

## PROTECTION OF HUMAN RIGHTS IN THE EUROPEAN UNION

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Since the protection of human rights has been given legal guarantees, it is assumed that it has become an issue for lawyers. This has both positive and negative sides. Human rights can certainly be effectively pursued through the courts. Nevertheless, it must be remembered that human values go beyond the framework of legal systems. The purpose of this publication is to describe the legal institutions for investigating human rights and trying to find an answer about the place of the individual in contemporary Europe. The EU supports human rights by participating in multilateral fora such as the Third Committee of the UN General Assembly, the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe [5].

In principle, every body of the European Union takes action to protect human rights. However, it does so to varying degrees, depending on its competences. The paper will discuss the most important bodies dealing with this subject.

### **Council of the European Union**

It's a European Union law-making body. It contributes to the protection of human rights through the Common Foreign and Security Policy. The basic protection in this category is the European Instrument for Democracy & Human Rights (EIDHR), which was created in 2006 for non-EU countries. Furthermore, the Council also adopts recommendations on human rights. These are addressed by the Council of the European Union and other bodies. The High Representative of the Union for Foreign Affairs and Security Policy also takes them into account in his policy.

### **European Commission**

The European Commission plays an important role in protecting human rights through the recognition of the Charter of Fundamental Rights. It is worth noting that the Commission monitors the application of the Charter by Member States and, in extreme cases, refers cases to the Court of Justice in Luxembourg for resolution. The Commission's activities in the field of human rights issues include the drafting of equality directives. These include: Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, Draft Directive [COM (2008) 426] on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation [4].

### **European Ombudsman**

The European Ombudsman investigates complaints about maladministration within the Union institutions and bodies [1]. The most important feature of this institution is that the Ombudsman is an individual who communicates personally with citizens, investigating their concerns and seeking a solution to their problems [3, p. 247]. The Ombudsman may request any information from the EU Member States through their permanent representations in Brussels. Complaints may be lodged by citizens of the Union and persons residing or established in the Union. Like the Polish Ombudsman, his or her European counterpart does not issue decisions, is not an appeal body, does not settle disputes, but merely draws up reports and draws the attention of

the competent institutions to respect for human rights [2, p. 455] The Ombudsman's work is to monitor the functioning of the European offices. This includes maladministration. It occurs when an institution fails to act lawfully and violates human rights. It can be discrimination, abuse of power and injustice.

In summary, human rights in the Union form an important part of its functioning. This is reflected in both legislation and politics. It must not be forgotten that the Union should be a shield and guard the rights of its citizens.

#### REFERENCES

1. Charter of Fundamental Rights of The European Union, article 43.
2. K. Kowalik-Bańczyk, *Prawo do obrony w unijnych postępowaniach antymonopolowych w kierunku unifikacji standardów proceduralnych w Unii Europejskiej*, Warszawa 2012, p. 455.
3. G. Michałowska, *Ochrona praw człowieka w Radzie Europy i w Unii Europejskiej*, Warszawa 2007, p. 247.
4. Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation {SEC(2008) 2180} {SEC(2008) 218}.
5. <https://www.europarl.europa.eu/factsheets/pl/sheet/165/human-rights> (11 April 2020).