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Don't knock on the wrong door: CharterClick!

A user-friendly tool to detect violations falling within the scope of the EU Charter of Fundamental Rights

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1 The CharterClick! Project has started!

The *CharterClick!* Project officially started at the beginning of February 2015. On the 6th of February the Coordinator and the Co-Beneficiaries met at the University of Florence (Italy) to plan their collaboration for the next two years.

This first Newsletter pursues the following purposes:

- to provide some general information on the Project itself (its objectives, the activities planned and the Partners);

- to illustrate the activities in which the Partners will be engaged in Workstream 1(February 2015 – March 2016);
- to explain how, should they wish so, the addresses of this Newsletter that are not Partners to the Project may contribute to the successful implementation of *CharterClick!*;
- to create a network of persons, institutions and bodies that want to contribute improving the effectiveness of the EU Charter of Fundamental Rights.

We encourage you to help us disseminating the knowledge about *CharterClick!*, by forwarding this Newsletter to your contacts that may be interested in this Project.

Anybody who would like to be added to our Newsletter should send an e-mail to the Project mail address: charterclick@dsg.unifi.it

If you do not want to receive our Newsletter, write a message to the same address with "UNSUSCRIBE" in the object.

2 The *CharterClick!* Project: a Short Overview

2.1 Objectives

The chief purpose of the *CharterClick!* Project is to create a set of tools that will assist victims of fundamental rights violations, lawyers, national judges, ombudspersons, equality bodies and other national human rights institutions in determining whether the [Charter of Fundamental Rights of the European Union](#) can provide protection in a specific case.

Since its upgrading to the status of EU primary law on 1st December 2009, the Charter has become increasingly integrated in the everyday activity of the Court of Justice of the European Union and of the national courts of the EU Member States. At the same time, however, the reports of the European Commission and the case law of the CJEU show that thousands of individuals have tried to invoke before courts the protection of the Charter in cases outside its scope of application. A search in the two main EU law databases, Curia and EUR-lex, returns dozens of preliminary references (originating from both “new” and “old” Member States) where national courts referred questions in cases falling outside of the scope of the Charter.

As highlighted by former Commissioner Viviane Reding, “the first result of this ‘knocking on the wrong door’ exercise is an understandable sense of frustration” (XXIV FIDE Congress, 2012). At the same time, the lack of knowledge about the scope of the Charter inevitably entails the risk that it may not be applied in cases in which it should.

The Project team will develop the following tools:

a) an *Admissibility Checklist*: taking inspiration from the checklist of the ECtHR (<http://appform.echr.coe.int/echrappchecklist/Introduction.aspx>), CharterClick! Checklist will target victims and their intermediaries, and will provide simple criteria to identify claims falling within the scope of the Charter. In order to help users to understand the criteria, practical examples will be given.

b) a *Database* that will complement the Admissibility Checklist by collecting decisions where EU courts, national courts and national human rights bodies relied on the Charter to solve specific cases.

c) a document containing some *Practical Guidelines on the application of the Charter*: these will target national judges and other qualified operators and will provide technical information and references to national and European case law. They will improve their capacity to determine whether a claim falls within the scope of the Charter.

d) a document on the *Best Practices of National Human Rights Bodies as regards the Use of the Charter*.

These tools will be uploaded in a freely accessible, online platform (*CharterClick!*; the registered domain, which is already active, is: <http://www.charterclick.eu>). They will contribute to contrast the sense of frustration and distrust towards the Union that victims of fundamental rights violations experience when, owing to the lack of knowledge on the Charter, they seek protection based on its provisions in cases outside its scope. It will also reduce the risk of losing money and time that is an almost inevitable consequence in those situations. Both effective protection of fundamental rights and smooth administration of justice will ultimately be enhanced.

2.2 Activities

The Project will unfold through three strictly interrelated activities (see the list of Partners below).

1) *Research activities – months 1-14*: the academic partners will collect relevant national and European cases and re-elaborate them, in close cooperation with the associate partners. Clear examples for situations in which the Charter applies will be developed and uploaded in the Database. Based on the case law and decisions of ombudspersons, the applicant will draft both the Practical Guidelines and the Admissibility Checklist (which will take inspiration from the checklist of the ECHR).

2) *Technical Activities – months 1-24*: the technical unit (ITTIG) will design, develop and implement the on-line platform. Its involvement in the Steering Committee (cf. Workstream 1) will ensure that the most appropriate technical solutions to support the tools are identified.

3) *Testing, training and dissemination activities – months 15-24*: the partners will organise two series of workshops aimed at testing the tools and at training qualified operators to use them. The Final Conference will also contribute to expanding the circle of the said users.

2.3 Consortium

The Project envisages close cooperation between 7 highly qualified academic institutions, an institute specialized in legal informatics and a broad set of bodies representing victims of fundamental rights violations from 11 Member States.

2.3.1 Coordinator

Università degli Studi di Firenze - Dipartimento di Scienze Giuridiche (IT)

2.3.2 Co-beneficiaries

- European University Institute (IT)
- Université de Bordeaux (FR)
- Università di Cagliari (IT)
- Universität Konstanz (DE)
- University of Leicester (UK)
- Uppsala Universitet (SE)
- Istituto di Teoria e Tecniche dell'Informazione Giuridica (ITTIG-CNR) (IT)

2.3.3 Associate partners

- European Ombudsman Institute (EOI) (AT)
- Selmas Ombudsmen's Office of the Republic of Lithuania (LT)
- Chancellor of Justice of the Republic of Estonia (EE)
- Coordination of the Italian Regional and Autonomous Provinces Ombudsman Institutions (IT)
- Italian Law Association for Immigration Studies (ASGI) (IT)
- Ombudsman of the Pazardzhik Municipality (BG)
- Galician Ombudsman (ES)
- Council for the Elimination of Racial or Ethnic Discrimination (ES)
- Greek Ombudsman (EL)
- Swedish Equality Ombudsman (SE)
- Swedish Foundation for Human Rights (SE)
- Swedish Institute for European Policy Studies (SIEPS) (SE)
- Swedish Civil Rights Defender (SE)
- Polish Human Rights Defender Office (PL)
- Romanian National Council for Combating Discrimination (RO)
- Equality and Diversity Forum (UK)
- Advice on Individual Rights in Europe Centre (AIRE) (UK)

3 The Activities of the Partners during Workstream 1 (February 2015 – March 2016)

During Workstream 1, the Co-Beneficiaries will be mainly concerned with the preparation of the Database. This will contain four different typologies of cases concerning the application of the EU Charter.

- 1) Judgments and orders where the ECJ regards a national provision as falling inside or outside the scope of the EU Charter;
- 2) National follow up of preliminary rulings of the ECJ concerning the application of the EU Charter;

3) Other national decisions (other than follow up) where the EU Charter played a role;

4) Decisions of the national human rights bodies where the EU Charter played a role.

As regards points 3) and 4), our purpose is not to collect all national decisions where the EU Charter was simply mentioned. We rather aim at selecting a number of decisions which can be useful for individuals, national judges, national human rights bodies and legal practitioners to understand when the Charter applies (or not), and how it may be used in a concrete case.

During the kick-off meeting, the Partners discussed a set of templates prepared by the Coordinator to collect the abovementioned decisions. There is one template for each category of decisions. The use of such templates will help gathering all relevant information in an organized and coherent way; it will ultimately improve the usability of the Database.

The Coordinator (University of Florence) will take care of preparing the templates concerning the case law of the European Court of Justice, whereas the Co-Beneficiaries will prepare the templates about the decisions of the national courts of selected Member States.

The practice of the national human rights bodies will be collected in two different ways:

- the Coordinator and the Co-Beneficiaries will closely collaborate with the Associate Partners in order to identify cases of interest for the Database;
- a questionnaire (which is currently in progress) will be sent to the Associate Partners and to other European national human rights bodies. The purpose is to collect information on the way in which they use the Charter in their everyday activity, with a view to prepare the document on the *Best Practices of National Human Rights Bodies as regards the Use of the Charter* (see above).

4 We Want You! How Non-Partners May Help Us To Achieve Our Objectives

CharterClick! is expected to become an important instrument to assist national judges, legal practitioners and national human rights bodies in the application of the EU Charter. The success of the Project very much depends on the contribution of the prospected users of the tools that will be realised within it. Those tools must target the actual needs of their users. Therefore, we strongly encourage all those who work in the field of the protection of fundamental rights to help us achieving the objectives of the *CharterClick!* Project.

During this phase of the Project, you may contribute by sending us cases, adjudicated in your Member State by a court or a national human rights body, in which the Charter played a role. Such cases should be sent at the mail address of the Project: charterclick@dsg.unifi.it. We will consider them for the preparation of a template to be included in the Database. You may be contacted back in case we needed some help in the preparation of the template.

You may also want to collaborate by filling directly the relevant template in relation to a case that you deem of interest. In this case, we invite you to send an e-mail to the same address in order to receive the template and all necessary instructions to fill it.

If you are a national human rights body, you will receive, in the coming weeks, the questionnaire mentioned under point 3 above. We strongly encourage you to share your experience with the Charter with us through that questionnaire.

Finally, as anticipated at the beginning of this Newsletter, we would very much appreciate the effort of any of you in disseminating the knowledge of the *CharterClick!* Project by forwarding this message to any person, institution or body that may be interested in our activities.

Do not hesitate to contact us, should you wish additional information on this Project.

The next Newsletter will be sent in June.

The *CharterClick!* Team thanks you for the attention and hopes you will follow its activity.

