



## Jo Leinen on Charter of Fundamental Rights: "we have been waiting 50 years"

**The Charter of Fundamental Rights will take on legal force under the Reform Treaty and is due to be "solemnly proclaimed" by the Parliament, Council and Commission in Strasbourg on 12 December. How will the Charter affect EU citizens and how does it differ from the existing Convention of Human Rights? MEPs will vote on a report on the Charter Thursday.**

The Charter of Fundamental Rights brings together in a single text a whole range of civil, political, economic and social rights of European citizens. It is divided into six chapters: Dignity, Freedom, Solidarity, Equality, Citizenship and Justice. Supporters of the Charter have hailed it as an expression of the EU's commitment to human rights and fundamental freedoms and step forward from the 1999 Amsterdam Treaty where they were first mentioned.

German MEP Jo Leinen (PSE) is Chair of Parliament's Constitutional Affairs Committee, he has also acted as rapporteur on the issue. Ahead of the vote we spoke to him about what the Charter means in practice.

**1. The Charter of Fundamental Rights (CFR) was signed in Nice on 7 December 2000. Now the Charter will be solemnly proclaimed on 12 Dec in the EP in Strasbourg. Why this new solemn proclamation seven years on? What has changed?**

The Charter forms an integral part of the new Treaty of Lisbon, so it will become legally binding for the European institutions. It is the first time that the European citizens can actually claim their rights before the European Court of Justice in Luxembourg. We have to proclaim the Charter with the three institutions to have a public act. When the Treaty is adopted these 50 freedoms and rights are part of the EU's legal framework.

**2. With the new reform Treaty of Lisbon the CFR becomes legally binding; does that mean if an EU Member State violates, for instance, the right to freedom of peaceful assembly, it could be brought before the European Court of Justice in Luxembourg?**

The Charter applies only to acts and legislation of the European Union whether they are directly implemented by the Commission or indirectly implemented by Member States, regions or the local authorities. It does not apply to purely national activities; these are under national fundamental rights acts of the national Constitutions.

**3. How will the Charter relate to the European Convention on Human Rights (adopted under the auspices of the Council of Europe in 1950)? From now on, where should a European citizen turn to if his or her fundamental rights have**

**been violated, to the European Court of Human Rights in Strasbourg or the EU court in Luxembourg?**

The EU Charter of Fundamental Rights of 2007 is more comprehensive, more modern, and more comprehensive than the Human Rights Declaration. In the EU Charter we have modern rights like the right to have a good environment, right of consumer protection, right to have a good public administration or right to data protection, or the prohibition on cloning of human beings.

We are lucky in Europe because our citizens enjoy a double system so there is no deficit in the human rights protection; on the one hand we have the Charter of Fundamental Rights of the EU; and on the other hand we have the Human Rights Convention of the Council of Europe. I think this is a unique system in the world.

The EU will be a contracting part of the Human Rights Convention of the Council of Europe and the two courts for human rights protection, the one in Strasbourg and the one in Luxembourg, will very closely cooperate so the citizens are really 100% covered and protected. Whatever case comes up it should go either to Strasbourg or Luxembourg.

#### **4. How do you personally feel about the Charter?**

After emerging from the atrocious World War II with 50 million dead and a lot of human rights violations through Nazism and Communism afterwards, I think human rights protection is the soul of Europe and the heart of European identity. It is what identifies us from Poland to Portugal. We all stand for values of a civilisation expressed in the Charter.

Nevertheless the Charter is a milestone in European unification especially because it symbolizes that the EU is not only a big market but it also protects its citizens. It is an expression of the Europe of citizens and not only a Europe of markets and states.

#### **5. What is the next step?**

This is the final step. This is what we have been waiting for over 50 years.

For information: The Leinen report was debated in plenary on Wednesday. The vote is taking place today. If adopted, The Charter will be officially proclaimed by the European Parliament on 12 December