



CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION



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WHAT EVENTS LEAD TO THE CFR?

- European economic community(EEC) – 1957
 - France, Germany, Italy, Belgium, Luxembourg and the Netherlands
 - Goal : attain economic integration by establishing a common market
 - Aim : free movement of persons, services, goods and capital
 - No provision of protection of Human Rights at European level except ECHR
 - Only exception : the principle of no nationality-based discrimination



WHAT EVENTS LEAD TO THE CFR?

- *Stauder case, European Court of Justice(ECJ) – 1969*
 - Fundamental rights : part of the general principles of the law of ECJ
 - No binding obligation to respect and protect fundamental rights
- **Demand for the definition of the Human Rights standards in the EEC**
- **“Declaration of fundamental rights and freedoms”**
 - Adopted by the European Parliament in 1989



WHAT EVENTS LEAD TO THE CFR?

- Establishing the European Union, *Treaty of Maastricht* – 1992
 - Fundamental rights : one of the main principles of law
 - Emphasis on the ECHR of the Council of Europe
 - Human Rights policy in accordance to :
 - : *case law of ECJ*; *the member-states constitutional law* and *the ECHR*
 - EU still doesn't have Bill of Rights



CHARTER OF FUNDAMENTAL RIGHTS

- Agreement to establish; Cologne European council – 1999
 - Originally drafted as a convention

- Formally adopted by the Biarritz European Council – 2000
 - Not added to member-states new obligations

- Nice European Council - 7 December 2000
 - Proclaimed as a political declaration, although not legally binding



WHAT EVENTS FOLLOWED THE CFR?

■ Convention on the Future of the European Union - 2001

- Established by Laeken European Council
- Purpose : to produce a draft constitution for the EU

■ Treaty establishing a Constitution for Europe – 2004

- Signed in Rome by the 25 Heads of States and Governments
- Contains all the provisions of the CFR



WHAT EVENTS FOLLOWED THE CFR?

- Treaty establishing a Constitution for Europe – 2004
 - Expected date to enter into force - 1 November 2006
 - Rejected by the the referenda in France and the Netherlands - 2005
 - Entry into force postponed to a non-defined date

- Treaty of Lisbon entered into force – 2009
 - The CFR is turned legally binding



RIGHTS, FREEDOMS AND PRINCIPLES

- The rights in the CFR have 3 sources of inspiration :
 - The EC and EU Treaties and the ruling of the ECJ
 - The constitutions and the constitutional traditions of the member-states
 - The international human rights treaties signed by the member-states

- The CFR contains rights divided into six titles :
 - *Dignity, Freedoms, Equality, Solidarity, Citizens' Rights, and Justice*



TITLE I - DIGNITY

- **Human dignity**
- **Right to life**
- **Right to the integrity of the person**
- **Prohibition of torture**
- **Prohibition of inhuman or degrading treatment or punishment**
- **Prohibition of slavery and forced labour**



TITLE II - FREEDOMS

- **Right to liberty and security**
- **Respect for private and family life**
- **Protection of personal data**
- **Right to marry and right to found a family**
- **Freedom of thought, conscience and religion**
- **Freedom of expression and information**
- **Freedom of assembly and of association**



TITLE II - FREEDOMS

- Freedom of the arts and sciences
- Right to education
- Freedom to choose an occupation and right to engage in work
- Freedom to conduct a business
- Right to property
- Right to asylum
- Protection in the event of removal, expulsion or extradition



TITLE III - EQUALITY

- **Equality before the law**
- **Non-discrimination and cultural, religious and linguistic diversity**
- **Equality between men and women**
- **The rights of the child**
- **The rights of the elderly**
- **Integration of persons with disabilities**



TITLE IV - SOLIDARITY

- **Workers' rights to information and consultation within the undertaking**
- **Right of collective bargaining and action**
- **Right to access to placement services**
- **Protection in the event of unjustified dismissal**
- **Fair and just working conditions**
- **Prohibition of child labour and protection of young people at work**



TITLE IV - SOLIDARITY

- **Family and professional life**
- **Social security and social assistance**
- **Health care**
- **Access to services of general economic interest**
- **Environmental protection**
- **Consumer protection**



TITLE V – CITIZENS' RIGHTS

- **Right to vote and to stand as a candidate at elections to the EP**
- **Right to vote and to stand as a candidate at municipal elections**
- **Right to good administration and access to documents**
- **Ombudsman**
- **Right to petition**
- **Freedom of movement and of residence**
- **Diplomatic and consular protection**



TITLE VI - JUSTICE

- **Right to an effective remedy and to a fair trial**
- **Presumption of innocence and right to defense**
- **Principles of legality and proportionality of criminal offences and penalties**
- **Right not to be tried or punished twice in criminal proceedings for the same criminal offence**



THE CFR AND NATIONAL FUNDAMENTAL RIGHTS PROTECTION SYSTEMS

- 3 levels of jurisdiction protecting the fundamental rights :
 - National level - constituted by the highest national courts
 - EU level – the European Court of Justice
 - Continental and pan European level - the European Court of Human Rights
- Draft accession agreement of the EU to the ECHR
 - Representatives of the 47 Council of Europe member-states and of the EU



EU AGENCY FOR FUNDAMENTAL RIGHTS

- Preceded by the EU Monitoring Centre on Racism and Xenophobia
- Established as an independent EU agency – 2007 (Vienna)
 - Aim : to provide the assistance and expertise relating to fundamental rights
 - Task : to collect and disseminate data on the situation of fundamental rights in all EU member-states within the scope of EU law
 - Their work is guided by the Multi-annual Framework established by the EU



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