

## **Annex**

### **Reference to EU and international human rights norms cited in this letter**

#### **I. EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)**

##### **Articles 6 - Right to a fair trial**

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law [...]

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:  
[...]

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.

##### **Article 7 - No punishment without law**

1. 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 or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

##### **Article 13 - Right to an effective remedy**

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

##### **Article 9 - Freedom of thought and conscience**

“Everyone has the right to freedom of thought, conscience and religion”.

##### **Article 10 - Freedom of expression, information and research:**

“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”.

#### **II. CHARTER OF FUNDAMENTAL RIGHTS OF THE EU**

##### **Article 10 - on freedom of thought, conscience and religion:**

“Everyone has the right to freedom of thought, conscience and religion.”

**Article 11 - on freedoms 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.

2. The freedom and pluralism of the media shall be respected”

**Art. 13 - on freedom of research and academic freedom:**

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

**Article 21 - on non-discrimination:**

Any discrimination based on any ground such (...) political or any other opinion (...) shall be prohibited.

**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.

3. 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 45 – on freedom of movement and of residence**

1. Every citizen of the Union has the right to move and reside freely within the territory 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.

Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.

#### **Article 48 – on the presumption of innocence and right of defence**

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

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

#### **Article 49 – on the principles of legality and proportionality of criminal offences and penalties**

[...]

3. The severity of penalties must not be disproportionate to the criminal offence.

### **III. UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)**

#### **Article 8 – right to effective remedy**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

#### **Article 10 – right to fair trial**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

#### **Article 11 – right to presumption of innocence**

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. [...]

#### **Article 12 – right to privacy and reputation**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

#### **Article 13 – on the freedom of movement**

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

#### **Article 17 - right to property**

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

#### **Article 18 – on freedom of conscience**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

#### **Article 19 – on freedom of expression and information**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

### **IV. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)**

#### **Article 12 – on freedom of movement**

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Covenant.

#### **Article 14 – right to judicial proceedings and to fair trial**

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. [...]
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
  - (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him.

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.

(c) To be tried without undue delay.

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

(g) Not to be compelled to testify against himself or to confess guilt.

[...]

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

[...]

#### **Article 17 – on privacy and reputation**

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

#### **Article 18 – on freedom of conscience and religion**

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

#### **Article 19 – freedom of expression and information**

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others.

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

#### **Article 26 – right to non-discrimination**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### **IV. “AIMS AND CORE VALUES” OF THE EUROPEAN UNION**

Human dignity, freedom, democracy, equality, rule of law, human rights.<sup>1</sup>

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<sup>1</sup> Aims and values of the European Union : [https://european-union.europa.eu/principles-countries-history/principles-and-values/aims-and-values\\_en](https://european-union.europa.eu/principles-countries-history/principles-and-values/aims-and-values_en)