

Practical Application of the EU Charter of Fundamental Rights



WIDE - Wider and Deeper EU
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Jean Monnet Teacher Training





Training Objectives

General objective

To empower teachers with the knowledge, tools, and reflective capacity to understand, teach, and apply the EU Charter of Fundamental Rights as a civic learning tool, enabling students to become critically engaged, rights-aware European citizens.

Specific Objectives

- To increase teachers' knowledge of the structure, scope, and legal function of the Charter.
- To clarify when and how the Charter applies in both EU and national contexts.
- To raise awareness of the limits of EU human rights protection, especially in national legal matters.
- To equip teachers with strategies and exercises to make the Charter meaningful and relevant in the classroom.
- To promote student engagement with real-world cases that illustrate both the power and the limits of EU rights mechanisms.
- To support teachers in fostering active citizenship, democratic participation, and critical thinking through rights-based education.



Training Programme

Module 1: Understanding the Charter

- 1.1. Fundamental Rights
- 1.2. Charter's historical background
- 1.3. Charter's structure
- 1.4. Comparison with the European Convention on Human Rights (ECHR)
- 1.5. The Role of the CJEU

Module 2: Scope and Application of the Charter

- 2.1. Charters vs national constitutions
- 2.2. When the Charter applies
- 2.3. When the Charter DOES NOT apply
- 2.4. Limitations and challenges
- 2.5. How to report a complaint

Module 3: Key law cases

- 3.1. CJEU reviewing EU legislation
- 3.2. National Courts applying the Charter
- 3.3. The EC taking legal action against a Member State
- 3.4. European Court of Human Rights as the final arbiter

Module 4: Teaching fundamental rights in schools

- 4.1. How to make the Charter tangible and relevant
- 4.2. Integrating Charter principles into cross-curricular teaching
- 4.3. The Charter as a civic learning tool



Module 1

Understanding the Charter





Module 1: Understanding the Charter

1.1. Fundamental Rights

Fundamental rights are at the heart of the European project.

The EU enshrined them in its **Charter of Fundamental Rights**, the European Union's bill of human rights. Its **50 articles** bring together the rights and freedoms belonging to everyone in the EU.

They are the same no matter where you are from, what you believe or how you live. Member States have a duty to respect and observe the Charter.



👉 Module 1: Understanding the Charter

1.2. Charter's historical background

Why was the Charter created?

- By the late 1990s, the EU had expanded its powers beyond economics into areas touching on citizens' rights
- EU treaties mentioned rights, but there was no single, accessible text listing them

1999: The drafting process

The Charter was drafted by the **European Convention**, including representatives from national parliaments, governments, European Parliament, and Commission. Its task was to consolidate existing EU rights and add modern protections (e.g., data protection, bioethics, social rights).

2000: Proclamation

The Charter was proclaimed by the European Parliament, Council of the EU and European Commission.

At that time, it **had no binding legal force**, but was politically significant.

2009: Gaining legal force

Treaty of Lisbon (Article 6 TEU) gave the Charter **full legal effect** on December 1, 2009. From that point onward, the Charter became:

- **Binding primary law**
- Equal in status to the EU Treaties



👉 Module 1: Understanding the Charter

1.3. Charter's structure



Click on the boxes and navigate the [Charterpedia](#), an online tool which provides easy-to-access information about the Charter and its provisions.



👉 Module 1: Understanding the Charter

1.3. Charter's structure – Title I Dignity

Human dignity is not just a right - it is the basis of all rights in the EU Charter. It means every person has inherent worth that must be respected, protected, and upheld in all circumstances.

Article 1: Human dignity is inviolable and must be respected and protected

Article 2: Everyone has the right to life; the death penalty is banned

Article 3: Right to physical and mental integrity; includes informed consent, bans on eugenics and organ trade

Article 4: Prohibition of torture or degrading treatment—no exceptions

Article 5: Prohibition of slavery and forced labour, including trafficking.

TEACHING TIPS

- ✓ Ask students what dignity means in their lives
- ✓ Connect to topics like medical consent, trafficking, or respectful treatment in the workplace.

Activities:

- ✓ Short debate (e.g., “Should people be allowed to refuse life-saving treatment?”)
- ✓ Case study discussion on a dignity-related issue
- ✓ Poster or creative project illustrating dignity in everyday life



Module 1: Understanding the Charter

1.3. Charter's structure – Title II Freedoms

Title II ensures fundamental freedoms that protect individual autonomy and participation in society. These rights are vital to a functioning democracy, as they guarantee that individuals can express themselves, choose their beliefs, and live without undue interference. Core Freedoms Protected include:

- Personal Freedoms
- Freedom of Expression
- Freedom of Assembly & Association
- Cultural and Educational Freedoms
- Economic Freedoms

TEACHING TIPS

- ✓ Ask students to reflect on their personal freedoms and how they exercise them (e.g., freedom of speech on social media or the right to protest)
- ✓ Connect these freedoms to current events, such as debates about free speech, protests, or privacy concerns in the digital age
- ✓ Have students choose one freedom they find particularly important and research
 - 1) How it is protected by the EU and national governments
 - 2) If there are any laws or events that pose obstacles to this freedom or may limit it



👉 Module 1: Understanding the Charter

1.3. Charter's structure – Title III Equality

Title III of the EU Charter is dedicated to ensuring that every individual is treated equally under the law, without discrimination. This includes addressing inequalities in areas like gender, disability, age, and sexual orientation.

Key concepts include:

- Equality Before the Law
- Non-Discrimination
- Special Protection for Vulnerable Groups

TEACHING TIPS

- ✓ Ask students to share their thoughts on what "equality" means to them and why it is important in a society. How do they experience equality in their lives, both positively and negatively?
- ✓ Explore real-world examples where equality is challenged or upheld
- ✓ Have students choose a specific form of inequality (e.g., gender inequality, disability access) and investigate:
 - 1) How is it addressed by the EU and national governments
 - 2) Are there any current barriers or challenges that limit equality in this area?



👉 Module 1: Understanding the Charter

1.3. Charter's structure – Title IV Solidarity

Title IV emphasizes the EU's commitment to social justice and the well-being of its citizens. It ensures that individuals have access to essential services and protections, promoting a fair and supportive society for all.

Core rights protected include:

- Fair Working Conditions
- Protection Against Unjustified Dismissal
- Access to Social Security and Assistance
- Health Care Access
- Environmental Protection

TEACHING TIPS

- ✓ Engage students in a discussion about the importance of social protections and how they impact individuals' lives
- ✓ Use current events or case studies to illustrate how solidarity measures are applied in real-world situations
- ✓ Have students research a specific solidarity right (e.g., access to healthcare or social security) and present how it is implemented in their country and any challenges faced



Module 1: Understanding the Charter

1.3. Charter's structure – Title V Citizens' rights

Title V of the EU Charter is dedicated to ensuring that EU citizens are actively involved in the democratic process, have access to key information, and can freely participate in the activities of the European Union. It highlights the fundamental rights that empower citizens to engage with EU institutions and promote transparency, fairness, and equality. Key principles include:

- Active Participation in Democracy
- Transparency and Access to Information
- Rights to Good Administration
- Freedom of Movement

TEACHING TIPS.

- ✓ Show real-life examples of petitions or movements that have influenced EU policy. Discuss how EU citizens have used their rights to create change, like petitioning the EU for environmental regulations or workers' rights.
- ✓ Create a mock election where students campaign for "EU Citizen Rights" in different EU countries. Students can vote on a class issue (e.g., the right to petition or freedom of movement). This gives them hands-on experience of democratic processes and understanding their role as citizens.



👉 Module 1: Understanding the Charter

1.3. Charter's structure – Title VI Justice

Title VI of the EU Charter ensures that individuals are treated justly within the legal system, safeguarding their rights throughout legal proceedings.

Key principles include:

- Right to an Effective Remedy and Fair Trial
- Presumption of Innocence and Right of Defence
- Principles of Legality and Proportionality of Criminal Offences and Penalties
- Right Not to Be Tried or Punished Twice in Criminal Proceedings for the Same Offence

TEACHING TIPS

- ✓ Initiate a conversation about the importance of fairness in legal proceedings. Ask students to consider scenarios where these rights might be challenged and discuss the implications.
- ✓ Present a real or hypothetical case where an individual's rights under Title VI were upheld or violated. Have students analyse the case and debate the outcomes based on the Charter's principles.



Module 1: Understanding the Charter

1.3. Charter's structure – Title VII General provisions

Title VII of the EU Charter of Fundamental Rights provides the foundational framework for the application of the rights and principles set forth in the Charter.

- ✓ The rights in the EU Charter apply to the **EU institutions and bodies**. **Member States** must also adhere to the Charter, but only **when they are implementing EU law**. This means that Member States are not bound by the Charter in areas that fall outside the scope of EU law (more info and examples in Module 2 and 3)
- ✓ Any limitation of the rights and freedoms in the Charter must be legally justified. Restrictions can only be imposed for reasons such as the protection of public safety, national security, or the rights of others.
- ✓ **The Charter cannot reduce existing protections**; it guarantees a higher level of protection where applicable.



👉 Module 1: Understanding the Charter

1.4. Comparison with the European Convention on Human Rights (ECHR)

EU Charter of Fundamental Rights	European Convention on Human Rights (ECHR)
Legally binding EU primary law	<u>International treaty</u> under Council of Europe
Applies within scope of EU law	Applies to all national law of 46 Council of Europe states
Enforced by Court of Justice of the EU (CJEU) – See next slide	Enforced by European Court of Human Rights (ECtHR)
Covers rights linked to EU policies	Covers civil and political rights
Applies to EU institutions and member states when applying EU law	Applies to all public authorities of member states at all times



👆 Module 1: Understanding the Charter

1.5. The Role of the Court of Justice of the European Union (CJEU)

The CJEU safeguards the rule of law in the EU and ensures that fundamental rights are upheld whenever EU law is in play.

General Role of the CJEU

- Ensures uniform interpretation and application of EU law across all member states
- Settles legal disputes between EU institutions, member states, businesses, and individuals
- Can annul EU laws and enforce obligations on member states

In Relation to the EU Charter of Fundamental Rights

- Guarantees that EU institutions respect fundamental rights in all actions and legislation
- Interprets and enforces the Charter when national authorities apply EU law
- Plays a key role in developing EU fundamental rights jurisprudence through its case law



Module 2

Scope and Application of the Charter





Module 2: Scope and Application of the Charter

2.1. Charter vs national constitutions

Complementarity, Not Supremacy

- The Charter does not override national constitutions
- Fundamental rights are protected at two levels: EU (via the Charter) and national (via constitutions and courts)

Constitutional Traditions and Article 52(4)

- The Charter is informed by the "constitutional traditions common to the Member States"
- Article 52(4) ensures that rights common across national constitutions influence Charter interpretation

KEY TEACHING MESSAGE

The Charter is a European layer of protection - it strengthens rights in areas of EU law but respects national constitutional traditions and sovereignty.



Module 2: Scope and Application of the Charter

2.2. When the Charter applies

CASE 1

When EU institutions, bodies, offices, agencies infringe fundamental rights. The Charter protects individual and legal entities against these violations.

CONSEQUENCE: the Court of Justice of the EU has the power to review the legality of the act.

CASE 2

When a national authority violates the Charter **while implementing EU law**.

CONSEQUENCE: national judges (under the guidance of the Court of Justice of the EU if needed) have the power to ensure that the Charter is respected.



Module 2: Scope and Application of the Charter

2.2. When the Charter applies

CASE 3

If a country violates fundamental rights while applying EU law, the European Commission can take legal action against that country in the Court of Justice of the EU

However, the Commission cannot intervene in cases that concern purely national law outside the scope of EU law.

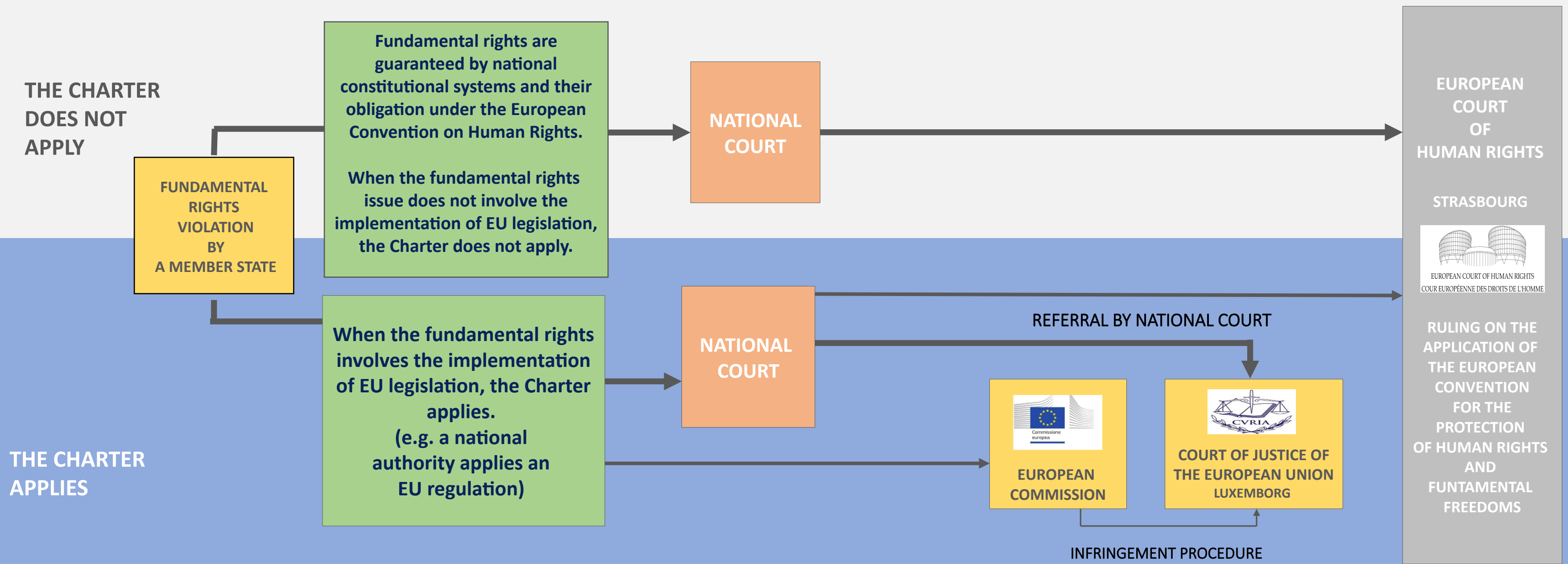
What if the violation is not linked to EU Law?

All EU countries are also members of the Council of Europe and are bound by the European Convention on Human Rights (ECHR, see slide 15). When fundamental rights under the ECHR are violated, and all other legal remedies have been exhausted, it is possible to bring a case before the European Court of Human Rights in Strasbourg.



Module 2: Scope and Application of the Charter

2.2. When the Charter applies





Module 2: Scope and Application of the Charter

2.3. When the Charter DOES NOT apply

The Finnish case - [CJEU Joined Cases C-609/17 and C-610/17 / Judgment](#)

In Finland, collective agreements granted additional paid leave beyond the 4 weeks mandated by EU law.

A dispute arose over how this additional leave was calculated, and whether certain sick days should still count toward the entitlement.

KEY LEGAL QUESTION: does the EU Charter of Fundamental Rights apply to this dispute, even though it involves a right (paid leave) that is also mentioned in the Charter (Article 31)?

COURT OF JUSTICE OF THE EU'S ANSWER: No

The EU Charter only applies when national authorities are implementing EU law (Article 51(1) of the Charter). In this case:

- >The dispute involved additional leave beyond what EU law requires
- >The national law was not implementing EU law, but was acting autonomously



Module 2: Scope and Application of the Charter

2.4. Limitations and challenges

Limited Scope of Application

- The Charter only applies when EU law is being implemented. It does not apply to purely national matters (e.g. national education policy, unless tied to EU law)
- Citizens may not always be aware when EU law is involved, which limits its practical reach

No Independent Enforcement Mechanism

- The Charter relies on other institutions (like national courts or the European Commission) for enforcement
- Individuals cannot bring a case directly to the CJEU unless through national courts (more info in the next slide)

Tensions Between National and EU Courts

- Some national constitutional courts resist CJEU rulings, especially when they feel national identity or sovereignty is at risk

KEY TEACHING MESSAGE

The EU Charter is a strong legal instrument, but it faces practical and political challenges. Educating students about these limits is key to fostering a realistic and critical understanding of rights protection in the EU.



Module 2: Scope and Application of the Charter

2.5. How to make a compliant

National Courts > Initiate legal proceedings in the courts of the Member State where the breach occurred

National Ombudsman > Submit complaints regarding maladministration or violations of rights

National Equality Bodies > Seek assistance if you are a victim of discrimination.

National data Protection Authorities > Lodge complaints concerning breaches of data protection laws

Passenger Rights Enforcement Bodies > Address issues related to transport operators not complying with EU passenger rights

Environmental Complaints > Utilize national courts to address environmental issues, with guidance available on the [e-Justice portal](#)

Your Europe Advice > Receive legal advice on your EU rights

If national remedies are exhausted or ineffective, it is possible to file a complaint with the European Commission regarding a Member State's failure to [comply with EU law](#)



Module 3

Key law cases





👉 Module 3: Key law cases

3.1. CJEU reviewing EU legislation

Ligue des droits humains v. Conseil des ministres (C-817/19)

BACKGROUND

The Belgian *Ligue des droits humains* challenged Belgium's implementation of the **EU Passenger Name Record (PNR) Directive** (Directive (EU) 2016/681), claiming it infringed fundamental rights by mandating extensive collection and retention of air passenger data, even for intra-EU flights.

The Belgian Constitutional Court referred questions to the CJEU for a preliminary ruling concerning the validity and interpretation of the PNR Directive

LEGAL ISSUE

Does the mass collection and processing of passenger data under the PNR Directive violate:

- **Article 7** (right to respect for private life)
- **Article 8** (protection of personal data)
- **Article 52(1)** (principles of necessity and proportionality) of the EU Charter?

CJEU RULING

The Court acknowledged that the PNR system interferes significantly with privacy and data protection rights. However, it did not invalidate the Directive. Instead, it:

- Confirmed that the system could be justified if accompanied by strict safeguards
- Emphasized that intra-EU flight data should only be collected in cases of a genuine and present threat to public security
- Required that data retention be limited in time and access controlled

WHY IT MATTERS

This case is a clear example of the CJEU examining the legality of an EU legislative act in light of the Charter.

It shows the Court's role in balancing security concerns with fundamental rights, using proportionality as the key principle.



👉 Module 3: Key law cases

3.2. National Courts applying the Charter

Federal Constitutional Court Order of 24 January 2025 – 2 BvR 1103/2

BACKGROUND

A non-binary German citizen faced extradition to Hungary under the European Arrest Warrant (EAW) system.

The individual argued that Hungarian detention conditions, especially regarding LGBTQ+ individuals, violated fundamental rights.

LEGAL ISSUE

Did extradition under the EAW risk violating Article 4 of the EU Charter (prohibition of inhuman or degrading treatment), due to conditions in the receiving state?

NATIONAL COURT'S ROLE

The German Federal Constitutional Court ruled that German authorities failed to properly investigate the risk of degrading treatment in Hungary.

The court suspended the extradition, citing lack of proper human rights assessment, even under an EU mechanism. This followed the principle established in CJEU case law that mutual trust is not automatic when serious human rights concerns exist.

WHY IT MATTERS

This case demonstrates national courts' ability - and duty - to apply the Charter, particularly in the context of EU instruments like the EAW.

It is also a teachable example of how national courts can act independently to uphold EU fundamental rights.



👉 Module 3: Key law cases

3.3. The EC taking legal action against a Member State

European Commission v. Hungary – Sovereignty Law and Fundamental Rights

BACKGROUND

In 2023, Hungary adopted the "Defence of Sovereignty" law, establishing a state authority to monitor and investigate foreign influence in public life, particularly in the political and civil society sectors.

The law has been widely criticized for enabling state surveillance and suppressing dissent under the guise of protecting national sovereignty.

LEGAL ISSUE

The Commission identified that the law may contravene the EU Charter, by violating these fundamental rights:

Privacy and data protection (Articles 7 & 8): the law allows broad surveillance powers without sufficient safeguards.

Freedom of expression, association, and political activity (Articles 11 & 12): it targets NGOs, journalists, and civil society actors critical of the government.

Right to a fair trial and effective remedy (Article 47): those targeted lack legal recourse or procedural protections.

EC ROLE

The Commission sent a formal notice to Hungary, outlining the alleged breaches.

On October 2024, due to Hungary's insufficient response, the Commission escalated the matter to the Court of Justice.

WHY IT MATTERS

The case underscores the EU's commitment to safeguarding fundamental rights across Member States.

The outcome of this case will have significant implications for the enforcement of EU fundamental rights and the rule of law within Member States.



Module 3: Key law cases

3.4. European Court of Human Rights as the final arbiter

M.S.S. v. Belgium and Greece ([App. No. 30696/09](#))

BACKGROUND

M.S.S., an Afghan asylum seeker, arrived in Belgium and was returned to Greece under the Dublin II Regulation.

In Greece, he experienced inhuman detention conditions and lack of effective access to asylum procedures.

LEGAL ISSUE

The CJEU had previously upheld the Dublin system based on mutual trust between Member States.

But M.S.S. argued that Belgium violated his rights by returning him to a state unable to guarantee humane treatment.

ECTHR RULING

The European Court of Human Rights found that:

- Greece violated Article 3 of the European Convention on Human Rights (ECHR) inhuman or degrading treatment - due to the conditions of detention and the ineffective asylum system
- Belgium also violated Article 3 of the ECHR for knowingly sending him back to those conditions
- Both states violated Article 13 (right to an effective remedy)

WHY IT MATTERS

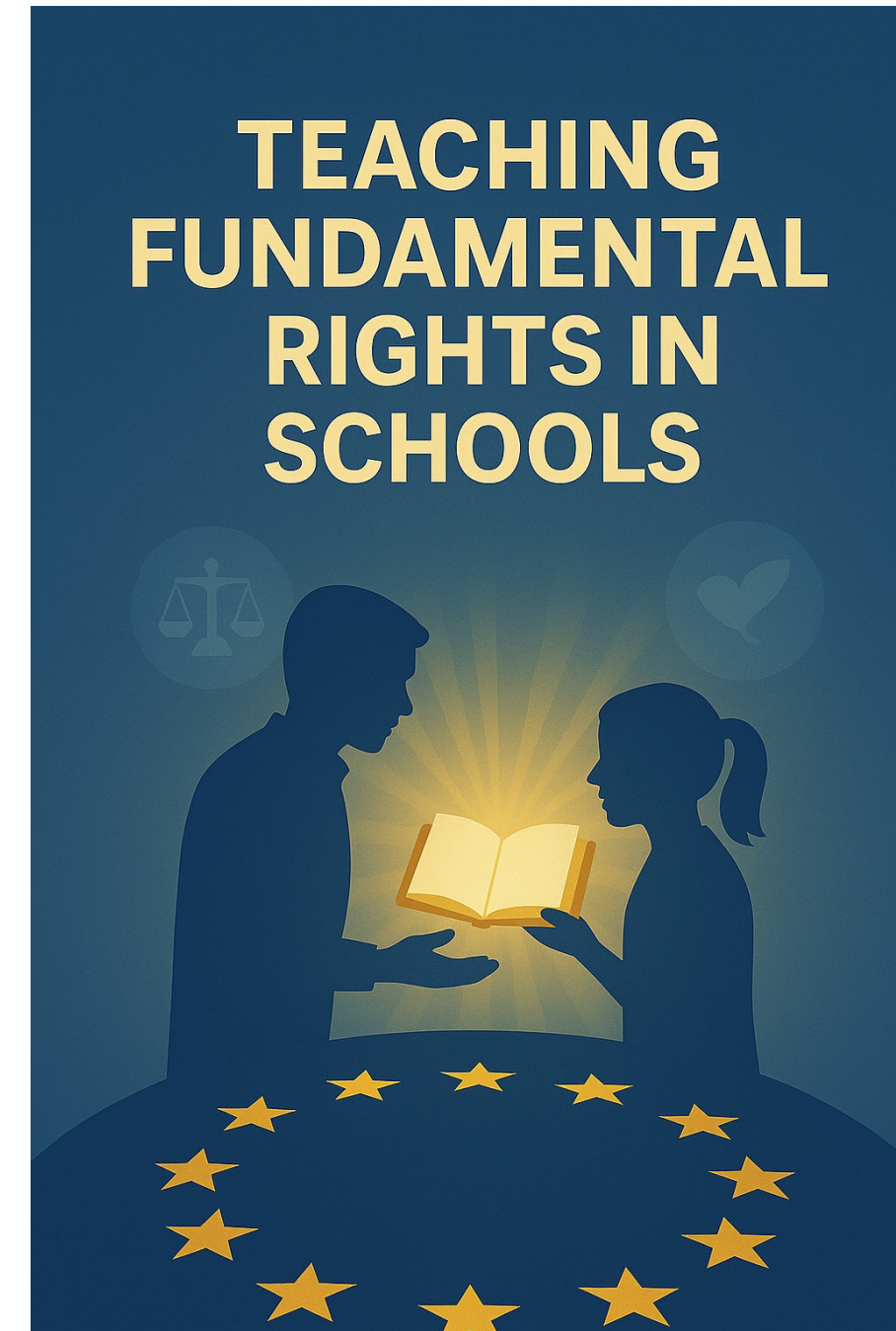
This case illustrates limits of CJEU reliance on mutual trust, and how ECtHR can override it to protect individual rights.

It is crucial for understanding how European legal orders interact, and how the ECHR fills gaps when EU law mechanisms fall short.



Module 4

Teaching Fundamental Rights in Schools





Module 4: Teaching Fundamental Rights in Schools

4.1. How to make the Charter tangible and relevant

Make students aware that the Charter of Fundamental Rights is theirs. It protects their freedoms, dignity, and equality.

Key Questions for Students to launch an open discussion:

- “What rights do I have as an EU resident?”
- “Where do I see fundamental rights in my daily life?”
- “How do these rights affect me at school, home, or online?”

Classroom Exercise → Map Your Rights

Objective: Help students connect the Charter to their real-world experiences and recognise its importance

1. Divide students into small groups
2. Give each group a few articles from the Charter and ask them to:
 - >> Explain what the right means in simple terms
 - >> Find 1–2 real-life examples of where that right applies in their daily lives
 - >> (Optionally) Present findings visually (mind map, poster, or digital slide)



Module 4: Teaching Fundamental Rights in Schools

4.1. How to make the Charter tangible and relevant

Before introducing the “Map your rights” exercise to students, teachers are encouraged to complete it themselves.

This short workshop is a reflective activity that invites you to explore how fundamental rights - like dignity, freedom, equality, justice, democracy - are present (or challenged) in your own life and professional experience. By connecting personally with these values, you will be better equipped to teach them in meaningful, relatable ways.

Step 1 > Take a few quiet moments to think about the following questions.

- Which fundamental rights do you feel most strongly about and why?
- Can you recall a time when you experienced this right being respected in your life? Or a time when it felt violated or ignored - in society, work, or elsewhere?
- How does this value connect to your role as a teacher?

Step 2 > Ask yourself:

- How can I share this kind of reflection with my students?
- What opportunities do I already have in my teaching to highlight these values through examples, dialogue, or behaviour?



👉 Module 4: Teaching Fundamental Rights in Schools

4.2. Integrating Charter principles into cross-curricular teaching

Subject	How the Charter Applies
Civics/History	Trace the evolution of human rights in Europe and the development of EU institutions.
Literature	Explore narratives dealing with justice, dignity, freedom of speech, and resistance.
ICT/Media Studies	Examine rights to privacy, freedom of expression, and challenges of disinformation online.
Science & Ethics	Discuss ethical dilemmas in health, technology, and bioethics (e.g., right to integrity).
Economics	Study social rights, fair working conditions, and the right to social security.
Geography	Analyse regional inequalities, migration, and access to fundamental rights across the EU.
Art & Visual Culture	Express values such as equality, diversity, and identity through visual storytelling.
Philosophy	Debate the moral foundations of dignity, freedom, and solidarity enshrined in the Charter.
Religious Studies	Compare moral teachings with Charter principles like tolerance, pluralism, and belief.
Languages (Foreign/National)	Use Charter articles in language learning; translate or discuss real EU court cases.



👉 Module 4: Teaching Fundamental Rights in Schools

4.2. Integrating Charter principles into cross-curricular teaching

This workshop is an opportunity for you - as educators - to explore how the EU Charter of Fundamental Rights can be meaningfully connected to your subject area. The goal is to help students understand that rights like dignity, equality, freedom, and justice are not abstract - they are deeply relevant to their lives, and can be explored through history, science, art, and more.

1. Choose a Right	Pick one fundamental right from the EU Charter that resonates with your subject.
2. Link to Curriculum	Where could this right fit in your curriculum? What topic, theme, or unit could it support or enhance?
3. Design a Classroom Activity	What kind of activity could you do? (e.g., debate, discussion, creative project, case study, real-world analysis, group task, media analysis)
4. Define Learning Outcome	What would students learn or do as a result? Think of both knowledge and values.
5. (Optional) Connect with Other Subjects	Is there an opportunity for cross-curricular collaboration? (e.g., History + Literature, ICT + Citizenship)



👉 Module 4: Teaching Fundamental Rights in Schools

4.2. Integrating Charter principles into cross-curricular teaching

Examples to inspire you

Civics/History + Right to Dignity

Design a lesson tracing the history of human rights in Europe.

Literature + Freedom of Expression

Analyse a text where characters resist censorship or fight for justice.
Connect the story to Article 11 of the Charter.

Science & Ethics + Right to Health

Debate access to healthcare or explore ethical dilemmas around medical consent and bioethics.

Geography + Social Rights

Investigate access to clean water, education, or healthcare across EU regions and why it matters for equality.

After you have developed your plan, share it with other groups.

You will present:

- The **right** you selected
- How it **connects** to your subject
- The **activity or lesson idea**
- What you want students to **learn or reflect on**

This is a chance to hear what others are doing and maybe spark ideas for future collaboration.

Final takeaway

Fundamental Rights are lens through which you can teach critical thinking, empathy, and citizenship. There is no need to rewrite your curriculum. Even small activities - discussions, projects, or case studies - can make rights visible and relevant to students.



Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

The Charter:

- Promotes **democratic values, human dignity, and non-discrimination**
- Helps students connect **abstract rights** with **everyday experiences**
- Supports **critical thinking**, and understanding of justice



Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

When introducing students to the Charter, it is important to convey key messages that can help combat or prevent Euroscepticism among young people, raise awareness of the significance of human rights, and highlight the EU's historical and ongoing role as a promoter of these rights. In the next slides you will discover on how to convey these messages:

1) The Charter is a European layer of protection - it strengthens rights in areas of EU law and respects national constitutional traditions and sovereignty

2) The EU Charter is a strong legal instrument, but it faces practical and political challenges. Educating students about these limits is key to fostering critical thinking and a realistic understanding of rights protection in the EU

3) The Charter of Fundamental Rights is a cornerstone of human rights protection in the EU. It is not set in stone - its strength lies in its ability to grow. Fundamental rights should be expanded, not restricted, to meet the needs of our evolving society



Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

1)

The Charter is a European layer of protection - it strengthens rights in areas of EU law and respects national constitutional traditions and sovereignty

Example to counter the belief that the EU threatens sovereignty

A 2006 EU Directive on Data Retention required telecom and internet providers to store all user metadata (e.g., who you contacted, when, where) for up to two years. This applied to every person in the EU, regardless of whether they were suspected of any crime. Digital Rights Ireland, a civil liberties NGO, challenged the directive, claiming it violated privacy rights. The question was “Does mandatory retention of personal communication data, without suspicion, violate the EU Charter of Fundamental Rights?”

The Court of Justice of the EU struck down the Data Retention Directive as key Charter rights were violated:

Article 7: Respect for private life

Article 8: Protection of personal data

The Court ruled that blanket, general data collection was disproportionate and lacked proper safeguards. The directive failed to balance public security with individual freedoms.

By enforcing the Charter, the EU - through the Court of Justice - protects individuals and their fundamental freedoms, **even when this means overturning its own legislation.**



👉 Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

2) The EU Charter is a strong legal instrument, but it faces practical and political challenges. Educating students about these limits is key to fostering critical thinking and a realistic understanding of rights protection in the EU

Teaching the Charter's Strengths and Limits through the Case of Poland

In October 2020, Poland's Constitutional Tribunal ruled that abortions due to foetal abnormalities were unconstitutional, leading to a **near-total abortion ban**. This decision sparked nationwide protests and international criticism, highlighting concerns over women's rights.

- Restrictive abortion laws in Poland have endangered women's health, leading to **reported cases of denied medical care**. 7 women died because abortion was delayed or denied, even when their lives were at risk, like the [Izabela case](#) (UN, Committee on the Elimination of Discrimination against Women, 2024)
- Each year, around 100,000 Polish women seek abortion services abroad, and up to **200,000 abortions occur illegally or through self-managed methods**.
- Women carrying non-viable pregnancies reported **severe psychological distress**, including suicidal thoughts.

While views on abortion differ, these outcomes raise broader human rights concerns.



👉 Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

2) The EU Charter is a strong legal instrument, but it faces practical and political challenges. Educating students about these limits is key to fostering critical thinking and a realistic understanding of rights protection in the EU

Teaching the Charter's Strengths and Limits through the Case of Poland

The EU Charter of Fundamental Rights places **human dignity** (Article 1) and **healthcare access** (Article 35) at its core. Evidence from the case of Poland shows that legal restrictions can undermine fundamental rights, particularly when they cause healthcare providers to delay or deny urgent care, leading to serious consequences.

WHY DID NOT THE EU REACT?

Although the EU promotes fundamental rights, **abortion remains under national competence**. This means that the EU cannot directly legislate or intervene in member state abortion laws unless other EU law is at stake. As such, **the Charter's protections are powerful but not absolute**, they rely on national enforcement and political will. In the case of Poland, this gap was addressed by the European Court of Human Rights (ECtHR), which operates independently of the EU. The ECtHR ruled that Poland's restrictive abortion laws **violated Article 8 of the European Convention on Human Rights**, which guarantees the right to respect for private and family life.



Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

2) The EU Charter is a strong legal instrument, but it faces practical and political challenges. Educating students about these limits is key to fostering critical thinking and a realistic understanding of rights protection in the EU

Teaching the Charter's Strengths and Limits through the Case of Poland

This example allows teachers to discuss a sensitive and complex topic without promoting a single moral viewpoint, while still highlighting how fundamental rights, such as human dignity and health, can be affected by national laws and judicial decisions.

While the Charter provides strong protections in theory, its real-world application depends on political accountability, civic engagement, and public awareness. This is why political participation, awareness, and activism still matter (go to the next slide)



👉 Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

Evolving the EU Charter: Embracing Bodily Autonomy and Reproductive Rights

In April 2024, the European Parliament adopted a resolution **advocating for the inclusion of sexual and reproductive health and rights (SRHR) in the EU Charter of Fundamental Rights**. With 336 votes in favour, the resolution underscores the Parliament's commitment to enshrining the right to safe and legal abortion as a fundamental right within the EU framework. **This move directly responds to cases like Poland**, where near-total abortion bans (see previous slide) have led to denied care and maternal deaths, violating the Charter's principles of human dignity and health.

Key points from the resolution include:

- **Amendment of Article 3** - Proposing that "everyone has the right to bodily autonomy, to free, informed, full and universal access to SRHR, and to all related healthcare services without discrimination, including access to safe and legal abortion."
- Decriminalization of Abortion
- Education and Healthcare Access
- Funding and Support

3) **The Charter of Fundamental Rights is a cornerstone of human rights protection in the EU. It is not set in stone - its strength lies in its ability to grow. Fundamental rights should be expanded, not restricted, to meet the needs of our evolving society**



Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

In this workshop, teachers will develop their own lesson or classroom activity based on a powerful real-world case: the **abortion law restrictions in Poland** and the **EU's limited capacity to act**.

The aim is to help students:

- Understand that **fundamental rights are protected in the EU**, but limitations exist.
- Explore why the **Charter of Fundamental Rights has limitations** and what those mean in real life.
- Reflect on the idea that **rights can grow and be expanded** when societies demand more protection, justice, and dignity.

Step 1: Explore the Core Case

Slide 39-40-41-42 represent the context you will be working from, the foundation for your students to discuss how law works - and sometimes fails - and how they, as future citizens, can engage with and shape it.



👆 Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

Step 2: Design Your Classroom Activity

Key Right(s)	e.g. dignity, health, private life, access to care
Core Question	e.g. "Why couldn't the EU stop the Polish ban?" or "Should reproductive rights be part of EU law?"
Lesson Format *	What kind of activity will you use? (e.g. discussion, case study, role play, group project, video reflection)
Resources Needed	News clips, protest images, short case summary, EU Charter excerpts
What Students Will Learn or Do	e.g. express a personal view, connect rights to lived experience, critically assess limits of EU law

* Example of Activities

Debate: "Should the EU add abortion rights to the Charter?"

Case Reflection: Read or watch a short account of a Polish woman denied care. Ask students to identify what rights were involved - and where protection failed.

Role Play: Students simulate a public hearing at the EU Parliament, with roles like MEPs, activists, doctors, or citizens, discussing the future of rights in the EU.

Opinion Writing: Students write an open letter or article expressing their stance on whether the EU Charter should evolve.

Poster or Video Message: Students create a campaign piece explaining to peers why rights must evolve to meet new challenges.



Module 4: Teaching Fundamental Rights in Schools

4.3. The Charter as a civic learning tool

Step 3: Share & Reflect

If working in a team or group, share your activity idea with colleagues.

Exchange feedback:

- What seems most engaging for students?
- What's realistic to implement?
- Where might students struggle or shine?

This discussion can help refine your idea into a concrete classroom plan

Final Thought

The Charter is not set in stone. It reflects the values of a democratic society - and like democracy itself, it grows when people demand more from it.

By designing a learning experience around this case, you are not just teaching students about law. You are giving them the tools to critically engage with power, rights, and justice and to see themselves as part of a society that can change.



Podsumowanie





Education about the EU – The key to conscious citizenship!

WIDE - Wider and Deeper EU
Proj. Ref. Num. 101176547
Jean Monnet Teacher Training