



# EUROPE AS A RIGHTS CULTURE

**S**ine Qua Non aims to foster the notion of Europe as a highly developed *rights culture*. This culture emerges from the Union's development around the core principle of a universal humanism respectful of diversity, which was translated into the gradual construction of its legal order. Thus, the process of European integration saw the Union's recognition of universal human rights as essential in providing moral guidance for its structural deepening.

Sine Qua Non's action is thus inscribed in this rights culture represented by the Union. And its role is to underline the vital nature of this humanism in legitimizing European action within in its own borders, and in guiding its foreign policy. In reality, Sine Qua Non's idea of Europe reflects the one acknowledged by the Union itself in its creation, as it is in fact the only viable paradigm for a European future.

The European rights culture, forged as a result of a historical process, has guided the path towards integration, enabling Member States to achieve fundamental objectives that had been unanimously perceived as crucial. It was delineated in the set of values enlisted in art. 2 of the Treaty on European Union (2007): respect for human dignity, freedom, democracy, equality, the rule of law and human rights, in a framework intertwined by the conjunction of pluralism, non-discrimination, tolerance, justice, solidarity and gender equality. Moreover, this codification was amplified and implemented by the adoption of the Charter of Fundamental Rights of the European Union (2000), which is now fully recognized as having the same legal force of the Treaties.<sup>1</sup>

Furthermore, the guiding role of these values has been built by virtue of subsequent judgements from the Court of Justice of the European Union (CJEU), which oriented the interpretation of the Treaties in a way that unavoidably reflected the common beliefs of Member States. Accordingly, the Amsterdam Treaty (1997) officially laid the protection of those values under the jurisdiction of the Court. It enshrined these by appointing them as fundamental conditions to legitimately join and coexist within the European Union.<sup>2</sup>

If respect for those principles represents a requisite for Member States, such respect must be an imperative for the EU itself. The Union cannot disregard such boundaries and is expected to pursue both their protection and fulfilment. As the CJEU exquisitely asserted: "*The protection of such rights, whilst inspired by the constitutional traditions common to the Member States, must be ensured within the framework of the structure and objectives of the Community.*"<sup>3</sup>

The EU's respect of human rights cannot merely depend on their consecration. By virtue of their universal nature, human rights transcend barriers. However, their transcendence is conditional on the willingness of those bodies entrusted with their protection.

As of today, the Union possesses the most efficient, albeit complex, institutional structure to ensure the fulfilment of said rights. Accordingly, it bears a responsibility to translate these rights in its external actions. More precisely, as both the Charter<sup>4</sup> and the Treaties lucidly state, "*the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement.*"<sup>5</sup>

**T**his is where Sine Qua Non's action lies. If the consecration of universal human rights soon became cardinal for the existence of the Union, we believe that the future of the Union, as part of an international society, lies in the commitment to such values in the framework of its foreign relations.

2 Treaty on European Union, 2009, Title I, Art. 7

3 ECJ, 17 december 1970, *Internationale Handelsgesellschaft*, C-11/70, EU:C:1970:114

4 Charter of Fundamental Rights of the European Union, Title VII, Art. 51

5 Treaty on European Union, 2009, Title V, Chapter I, Art. 21

1 Treaty on European Union, 2009, Title I, Art. 6