

# ONLINE SEMINAR

## Human rights protection in Europe

### 23-24 September 2024

organised for the National Institute of Justice of the Republic of Moldova

“Supporting legal and administrative reforms required by candidate country status”

This training is implemented with the support of the Luxembourg Government

Venue: [Zoom link here](#)

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## Programme

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**Objectives:** This online course explains the legal and policy system the EU has established over the years to protect and promote fundamental rights. Consequently, this course will be an occasion to present and discuss the relevance and importance of human and fundamental rights in the EU integration process and in the EU legal system. Their role as a mechanism to control and review the legality of EU policies and instruments vis-à-vis individuals, either exerted by the EU or indirectly by Member States, will be explained.

The course will then turn to the presentation and study of the EU Charter of Fundamental Rights, highlighting both the width of its scope and innovative nature of many of the rights it enshrines. The efforts undertaken both by the EU decision-making institutions and the Court of Justice of the EU to make the Charter more effective will be also examined. Moreover, the course will also be an opportunity to discuss the relationship between the EU legal system and the European Convention of Human Rights.

Finally, the course will be complemented with a series of case studies, where the concrete action of the EU to protect and promote fundamental rights will be discussed in various policy contexts.

### Method:

In order to ensure effective learning in the online environment, time and spaces will be provided for interactive discussion of and engagement with principles and concepts related to fundamental rights. The materials are adapted to the online format and the training will include practice-based exercises encouraging active participation, engagement, analysis and exchange among participants

### Target group:

Selected magistrates from Moldova who wish and need to deepen their knowledge of EU law and EU legal affairs, especially with regard to the protection of human and fundamental rights.

### EIPA Luxembourg – European Centre for Judges and Lawyers

Dr. Catherine Warin, Lecturer, [c.warin@eipa.eu](mailto:c.warin@eipa.eu)

Dr. Claudio Matera, Lecturer, [c.matera@eipa.eu](mailto:c.matera@eipa.eu)

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### Monday 23 September 2024

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| 08.45 | Login to platform  |
| 09.00 | Welcome Speech   |
| 09.20 | Welcome and mutual introduction  |
| 09.30 | <p>Setting the scene: Protection and promotion of Fundamental Rights in the EU</p> <p>This first session will analyse how fundamental rights protection now forms an integral part of the EU. It will also demonstrate that fundamental rights are a criterion for the legality of any EU measure implemented either by the EU or by a member state, ensuring that no EU instrument may encroach upon the fundamental rights of individuals. Moreover, it will also explain how the EU decision-making institutions ensure that fundamental rights and principles are appropriately taken into consideration across all steps of the legislative process, as well as the role of assistance provided by the Fundamental Rights Agency. Finally, it will present the two strands of fundamental rights policies and actions within the European Union: mainstreaming of fundamental rights in all internal policies and programmes and promotion of fundamental rights worldwide.</p> <p>Dr. Claudio Matera</p> |
| 10.15 | Q&A session  |
| 10.30 | Break  |

- 10.45 EU Law sources of fundamental rights: The EU Charter of Fundamental Rights Sources guaranteeing the respect of fundamental rights in the EU are certain articles in the EU treaties, the so-called general principles of EU law and, as of 2009, the Charter of Fundamental rights of the EU. This session will firstly discuss the content of its text which brings together both classic personal, civic, political, economic and social rights with more innovative ones resulting from social progress and scientific and technological developments. Then, this session will study in which instances the Charter applies and in which it does not, and map the judicial remedies which can be initiated by individuals when it does.
- Dr. Claudio Matera
- 11.30 Q&A session
- 11.45 Lunch break
- 12.45 The EU and the European Convention on Human Rights  
After presenting the role and status of the European Convention of Human Rights (ECHR) in EU law, this session will identify why the accession of the EU to the ECHR is marked as a legal imperative by the Treaty of Lisbon. Then, it will present the potential solutions being considered to make this accession possible after the negative opinion of the CJEU on the compatibility of the first draft accession agreement with the EU treaties back in 2014. Finally, this session will illustrate through practical examples what the EU's accession to the ECHR would entail for individuals, national judiciaries, state authorities, etc.
- Dr. Catherine Warin
- 13.30 Q&A session
- 13.45 Break
- 14.00 Protection of Fundamental Rights in the EU.  
Case Study 1: Article 4 EU Charter – Prohibition of torture and inhuman or degrading treatment or punishment  
The EU Charter of Fundamental Rights forbids torture and other types of inhuman and degrading treatments in its Article 4. This prohibition has been under scrutiny especially in the context of the implementation by the Member States of the EU's Area of Freedom, Security and Justice instruments. In this session, the course discussion will focus on some recent rulings of the Court of Justice in relation to 1/ the detention conditions for individuals who are the subject of a European Arrest Warrant and 2/ the reception conditions for asylum seekers and refugees.
- Dr. Catherine Warin
- 14.45 Q&A session
- 15.00 End of the first day

## Tuesday 24 September 2024

- 08.45      Login to platform
- 09.00      Enforcing fundamental rights in the EU: EU and national judicial remedies  
This session will focus on the right to a remedy and how it materializes, through a variety of procedures, as a key tool for enforcing fundamental rights, both before the Court of Justice of the European Union and before the national courts of the EU's Member States.  
Dr. Catherine Warin
- 09.45      Q&A session
- 10.00      Break
- 10.15      Fundamental rights in the internal market  
Fundamental rights developed in parallel to the process of European economic integration. This session will highlight the relationship, the connections and the tensions between the rules governing the EU's internal market (including the fundamental freedoms of movement) and the EU's system of protection of fundamental rights.  
Dr. Catherine Warin
- 11.00      Q&A session
- 11.15      Lunch break
- 12.15      Protection of Fundamental Rights in the EU.  
Case Study 2: Protecting the fundamental rights of mobile EU citizens and their families  
Respect for LGBTQI individuals' rights is currently the object of controversy in certain national political arenas and, while same-sex couples have the right to marry or to alternative forms of registration in some Member States, they have no legal recognition in others. We will focus on recent innovative CJEU rulings and discuss how they extend the protection by EU law of European 'rainbow families'.  
Dr. Claudio Matera
- 13.00      Q&A session
- 13.15      Wrapping up
- 13.30      Evaluation
- 14.00      END OF SEMINAR
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