



# Equality and justice for all

**European Union law guarantees freedom, security and justice for all. Ensuring these fundamental rights are applied equally and without prejudice requires the active involvement of both policy-makers and citizens.**



## Facts and figures

The European project is firmly based on the rule of law and on respect for fundamental rights. As a consequence, the creation of a genuine European area of freedom, security and justice for all is a central goal of the European Union (EU)<sup>1</sup>.

Every person holding the nationality of a Member State of the EU is, as a result, a citizen of the Union. This supplements national citizenship without replacing it. As a result, European citizens have a set of rights<sup>2</sup> and obligations that go beyond and complement national ones. Knowledge and effective use of these rights and obligations are essential to ensuring effective European citizenship.

Fundamental rights and citizenship are not a given, however; they need to be defended. The 2010 Annual Report of the European Union Agency for Fundamental Rights (FRA)<sup>3</sup>, for example, identifies challenges in the areas of data protection, extreme exploitation in the workplace, rights of the child, racism and discrimination, and LGBT (Lesbian, Gay, Bisexual and Transgender) that need to be

## ► Inclusive citizenship rights for all

Roma people living in the European Union are EU citizens and have the same rights as any other Europeans. The reality, however, is that a significant number of Roma live in very poor socio-economic conditions and are disproportionately affected by discrimination, poverty and bad housing. The European Year 2010<sup>4</sup> is specifically dedicated to the fight against poverty and social exclusion, and the Roma have been identified as a group at high risk of poverty.

The social and economic inclusion of Roma is an EU priority. In April 2010, a Commission Communication on the social and economic integration of Roma in Europe<sup>5</sup> was adopted, the first-ever policy document dedicated specifically to Roma. And in the last two years, efforts have been made to make EU funding more effective in promoting Roma inclusion. Since May 2010, for example, rule changes

affecting the European Regional Development Fund (ERDF)<sup>6</sup> have made it easier to obtain EU funding for projects to help minority groups, like the Roma, obtain housing.

More recently, the Commission launched the Roma platform and the Roma Task Force in September 2010 in order to analyse the use and effectiveness of EU and national funds by all Member States for Roma inclusion<sup>7</sup>. The Commission plans to present an EU Framework for National Roma Integration Strategies before the summer of 2011.

“The European Union is built on fundamental rights and values, and on the respect for cultural and linguistic diversity,” says EU Justice Commissioner Viviane Reding. “Our European values include the protection of people belonging to minorities, the principle of free movement, and the prohibition of all forms of discrimination.”



urgently addressed. Positive initiatives must be developed at the EU and Member State level to ensure that fundamental rights are not just an aspiration but also a reality for all.

Furthermore, protecting fundamental rights and creating a European area of freedom, security and justice are also inextricably linked to the goal of furthering European integration in the years to come.

## EU policy

Following World War II, the concept of human rights gained international prominence. This led to the drafting of the UN's Universal Declaration of Human Rights<sup>8</sup> and the Council of Europe's European Convention on Human Rights<sup>9</sup>, which established the supra-national European Court of Human Rights<sup>10</sup>.

Although human rights were not explicitly spelt out in the Treaty of Rome<sup>11</sup>, the fact that members of the European Economic Community were signatories to the European Convention implicitly recognised human rights. As a reflection of this, the European Court of Justice<sup>12</sup> refers to the case law of the Court of Human Rights and treats the Convention as though it was part of the EU's legal system.

The next major development came in the 1990s. The 1992 Maastricht Treaty introduced the concept of European citizenship<sup>13</sup>, while a landmark decision taken at the June 1999 Cologne European Council consolidated fundamental rights applicable at EU level into a charter, in order to give them greater visibility. This became the Charter of Fundamental Rights<sup>14</sup>.

The Charter of Fundamental Rights, which brings together in a single document rights previously found in a variety of legislative instruments, recognises a range of personal, civil, political, economic and social rights of EU citizens. In effect, it is the EU's commitment to the basic rights and freedoms of all people living in the European Union.

With the entry into force of the Lisbon Treaty<sup>15</sup>, the charter was given binding legal effect equal to other

### Policy milestones

- 1948 Universal Declaration of Human Rights
- 1953 European Convention on Human Rights
- 1959 European Court of Human Rights
- 1992 Maastricht Treaty introduces the concept of European citizenship
- 2000 Charter of Fundamental Rights formally proclaimed
- 2000 Directive on the principle of equal treatment irrespective of racial or ethnic origin
- 2004 Directive on the principle of equal treatment between men and women in the access to and supply of goods and services
- 2007 Fundamental Rights Agency set up
- 2007 Fundamental Rights and Citizenship programme (2007-2013)
- 2008 Directive on equal treatment between people irrespective of religion or belief, disability, age or sexual orientation
- 2009 Charter of Fundamental Rights given binding legal effect

EU Treaties. By making fundamental rights clearer and more visible, the Charter is designed to create legal certainty within the Union. Article 8 of the Charter, for example, expressly recognises the fundamental right to the protection of personal data<sup>16</sup>.

As the EU considers fundamental rights to be universal and indivisible, it has also adopted measures that actively promote and defend them both within its borders and in its relations with outside countries. For example, a 2005 Regulation was adopted to prevent the trade in goods for use in torture, capital punishment and other cruel punishment in third countries<sup>17</sup>. The EU has also run a series of cross-border programmes to combat human trafficking<sup>18</sup>, particularly in co-operation with candidate countries and neighbours in south-eastern Europe.

### Freedom of thought

It is all too easy to forget that many of the rights and freedoms we take for granted in the EU are denied to millions around the world. In order to recognise those who have dedicated their lives to the defence of these freedoms, the European Parliament inaugurated in 1988 the Sakharov Prize for Freedom of Thought. The prize is a means of honouring those who have made a difference, and bringing to public attention the issue of fundamental rights.

The 2009 Sakharov Prize was awarded to Russian civil rights defence organisation Memorial, and their three representatives Oleg Orlov, Sergei Kovalev and Lyudmila Alexeyeva, as well as all other human rights defenders in Russia<sup>19</sup>.

The Sakharov Prize is awarded annually on or around 10 December, the day on which the United Nations General Assembly ratified the Universal Declaration of Human Rights in 1948, also celebrated as Human Rights Day.



## ► Power to the people

EU citizens will soon be able to call directly on the Commission to put forward legislative proposals. The European Citizens' Initiative (ECI)<sup>20</sup>, one of the main innovations covered in the Lisbon Treaty, will enable European citizens to influence the policy-making process directly by collecting a million signatures from several Member States, thus heralding a new era of participatory democracy. Any proposed initiative must be consistent with the EU's values.

The aim of the ECI is to bring the EU closer to its citizens by encouraging more cross-border debate on EU issues and recognising the right of every citizen to participate in the democratic life of the Union.

Under the Commission's proposals, the ECI would allow at least 1 million citizens from at least one-third of EU Member States to call for legislation falling within an area of EU competence. The proposal sets out how many signatures must be gathered from each country, and suggests that the Commission examines whether the initiative is admissible after 300 000 signatures have been gathered from three Member States. It sets a time limit of one year to collect signatures and gives the Commission four months to examine an initiative and decide how to act on it. The Commission hopes that the Council and Parliament will reach final agreement on the ECI before the end of 2010, to allow the first initiatives to be brought forward in 2011.

## A world of difference

Fundamental rights are now central to the EU's relations with the outside world; all agreements on trade or co-operation with third countries contain a clause stipulating that human rights are an essential element in the relations between the parties.

Another milestone in EU policy was the creation of the Fundamental Rights Agency (FRA) in 2007<sup>21</sup>. The FRA, which was set up to ensure that fundamental rights are protected, collects evidence and information about fundamental rights across the EU and provides advice, based on this evidence, about how certain situations can be improved. The FRA also informs people about their fundamental rights<sup>22</sup> and publishes an annual report<sup>23</sup> based on its findings.

The EU has continually revisited and revitalised its commitment to non-discrimination and equal opportunities. In 2008, for example, the Commission published a Communication reviewing the implementation of relevant EU law, and adopted a proposal for a Directive on implementing the principle of equal treatment between people, irrespective of religion or belief, disability, age or sexual orientation<sup>24</sup>. This Directive would

prohibit all forms of discrimination and harassment on the above-mentioned grounds beyond the workplace and would provide appropriate redress systems for victims throughout the EU.

A number of projects have also been launched in order to support the fundamental rights and citizenship legislative framework. National equality bodies, for example, inform and assist victims in dispute resolutions, and provide the Commission with on-the-ground information on the effectiveness of policy at the national level. In addition, dialogue on non-discrimination and equal opportunities among relevant stakeholders, which was launched with the European Year of Equal Opportunities for All (2007)<sup>25</sup>, will be continued on an annual basis through equality summits.

Published every three years, the European Commission's reports on citizenship of the Union assess the application of EU rules on citizens' rights and propose concrete measures to further their complete and effective implementation<sup>26</sup>. The Fundamental Rights and Citizenship programme<sup>27</sup>, which aims to ensure that citizens are actively involved in the process of European integration by bringing people Europe together, covers the period 2007 to 2013.



## ► Did you know that ...

- Every second EU citizen ranks the protection of fundamental rights as the most important value to be defended<sup>28</sup>
- Since the Maastricht Treaty, the concept of European citizenship has become enshrined in EU law
- European legislation prohibits discrimination on grounds of nationality, sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation<sup>29</sup>



## Further information

- DG JUST – virtual documentation service<sup>30</sup>
- EU portal for justice in the EU<sup>31</sup>
- Help and information on discrimination<sup>32</sup>
- National equality bodies for the promotion of equal treatment<sup>33</sup>
- The National Human Rights Institutions Forum<sup>34</sup>
- Funding opportunities in the area of justice<sup>35</sup>
- Vice-president of the European Commission Viviane Reding's homepage<sup>36</sup>
- Council of Europe<sup>37</sup>
- European Institute for Gender Equality<sup>38</sup>
- The European Union's Judicial Cooperation Unit<sup>39</sup>
- European Ombudsman<sup>40</sup>
- Your EU rights<sup>41</sup>
- Human rights<sup>42</sup>

## Communicator's toolkit

- Video clip of Commissioner Reding presenting plan for EU-US data protection deal<sup>43</sup>
- Video clip on Day against Homophobia<sup>44</sup>
- Video on fundamental rights in the European Union<sup>45</sup>
- Direct democracy in action or a potential tool to manipulate the masses? Citizens' Initiatives<sup>46</sup>
- Body scanners – more or less privacy?<sup>47</sup>
- Right to information in criminal proceedings – frequently asked questions<sup>48</sup>
- Video on launch of e-justice portal<sup>49</sup>
- Fundamental rights in the EU bookshop<sup>50</sup>

- [http://ec.europa.eu/commission\\_2010-2014/reding/fundamental\\_rights/index\\_en.htm](http://ec.europa.eu/commission_2010-2014/reding/fundamental_rights/index_en.htm)
- [http://ec.europa.eu/commission\\_2010-2014/reding/citizenship/index\\_en.htm](http://ec.europa.eu/commission_2010-2014/reding/citizenship/index_en.htm)
- [http://fra.europa.eu/fraWebsite/media/mr-100610\\_en.htm](http://fra.europa.eu/fraWebsite/media/mr-100610_en.htm)
- <http://www.2010againstpoverty.eu/?langid=en>
- <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0133:EN:HTML>
- [http://ec.europa.eu/regional\\_policy/funds/feder/index\\_en.htm](http://ec.europa.eu/regional_policy/funds/feder/index_en.htm)
- <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1207&format=HTML&aged=0&language=EN&guiLanguage=en>
- <http://www.un.org/en/documents/udhr/index.shtml>
- <http://www.hri.org/docs/ECHR50.html>
- <http://www.echr.coe.int/echr/>
- [http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/treaties\\_eec\\_en.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_eec_en.htm)
- [www.curia.europa.eu/](http://www.curia.europa.eu/)
- [http://europa.eu/legislation\\_summaries/economic\\_and\\_monetary\\_affairs/institutional\\_and\\_economic\\_framework/treaties\\_maastricht\\_en.htm](http://europa.eu/legislation_summaries/economic_and_monetary_affairs/institutional_and_economic_framework/treaties_maastricht_en.htm)
- <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:EN:PDF>
- [http://europa.eu/lisbon\\_treaty/index\\_en.htm](http://europa.eu/lisbon_treaty/index_en.htm)
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- <http://www.coe.int/>
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- <http://www.eurojust.europa.eu/>
- <http://www.ombudsman.europa.eu/start.faces>
- [http://europa.eu/eu-life/rights-advice/index\\_en.htm](http://europa.eu/eu-life/rights-advice/index_en.htm)
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- <http://www.europarl.europa.eu/yourParliament.aspx?action=viewVideo&packagelD=ecbf4ebf>
- <http://www.europarl.europa.eu/YourParliament.aspx?action=viewVideo&packagelD=144b41a4-4695-412e-a42d-e96bd6cf5013>
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