



## Module Content Outline

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### Module: Accessing Rights in the EU

#### PART A

#### Overall Summary of the Module:

The module examines the concepts of rights within the EU and its Member States and aims at familiarizing participants with the key issues surrounding human rights with a view to improving access to such rights.

The fundamental questions of this module revolve around the following:

1. What are human rights and why are they important?
2. What are the different kinds of human rights and what are the various legal protection for such rights within the EU?
3. How can one improve one's opportunities to access rights within the EU and its Member States?

These questions are especially relevant because migrants are amongst the most vulnerable communities within our societies. Due to different cultural, linguistic and economic contexts migrants are often less able to access rights within the EU and its Member States.

The aim of this module is to provide the most relevant information needed in order to understand the concept of rights and responsibilities within the EU and its Member States and empower migrants to access rights within the EU more effectively.

This module is the equivalent of 1 European Credit System for Vocational Education and Training (ECVET) credits and corresponds to level 3 of the European Qualifications Framework (EQF).



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### **PART B**

#### **Objectives and Expected Outcomes**

1. Understand the concept of human rights within the EU and why such rights are an integral part of the EU;
2. Have a basic knowledge of different categories of rights and which rights form part of such categories;
3. Have a basic understanding of the different legal instruments protecting human rights within the EU;
4. Comprehend that rights within the EU may be accessed through legal processes, quasi-legal processes as well as extra-legal processes;

### **PART C** (The entire module approximately 1500 words)

#### **Units in the Module:**

Unit 1: Human rights and their role within the EU

Unit 2: Different kinds of rights and their legal protection

Unit 3: Accessing rights in the EU through various processes

#### **Unit 1: Human rights and their role in the EU**

##### **C1.Overview:**

This unit seeks to answer two questions: What are human rights and why are they important? And Why are human rights an integral part of the EU system?



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### C2. Learning Outcomes

- Understand the concept of human rights and how they evolved;
- Explain why such rights are an integral part of the EU

### C3. Content

This unit introduces participants to the concept of human rights and its legal protection as well as the importance of human rights to the European Union. Human rights have developed over time and in different geographical and cultural contexts.

The focus of human rights is the protection and safeguarding of human dignity. It recognises that each person, notwithstanding his/her age, race, religion, social status or gender is endowed with dignity and that this dignity needs to be safeguarded. Over time this recognition was translated into legal protection in different parts of the world. The Second World War (1939-1945) saw great and serious abuses of human dignity in different forms, such as the Holocaust. This led the international community at the time, which had formed into the United Nations (UN) to adopt the Universal Declaration of Human Rights (UDHR).

The UN adopted the UDHR on the 10th of December 1948. The Declaration expresses for the first time a list of rights that individuals should have simply because they are human beings. These rights include the right to life, to liberty, to a fair trial, right not to be tortured or enslaved. Other rights included are the right to freedom of expression and association, freedom of conscience and the right to education and health.

These rights were adopted very widely in the laws of countries around the world in the decades following the Second World War. In Europe, for example, the Council of Europe in 1950 adopted the European Convention of Human Rights, which establishes a European Court of Human Rights. Although the European Convention of Human Rights is not part of the EU legal system, all EU Member States are also parties to the European Convention of Human Rights and as such, they are all bound by the rules contained in the Convention.

The European Union itself is founded on the principle of the respect of Human Rights and all EU Member States are committed to the promotion and respect of human rights. Article 2 of the Treaty establishing the EU states: The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. Therefore, any state who wishes to become a Member State of the EU



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must show that it is respecting human rights. This requirement is part of the so-called Copenhagen Criteria which were adopted in the capital city of Denmark by the European Council in 1993. Amongst other criteria, the EU requires that each state in the EU has established institutions which guarantee effectively democracy, human rights and the protection of minorities.

### C.4 Key Words

History, Human Rights, EU

### PART D

#### Further Reading

Websites/ Freely available papers

<http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>

<https://www.humanrights70.org/#home>

[https://europa.eu/european-union/topics/human-rights\\_en](https://europa.eu/european-union/topics/human-rights_en)

### PART E

#### Unit Completion

1. What is the main concept upon which human rights are based?
  - a. Nationality
  - b. Faith
  - c. Dignity
  - d. Merit

Correct Answer c. Dignity



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Human rights are based on the principle that everyone is born with certain basic rights that are intended to allow human beings to live in dignity. This is why human rights exist: to protect the dignity of each and every human being.

2. When did the international community first compile a list of rights that all individuals should have?
  - a. 1918
  - b. 1966
  - c. 1989
  - d. 1948

Correct Answer d. 1948

The United Nations adopted the United Nations Universal Declaration of Human Rights on the 10th of December 1948. The Declaration expresses for the first time a list of rights that individuals should have simply because they are human beings.

3. Which of the following is a requirement for a state to be able to join the EU?
  - a. GDP per capita
  - b. Existence of institutions guaranteeing human rights
  - c. Territorial size
  - d. Religious affiliation

Correct Answer b. Existence of institutions guaranteeing human rights

This requirement is part of the so-called Copenhagen Criteria which were adopted in the capital city of Denmark by the European Council in 1993. Amongst other criteria, the EU requires the existence of institutions guaranteeing democracy, human rights and the protection of minorities.

4. All EU member states are also parties to the European Convention of Human Rights

True or False?

Correct Answer: True

Although the European Convention of Human Rights is not part of the EU legal system, all EU Member States are also parties to the European Convention of Human Rights and as such, they are all bound by the rules contained in the Convention.



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5. This sentence is part of the Treaty which governs the establishment of the European Union: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights...”

True or False?

Correct Answer: True

The sentence above is taken from article 2 of the Treaty on European Union which makes human rights a central concept within the Union.

### **PART F**

1. The Copenhagen Criteria include further:

([https://eur-](https://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html)

[lex.europa.eu/summary/glossary/accession\\_criteria\\_copenhagen.html](https://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html)).

- stability of institutions guaranteeing democracy \_\_\_\_\_, human rights and respect for and \_\_\_\_\_;
- a functioning market economy and the \_\_\_\_\_;
- ability to take on the obligations of membership, including the capacity to \_\_\_\_\_, standards and policies that make up the body of EU law (the 'acquis'), and adherence to the aims of \_\_\_\_\_.

2. Find a famous picture showing a woman holding the Universal Declaration of Human Rights, taken in 1949. Who is the women in the picture? What was her role in adopting the Declaration?



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### Unit 2: Different kinds of rights and their legal protection

#### C1. Overview:

This unit introduces the different categories of rights that exist (social/economic/political etc.), what kinds of rights fall within the different categories and the most important legal protections available for human rights.

#### C2. Learning Outcomes

1. Have a basic knowledge of different categories of rights
  - a. and the rights that form part of these categories;
2. Have a basic understanding of the different legal instruments protecting human rights within the EU

#### C3. Content

Human rights cover a wide variety of topics ranging from the right to a fair trial to the right to health. Due to the wide variety of issues covered by human rights, they are usually divided into categories that group together the various rights into categories that share common features or characteristics. Human rights are generally categories as follows: social rights, economic rights, cultural rights, civil rights and political rights. These categories, while they may be useful to better understand the nature of the specific rights, do not imply that any category is more important or takes precedence over another. Human rights are all equally important. The UN has held that human rights are indivisible and interdependent, meaning they are of equal importance and they reinforce one another.

Social rights include rights like the right to an adequate standard of living and decent housing as well as the right to food; the right to the highest attainable standard of health; and also, the rights to education and social security



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Economic rights include: the right to work, the right to equal pay for work of equal value, the right to safe working conditions, the right to form and join trade unions well as the right to strike.

Cultural rights include the right to enjoy one's own culture and participate in the cultural life of the community.

Civil and political rights include the rights to life, personal liberty and a fair trial; freedom from torture and inhuman or degrading treatment; the right to privacy, as well as freedom of expression and of assembly.

These rights, and others, are protected in national laws, international treaties like The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights (two treaties adopted by the United Nations General Assembly on 16 December 1966) as well as in regional treaties like the European Convention on Human Rights and the he EU Charter of Fundamental Rights.

The European Convention of Human Rights adopted in 1950 safeguards primarily civil and political rights and applies to anyone who is within the jurisdiction of a State that is party to the Convention. Thus, it applies to any person who is within the jurisdiction of all EU Member states because they are all parties to the Convention. This means that the Convention protects anyone who happens to be on the territory of a State Party to the Convention irrespective of their nationality. A person may bring a case to the European Court of Human Rights only if the right breached is included in the Convention and only after he/she has first tried to have his rights secured through the national courts of the state which caused the breach.

Although all EU Member States are parties to the European Convention on Human Rights, the EU adopted its own human rights charter: The EU Charter of Fundamental Rights was adopted in the year 2000. The Charter includes all categories of rights (political, civil, economic, cultural and social) but it only applies to the EU institutions (European Commission, European Parliament, the Council of the European Union) and to EU Member States when they are applying EU law. For example, when an EU Member State is implementing a directive, or a regulation issued by the Commission, Council and Parliament.





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### C.4 Key Words

Political Rights, Civil Rights, Economic Rights, Social Rights, European Convention Human Rights, European Charter Fundamental Rights

### **PART D**

#### **Further Reading**

Websites/ Freely available papers

[https://www.echr.coe.int/Documents/Simplified\\_Conv\\_ENG.pdf](https://www.echr.coe.int/Documents/Simplified_Conv_ENG.pdf)

[https://www.youtube.com/watch?v=MOcmUQTgjCw&list=PLT-6qb4oU5fj\\_2HYaZ7Rtq0jfGr6cAics&index=1](https://www.youtube.com/watch?v=MOcmUQTgjCw&list=PLT-6qb4oU5fj_2HYaZ7Rtq0jfGr6cAics&index=1)

<https://www.equalityhumanrights.com/en/what-are-human-rights/how-are-your-rights-protected/what-charter-fundamental-rights-european-union>

<https://fra.europa.eu/en/publications-and-resources/infographics/eu-fundamental-rights-charter-action>

### **PART E**

#### **Unit Completion**

To proceed to the next unit please answer the following questions:

1. How many categories of human rights exist?
  - a. 2
  - b. 8
  - c. 5
  - d. 3

Correct answer: 5.

Human rights are usually categorised in social rights, economic rights, cultural rights, civil rights and political rights. They are all equally important.



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2. Which of these is a social right?
- a. The right not to be subject to torture
  - b. The right to political participation
  - c. The right to health
  - d. The right to practice your faith

Correct answer: c. the right to health.

The right to health arises from the International Covenant on Economic, Social and Cultural Rights (ICESCR), a treaty adopted by the United Nations General Assembly on 16 December 1966. It is also found in Article 35 of the EU Charter of Fundamental Rights and Article 11 of the European Social Charter.

3. The European Convention of Human Rights protects only European citizens

True or False

Correct answer: False

The Convention applies to anyone who is within the jurisdiction of a State that is party to the Convention. Thus it applies to any person who is within the jurisdiction of all EU Member states because they are all parties to the Convention.

4. Any person who feels that any one of their human rights has been breached may immediately bring a case to the European Court of Human Rights?

True or False

Correct answer: False

A person may bring a case to the European Court of Human Rights only if the right breached is included in the Convention and only after he/she has first tried to have his rights secured through the national courts of the state which caused the breach.



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5. The European Charter of Fundamental Rights only includes civil and political rights.

True or False

Correct answer: False

The Charter includes all categories of rights (political, civil, economic, cultural and social) but it only applies to the EU institutions and to EU Member States when they are applying EU law.

### **PART F**

Suggest 2 Activities to test and/or reflect on the information presented by this module

1. Watch [this](https://www.youtube.com/watch?v=MOcmUQTgjCw&list=PLT-6qb4oU5fj_2HYaZ7Rtq0jfGr6cAics&index=1) video ([https://www.youtube.com/watch?v=MOcmUQTgjCw&list=PLT-6qb4oU5fj\\_2HYaZ7Rtq0jfGr6cAics&index=1](https://www.youtube.com/watch?v=MOcmUQTgjCw&list=PLT-6qb4oU5fj_2HYaZ7Rtq0jfGr6cAics&index=1)) and write down all fundamental rights listed. Categorize them according to social rights, economic rights, cultural rights, civil rights and political rights.
2. Go to the website [https://e-justice.europa.eu/content\\_jurisdiction-85-en.do](https://e-justice.europa.eu/content_jurisdiction-85-en.do) and select the country flag of your country of residence and describe the concept of territorial jurisdiction.



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### Unit 3: Different kinds of rights and their legal protection

#### C1. Overview:

This unit introduces the concept of accessing rights in different contexts and through different mechanisms.

#### C2. Learning Outcomes

1. Comprehend that rights within the EU may be accessed in different ways including legal processes, quasi-legal processes as well as extra-legal processes
2. Understand that rights may be accessed using services provided by national and local administrations as well as Non-Governmental Organisations

#### C3. Content

This unit will illustrate that the access to justice is a fundamental right protected through, amongst other instruments, the European Convention on Human Rights. The catalogue of rights may be accessed by different means such as judicial, quasi-judicial and non-judicial means. Different entities such as local authorities, human rights institutions and NGOs may assist in accessing these rights.

According to international and European human rights law, EU Member States must guarantee everyone the right to access a judicial body (court or tribunal), or to an alternative dispute resolution body, and to obtain a remedy when their rights are violated. This is the right of access to justice. Under EU law, everyone is also entitled to an effective remedy before a court to enforce the rights that EU law gives them. One important area is non-discrimination law where EU law prohibits discrimination on grounds of sex, racial or ethnic origin, sexual orientation, age, disability and religion or belief.



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Access is usually provided through national courts according to local rules. But rights may be accessed depending on the situation. Before thinking of going through the courts all other options should be considered.

If someone's rights have been violated, the person typically needs to address the relevant authority in his or her country or the country where the violations took place. Since the procedure might differ from country to country the European Union Agency for Fundamental Human Rights offers help regarding every single Member State individually. An interactive tool on the eJustice homepage can help to identify where the violation took place, in which area of rights such as family, social security, related to freedom or political participation and by whom the violation was committed such as a private or a public entity. It then offers information about judicial and non-judicial bodies which can assist the person whose rights were violated in claiming them.

Other human rights networks can be consulted before taking judicial means. ENNHRI is the European Network of National Human Rights Institutions. It unites 40 National Human Rights Institutions (NHRIs) across Europe to enhance the promotion and protection of human rights in the region. The network provides a platform for collaboration and solidarity in addressing human rights challenges and a common voice for NHRIs at the European level.

NHRIs are state-mandated bodies, independent of government, with a broad constitutional or legal mandate to promote and protect human rights at the national level. They can take different forms, including ombuds institutions, human rights commissions and institutes.

The EJM (in civil and commercial matters) is a flexible, non-bureaucratic network which brings together national judicial authorities. It aims to simplify and strengthen judicial cooperation between Member States. In operation since 2002, the EJM (in civil and commercial matters) improves the practical application and implementation of EU civil justice instruments. In such way, it contributes to building bridges between the different justice systems of the Member States and thereby creating mutual trust.

The Network's main tasks are direct contacts and case-handling between national Network contact points, facilitating cross-border access to justice through information given to the public and to practitioners through factsheets and other publications available at the European e-Justice Portal in all Union languages, evaluating and sharing of experience on the operation of specific Union law instruments in civil and commercial matters.



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If non-judicial means are not successful there is the possibility to seek justice through quasi-judicial bodies such as ombudspersons or National Human Rights Institutions.

National Human Rights Institutions (NHRIs) are independent institutions established by law and in compliance with the United Nations endorsed 'Paris Principles'. NHRIs are mandated to protect and promote human rights at the national level in accordance with international human rights norms and standards. FRA cooperates with NHRIs with the European Network of NHRIs and through direct bilateral cooperation. Annual thematic meetings also take place between FRA and the NHRIs.

The European Network of Ombudsmen was established in 1996. It connects the European Ombudsman, national and regional ombudsmen with the aim of ensuring complainants can get help at the appropriate level. The ENO helps to share information about EU law and its impact in EU Member States. It facilitates cooperation between ombudsmen, with a view to safeguarding the rights of EU citizens and individuals under EU law.

As a last resort rights can be accessed through judicial bodies such as local courts or tribunals. This involves complying with national rules of procedure, including time limits. Where individuals have been unsuccessful in the national courts, they may turn to bodies at the European or international levels. Complaints about human rights violations are most often directed at the ECtHR, which monitors compliance with the European Convention on Human Rights. The European Committee of Social Rights (ECSR) can also receive 'collective' complaints from certain organisations about violations of the European Social Charter. United Nations (UN) bodies may also decide on complaints about violations of UN human rights treaties, if the state has consented to the procedure.

### C.4 Key Words

Accessing rights, Ombudsperson, Courts, NGOs, Local Authorities

### PART D

#### Further Reading

Websites/ Freely available papers



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<https://fra.europa.eu/en/cooperation/national-human-rights-bodies>  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/1506-FRA-Factsheet\\_AccessToJusticeEN.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/1506-FRA-Factsheet_AccessToJusticeEN.pdf)  
[https://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_gen\\_en.htm](https://ec.europa.eu/civiljustice/legal_aid/legal_aid_gen_en.htm)  
<https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/members/national-ombudsmen>  
<https://fra.europa.eu/en/about-fundamental-rights/where-to-turn>  
[http://www.enhri.org/IMG/pdf/161612\\_enhri\\_corporate\\_infographic\\_01.pdf](http://www.enhri.org/IMG/pdf/161612_enhri_corporate_infographic_01.pdf)

### **PART E**

#### **Unit Completion**

1. Human rights may only be accessed through the law courts

True or False

Correct answer: False

There are various ways in which human rights may be accessed depending on the situation. Before thinking of going through the courts all other options should be considered.

2. What is an ombudsperson?
  - a. A judge
  - b. A lawyer giving advice for free
  - c. A public officer who investigates complaints of violation of rights
  - d. A prosecutor

Correct answer: c. A public officer who investigates complaints of violation of rights



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Ombudsperson systems exist in most EU Member States and they may vary in how they function and the cases they are able to deal with. Generally, Ombudspersons investigate complaints relating to public administrations which have acted unlawfully. They usually make recommendations after investigating a complaint. The recommendations may be binding or not depending on the country concerned.

3. Legal aid is not always available to all persons

True or False

Correct answer: True.

Legal aid systems vary from country to country but in most countries legal aid systems depend on whether the person requesting it can prove they have no means to pay and that the case they want to take to court is a valid one.

4. NGOs can be very useful in assisting individuals in knowing what their rights are and how to access them

True or False

Correct answer: True.

In all EU Member States there are various NGOs which offer advice to persons who have human rights issues. These NGOs may focus on migrants in particular or may offer their services to any persons needing them. Some offer just advice while others may also offer to assist by taking cases to the appropriate channels.

5. National Human Rights Institutions exist in some EU Member States:

True or False

Correct answer: True

National Human Rights Institutions exist in most EU Member States and their job is to monitoring and investigating the human rights situation on the





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ground and may also provide support for individuals to enforce their rights, through complaints handling or legal assistance.

### **PART F**

Suggest 2 Activities to test and/or reflect on the information presented by this module

1. Watch the video on the website of the ECHR <https://ijrcenter.org/european-court-of-human-rights/#Jurisdiction> and write down the requirements to correctly lodge an application.
2. Go to the homepage of the European Network of Ombudsmen and find the contact information of the ombudsperson who would be responsible for you or someone you know.