**Une image contenant Bleu électrique, Bleu Majorelle, Bleu cobalt, drapeau

Description générée automatiquement<Une image contenant Bleu électrique, Bleu Majorelle, Bleu cobalt, drapeau

Description générée automatiquementSUMMARY SHEETS : ARTICLE 1 ECHFR**

***“Human dignity***

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

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| **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 Venthan 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 |