

Civil Society Europe response to the EC consultation on EU citizenship and free movement

[1.Introduction](#)

[2. Democratic and Civic participation](#)

[2.1 Values of EU Citizenship](#)

[2.2 Civic participation in decision-making](#)

[2.3 Elections](#)

[3. Free movement](#)

[4. Summary of recommendations](#)

[EU Citizenship Values](#)

[Civic participation in decision-making](#)

[The right to vote](#)

[5. Acknowledgements](#)

[6. Contact](#)

1.Introduction

Civil Society Europe (CSE) brings together more than 30 European networks of civil society organisations (CSO) working towards regenerating the European project around the shared values of Equality, Solidarity, Inclusiveness and Democracy. Our main objectives: to facilitate and enable horizontal and vertical dialogue between European civil society organisations and policy-makers and help strengthening CSOs in their activities and relations with the institutions. The organisation was established in December 2014 in Rome at the close of the European Year of citizens as an initiative of organisations that had worked together in the European Year of Citizens Alliance. Its membership has grown since then to encompass the various sectors of civil society. CSE is an independent voice promoting a space for structured civil dialogue and citizen's participation at all levels.

CSE response builds on the work that had been achieved through the European Year of Citizens Alliance following a large and intense consultation of European, national and local organisations to produce 80 concrete recommendations to EU institutions and member States: [“It's about us, It's about Europe, Towards Democratic European Citizenship”](#).

In this response we will focus on two main issues: democratic and civic participation and free movement.

2. Democratic and Civic participation

2.1 Values of EU Citizenship

Fundamental rights at the core of all EU actions

We believe that the full enjoyment of civil, political, social, economic, and cultural rights is a fundamental prerequisite for an effective and meaningful active participation in society for all citizens .

Common values such as democracy, the rule of law and fundamental rights including non-discrimination, inclusion, tolerance and respect for diversity, on which the EU is founded, **should be at the core of all EU action and** be considered at the start of every **legislative proposal** and action.

Particularly now, at a time when such values are being challenged and undermined, it is critical that such values are promoted and are cherished in every stance of action. Civil Society Organisations see the urgency of opposing regressive populism which deny the legitimacy of equal access to rights for all by reiterating the power of living in an open and diverse society characterised by solidarity and based on human rights.

Further to recognising fundamental rights, we call on the European Commission to implement all necessary measures that allow each and everyone to benefit from those rights, in particular by facilitating access to citizen's services by marginalised, discriminated and socially excluded citizens.

Raising awareness of fundamental rights

Until now the EU has not done enough to raise awareness and promote these common values as well as the international human rights instruments it has concluded or the legal instruments it has adopted to implement them. **Future EU Communication campaigns should focus in priority on such values** since they are challenged and undermined. It is critical that in this context, **the EU steps up its work to combat negative stereotyping of marginalised and excluded groups including migrants**, notably by using the legal tools at its disposal, particularly where such discourse are promoted by authorities at all levels. Organised civil society works actively towards the implementation of these values through its action at local, national and European levels, has a far reaching network, and is able to contribute to any major EU campaign on these issues.

Furthermore EU institutions should **promote and support non formal, informal and multicultural education initiatives** as main vehicle for the realisation of citizen's empowerment and the promotion of active European citizenship.

CSE believes that it is critical to ensure access to quality citizenship education based on fundamental rights for all in both formal and non-formal educational settings, so as to allow everyone to be informed about their rights and responsibilities and promote participation in society.

Intercultural learning and dialogue helps preventing ethnic, religious, linguistic and cultural divides by promoting a constructive approach on the basis of shared values and to move from segregated communities to an open inclusive society.

In this context, **the European Union should support Civil society organisations that provide citizenship education** and it should issue a **recommendation to Member States for organising citizenship courses** based on the values described above **as part of the education curriculum, and also include a European dimension** .

2.2 Civic participation in decision-making

From consultation to active participation

The crisis that the EU is facing is also due to a lack of confidence of citizens in the European Union notably because of the adverse impact on them of the implementation of certain EU policies. Citizens find the functioning of the EU cumbersome, distant and undemocratic.

When adopted, **the Treaty on the Functioning of the European Union has introduced a major innovation: the concept of citizens' participation through its article 11**. Yet 8 years after its adoption, its provisions have failed to be implemented apart from the European Citizens Initiative although with limited results. The ability of citizens to be part of decisions beyond voting in elections is still very limited resulting in a double dissatisfaction with the policies themselves and with the lack of possibilities to influence decisions.

In order to redress this trend, **the EU must put in place a clear and structured framework for European civil dialogue allowing for a permanent and transversal dialogue**. Civil dialogue should be implemented by all relevant EU and national institutions at all levels of decision-making. In order to restore confidence, it is important that **citizens** have on one hand easy access to information concerning the decision-process both at EU level and through their elected representatives and their government, but on the other hand they **should also be able to take part in a meaningful way in such decisions**.

Citizenship can be exerted individually or through the participation to an organisation. Many citizens are part of an organisation or a group and it is also through them that they can express their opinions and make their contributions to society. **When the European Commission addresses citizenship, it should consider the voice of organised civil society**, meaning organisations that promote the human rights, social inclusion, and democratic participation, and should distinguish such voice from interest and lobby groups.

While online consultation is certainly a valuable tool to inform and reach out to individuals, it cannot be considered sufficient to interest and involve citizens neither individually nor collectively, including youngsters. **Innovative and creative information strategies are necessary to foster participation of citizens.** For instance digital interactive tools could be developed in order to involve citizens **on key EU level debates.** Civil society organisations that are already developing those tools could provide their expertise. Nonetheless it is important to note that **online platforms can only be complementary to other forms of participation and must be part of an overall structured process.**

CSE welcomes the fact that the review of the Minimum standards of consultation has been included in the Better Regulation Initiative as part of **the proposal for Stakeholders consultation guidelines,** and considers this as a step to implement article 11.3 of the TFUE: “the European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union’s actions are coherent and transparent”

Transparency and trust is fundamental to ensure a high quality of exchange and dialogue between the European institutions and citizens. The European Commission has made important efforts to ensure that documents for decisions including preparatory documents and roadmaps are available and that sufficient time is given for input. Also transparency on contributions and their analysis is provided. **Further effort should be made to clarify how the different contributions have been followed up and the timing and steps of the decision-making process. The end should not be the consultation itself.**

Consultations documents should be written in user-friendly language and easily accessible by all and contain as many open questions as possible. The Commission should also use a maximum of official languages so as to give all the possibility to take part (2002 Barcelona objectives).

Consultations should be developed so as to address not only individual citizens, but also organised civil society. This would allow to obtain representative and comparative individual responses, which otherwise can only be submitted as specific contributions. It is also not realistic for the European Commission to obtain on specific proposals for policies and legislations a sufficient number of responses from citizens of all member States so as to achieve a comparable sample.

A further step must be completed by **making the decision and negotiation process more transparent at all levels.** It is not enough to be given the opportunity to contribute, know who else has contributed and be able to have a summary of the process, but also **know if and how your contribution has been taken into account.**

An open, transparent and regular dialogue with Civil Society

The proposal for Stakeholder’s consultation guidelines does not include the definition and scope of what the Commission calls “broader interaction with stakeholders” (the Commission refers to meetings, exchanges, and existing permanent

platforms) and therefore **does not define nor structure the different mechanisms for interactive participation in decision-making and the establishment of budgets to allow for real participation.**

Article 11.2 “the institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society” **lacks specific measures to ensure its implementation.**

CSE believes that it is important to ensure that there is a **homogeneous and comprehensive consultation policy throughout all directorate generals** in particular as regards the organisation of meetings with civil society organisations.

Clear responsibilities for civil dialogue should be established within each directorate general and within different directorates, in order to facilitate and oversee its functioning.

In Directorate Generals where the preparation of legislation and policies involves consultation with member States only, and where no expert groups have been set up the procedure is particularly opaque. This is particularly problematic as it concerns issues that are of high relevance to citizens such as justice, asylum, human rights, employment, etc.

Furthermore the fact that social dialogue is in place in some areas should not prevent consultation with civil society organisations and their input should be considered complementary.

Moreover **civil society organisations should be involved on an equal footing with other stakeholders at all levels of decision-making.** This means revising the procedures that govern for instance expert groups. This over representation of corporate interests and the lack of transparency was raised through an Enquiry of the [European Ombudsman](#) which recommended in particular “to publish a call for applications for all expert groups, while continuing to proactively seek experts, and to create a single online portal for these calls”.

All EU institutions should set up mechanisms for participation of civil society, including the Council of the EU and the European Council.

The whole decision-making process should be transparent throughout from the first proposal to the final adoption in all the EU institutions involved, **ensuring access to all meetings where proposals are discussed and proposals for amendments.** In this sense we also welcome the European Ombudsman initiative to open an enquiry on the **transparency of trilogues.**

Gender balance in decision-making remains an objective to be reached, notably within the EU institutions. In addition, when organising public debates or when setting up stakeholder’s panels, the European Commission should further strive for gender balance.

CSE is also concerned by the limited participation of **discriminated, marginalised and excluded groups** in decision-making processes:

- **Outreach and awareness activities** to those groups are particularly important to ensure participation.
- **encouraging the participation** of representatives of these groups in consultation meetings both at national and EU level.

Involvement should happen at all levels and step of the decision-making procedure. **National Governments should also ensure transparency of their participation in decisions at the Council of the EU and allow for CSOs contributions in all EU matters.**

The functioning of mechanisms for participation in decision-making of civil society should be established through appropriate legal decision, include quality standards and be subject to regular review.

CSE calls therefore for the adoption of **an interinstitutional agreement to establish a permanent and stable framework for vertical, transversal and horizontal civil dialogue.**

Recognition of Civil Society Organisations

Civil society organisations promoting the public good are weakened in several countries by repeated threats to the freedom of association and the lack of financial sustainability.

The European Commission as guardian of the Treaty should be particularly vigilant to such situations and take appropriate measures at its disposal to **challenge responsible member States.**

Furthermore Article 11. 1 states explicitly that *“the institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action”.*

In the review and preparation of future multiannual financial framework and financial rules, provisions should be included as to facilitate the participation of civil society organisations at EU level. **A debate with civil society organisations should be put in place in order to identify budgetary priorities and to review existing funding instruments** so as address barriers faced by civil society organisations in their use.

The Commission should also include in its next work programme, the **adoption of the European Association Statute of** to ensure higher recognition, visibility and legitimacy of CSOs.

The European Citizen’s initiative

One of the innovations of the Treaty of the Functioning of the European Union was the establishment of a European Citizen's initiative, allowing *"one million EU citizens to participate directly in the development of EU policies, by calling on the European Commission to make a legislative proposal"*. Yet the implementation of this tool is disappointing. It is critical that **a thorough revision is of its functioning is made**. In particular:

- EU institutions should **simplify the procedures** to apply for an ECI to make this tool more accessible for citizens and civil society organisations
- the EC should **eliminate the application of any discretionary principle to evaluate and take into consideration successful initiatives**.

2.3 Elections

The participation in European elections is still low overall with disastrous rates in some EU countries. **The process itself and the link between the vote of citizens and the impact on the composition of the European Parliament and the nomination of key positions at EU level is still weak**. The creation of a "Spitzenkandidate" for the Presidency of the European Commission has contributed to greater transparency of the last EP elections, yet this has not happened in all countries, or across the political spectrum as political parties have preferred to give more visibility to the lead national candidate.

In addition debates prior to the vote are characterised by national policies issues, making it very difficult for voters to understand what are the issues at stake.

More fundamentally the distrust towards the European institutions is growing in the aftermath of the crisis and it can only be overcome by rebalancing the EU project through, as a first step, putting social and human rights issues at its core and by giving EU citizens a sense of ownership and belonging by reinforcing civic and democratic participation.

Another key issue is that **the right to vote is not guaranteed overall**. Despite the fact that EU citizenship gives every EU citizen the right to vote for and stand for as a candidate in municipal and European Parliament elections in whichever EU country they reside, under the same conditions as nationals, restrictions still exist to this right.

In this respect, **we welcome the initiative that the European Parliament has taken with the adoption last 11 November of a resolution on the reform of the electoral law of the European Union**, using article 223 of the TFUE in order to draw up a uniform procedure throughout the member States.

Several issues that the European Year of Citizens Alliance had drawn up in its recommendations have been included.

In particular we are pleased that a number of **proposed measures that are aimed at improving the transparency on the impact of the votes on the composition of the European Parliament** by for instance ensuring that **lists are headed by candidates to**

the Presidency of the Commission, putting the name and logos of the European political parties on ballot votes, political and information material and through media broadcasts, the establishment of common deadlines and procedures for the choice of candidates by national parties, as well as strengthening rules on the incompatibility of mandates.

In addition several proposals contribute to ensure access to the vote by EU citizens. The European Parliament is in favour of **granting the right to vote for all EU citizens living or working in a third country, as well as allowing postal, electronic and internet vote**. Finally a new article has been introduced to grant **gender equality in national electoral lists**.

Although all these measures are positive **we regret that the proposal** for a Council decision **does not include measures to ensure that all forms of voting** (through ballots, post, internet or electronic voting) as well as information **are made accessible for all**, including persons with disabilities. Moreover although the resolution calls for ensuring the **representation of minorities among the candidates, or lowering the right to vote to the age of 16, no concrete proposals** are included.

In addition **third country nationals that have been living in the EU and contribute therefore to the social, economic and cultural life still remain excluded from voting** in the EP elections. Furthermore not all restrictions have been addressed such as for those that are deprived of their legal capacity.

Moreover **many EU citizens that move to another EU country are denied the right to vote in national elections of their own country** of citizenship either because they are removed from the electoral lists after a certain number of years or because it is not possible for them to vote in their country of residence or through post or internet. We believe that such national regulations preventing the right to vote are in breach of the freedom of movement and should be therefore repealed.

Although **we welcome provisions to count the votes and advertise the anticipated results simultaneously in all member States**, we still believe that **the next European Parliament elections should be held on the same day**, so as to link more closely the national vote to the European end results.

Finally we believe that **in order to reinforce the European dimension of the elections, political parties should be encouraged to create transnational lists**.

3. Free movement

CSE would like to welcome the detailed questionnaire that was included in the consultation that shows an **increasing understanding of the obstacles that Europeans and in particular many vulnerable, marginalised and excluded citizens face**.

We would like to stress **in support of all our members contributions that appropriate measures must be taken to ensure that the right of free movement is enjoyed by all on an equal basis with others** by drawing particular attention in this context to marginalised, discriminated and excluded groups. Freedom of movement of persons is a fundamental right that all people in Europe should gain recognition of and should benefit from without discrimination.

CSE members have developed detailed position on barriers faced by citizens and notably those coming from marginalised, discriminated and excluded groups. **We invite the European Commission to develop the necessary measures to remove specific obstacles to access freedom of movement.**

The EU is faced with an unprecedented arrival of refugees and **in spite of international agreements, several member States have closed and fortified their borders and have taken measures in violation of their human rights obligations.** Such decisions have proven to be ineffective and contribute only to further strain on persons that are fleeing war and persecutions. We are also strongly worried about the populist, nationalistic and xenophobic discourse that is only exacerbating fears among citizens.

Numerous CSE members are engaged on the ground to welcome refugees. Based on the concrete experiences and obstacles that they face, **CSE has called for the development of coordinated and longer term policies through a holistic approach.**

Now more than ever a **structured dialogue between decision-makers and civil society organisations on the issue of refugees and asylum seekers and migration** must be put in place. This should be at both national and EU level in order to develop a long term response where actors from different fields and sectors play their appropriate role.

4. Summary of recommendations

EU Citizenship Values

Common values such as democracy, the rule of law and fundamental rights including non-discrimination, inclusiveness should be at the core of all EU action and legislative proposal.

We call on the European Commission to implement all necessary measures that allow each and everyone to benefit from these fundamental rights:

- Focus prioritarily all future EU Communication campaigns on common EU values: democracy, the rule of law and fundamental rights including non-discrimination, inclusion, tolerance and respect for diversity

- to step up its work to combat negative stereotyping of marginalised and excluded groups including migrants, and use the legal tools at its disposal to combat racist discourse
- to promote and support non formal, informal and multicultural education initiatives as main vehicle for the realisation of citizen's empowerment and including by supporting Civil society organisations that provide citizenship education
- issue a recommendation to Member States for organising citizenship courses based on fundamental rights and aimed at building an open and inclusive society. Such courses should include a European dimension as part of the education curriculum.

Civic participation in decision-making

All parts of Treaty Article 11 should be fully implemented by putting in place a clear and structured framework for European civil dialogue allowing for a permanent vertical, transversal and horizontal civil dialogue.

Calls on the European Commission to:

- consider the voice of organised civil society (organisations that promote the human rights, social inclusion, and democratic participation)
- Develop Innovative and creative information strategies in order to foster participation of citizens, including through the use of interactive online platforms on key EU debates, in cooperation with Civil society organisations, as complementary to other forms of participation and as part of an overall structured process.
- Develop a homogeneous and comprehensive consultation policy throughout all directorate generals.
- establish clear responsibilities for civil dialogue within each directorate general and within different directorates
- Ensure that civil society organisations are involved on an equal footing with other stakeholders at all levels of decision-making by revising procedures that govern expert groups in line with the recommendations of the [European Ombudsman](#).
- Develop proposals for “broader interaction with stakeholders” by defining and structuring the different mechanisms for interactive participation in decision-making and by establishing budgets to allow for real participation.

While welcoming the proposal for Stakeholders consultation guidelines calls the European Commission:

- To improve transparency and meaningful participation, clarify how the different contributions have been followed up and the timing and steps of the decision-making process.
- Write Consultations documents in user-friendly language, in a maximum of official languages and make them easily accessible by all.
- include in consultations as many open questions as possible
- Develop consultations so as to address not only individual citizens, but also organised civil society

CSE Calls on the EU:

- Define specific measures to ensure implementation of Article 11.2 “the institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society”.
- Calls on all EU institutions to set up mechanisms for participation of civil society, including the Council of the EU and the European Council.
- Make the whole decision-making process transparent throughout from the first proposal to the final adoption in all the EU institutions involved, ensuring access to all meetings where proposals are discussed and proposals for amendments, including trilogues.
- Calls for the adoption of an interinstitutional agreement to establish a permanent and stable framework for vertical, transversal and horizontal civil dialogue.
- Develop further measures as to reach gender balance in decision-making .
- Step up the participation of discriminated, marginalised and excluded groups in decision-making processes by developing Outreach and awareness activities and encouraging their participation both at EU and national level.

Calls on National Governments:

- to ensure transparency of their participation in decisions at the Council of the EU and allow for CSOs contributions in all EU matters.

Recognition of Civil Society Organisations

Civil society organisations promoting the public good are weakened in several countries by repeated threats to the freedom of association and the lack of financial sustainability.

Calls on The European Commission as guardian of the Treaty:

- to challenge member States that adopt measures that limit the freedom of association or the participation of civil society organisations
- to organise a debate with civil society organisations in order to identify budgetary priorities and to review existing funding instruments.

- to include in its next work programme, the adoption of the European Association Statute of to ensure higher recognition, visibility and legitimacy of CSOs.

The European Citizen's initiative

Calls for a thorough revision of the European Citizen's initiative, allowing *"one million EU citizens to participate directly in the development of EU policies"* by simplifying the procedures to apply, making it more accessible for citizens and civil society organisations, and by eliminating the application of any discretionary principle to evaluate and take into consideration successful initiatives.

The right to vote

Calls on the EU institutions :

- to adopt measures relating to European elections as to reinforce the link between the vote of citizens and the impact on the composition of the European Parliament and the nomination of key positions at EU level
- to ensure that the right to vote is guaranteed overall
- to consider the situation of third country citizens residing in the EU and contributing to its social, economic and cultural development, but deprived of the right to participate in European elections

CSE welcomes the initiative of the European Parliament on the reform of the electoral law of the European Union and in particular proposed measures that are aimed at improving the transparency on the impact of the votes on the composition of the European Parliament:

- by ensuring that lists are headed by candidates to the Presidency of the Commission
- by putting the name and logos of the European political parties on ballot votes, political and information material and through media broadcasts
- through the establishment of common deadlines and procedures for the choice of candidates by national parties
- by strengthening rules on the incompatibility of mandates.

CSE calls on the Council of the EU:

- to adopt proposals contributing to ensure access to the vote by EU citizens such as by granting the right to vote for all EU citizens living or working in a third country, as well as allowing postal, electronic and internet vote and to grant gender equality in national electoral lists.
- to include further measures to ensure that all forms of voting (through ballots, post, internet or electronic voting) as well as information are made accessible for all, including persons with disabilities.

- To develop concrete proposals to encourage the representation of minorities among the candidates, and lowering the right to vote to the age of 16.
- in order to reinforce the European dimension of the elections, we call on political parties to create transnational lists.

Calls on member States to:

- repealing all national regulations that prevent EU citizens that have moved to another country to vote in their national elections, regardless of their duration of stay
- Calls on organising the next European Parliament elections on the same day in all EU member States, so as to link more closely the national vote to the European end results.

Calls on the European Commission and Member States to:

- addressing restrictions to the right to vote due to the deprivation of the legal capacity in line with the international obligations.

Free movement

Welcomes an increasing understanding of the obstacles that Europeans and in particular many vulnerable, marginalised and excluded citizens face.

Calls on the European Commission:

- to take appropriate measures to ensure that the right of free movement is enjoyed by marginalised, discriminated and excluded groups on an equal basis with others
- to develop the necessary measures to remove specific obstacles to access freedom of movement as underlined by CSE members contributions.

Condemns decisions taken by some member States in spite of international agreements and in violation of their human rights obligations, to close and fortify their borders as a result of the unprecedented arrival of refugees.

Expresses worries about the populist, nationalistic and xenophobic discourse that is only exacerbating fears among citizens.

Calls on EU institutions:

- for the development of coordinated and longer term policies through a holistic approach
- for establishing a structured dialogue between decision-makers and civil society organisations on the issue of refugees and asylum seekers and migration.

5. Acknowledgements

This paper was prepared in consultation with all members of Civil Society Europe and in particular thanks to its [working group on Civil Society Recognition](#).

CSE contribution is complementary to its members responses. Please find [here](#) CSE members responses.

6. Contact

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