

Women's Rights Perspective on the EU Charter of Fundamental Rights



Article 2 of the EU Charter of Fundamental Rights: Right to life

1. Everyone has the right to life
2. No one shall be condemned to the death penalty, or executed.

The right to life is a fundamental universally recognised right enshrined in several key documents, including the Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. It requires States to protect life by both preventing unlawful acts and taking proactive measures to safeguard individuals. States' **positive obligations** linked with the right to life include special protection measures towards vulnerable persons, such as asylum seekers, victims of domestic violence, or victims of human trafficking. States must also ensure appropriate risk assessments are conducted by law enforcement for victims of violence against women (VAW). The Charter established the **prohibition of the death penalty** in its core provisions

The right to life is closely tied to the right to **asylum** and the principle of **non-refoulement**, which protects individuals from being returned to places where their life is at risk. EU Regulation No 656/2014 addresses non-refoulement but omits sex as a risk factor.

While EU Directive 2011/95/EU overlooks VAW as ground for international protection, the CJEU in Case C-621/21 clarifies that **women can qualify for international protection if they face VAW in their country of origin**, such as domestic or sexual violence. If the criteria for refugee status are not met, they may still be eligible for subsidiary protection if they face a real risk of serious harm.

The **deaths of migrants** seeking to enter the EU reflect failures in upholding the right to life. Reports reveal serious shortcomings, including neglected distress calls, inadequate rescue efforts, and poor conditions during and after rescue.

Femicides endanger women's right to life. The ECtHR has occasionally found States liable for failing to prevent femicide in domestic violence cases. This underscores the obligation for States to implement effective risk assessments and preventive actions.

The right to life has been weaponised in debates over reproductive rights, with some asserting it should extend to embryos and fetuses, thereby advocating for the prohibition of abortion. In contrast, **CEDAW views unsafe abortions as a violation of the right to life.**

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Resources related to Article 2 of the EU Charter of Fundamental Rights - Right to life

Relevant EU, European and international legal instruments

Universal Declaration of Human Rights, 1948

Article 3

European Convention on Human Rights, 1950

Article 2

Protocol No. 6, as amended by Protocol No. 11

Protocol No. 13

International Covenant on Civil and Political Rights, 1966

Article 6

UN General Comment No. 36

Convention on the Elimination of all forms of Discrimination Against Women, 1979

General Recommendation No. 19

Convention on the Rights of the Child, 1989

Article 6

Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, 2011

EU Regulation No 656/2014 on the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU, 2014



Find more relevant EU, European and national cases in our database on migrant women's fundamental rights violations:

<https://www.womensrightsdatabase.eu/>

The project documents do not reflect the views of the European Commission.

Relevant case-law at EU and European levels

Court of Justice of the European Union

CJEU, Centre public d'action sociale d'Ottignies-Louvain-la-Neuve v. Moussa Abdida (Case C-562/13), 18th of December 2014

CJEU, Commissaire général aux réfugiés et aux apatrides v. Mostafa Lounani (C-528/15), 31st of January 2017

CJEU, Puppink and others v. European Commission (Case C-418/18 P.), 19th of December 2019

European Court of Human Rights

ECtHR, Ipek v. Turkey (Application No. 25760/94), 17th of February 2004

ECtHR, Opuz v. Turkey (Application No. 33401/02), 9th of September 2009

ECtHR, Sharifi and Others v. Italy and Greece (Application No. 16643/09), 21st of October 2014

ECtHR (Grand Chamber), Kurt v. Austria (Application No. 168/2009/), 15th of June 2021

ECtHR, A and B v. Georgia (Application No. 13255/07), 10th of May 2022

ECtHR, Y and others v. Bulgaria (Application No. 147/07), 22nd of March 2022

ECtHR, M.H. and others v. Croatia (Application No. 35060/17), 4th of April 2022