Implementation of an area of freedom, security and justice : action plan

1998/0923(COS) - 13/04/1999 - Text adopted by Parliament, single reading

Adopting the report by Rinaldo Bontempi (PSE,IT) on an area of freedom, security and justice, the European Parliament calls for a common strategy to be drawn up on: - European citizenship and the fundamental rights of persons living in the Union; - full attainment of free movement of persons; - immigration and asylum; - mutual recognition of civil and criminal sentences; - administrative, judicial, customs and police cooperation and upgrading the role of Community agencies such as Europol. It states that the respect of fundamental rights must be the hall mark of the European Union. In this respect, it requests that the decision by the Presidency of the Council to draw up a Charter of fundamental rights should be analysed and that the added value which it would represent in comparison with the existing situation should be ascertained. It considers that the Commission should, as a matter of priority, present proposals on: - the setting-up of an authority to monitor the treatment of personal data in the work of the institutions ; - the legal means to be used to ensure that the activities of the institutiions under the third pillar guarantee the same level of protection in the various Member States; - access to the documents of the institutions; - combatting discrimination. The Parliament calls for a genuinely European approach to reappraise: - free movement of persons; - visa policy, immigration policy, conditions for entry and residence; - the definition of a statute for non-Community nationals legally residing in the Union and positive action to support their integration; - effective action against illegal immigration, targeting criminal networks organising trafficking in human beings; - establishment of a legal framework to enable the Union to cope effectively with a mass influx of displaced persons by creating a harmonised temporary protection regime, including the establishment of a system of humanitarian and financial solidarity between the Member States; - approximation of the conditions for receiving applicants for asylum and of legislation on procedures for conferring refugee status and forms of supplementary protection. The Parliament calls on the Council and the Commission to adopt without delay the necessary measures to ensure substantive progress in giving practical form to the area of freedom, security and justice before the forthcoming enlargement of the Union. It believes that the process of creating a European legal and judicial area must be accompanied by full parliamentary and judicial control. The report points out that everyone is entitled to be heard by an independent and impartial judge and to a fair trial governed by the principle of presumption of innocence and stresses the importance of respect for the principles of equal access to justice, protection of the rights of the defence, and equal terms in both civil and criminal proceedings. The Parliament considers that the granting of judicial assistance free of charge in cases of difficulty must be guaranteed in all judicial proceedings. It points out that the social reintegration of those who have paid their debt to society is a fundamental principle of European criminal law and stresses that the rights of victims of crime and terrorism must be protected and that an adequate system of compensation for such victims must be guaranteed. The Parliament further demands that the Union draw up a strategy to support and coordinate the actions of the Member States as regards: - crimes against humanity or linked to terrorist activity; - relations with the International Criminal Court, the extraordinary tribunals and the European Court of Human Rights; - crimes with percussions beyond the territory of one Member State, offences which affect the integrity or health of individuals, the European economy, which are committed using means which necessarily transcend national boundaries (eg. the Internet), which involve European citizens from more than one Member State or which involve organised crime. The Parliament finally demands that efforts be made to ensure that the European public is optimally informed and proposes that it should be made compulsory for judges, lawyers and public servants to receive training concerning fundamental rights, the European legal system and European comparative law.