

AMENDMENT FORM

Suggestion for amendment of Article 5

By **Mr Andrew Duff, Mr Dimitrij Rupel, Mr Paul Helminger, Lord MacLennan, Mr István Szent-Iványi, Ms Teresa Almeida-Garrett and Mr Lamberto Dini.**

Status : **Members and alternate members.**

Article 5: Fundamental rights

- 5.1 The Charter of Fundamental Rights, *as set out in Chapter Two*, shall be an integral part of the Constitution.
- 5.2 The Union may accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms *and other international human rights conventions*. Accession *to them* shall not affect the Union's competences as defined by this Constitution.
- 5.3 Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.

Explanation:

5.1 *Of the options available for the installation of the Charter in the Constitution, its publication as a second chapter of Part One would seem to offer the greatest visibility and comprehension. Its annexation as a Protocol would be equivalent in legal terms, but it would in that case be necessary to spell out (and therefore repeat without divergence) some of the Charter's key points in this Title II.*

The Chapter Two solution proposed here would allow the Convention to shorten radically Article 7 on citizenship.

5.2 *Although the ECHR is the principal human rights convention, and in the light of the jurisprudence of the European Court of Justice may need a specific mention in the Constitution, it is not the only one.*