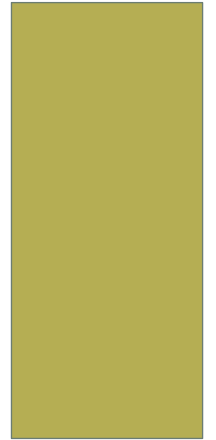


CHATER OF FUNDAMENTAL RIGHTS OF EUROPEAN UNION

AAU LESSON



PREMABLE

- Conscious of spiritual and moral heritage,
- the Union is founded on:
- the indivisible,
- universal values of human dignity,
- freedom,
- equality and
- solidarity
- principles of democracy and the rule of law

THE INDIVIDUAL

- The EU places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.
- It is necessary to strengthen the protection of fundamental rights in the light of
 - changes in society,
 - social progress and
 - scientific and technological developments by making those rights more visible in a Charter

RIGHT TO THE INTEGRITY OF THE PERSON

- In the fields of medicine and biology, the following must be respected in particular:
- the free and informed consent of the person concerned, according to the procedures laid down by law;
- the prohibition of eugenic practices, in particular those aiming at the selection of persons;
- the prohibition on making the human body and its parts as such a source of financial gain;
- the prohibition of the reproductive cloning of human beings.

PROHIBITION OF SLAVERY AND FORCED LABOUR

- 1. No one shall be held in slavery or servitude.
- 2. No one shall be required to perform forced or compulsory labour.
- 3. Trafficking in human beings is prohibited.

PROTECTION OF PERSONAL DATA

- 1. Everyone has the right to the protection of personal data concerning him or her.
- 2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
- 3. Compliance with these rules shall be subject to control by an independent authority.

RIGHT TO MARRY AND RIGHT TO FOUND A FAMILY

- The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

- Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.
- The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

FREEDOM OF THE ARTS AND SCIENCES

- The arts and scientific research shall be free of constraint.
- Academic freedom shall be respected.

RIGHT TO EDUCATION

- The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their
- religious,
- philosophical and
- pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

RIGHT TO ASYLUM

- The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union

DEFINITION OF A REFUGEE

- A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

PROTECTION IN THE EVENT OF REMOVAL, EXPULSION OR EXTRADITION

- 1. Collective expulsions are prohibited.
- 2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to
 - the death penalty,
 - torture or
 - other inhuman or
 - degrading treatment or punishment.

NON-DISCRIMINATION

- 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.

CULTURAL, RELIGIOUS AND LINGUISTIC DIVERSITY

- The Union shall respect cultural, religious and linguistic diversity

EQUALITY BETWEEN WOMEN AND MEN

- Equality between women and men must be ensured in all areas, including employment, work and pay.
- The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

THE RIGHTS OF THE CHILD

- Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
- Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

RIGHT OF ACCESS TO PLACEMENT SERVICES

- Everyone has the right of access to a free placement service.

PROTECTION IN THE EVENT OF UNJUSTIFIED DISMISSAL

- Every worker has the right to protection against unjustified dismissal, in accordance with Union law and national laws and practices.

FAMILY AND PROFESSIONAL LIFE

- The family shall enjoy legal, economic and social protection.
- To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

CONSUMER PROTECTION

- Union policies shall ensure a high level of consumer protection.
- Adhesion contract: A type of contract, a legally binding agreement between two parties to do a certain thing, in which one side has all the bargaining power and uses it to write the contract primarily to his or her advantage,
- adhesion contract is a standardized contract form that offers goods or services to consumers on essentially a "take it or leave it" basis without giving consumers realistic opportunities to negotiate terms that would benefit their interests. When this occurs, the consumer cannot obtain the desired product or service unless he or she acquiesces to the form contract

RIGHT TO GOOD ADMINISTRATION

- Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.

THE RIGHT OF EVERY PERSON

- The right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
- The right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;
- The obligation of the administration to give reasons for its decisions.
- Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

EUROPEAN OMBUDSMAN

- Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role.

RIGHT TO PETITION

- Any citizen of the Union and
- any natural or
- legal person residing or having its registered office in a Member State has the right to petition the European Parliament.

DIPLOMATIC AND CONSULAR PROTECTION

- Every citizen of the Union shall, in the territory of a third country in which the Member State of which he or she is a national is not represented,
- be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State.

FIELD OF APPLICATION

- 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.

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.

PROHIBITION OF ABUSE OF RIGHTS

- Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed
- at the destruction of any of the rights and freedoms recognized in this Charter or
- at their limitation to a greater extent than is provided for herein.