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**THE LEGAL PROTECTION OF HUMAN RIGHTS  
AT THE EUROPEAN UNION LEVEL**

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**Abstract:**

Respect for human dignity, freedom, democracy, equality, rule of law and human rights are fundamental values of the European Union, which are enshrined in the basic treaties. Charter of Fundamental Rights of European Union brings together in a single text, all civil rights, political, economic and social of European citizens and contributes in the promotion and protection of human rights. This Charter became legally binding from the entry into force of the Treaty of Lisbon, on 1 December 2009. Also, the Treaty of Lisbon provides the accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). This accession will be a consequence to the new legal personality of the EU and will highlight the significance of human rights at the level of the Union.

*Key words: human rights, democracy, freedom, equality.*

**1. Introduction**

The regulation of human rights has evolved of historically and gradually they become a fundamental value of a democratic society, a pre-existing condition and also a security component, alongside multiparty political system, a fair justice for all citizens and the protection of the private property. Since the European Union establishment, were considered as fundamental values the respect for human dignity, rights and fundamental freedoms, democracy, freedom, equality and rule of law, political pluralism, national identity, guaranteed ownership and market economy. It is widely accepted that human rights are characterized by the following features: universal rights, inalienable, indivisible, interdependent and interrelated. In the contemporary world, the universal dimension of human rights has a double meaning: they are universally recognized rights and are an ideal standard applicable to all.

**2. Human rights at the European Union Level**

Respect for human dignity, freedom, democracy, equality, rule of law and human rights are fundamental values of the European Union, which are enshrined in the basic treaties. Thus, according to article 2 of **The Treaty on European Union (TEU)**, „the Union is founded 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. These values are common to the Member States in a society in

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which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”[1]

Since historically, the European Union Charter of Fundamental Rights was drafted by a convention composed of representatives of European institutions, national parliaments, legal advisers, academics and civil society representatives. This document was adopted that recommendation and reference text by the Nice European Council in December 2000 and was a complementary text to the European Convention of Human Rights, initiated by the Council of Europe.

Charter of Fundamental Rights of the European Union brings together in a single text, all civil rights, political, social and economic of European Citizens and contributes to the promotion and protection of human rights. This Charter became legally binding from the entry into force of the Treaty of Lisbon, on 1 December 2009. Charter is not included in the Treaty of Lisbon, but was attached as declaration. Lisbon Treaty is a milestone that marked the beginning of a new era for the protection of fundamental rights in the European Union.

At EU level, the EU Charter of Fundamental Rights it was an important step for the purpose of acquiring binding in legal terms. The Treaty of Lisbon inaugurated a new institutional framework for the European Union and bringing significant progress in the protection of fundamental rights. From this moment, it was guaranteed effective implementation of the Charter of Fundamental Rights. Regarding to the significance of the Charter of Fundamental Rights, from the perspective of the entry into force of the Treaty of Lisbon, Viviane Reding, European Commissioner for Justice, Fundamental Rights and Citizenship, said it is „a reflection of our shared values and our constitutional traditions.”[2]

From this moment, the European Union have reached a set of civil, political, economic and social rights, legally binding, not only for the EU and its institutions, but also for Member States regarding implementation of European legislation. Of course, the Charter is applicable only to protect fundamental rights of any European citizen against the actions taken by the EU institutions and Member States under EU treaties. The Charter enshrines all rights the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and other rights and principles arising from the common constitutional traditions to the Member States, the European Court of Justice and other international instruments. [3] The Charter was seen as a modern legal document that includes third-generation of the fundamental rights, such as personal data protection, warranties regarding bioethics and the right to good administration.

As already shown, the human dignity, freedom, democracy, equality, rule of law - are the European Union's core values, are provided in the first few articles of the Treaty of Lisbon. A special place it occupies, in structure of the Charter, elimination the discrimination based on sex, race and ethnicity, as provided in art. 21, that „Any 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 shall be prohibited.”[4] Also, are listed the applicable social rights among enterprises, for example, the right of workers to be informed, to negotiate and initiate collective action - that is, the right to strike.

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### **3. Conclusion**

In conclusion, we appreciate that the entry into force of the Treaty of Lisbon has given a new dimension to human rights issues that have become the responsibility of the High Representative for Common Foreign and of the European External Action Service, which will be an important pillar of the common policy.[5] Consequently, we consider that the Lisbon Treaty guarantees the effective implementation of the Charter of Fundamental Rights.

Also, the Treaty of Lisbon provides the accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). This accession will be a consequence to the new legal personality of the EU and will highlight the significance of human rights at the level of the Union. According to art. 6 para. (2) TEU which states that: 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. [6] This accession will be a consequence to the new legal personality of the EU and will highlight the significance of human rights at the level of the Union.

Therefore, the accession will enable the European Court of Human Rights in Strasbourg to monitor compliance the Union acts with the ECHR, and thus will contribute to strengthening the protection of fundamental rights within the EU. Also, the European Union accession to the ECHR, allows the unification of the case law human rights throughout the European continent, thus reinforcing the level of protection that should be enjoy the European citizens. Court of Justice of the European Union has jurisdiction to ensure the compliance of the European legislation and to cooperate in a modern legal framework provided by the future EU accession treaty to the ECHR, with the Strasbourg Court according the principle of complementarity.

The EU accession to the ECHR will create the necessary legal framework for people who believe that they have been violated the rights guaranteed in the European Convention by an action or omission of the European institutions, have access to legal means for sue the European Union in face to the Strasbourg Court, to seeking damages, with the exact same conditions that would address such a request today from the Member States whose nationals are.

As Viviane Reding said, „by the accession to the ECHR, the EU reaffirms the central role that the European Convention system plays in protecting human rights, ensuring, formally and fully, that that the order to fall within this system.”[7]

Between EU institutions who have consistently given attention to fundamental rights, must be mentioned the activity of the European Parliament on matter of human rights. Thus, from the 1993, it organizes each year a debate and adopted a resolution to this effect, based on a report of the Committee of Civil Liberties, Justice and Home Affairs. On the other hand, Parliament was also concerned about the encoding of these rights in a legally binding document. It was thus the origin of the declaration of principle on the definition of fundamental rights adopted by the three EU political institutions (Parliament, Council and Commission) on April 5, 1977 and extended in 1989. In 1994, Parliament has developed a catalog of fundamental rights guaranteed by the Union. Also, the Parliament gave crucial development of the Charter, making it one of its priorities.[8]

Also, the Parliament several times argued to create a Fundamental Rights Agency. European Union Agency for Fundamental Rights (FRA) is an independent organization EU, established on 1 March 2007 and based in Vienna. The main task of the Agency is to

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collect and to disseminate objective, reliable and comparable information on fundamental rights situation in all EU countries, the scope of EU legislation and also to raise awareness of fundamental rights. The Agency plays a major role in policy areas like the fight against racism, xenophobia and intolerance.

A human rights issue is a priority issue at EU level, and we tried to emphasize only some specific aspects determined following the entry into force of the Treaty of Lisbon. Even if it was considered as a milestone that will determine the start of a new era in human rights at Union level, should be recalled that the EU since its inception declared attachment to the democracy, freedom, multiparty system and to the human rights and fundamental freedoms.

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