



# CITIZENS TAKE OVER EUROPE

It's time to care. It's time to act. It's time to organise. If not us, then who?

## Citizens Take Over Europe report on recommendations of European Citizens' Panel 2

### *Disclaimer*

*In the document below, we share some responses to the [recommendations of European Citizens' Panel 2 on "European democracy / Values and rights, rule of law, security"](#). The document is the provisional outcome of a collaborative effort of members of the Citizens Take Over Europe coalition (CTOE). The views expressed below constitute CTOE's initial input for the Conference Plenary debate on these recommendations taking place on 21-22 January, while noting that not all views are necessarily shared by all CTOE members. Additionally, we want to note that the absence of a response on some of the recommendations does not mean that we as CTOE do not value said recommendations, nor that we value it less than other recommendations. The choice of recommendations is informed by the expertise that we as CTOE hold on the topics addressed by the recommendations, and our ability to reach a consensus on an initial written response within the limited time available. Any feedback on our initial responses, or any additional input on these or other recommendations, is highly appreciated, so that we can continue to develop this document in parallel to the work of the Conference Plenary. Please send this feedback to [info@citizenstakeover.eu](mailto:info@citizenstakeover.eu).*

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### **5. Independence of the media**

**ECP Recommendation: "In the actual context of many fake news, we recommend to promote more independent, objective and balanced media coverage by: 1. Developing at EU level a minimum standards directive for media independence. 2. Promoting at EU level the development of media competences for every citizen"**

**The EU must produce a directive to ensure the independence of the media and freedom of speech.**

CTOE Response: Citizens Take Over Europe welcomes the introduction of an EU directive aimed at guaranteeing the independence of the media and freedom of speech and the reduction of 'Fake News'.

We note that the Charter of Fundamental Rights guarantees a freedom to receive information and that plurality of the media shall be respected. Any such law would need to take account of these rights as well as the linguistic divisions of the media markets. Controls on ownership and market share for media organisations is

common across the world and are treated as market monopoly issues and thus sit within the competencies of the EU. We believe that any such directive on media independence must guarantee a right of reply and a duty of truthfulness. The issue of independence from politicians is more complex. We suggest that looking at this as a corruption issue for which the EU has competence might be a better way forward.

We believe an EU directive is an appropriate tool as it will require member state parliaments to implement any such regulation. The Commission's proposal for a Media Freedom Act is a welcome one, and we call on the Conference Executive Board to develop these recommendations into a consultation stage submission.

We note that other recommendations e.g. 12, 17, 26, 28, and 31 all seek to address misinformation, media monopoly, truthfulness, or other aspects of media regulation, and in two cases ask for a publicly-owned fact checking service and a reliability index. In order to combat misinformation, we suggest the promotion of media literacy including through formal and informal education.

## **10. Protecting rule of law / Sanctions**

**ECP Recommendation: “We recommend that the conditionality regulation (2020/2092, adopted on 16 December 2020) is amended so that it applies to all breaches of the rule of law rather than only to breaches affecting the EU budget”.**

**The conditionality regulation allows for the suspension of EU funds to Member States breaching the rule of law. However, under the current formulation it only applies to breaches that affect, or risk affecting, the EU budget. Furthermore, the current phrasing of the conditionality regulation is self-protective of the EU's budget and of the EU's institutions rather than the citizens of the Member States concerned. Therefore, we recommend changing the current text of the regulation so that it covers all violations of the rule of law.**

## **11. Protecting rule of law / Public conference on the rule of law**

**“We recommend that the EU organises annual conferences on the rule of law following the publication of the annual Rule of Law Report (the Commission's mechanism for monitoring compliance with the rule of law by the Member States). Member States should be obligated to send socially diverse national delegations to the conference that include both citizens and civil servants”.**

**This conference would foster dialogue among EU citizens on rule of law issues as well as dialogue between citizens and experts drafting the annual Rule of Law Reports. We believe that in an atmosphere of mutual appreciation and sharing the participants can take best practices and ideas back to their home countries. Furthermore, the conference would bring awareness and understanding to the principle of the rule of law and to the findings and process behind the annual Rule of Law Report. It would also capture the attention of the media, as well as allow citizens to share their experiences and compare them against the findings in the Report.**

**CTOE Response: Both recommendations on the rule of law are timely and highly important in the light of the delays in implementation of the Regulation No. 2020/2092, the Commission's Annual Rule of Law Report, and the obstructive behaviour of backsliding states. We fully agree that it is necessary to return to the original idea of the Regulation, which was much less restrictive in scope, to systematically defend the rule of law as a fundamental value of the EU. Protection of the rule of law cannot be reduced to mere budgetary matters and misspent funds, but has to be defended as essential for the quality of democracy in all EU member states.**

While the Commission's Annual Rule of Law Report is of great significance for addressing the rule of law crisis, which is why we agree with the citizens' recommendation on the call for a more 'bottom up rule of law' to strengthen the inclusiveness and transparency in how the reports are drafted. We criticise the rather descriptive nature of the reports (lacking critical bite), the tight deadlines involved in the submission of input, the limited scope (in particular with regard to the role of civil society in defending the rule of law on the ground) and the lack of inclusion of critical input presented by civil society organisations to the Commission in the final reports. We hence fully support the citizens' call for the broad inclusion of citizens in the procedure, but also want to stress the crucial nature of structural involvement of civil society organisations, in terms of input and of follow-up, regarding the monitoring of the rule of law and endangered civic space on the ground, and the evaluation of the Report's effectiveness.

## **16. Common election law and trans-national lists**

**ECP Recommendation: “We recommend adopting an election law for the European Parliament that harmonizes electoral conditions (voting age, election date, requirements for electoral districts, candidates, political parties and their financing). European citizens should have the right to vote for different European Union level parties that each consist of candidates from multiple Member States. During a sufficient transition period, citizens could still vote for both national and transnational parties”.**

**We recommend this because the European Union needs to build a sense of unity, which could be achieved by a truly unified election of the European Parliament. This common election will hold accountable the Members of the European Parliament and to focus the election campaign on shared European topics.**

CTOE Response: We welcome the fact that citizens do not merely indicate the need for transnational lists, which could be realised by leaving the party system intact, but argue in favour of truly transnational parties. The latter would need a revision of the Regulation on the statute and funding of European political parties and European political foundations to allow for parties organized on the European level, instead of deriving from alliances of existing national parties. This is also reflected in the citizens' proposal to unify European electoral conditions, which, in the light of the above, would need to explicitly revise the Electoral Act. The citizens however also express support for the idea of a dual vote, one for national and one for transnational constituencies, which is in line with the idea of transnational lists. We suggest prioritising the idea of European political parties as the most effective way of stimulating European democracy, creating real political competition at the European level and effectively allowing European citizens to participate in European politics, rather than a process of aggregation of the vested interests of national parties. Any system would need to take into account the Charter of Fundamental Rights and people's right to freely associate (Article 12).

## **18. Pan-European referendums**

**ECP Recommendation: “We recommend that there should be an EU-wide referendum in exceptional cases on extremely important matters to all European citizens. The referendum should be triggered by the European Parliament and should be legally binding”.**

**There should be more direct influence of EU citizens on important decisions on EU-wide matters. However, referendums should only be held in exceptional circumstances because the costs are too high to hold them regularly. We are aware that this recommendation might require a treaty change and the adaptation of national constitutions.**

CTOE Response: We welcome the introduction of EU wide referendums and welcome the recommendation that citizens should be able to directly influence important decisions on EU-wide matters. However, we disagree on the frequency and mode in which pan-European voting should be triggered.

We recommend that referendums must be triggered from the bottom up, as is the case already at many national, regional and local levels in the EU, so that citizens may scrutinise newly proposed legislation as well as propose new legislation themselves. Citizens should be able to define and decide when a European vote is needed via the use of democratic mechanisms, namely the European Citizens' Initiative. A change to the treaties by the EU institutions should trigger an obligatory pan-European referendum in order to allow citizens to have a final say on the proposed treaty amendment.

Referendum topics must be in line with European values and must not be discriminatory or contrary to human and civil rights. We believe that any referendum mechanism requires safeguards to guarantee the voices of smaller countries, ethnic, and national minorities.

Preceding each referendum, an accountable and representative European Citizens' Assembly must be held about the matter at stake to trigger a wider public debate and to prevent polarisation among opposed political forces. An equal-sided information and awareness-raising campaign is also required.

As this recommendation would require amendments to the EU treaties, we recommend that the EU institutions launch a treaty change process to discuss in greater depth, together with citizens and external experts, the possible legal introduction of EU referendums including the modes and frequency in which they are to be held.

### **35. Citizen participation / EU Constitution**

**ECP Recommendation: "We recommend that the EU reopens the discussion about the constitution of Europe with a view to creating a constitution informed by the citizens of the EU. Citizens should be able to vote in the creation of such a constitution. This constitution in order to avoid conflict with the member states should prioritize the inclusion of human rights and democracy values. The creation of such a constitution should consider previous efforts that never materialized to a constitution".**

**Because this constitution would engage young people with politics at the EU level and counteract increasing forces of nationalism. Because it would provide a common definition of what is meant by democracy in Europe, and make sure that this is implemented in an equal way amongst all member states. Because the EU has shared values regarding democracy and human rights. Because this would enable citizens to be included in the decision making process, and allow citizens to identify more as being from the EU - having participated in the process.**

CTOE Response: We welcome the citizens' call for returning to a European-wide debate on a political constitution for the EU. We suggest a robust citizen input in the drafting of the procedures for a Constitutional Convention, the inclusion of citizens (including marginalized groups and minorities) in the assembly that deliberates and drafts the constitution, and to give citizens a final say by means of a pan-European referendum. The referendum to confirm the final European Constitution will create a genuine "European moment" of voting that unites all citizens as European and member state citizens at the same time. Only one vote is cast by citizens as European and member state citizens simultaneously without any split of citizens' personality in their dual identity. This kind of double-majority will ensure maximum inclusion of as many EU citizens and EU member states as possible while still conducting a democratic majority decision.

The direct vote on a European constitution should be preceded by an intensive and at least two years long deliberation process based on a Convention (Art. 48 TEU) coupled with a systematic application of randomly selected European Citizens' Assemblies. In contrast to previous failed constitutional attempts, it is publicly agreed from the outset that the outcome of the Constitutional Convention will ultimately be put to a vote by EU citizens in an EU-wide referendum.

Member States whose citizens do not vote with a majority in favour of an EU constitution can vote on it again if the majority of EU citizens and member states have voted in favour. If there are no majorities among EU citizens and member states, the Constitutional Convention will continue at least one more time to improve the draft constitution and put it to a vote again.

### **39. Citizen participation / European Citizens' Assembly**

**ECP Recommendation: “We recommend that the European Union holds Citizen’s Assemblies. We strongly recommend that they are developed through a legally binding and compulsory law or regulation. The citizens' assemblies should be held every 12-18 months. Participation of the citizens should not be mandatory but incentivised, while organised on the basis of limited mandates. Participants must be selected randomly, with representativity criteria, also not representing any organisation of any kind, nor being called to participate because of their professional role when being assembly members. If needed, there will be support of experts so that assembly members have enough information for deliberation. Decision-making will be in the hands of citizens. The EU must ensure the commitment of politicians to citizens' decisions taken in Citizens' Assemblies. In case citizens' proposals are ignored or explicitly rejected, EU institutions must be accountable for it, justifying the reasons why this decision was made”.**

**We recommend the implementation of Citizens' Assemblies because we want that citizens feel closer to EU institutions and that they contribute directly to decision-making hand to hand with politicians, increasing the feeling of belonging and direct efficacy. Furthermore, we want political parties and their electoral programs to be accountable to citizens.**

CTOE Response: We strongly welcome the recommendation and call for randomly-selected citizens' assemblies to continue meeting, deliberating, and drafting policy proposals on EU-wide issues. Citizens Take Over Europe recommends that a permanent European Citizens' Assembly, with regularly changing members in rotating host Member States be established as part of the EU decision-making process. The Assembly should meet to deliberate when citizens call for it to convene, such as on the basis of a successful European citizens' initiative.

A European Citizen's Assembly must be supported by its own consultation process. We note that the success of Citizen's Assemblies around the world is often based on their location in communities and their informal social accountability to their home communities. Without such a social root, the citizens' assemblies will be ineffective and ignored. We support proposals to ensure that subsidiarity is exercised by all member states ensuring that decisions are taken as close to the citizens as possible and that subsidiarity does not stop at the member state government and parliaments.

Taking the lessons from the European Citizens' Panels, marginalised communities, including EU residents without EU passports, undocumented people and non-binary people, should be proportionally represented or even overrepresented among the panel members in order to ensure their adequate inclusion and to prevent tokenism. Autonomous deliberation among people from marginalised and dominant groups should be facilitated in addition to mixed group deliberation.

We recommend setting up an independent, publicly financed Advisory Board of members of the Citizens' Assembly, representatives of a respective European citizens' initiative (if triggered by a citizens' initiative), and other independent actors. The Advisory Board should have a say in designing the process, helping shape the work program of the Citizens' Assembly, ensuring sufficient time for deliberation, deciding on the selection method applied for random citizens, guaranteeing an inclusive sample, and ensuring a balanced composition of the expert panel. The Advisory Board shall ensure a proper follow-up of a Citizens' Assembly and make all necessary information and data available to the assembly members.

We agree that EU institutions must be accountable to the proposals of the Citizens' Assembly by requiring EU institutions at the very least to state in writing the reasons for accepting or rejecting the proposals of the assembly.

## **A1, Non-discrimination / Gender equality**

**ECP Recommendation: “We recommend the EU to actively include minorities in policy-making regarding key aspects of state institutions (e.g. police and NGOs). We recommend the EU should establish an advisory board, directly elected by minorities. The composition should be predominately by minority representatives with NGOs also present. It should have a formative role in training civil servants to care for the needs of minorities. This body should have a veto right on minority issues”. We recommend this because the voices of minorities are not heard enough. They should speak on their own behalf, self-determined and at a professional level which is why we combined representation by voting and expertise.**

CTOE Response: We strongly support the spirit of this recommendation and object to the fact that it has not been adopted by the panel, despite having the support of 62% of the participants. If marginalised communities had been adequately represented within the European Citizens' Panels, as we repeatedly called for (see our [press release](#) on 7 May 2021, our joint [letter to the Executive Board](#) on 19 June 2021, and our joint [letter to the Conference Plenary](#) on 20 October 2021), we are confident that it would have easily passed the threshold of 70% support among the Citizens' Panel participants.

We agree with Citizens' Panel participants that it is of crucial importance to amplify the voices of marginalised communities in EU political participation and reform processes, so that the lived experiences of people most affected by racism, sexism, classism, ableism and other systems of oppression are at the centre of concern when problems are analysed and solutions are proposed. In the absence of their central involvement, any EU reform process is bound to fail by reproducing the very systems of oppression that lie at the root of the societal problems that the EU is supposed to address.

In line with the recommendation, we call for the establishment of an EU Advisory Board on Participation and Inclusion of Marginalised Groups. This Panel should be composed of people with a wide variety of lived experiences of oppression and a proven track record of organising and engaging marginalised communities, also representing people with experiences of multiple and intersecting forms of oppression and discrimination. The Advisory Board's mandate is to ensure that the voices of marginalised communities are heard and centred in all EU decision-making processes. In order to realise this, the EU institutions are obliged to pro-actively consult with the Advisory Board while designing participation, consultation and evaluation processes and instruments related to EU decision-making, as well as EU funding instruments and programmes. Additionally, the Advisory Board monitors and reviews the implementation of such processes and instruments. The EU institutions should be legally bound to respond to questions from or recommendations by the Advisory Board in a timely, exhaustive and detailed manner. Finally, the Advisory Board should be involved in developing an EU

Strategy for including and centering marginalised communities in EU decision-making in partnership with the European Commission, the European Parliament and the Council. As part of this strategy, the EU should dedicate significant resources to enclave deliberation and civil society engagement with marginalised communities. Advisory Board members are fully remunerated for their time and work, which they may do part-time in addition to other professional activities. The Advisory Board should be supported by a Secretariat.