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on the mid-term review of the Stockholm Programme
(2013/2024(INI))

Committee on Legal Affairs
Committee on Civil Liberties, Justice and Home Affairs
Committee on Constitutional Affairs

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(Joint committee meetings – Rule 51 of the Rules of Procedure)

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the mid-term review of the Stockholm Programme

(2013/2024(INI))

The European Parliament,

- having regard to its resolution of 25 November 2009 on ‘the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme’¹,
- having regard to the European Council’s ‘Stockholm Programme – An open and secure Europe serving and protecting citizens’²,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the joint deliberations of the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Constitutional Affairs under Rule 51 of the Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Constitutional Affairs and the opinions of the Committee on Foreign Affairs and the Committee on Women’s Rights and Gender Equality (A7-0153/2014),

I. The Stockholm Programme and the Treaty of Lisbon

1. Believes that the Treaty of Lisbon and the recognition of the legally binding force of the Charter of Fundamental Rights of the European Union have brought significant improvements and strengthened the constitutional basis for the EU institutions and the Member States to achieve the objective of establishing an area of freedom, security and justice, but observes that some areas require additional efforts, in particular as regards their implementation; considers that this objective requires the Treaties and secondary law to be applied evenly throughout the EU; agrees, therefore, that opt-outs or special regimes should be avoided, and where possible removed; requests that the Commission and the Council Presidency better fulfil their obligation to inform Parliament ‘immediately and fully at all stages of the procedure’ leading to the conclusion of international agreements; regrets the delays in bringing the acts of the former third pillar into line with the new hierarchy of norms – basic, delegated and implementing acts – in accordance with the Treaty of Lisbon and the new institutional structure;

The Commission’s right to propose legislation and the ordinary legislative procedure

2. Takes the view that the extension of the use of the ordinary legislative procedure has made law-making more legitimate and brought it closer to the people by giving Parliament, the

¹ OJ C 285 E, 21.10.2010, p. 12.

² OJ C 115, 4.5.2010, p. 1.

only directly elected Union institution, a greater degree of influence; believes that in a future Treaty revision the remaining exceptions to the use of the ordinary legislative procedure should be removed;

3. Notes that, in its communication of 20 April 2010 entitled ‘Delivering an area of freedom, security and justice for Europe’s citizens – Action Plan Implementing the Stockholm Programme’ (COM(2010)0171), the Commission argued in favour of ‘greater ambition in responding to the day-to-day concerns and aspirations of people in Europe’ and emphasised that the ‘Union must be able to react to unexpected events, swift in seizing opportunities and in anticipating and adapting to future trends’;
4. Recalls the application of the EU ordinary legislative procedure as a principle encompassing the decision-making process in a wider range of policies relating to the area of freedom, security and justice, the Treaty requirement to take decisions ‘as openly and as closely as possible to the citizen’ and the increased need for flexibility; calls on the Commission to make use of its right to initiate legislation, with full respect for its competences as established by the Treaties and the principles laid down therein, including subsidiarity, and in close cooperation with the co-legislators;

National parliaments

5. Takes the view that the greater role played by national parliaments in the activities of the Union, as enshrined in Protocols Nos 1 (on the role of national parliaments in the European Union) and 2 (on the application of the principles of subsidiarity and proportionality) to the Treaty on European Union and the Treaty on the Functioning of the European Union, has had a positive impact on the development and functioning of the area of freedom, security and justice in particular, not only because the subsidiarity principle is now more likely to be complied with, but also because the broader and closer involvement of the peoples of Europe in the democratic process has made a significant contribution to law-making and to European policymaking;
6. Calls for strengthened cooperation and dialogue between national parliaments and the European Parliament, and between EU institutions and bodies in general and national parliaments, so to ensure that, as far as possible, information on EU initiatives is made available directly and promptly by EU institutions and bodies to national parliaments;

Uniform electoral law for the European Parliament elections

7. Notes that, even in the absence of an agreement on a uniform electoral procedure for the European Parliament elections, electoral systems are gradually becoming more similar, in particular as a result of the establishment of political parties and political foundations at EU level, the work done on drawing up a European statute based on the Commission proposal for a reform of the rules governing European political parties and the ban on holding a dual mandate, which has made the office of Member of the European Parliament incompatible with that of member of a national parliament; encourages more transparent procedures for the nomination of candidates, which guarantee their independence and the possibility of introducing direct constituencies;
8. Takes the view that the public should be made more aware of Parliament’s democratic

role and that European election campaigns should focus on genuinely European issues;

9. Takes the view, therefore, that a reform of the electoral procedure will be required in the future in order to enhance Parliament's legitimacy and effectiveness by strengthening the EU's democratic dimension and dividing up the seats in Parliament more proportionally among the Member States, in accordance with the principles laid down in the Treaties; considers that a reform of this kind will encourage EU citizens to take part in European elections in their Member State of residence if they are not nationals of that state;
10. Welcomes, nevertheless, as a first step, the adoption of Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals¹, in that it relaxes the requirements which EU citizens resident in a Member State of which they are not nationals must meet if they wish to stand as candidates in European elections; urges that the bureaucratic barriers which still hamper participation in the European elections by EU citizens residing in a Member State of which they are not nationals be eliminated, and encourages cooperation among the Member States with a view to stamping out this scourge that jeopardises the EU's democratic standards; reiterates that further steps need to be taken in order to guarantee every EU citizen the right to vote regardless of their actual state of residence;

European citizens' initiative

11. Welcomes the adoption of the regulation on the European citizens' initiative², which grants EU citizens the same powers to make policy proposals as those already enjoyed by Parliament and the Council;
12. Takes the view that the citizens' initiative can play a key role in identifying matters which should be dealt with at EU level and enhances the legitimacy of the policymaking procedure at EU level;
13. Deplores, however, the technical problems encountered by the organisers of citizens' initiatives and calls on the Commission to resolve them;
14. Points out that the effective application of the citizens' initiative is being hampered not only by technical problems, but also by financial problems stemming from a lack of budgetary resources;

II. Evaluation of the Stockholm Programme and its implementation

Fundamental rights

15. Considers that the EU should promote the highest level of protection of human rights and fundamental freedoms for all; takes the view that the chapter of the Stockholm Programme on promoting citizens' rights is in line with this ambition; notes, however, that

¹ OJ L 26, 26.1.2013, p. 27.

² Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, OJ L 65, 11.3.2011, p. 1.

despite the advances made, the implementation of this chapter needs to be stepped up;

16. Calls urgently for measures to address the so-called ‘Copenhagen dilemma’ – a situation in which the Union sets high standards for candidate countries but lacks tools for the existing Member States; calls for the creation, preferably under an interinstitutional agreement, of a ‘Copenhagen Commission’ composed of independent high-level experts on fundamental rights, to be appointed also by Parliament, and whose aims must be to secure compliance by all Member States with the common values enshrined in Article 2 TEU, to ensure the continuity of the ‘Copenhagen criteria’ and to advise and report on matters relating to fundamental rights, pending the amendment of the regulation establishing the Fundamental Rights Agency¹ so as to widen the agency’s scope and strengthen its powers, as repeatedly requested by Parliament;
17. Fears that the economic crisis may develop into a crisis of democracy and believes that strong political impetus and the transparent functioning of democratic institutions at national and European level are needed in order to defend democratic achievement, the rule of law and fundamental rights, to combat the rise of populism in Europe and to further strengthen EU citizenship; is concerned by the manifestation of open intolerance to the mobility of EU citizens, with the aim of undermining the rights of workers from some new Member States;
18. Considers that greater attention must be given to responding to the particular situation of vulnerable groups and strengthening the fight against racism, xenophobia, anti-Semitism, religious intolerance, Islamophobia, anti-Gypsyism, homophobia and transphobia;
19. Takes the view that the adoption and effective implementation of legislation tackling hate crime and hate speech, and those who promote, support and commit hate crime and hate speech, are paramount and calls for the further development of such legislation in full accordance with the principle of subsidiarity;
20. Regrets the lack of progress on the implementation of the national Roma integration strategies and the continuing acts of racism towards and discrimination against Roma across the EU, including the segregation of Roma children in education; calls on the Member States to step up their efforts to enforce the fundamental rights and social inclusion of Roma by implementing, as soon as possible, the recommendations set out in the Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States²; calls on the Commission and the Member States to support Roma organisations financially and to involve them in all policies affecting Roma;
21. Underlines the fact that the principle of universality applies to fundamental rights and equal treatment; urges the Council, therefore, to adopt the proposal for an antidiscrimination directive; regrets the inadequacy of policies on integrating people with disabilities and of the extent to which their rights are taken into account;

¹ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, OJ L 53, 22.2.2007, p. 1.

² OJ C 378, 24.12.2013, p. 1.

22. Welcomes the adoption of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime¹, which pays special attention to the protection of disadvantaged groups such as women and children; underlines the frequent victimisation of these groups through all types of violence, including domestic violence; recommends the in-depth investigation, identification and prosecution of such severe violations of human rights; welcomes the adoption of Directive 2011/99/EU on the European protection order² and Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims³ (the Anti-Trafficking Directive); calls on the Member States to transpose and implement those directives as soon as possible;
23. Refers to its ongoing inquiry into the electronic mass surveillance of EU citizens; reiterates the serious concern it expressed in its resolution of 4 July 2013 on the US National Security Agency surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' privacy⁴; considers mass surveillance to present a serious challenge to the Union principles of democracy, the rule of law and fundamental rights, and insists on the organisation of proper and effective parliamentary and judicial oversight and security at EU and national level; considers it essential that more checks and balances be put in place, in particular through the adoption of the EU legal framework on the protection of data, which should ensure full respect for fundamental rights; considers that action must be taken in relation to surveillance threatening the internal security of the EU;
24. Considers that a proper accountability process is crucial in order to protect and promote human rights effectively and to pursue legitimate and effective security policies based on the rule of law; calls on the Commission to propose an accountability mechanism aimed at strengthening the capacity of the EU and of its Member States to prevent, investigate and redress human rights violations at EU level, in particular those committed in the context of the alleged transportation and illegal detention of prisoners in European countries by the CIA;
25. Emphasises that the accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms, as provided for by Article 6(2) of the Treaty on European Union, will strengthen even further the protection of fundamental rights in the Union, as guaranteed by the Charter of Fundamental Rights and the case law of the Court of Justice;
26. Notes that acceding to that convention will provide citizens, along with other people for whom the Union has a responsibility, with protection in the context of Union action, similar to that which they already enjoy in the context of action by individual Member States; points out that this is all the more relevant because the Member States have transferred significant competences to the Union, in particular in the policy spheres covered by the area of freedom, security and justice;

¹ OJ L 315, 14.11.2012, p. 57.

² OJ L 338, 21.12.2011, p. 2.

³ OJ L 101, 15.4.2011, p. 1.

⁴ Texts adopted, P7_TA(2013)0322.

27. Welcomes the draft agreement reached by the 47 Council of Europe member states and the EU on the latter's accession to the European Convention on Human Rights, and awaits the positive opinion of the Court of Justice of the European Union (CJEU) on the agreed text; calls for Parliament and the Council to ratify the agreement rapidly upon the final ruling of the CJEU;
28. Welcomes the fact that acceding to the convention will offer citizens, along with other people for whom the Union has a responsibility, vital extra protection, in particular in the context of the area of freedom, security and justice; underlines the excessively long deadline for concluding accession negotiations and deplores the fact that the EU has still not effectively acceded to the convention; recalls that the EU's accession depends on ratification not only by its Member States, but also by the other States Parties to the convention; calls on all parties concerned to proceed with ratification as soon as possible;
29. Strongly condemns the blockage and delays experienced by the EU in the negotiations for its accession to the ECHR and calls on the EU institutions and the Member States to accelerate the procedures for the EU's accession to the ECHR and to reject any future further attempt to undermine the role, competences and powers of the ECHR in relation to citizens' and residents' human rights and fundamental freedoms;
30. Calls for the review of the Access to Documents Regulation¹ to be adopted on the basis of Parliament's proposals;
31. Calls on the Commission and the Member States to develop specific tools based on new information and communication technologies in order to share best practices in the fight against discrimination at European level;
32. Stresses the importance of taking the gender dimension into account in all strategies to integrate people with disabilities, immigrants, the Roma population and other minorities, and excluded people;

Judicial cooperation in civil and criminal matters

33. Notes that the Stockholm Programme aims to facilitate the free movement of EU citizens and residents by defending and respecting all the rights and obligations deriving from a European area of justice, and that judicial cooperation represents the main tool for achieving this objective;
34. Recognises that initiatives in the field of the mutual recognition of legal situations, judgments and documents play a very important role in this respect, as mutual recognition leaves the legal systems of Member States unchanged, but reduces financial and bureaucratic burdens and legal obstacles for citizens, families and businesses exercising their Treaty freedoms, while also respecting the rule of law and fundamental rights;
35. Recalls that the Stockholm Programme contains a number of major initiatives in the field of civil law, including easier recognition of judgments, Union-wide validity of wills,

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

easier procedures for the acceptance of public documents, simpler cross-border debt enforcement and Union initiatives in the field of legal training;

36. Notes that only three pieces of legislation in this field have been adopted so far, namely the Brussels I recast¹, the Successions Regulation² and the Rome III Regulation³, of which only the third is applicable today, and that, whereas the Commission has made a significant number of the proposals called for in the Stockholm Programme, several major proposals are still outstanding, including those relating to the mutual recognition of the effects of civil status documents and the 14th company law directive;
37. Considers that mutual recognition requires that citizens and legal professionals trust one another's legal institutions; notes that the strengthening of a truly European legal culture that fully respects fundamental rights and the principles of subsidiarity and of judicial independence, the establishment of common standards and an understanding of other legal systems, in particular through training, play a very important role in underpinning mutual recognition and trust; points out that mutual recognition and trust can lead to gradual changes in national civil law traditions through an exchange of best practices between Member States; considers that this exchange should not detract from the value of national legal traditions;
38. Notes that legislative initiatives in the field of civil law have so far been focused largely on substantive law; calls for a greater focus on procedural law in the future;
39. Encourages the Commission to work effectively towards the establishment of an International Judgments Convention which would pursue similar aims to the Brussels I regulation;
40. Welcomes the proposal for a directive on improving the gender balance among non-executive directors of companies listed on stock exchanges⁴; stresses the need to combat the persisting 'glass ceiling', which remains one of the main obstacles to the development of women's career paths;
41. Welcomes the Commission's proposal for a regulation on promoting the free movement of citizens and businesses by simplifying the recognition of certain public documents, thus eliminating bureaucracy and closing the existing gap between the EU institutions and citizens;
42. Calls on the Commission, in line with previous commitments and following repeated requests from Parliament, to pursue existing plans to issue a proposal – adopting an

¹ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), OJ L 351, 20.12.12, p. 1.

² Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession, OJ L 201, 27.7.2012, p. 107.

³ Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation, OJ L 343, 29.12.2010, p. 10.

⁴ COM(2012) 0614

all-encompassing approach – for a regulation on the mutual recognition of the effects of all civil status documents in the EU, in order to eliminate discriminatory legal and administrative barriers for both male and female citizens and their families who wish to exercise their right to free movement, and to allow EU citizens and residents and their families to retain throughout the Union existing rights attached to civil statuses already legally recognised in several European jurisdictions;

43. Reiterates its call for the adoption of a European code of private international law;
44. Calls on the Commission to develop the e-Justice programme further in order to allow citizens direct online access to legal information and justice;
45. Recognises the progress made to date with the roadmap for strengthening the procedural rights of suspects and accused persons in criminal proceedings, including the adoption of directives on the right to interpretation and translation¹, on the right to information in criminal proceedings², and on the right of access to a lawyer in criminal proceedings³; calls for their timely and correct transposition, and for training for government officials, judges, prosecutors and defence practitioners; reiterates that these measures are crucial to the proper functioning of EU judicial cooperation in criminal matters, in particular as regards the implementation of measures based on the mutual recognition principle, such as the European arrest warrant, and that continuing progress on the protection of the rights of suspects and defendants is essential; takes note of the proposals on legal aid, the presumption of innocence and safeguards for children; strongly believes that legal aid in particular must be effectively guaranteed in order to ensure effective implementation of the directive on the right to access a lawyer; calls for a discussion on the protection of witnesses and whistleblowers; calls for the strengthening of the procedural rights of suspects and accused persons in criminal proceedings to be a priority for the post-Stockholm programme and recalls that the roadmap is not exhaustive;
46. Regrets the fact that further work remains outstanding in relation to pre-trial detention, administrative detention and the detention of minors, in respect of which standards in many Member States fall short of human rights and other international standards; recognises the need for an assessment of the effectiveness of non-legislative work on existing framework decisions, for widespread recognition of the problems with pre-trial detention law and practice across Europe identified as part of the Commission's consultation, and for a commitment to revisiting the case for establishing minimum and enforceable standards in relation to pre-trial detention through legislative action; calls on the Commission to revisit the case for establishing such standards in relation to pre-trial detention, administrative detention and detention of minors through legislative action;
47. Strongly believes that consistency in the principles applied in the development of an EU

¹ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ L 280, 26.10.2010, p. 1.

² Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, OJ L 142, 1.6.2012, p. 1.

³ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, OJ L 294, 6.11.2013, p. 1.

criminal justice area should be a priority and that the EU institutions should cooperate closely with one another in this respect, as outlined in Parliament's resolution of 22 May 2012 on an EU approach to criminal law¹;

48. Believes that mutual trust between the Member States must be strengthened by harmonising fundamental rights compliance in relation to criminal procedures and taking common measures to ensure the proper administration of justice and of prisons, which are often at the root of the lack of trust between Member States, and that mutual recognition and harmonisation of EU criminal law cannot progress without serious feedback on the implementation of these rules at Member State level;
49. Welcomes the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office (COM(2013)0354); firmly believes that establishing the European Public Prosecutor's Office would represent an important step in further developing an EU area of freedom, security and justice; takes the view that, should the establishment of the European Public Prosecutor's Office prove a success, the Council should, in the future, consider making use of Article 86(4) TFEU to extend the powers of that office to include serious crime having a cross-border dimension; welcomes, further, the proposal for a regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust) (COM(2013)0535);
50. Believes that greater efforts are needed in order to implement the principle of mutual recognition of judicial decisions concerning the enforcement of judgments in criminal cases;
51. Believes that an effective, accessible, fair and fundamental-rights-compliant justice system is a powerful driver for democracy, the confidence and well-being of citizens and a prosperous economy;
52. Welcomes the continued efforts of the EU institutions and the Member States to advance universal support and cooperation with the International Criminal Court (ICC), as an essential means of securing justice for victims of crimes under international law and promoting respect for international humanitarian and human rights law; encourages all the Member States to conclude framework agreements with the ICC, in particular on witness relocation, interim release, relocation of acquitted persons and sentence enforcement; calls on the EU Member States, as States Parties to the Rome Statute of the ICC, to ensure that the ICC has the necessary resources to fulfil its mandate and deliver justice in a robust, fair and transparent manner;
53. Stresses the need to provide proper training for officials (police, healthcare personnel, court staff, etc.) likely to come into contact with cases in which a person's physical, psychological and sexual integrity is considered to be at risk, especially cases involving women who are victims of gender-based violence; calls on the Member States to support the work of civil society – particularly NGOs, women's associations and other voluntary organisations providing specialist support – and to collaborate with such organisations in providing support to women victims of gender-based violence;

¹ OJ C 264 E, 13.9.2013, p. 7.

54. Calls on the Member States to ratify the Istanbul Convention on preventing and combating violence against women and domestic violence, and on the Commission to propose negotiating guidelines for the EU's accession to that convention without any further delay;

Internal security

55. Notes the progress made by the Member States and the Commission in the context of the Internal Security Strategy (ISS) and the EU policy cycle on organised and serious international crime, especially in the following fields; combating terrorism, transnational organised crime (including economic crime), cybercrime and cyber-facilitated crime such as child pornography; protection of critical infrastructure; and the fight against corruption, money laundering, terrorist funding, violent radicalisation and the trade in illegal firearms; points out, however, that further progress needs to be made in all these fields;
56. Stresses that trafficking in human beings is a serious crime which particularly affects women and represents a violation of human rights and human dignity that the Union cannot tolerate; regrets the fact that the number of people being trafficked to and from the EU is rising, despite the entry into force of the Anti-Trafficking Directive in December 2011; calls on the Member States to increase their efforts to curb this worrying trend by ensuring that a common, coordinated and ambitious European strategy, along with legislation and measures to fight smuggling and trafficking in human beings and international organised criminal networks in this field, are developed and implemented in accordance with the directive, targeting women and minors in particular; stresses that action to combat trafficking in human beings, forced labour and irregular immigration and smuggling needs to focus on the root causes;
57. Regrets the fact that the 2010-2013 EU action plan for strengthening chemical, biological, radiological and nuclear security (CBRN) (COM(2009)0273) was not fully implemented or incorporated into national policymaking by the Member States; calls, therefore, for the EU and its Member States to strengthen regional and European-level cooperation and coordination in the CBRN field and, in this connection, also calls on the Council to ensure coordination between national authorities and the Counter-terrorism Coordinator;
58. Urges the Commission to intensify and reinforce its efforts to protect the Union's financial interests and to complete the delayed reform of the European Anti-Fraud Office, fully integrating data protection and suspects' rights on the basis of proper criminal definitions;
59. Welcomes the agreement reached on the proposal for a directive on the freezing and confiscation of proceeds of crime in the European Union (COM(2012)0085); points out that confiscating criminal assets is one of the most effective ways to combat criminal organisations;
60. Strongly believes that the EU's counterterrorism policy needs to address the radicalisation of groups/individuals in European societies and the apparent trend towards the individualisation of terrorist activities in our societies; calls for better coordination of all EU services with responsibilities in the implementation of the EU's counterterrorism policies, namely the EU Counter-terrorism Coordinator, Europol, the Council Standing Committee on Operational Cooperation on Internal Security (COSI), the Working Party on Terrorism (External Aspects) (COTER) and Eurojust;

61. Finds it regrettable that the Commission communication of 10 April 2013 entitled ‘Second Report on the implementation of the EU Internal Security Strategy’ (COM(2013)0179) expresses scant criticism of activities carried out under the ISS, reasserting the same priorities as its initial communication of November 2010 and failing, in particular, to take account of the consequences of the incorporation of the Charter of Fundamental Rights, most of the provisions of which apply not only to EU citizens but to everyone on EU territory;
62. Recalls that Parliament is now a fully fledged institutional actor in the field of security policies, and is therefore entitled to participate actively in determining the features and priorities of the ISS and in evaluating those instruments, including through monitoring of the implementation of the ISS, to be conducted jointly by the European Parliament, national parliaments and the Council under Articles 70 and 71 TFEU; believes that Parliament should play a crucial role in the evaluation and definition of internal security policies, as they have a profound impact on the fundamental rights of all those living in the EU; emphasises, therefore, the need to ensure that these policies fall within the remit of the only directly elected European institution, which is responsible for scrutiny and democratic oversight;
63. Believes that a proper evaluation of the implementation, effects and concrete results of policies and legislation in the internal security field, an analysis of the security threats to be addressed, consideration of the principles of proportionality and necessity, and a democratic debate are essential conditions for an effective ISS;
64. Points out that the current ISS will come to an end in 2014; calls on the Commission to start preparing a new ISS for the 2015 to 2019 period which takes account of the entry into force of the Treaty of Lisbon and the incorporation of the Charter of Fundamental Rights into Union law; calls on the Council to take proper account of Parliament’s input in respect of the new ISS before adopting the new strategy; takes note of Europol’s analyses, including its risk analysis, in this connection;
65. Acknowledges that cross-border crime is on the increase in the EU and underlines, therefore, the importance of sufficient funding for agencies working in the area of law enforcement cooperation; believes that the current ‘landscape’ of the different instruments, channels and tools for European law enforcement information exchange is complicated and scattered, leading to inefficient use of the instruments available and to inadequate democratic oversight and accountability at EU level; calls for a future-oriented vision of how to shape and optimise law enforcement data-sharing in the EU while guaranteeing fundamental rights, including a robust level of data protection; notes the need to boost law enforcement authorities’ confidence in one another so as to step up the exchange of information;
66. Rejects the concept of predictive policing without an initial suspicion, in particular the EU passenger name record proposal and the idea of an EU terrorist finance tracking system; calls on the Commission to repeal the Data Retention Directive¹;

¹ Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services

67. Calls on the Commission to encourage the Member States to set up aid centres in areas notorious for prostitution in order to provide victims with immediate psychological and physical assistance;
68. Calls on the Commission to come forward quickly with proposals for bringing cross-border police cooperation instruments adopted under the former third pillar – such as the Prüm Decision and the Swedish Initiative – under the legal framework of the Lisbon Treaty;
69. Welcomes the Commission’s proposal for the new Europol regulation, based on the new legal basis provided for in the Treaty of Lisbon, and hopes that this important legislative file will advance quickly, in full accordance with the principles of the Treaty, so that Europol can fulfil its role more effectively in fighting organised cross-border crime;
70. Regrets the fact that the EU does not yet have the proper resources to prevent and respond to natural or man-made disasters;

Borders and visas

71. Welcomes the conclusion of the negotiations on the Schengen Governance Package; calls on the Commission to play its role fully as coordinator of the Schengen evaluations and as guardian of the Treaties, in order to avoid any situation that could endanger the functioning of the Schengen area; recalls that the Schengen area depends on mutual trust and that each Member State fulfils its obligations, including the control of external borders, in accordance with the provisions of the Schengen Borders Code, comprising also the use of available technologies; highlights the importance of tackling trafficking and smuggling at borders, including the trafficking of migrants; reiterates its position that the Schengen area should, without further delay, be enlarged to include Romania and Bulgaria;
72. Considers the absence of controls at internal borders as one of the major achievements of European integration; asks the Commission to pay particular attention to the absence of controls at internal borders, and firmly rejects all attempts to limit the free movement of people which are not in line with the *acquis*;
73. Acknowledges that the Schengen area is unique and has so far been developed step by step; takes the view, however, that long-term reflection on its further development is necessary; believes that the Schengen external borders should in the future be guarded with the support of European border guards whose training includes human rights standards;
74. Welcomes the reform of the mandate of FRONTEX and the agreement on Eurosur; considers that the new rules on the surveillance of sea borders need to be agreed on as soon as possible, and that priority should be given to saving the lives of migrants as well as to respecting the human rights of migrants and asylum-seekers, including the principle of non-refoulement, and the rights of children and victims of trafficking; recalls that

or of public communications networks and amending Directive 2002/58/EC, OJ L 105, 13.4.2006, p. 54.

international law, the *acquis* and, in particular, the case law of the European Court of Human Rights should be observed by the Union and its Member States in the context of interventions on the high seas or when issuing rules on the surveillance of the Union's external borders;

75. Expresses deep sadness and regret at the tragic loss of life at the borders of the EU, particularly in the Mediterranean Sea; reiterates its opinion that the events off Lampedusa should be a turning point for the EU, and that the only way to prevent another tragedy is to adopt a coordinated approach based on solidarity and responsibility, supported by common instruments;
76. Calls on the Commission to provide information on the situation at detention centres, including as regards respect for human rights, and to bring forward initiatives concerning the operation of such centres in the future;
77. Expresses alarm at the increasing number of deaths, particularly at sea, and of human rights abuses in the course of irregular migrants' attempts to enter the EU; asks the Commission to inform Parliament prior to the conclusion of any agreement between Frontex and a third country; insists that such agreements must provide for stringent safeguards to ensure full respect for human rights standards, including with regard to return, joint patrolling, search and rescue, and interception operations;^{78.} Recalls the key role of Frontex and the European Police College in training law enforcement personnel and border guards to execute European judicial and law enforcement which respects migrants' human rights;
79. Strongly endorses the European Council's call for Frontex's role to be reinforced in accordance with the Stockholm Programme in order to increase its capacity to respond more effectively to changing migration flows;
80. Regrets the late migration to the Schengen Information System II and the increased costs incurred; welcomes the continued roll-out of the Visa Information System and the setting-up of the eu-LISA agency to handle their operational management; stresses that these new systems now need to stand the test of everyday use; reiterates its request that 'new border management instruments or large-scale data storage systems should not be launched until the existing tools are necessary, fully operational, safe and reliable'; expresses deep concern at the reported hacks into the Schengen Information System and believes that the issue of outsourcing activities related to the management and operation of large-scale European IT systems should be discussed; calls on the Commission to present the evaluations of these systems provided for in the respective legal instruments in time; deplores the lack of progress regarding the use of secure breeder documents;
81. Welcomes the progress made in the field of the visa *acquis*, but also calls for better implementation of existing rules; considers that common visa application centres have proven to be a useful tool which could become the standard in the future believes that an interinstitutional discussion on the objectives of the common visa policy should define the steps to be taken towards further harmonisation of visa procedures, including common rules on the issuing of visas; calls for the conclusion of further visa facilitation agreements and the monitoring and improvement of existing ones;
82. Calls on the Member States to make use of the current provisions of the Visa Code and the

Schengen Borders Code allowing the issuing of humanitarian visas, and to facilitate the provision of temporary shelter for human rights defenders at risk in third countries;

83. Calls on the EU institutions and the Member States to increase workers' mobility by allowing temporary visas and facilitating the re-application process for those already in the system; considers that this would increase worker mobility effectively by guaranteeing legal certainty and increasing internal mobility within the EU;
84. Calls on the Commission to further improve existing visa facilitation agreements between the Union and its eastern neighbours and to work towards a visa-free travel area enabling people-to-people contact;

Asylum and migration

85. Recalls that in the Stockholm Programme the European Council stressed 'that well-managed migration can be beneficial to all stakeholders'; expects further progress to be made in the adoption of legislation in the field of legal migration, and calls for greater efforts in the future, given the demographic challenges and the needs of the economy; believes, at the same time, that the integration of migrants requires greater attention;
86. Calls on the European institutions and Member State governments to raise awareness among the wider public and employers of the EU Immigration Portal; calls on the Commission to monitor the transposition of the Blue Card Directive and to report on its application as provided for in the directive;
87. Calls as a matter of urgency for greater transparency, requiring each Member State to report annually on the progress of each specific minority group in matters of labour market integration and equality policy impacts; encourages the European Commission to deliver an 'annual trend report' reflecting the comparable indicators on social cohesion that have been agreed upon and put forth as targets, including EU-wide monitoring of the situation of newcomers, long-term residents, naturalised migrants and the children of migrants, broken down by equality grounds (i.e. ethnic/racial, religion/belief, gender, age, sexual orientation and disability), so as to measure progress in social inclusion policies over time; considers that the Open Method of Coordination should be applied to this end;
88. Acknowledges that the recent changes and turmoil in Northern Africa and the Middle East have intensified the pressure on the EU's eastern and southern borders;
89. Welcomes the adoption of the asylum package; calls on the Commission to monitor the correct implementation of the package by the Member States as from the date of application and to take the necessary steps to ensure that national legislation is in line with the case law; suggests that henceforth the European Asylum Support Office (EASO) include this new legislation in its training programmes;
90. Calls for the establishment of a gender focal point in the EASO;
91. Regrets the continuing and systematic practice of detaining migrants in detention centres as recently underlined by the UN Human Rights Council; calls for alternatives to detention to be further developed and implemented, including regularisation of

undocumented migrants on the basis of clear criteria;

92. Believes that, in the context of the Dublin system, the possibility of suspending transfers to Member States under significant pressure should be considered in the future;
93. Deeply deplores the failure to make the principles of solidarity and fair sharing of responsibility, as laid down in Article 80 TFEU, a reality; believes that accentuated, more concrete measures will be necessary in the future, in particular for Member States receiving higher numbers of migrants and asylum applications; calls for the introduction of a coherent, voluntary permanent intra-EU relocation scheme for beneficiaries of international protection;
94. Believes that the external dimension of asylum policy in relation to resettlement and protected entry procedures should be expanded; regrets the so far limited involvement of Member States in resettlement;
95. Expresses deep concern about the fate of third-country nationals (TCNs) and stateless persons readmitted under EU readmission agreements (EURAs), including cases of indefinite detention, legal limbo or refoulement to their country of origin, and requests the exclusion of TCN clauses from these agreements; underlines the importance of implementing the recommendations made in the Commission's evaluation of readmission agreements;

External dimension of the area of freedom, security and justice

96. Notes the importance of a strengthened external dimension for European policies in the area of freedom, security and justice, and calls for cooperation with third countries to be strengthened at all levels in the areas of security, migration, fundamental rights and border management;
97. Points out that the European Union and the Member States should continue to integrate immigration into development cooperation and strengthen their partnership agreements, with a view to promoting cooperation with third countries of origin and transit on tackling people-trafficking and irregular immigration, the restoration of family ties, return and readmission, in the context of the regular dialogue which the European Union conducts with these countries and the action carried out by the European External Action Service (EEAS); calls for solidarity with third countries located near countries experiencing civil conflict that take in refugees who are fleeing this conflict;
98. Stresses the need to encourage voluntary return policies;
99. Stresses that the Treaty on European Union (TEU) places human rights, democracy and the rule of law at the centre of both internal and external EU policies, as provided for in Articles 2, 3 and 21 TEU, and consequently believes that respect for, and the protection and promotion of, these values should be developed in a coherent manner, so that the EU is credible on the world stage; views as regrettable the Commission's continued refusal to draft a Human Rights Action Plan to promote EU values in the external dimension of freedom, security and justice policies, as called for in the Stockholm Programme;

100. Urges the Commission and the EEAS to take practical steps to ensure greater coherence and consistency between internal and external EU policies;
101. Strongly believes that the EU and its Member States should not sign agreements with third countries in the field of freedom, security and justice (FSJ) where there is a serious risk of human rights violations and where the rule of law is not upheld; stresses that any agreements in this field should be concluded after a careful human rights impact assessment and should include a suspension clause relating to human rights;
102. Expresses concern at the increasing demands being placed on neighbourhood countries in connection with the EU's migration and border management policies; calls for a human-rights-based approach to EU migration and border management such that the rights of regular and irregular migrants and other vulnerable groups are always the first consideration; recalls the extraterritorial application of the European Convention on Human Rights in the implementation of EU migration policy, as ruled by the European Court of Human Rights;
103. Calls for better coordination between the human rights dialogues and the subcommittees on 'justice, freedom and security' established under agreements with third countries, in particular the countries covered by in the European Neighbourhood Policy and, more generally, all those affected by readmission agreements;
104. Calls on the Commission to propose actions to protect and provide assistance to women who are victims of trafficking in human beings and sexual exploitation through measures including the development of compensation schemes, safe return, reintegration aid in the host country in cases of voluntary return, assistance and aid during their stay in the EU, and cooperation with the authorities in the countries of origin in order to protect the families of victims of trafficking and sexual exploitation;

Methods, tools and processes

105. Believes that the policy-making process needs to be of the highest standard possible; considers that the definition of problems, the discussion of possible solutions and the choice between possible options should follow a sequential order; notes that a greater research effort is required at European level and that closer cooperation and better information-sharing between the European institutions and agencies and the Member States would improve the creation and implementation of policy;
106. Deplores the absence of an objective evaluation of progress towards an area of freedom, security and justice and of reliable information on the Member States' implementation of the *acquis*;
107. Proposes a systematic, objective and independent ex-post evaluation of legislation and its implementation, which should also assess the continuing need for legislation in this area; points out, in particular, the importance of conducting impact assessments at the Commission, Parliament and the Council for this purpose, while maintaining standards and avoiding excessive bureaucracy;
108. Welcomes the initiative of the Commission in drawing up the EU Justice Scoreboard,

which aims to ensure a high-quality justice system in the area of civil, commercial and administrative law, since at the end of the day the concrete application of laws is in the hands of the courts;

109. Stresses that high-quality justice systems can play a key role in restoring confidence, bringing about a return to growth, and contributing to trust and stability; points out that predictable, timely and enforceable judicial decisions are important structural components of an attractive business environment, as outlined in the Commission communication entitled ‘The EU Justice scoreboard, a tool to promote effective justice and growth’ (COM(2013)0160);
110. Asks the Commission to put more emphasis on overseeing and ensuring the concrete implementation of EU legislation by the Member States; considers that this must be a political priority in view of the wide gap which is often observed between policies adopted at European level and their implementation at national level; points out that any strategic planning must draw on the experience of past implementation and that such planning must therefore not consist merely of a list of objectives and priorities but must, rather, plan ahead with a view to assessing implementation; notes that, where the rights of citizens and residents are concerned, this needs to be done as of the first day an act enters into force; considers that more needs to be done to achieve proper implementation, including by means of coordination and cooperation between the Commission, the Member States and agencies, and of assisting Member States via guidelines, practical support and exchange of best practice; takes the view that the reasons for any failure to implement EU legislation should be identified and addressed, if necessary through infringement procedures;
111. Is of the opinion that improving the quality of EU legislation in the area of freedom, security and justice requires a joint effort by the Member States and the European institutions in order to improve the exchange of information on each national system and to provide accurate legal information (on national/regional applicable legislation and standards), as well as information on implementation and practices; calls for better interinstitutional coordination;
112. Regrets the fact that the Council does not involve Parliament more closely in the drawing up of strategy documents, such as the drugs strategy and the internal security strategy;
113. Considers that the development of a European judicial culture is a key prerequisite for making the area of freedom, security and justice a reality for citizens and ensuring better application of EU law; calls, with this in mind, for much greater emphasis on, and funding for, EU judicial training for all legal professionals; notes the importance of using a ‘bottom-up’ approach for judicial training schemes, of ensuring greater accessibility of European law information resources via web technology (i.e. an e-justice portal), of improving knowledge of European law and language skills among the judiciary, of establishing and maintaining networks in this field, and of any other measures to facilitate judicial cooperation on a day-to-day basis in order to ensure mutual trust and consequent cooperation and mutual recognition;

III. Next steps

114. Is of the opinion that guidance, coherence and benchmarks for the area of freedom, security and justice are necessary; considers that such objectives require a proper programming to be prepared in the spirit of the Treaty of Lisbon in a joint exercise between the Parliament, the Council and the Commission; believes that the multiannual programming should be based on an interinstitutional agreement, as provided for in Article 17(1) TEU; expects the Commission, therefore, to submit a proposal on this basis;
115. Instructs its President to forward this resolution to the Council and the Commission.

27.9.2013

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee of Constitutional Affairs

on the mid-term review of the Stockholm Programme
(2013/2024(INI))

Rapporteur: Jean-Jacob Bicep

SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee of Constitutional Affairs, as the committees responsible, to incorporate the following suggestions in their motion for a resolution:

1. Urges the Commission and the European External Action Service (EEAS) to take practical steps to ensure greater coherence and consistency between internal and external EU policies, in line with the commitments set out in, inter alia, the Commission Communication entitled 'Delivering an area of freedom, security and justice for Europe's citizens: Action Plan Implementing the Stockholm Programme' (COM(2010)0171);
2. Stresses that the Treaty on European Union (TEU) places human rights, democracy and the rule of law at the centre of both internal and external EU policies, as provided for in Articles 2, 3 and 21 TEU, and consequently believes that respect for and the protection and promotion of these values should be developed in a coherent manner so that the EU is credible on the world stage; considers regrettable the Commission's continued refusal to draft a Human Rights Action Plan to promote EU values in the external dimension of freedom, security and justice policies, as called for by the Council in the Stockholm Programme; welcomes the EU Strategic Framework on Human Rights and Democracy and the related action plan, which focus, inter alia, on the fight against human trafficking, women's enjoyment of human rights and the issues of statelessness and arbitrary detention of migrants in third countries, but notes that the framework and accompanying action plan are no substitute for a Human Rights Action Plan;
3. Welcomes the draft agreement reached by the 47 Council of Europe member states and the EU on the latter's accession to the European Convention on Human Rights, and awaits

the positive opinion of the Court of Justice of the European Union (CJEU) on the agreed text; calls for Parliament and the Council to ratify the agreement rapidly upon the final ruling of the CJEU;

4. Strongly believes that the EU and its Member States should not sign agreements with third countries in the field of freedom, security and justice (FSJ) where there is a serious risk of human rights violations and where the rule of law is not upheld; stresses that any agreements in this field should be concluded after a careful human rights impact assessment and include a suspension clause in relation to human rights; calls on the Commission to develop monitoring mechanisms which allow for public scrutiny of FSJ policies, including by involving civil society in third countries; calls on the Commission to explain the safeguards that are applied to ensure that information provided by third countries under Europol agreements is not obtained through torture or ill-treatment;
5. Expresses concern at the increasing demands being placed on neighbourhood countries in relation to the EU's migration and border management policies; calls for a human-rights-based approach to EU migration and border management such that the rights of regular and irregular migrants and other vulnerable groups are always the first consideration; recalls the extraterritorial application of the European Convention on Human Rights in the implementation of EU migration policy, as ruled by the European Court of Human Rights;
6. Acknowledges in particular the human rights abuses taking place along Greece's border with Turkey, where the building of a fence by the Greek authorities and reported collective expulsions (refoulement), systematic prolonged detention of refugees, asylum-seekers and irregular migrants, and detention of children are infringing European and international law;
7. Recalls that the Member States share responsibility for the Union's external borders; remains concerned about events along the Greek-Turkish, Cypriot, Maltese and Italian borders with regard to the arrival of irregular migrants and calls on the Member States, with the support of the Commission and the EEAS, to ensure that national authorities analyse the individual situation of each person arriving on their territory, on the basis of international and European human rights obligations and taking into account the needs of vulnerable groups; calls on the Commission to support Member States in providing minimum services, such as adequate healthcare and accommodation, for refugees, asylum-seekers and irregular migrants arriving on EU territory;
8. Calls on the Commission to report on the steps being taken to prevent arbitrary detention of migrants by third countries, in line with commitment 14(d) of the EU Action Plan on Human Rights;
9. Expresses alarm at the increasing number of deaths, particularly at sea, and of human rights abuses in the course of irregular migrants' attempts to enter the EU; requests that the Commission consult Parliament prior to the conclusion of any agreement between Frontex and a third country; insists that these agreements must provide for stringent safeguards to ensure full respect for human rights standards, including with regard to return, joint patrolling, search and rescue and interception operations; draws attention to the reports drafted by international organisations (the Council of Europe and the UN), the Fundamental Rights Agency and the European Ombudsman relating to the impact on

migrants' rights of the management of the EU's external borders and to the observance of fundamental rights by Frontex; calls on the EU institutions and the Member States to take swift action to halt violations of migrants' rights, which have on occasion led to deaths, and urges that the EU and its Member States fulfil their international obligations; urges, therefore, that the EU investigate any reports of mistreatment of migrants, refugees and asylum-seekers at EU borders by Frontex, notably as regards detention conditions; emphasises that – especially given the particular instability and political turmoil in the MENA region – the relevant services of the Commission, the EEAS and specialised EU agencies need to coordinate their efforts as part of a holistic approach to the issue of irregular migration targeting Member States, in a manner that is consistent with European principles and values, and with EU efforts in the region and the wider southern neighbourhood aimed at stabilisation and democratisation within the framework of the Common Foreign and Security Policy / Common Security and Defence Policy;

10. Expresses deep concern about the fate of third-country nationals (TCNs) and stateless persons readmitted under EU readmission agreements (EURAs), including cases of indefinite detention, legal limbo or refoulement to their country of origin, and requests the exclusion of TCN clauses from these agreements; underlines the importance of implementing the recommendations made in the Commission's evaluation of readmission agreements; calls on the Commission to allow NGOs, international organisations and European Parliament representatives to take part in Joint Readmission Committees, and urges the Commission to give Parliament access to the documents prepared by these committees; urges the Commission and the Member States to suspend the application of an EURA immediately in the event of human rights violations;
11. Calls on the Commission to extend the remit of the Fundamental Rights Agency to cover all candidate and neighbourhood countries, giving it a specific role in advising EU institutions on how to ensure coherence and consistency between internal and external policies on human rights; calls for the same fundamental rights indicators to be established for all Member States;
12. Calls on the Commission and the Member States to take the necessary legislative and administrative steps to allow the issuing of emergency visas and facilitate the provision of temporary shelter for human rights defenders at risk in third countries; calls for an evaluation of existing mobility partnerships, particularly the interdependence between development aid, regular migration and irregular migration, as defined in the Global Approach to Migration and Mobility;
13. Recalls the key role of Frontex and the European Police College in training law enforcement personnel and border guards to execute European judicial and law enforcement which respects migrants' human rights;
14. Stresses that the continued refusal of Member States to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which is a core international human rights convention, undermines the fundamental principle of the indivisibility of human rights and diminishes the EU's credibility when engaging with third countries on human rights issues;
15. Strongly endorses the European Council's call for Frontex's role to be reinforced in

accordance with the Stockholm Programme in order to increase its capacity to respond more effectively to changing migration flows;

16. Calls for better coordination between the human rights dialogues and the subcommittees on ‘justice, freedom and security’ established under agreements with third countries, in particular the countries covered by in the European Neighbourhood Policy and, more generally, all those affected by readmission agreements;
17. Calls for an enhanced focus by the EU on the issue of statelessness in third countries, including through the development of a joint Commission-EEAS framework for raising such matters with third countries, as announced in the EU Action Plan on Human Rights;
18. Welcomes the continued efforts of the EU institutions and the Member States to advance universal support and cooperation with the International Criminal Court (ICC), as an essential means of securing justice for victims of crimes under international law and promoting respect for international humanitarian and human rights law; encourages all the Member States to conclude framework agreements with the ICC, in particular on witness relocation, interim release, relocation of acquitted persons and sentence enforcement; calls on the EU Member States, as States Parties to the Rome Statute of the ICC, to ensure that the ICC has the necessary resources to fulfil its mandate and deliver justice in a robust, fair and transparent manner;
19. Calls on the Council and the Commission to give full consideration to Parliament’s recommendations and to incorporate them into the post-Stockholm follow-up programme or strategy, which should provide for multiannual planning of the EU’s upcoming legislative and policy proposals and action relating to the area of freedom, security and justice;
20. Looks forward to the EU Anti-Corruption Report to be issued by the Commission in 2013; hopes that the identification by the Commission of areas vulnerable to corruption in Member States will help to step up anti-corruption efforts, facilitate the exchange of best practices, highlight EU trends and stimulate peer learning and further honouring of EU and international commitments; invites the Commission to consider future EU anti-corruption policy initiatives, in particular in the form of binding legislation on Member States and institutions which reflects the highest standards of transparency and integrity, taking due account of the negative impact of corrupt activities on human rights in the EU and in third countries;
21. Urges the Member States to ratify the Council of Europe Convention on Cybercrime, in particular Greece, Ireland, Luxembourg, Poland and Sweden; calls on the Member States rapidly to transpose into their domestic law Directive 2013/40/EU of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA¹;
22. Insists, while reaffirming its commitment to, and the strategic importance of, transatlantic relations in global matters, that surveillance programmes such as PRISM may result in violations of human rights, namely the rights to private life and family life and to the

¹ OJ L 218, 14.8.2013, p. 8.

confidentiality of communications, and may also have consequences for the fulfilment of other human rights of European and foreign nationals, such as freedom of expression; calls on the US authorities to provide the EU, without undue delay, with full information on those surveillance programmes involving data collection, in particular with regard to their legal basis, necessity and proportionality and the safeguards implemented to protect human rights, including mechanisms for obtaining redress for violations;

23. Insists that the Commission, the Council and the Member States should consider all instruments at their disposal in the context of negotiations with the US; calls, therefore, for the timely suspension of the Passenger Name Record (PNR) and Terrorism Finance Tracking Programme (TFTP) agreements;
24. Expresses deep concern at the increasing trafficking in human beings, using transnational and cyber networks, which represents a serious threat to vulnerable groups, in particular women and children, especially in times of economic and social crisis; highlights, therefore, the importance of strategic coordination between the objectives and the implementation of the Internal Security Strategy and the European Security Strategy, which may call for both documents to be updated; recommends that the Member States develop and adopt national plans to combat trafficking in human beings, in line with the recommendations set out in the 2012 EU Strategy Towards the Eradication of Trafficking in Human Beings and under the coordination of the EU Anti-Trafficking Coordinator;
25. Welcomes the implementation of Directive 2011/99/EU of 13 December 2011 on the European Protection Order¹ and of Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime², which significantly enhances the human rights of victims of crime within the EU;
26. Underlines the ongoing significant threat presented by terrorism and organised crime; welcomes the strengthening of operational agreements between Europol and Eurojust, and their working arrangements with Frontex to combat terrorism and organised crime;
27. Expresses concern at the fact that cybercrime, child sex offences and fraud are a growing global and EU trend, and at the enormous financial and psychological damage they cause worldwide; welcomes the establishment of Europol's European Cybercrime Centre to tackle cybercrime by building operational and analytical capacity for investigations and cooperation with international partners;
28. Highlights the importance of giving victims of terrorism special attention, support and social recognition and stresses the urgent need to establish a specific legislative instrument for victims of terrorism.

¹ OJ L 338, 21.12.2011, p. 2.

² OJ L 315, 14.11.2012, p. 57.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	24.9.2013
Result of final vote	+ : 54 - : 11 0 : 0
Members present for the final vote	Pino Arlacchi, Elmar Brok, Jerzy Buzek, Susy De Martini, Mark Demesmaeker, Michael Gahler, Marietta Giannakou, Ana Gomes, Takis Hadjigeorgiou, Anna Ibrisagic, Liisa Jaakonsaari, Jelko Kacin, Tunne Kelam, Nicole Kiil-Nielsen, Evgeni Kirilov, Maria Eleni Koppa, Andrey Kovatchev, Paweł Robert Kowal, Wolfgang Kreissl-Dörfler, Vytautas Landsbergis, Ryszard Antoni Legutko, Sabine Lösing, Marusya Lyubcheva, Willy Meyer, Francisco José Millán Mon, María Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Raimon Obiols, Justas Vincas Paleckis, Pier Antonio Panzeri, Alojz Peterle, Bernd Posselt, Cristian Dan Preda, Fiorello Provera, José Ignacio Salafranca Sánchez-Neyra, Werner Schulz, Sophocles Sophocleous, Laurence J.A.J. Stassen, Davor Ivo Stier, Charles Tannock, Eleni Theoharous, Geoffrey Van Orden, Nikola Vuljanić
Substitute(s) present for the final vote	Charalampos Angourakis, Jean-Jacob Bicep, Biljana Borzan, Kinga Gál, Metin Kazak, Barbara Lochbihler, Emilio Menéndez del Valle, Norbert Neuser, Doris Pack, Jean Roatta, Potito Salatto, Marietje Schaake, Alf Svensson, Ivo Vajgl, Renate Weber
Substitute(s) under Rule 187(2) present for the final vote	José Manuel Fernandes, Teresa Jiménez-Becerril Barrio, Isabella Lövin, Antonio Masip Hidalgo, Antigoni Papadopoulou, Jarosław Leszek Wałęsa

3.10.2013

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Constitutional Affairs

on mid-term review of the Stockholm Programme
(2013/2024(INI))

Rapporteur: Sirpa Pietikäinen

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Constitutional Affairs, as the committees responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas the Treaty enshrines the fight against social exclusion and discrimination and the promotion of equality between men and women as EU objectives, and whereas the Commission must make sure that the implementation of the Stockholm Programme truly reflects the needs of citizens in terms of equal opportunities and gender equality;
- 1. Underlines the fact that the principle of universality applies to fundamental rights and equal treatment; urges the Council, therefore, to adopt the proposal for an anti-discrimination directive¹; stresses the fact that women in particular are often the victims of multiple discrimination and that it is necessary to examine all the factors impacting on women's lives in order to strengthen all fundamental rights through the adoption of joint strategies for the protection of victims and the criminal prosecution of offenders, while promoting equality between men and women, paying special attention to vulnerable women and in particular to women with disabilities; invites the Commission and the Member States to improve the protection of vulnerable adults and to sign, ratify and implement the 2000 Hague Convention on the International Protection of Adults;
- 2. Calls on the Commission and the Member States to develop specific tools based on new information and communication technologies in order to share best practices in the fight against discrimination at European level;
- 3. Encourages the Commission to work effectively towards the establishment of an International Judgments Convention which would pursue similar aims to the Brussels I

regulation;

4. Calls on the Member States to establish complaints procedures that ensure that a victim of multiple discrimination, taking into account that women are particularly affected by such discrimination, can lodge a single complaint addressing more than one ground of discrimination; considers it appropriate to support the activities of human rights defenders and the development of collective actions by marginalised people and communities;
5. Stresses the importance of taking the gender dimension into account in all strategies to integrate people with disabilities, immigrants, the Roma population and other minorities, and excluded people;
6. Welcomes the adoption of the directive establishing minimum standards for the rights, support and protection of victims of crime¹, in which special attention is paid to the protection of disadvantaged persons such as women and children; underlines their frequent victimisation by all types of violence including domestic violence; recommends the in-depth investigation, identification and prosecution of such severe violations of human rights; welcomes the directive on the European protection order² and the directive on preventing and combating trafficking in human beings and protecting its victims³; calls on the Member States to transpose and implement those directives as soon as possible;
7. Stresses that trafficking in human beings is a serious crime which particularly affects women and which represents a violation of human rights and human dignity that the Union cannot tolerate; regrets that the number of people being trafficked to and from the EU is rising, despite the entry into force of the EU Anti-Trafficking Directive in December 2011; calls on the Member States to increase their efforts to curb this worrying trend by ensuring that a common, coordinated and ambitious European strategy, as well as legislation and measures to fight trafficking in human beings and international organised criminal networks in this field, are developed and implemented in accordance with the directive, targeting women and minors in particular; stresses that actions to combat trafficking in human beings, forced labour and irregular immigration need to focus on the root causes, such as global inequalities; calls, therefore, on the Member States to live up to their development aid and MDG commitments and to reinforce cooperation and coordination with third countries;
8. Emphasises that growing prostitution markets, which are legalised and institutionalised in some Member States, have proven to fuel trafficking, and therefore calls for measures to reduce the markets in prostitution, such as placing sanctions on the exploiters, including pimps and sex buyers; calls on the Commission and the Member States, therefore, to increase funding for exit programmes for trafficked persons, in particular for women in prostitution.

¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

² Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order

³ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

9. Welcomes the proposal for a directive on improving the gender balance among non-executive directors of companies listed on stock exchanges¹; stresses the need to combat the persisting ‘glass ceiling’ phenomenon, which remains one of the main obstacles to the development of the career paths of women;
10. Regrets that the Commission, despite its many commitments, has not come up with legislative acts in the fields of violence against women, equality in political decision-making or revision of the directive on the gender pay gap;
11. Urges the Commission to propose a comprehensive strategy and legislative acts to fight violence against women as promised in the Stockholm Action Programme and as requested by Parliament in several resolutions; reiterates the need for a legislative criminal-law instrument to be launched by the Commission in order to combat violence against women and children in all its forms and to safeguard their rights and fight; also calls on the Commission and the Member States to establish an EU Coordinator on violence against women;
12. Stresses the need to provide proper training for officials (police, health service personnel, court staff, etc.) who are likely to come into contact with cases where a person’s physical, psychological and sexual integrity is considered to be at risk, particularly in cases of women who are victims of gender-based violence; calls on the Member States to support the work of civil society, particularly NGOs, women’s associations and other voluntary organisations providing specialist support, and to collaborate with such organisations in providing support to women victims of gender-based violence;
13. Calls on the Member States to ratify the Istanbul Convention on preventing and combating violence against women and domestic violence, and on the Commission to propose negotiating guidelines for the EU’s accession to that convention without any further delay;
14. Calls on the Member States to take action to combat the economic and social causes that foster violence against women, such as unemployment, low wages and pensions, housing shortages, poverty, and non-existent or inadequate public services, particularly in the area of public health, education and social security services;
15. Urges the Commission to revise Directive 2006/54/EC without delay and to propose amendments to it, in accordance with Article 32 of the directive and on the basis of Article 157 TFEU following the detailed recommendations set out in the annex to the resolution of Parliament of 24 May 2012, notably with reference to:
 - greater transparency of pay data;
 - transparent work evaluation and job classification; and
 - strengthened legislation on sanctions;
16. Invites the Commission and the Member States to ensure that a gender-sensitive and gender mainstreaming approach is included in all legal training provided by the European

¹ COM(2012) 0614

Judicial Training Network, the Academy of European Law and any other relevant institutions to the various stakeholders in the field of judicial and police cooperation; calls for the introduction of specific modules concerning gender-based violence and proper procedures to assist victims;

17. Proposes that a social awareness-raising campaign be carried out whose common criterion at European level should be to address the serious nature of gender-based violence; considers that the aim of such a campaign should be to foster social awareness, citizen mobilisation and institutional action on the same scale as the actions associated with the fight against other forms of crime or attack such as terrorism, which have a collective impact in addition to their individual dimension; takes the view that this type of social response has played a significant part in depriving other types of violence of any legitimacy and should also be deployed against gender-based violence;
18. Calls for the establishment of a gender focal point in the European Asylum Support Office;
19. Welcomes the Commission's proposal for a regulation on promoting the free movement of citizens and businesses by simplifying the recognition of certain public documents, thus eliminating bureaucracy and closing the existing gap between EU institutions and citizens;
20. Calls on the Commission, in line with previous commitments and following repeated requests from Parliament, to issue a proposal for a regulation on the mutual recognition of the effects of all civil status documents in the EU, in order to eliminate discriminatory legal and administrative barriers for both men and women citizens and their families who wish to exercise their right to free movement;
21. Calls on the Commission and the Member States to incorporate the views of all public services and competent authorities at state, regional and local level, since they are responsible for planning and providing services in the field of equality policy;
22. Reiterates its call for the adoption of a European Code of Private International Law;
23. Calls on the Commission to monitor the differentiated impact of public spending cuts on women and men as indirectly affecting gender equality; points out, in this context, that reduced tax revenues and possible budget cuts will lead to reductions in public expenditure, with public services, such as education, training and social care being liable to suffer in the medium term, as are women as users of those services;
24. Calls on the Commission and the Member States to recognise regional police forces which are equipped with powers to combat crimes against women committed by organised and/or cross-border gangs, and to boost coordination between them and operational security agencies and police forces;
25. Is appalled that the total number of victims of forced labour in the Member States is estimated at 880 000; of these, 30 % are estimated to be victims of sexual exploitation and 70 % victims of other types of forced labour exploitation, with women constituting the majority;

26. Calls the Commission to further develop the e-Justice programme in order to allow citizens direct access to legal information and justice via online information;
27. Reiterates its call on the Commission to propose cooperation measures aimed at mobilising consular services in countries of origin with a view to preventing the fraudulent issue of visas, conducting information campaigns in countries of origin aimed at potential victims, especially women and children, in cooperation with the authorities there, and also to propose measures to make border controls more effective with the aim of preventing trafficking in people and irregular immigration;
28. Calls on the Commission to propose actions to protect and provide assistance to women who are victims of trafficking in human beings and sexual exploitation, through measures including the development of compensation schemes, safe return, reintegration aid in the host country in cases of voluntary return, assistance and aid during their stay in the EU, and cooperation with the authorities in the countries of origin in order to protect the families of victims of trafficking and sexual exploitation;
29. Recalls that about one-half of all migrants in the EU are women, and that an independent migration status for women and the right to work for spouses are crucial elements in ensuring effective integration;
30. Highlights the need to protect rights in the field of sexual and reproductive health, and expresses concern at the restrictions that apply in some Member States as regards access to contraceptives and sexual and reproductive health services, particularly abortion.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	3.10.2013
Result of final vote	+: 17 -: 3 0: 0
Members present for the final vote	Regina Bastos, Andrea Češková, Edite Estrela, Iratxe García Pérez, Mary Honeyball, Astrid Lulling, Elisabeth Morin-Chartier, Krisztina Morvai, Joanna Senyszyn, Joanna Katarzyna Skrzydlewska, Britta Thomsen, Marina Yannakoudakis
Substitute(s) present for the final vote	Izaskun Bilbao Barandica, Minodora Cliveti, Mariya Gabriel, Nicole Kiil-Nielsen, Christa Kläß, Doris Pack, Angelika Werthmann
Substitute(s) under Rule 187(2) present for the final vote	Gesine Meissner

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	24.2.2014
Result of final vote	+: 50 -: 6 0: 33
Members present for the final vote	Roberta Angelilli, Edit Bauer, Luigi Berlinguer, Sebastian Valentin Bodu, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Andrew Henry William Brons, Zdravka Bušić, Salvatore Caronna, Carlo Casini, Philip Claeys, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Andrew Duff, Ioan Enciu, Frank Engel, Cornelia Ernst, Tanja Fajon, Monika Flašíková Beňová, Marielle Gallo, Giuseppe Gargani, Kinga Göncz, Roberto Gualtieri, Enrique Guerrero Salom, Sylvie Guillaume, Zita Gurmai, Gerald Häfner, Ágnes Hankiss, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Livia Járóka, Teresa Jiménez-Becerril Barrio, Rina Ronja Kari, Timothy Kirkhope, Klaus-Heiner Lehne, Juan Fernando López Aguilar, Antonio López-Istúriz White, Baroness Sarah Ludford, Monica Luisa Macovei, Svetoslav Hristov Malinov, David Martin, Antonio Masip Hidalgo, Clemente Mastella, Véronique Mathieu Houillon, Nuno Melo, Roberta Metsola, Louis Michel, Claude Moraes, Sandra Petrović Jakovina, Paulo Rangel, Bernhard Rapkay, Evelyn Regner, Tadeusz Ross, Judith Sargentini, Algirdas Saudargas, Birgit Sippel, Csaba Sógor, Francesco Enrico Speroni, Rui Tavares, Rebecca Taylor, Alexandra Thein, Nils Torvalds, Kyriacos Triantaphyllides, Wim van de Camp, Axel Voss, Renate Weber, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra, Tadeusz Zwiefka
Substitute(s) present for the final vote	John Stuart Agnew, Marino Baldini, Elmar Brok, Sergio Gaetano Cofferati, Luis de Grandes Pascual, Lorenzo Fontana, Mariya Gabriel, Anneli Jäätteenmäki, Franziska Keller, Jean Lambert, Eva Lichtenberger, Ulrike Lunacek, Marian-Jean Marinescu, Vital Moreira, Jan Mulder, Juan Andrés Naranjo Escobar, Andrés Perelló Rodríguez, György Schöpflin, Janusz Wojciechowski
Substitute(s) under Rule 187(2) present for the final vote	Richard Ashworth, Margrete Auken, Zoltán Bagó, Karin Kadenbach, Krzysztof Lisek, Catherine Stihler, Csaba Sándor Tabajdi, Jarosław Leszek Wałęsa, Anna Záborská