



## Fundamental rights

**In the European Union, the protection of fundamental rights is guaranteed both at national level by Member States' constitutional systems and at EU level by the Charter of Fundamental Rights of the European Union.**

The European Court of Human Rights in Strasbourg, which is not an EU institution but an organ of the Council of Europe, provides an additional layer of protection in case of alleged violations of the rights set out in the European Convention on Human Rights.

The EU Charter of Fundamental Rights sets out a series of individual rights and freedoms. It entrenches the rights developed in the case law of the Court of Justice of the EU, found in the European Convention on Human Rights, as well as other rights and principles resulting from the constitutional traditions of EU Member States and other international instruments.

Drawn up by government representatives and parliamentarians from all EU countries, the Charter sets out fundamental rights – such as freedom of expression or religion, as well as economic and social rights – reflecting Europe's common values and constitutional heritage. The Charter also contains newer, so-called "third generation" rights, such as the right to data protection and the right to good administration.

If you consider that your fundamental rights have been violated, you have the possibility to seek help from various institutions or authorities in the Member States, or, under certain conditions, at EU level.

This section provides information on the institutions to contact in cases of violation of fundamental rights. **Please select the relevant country's flag to obtain detailed national information.**

### At national level

The Charter of Fundamental Rights of the European Union applies to Member States only when they are implementing EU law. The public authorities of the Member States – legislative, executive and judicial – are only bound to comply with the Charter when implementing EU law, notably when they are applying EU regulations or decisions or implementing EU directives. Judges in the Member States, under the guidance of the Court of Justice, have the power to ensure that the Charter is respected by the Member States only when they are implementing EU law.

If a situation does not relate to EU law, it is up to national authorities, including the courts, to enforce fundamental rights. Where the Charter does not apply, fundamental rights continue to be guaranteed at national level according to the national constitutional systems. Member States have extensive national rules on fundamental rights, the respect of which is guaranteed by national courts.

All Member States have made commitments under the European Convention of Human Rights, independently of their obligations under EU law. Therefore, as a last resort, and after exhausting all remedies available at national level, individuals may bring an action at the European Court of Human Rights in Strasbourg for violation by a Member State of a fundamental right guaranteed by the European Convention on Human Rights.

The European Court of Human Rights has designed an [admissibility checklist](#) in order to help potential applicants work out for themselves whether there may be obstacles to their complaints being examined by the Court.

### At EU level

#### The role of the European Commission

**The EU Charter of Fundamental Rights** applies to all actions by EU institutions. The role of the Commission is to ensure that its legislative proposals respect the Charter. All EU institutions (and notably the European Parliament and the Council) are responsible for respecting the Charter throughout the legislative process.

**The Charter applies to Member States only when they are implementing EU law.** If an individual considers that a national authority has violated the Charter when implementing EU law, he can complain to the Commission, which has the power to start infringement proceedings against the Member State.

**The Commission is not a judicial body or a court of appeal against the decisions of national or international courts.** Nor does it, as a matter of principle, examine the merits of an individual case, except if this is relevant to carry out its task of ensuring that the Member States apply EU law correctly. In particular, if it detects a wider problem, the Commission can contact the national authorities to have it fixed, and ultimately it can take a Member State to the Court of Justice. The objective of these proceedings is to ensure that the national law in question - or a practice by national administrations or courts - is aligned with the requirements of EU law.

### **The Court of Justice of the European Union**

The Court of Justice in Luxembourg is an institution of the European Union. It is the final authority in relation to the Treaties, the Charter and EU law. It makes sure that they are interpreted and applied in the same way across the Union, and that EU institutions and the Member States do what EU law requires of them.

When individuals or businesses consider that an act of the EU institutions directly affecting them violates their fundamental rights, they can bring their case before the Court of Justice, which subject to certain conditions has the power to annul such act. However, an individual cannot bring an action against another person (natural or legal) or against a Member State before the Court of Justice.

### **The European Court of Human Rights**

The entry into force of the Lisbon Treaty requires the European Union to accede to the European Convention on Human Rights. When this process is completed, individuals who consider their human rights have been violated by the EU, after exhausting all remedies available at national level, will also be able to bring their case in front of the European Court of Human Rights. This will introduce an additional judicial control in terms of protecting fundamental rights in the EU.

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