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EU Law Digest

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Research

Working Paper

The theoretical justification for the existence of children's special rights

for child offenders and their practical applica

Dr. Elena Vassiliou Lefkariti

Lecturer in Law and Criminology

LLB (KCL), MSC (LSE), PhD (Kent)

The paper examines the justifications for the existence and the application of special children's rights in the field of the criminal justice system, giving special focus to the UK, because it is a country that has often been criticized for not having adequate special procedures for its child offenders.

The first section of the paperanalyses the concept of what a child is, grouping various characteristics together to form four distinct profiles of the child, the Adult Child, the Unformed Child, the Romantic Child and the Savage Child. It is explained that that these profiles exist either at different points in time or simultaneously and they are expressions of what children are according to the beliefs of different societies, cultures and times. Their validity is not questioned as they are expressions of beliefs and social norms and not scientific data related to the biology of children.

The second part of the paper addresses the question why special children's rights exist for child offenders. It starts with an examination of various analyses of justifications for their existence, coming from the fields of legislation, politics and academia, which demonstrate an array of different, perhaps even conflicting, approaches. It is concluded that the explanation of these variations is situated in the assumptions upon which the justifications are founded, namely the different concepts of childhood discussed in the first part of the paper. When the input is different, it is a logical consequence that the output will vary. Accordingly, it is accepted that the different justifications offered for the existence of children's special rights are all valid and depend upon what characteristics a child is assumed to have. The significance of this, is that it determines that there is no one correct answer to the debate on which approach is more correct, simply because there is no one singlecorrect definition of what a child is.

The third and last part of the paperfirst observes that the adoption of different concepts of the child affects the application of the rights involved in the criminal justice process related to child offenders, causing a number of variations over time. Consequently, a rights approach, similar to the one followed by the European Court of Human Rights (ECtHR) in civil and family law cases, which considers children's special rights and balances them against the rest of the rights involved in the criminal proceedings against children, is examined as a potential alternative. The section concludes that this approach, in which all rights involved are given weights and balanced against each other in a special preliminary hearing, is an alternative worthy of consideration.

Full paper available at: https://www.ouc.ac.cy/index.php/el/the-university-4/jeanmonnetchair/research/working-papers

Research

Working Paper

Protecting journalists in their role as Human Rights Defenders in

shrinking civic spaces: Are EU safeguards enough?

Roxani Fragkou

Teaching and Research Associate, Open University of Cyprus

As journalists stand up for truth, the world stands with them," urged United Nations Secretary-General António Guterres, capturing the urgent need to protect journalists worldwide.1 In today's increasingly hostile landscape, journalists defending human rights face serious risks, from digital surveillance and online harassment to physical attacks, including targeted killings. They are frequently harassed, intimidated, detained, and subjected to smear campaigns, both on and offline, as they carry out their vital work. These threats not only endanger individual journalists but also undermine press freedom, which is essential for a functioning democracy. Ultimately, this erosion of press freedom weakens democratic institutions and poses a broader threat to human rights. Echoing this concern, the UN Special Rapporteur on the situation of human rights defenders has warned that "where journalists are attacked, all human rights are under threat."

Against this background, this article examines how the protection available to journalists through the dedicated international normative framework—particularly the EU's media freedom and pluralism framework—supports journalists as Human Rights Defenders (HRDs), especially in shrinking or closing civic spaces.3 Ultimately, this analysis will shed light on effective strategies for addressing the threats faced by journalists today, grounded in a human rights-based approach.

Full paper available at: https://www.ouc.ac.cy/index.php/el/the-university-4/jeanmonnetchair/research/working-papers

Research

Working Paper

Emerging criminal and human rights issues related to whistleblowing

Manolis Apostolakis

The mechanisms and procedures for reporting in the public and private sectors, aimed at preventing and detecting unlawful activities—particularly in cases with serious implications for society (e.g., corruption, environmental protection, public health, taxation, unfair competition)—have a long historical tradition. The practice of reporting breaches in the public interest, as well as the systematic collection of such reports by competent public or private entities to prevent and address unlawful (or irregular) behavior, is widely referred to in international literature under the term “whistleblowing.” Whistleblowing serves as a vital instrument of criminal justice policy, showcasing the growing cooperation between investigative and enforcement authorities and

private entities in uncovering breaches and gathering essential evidence.

However, the concept and regulatory framework of “whistleblowing” extend beyond these dimensions. It also encompasses a range of measures and specific legislative provisions in various areas of law, such as labor law, public sector law, capital market law, competition law, and others. It is, therefore, a particularly complex issue that transcends the boundaries of substantive and procedural criminal law.

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Research

Working Paper

Human rights issues relating to individuals under investigation in the

context of internal criminal investigations of corporate bodies

Elias V. Spyropoulos

Dr. jur. of Criminal Law, University of Munich

Appointed Lecturer, Democritus University of Thrace

Before developing the problematics addressed in the present study, it is worth noting by way of introduction that the practice of private internal investigations for the systematic investigation of any existing violations within the company is not only gaining ground, but is the modern reality in a modern international business environment which takes its shape through the template created by the terms "compliance" on the one hand and "corporate governance" on the other hand and, in particular the area of the latter relating to the internal

control system of the entity. Indeed, in the field of internal investigations the principle of opportunity may apply and the ultimate goal may be the self-cleansing of the company, the protection of its reputation, good cooperation with the authorities and the avoidance of attribution of responsibility to the company or its impairment, given, however, that this is an area in which private investigators are developing an activity similar to public authorities, particular attention should be paid to the constitutional, labour and criminal law issues that arise for the parties involved.

This study will be limited to the issues that arise with regard to human rights of the investigated persons in the context of internal inspection of the company. More specifically, the focus will be on specific manifestations of Article 6 of the ECHR and the analysis will move along two axes:

On the one hand, in the conceptual definition of the individual manifestations of Article 6 of the ECHR in the context of internal investigations, since their more or less known content is mainly in line with the classical criminal procedure, regardless of whether it concerns pre- trial or main proceedings. On the other hand, the way in which the company should conduct the internal investigation in order to avoid violations of Article 6 of the ECHR and the legal consequences of any breach of it.

Given that the internal investigation within the legal person/entity is not a procedure that is known to the general public as such, it is useful at this point to give a brief description of the procedural part, in order to make it easier to highlight the issues addressed in this study.

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Research

Working Paper

Freedom of religion in the U.S. and Greece during the COVID-19 pandemic

Alexandros Kyriakidis

Adjunct Lecturer, Department of Political Science, Aristotle University of Thessaloniki (Greece).

The aim of this paper is to overview the restrictions imposed on the right to religious freedom and on the operation of religious places in Greece and the U.S. during the COVID-19 pandemic from a comparative perspective. Given the considerable differences of the two jurisdictions, comparing these two cases presents interesting opportunities for drawing broader conclusions on the restrictions imposed during the COVID-19 pandemic on religious places and religious freedom in different jurisdictions and legal systems, on the ways those restrictions were challenged judicially, and the outcomes of those challenges. An overview of the relevant scholarship is first presented, followed by a brief analysis of the Non-Pharmaceutical Interventions (NPIs) adopted during the pandemic, focusing on religious ceremonies and places. An extensive consideration of the legal acts and foundations of these NPIs is presented, followed by an analysis of the judicial challenges these NPIs were subjected to at the level of supreme courts. Finally, conclusions are drawn as to the useful insights provided by the analysis of each case, as well as from their comparison.

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Research

Research Project: "EU Promotion of Human Rights and Democracy in the World"

Trading for Human Rights

A Handbook on Human Rights Clauses in EU Agreements with Non- EU States

By Vasiliki P. Karzi

The European Union has long integrated human rights clauses into its trade agreements with third countries, linking trade liberalization to the promotion of democracy, the rule of law, and fundamental rights. Initially used as a response mechanism to suspend cooperation with regimes committing serious violations, these clauses evolved into broader tools fostering political dialogue, cooperation, and sanctions where necessary.

Such clauses now form part of a wide range of agreements—including Partnership and Cooperation Agreements, Free Trade Agreements, and Association Agreements. The EU's approach became more sophisticated with the introduction of mechanisms like the 'Baltic Clause' and later the 'Bulgarian Clause,' allowing for dialogue and restrictive measures before suspending agreements.

Typically, human rights clauses consist of two parts: an essential elements clause affirming commitments to rights and democracy, and a non-execution clause enabling appropriate measures when violations occur. These structures are standard in recent agreements, though specific provisions vary.

Additionally, human rights concerns are addressed through instruments such as Sanctions under the EU's Global Human Rights Sanctions Regime, The Generalised Scheme of Preferences (GSP) which can withdraw benefits from non-compliant states, Sustainable Fisheries Agreements, and Labour and environmental chapters in "new generation" trade deals.

Recent cases—like those of Guinea-Bissau, Burundi, and Syria—illustrate the limited, but strategic, application of human rights clauses. Despite their existence, enforcement remains rare and subject to political discretion. The European Court of Justice has ruled that individuals cannot invoke these clauses for personal legal claims.

New mechanisms such as the Single Entry Point (SEP) allow EU-based actors to file complaints on labour, environmental, or gender-related violations. The first such complaint, filed in 2022 by a Dutch NGO regarding Colombia and Peru, led to technical cooperation efforts—though concerns remain about transparency and non-EU actor access.

The EU also conducts human rights dialogues through its agreements, institutionalized under frameworks like the Cotonou and Samoa Agreements. These dialogues complement trade tools in promoting rights globally.

The European Parliament has consistently advocated for stronger enforcement, transparent complaint systems, and the modernization of clauses to reflect evolving priorities. It supports integrating tools like SEP into broader human rights monitoring efforts.

In conclusion, while human rights clauses remain central to EU external policy, their effectiveness hinges on political will, transparency, stakeholder engagement, and procedural reform. Calls for updating these clauses reflect their continued relevance in advancing the EU's values on the global stage.

Full book available here: https://www.ouc.ac.cy/images/Jean_Monnet_Chair/Vasiliki_Karzi-Handbook_-_Human_Rights_Clauses_Revised_-_Publications.pdf