

**Opinion of the European Economic and Social Committee on the Proposal for a Council Decision establishing the specific 'Programme Prevention, Preparedness and Consequence Management of Terrorism, for the Period 2007-2013. General Programme Security and Safeguarding Liberties'**

(COM(2005) 124 final — 2005/0034 (CNS))

(2006/C 65/13)

On 25 July 2005, the Council decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Employment, Social Affairs and Citizenship, which was responsible for the Committee's work on the subject, adopted its opinion on 14 November 2005. The rapporteur was Mr Cabra de Luna.

At its 422nd plenary session, held on 14 and 15 December 2005 (meeting of 14 December 2005), the European Economic and Social Committee adopted the following opinion by 126 votes, with ten abstentions.

## 1. Introduction

1.1 The Commission has forwarded to the Council and the European Parliament its Proposal for a Council Decision establishing a framework programme on Security and Safeguarding Liberties, comprising two instruments: a specific programme *Prevention, Preparedness and Consequence Management of Terrorism*, and another, *Prevention of and Fight against Crime*, both for the period 2007-2013. The framework programme is consistent with the Commission's intention to support the development of the Area of Freedom, Security and Justice under the 2007-2013 financial perspectives by extending this to cover citizenship, thus placing the traditional concept of Justice and Home Affairs (JHA) within a wider context, in line with the United Nations' new approach to *Human Security* involving 'a broader, more comprehensive concept for security' <sup>(1)</sup>. This innovation is extremely interesting and represents an important step towards establishing a concept of security shared by all social players. The added value of this framework programme is provided by its European dimension, which enables the generation of synergies between European and national fields of action.

1.2 The Commission insists that in Europe, citizenship, freedom, security and justice must be developed in parallel and on an equal basis, with a balance between the principles of democracy and respect for human rights, fundamental liberties and the rule of law. The Union is gradually increasing its activities in this field: beginning with the Vienna Action Plan <sup>(2)</sup> and following the lines of action of the Tampere European Council of 1999, the Union has been responding through legislation and financial support programmes. Furthermore, these lines of action were clarified in the Treaty on European Union and the Hague Programme, adopted by the European Council of November 2004. The European Security and Defence Policy and the European Union Plan of Action on Combating

Terrorism also highlight the Union's approach to fighting terrorism.

1.3 However, the European Parliament and the Court of Justice need to be more involved in all these areas, to safeguard liberties in the context of the policies that have been proposed and adopted by the EU.

1.4 However, the Union's focus with regard to the development of the Area of Freedom, Security and Justice has thus far been on legislative action, with relatively meagre financing. Therefore, its efforts must now centre on the operational aspects, particularly in relation to the fight against terrorism, an especially insidious form of criminality that requires urgent action <sup>(3)</sup>.

1.5 Terrorism, as a form of criminality, constitutes one of the biggest threats facing citizens today. The premise of the framework programme is that criminal acts threaten individual liberties and rights, democratic societies and the rule of law; therefore, freedom is only possible within a framework of security and legal guarantees. Public bodies and civil society must have the resources to keep up with the growing sophistication of terrorists and criminals who operate in an organised fashion and on an international scale; in this way it will be possible to cofinance bilateral and national projects aimed at boosting innovation, and applying the resulting experiences at a transnational or European level.

1.6 Organised crime represents a significant threat for the EU. According to Europol, approximately half of all organised crime groups in the Union are made up of citizens of the Member States; many of these have connections with non-EU countries associated with various forms of crime, such as drug trafficking, illegal immigration and people trafficking, financial crimes, smuggling and different types of property offences.

<sup>(1)</sup> Report on *Human Security Now*, United Nations <http://www.human-security-chs.org>.

<sup>(2)</sup> OJ C 19, 23.1.1999, p.1.

<sup>(3)</sup> <http://www.europol.eu.int/index.asp?page=publar2004#INTRODUCTION>.

1.7 The fight against terrorism and organised crime should not jeopardise individual liberties and the rule of law; on the contrary, it should seek to preserve them. The democratic constitution, the evolution of the concept of individual liberties and the presumption of innocence cannot be undermined, nor questioned, by policies combating terrorism and organised crime.

1.8 The fact that transnational cooperation between these groups is increasing is cause for concern, not only because this provides more opportunities for criminals, but also because it makes police or legal action difficult. It is impossible to fight transnational crime if police forces cannot act beyond the borders of their own countries. Organised crime groups exploit this weakness by living in one Member State and operating in another. Free movement of goods, people, capital and services is in many ways positive, but organised crime groups know how to exploit these freedoms and the flexibility of a legal area inadequately equipped for curbing their activities.

1.9 According to Europol, there are currently about 3 000 organised crime groups, involving some 30 000 identified members, actively operating within the Union. However, these figures, based on data provided by the Member States, are merely illustrative; in reality, the numbers are much greater. The size, structure, organisation and other characteristics of such groups differ as much within Member States as between them. Organised crime groups in the EU are involved in all kinds of criminal activities, particularly drug trafficking, illegal immigration, people trafficking, smuggling, stealing works of art from museums and churches, fraud and financial crimes.

1.10 The EESC has already stated its views on this subject, in its opinion <sup>(4)</sup> on the *Commission Working Document — The relationship between safeguarding internal security and complying with international protection obligations and instruments* <sup>(5)</sup>. The opinion's conclusions included the following:

- a. The Committee fully supports coordinated action against terrorism at Community level and the open coordination method recommended by the Commission. However, it calls for great caution and very careful thought regarding preventive and punitive measures, notwithstanding the justifiable depth of emotion aroused by the unspeakable attacks perpetrated in the United States on 11 September, and other terrorist crimes committed in various EU and third countries.
- b. While reasserting that the safeguarding of human rights and international protection instruments must be given priority over all other considerations, the Committee is aware that the common policy for internal security and fighting

terrorism needs improving. Without questioning political and humanist ethics there must be effective protection for people and property, and to that end a balance must be struck between the differing requirements involved in protecting the various rights and freedoms.

## 2. Gist of the Commission document

To improve management of the security risks that affect the Union's citizens, ensuring their rights and liberties by

- 1) promoting and developing coordination, cooperation and mutual understanding between police forces, national authorities and other relevant bodies,
- 2) stimulating, promoting and developing horizontal methods and tools to create strategies to fight terrorism and crime, such as public-private partnerships, codes of conduct and best practice, comparative statistics and crime detection techniques and
- 3) sharing information, knowledge and standards to protect vital infrastructures and to manage the consequences of terrorism and crime, as regards civil protection and the protection of victims of terrorism and witnesses.

### 2.1 Types of action proposed

- European projects initiated and managed by the Commission, coordination mechanisms and networks, *inter alia*, analytical activities such as studies and activities aimed at identifying solutions, together with specific policies, training and exchange of staff;
- transnational projects initiated and managed by at least two Member States (or one Member State and one candidate country);
- national projects with Member States;
- subsidies for NGOs carrying out tasks with a European dimension.

### 2.2 The following will receive special support

- operational cooperation and coordination actions (strengthening networking — links and relations, trust and mutual understanding, exchange and dissemination of information, experience and best practice);
- analytical, follow-up and evaluation actions;
- development and transfer of technology and methodology;
- training, exchange of staff and experts;
- information and distribution activities.

<sup>(4)</sup> EESC opinion of 24 April 2002 (rapporteur working without a study group: Mr Retureau) (OJ C 149 of 21.6.2002).

<sup>(5)</sup> Regarding the Commission Working Document - The relationship between safeguarding internal security and complying with international protection obligations and instruments (COM(2001) 743 final).

### 2.3 *Respect for the principles of subsidiarity and proportionality*

With regard to the principle of subsidiarity, the framework programme does not intervene in areas covered by programmes managed by each Member State's national authorities; rather, it focuses on issues where value can be added at European level. In this sense, it complements national programmes and maximises synergies with bilateral and multi-lateral activities.

With regard to the principle of proportionality, actions are defined as generally as possible and the administrative and financial arrangements for their implementation are kept as simple as possible.

### 2.4 *Simplification and rationalisation*

The legal form and management of the proposed instruments are simplified, financing rationalised, assignment of priorities made more flexible and transparency increased. Potential beneficiaries will be able to apply using a standard system.

### 2.5 *Budgetary allocation*

The proposed budget for the framework programme totals EUR 735 million, of which EUR 137,4 million will be for the instrument *Prevention, Preparedness and Consequence Management of Terrorism*, and EUR 597,6 million for *Prevention of and Fight against Crime*.

### 2.6 *Types of intervention and methods of implementation*

- subsidies following a call for tender;
- public service contracts.

## 3. **General comments — Dimensions of the threats posed by crime and terrorism to EU citizens' well-being**

3.1 According to Europol, organised crime groups use the political and economic instability of countries outside the Union to facilitate their illegal activities, particularly in countries of origin and transit. Through corruption and the promise of a better future, people may become involved, either actively or passively, in crime. This growth in criminality will serve to perpetuate some of the structural deficiencies that provided opportunities for criminal activity in the first place, delaying the introduction of democratic or economic reforms for example.

3.2 Terrorism is a direct assault on human dignity and the most fundamental principles of international law; it is a threat to all states and peoples; it can appear at any moment and anywhere, and it directly attacks the basic values of the societies that form the EU and other international organisations<sup>(6)</sup>:

<sup>(6)</sup> Speech by the Secretary-General of the United Nations at the Club of Madrid's Summit on Democracy, Terrorism and Security, Madrid, Spain, 11 March 2005 <http://www.safe-democracy.org>.

the rule of law, personal safety, respect and tolerance. Terrorist crimes are crimes against humanity, democracy and human rights; they breed hate and fear, and nurture divisions between religious, ideological and ethnic groups.

3.3 This phenomenon has afflicted people throughout the world for decades as cities from every continent all bear the scars of attacks of varying magnitude with the same aim: to kill or cause as much harm as possible to human beings, to destroy property and infrastructure, to ruin businesses and economies, to intimidate the population or groups of people and to force the hand of governments and international organisations.

3.4 The destruction of the New York World Trade Center on 11 September 2001 was the culmination of a new kind of global terrorism, which began with an earlier attempt to destroy the Twin Towers in 1993. The terrorism we now face is unprecedented in its scope, in its capacity to provoke serious conflict<sup>(7)</sup> and in its determination to kill civilians indiscriminately and on a massive scale. Civil aviation, vital infrastructure and the computer systems that run most of the processes that lend normality and modernity to our lives are easy targets for terrorist groups driven by a total determination to inflict the greatest possible damage on our societies by attacking their most vulnerable component: ordinary people.

3.5 Europe has suffered serious terrorist attacks, including the most recent manifestation of the campaign of global terror, in London on 21 July 2005. There is a real and constant possibility of further attacks. Therefore we must be prepared: firstly, in order to prevent such attacks, and secondly to deal with the consequences of attacks we cannot prevent, in whatever form. We are growing accustomed to bombings that cause dozens or hundreds of deaths and urban chaos; however, the terrorist groups responsible for these attacks have the determination, patience and resources necessary to carry out large-scale attacks, such as the destruction of commercial aircraft or the release of chemical, biological or 'dirty' bombs in densely populated areas.

3.6 This must not undermine the integrity of the rule of law and the constitutional guarantees enjoyed by every citizen. The authorities, always bound by the law, can in some ways overstep the mark in their efforts to prevent and clamp down on terrorism.

3.7 Social and economic policy measures can help to alleviate the exclusion and resentment caused by the negative impact of rapid socio-economic change which is frequently exploited by terrorists. To this end, the following are necessary:

- the adoption of long-term trade, subsidy and investment policies that help to integrate marginal groups and boost their involvement;

<sup>(7)</sup> Rohan Gunaratna. *Al Qaeda, viaje al interior del terrorismo islamista*. Page 27. Editorial Servi Doc., Barcelona, 2003.

- new efforts to reduce structural inequalities in societies, eliminating discrimination of certain groups;
- programmes focussed on promoting education of children and women, employment and representation of the socially excluded;
- achievement of the Millennium Development Goals by 2015.

3.8 The prevention of terrorist attacks plays a key role in the EU's policies on freedom, security and justice; according to Eurobarometer, eight out of ten Europeans fear terrorism and 83 % of the population of the Union believe in the added value of EU action against terrorism, and therefore demand it. The key document of the EU's counter-terrorism strategy is the *EU action plan on combating terrorism* <sup>(8)</sup>. Its main lines of action are:

1. Deepen the international consensus and enhance international efforts to combat terrorism,
2. Target actions under EU external relations towards Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced,
3. Address the factors which contribute to support for, and recruitment into, terrorism,
4. Reduce the access of terrorists to financial and other economic resources,
5. Maximise capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent terrorist attacks,
6. Protect the security of international transport and ensure effective systems of border control,
7. Enhance the capability of Member States to deal with the consequences of a terrorist attack.

3.9 As terrorism is a global phenomenon, the response to it must also be global, not only in the sense that international cooperation between states, organisations and international bodies is essential, but also in that all sectors of society must be involved: organised civil society (including economic and social stakeholders and organisations of general interest or various activities), all types of government institution and the general public. A process of political and civil dialogue in the general context of security and safeguarding liberty should be initiated.

3.10 To this end, organised civil society has the capacity and duty to play a central role in the integrated response to terrorism. The fact that organised civil society is built on active citizenship gives it a more flexible, creative and varied standpoint from which to develop preventative measures more effectively than government. Organised civil society can promote the spread of knowledge and understanding, both horizontally and from the bottom up, since these are vital to the construc-

tion of inclusive societies that enable the participation of all through civic cooperation, economic activity and education.

Furthermore, the proposals made by organised civil society on the need for a balance between security measures and measures to safeguard liberties should be taken into account by the relevant public authorities.

3.11 All kinds of non-state actors, economic and social movements and players, media, various interest organisations, the academic community, religious leaders, the world of art and culture, global public opinion — all these can and must play a more active role in this area.

3.12 A dynamic civil society can take on a strategic role in protecting local communities, tackling extremist ideologies and addressing the issue of political violence. Civil society is an open space where citizens can determine their own destiny; it is a form of resistance and protest, a source of information, public debate and social reflection, and a mechanism for mediation, reconciliation and compromise. Civil society provides a platform for different social groups and causes, gives a voice to minorities and nonconformists, and promotes — through its own diversity — a culture of tolerance and pluralism. Civil society includes radicals and moderates, those within the system and those on the margins, those that offer resistance and those that negotiate.

3.13 Civil society can play a critical role in building a new approach to coordinated global action, until now hindered by unilateralist attitudes and recent international political disagreements. Over the last few decades, different representatives of civil society have formed dynamic international alliances — involving people and groups all over the world — in the advancement of global causes, such as gender equality, peace and human rights, the fight against AIDS, the environment, fair trade and global justice movements, etc.

3.14 There is an increasingly widespread conviction that in the fight against terrorism, state action is not enough if it does not go hand-in-hand with the active commitment of civil society and its stakeholders. As the forum of organised civil society, the Committee has the opportunity and duty to act in those areas falling within its remit, to contribute to the counter-terrorist activities being promoted in the EU and other relevant fora. Furthermore, such efforts should naturally enable the Committee, in its role of prevention, cooperation and dialogue, to contribute to the development of anti-terrorism policies that affect its area of action. The proposals for Council Decisions establishing the specific programmes Prevention, Preparedness and Consequence Management of Terrorism and Prevention of and Fight against Crime offer broad and flexible scope for all kinds of initiative.

<sup>(8)</sup> Note to the European Council, 16-17 June 2005, submitted by the Presidency and the EU Counter-Terrorism Coordinator:  
<http://www.consilium.eu.int/uedocs/cmsUpload/newWEBre01.en05.pdf>.

3.15 The following general observations should be taken into account:

3.15.1 The EESC strongly condemns any kind of terrorism and takes a firm stance on this issue.

3.15.2 The EESC firmly supports the fight against crime and terrorism and emphasises the positive impact of the appointment of the EU coordinator in the fight against terrorism, Mr Gijs de Vries.

3.15.3 Progress in fighting terrorism and crime in the EU must be consolidated.

3.15.4 In addition, there must be effective cooperation and coordination between Member States with regard to law enforcement, intelligence and judicial matters (giving priority to the principle of availability of relevant information); cooperation with third countries should also be effective and permanent.

3.15.5 Strategic public-private partnerships also play an important part in the Commission proposal.

3.16 Organised civil society can play a role at two levels: in preventing attacks and in managing their consequences, whether physical, psychological or economic. In line with the types of actions set out in the proposals, and making the most of the broad net cast by the proposals' definitions, the Committee can promote various types of general initiative, within its area of responsibility, in the same areas focussed on at the International Summit on Democracy, Terrorism and Security, which closed in Madrid on 11 March 2005. At this meeting, a plan of action entitled the Madrid Agenda was drawn up to provide a framework for the implementation of different recommendations <sup>(9)</sup>.

#### 4. Specific comments

4.1 Proposal for a Council Decision 2005/0034 (CNS) establishing the specific Programme *Prevention, Preparedness and Consequence Management of Terrorism, for the Period 2007-2013*

4.1.1 The EESC agrees with the programme's general objectives, set out by the Commission in Articles 3 and 4 of the proposal.

4.1.2 With regard to the eligible actions listed in Article 5 of the proposal, the EESC believes that special attention should be given to:

4.1.2.1 'Analytical, monitoring, evaluation, audit and inspection activities' [Article 5(2) (b)]; although basic research in this field

<sup>(9)</sup> <http://cumbre.clubmadrid.org/agenda/la-agenda-de-madrid.html>.

is to be channelled through the 7th research framework programme, which according to the Commission's current proposal has set aside EUR 1 billion for this proposal, this programme should promote applied research relating to the discussion and sharing of information developed by think-tanks, academic institutions and different fora and organisations acting as centres for debate and the formulation of political proposals which strengthen the formal and informal links maintained by researchers, analysts and intellectuals with decision-makers.

4.1.2.2 'Training, exchange of staff and experts' [5(2) (d)] relating to the above activities, but especially with those that enable the creation, development and ongoing maintenance of high-quality training programmes aimed at linguists, translators and interpreters of languages on which there are currently few experts and which are used to spread both messages regarding the commission of crimes and terrorist acts and the propaganda used to justify these and attract new recruits.

4.1.2.3 'Awareness and dissemination activities' [5(2) (e)], including those mentioned in point 4.2.2.1, putting special emphasis on the role of the media, which can serve to discredit violence, but sometimes facilitates the unlimited dissemination of propaganda by recognised terrorist and criminal groups; this means that their inalienable right to report the news without censorship has the perverse effect of giving a voice to those criminal groups with terrorist intentions: broadcasting live images of attacks, kidnappings and the murder of terrorised hostages.

4.1.3 In Article 6 it would be appropriate to clarify in detail who may apply, as in Article 5 of the other programme. Insofar as they work in highly sensitive areas, the Commission will publish a list of the beneficiaries of subsidies each year.

4.1.4 Article 14(3) stipulates that the Commission will submit to the Parliament and the Council interim evaluation reports and a communication on the implementation of the programme. The EESC should also be involved throughout the evaluation process.

4.2 Proposal for a Council Decision establishing the specific Programme *Prevention of and Fight against Crime for the Period 2007-2013*

4.2.1 The EESC agrees with the programme's general and specific objectives [Articles 2 and 3].

4.2.2 Although the Fundamental Rights and Justice programme provides for social and legal assistance to victims, the EESC calls for special attention to be paid to protecting witnesses and victims and promoting and developing best practice therein as part of law enforcement services [Articles 3(1) (c) and 3(2) (c)], as well as aspects relating to crime prevention and criminology and the development of horizontal methods and tools needed for strategically preventing and fighting crime [Articles 3(1) (b) and 3(2) (b)]. To this end, the EESC supports the Commission's work on pilot projects to fight terrorism, people trafficking and provide financial support for the protection of victims of terrorism. Based on evaluation of these pilot projects, the EESC believes that, once implemented, they should lead to the creation of a permanent compensation fund for victims of terrorism.

4.2.2.1 With regard to the protection of victims of terrorism and their families and dependants, in all its forms: the human aspect of the fight against terrorism, based on protecting victims and promoting the role of civil society, must be made an integral part of the strategy for combating terrorism. Victims suffer violence which targets the whole of society and the values it represents. Therefore, society has a moral and political obligation to recognise and respond to such violence. States must protect and guarantee the rights and liberties of their citizens, starting with the right to life and the right to live free from fear or threats. Victims are the reality of terrorism; they are the voice of society and its front line in the war on terrorism. Focussing on the victims' testimonies is the most effective way of raising awareness and building the necessary commitment in society to the fight against terrorism, and of forging a civic response. It is also the best way of discrediting and isolating terrorists, both politically and morally. To this end, the following are necessary:

- the international community's understanding and solidarity, sending out a clear message that respect for human rights is at the heart of the fight against terrorism;
  - international measures and protection and assistance mechanisms for victims of terrorism;
  - the debate on victims is closely connected to the debate on human rights; the debate on the human rights and fundamental liberties of individuals caught up in the war on terrorism should be broadened and should endeavour to reconcile Member States' obligation to respect human rights in combating terrorism with their obligation to adopt all measures necessary to protect people's human rights when confronted with terrorism. Unfortunately, in the Commission document being discussed here, there is no mention of this debate;
  - encouragement of measures to promote the commitment of civil society to fighting terrorism, with the input and active participation of civil society stakeholders, in particular victims, on the international stage.
- 4.2.2.2 With regard to the prevention of crime: drug trafficking is the most common type of transnational crime in the EU. and well-established criminal groups in all Member States guarantee wide scale distribution throughout the Union. Furthermore, the trend in trafficking more than one substance continues to grow.
- Trafficking in human beings is a growing problem in the Union; the economic benefits of this activity are enormous. The EU must strengthen its operational capacity to initiate and support investigations into the trafficking of human beings and its associated forms, such as the sexual exploitation of children and prostitution in a wider sense. The EESC considers initiatives such as the *Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities* <sup>(10)</sup>, which strengthened the instruments used to combat illegal immigration and trafficking in human beings <sup>(11)</sup>, to be essential to these efforts.
- Corruption, money laundering, financial offences and counterfeiting of money are also causes for concern in the Union. Money laundering is a key activity of organised crime groups that operate in the Union, since it serves as a source of financing. All of these factors (forms of criminality and terrorist financing) only serve to create synergies that perpetuate the exploitation and abuse of human beings <sup>(12)</sup>. It is particularly necessary to:
- encourage cooperation and strategic alliances between the public and private sectors, especially in the development of best practice, as well as in the fight against money laundering and terrorist financing, while meeting standards of transparency and professional integrity in the financial sector and non-profit organisations, in line with FATF recommendations <sup>(13)</sup> (the main international body responsible for protecting the international financial system from money laundering and terrorist financing) and the EU's Action Plan <sup>(14)</sup>;
  - encourage statistical benchmarks and applied criminology, as well as their application to real measures and policies.

<sup>(10)</sup> EESC opinion of 29 May 2002 (rapporteur: Mr Pariza Castaños) (OJ C 221 of 17.9.2002).

<sup>(11)</sup> COM(2002) 71 final of 11.2.2002.

<sup>(12)</sup> <http://www.europol.eu.int/index.asp?page=publar2004#INTRODUCTION>.

<sup>(13)</sup> [http://www.fatf-gafi.org/document/28/0,2340,en\\_32250379\\_32236930\\_33658140\\_1\\_1\\_1\\_1,00.html#Introduction](http://www.fatf-gafi.org/document/28/0,2340,en_32250379_32236930_33658140_1_1_1_1,00.html#Introduction).

<sup>(14)</sup> Note to the European Council, 16-17 June 2005, submitted by the Presidency and the EU Counter-Terrorism Coordinator: <http://www.consilium.eu.int/uedocs/cmsUpload/newWEBre01.en05.pdf>.

4.3 With regard to Article 4(2) (types of activities which may be financed):

4.3.1 Specific reference should be made to the importance of interfaith and intergenerational dialogue in identifying fundamentalist beliefs and promoting best practices that foster mutual understanding, moderation and democratic tolerance, thus limiting the radicalisation and recruitment of new followers. The fight against terrorism requires us to deprive the phenomenon of its moral legitimacy; this can only be achieved through dialogue and an understanding of 'the other side'. Actions should be promoted that enable groups of different faiths and their respective leaders to build bridges of comprehension and understanding, deepening harmony and tolerance, and helping to create a body of knowledge that enables us to identify the causes of hatred and how they can be overcome. The different religious communities must get to know each other better — there is no more effective way to do this than through measures facilitating the creation of networks between their members.

4.3.2 Without prejudice to those activities of the Migration Flows programme that relate to the social integration and employment of people, especially young people, belonging to ethnic, religious, cultural or immigrant minority groups, this programme should also develop best practice from successful methodologies used in this field, particularly with regard to training and exchange of staff and experts (Article 4(2)).

4.3.3 From the point of view of civil society organisations, the EESC is compelled to criticise the European Commission's recent preliminary proposal relating to a code of conduct for non-profit organisations to promote their transparency and financial responsibility. This proposal could have a negative impact on all European NGOs and discredit all such organisations, thus undermining their most useful social capital: the trust of the public and of local, national and European institutions.

The EESC understands the concern to prevent the possible use of non-profit organisations to finance terrorism and other criminal activities. However, this must all be done using the ordinary instruments of prevention and prosecution available to the different Member States' authorities. Above all, work on

the adoption of statutes for a European Association and a European Mutual Society, which has unfortunately been broken off, should be continued.

4.3.4 The activities outlined in points 4.1.2.2 and 4.1.2.3 relating to 'training, exchange of staff and experts' and on 'awareness and dissemination activities' are also relevant here.

4.3.5 Art and culture should also occupy an important place in the creation of a blueprint for a civic response to crime and terrorism, but also serve as a means of expressing and understanding other points of view, different to the widely held views in our countries.

4.4 With regard to Article 14 (Evaluation), the comments made in point 4.1.4 are reiterated.

## 5. Conclusion

5.1 The EESC believes that this framework programme's two proposals are necessary and that, if in the process of interim evaluation the programme is judged to have made positive progress, the proposals should be assigned greater funding.

5.2 Furthermore, the EESC, within its own area of responsibility, must be involved in the dialogue with the Commission and the European Parliament to finalise the programme's annual plans, as well as the corresponding evaluation processes.

5.3 In addition, the EESC reiterates that the methods used in current European programmes defending liberty and security should strike a balance with the safeguarding of liberties, as stipulated in the opinion on *The Hague Programme: Ten priorities for the next five years — The Partnership for European renewal in the field of Freedom, Security and Justice* (COM(2005) 184 final) (SOC/209).

5.4 Protection of fundamental rights, liberties and security is the responsibility of all; it begins with the instilling of common values at primary school age, and must constantly aim to strike a balance between the three pillars — freedom, democracy, security.

Brussels, 14 December 2005.

The President  
of the European Economic and Social Committee  
Anne-Marie SIGMUND