



# TRUST & FREEDOM

UNITING CITIZENS TO EFFECT CHANGE

**European Citizens' Initiative**

**TRUST & FREEDOM PACK**

**Strengthening Democracy and Individual Rights in the European Union**



We, the undersigned citizens from seven EU Member States, are calling upon the European Commission to enact legislation that fosters freedom, transparency, accountability, and individual engagement within the European Union. Our aim is to establish and strengthen checks and balances, ensuring that EU institutions are responsive to the needs and interests of the individuals while upholding our human rights as enshrined in the Charter of Fundamental Rights of the European Union. These are: Human Dignity, the Right to Life, the Right to Integrity of the Person, Prohibition of Torture and Inhuman or Degrading Treatment or Punishment, Right to Liberty and Security, Respect for Private and Family Life, Protection of Personal Data, Freedom of Thought, Conscience, and Religion, Freedom of Expression and Information, Freedom of Assembly and Association. We urge the European Commission to uphold the moral and spiritual heritage enshrined in the preamble of the EU Charter of Fundamental Rights by promoting indivisible, universal values of human dignity, freedom, equality, and solidarity, fostering democracy, the rule of law, and prioritizing the individual through Union citizenship and a zone of freedom, security, and justice.

### **1: Upholding Human Dignity and the Recognition of Informed Consent**

We urge the European Commission to propose a recommendation as to propose the legal act for Members of State on the definition of informed consent, promoting the primacy of human dignity, freedom, and bodily autonomy within the European Union.

### **2: Enhancing Transparency and Empowering Citizens**

We request the EC to propose a legal act that enhances transparency and access to information in EU decision-making processes.



### **Request 1: Upholding Human Dignity and the Recognition of Informed Consent**

We urge the European Commission to propose a recommendation for Members of State on the definition of informed consent, promoting the primacy of human dignity, freedom, and bodily autonomy within the European Union. This Recommendation should prioritize the following key principles:

1. **Respect for Individual Autonomy and Integrity:** Promote the fundamental principles of individual autonomy, integrity, and the prohibition of inhumane and degrading treatment within medical contexts. Recognize that informed consent means that every individual has the right to make informed decisions regarding their healthcare and treatment options for them and their children.
2. **Preservation of Free Consent in all Circumstances:** Free consent is crucial both in research (clinical trials) and treatment contexts, even during emergencies. These fundamental principles cannot be suspended, for whatever reason. No exceptions are admitted. Informed consent should be freely given without undue pressure or coercion.
3. **Provision of Accurate, Understandable, and Accessible Information:** Patients must be provided with accurate and accessible information about their medical conditions, available treatments, and potential risks and benefits. Transparent communication between healthcare professionals and patients is essential.
4. **Comprehensive Understanding of Clinical Trials and Medical Procedures:** Patients should fully understand the nature, purpose, risks, and potential benefits of clinical trials, medical procedures, or treatments to make well-informed decisions.
5. **Recognizing the Right to Refuse or Withdraw Consent:** Individuals have the right to refuse or withdraw consent at any point in their medical journey without facing unwarranted pressure or coercion. Healthcare providers should respect and honor patients' decisions.



## **Request 2: Enhancing Transparency and Empowering Citizens**

We request the European Commission to introduce a legal act that enhances transparency and access to information in EU decision-making processes:

1. Mandating greater transparency by calling for the publication of agendas, meeting minutes, internal reports, e-mails, and SMS.
2. Disclosing lobbying activities by establishing a public register of lobbyists names (not just organizations) and their interactions with EU officials.
3. Prohibiting secretive meetings: EU officials should not participate alone in secret and secretive meetings; representatives of citizens and local, national, and European parliamentarians should be present.
4. Evaluating public interest over private interest: Mechanisms should be set up to evaluate the prevalence of public interest over private interest, especially concerning trade secrets that may affect public policy objectives like Public Health.
5. Establishing sanctions for violations: Effective sanctions and penalties should be put in place for EU officials who violate these rules.

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By implementing these requests, we strive to strengthen democracy, protect human rights, and empower citizens within the European Union. Transparency, informed consent, and fundamental rights are crucial in ensuring that EU institutions work in the best interest of the people they represent. Together, we can foster a more accountable and responsive European Union.



## TRUST & FREEDOM ANNEX

### Legal basis

Preamble and first 12 articles of the Charter of Fundamental Rights of the European Union:

- Preamble: *The peoples of Europe, in creating an ever-closer union among them, are resolved to share a peaceful future based on common values. Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice. The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services and capital, and the freedom of establishment. To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter. This Charter reaffirms, with due regard for the powers and tasks of the Community and the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and by the Council of Europe and the case-law of the Court of Justice of the European Communities and of the European Court of Human Rights. Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations. The Union therefore recognises the rights, freedoms and principles set out hereafter.*



- Article 1 - Human Dignity: The right to respect for human dignity, which is inviolable and must be protected.
- Article 2 - Right to Life: Everyone has the right to life, and no one shall be condemned to death or executed.
- Article 3 - Right to Integrity of the Person: The right to physical and mental integrity.
- Article 4 - Prohibition of Torture and Inhuman or Degrading Treatment or Punishment: No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.
- Article 5 - Prohibition of Slavery and Forced Labor: Slavery and forced labor are prohibited.
- Article 6 - Right to Liberty and Security: Everyone has the right to liberty and security of person. No one shall be deprived of his or her liberty except in specific cases and in accordance with the law.
- Article 7 - Respect for Private and Family Life: Everyone has the right to respect for his or her private and family life, home, and communications.
- Article 8 - Protection of Personal Data: Everyone has the right to the protection of personal data concerning them.
- Article 9 - Right to Marry and Right to Found a Family: The right to marry and the right to found a family are recognized.
- Article 10 - Freedom of Thought, Conscience, and Religion: Everyone has the right to freedom of thought, conscience, and religion.
- Article 11 - Freedom of Expression and Information: Everyone has the right to freedom of expression and the freedom to receive and impart information without interference by public authority.
- Article 12 - Freedom of Assembly and Association: Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of their interests.



## **Request 1: Upholding Human Dignity and the Recognition of Informed Consent**

### Legal basis

- Article 168(1) Treaty on the Functioning of the European Union (TFEU): Empowering the EU Commission to complement member states' actions in the field of public health, under the principle of subsidiarity.
- Article 114(4) TFEU: Allowing the harmonization of provisions. The Commission could utilize this provision to recommend harmonized rules on informed consent.
- Article 3 of the Charter of Fundamental Rights - Right to integrity of the person.
- Articles 3, para 2 Charter of Fundamental Rights pointing at the free and informed consent in the fields of medicine and biology.
- Article 4 of the Charter of Fundamental Rights - Prohibiting torture and inhuman or degrading treatment or punishment are substantively related to the UN International Covenant of Civil and Political Rights (ICCPR). In this regard it is particularly remarkable that in times of emergency, derogations from Article 7 ICCPR are not possible:

#### *Article 7:*

*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.*

#### *Article 4:*

*In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that [...].*

*No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.*

### Instrument

### Recommendation



## **Request 2: Enhancing Transparency and Empowering Citizens**

### Legal basis

- Article 15(1) of the Treaty on European Union (TEU) - Recognizing the importance of transparency and openness in the functioning of the EU.
- Article 294 of the TFEU - Outlining the legislative procedure that can be used to establish regulations on transparency and access to information.
- Protocol (No 2) of the Treaty of Lisbon on the application of the principles of subsidiarity and proportionality requiring the European Commission to take into account the regional and local dimension of all draft legislative acts and to make a detailed statement on how the principle of subsidiarity is respected. The aim of Protocol No 2 is to ensure that decision-making powers are appropriately allocated between the EU and Member States, and that EU actions respect the principle of subsidiarity and proportionality. It provides mechanisms for national parliaments to contribute to this process and to safeguard the subsidiarity principle in EU legislation.
- Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

### Instrument

### Decision

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