Communicating European Citizenship

London, 22 March 2010

www.uaces.org

Meeting communications challenges across the levels: the example of the Charter of Fundamental Rights

Carolyn Rowe[1]
University of Birmingham

ABSTRACT

This paper explores the multi-level nature of European citizenship as a communications prerogative within the European Union's governing architecture. Using the example of the EU Charter of Fundamental Rights, the paper explores the extent to which the effective implementation of the Charter and the concomitant protection of fundamental rights in the EU is a multi-level and multi-actored process. Many of the initiatives undertaken to explain, highlight and effectively communicate the Charter are undertaken through partnership arrangements between multiple tiers of governmental authority in the member states, or indeed, through partnerships at the local and regional level, where municipal and regional authorities engage in projects that are run collaboratively with stakeholder groups such as NGOS or voluntary associations.

Based on a wide-ranging empirical survey of policy practice in the member states, this paper addresses how the communications challenge with regard to the EU Charter of Fundamental Rights is being met through voluntary partnership arrangements across levels of political authority. The paper suggests that this multi-level response offers something of a multiplier effect within the broader EU communications process, encouraging wide-scale engagement with EU policy issues.

INTRODUCTION

Access to and awareness of the full set of individual political, social, civic and economic rights is a fundamental prerequisite in any democratic society. In a step aimed at providing this basis for Europe's citizens, the Charter of Fundamental Rights of the European Union (EU) was signed in Nice on 7th December 2000 by the Presidents of the European Parliament, the Council of Ministers and the European Commission. The Charter marked a qualitative step forward in the development of a robust rights-based protection framework for EU citizens from the moment of its signing onwards, although the Charter subsequently took full legal effect upon the signing of the Lisbon Treaty by EU leaders in 2009.

The EU Charter of Fundamental Rights is a cornerstone of the EU's vision of citizenship and values. For the first time, this Charter sets out in a single text the whole range of civil, political, economic and social rights of European citizens and all persons legally resident in the EU. Over and above the achievements set out in the Charter itself, one of its greatest achievements was to place the issue of citizens' rights and their protection high up the EU political agenda. But the increased political saliency of a rights-based institutional framework and a policy-making culture informed by a

---

citizenship narrative has not gone hand in hand with public understanding and even awareness of the Charter. Despite the fact that the signing of this Charter marks a qualitative step forward in the legal status of European citizenship, awareness of the Charter and its broader implications for social and political interactions remains marginal. In 2002 only 8% of EU citizens felt with any confidence that they understood the Charter and what it signifies. 35% of citizens had heard of the Charter but were not sure what it was, and a large majority of EU citizens (57%) said they had never even heard of the Charter[2]. On the flip side, however, three out of four Europeans want the EU to play a greater influence in promoting and protecting fundamental rights (Eurobarometer, 2007). Raising awareness of what the Charter delivers in a practical sense to the very people who stand to benefit from its provisions – Europe's citizens –, stimulating public debate on fundamental rights and encouraging civic participation therefore represents a core challenge facing the EU's institutions.

However, at a more abstract level, the values and rights which the Charter enshrines are in fact being promoted and protected at the sub-state level across the member states, through initiatives undertaken by the European actions of local and regional authorities in the delivery of front line services. These activities are implemented largely independently of the Charter itself, despite the large overlap in aims and objectives. Awareness of either the Charter or the values enshrined in it for EU citizens are often only implicit at best. In only very rare instances are the two explicitly linked through some form of broader and more overarching agenda to communicate through citizenship actions firstly that the Charter exists and secondly what it contributes in practice. This yawning "communications gap" is indicative of how the Commission's Plan D agenda to "go local" in its drive to communicate better with Europe's citizens (European Commission, 2008: 4) interpreted subsidiarity as applying only to the relationship between the EU level and the national level, and remains blind to the opportunities at the sub-state level.

This paper seeks to consider how communications on the EU and its outputs demands a new form of "joined-up thinking" that can mobilise greater collective action on a broader communications task. Based on original empirical evidence, this paper illustrates how the communications challenge with regard to the EU Charter of Fundamental Rights is being met. It considers both the implicit and the explicit linkages that are made between local initiatives both on European matters, and on broader rights-based issues and services which connect directly to the framework of rights protection provided by the Charter of Fundamental Rights. The paper argues that the absence of an overarching perspective prevents maximising the opportunities for EU communications presented by multiple actions at multiple levels of political authority in Europe. It suggests, finally, that a broader perspective and an active strategy to link actions at national, regional and local levels is required if the EU is to deliver on its commitment to communicate Europe in partnership[3]

A BACKGROUND TO THE CHARTER AND ITS IMPACT TO DATE

---

[2] Flash Eurobarometer 133 (2002) "10 years of EU citizenship
http://ec.europa.eu/public_opinion/flash/fl133_en.pdf#10)
[3] European Commission (2007) 'Communicating Europe in Partnership', COM(2007) 568 final.

The EU Charter of Fundamental Rights was drafted as a result of an increased salience of citizenship and rights-based issues within the European polity, yet it is not essentially a new document. It does not represent a radical departure from previous practice. Rather it draws together a range of statements on human, economic and social rights that have evolved in Europe during the course of the 20th Century. It reflects the broadening of the 'rights' agenda of the last quarter of the century with a stronger emphasis on women's equality than would have been the case previously and a recognition of the importance of the Rights of the Child (Article 24), the integration of persons with disabilities (Article 26) and environmental protection (Article 37) that would not have featured in earlier documents. Its main value is that it draws these rights together in a succinct manner in one text.

The fact that the Charter does not represent a dramatic new departure has reduced its impact amongst the general public. There is a low level of public awareness of the Charter, though in certain countries we have identified a limited campaign to promote the Charter, primarily in new member states, and usually in connection with the ratification of the Lisbon Treaty. The aim of this paper is to understand the communications deficit between a Charter which was drafted as a means of protecting citizens and the low levels of awareness regarding the Charter itself.

The context in which the Charter came into being is significant for an understanding of the mismatch between rhetoric and reality in meeting its aims. The fifth report from the European Commission on Citizenship of the Union[4] emphasises the fact that citizens lie at the heart of the EU's policy-making agenda. Indeed, the Commission in this document recognises the need for a real multi-level framework for the protection of fundamental rights in the EU, setting itself the objective of continuing "to inform citizens of their rights and to ensure that they actually benefit from such freedoms across the Union"[5]. In practice, this objective can only fully be achieved through close collaboration with local and regional authorities in the EU's member states, given their important role in delivering and managing the frontline services that constitute the various dimensions of an active EU citizenship.

While it is not altogether surprising that the Charter of Fundamental Rights has had such a low profile, this finding is a matter of concern. It has existed as the bedrock of European citizenship for the past decade, most recently taking full legal effect upon the signing of the Lisbon Treaty by EU leaders in late 2009. Political leaders regularly state how important it is for the EU to connect with its 493 million citizens, yet both EU institutions, Member States and local and regional authorities do little to promote the document which gives clear expression of those rights in a manner which is simple and straightforward. It is even difficult to get hold of a copy of the Charter.

The low profile of the Charter is evident in the responses to our questionnaire. The results of the questionnaire survey process undertaken as part of this study showed that explicit utilisation of the Charter as a reference document or as a key text enshrining citizens' rights in Europe is extremely rare. Few national associations of local and regional authorities indicated that they knew of any specific initiatives which had been undertaken or are planned by local and regional authorities to boost awareness among

---

[4]European Commission (2008) Report From the Commission: Fifth Report on Citizenship of the Union: 1 May 2004 – 30 June 2007, COM(2008) 85 Final.

citizens of the EU Charter. This view was confirmed in discussions which the authors undertook with a number of representatives of national and European associations of local and regional authorities.

However, many initiatives which promote the freedoms, rights and obligations enshrined in the Charter are in fact undertaken at the local and regional level. These are carried out not in connection with the Charter, but for other reasons set out in our empirical evidence here. Thus, the level of activities underpinning and reinforcing the stated aims, objectives and values enshrined in the Charter at the local and regional level is actually quite high. However, local and regional authorities are not explicitly linking their rights-based activities and initiatives to this European context.

The reasons for this mis-match between stated aims and practice relate to the manner in which EU communications strategies are constructed. With a decentralised system in operation in the member states, national representations of the Commission have a high level of local autonomy for undertaking communications initiatives. Yet whilst this is certainly a more decentralised system than that which operated in the past, the system is not fully decentralised to the front line of delivery of services, and for the purposes of this case study analysis, for the protection of fundamental rights on the front line. Analysis of the challenges involved in implementing an effective system for the protection of fundamental rights in Europe tends to relate primarily to national frameworks, marginalising the important role and contribution that is made by local and regional authorities in the EU. There is considerable potential for local and regional authorities in the EU to play a considerable role in the protection of individual rights – be these social, economic and cultural rights or indeed, their civil and political rights.

It is at the local and regional level that citizens have the most direct and immediate contact with administrations in their member states. The provision of many front line services occurs via local and regional authorities. They are the interface between individuals and the "state" in Europe. This relationship conditions people's understanding of their fundamental rights, and it is this relationship which can be harnessed in an effort to implement the full complement of fundamental rights open to each individual European citizen.

UNDERSTANDING LOCAL AND REGIONAL ACTIONS FOR THE PROTECTION OF EU RIGHTS

Fundamental rights are widely acknowledged to be indivisible, interdependent and interrelated. The EU Charter of Fundamental Rights, throughout its chapters, adopts a universal and holistic approach to fundamental rights. These are identified by the Charter as falling into six categories: dignity; freedoms; equality; solidarity; citizens' rights; and justice. They are based in particular on the fundamental rights and freedoms recognised by the European Convention on Human Rights, the Council of Europe's Social Charter and the constitutional traditions of the EU Member States.

The enormous complexity and multi-dimensional nature of what actually constitutes "fundamental rights" for EU citizens increases the communications challenge quite considerable. But for the purposes of this study, we can consider in detail a number of core areas where local and regional authorities play a front line role in the implementation of these rights in a practical sense. The lens adopted here therefore

focuses attention on a number of the central political, social, economic and cultural rights that affect local and regional authorities in the member states, principally:

- Article 21: Non-discrimination
- Article 22: Cultural, religious and linguistic diversity.
- Article 23: Equality between men and women.
- Article 24: The rights of the child.
- Article 39: the right of EU citizens to vote and stand as a candidate at elections to the European Parliament.
- Article 40: the right of EU citizens to vote and stand as a candidate at municipal elections across the EU.

The research and empirical evidence presented here was collated from interviews with representatives of local and regional authorities around the EU's 27 member states. This research was collected between September 2007 and July 2008.

European citizenship and fundamental rights are first and foremost exercised at grassroots level. Their implementation is a task for all spheres of government across the European Union in association with the active engagement of the diverse organisations of civil society and of European citizens themselves. Indeed, the effective implementation of the Charter is not possible by just one sphere of government. Rather, rights and responsibilities are enshrined across the entire spectrum of levels of authority and governance, and where the system of rights protection is implemented effectively through co-ordinated systems of joined-up governance.

The following key areas highlight issues where an awareness of fundamental rights has been promoted at the local and regional level, and indeed, areas where measures have been taken to promoted precisely those rights at the "front line" of service delivery, by local and regional authorities.

COUNTERING GENDER DISCRIMINATION

The Charter's Articles countering gender discrimination reflects these developments. Article 21 on non-discrimination declares that:

> *"any discrimination based on any ground such as sex….or sexual orientation shall be prohibited"*

while Article 23 states that:

> *Equality between men and women must be ensured in all areas, including employment, work and pay.*
> *The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.*

The spirit of this right has informed the subsequent development of policy at the EU level, which again impacts on measures undertaken in local and regional communities to engage with areas of key policy concern. By way of an example, the EU's Lisbon Strategy has set a target for 60% of Europe's working age women to be engaged in economic

activity by 2010. The figure had risen from below 50% in the mid 1990s to 56.3% in 2005.

Given this background it is not surprising that local and regional authorities in many countries have been particularly active with regard to gender-related issues in the last four decades. **Finnish local authorities** draw up equality plans that relate to issues of both equality between women and men as employees as well as seeking gender equality in the services provided by local authority. Quota regulations established in the Finnish Equality Act (2004) ensure that both genders have at least 40% of the chairs on most council bodies. Many **Swedish local councils** have developed gender equality committees, while a significant number organise specific projects which address particular gender issues. For example, many run campaigns to counter violence against women, others support battered women's shelters while some councils have adopted anti-discrimination clauses into public contracts. In the **UK** an Equality Standard for local authorities compares their equality plans. Local authorities use the Standard as a tool to combat discrimination, ensuring equal access to employment and services.

There are multiple examples of good practice and innovative initiatives at the local and regional level in Europe which aim to implement the values on gender equality enshrined in the EU's Charter of Fundamental Rights. The examples below give a flavour of the diverse ways in which municipalities have been responding to the gender equality agenda.

Gothenburg City Council, Sweden – Opening Hours

A prominent issue at the heart of ensuring gender equality is how to reconcile and balance the pressures of work with the responsibilities of family life. Gothenburg City Council has been able to extend the opening hours when citizens can contact it and pay local taxes by introducing the opportunities for staff to alter their working times to fit in with their personal circumstances. The City used surveys and focus groups to identify what staff wanted and then matched those with the needs of the public. 64% of Council staff are women. Three pilot projects used a variety of working models that gave staff more choice about how to balance work and family life while enabling services to be offered at weekends and outside 9-5 on weekdays. Staff satisfaction with the scheme is high and sickness absence has reduced.

A further example is provided by the **Igualem Development Partnership in Catalonia** has developed courses in order to engage women in jobs where they are underrepresented like construction, plumbing, logistics and metallurgy. The project has also included a section within each course on 'transversal competencies' where the project works with the women on themes like: 'how can I organise my personal and professional life?', 'positives attitudes for working in a male sector', 'increasing self-esteem', 'making the most of their own background and daily knowledge' and 'knowing the local labour market and its rules.' The work on competencies is considered an effective approach to understanding the lives of the women and aids providers in devising courses to best suit the user's needs. All the courses have two phases – a theoretical one, where women are taught a profession and the practical work-placement – where women develop their apprenticeships in companies. In 2006, 179 women went on *Igualem* training courses and after training, 38 women gained employment in traditionally male sectors:

Male sectors:	Women working
Construction	13
Metal	9
Logistics	5
Transports	3
Plastics and rubber	2
Wine and 'cava'	2
Business services	2
Production of electric material	1
Others	1

Projects like this have a multiplier effect. They show how working conditions in companies can be adjusted to make female participation easier and show the potential for wider female engagement into a wider range of economic activity. Yet a clear link to an overarching EU Fundamental Rights framework is absent from high-profile initiatives in local communities such as this.

Guidelines for City and Town Planning

Spatial planning is a key responsibility of local and regional authorities across the European Union, and cross-cuts many of the Fundamental Rights enshrined in the EU Charter. An issue that has emerged in recent times is how to ensure that the planning of new housing estates, public open space and transport is alert to the specific needs of women and children.

- The city of **Vienna, Austria** had one section of the city centre redevelopment planned and designed in consultation with women residents by women architects and planners. As a result, there are many specific differences in these areas of the city, such as incorporating secure storage areas on the ground floor of apartment buildings for bikes and prams. These may appear as relatively small issues but they make an appreciable difference to the daily lives of women on these estates.

- The city of **Heidelberg, Germany** has been running separate consultation activities for women on their local planning policies for some time. This has led to changes in the design and allocation of land for public spaces, placing of footpaths and planning guidance on housing and public building design.

- The city of **Dublin, Ireland** surveyed non-users as well as users of buses in order to identify unmet needs. The results were used to develop a number of pilots. Women make multiple trips on public transport, bringing children to school or care, shopping, visiting older or sick relatives, as well as travelling to work. For men, the main journey is commuting to the workplace. There are specific factors (such as income and caring responsibilities) that limit women's transport choices and therefore entry into the labour market, education and training opportunities as well as leisure opportunities. The pilots focused on the afternoon period of 2-6pm when Dublin Buses had spare capacity. The pilots:
  - Extended existing bus routes
  - Provided cheap multi-trip fares
  - Targeted women and older people

There was excellent take up of the new routes (35% increase in usage) particularly by older women. There was also an increase in city centre economic activity (13% in 2002) that was believed to be directly linked to the increasing numbers of people coming into the city centre during the day.

The extent of gender-focused activity by local and regional authorities across Europe encouraged **the Council of European Municipalities and Regions (CEMR)** to launch its own initiative. At its tri-annual conference in Innsbruck in May 2006 it established its own charter of equality between women and men in local life in Europe. The project aimed to collect data on best practice in gender equality in European local governments, as well as establishing a robust methodology by which local representatives could measure their progress in achieving true gender equality in their municipalities. By signing the charter, politicians are committing themselves publicly to implement the measures in the charter in their municipalities. The success of the charter to date can be gauged by the fact that it has been translated into eighteen languages and has now been signed by over 700 European cities, regions and local governments. The Charter of Fundamental Rights is the key text which has informed this benchmarking process (Bloomfield and Moore, 2008).

PROTECTING THE RIGHTS OF THE CHILD

There has been a rising awareness of children's rights over recent years. These are given clear expression in Article 24 of the Charter. This states that:

> *Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.*

> *In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.*

> *Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.*

These are wide-ranging responsibilities which often relate to children in the most vulnerable situations. The precise role of local and regional authorities varies between Member States but across Member States there is no doubt that the local and regional dimension is crucial to the fulfilment of the Charter's goals with regard to the protection of the rights of the child. Local and regional actors have specific responsibility for the rights of the child through their decentralised competences within their member states to provide care services especially for the most vulnerable and excluded children, such as children in institutions, Roma, children with disabilities and migrant, asylum-seeking or street children.

In assessing local and regional measures that can facilitate the protection of the rights of the child in Europe, it must again be stressed that the EU Charter of Fundamental Rights does not operate in isolation. It goes hand in hand with other international conventions, including the UN Convention on the Rights of the Child (CRC) and its Operational Protocols. Article 24 of the EU Charter of Fundamental Rights explicitly refers to the rights of the child – as enshrined in Articles 3 and 12 of the UN CRC. In addition, the

Lisbon Treaty makes explicit reference to need for the protection of children's rights (Article 3). This therefore provides a broad framework for the development of a holistic approach to the broad spectrum of fundamental rights affecting children in the EU – that is, social, economic and cultural rights, as well as civil and political rights.

Given that many of these core issues that touch on the rights of children fall under the remit of local and regional authorities within the member states, there clearly needs to be a robust, multi-level system for the protection of the rights of the child in Europe. This particular fact is currently absent from mainstream communication on EU citizenship more broadly and the EU Charter of Fundamental Rights in particular.

Protecting the rights of migrant children

Local and regional authorities are responsible for the future and long term social and economic welfare of children. Their role in providing equality of opportunity for the children of migrant workers is particularly crucial in securing the long-term prosperity and security not just of these individuals but of European societies in general. In a knowledge-based society, children from immigrant backgrounds remain in a weak competitive position. As parents in these families tend to lack the social and cultural capital to facilitate their children's educational success, support has to come from outside the family in order to improve the child's prospects.

'Ethnic mentoring' at the local level has been a successful means of improving the educational achievements of immigrant children in European societies. A scheme pioneered at the local level in **the Netherlands** brings together academically gifted young people from one ethnic group with immigrant children from that same ethnic background, providing them with educational support and mentoring. This programme is co-ordinated by municipalities across the Netherlands. The longest-established of these programmes is the **Moroccan Coaching Project in city of The Hague**, which targets those young people thought to be particularly at risk in Dutch society. Young people of Moroccan descent attending a secondary school in the Hague are teamed up with a volunteer who is also of Moroccan descent, to provide educational support. The project has been financed by both the city council and schools. This programme has been rolled out widely in the Netherlands; in Amsterdam, 1440 young people have benefited from this training in the past three years[6].

These efforts have been replicated around Europe by voluntary associations which have sought to link up willing volunteers with children from ethnic and disadvantaged backgrounds in furthering educational standards. However, a recent innovation in Germany has seen local authorities playing a bigger role in managing this volunteering process. One example is the **City of Nürnberg,** in Bavaria, Germany which runs a "Freiwillige Bildungspatenschaften" (Voluntary coaching for education) scheme. Here, the municipal authorities provide basic instruction to volunteers, and co-ordinating the mentoring relationship which focuses largely on general support for homework projects and preparation for exams. It is the local authority who recruits the volunteers directly, judging whether they are properly qualified to undertake the task, and are in a position to commit to a long-term mentoring process.

---

[6] Friedrich Heckmann (2008) "Education and the Integration of Migrants". European Forum for Migration Studies

Countering social exclusion through city-led education programmes

The **City of Lyon in France** established a 'local educational contract' in local schools, as a means of promoting educational activities dealing with tolerance, respect and citizenship education. The city had become concerned at the growing rise in social and cultural exclusion amongst children and young people, a rise in prejudice, violence and anti-social behaviour. A collective approach was felt to be the best means of providing a sustainable solution to the city's growing problems amongst young people.

The core aims of this local educational contract are to run projects which set out what is expected from children, young people and adults in terms of their behaviour, rights and responsibilities, both in schools and in other organisations, such as community groups. This educational project therefore seeks to pass on the values of peace, secularity, solidarity and justice. The three main goals are:

- Encouraging children's success in schools, in order to promote equality of opportunity, with a particular focus on children with learning and/or behavioural problems.
- The fulfilment and open-mindedness of the child, and the development of their full abilities.
- Making a contribution towards citizenship education.

The overall objectives for the programme are set by a high-level partnership involving the Mayor of Lyon, the Rhône prefect, the inspector of schools, the president of the County Council, the director of the Child Benefit Office, the regional delegate of an NGO (Action Fund for Integration and Struggle against Discrimination) and the regional director of the youth and sports ministry. All projects are approved by this management committee, and must focus on promoting children's education, and encourage them to make the most of both their school and leisure time.

Some examples of projects run under this scheme include a community centre which offers activities for pupils in secondary school who run the risk of being, or already have been, expelled from their school. These young people are mostly the children of migrants, who face various educational and social difficulties. This project aims to teach citizenship values, and inter-generational understanding as well as providing basic education such as help with learning the French language. For others, these community centres offer a place where they can escape from the street and the risk of falling into gangs or street crime. The centre is open every afternoon during school hours and during holidays. Young people attend on a voluntary basis but must follow the rules of the centre. They participate in workshops (such as games, or computer training), cultural outings and debates with professionals, for example on violence and heath. Adult co-ordinators are on hand to provide advice and guidance. The main goals of this project, which offers an alternative kind of socialisation to school, are: contributing to the social integration of young people and providing them with activities that broaden their outlook on life and social awareness. About 270 children and young people have so far benefited from this programme.

Protecting the social rights of children

The rights of children are multi-dimensional, and are covered implicitly in a number of areas of the EU Charter beyond the explicit rights as they are set out in Article 24 on

"The Rights of the Child". For instance, children are as entitled to a safe and secure living environment and to social protection as are adults. The rights of children as they are more broadly understood have been actively protected via a number of schemes implemented by local and regional authorities in the EU.

In **Estonia**, local and regional authorities have been working to develop a framework that will provide children with an effective system of social protection. In co-operation with local governments, the availability of counselling and other services aimed at supporting social skills (e.g. the services of a family aid or support worker) for families coping with difficulties and families receiving social assistance will be improved. For that purpose, a network of regional counselling and rehabilitation centres will be established across the country. Again in co-operation with local authorities, families are offered training to develop their social and parenting skills. Networks involving health care institutions, family counsellor, social workers, legal authorities and educational institutions are being developed and strengthened through relevant training to provide support to families with children. This programme intersects with similar social and welfare agendas that will ensure a coherent housing policy strategy, ensuring that children are housed securely and safely, along with initiatives to ensure that pre-school activity services are available for all children under the minimum school age.

COUNTERING RACIAL DISCRIMINATION AND PROMOTING DIVERSITY

The number of third-country nationals, that is legal migrants from non-EU countries, residing in Europe in January 2006 was 18.5 million, almost 4% of the total EU population.[7] When the children of migrants is taken into account, the total percentage of those legally residing within the EU whose origins are from outside it is significantly higher.

Spain offers the most dramatic example of accelerating migration trends. Official estimates are that 4.5 million people have migrated to Spain in the five years from 2000-2004, equivalent to a 10% increase in the population, with large numbers coming from both North Africa and Latin America as well as significant numbers from the former Eastern bloc.[8]

Italy also illustrates the rapidly changing picture. In 2006 regularised immigrants amounted to 3.7 million people around 6.2% of the total population, with more than 700,000 having come in the past year. Romanians form the largest component (15%) followed by Moroccans, Albanians, Ukrainians and Chinese.[9]

The emergence of a rising number of refugees has also affected the number of newcomers to Europe. In 1987 the number of new asylum applications to the EU stood at 163,000. By 1991 they had risen to 511,000 and from 1991-1993 a total of 1.7 million applications were made.[10] Numbers then fell, rose around the turn of the century and are now falling sharply again.

---

[7] European Commission magazine on employment and social affairs. Issue No.16 February 2008 p.21.
[8] Financial Times 25th May 2005
[9] Report by the Caritas-Migrantes Foundation. See Le Monde 4-5 November 2007.
[10] Data on new Asylum applications to the EU drawn from Eurostat.

The reality today is that the EU15 is an immigrant bloc with countries on its periphery that used to be large emigrant countries such as Ireland, Portugal, Italy and Greece as well as Spain have been transformed within a generation into majority immigrant receiving countries.

Political and Legislative Responses

These changes have aroused a range of responses from Europe's citizens throughout this period. At the outset there were examples of hostility and outright discrimination alongside wary suspicion. Gradually, many Member States introduced legislation specifically outlawing racial discrimination following determined broadly-based campaigns. Many citizens now say they are comfortable living in a multi-racial society but pockets of prejudice remain, discrimination continues, while many minorities are still to be found amongst the poorest sections of European society. The issues of racial discrimination and the integration of minorities remain among the most profound and volatile topics facing contemporary Europe.

The last decades have seen extensive activity on these issues designed to ensure a more effective integration of newcomers. The local and regional dimension has played a major role in this process. One prominent example of the promotion of diversity in cities has been the UNESCO programme: the "European Coalition of Cities Against Racism". This programme was launched at the end of 2004. Thus far, 69 municipalities from 15 European countries (12 of which are EU members) have signed up to this initiative. The programme offers a forum for the direct exchange of best practice in the promotion of anti-discrimination measures. In 2005, the group of signatories acted collaboratively in the planning and operation of events during the Europe-wide Action Week Against Racism (14-21 March 2005). Further events in this network continue to be carried out. For instance, in May 2008, the **City of Liège in Belgium** organised a seminar on identifying best practice in indicators for measuring racism and discrimination in European cities. Many such initiatives have contributed to a recognition by many Member States of the need to take measures and introduce legislation and public policies designed to combat racism and promote the integration of migrants into host communities. It was against this background that the European Union also strengthened its legislative framework in this area by introducing anti-discrimination articles into the Treaty of Amsterdam in 1997.

This provides some of the context for the way these issues are tackled in the Charter of Fundamental Rights. It sets out the agreed position of the EU. It has no room for equivocation as it applies classic Enlightenment principles to the contemporary reality of a multi-racial Europe. Article 21 states that:

> *Any discrimination based on any ground such as sex, race, colour, ethnic or social origin….shall be prohibited*

while Article 22 is entitled 'Cultural, religious and linguistic diversity' and clearly states:

> *The Union shall respect cultural, religious and linguistic diversity.*

Other relevant Articles include number 18 on the right to asylum, Article 19 entitled 'Protection in the event of removal, expulsion or extradition' which prohibits collective

expulsions and Article 45 entitled freedom of movement and of residence. This states that

> *Every citizen of the Union has the right to move and reside freely within the territory of the Member States:*

As with other dimensions concerning the fundamental rights of citizens in the EU, initiatives at the local and regional level have been undertaken independently of the EU Charter of Fundamental Rights. Actions to encourage and support diversity at the local and regional level have therefore not been explicitly linked to the communication of this new Charter as a fundamental legal text for European citizens.

Challenging Discrimination

Undertaking effective actions at the local and regional level demands firstly an accurate and thorough awareness of the issues that impact on local communities and the areas where targeted action can achieve results. One project which sought to map out areas for targeted anti-discrimination measures was undertaken by the **City of Bologna, Italy**. The city authority set up a permanent, multi-agency monitor of incidents of racism and discrimination, that was co-ordinated by the Office for Migration Matters of the Municipality of Bologna (Comune di Bologna – Instituzione dei Servizi per l'Immigrazione). The partnership worked to collate allegations of racism and discrimination in an effort to identify the meaning of 'racism' in different contexts within the local community. Mapping the incidents of racism and discrimination also helped to identify areas and contexts at risk, and to plan effective strategies to counter racism and discrimination. The project established a service of collecting reports of acts of racism or discrimination against citizens of an ethnic minority background. A free hotline was made available, and volunteers recorded allegations of racism and discrimination in offices set up by a number of non-governmental organisations. In certain cases, legal assistance was then offered where a case was felt to be necessary. The project was found to be an effective means of mapping racially motivated and discriminatory activity in the locality, and provided a strong basis for understanding better racial interactions within the city.

Many authorities recognise the crucial role that schooling and education play in both combating racism and also equipping newcomers with the knowledge and learning that they need to be able to integrate in their new localities and to gain a fair start in life. One example of this is the work begun in 2003-4 by the city of **Stuttgart, Germany.** The regional Ministry of Culture, Youth and Sports (Baden-Württemberg) ran a project called "Intercultural Training for Pupils for the Improvement of Social and Personal Skills". Key partners in this exercise were the "City Youth Ring Stuttgart" (Stadt Jugend Ring Stuttgart), an umbrella association for a number of youth associations in Stuttgart, the municipal authority and the city's youth welfare team. A four-day series of events was run with the aim of stimulating inter-cultural awareness and facilitating mutual cultural exchanges and learning. Training sessions focused on individuals' ability to communicate, self-analysis, perception of others, the identification of similarities and differences in the group, along with the analysis of prejudices and stereotypes. The workshops were led by teachers who had themselves attended a training workshop for teaching staff, and they then led the exercises for sensitisation and self-awareness, along with role plays and group reflection sessions.

The project was widely regarded to have been a success, and lasting effects from the programme were noted in subsequent studies into the attitudes and behaviour of participants, particularly with regard to the perception of others and conflict resolution strategies. For instance, some pupils noted that they had subsequently used the conflict resolution methods taught to them during this workshop in real life situations.

Similar 'multiplier effects' were noted through the inclusion of teachers as well as pupils in this training programme. The teachers were found to have gained insights into the interaction of students from different cultural backgrounds, and the processes through which mutual understandings can be achieved. This dimension of the project was felt to be particularly crucial, given the important role of teachers in young people's lives. The training session had given them an additional capacity to act with authority on intercultural topics in the future training of young people in schools.

Promoting cultural diversity

The **cultural dimension** of fundamental rights provides a further important dimension to the role that local and regional authorities around Europe play in delivering an effective framework of citizens' rights. Through initiatives and actions at the local and regional level which facilitate inter-cultural dialogue and learning through interaction with different religious faiths and cultural practices, many local and regional authorities in the EU have been consolidating the spirit of the EU Charter of Fundamental Rights. Their activities provide a key means by which individuals are encouraged to engage with and to respect cultural, religious and linguistic practices which are at variance to their own. However, it must be noted that once again, the research team found no evidence that these activities at the local and regional level were being carried out with specific reference to the Charter of Fundamental Rights, but formed part of the authorities' broader agenda to promote social inclusion and generate social cohesion in their own territories.

The following provides examples of good practice in the area of intercultural dialogue, and highlights innovation in cultural policies at the local and regional level.

The MJC (Maison des Jeunes et de la Culture) Maison pour Tous de **Noisiel, France** is an association of the municipality of Noisiel, affiliated to the regional federation of MJCs in Ile de France. It is dedicated to the education of children and young people in artistic fields. Funding also comes from national and local authorities. Every three months, the organisation highlights a different culture of one of the countries represented by the inhabitants of Noisiel during workshops on languages, cooking and cultural events. This programme has run since 1979 and is regarded as a highly successful and effective means of creating links among citizens through social and cultural activities.

Much of what is achieved in the protection of fundamental *cultural, religious and linguistic* rights at the local and regional level can only be achieved by local and regional authorities in partnership with other groups such as NGOs and community groups. However, local and regional authorities support and incentivise such actions by providing funding, training or other material support such as the free use of public spaces/buildings. This happened in the region of **North-Rhine Westphalia in Germany;** here, the regional Ministry of Urban Development, Culture and Sports offered grants for arts and culture projects in the region dedicated to the issue of intercultural dialogue. This was found to be a successful means of encouraging different groups within society who would

normally not encounter each other, to interact and learn about each other's cultural practices and norms. The event was given particular significance due to the fact that 2008 is the European Year of Intercultural Dialogue.

Giving a Voice to Newcomers

Many local authorities play a frontline role in fostering the participation of newcomers and migrant communities in the electoral processes of representative democracy. However, in increasingly heterogeneous and diverse cities, a number have recognised the need to supplement existing representative structures with supplementary boards or associations which give a voice to migrant communities. A good example here is the **Migration Council in Berlin Brandenburg** which acts as the umbrella organisation for more than 90 associations of different nationalities and minorities. The associations are supported by the Berlin Commissioner for Integration and Migration and they have a key role to play in the self-organisation of immigrants and the development of their networks. From this council twelve associations are elected to the Berlin State Advisory Board for Integration and Migration issues. This Board brings together leading political representatives in the city, along with major business, trade union and NGO representatives, plus the twelve members of migrant organisations who have observer and speaking rights at the Board. This role thus enables migrant organisations to feed into the city's policy-making machinery on the key issues that affect the city's minority communities.[11]

In **Finland,** more especially in the larger cities and municipalities, advisory boards or working groups have been established to deal with multicultural issues, where national minorities are represented through their own organisation or associations in a way similar to the Berlin case study above. The advisory boards deal with a variety of issues related to ethnic and linguistic minorities. Among these issues, education and employment are often the most important.

PROMOTING POLITICAL RIGHTS

The political rights of all EU citizens are enshrined in the EU Charter of Fundamental Rights. These are key elements of participatory democracy in the EU and form a fundamental component of 'active citizenship'. Again, there are examples of many different types of initiative being taken across Europe which we highlight below.

Civic education and citizenship

A number of local County and City Development Boards (CDBs) in the **Republic of Ireland** worked collaboratively on a project in 2005 which recognised the achievements of young people in the realm of voluntary and community work. The "young citizen award"(citizenship2005.ie) was presented to young people between the ages of 12 and 25 who were participating in formal (school) or non-formal (youth organisations and clubs) education and who were involved in voluntary (unpaid) active citizenship initiatives. They could nominate themselves or be nominated. A wide range of local and community partners were involved in this scheme along with the municipal authorities.

---

[11] Encouraging diversity – Strengthening Cohesion. Integration Policy in Berlin. Produced by the Commissioner for Integration and Migration of the Senate of Berlin.(2006)

In a number of Austrian cities, such as **Vienna**, special schools have been set up to provide a language and European-studies focused education for young people. The schools are actively twinned with partner institutions in other EU member states, notably the Czech Republic, Slovakia and Hungary. European issues form a core part of the school's curriculum, but it also provides the regular required teaching for high school children. This project has allowed children from lower income families to participate in a 'European' education which is normally reserved for elite families.

Political rights for all sections of the community

Civic and political participation on equal terms is possible only on the basis of shared ownership of the infrastructure of the local community and crucially, the political process. Access to the political rights available to migrant communities at the local level is therefore a crucial frontline service in the implementation of fundamental rights in the EU. To that end, the Regional Ministry of Science, Culture and Regional Ministry of the Interior and Sports in the **German *Land* of Lower Saxony** (Niedersachsen) have been actively promoting social cohesion through education projects for immigrants. They provide "welcome courses" for immigrants to Germany (Spätaussiedler) and Jewish immigrants. The regional authorities provided support for new citizens on everyday issues such as language, labour-market, health insurance and so on.

In the municipality of **Kiischpelt, Luxembourg**, a new project has been launched to facilitate the social integration of migrants into the local community. This project establishes a number of "local ambassadors", that is, local volunteers who are willing to assist new immigrants to the community with certain day to day issues, such as helping with various administrative procedures which must be completed. The local ambassador effectively acts as an intermediary between the individuals concerned and the communal authorities. The ambassadors also help newcomers understand the administrative system in the host region, and provide them with important information on relevant public institutions such as health care providers, education, social security and such like.

Fostering active participation in the democratic process

In a number of cities across **Romania**, a project was run in 2005 entitled "Students' participation in school life – a form of living democracy", with the support of the Netherlands embassy in Bucharest. The project was a contribution to the European Year of Citizenship through Education, which was co-ordinated by the Council of Europe.

The project encouraged new forms of student participation in the running and organisation of their schools, including out-of-school activities. It sought to encourage diverse forms of participation, such as in students' councils and other governance structures, but also to foster a broader sense of participation in their school and their education process. The scheme also encouraged interest in learning how to develop and implement community projects, organising awareness-raising campaigns and voluntary activities in the local community.

A local project team was set up in each school, which brought together the students and local authorities, along with community representatives. This process highlighted areas of opportunity where school teams could work in co-operation with other local and voluntary organisations. The teams from each school then attended a training seminar in order to learn about the broader relevance and impact of "student participation in

community life", and to understand and promote the values and principles of democratic citizenship. These events allowed the participants to develop new attitudes, knowledge and skills.

Exercising the Right to Vote

There are two specific elements identified in the Charter where there is a distinctive local and regional dimension. **Article 39** sets out the right of EU citizens to vote and stand as a candidate at elections to the European Parliament, while **Article 40** enshrines the right of EU citizens to vote and stand as a candidate at municipal elections.

In the latest Eurobarometer report on European Union Citizenship of February 2008, a limited and declining awareness of political rights was identified.

The Eurobarometer report found that:

> "Compared to 5 years ago, at EU15 level we noticed a significant decrease trend in the awareness on the right *"to vote or to stand as a candidate in municipal elections"* (-15 percentage points compared to 2002) and on the right *"to vote or to stand as a candidate in European Parliament elections"*(-17 percentage points compared to 2002) [12]".

Importantly, awareness of this right to both stand and vote at the municipal level had decreased substantially over 2002 figures, with only 2 countries (Spain and Denmark) showing growth in levels of awareness[13].

Making the most of these rights, i.e. fulfilling them in practice is a task for local and regional authorities. They have the responsibility to register all eligible citizens and to inform them about their rights to vote and how to exercise it. In **Bulgaria,** the law on participation in local elections was amended to correspond to these Rights as part of the country's accession procedures to the EU. The amendments gave every citizen from another EU member state the right to participate in local elections if they had been living in that municipality for at least ten months prior to the election. In the 2007 local elections there was a candidate in the municipality of Gabrovo, population 67,000, who is a citizen of another EU member state who was elected to office.

Detailed general data is limited but available material suggests there is a problem with the effective implementation of Articles 39 and 40. At the time of the 2004 European Parliamentary elections there were more than 5.5 million EU non-nationals of voting age in the 25 EU Member States. In the 2004 EP elections the average participation rate was 45.7%. The rate of participation of EU non-nationals was considerably lower: for those six countries where figures or estimates on participation of these citizens were available, the average participation was 19.6%. With regard to candidates, in 2004 there were a total

---

[12] Eurobarometer (2008) European Union Citizenship. Analytical Report (Flash Eurobarometer) http://ec.europa.eu/public_opinion/flash/fl_213_en.pdf :page 6.
[13] Eurobarometer (2008) European Union Citizenship. Analytical Report (Flash Eurobarometer) http://ec.europa.eu/public_opinion/flash/fl_213_en.pdf :page 23.

of 8,974 candidates in the EP elections. Of these, 8,917 stood as candidates in their country of origin and only 57 candidates were EU non-nationals[14].

OTHER AREAS OF INITIATIVE

Many aspects of the varied inter-cultural and civic engagement programmes undertaken at the local and regional level in Europe do entail a relevant "Fundamental Rights" dimension, though this is in most cases not made explicit, as we have seen. Clearly, the EU Charter of Fundamental Rights was not created in a vacuum, but rather represents a consolidation of many other existing texts on rights promotion and protection, as well as representing the fundamental set of human values at the core of the European project.

The examples listed below are initiatives carried out by local and regional authorities which touch indirectly on a number of core aspects of the EU Charter of Fundamental Rights.

Protection of environmental rights

Article 37 of the EU Charter of Fundamental Rights stresses that:

> *"a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development".*

There are an increasing number of initiatives implemented by regional and local authorities in the EU which illustrate the frontline role these actors play in providing a framework for the protection of these rights.

To give a recent example, in May 2008, the **City of Nice in France** set up a new "green police force", dedicated to ensuring a clean and welcoming environment for the city. The main aim of this new policy force is to give the city the means to tackle environmental issues which impact negatively on the quality of life, such as noise pollution, litter, dangerous dogs, graffiti and fly-posting. This new "green police force" is made up of a team of 30 people, both policemen and specialist cleaning technicians.

Christian Estrosi, mayor of the city of Nice, has stressed that any misbehaviour in deliberate environmental degradation will be punished. Thus, whilst this task force will focus primarily on prevention measures, it will in future be empowered to issue offenders with fines of up to €450. However, the role of the "green police" in Nice is not simply to punish offences; the new officers will also be able to offer advice to citizens on how best to respect and protect their local environment.

Linguistic Diversity and the local and regional level

The local and regional level of authority in Europe, as the level of authority which is closest to European citizens, ultimately takes on a fundamental role in the protection of minority language rights as they have gradually and incrementally been enshrined in EU law over the years. Instances here are the 1992 **Charter on Regional and Minority**

---

[14] European Commission (2004) 'European elections: 2004 Commission report on the participation of European Union citizens in the Member State of residence (Directive 93/109/EC) and on the electoral arrangements (Decision 76/787/EC as amended by Decision 2002/772/EC)'

Languages and the Framework Agreement of the Council of Europe on the protection of national minorities (1995). Local and regional authorities have to provide for public information in regional or minority languages, such as on public transport or in official documentation used by public authorities.

CONCLUDING REMARKS

Within the context of the Plan D programme to communicate Europe better to EU citizens, citizenship as a concept remains a highly marginalised component of the overall communications agenda. Despite an explicit Commission agenda to engage in a new multi-level framework for dialogue and debate, communication remains ad hoc, and in our research with local and regional authorities in the 27 member states, we found no evidence of strategic, joined up communications efforts across the levels of political authority, an express aim of the Commission. The Commission even notes that the White Paper consultation on European Communications had highlighted a communications deficit with regard to sub-state authorities in the member states, and noted a "demand for greater cooperation and collaboration on communicating Europe"[15]. The example of the Charter of Fundamental Rights, however, highlights a set of missed opportunities for a joined up communications strategy and making use of a valuable potential multiplier effect – that of ongoing communications efforts in the field of rights protection.

The case study of the EU Charter of Fundamental Rights illustrates the extent to which much of what Europe could legitimately communicate to citizens remains bracketed together with other, ongoing initiatives at the local and regional level. These actions represent a potential reservoir for future maximisation of European communications goals. What is needed, is an overarching strategy to encourage closer thematic linkage at the local and regional level, most likely through some form of funding opportunity which would encourage a "mainstreaming" of thinking on European Union issues across local community communications issues. If the Commission is to create a new and more effective communications culture in the European Union, a multi-level approach is not only necessary; it would appear to be one of the primary ways to connect with citizens directly, on the front line of public services delivery.

REFERENCES

Beauftragte des Senats von Berlin für Integration und Migration (2007) *Encouraging Diversity – Strengthening Cohesion. Integration Policy in Berlin 2007-2011.* www.integrationsbeauftragter-berlin.de

Bloomfield, J. and Bianchini, F. (2004) *Planning for the Intercultural City* (Comedia).

Bloomfield, J. and Moore, C. (2008) *Making a Reality of the Charter of Fundamental Rights*, Brussels: Committee of the Regions.

Caritas / Migrantes (2004) Immigration Statistical Dossier. 14th Report on Immigration, www.dossierimmigrazione.it

---

[15] European Commission (2007) 'Communicating Europe in Partnership' , COM(2007) 568 final, page13.

Council of European Municipalities and Regions (2000) European Charter for the Safeguarding of Human Rights in the City

Council of European Municipalities and Regions (2006) The Charter for Equality of Women and Men in Local Life www.ccre.org/docs/banner_charter_en.doc

Eurobarometer (2007) 'The role of the European Union in Justice, Freedom and Security policy areas'http://ec.europa.eu/public_opinion/archives/ebs/ebs_266_en.pdf

Eurobarometer (2008) European Union Citizenship. Analytical Report http://ec.europa.eu/public_opinion/flash/fl_213_en.pdf

Eurochild-EURONET (2007) Mainstreaming children's rights in EU policy, online report, www.europeanchildrensnetwork.org

European Children's Network (2008) Member contributions to the European Parliament own initiative report on the situation of fundamental rights in the EU for the period 2004-2007, online report, www.crin.org

European Commission (2004) European Elections 2004. Commission Report on the participation of European Union citizens in the Member State of residence (Directive 93/109/EC) and on the electoral arrangements (Decision 76/787/EC as amended by Decision 2002/772/EC).

European Commission (2008) Fifth Report on Citizenship of the Union: 1 May 2004 – 30 June 2007 [COM (2008) 85 Final, 15.2.2008].

Heckmann, Friedrich (2008) *Challenges for European Education Systems Arising from Immigration and Strategies for the Successful Integration of Migrant Children in European Schools and Societies*. European Forum for Migration Studies.

Improvement and Development Agency for Local Government (2007) *New European Migration.*

Maussen, Marcel (2007) *The governance of Islam in Western Europe. A state of the art report*, IMISCOE Working Paper, No. 16.

Menendez, A. J. (2001) 'Chartering Europe', Arena Norway Working Papers, WP01/13 available at: www.arena.uio.no/publications/wp01_13.htm

Pernice, Ingolf (2008) 'The Treaty of Lisbon and Fundamental Rights', in Griller, S. and Ziller, J. (eds.) *The Lisbon Treaty. EU Constitutionalism without a Constitutional Treaty?* Springer: New York.

Save the Children (2007) Mainstreaming Children's Rights in the Field of Asylum and Migration, online report, www.europeanchildrensnetwork.org

UNESCO (2006) Coalition of Cities against Racism, Discussion Paper Series No. 1 Etude sur les definitions opérationelles relatives au racisme et aux phénomènes connexes

United Nations (2006) Report of the independent expert for the United Nations study on violence against children www.violencestudy.org