

**Document setting out a brief background to the European  
Union Charter of Fundamental Rights and an explanation of  
the origin of each Article**

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## **European Union Charter of Fundamental Rights**

Following the 50<sup>th</sup> Anniversary of the United Nations Declaration on Human Rights in December 1998, the June 1999 meeting of the European Council in Cologne decided to draft a Charter of Fundamental Rights for the European Union. This aim was to consolidate in one document the fundamental rights which had evolved in Europe since the European Convention on Human Rights was adopted in 1950.

The Charter was drafted by representatives of the Member States and the European Institutions. It covers Civil, Political, Social and Economic Rights in 54 Articles which are divided into 7 chapters on Dignity, Freedoms, Equality, Solidarity, Citizenship and Justice.

The Charter was adopted by the Commission, Parliament and at the Nice European Council in December 2000. It was incorporated into the text of the Constitution for Europe. Following the Treaty's rejection in the French and Dutch referenda, the European Council meeting in Berlin in June 2007 decided to give the Charter full legal status in the Lisbon Treaty, but did not include the document in the text of the Treaty.

### **Dignity**

#### **Article 1 - Human dignity**

**Origin** - derives from the United Nations Universal Declaration on Human Rights of 1948 and the European Court of Justice Decision of October 2001 (C-377/98) which confirmed that a fundamental right to human dignity was part of European Law.

#### **Article 2 - Right to life**

**Origin** – based on Article 2(1) and Protocol of the European Convention on Human Rights. The European Convention on Human Rights provided that the death penalty shall be abolished in all circumstances. The European Union campaigns internationally against the death penalty as part of its promotion of Human Rights. It has funded some organisation in the US to campaign against the death penalty there.

#### **Article 3 - Right to the integrity of the person**

**Origin** - European Court of Justice Judgement of October 2001 (C377/98) decided that a right to human integrity is part of European Union law and encompasses in the context of Medicine and Biology, a requirement for the formal consent of donor and recipient.

Eugenics practices are outlawed and deemed to be international crimes in the Statute of the International Criminal Court adopted in Rome in July 1998.

**Article 4 - Prohibition of torture and inhuman or degrading treatment or punishment**

**Origin** - Article 3 of the European Convention on Human Rights.

**Article 5 – Prohibition of slavery and forced labour**

**Origin** – Article 4 of the European Convention on Human Rights.

**Freedoms**

**Article 6 – Right to liberty and security**

**Origin** – Article 5 of the European Convention on Human Rights

**Article 7 – Respect for private and family life**

**Origin** – Article 8 of the European Convention on Human Rights

**Article 8 – Protection of personal data**

**Origin** – Article 286 of the European Community Treaty and Directive 95/46/EC

**Article 9 – Right to marry and right to found a family**

**Origin** – Article 12 of the European Convention on Human Rights

**Article 10 – Freedom of thought, conscience and religion**

**Origin** – Article 9 of the European Convention on Human Rights

**Article 11 – Freedom of expression and information**

**Origin** – Article 10 of the European Convention on Human Rights and European Court of Justice case law on the freedom of the media. (C-288/89 of 25<sup>th</sup> July 1991)

**Article 12 – Freedom of assembly and association**

**Origin**

- Article 11 of the European Convention on Human Rights
- Article 11 of the Community Charter of the Fundamental Social Rights of Workers 1989.
- Article 191 of the European Community Treaty

**Article 13 – Freedom of the arts and sciences**

**Origin**

- Derived primarily from the right to freedom of thought and expression

**Article 14 – Right to education**

**Origin** – Constitutions of Member States

- Article 2 of the European Convention on Human Rights Protocol.

### **Article 15 – Freedom to choose occupation and right to engage in work**

**Origin** European Court of Justice case law (various)

- Article 1(2) of the European Social Charter 1961
- Point 4 of the Community Charter of Fundamental Social Rights on Workers 1989.
- Article 26, 45, 49 and 56 of the European Community Treaty.

### **Article 16 – Freedom to conduct a business**

**Origin**

- European Court of Justice case law (various)
- Article 119(1) and (3) of the European Community Treaty.

### **Article 17 – Right to property**

**Origin**

- Article 1 of the European Convention on Human Rights Protocol

### **Article 18 – Right to asylum**

**Origin**

- Article 63 of the European Union Treaty. See also Protocol No.3 of the Treaty with respect to UK and Ireland.

### **Article 19 – Protection in the event of removal, expulsion or extradition**

**Origin**

- Article 4 of the European Convention on Human Right Protocol No.4.

## **Equality**

### **Article 20 – Equality before the law**

**Origin**

- General principal of Member States Law
- ECJ cases (various)

### **Article 21 – Non – discrimination**

**Origin**

- Article 13 of the European Community Treaty
- Article 14 of the European Convention on Human Rights

### **Article 22 – Cultural, religious and linguistic diversity**

**Origin**

- Article 6 of the European Union Treaty, and Article 151(1) and (4) of the European Community Treaty.

### **Article 23 - Equality between women and men**

## **Origin**

- Article 2 of 3(2) of the European Community Treaty, along with Article 141 on equal pay.
- Article 20 of the revised European Social Charter 1996
- Point 16 of the Community Charter of Fundamental Social Rights of Workers 1989.

## **Article 24 – Rights of the child**

### **Origin**

- Based on the New York Convention on the Rights of the Child 1989

## **Article 25 – Rights of the elderly**

### **Origin**

- Article 23 of the European Social Charter 1996
- Articles 24 and 25 of the Community Charter of the Fundamental Social Rights of Workers 1989.

## **Article 26 – Integration of persons with disabilities**

### **Origin**

- Article 15 of the European Social Charter
- Point 26 of the Community Charter of the Fundamental Social Rights of Workers 1989.

## **Solidarity**

## **Article 27 – Workers right to information and consultation within the undertakings**

### **Origin**

- Article 21 of the European Social Charter 1996.
- Point 17 and 18 of the Community Charter of the Fundamental Social Rights of Workers.

## **Article 28 – Right of collective bargaining and action**

### **Origin**

- Article 6 of the European Social Charter 1996
- Points 12 to 14 of the Community Charter of the Fundamental Social Rights of Workers 1989.

## **Article 29 – Right of access to placement services**

### **Origin**

- Article 1 (3) of the European Social Charter
- Point 13 of the Community Charter of the Fundamental Social Rights of Workers 1989.

## **Article 30 – Protection in the event of unjustified dismissal**

### **Origin**

- Article 24 of the European Social Charter 1996
- Directives 77/187/EEC, 80/987/EEC, 2001/23/EC, 2002/74/EC. On Insolvency and Transfer of Undertakings.

### **Article 31 – Fair and just working conditions.**

#### **Origin**

- Directives 89/391/EEC, on Health and Safety at Work, and 93/104/EC on the Organisation of Working Time.
- Article 3 of the European Social Charter 61 and Article 26 of European Social Charter 1996
- Point 17 Community Charter of the Fundamental Social Rights of Workers 1989.

### **Article 32 – Prohibition of child labour and protection of young people at work**

#### **Origin**

- Directive 94/33/EC on Young People at Work.
- Article 7 of the European Social Charter
- Points 20 to 23 of the Community Charter of Fundamental Social Rights of Workers 1989.

### **Article 33 – Family and professional life**

#### **Origin**

- Article 16 of the European Social Charter 1961
- Directives 92/85/EEC on Pregnant Workers and 96/34/EC on Parental Leave.

### **Article 34 – Social Security and social assistance**

#### **Origin**

- Article 137 and 140 of the European Community Treaty
- Article 12 of the European Social Charter 1961.
- Point 10 of the Community Charter of Fundamental Social Rights of Workers 1989.

### **Article 35 –Health care**

#### **Origin**

- Article 152 of the European Community Treaty
- Article 11 of the European Social Charter 1961

### **Article 36 – Access to services of general economic interest**

**Note - this is the Treaty term used for public services**

#### **Origin**

- Article 16 of the European Community Treaty

### **Article 37 – Environment protection**

#### **Origin**

- Articles 2, 6, and 174 of the European Community Treaty.

### **Article 38 – Consumer protection**

#### **Origin**

- Article 153 of the European Community Treaty.

## **Citizen Rights**

### **Article 39 – Right to vote and to stand as a candidate at elections to the European Parliament**

#### **Origin**

- Articles 19(2) and 190(1) of the European Community Treaty

### **Article 40 – Right to vote and to stand as a candidate at municipal elections**

#### **Origin**

- Article 19(1) of the European Community Treaty.

### **Article 41 – Right to good administration**

#### **Origin**

- European Court of Justice case Law (various)

### **Article 42 – Right of access to documents**

#### **Origin**

- Article 255 of the European Community Treaty

### **Article 43 – Ombudsman**

#### **Origin**

- Article 21 and 195 of the European Community Treaty

### **Article 44 – Right to petition**

#### **Origin**

- Article 21 and 194 of the European Community Treaty

### **Article 45 – Freedom of movement and of residence**

#### **Origin**

- Article 18 of the European Community Treaty

### **Article 46 – Diplomatic and consular protection**

#### **Origin**

- Article 20 of the European Community Treaty

## **Justice**

### **Article 47 – Right to an effective remedy and to a fair trial**

#### **Origin**

- Article 13 of the European Convention on Human Rights

### **Article 48 – Presumption of innocence and right of defence**

#### **Origin**

- Article 6 (2) and (3) of the European Convention on Human Rights.

### **Article 49 – Principles of legality and proportionality of criminal offences and penalties**

### **Origin**

- Article 15 of the UN Covenant on civil and political rights 1966.
- Article 7 of the European Convention on Human Rights.

### **Article 50 – Right not to be tried or punished twice in criminal proceedings for the same criminal offence**

#### **Origin**

- Article 4 of protocol 7 of European Convention on Human Rights.

### **General**

#### **Article 51 - Scope**

This sets out that the Charter applies to European Union institutions and bodies and when Member States are implementing European Union law.

#### **Article 52 - Scope of guaranteed rights**

Narrows the scope of the limitation on rights and provides that the Union may provide more extensive protection than the European Convention on Human Rights.

#### **Article 53 – Level of Protection**

Must at least meet European Convention on Human Rights level of protection.

#### **Article 54 - Prevention on abuse of rights**

No right to engage in activity aimed at the destruction of the Charters Rights.