Resolution on the fight against terrorism

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Following the debate in plenary, the European Parliament adopted a resolution on the fight against terrorism. It warmly welcomes the signing of the Treaty of Lisbon, and calls on Member States to ratify it so as to make the Charter of Fundamental Rights of the EU binding. This is a necessary complement to the EU strategy for combating terrorism.

As far as 'prevention' is concerned: the EU should support actions aimed at preventing violent radicalisation, by fostering the integration of people through intercultural dialogue and the promotion of democracy and human rights as the universal values underpinning our society, avoiding social exclusion. It demands that there be, at long last, a Europe-wide ban on any apology for terrorism. Parliament believes, further, that an important element in preventing terrorism is an EU and Member State development aid policy that also functions as a security policy. Promoting civil society and helping to achieve social peace and prosperity are a suitable means of showing people their opportunities and restricting the spread of fundamentalist ideologies. The development of education, health and social security systems in countries often identified as the origin of terrorist activities should be made a much greater priority than before in development aid policy. Cases such as the US Supreme Court's dismissal of Khalid Al-Masri torture appeal tend to reinforce the impression, particularly among Muslim minorities in the EU, that anti-terror measures create double standards. The EU must engage more forcefully in the struggle to uphold the rule of law within the EU and in the international context, in particular by defending its own citizens in prosecutions in third countries in which citizens of Muslim descent are disproportionately concerned. Parliament calls for an initiative at the European and international levels for the resettlement of Guantánamo prisoners from third states which cannot be returned to their country of origin because they risk being persecuted or tortured.

In addition, it demands that Europol's role be strengthened and reaffirms that, in the fight against terrorism, Europol needs its own investigative powers. In order to increase the EU's effectiveness in the fight against terrorism, the Commission and the Member States should put in place a permanent network of information exchange between EU anti-terrorist centres. Parliament reiterates the importance of sharing intelligence information, both at EU level and among Member States' services, and reaffirms the need for uniform rules at EU level to ensure the necessary democratic and parliamentary control and scrutiny.

As far as 'protection' is concerned: in order to protect citizens and to reduce the EU's vulnerability to attack, it is essential that the EU:

- establish, with the cooperation of the Member States, an EU-wide crisis-alert and -detection system, based also on national protection schemes operational round-the-clock for disasters caused by nature or human activity;

- map of critical and strategic infrastructures and networks, taking into account the future Council Directive on the identification and designation of European Critical Infrastructure and the assessment of the need to improve their protection;

- effective solidarity mechanism between Member States which can give immediate access to rare resources available at national level (so-called 'assets' such as vaccines or sophisticated technologies);

- render the SIS II and VIS databases fully operational, including provisions regarding the access of law enforcement authorities;

- coordinate better, through the Member States, the work of its intelligence services to ensure that existing obstacles to the exchange of information, such as a lack of trust, are swiftly removed;

- rationalise and improve the clarity, transparency and applicability of its counter-terrorism legislation.

It emphasises that any monitoring of the internet in order to prevent terrorist attacks should under no circumstances entail restrictions on free speech that is not intended to incite terrorist acts and cannot reasonably in itself lead to such acts. Parliament reminds the Council of its promises to Parliament, and calls on it finally to adopt the framework decision on the protection of personal data processed within the framework of police and judicial cooperation in criminal matters providing for an adequate level of data protection, and the framework decision on certain procedural rights in criminal proceedings throughout the EU before introducing any further measures relating to the fight against terrorism. It goes on recall that the primary purpose of Eurodac as a first pillar database is to facilitate the application of the Dublin II Regulation and that any proposal to transform it into a security measure and criminal investigation tool would be unlikely to be legal under EU or international law. Access by law enforcement authorities and Europol to the Eurodac database could lead to stigmatisation of and possible danger to, asylum seekers. Parliament states that any form of 'profiling' in counter-terrorism measures is unacceptable. It is unacceptable to pursue an EU-PNR system without a complete evaluation of the EU-US and EU-Canada PNR agreements, in particular their impact on reducing the threat and increasing security as well as their impact on privacy and civil liberties.

As far as 'pursuit' is concerned: Parliament urges the Member States to cease to hesitate and enhance judicial and police cooperation at EU level in the fight against terrorism. It emphasises again the need to strengthen the coordination and operational role of Eurojust and Europol, and the need for full democratic control at EU level, as well as the need for a framework decision on data protection in the third pillar, which is now lacking at EU level. It asks the Commission for detailed information on a variety of topics, including : on the framework decision on terrorism and on the European arrest warrant; whether all anti-terrorism acts adopted have been implemented by the Member States; an overall evaluation of the consequences of the anti-terrorism legislation; whether all the laws that infringe citizens' rights give citizens the possibility of correcting their data, of challenging the facts and of complaining about the proportionality of the measures. It asks the Counter-Terrorism Coordinator to report to Parliament on the effectiveness of the measures taken by the Member States and by Europol and Eurojust. The Council is asked to act on Parliament's recommendations regarding the CIA rendition programme. It is also asked, together with the Commission, for an overview, which has been repeatedly requested by Parliament, of companies that are being forced by third countries (notably the US) to submit their customer data to the authorities.

Parliament states that is concerned at Member States" knee-jerk reaction to anti-terror legislation, in which the desire to send a political message often takes priority over serious and conscientious consideration of the boundaries of the possible and the useful, including the increasingly inadequate consideration of rule of law principles, such as the proportionality principle and the presumption of innocence.

As far as 'response' is concerned: it is of the utmost importance that, in the event of a terrorist attack, that Member States should show an effective spirit of solidarity, by managing and minimising the consequences of the attack, in particular for EU countries which do not have sufficient human, financial or technological resources to manage the aftermath, coordinate the response and help victims. A key element in the response to terrorist attacks should be to put in place the necessary instruments to support the overall fight against terrorism. It is equally important to protect all aspects of the rule of law, citizens' civil rights, judicial and legal safeguards for suspects, and democratic control and scrutiny over all legislation introduced, both at EU level and in relations with third countries.

As far as the 'roots' of terrorism are concerned: the Council and the Commission must draw up an action plan for spreading democracy throughout the world and strengthening economic and political

cooperation with Islamic countries by supporting democracy movements, promoting student exchanges and other forms of education, and funding media stations which spread democratic ideas and bring to light terrorist activities and those who support them. The Commission is asked to define measures to ensure support for the victims of terrorism.

The need for stronger and more effective interparliamentary cooperation for the new counter-terrorism strategy: immediately following the signature of the Treaty of Lisbon, Parliament and national parliaments should start a joint evaluation exercise of the European Counter Terrorism Strategy, in order to prepare a new form of 'high-level dialogue' in this sphere, associating citizens' representatives at EU and national levels.

Cooperation with the Commission and the Council: any proposals which come under the codecision procedure and are not adopted before the entry into force of the Lisbon Treaty should be treated as 'quasi-codecision'. Parliament then notes the new package of counter-terrorism legislative proposals comprising the Council framework decision on the use of Passenger Name Records (PNR) for law enforcement purposes, the directive on explosives and the evaluation report on the implementation of the framework decision on combating terrorism. It is determined to carry out an evidence-based assessment of the proposals. Furthermore, the EU anti-terrorism coordinator should play an important role in the Community's approach and wishes to clarify his responsibilities and structures of accountability.

Lastly, Parliament states that it expects a strategy for an EU anti-terror policy to be developed in cooperation with Parliament that not only displays an integrated approach and central theme but, above all, sets out distinct, short-, medium- and long-term measures.