

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



Article 1 of the EU Charter of Fundamental Rights: Human dignity

Human dignity is inviolable. It must be respected and protected.

Human dignity is a **fundamental principle**. It is not only a core right but underpins other fundamental rights. **The Court of Justice of the European Union has affirmed that dignity is central to all Charter rights and cannot be overridden by other rights.** For instance, in the 1995 case *Wackenheim v. France* (so-called “dwarf-tossing case”), the right to work was limited to protect human dignity.

The principle of **non-patrimoniaity of the body**, linked to human dignity, asserts that exploiting human bodies, particularly when consent is coerced or pressured, is a violation of dignity. This principle opposes treating the human person as a commodity.

Trafficking in human beings typically involves two elements: a material one, such as the recruitment, transportation, or control of a person, and a moral element, aimed at subjecting the individual to conditions that violate their human dignity.

Violence against women (VAW) is recognised as a violation of human dignity, warranting **asylum**. The Istanbul Convention calls for independent residence permits for migrant women with violent partners and considers VAW as persecution under the 1951 Geneva Convention.

Destitution policies that exclude migrants from social and economic rights can be considered a violation of human dignity, particularly impacting migrant women.

The Istanbul Convention defines **sexual harassment** as any conduct of a sexual nature with the purpose or effect of violating the dignity of a person, particularly when creating an intimidating, hostile, degrading, humiliating or offensive environment.

The Convention for the Protection of Human Rights and Dignity of the Human Being recognises **forced sterilisation** - where a woman or girl undergoes a medical procedure to end her reproductive ability without her informed consent - as a violation of human dignity.

The CJEU ruled that the respect of human dignity entails that a person seeking international protection, cannot be deprived of the standards laid down in the **Reception Conditions Directive**, even for a temporary period of time.

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Resources related to article 1 of the EU Charter of Fundamental Rights - Human dignity

Relevant EU and international legal instruments

Universal Declaration of Human Rights, 1948

Article 1

Article 3

International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973

Declaration on the Right to Development, 1986

International Covenant on Civil and Political Rights, 1966

Article 10(1)

UN Convention on the Elimination of All Forms of Discrimination against Women, 1979

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

Convention on Cybercrime (Budapest Convention), 2001

International Convention on the Protection of All Persons from Enforced Disappearance, 2006

Convention on the Rights of Persons with Disabilities, 2006

Convention on the Rights of Indigenous Peoples, 2007

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), 2011

Relevant European instrument

EU Fundamental Rights Agency and Council of Europe Handbook on European Law relating to Asylum, Borders, and Immigration, 2020

Relevant case-law at EU and European levels

Court of Justice of the European Union

CJEU, Digital Rights Ireland Ltd. v. Ireland, (Case C-293/12 and C-594/12), 8th of April 2014

European Court of Human Rights

ECtHR, Bensaid v. the United Kingdom, (Application no. 44599-98), 6th of February 2001

ECtHR, Pretty v. the United Kingdom, (Application no. 2346/02), 29th of April 2002

ECtHR, X and Others v. Austria, (Application no. 19010/07), 19th of February 2013

ECtHR, S.A.S. v. France, (Application no. 43835/11), 1st of July 2014



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

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

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