



2017/2069(INI)

9.11.2017

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Petitions

on EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union of Democratic Change
(2017/2069(INI))

Rapporteur (*): Csaba Sógor

(*) Associated committee – Rule 54 of the Rules of Procedure

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Petitions, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to the Commission communication of 31 January 2017 entitled ‘Strengthening Citizens’ Rights in a Union of Democratic Change – EU Citizenship Report 2017’ (COM(2017)0030),
- having regard to the Charter on Education for Democratic Citizenship and Human Rights Education,
- having regard to the results of the 2015 public consultation on EU citizenship conducted by the Commission, as well as to the results of the 2015 Eurobarometer surveys on electoral rights and on citizenship,
- having regard to the Treaty on European Union, the Treaty on the Functioning of the European Union and the EU Charter of Fundamental Rights (‘the Charter’),
- having regard to EU Regulation No. 1381/2013 of the European Parliament and of the Council on establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020,
- having regard to the Copenhagen criteria, and the body of Union rules that a candidate country must fulfil if it wishes to join the Union (the *acquis*),
- having regard to the hearings organised by the Committee on Petitions in 2016 and 2017, namely the joint public hearing co-organised with the LIBE and EMPL committees on ‘The situation and rights of EU Citizens in the UK’ held on 11 May 2017, the public hearing on ‘Obstacles to EU citizen’s freedom to move and work in the Internal Market’ held on 11 October 11 2016, the public hearing on ‘Fighting against discrimination and protecting minorities’ held on 4 May 4 2017, and the joint public hearing co-organised with the Commission (DGs Justice and Consumers) and the LIBE, AFCO and JURI committees on ‘Union citizenship in practice: our common values, rights and democratic participation’ held on 15 March 2016,
- having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States,
- having regard to the studies commissioned by Parliament’s Policy Department C in 2016 and 2017, at the request of the LIBE and PETI committees, entitled ‘Obstacles to the right of free movement and residence for European Union citizens and their families’,
- having regard to the conclusions of the Council of the European Union Nos. 9166/3/11 and 9167/3/11 of 9 June 2011 on the conclusion of the evaluation process and the technical readiness of Bulgaria and Romania to accede to the Schengen area,

- having regard to the notification given by the Prime Minister of the United Kingdom to the European Council on 29 March 2017 in accordance with Article 50(2) TEU,
 - having regard to its resolution of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union¹,
 - having regard to the Council of Europe’s Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,
 - having regard to the study commissioned by Parliament’s Policy Department at the request of the LIBE committees in 2016 entitled ‘Towards a Comprehensive EU Protection System for Minorities’,
 - having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
 - having regard to the UN Convention on the Rights of Persons with Disabilities, which was adopted in New York on 13 December 2006 and ratified by the EU on 23 December 2010,
 - having regard to the Commission communication of 15 November 2010 entitled ‘European Disability Strategy 2010-2020: A renewed commitment to a barrier-free Europe’ (COM(2010)0636),
 - having regard to the Commission communications on Roma integration (COM(2010)0133, COM(2012)0226, COM(2013)0454, COM(2015)0299 and COM(2016)0424), including the communication entitled ‘An EU Framework for National Roma Integration Strategies up to 2020’ (COM(2011)0173),
 - having regard to the Commission communication of 20 April 2016 entitled ‘Delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union’ (COM(2016)0230),
 - having regard to Directive (EU) 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC,
- A. whereas the Treaty of Lisbon brought great advances for the citizens of the Union by consolidating the rights and safeguards of EU citizenship, endowing the Charter of Fundamental Rights with legal value and bringing the area of freedom, security and justice into the EU’s legislative field;
- B. whereas the Treaty on European Union establishes that the Union should offer its citizens an area of freedom, security and justice;
- C. whereas, according to Article 21 of the Charter, any discrimination based on any ground, be it sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority,

¹ Texts adopted, P8_TA(2017)0102.

property, birth, disability, age or sexual orientation, is prohibited;

- D. whereas in defining and implementing its policies and activities, the European Union aims to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation; whereas the principle of non-discrimination is the primary expression of EU citizenship;
- E. whereas the right to equal treatment is one of the founding principles of the European Union and a fundamental right of all people; whereas, when laying down the citizenship of the Union, Article 9 TEU expressly mentions that the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies; whereas approximately 8 % of Union citizens belong to a national minority and approximately 10 % speak a regional or minority language; whereas there is no EU legal framework to guarantee their rights as members of a minority and they can be treated differently, depending on which Member State they live in; whereas there is a difference between the protection of minorities and anti-discrimination policies; whereas equal treatment is a basic right, not a privilege, of all citizens;
- F. whereas, according to the Commission's 2017 EU Citizenship Report, since 2012 a growing number of people have reported experiencing some form of discrimination;
- G. whereas equality bodies are key to combatting discrimination and ensuring the effective implementation of equal treatment legislation; whereas there is a lack of EU standards for national equality bodies that ensure that they have a sufficiently broad mandate and enjoy the financial and organisational independence needed to perform their tasks;
- H. whereas Union citizenship is additional to and does not replace national citizenship; whereas Article 20 TFEU provides that any person who holds the nationality of a Member State is also a citizen of the Union, with the rights and obligations enshrined in the Treaties and the Charter;
- I. whereas free movement is one of the four fundamental freedoms of the EU, enshrined in the Treaties as a cornerstone of European integration, and is one of the most valued rights of EU citizens;
- J. whereas the right to free movement and its exercise is central to EU citizenship; whereas EU citizens may still experience a number of persisting or new barriers to exercising their free movement and residence rights, such as excessive documentation requirements, burdensome procedures for obtaining residence rights, difficulties in accessing health services, or lengthy procedures for obtaining access to work or having professional qualifications recognised; whereas some European citizens have been subjected to expulsions or expulsion orders within the EU;
- K. whereas the creation of the Schengen area and the integration of the Schengen *acquis* into the EU framework greatly enhances freedom of movement within the EU and is one of the greatest achievements of the European integration process; whereas the Council of the European Union, in its conclusions Nos. 9166/3/11 and 9167/3/11 of 9 June 2011, confirmed the successful conclusion of the evaluation process and the technical readiness of Bulgaria and Romania to accede to the Schengen area;

- L. whereas security is one of EU citizens' greatest concerns; whereas the EU should make its citizens feel that their freedom is protected and their security ensured across its territory while ensuring that their freedoms and rights are equally respected and protected, whereas terrorism is a global threat that needs to be dealt with effectively at local, national and EU level in order to ensure the security of European citizens;
- M. whereas, according to the Commission's impact assessment accompanying Directive (EU) 2015/637, almost seven million EU citizens travel or live outside the EU in places where their own country does not have an embassy or consulate; whereas the number of unrepresented EU citizens is expected to increase to at least ten million by 2020; whereas EU citizens resident in the territory of a non-EU country where their Member State of origin does not have representation are entitled to the protection of the diplomatic and consular authorities of any other Member State on the same conditions as that state's nationals;
- N. whereas the Lisbon Treaty enhanced EU citizenship, including by introducing the European Citizens' Initiative (ECI) through which citizens have the possibility to ask for EU action; whereas the use of the ECI so far, while it has presented practical and legal challenges for organisers, has not met expectations as regards legislative impact;
- O. whereas experience shows that pre-accession countries are willing to respect the Copenhagen criteria on democracy, rule of law and fundamental rights and to advance the situation of minorities; whereas at present there is no adequate framework to guarantee the fulfilment of these criteria after accession and thereby protect EU citizens from the effects of breaches of the Copenhagen criteria;
- P. whereas at present the EU has, infringement procedures aside, tools of only limited efficacy for responding to systematic and institutional manifestations of discrimination, racism and xenophobia against minorities across the Member States; whereas infringement proceedings do not cover threats falling outside the scope of EU secondary law;
- Q. whereas Roma citizens of the EU make up the largest and most vulnerable minority group in the EU; whereas the Roma face multi-layered discrimination and social exclusion in Europe; whereas soft law tools, such as the EU Framework for National Roma Integration Strategies (NRIS), have played only a limited role in ensuring that Member States respect their obligations to comply with fundamental human rights standards on minority protection and addressing institutional manifestations of discrimination;
- R. whereas European citizens with disabilities still face many obstacles in getting access to the labour market, education and training, are at a higher risk of poverty and social exclusion than their peers without disability, and have difficulty in participating fully in society and enjoying their rights;
- S. whereas violence against women still occurs widely in the EU; whereas the EU and its Member States must take all necessary measures to promote and protect the rights of all women;
- T. whereas, according to Article 25 of the Charter, 'the Union recognises and respects the

rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life’;

- U. whereas the risk of disenfranchisement of nationals who move from their countries of origin to another Member State may inhibit EU citizens from exercising their right to move to and reside in another Member State;
 - V. whereas each state has the sovereign power to decide who its nationals are, within the limits of international law; whereas stateless persons are often at risk of detention and destitution; whereas there is a strong link between citizenship of the EU and statelessness owing to the possibility of access to or loss of EU citizenship by stateless persons who live in Member States, who are granted Member State nationality or whose Member State nationality is withdrawn;
 - W. whereas some of the most important consequences of the expected withdrawal of the United Kingdom from the European Union concerns the legal status, rights and duties of UK nationals living in the European Union, and of EU citizens living in the United Kingdom, from the moment the withdrawal takes effect;
 - X. whereas millions of citizens who have availed themselves of the right to live, establish a family, work, study and retire in the UK and in the EU 27, and have made defining life choices based on these rights, now face great uncertainties and anxiety regarding their future;
1. Calls on the Council of the EU and the European Council to allow all countries that fulfil the necessary technical criteria to become members of the Schengen area, thereby allowing all EU citizens to enjoy freedom of movement unhindered by border-checks;
 2. Calls on the Commission to regularly monitor the application of Directive 2004/38/EC in Member States and to take appropriate measures to remove potential obstacles to the freedom of movement; welcomes the e-learning tool on the right of free movement of Union citizens, which helps local authorities come to a better understanding of the rights and obligations that come with free movement;
 3. Recalls that EU legislation on security should be up to date, effective and efficient in preventing, detecting and reacting to evolving security threats; calls for the urgent implementation of the European Agenda on Security, better enforcement of existing EU legal instruments in this field, and more efficient information exchange and coordination among Member States and with EU agencies; welcomes the Commission initiatives to strengthen security cooperation between Member States, and fully supports more efficient information exchange among Member States and with EU agencies; stresses the importance of fully respecting fundamental rights in the fight against terrorism; emphasises that the harmonisation of internal and external EU action in the field of security is essential for the efficient protection of EU citizens;
 4. Calls on the EU institutions and Member States to intensify efforts to develop an effective and genuine security union that addresses all dimensions of the terrorist threat;
 5. Considers de-radicalisation and the prevention of radicalisation to be an absolute priority for the EU and strongly advocates the strengthening of specific cross-sectorial

programmes targeting education, voluntary and cultural activities, youth work and de-radicalisation programmes in institutions, local communities, civil society, religious communities and regional administrations; believes that a comprehensive policy in this field should be accompanied by long-term proactive de-radicalisation processes in the judicial sphere; stresses the need to develop strategies on social inclusion and policies tackling discrimination; calls on the Member States to address radicalisation holistically and to take advantage of the expertise of the Radicalisation Awareness Network set up at the initiative of the Commission; underlines that the prevention of radicalisation can also be supported through actions funded by EU programmes such as the European Structural and Investment Funds, Horizon 2020 and Europe for Citizens;

6. Stresses that the protection of fundamental rights is key to enabling EU citizens to fully participate in the democratic life of the Union; recalls its resolution of 25 October 2016 recommending the establishment of a comprehensive Union mechanism for democracy, the rule of law and fundamental rights¹ as an additional tool able to improve the protection and promotion of human rights –including citizenship’s rights – and to increase citizens’ trust towards the EU institutions;
7. Notes that EU citizens have a right to address the European Ombudsman, which is one of the main rights conferred by the European citizenship;
8. Recalls that in the period 1 January 2013 to 30 June 2016 the majority of complaints received by the European Ombudsman concerned an alleged lack of transparency, as highlighted in the Commission’s communication of 24 January 2017 entitled ‘On progress towards effective EU citizenship 2013-2016’ (COM(2017)0032); is convinced that transparency and integrity of the EU institutions is an essential condition to build trust and confidence vis-à-vis EU citizens, to bring citizens closer to the EU and involve them in its activities, and to allow them to fully enjoy and exercise their citizenship rights; points out that citizens should have access to all information necessary in this regard, and that this information should be presented in the most clear and comprehensible way; asks all EU institutions and bodies to address the still existing shortcomings in line with the provisions, amongst others, of Articles 9 and 10(3) TEU, Article 15 TFEU and Articles 41-42 of the Charter;
9. Notes that civic education and intercultural dialogue improves citizens’ understanding of the importance of social and political participation, while human rights education raises their awareness of their rights and teaches them respect for the rights of others; encourages the Member States to include education on democratic citizenship and human rights education in school curricula to equip learners with knowledge, understanding and skills, but also to empower them with the readiness to take action in society in the defence and promotion of human rights, democracy and the rule of law;
10. Calls for the full and effective implementation of Directive (EU) 2015/637 to ensure consular protection for EU citizens in third countries where their Member States are not represented;
11. Calls on the Commission to make a proposal for a new, more secure format for EU emergency travel document for unrepresented EU citizens outside the EU whose

¹ Texts adopted, P8_TA(2016)0409.

passport has been stolen, lost, destroyed or is temporarily unavailable, in order to guarantee that they can effectively travel back home;

12. Stresses that the ECI is an innovative tool for participatory democracy in the European Union through which citizens have the opportunity to articulate their aspirations and shape the development of EU policies; points out, however, that there are significant deficits in the functioning of the ECI that need to be addressed in order to make it more effective; expresses concern over the Commission's follow up of successful initiatives;
13. Stresses that victims of crime and terrorism must be guaranteed an appropriate level of rights without discrimination across the EU, and that they should be treated with respect and dignity and receive appropriate support in accordance with their individual needs and with the needs of their families; underlines that a growing number of European citizens have suffered terrorist attacks in a country that are not their own, and therefore urgently asks for the establishment of protocols in Member States to help non-national Europeans in the event of a terrorist attack, in line with Directive 2015/0281/EU on combatting terrorism; stresses the need for a specific directive on the protection of victims of terrorism;
14. Considers that in order to give substance to the references to minorities and to the equality of all EU citizens made in Articles 2 and 9 TEU, respectively, and in order to better reach the potential of EU citizenship, the EU must step up its efforts to guarantee the protection of the founding values of the EU and of the rights of minorities;
15. Highlights the fact that national, ethnic, religious and linguistic minorities in Europe have for centuries been living together with or alongside majority cultures; believes that compliance by the EU of the TEU requirement to respect, safeguard and enhance Europe's cultural and linguistic diversity in the EU, both among and within Member States, would greatly reinforce the links between citizens and the European project; believes that the EU should lay down high standards for minority protection, beginning with standards codified in international law instruments, such as those of the Council of Europe, and that these standards should be strongly embedded in a legal framework guaranteeing democracy, rule of law and fundamental rights across the EU; encourages all Member States to fully ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages without further delay, and to implement the Treaties in good faith; recalls as well the need to implement the principles developed in the framework of the OSCE;
16. Regrets the longstanding lack of progress on the 2008 proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation; reiterates its call to the Council to adopt the proposal as soon as possible;
17. Notes that the EU Regulation on establishing a Right, Equality and Citizenship Programme for the period 2014 to 2020 declares that, to achieve the objective set out in Article 3(3) TEU, the programme shall promote and protect the rights of the child;
18. Believes that the systematic discrimination of Roma citizens in their home countries, as well as the evictions and expulsions they suffer when exercising their right to free movement to and residence in another Member State, are contrary to the fundamental

right of non-discrimination on the basis of ethnic origin and the right to move to and reside in another Member State, thereby putting the foundations of EU citizenship rights to the test; calls on the Member States to carry out birth registration without discrimination, and to take immediate corrective measures to ensure identification of all their citizens in order to avoid that members of the Roma community are denied access to all the essential basic services; calls on the Member States to take active steps, through their local authorities, to ensure that every child is registered; calls on the Commission to assess and monitor the situation in Member States, share best practices on the identification and protection of people whose citizenship have not been recognised and have no access to identity documents, and to launch awareness-raising campaigns on the importance of birth registration;

19. Welcomes that the Commission's 2017 Citizenship Report stresses the need to increase and improve citizen's participation as a priority; notes with regret, however, that the report makes no reference to the right to petition, the right to refer to the European Ombudsman, the right to access documents or how to strengthen these rights;
20. Condemns all forms of discrimination and violence against lesbian, gay, transgender, bisexual and intersex people (LGBTI); encourages the Commission and the Member States to adopt laws and policies to combat homophobia and transphobia; encourages the Commission to come up with an agenda that ensures equal rights and opportunities on the grounds of sexual orientation and gender identity, while respecting the competences of Member States;
21. Expresses that free media and free access to an open internet are crucial elements of democracy;
22. Welcomes the signing on 13 June 2017 of the EU's accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence; regrets, however, that the limitation to two areas – matters relating to judicial cooperation in criminal cases, and asylum and non-refoulement – raises legal uncertainties as to the scope of the EU's accession; urges the Member States to speed up negotiations on the ratification and implementation of the Istanbul Convention; stresses that, in order to be more effective, measures combating violence against women should be accompanied by actions promoting the financial independence of women; calls on the Commission to further address gender-based economic inequalities and the issue of work-life balance;
23. Acknowledges that EU equal treatment legislation requires the establishment of national equality bodies; calls on the Commission to propose guidelines to the Member States on how such bodies should operate and how to guarantee them the independence, effectiveness, powers and resources – including EQUINET – they need in order to be able to address discrimination and promote equal treatment; calls on the national equality bodies, as well as EQUINET, to perform their tasks and strengthen their cooperation in terms of tackling discrimination and promoting equal treatment; recalls the importance of the Rights, Equality and Citizenship Programme 2014-2020 to further provide practicable support for anti-discrimination at grassroots level; calls on the Commission to adopt in a communication its strategic engagement for gender equality 2016-2019; recalls that the EU is based on the principle of equality between women and

men, and that such a principle can only be upheld if it is mainstreamed in all EU policies; notes the disproportionate impact of multiple discrimination on women; encourages the Member States to work with regional and local authorities, law enforcement bodies, national equality bodies and civil society organisations to increase monitoring of the intersectionality between different grounds of discrimination;

24. Calls on the Commission and the Member States, as signatories of the Convention on the Rights of Persons with Disabilities, to mainstream accessibility, participation, non-discrimination and equality concerns in EU legislation in order for European citizens with disabilities to enjoy their fundamental rights on an equal basis with their peers;
25. Calls on the Commission and the Member States to use all available financial, legislative and supporting tools to promote an age-friendly society and healthy ageing for European citizens, among others through inclusive labour markets, innovative and flexible work schemes, access to training, the availability of quality healthcare and the deployment of e-health products and services;
26. Take note of the European Solidarity Corps initiative, which creates opportunities for young people to volunteer or to work in projects in their own country or abroad, and welcomes the European Aid Volunteers initiative, which enables Europeans to take part in humanitarian assistance programmes worldwide;
27. Considers that citizens who move to and reside in another Member State should have the possibility to exercise their right to vote in the national elections of their country of origin; calls on Member States that disenfranchise nationals who choose to live for an extended period of time in another Member State to ease the conditions for these nationals and preserve their right to vote in national elections;
28. Reiterates its position that the safeguarding of the rights and interests of EU-27 citizens living or having lived in the United Kingdom, and of United Kingdom citizens living or having lived in the EU-27, must be treated as an absolute priority in the negotiations on the withdrawal agreement; considers, furthermore, that the obligations for the UK and the EU in this respect should be based on reciprocity, equity, symmetry, non-discrimination, fair treatment, as well as the full respect of the integrity of EU law, including the Charter of Fundamental Rights and its enforcement framework.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	06.11.2017						
Result of final vote	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">+:</td> <td style="text-align: right;">44</td> </tr> <tr> <td>-:</td> <td style="text-align: right;">6</td> </tr> <tr> <td>0:</td> <td style="text-align: right;">3</td> </tr> </table>	+:	44	-:	6	0:	3
+:	44						
-:	6						
0:	3						
Members present for the final vote	Asim Ahmedov Ademov, Gerard Batten, Monika Beňová, Malin Björk, Michał Boni, Daniel Dalton, Rachida Dati, Raymond Finch, Kinga Gál, Ana Gomes, Sylvie Guillaume, Monika Hohlmeier, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Claude Moraes, Péter Niedermüller, Judith Sargentini, Birgit Sippel, Csaba Sógor, Helga Stevens, Traian Ungureanu, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Auke Zijlstra						
Substitutes present for the final vote	Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Miriam Dalli, Gérard Deprez, Marek Jurek, Jeroen Lenaers, Elly Schlein, Barbara Spinelli, Axel Voss						
Substitutes under Rule 200(2) present for the final vote	Max Andersson, André Elissen, György Hölvényi, Karin Kadenbach, Peter Kouroumbashev, Julia Reda, Sofia Ribeiro, Bart Staes, Julie Ward, Wim van de Camp						

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

44	+
ALDE	Gérard Deprez, Filiz Hyusmenova, Sophia in 't Veld, Cecilia Wikström
ECR	Helga Stevens
GUE/NGL	Malin Björk, Barbara Spinelli, Marie-Christine Vergiat
PPE	Asim Ahmedov Ademov, Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Rachida Dati, Kinga Gál, Monika Hohlmeier, György Hölvényi, Barbara Kudrycka, Jeroen Lenaers, Roberta Metsola, Sofia Ribeiro, Csaba Sógor, Traian Ungureanu, Wim van de Camp, Axel Voss
S&D	Monika Beňová, Miriam Dalli, Ana Gomes, Sylvie Guillaume, Karin Kadenbach, Dietmar Köster, Peter Kouroumbashev, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Elly Schlein, Birgit Sippel, Julie Ward, Josef Weidenholzer
VERTS/ALE	Max Andersson, Julia Reda, Judith Sargentini, Bart Staes

6	-
EFDD	Gerard Batten, Raymond Finch, Kristina Winberg
ENF	André Elissen, Auke Zijlstra
NI	Udo Voigt

3	0
ECR	Daniel Dalton, Marek Jurek, Monica Macovei

Key to symbols:

+ : in favour

- : against

0 : abstention