

How the Charter was drawn up - The sources of rights

These sources only inspired the Charter. The Charter of fundamental rights of the European Union has its own, specific legal value and is completely autonomous from its sources. This means that the interpretation and jurisprudence based on the Charter will have their own dynamic development.

Legend:

ECHR: European Convention on Human Rights

EC Treaty: Treaty founding the European Community

ECJ: Court of Justice of the European Communities

ECR: European Court Reports

Chapter 1. Dignity

The Charter of Fundamental Rights of the European Union	Sources
Article 1 - Human dignity	Preamble of the 1948 Universal Declaration of Human Rights
Article 2 - Right to life	ECHR, Article 2, and Articles 1 of Protocol No 6
Article 3 - Right to the integrity of the person	Convention on Human Rights and Biomedicine of the Council of Europe; Statute of the International Criminal Court adopted in Rome on 17 July 1998
Article 4 - Prohibition of torture and inhuman or degrading treatment or punishment	ECHR, Article 3
Article 5 - Prohibition of slavery and forced labour:	
1. paragraphs 1 and 2 (slavery and forced labour)	1. ECHR, Article 4, paragraphs 1 and 2 Principle of the human dignity (ref. Art 1 of the Charter)
2. paragraph 3 (trafficking in human beings)	2. Europol Convention

Chapter 2. Freedoms

The Charter of Fundamental Rights of the European Union	Sources
Article 6 - Right to liberty and security	ECHR, Article 5
Article 7 - Respect for private and family life	ECHR, Article 8
Article 8 - Protection of personal data	Article 286 EC Treaty; Directive 95/46/EC of the European Parliament and the Council; ECHR, Article 8; Council of Europe Convention of 28 January 1981 for the Protection of Individuals with

	regard to Automatic Processing of Personal Data
Article 9 - Right to marry and right to found a Family	ECHR, Article 12 (but wider scope in Charter)
Article 10 - Freedom of thought, conscience and Religion	
1. paragraph 1 (in general)	1. ECHR, Article 9
2. paragraph 2 (right to conscientious objection)	2. national constitutional traditions
Article 11 - Freedom of expression and information:	
1. paragraph 1 (in general)	1. ECHR, Article 10
2. paragraph 2 (freedom and pluralism of media)	2. ECJ case law, see Case C-288/89, Stichting Collectieve Antennevoorziening Gouda e.a., ECR(1991) 1-4007; Protocol on the system of public broadcasting in the Member States annexed to the EC Treaty; Council Directive 89/552/CE
Article 12 - Freedom of assembly and of association:	
1. paragraph 1 (in general)	1. ECHR, Article 11; Community Charter of the Fundamental Social Rights of Workers, Article 11
2. paragraph 2 (political parties)	2. Article 191 EC Treaty
Article 13 - Freedom of the arts and sciences	Freedoms of thought and expression (ref. Article 1, 10 and 11 of the Charter)
Article 14 - Right to education	Common constitutional traditions of the Member States; Article 2 of the First Protocol to the ECHR; point 15 of the Community Charter of the Fundamental Social Rights of Workers; Art. 10 of the Social Charter
Article 15 - Freedom to choose an occupation and right to engage in work:	
1. paragraph 1 (in general)	1. ECJ case law (Cases 4/73, Nold, ECR (1974) 491, no. 12-14, 44/79, Hauer, ECR (1979) 3727, 234/85, Keller, ECR (1986) 2897; Article 1, paragraph 2 of the European Social Charter; point 4 of the Community Charter of the Fundamental Social Rights of Workers; Article 140 EC Treaty
2. paragraph 2 (freedom to seek employment)	2. Articles 39, 43 and 49 et seq of the EC Treaty
3. paragraph 3 (nationals of third countries)	3. Article 137 (3), fourth indent of the EC Treaty, Article 19 (4) of the European Social Charter
Article 16 - Freedom to conduct a	ECJ case law (Cases 4/73, Nold, ECR

business	(1974) 49, no. 14, 230/78, SPA Eridania e.a., ECR (1979) 2749, no. 20 and 31, 151/78, Sukkerfabriken Nykoebing, ECR (1979) 1, no. 19; C-240/97, Spain v Commission (not yet published) paragraph 99; Article 4 (1) and (2) EC Treaty
Article 17 - Right to property	Article 1 of the First Protocol to the ECHR, ECJ case law (44/79, Hauer, ECR (1979) 3727
Article 18 - Right to asylum	Article 63 EC Treaty; Protocols relating to the United Kingdom and Ireland annexed to the Treaty of Amsterdam and to Denmark
Article 19 - Protection in the event of removal, expulsion or extradition:	
1. paragraph 1 (collective expulsions)	1. Article 4 of the Fourth Protocol to the ECHR
2. paragraph 2 (<i>non-refoulement</i>)	2. Case law of the European Court of Human Rights relating to Article 3 ECHR (Ahmed v. Austria, Reports 1996, VI-2206; Soering, judgment of 7 July 1989)

Chapter III. Equality

The Charter of Fundamental Rights of the European Union	Sources
Article 20 - Equality before the law	All European constitutions, basic principle of Community law, as recognised by the ECJ (283/83, Racke, ECR (1984) 3791, C-15/95, EARL, ECR 1997, I-1961, C-292/97, Karlsson (not yet published)).
Article 21 - Non-discrimination:	
1. paragraph 1 (in general)	1. Article 13 EC Treaty; Article 14 ECHR; Article 11 of the Convention on Human Rights and Biomedicine as regards genetic heritage
2. paragraph 2 (nationality based discrimination)	2. Article 12 EC Treaty
Article 22 - Cultural, religious and linguistic Diversity	Article 6 EC Treaty; Article 151 paragraphs 1 et 4 EC Treaty.
Article 23 - Equality between men and women:	
1. paragraph 1 (in general)	1. Article 2 et 3, paragraph 2 EC Treaty, Article 141 §3 EC Treaty; Article 20 of the revised European Social Charter of 3 May 1996 and point 16 of the Community Charter on Workers' Rights; Article 2 §4 of Council Directive 76/207/EEC

2. paragraph 2 (positive discrimination)	2. Article 141 §4 EC Treaty
Article 24 - The rights of the child	New York Convention on the Rights of the Child, signed on 20 November 1989, particularly Articles 3, 9, 12 and 13 thereof.
Article 25 - The rights of the elderly	Article 23 of the revised European Social Charter; Article 24 and 25 of the Community Charter on the Fundamental Social Rights of Workers
Article 26 - Integration of persons with disabilities	Article 15 of the European Social Charter, Article 23 of the revised Social Charter; point 26 of the Community Charter of the Fundamental Social Rights of Workers

Chapter IV. Solidarity

The Charter of Fundamental Rights of the European Union	Sources
Article 27 - Workers' right to information and consultation within the undertaking	Article 21 of the revised European Social Charter; points 17 and 18 of the Community Charter on the Fundamental Social Rights of Workers
Article 28 - Right of collective bargaining and Action	Article 6 of the European Social Charter; points 12 to 14 of the Community Charter of the Fundamental Social Rights of Workers; case law of the European Court of Human Rights on Article 11 of the ECHR
Article 29 - Right of access to placement services	Article 1 §3 of the European Social Charter; point 13 of the Community Charter of the Fundamental Social Rights of Workers
Article 30 - Protection in the event of unjustified Dismissal	Article 24 of the Revised Social Charter; Directives 77/187 on the safeguarding of employees' rights in the event of transfers of undertakings, and Directive 80/987 on the protection of employees in the insolvency of their employer
Article 31 - Fair and just working conditions:	
1. paragraph 1	1. Directive 89/391/EEC; Article 3 of the Social Charter; point 19 of the Community Charter on Workers' Rights; Article 26 of the revised Social Charter (right to dignity at work); Article 140 EC Treaty ("working conditions")
2. paragraph 2 (limitation of maximum working hours)	2. Directive 93/104/EC; Article 2 of the European Social Charter; point 8 of the Community Charter on Workers' Rights
Article 32 - Prohibition of child labour and protection of young	Directive 94/33/EC; Article 7 of the European Social Charter; points 20 to 23

people at work

of the Community Charter of the Fundamental Social Rights of Workers

Article 33 - Family and professional life:

1. paragraph 1 (family protection in general)
2. paragraph 2 (family and professional life)

1. Article 16 of the European Social Charter
2. Council Directive 92/85/EEC; Directive 96/34/CE; Article 8 of the European Social Charter, Article 27 of the Revised Social Charter

Article 34 - Social security and social assistance:

1. paragraph 1
2. paragraph 2 (aspects related to free movement)

1. Article 137 and 140 EC Treaty; Article 12 of the European Social Charter; point 10 of the Community Charter on Workers' Rights

2. Article 13 §4 of the European Social Charter; point 2 of the Community Charter on Workers' Rights; Regulations 1408/71 et 1612/68.

Paragraph 3 (combat against social exclusion and Poverty)

Article 30 and 31 of the Revised Social Charter; point 10 of the Community Charter on Workers' Rights

Article 35 - Health care

Article 152 EC Treaty; Article 11 of the European Social Charter

Article 36 - Access to services of general economic interest

Article 16 EC Treaty

Article 37 - Environmental protection

Articles 2, 6 and 174 EC Treaty, some national constitutions

Article 38 - Consumer protection

Article 153 EC Treaty

Chapter V. Citizen's rights

The Charter of Fundamental Rights of the European Union	Sources
Article 39 - Right to vote and to stand as a Candidate at elections to the European Parliament:	
<ol style="list-style-type: none">1. paragraph 1 (right to vote)2. paragraph 2 (right to stand as a candidate)	<ol style="list-style-type: none">1. Article 19, paragraph 2 EC Treaty2. Article 190, paragraph 1 EC Treaty
Article 40 - Right to vote and to stand as a candidate at municipal elections	Article 19, paragraph 1 EC Treaty
Article 41 - Right to good administration	ECJ case law (e.a. C-255/90, Burban, ECR (1992), I-2253, T-167/94, Nölle, ECR (1995), II-2589; T-231/97, New Europe Consulting e.a., Rec (1999) II-2403, 222/86, Heylens, ECR (1987),

4097, no. 15, 374/87, Orkem, ECR (1989), 3283, C-269/90, TU München, ECR 1991, I-5469, T-450/93, Lisrestal, ECR (1994), II-1177); Article 253 EC Treaty

Article 42 - Right of access to documents

Article 255 EC Treaty

Article 43 - Ombudsman

Article 21 and 195 EC Treaty

Article 44 - Right to petition

Article 21 and 194 EC Treaty

Article 45 - Freedom of movement and of residence:

1. paragraph 1 (in general)

1. Article 18 EC Treaty

2. paragraph 2 (nationals of third countries)

2. Article 62, § 1 and 3 and Article 63, § 4 EC Treaty

Article 46 - Diplomatic and consular protection

Article 20 EC Treaty

Chapter VI. Justice

The Charter of Fundamental Rights of the European Union	Sources
Article 47 -Right to an effective remedy and to a fair trial:	
1. paragraph 1 (effective remedy)	1. Article 13 of the ECHR; ECJ case law 222/84, ECR (1986), 1651; 222/86, Heylens, ECR (1987) 4097, C-97/91, Borelli, ECR (1992) I-6313
2. paragraph 2 (fair trial)	2. Article 6 §1 of the ECHR; ECJ case law: 194/83, Les Verts, ECR (1986), 1339.
3. paragraph 3 (legal aid)	3. Case law of the European Court of Human Rights (Judgement of 9.10.1979, Airey, Series A, Volume 32, 11)
Article 48 - Presumption of innocence and right of defence	Article 6 §2 and 3 of the ECHR; national constitutions
Article 49 - Principles of legality and Proportionality of criminal offences and penalties	Article 7 of the ECHR; Article 15 of the Covenant on Civil and Political Rights; Member States' national legal orders; common constitutional traditions of the Member States; ECJ case law
Article 50 - Right not to be tried or punished twice in criminal proceedings for the same criminal offence	Article 4 of Protocol No 7 to the ECHR; Arts. 54-58 of the Schengen Convention, Art. 7 of the Convention on the Protection of the European Communities' Financial Interests, Art. 10 of the Convention on the fight against corruption

Chapter VII. General Provisions

The Charter of Fundamental Rights of the European Union	Sources
Article 51 - Scope	Article 6 §2 of the Treaty on European Union; concerning Member States: ECJ case law (5/88 Wachauf, ECR (1989) 2609; ERT, ECR (1991), I-2925
Article 52 - Scope of the guaranteed rights	(no sources implied)
Article 53 - Level of protection	(no sources implied)
Article 54 - Prohibition of abuse of rights	Article 17 of the ECHR