

Adopted resolution

For an open Europe with strong fundamental rights

The "Stockholm Programme" which is to define the framework for EU police and customs cooperation, rescue services, criminal and civil law cooperation as well as asylum, migration, and visa policy for 2010–2014 and which is due to be adopted in the European Council in December 2009, recently presented to us promises to create an "area of freedom, security and justice serving the citizen". Looking into the details, however, we find that the European Union they talk of will bring more freedoms and possibilities only for law enforcement agencies and less security for the people and their fundamental rights - such as privacy - and justice. It sets up a new phase in closing up borders and having a close surveillance of those who enter and those already inside.

Surveillance and profiling: The Commission and Presidency envisage a free flow of information among law enforcement and intelligence agencies. Europol is supposed to become a European-wide information-sharing agency with little parliamentary oversight, and a specialized new IT Agency is proposed for connecting the data about our police files, fingerprints, and visa records. We insist that informational self-determination is a fundamental right. This implies cutting back the growth of data heaps, access to stored data only after judge approval, and no interconnection of existing systems. Electronic centralization of governments' knowledge about us is just as dangerous for democracy as institutional centralization in the government is for the balance of power.

Whose rights and whose security: We disagree with the approach of the Council and the Commission to only include EU citizens in the group of those whose fundamental rights have to be protected or even "secured". Looking at the historical development of surveillance and other repressive measures, regulations for third country nationals and weaker parts of the population often constituted the first step on the way to threatening the whole society.

The wrong and misleading "balance" metaphor: The Stockholm Programme pretends to find a balance between fundamental rights and civil liberties on the one hand and security and surveillance on the other hand. However, we disagree with the approach that the rights of a person can be balanced by security measures of the state. Fundamental rights, such as the right to informational self-determination and the right not to be suspected in lack of evidence are impartial and cannot be intruded by any means of anti-terrorism or other security interests. We cannot restrict freedom in order to save freedom.

Serious evaluation before adopting any new measures: In the last ten years, we have seen a number of repressive measures such as the mandatory retention of all telecommunications data, the introduction of militarized border controls through Frontex, which do not always follow the respect of basic human rights, EU cooperation against migrants and refugees with undemocratic states such as Libya that has, till now, refused to sign and ratify the Geneva Convention on Human Rights. Not all of these measures have shown results at all and a number of them have been dangerous and have heard harsh criticism from human rights organizations. Before any new means are taken up, it is necessary to revise what has been done so far and to take away measures that have proven insufficient or which stand against the European understanding of human dignity, fundamental rights and civil liberties.

Dangerous trend to a general Surveillance: The Council's 2009 framework decision on data protection in police cooperation is so weak and full of exceptions that the European Data Protection Supervisor calls for a complete re-start in this area. Plans in the Stockholm Programme to harmonize information standards and interoperability for security agencies will

only lead to a situation in which even de-centrally managed databases get more and more connected. The citizen will become the object of more and more dragnet investigations and profiling exercises, while at the same time losing sight and control of his and her personal information. The citizens must be granted a right to check and, if necessary, correct any information related to themselves. We still oppose the blanket mandatory retention of telecommunications data and support legal and constitutional complaints against it. The use of personal data collected in the private sector by law enforcement agencies, such as passenger name records and SWIFT financial transaction data, can only be allowed under strict conditions such as a judge approval, and only on an individual basis. We also oppose plans for an EU-wide entry-exit database, for there are already signs that this database will be expanded to a comprehensive scheme for the surveillance of all air, sea, and land travel within and across member states. This not only constitutes a violation of the right to privacy and the presumption of innocence, it also goes against the idea of a Europe without borders.

Control the Agencies

The EU sets up agencies in different priority areas, officially just accomplishing “technical tasks”. Amongst them are Frontex, Europol, the European Defence Agency, and the proposed IT management agency for law-enforcement databases. These agencies are gaining more and more power while the possibilities for democratic control do not keep up. Frontex, for example, has its own legal personality and undertakes operative tasks. The Future Group even suggested that Frontex should have the right to negotiate treaties with third countries bilaterally. Regarding this development we are deeply concerned that the surveillance mania and the defence of the Fortress Europe will be more and more institutionalized. We are furthermore worried that crucial competencies slip out of the Parliament's hands. Therefore, we urge to increase the transparency and the accountability towards the Parliament in the above mentioned agencies. We call for establishing a parliamentary rapporteur for every agency. Moreover, every agency should present its working programme to the European Parliament that would have the possibility for amendments.

Migration and Asylum

The references to civil rights in the Stockholm Programme only address EU citizens. A high number of people living in the EU is just left aside. We demand from the EU to improve access to protection of fundamental rights for non-EU citizens. Immigration is not a burden, but a reality and a necessity. The Commission at least is recognizing this, but is only pushing for migrants who fit perfectly well in the EU's labour market, ignoring the needs of people who do not fit into this scheme and as well ignoring the fact that a lot of forced migration is caused by EU policies such as climate change and fishery policy. We notice and oppose the criminalizing of “illegal” immigration in the EU and EU member states. We reiterate that everybody should be guaranteed the possibility of asking for it.

Strengthening a European movement

The Stockholm Programme comes after years of expanding the powers and institutions of the security and surveillance apparatuses. As we can see in history, restrictions of fundamental rights often came along by restricting the rights of asylum seekers and “illegal” people and then were transferred onto the whole society. We are in line with the population when we demand that turning back the wheel is more than urgent. We will cooperate closely with civil society groups and activists on the Stockholm Programme. We will ensure that it receives the public scrutiny and debate it deserves. We will unmask its rhetoric of security for the citizen. We will fight it in its current form and we will carefully and critically watch the implementation process in the years to come. It is not too late: We still can turn Europe into a true defender of civil liberties.

Having regard to all this, the European Greens urge the Presidency and Commission to strive for a real sharing of responsibility in dealing with asylum applications among member states. This solidarity has to be obligatory. We urge the European Institutions and the EU Member States to work for a programme that secures fundamental rights, human rights, and freedom in Europe.