminating in the publication of a handbook in March 2011, available in 23 EU languages and 10 non-EU languages. The handbook highlights and summarises in a didactical way the key legal and jurisprudential principles on European non-discrimination law. By this, the agency and the Court aimed to improve the capacity of national courts, legal practitioners, and law enforcement authorities in EU Member States to apply the EU's non-discrimination law and the non-discrimination standards of the Council of Europe. In addition, the handbook contributed to making access to courts easier for members of minorities and persons with vulnerabilities who wished to complain about discriminatory acts they were victims of. Developments in the relevant case law since 2010, combined with the high demand for the handbook among professionals necessitated the handbook to be updated and disseminated, the activities that were pursued in 2017. In 2018 and 2019, the agency continued to translate the handbook into further languages to ensure its dissemination at national level across the EU, as well as among relevant stakeholders, including the Commission's High-Level Group on Nondiscrimination, Equality and Diversity to support its efforts to improve the collection of equality data. FRA and the European Court of Human Rights aim through this handbook to improve the capacity of national courts and law enforcement authorities in EU Member States to apply the EU's non-discrimination law and the non-discrimination standards of the Council of Europe. In addition, the handbook contributes to making access to courts easier for members of minorities and persons with vulnerabilities who wished to complain about discriminatory acts.

PROJECT OBJECTIVES

- Contribute to improving the capacity of national courts and law enforcement authorities in EU Member States to apply the EU's nondiscrimination law and the non-discrimination standards of the Council of Europe raising awareness of relevant human rights issues, including through training.
- Further enhance cooperation with the European Court of Human Rights and the Court of Justice of the European Union.
- Raise awareness and knowledge amongst judges, prosecutors, lawyers, officials and other practitioners at the national and international level of the international fundamental rights guarantees concerning the application of the principle of non-discrimination.
- Improve the capacity of national courts and law enforcement authorities in EU Member States to apply the EU's non-discrimination law and the non-discrimination standards of the Council of Europe. Enhance cooperation with the European Court of Human Rights and the Court of Justice of the European Union;
- Disseminate the handbook to contribute to improving the capacity of national courts and law enforcement authorities in EU Member States to apply the EU's non-discrimination law and the non-discrimination standards of the Council of Europe raising awareness of relevant human rights issues
- Contribute to the Commission's High-Level Group on Non-discrimination, Equality and Diversity in order to support its efforts to improve the collection of equality data

LINK TO FRA STRATEGIC PILLARS

This project is linked to all FRA Strategic Pillars.

PROJECT PLAN FOR 2019

ACTIVITIES

- Production and publication of the handbook on-line and in printed versions;
- Translation and preparing the handbook for publication, as resources become available;
- Developing targeted analysis and briefs on the handbook in order to facilitate the knowledge and promotion of its results;
- Dissemination of the handbook, including at national level;
- Specific stakeholder communication and awareness raising activities;
- Participation in meetings and events

OUTPUTS

- Handbook in all official EU languages;
- Dissemination of the handbook.

RESOURCES PLANNED FOR 2019

Human Resources		Financial Resources		1 st priority	2 nd priority	3 rd priority
			<i>Research and Data</i>		-	-
<i>Temporary Agents</i>	0.10		<i>Technical Assistance & Capacity building</i>		-	-
<i>Contract Agents</i>			<i>Institutional Cooperation & Networks</i>		-	-
<i>SNEs</i>	-		<i>Communications & Events</i>	139,000	-	230,000
Total	0.10		Total	139,000		230,000

Activity 7: Migration, borders, asylum and integration of refugees and migrants

A 7.1 – Providing fundamental rights expertise in the area of home affair

PRIORITY 1

STATUS: ongoing

TYPE: multiannual

START: 01/01/2017

DESCRIPTION and ADDED VALUE of the PROJECT

This project follows-up activities related to past projects and covers ad-hoc requests for support by EU institutions, as well as initiatives taken in the implementation of the cooperation agreements with the Justice and Home Affairs agencies. The main activities under the project will be communicating research findings and providing fundamental rights expertise to EU institutions and bodies in areas such as asylum, border management, European IT systems, migrant smuggling and trafficking in human beings, return and readmission, as well as Schengen evaluations and refugee/migrant integration. Evidence-based advice will also be provided as relevant to other key policy makers, particularly at national level. FRA will also draft or update reports, handbooks and/or fundamental rights guidance. It will attend coordination meetings with JHA agencies and expert meetings by the European Commission. The project also allows FRA to actively participate in the Consultative Forum of Frontex and EASO, and offer expert advice and support to CEPOL, ECDC, EASO, eu-LISA, EUROPOL and Frontex in close cooperation with the Commission.

PROJECT OBJECTIVES

- Share robust evidence where there is a knowledge gap, particularly on fundamental rights issues relating to large-scale IT systems, severe labour exploitation, refugee integration as well as other policy relevant issues;
- Regularly inform stakeholders of main fundamental rights developments in EU Member States particularly affected by migration movements;
- Respond effectively to requests for fundamental rights expertise by EU institutions;
- Advise the European Commission, Member States and Frontex on how to incorporate fundamental rights in Schengen evaluations;
- Provide timely and legally sound advice to FRONTEX, EASO, eu-LISA as well as EUROPOL, CEPOL and ECDC with respect to the application of fundamental rights in their respective spheres of work;
- Develop tools and practical guidance.

LINK TO FRA STRATEGIC PILLARS

This project is linked to all FRA Strategic Pillars.

PROJECT PLAN FOR 2019

ACTIVITIES

- Collect and analyse data;
- Draft reports, handbooks and other publications and/or update past publications or parts thereof;
- Translate and re-print existing reports as required;
- Draft legal opinions if requested by EU institutions;
- Attend and provide tailor-made input to Council Working Parties, the European Parliament LIBE Committee hearings, expert meetings by the European Commission or EU Agencies as well as to other carefully selected events;
- Provide training and accompany on-site Schengen evaluation missions as observers, if requested by the Commission
- Review draft documents shared by stakeholders to FRA for comments;
- Organise expert meetings, where appropriate;
- Actively participate in the Frontex and EASO Consultative Forum;
- Participate in the THB Contact Points JHA Agencies Group;
- Implement cooperation agreements with EASO, Frontex and eu-LISA and provide expert advice to CEPOL and EUROPOL, as appropriate;
- Carry out small-scale research in the 25 EU Member States bound by the Employers Sanctions Directive 2009/52/EC;
- Carry out small-scale desk research on long-term residents status in the 25 EU Member States bound by the Long-Term Residents Directive 2003/109/EC;
- Provide an update on fundamental rights in the context of border management and return in four MS

OUTPUTS

- FRA regular migration overviews online;
- FRA-ECTHR handbook updated;
- Practical guidance on the best interests of EU children at risk of trafficking;
- At least two new reports (or updates of past reports) on policy relevant issues produced;
- Research findings published in paper and/or electronic form;
- (if requested by EU institutions) up to three legal opinions produced;
- Tailor-made input legislative, policy or other documents provided to EU institutions in 20 instances;
- Fundamental rights expertise provided to EASO, eu-LISA, Frontex and/or other EU Agencies on ten files, with a particular focus on child protection and vulnerable people;
- Frontex and EASO Consultative Forum meetings attended and expertise shared;
- Training delivered to Schengen evaluators;
- 54 FRANET country reports.

RESOURCES PLANNED FOR 2019

Human Resources		Financial Resources	1 st priority	2 nd priority	3 rd priority
			<i>Research and Data</i>	462,378	-
<i>Temporary Agents</i>	4.80	<i>Technical Assistance & Capacity building</i>	160,000	-	-
<i>Contract Agents</i>	2.80	<i>Institutional Cooperation & Networks</i>		-	-
<i>SNEs</i>	-	<i>Communications & Events</i>	10,000	-	-
Total	7.60	Total	632,378		

ANNEX X Procurement plan Year 2019 (Financing Decisions)

Activity 2: Judicial cooperation, except in criminal matters

A 2.2 - Presumption of Innocence: procedural rights in criminal proceedings

The overall budgetary allocation reserved for procurement contracts in 2020 amounts to EUR 147,000 (1st priority) and EUR 43,000 (3rd priority)

Budget line: B0-3230 Victims of crime and access to justice

Subject matter of the contracts envisaged: research

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 7

Indicative timeframe for launching the procurement procedure: 1st quarter of the year

Activity 4: Equality and discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, or on the grounds of nationality

A 4.6 – Update of the handbook of European non-discrimination law

The overall budgetary allocation reserved for procurement contracts in 2019 amounts to EUR 139,000 (1st priority) and EUR 230,000 (3rd priority)

Budget line: B03330 - Equality and discrimination

Subject matter of the contracts envisaged: promotion and communication activities

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 2

Indicative timeframe for launching the procurement procedure: 4th quarter of the year

Activity 7: Migration, borders, asylum and integration of refugees and migrants

A 7.1 Providing fundamental rights expertise in the area of home affairs

The overall budgetary allocation reserved for procurement contracts in 2019 amounts to EUR 632,378 (1st priority)

Budget line: B03220 - Migration, borders, asylum and integration of refugees and migrants

Subject matter of the contracts envisaged: research

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 76

Indicative timeframe for launching the procurement procedure: 1st quarter to 4th quarter of the year