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Preparing the Stockholm Programme *Developing a Citizens' Europe of Law and Justice*

1. One of the first duties of the State is to **protect** its citizens. Without security there can be no freedom for European citizens. But neither can there be security for citizens if protection is provided while disregarding certain individual rights, such as the rights of suspected and accused persons in criminal proceedings. Striking the right **balance** between law enforcement measures and measures to safeguard individual rights and the rule of law is of paramount importance.

2. Finding the proper balance is the responsibility of both Ministers of Interior and Justice. It is in this spirit that the Swedish Presidency intends to approach the preparation of the Stockholm Programme.

3. In its Communication ⁽¹⁾ the European Commission noted the following:

- More than 8 million Europeans are currently living in another Member State.
- One succession in ten in the Union has an international dimension.
- Civil justice issues can be expected to become more important.
- In 2008, 1 500 internet sites containing child pornography were identified, both commercial and non-commercial.
- A great many children are at risk of sexual abuse.
- In 2007, there were almost 600 terrorist attacks – failed, foiled or executed – in 11 Member States of the Union.

¹ Ref. 11060/09



- Human trafficking is a serious crime. All means of action need to be mobilised in the fight against this phenomenon.
- Europe must reduce the opportunities presented to organised crime by a globalised economy, in particular during a crisis that exacerbates the vulnerability of the financial system.
- Counterfeiting is a serious danger for consumers and economies.

4. The Commission proposes a number of measures and initiatives in these areas over the next five years; some of particular relevance to Ministers of Justice, others to Ministers of Interior and Ministers of Immigration. The Presidency suggests that Ministers of Justice focus their analyses and debates on their specific field of competence, mindful that the Stockholm Programme will ultimately have to form a **coherent and consistent whole**.

5. A core element in the Commission's Communication is the **promotion of citizen's rights**. In this respect, attention could be focused i.a. on the following issues:

- EU accession to the European Convention of Human Rights
- discrimination, racism, anti-Semitism, xenophobia and homophobia
- the rights of the child
- the rights of victims of crime
- the rights of suspected and accused persons in criminal proceedings
- protection of personal data and privacy
- participation in the democratic life of the EU.

6. As regards a Europe of **law and justice**, the analysis could usefully focus i.a. on the following issues:

- effective judicial cooperation in civil and criminal law
- further use of mutual recognition
- further approximation of criminal and civil law
- a comprehensive system for obtaining evidence
- access to justice
- training of judges, prosecutors and other relevant professionals
- use of new technologies, particularly e-Justice
- improvements of evaluation and statistical tools.



7. In particular, the Presidency invites delegations to address the following three questions:

- *How do Ministers consider that mutual trust should be further developed in civil and criminal law over the next five years? What should be the vision for the long term?*
 - *What concrete measures are needed to provide real access to justice for citizens and businesses?*
 - *How could the EU develop external relations in this area and which geographical and thematic priorities should be established?*
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