

## Discussion Paper on the European Commission's Democracy Action Plan

Approved at the virtual Executive Committee Meeting of 02 and 03 July 2020

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### European Democracy Action Plan

The European Commission will propose a European Democracy Action Plan in the 4<sup>th</sup> quarter of 2020. The Commissioner responsible, Vice President Jourova, has indicated that it will be “a response to threats to our democracies, including disinformation and election interference” and “strengthen the media sector, make platforms more accountable and protect our democratic process”.

These are vital for democracy but are not enough on their own. It seems the European Commission also plans to include some proposals on elections and even perhaps broader participation in the democratic process. It is clearly not possible to overlook the importance of strengthened social dialogue, collective bargaining and democracy at work. Equally, there is a need to increase the participation and representation of all citizens as well as the gender balance in elections and democratic debate. The role of non-formal and civic education and media literacy and the development and accountability of European political parties is also key to healthy democracy in the European Union.

The ETUC calls for a European Democracy Action plan that

- i. Commits the European Commission to monitor and use all its powers to uphold the rule of law and the independence of non-political institutions including the judiciary and the media in all EU member states
- ii. Recognises the crucial importance of social dialogue involving trade unions, employers and government, and collective bargaining as well as democracy at the workplace, for democratic discourse and for workers' participation in democracy;
- iii. Proposes actions to give all citizens improved opportunities to participate in democratic process without fear of violence, harassment, intimidation or discrimination because of their gender, race or ethnic origin, religion, sexual orientation or disability;
- iv. ensures a free and diverse media and quality journalism;
- v. introduces effective regulation of social and digital media respecting free speech;
- vi. tackles disinformation and malevolent intervention in elections;
- vii. increases civic education about the European Union and media literacy; and
- viii. supports the development of accountable and democratic European political parties.

### Rule of law

Populism and the rise of the far-right has encouraged increasing challenges to the rule of law – with high profile cases of political interference in the judiciary, media and other institutions which should be independent. The ETUC calls for the European Democracy Action Plan to highlight that – as stated in Article 2 TEU- the European Union is amongst others “founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights (including the freedom of expression and association)”. As highlighted in its response to the Commission Communication on “Further strengthening the Rule of Law within the Union. State of Play and possible next

steps” (COM(2019) 163 final)<sup>1</sup>, the ETUC is fully convinced that the Rule of Law is an unalienable part of democracy and that it forms the cornerstone of any democratic society to ensure political, social and economic stability. The Plan should commit the EU institutions and in particular the European Commission to increase its efforts to monitor and enforce the rule of law and the independence of institutions such as the judiciary and media in all member states without prejudice or favour. In particular, the ETUC supports the development of a ‘comprehensive European Rule of Law Mechanism’, including the annual report monitoring the situation in every Member State, and making EU funds conditional on respect for the rule of law. The fight to protect and preserve the rule of law in the EU is a common fight of all stakeholders at both European and national level and should be based on a broad concept of human rights which goes beyond the traditional civil and political rights. For ETUC, promoting and ensuring the rule of law in the EU also and foremost includes the protection, implementation and enforcement of fundamental social rights as they are enshrined in the relevant UN treaties (in particular the International Covenant on Economic, Social and Cultural Rights), ILO Conventions, Council of Europe treaties (in particular the European Convention of Human Rights, the Revised European Social Charter and the European Code of Social Security) as well as the EU Charter of Fundamental Rights and the European Pillar of Social Rights.

The promotion and respect of the Rule of Law by the EU should furthermore not be limited to its internal actions only. The ETUC recalls that the 2020–2024 Action Plan on Human Rights and Democracy launched on 25 March 2020 commits the EU to the promotion of human rights, democracy and the rule of law in all its external actions<sup>2</sup>. It rightly focuses also on economic, social, cultural and labour rights, together with the increased emphasis on the link between human rights and environmental challenges. As for this Action Plan on Human Rights on Democracy, the ETUC calls also for the need to ensure that social partners, and in particular trade unions being key human rights defenders, should be involved as key actors in all actions envisaged in and deriving from the European Democracy Action Plan.

Freedom of expression is key for exercising public scrutiny and denouncing abuse in a democratic society governed by the rule of law. The protection of whistle-blowers and human rights defenders is crucial in this regard. The ETUC calls for a correct, ambitious and extensive implementation of Directive 2019/1937 on the protection of persons who report breaches of Union law, going beyond its minimum level and scope, effectively protecting workers, trade unions and others blowing the whistle. Trade unions should be actively involved in the transposition of the Directive, including in the design and implementation of internal reporting channels. Similarly, the European Democracy Action Plan should address the need to protect individuals and organisations against gag lawsuits aimed at harassing and silencing those who speak out in the public interest. Public interest defenders, such as journalists, trade unions, civil society organisations, activists and academics must be protected from becoming victims of such Strategic Lawsuits Against Public Participation (SLAPP) when legitimately raising their voices to hold abusers accountable.

### **Social dialogue, collective bargaining and democracy at the workplace as a bedrock of democracy and worker’s participation in democracy**

The world of work plays a major role in peoples’ lives and in shaping peoples’ quality of life. It is a worker’s basic human right to participate in democracy, to participate in democratic processes, not only electoral but also in the workplace through membership of a trade union, through social dialogue, collective bargaining and information and consultation, including through structures including European Works Councils.

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<sup>1</sup> [ETUC comments on Commission Communication on “Further strengthening the Rule of Law within the Union. State of Play and possible next steps” \(COM\(2019\) 163 final\)](#), 24 April 2019.

<sup>2</sup> [ETUC Statement on the EU Action Plan on Human Rights and Democracy](#), 26 March 2020.

It is vital in a democratic society to respect the autonomy of the social partners. At the same time, it is crucial for the EU and its member states to acknowledge the important contribution that social dialogue, collective bargaining, and democracy at the workplace makes to the stability and success of democracy.

Strengthening social dialogue and collective bargaining throughout the EU and in every member state is essential. Increasing union power to negotiate is a necessary ingredient for democracy, for the EU 'social market economy', for a decent life and decent society. Too many workers in the public sector are still unable to join trade unions, to bargain collectively, and/or enjoy the right to strike.

The ETUC calls on the European Commission to strengthen democracy at work, including in public services, and to ensure information, consultation and participation rights of workers and their representatives are complied with and enforced. Specifically, the ETUC calls on the European Commission for an EU horizontal framework for improved information, consultation, and board-level representation rights.

## **Equality**

The EU and EU member states should ensure the right for everyone to participate in the democratic process, and democratic discourse, without fear of violence, abuse, harassment, intimidation or discrimination because of their gender, age, race or ethnic origin, social origin or wealth, religion, sexual orientation, disability or any other ground or status. The level of misogyny, racism and homophobia in the EU is unacceptable and is not only a democratic deficit but a serious and dangerous denial of human rights. The recent #MeToo and Black Lives Matter protests are just the latest manifestations of a growing frustration with the very slow pace of change which cannot be contained indefinitely.

There should be zero-tolerance of hate speech, and the fight against misogyny, racism and homophobia needs to be strengthened and more widely supported in all areas of life and society and not only in politics and elections – for example in the domestic environment, in the workplace, in education and training and in decision making. There is a responsibility here for EU governments who are bound to EU legislation and ratified the relevant UN, ILO and Council of Europe human rights instruments, for unions and employers as well as educational institutions, and other public authorities. There needs to be support put in place for those who stand up against hatred.

All democratic organisations have a duty to promote and practice diversity, and particularly the representation of women and BAME people, at all levels of the organisation and to ensure full participation of all people regardless of their gender, age, race or ethnic origin, social origin or wealth, religion, sexual orientation, disability or any other ground/status.

Trade union membership and social dialogue, as well as ensuring equality in the workplace are essential tools for ensuring a democratic environment in the workplace and as such social partners play a key role in the building of democratic and inclusive societies. The EU must dedicate resources to enhance social partners capacity to promote democratic and inclusive participation beyond the workplace through dedicated actions and training.

The digitalisation of the workforce remains a key challenge to address when it comes to democratic participation across all generations of EU citizens. Trade unions across Europe support their members in the acquisition of and update of digital skills and therefore their role must be recognised and strengthened when it comes to National Digital Strategy.

For a few years we see in the EU a worrying trend of restrictive measures in a number of Member States negatively affecting civic space and the ability of civil society actors to carry out their legitimate tasks. The EU should recognise the role of civil society and ensure adequate support and protection to all organisations, trade unionists and

grassroots activists who are often among the first to inform public opinion, advocate and take action for the respect of the rule of law in national and international fora, and therefore are themselves often one of the first targets of those who aim to undermine the rule of law.

### **A free, diverse media and quality journalism**

A free and diverse media that provides citizens with accurate, unbiased information is vital for open and democratic informed debate about elections and political decision-making and is an essential weapon against disinformation. A free and diverse media must be accountable for its content and transparent on ownership and its economic interests.

Although 'traditional' print and broadcast media is in decline as a result of mass access to digital and social media, the websites and social media accounts of broadcasters, newspapers and journalists remain very prominent.

European countries dominate the top spots of "good" press freedom in the 2019 World Press Freedom Index<sup>3</sup>. 9 EU Member States are among the 15 countries with "good press freedom", and none are in the worst "very serious situation" category. However, 12 EU Member States are classified only as "fairly good", 6 are described as "problematic", and one EU Member State is classified as "difficult".

Increasing violence and intimidation directed at journalists in EU Member States is a worrying trend for European democracy, as is any political interference in the media.

According to the 2017 results of the Media Pluralism Monitor<sup>4</sup>, "market concentration is a source of medium or high risk for media pluralism in all of the EU countries, without exception. The economic difficulties of different traditional media outlets [...] suggest that media concentration is a phenomenon that is unlikely to recede in the future [...] a possible decline in market plurality remains a ubiquitous element of risk". The EU must take antitrust measures to diversify media ownership and combat concentration and monopolies of media ownership. Maintaining a well-resourced, publicly-owned media with a clear general interest mandate is also important.

Independent journalism is a public good, and the failure to achieve a diverse and plural media represents a market failure.

The EU should do more to support public service media, including initiatives to find new and sustainable funding models.

The EU should also do more to support independent media and investigative journalism, including transnational collaborative platforms. It should also support initiatives to find new ways to fund quality journalism, including non-profit models and new socially sustainable and inclusive economic models.

The ETUC supports proposals for the 2021-2027 budget to introduce a EUR 61 million budget for Creative Europe, dedicated to quality journalism, including media pluralism and media literacy. ETUC calls for larger and more strategic public investment in professional journalism and media.

In addition, national and EU legislation against media monopolies and dominant market positions should be monitored, enforced systematically, and strengthened. EU initiatives on monitoring media independence and ownership in Europe, such as the Media Pluralism Monitor, should be further supported.

The EU should continue to promote self-regulatory measures and bodies such as ethical codes and press councils to reinforce high standards of journalism, including in digital and social media. The EU must promote equal access to information for all media and oppose

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<sup>3</sup> <https://rsf.org/en/world-press-freedom-index>.

<sup>4</sup> <https://cmpf.eui.eu/media-pluralism-monitor/mpm-2017-2/>.

the arbitrary exclusion of journalists from government events and information for political reasons.

### **Digital and social media**

Digital and social media gives rapid access to a greater range of information and views and enables people to participate more easily in the democratic debate. 86% of EU27 citizens used the internet in 2019 and 90% of EU27 households have internet access, although national household access ranges from 98% to 75% across the EU. The EU should invest in strengthening digital infrastructure to reduce the digital gap between EU member states.

Although digital and social media offers more people more opportunities to participate, there is an even greater concentration of ownership among social media platforms than among the traditional print and broadcast media, and commercially-driven secret algorithms serve to significantly filter the information available on people's accounts.

Social media has led to a proliferation of disinformation. Behind much of this disinformation are fake accounts. Researchers claim that disinformation had a significant impact on voting in the 2016 US presidential election, the UK Brexit referendum and other elections.

The European Commission, as part of its initiatives to ensure transparent, fair and trustworthy online campaign activities ahead of the 2019 European elections, persuaded online platforms, social networks and advertising industry (including Facebook and Twitter) to sign a self-regulatory Code of Practice to tackle the spread of online disinformation and fake news. It sets a wide range of commitments, including transparency in political advertising and the closure of fake accounts.

Under the self-regulatory policy introduced by Facebook, political ads could be published only in a country for which the parties concerned had a warrant. As it became clear that the rule negatively affected European parties' capacities to campaign across the EU, an ad hoc decision was made that European parties would be exempt from the rule, but still blocking legitimate interventions in the political debate by European trade unions and civil society.

The self-assessment reports drawn up by the signatories to the code and the report by the European Regulators Group for Audiovisual Media Services (ERGA) show that not all the political ads in the platforms' political advertising archives were correctly labelled, and that the platforms did not disclose sufficient data on audience micro-targeting and to ensure greater transparency, including finance sources and links to special interest groups.

Self-regulation in the field of online disinformation needs to be greatly improved. In parallel, a comprehensive approach needs to be adopted regarding its regulation. The ETUC calls on the Commission to further develop and propose the regulation of social media and digital platforms, to increase transparency of all aspects of political advertising: financing, labelling and disclosure rules; and disinformation.

It is also necessary to consider the accountability of players in the ecosystem who profit from spreading misleading and sensationalist content. Disinformation is a symptom of unaccountable digital markets, constant tracking and unlawful handling of personal data. Dominant social media companies make profits by generating profiling data from tracking the use of content regardless of its veracity. This type of data manipulation demands full and proper enforcement of the General Data Protection Regulation. If the business model of the platforms encourages the use of disinformation, it is not enough to encourage platforms to remove or label disinformation. In addition, national and EU legislation need to address the dominant market positions of digital and social media companies and consider mandatory interoperability, putting in place the means to allow communication to flow across platforms.

It is necessary to ensure greater and broader involvement of social partners, civil society, independent media, academics and fact-checkers to counter disinformation. The ETUC

welcomes the European Commission's initiative to create the European Digital Media Observatory – "a hub for fact-checkers, academics and researchers to collaborate with each other and actively link with media organisations and media literacy experts, and provide support to policy makers" – and supports further developing it.

### **Preventing malevolent internet-driven interference in European democracy**

Another threat to open and informed democratic debate is interference via fake accounts, social media trolls and state-run outlets. Although much focus has been placed on foreign interference, domestic disinformation is at least as big a problem, and the distinction between the two is blurred.

The European Commission's Action Plan against Disinformation states that "according to reports, more than 30 countries are using disinformation and influencing activities". The European External Action Service has set up a service (East Stratcom Task Force) to monitor and expose "pro-Kremlin" disinformation.

The European External Action Service has set up a "rapid alert system" – a network of Member State government officials working on disinformation. Exchange between this rapid alert system and the European Commission's recently established national election networks (of national electoral bodies) should be developed and involve civil society and fact-checkers as well as the Digital Media Observatory across the EU and in each member state.

EU action against domestic as well as foreign disinformation needs to be stepped up considerably: in a comprehensive way to support timely monitoring, professional journalism and fact-checking and promotes media literacy.

### **Media literacy and civic education**

We remind the European Commission about the importance of implementing the first principle of the European Pillar of Social Rights which clearly underlines that the purpose of education and training is to prepare the learner to be a democratically responsible citizen and for the labour market: "Everyone has the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market".

The promotion of media literacy and active citizenship is vital for building up the EU's resilience to anti-democratic threats. Holistic education, training and lifelong learning have an essential role to play in strengthening democratic citizenship within the EU, a sense of community and belonging, and responsibility of EU citizens, and in encouraging their active participation in decision-making on national and EU policies. Learning about democratic citizenship in all age groups contributes to peace, security, freedom, democracy, equality, the rule of law, solidarity and mutual respect, sustainable economic growth, social inclusion and fairness, while respecting and enriching cultural diversity. Following the EESC Opinion on Education about the EU<sup>5</sup>, the ETUC calls for new initiatives to inform people about the EU, and to put learning about democratic values and the European Union firmly on the agenda for all age groups, with special attention to adults and older generation within "life-wide" and "lifelong" education

The EU should support the Member States to ensure that promotion of critical thinking, democratic values and human rights, civic engagement and the responsible use of new technologies are supported in education and training with special focus on initial and continuous VET and within apprenticeships, sectors where professional skills provision tends to overtake the focus on key competences, especially the citizenship competence.

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<sup>5</sup> <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/education-about-european-union-exploratory-opinion-request-romanian-presidency>

We remind that the Council Recommendation of 22 May 2018 on key competences for lifelong learning<sup>6</sup> emphasises the implementation of acquisition of the 8 key competences, including citizenship competence in all education sectors, with special attention to IVET, CVET, and upskilling of workers. Erasmus mobility should provide further possibility to learners and workers involved in VET and adult learning –to help them to strengthen their democratic citizenship and EU identity by participating in quality personal or virtual mobility programmes.

We underline the importance of further implementing the Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships<sup>7</sup> at company and national levels, as it clearly says that “In addition to providing a path-way to excellence, quality apprenticeships can also contribute to fostering active citizenship and social inclusion by integrating people of different social and personal backgrounds into the labour market” . Quality criteria 2 underlines the necessity of defining comprehensive learning outcomes within apprenticeship which should be agreed by the employers, vocational education and training institutions and trade unions and should include “job-specific skills, knowledge and key competences for lifelong learning supporting both the personal development and lifelong career opportunities of the apprentices”.

Media literacy for all generations in society, as well as training by and for journalists should be strongly promoted and financially supported by the EU across the EU Member States, in close cooperation with national education institutions, independent national agencies responsible for media regulation and trade unions.

### **Increasing participation in European elections**

Different social groups are at risk of electoral exclusion across the EU – including people with disabilities, ethnic minorities (particularly Roma), mobile workers and migrants. Considering the fact that still half of Europeans do not take part in European elections, structural inequalities influencing participation in elections need to be addressed.

Many people across all the 27 EU countries are not able to take part in the European elections due to legal and organisational barriers which deprive people with disabilities of their political rights. Some 800,000 Europeans from 16 Member States are, on account of national rules, unable to participate in EP elections because of their disability or mental health problems, while many others cannot vote because their needs resulting from their disability are not taken into account.

The ETUC calls for an "EU Roadmap for an inclusive electoral process" with a funding proposal to support Member States in the modernisation of election administration, including technological improvements and support services for disadvantaged social groups who tend to be excluded from the electoral process and have lower levels of political participation. It should be based on an informed analysis of barriers faced by different social groups at risk of electoral exclusion in different member states, carried out with national election authorities, ombudsmen institutions and national and European civil society and trade unions, and reflecting best practice across all EU member states (and beyond).

In addition to measures set out in an "EU Roadmap for an inclusive electoral process", a legal initiative should be considered to set minimum voting standards at least for people with disabilities. The proposal should be developed through dialogue with national election authorities, experts on inclusion in elections, civil society organisations representing people with disabilities and social partners.

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<sup>6</sup> COUNCIL RECOMMENDATION of 22 May 2018 on key competences for lifelong learning: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0604%2801%29>

<sup>7</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0502\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0502(01)&from=EN)

## **Accountable and people-oriented European political parties and institutions**

European political parties, in the words of the Maastricht Treaty, contribute to forming a European awareness and to expressing the political will of the citizens of the Union. The regulatory framework for European parties has evolved only since the Nice Treaty in 2003 and remains rather limited.

The ETUC calls for better enforcement of the European parties' legal obligation to observe the EU's founding values. This includes the values espoused in their political programmes and campaigns, internal practices of gender equality and anti-discrimination, and respect for the rule of law and anti-corruption. European political parties should only allow national political parties in their ranks that adhere to democratic principles and the rule of law in their party structures and actual practices.

Further action should encourage European parties to be closer and more accountable to the European public, for example through declarations by national parties of their intended European party affiliation, transnational party lists, transparent fundraising and campaigning, individual membership, grassroots outreach to civil society and the social partners, and accountability for political content that blatantly undermines EU common values.

ETUC calls for measures to implement good governance principles and improve the democratic functioning of the EU institutions, in particular the Council, e.g. through greater transparency.

These issues should also be put on the agenda of the Conference on the Future of Europe.