

SUMMARY SHEETS : ARTICLE 1 ECHFR

"Human dignity

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

Content and scope of the article

Core Principle: Human Dignity in the EU Charter

Human dignity is the foundation of the European Union's legal framework, explicitly recognized in Article 1 of the Charter of Fundamental Rights (EChFR). The provision establishes dignity as **inviolable, non-derogable, and central** to the interpretation and application of all other rights under the Charter.

This principle ensures that:

1. All individuals must be treated with respect for their inherent worth, regardless of circumstances.
2. Every EU law, policy, and action must respect and protect human dignity, providing a binding standard for institutions and Member States when implementing EU law.

A Universal Value Across Rights

- Human dignity serves as both a **self-standing right** and a **guiding principle**, informing the interpretation of other Charter provisions.
- It is reflected across the Charter, particularly in rights addressing personal integrity, equality, humane treatment, and protection from torture (e.g., Articles 2, 3, 4, and 31).

Scope and Application in Practice

The scope of Article 1 is broad, extending to:

1. **All Areas Where EU Law Applies:**
 - Article 1 must be respected in any situation governed by EU law, including legislative acts, administrative decisions, and actions by Member States when implementing EU obligations.
2. **Cross-Cutting Legal Domains:**
 - The concept of dignity has practical implications in diverse areas such as asylum law, biotechnology, workplace conditions, and non-discrimination.
3. **Absolute Nature:**
 - Unlike many rights, human dignity is non-derogable, providing individuals with

a uniquely strong layer of protection.

Role of the CJEU

The Court of Justice of the European Union (CJEU) has established human dignity as a **general principle of EU law**, applicable in areas ranging from ethical issues (e.g., biotechnology) to migration policies (e.g., asylum seekers).

Human Dignity as a Pillar of Interpretation

Article 1 not only guarantees dignity as a right but also acts as a lens through which other Charter provisions are interpreted. The Charter explicitly prohibits any action that undermines dignity, ensuring its consistent application as the EU's overarching value.

CJEU Case Law

CJEU C-709/20: CG v The Department for Communities in Northern Ireland

Key words: Citizenship of the Union – National of a Member State without an activity residing in the territory of another Member State on the basis of national law – Non-discrimination based on nationality – Conditions for obtaining a right of residence for more than three months – Social assistance – Equal treatment

CJEU Joined Cases C-322/19 and C-385/19: KS and Others v The International Protection Appeals Tribunal and Others

Key words: Border controls, asylum and immigration – Standards for the reception of applicants for international protection – Decision to transfer to the first Member State – Access to the labour market as an applicant for international Protection

CJEU Case C-151/17: Swedish Match AB v Secretary of State for Health

Key words: Approximation of laws – Manufacture, presentation and sale of tobacco products – Prohibition on the placing on the market of tobacco products for oral use – Validity

CJEU Case C-652/16: Nigyar Rauf Kaza Ahmedbekova and Rauf Emin Ogla Ahmedbekov v Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite

Key words: Applications for international protection lodged separately by family members – Individual assessment – Taking into account threats in respect of a family member in carrying out the individual assessment of the application for international protection of another family member – More favourable standards capable of being retained or introduced by the Member States for the purpose of extending the refugee or subsidiary protection status of a beneficiary of international protection to family members – Assessment of the reasons for persecution

CJEU Case T-531/14: Leïmonia Sotiropoulou and Others v Council of the European Union

Key words: Non-contractual liability – Economic and monetary policy – Decisions addressed to a Member State with a view to remedying an excessive deficit situation – Reduction in and

withdrawal of pension rights in Greece — Sufficiently serious infringement of a rule of law conferring rights on individuals.

CJEU - C 571/10: Servet Kamberaj v Istituto per l'Edilizia Sociale della Provincia autonoma di Bolzano (IPES), Giunta della Provincia autonoma di Bolzano, Provincia Autonoma di Bolzano

Key words: right to social and medical assistance - Right to equal treatment with regard to social security, social assistance and social protection — Derogation from the principle of equal treatment for social assistance and social protection measures — Exclusion of 'core benefits' from the scope of that derogation — National legislation providing for housing benefit for low income tenants — Amount of funds for third-country nationals determined on the basis of a different weighted average — Rejection of an application for housing benefit owing to the exhaustion of the funds for third-country nationals

CJEU - C 179/11: Cimade, Groupe d'information et de soutien des immigrés (GISTI) v Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration

Key words: Minimum standards for the reception of asylum seekers in the Member States – Obligation to guarantee asylum seekers minimum reception conditions during the procedure of taking charge or taking back by the responsible Member State – Determining the Member State obliged to assume the financial burden of the minimum conditions

CJEU Case C-333/13: Elisabeta Dano and Florin Dano v Jobcenter Leipzig

Key words: Free movement of persons — Citizenship of the Union — Equal treatment — Economically inactive nationals of a Member State residing in the territory of another Member State — Right of residence for more than three months — Condition requiring sufficient resources.

Highlights

Human Dignity as a Legal Argument and Interpretative Principle

- Article 1 is an **absolute and non-derogable** norm, providing a **powerful foundation** to challenge laws or practices that undermine human dignity.
- It serves as a **cross-cutting principle** applicable in various legal fields, including **immigration law, social rights, criminal law, and labor law**.
- Lawyers can invoke **Article 1 in conjunction with other Charter provisions** (e.g., Articles 2, 3, 4, 21, 31) to strengthen legal arguments in favor of their clients.
- **CJEU case law** illustrates how human dignity has been a decisive factor in cases related to **asylum, detention conditions, discrimination, and social protection**.

Practical Implications Across Different Legal Fields

- **Immigration and Asylum Law:** Article 1 can be used to challenge **detention conditions, access to social benefits, and discriminatory treatment of asylum seekers** (see Cases C-322/19 & C-385/19, C-179/11, C-652/16).
- **Labor Law and Social Protection:** Human dignity plays a key role in **preventing**

degrading working conditions and social exclusion (see Case C-571/10 on access to social benefits).

- **Bioethics and Health Regulations:** In sensitive areas like **biotechnology and the regulation of harmful products**, human dignity serves as a criterion for assessing legal restrictions (see Case C-151/17 on tobacco products).

Correspondence with other European/International instruments

- Article 1, UDHR
- Article 3, ECHR
- Article 1, ICCPR
- Article 1, ICESCR
- UN General Assembly Resolution 70/175 (2015) - United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
- United Nations Convention against Torture
- Common Art. 3 to 1949 Geneva Conventions I-IV,
- 1987 European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment

Further readings

- Thamil Venthana Ananthavinayagan, Amritha V. Shenoy: *The Wretched of the Global South - Critical Approaches to International Human Rights Law*, Springer, 2014
- Paolo Becchi, Klaus Mathis: *Handbook of Human Dignity in Europe*, Springer, 2020
- Marcus Düwell, Jens Braarvig, Roger Brownsword, Dietmar Mieth: *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, Cambridge, 2014
- Veronika Fikfak and Lora Izvorova: *Language and Persuasion: Human Dignity at the European Court of Human Rights*, *Human Rights Law Review*, 2022, 22, 1–24
- Pablo Gilabert: *Understanding Human Dignity in Human Rights*, *Human Dignity and Human Rights*, Oxford, 2018
- Makau Mutua, *A Political and Cultural Critique*, *Pennsylvania Studies in Human Rights*, 2002
- Jackie Jones: *Human Dignity in the EU Charter of Fundamental Rights and its Interpretation Before the European Court of Justice*, *Liverpool Law Rev*, 2012, 33, 281–300
- Christopher McCrudden, *Human Dignity and Judicial Interpretation of Human Rights*, *European Journal of International Law*, 19:4, 2008, 655–724
- Edward Sieh, Judy McGregor: *Human Dignity- Establishing Worth and Seeking Solutions*, Springer, 2017