



Società Italiana di Diritto Internazionale e di
Diritto dell'Unione Europea

Tipologia iniziativa Jean Monnet

Chair

Titolo

Judicial Protection of Fundamental Rights in the European Area of Freedom, Security and Justice

Codice identificativo

586979-EPP-1-2017-1-IT-EPPJMO-CHAIR

Anno/i finanziamento

2017-2020

Ente beneficiario

Università degli Studi di Salerno

Responsabile

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Breve descrizione

The Lisbon Treaty attaches great relevance to the creation of an Area of freedom, security and justice (AFSJ) with respect for fundamental rights and the different legal systems and traditions of the Member States (see Article 3 TEU and Articles 67 to 89 TFEU), to ensure the free movement of persons and to offer them a high level of protection. Based on the guidelines defined by the Stockholm programme (a mid-term review of these guidelines will take place in 2017) the AFSJ covers policy areas that range from the management of the EU's external borders to judicial cooperation in civil and criminal matters and police cooperation, as well as to asylum and immigration policies and to fight against crime (terrorism, organised crime, cybercrime, sexual exploitation of children, trafficking in human beings, illegal drugs, etc.). As underlined by Communication from the Commission "Towards an Area of Freedom, Security and Justice", of 14 July 1998 "The three notions of freedom, security and justice are closely interlinked". Freedom loses much of its meaning if it cannot be enjoyed in a secure environment and with the full backing of a system of justice in which all EU citizens and residents can have confidence. These three inseparable concepts have one common denominator – people – and one cannot be achieved in full without the other two. Maintaining the right balance between them must be the guiding thread for Union action". In the light of this, considering the central importance of "persons" within AFSJ, it is necessary to guarantee the effective protection of fundamental human rights in accordance with the Charter of fundamental rights of European Union and the European Convention of Human Rights. The AFSJ has currently



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become one of the most dynamic areas in terms of the adoption of new measures, with an increasing approximation of the laws of the Member States. In this context, the principles developed by the Court of Justice of mutual trust and sincere cooperation, as well as of uniform interpretation, have played a significant role. While, on the one hand, the AFSJ is subject to the general principles of EU law applicable also in other EU policy areas, on the other hand, the AFSJ constitutes, increasingly, a real laboratory, in which the Court of Justice develops new principles, with a spill-over effect that goes far beyond that area. In fact, the jurisprudence developed in this field has established general principles that concern the whole EU system, in particular the protection of fundamental rights. Thus, the main objective of JM Chair research activities (and of related didactic activities) is deepen knowledge and critical assessment of issues related to judicial protection of fundamental rights in the European Area of Freedom, Security and Justice, examining the “multilevel” protection of fundamental rights, the “dialogue” between the European Court of Justice and the Court of Human Rights in particular in relation to judicial cooperation in civil and in criminal matters and immigration and asylum policies, and their impact on national Law and national judicial guarantees.

Sito internet

<https://www.slsg.unisa.it/jmchair/index>

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