

Strasbourg, 26 July 2002

Restricted
CDL-JU (2002) 16
Or. Engl./Fr.

<cdl\doc\2002\cdl-ju\016-bil-pdg>

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

Systematic Thesaurus /

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¹ Constitutional Court or equivalent body (constitutional tribunal or council, supreme court etc).

² E.g. Rules of procedure.

³ Including the conditions and manner of such appointment (election, nomination etc).

⁴ Including the conditions and manner of such appointment (election, nomination etc).

⁵ Vice-presidents, presidents of chambers or of sections etc.

⁶ E.g. State Counsel, prosecutors etc.

⁷ Registrars, assistants, auditors, general secretaries, researchers etc.

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⁸ E.g. assessors, office members.

⁹ Registrars, assistants, auditors, general secretaries, researchers etc.

¹⁰ Including questions on the interim exercise of the functions of the Head of State.

¹¹ Referrals of preliminary questions in particular.

¹² Enactment required by law to be reviewed by the Court.

¹³ Review *ultra petita*.

¹⁴ Horizontal distribution of powers.

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 - 1.3.5.11.1 Territorial decentralisation²³
 - 1.3.5.11.2 Sectoral decentralisation²⁴

¹⁵ Vertical distribution of powers, particularly in respect of states of a federal or regionalised nature.

¹⁶ Decentralised authorities (municipalities, provinces etc).

¹⁷ This keyword concerns decisions on the procedure and results of referenda and other consultations.

¹⁸ This keyword concerns decisions preceding the referendum including its admissibility.

¹⁹ Examination of procedural and formal aspects of laws and regulations, particularly in respect of the composition of parliaments, the validity of votes, the competence of law-making authorities etc (questions relating to the distribution of powers as between the State and federal or regional entities are the subject of another keyword 1.3.4.3).

²⁰ As understood in private international law.

²¹ Including constitutional laws.

²² For example organic laws.

²³ Local authorities, municipalities, provinces, departments etc.

²⁴ Or: functional decentralisation (public bodies exercising delegated powers).

- 1.3.5.12 Court decisions
- 1.3.5.13 Administrative acts
- 1.3.5.14 Government acts²⁵
- 1.3.5.15 Failure to act or to pass legislation²⁶
- 1.4 Procedure
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 - 1.4.9.4 Persons or entities authorised to intervene in proceedings
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²⁵ Political questions.

²⁶ Unconstitutionality by omission.

²⁷ For the withdrawal of proceedings, see also 1.4.10.4.

²⁸ Pleadings, final submissions, notes etc.

²⁹ May be used in combination with Chapter 1.2 Types of claim.

- 1.4.10.2 Plea of forgery
- 1.4.10.3 Resumption of proceedings after interruption
- 1.4.10.4 Discontinuance of proceedings³⁰
- 1.4.10.5 Joinder of similar cases
- 1.4.10.6 Challenging of a judge
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 - 1.5.6 Delivery and publication
 - 1.5.6.1 Delivery
 - 1.5.6.2 In open court
 - 1.5.6.3 In camera
 - 1.5.6.4 Publication
 - 1.5.6.4.1 Publication in the official journal/gazette

³⁰ For the withdrawal of the originating document, see also 1.4.5.

³¹ Comprises court fees, postage costs, advance of expenses and lawyers' fees.

³² For questions of constitutionality dependent on a specified interpretation, use 2.3.2.

- 1.5.6.4.2 Publication in an official collection
 - 1.5.6.4.3 Private publication
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- 1.6 Effects
 - 1.6.1 Scope
 - 1.6.2 Determination of effects by the court
 - 1.6.3 Effect *erga omnes*
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2 SOURCES OF CONSTITUTIONAL LAW

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 - 2.1.1.1.1 Constitution
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 - 2.1.1.2 Foreign rules
 - 2.1.1.3 Community law
 - 2.1.1.4 International instruments
 - 2.1.1.4.1 United Nations Charter of 1945
 - 2.1.1.4.2 Universal Declaration of Human Rights of 1948
 - 2.1.1.4.3 European Convention on Human Rights of 1950³⁴
 - 2.1.1.4.4 Geneva Convention on the Status of Refugees of 1951
 - 2.1.1.4.5 European Social Charter of 1961
 - 2.1.1.4.6 International Covenant on Civil and Political Rights of 1966
 - 2.1.1.4.7 International Covenant on Economic, Social and Cultural Rights of 1966
 - 2.1.1.4.8 Vienna Convention on the Law of Treaties of 1969
 - 2.1.1.4.9 American Convention on Human Rights of 1969
 - 2.1.1.4.10 African Charter on Human and Peoples' Rights of 1981
 - 2.1.1.4.11 European Charter of Local Self-Government of 1985
 - 2.1.1.4.12 Convention on the Rights of the Child of 1989
 - 2.1.1.4.13 International conventions regulating diplomatic and consular

³³ This keyword allows for the inclusion of enactments and principles arising from a separate constitutional chapter elaborated with reference to the original Constitution (declarations of rights, basic charters etc).

³⁴ Including its Protocols.

- relations
- 2.1.2 Unwritten rules
 - 2.1.2.1 Constitutional custom
 - 2.1.2.2 General principles of law
 - 2.1.2.3 Natural law
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 - 2.2.1.2 Treaties and legislative acts
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 - 2.2.1.6 Community law and domestic law
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 - 2.2.1.6.4 Secondary Community legislation and domestic non-constitutional instruments
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 - 2.2.3 Hierarchy between sources of Community law
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- 2.3.1 Concept of manifest error in assessing evidence or exercising discretion
 - 2.3.2 Concept of constitutionality dependent on a specified interpretation³⁵
 - 2.3.3 Intention of the author of the enactment under review
 - 2.3.4 Interpretation by analogy
 - 2.3.5 Logical interpretation
 - 2.3.6 Historical interpretation
 - 2.3.7 Literal interpretation
 - 2.3.8 Systematic interpretation
 - 2.3.9 Teleological interpretation

3 GENERAL PRINCIPLES

- 3.1 Sovereignty
- 3.2 Republic/Monarchy
- 3.3 Democracy

³⁵ Presumption of constitutionality, double construction rule.

- 3.3.1 Representative democracy
- 3.3.2 Direct democracy
- 3.3.3 Pluralist democracy³⁶
- 3.4 Separation of powers
- 3.5 Social State³⁷
- 3.6 Structure of the State³⁸
 - 3.6.1 Unitary State
 - 3.6.2 Regional State
 - 3.6.3 Federal State
- 3.7 Relations between the State and bodies of a religious or ideological nature³⁹
- 3.8 Territorial principles
 - 3.8.1 Indivisibility of the territory
- 3.9 Rule of law
- 3.10 Certainty of the law⁴⁰
- 3.11 Vested and/or acquired rights
- 3.12 Clarity and precision of legal provisions
- 3.13 Legality⁴¹
- 3.14 *Nullum crimen, nulla poena sine lege*⁴²
- 3.15 Publication of laws
 - 3.15.1 Ignorance of the law is no excuse
 - 3.15.2 Linguistic aspects
- 3.16 Proportionality
- 3.17 Weighing of interests
- 3.18 General interest⁴³
- 3.19 Margin of appreciation
- 3.20 Reasonableness
- 3.21 Equality⁴⁴
- 3.22 Prohibition of arbitrariness
- 3.23 Equity
- 3.24 Loyalty to the State⁴⁵
- 3.25 Market economy⁴⁶
- 3.26 Principles of Community law

³⁶ Including the principle of a multi-party system.

³⁷ Includes the principle of social justice.

³⁸ See also 4.8.

³⁹ Separation of Church and State, State subsidisation and recognition of churches, secular nature etc.

⁴⁰ Including maintaining confidence and legitimate expectations.

⁴¹ Principle according to which sub-statutory acts must be based on and in conformity with the law.

⁴² Prohibition of punishment without proper legal base.

⁴³ Including compelling public interest.

⁴⁴ Only where not applied as a fundamental right. Also refers to the principle of non-discrimination on the basis of nationality as it is applied in Community law.

⁴⁵ Including questions of treason/high crimes.

⁴⁶ Including prohibition on monopolies.

- 3.26.1 Fundamental principles of the Common Market
- 3.26.2 Direct effect⁴⁷
- 3.26.3 Genuine co-operation between the institutions and the member states

4 INSTITUTIONS

- 4.1 Constituent assembly or equivalent body⁴⁸
 - 4.1.1 Procedure
 - 4.1.2 Limitations on powers
- 4.2 State Symbols
 - 4.2.1 Flag
 - 4.2.2 National holiday
 - 4.2.3 National anthem
 - 4.2.4 National emblem
 - 4.2.5 Motto
 - 4.2.6 Capital city
- 4.3 Languages
 - 4.3.1 Official language(s)
 - 4.3.2 National language(s)
 - 4.3.3 Regional language(s)
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 - 4.4.1 Powers
 - 4.4.1.1 Relations with legislative bodies⁴⁹
 - 4.4.1.2 Relations with the executive powers⁵⁰
 - 4.4.1.3 Relations with judicial bodies⁵¹
 - 4.4.1.4 Promulgation of laws
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 - 4.4.1.6 Powers with respect to the armed forces
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 - 4.4.2 Appointment
 - 4.4.2.1 Necessary qualifications
 - 4.4.2.2 Incompatibilities
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 - 4.4.3.4 End of office
 - 4.4.3.5 Limit on number of successive terms
 - 4.4.4 Status
 - 4.4.4.1 Liability
 - 4.4.4.1.1 Legal liability

⁴⁷ For the principle of primacy of Community law, see 2.2.1.6.

⁴⁸ Including the body responsible for revising or amending the Constitution.

⁴⁹ For example presidential messages, requests for further debating of a law, right of legislative veto, dissolution.

⁵⁰ For example nomination of members of the government, chairing of Cabinet sessions, countersigning of laws.

⁵¹ For example the granting of pardons.

- 4.4.4.1.1.1 Immunity
- 4.4.4.1.1.2 Civil liability
- 4.4.4.1.1.3 Criminal liability
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- 4.5 Legislative bodies
 - 4.5.1 Structure⁵²
 - 4.5.2 Powers⁵³
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 - 4.5.2.2 Powers of enquiry⁵⁴
 - 4.5.2.3 Delegation to another legislative body⁵⁵
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 - 4.5.3 Composition
 - 4.5.3.1 Election of members
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 - 4.5.3.4.2 Duration
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 - 4.5.4 Organisation⁵⁸
 - 4.5.4.1 Rules of procedure
 - 4.5.4.2 President/Speaker
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 - 4.5.8 Relations with judicial bodies
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 - 4.5.10 Political parties
 - 4.5.10.1 Creation
 - 4.5.10.2 Financing
 - 4.5.10.3 Role
 - 4.5.10.4 Prohibition
 - 4.5.11 Status of members of legislative bodies⁶³

⁵² Bicameral, monocameral, special competence of each assembly, etc.

⁵³ Including specialised powers of each legislative body and reserved powers of the legislature.

⁵⁴ In particular commissions of enquiry.

⁵⁵ For delegation of powers to an executive body, see keyword 4.6.3.2.

⁵⁶ Obligation on the legislative body to use the full scope of its powers.

⁵⁷ Representative/imperative mandates.

⁵⁸ Presidency, bureau, sections, committees etc.

⁵⁹ Including the convening, duration, publicity and agenda of sessions.

⁶⁰ Including their creation, composition and terms of reference.

⁶¹ State budgetary contribution, other sources etc.

⁶² For the publication of laws, see 3.15.

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- 4.6 Executive bodies⁶⁴
 - 4.6.1 Hierarchy
 - 4.6.2 Powers
 - 4.6.3 Application of laws
 - 4.6.3.1 Autonomous rule-making powers⁶⁵
 - 4.6.3.2 Delegated rule-making powers
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 - 4.6.7 Administrative decentralisation⁶⁶
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 - 4.6.8.1 Universities
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 - 4.6.9.1 Conditions of access
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 - 4.6.10 Liability
 - 4.6.10.1 Legal liability
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 - 4.6.10.1.3 Criminal liability
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 - 4.7.4.1.4 Term of office
 - 4.7.4.1.5 End of office
 - 4.7.4.1.6 Status
 - 4.7.4.1.6.1 Incompatibilities

⁶³ For example incompatibilities arising during the term of office, parliamentary immunity, exemption from prosecution and others. For questions of eligibility see 4.9.5.

⁶⁴ For local authorities see 4.8.

⁶⁵ Derived directly from the constitution.

⁶⁶ See also 4.8.

⁶⁷ The vesting of administrative competence in public law bodies having their own independent organisational structure, independent of public authorities, but controlled by them. For other administrative bodies, see also 4.6.7 and 4.13.

⁶⁸ Civil servants, administrators etc.

⁶⁹ Practice aiming at removing from civil service persons formerly involved with a totalitarian regime.

⁷⁰ Other than the body delivering the decision summarised here.

⁷¹ Positive and negative conflicts.

- 4.7.4.1.6.2 Discipline
- 4.7.4.1.6.3 Irremovability
- 4.7.4.2 Officers of the court
- 4.7.4.3 Prosecutors / State counsel
 - 4.7.4.3.1 Powers
 - 4.7.4.3.2 Appointment
 - 4.7.4.3.3 Election
 - 4.7.4.3.4 Term of office
 - 4.7.4.3.5 End of office
 - 4.7.4.3.6 Status
- 4.7.4.4 Languages
- 4.7.4.5 Registry
- 4.7.4.6 Budget
- 4.7.5 Supreme Judicial Council or equivalent body⁷²
- 4.7.6 Relations with bodies of international jurisdiction
- 4.7.7 Supreme court
- 4.7.8 Ordinary courts
 - 4.7.8.1 Civil courts
 - 4.7.8.2 Criminal courts
- 4.7.9 Administrative courts
- 4.7.10 Financial courts⁷³
- 4.7.11 Military courts
- 4.7.12 Special courts
- 4.7.13 Other courts
- 4.7.14 Arbitration
- 4.7.15 Legal assistance and representation of parties
 - 4.7.15.1 The Bar
 - 4.7.15.1.1 Organisation
 - 4.7.15.1.2 Powers of ruling bodies
 - 4.7.15.1.3 Role of members of the Bar
 - 4.7.15.1.4 Status of members of the Bar
 - 4.7.15.1.5 Discipline
 - 4.7.15.2 Assistance other than by the Bar
 - 4.7.15.2.1 Legal advisers
 - 4.7.15.2.2 Legal assistance bodies
- 4.7.16 Liability
 - 4.7.16.1 Liability of the State
 - 4.7.16.2 Liability of judges
- 4.8 Federalism, regionalism and local self-government
 - 4.8.1 Federal entities⁷⁴
 - 4.8.2 Regions and provinces
 - 4.8.3 Municipalities⁷⁵
 - 4.8.4 Basic principles
 - 4.8.4.1 Autonomy
 - 4.8.4.2 Subsidiarity
 - 4.8.5 Definition of geographical boundaries
 - 4.8.6 Institutional aspects
 - 4.8.6.1 Deliberative assembly
 - 4.8.6.2 Executive

⁷² For example, Judicial Service Commission, *Conseil supérieur de la magistrature*.

⁷³ Comprises the Court of Auditors in so far as it exercises judicial power.

⁷⁴ See also 3.6.

⁷⁵ And other units of local self-government.

- 4.8.6.3 Courts
- 4.8.7 Budgetary and financial aspects
 - 4.8.7.1 Finance
 - 4.8.7.2 Arrangements for distributing the financial resources of the State
 - 4.8.7.3 Budget
 - 4.8.7.4 Mutual support arrangements
- 4.8.8 Distribution of powers
 - 4.8.8.1 Principles and methods
 - 4.8.8.2 Implementation
 - 4.8.8.2.1 Distribution *ratione materiae*
 - 4.8.8.2.2 Distribution *ratione loci*
 - 4.8.8.2.3 Distribution *ratione temporis*
 - 4.8.8.2.4 Distribution *ratione personae*
 - 4.8.8.3 Supervision
 - 4.8.8.4 Co-operation
 - 4.8.8.5 International relations
 - 4.8.8.5.1 Conclusion of treaties
 - 4.8.8.5.2 Participation in international organisations or their organs
- 4.9 Elections and instruments of direct democracy⁷⁶
 - 4.9.1 Electoral Commission
 - 4.9.2 Referenda and other instruments of direct democracy
 - 4.9.3 Electoral system⁷⁷
 - 4.9.4 Constituencies
 - 4.9.5 Eligibility⁷⁸
 - 4.9.6 Representation of minorities
 - 4.9.7 Preliminary procedures
 - 4.9.7.1 Electoral rolls
 - 4.9.7.2 Voter registration card
 - 4.9.7.3 Registration of parties and candidates⁷⁹
 - 4.9.7.4 Ballot papers⁸⁰
 - 4.9.8 Electoral campaign and campaign material⁸¹
 - 4.9.8.1 Financing
 - 4.9.8.2 Campaign expenses
 - 4.9.8.3 Protection of party logos
 - 4.9.9 Voting procedures
 - 4.9.9.1 Polling stations
 - 4.9.9.2 Polling booths
 - 4.9.9.3 Voting⁸²
 - 4.9.9.4 Identity checks on voters
 - 4.9.9.5 Record of persons having voted⁸³
 - 4.9.9.6 Casting of votes⁸⁴
 - 4.9.9.7 Method of voting⁸⁵
 - 4.9.9.8 Counting of votes
 - 4.9.9.9 Electoral reports

⁷⁶ See also keywords 5.3.38 and 5.2.1.4.

⁷⁷ Proportional, majority, preferential, single-member constituencies, etc.

⁷⁸ For aspects related to fundamental rights, see 5.3.38.2.

⁷⁹ For the creation of political parties, see 4.5.10.1.

⁸⁰ E.g. Names of parties, order of presentation, logo, emblem or question in a referendum.

⁸¹ Tracts, letters, press, radio and television, posters, nominations etc.

⁸² Impartiality of electoral authorities, incidents, disturbances.

⁸³ E.g. signatures on electoral rolls, stamps, crossing out of names on list.

⁸⁴ E.g. in person, proxy vote, postal vote, electronic vote.

⁸⁵ E.g. *Panachage*, voting for whole list or part of list, blank votes.

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- 4.9.9.10 Minimum participation rate required
 - 4.9.9.11 Announcement of results
 - 4.10 Public finances
 - 4.10.1 Principles
 - 4.10.2 Budget
 - 4.10.3 Accounts
 - 4.10.4 Currency
 - 4.10.5 Central bank
 - 4.10.6 Auditing bodies⁸⁶
 - 4.10.7 Taxation
 - 4.10.7.1 Principles
 - 4.10.8 State assets
 - 4.10.8.1 Privatisation
 - 4.11 Armed forces, police forces and secret services
 - 4.11.1 Armed forces
 - 4.11.2 Police forces
 - 4.11.3 Secret services
 - 4.12 Ombudsman⁸⁷
 - 4.12.1 Appointment
 - 4.12.2 Guarantees of independence
 - 4.12.2.1 Term of office
 - 4.12.2.2 Incompatibilities
 - 4.12.2.3 Immunities
 - 4.12.2.4 Financial independence
 - 4.12.3 Powers
 - 4.12.4 Organisation
 - 4.12.5 Relations with the Head of State
 - 4.12.6 Relations with the legislature
 - 4.12.7 Relations with the executive
 - 4.12.8 Relations with auditing bodies⁸⁸
 - 4.12.9 Relations with judicial bodies
 - 4.12.10 Relations with federal or regional authorities
 - 4.13 Independent administrative authorities⁸⁹
 - 4.14 Activities and duties assigned to the State by the Constitution
 - 4.15 Exercise of public functions by private bodies
 - 4.16 International relations
 - 4.16.1 Transfer of powers to international organisations
 - 4.17 European Union
 - 4.17.1 Institutional structure
 - 4.17.1.1 European Parliament
 - 4.17.1.2 Council
 - 4.17.1.3 Commission
 - 4.17.1.4 Court of Justice of the European Communities⁹⁰
 - 4.17.2 Distribution of powers between Community and member states

⁸⁶ E.g. Auditor-General.

⁸⁷ Parliamentary Commissioner, Public Defender, Human Rights Commission etc.

⁸⁸ E.g. Court of Auditors.

⁸⁹ The vesting of administrative competence in public law bodies situated outside the traditional administrative hierarchy .See also 4.6.8.

⁹⁰ Institutional aspects only: questions of procedure, jurisdiction, composition etc are dealt with under the keywords of Chapter 1.

- 4.17.3 Distribution of powers between institutions of the Community
- 4.17.4 Legislative procedure
- 4.18 State of emergency and emergency powers⁹¹

5 FUNDAMENTAL RIGHTS⁹²

5.1 General questions

- 5.1.1 Entitlement to rights
 - 5.1.1.1 Nationals
 - 5.1.1.1.1 Nationals living abroad
 - 5.1.1.2 Citizens of the European Union and non-citizens with similar status
 - 5.1.1.3 Foreigners
 - 5.1.1.3.1 Refugees and applicants for refugee status
 - 5.1.1.4 Natural persons
 - 5.1.1.4.1 Minors⁹³
 - 5.1.1.4.2 Incapacitated
 - 5.1.1.4.3 Prisoners
 - 5.1.1.4.4 Military personnel
 - 5.1.1.5 Legal persons
 - 5.1.1.5.1 Private law
 - 5.1.1.5.2 Public law
- 5.1.2 Effects
 - 5.1.2.1 Vertical effects
 - 5.1.2.2 Horizontal effects⁹⁴
- 5.1.3 Limits and restrictions
- 5.1.4 Emergency situations⁹⁵
- 5.1.5 Right of resistance

5.2 Equality

- 5.2.1 Scope of application
 - 5.2.1.1 Public burdens⁹⁶
 - 5.2.1.2 Employment
 - 5.2.1.2.1 In private law
 - 5.2.1.2.2 In public law
 - 5.2.1.3 Social security
 - 5.2.1.4 Elections
- 5.2.2 Criteria of distinction
 - 5.2.2.1 Gender
 - 5.2.2.2 Race
 - 5.2.2.3 National or ethnic origin⁹⁷
 - 5.2.2.4 Citizenship
 - 5.2.2.5 Social origin
 - 5.2.2.6 Religion
 - 5.2.2.7 Age
 - 5.2.2.8 Physical or mental disability

⁹¹ Including state of war, martial law, declared natural disasters etc; for human rights aspects, see also keyword 5.1.4.

⁹² Positive and negative aspects.

⁹³ For rights of the child, see 5.3.41.

⁹⁴ The question of “*Drittwirkung*”.

⁹⁵ See also 4.18.

⁹⁶ Taxes and other duties towards the state.

⁹⁷ Here, the term “national” is used to designate ethnic origin.

- 5.2.2.9 Political opinions or affiliation
- 5.2.2.10 Language
- 5.2.2.11 Sexual orientation
- 5.2.2.12 Civil status⁹⁸
- 5.2.3 Affirmative action
- 5.3 Civil and political rights
 - 5.3.1 Right to dignity
 - 5.3.2 Right to life
 - 5.3.3 Prohibition of torture and inhuman and degrading treatment
 - 5.3.4 Right to physical and psychological integrity
 - 5.3.4.1 Scientific and medical treatment and experiments
 - 5.3.5 Individual liberty⁹⁹
 - 5.3.5.1 Deprivation of liberty
 - 5.3.5.1.1 Arrest¹⁰⁰
 - 5.3.5.1.2 Non-penal measures
 - 5.3.5.1.3 Detention pending trial
 - 5.3.5.1.4 Conditional release
 - 5.3.5.2 Prohibition of forced or compulsory labour
 - 5.3.6 Freedom of movement¹⁰¹
 - 5.3.7 Right to emigrate
 - 5.3.8 Right to a nationality
 - 5.3.9 Right of residence¹⁰²
 - 5.3.10 Rights of domicile and establishment
 - 5.3.11 Right of asylum
 - 5.3.12 Security of the person
 - 5.3.13 Procedural safeguards, rights of the defence and fair trial
 - 5.3.13.1 Scope
 - 5.3.13.1.1 Constitutional proceedings
 - 5.3.13.1.2 Civil proceedings
 - 5.3.13.1.3 Criminal proceedings
 - 5.3.13.1.4 Litigious administrative proceedings
 - 5.3.13.1.5 Non-litigious administrative proceedings
 - 5.3.13.2 Access to courts¹⁰³
 - 5.3.13.2.1 *Habeas corpus*
 - 5.3.13.3 Double degree of jurisdiction¹⁰⁴
 - 5.3.13.4 Suspensive effect of appeal
 - 5.3.13.5 Right to a hearing
 - 5.3.13.6 Right to participate in the administration of justice¹⁰⁵
 - 5.3.13.7 Right of access to the file
 - 5.3.13.8 Public hearings
 - 5.3.13.9 Trial by jury
 - 5.3.13.10 Public judgments
 - 5.3.13.11 Right to be informed about the decision
 - 5.3.13.12 Trial within reasonable time
 - 5.3.13.13 Independence

⁹⁸ For example, discrimination between married and single persons.

⁹⁹ This keyword also covers "Personal liberty" It includes for example identity checking, personal search and administrative arrest.

¹⁰⁰ Detention by police.

¹⁰¹ Including questions related to the granting of passports or other travel documents.

¹⁰² May include questions of expulsion and extradition.

¹⁰³ Including the right of access to a tribunal established by law; for questions related to the establishment of extraordinary courts, see also keyword 4.7.12.

¹⁰⁴ This keyword covers the right of appeal to a court.

¹⁰⁵ Including the right to be present at hearing.

- 5.3.13.14 Impartiality
- 5.3.13.15 Prohibition of *reformatio in peius*
- 5.3.13.16 Rules of evidence
- 5.3.13.17 Reasoning
- 5.3.13.18 Equality of arms
- 5.3.13.19 Adversarial principle
- 5.3.13.20 Languages
- 5.3.13.21 Presumption of innocence
- 5.3.13.22 Right to remain silent
 - 5.3.13.23.1 Right not to incriminate oneself
 - 5.3.13.22.2 Right not to testify against spouse/close family
- 5.3.13.23 Right to be informed about the reasons of detention
- 5.3.13.24 Right to be informed about the charges
- 5.3.13.25 Right to have adequate time and facilities for the preparation of the case
- 5.3.13.26 Right to counsel
 - 5.3.13.28.1 Right to paid legal assistance
- 5.3.13.27 Right to examine witnesses
- 5.3.14 *Ne bis in idem*
- 5.3.15 Rights of victims of crime
- 5.3.16 Right to compensation for damage caused by the State
- 5.3.17 Freedom of conscience¹⁰⁶
- 5.3.18 Freedom of opinion
- 5.3.19 Freedom of worship
- 5.3.20 Freedom of expression¹⁰⁷
- 5.3.21 Freedom of the written press
- 5.3.22 Rights in respect of the audiovisual media and other means of mass communication
- 5.3.23 Right to information
- 5.3.24 Right to administrative transparency
 - 5.3.24.1 Right of access to administrative documents
- 5.3.25 National service¹⁰⁸
- 5.3.26 Freedom of association
- 5.3.27 Freedom of assembly
- 5.3.28 Right to participate in public affairs
 - 5.3.28.1 Right to participate in political activity
- 5.3.29 Right to respect for one's honour and reputation
- 5.3.30 Right to private life
 - 5.3.30.1 Protection of personal data
- 5.3.31 Right to family life¹⁰⁹
 - 5.3.31.1 Descent
 - 5.3.31.2 Succession
- 5.3.32 Inviolability of the home
- 5.3.33 Inviolability of communications
 - 5.3.33.1 Correspondence
 - 5.3.33.2 Telephonic communications
 - 5.3.33.3 Electronic communications
- 5.3.34 Right of petition
- 5.3.35 Non-retrospective effect of law
 - 5.3.35.1 Criminal law
 - 5.3.35.2 Civil law
 - 5.3.35.3 Social law

¹⁰⁶ Covers freedom of religion as an individual right Its collective aspects are included under the keyword "Freedom of worship" below.

¹⁰⁷ This keyword also includes the right to freely communicate information.

¹⁰⁸ Militia, conscientious objection etc.

¹⁰⁹ Aspects of the use of names are included either here or under "Right to private life".

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- 5.3.35.4 Taxation law
 - 5.3.36 Right to property¹¹⁰
 - 5.3.36.1 Expropriation
 - 5.3.36.2 Nationalisation
 - 5.3.36.3 Other limitations
 - 5.3.36.4 Privatisation
 - 5.3.37 Linguistic freedom
 - 5.3.38 Electoral rights
 - 5.3.38.1 Right to vote
 - 5.3.38.2 Right to stand for election¹¹¹
 - 5.3.38.3 Freedom of voting
 - 5.3.38.4 Secret ballot
 - 5.3.39 Rights in respect of taxation
 - 5.3.40 Right to self fulfilment
 - 5.3.41 Rights of the child
 - 5.3.42 Protection of minorities and persons belonging to minorities
- 5.4 Economic, social and cultural rights
- 5.4.1 Freedom to teach
 - 5.4.2 Right to education
 - 5.4.3 Right to work
 - 5.4.4 Freedom to choose one's profession¹¹²
 - 5.4.5 Freedom to work for remuneration
 - 5.4.6 Commercial and industrial freedom
 - 5.4.7 Consumer protection
 - 5.4.8 Freedom of contract
 - 5.4.9 Right of access to the public service
 - 5.4.10 Right to strike
 - 5.4.11 Freedom of trade unions¹¹³
 - 5.4.12 Right to intellectual property
 - 5.4.13 Right to housing
 - 5.4.14 Right to social security
 - 5.4.15 Right to unemployment benefits
 - 5.4.16 Right to a pension
 - 5.4.17 Right to just and decent working conditions
 - 5.4.18 Right to a sufficient standard of living
 - 5.4.19 Right to health
 - 5.4.20 Right to culture
 - 5.4.21 Scientific freedom
 - 5.4.22 Artistic freedom
- 5.5 Collective rights
- 5.5.1 Right to the environment
 - 5.5.2 Right to development
 - 5.5.3 Right to peace
 - 5.5.4 Right to self-determination

¹¹⁰ Including compensation issues.

¹¹¹ For institutional aspects, see 4.9.5.

¹¹² This keyword also covers "Freedom of work".

¹¹³ Includes rights of the individual with respect to trade unions, rights of trade unions and the right to conclude collective labour agreements.