

Activating the EU Charter in Strategic Litigation

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The Charter's use

The 54 Charter provisions

Preamble	Peace – common values	Universal values	Diversity, etc	Rights more visible	Reaffirms const. and int’l rights	Rights, duties, responsibilities	Rights, freedoms and principles
I Dignity (Articles 1–5)	1 Human dignity	2 Life	3 Integrity of the person	4 Torture; inhuman, degrading treatment	5 Slavery and forced labour		
II Freedoms (Articles 6–19)	6 Liberty and security	7 Private and family life	8 Personal data	9 Marry and found family	10 Thought conscience and religion		
	11 Expression and information	12 Assembly and association	13 Arts and sciences	14 Education	15 Choose occupation and engage in work		
	16 Conduct a business	17 Property	18 Asylum	19 Removal, expulsion or extradition			
III Equality (Articles 20–26)	20 Equality before the law	21 Non-discrimination	22 Cultural, religious and linguistic diversity	23 Equality: men and women	24 The child	25 Elderly	26 Integration of persons with disabilities
IV Solidarity (Articles 27–38)	27 Workers right to info. and consultation	28 collective bargaining and action	29 Access to placement services	30 Unjustified dismissal	31 Fair and just working conditions		
	32 Prohibition of child labour; prot. at work	33 Family and professional life	34 Social security and assistance	35 Health care	36 Access to services of economic interest	37 Environmental protection	38 Consumer protection
V Citizens’ rights (Articles 39–46)	39 Vote and stand as candidate to EP	40 Vote and candidate at municipal elections	41 Good administration	42 Access to documents	43 European ombudsman	44 Petition (EP)	45 Movement and residence
	46 Diplomatic and consular protection						
VI Justice (Articles 47–50)	47 Effective remedy and fair trial	48 Presump. innocence; right of defence	49 Legality and prop. of offences and penalties	50 Ne bis in idem			
VII General provisions (Articles 51–54)	51 Application	52 Scope and interpretation	53 Level of protection	54 Prohibition of abuse of rights			

How the Charter adds value to the ECHR

LEGEND	
No ECHR equivalent	More extensive than ECHR
EU context-specific	Equivalent protection to ECHR

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Scope of application

Is the Member States bound by the Charter in the sense of Article 51 of the Charter?

The Member States acts within the scope of EU law?



YES



The Charter applies

The Member States acts in a purely national situation; no other piece of EU law applies?



NO



The Charter does not apply

Within the scope

- Link to a Union legal act
 - Member State legislates to implement an EU act
 - Exercise of discretion
 - National sanctions and procedures
 - Restrictions on EU freedoms

Outside-scope examples:

- Planning permits
- Mandatory vaccinations
- Income tax
- Access to education
- Paid annual leave exceeding 4 weeks

Rights v. principles

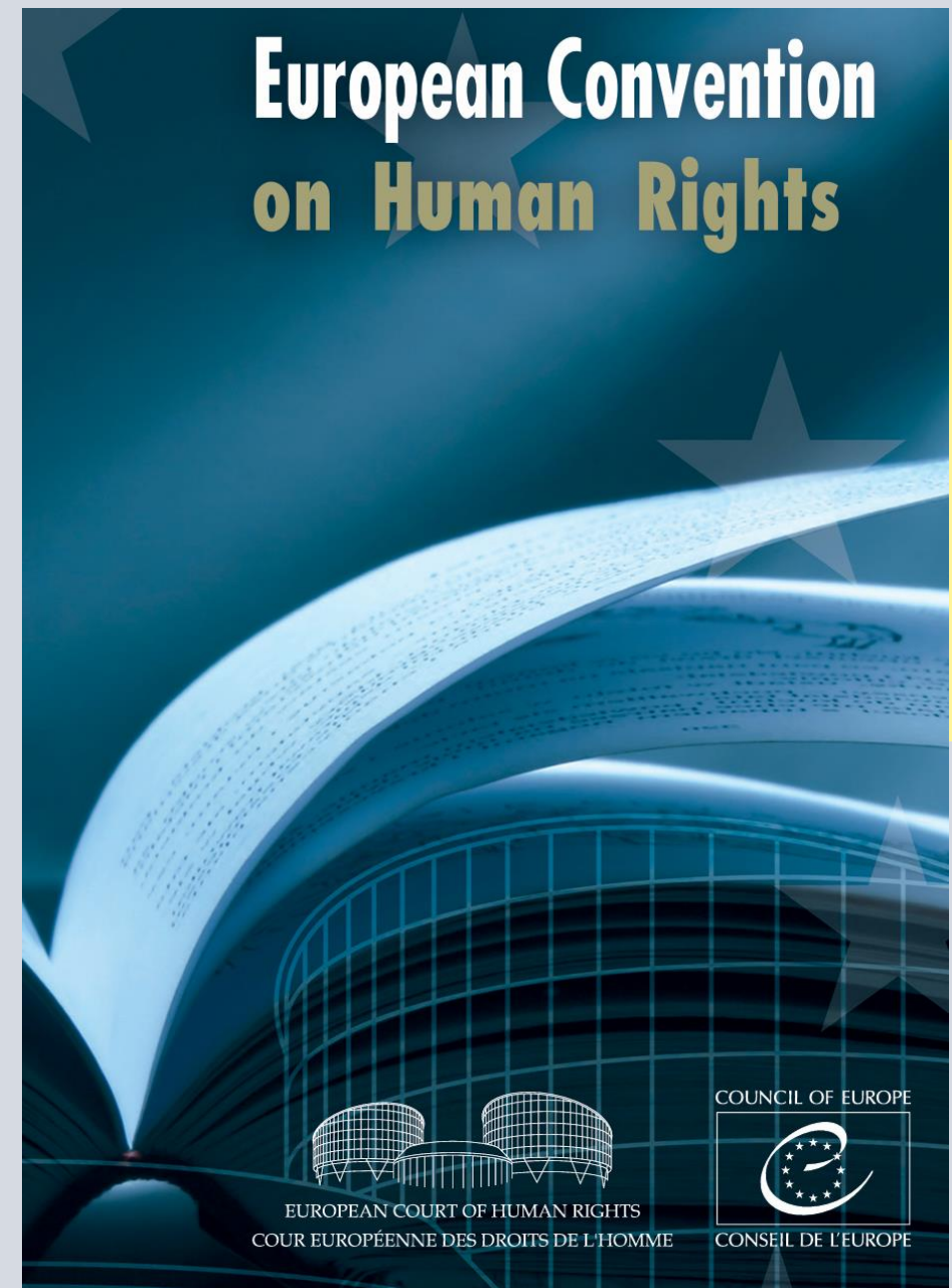
- Rights: justiciable
- Principles:
 - To be given expression in EU/national law
 - Serve for interpretation
 - Large margin of appreciation
 - E.g. Art. 25 - elderly people, 26 – persons with disabilities and 37 – environmental protection).
- Hybrid provisions: Art. 23 - gender equality, 33 - family and prof. life, 34 - social security.



Relationship with the ECHR

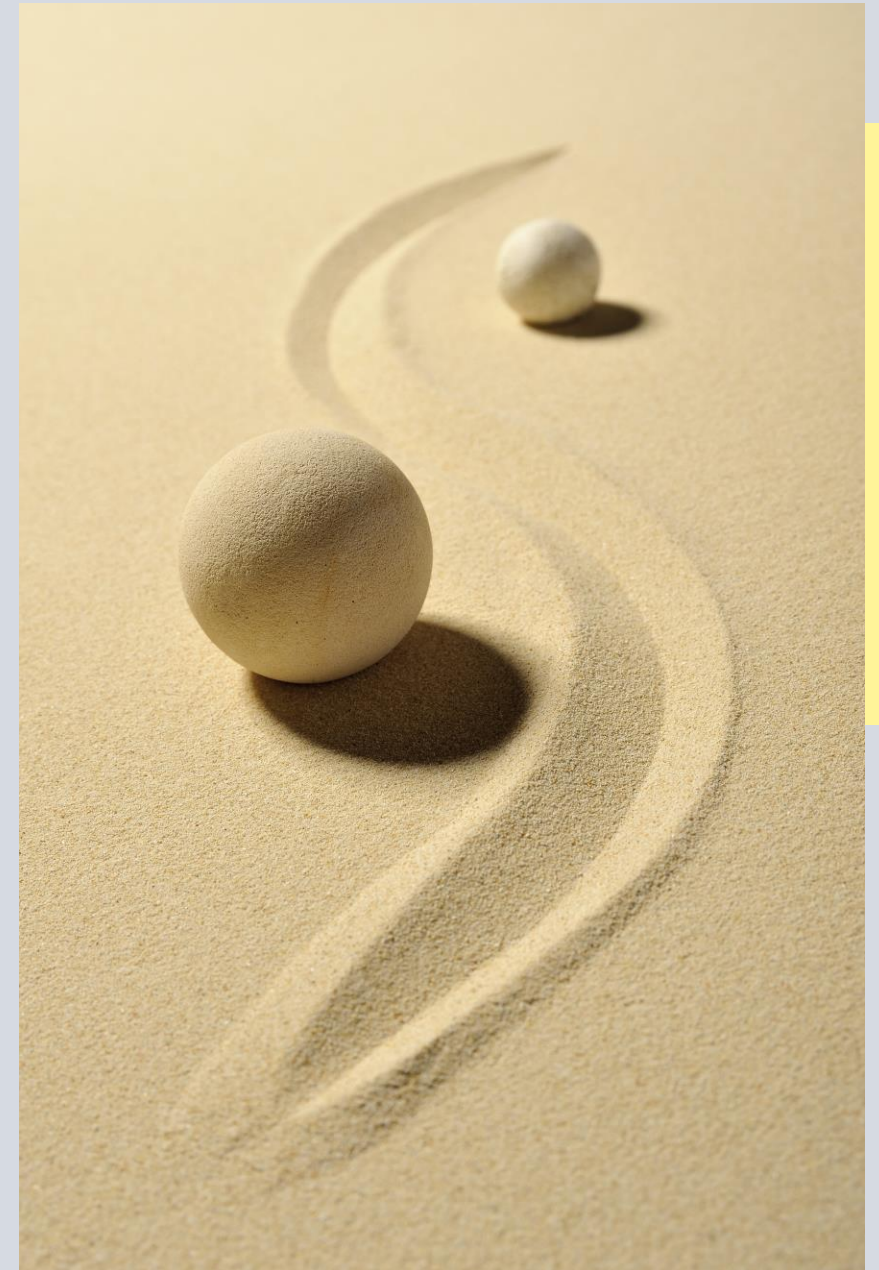
- Article 52(3) of the Charter:

where Charter rights **correspond** to rights guaranteed by the ECHR, the **meaning and scope** shall be **the same** as those laid down by the ECHR.



Limitation of Charter rights – Article 52(1)

1. Provided for by law
2. Respect for the essence
3. Legitimate objective
4. Appropriate, necessary and proportionate



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The EU Charter and FRA

Charter Handbook



- <https://fra.europa.eu/en/publication/2018/applying-charter-fundamental-rights-european-union-law-and-policymaking-national>
- Based on CJEU case law
- Short & Concise
- Checklist for applicability of Charter
- Checklist for Charter compliance
- Available in all EU languages and in Ukrainian!

ΕΓΧΕΙΡΙΔΙΟ



Εφαρμογή του Χάρτη των
Θεμελιωδών Δικαιωμάτων
της Ευρωπαϊκής Ένωσης
στη νομοθεσία
και στη χάραξη πολιτικής
σε εθνικό επίπεδο

Κατευθυντήριες γραμμές



Charterpedia

<https://fra.europa.eu/en/eu-charter>

APP: <https://fra.europa.eu/en/charterapp>

- National and European case law
- Relevant national constitutional provisions, EU law, international law
- Publications and data
- **NEW: Non-judicial case law**



Case law database

- <https://fra.europa.eu/en/case-law-database>
- Search tool of case law with direct references to the EU Charter of Fundamental Rights from
- CJEU, ECtHR, a selection of national case law from all EU Member States.

Charter e-learning course

- <https://e-learning.fra.europa.eu/>
- Charter e-guidance: 10 concrete examples
- Charter videos
- Handbook on the applicability of the Charter
- Trainers' area
- Now available in **all EU languages**, except Maltese and Gaelic

The screenshot shows the FRA e-learning website. At the top, there is a header with the FRA logo (European Union Agency for Fundamental Rights) and the text 'eLearning'. To the right of the header, there is a language selector dropdown set to 'English' and a 'Log in' button. Below the header, the main heading is 'FRA e-learning'. Underneath this, a paragraph reads: 'Looking to strengthen your knowledge of fundamental rights? This website brings together all FRA's e-learning courses in one place.' To the right of this text is an illustration of two people, one sitting on the floor and one at a desk, both looking at a laptop. Below this section is a blue banner with the text 'AVAILABLE COURSES'. Under the banner, there are two course cards. The first card is titled 'E-MEDIA TOOLKIT' and features an image of a desk with a laptop and various tools. The second card is titled 'CHARTER COURSES' and features an image of a book titled 'EU CHARTER OF FUNDAMENTAL RIGHTS'. Below each card is a brief description. At the bottom of the page, there is a large QR code that links to the e-learning platform.

Country sheets

- <https://fra.europa.eu/en/publication/2019/eu-charter-fundamental-rights-use-and-added-value-eu-member-states>
- Examples of the Charter's use for each Member State.
- Constitutional law relevance
- Links to the national case law which has a direct reference to the Charter
- The Charter added value
- Comparison to ECHR and national catalog of fundamental rights



Ο ΧΑΡΤΗΣ ΤΩΝ ΘΕΜΕΛΙΩΔΩΝ ΔΙΚΑΙΩΜΑΤΩΝ ΤΗΣ ΕΕ

Ελλάδα



[Ο]ι εθνικές αρχές
(δικαστικές αρχές, αρχές
επιβολής του νόμου και
διοικητικές αρχές) αποτελούν
βασικούς παράγοντες για την
πραγμάτωση των δικαιωμάτων
και των ελευθεριών που
κατοχυρώνονται στον Χάρτη».

Ευρωπαϊκό Κοινοβούλιο (2015),
ψήφισμα σχετικά με την κατάσταση
των θεμελιωδών δικαιωμάτων στην
Ευρωπαϊκή Ένωση (2013-2014)
(2014/2254(INI)), Στρασβούργο,
8 Σεπτεμβρίου 2015, αιτιολογική σκέψη
15Τ.

Fundamental Rights Report – Charter chapter

- Charter violations and/or non-application
- Analysis of the ‘barriers’ and the ‘drivers’ to the efficient and frequent use of the Charter by
 - legal practitioners inside and outside the public administration
 - judiciary.
- 48 national cases reported in 2025 from all Member States and (included in the Charterpedia/case law database)



Video resources

- [Masterclass](#)
- Charter history & legal nature [video](#)
- Charter structure & content [video](#)
- FRA tools tutorial [video](#)



HELP course on the ECHR and Charter interplay

- Developed in cooperation with FRA
- Launch in September 2023
- In German, Italian, Lithuanian, Polish, Portuguese, Romanian, Slovak, Slovene and Spanish, as well as in Albanian, Macedonian, Serbian, Montenegrin, Ukrainian, Bosnian
 - <https://help.elearning.ext.coe.int/enrol/index.php?id=6560>
 - [Full training catalogue](#)



Human Rights Education for Legal Professionals



ECHR/FRA joint factsheets

- ECtHR / FRA cooperation
- Focus on areas where EU law is prominent in ECtHR case law and where coherence between EU law and ECHR law is of particular importance.
- Relevant case law presented in a short and concise way
 - European Arrest Warrant
 - Right to be forgotten
 - Mass surveillance
 - Reasonable accommodation for persons with disabilities
 - Climate change

European Commission's courses on the EU Charter

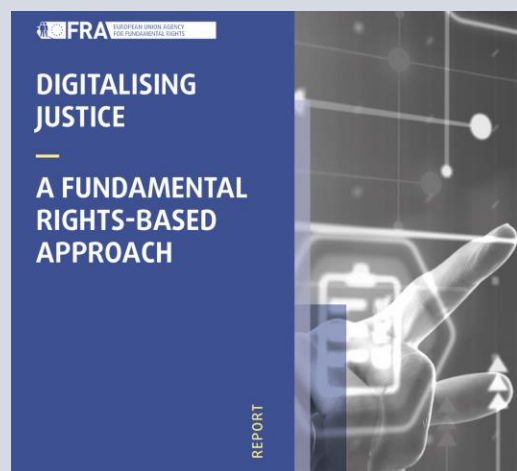
- From Theory to Practice: Applying the Charter of Fundamental Rights of the EU
- academy.europa.eu/courses/from-theory-to-practice-applying-the-charter-of-fundamental-rights-of-the-eu



Other relevant FRA research



<https://fra.europa.eu/en/publication/2023/older-people-digital-rights>



<https://fra.europa.eu/en/publication/2025/digitalisation-justice>



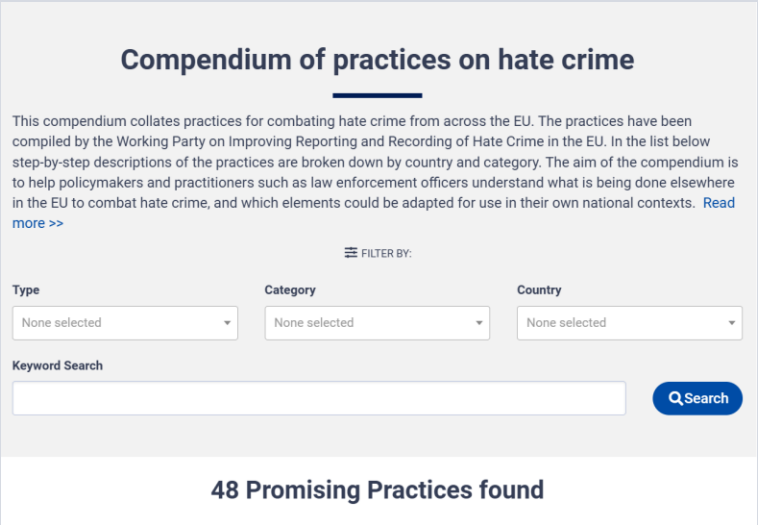
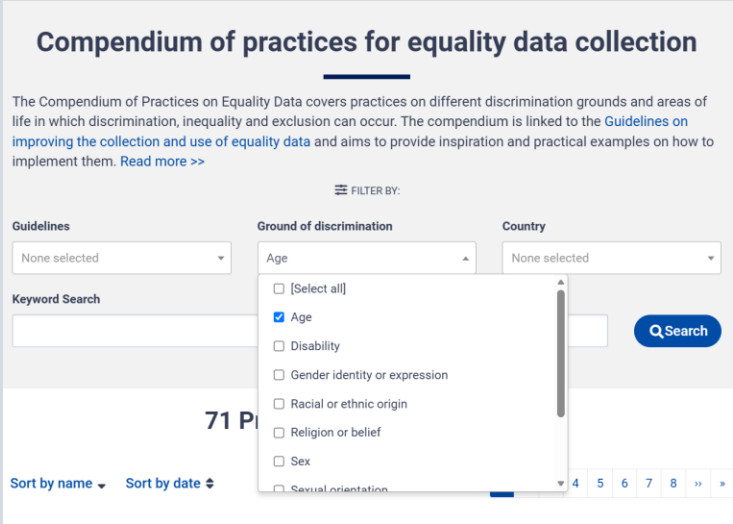
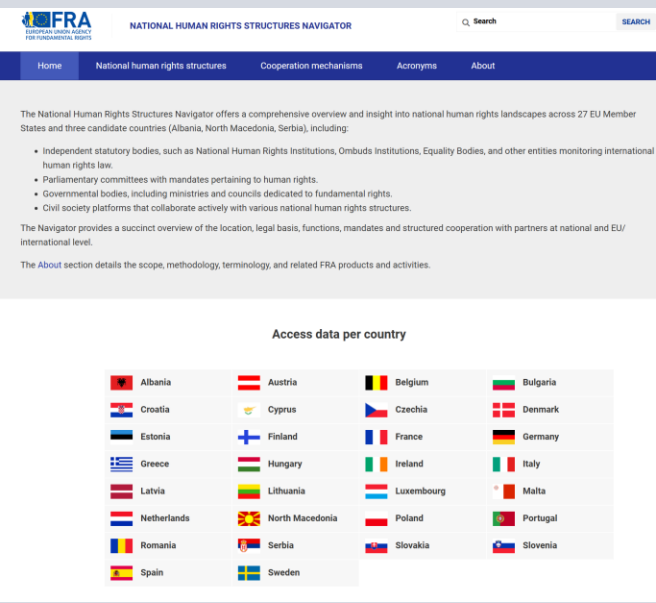
<https://fra.europa.eu/en/publication/2024/political-participation>



<https://fra.europa.eu/en/publication/2025/institutions-places-care-and-places-safety>

Other FRA tools

- [National human rights structures navigator](#)
- [Compendium of practices for equality data collection](#)
- [Compendium of practices on hate crime](#)

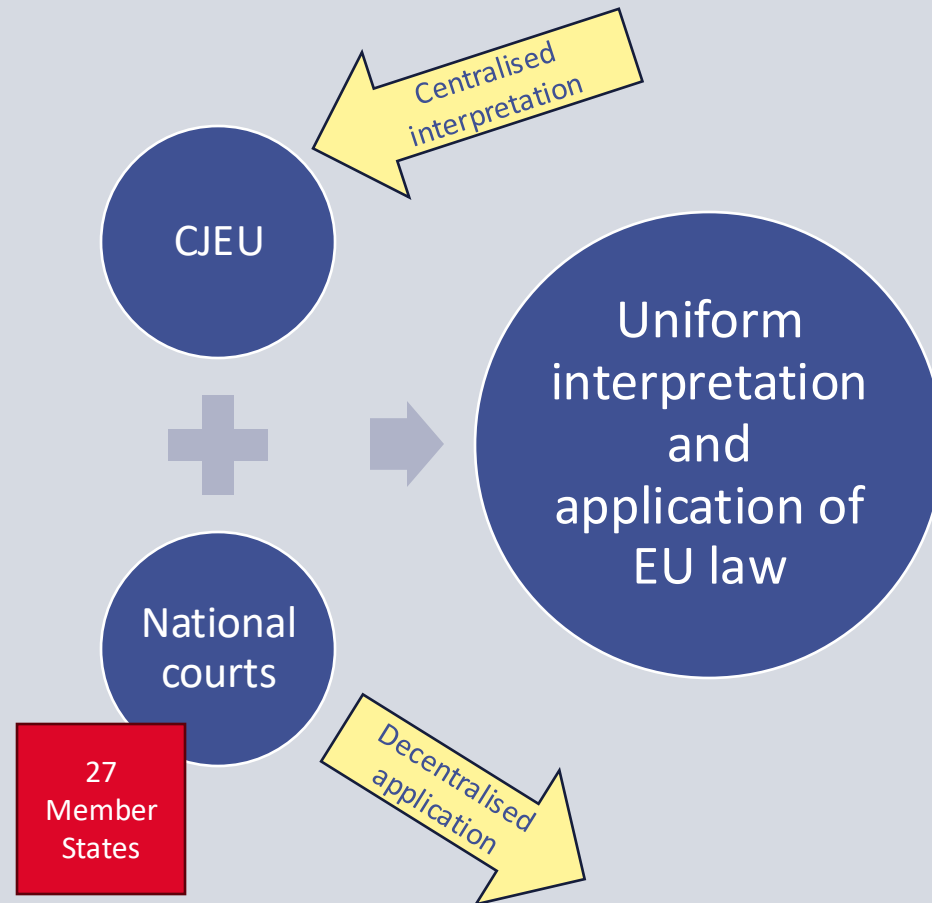


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The Charter and strategic litigation

Accessing justice at EU level

- Infringement proceedings
- Actions for annulment
- Preliminary reference





CJEU case law

- Employment:
 - Age discrimination | C-555/07 *Kücükdeveci*
 - Disability discrimination | C-335/11 *Ring* | C-356/12 *Glatzel*
 - Paid annual leave | C-569/16 and C-570/16 *Bauer*
 - Access to services | C-83/14 *CHEZ*
 - Access to social benefits | C-679/16 *A*
- Employment Equality Directive 2000/78/EC
 - Working time directive 2003/88/EC
 - Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
 - Regulation (EC) No 883/2004 on the coordination of social security systems
 - Articles 20 and 21 of TFEU

Other possibilities for Charter strategic litigation

1. Victims' rights directive
2. Directive combating violence against women and domestic violence
3. Whistleblowers directive
4. General data protection regulation
5. Digital services act
6. Artificial intelligence act
7. Web accessibility directive
8. Audiovisual media services directive
9. Common provisions regulation
10. Freedom of movement under Article 21 of the TFEU



Thank you!

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