

# 2023 Report on Application of the Charter of Fundamental Rights in the EU

Anna Pingen

Since 2010, the Commission's annual reports on the EU Charter of Fundamental Rights have aimed to monitor progress, enhance transparency, and foster a fundamental rights culture within the EU. The [2023 Report](#), adhering to the thematic approach initiated in 2021, focuses on effective legal protection and access to justice, a priority outlined in the European [Commission's 2020 Strategy](#) to strengthen the application of the Charter of Fundamental Rights in the EU.

The report, which was published on 4 December 2023, gives an overview of the relevant legal EU framework in place by describing recent developments (2020-2023). It presents both achievements and challenges in the Member States by providing a snapshot of the elements identified by stakeholders. The following summarises the key findings in the four main areas explored in the 2023 Report:

## EU law on effective legal protection and access to justice

Since 2009, the EU has developed a comprehensive legal framework with judicial and non-judicial remedies in this area. The EU has also adopted several EU instruments providing for minimum standards of effective legal protection and access to justice. The scope of EU law in this area is broad, including: measures to facilitate access to justice through digitalisation efforts; the establishment of safeguards for suspects and defendants in EU criminal procedure; the establishment of several instruments for judicial cooperation in criminal matters (e.g., the European Arrest Warrant); and victims' rights. Examples of key developments include:

- The digitalisation of justice is increasingly shaped by artificial intelligence (AI); AI applications can likewise support judicial decision-making, but it is important to ensure that they function properly and to mitigate the potential bias their use may entail;
- In particular the national transposition of Directive 2016/800 revealed great variation due to inherent differences between national justice systems and different standards on child-friendly justice;
- A comprehensive set of fundamental rights standards to support and protect victims of crime (e.g., the Victims' Rights Directive, the Anti-Trafficking Directive) has been established; new rules on online child sexual abuse and exploitation, including measures to report and remove abuse content, and to support victims with the removal of the material depicting their abuse are on the way;
- Other situations of vulnerability are tackled, for instance, by the Whistleblower Protection Directive, the proposal for a directive on strategic lawsuits against public participation (SLAPP), and Commission recommendations to Member States on measures to protect journalists and media workers

### AUTHOR

Anna Pingen 

Researcher  
Max Planck Institute for the  
Study of Crime, Security and  
Law

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- Several measures have been taken to ensure effective legal protection for victims of discrimination (e.g. the Pay Transparency Directive and equality directives for which the level of effective, proportionate and dissuasive penalties in cases of discrimination were assessed);
- Effective legal protection in relation to online activities is ensured, e.g. by the Digital Services Act (DSA) and the Terrorist Online Content Regulation.

### Member States' measures to provide for effective legal protection

The report gives a brief overview of the achievements and challenges faced by Member States in providing sufficient remedies to ensure effective legal protection in areas covered by EU law, as required by Art. 19(1) TEU. It highlights the efforts made by Romania, Slovakia, and Sweden in facilitating access to justice through digitalisation. The report also shows that Member States are increasingly taking specific measures to ensure legal protection in a child-friendly way, for example by setting up specialized courts or prosecutors for cases involving children and by improving children's opportunities and abilities to report crimes.

### Provision of effective legal protection through courts

The 2023 Report provides an overview of the relevant case law of the CJEU and national courts, which apply and interpret EU law and therefore play a central role in ensuring effective legal protection. The report notes that a substantial part of the CJEU's jurisprudence on the right to effective legal protection concerns interpretation of the procedural rights directives in criminal matters and clarification of the safeguards set out in the directives.

### EU funding for effective legal protection

A key component of the EU's efforts to promote effective access to justice is funding for stakeholder capacity building. Through the Justice Programme and the Citizens, Equality, Rights and Values (CERV) Programme, the European Commission is strengthening this legal protection.

The report concludes that effective legal protection and access to justice are an essential part of democratic checks and balances and instrumental in upholding the EU's founding values. Accessing justice is not only important for individuals but their cases also make a significant contribution to the interpretation of EU and national law.

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