

Applicant submits that there have been breaches of CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION (2000/C 364/01)

#### Article 1

Human dignity

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

#### Article 3

Right to the integrity of the person

1. **Everyone has the right to respect for his or her physical and mental integrity.**

#### Article 4

Prohibition of torture and inhuman or degrading treatment or punishment

No one shall be subjected to torture or to **inhuman or degrading treatment or punishment.**

#### Article 5

Prohibition of slavery and forced labour

1. **No one shall be held in slavery or servitude.**

#### Article 7

Respect for private and family life

**Everyone has the right to respect for his or her private and family life, home and communications.**

#### Article 8

Protection of personal data

1. **Everyone has the right to the protection of personal data concerning him or**

her.

2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

Article 11

Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

Article 13

Freedom of the arts and sciences

The arts and scientific research shall be free of constraint. Academic freedom shall be respected.

Article 20

Equality before the law

Everyone is equal before the law.

Article 21

Non-discrimination

1. Any discrimination based on any ground such as sex.... shall be prohibited.

Article 23

Equality between men and women

Equality between men and women must be ensured in all areas, including employment, work and pay.

## Article 24

### The rights of the child

Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

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3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

## Article 33

### Family and professional life

1. The family shall enjoy legal, economic and social protection.

## Article 35

### Health care

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

EN C 364/16 Official Journal of the European Communities 18.12.2000

## Article 41

### Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.

2. This right includes:

the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;

the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;  
the obligation of the administration to give reasons for its decisions.

Every person has the right to have the Community make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.

Article 47

## **Right to an effective remedy and to a fair trial**

Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.

Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

Article 48

Presumption of innocence and right of defence

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.

2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

Article 49

Principles of legality and proportionality of criminal offences and penalties

**No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed.**

Article 53

Level of protection

Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union, the Community or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

Article 54

Prohibition of abuse of rights

Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.