Brussels, 7 January 2000

CHARTE 4104/00

CONTRIB 4

INTRODUCTORY NOTE

Subject : Draft Charter of fundamental rights of the European Union
          - submission of the Permanent Forum of Civil Society

Please find hereafter a Draft European Citizen's Charter, submitted by the Permanent Forum of Civil Society.  

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2 This text has been submitted in French and English language.
European Citizens’ Charter
(Draft)

Preamble

This Charter constitutes the founding pact of a Community of Peoples and States reflecting the humanism characteristic of European civilization.

Presented on the 40th anniversary of the Treaty of Rome, it marks a turning point in the history of European construction.

It confirms the economic, social, cultural, civil and political rights of citizens of the Union. It also defines their duties.

This draft presented by the European Forum of Civil Society, in Rome on 22 March 1997, will be forwarded to the European Parliament for adoption and to the High Contracting Parties for ratification.

The Signatory States agree to annex this Charter as a Joint Declaration to the Treaty on European Union. They undertake to make its provisions their criteria for the evaluation and approval of the Union’s initiatives. They promise to ensure that the Treaty comes into force in accordance with the principles of the Charter.

Title I
A People’s Europe

Article 1 The Union is based upon the human individual.

The human individual is at the heart of the European undertaking.

The Union adheres to the International Convention on the Protection of Minorities and the International Convention on the Protection of Children. The Union protects the diversity of identity of all its inhabitants.

The Union is the guardian of a common good made up of all individual civil, economic and social rights. It cultivates the shared values of civilisation that are peace, dignity and respect for the human individual, democracy, freedom and the duty of solidarity.

**Article 2 European citizenship**

Citizenship entails complementary local, regional, national, European and worldwide dimensions, in line with the principle of subsidiarity.

Every citizen of any Member State is a citizen of the Union. Residents have the right to obtain the citizenship of the State where they reside. The Union shall ensure the harmonization of rights of access to national citizenship.

European citizenship has two principal components: civic and political, social and economic. These two elements of citizenship are indivisible. The Union shall endeavour to strengthen them jointly.

European citizenship resides on a European model of society which includes respect for the individual and for fundamental rights and a commitment to solidarity amongst its members.

**Article 3 Sovereign power**

Within the framework of the competences of the Union, sovereign power belongs to the citizens of the European Union.

**Article 4 The missions of the European Union**

The Union shall have the task of ensuring peace and democracy, balanced and sustainable development, economic and social cohesion, full employment and occupation and cultural development based on pluralism, dignity and respect for others.

4.1 **Sustainable human development**

The Union shall work to promote sustainable human development that is at once economic, social and ecological, giving each individual the opportunity to participate in an employment-creating economic and social life. Every individual is entitled to a healthy environment. The Union shall guarantee respect for the integrity of the human person in the environment and in the face of technological development, in particular with respect to biotechnology and the information society. The rights of future generations are recognized and protected in the Union.

Rejecting unrestrained competition and all forms of exclusion, this project is based on solidarity and equity in relations between Europeans and between Europe and other regions of the world.
The Union shall base its external activities, in particular its common foreign and security policy, on peace and the promotion of sustainable development, economic, social, cultural, civil and political rights, economic and social equity, equality between men and women and the fight against poverty and social exclusion.

In the context of Community policies and legislation, the Union shall respect the undertakings agreed at the United Nations Conferences on the Environment and Development (Rio, 1992), Human Rights (Vienna, 1993), the Population (Cairo, 1994), Women (Beijing, 1995), Social Affairs (Copenhagen, 1995) and the Habitat (Istanbul, 1996).

The Union shall ensure that the World Trade Organization guarantees the tying-in of social standards and trade on the basis of corresponding ILO conventions on forced labour, child labour and all forms of discrimination at the workplace, freedom of association and the right to collective bargaining. All trade cooperation treaties or agreements to which the Union shall become a contracting party must establish positive social and environmental clauses inciting respect for human and democratic rights.

4.2 A cultural project
The Union’s cultural and educational activities shall be built on both the diversity and richness of its cultural and linguistic heritage and recognition of a common heritage, and on a cultural community, shared values, respect for the arts and cultures of the peoples of Europe, cross-border cooperation and dialogue with other civilisations. Protection of the cultural and linguistic heritage are civic rights.

It shall promote the conditions enabling each individual to develop his cultural, civic, creative and cognitive abilities.

The Union shall assure the protection and development of the common European heritage composed of its natural resources and the environment and its natural, cultural and linguistic heritage, in all its diversity.

4.3 A European civic area
The Union is a representative and participatory democracy. It shall guarantee the balanced representation of men and women. It shall provide the means necessary for active participation, in particular through the democratization of knowledge of decision-making.

4.4 Security
The Union shall have the objective of ensuring the security of all its inhabitants by working in favour of the social integration of all and of protection of the environment and worldwide natural resources.

The Union shall also endeavour to protect citizens against all forms of crime which are a threat to security and the European civil area.
Title II
The European Civic and Political Area

Article 5  Civic and political citizenship
The equality of men and women is a fundamental principle of the Union. The Union prohibits all forms of racism and xenophobia. The Union and its Member States shall provide conditions of equality and freedom for men and women alike. The Union shall take measures necessary for the establishment of sanctions.

Every citizen of the Union, in exercising his civil, political, social and economic rights, is entitled to the diplomatic protection of the Union and its Member States, and to the consular protection of the Member States in accordance with international rules.

Democracy at the level of the Union is made up of two components: representation and participation.

Article 6  A representative democracy
The will of the citizens, the sovereign power; shall express itself directly at the level of the Union in particular through the election of the European Parliament and indirectly through the Council.

The European Parliament shall elect the European Commission, after consultation of the Council of the Union.

The Commission shall be accountable to Parliament and the Council. The President of the Commission may replace a Member of the Commission at the request of the European Parliament.

All of the Union’s legislation, constitutional and budgetary acts and international agreements shall require approval by the majority of Members of the European Parliament and the national governments meeting in the Council of the Union.

Article 7  A participatory democracy
All citizens and all representative organizations have the right to formulate and make known their opinions on every area of the Union’s competence. The Union shall guarantee the participation of all, in particular individuals and groups in a situation of poverty and social exclusion.

Practical implementation of rights and duties must not be limited to relations between the institutions and individuals. It also requires the presence of group players who stimulate the development of these rights and duties, explain them, defend them and implement them. Civil society is structured in this way.
The Union shall recognize organisations representing civil society as its permanent partners. It shall consult them regularly on all areas of Union citizenship, in particular on all Community acts related to civil, political, economic and social rights recognized by this Charter.

7.1 **Representation of citizens**
All European citizens have the right to vote and stand for election in European and local elections in their place of residence, irrespective of their nationality. The right to vote and stand for election in European and local elections shall be extended to all persons having resided legally in the European Union for five years. There shall be one method of voting for European elections. The voting method chosen shall include the right to cast a vote of preference amongst different individuals, since lists of candidates may be established on a transnational basis.

7.2 **The right to information, transparency and public enquiry**
The deliberations, proposals and legislative acts of all Union bodies, in particular the Council of the Union, shall be public.

The Union shall guarantee access to information in every area for which it has competence. The public and private mandates exercised by European officials and agents shall be public.

7.3 **The right to evaluation**
The Community’s plans, programmes, policies and budgets shall be subject to prior evaluation by the European Parliament in a procedure that is transparent, public, pluralist and adversarial, in line with the principles and rights recognized by this Charter. The European Parliament shall consult the Economic and Social Committee and the Committee of the Regions.

The Charter signatory States shall make such evaluation a prerequisite to their acceptance of proposals from the Commission.

7.4 **The right of legislative initiative**
This right may be exercised collectively by citizens of the Union, in accordance with the conditions laid down by a Community law.

7.5 **The right of popular consultation**
The exercise of this right by European citizens, following presentation of a petition which has obtained signatures in all the States of the Union, shall be governed by a Community law developed on the basis of existing national legislations and practices..

7.6 **The right to justice**
All European citizens and all individual residing in a Member State have the right to institute legal proceedings before the Court of Justice of the Union in cases of non-observance of Community legislation or of the rights and principles recognized by this Charter.

7.7 **The right of association**
The Union recognizes the right of association. It shall establish a statute of European association enabling European group players to participate in the life of the Union and, through social experimentation and innovation, to defend and implement the rights and duties of European citizenship. It shall involve them in regular assessment of its activities and policies. The Member States shall not restrict the right of association on grounds of the nationality of members.
Title III

The European social and economic area

Article 8  Social and economic citizenship

European citizenship entails economic and social rights which are an integral part of the objectives of the Union. The Union shall promote the right to human dignity, education, life-long training, paid employment, recognition of socially useful activities, a minimum income guaranteeing respect for human dignity, equitable working conditions and pay, retirement, housing, the professional and social integration of the disabled, social protection and the consideration of the interests of the family and of the child.

The need for social policies shall be implemented by means of a partnership between the public authorities and civil society.

European citizenship as defined above must lead every individual to participate fully in the economic and social life of the Union, his country of residence and his local communities.

8.1 Social Rights

The rights of citizens include those laid down in the revised Turin European Social Charter, the Community Charter of Workers’ Fundamental Social Rights and conventions of the International Labour Organization and the World Health Organization.

The rights of trade unions are guaranteed. Transnational rights of association, information, consultation, negotiation and action, including the right to strike, are part and parcel of citizens’ rights. The different bodies of the Union shall be responsible for developing European collective bargaining legislation.

Child labour and forced labour are prohibited in the European Union, as are all forms of trade in human beings.

8.2 Services of general interest

The Union is the guardian of solidarity and social cohesion. It shall establish to this effect public and social rules on the internal market and common development policies. Access of European citizens, at Union and Member State level, to services of general interest contributing to the objectives of equality, solidarity and social cohesion, is an integral part of the recognition and guaranteed exercise of the fundamental rights of the individual. Every European citizen shall be entitled in particular to a healthy environment, equal justice for all, education, health care and quality social services.
Title IV

Constitutional Pact

Article 9  Sanctioning of a Member State

In the event of an infringement of the principles of the present Charter, the Commission, the European Parliament, any Member State and any individual as defined in Article 7.6 may initiate proceedings before the Court of Justice of the Union, which is entitled to take sanctions.

Member State status shall be suspended by a vote of the European Parliament for any State found to be in serious infringement of the principles of this Charter. The infringement finding shall be made by the Court of Justice of the Union.

Article 10  Final and interim provisions

This Charter shall constitute the basis of a constitutional pact open to the Peoples and States of Europe willing to accept it. The Union and the Member States shall be charged with setting into place a constitutional process with the peoples of the Union.
(DRAFT) EUROPEAN CITIZENS’ CHARTER

Explanatory Memorandum

1. In spite of the historical, institutional and practical importance of the treaty, mere reading of it will never be enough to draw crowds of enthusiastic European Union supporters, nor will its revision. “The European Union must draw up a Charter of its own, clearly setting out the ideals on which it is based, its role and the values it hopes to represent.” (Vaclav Havel). That is the ambition of the draft European Citizens’ Charter.

2. The draft Charter is meant to establish a hierarchy of the Union’s values. Where the Union is perceived as primarily a “free-trade area”, “a market”, the Charter places men and women at the heart of the undertaking. It defines what constitutes the common good.

3. The Charter presented on the fortieth anniversary of the Treaty of Rome is meant to mark a turning point in European history. It proposes a new founding pact for a community of Peoples and States reflecting the humanism characteristic of European civilisation. It proposes the definition of a European model of society.

4. It asserts that sovereign power belongs to the citizens of the Union and not to the market or the technocracy.

5. It constitutes the basis of a constitutional pact open to the Peoples and States willing to accept it.

6. As noted in the report by the Committee of Wise Men, For a Europe of Civil and Social Rights, “the European Union must assert its identity more clearly, an identity that cannot be separated from citizenship. At this stage, citizenship of the Union as laid down in Articles 8 to 8E of the EC Treaty is lacking in substance.” The Charter develops the concept of European citizenship, recognizing its two principal elements: civil and political, social and economic. It is aimed at defining a frame of reference for the Union’s actions and laying down the bases of a future collective and democratic demarche: the constitutional process.

7. This Charter also concerns the definition of a European civil area. The text proposes an inter-linking between European representative democracy and European participatory democracy. The writing of the Charter itself puts this vision into practice: drafted at a forum bringing together more than 80 European organisations, the text was forwarded to the European Parliament with the request that it be debated, amended if necessary and adopted in a final version that would then be submitted to the States for ratification.
8. The Charter concerns the fundamental rights and duties resulting, on the one hand, from European citizenship and, on the other, extended in part to all individuals residing legally on Union territory but who are not citizens of the Union.

From the time of its creation, the Union has been a multinational, multicultural, multilingual and multireligious Community with a strictly secular nature. The Charter aspires to place its proposals on non-Union citizens residing legally on its territory within the framework of the geopolitical developments in which war and peace will be played out in the 21st century. Given the globalization of the economy, the communication technologies changing the world of work, the acceleration of population movements, the need to maintain a young population as a means of preserving the rights of retired Europeans, Europe must be given a strategy adapted to its new challenges. A “war of civilizations” must also be rejected. Civilizations considering foreigners to be their enemy either degenerate into barbarism or perish.

The Charter seeks to build bridges to other peoples and other civilizations. It plays the card of hospitality, integration, exchange and multiple memberships, convinced that this approach will best guarantee reciprocity and the economic and social future of Europeans and will make Europe the avant-garde of the future democracy without frontiers that will become a reality in the 21st century.

9. Social cohesion is at the heart of the challenges facing the Union and its identity. The Charter defines the initial elements of a social and economic citizenship. European citizenship encompasses economic and social rights that are an integral part of the objectives of the Union and which must make possible the full participation of every individual.

10. This Charter is the Charter of European Citizenship, and not simply of European Citizens’ Rights. In laying down the elements of European citizenship, the Charter is structured on the idea “that there are no rights without responsibilities, nor democracy without a sense of civic duty”. The need to take action to ensure the success of the European civil area and of European policies promoting social cohesion is reflected in and built upon strong commitments by civil society. The partnership with the new group players acting in civil society is recognized.

11. The Charter defines an ambitious project for Europe. It takes as its foundations the most advantageous provisions existing in the Member States and rejects the smallest-common-denominator strategy. The most favorable provisions in force in one or more Member States and incorporated into the Charter concern in particular the right to vote in European and local elections, the right of popular initiative and the right of popular consultation.

12. The Charter complements existing treaties that form the foundation of the European Union. Rights and obligations at European level come on top of the fundamental rights guaranteed at national level. The organisations submitting it to Parliament reiterate the imperative nature of the revision of the Treaty proper. They note that their concerns regarding employment, social rights and the fight against poverty and social exclusion imply inclusion in the Treaty of a platform of social and civil rights. It is also imperative for the Treaty to make co-decision with Parliament and majority vote the rule.
13. One of the roles of the Charter is the definition of standards for the *strategic assessment of Community programmes, projects and budgets*. The Charter signatory States shall ensure that the Treaty comes into force in accordance with the principles outlined in the Charter. The Charter signatory States must undertake to make such evaluation a prerequisite for their acceptance of proposals from the Commission.

14. Just as the revised treaty shall be submitted to a vote by the European Parliament, this Charter shall be forwarded to the European Parliament for debate, amendment and adoption. The Forum calls on the Member States wishing to sign the Charter passed by Parliament to *establish a link between the timing of the signature of the revised Treaty and the signature of the present Charter*. If necessary, as in 1985 and 1992 precedents, the Forum shall ask Member States to postpone the signature of the Treaty until the time of adoption of the present Charter by Parliament and its annexation to the Treaty as a Joint Declaration of the Charter signatory States.
New .eu Domain

Changed Web and E-Mail Addresses

The introduction of the .eu domain also required the web and e-mail addresses of the European institutions to be adapted. Below please find a list of addresses found in the document at hand which have been changed after the document was created. The list shows the old and new address, a reference to the page where the address was found and the type of address: http: and https: for web addresses, mailto: for e-mail addresses etc.

Page: 1 Type: mailto Old: mailto:fundamental.rights@consilium.eu.int
New: mailto:fundamental.rights@consilium.europa.eu