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Protection of Human Rights in Europe: Interaction between the EU Law and the European Convention on Human Rights

The issue of human rights protection in the EU law was one of the most relevant during the past three or four years. One of the reasons for it was the future access of the European Union to Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). In 2013, the Draft Agreement on the accession of the European Union to the European Convention on Human Rights (Draft Agreement) was prepared. However, in the end of 2014, the Opinion 2/13 of the Court of Justice on Access of the EU to the ECHR ruled that the Draft Agreement was incompatible with the EU treaties. The Opinion 2/13 of the Court received a lot of attention and criticism. In any case we have to admit that such an agreement cannot be concluded. In the author's opinion, the EU accession to ECHR requires a new stimulus, which does not exist at the moment.

This presentation will not discuss the provision of the Draft Agreement, neither the opinion of the Court of Justice, nor its arguments. It will briefly illustrate the development of human rights protection in the EU law. Moreover, it will emphasize the importance of the ECHR and its legal status in the EU law, including the interaction between the Charter of Fundamental Rights of the EU and ECHR. Besides, it will shortly discuss the issue of responsibility of the EU member states pursuant ECHR in cases of alleged violations to ECHR routing from the EU law. For this reason, the author will present three cases of the European Court of Human Rights: Matthew case, Bosphorus case and Conolly case. Finally, she will conclude with the legal grounding related to the necessity of the accession of the EU to the ECHR.