

MOKRÁ, LUCIA: INTERNAL DIMENSION OF HUMAN RIGHTS IN THE EUROPEAN UNION. C. H. BECK, 2021 / Sára Kiššová

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The topic of human rights is currently much-discussed, whether in the context of constantly evolving technologies, the recent imposition of lockdowns during the Covid-19 pandemic, or some NGOs that draw attention to certain countries of the world, which still have a problem with respecting the human rights standards. The legal theory recognizes national and transnational protection of human rights. From the point of view of EU law, we can divide the protection of human rights into three pillars: the protection of human rights by Union law, the protection of human rights by international law, and the national protection of human rights.

Personally, as a PhD. Student, I have focused on the institutional and constitutional law of the EU in my previous research, but I am also very interested in the very issue of human rights protection. So far, however, I have dealt mainly with the European Convention on Human Rights and Fundamental Freedoms and the decisions of the European Court of Human Rights, and I have not paid so much scientific attention to the EU Charter of Human Rights (EU Charter). However, the monograph *Internal Dimension of Human Rights Law in the European Union* by Associate Professor Lucia Mokr has caught my eye, especially for the outline and comprehensiveness of the book, which is at the same time relatively brief given the number of pages.

Associate Professor Lucia Mokr (currently the Dean of the Faculty of Social and Economic Sciences of Comenius University Bratislava and also a member of the Institute of European Law, Faculty of Law, Comenius University Bratislava) focuses in her scientific work, among other things, on the rule of law in the EU and human rights, which is also reflected in the book *Internal Dimension of Human Rights in the European Union*, which I will briefly address in the following lines.

The Author divides the book into three main chapters, focusing on the historical development of human rights in the EU, the general definition of human rights in the EU, and, finally, the EU Charter of Fundamental Rights itself.

In the first chapter, the Author describes the historical development of human rights in the EU thus, the reader briefly learns about the progressive integration of the EU, from the purely economic nature of the European Union to the change in the decision-making of (then) European Court of Justice, which, in 1969, addressed the issue of human rights for the first time, thus moving away from a restrained position on human rights issues and thus moving EU integration forward (Mokrá, 2021, p. 1). The EU has thus slowly become a watchdog that pays attention to the protection of human rights not only within the Union, but also externally.

In the second chapter, the Author deals with human rights in the European Union. This chapter offers theoretical insight into other sources of human rights in the EU than the EU Charter. Therefore, emphasis is placed on the provisions of primary law, the decision-making activity of the Court of Justice of the EU (CJEU), and one of the fundamental principles of the EU - the principle of human rights.

Therefore, the first subchapter deals in detail with the human rights contained in the primary law of the EU, i.e., treaty provisions, more precisely with the interpretation of Article 2 TEU and Article 6(3) TEU and related theoretical knowledge.

As the second source of human rights in the EU, the Author analyses and thus points to the decision-making activity of the CJEU, which deals with the spectrum of rights from property protection (Hauer 44/79) through freedom of religion (Prais 130/75) to freedom of information (Protection of Unborn Children, C-159/90), etc. (Mokrá, 2021, p.13). This subchapter also addresses the issue of the European Court of Justice's reluctance to deal with human rights proceedings, which has been significantly altered by the case-law of the principle of the primacy of EU law over national law.

The last subchapter of this section deals with the principle of human rights, as one of the main values of the EU, contained in Art. 2 TEU, and its importance and position in the EU legal order and EU activities.

The second chapter also includes a subchapter dealing with other international human rights instruments in relation to the EU, namely the European Convention on Human Rights (ECHR). The Convention has a special place in the EU legal system, which has evolved over the years, as before the EU set up its own internal human rights system, the Convention served (and still serves) as an interpretative tool for the CJEU (Mokrá, 2021, p. 21). Over time, the EU has also committed to access to ECHR. I would like to highlight this subchapter mainly for its excellent summarization of the issue of EU accession to the ECHR, where the Author provides factual arguments as to why accession has not taken place to this day and points out the legislative problems associated with it.

The end of the second chapter is devoted to the equally important spectrum of human rights that the EU protects and guarantees, those that stem from EU citizenship. The Author characterizes EU citizenship as a so-called "Cornerstone of Human Rights Protection". In this section, I would like to highlight the work with the numerous case-law through which the Author points out the development of human rights linked to EU citizenship, whether in connection with the sphere of free movement of persons or active and passive suffrage.

The book's third chapter is purely focused on the EU Charter of Human Rights. In this section, the reader will learn about the importance of the EU Charter of Human Rights and its place in EU law. The Author deals more extensively with the important issue of the political and legal status of the EU Charter and the issue of its applicability, which she analyses in detail through Art. 51 to Art. 54 EU Charter. At the same time, she interestingly describes the reluctant application of the EU Charter by the CJEU, which did not refer to the provisions of the EU Charter in its decisions until 2006 and essentially waited for the

EU Charter to be incorporated into the Lisbon Treaty and declared as EU primary law (Mokrá, 2021, p. 66-67).

The end of the last chapter is devoted to the separate parts of the EU Charter, within which the Author has individual rights. In interpreting each of the rights, the Author uses several case laws and professional literature, so the reader gets an elemental insight and knowledge of each of the rights contained in the Charter.

In conclusion, the book *Internal Dimension of Human Rights in the European Union* deals with human rights issues in the European Union factually and educationally, emphasizing the EU Charter of Fundamental Rights. The text of the book is easy to read, and the Author clearly and factually comments on the topic with reference to numerous case laws and other thematically relevant professional literature. From my point of view, I found it beneficial that the Author pointed out the various case law within the subject matter and did not resort to repeating well-known case laws, which enriched me in the process of reading.

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