

Interview with Catherine Lalumière: the Charter of Fundamental Rights of the European Union (Paris, 17 May 2006)

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[Étienne Deschamps] Human rights, to which you have just referred, are extremely important. In 1999, you were appointed by the European Parliament as a alternate member of the Convention on the Charter of Fundamental Rights of the European Union. What memories do you have of this period, both in terms of methods and results?

[Catherine Lalumière] Good memories, very good memories, in both respects. Firstly, the method. We regularly encountered the idea among the general public that the European authorities were absolutely incapable of working democratically, that they were cliques hidden away in an ivory tower and had no contact with the general public. Now, that is true to the extent that 450 million citizens are not consulted every morning on what they think about all European issues, that is true.

At this Convention for the drafting of the Charter of Fundamental Rights, however, there were numerous consultations, not with the citizens themselves but with associations, trade unions ... For example, for the issue of social rights, the European Trade Union Confederation was not merely consulted, it was involved in the drafting of these texts. There was really a commitment to openness vis-à-vis a number of intermediate bodies, who were interviewed and heard at length.

The members themselves, the full members and the alternates, we were in constant contact with our immediate environment. We asked for opinions from legal experts, from associations, from trade unions, from all sorts of people. We had no way of knowing, so ... All of that led to months of brainstorming sessions which were very open, quite frankly very open.

There came a point when the President, Herzog, President Herzog, was ill, and handed over, in particular, to our compatriot — his name escapes me, but I am going to have to remember it so that it can be edited in — who played a very important role, he was a member of the French Council of State. Braibant, Guy Braibant, who personally played a very important role. Now, Guy Braibant was a man of great experience, he was a member of the Council of State, he was very open to the working world and to left-wing organisations, but he transcended his political views. He nevertheless left his mark on the drafting of some of the articles which are, moreover, very well drafted.

So, it was an extremely stimulating period, and the discussions within the Convention, on many issues, were very serious and of very high quality. It really was not slapdash work. It was carried out both via consultations and contributions from outside, and within the Convention, the way in which we worked; it would be nice if all MPs worked like that. It really was very good work which was not mere waffle; everyone had a chance to say what they thought, and we tried to make progress in a number of areas. And we made progress in a number of areas.

With regard to the relationship between this new text and the Council of Europe text, the European Convention on Human Rights, it was a concern throughout the Convention. Some members were very familiar with the mechanisms of the Council of Europe and complied with them, others were less familiar with them, but they also complied with them. In other words, at no moment did we have in mind that we were competing with the European Convention on Human Rights of the Council of Europe, at no moment did we consider weakening it in any way whatsoever. On the contrary, wherever we were able to do so, we copied virtually word for word the European Convention on Human Rights.

In those instances where the European Convention on Human Rights said nothing — this was the case for social rights — we stood on our own two feet, but took inspiration from the European Convention on Human Rights of the Council of Europe and from the Charter of Fundamental Social Rights of Workers which was adopted in 1989 for the European Union. So we were not starting from scratch. We knew that legal instruments already existed, we studied them, we incorporated them and, when we realised that we could go further, we went further. That is why the Charter, which was finally adopted in December 2000, proclaimed in December 2000 at the Nice Summit, is, in my opinion, a fine text.

And that is why I am so sad today that this text, which could have acquired full legal force through the Constitutional Treaty, this fine text has remained a text which was merely proclaimed, which does not have the full legal force that it would have had if the Constitutional Treaty had been adopted. It is a missed opportunity, which is a shame, because, in terms of human rights and, in particular, of social rights, progress had been made. Nonetheless, I have very good memories, both of the method that we used and of the result that we achieved, because real progress was made.