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Faculty of Law

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MASTER THESIS

The protection of human rights in the EU after the Lisbon Treaty: The role of the Court of Justice of the EU

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Abstract

Human rights is a term used for a broader concept that refers to the universal rights and freedoms inherent to all individuals, whereas fundamental rights are more specific and context-dependent, referring to the rights recognized and protected by a particular legal system or constitution. However, in essence, the distinction between the terms may not always be significant in practice.

The motivation behind this study lies in understanding European Union's approach to human rights, especially in light of the Lisbon Treaty's transformative impact. Back in the day, looking in EU's history, the protection of human rights was not a pressing concern in the early European Communities. The lack of attention in this crucial field was not for the sake of neglect, but simply due to the aim of creating a common market. This resulted in limited aspirations, which were mainly economic.

There have been constant changes in the European human rights protection architecture, which has been reflected in political and legal perspectives. However, with the Lisbon Treaty's entry into force, a paradigm shift occurred. This treaty not only granted the legal binding status upon the EU Charter of Fundamental Rights, but also underscored human rights as a foundational value, prompting a critical examination of the EU's identity and purpose.

The core research questions of this paper are structured to unveil the historical trajectory and contemporary dynamics of human rights protection in the EU. It investigates the pre-Lisbon Treaty era, the role of the Court of Justice of the European Union (CJEU) in interpreting fundamental rights cases, and the challenges encountered by the CJEU in fulfilling this role.

In addition, the research paper raised three hypotheses. Firstly, it posits that the protection of human rights in the EU has broadened significantly in post-Lisbon Treaty era. Secondly, it suggests that the jurisprudence of the CJEU has contributed to the strengthening of fundamental rights protection within the European Union. Lastly, the research argues that the CJEU is susceptible to criticism due to the diversity of legal systems and traditions among member states.

Key words: European Union, The Charter of Fundamental Rights of the EU, Human Rights, CJEU, Lisbon Treaty