CHAPTER SEVEN

The Culture of Peace and Human Rights
The Development of Human Rights Protection in the European Union

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I Introduction: The Changing Constitutional Infrastructure in Europe

The European Union (“EU”) won the Nobel Peace Prize in 2012. There are certainly arguments to be made regarding whether the political partnerships of countries should receive such a prize, but if they are so entitled then the EU richly deserved the accolades for building a noble culture of peace in Europe after the Second World War.

The European Union now counts 28 countries beneath its wings, a remarkable achievement in itself. The shining colors of this great achievement however, are now clouded by an assortment of challenges. Currently, the EU is bogged in the midst of resolving the Eurozone crisis, the collapse of the Greek economy, and the further economic crises in weaker parts of the union such as Spain,1 Portugal,2 and Italy.3 There is also growing Euro-skepticism regarding the endeavor from a practical standpoint, and calls for reassessing the desirability of membership in the EU plague the award podium. There is talk of a possible referendum in the United Kingdom4 and the leader of the Dutch right-wing Freedom Party, Geert Wilders, is vehemently advocating a swift exit from the EU.5 This article focuses discussion on the benefits of the EU, namely, it has demonstrated a commitment to human rights, integrated it into its

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4 “UK’s EU referendum moves a step closer” Benjamin Fox. EU Observer 7 June 2013. Online.
constitutional infrastructure, and thereby remarkably strengthened the culture of peace and rule of law in the region.

The EU has developed significantly from its original form, transforming itself from an economy-based coalition into a community of human rights, freedom, and democracy, that respects the importance of its humanist and religious inheritance. One cannot exaggerate the importance of the integration of human rights and democratic values into the EU constitutional infrastructure and the formulation of the EU religious identity. It was only by the completion of this process that the EU was enabled to create a culture of peace that encompasses all four foundations of peace needed for lasting peace: political and security peace, economic peace, cultural or value peace, and religious peace. This integration can be traced to the Lisbon treaty. It is also the Lisbon Treaty that marks the delineation of the EU constitutional infrastructure from a predominantly economy-based structure to one that is expressly based on the broader foundations of democratic, humanist, and religious values.

The culture of peace in earlier European communities that was later incorporated into the European Community and finally culminated in the EU was predominantly based on economic cooperation. Human rights and democratic values as a set of norms were outside of the traditional EU constitutional infrastructure and were provided via the European Convention on Human Rights (“ECHR”), which all member states were party to. However, the EU took a good deal of time before expressly providing for the protection of democratic values and human rights. The linkage process between ECHR Strasbourg jurisprudence and the EU’s Luxemburg court of justice references the jurisprudence of the mid-1970s Strasbourg ECHR. While on the treaty-law side, it began in the Maastricht Treaty of 1992.6 These values were provided for again in the 1997 Treaty of Amsterdam and in the Nice Treaty of 2001.7 Finally, the 2000 Charter of the Fundamental Rights of the EU dealt with human rights expressly and in detail. This paper will focus on the development of the EU from the solely economy-based community it once was to that of the current economy and human rights-based union.

II The Integration of Human Rights Provisions in the Treaties of the European Union

In recent decades, we have witnessed that international human rights law has a significant impact upon domestic laws and more frequent recourse to

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