

## INTERNATIONAL ORGANIZATIONS AND CITIZEN RIGHTS

*Where shall you find references to the fundamental rights of citizens?*

- **In the European Union Charter of fundamental rights** (Official Journal C 364/18.12.2000)

In the declaration of the European Union Charter of fundamental rights made during the Nice summit on 7 and 8 December 2000, the Fifteen leaders of the European Union states made an important step towards the establishment of a base of common values.

Such declaration is the first result of the resolution of the Cologne European Council dated 3 and 4 June 1999, under which the leaders of states and governments agreed on the need for the elaboration of a European Union charter of fundamental rights in order to establish and give a specific shape to the exceptional importance of such rights and their scope.

The charter puts forward rights and principles that must be observed by the Union and member-states in the implementation of community law.

*The rights included in the Charter have been classified into four categories:*

- Rights, freedoms and procedural safeguards under the European Convention on the Protection of the Rights of Man and Fundamental Freedoms as well as under the common constitutional traditions of member-states. These are personal and civil rights, such as procedural safeguards, the principle of equality, the respect of privacy, as well as rights under the main public freedoms, such as the freedom of press, the freedom of conscience, the freedom of assembly and the freedom of association. Such rights and freedoms are presently part of the community law, as general principles of the community Law in accordance with the Court jurisprudence, and are therefore already imposed in member states and community institutional bodies.

- Rights of E.U. citizens. Such rights are included, in particular, in the second part of the convention on the establishment of the European Communities entitled "nationality of the Union". These are the provisions of election law of the Union (participation in municipal elections and the European Parliament elections), the common diplomatic protection, the right to report to the European Parliament and appeal to the Ombudsman.

- Economic and social rights corresponding to provisions of labor law on one part, such as the unionist right, the right to strike, the right to a minimum level of wages, the right to professional training, the right to professional integration for individuals with specific needs, and to provisions of social law on the other part, such as social protection and the right to health care.

- "Modern rights" that, without being actually new, such as the protection of personal data or the rights on bio-ethics, respond to the challenges posed by current and future developments in information and genetic engineering technologies. On another plane, the charter also meets the need for transparency and impartiality in the operation of community administration, since it includes the right of access to administrative documents of community institutional bodies or the right to a high-principled administration.

The charter is a document that does not change the existing law and order, since:

- It does not create any new authority or duty for the Community and the Union

- and it does not amend the authorities and duties set out in the conventions
- It shall not modify the means of recourse and the jurisdiction mechanism afforded by the conventions
- It shall not create any new obligation for member-states, given that the rights formulated are a reiteration of commitments existing by virtue of international conventions or common constitutional traditions.

The matter of the legal scope of the charter shall be considered at a later stage. In the statement for the EU future attached to the Nice convention the legal nature of the charter is mentioned as one of the points to constitute the object of a wide public debate, in view of the preparation of the 2004 intergovernmental conference.

The charter of fundamental rights is, to the citizens of the Union and candidate countries, a document of reference allowing them to be aware of their rights and the values on which the Union is founded.

- **In the European Convention on Human Rights** (Legislative Decree 53/1974 – Official Gazette A' 256/20.9.1974)

The European Convention on Human Rights and the European Court for Human Rights are the main points of reference for the protection of human rights in Europe.

- The European Union supports the fundamental role of the European Council in the safeguarding of standards concerning the human rights and the respect of the rule of law, as well as the furtherance of democratic stability on a pan-european level.

***Is it possible for an individual to appeal to the European Court for Human Rights?***

Any individual and any non-governmental organization may appeal. A public service or public entity may not. Such appeal is always against a state and not against an individual. A letter suffices, sent to the Registry of the Court –even by mail- in the mother tongue of the appealing person. The address is: European Court for Human Rights

F-67075 Cedex  
Strasbourg-France

Two are the conditions for instituting an appeal:

- a) when a state has violated any of the articles of the European Convention on Human Rights
- b) when the citizen has exhausted the domestic (national) legal remedies.

The official representative of the Greek state at the European Court for Human Rights is the Legal Council of the State and cases are handled by its members under the instruction and guidelines of the Ministry of Foreign Affairs.

***If you think that your rights are infringed upon due to a violation of community law***

a) You may apply to the national courts that have jurisdiction for safeguarding the implementation of community law by national authorities. You may thus obtain, e.g., the quashing of a decision of a national authority relevant to you or get compensation for any damaged caused.

b) You may file a complaint to the Commission of the European Communities either by sending a letter to this effect at:

Commission of the European Communities

(to the attention of the Secretary General)

Rue de la Loi 200 – B 1049 Bruxelles,

or by using the complaint forms that may be obtained from the Commission offices at member-states and from the Internet at: <http://europa.eu.int/comm/sg/lexcomm>

***Is it possible for an individual to appeal to the Court of (European) Justice?***

No, no individual may apply to the Court of Justice. If you dispute the legality of a community act that affects you directly and personally, your appeal shall be addressed to the Court of First Instance of the European Communities at:

The Court of First Instance of the European Communities

Boulevard Konrad Adenauer

L-2925 Luxembourg

The website of the Court of Justice/Court of First Instance of the European Communities is: <http://www.curia.eu.int>