

European Charter of Fundamental Rights Is Approved for Presentation to E.U. Heads of State.

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[1] A convention chaired by Roman Herzog, the former German Federal President and President of the German Federal Constitutional Court, has produced and passed through the E.U. institutions a Charter of Fundamental Rights which is to be presented for the signatures of the Heads of State of the European Union during their December meeting. Hailed by some as the first step towards a united Europe under a European constitution, the charter has been vilified by others on the same grounds.

[2] The Charter consists of seven sections (I. Human Dignity; II. Freedom; III. Equality; IV. Solidarity; V. Rights of Citizenship; VI. Rights of Justice; VII. General Provisions) with 53 articles therein. The Charter's legal authority is weak but it is symbolically important. The Charter will not soon become an enforceable part of the European Union's treaty structure and therefore it will remain outside the jurisdiction of the European Court in Luxembourg. But the Charter inherently represents the first step in the direction of a European constitution. The Charter also clearly outlines the human rights and democratic principles expected from E.U. members and will therefore play a role, if only as a guideline, in the E.U.'s on-going expansion efforts. The Charter represents a potentially crushing challenge to the authority of the Council of Europe's European Convention on Human Rights (celebrating its 50th year this fall) to which all the members of the European Union are already signatories and which has well established interpretation and enforcement mechanisms (European Court of Human Rights and the Council's Committee of Ministers). Whether the Charter will someday supplant the role of the Convention in the fifteen E.U. nations is not clear.

[3] The document met with some conflict during its tour of the European Parliament where Christian Democratic parliamentarians led by German representatives challenged the wording of the preamble that in their opinion failed to sufficiently recognize the role of the Christian Church and religious faith generally in the European tradition of rights and justice. France led the opposition to any changes to the preamble's more secular tone. A semantic compromise was struck such that the French and English versions of the charter will maintain the secular tone while the German translation will employ more religiously evocative language.