

The Charter's untapped potential, nationally

The Charter of Fundamental Rights is the EU's bill of human rights. These rights and principles have to be respected and promoted by EU institutions and Member States whenever they act within EU law. Approaching the Charter's 10th anniversary, Member States do not yet make full use of the potential it offers.

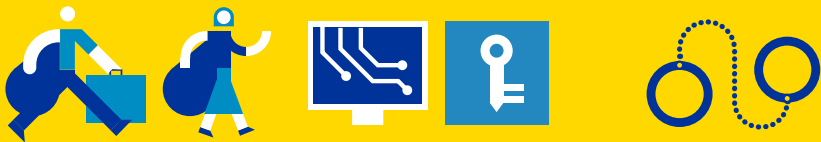
Charter in use by national courts

- The Charter is referred to as a legal source by national courts – but **often only superficially**



- National courts most refer to the Charter in the areas of

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- The Charter rights to an effective remedy and to a fair trial are most frequently used in cases analysed by FRA



Charter rarely used by legislators

- National legislation implementing EU law has to conform with the Charter. However, they **rarely refer to the Charter**
- National **rules** do not explicitly remind the legislator of the obligations under the Charter when assessing the impact or the legality of draft legislation
- When used, the Charter's role is most often acknowledged when drafting national **data protection laws**



Promoting the Charter

- Member States are **obliged to respect** the Charter's provisions and actively promote their application
- However, many are still unaware of the Charter. **8 in 10** NGOs addressed by FRA



say that civil society is not sufficiently aware of the Charter's potential

- There are hardly any national initiatives and policies **promoting awareness and implementation of the Charter**

