

## HUMAN DIGNITY



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

The foundational principle of human dignity is enshrined in the Charter's Preamble and as the 1948 Universal Declaration of Fundamental Rights' preamble. Several international, regional and national instruments, as well as case law and practice recognise the central role of human dignity. At EU level, it is enshrined in the constitutions of over 20 Member States.

The dignity of the human person is not only a fundamental right in itself but also constitutes the basis of fundamental rights, resulting in the fact that the other rights in the Charter cannot be used to harm a person's dignity. The principle of safeguarding human dignity protects everyone from degrading or inhuman acts that could reduce them to the status of an object.

Since human dignity can be applied to all EU policy areas including equality, security, prevention of torture, privacy, development of personality, fair employment, and decent housing, human dignity is also strictly connected to equality between women and men and women's rights. According to the CEDAW, „discrimination against women violates the principles of equality rights and respect for human dignity“.

The Council of Europe Convention on Action against Trafficking in Human Beings frames human trafficking as a violation of human dignity.

In the context of asylum law and procedures, it is essential to recognise violence against women and girls as a violation of women's human dignity, based on which the victims should be granted asylum. Upholding human dignity should be central to EU policies regarding migrants, notably in the context of reception conditions. This is particularly relevant for women, as the lack of provision of specialised assistance in reception centres and the lack of specific protection can amount to violations of their human dignity.

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



### Relevant norms from international legal documents

#### Universal Declaration of Human Rights (UDHR) (1948)

Article 1: "All human beings are born free and equal in dignity and rights."

Article 3: "Everyone has the right to life, liberty, and security of person."

#### International Covenant on Civil and Political Rights (ICCPR) (1966)

Article 10(1): "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

#### UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)

#### Convention on the Rights of Persons with Disabilities (CRPD) (2006)

#### International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) (2006)

#### International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) (1990)

#### Convention on the Rights of Indigenous Peoples (UNDRIP) (2007)

#### International Labour Organization (ILO) Conventions

#### Convention on Cybercrime (Budapest Convention) (2001)

#### Declaration on the Right to Development (1986)

#### International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)

#### Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (2011)

#### EU Fundamental Rights Agency and Council of Europe Handbook on European Law relating to asylum borders and immigration 2020

### Jurisprudence

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

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

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

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

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

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