

THE CHARTER OF FUNDAMENTAL RIGHTS

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TEU: Preamble

- DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law,
- RECALLING the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe,
- CONFIRMING their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law,
- CONFIRMING their attachment to fundamental social rights as defined in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers,

Article 6(1) TEU

“The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.”

Article 51(1) CFR

“The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the Treaties.”

Article 6(1) TEU

“The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.”

Article 51(2) CFR

“The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties.”

TITLE 1: DIGNITY

1. Human dignity
2. Right to life
3. Right to the integrity of the person
4. Prohibition of torture and inhuman or degrading treatment or punishment
5. Prohibition of slavery or forced labour

TITLE II: FREEDOMS

6. Right to liberty and security
7. Respect for private and family life
8. Protection of personal data
9. Right to marry and right to found a family
10. Freedom of thought, conscience and religion
11. Freedom of expression and information
12. Freedom of assembly and of association
13. Freedom of the arts and sciences
14. Right to education
15. Freedom to choose an occupation and right to engage in work
16. Freedom to conduct a business
17. Right to property
18. Right to asylum
19. Protection in the event of removal, expulsion or extradition

TITLE III: EQUALITY

- 20. Equality before the law
- 21. Non-discrimination
- 22. Cultural, religious and linguistic diversity
- 23. Equality between men and women
- 24. The rights of the child
- 25. The rights of the elderly
- 26. Integration of persons with disabilities

TITLE IV: SOLIDARITY

27. Workers' right to information and consultation within the undertaking
28. Right of collective bargaining and action
29. Right of access to placement services
30. Protection in the event of unjustified dismissal
31. Fair and just working conditions
32. Prohibition of child labour and protection of young people at work
33. Family and professional life
34. Social security and social assistance
35. Health care
36. Access to services of general economic interest
37. Environmental protection
38. Consumer protection

TITLE V: CITIZENS' RIGHTS

- 39. Right to vote and to stand as a candidate at elections to the European Parliament
- 40. Right to vote and to stand as a candidate at municipal elections
- 41. Right to good administration
- 42. Right of access to documents
- 43. European Ombudsman
- 44. Right to petition
- 45. Freedom of movement and residence
- 46. Diplomatic and consular protection

TITLE VI: JUSTICE

47. Right to an effective remedy and to a fair trial

48. Presumption of innocence and right of defence

49. Principles of legality and proportionality of criminal offences and penalties

50. Right not to be tried or punished twice in criminal proceedings for the same criminal offence

TITLE VII: GENERAL PROVISIONS

51. Field of application

52. Scope and interpretation of rights and principles

53. Level of protection

54. Prohibition of abuse of rights

Article 6(1) TEU

“The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.”

Article 52(1) CFR

“Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.”

Article 52(2) CFR

“Rights recognised by this Charter for which provision is made in the Treaties shall be exercised under the conditions and within the limits defined by those Treaties.”

Article 6(3) TEU

“Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.”

The Explanations

- “The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.” (Article 6(1) TEU)
- “The explanations drawn up as a way of providing guidance in the interpretation of this Charter shall be given due regard by the courts of the Union and of the Member States.” (Article 52(7) CFR)

Article 52(3) CFR

“In so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.”

Article 53

“Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.”

Article 6(2) TEU

“The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.”