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# CITIZENS MANIFESTO FOR EUROPEAN DEMOCRACY, SOLIDARITY AND EQUALITY

For the 2014 European Elections

Edited by  
Alessandro Valera  
and Elena Dalibot



The Citizens Pact is a project of European Alternatives,  
transnational organisation active throughout Europe  
to promote democracy, equality, and culture beyond the nation state.  
Find out more on [www.euroalter.com](http://www.euroalter.com)

This project has received part financing from  
the European Commission's "Europe for Citizens" Programme  
and from Stiftung Mercator.

This publication reflects the views of the authors only  
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Printed in Italy for European Alternatives in November 2013



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2013, European Alternatives

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## I. LIST OF ABBREVIATIONS

CEAS Common European Asylum System

EC European Commission

EP European Parliament

EU European Union

ILO International Labour Organisation

IMF International Monetary Fund

LGBT Lesbian, gay, bisexual and trans

MEP Members of the European Parliament

OECD Organisation for Economic Cooperation and Development

TEU Treaty on European Union

TFEU Treaty on the Functioning of the European Union

## II. INTRODUCTION

A 2013 report by the Red Cross highlighted that while other continents are successfully reducing poverty, Europe is the only one to be adding to it. The richest continent of the planet is also the one where most people have been falling below the poverty line in the first three years of this decade.

As the Director of Participation and Policy at European Alternatives, I have travelled across Europe for three years and met thousands of people to hear their stories, and the bottom line is always the same: people feel that the impact of their votes is increasingly diminishing. At local, national and transnational levels, institutions have been unable to respond to the needs of their citizens while being very efficient in accounting for the needs of the market. Citizens and residents are aware that more and more of their problems require European, if not global, perspectives and solutions and are ready to trust international institutions such as the European Union to take care of these - but not in their current forms. The EU needs to change quickly and radically, before Eurosceptic, nationalist and xenophobic discourses lure its citizens to preferring simplistic solutions to these problems, which look inward rather than outward.

The Citizens Manifesto is the result of a three-year process of popular consultations across Europe. It has involved thousands of Europeans (by birth, choice or circumstance) who were asked to elaborate policy proposals which in their views should constitute the primary focus of the work of the next European Parliament and Commission. A detailed methodology session will explain how hundreds of ideas were concentrated into fifty policy proposals in twelve key areas, which are touched upon in our Manifesto. Our discourse is characterized by "Pragmatic Utopia", as Cuban artist Tania Bruguera has put it. The Manifesto contains a vision for tomorrow's Europe that is radically different from today's. Nevertheless, it springs out of a detailed analysis of current European legislation and an understanding of the power the EU currently has, the power it does not have, or the power it could have if there was enough political will to act radically.

The Manifesto has been developed and written transnationally. It is not a sum of national requests, but since its very beginning it has been developed as a coordinated series of demands that are important for Europe's people as a whole, developed by them and for them. This book will present the Citizens Manifesto, outline its methodology and

put forward the key policy proposals behind it. It contains a DVD in which some of the people who took part in different stages of the development of this Manifesto read out proposals that are important to them.

We hope that this large-scale effort will bring about concrete change. Europe needs to become a global player and a leader of democracy, solidarity and equality. This is what people living in Europe are asking and it is about time they are listened to.

**Alessandro Valera**

*Director of Participation and Policy, European Alternatives*

A handwritten signature in black ink, appearing to read 'A. Valera', written on a light-colored rectangular background.

### III. CITIZENS MANIFESTO FOR EUROPEAN DEMOCRACY, SOLIDARITY AND EQUALITY

#### **For the 2014 European Elections**

We, the people of Europe, by birth, by choice or by permanent circumstances, believe that the European Union and its Member States have failed to guarantee the welfare of their citizens and to live up to the global and local challenges that have shaken Europe in the last five years of crisis.

We believe Europe has a common future, but we feel that we are losing control of our destiny. Rather than relying on fractured national sovereignties, we want to be empowered to act at a transnational level. Europe can play a strong role as a space of democracy, solidarity, and equality, but this requires rapid and radical changes to the current political framework and priorities of the European Union.

2014 will offer the opportunity for a break with a past marked by perpetual crisis. A new European Parliament will be elected and a new European Commission appointed. Renewed governance must be accompanied by renewed citizen engagement. Healthy democracies have always lived off vibrant participation, expressed through collaboration, contestation and critique. In that spirit we have developed a participatory transnational Manifesto as a pact between the people of Europe and its governing structures.

This Manifesto contains political demands developed transnationally through a three-year Europe-wide participatory process that has involved thousands of people. The process consisted of over 60 citizens' panels, 12 transnational forums, 2 hearings at the European Parliament, online panels, and a widespread presence on the streets and squares of Europe. This has led to the formulation of proposals that go beyond national zero-sum games.

The developed proposals take into account the EU legislative and juridical context in order to provide a realistic policy blueprint for a possible alternative Europe within our immediate grasp. The issues covered do not exhaust the multitude of problems we face, but reflect priorities highlighted by diverse participants to this process. The Manifesto will be updated regularly in the future to include new citizens-led proposals. This is a living document that echoes people's demands.



We ask citizens, organisations, and social movements who have at heart any of these issues to activate themselves around an open and participatory process of European reform. We ask politicians running for local, national, and especially European elections to sign up to the proposals of this Manifesto, to include them in the election campaign, and promote them during their mandate.

The principles emerging from the specific proposals will first be presented in summary form, and detailed as individual policy actions in the appendix.

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Europe is facing an economic, environmental and democratic crisis. In the last decades, we have responded to new social challenges, from developing the welfare state to building institutions that aim to enshrine peace.

The biggest crises of all are not the challenges we face, but Europe's lack of ability and legitimacy to respond to them. Vested interests take advantage of this vacuum to monopolise the economic sphere, public discourse and the sense of justice.

One of the most visible signs of this has been the "race to the bottom", creating internal competition between workers and between countries. This has resulted in chronic unemployment, precarity and poverty, fundamentally undermining the value of *work*. This needs to be replaced with a European welfare system that ensures a set of *social and economic rights* which meet people's basic needs irrespective of their circumstances and place of residence, such as unemployment and pension benefits, minimum wage or basic income.

This requires a common and equitable fiscal policy, which stops tax competition to the benefit of large corporations. We refuse to see our social and economic rights being undermined, while huge amounts have been mobilised to save a *financial* system that has failed us. Europe must start by putting a brake on bank bailouts and by restructuring the banking industry so it returns to its original social functions of safeguarding people's savings and financing small and medium sized businesses. An EU Financial Transaction Tax, for example, would encourage more responsible forms of trading and investment. We should refuse the blackmail of the financial markets through a mutualisation of debts including a mechanism of last resort to write off unsustainable sovereign debt without prejudice to minimum social standards.

Europe needs a new integrated economic policy which promotes full employment in meaningful and adequately paid jobs, which is less dependent on carbon fuels, and which does not rely on trade agreements which are unfair to countries outside of the European Union. The European Union is the largest economy in the world, and coordinated and ambitious decisions about its functioning can make a real global impact in terms of protecting the environment, promoting meaningful and decent employment, ensuring global justice in trade relations and moving from a consumerist society of competition to an economy of collaboration and sharing.

The Common Market has expanded our liberties but its current functioning has given powerful corporations more opportunities to evade their social responsibilities in paying tax. Gaps in regulations have also been used by [organised crime groups](#) to maximise their criminal activities across borders. The EU should combat tax havens and should have powers to confiscate illegally acquired assets and promote their social re-use.

**Democracy** is in crisis in Europe. Voter turnout and party membership are in continuous decline. People feel powerless about being able to promote change through current institutional channels, especially at a European level. This is why we need to radically transform the EU's democratic structures, for instance by creating a fully elected European government, by granting full legislative powers to the European Parliament and by introducing transnational lists for European elections.

We need to open up the decision making process to all civil society, letting long-term residents vote for the European elections. We request user-friendly and effective tools to directly influence change - from improving the European Citizens' Initiative to enabling us to audit the use of public money. To kick-start this process of radical reform, we propose a European Convention where citizens and politicians come together to develop a new democratic architecture.

Any democratic system needs [media](#) freedom and pluralism. In Europe, this is guaranteed only in principle and not always enforced, with some voices being shut out of the public debate. We need independent regulatory bodies monitoring transparency of ownership and clear rules against concentration. We demand substantial investment in independent public media and the internet as spaces of open access. We also demand the protection of personal privacy, that it be free from corporate or state surveillance as well as substantial investment in media literacy.

The future that the people of Europe desire necessitates a tangible redistribution of power. Democracy in Europe must mean that decisions are made by all with regard to all, not by some for the benefit of the few. We call on the EU to take the lead in creating incentives for long-term sustainable action to tackle common problems.

Redistribution of power requires that no one should be discriminated against in the enjoyment of common resources essential to life. Our young generation will live with a vivid reminder of the severe harm caused when unaccountable and irresponsible competition is incentivised. The EU must act to guarantee access to common goods, such as safe drinking water, which are essential to the enjoyment of basic rights.

We have a one-off opportunity as we get Europe working again to recondition the world's largest economy in a clean and sustainable way. Europe must lead the energy transition from destructive to clean and renewable sources.

Redistribution of power requires that private actions which have environmental impact must be subject to the consent of the residents of Europe who depend on that environment. The EU must enforce the precautionary principle when harmful environmental risks are identified by its citizens.

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The crisis has particularly hit specific groups which were already disadvantaged, including migrants, women, those displaced by war, LGBT and Roma people, whose access to fundamental rights, basic social services and common goods as well as meaningful political participation have been restricted or denied. There is an urgency for the EU motto "unity in diversity" to be put into practice by enabling all residents and citizens to become actors for change at EU level and enjoy adequate protection for equal access to fundamental rights, regardless of their gender, gender identity and expression, sexual orientation, social or ethnic background, place of origin.

In particular, in times of crisis, the EU needs to live up to its ambition to guarantee the protection of human rights, not only within the Union, but also at its borders. The EU should ensure that migrants entering the EU see their cultural and human rights respected. Border management should be transparent and accountable. Administrative detention should be excluded as a standard measure and detention of children should be

prohibited in all circumstances. In order to ensure the dignity of migrants, they should be provided with the rights to work while waiting for the administrative decision on their migratory condition. Deportations should not provoke the separation of families. Migrants' experience and intellectual capacity are as great as any labour they provide.

Women have been disproportionately hit by the crisis and the ongoing attacks on social policies. The EU should guarantee women's rights and gender equality, notably by fighting all forms of violence against women and closing the gender pay gap.

Crises are a breeding-ground for discourses that use the fear of the "other" to identify scapegoats. Migrants and Roma people are regular targets for hate speech and hate crimes, as are LGBT people, who are often socially excluded for their differences. EU citizenship should not be an empty concept or allow first and second-class citizens. All benefits deriving from it, such as the freedom to move and reside in the EU and the portability of rights, should be enjoyed by all. LGBT citizens should not be prevented by their gender identity and expression or sexual orientation to move freely. This does not translate to giving additional rights to some, but in ensuring specific protection of disadvantaged groups to access equal rights.

If countries can be judged by the way they treat their minorities, then the EU should be judged by the way it treats the Roma people, who are perhaps the most transnational European group on the continent, but also one of the most excluded. Roma people should be recognised as an integral part of European society and they should participate in all stages of policy discussions affecting them.

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Today Europe is facing a crossroad. The process of integration as it has happened so far has created a political entity without an active citizenry which is able to influence its course. We need to be made protagonists of much needed change to reform the European Union into a democratic and participative space.

Time is not on our side: Eurosceptic and xenophobic discourse is spreading quickly across the continent and risks becoming an even larger voice in the European institutions. The forthcoming European elections need to be understood as an opportunity to decide on the kind of future we wish for our society. We need ambitious political propos-

als from candidates and parties and we have to be empowered to be part of the change. The EU has the opportunity to be at the avant-garde of democratic reforms, providing a new global model of representative and participatory democracy in a multi-lingual, multi-ethnic and multicultural society that is able respond to the local and global challenges that need urgent and radical responses.

Europe has shown its capacity to rise from the ashes more than once and now needs to reaffirm its agency for change. The time is now.

[www.citizenspact.eu](http://www.citizenspact.eu)

## IV. METHODOLOGY

The Manifesto here presented is the result of three years of work. This section explains the methodology through which it has been put together.

After having identified a significant gap dividing people living in Europe and Europe's policy-makers, European Alternatives (EA) began its action in **2011** trying to bridge this gap. A fundamental part of EA's work has been dedicated to consulting citizens across Europe on different issues, finding common threads and reporting the results to the European institutions. The consultation process began in six countries: Bulgaria, France, Germany, Italy, Romania and the United Kingdom. Six macro areas in which more integration was sought by the European institutions - through the **Stockholm Programme** that had been launched in 2009 - were identified. These were labour and workers' rights; the rights of Roma people and LGBT minorities; the rights of migrants and asylum seekers; freedom of expression and media pluralism; and legality and the fight against corruption and organised crime. Each country hosted three citizens' panels in three different cities on three different topics. The methodology implemented was based on the technique called "World Café".

This method, used by local governments in many countries, consisted in inviting citizens to a welcoming venue set-up as a series of round tables with a maximum of 15 seats at each table. At each of these tables, a pre-identified policy issue of importance to citizens was discussed for a short time (maximum 45 minutes) by the citizens themselves, with a table moderator organising but not leading the discussion. Citizens were



then invited to join another table to further develop the thoughts and ideas generated in previous rounds. Before any forum, four or five local table moderators were identified with the help of our partners and trained online or face to face on moderation methods. After a first session on brainstorming, participants were invited not only to discuss problems relating to the issues they care about, but to think about possible solutions they would implement if they were the decision-makers. At the end of each forum, dozens of citizens-led proposals were collected. In each city we worked with several local partners who ensured that the topics discussed made sense locally and who extend the invitation to their existing networks of local contacts. Each forum took place in the local language.

In the second part of the year, six transnational forums were organised, one in each of the six countries and on one of each of the six macro themes. The most active participants of each of the three local forums on a certain topic were invited to attend these meetings, together with other stakeholders, activists, practitioners, academics from all across Europe.

The various proposals that had emerged previously were translated in English and further elaborated. Common action plans were born out of this process, such as the European Initiative for Media Pluralism, which aims to collect 1 million signatures across Europe on the issue of media pluralism. The international campaign “Open Access”, which demands access by journalists and civil society to detention centres for migrants, was equally a result of discussions in a transnational forum. Preliminary findings were presented at the European Parliament in Brussels on several occasions.



In **2012**, those involved in the process of the previous year, plus many more who joined afterwards, met in Rome for a transnational forum to kick-start the second year of this process. Attended by more than 700 people from across Europe, this forum focused on a Europe-wide strategy to defend democracy, work, income and common goods.

Rather than focusing on the Stockholm Programme, the work of 2012 was inspired by the **Charter of Fundamental Rights**. Aside from the six issues

discussed in the previous year, roundtable citizens' panels were also organised on new forms of democracy and participation as well as the struggle for common goods. The process gathered momentum, as it managed to attract the interest of those involved in the protest movement which was happening across Europe, from Puerta del Sol in Madrid to the Central Bank headquarters in Frankfurt. Hundreds of representatives of civil society organisations met in Brussels in December to present the results of their consultations to MEPs. The result of this meeting was the creation of a **Citizens Pact for European Democracy**. This took the form of a double pact. On one hand, this was a pact among citizens, who despite being active in different geographic or thematic areas agreed to combine their struggles in a request for more democracy and more participation. On the other, this was a pact between citizens and the only democratically elected institution of the EU, the European Parliament.



2013 witnessed the fine-tuning of this process leading to the Citizens Manifesto presented in this book. After a final series of participatory panels in eight countries (Slovakia and Germany joined the ranks of countries hosting panels), all the proposals collected in the previous three years were collected on the website [www.citizenspact.eu](http://www.citizenspact.eu), where online visitors made additional proposals and voted for the proposals they perceived as most important. In the second half of the year, eight research workshops were organised in eight different countries. The aim of these workshops was to translate those proposals that could realistically fall under the current or possible competences of the EU into legally sound policy proposals. Each workshop was attended by five experts in a specific field. Participants came from different nationalities. Furthermore, gender balance and diversity of backgrounds of the participants was always sought. For example, each workshop in-



cluded an academic, a practitioner, a member of a NGO, a legal expert etc. As the creation of the Citizens Manifesto gathered momentum, new people contacted us and offered to hold parallel research workshops on themes of pivotal importance that had been absent from the focus of this project, such as the environment or gender equality. We defined twelve central policy areas and asked each committee to select and elaborate up to five proposals per topic. These led to the development of 53 proposals which can be found below.

Before merging these proposals into one document, we believed it was necessary to consult the people of Europe one more time, with the aim of including as many people as possible. Rather than inviting people to come to our events, we decided to go and find them where they already were: train stations, streets, squares and parks in cities across Europe.

Through this process that came to be known as (Mani)fest, the proposals were translated in ten languages and printed and organised in different thematic folders. Stands were put up in ten cities, including in countries that had not previously hosted any related event, such as the Netherlands or Poland. Passers-by were approached with flash-cards or dice with each of the twelve topics and asked which should be the priority area of work for the EU next year. They were given the folder relating to their topic of choice and invited to choose one proposal and vote for it. To be as inclusive as possible, people who would not be able to vote at the EP elections, such as migrants or teenagers, or people who were unlikely to vote, such as Roma beggars or homeless people, were approached and encouraged to vote. More than 2000 votes were collected. They are visualized under each proposal.

Finally, in October 2013, a group of people who had been active in the development of the proposals met in Berlin with the challenging task of summarising three years and hundreds of pages of participatory work in a short document containing the key principles. This was achieved and a 4-page Manifesto drafted. The Citizens Manifesto was presented in front of hundreds of Europeans, who further advised on how to reformulate certain concepts or rephrase certain ideas. The result is presented in this book. The Manifesto will be sent to those running for European Parliamentary elections in 2014. MEPs often lament about the democratic deficit and the national mandate by which they are elected. We have tried to address both of those issues by presenting a set of demands that are transnational at heart and we want to trust future MEPs to represent us by taking these seriously. Now the ball is in the court of the European institutions.



CARDIFF

LONDON

AMSTERDAM

BRIGHTON

BRUSSELS

BERLIN

DOUAI

PARIS

VANNES

TOULOUSE

VENICE

SAN SEBASTIAN

BOLOGNA

MARSEILLE

MADRID

BARCELONA

GROSSETO

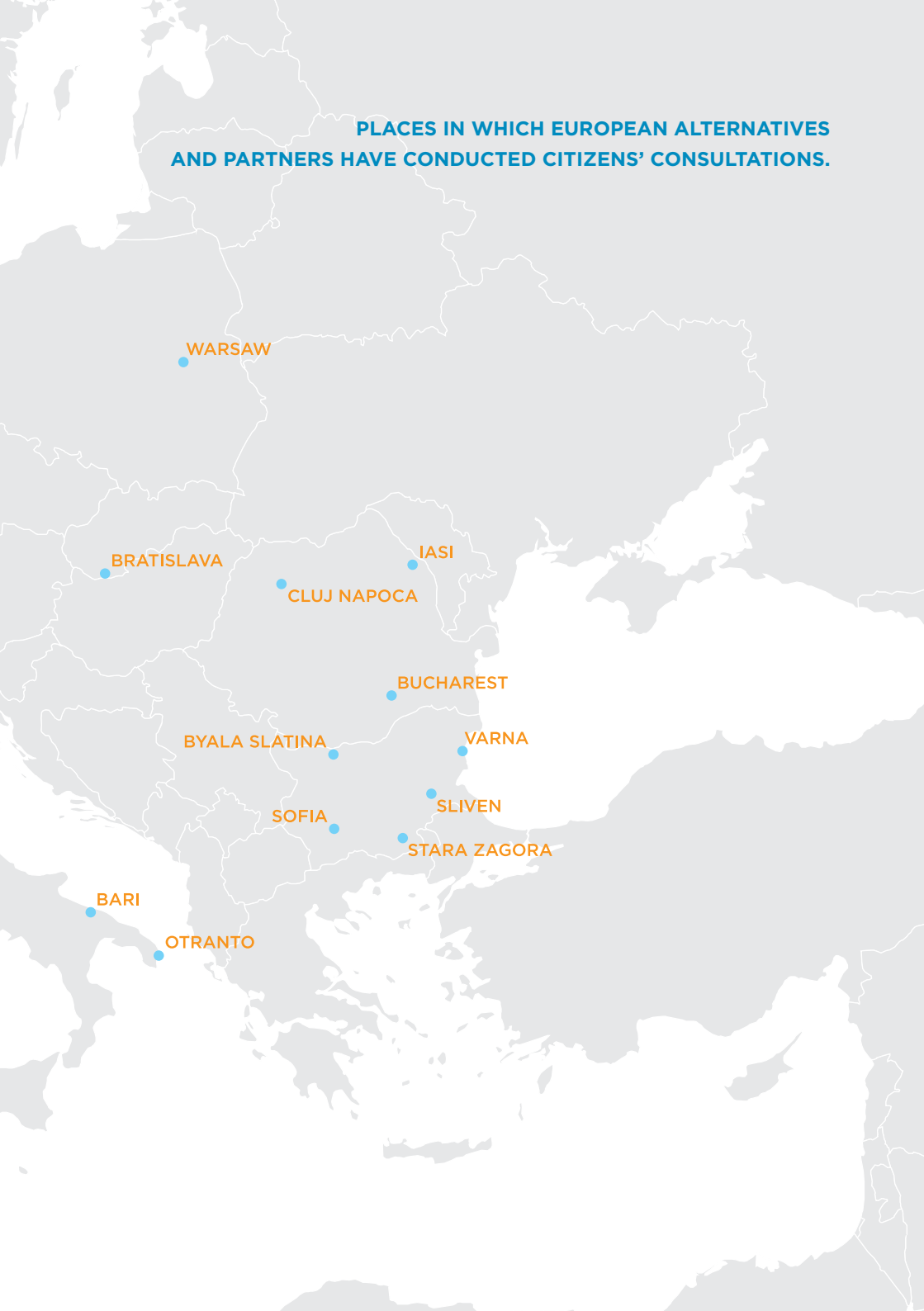
ROME

VALENCIA

SEVILLE

PALERMO

**PLACES IN WHICH EUROPEAN ALTERNATIVES  
AND PARTNERS HAVE CONDUCTED CITIZENS' CONSULTATIONS.**





**DEMOCRACY**  
2013 PROPOSALS

**CITIZENSPACT**  
THE CENTER FOR AMERICAN PROGRESS

WALL STREET INSTITUTE

## V. THE POLICY PROPOSALS



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## 1. WORK



## 1.1 EU REGULATIONS ON INTERNSHIPS

Internships in the EU should be paid and regulated so as not to be hidden labour. Comprehensive and transparent data on internships in the EU should be made available by all organisations hosting interns.

VOTES ●●●●●●●●●●●●●●●●

### Further information :

- A) The practice of **unpaid internships** has become more and more common in the EU, in particular since 2007. In many cases, interns are highly educated, overqualified and underpaid, if paid at all. This excludes a great number of people who can't afford to sustain themselves for the duration of one or several internships<sup>1</sup>, as recognised recently in a European Parliament resolution<sup>2</sup>. About 2/3 of insufficiently compensated interns rely on parental financial support<sup>3</sup>. Most interns do not appear in any statistics, which hinders the possibility to estimate the number of interns and their use and abuse in an unregulated grey area by companies, NGOs
- B) We understand the term “internship” as a work practice including an educational component (either as part of a study curriculum or not) which is limited in time. The purpose of these traineeships is to help the trainee’s education to work transition by providing the practical experience, knowledge and skills that complete his/her theoretical education.”<sup>4</sup>
- C) The EU has a responsibility to **prevent the use of interns as a cheap, flexible labour force**. A **European regulation** of internships is needed, along the following main lines:

1 According to an internship survey by the European Youth Forum in 2011, only 25% of interns are able to support themselves on the basis of their internship pay. Insufficient or lack of compensation is independent of the sector. [http://issuu.com/yomag/docs/yfi\\_internsrevealed\\_web](http://issuu.com/yomag/docs/yfi_internsrevealed_web)

2 European Parliament resolution of 11 September 2013 on tackling youth unemployment : possible ways out (2013/2045(INI): “more and more young people are being forced to take both unpaid and paid traineeships, a state of affairs which is discriminatory towards those who are less well-off; [...] the problem of the exploitation of trainees as cheap labour must be acknowledged, and a set of quality criteria for traineeships is therefore needed”

3 EYF internship survey, 2011

4 SWD (2012) 99 final, Commission Staff Working Document on Quality Framework for Traineeships

1. **Internships should be paid.** We welcome the EP resolution<sup>2</sup> calling on the European institutions to pay minimum allowance based on cost of living for internships, but urge the EU to go further and to establish with Member States appropriate compensations for all internships.
  2. A legal harmonisation of working conditions should **ban the employment of interns in positions fitting part-time, temporary or short-term contract work**, but also set a limit on the possibility of hiring interns outside of a higher education framework. An efficient measure could consist in imposing a **break period of a minimum number of months between two successive internship contracts** at the same position.
  3. **Comprehensive data** about the number of interns in national workforces and each company staff should be made public (such data would be integrated in the Eurostat system). Transparency about intern employment is key. Currently, data about internships and number of interns is non-existent. Interns therefore work in some sort of illegality on the labour market. There is no data about numbers, lengths and types of tasks and jobs being provided by interns. Thanks to more comprehensive data, concrete measures can be proposed to make internships valuable work experiences on the labour market.
  4. European universities should adjust their fees according to the time of the academic year they devote to a mandatory internship.
- D) Action could be taken through a **Quality Framework for Traineeships**, consisting in a Directive or a Recommendation, which has been under discussion in the past years and on which the European Commission organised a series of consultations. The **European Quality Charter of Internships and Apprenticeships**<sup>5</sup> developed by the European Youth Forum in collaboration with numerous stakeholders should serve as a basis to regulations on EU-wide standards for internships.

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<sup>5</sup> <http://qualityinternships.eu/>



## 1.2 MINIMUM WAGES ACROSS THE EU

Compulsory minimum wages of adequate level should be introduced in all EU Member States.

VOTES ●●●●●●●●●●●●●●●●

### Further information :

- A) **Several EU-28 Member States do not currently have a minimum wages** (Austria, Cyprus<sup>6</sup>, Denmark, Finland Italy, German<sup>6</sup>, Sweden). Even when adjusted to price differentials (“Purchasing Power Parity”), minimum wages vary widely between EU Member States. In many countries, when compared to poverty threshold (60% of median income or 50% of average income), minimum wages correspond to a “poverty wage” sometimes below subsistence minimum – 8% of EU workers live below poverty threshold. In the last years, most workers earning minimum wages in Europe have suffered from **substantial losses in real pay**<sup>7</sup> (most strongly in Lithuania, Latvia, Portugal and Spain). Spain and Portugal, for the first time in decades, failed to go through customary annual adjustment of annual wages and Ireland was the first European country to introduce a reduction of minimum wages of about 12% (retracted after the change of government however)<sup>7</sup>. This was notably due to pressure from the Troika (European Commission, European Central Bank and International Monetary Fund), at least for Spain, Portugal, Ireland and Greece, where the minimum wage was decreased by 22% (32% for young people)<sup>7</sup>.
  
- B) Minimum wages can produce better employment, help prevent the exploitation of workers and stimulate consumption, as well as reduce social inequality, to tackle in-work poverty and to strengthen the purchasing power of poor families. Such a measure at EU level would be one of the required components in order to redress the economic and financial situation in the EU and get out of the crisis.

6 Germany and Cyprus have statutory minimum wages but they do not apply to all workers and are defined by sectors or by professions.

7 ETUI Policy Brief n°5/12, Minimum wages in Europe under austerity <http://www.etui.org/Publications2/Policy-Briefs/European-Economic-Employment-and-Social-Policy/Minimum-wages-in-Europe-under-austerity>

- C) We urge EU institutions to introduce **European wide compulsory minimum wages level, based on the cost of living of the place of work**, and to stand against the downward spiral of wage levels.
- D) Wages are excluded from EU regulatory competences. However, EU institutions have been increasingly involved in legislation on wages as market regulatory tools, from the Europe-Plus Pact in 2011, in which wages play a central role to redress the EU from the economic crisis, to the European Economic Governance Framework, in which national wage developments are closely controlled by the EU. Furthermore, the European Social Charter<sup>8</sup> of the Council of Europe provides for the right to fair remuneration (Article 4), of at least 60%<sup>9</sup> of net average earnings. The European Parliament passed a resolution in 2010 on the role of minimum income in combating poverty and promoting an inclusive society in Europe<sup>10</sup> which also calls for minimum income schemes “at a level equivalent to at least 60% of median income” (point 15). The idea of minimum wage at EU level is notably also supported by Jean-Claude Juncker, ex-President of the Eurogroup, who declared to the Committee on Economic Affairs of the European Parliament that “it is essential to agree on a European minimum wage” and “minimum social rights for workers” (January 2013<sup>11</sup>). Finally, trade unions and CSOs have been supportive not only of minimum wages, but of “living wages” (guaranteeing socio-cultural subsistence minimum) in most European countries.

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8 <http://conventions.coe.int/Treaty/EN/Treaties/Html/035.htm>

9 Conclusions XIV-2, Statement of Interpretation on Article 4§1, pp. 50-52: [http://www.coe.int/t/dghl/monitoring/socialcharter/digest/DigestSept2008\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/digest/DigestSept2008_en.pdf)

10 Resolution (2010/2039(INI)) on the role of minimum income in combating poverty and promoting an inclusive society in Europe  
<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2010-0233&language=EN&mode=XML>

11 <http://www.bloomberg.com/news/2013-01-10/juncker-says-euro-area-countries-need-common-minimum-wage.html>

### 1.3 A REAL, SUSTAINABLE AND EFFICIENT YOUTH GUARANTEE ACROSS EUROPE

The Youth Guarantee, recommended by the Commission to Member States, should be made compulsory. More funds, monitoring and evaluating systems should be introduced to make it an efficient and sustainable tool against youth unemployment.

VOTES ●●●●●●●●●●●●●●●●●●●●

#### Further information :

- A) **5.7 million young people are currently unemployed** in Europe and an additional 1.5 million are forced into precarious jobs. In some as many as **one young person out of two cannot find a job**.
  
- B) **The European Council issued a Recommendation<sup>12</sup> on a Youth Guarantee** on 22<sup>nd</sup> of April 2013 recommending to Member States to implement this measure as soon as possible. “MS should ensure that all young people under the age of 25 years receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education.” (Article 1, recommendation No. 2012/0729). Funding should be provided mostly from the structural funds from the current financial framework as well as from the upcoming 2014-2020 period.
  
- C) **We welcome the Youth Guarantee, but, together with the ESSC<sup>13</sup> and numerous civil society organisations, have concerns about the sustainability and real effectiveness of the proposed measures and demand for long term measures towards youth unemployed.** This should be done by at least the following measures:
  - a. The amount earmarked are insufficient to effectively address EU youth unemployment and that **more funds should be allocated** to it.

<sup>12</sup> Com 2012/0729, [http://www.europarl.europa.eu/registre/docs\\_autres\\_institutions/commission\\_europeenne/com/2012/0729/COM\\_COM\(2012\)0729\\_EN.pdf](http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/com/2012/0729/COM_COM(2012)0729_EN.pdf)

<sup>13</sup> <http://www.eesc.europa.eu/?i=portal.en.soc-opinions.27502>

- b. Furthermore, it is up to Member States to implement the Youth Guarantee measures and there are no procedures in place if they fail to do so: there should be **monitoring and evaluating systems**, as well as **strong incentives for Member States** (possibly including **sanctions**) **to implement the Youth Guarantee**.
  - c. The **work placement** which is supported through the youth guarantee scheme has to be **sustained** at least as long as it is supported (e.g. 6 months support of the young unemployed at the workplace should bind the employer for additional 6 months of employment for that person)
  - d. Re-qualification and training should be of a **good quality** and provide real new opportunities for the unemployed after finishing it. It should last at least **6 months** and should also include **soft-skills training**.
  - e. **Labour offices** or any other institutions serving as a first contact with young unemployed should provide them with **list of opportunities** on the labour market as well as in their carrier. Labour offices should have enough capacities for individual approach to everyone searching for the job for the first time.
- D) Legal bases for the Youth Guarantee include Title IX TFEU, and in particular **Article 149**: “The European Parliament and the Council [...] may adopt incentive measures designed to encourage cooperation between Member States and to support their action in the field of employment through initiatives aimed at developing exchanges of information and best practices, providing comparative analysis and advice as well as promoting innovative approaches and evaluating experiences, in particular by recourse to pilot projects.”





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## 2. WELFARE



## 2.1 QUALITY EDUCATION FOR ALL

Equal access to quality education regardless of socio-economic background, in particular in primary and secondary education, with an increase of grants and an EU-wide loan scheme in tertiary education.

VOTES ●●●●●●●●●●●●●●●●

### Further information :

- A) We cannot save money on education and sacrifice it on behalf of austerity. Education should be seen as an **investment in society** and not just a tool towards employability or worst, a luxury available to favoured groups. If there is one area where cuts should be stopped immediately all over Europe, it is education, in particular **primary and secondary**.
- B) Students from richer backgrounds have **disproportionately more access to tertiary education** in Europe than students from poorer backgrounds, for various reasons, including: availability of financial resources, access to better information on the benefits deriving from attending tertiary education, self-confidence and better scores on secondary school exit tests.
- C) In **primary and secondary education**, in order to promote equal access to **quality education, classes should be smaller and teachers should be better rewarded and recognised**. Even though education falls under Member States' competences, but the EU should encourage cooperation and supplement their actions for quality education for all, regardless of socio-economic background, as foreseen in Article 165 of the TFEU:

*“1. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.[...]”*

*4. In order to contribute to the achievement of the objectives referred to in this article:*

*- the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States - the Council, on a proposal from the Commission, shall adopt recommendations."*

- D) Several measures could address this imbalance of access to higher education, for instance: an increase of grants targeting *specifically* disadvantaged students, complemented by an EU-wide loan scheme (which is about to kick-off); campaigns on the importance of tertiary education; and policy initiatives to widen participation by tackling this issue earlier on in the educational path of students (since research shows that gaps in school attainments build on experiences earlier in life).



## 2.2 A STRONG ANSWER TO EU-WIDE UNEMPLOYMENT: UNEMPLOYMENT AND SOCIAL BENEFITS

The EU should ensure minimum unemployment and social benefits to all unemployed in the EU.

VOTES 

### Further information :

- A) As records of unemployment in the EU keep being broken (11% in EU-28 in July 2013<sup>14</sup>, i.e. more than 26 million people), many in the EU receive **barely enough to survive**. In Greece, the social benefits replacing unemployment benefits (capped at 700€ ) after six months were abolished. Unemployment benefits in Latvia and Estonia are also limited respectively to four and six months and not replaced by any general social benefits afterwards.
- B) We urge the EU to ensure that unemployed people enjoy at least **minimum unemployment and social benefits** corresponding to a percentage (to be defined in negotiation with social partners) of the cost of living: this would guarantee income stability, as well as a benefit to the well-being, health and education of the whole family of the person unemployed. Unemployment and social benefits belong to Member States' competences, but the European Commission should guarantee that basic standards are being implemented in all EU Member States on the basis of **Article 1** of the Charter of Fundamental Rights, stating the inviolability of dignity, and **Article 34**, on social security and social assistance (“The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as [...] loss of employment”), as well as on ILO General Discussion at the 2001 International Labour Conference that recognises social security as a basic human right. This could be done thanks to a directive harmonising minimum rates and durations.
- C) In June 2013, the Council agreed with the Commission’s proposal for a Directive

<sup>14</sup> Eurostat, July 2013: [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Unemployment\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Unemployment_statistics)

on improving the portability<sup>15</sup> of supplementary pension rights<sup>16</sup> to facilitate EU workers' mobility. Likewise, **portability of unemployment benefits** should be introduced. With respects to the subsidiarity principle, Members State could lay down some of the provisions provided they ensure no less favourable protection.

- D) There should be a particular focus on **young people**. Even if the rise of youth unemployment seems to start easing according to the Commission's latest figures<sup>17</sup>, the rise stays higher than for adults and has reached historical levels. We welcome the **Youth Guarantee** initiative of the Commission, but stress, together with the ESSC and numerous civil society organisations, that the amount earmarked are insufficient to effectively address EU youth unemployment and that **more funds should be allocated** to it. Furthermore, it is up to Members States to implement the Youth Guarantee measures and there are no procedures in place if they fail to do so: there should be **monitoring and evaluating systems**, as well as **strong incentives for Member States** (possibly including **sanctions**) **to implement the Youth Guarantee**.

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15 Pension portability: "the possibility of acquiring pension rights [...] and keeping pension entitlements by transferring them to a new scheme in the event of professional mobility", [http://europa.eu/rapid/press-release\\_MEMO-13-587\\_en.htm?locale=FR](http://europa.eu/rapid/press-release_MEMO-13-587_en.htm?locale=FR)

16 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007PC0603:EN:NOT>

17 [http://ec.europa.eu/youth/news/latest-youth-unemployment-figures\\_en.htm](http://ec.europa.eu/youth/news/latest-youth-unemployment-figures_en.htm)



cial outcomes”’, as recognised in the recent Communication of the Commission on Social Investment for Growth and Cohesion<sup>20</sup>.

- First of all, **pensions should not go below a minimum amount** guaranteeing material access to decent living conditions, that shall be determined at the European level, taking into consideration the different cost of living in the various regions. The right to a minimum pension should be unconditional.
  - Second, pensions should be calculated taking into account the **specific situation of precarious workers**, who often spend their working lives contributing into different systems (located sometimes into different countries), and undergoing more or less long periods of involuntary unemployment. Similarly, special attention should be paid as regards women, whose work lives are often interrupted by pregnancy periods and who are more often subject to part-time work.
  - Third, **these actions can be at least partly balanced by the provision of a ceiling to higher pensions**, that should never amount to more than a fixed ceiling, calculated in accordance with social partners and in relation with the amount of the minimum pensions (e.g. no more than 5 or 10 times the minimum pension).
- C) We are aware of the political resistances that an action taken at the EU level on this field can generate, and we are also aware of the existing differences in the Member States’ legal frameworks concerning pensions, as well as of their competences in this area. It is not possible, nor desirable, to proceed to an excessive standardisation of the legislations and practices in the field, but it is necessary to provide all EU citizens at least of the minimum guarantee of their right to decent living conditions after the end of their working life. In this sense, **EU institutions can promote the**

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20 COM(2013) 83 final, <http://ec.europa.eu/social/main.jsp?catId=1044&langId=en&newsId=1807&moreDocuments=yes&tableName=news>

**cooperation between Member States on the basis of Article 153(2)(a)<sup>21</sup> TFEU, with the aim to reach an agreement on some binding minimum standard to be adopted through a Directive enacted on the basis of Article 153(2)(b)<sup>21</sup> or 114 TFEU<sup>22</sup>.**

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21 “To this end, the European Parliament and the Council:

(a) may adopt measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences, excluding any harmonisation of the laws and regulations of the Member States

(b) may adopt, in the fields referred to in paragraph 1(a) to (i), by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States. Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings. [...]”

22 Legislative, regulatory and administrative provisions aimed at approximating Member States’ legislation are made using the ordinary legislative procedure and after consultation of the Economic and Social Committee.

## 2.4 UNCONDITIONAL BASIC INCOME AT EU LEVEL

Introduction of an unconditional basic income at the European Level. This income would be individual (not familial), universal (all citizens and residents would receive it), unconditional (it would not be subject to any pre-conditions or level of wealth) and enough to cover the most fundamental basic needs financed through different reforms on taxes that would increase their progressivity.

VOTES 

### Further information :

- A) From the 1980s, the idea of introducing a **Universal Basic Income (UBI)** has been discussed by different social movements, citizens, activists and academics. The UBI consists in an **income given to every citizen or resident without any condition and universally**. Since the beginning of the crisis, unemployment rates in the EU have dramatically risen, especially among young people. Some traditional social programs of conditional incomes have failed to prevent unemployed people from social and political exclusion (such as the minimum insertion income schemes). A European Citizens Initiative<sup>23</sup> was recently presented to the European Commission, calling for the studies and researches to analyse the possibility of introducing a UBI at the European level. We support this initiative as one of the ways to ensure equal access to basic social, cultural, political and economic rights at the EU level.
- B) Extremely high unemployment rates in the EU, in particular among young people (close to 60% in Spain and in Greece) have made the problem of **social exclusion** a central issue requiring creative and original responses able to overcome a deep crisis in our job-oriented economies and societies.
- C) A UBI would support the **distribution of jobs and of working time** at a time of high unemployment. It would contribute to guaranteeing social inclusion of all European citizens, as recognized in Article 34 of the Charter of Fundamental Rights, and to the

<sup>23</sup> <http://basicincome2013.eu/>

freedom to seek employment and to work, stated in Article 15 of the same Charter.

- D) 2013 is the European Year of Citizens; more than twenty years after the introduction of EU citizenship with the Maastricht treaty, surveys have shown that EU citizens have never felt more disengaged from the EU<sup>24</sup>, even in countries traditionally very supportive of European integration. The EU urgently needs to foster active and inclusive citizenship, as advocated by the European Year of Citizens Alliance, and to empower citizens and denizens to take ownership of the EU project and to participate in the decision-making processes. The UBI, in enabling people to participate in these political processes by freeing time from the need to work to live or more and more often to survive (as shown by the rise of “working poor”), is a **powerful instrument for democracy**.
- E) The UBI is closely linked to **minimum income schemes** existing in some EU countries, but goes further than them. Apart from its level being high enough to cover basic needs (unlike most minimum income schemes), the UBI cuts on most **bureaucratic costs** related to the administration, management and monitoring of social benefits. Furthermore, thanks to the UBI, access to basic rights is detached from **stigmatising policies** and **controls** sometimes felt by the most excluded groups as impeding on their dignity and right to privacy. Controls and monitoring efforts should rather concentrate on tax evasion and fiscal fraud, which take place at much larger scales than fraud on benefits.
- F) There are different ways to **finance UBI**, mainly through taxes. Examples of means to finance it are a **tax on financial transactions**, more effective **action against fiscal evasion and tax fraud**, increased VAT on luxury products. The UBI is very linked to the concept of **tax justice** and to the principle of **progressivity** on taxes. The costs incurred by the universality and unconditionality of the UBI are compensated by more selective and progressive income taxes.
- G) Although the Commission does not have direct competence in this field, there are **legal bases** on which EU institutions can work on a UBI. In 1992 the European

<sup>24</sup> The number of EU citizens who distrust the EU has doubled in the past six years, according to a Eurobarometer survey (Standard Eurobarometer 79) conducted in spring 2013 (31% in 2007, 57% in 2013), [http://ec.europa.eu/public\\_opinion/archives/eb/eb79/eb79\\_first\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb79/eb79_first_en.pdf)

Commission adopted the Resolution 441<sup>25</sup> in which **guaranteed minimum income was defined as a fundamental social right**. The 2008 Recommendation on Active Inclusion<sup>26</sup> by the European Commission goes in the same direction. The European Parliament adopted a resolution in October 2010<sup>27</sup> which urged the Member States to develop guaranteed minimum income schemes in order to address consequences of the crisis. The UBI is a minimum income system that guarantees a minimum income enough to cover the most basic needs.

- H) Furthermore, **Article 153** of the TFEU establishes that the Union shall support and complement the activities of Member States notably in the field of social security and social protection of workers (1c), the integration of people excluded from the labour market (1h) and the combating of social exclusion (1j). The same article establishes that the Commission can develop Directives in these first two fields (2b). As there is no minimum income scheme at EU level, the Commission could draft a Directive with view to achieve the integration of people excluded of the labour market, that would adopt the form of an EU-wide UBI.

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25 92/441/EEC: Council Recommendation of 24 June 1992 on common criteria concerning sufficient resources and social assistance in social protection systems, recommending Member States "to recognize the basic right of a person to sufficient resources and social assistance to live in a manner compatible with human dignity as part of a comprehensive and consistent drive to combat social exclusion, and to adapt their social protection systems, as necessary, according to the principles and guidelines set out"

26 Commission Recommendation of 3 October 2008 on the active inclusion of people excluded from the labour market (2008/867/EC): "Member States should design and implement an integrated comprehensive strategy for the active inclusion of people excluded from the labour market combining adequate income support, inclusive labour markets and access to quality services"

27 European Parliament (2010), Resolution of 20 October 2010 on the Role of minimum income in combating poverty and promoting an inclusive society in Europe (2010/2039(INI))





users, not customers. Profit-seeking actors in social protection should be limited, they should play by the same rules as public actors, and their action should be clearly regulated to ensure quality service and equal access to all regardless of their economic situations.

- D) The flexicurity (or even absolute flexibility) approach of the European Commission should be replaced by a right-based approach valuing social protection as a goal, and considering social protection as an investment for society rather than a hindrance to growth (which it is not). EU institutions and Members States should acknowledge the failure of the measures implemented as responses to the crisis, based on the erosion of social protection and leading to social dumping, and use this opportunity to rethink the European social model, together with social partners, which have been marginalised since the beginning of the crisis. The Social Investment Package<sup>28</sup> of the European Commission is a right step in this direction, but the measures proposed should be accompanied by **adequate funding** (the European Social Fund will not be enough and trade unions and other civil society actors have called for an additional investment equivalent to 1-2% of European GDP) and **political will**.
- E) The **Charter of Fundamental rights** “recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources” (Article 34). It also states that “everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices” (Article 35). As the EU does not have the competence to design EU-wide social policies, the Open Method of Coordination should be encouraged to exchange best practices against social exclusion, notably on the basis of **Article 153** of the TFEU. ILO recommendation n° 202 on Social Protection Floors can serve as a guide.

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28 [http://europa.eu/rapid/press-release\\_MEMO-13-117\\_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-13-117_en.htm?locale=en)





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### 3. FINANCIAL REFORMS



### 3.1 STOP BANK BAIL-OUT AND RESTRUCTURE BANKING INDUSTRY

Stop using tax-payers' money to bail out banks and restructure the banking industry so it fulfils socially-useful functions.

VOTES ●●●●●●●●●●●●●●●●

**Further information:**

- A) The European economic crisis was triggered by a crisis in the banking industry in 2008. Throughout the crisis, the policy response has been marked by reluctance to change the way banking works in Europe, yet this is precisely what is required to address some of the main underlying factors.
- B) One of the main tasks to address underlying structural problems is to **recapitalise the banks**. In Ireland, the UK, Spain, Germany and other countries taxpayers have had to bail-out banks which were exposed to bad-debt. We propose that **the European Stability Mechanism (ESM) should be given a banking licence, so that it is able to raise funds directly from the European Central Bank and not from the taxpayer**. Granting a banking licence to the ESM may require a treaty change.
- C) **Banks which are 'too big to fail' should be broken up** – as they represent oligopolies – as part of the conditions of recapitalisation.
- D) The European institutions should promote a wide debate on how best to **restructure the banking industry** to ensure it fulfils its primary functions of providing security for savings and finance for business, especially small and media enterprises which have little access to stock markets.

## 3.2 ALLOW TO WRITE OFF SOVEREIGN DEBT

Allow sovereign debt to be written off. The EU should introduce bankruptcy rules for sovereign debtors, so that parts of sovereign debt which cannot be repaid can be written off.

VOTES 

### Further information:

- A) The absence of any rules for how governments and the European Commission would deal with **debt-crises** has fuelled market volatility during the financial crisis. The Euro-area needs a formal mechanism for dealing with sovereign debt-crises in a predictable and effective way. When the City of New York declared bankruptcy in 1975, or the city of Detroit more recently, no one worried about the financial sustainability of the dollar. The uncertainty in the Eurozone fuels speculation which exacerbates the problem.
- B) The definition of such rules would publicly acknowledge that the default of a euro-zone government on its debt is a possibility, and so serve to strengthen market discipline.
- C) A procedure would be required to initiate and conduct negotiations between a sovereign debtor and its creditors on how to reduce future debt repayments so that the country's debt burden becomes sustainable. The Court of Justice of the EU is a natural institution for this purpose.
- D) Should a euro-country be found insolvent, the provision of financial aid from the EU should be made conditional on finding an agreement between sovereign debtor and creditor to make the debt sustainable. This prevents EU financial aid sustaining otherwise unsustainable debts.
- E) Such a sovereign **debt mechanism** would require treaty change in the EU, but could be regarded as a major EU contribution to international law if the IMF were persuaded to adopt the same principles.



## 3.4 EU FINANCIAL TRANSACTION TAX

Introduce an EU-wide Financial Transaction tax (Tobin Tax)

VOTES 

### Further information:

- A) **Financial transaction taxes increase transaction costs on short-term trading** and so penalise those with excessively short-term investment horizons. Thus a financial transaction tax would encourage more **responsible** investment, by reducing volatility and churning in the financial markets. Currently, longer-term investors tend to lose out in the financial markets because of the effects of massive short-term investment. A financial transaction tax would contribute to restoring some incentives to responsible behaviour.
- B) Financial transaction tax would slow down trading on the financial markets, thus promoting more responsible trading and stopping automatic trading.
- C) A financial transaction tax would increase **transparency** of the financial markets because every transaction would be recorded by a central agency. This would contribute to fighting fraud, tax evasion and money-laundering.
- D) A financial transaction tax of even a very small amount would generate billions of euros of revenues which could be used for **socially useful investment**.
- E) The transaction tax should apply to stocks and bonds, derivatives and currency transactions. Current EU proposals for the tax do not sufficiently account for tax derivatives and currency transactions in a way to deter volatility and irresponsible investment.
- F) The financial transaction tax should be designed in such a way that any companies registered in Europe taking part in financial transactions are taxed, regardless of where in the world the transaction takes place (to avoid financial markets dodging the tax).





perpetuate stagnation in Europe, undermine the Europe2020 strategy and promote conflict between European countries which undermine the European project itself.

- C) Therefore **the Macroeconomic Imbalances Procedure should be revised** and in the current context work to stimulate demand and reduce the current account imbalances (as much on the surplus side as on the deficit side).





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## 4. LEGALITY





duced and follow all transactions of the economic entity. Limiting further the commercial confidentiality should enable a wide range of interested parties, including the public (along with the authorities and third parties, which is what the Directive requires now) to know not only the **beneficial owner** but also those persons that are in **enjoyment of the assets**. The collected data, subject to regular updates, should be distributed in an online format, available publicly and easily accessible and in as many European languages as possible.

- **All persons and entities that enjoy company assets should be disclosed, without any threshold.** The Money-Laundering Directive allows ownership information about the company assets to be disclosed only when a single owner has more than 25% of the company assets. Whether this percentage is reached (and therefore the information disclosed) depends on the financial measurement tools. Different ways to gauge this threshold lead to variant results that make the financial markets vulnerable to speculation and put the public at the risk of being manipulated.
- The **blacklist register** of natural persons and legal entities owning or enjoying the assets shall contain **complete data on the location, disposition, movement and rights** with regards to the assets, as well as links to **formal and informal shadow networks** of others in ownership/enjoyment, and their structure. Submissions of NGOs, civil society activists and investigative journalists will be accepted and verified by the EU agencies in charge of the register. The authorities should take measures upon new submissions to the register.
- The European Parliament shall be empowered to exercise **control over the collection, publication and distribution of data** on the ownership and enjoyment of dubious assets. Failure of EU institutions, agencies and officials to diligently maintain this Register shall be subject to a complaint filed with the EU Court of Justice and the European Ombudsman.



- European police officers, prosecutors and judges, through their professional organisations and contacts with similar networks outside Europe, could analyse best practices from common law and other legal systems and, within their restraint powers, they could focus on the civil rather than the criminal prosecution. Initially circular letters can be exchanged so as to intensify similarities in the law enforcement and jurisprudence, shifting the emphasis from the conviction of the offender to the assets of the criminal activity. Eurojust, Europol, CEPOL, and the European Judicial Network should also be major players in this process.
- A common achievement would be the widespread ratification of the 2005 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism which also provides useful instruments in civil prosecution and confiscation
- Any special procedural and out-of-court facilities should be in compliance with the provision in article 6 of the European Convention of Human Rights, which guarantees a fair trial, and the jurisprudence by the European Court of Human Rights. Confiscation, undertaken either through the administrative or the judicial resorts, should remain appealable for all citizens.
- Insofar as the legislation (EU or domestic) is silent about it, the courts and law-enforcement authorities shall enjoy the discretion in determining the new proprietor of the confiscated property (in trans-boundary criminal activity with two or more Member States involved, the new proprietor would be European Confiscation Fund/Trust, see proposal 3) and the scope of interested persons that shall directly be informed of the confiscation. The eurllex<sup>31</sup> database should be extended to integrate also this easily accessible information.

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31 <http://eur-lex.europa.eu/en/index.htm>





**control** should be exercised by citizens and their organisations directly (with access to the Fund's meetings and documentation) and through the facilities of the European Parliament.

- The **objectives** of the European Confiscation Fund should, among others, focus on the **social reuse of the illegally gained property**. The Fund should provide grants and scholarships that aim to further eliminate organised criminality (for example, journalists' investigations or policy-oriented research), repatriate victims of organised crime and entitle impoverished people with a means of living (for instance, farming land). **The rich variety of social reuse models should be explored and further developed at the local, regional and European levels.**
- The distribution of the **European Confiscation Fund should be subject to full transparency and accountability** and its expenditure reports should be verified by the EU Court of Auditors. Fraudulent use of the Fund's resources should be pursued by OLAF, the European Anti-Fraud Office.

## 4.4 BETTER COORDINATION OF AUTHORITIES TO INVESTIGATE TRANSNATIONAL ORGANISED CRIME

Mutual coordination among local, national and European authorities should be improved so as to give an adequate response to transnational organised crime.

VOTES 

### Further information:

- A) Action taken against transnational organised crime at EU level suffers from inefficiencies due the fragmentation of institutional frameworks at the national level and the lack of a supernational leading authority. There are asymmetries between Member States, notably with the European Evidence Warrant<sup>32</sup> that lays down the grounds for the mutual recognition of evidentiary material (objects, documents and data) and that allows one single member state to lead the exchange of evidence. Asymmetries are also due to the domestication (translation into national law) of the Warrant in the legislation of Member States. Priority should be given to joint investigation of transnational organised crime.
- B) Before the trial, alternatives to penitentiary measures shall be explored and established transnationally. Custody of the suspected should be applied only if it serves as an injunction as well as a crime preventive measure. Alternatives to custody shall vary depending on how serious the crime is and should apply in the jurisdiction of other states.
- C) Criteria on which evidence should be considered admissible in a crime investigation should be based on the latest developments in science and human inventions. Joint investigation would imply the sharing of high technological equipment, personnel expertise and analytical findings in order to build a common evidence repository for the case at issue. Complex investigations of transnational organised crimes should make best use of available resources, experts and facilities across national boundaries. Investigative reports by journalists and financial information submit-

<sup>32</sup> Established by the Council Framework Decision 2008/978/JHA

ted according to transparency and accounting procedures<sup>33</sup> should be taken into account by law-enforcement authorities as a reason to investigate further, including financial surveillance over companies in all sectors.

- D) European agencies, particularly Europol, the OLAF Anti-Fraud Agency and the European Prosecutor's Office, should have full powers in collecting evidence in the EU 27 (the UK has opted out). Those competences should extend beyond the jurisdictional boundaries of the Union in the events when the crimes investigated affect EU citizens and the international commitments to the pursuit of global justice. UN agencies, Interpol, other intergovernmental organisations and non-European states (particularly neighbouring countries) should cooperate with the EU authorities to collect and share evidence and therefore make the evidence valid in as many jurisdictions as possible.
- E) Disclosure and exchange of evidence should be compliant with the highest European standards of an individual's privacy. The authorities and officers involved should be fully liable for any violations of fundamental rights and freedoms arising from their misconduct. By no means should any data leaks be made possible and any commercial and personal battles through law-enforcement agencies should be strictly prohibited and avoided.

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33 Accounting Directive 2013/34/EU and Transparency Directive 2013/34/EU



Involvement, even at the level of drafting the tender rules and publicising it, should be inclusive of the majority of institutions and not left to the arbitrary choice of a public official/power holder. The best practices in organising the process shall be gathered across towns, regions, countries and EU institutions and systematised to serve the goals of complete accountability. The opinions of the citizenry should be fully taken into consideration.

- Auditors that have a proven track record of independent practice should be attracted by civil society organisations and civil groups to monitor the procurement procedures at all levels. Public audits committees shall have full access to all documentation, have their meetings open to the public and media and be compensated through the public budget of the respective town, region, country or European institution.
- A “Naming and Shaming” database tracking wrongdoings in tenders should be initiated and maintained by citizens, civil society organisations and investigative journalists. Law-enforcement authorities at all levels should be duly informed if there are substantial arguments to believe that there has been fraud in a tender. A tracking system on the website would serve to inform the wide public on the progress in investigating the complaint.





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## 5. DEMOCRACY







## 5.2 A POWERFUL EUROPEAN PARLIAMENT

We propose that the European Parliament should have full legislative powers as granted to national parliaments. The European Parliament should be able to initiate legislation on its own right according to the indications given in the elections by European citizens, and full co-decision should be extended to all elements of EU policy-making.

VOTES 

### Further information:

- A) Currently the European Parliament takes part in EU decision-making through the **co-decision procedure**<sup>34</sup>.
- B) Most, although not all, draft European directives and regulations need to receive majority approval by the European Parliament. Notably, decisions related to the internal market, competition law, and external trade agreements can be passed by the European Commission and European Council only “consulting” Parliament, as presented in Article 289 TFEU. This should change, and all European legislation should be required to receive the approval of the European Parliament. This requires **extending the EU’s ordinary legislative procedure**, as detailed in Article 294 TFE, **to all legal acts of the Union**.
- C) Contrary to most national parliaments, the European Parliament currently does not have the **right to initiate new legislation** on its own. This is a prerogative remaining in the hands of the European Commission. This needs to change, to enable the Parliament to translate citizens’ demands into political proposals. This principle can be established in practice by a **strong application of Article**

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<sup>34</sup> This procedure gives the European Parliament, representing the Union’s citizens, the power to adopt instruments jointly with the Council of the EU. It becomes co-legislator, on an equal footing with the Council, except in the cases provided for in the Treaties where the procedures regarding consultation and approval apply. Co-decision is the ordinary legislative procedure, together with qualified majority voting in the Council. The procedure comprises two or three readings.

**225 TFEU**<sup>35</sup>, which allows the European Parliament to “invite” but not “force” the Commission to initiate a legislative procedure in given area. Application of this article could be strengthened and the Commission should pledge to accept any “invitation” arrived to it this way. Legal establishment of the principle of legislative initiative would require a modification of Article 225TFEU and related articles.

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35 Article 225 TFEU: “The European Parliament may, acting by a majority of its component Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Union act is required for the purpose of implementing the Treaties. If the Commission does not submit a proposal, it shall inform the European Parliament of the reasons.”

## 5.3 LET THIRD-COUNTRY NATIONALS VOTE FOR THE EUROPEAN ELECTIONS

We propose that all European residents, including long-term migrants without EU citizenship, should be allowed to vote in the European elections.

VOTES 

### Further information:

- A) Since the Maastricht Treaty in 1992, **all EU citizens can vote in local elections** regardless of whether they reside in a country of which they are members. EU citizenship also grants citizens the right to **vote and stand for EU elections** everywhere in the EU (Article 22 of TFEU, Articles 39 et 40 of the Charter of Fundamental Rights). **Third-country nationals (i.e. non-nationals of any EU Member State) can generally not vote for EU elections.**
- B) In several EU countries (Luxembourg, **Lithuania, Slovenia and Belgium**), voting rights for EU elections were extended, in different manners, to all non-national residents (it was already the case beforehand in **Sweden, Denmark, Finland** and Netherlands). **The right to vote in the European election should be extended to third-country nationals in all EU Member States, thereby creating a blueprint for a meaningful residence-based European citizenship.**
- C) This would require changes to national legislations of EU Member States. The European Commission and European Parliament should pass strongly worded recommendations to push Member States to act in this direction.

## 5.4 IMPROVE THE EUROPEAN CITIZENS' INITIATIVE

We propose the tool of the European Citizens' Initiative (ECI) be made more citizen-friendly and much more impactful on European legislation.

VOTES ●●●●●●●●●●●●●●●●

### Further information:

- A) The European Citizens' Initiative (ECI) allows citizens to set the agenda by proposing legislative changes by collecting one million signatures across the EU (in at least 7 EU Member States). Currently **this system suffers from serious bottlenecks**, which should be removed.
- B) Changing the functioning of the ECI requires only a regular **amendment to Regulation 211/2011**<sup>36</sup> governing the European Citizens' Initiative.
- C) In particular, we think the following steps should be taken, amongst others:
  - 1. When an ECI is successful, it is not sufficient for the Commission to "respond" to the request any way it sees fit, without any clear procedure: **we demand a vote in the European Parliament on the proposal**, as already happens in some Members States with similar participatory processes.
  - 2. Requirements for full ID information in some Member States should be removed, as they are seriously damaging public willingness to participate in the initiatives (especially where citizens have reasons to be distrustful of their governments) and are disproportionate to the weight the ECIs carry as an instrument for agenda setting.
  - 3. The **collection software** should allow for individual personalisation on the part of ECI coalitions to make it **campaign-friendly**.
  - 4. ECIs should also be able to propose legislation requiring limited Treaty change

<sup>36</sup> Regulation (EU) No. 211/2011 of the European Parliament and of the Council 16 February 2011 on the citizens' initiative. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:065:0001:0022:EN:PDF>



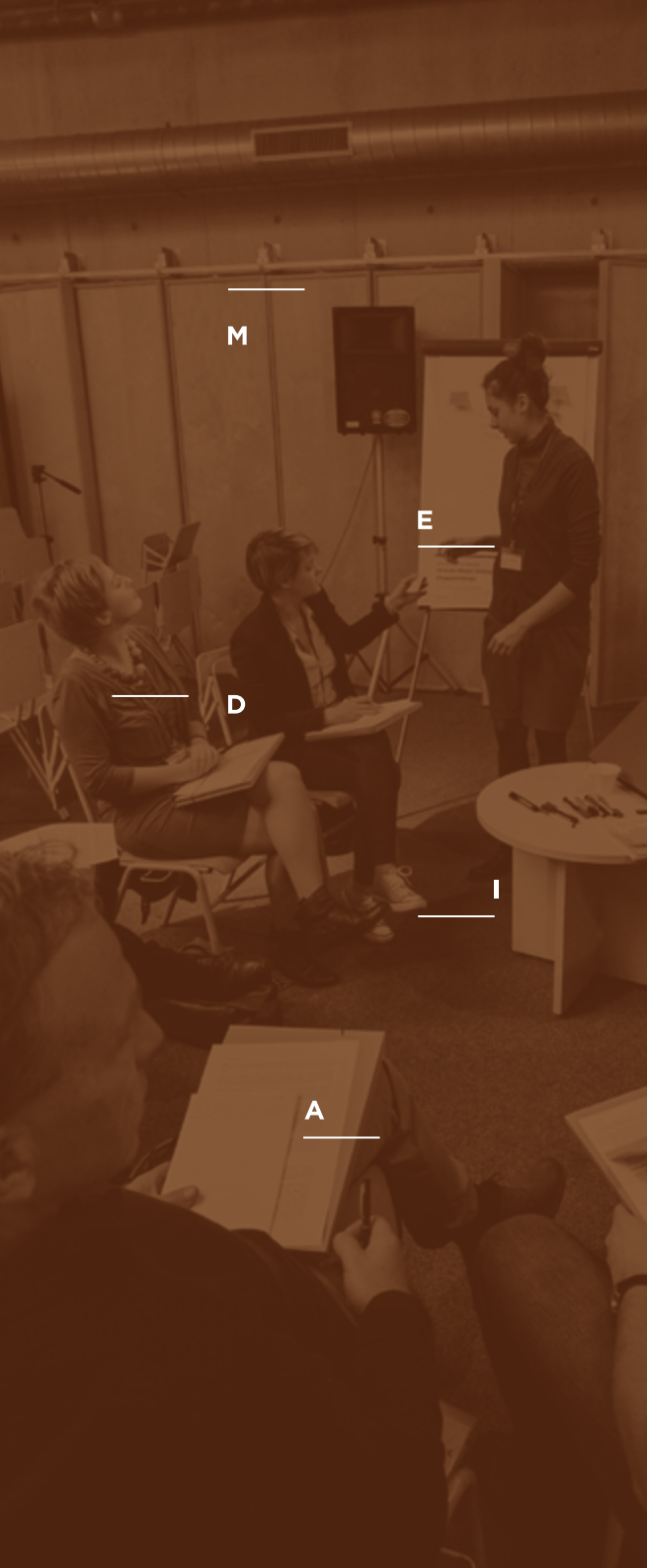


maximum of citizens through a cycle of meetings and debates organised throughout Europe. A **multilingual space of online discussion** should further allow for the participation of the maximum of citizens employing the latest **online participatory techniques**.

- B) The **European Parliament**, under the Lisbon Treaty, has a new power to propose to initiate a process of Treaty change. This power should be used.







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## 6. MEDIA PLURALISM





dominant positions and propose concrete measures to safeguard media pluralism, including a legislative framework for media ownership rules introducing minimum standards for Member States.





therefore the key to the relationship between citizens and governments. Active citizenship, participation and democracy in Europe are increasingly reliant on the media literacy of citizens.





## 6.5 TRANSPARENCY OF MEDIA OWNERSHIP

The EU should put in place a legal framework for transparency of media ownership, mandatory for all Member States.

VOTES ●●●●●●●●●●●●●●●●

### Further information :

- A) All media should be required to submit sufficient information to a national media authority to allow identification of their beneficial and ultimate owners, back to natural persons. This information should be available to the public in an accessible, open format free of charge and should be published in a regularly updated and centralised database.
- B) The EU should complement national transparency of media ownership mechanisms by exploring a system by which data collected at the national level for all three media sectors (broadcast, print and comparable online) is compiled and made available to other government regulators and the public.
- C) The aim of the proposal is not to promote one particular legal model or structure that should be implemented in all countries but rather to promote an outcome, namely that the public and regulators are able to find out who owns and controls the media in their countries.



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## 7. COMMONS



## 7.1 WATER IS A COMMON GOOD, NOT A COMMODITY

We demand EU legislation implementing the human right to clean drinking water, placing water services (from the management of resources to distribution) outside internal market rules, and excluding it from liberalisation, as essential public services for all.

VOTES 

### Further information:

- A) In a resolution in 2006<sup>42</sup>, the European Parliament declared that access to water is a **fundamental human right** and that distribution of water should be a universal public service planned and managed at local level, where **innovative and democratic communal governance** can develop. The right to water and sanitation was explicitly recognised by the United Nations in 2010<sup>43</sup>. The Human Rights' Council affirmed that States have the responsibility to ensure the realisation of these rights<sup>44</sup>, i.e. they should not only respect and protect these rights, but take positive measures to fulfil them. In the case of the EU, water and environment are shared responsibilities between the EU and Member States.
- B) Liberalisation and privatisation of water supply, distribution and management systems hinder and limit equal access to water leading to increased inequalities, exclusion and unaccountable management. According to the last Progress Report on Sanitation and Drinking Water by the World Health Organisation (2013)<sup>45</sup>, several EU-28 countries have not reached 100% access to improved drinking water sources and improved sanitation facilities (Bulgaria, Croatia, Estonia, Greece, Ireland, Latvia, Lithuania, Poland, Romania and Slovenia). Water and sanitation services are essential to life and should not undergo liberalisation.

42 European Parliament resolution on the Fourth World Water Forum in Mexico City (16-22 March 2006), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2006-0087&language=EN>

43 Resolution 64/292, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/64/292](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/292)

44 Human Rights Council Resolution 15/9, [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/droi/dv/201/201101/20110124\\_301resonwater15-9\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201101/20110124_301resonwater15-9_en.pdf)

45 WHO-Unicef, 2013, [http://apps.who.int/iris/bitstream/10665/81245/1/9789241505390\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/81245/1/9789241505390_eng.pdf)

- C) Together with nearly two million citizens, we support the “Water is a Human Right” European Citizens’ Initiative<sup>46</sup> and we urge EU institutions to classify water as a **common good, guaranteed to all, and to take it out of strict market and competition logic**. EU legislation should require Members States to ensure that all inhabitants can enjoy the **right to clean drinking water and sanitation**. The EU should increase its efforts to achieve universal access to water and sanitation, by setting binding targets to achieve universal coverage in all EU Members States and putting the right to water and sanitation at the core of its water policy<sup>47</sup>. **Benchmarking systems** could be set up to improve quality public water and sanitation services. A **governance code** for for-profit companies managing or distributing water should be introduced to ensure that profit is reinvested into the water supply system.
- D) The European Parliament, the Commission and the Council of the EU shall draft a **regulation** to guarantee the human right to water and sanitation, as services of general interest (as recognised by the European Commission<sup>48</sup>). Legal competences for an EU act already exist in Article 14 TFEU (services of general economic interest). Several EU funding instruments can be used, such as the financial instruments in the Cohesion Policy for 2014-2020 or the European Regional Development Fund (for services of general economic interests)<sup>49</sup>.

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46 <http://www.right2water.eu/>

47 Explanatory note, Annex to ECI Water and sanitation are a human right

48 Directive 2000/60/EC or Water Framework Directive,

49 [http://ec.europa.eu/regional\\_policy/sources/docgener/informat/2014/financial\\_instruments\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/financial_instruments_en.pdf) and [http://ec.europa.eu/maritimeaffairs/policy/sea\\_basins/atlantic\\_ocean/atlanticforum/funds\\_en.pdf](http://ec.europa.eu/maritimeaffairs/policy/sea_basins/atlantic_ocean/atlanticforum/funds_en.pdf)

## 7.2 PROTECT THE RIGHTS TO THE COMMONS

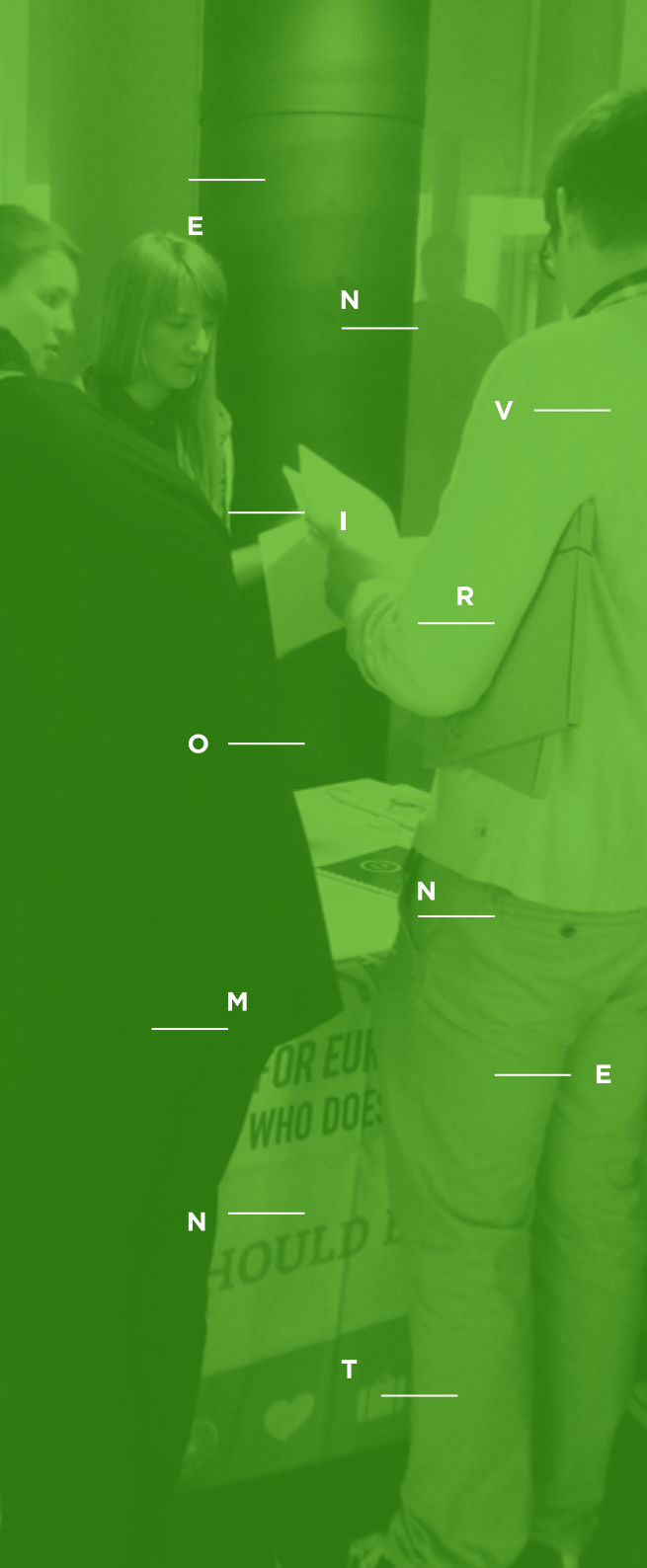
We demand the definition of a European Charter of the Commons protecting fundamental services and common goods from privatisation, while guaranteeing an equal right of access for all.

VOTES 

### Further information:

- A) Resources that are **fundamental to human life** include both natural commons like water, food, energy and the atmosphere, as well as man-made commons, like technology, medicine, the internet and culture. Such resources cannot be treated like any other good on the market, and they must be excluded from competition rules governing the single market.
- B) Privatization and liberalization of commons and public services, just like expropriation of private property, must occur only when there is a documented public interest, declared by law and subject to judicial supervision of both national and European Courts.
- C) The EU currently has a bland **Protocol to the Treaty of Lisbon on “Services of General Economic Interest”**<sup>50</sup>. This Protocol needs to be expanded and turned into a real **Charter of the Commons** defining **special legal and legislative procedures to protect the commons from privatisation** and to guarantee **access to them on the part of all citizens**.
- D) While a full definition of new provisions might demand treaty change, the EU could and should immediately provide **Recommendations** to Member States to avoid privatisation of commons and fundamental services while procedures to establish an EU Charter are ongoing.

<sup>50</sup> Protocol (No 26) on services of general interest, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12008M/PRO/26:EN:NOT>



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## 8. ENVIRONMENT



## 8.1 ENERGY TRANSITION IN EUROPE

Adhere to the agreed 20% renewable energy share by 2020 and 100% use of renewable energy by 2050, and create a European super grid to carry renewable and home-generated electricity across Europe.

VOTES ●●●●●●●●●●●●●●●●●●

### Further information:

- A) Energy transition is the shift to sustainable economies by means of renewable energy (coming from resources which are continually replenished on a human timescale), energy efficiency (reduction of energy to produce products and services) and sustainable development (mode of human development ensuring the sustainability of the environment, and “meeting the needs of the present without compromising the ability of future generations to meet their own needs”<sup>51</sup>).
- B) So far, there has not really been an EU global energy policy as such, but rather EU objectives implemented at national level. Energy transition in Europe would allow the EU to cut greenhouse emissions, to make it less dependent on imported energy and to be at the avant-garde of the fight against climate change.
- C) We call upon the EU institutions to legislate and ensure implementation of the following measures:
- Strict adherence to the agreed<sup>52</sup> **20% renewable energy share by 2020** as a minimum, and a **100% use of renewable energy by 2050** at the latest. Renewable energy include wind, solar, hydro-electric and tidal power as well as geothermal energy and biomass.
  - The creation of a **European super grid** to carry renewable electricity across Europe from where it is generated to where it is needed, and decentralised

51 World Commission on Environment and Development (WCED) or Brundtland Commission

52 Targets set in 2007, a plan was adopted enacted through the EU climate and energy package in 2009

smart grids to integrate the electricity that people generate at home;

- Strict adherence to the **20% EU energy efficiency target**, the introduction of minimum efficiency standards for all kind of appliances, and a large programme for buildings renovation;
- Strict **EU standards for power plants**, so that by 2020 no new coal-fired power plants can be built.



## 8.2 FORBID HARMFUL CHEMICALS IN FOOD

Forbid the use of pesticides with proven harmful consequences for human health and establish tax cuts for those cultivating without chemicals.

VOTES ●●●●●●●●●●●●●●●●

### Further information:

- A) During the last decades there has been **an increase in chemical products** used in our food. Pesticides and transgenics are a part of it but there are also chemicals being introduced in the manufacturing process of almost every product from cereals to tins of beans.. The big manufactures have lobbied strongly to avoid having to declare all the ingredients in their products and refuse to stop using harmful chemicals.
- B) We call on EU institutions to:
- **List all components with exact proportions for all products.** Random tests can be done and severe penalties applied (not just fines, but banning that product across Europe so there is a considerable business disincentive to engage in such lack of transparency).
  - **Forbid the use of pesticides with proven harmful consequences for human health** such as permethrin and lindane on any product that is commercialized in Europe (lindane is banned in Europe since 2007 but it is used in Asia and many products are now imported from Asia for consumption).
  - **Encourage organic production** with tax cuts for those cultivating without chemicals
- C) The EU can act in this area under **Article 168** (Health protection) and **169** (Consumer protection) of the TFEU.



European regulatory framework<sup>54</sup>, including the following:

- There is no EU (framework) directive governing mining activities.
- A publicly available, comprehensive and detailed analysis of the European regulatory framework concerning shale gas and tight oil extraction has not yet been developed.
- The threshold for Environmental Impact Assessments to be carried out on hydraulic fracturing activities in natural gas or tight oil extraction is set far above any potential industrial activities of this kind, and thus should be lowered substantially.
- A detailed and comprehensive analysis of declaration requirements for hazardous materials used in hydraulic fracturing needs to be carried out.
- In the framework of a Life Cycle Analysis (LCA), a thorough cost/benefit analysis could be a tool to assess the overall benefits for each individual Member State and its citizens.

D) We call upon the EU institutions to legislate and ensure implementation of the following measures:

- Due to the complex nature of possible impacts and risks to the environment and to human health of hydraulic fracturing as well as to the gaps in EU legislation, a Directive should be adopted to ban hydraulic fracturing.
- In virtue of the EU's precautionary principle<sup>55</sup>, in order to prevent any impact of hydraulic fracturing on the environment and health, measures should be taken even before more research and study is to be done on the subject. As the shale gas industry is still a young, obscure sector of the gas industry in Europe, it should be blocked from developing such operations in the European Community even before the risks are properly assessed, as the technology cannot be proven to be safe,

<sup>54</sup> <http://www.europarl.europa.eu/document/activities/cont/201107/20110715ATT24183/20110715ATT24183EN.pdf>

<sup>55</sup> [http://ec.europa.eu/dgs/health\\_consumer/library/pub/pub07\\_en.pdf](http://ec.europa.eu/dgs/health_consumer/library/pub/pub07_en.pdf)

- A ban is necessary also in light of the pressing need to reduce greenhouse gas emissions. Furthermore, hydraulic fracturing is neither compatible with the EU's attempts to develop renewable energy nor respecting of regional development plans.
- The current EU regulatory framework which touches upon aspects of hydraulic fracturing, which is the core element in shale gas and tight oil extraction, cannot address the risks of hydraulic fracturing as the activity cannot be properly regulated and regulations which now exist cannot ensure the safety and rights of European citizens. Furthermore, the threshold for Environmental Impact Assessments to be carried out on hydraulic fracturing activities in hydrocarbon extraction is set far above any potential industrial activities of this kind, and thus not only should it be eliminated, but it serves to show that such technologies could at this time be developed without even proper monitoring and assessment.
- Following on recommendations from the report commissioned by the European Parliament<sup>56</sup>, hydraulic fracturing in its current form should be banned from the start in protected areas (e.g. drinking water reservoirs, wild life refuges, national parks) or simply densely populated areas. As the population density in Europe and cross-border consequences are factors which point to an imminent impact, the technology should be banned everywhere.<sup>57</sup>
- In virtue of the Aarhus Convention on Access to Information, Public Participation in decision-making and access to Justice in Environmental Matters done on June 25<sup>th</sup> 1998, no operations of hydraulic fracturing should start before the population is well informed and, implicitly, before proper research is being done. More authority should be given to regional authorities rather than national ones in the matter, as the local impact is more significant than shale gas' capacity to act as a strategic resource.

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56 Impacts of shale gas and shale oil extraction on the environment and on human health <http://www.europarl.europa.eu/document/activities/cont/201107/20110715ATT24183/20110715ATT24183EN.pdf>

57 "Unconventional fossil fuels (e.g. shale gas) in Europe" organised by the European Commission in December - March 2013 (more than one third of the respondents asked for a complete ban while less than one third asked for stricter regulation)  
[http://ec.europa.eu/environment/integration/energy/pdf/Presentation\\_07062013.pdf](http://ec.europa.eu/environment/integration/energy/pdf/Presentation_07062013.pdf)

- Regulation of the chemicals used in hydraulic fracturing should be drafted for all technologies, as there are grounds to believe that the use of some of the chemicals used for hydraulic fracturing is illegal under REACH, a concern expressed by the European Commission itself, which adds to the need for a ban for the particular technology of hydraulic fracturing.<sup>58</sup>

Bearing all this in mind, we urge the European Commission and the European Parliament to make use of the precautionary principle and all of the above and ban hydraulic fracturing.

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58 <http://www.bna.com/chemicals-fracking-may-n12884903614/>



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## 9. MIGRATION



## 9.1 EQUAL RIGHTS AND TREATMENT BETWEEN EU CITIZENS AND THIRD-COUNTRY NATIONALS

The EU must ensure equal rights and equal treatment and should enlarge the notion of European citizenship to all people settled in any EU Member State.

VOTES 

### Further information (elaborated during the research workshop):

- A) By limiting the notion of EU citizenship to citizens of an EU Member State, the EU excludes more than 20 million third-country nationals, living and paying taxes sometimes for years in the EU, from access to essential political and social rights. **It is therefore important to call, in line with the demands of the European Economic and Social Committee, for “A more inclusive citizenship open to immigrants” SOC/479** which should recognise all third-country nationals residing in the EU as having equal access to rights, including the right of freedom of movement and political rights.
- B) For this purpose, it is important to recall the proposed concept of “**civic citizenship**”. The European Council of Tampere (October 1999) proposed the equality of rights for those who are legally residing in the Union. Later, the European Commission, through the COM (2000) 757, of 22th November 2000, incorporated the notion of “civic citizenship,” consisting of a set of rights and duties offered to third country nationals. This proposal was extended in subsequent communications of the Commission itself, and enriched by the contributions made by the European Economic and Social Committee (EESC 593/2003), the Committee of the Regions (2004 / C 109/08) and the European Parliament (on the Communication from the Commission on immigration, integration and employment (COM (2003) 336). The former Commissioner António Vitorino suggested that civic citizenship should be extended to third country nationals, taking as reference the EU Charter of Fundamental Rights. Additionally, Commissioner Franco Frattini said that “civic citizenship (...) is important for the integration process and may contribute to feelings of belonging of immigrants” as well as being “a means of fostering a common European policy integration of immigrants”.

- C) We also call for EU migration policy to no longer be based on multiple categorisation of persons (such as family members, researchers, students) and ask for the development of a respectful and coherent European Legal Migration Scheme which would provide third country nationals with the right to enter and to stay in the EU. Third country nationals should enjoy the same rights as and equal treatment to EU citizens today. If we believe in democracy, freedom, the rule of law, equality and human rights as the Union's fundamental values, enshrined in Article 2 of the Treaty on the EU, we cannot permit the creation of different categories and access to rights regimes, based on administrative and migration status. A fragmented legislative framework does not favour equal treatment and does not guarantee the material recognition of rights for third country nationals residing in the EU and wishing to contribute to its development.
- D) A new European migration policy, as we propose it, can in addition not be constructed on a regime that drives people into irregularity. Institutional agencies and academic researches provide different estimates on the numbers, but we could consider that approximately 2 to 5 million undocumented migrants live in the EU . . . Many of them are people who either were driven to enter the EU in an irregular way, or who, due to restrictive migration laws, entered regularly and subsequently lost their residence status. The EU Charter of Fundamental Rights provides for universal recognition of a number of important rights, including for irregular migrants. However, it is important that these rights are also guaranteed, respected and equally applied by Member States and EU Institutions and Agencies. **We call upon the EU to introduce an open policy of regularisation, based not on economic interests but on human and democratic values, in all EU Member States in order to get the millions of people in irregular status out of legal limbo.** Following the Parliamentary Assembly of the Council of Europe (Doc. 11350, 6 July 2007), we believe that regularisation programmes offer the possibility of protecting the rights of undocumented migrants, tackling the underground economy and ensuring that social contributions and taxes are paid.



## 9.2 ACCESS TO JUSTICE AND AN END TO THE CRIMINALISATION OF MIGRANTS

The EU should avoid criminalisation of irregular migrants in policy, practice and language and take positive measures to ensure effective access to justice for all migrants, irrespective of residence status.

VOTES 

### Further information :

- A) In a context of rising xenophobia and racist violence in Europe, the **discourse of criminalisation of migrants** is steadily and worryingly advancing. This trend is of questionable consistency with national governments' obligations under the international human rights frameworks, as the duty of national governments to protect the individual and to promote human rights is not limited to their own nationals only.<sup>59</sup> In line with the policy framework established by the GAMM in 2011<sup>60</sup> and in line with the priorities set out within the Stockholm Programme<sup>61</sup>, "preventing and reducing irregular migration" remained at the forefront of the EU policy agenda since the adoption of the Tampere Agreement.<sup>62</sup> In a context where migration policies are shaped around the main objective of preventing irregular migration, focus on border control has overshadowed the need to address other causes of irregularity, such as inadequate visa and residence policies, administrative failures, difficulties in understanding the complex procedures of residence and work permits.<sup>63</sup> Finally, in a context where the **use of language** associates the concepts of migration

59 As stated by the Council of Europe in 2010, "the treatment of the foreigner is the challenge in respect of which the commitment of Member States to human rights is measured internationally". See: "Criminalisation of Migration in Europe: Human Rights Implications", Issue Paper commissioned and published by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 4 February 2010, CommDH/IssuePaper(2010)1, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1579605>.

60 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on The Global Approach to Migration and Mobility, COM(2011) 743 final, 18.11.2011, available at: [http://ec.europa.eu/home-affairs/news/intro/docs/1\\_EN\\_ACT\\_part1\\_v9.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/1_EN_ACT_part1_v9.pdf).

61 The Stockholm Programme, An open and secure Europe serving and protecting citizens, OJCI15, 4.5.2010, available at: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010XG0504\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010XG0504(01):EN:NOT).

62 Presidency Conclusions, Tampere European Council, 15-16 October, 1999, point 3, available at: [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/polju/en/EJN360.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/polju/en/EJN360.pdf).

63 For more information see: M. LeVoy and K. Soova, "How Relevant, Effective and Humane is the EU Border Control Regime?", Government Gazette, March 2013.

and criminality, irregular migration becomes linked with security concerns. Hostile terminology where irregular migrants are referred to as “illegal” shall be avoided, as it can lead to discriminatory behaviour, hinder public acceptance of migrants, and exacerbate social exclusion.

- B) **Criminalisation of assistance** to undocumented migrants and the logic of criminalisation of all spheres of conduct surrounding irregular migration negatively impact on the human rights of undocumented migrants and contribute to an increase in xenophobia as well as racist violence. Substantial concern has to be raised in relation to the use of criminal law sanctions to punish private actors for engaging (i.e. employing) or providing assistance to undocumented migrants. These trends should be reversed and a human rights compliant approach to irregular migration should urgently be established.
- C) In the context of migration and border management, serious concerns exist about the **increasing use of administrative sanctions which resemble criminal sanctions**, such as immigration detention or apprehensions, as this is increasingly occurring in the absence of the specific **procedural protections** typical of the criminal law landscape.<sup>64</sup> Of particular concern is the extent to which basic procedural safeguards of criminal law and the principles of non-discrimination and fair access to justice are being circumvented by authorities making use of administrative procedures to ‘punish’ conduct related to irregular migration.<sup>65</sup> The adoption of criminal laws establishing offences which can only be committed by or in relation to undocumented migrants, presents serious concerns in light of the principle of non-discrimination. Although discrimination on the basis of nationality can be

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64 See: M Lee, “Human Trade and the criminalisation of irregular migration”, *International Journal of the Sociology of Law* 33 (2005) 1 – 15. E Guild & P Minderhoud *Immigration and Criminal Law in the EU: The Legal Measures and Social Consequences of Criminal Law in Member States on Trafficking and Smuggling in Human Beings* Martinus Nijhoff, Leiden, 2006. R Cholewinski ‘The Criminalisation of Migration in EU Law and Policy’ in A Baldaccini, E Guild & H Toner, *Whose Freedom, Security and Justice? EU Immigration and Asylum Law and Policy* Hart, Oxford, 2007 pp 301 – 336.

65 On 29 September 2008, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, expressed his concerns regarding the trend to criminalise irregular entry and stay of migrants in Europe, as part of a policy of migration management. In 2010, the Council of Europe further highlighted the worrying trend of criminalising foreigners in Europe through an elision of administrative and criminal language and through the implementation of measures that are only applicable to migrants, such as detention without charge, trial or conviction. See: “Criminalisation of Migration in Europe: Human Rights Implications”, Issue Paper commissioned and published by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 4 February 2010, CommDH/IssuePaper(2010)1, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1579605>.

considered a legitimate ground for border control, as repeatedly stated by the European Court of Human Rights<sup>66</sup>, all persons, both at external borders and within the territory of the state, have to be treated in compliance with human rights law.

- D) In line with the **guidelines developed by the EU Fundamental Rights Agency on apprehension of irregular migrants**<sup>67</sup>, apprehension of migrants in an irregular situation should not entail a violation of undocumented migrants' fundamental rights. As highlighted by the EU Fundamental Rights Agency, "*return policy objectives can be met effectively, without having to resort to apprehension measures which may disproportionately affect fundamental rights*" of undocumented migrants.
- E) Finally, **effective access to justice, protection and redress mechanisms** shall be ensured to all migrants, regardless of residence status. All legal, administrative and practical obstacles for undocumented migrants to report abuse and seek protection and redress for violations of rights shall be removed. In line with the safeguards set out within the Victims' Directive (2012/29/EU), steps must be taken to ensure that justice is made safe, effective and accessible; protecting migrants when they report abuse, and facilitating prosecution of perpetrators regardless of the status of their victim. Relevant measures to be taken should include: prioritising the role of police and judicial authorities in upholding rights and justice over immigration enforcement; recognising the validity of work relationships and violations regardless of the status of the employee; guaranteeing the suspension of any expulsion proceeding or removal directions when seeking access to justice; and guaranteeing access to legal aid, language assistance and support services, such as secure accommodation and psychological and social support and health care for migrants who have suffered abuse and exploitation. Restrictions on access to justice, to independent complaints and redress mechanisms, are pivotal in creating a culture of impunity for violence inflicted on undocumented migrants, whether by state or non-state actors, when in transit, at borders or in destination countries.

66 See for example: *Gaygusuz v Austria*, judgment of 16 September 1996 ; *Koua Poirrez v France*, judgment of 30 September 2003; see also UN CERD, General Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system, 2005.

67 FRA guidelines: Apprehension of migrants in an irregular situation – fundamental rights considerations [http://fra.europa.eu/sites/default/files/fra-2013-apprehension-migrants-irregular-situation\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2013-apprehension-migrants-irregular-situation_en.pdf)



procedures for the Member States. One of the challenges in the near future will be to apply the recast Dublin Regulation whilst respecting the fundamental rights of those asylum seekers. The Dublin system should therefore be fundamentally revised by abandoning the criterion of the first “irregular border crossing” and introducing the principle of giving the asylum seeker the free choice of the Member State where s/he will wishes to seek asylum.

- **Detention:** The grounds for detention defined in the recast Reception Conditions Directive risk leading to an excessively broad interpretation by Member States, thereby encouraging a more systematic use of detention of asylum seekers as opposed to creating, as a general rule, the principle that asylum seekers should not be detained. Examples, like the Return Directive (2008/115/EC), have shown in the past, that Member States may use EU legislation as a political pretext to introduce more coercive measures. This kind of practice should be avoided.
  - **Legal Aid:** Access to quality legal assistance in practice – combined with adequate language assistance - is a crucial element of ensuring effective judicial protection. However, the legislative standards set in place do not constitute any significant progress in this respect. The recast Asylum Procedures Directive does not include an obligation for Member States to provide free legal assistance and representation at the first instance of the asylum procedure, while at the appeal stage this can be made conditional on the appeal having a tangible prospect of success. In this context it should be recalled that high quality legal assistance from the very beginning is an essential element to ensure fair and efficient asylum procedures in practice.
- C) As these key elements remain yet to be clarified after the adoption of the asylum package, it is thus extremely important that this EU asylum *acquis* is translated into **high standards of protection at the national level**. It is therefore crucial that Members States – while transposing – should maintain more favourable standards of protection than those outlined in EU asylum *acquis*. In no way should the transposition of common EU standards result in the downgrading of national asylum systems in law or in practice.

- D) It needs furthermore to be recalled that the adoption and transposition of the adopted asylum package alone makes access to asylum procedures and the reception conditions for asylum seekers no better in some Member States in real terms. It will be crucial that many of the provisions of the EU asylum *acquis* will be **rigorously transposed and applied in practice**.

In addition, the European Commission should allocate sufficient resources to effectively monitor the implementation of EU law, including compliance with international and European human rights law.

## 9.4 EU BORDER MANAGEMENT

The EU should ensure effective protection, transparency and accountability for fundamental rights violations within border management and should take positive steps in order to avoid fundamental rights violations at European Borders

VOTES 

### Further information :

- A) The existing border management and migration policy regime tends to **push migrants further underground**, creating conditions of marginalization, alienation and vulnerability that foster human rights violations, such as discrimination and violence against migrants. Because of the externalisation of border management and the adoption of restrictive EU migration policies, many people are forced to use dangerous routes for migrations (i.e. 18 000 deaths in the Mediterranean Sea recorded in 2012 by HCR).

Furthermore, civil society has demonstrated the counter-productivity of restrictive measures and the extreme cost of borders<sup>68</sup>.

- B) The adoption of a **human rights-based approach to border management** should be a priority, before migration policy considerations. The EU must take action in order to address and stop fundamental rights violations at EU borders and should promote respect of the right of asylum (Geneva Convention 1949), and respect

68 "Regularizations in the EU: The Contentious Policy Tool", Kate Brick, Migration Policy Institute, December 2011; "A New Architecture for Border Management", Demetrios G. Papademetriou and Elizabeth Collett, Transatlantic Council On Migration, March 2011; "Migration, Human Rights and Security in Europe", MRU Student Conference Proceedings, Migration Research Unit in the UCL Department of Geography, University College London 2012, Edited by Siril Berglund, Helen McCarthy and Agata Patyna; "Borderline - The EU's new border surveillance initiatives: assessing the costs and fundamental rights implications of EUROSUR and the 'Smart Borders' Proposals, Dr. Ben Hayes from Statewatch and Mathias Vermeulen, June 2012; "EU: Meijers Committee: Note on the Proposal for a Regulation establishing rules for the surveillance of external sea borders in the context of operational cooperation coordinated by Frontex", Statewatch News Online, May 2013; "CLANDESTINO Project", Final Report, 23 November 2009 Hellenic Foundation for European and Foreign Policy (ELIAMEP); "Migration in Europe", A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration by Christina Boswell, Migration Research Group, Hamburg Institute of International Economics, September 2005.

of the right of everyone to leave any country, including his own (International Covenant on Civil and Political Rights, article 12.2).

- C) In a context of increased militarisation of border controls, use of coercive measures against migrants and securitisation of migration policies (for example in relation to the development of the EUROSUR regulation and the Smart Borders initiatives), **Frontex should fully include respect for the human rights of all migrants during its operations, including by applying a human rights-based approach to activities such as capacity-building, training, monitoring and reporting of incidents.**
- D) The EU should actively promote the **democratisation of borders**: transparency, responsibility, accountability, and consultation of civil society.
- E) The EU and EU Member States should **end the use of readmission agreements and pushback policies**. These agreements should be transparent. In any case, the EU should take steps to prevent Member States from deporting migrants to countries where there is a risk of torture or inhuman and degrading treatments.





ful case management programmes in **Sweden** and **Australia**<sup>69</sup>. Both Sweden and Australia have developed **alternatives based on case management of individual migrants in the community**. A single trusted individual is responsible for working with the migrant to ensure that her practical needs are met: housing, information about the migration process, legal advice. But the case manager also spends time with the migrant to build a relationship of trust with her. This includes taking time throughout the immigration process to explore all potential long-term options, including leave to remain, assisted return, and possibilities in third countries. These programmes have found that very few migrants absconded and large proportions of those refused leave to remain decided to take up assisted return. They have been considered successful by both states and migrant welfare organisations.

- G) In addition, while detention continues, monitoring systems should be developed across Europe to ensure that conditions and treatment respect human rights. The results and learning of national monitoring mechanisms should be collated and disseminated at a European level.

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69 International Detention Coalition, *There are alternatives*, 2012; IDC, *The Australian Experience: Case management as an alternative to immigration detention*, 2009;





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## 10. WOMEN'S RIGHTS AND GENDER EQUALITY





- **Tackle the inflexibility of labour market policies.** Flexible working arrangements (time, place and over time), family-friendly workplace practices and services, access to part-time for men and women in addition to examples of successful arrangements must be further promoted at European level (e.g. the UK Childcare Benefits, the French “CESU préfinancé” etc).
- Take appropriate measures to increase availability of quality, affordable and accessible services such as childcare, care for elderly and people with disabilities.
- Recognise family carers’ contribution to the family and to society as a whole, in addition to recognising the skills and competences family carers have acquired during the caring period (in the form of a **competence portfolio**) which, if recognised, will facilitate their re-entry into the labour market.
- Reopen discussion on the **Working Time directive** and consider 21 hours working week<sup>70</sup>

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70 [http://dnwssx4l7gl7s.cloudfront.net/nefoundation/default/page/-/files/21\\_Hours.pdf](http://dnwssx4l7gl7s.cloudfront.net/nefoundation/default/page/-/files/21_Hours.pdf)

## 10.2 IMPLEMENT THE SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS RESOLUTION

Further the implementation of the [resolution on Sexual and Reproductive Health and Rights](#), and the [resolution on Access to safe and legal abortion in Europe](#). In particular promote the de-criminalisation of abortion within reasonable gestational limits (12 weeks at least) and the removal of restrictions hindering access to safe abortion.

VOTES 

### Further information:

- A) Abortion is permitted in the majority of European countries mainly to preserve the mother's physical and mental health, but also (in varying degrees in each country) in cases of rape or incest, of foetal impairment or for economic and social reasons and, in some countries, on request. Malta still bans it on all accounts, and Ireland passed a new law only in July 2013 that allows abortion in limited cases where the mother's life is at risk, following [the death of a woman after being denied an abortion in 2012](#).
- B) Evidence shows that appropriate sexual and reproductive health and rights strategies and policies result in less recourse to abortion. **A ban on abortion does not result in fewer abortions but mainly leads to clandestine abortions**, which are more traumatic and increase maternal mortality and/or lead to abortion "tourism" which is costly, delays the timing of an abortion and results in social inequities. The lawfulness of abortion does not have an effect on a woman's need for an abortion, but only on her access to a safe abortion.
- C) Moreover, in many of the European states where abortion is legal (with various degrees of limitations), **numerous conditions are imposed and restrict the effective access** to safe, affordable, acceptable and appropriate abortion services. These restrictions have discriminatory effects, since women who are well informed and possess adequate financial means can often obtain legal and safe abortions more easily. Conditions are not always such as to guarantee women effective access to

this right: the lack of local health care facilities, the lack of doctors willing to carry out abortions, the repeated medical consultations required, the time allowed for changing one's mind and the waiting time for the abortion all have the potential to make access to safe, affordable, acceptable and appropriate abortion services more difficult, or even impossible in practice.

- D) We thus call upon EU institutions to further the implementation of the European Parliament resolution on Sexual and Reproductive health and rights, and the resolution on Access to safe and legal abortion in Europe by the Parliamentary Assembly of the Council of Europe, and in particular of the following recommendations:
- promote the de-criminalisation of abortion within reasonable gestational limits (12 weeks at least),
  - take the necessary steps to lift restrictions which hinder, *de jure* or *de facto*, access to safe abortion, and to create the appropriate conditions for health, medical and psychological care and offer suitable financial cover;
  - reach young people through formal (schools) and informal education, and public campaigns for condom use and projects such as confidential telephone help-lines, considering the needs of special groups.
  - oppose amendments to laws that set back any progress towards the aforementioned objectives.



## 10.3 FIGHT ALL FORMS OF VIOLENCE AGAINST WOMEN

Promote the set up a European Action Plan to fight all forms of male violence against women and work to deliver legal instruments, including a European Directive on all forms of male violence against women.

VOTES 

### Further information:

- A) Violence against women is a human rights issue and affects approximately **45% of all women across Europe**<sup>71</sup>. An estimated one-fifth of women in the EU suffer from violence within the home and more than one in ten women is a victim of sexual violence involving the use of force. Seven women die every day from domestic violence in the EU. To date there is no EU binding legislation to address this.
- B) In 2009, the European Parliament asked the European Commission to declare, within the next five years, a **“European Year on Zero Tolerance of Violence against Women”**, in a written declaration<sup>72</sup>. In October 2010, more than half of the MEPs adopted a new written declaration on establishing a European Year of Combating Violence against Women. Such call for a European Year has been repeatedly demanded in many EP resolutions and reports dealing with women’s rights and equality between women and men over the last two years. It is now time to act and use the opportunity of the EC’s commitment to deliver a strategy, and have a concrete comprehensive and effective EU action aiming at ending violence against women through legislative and awareness activities.
- C) To effectively address and tackle violence against women, we urge EU institutions to:
- endorse the [campaign for a EU Year to End violence against Women](#)

71 European Women’s Lobby, the Green Party, CoE [http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-DC\(2008\)Study\\_en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-DC(2008)Study_en.pdf)

72 <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0259+0+DOC+XML+VO//EN>

- promote the set-up of a **European Action Plan to fight all forms of male violence against women** that encompasses prevention (including funding for self-defence training for women and girls), protection (including the widening of protection orders in Member States where these are limited), persecution (including access to justice access and remedies for all women victims, regardless of their migration, marital or housing status), provision (including the implementation of guidelines and protocols such as those proposed by the CoE) and partnership (including funding for NGO's with an expertise in VAW);
- work to deliver legal instruments, including a **European Directive** on all forms of male violence against women. At the moment, each Member State can decide for itself what measures to take against domestic violence. An **EU directive** would be obligatory for all Member States (many European countries haven't signed the Council of Europe Convention on preventing and combating violence against women and domestic violence). An EU directive would also help create a common European procedure to deal with the people who actually commit violence against women. So, for example, in many countries the person who commits the violence remains at home, and it is the woman who has to move with the children to a different place.



- Commit to develop awareness actions on zero-tolerance for degrading images of women in the media, including by developing a code of conduct to ensure that advertising and marketing communications respect the principle of equality between men and women and avoid gender stereotyping;
- Establish national media monitoring bodies with which the public can file complaints, that grants gender equality awards to media and advertisement professionals, and that systematically studies and reports on the question of women in the media;
- Advocate for education strategies in schools to cultivate awareness and eliminate messages conveying gender stereotypes from school textbooks.

## 10.5 PUT AN END TO THE GENDER PAY GAP

Decrease the gap by at least 5 percentage points annually and monitor whether real progress is made or if a decrease in the gap is the result of a worsening of men's wages.

VOTES 

### Further information:

- A) The **gender pay gap** is the difference between male and female earnings expressed as a percentage of male earnings, according to the OECD.
- B) For the economy as a whole, women's gross hourly earnings were on **average 16 % below those of men** in 2011 in the EU (EU-27) as well as in the euro area (EA-17). Across Member States the gender pay gap varied by 25 percentage points, ranging from 2 % in Slovenia to 27 % in Estonia<sup>73</sup>. According to data from the European Parliament<sup>74</sup>, women earned on average 26,390€ annually, as opposed to 34,377€ for men in 2010.
- C) Inequalities between women and men violate fundamental rights. The EU has recognised the importance of equal wage for equal work since the 1975 Defrenne case<sup>75</sup> and gender equality is one of the EU founding values. We thus call EU institutions to ensure that **the gender pay gap actually ends in the short term: it should decrease by at least 5 percentage points annually** and monitor whether **real progress** is made or if a decrease in the gap is the result of a worsening of men's wages.

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73 Eurostat

74 <http://www.pinterest.com/pin/264234703109379779/>

75 The case of an airjostess working for a Belgian airline company



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## 11. LGBT





the only EU measure in the field of bias/hate crime. It was adopted in 2008 and had to be implemented by 28 November 2010. **This Framework Decision could be amended** (by means of a Directive) simply to extend its application to bias/hate crimes against the other groups listed in Article 19 TFEU.

- E) Alternatively, a **Directive on bias/hate crimes** against all the groups listed in Article 19 TFEU, which would include and then go beyond the substance of the existing Framework Decision could be drawn from scratch and improve the protection of victims, compared to what already covered in the 2008 Framework Decision on racism and xenophobia.
- F) For this to happen, the adoption of the **general anti-discrimination directive** proposed in 2008 will likely be necessary in practice before EU bias/hate crimes legislation is adopted (except as regards race and sex)
- G) While the European Parliament cannot as such table a legislative proposal, it is open to the EP to request the Commission to submit a proposal, pursuant to Article 225 TFEU



## 11.2 MONITOR IMPLEMENTATION OF COMMON ASYLUM PROCEDURES FOR LGBT PEOPLE

The EU should monitor the transposition and implementation of the 2013 Directive on common asylum procedures, which includes special procedural guarantees for persecution on the ground of sexual orientation and gender identity.

VOTES 

### Further information:

- A) Directive 2013/32/EU<sup>77</sup> aims at establishing “a common asylum procedure and a uniform status valid throughout the Union”, in which “certain applicants may be in need of special procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity [...]”. According to it, “Member States should endeavour to identify applicants in need of special procedural guarantees before a first instance decision is taken”. However, as the European Parliament’s Intergroup on LGBT rights stated<sup>78</sup>, Member States could identify LGBT applicants’ special needs even later on, when the asylum procedure has already started. **This should lead to a stronger protection for LGBT asylum seekers.**
- B) **The EU should monitor Member States’ transposition of this Directive.**<sup>79</sup> According to Article 51 of the Directive, Member States should bring into force national laws by 20 July 2015<sup>80</sup>, whereas Article 50 states that “no later than 20 July 2017, the Commission shall report [...] on the application of this Directive in the Member States and shall propose any amendments that are necessary”. However, **the Commission’s yearly report on human rights in the EU must be the oc-**

<sup>77</sup> Directive 2013/32/EU of the European Parliament and the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ L180/60, 29.06.2013.

<sup>78</sup> European Parliament’s intergroup on LGBT Rights, Press Release, 12 June 2013.

<sup>79</sup> Except for UK and Ireland, which decided to opt out, and Denmark, which is not legally obliged to align its law with the new rules.

<sup>80</sup> These national laws shall concern at least articles 1 to 30, Article 31(1), (2) and (6) to (9), Articles 32 to 46, Articles 49 and 50 and Annex I.

**casation for monitoring Member States' implementation of the Directive even before 2015 and 2017**, in order to assure a continuous supervision of Member States' action.

- C) The EU should monitor the designation of a determining authority by Member States (Art. 4) and its action. It should pay particular attention to
- a. **The presence of trained officers**, who must be able to cope with LGBT related issues.
  - b. **Officers' training guidelines**. The EU shall not directly provide the training, but **could possibly offer grants and training guidelines** to Member States. In particular, the EU should monitor the methods used by national authorities in order to 'prove' asylum applicants' sexuality. **Degrading, undignifying and intrusive tests to verify claims of persecution on the grounds of sexual orientation and gender identity should be stopped and a self-declaration should be sufficient.**



- Gender Goods and Services Directive (by virtue of the minutes of the 2606th meeting of the European Council and Commission) since 2004
- Victims' Rights Directive - reference to "gender, gender identity and expression" - since 2012
- Asylum Qualification Directive - reference to "gender identity" since 2013

The **Gender Recast Directive** (2006/54/EC) concerns discrimination-free access to employment, also for trans people (see recital 3). However, recital 3 ties the protection to gender reassignment surgery. By doing so, this article still discriminates gender variant people who do not want to undergo gender reassignment surgery.

The same applies to the other three policy documents, in which legal protection is granted but implementation thereof is patchy. Beyond these areas, much more needs to be done to come up with a consistent and effective protection of trans people against discrimination on grounds of gender identity and expression.

- C) **All forms of forced medical reassignment treatment should be recognized as a violation of the right to bodily integrity in the entire EU.** It is an unnecessary condition for legal gender recognition, i.e. issuance of civil documents reflecting the person's gender identity correctly (name and gender marker). In order to do so, the EU should vote unanimously, as provided by article 19.1 of TFEU, to outlaw such provisions.

## 11.4 RECOGNITION OF MARRIAGE AND OTHER FORMS OF CIVIL UNION OR REGISTERED PARTNERSHIP

The EU should make sure that any couple that is united by marriage (or engaged in another form of civil union or registered partnership) sees it recognised in any other EU Member State.

VOTES ●●●●●●●●●●●●●●●●

### Further information :

- A) In the EU, seven countries grant same-sex marriage to its citizens and residents; ten other countries provide same-sex couples with other forms of recognition, which span from civil unions to registered partnerships. Eleven countries do not provide any sort of recognition to same-sex couples.
- B) As specified in Directive 2004/38, **freedom of movement** of all European citizens and their families is a fundamental pillar of the EU. However, the fundamental right to take civil status from a Country A to a Country B cannot be universally applied: some Member States would not recognise same-sex partnerships and marriages which have been concluded abroad. The same does not happen for any opposite-sex union concluded abroad.
- C) The Charter of Fundamental Rights prevents **discrimination**, among other things, **on the grounds of sexual orientation** (Art. 21). Article 9 also states that “everyone has the right to respect for his or her private and family life”.
- D) It is true that Article 9 also specifies that “the right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights”. However, **the EU should not accept that national laws override its human rights principles and regulations.**
- E) While the EU may not be entitled to impose Countries to grant same-sex marriages and partnerships, nevertheless its **Institutions should pressure Member States to establish universal access to same-sex partnership recognition across the**

**EU.** In 2012, the European Commission intervened against Malta, which refused to grant same-sex partners in a durable relationship the right of free movement. Malta identified same-sex partnerships as being 'contrary to the country's public policy', a matter dealt with national and not communitarian legislation. However, as a result to the Commission's action, the national legislation was modified to be compatible with EU rules on free movement and non-discrimination. **The same pressure applied to the smallest EU Member should be applied to every other non-compliant Member State.**

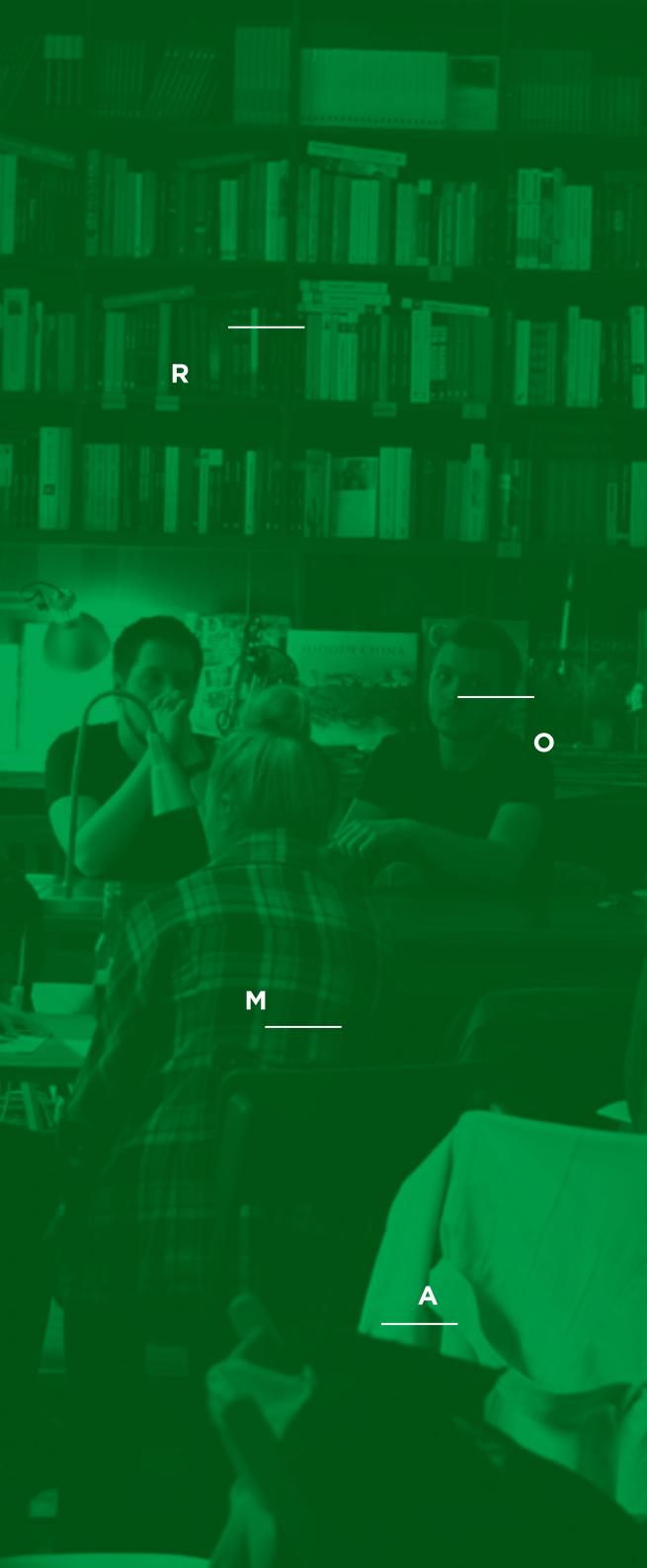
- F) Indeed, public policy is a matter of national law, but the EU can deeper **monitor the implementation of article 27** of the Free Movement Directive by Member States (restriction of freedom of movement and residence by Member States on grounds of public policy, public security or public health).



- E) According to the EC's document on EU acquis and policy documents on the rights of the child, "the promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty on EU [notably art. 3.3] puts further emphasis". As the Council of Europe confirms, "an important part of children's protection is that the family unit, no matter what form it takes, enjoys adequate and equal legal recognition and protection. It is discriminating to the child to limit legal parenthood or to deny significant carers legal rights and responsibility" [p. 96, CoE].
- F) We therefore propose that the EU be more proactive in implementing and monitoring adequate protection for these families, and that it pressure Member States to initiate regulations in countries where there is a legal gap in protecting children's rights in same-sex families.







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## 12. ROMA RIGHTS



## 12.1 THE EU SHOULD ENSURE THAT FORCED EVICTIONS OF ROMA<sup>82</sup> PEOPLE FROM EU COUNTRIES STOP

The Commission should apply the existing legal instruments to make sure that evictions (and in particular mass evictions) actually stop and that Roma people enjoy fully their freedom to circulate and reside in the EU.

VOTES 

### Further information:

- A) Under the cover of “**voluntary repatriation**”, many Roma have been expelled from several EU countries, such as France, Spain, Germany<sup>83</sup> or Luxembourg. The case of **mass expulsions targeting Roma people** in priority<sup>84</sup> (most of them from Bulgaria and Romania) from France in 2010 (on-going before and after 2010) corresponds to a direct breach of several fundamental human rights, including non-discrimination and freedom to move and reside in the EU; the threat of infringement procedures by the European Commission (which soon dropped charges) against France were not followed by any meaningful action. Roma are regularly used as scapegoats and expulsions as political assertions of security policies<sup>85</sup>. During expulsions of Roma, many cases reported the **destruction of their goods and inhabitations, records of digital prints** to track where they travel, **mistreatment** and **violence** by the police including physical violence and sexual harassment.<sup>86</sup>

82 We use the term “Roma” for clarity reasons, but recognise that it covers a great diversity of groups (including Sintis, Travellers, Kale, as well of “Travellers” of Great Britain and Ireland, among others) and which don’t all recognise themselves under this appellation. Unlike a widely spread prejudice, most Roma people are not nomadic, but are sedentary (about 80% in Europe); they are also not “new” migrants in Europe and are a constituent element of Europe, most groups having resided in Europe for over six centuries. They form the biggest transnational European minority and are estimated between 10 and 12 million people.

83 In Germany since 2010, more than 2500 Roma have been deported to Kosovo, including many children born, raised and schooled in Germany and speaking only German. Access to school and to basic social rights in Kosovo is often not ensured.

84 [http://www.lecanardsocial.com/upload/IllustrationsLibres/Circulaire\\_du\\_5ao%C3%BBt\\_2010.pdf](http://www.lecanardsocial.com/upload/IllustrationsLibres/Circulaire_du_5ao%C3%BBt_2010.pdf)

85 See France Interior Minister Manuel Valls’ assertions on the Roma, prior to local elections, September 2013, <http://www.bbc.co.uk/news/world-europe-24273380>

86 [www.aedh.eu/L-AEDH-publie-son-rapport-Les-Roms.html](http://www.aedh.eu/L-AEDH-publie-son-rapport-Les-Roms.html)

- B) **Mass deportation of Roma people should stop.** For non EU citizens (notably from Kosovo), particular emphasis should be given to children when deciding on residence permits and repatriation.
- C) Since Bulgaria and Romania's entry in the EU in 2007, most Roma people living in the EU are EU citizens. Their being prevented from enjoying fully their **freedom to move and reside** in the EU is a clear breach of one of the four fundamental freedoms on which the Union is based. This principle is strongly affirmed in the highest EU legal document, namely the **TFEU**, and in **article 45 of the Charter of Fundamental Rights**: "every citizen of the Union has the right to move and reside freely within the territory of the Member States."



- C) While such dismantlement and evictions affect Roma differently than Travellers, nationals differently than migrants, and all of them differently according to the country where they happen, the results and consequences on people's lives are very much similar, and the violations of their human rights are the same.
- D) While many of the so-called Roma/Travellers camps are seen as illegal and/or illegitimate, authorities should look for more sustainable and peaceful solutions. One cannot respond to a supposedly illegal or outlawed act by breaching human rights. The European institutions have to grant the right to housing and ensure that the Member States to implement policies of exit from the camps and to search alternative housing solution.
- E) Hence, the EU should put pressure on Member States so that they
1. stop dismantling settlements and evicting people in violent ways that breach;
  2. provide evicted Roma or Travellers with immediate, adequate and sustainable housing or area to settle;
  3. in general provide Roma and Travellers, migrants and non-migrants, with an adequate and sustainable housing or area to settle;
  4. push Member States to include a "right to a home" in their national legislation;
  5. ensure that Member States implement their legislation (for instance in the case of France, where a circular clearly states that no eviction should happen without a rehousing solution organised prior to the eviction).

## 12.3 EFFECTIVE PROGRAMMES AND PROJECTS FOR ROMA INCLUSION AT EU AND MEMBER STATES LEVELS

In order to eliminate longstanding and large-scale discrimination against and exclusion of the Roma populations, schemes and programmes as longstanding and large-scale are necessary, in terms of political will, financial means, human resources, enforcement mechanisms and commitment of time. Roma should participate to all stages of policy discussions affecting them.

VOTES 

### Further information:

- A) The **Decade of Roma Inclusion** is coming to an end in 2015. It has succeeded in putting Roma Inclusion high on the political agenda and in raising awareness of Roma exclusion. Although not being an EU initiative, it has had **impacts on EU policies** towards the Roma people, notably by inspiring the **EU Framework on National Roma Integration Strategies up to 2020**<sup>87</sup>. However, eight years after the beginning of the Roma Decade, violence against and exclusion of the Roma is still widely spread in all EU countries, as shown for instance by the European Association for the Defence of Human Rights<sup>88</sup>. Many agree that the situation has even got worse on many levels, including EU Commissioner of Employment, Social Affairs and Inclusion Laszlo Andor<sup>89</sup>. The means put in place to address the exclusion of the Roma and their access to education, employment, health and housing are very clearly insufficient.
- B) We hence call the EU institutions to
- Ensure that Roma (from the civil society) **participate** in policy discussions affecting them at all levels, from policy formulation to monitoring, in a clear and

87 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0173:en:NOT>

88 AEDH, Roma people in Europe in the 21st century : violence, exclusion, insecurity, October 2012

89 <http://www.eu2011.hu/news/romastrategia-egyontetu-tamogatas-szocialis-tanacsban>

meaningful way (questioning criteria<sup>90</sup> in working with “Roma partners” and legitimacy and degree of representativity of Roma organisations or institutions<sup>91</sup>).

- Access to funding for projects dedicated to Roma inclusion and actions against anti-Roma racism and xenophobia should be simplified: there should be less intermediaries between funder and beneficiary and means should be developed to ensure that they actually reach the communities they aim to support.
- Effective **enforcement mechanisms** should be developed at EU level to ensure that the national and local levels respect the Action Plans developed in the framework of the Roma Decade. Public monitoring by civil society and peer pressure by national governments are not sufficient. Enhanced scrutiny by the European Parliament and independent evaluation could be of great added value. Sanctions should be introduced against the violation of national plans.
- **Coordinate** better the variety of initiatives and structures dealing with Roma inclusion.
- Address **structural discrimination** and tackle access to education, employment, healthcare and housing as a whole and simultaneously
- Implement the Council of Europe **10 Common Basic Principles on Roma Inclusion**<sup>92</sup> at EU level and promote them at Member States level

C) The EU has the **responsibility**, the **competence** and the **tools** to act and enforce anti-discrimination laws, on several grounds. These include the EU Charter of Fundamental Rights, the article 19 of the TFEU, the Employment Equality Directive (2000-78), the Racial Equality Directive and the Framework Decision on Racism and Xenophobia. Financial instruments that can be used include the European Social Fund, the European Regional Development Fund, the European Agricultural Fund for Rural Development and the Instrument for Pre-Accession.

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90 See Chapter 11 of the the Frame-statute for Romani people in the EUEU developed by the RANELPI (Romani Activist Network on Legal and Political Issues), 2000, update 2008, [http://www.rroma-europa.eu/uk/sc\\_en.html](http://www.rroma-europa.eu/uk/sc_en.html)

91 Iulius Rostas, ERRC, Roma Rights 2012: Challenges of Representation: Voice on Roma Politics, Power and Participation, 22nd August 2013  
[http://www.errc.org/en-research-and-advocacy-roma-details.php?article\\_id=4174&page=0](http://www.errc.org/en-research-and-advocacy-roma-details.php?article_id=4174&page=0)

92 [http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011\\_10\\_Common\\_Basic\\_Principles\\_Roma\\_Inclusion.pdf](http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf)





veloped by the European Roma and Travellers Forum) as well as the Framework Convention for the Protection of National Minorities<sup>95</sup> drafted by the Council of Europe, among others.

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95 <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>

## 12.5 THE EU SHOULD ENSURE QUALITY EDUCATION TO ROMA CHILDREN

The EU, together with the Member States, must ensure the right of every Roma child to access quality education and address school truancy and drop-out.

VOTES 

### Further information:

- A) **Major hindrances** prevent Roma children to have equal access to quality education, especially for primary and secondary education<sup>96</sup>. There are several causes to the violation of this right, such as their insulation in precarious settlements and the distance between these settlements and population centres stand out. In several EU countries, Roma children are often assigned to schools intended for children with mental and physical disabilities (“special schools”)<sup>97</sup>. A survey conducted by the Fundamental Right Agency<sup>98</sup> in 11 EU Member States in 2012 shows that one out of two Roma children don’t attend pre-school (early education is crucial in subsequent school participation<sup>99</sup>), 10% are reported to miss school during compulsory school age and that 85% of young Roma don’t complete secondary education afterwards – figures are by far higher than non-Roma children. The exclusion of Roma children to a quality education entails low probabilities of future stable employment and high risks of a life of poverty<sup>98</sup>.
- B) School represent a **privileged geographic and symbolic place** for mediation and intercultural communication, in a social context marked by strong conflict, intolerance and discrimination. It is a crucial determinant to find good and stable employment and increase life chances and has strong correlation with employment, health, inclusion and rights-awareness.

96 Open Society Institute, International Comparative Data Set on Roma Education, 2008

97 EUMC, Roma and Travellers in public education, Vienna, 2006

98 Fundamental Rights Agency, *The situation of Roma in 11 EU Member States; Survey results at a glance*, [http://fra.europa.eu/sites/default/files/fra\\_uploads/2099-FRA-2012-Roma-at-a-glance\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf)

99 Early Childhood Education and Care, COM (2011) 66

- C) The right to education is a **universal right** protected by international and EU primary law (Article 9 TFEU<sup>100</sup>, Article 14<sup>101</sup> of the Charter of Fundamental Rights, Article 28 of UN Convention on the Rights of the Child<sup>102</sup>). Thanks to Directive 2000/43/EC, Member States have the obligation to give Roma like any other EU citizens non-discriminatory access to education. As any other children in the EU territory, Roma children shall be granted access to quality education, regardless of whether they are sedentary or not.
- D) We hence call the EU institutions, together with Member States, to protect the right of every child to access quality education. In particular, they should:
- Ensure that all Roma children **complete at least primary school** as set in the EU Framework for National Roma Integration up to 2020 and have access to **quality education**, as established in the EU Framework for National Roma Integration Strategies<sup>103</sup>. Access should be monitored through effective mechanisms (such as the Commission's Roma Task Force, that should have strengthened powers).
  - Focus on **school attendance rates**, in particular for primary education, through support for early childhood education and training for teachers and mediators.
  - Involve Roma parents in deliberations with local authorities and educational structures to decrease dropout rate and promote the importance of education
  - Construct a real, stable and effective collaboration with all educational institutions, aware that the educational success and social integration in schools is closely linked to the commitment of school headmasters, teachers and all the others social workers working at the local level.
- E) Even though education falls under Member States' competences, the EU has competences to encourage cooperation and supplement their actions for quality education for all, as foreseen in **Article 165** of the TFEU.

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100 "In defining and implementing its policies and activities, the Union shall take into account requirements linked to [...] a high level of education."

101 "1. Everyone has the right to education and to have access to vocational and continuing training. 2. This right includes the possibility to receive free compulsory education. [...]"

102 <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

103 [http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf)



## VI. ACKNOWLEDGMENTS

It would be impossible to mention everyone who has been involved in the process leading to the Citizens Manifesto but we have tried. If we have forgotten your name or the name of your organisation, please write to us and we will add it in the next version!

### A project created and coordinated by

Alessandro Valera and Elena Dalibot

### Special thanks to

Ioana Avadani, Daniela Bozhinova, Tania Brugera, Daphne Büllsbach, Giuseppe Caccia, Rosen Dimov, Juraj Draxler, Mara Gabrielli, Noel Hatch, Engin Isin, Severine Lenglet, Anna Lodeserto, Lorenzo Marsili, Monika Martiskova, Giovanni Melogli, Niccolò Milanese, Marta Molino, Matthew Ryan, J. Vreer Verkerke.

### As well as

Giordano Ernesto Baggio, John Baker, Iker Barbero Gonzalez, Robert Biedron, Elda Brogi, Karlis Bukovskis, Margherita Bussi, Federica Casarosa, John Cristensen, Paula Espinosa, Alessia Fulvimari, Marie-Ophelie Latil, Iulius-Cezar Macarie, Hanno Maiwald, Simon Maljevac, Maria Giovanna Manieri, Andrea Montuori, Flore Murard-Yovanovitch, Roberto Musacchio, Cristina Nicotra, Arigiris Panagopoulos, Stanimir Panayotov, Kostas Papastergiou, Jerome Phelps, Mario Pozone, Segolene Pruvot, Jose Luis Rey Pérez, Gianni Rinaldini, Antonio Roldan, Davide Sardo, Waltraud Schelkle, Tanguy Sene, Anna Sibley, Ulrich Stege, Stefano Squarcina, Sebastian Steinbach, Mark van Dorp, Guido Viale, Olga Vukovic.

### For their contribution and support, we'd like to thank

Paolo Acunzo, Vittorio Agnoletto, Peio Aierbe, Marisa Alonso Núñez, Cecilia Anesi, Vesislava Antonova, Anaïs Faure Atger, Robert Auxt, Saki Bailey, Federica Baiocchi, John Baker, Margherita Baldarelli, Alessandra Ballerini, Jordi Baltà, David Barrie, Marco Bascetta, Paolo Beni, Franco Berardi Bifo, Cristina Bermejo, Claudia Bernardi, Enzo Bernardo, Gianfranco Bettin, Marcella van Beusekom, Kolja Bienert, Jonathan Birdwel, Kinche Boeva, Raffaella Bolini, Dominique Boren, Ivan Botoucharov, Luchezar Boyadjiev, Elda Brogi, Giuseppe Bronzini, Karlis Bukovskis, Elisabetta Cangelosi, Viola Caon, Alessandra Capodanno, Helena Carrapico, Federica Casarosa, Bertran Cazorla, Maria Cernat, Ivaylo Chabaev, Khalid Chaouki, Dušan Chrenek, John Christensen, Monica Clavijo, Krzysztof Conpr, Luigi Cornaglia, Alessio Costa, Oriol Costa Fernández, Anna Cote, Alberto Cottica, Alba Cueva, Greg Czarnecki, Raluca Dan, Eugen David, Mariangela De Blasi, Giuseppe De Marzo, Michele de Palma, Gianmarco De Pieri, Federico del Giudice, Roberto di Giovan Paolo, Rokhaya Diallo, José Diaz Lafuentes, Francisco, Díaz Moro, Julian Dobson, Adrian Dohotaru, Ramona Dominicioiu, Ida Dominjanni, Monica Donini, Costas Douzinas, Petranka of the Duleva, Lucian Dunăreanu, Pablo Elorduy, Vasile Ernu, Tim Etheells, Lara Facondi, Gilda Farrell, Ognyan Fartunov, Tommaso Fattori, Catalán Faura, Anaïs Faure, Emma Fenelon, Tony Fenwick, Armando Ferrari, David Floyd, Don Flynn, Theano Fotiou, Jean Pierre Frémeaux, Laura Fruhmman, Alessia Fulvimari, Marco Furfaro, Marco Furfaro, Mara Gabrielli, Agnes Gagyi, Zsolt Gal, Serena Ganci, Jose Manuel Garcia Garcia, Radovan Geist, Lucile Gemähling, Marco Genovese, Yassen Georgiev, Ovidiu Gherasim Proca, Aldo Giannotti, Maria Giovanna Manieri, Christos Giovanopoulos, Claudio Gnesutta, Nacho Gonales, Marcus Graetsch, Claudio Graziano, Adoración Guamán, Emanuele Guidi, Gabriella Guido, Federico Guerrieri, Paula Guisande, Harry Halpin, Noel Hatch, István Hegedűs, Silke Helfreich, Costanza Hermanin, Lia Hernandez, Srečko Horvat, Darren Hugues, Yuk Hui, Andra Hututui, Valeria Ilareva, Mariya Ivancheva, Ivanka Ivanova, Csaba Jelinek, Albert Jörman, Stanislas Jourdan, Hiwa K, Svetlana Karadzova, Cécile Kshetu Kyenge, Bruno Kaufmann, Tomek Kitlinski, Richard Köhler, Eleftheriadis Konstantinos, Vesela Kostova, Daniela Kostova, Ioanna Kotsioni, Andrey Kovachev, Aneta Kubala, Franco La Torre, Florian Lamp, Maurizio Landini, Tess Lanning, Marie-Ophelie Latil, Nicky Leijtens, Alice Le Roy, Anne Le Strat, Catherine Legna, Marianne Lemond, Matteo Lepore, Paweł Leszkowicz, Ilias Livanos, Stefano Lo Giudice, Oscar López Catalán, Alberto Lucarelli, Mihai Lukacs, Fernández Macias, Andreea Madalina Costache, Hanno Maiwald, Shiv Malik, Maria Giovanna Manieri, Edgar Manjarin

Stellarnau, Giulio Marcon, Salvatore Marra, Massimo Marnetto, Luca Masera, Angelo Mastrandrea, Ugo Mattei, Vilma Mazza, Pablo Miravet, Lorenzo Misuraca, Zakaria Mohamed Ali, Florence, Morillon, Ivan Moudov, Grazia Naletto, Susan Nash, Alessandro Nassiri, Roberto Natale, Valentina Navone, Alberto Negri, Antonello Nicosia, Andrew Noakes, Jose Luis Nvumba, Corrado Oddi, Adeile Oddo, Jean-Claude Oliva, Luigi Paccione, Viliam Páleník, Jerome Palmer, Argiris Panagopoulos, Edda Pando, Francesco Perconti, Dan Perjovschi, Daniel Peslari, Annarosa Pesole, Riccardo Petrella, Diana I. Pirjol, Maria Pia Pizzolante, Gianni Pittella, Giorgia Piva Pau Planelles Oliva, Paolo Ponzano, Venelina Popova, Veda Popovici, Iulia Popovici, Dominic Potter, Diana Prisacariu, Ségolène Pruvot, Ivan Radev, Iveta Radičová, Giulio Raimondo, Guido Ramellini, Francesco Raparelli, Imir Rashid, Cristina Rat, Claudio Riccio, Elvira Ricotta, Niccolò Rinaldi, Gianni Rinaldini, Santiago Rivero, Fabrice Rizzoli, Elena Rodríguez-Espinar, Adrià Rodríguez de Alos-Moner, Antonio Roldan, Raul Romeva i Rueda, Carla Ronga, Andrea Ronchi, Jerome Roos, Antonio Rotelli, Sylvain Rouzel-Boisgontier, Emilio Ruiz, Massimiliano Rumigliani, Franco Russo, Renato Sabbadini, Sara Saleri, Raffaele Salinari, Klaus Sambor, Ramon Sanahuja Velez, Pablo Sanchez, Luca Santini, Katharine Sarikakis, Ivan Scalfarotto, Luca Scarpello, Martin Schmalzbauer, Brigita Schmognerova, Bruno Selun, Anna Sergi, Sara Serrano, Nicols Eduardo Sguiglia, Nabeelah Shabbir, Anna Sibley, Eva Simon, Dominik Sipiński, Massimiliano Smeriglio, Rory Smith, Pietro Soldini, Alexandra Solom, Leo Specht, Franco Spoltrore, Riccardo Staglianò, Guy Standing, Karima Stauch, Ulrich Stege, Sebastian Steinbach, Andrea Stuppini, Cristian Suciu, Natalia Szelachowska, Editura Tact, Nigel Tart, Luca Telese, Nicoletta Teodosi, Emil Teofanov, Chris Terry, Ovidiu Tichindeleanu, Elli Tikvah Sarah, Aitor Tinoco i Girona, Antonio Tricarico, Marius Tudor, Owen Tudor, Marius Ungureanu, Mark van Dorp, Zvezda Vankova, Asen Velichkov, Tony Venables, Carlo Vercellone, Guido Viale, Cornel Vilcu, Eniko Vincze, Pier Virgilio Dastoli, Eleonora Voltolina, Milan Vračar, Granville Williams, Ashley Wong, Ján Záborský, Melanie Zagrean, Ludovic-Mohamed Zahed, Gabriella Zanzanaini.

#### **Thanks to the Citizens Pact partners for their support and help:**

Diaspora Progresista - Romanian Open Society Abroad (DP-ROSA), Europe Avenir, Let me vote, Strefa WolnoSłowa Foundation, OneEurope, Democracy International e.V., ECI: End ecocide in Europe, Theatre Entropia, Detention Action, Electoral Reform Society, Fundación Civilitar, ECI: Unconditional Basic Income, Public Policy Centre, Project for Democratic Union

#### **Thanks to all the organisations who contributed to the Citizens Manifesto:**

AFIES (Fundacion asistencial para la Formacion, Integrecion y Estudio), Ajutament de Barcelona, Alliance international de journalistes, Altramente, Amare Phrala, Amaro Drom, Amnesty International UK, Animo young left, ARCA - Centro Mantovano di Solidarietà Onlus, Archivio delle Memorie Migranti (AMM), ARCI, ARSIS Thessaloniki, Association pour l'Instauration pour le Revenu d'Existence, Associazione Class Action, Procedimentale, Associazione Dawa, Associazione di Promozione Sociale Vagalumeart, Associazione, Gli Anelli Mancanti Onlus, Associazione Scambieuropei, Associazione Studi Giuridici sull'Immigrazione (ASGI), Associazione Ya Basta, Basic Income Earth Network, BAAR (Be an Angel Romania), Cafe Babel, Campaign Against Homophobia (Poland), Campaign for Press and Broadcasting Freedom, Casa Eslava, Central European Labour Studies Institute, Centro Studi Alta Formazione e Ricerca "Pedagogicamente", Centro Studi per l'Alternativa, Comune, CEPS, Cercle des Voisins, CFJ, CGIL, CGIL Emilia Romagna, Cilap-eapn, CIME, Citizens for Europe, City of Byala Slatina (town of Bardarski Geran), CIVES, CIVILSCAPE, CLS/CGIL Modena, Collettivo Prezzemolo, Comisiones Obreras, Confederation of the Independent Trade Unions in Bulgaria, Cooperativa La Rupe Bologna, Cooperativa InOpera, Coordinamento SEL di Modena, Coordination EAU - Île de France, Corriere Immigrazione, CriticAtac, daSud, Democracia Real Ya, Desire Foundation, Disputacio Barcelona, Doxa Collective, Eau de Paris, ECAS, ECI L'eau (un droit humain), Economic Policy Institute, ENNA, Europanova, Europea house for culture, European Alternatives, European Association for the Defence of Human Rights, European Civic Forum, European Commission Representation in Bratislava, European House, European Youth Forum, EuropeDirect-CENTRAS, Fairwork, FIOM, Flare, FNSI, Fondation Charles Léopold Mayer, Food and water Europe, Fortress Europe, Friedrich Ebert Stiftung, Garante delle persone sottoposte a misure restrittive o limitative della libertà personale dell'Assemblea Legislativa Regione Emilia-Romagna, Gas, Generation Precaire, Greek Social Forum, Green European Foundation, Greens in London, Grupul pentru Acțiune Socială, Health of Romani People association, Herbc, Hotel Central in Cluj, Hors la Rue, Hungarian Europe Society, Il Fatto Quotidiano, Il Manifesto, Il nostro tempo è adesso, ILGA.InfoEuropa, Initiative and Referendum Institute Europe, Initiative Zivilgesellschaft, Iniziativa Feminista Europea, Institut Emile Vandervelde, International University College of Turin, Internocracy, Istituto Dirpolis - Scuola

Superiore di Studi Universitari e di Perfezionamento Sant'Anna, Istituto Italiano Fernando Santi, JEF Europe, Job for Job, La Centrale Générale (FGTB), La Confédération étudiante, L'apis coop, La Rupe, LasciateCIEntrare, Le Cercle des Voisins, Legambiente Onlus, les Indivisibles, Libera, Libertà e Giustizia, Ligna, Lunaria, Medici per i Diritti Umani Onlus, Migreurop, Missione Sviluppo, Movimento Federalista Europeo, Municipality of Fyli, Municipality of Naples, New Economics Foundation, Nikos Poulantzas Institute, Observatoire des Extrêmes Open Democracy, Open Society Institute, Osservatorio Europa. Our society, OXFAM Italia, Oxfam Wales, Pane e acqua, People's Supermarket, Permanent Forum of European civil society, Public work, Qui Va Payer, Red Renta Basica, Repubblica degli Stagisti, Rete della Conoscenza, Rete Lenford, Rete NEAR, Rete Primo Marzo, Rete della conoscenza, Rosa Luxembourg Foundation, Sbilanciamoci, Sinistra Ecologia Libertà, Servizio Rifugiati e Migranti della Federazione delle Chiese Evangeliche in Italia, Sì Rinnovabili No Nucleare, Social Spider, Società Cooperativa Lai-momo, Stalker, Strefa Wolnoslowa, Subversive Festival, Support for Youth Development, Take the square, Taula d'entitats del Tercer Sector Social de Catalunya, Teatro Valle Occupato, Terre des Hommes, Tilt, Toxic Europe, Transeuropa Network, Transform! Network, UCL, Ufficio Cooperazione e Solidarietà Internazionale del, Comune di Modena, Universidad Nomada, Upact, Women's Assembly of the 15M (Indignados) London Assembly, WPPS , Young European Movement.

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