

The European Parliament, the Council, **and** the Commission, **Stephan Köperl, Sylvia Winkler as well as the participants of „Galley Proof“** solemnly proclaim the following text as the Charter of Fundamental Rights of the European Union.

## CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

### *Preamble*

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful **and joyful** future based on common values.

Conscious of its spiritual, **and** moral **and historical** heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law **as well as the separation of church and state**. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by **permanently** creating an area of freedom, security, **solidarity** and justice.

The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it ~~seeks~~ **commits** to promote balanced, **social** and sustainable development and ensures free movement of persons, services, goods and capital, **a vivid cultural exchange** and the freedom of establishment **in order to create a common European identity and to implement a European citizenship**.

To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific, **cultural** and technological developments by making those rights more visible in a Charter.

This Charter reaffirms, with due regard for the powers and tasks of the Union and for the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Union and by the Council of Europe and the case-law of the Court of Justice of the European Union and of the European Court of Human Rights. In this context the Charter will be interpreted by the courts of the Union and the Member States with due regard to the explanations prepared under the authority of the Praesidium of the Convention which drafted the Charter and updated under the responsibility of the Praesidium of the European Convention.

Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community, **and** to future generations **as well as to all creatures and the environment**. **This includes the commitment of the Union to enact the human right to food, education, work and housing and to prioritize this in all foreign relations**.

The Union therefore recognizes the rights, freedoms and principles set out hereafter.

# TITLE I DIGNITY

## *Article 1* **Human dignity**

Human dignity is inviolable. It must be respected and protected.

## *Article 2* **Right to life**

1. Everyone has the right to ~~a self-determined~~ ~~a self-determined~~ a self-determined life.
2. No one shall be condemned to the death penalty, or executed.
- (3) Everybody has the right to a dignified and self-determined ~~death~~ end of life.

## *Article 3* **Right to the integrity of the person**

1. Everyone has the right to respect for his or her physical, ~~and~~ mental and spiritual integrity.
2. In the fields of medicine and biology, the following must be respected in particular:
  - (a) the free and informed consent of the person concerned, according to the procedures laid down by law;
  - (b) the prohibition of eugenic practices, in particular those aiming at the selection of persons;
  - (c) the prohibition on making the human body and its parts as such a source of financial gain;
  - (d) the prohibition of the reproductive cloning of human beings.
- (3) Ritual acts affecting body or mind are only permitted after reaching the age of majority and with the consent of the person concerned.

## *Article 4* **Prohibition of torture and inhuman or degrading treatment or punishment**

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

## *Article 5* **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.

## TITLE II FREEDOMS

### *Article 6*

#### **Right to liberty, and security and self-determination**

Everyone has the right to liberty, and security and self-determination of person.

### *Article 7*

#### **Respect for private and family life**

Everyone has the right to respect for his or her private and family life, the inviolability of the home and the protection of all communications.

### *Article 8*

#### **Protection of personal data**

1. Everyone has the all rights to the protection of on all personal data concerning him or her.
2. Such data must never be processed fairly for specified purposes and on the basis of without the knowledge and 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.
4. Personal data must not be used for automatized evaluation methods and decision procedures.

### *Article 9*

#### **Right to marry or to form a domestic partnership of one's choosing and right to found a family**

The right to marry or to form a domestic partnership of one's choosing and the right to found a family as well as to live in freely chosen communities shall be guaranteed in accordance with the national laws governing the exercise of these rights.

### *Article 10*

#### **Freedom of thought, conscience and religion**

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to adopt or 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 as long as this does not restrict or threaten the rights and freedom of others.
2. The right to conscientious objection is recognised, in accordance with the national laws of all member states governing the exercise of this right.

3. Children and teenagers have the right to grow up without religion and are to be protected from ideological indoctrination.

#### *Article 11*

### **Freedom of expression and information**

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers **as long as this corresponds to the truth and is done without the intention to manipulate.**
2. The freedom and pluralism of the media ~~shall be respected~~ **is guaranteed and shall be supported and protected.**
3. **Net neutrality is guaranteed.**

#### *Article 12*

### **Freedom of assembly and of association**

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.
2. **Representatives of p**Political parties at Union level contribute to **ascertaining and** expressing the political will of the citizens of the Union **as well as stimulating their participation in political processes.**

#### *Article 13*

### **Freedom of the arts and sciences**

The arts and scientific research shall be **independent and** free of constraint. Academic **and artistic** freedom shall be ~~respected,~~ **guaranteed and supported.** There shall be no censorship.

#### *Article 14*

### **Right to education**

1. Everyone has the right to **free** education and to have access to **academic and** vocational and **general** continuing ~~training~~ **education.**
2. This right includes the possibility to receive free ~~compulsory~~ **public** education **from kindergarten to university.**
3. The freedom to found educational establishments with due respect for **liberal-**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~~ **as long as they do not conflict with the content of this Charter,** in accordance with the national laws governing the exercise of such freedom and right ~~in order to educate enlightened and mature individuals.~~

(4) Education must be directed towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. It must contribute to understanding, tolerance and friendship between people.

*Article 15*

**Freedom to choose an occupation and right to engage in work**

1. Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.
2. Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.
3. Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

*Article 16*

**Freedom to conduct a business**

The freedom to conduct a business in accordance with Union law and national laws and practices is recognised.

All economic activities have the duty to act in the public interest. It must not harm humans, animals nor the environment.

*Article 17*

**Right to property**

(1) Property entails obligations. Its use shall also serve the public good.

(2) Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest.

(3) Intellectual property shall be protected.

4. The immoral accumulation of property is outlawed.

*Article 18 » under Title I*

**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 (hereinafter referred to as 'the Treaties').

*Article 19*

**Protection in the event of removal, expulsion or extradition**

1. Collective expulsions **and forced collective housing** 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~~ **as long as this person does not commit a serious crime.**

TITLE III  
**EQUALITY**

*Article 20*

**Equality before the law**

Everyone is equal before the law.

*Article 21 » under Title I*  
**Non-discrimination**

1. 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.
2. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited.

*Article 22*

**Cultural, religious and linguistic diversity**

The Union ~~shall respect and support~~ **acknowledges** cultural, religious and linguistic diversity **and the plurality of ways of life** as the basis for social development.

*Article 23*

**Equality between ~~women and men~~ **all genders****

Equality between ~~women and men~~ **all genders** must be ensured in all **political, social and economical** areas, including employment, work and pay. (*erst rot durchgestrichen, dann grün untertupfelt*).

The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of ~~the~~ **all** under-represented **sexes**.

*Article 24*

**The rights of the child**

- (1) The Union recognizes and respects childhood as a separate phase of life, particularly in need of protection. Children have a special right to physical and mental integrity.
- (2) Children shall have the right to grow up in a healthy, safe and functional environment without being exposed to violence, as well as 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.
- (3) In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
- (4) 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.
- (5) Every child has the right to know who his or her biological parents are.
- (6) Every child has the right to active participation and co-determination in matters concerning the child and to a free, emancipated, emancipating development of his or her personality.

*Article 25*

**The rights of the elderly all humans for basic social services**

The Union recognises, and respects and fosters the rights of the elderly all humans to lead a life of dignity and independence, and to have comprehensive access to basic social services and infrastructure and to participate in social and cultural life.

*Article 26*

**Integration inclusion of persons with disabilities special needs**

The Union recognises and respects the right of persons who have special needs in regards to their age and their physical or mental condition with disabilities to benefit from measures designed to ensure their independence, social and occupational integration inclusion and participation in the life of the community.

TITLE IV

**SOLIDARITY**

*Article 27*

**Workers' right to information, and consultation and codetermination within the undertaking**

Workers or their representatives must, at the appropriate levels, be guaranteed information, and consultation and codetermination in good time in the cases and under the conditions provided for by Union law and national laws and practices.

Every employee has the right to active participation in all matters concerning his or her work activity.

*Article 28*

**Right of collective bargaining and action**

Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

*Article 29*

**Right of access to placement services**

Everyone has the right of access to a free, **competent and respectful** placement service.

*Article 30*

**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.

*Article 31*

**Fair and just working conditions and remuneration**

1. Every worker has the right **to appreciation of his or her labour and** to working conditions which respect his or her health, safety and dignity ~~as well as to an income that is sufficient to provide a livelihood.~~
2. Every worker has the right to a limitation of maximum working hours, to daily and weekly rest periods and to ~~an~~ **sufficient** annual period of paid leave **in order to protect his or her health.**
3. **Every worker has the right to fair and appropriate remuneration.**
4. **A minimum living-wage is guaranteed in all Member States.**
5. **This also applies to all areas of care work.**

*Article 32*

**Prohibition of child labour and protection of young people at work**

The employment of children is prohibited **as well as trading in commodities won through child labour.** The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

~~Joining armed forces~~ **security forces may take place only voluntarily and only after reaching the age of majority.**



*Article 33*

**Family and professional life**

1. The family **and its extended concept** shall enjoy legal, economic and social protection.
2. ~~To reconcile family and professional life,~~ Everyone shall have the right
  - a. to protection from dismissal for a reason connected with **maternity parenthood** and the right to paid **maternity parental** leave and to parental leave following the birth or adoption of a child.
  - b. **to protection from dismissal and to paid care leave when taking care for dependent family members.**

*Article 34*

**Social security and social assistance**

1. The Union ~~recognises and respects~~ **guarantees** the entitlement to social security benefits and social services providing protection in cases such as **maternity parenthood**, illness, industrial accidents, dependency or old age, and in the case of loss of employment, ~~in accordance with the rules laid down by Union law and national laws and practices.~~
2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages ~~in accordance with Union law and national laws and practices.~~
3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, ~~in accordance with the rules laid down by Union law and national laws and practices.~~
4. **Everyone has the right to a pension which guarantees a living income.**

*Article 35*

**Health care**

1. Everyone has the right of access to preventive health care and the right to benefit from medical treatment ~~under the conditions established by national laws and practices.~~ A high level of **physical and mental** human health protection shall be ensured in the definition and implementation of all the Union's policies and activities.
2. **Everyone has the right to health-preserving environmental conditions.**

*Article 36*

**Access to services of general economic interest**

The Union recognises and respects access to services of general economic interest as provided for in national laws and practices, in accordance with the Treaties, in order to promote the social and territorial cohesion of the Union.

*Article 37*

**Environmental, animal and species protection**

1. A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.
2. ~~The life and diversity of animals and plants~~ all living organisms are to be specially protected and preserved. They must not be subordinated to economic interests.
3. The Union ensures a high level of animal protection. Unnecessary suffering of the animals is absolutely to be avoided.
3. Every effort must be undertaken to preserve biodiversity in flora and fauna.
4. Compliance with these rules is monitored by an independent body.

*Article 38*

**Consumer protection**

Union policies shall ensure a high level of consumer protection.

The Union encourages the reconsideration of one's attitude towards consumerism.

TITLE V

**CITIZENS' RIGHTS**

*Article 39*

**Right to vote and to stand as a candidate at elections to the European Parliament**

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.
2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

*Article 40*

**Right to vote and to stand as a candidate at ~~municipal~~ elections**

Every citizen of the Union has the right to vote and to stand as a candidate at all ~~municipal~~ elections in the Member State in which he or she resides under the same conditions as nationals of that State.

*Article 41*

**Right to good administration**

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by ~~the~~ **uncorrupted** institutions, bodies, offices and agencies of the Union **as well as on local and national levels.**
2. This right includes:

- (a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
  - (b) 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;
  - (c) the obligation of the administration to give reasons for its decisions.
3. Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
4. 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.
5. Mutual, respectful interaction shall be guaranteed.

#### *Article 42*

### **Right of access to documents**

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access **free of charge** to **all** documents of the institutions, bodies, offices and agencies of the Union, whatever their medium.

#### *Article 43*

### **European Ombudsman Ombudsperson**

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 Ombudsperson 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.

#### *Article 44*

### **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. **Petitions must be included in the legislative consultations when signed by a minimum of 10% 5% of the Union's citizens.**

#### *Article 45*

### **Freedom of movement and of residence**

1. Every citizen of the Union has the right to move, ~~and~~ reside **and permanently settle** freely within the territory of the Member States.
2. Freedom of movement and residence may be granted, in accordance with the Treaties, to nationals of third countries legally resident in the territory of a Member State.
3. **Every citizen of the European Union has the right to obtain a EU-passport free of charge, which is equivalent to the corresponding national documents.**

*Article 46*

**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.

TITLE VI  
**JUSTICE**

*Article 47*

**Right to an effective remedy and to a fair trial**

Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article. Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.

In legal disputes between parents or legal guardians, the child is provided with a separate, independent lawyer.

*Article 48*

**Presumption of innocence and right of defence**

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.
2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.
3. Preemptive monitoring, surveillance or investigation is permitted only in individual cases, and by court order.
4. In individual cases, the reversal of the burden of proof can be granted in favor of the weaker party.

*Article 49*

**Principles of legality and proportionality of criminal offences and penalties**

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognised by the community of nations.
3. The severity of penalties must not be disproportionate to the criminal offence **and must aim for the social reintegration of the detainee.**
4. **The number of detainees is to be reduced to a minimum by measures of prevention and rehabilitation.**
5. **The penal system shall not be regulated by profit.**

#### *Article 50*

### **Right not to be tried or punished twice in criminal proceedings for the same criminal offence**

No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted ~~within the Union~~ **within the Union** in accordance with the law.

## TITLE VII

### **GENERAL PROVISIONS GOVERNING THE INTERPRETATION AND APPLICATION OF THE CHARTER**

#### *Article 51*

### **Field of application**

1. 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~~. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the Treaties.
2. The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties.

#### *Article 52*

### **Scope and interpretation of rights and principles**

1. Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.
2. Rights recognised by this Charter for which provision is made in the Treaties shall be exercised under the conditions and within the limits defined by those Treaties.
3. In so far as this Charter contains rights which correspond to rights guaranteed by the 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.

4. In so far as this Charter recognises fundamental rights as they result from the constitutional traditions common to the Member States, those rights shall be interpreted in harmony with those traditions. EN C 326/406 Official Journal of the European Union 26.10.2012

5. The provisions of this Charter which contain principles may be implemented by legislative and executive acts taken by institutions, bodies, offices and agencies of the Union, and by acts of Member States when they are implementing Union law, in the exercise of their respective powers. They shall be judicially cognisable only in the interpretation of such acts and in the ruling on their legality.

6. Full account shall be taken of national laws and practices as specified in this Charter.

7. The explanations drawn up as a way of providing guidance in the interpretation of this Charter shall be given due regard by the courts of the Union and of the Member States.

### *Article 53*

#### **Level of protection**

Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

### *Article 54*

#### **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 recognised in this Charter or at their limitation to a greater extent than is provided for herein.