



Bu proje Avrupa Birliđi ve Türkiye Cumhuriyeti tarafından finanse edilmektedir

“European Union” Training Course “Campaigning & Mobility” Training Course

YOUTH AND EU VALUES TOOLS AND RESOURCES

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YOUTH AND EU VALUES TOOLS AND RESOURCES

Fundamental rights

European citizenship/ Participation





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Fundamental Rights



The EU is based on the values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.





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Fundamental Rights

- The European Union (EU) Member States have a tradition of safeguarding fundamental rights. The EU itself is built on these values and is committed to guaranteeing the rights proclaimed in the Charter of Fundamental Rights of the European Union. The European Union Agency for Fundamental Rights (FRA) was set up as an independent body to support this endeavor.
- Despite this heritage, many challenges prevent the delivery in practice of fundamental rights. Through the collection and analysis of data in the EU, the FRA assists EU institutions and EU Member States in understanding and tackling these challenges. Working in partnership with the EU institutions, the EU Member States and other organisations at the international, European and national levels, the FRA plays an important role in helping to make fundamental rights a reality for everyone living in the EU.





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Fundamental Rights - The charter

- The Charter of Fundamental Rights recognises a range of personal, civil, political, economic and social rights of EU citizens and residents, enshrining them into EU law.
- In June 1999, the Cologne European Council concluded that the fundamental rights applicable at European Union (EU) level should be consolidated in a charter to give them greater visibility. The heads of state/government aspired to include in the charter the general principles set out in the 1950 European Convention on Human Rights and those derived from the constitutional traditions common to EU countries. The charter was drawn up by a convention consisting of a representative from each EU country and the European Commission, as well as members of the European Parliament and national parliaments. It was formally proclaimed in Nice in December 2000 by the European Parliament, Council and Commission.
- In December 2009, with the entry into force of the Lisbon Treaty, the charter was given binding legal effect equal to the Treaties.





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Fundamental Rights - Content of the charter

The Charter contains a preamble and 54 Articles, grouped in seven chapters:

- chapter I: **dignity** (human dignity, the right to life, the right to the integrity of the person, prohibition of torture and inhuman or degrading treatment or punishment, prohibition of slavery and forced labour);
- chapter II: **freedoms** (the right to liberty and security, respect for private and family life, protection of personal data, the right to marry and found a family, freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association, freedom of the arts and sciences, the right to education, freedom to choose an occupation and the right to engage in work, freedom to conduct a business, the right to property, the right to asylum, protection in the event of removal, expulsion or extradition);
- chapter III: **equality** (equality before the law, non-discrimination, cultural, religious and linguistic diversity, equality between men and women, the rights of the child, the rights of the elderly, integration of persons with disabilities);





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Fundamental Rights - Content of the charter

- chapter IV: **solidarity** (workers' right to information and consultation within the undertaking, the right of collective bargaining and action, the right of access to placement services, protection in the event of unjustified dismissal, fair and just working conditions, prohibition of child labour and protection of young people at work, family and professional life, social security and social assistance, health care, access to services of general economic interest, environmental protection, consumer protection);
- chapter V: **citizens' rights** (the right to vote and stand as a candidate at elections to the European Parliament and at municipal elections, the right to good administration, the right of access to documents, European Ombudsman, the right to petition, freedom of movement and residence, diplomatic and consular protection);
- chapter VI: **justice** (the right to an effective remedy and a fair trial, presumption of innocence and the right of defence, principles of legality and proportionality of criminal offences and penalties, the right not to be tried or punished twice in criminal proceedings for the same criminal offence);
- chapter VII: **general provisions.**





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Fundamental Rights - Scope

- The charter applies to the European institutions, subject to the principle of subsidiarity, and may under no circumstances extend the powers and tasks conferred on them by the Treaties. The charter also applies to EU countries when they implement EU law.
- If any of the rights correspond to rights guaranteed by the European Convention on Human Rights, the meaning and scope of those rights is to be the same as defined by the convention, though EU law may provide for more extensive protection. Any of the rights derived from the common constitutional traditions of EU countries must be interpreted in accordance to those traditions.





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EU CHARTER OF FUNDAMENTAL RIGHTS

When does it apply and where to go in case of violation?

THE CHARTER DOES NOT APPLY

Fundamental rights are guaranteed by national constitutional systems and their obligation under the European Convention on Human Rights.

When the fundamental rights issue does not involve the implementation of EU legislation, the Charter does not apply.

NATIONAL COURT

EUROPEAN COURT OF HUMAN RIGHTS

STRASBOURG



FUNDAMENTAL RIGHTS VIOLATION BY A MEMBER STATE

When the fundamental rights issue involves the implementation of EU legislation, the Charter applies. (e.g. a national authority applies an EU regulation)

NATIONAL COURT

REFERRAL BY NATIONAL COURT



RULING ON THE APPLICATION OF THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

THE CHARTER APPLIES

INFRINGEMENT PROCEDURE





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Fundamental Rights - Rights of the Child



Protection and promotion of the rights of the child is one of the objectives of the European Union. All policies and actions with an impact on children must be designed, implemented and monitored in line with the best interests of the child.

<http://ec.europa.eu/0-18/>





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Fundamental Rights - Racism and xenophobia



The Commission rejects and condemns all forms and manifestations of racism and xenophobia . They are incompatible with the values and principles upon which the EU is founded.

The EU has introduced and initiated a broad set of measures to combat different forms and manifestations of racism and xenophobia.





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Fundamental Rights - Dialogue with churches, religious associations or communities and philosophical and non-confessional organisations



The dialogue allows for an open exchange of views between EU institutions and important parts of European society on EU policies. It was established in the beginning of the 1990s by EU Commission President Jacques Delors and offers an opportunity to engage in the European policy making process. Currently the dialogue is under responsibility of the First Vice President Timmermans





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Fundamental Rights - Resources

European web site on integration

<https://ec.europa.eu/migrant-integration/>

European Agency for Fundamental Rights

<http://fra.europa.eu/en>

European Institute for Gender Equality

<http://eige.europa.eu/>

Human Rights for Democracy Network

<http://www.hrdn.eu/>

European Charter on Fundamental Rights (Turkish)

<http://avrupa.info.tr/tr/ab-ve-sivil-toplum/haklar-bildirgesi.html>





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Citizenship – Free Movement and Residence

- **Citizens of the EU and their family members have the right to move and reside freely within the territory of the EU, subject to certain conditions.**
- This right is conferred directly on every EU citizen by [Article 21 of the Treaty](#) on the Functioning of the European Union.

As specified in a [Commission directive from 2004](#) , the following rules apply:

- EU citizens can reside on the territory of another EU country for **up to three months** without any conditions other than the requirement to hold a valid identity card or passport;
- To reside in another EU country for **more than three months**, EU citizens are required to meet certain conditions depending on their status (i.e. worker, student, etc.) and may also be required to meet certain administrative formalities;
- EU citizens can acquire the right to **permanent residence** in another EU country after legally residing there for a continuous period of five years;
- The **family members** of EU citizens have the right to **accompany or join** them in another EU country, subject to certain conditions.





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Citizenship – Electoral right

- **EU citizenship gives every EU citizen the right to vote for and stand as a candidate in municipal and European Parliament elections in whichever EU country the citizen resides, under the same conditions as nationals.**

European elections

The right to vote and to stand as a candidate in elections to the **European Parliament** has the following limitations according to an [EU directive from 1993](#) :

- You may not vote in more than one EU country in the same European elections;
- EU countries may require an additional period of residence for participating in European elections, if more than 20% of the eligible voting population are non-nationals.
- Each EU country decides on the procedures of its election, but there are common principles that govern elections to the European Parliament. MEPs are elected on the basis of proportional representation, by direct universal suffrage, and by a free and secret ballot.
- The Court of Justice confirmed that it is up to EU countries to regulate aspects of European Parliament electoral procedure not harmonised at EU level.
- However, they must respect EU law and its general principles; notably equality of treatment and non-discrimination, but also democracy and fundamental rights.





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Citizenship – Complaints and petitions

Petition to the European Parliament and complaint to the European Ombudsman

A petition to the European Parliament and a complaint to the European Ombudsman are official channels of concern for anyone living in an EU country.

European citizens repeatedly call on European Union institutions to remain open to their concerns. [Petitions](#) are a valuable means of enabling individuals to obtain a formal hearing by the EU institutions, establishing a direct link between them and their elected representatives. It also brings to the European Parliament's attention infringements or incorrect implementation of EU legislation so that action can be taken to remedy matters or areas where EU legislation may need to be reviewed.

European citizens can also refer to the European [Ombudsman](#) any case of alleged maladministration by the EU institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role, directly affecting them.

Who can issue complaints and petitions?

Anyone living in an EU country, whether as a European citizen or as a resident, or any entity having its registered office in an EU country:

can [petition the European Parliament](#) ; can [complain to the European Ombudsman concerning instances of maladministration](#) ;

is entitled **to receive a response** from the Council, the European Commission, the [Court of Justice](#), the [Court of Auditors](#) , the [Economic and Social Committee](#), the [Committee of the Regions](#) or the Ombudsman in any one of the official languages.





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Citizenship – Consular protection

What happens to an EU citizen in a country outside the EU where there is no embassy or consulate of his/her own EU country? He/she is entitled to request the consular protection of any other EU country under the same conditions as the nationals of that country. Moreover, measures are being taken to further reinforce consular protection for EU citizens.

Consular protection for EU citizens outside the EU - protection rights of EU citizens

Any EU citizen in a non-EU country where his/her own national state has no representation is entitled to protection by the diplomatic or consular authorities of any other EU state. EU citizens are entitled to protection under the same conditions as the nationals of that country.

What kind of assistance is provided?

- assistance in cases of death;
- assistance in cases of serious accident or illness;
- assistance in cases of arrest or detention;
- assistance to victims of violent crime;
- the relief and repatriation of distressed Union citizens.





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Participation – European citizens initiative

- The **European citizens' initiative** allows **one million EU citizens** to participate directly in the development of EU policies, by **calling on the European Commission to make a legislative proposal**.
- In order to launch a citizens' initiative, citizens must form a "**citizens' committee**" composed of at least 7 EU citizens being resident in at least 7 different member states.
- The citizens' committee must register its initiative on the website before starting to collect statements of support from citizens. Once the registration is confirmed, organisers have **one year to collect** signatures.
- The Commission will carefully examine the initiative. Within 3 months after receiving the initiative:
- The organisers will have the opportunity to present their initiative at a **public hearing** in the European Parliament
- the Commission will adopt a formal response spelling out what **action it will propose in response** to the citizens' initiative, if any, and the **reasons** for doing or not doing so.

<http://ec.europa.eu/citizens-initiative/public/welcome?lg=en>





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Citizenship/Participation – Structure Dialogue

- The structured dialogue is a means of mutual communication between authorities and young people ».**
- « The dialogue is structured in terms of themes, time and space, to ensure a substantial debate with policy makers ».**
 - « The aim is to get young people's contribution towards the formulation of policies relevant to young people's lives ».**





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Citizenship/Participation– Structure Dialogue

- The white paper on Youth (2001):
Promoting Active citizenship
- The Commission’s plan D for Democracy, Dialogue and Debate (2005):
“...give citizens – particularly the young – the tools to actively participate in the European decision shaping process and to reinforce their sense of ownership of the European project.”
- Several other policy documents





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Citizenship/Participation – Structure Dialogue

Local, regional and national level:

- Activities under the Erasmus+ - KA3
- Other events and activities

EU level:

- Presidency youth events
- European youth weeks

The formally adopted conclusions of these events should be subject of political discussions with EU institutions.





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Funding programs/opportunities

DG Home Affairs

[The Asylum, Migration and Integration Fund \(2014-2020\)](#) - ["Europe for Citizens" funding programme \(2014-2020\)](#)

DG Justice

[Call for proposals](#) to support activities on anti-discrimination and Roma integration (open until 7 July 2015)

[Rights, Equality and Citizenship programme \(2014-2020\)](#) - [Justice Programme \(2014-2020\)](#)

DG Education and Culture

[Erasmus+ Programme](#). The Erasmus+ Programme covers several fields of action: Education and Training, Youth, Sport.

[Creative Europe](#). The Creative Europe Programme covers actions in the fields of Culture and Media.

DG Employment, Social Affairs and Inclusion

[Employment and Social Innovation \(EaSI\) programme](#)

DG Consumers, Health, Agriculture and Food Executive Agency

[Health Programme](#)





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Thank you !!!
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