

Remedies for human rights violations by the European Union

Citation for published version (APA):

Antoniades, A. E. (2021). *Remedies for human rights violations by the European Union*. [Doctoral Thesis, Maastricht University]. Maastricht University. <https://doi.org/10.26481/dis.20210604aa>

Document status and date:

Published: 01/01/2021

DOI:

[10.26481/dis.20210604aa](https://doi.org/10.26481/dis.20210604aa)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

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Propositions accompanying the doctoral dissertation

REMEDIES FOR HUMAN RIGHTS VIOLATIONS BY THE EUROPEAN UNION

to be defended in public on Friday, June 4th 2021, at 12:00 hrs.

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1. The European Union's activities expand and permeate areas where human rights protection is of crucial importance. For that reason, it is necessary that individuals have access to effective and substantive remedies for any violations caused by EU action.
2. While the European Union claims to abide by human rights standards, the legal regime for remedies for human rights violations by the European Union, has significant drawbacks. The standing requirements for a successful judicial review of EU acts and the non-completion of the obligation of the European Union to accede to the European Convention on Human Rights preclude individual applicants from having access to substantive remedies.
3. The most effective legal vehicle for the substantive remedy of a human right violation by the European Union is the action for damages envisaged by Article 340 TFEU, embodying the principle of non-contractual liability of the European Union.
4. The European Union is a non-state actor with an international legal personality. Accountability for Union acts vis-à-vis human rights should be engaged at the international level and remedies should also be provided in the sphere of international law.
5. The present treatise provides a comprehensive overview of substantive and procedural law related to obtaining remedies for violations of human rights by the EU, that may be used by scholars and practitioners alike.
6. Human rights are a legal notion of universal and indivisible character. They must be duly protected against all arbitrary activity.
7. Law is an ever-changing, developing and living concept that ought to adapt to the needs of the times, reflecting the values of a society that evolves.
8. The study of law should be conducted with an open mind, considering that the law ought to remain instrumental for achieving its fundamental goal: justice.
9. Freedom consists of being able to do everything that does not harm others: the exercise of the natural rights of each person has no limits apart from those that guarantee the enjoyment of the same rights to other members of the society. These limits can only be determined by law – Article 4, The Declaration of the Rights of Man, 1789.