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**By E-Mail**

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Dear Ms Luhtanen and Mr Rajamäki

**An Area of Freedom, Security and Justice - Recapturing the Tampere Spirit at the Informal JHA Ministerial Meeting, 20-22 September 2006**

On the eve of the informal JHA ministerial meeting at Tampere, JUSTICE urges Ministers to give a fresh impetus to the achievement of an Area of Freedom, Security and Justice throughout the European Union in line with the original Tampere Conclusions of 1999 and the Hague Programme of 2004. As an independent all-party UK law reform and human rights organisation and the British section of the International Commission of Jurists, JUSTICE has been strongly involved in monitoring the development of EU Justice and Home Affairs policies, seeking to ensure that individual rights are adequately protected in this area of EU law.

We welcome closer co-operation between Member States in the fight against terrorism and organised crime. Meaningful co-operation between law enforcement agencies, judicial authorities and asylum and immigration authorities is an essential means of ensuring a high level of security for everyone living in the EU. Yet, according to the Treaty of Amsterdam, the European Union should become more than just an area of security: it should develop into a genuine area of freedom and justice.

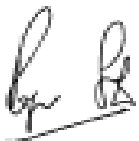
Strong protection for fundamental rights of European citizens and third country nationals coming into contact with the EU and its Member States is the hallmark of an EU as envisaged by the Treaty of Amsterdam, as are effective means of claiming and enforcing those rights in Member States' courts and other appropriate fora. In 1999 Member States declared in Tampere that the common values of human rights, democratic institutions and the rule of law would serve as a cornerstone for an enlarged Union. And not even two years have passed since the European Council adopted the Hague Programme, stating that its objective was "*to improve the common capability of the Union and its Member States to guarantee fundamental rights, minimum procedural safeguards, access to justice*" and "*to provide protection in accordance with the Geneva Convention on Refugees and other international treaties to persons in need*".

Yet - and not just on account of the difficulties in securing unanimous approval for each and every measure under the Third Pillar – the Council has failed to make good central promises contained in the Tampere Conclusions and the Hague Programme. Despite a deadline of the end of 2005, no agreement could be reached in Council on an instrument enshrining minimum rights for suspects and defendants in criminal proceedings at EU level, and the negotiations of a crucial Framework Decision on data protection in the context of police and judicial co-operation in criminal matters are progressing only slowly. In the area of asylum and immigration, the first phase of instruments laying the basis for the Common European Asylum System has almost been completed, yet doubts remain as to the compliance of these instruments with European and international human rights standards.

As you have expressed in various statements prior to the present Tampere Meeting, the European Union needs to recapture the spirit of Tampere 1999. There have to be new impulses to ensure that Europe will not only be perceived as an area of security, but also as an area of rights and freedoms – a true area of justice. An express guarantee for defence rights, a strong data protection regime for the exchange of data between police and judicial authorities and adequate procedural safeguards for those seeking refuge and protection in the EU lie at the heart of this endeavour. Member States confirmed this with great conviction in the Hague Programme in 2004. We continue to believe that these guarantees are essential to complement prospective or adopted measures such as those dealing with the transfer of convicted persons between Member States or the taking into account of previous convictions in EU Member States, measures to improve information exchange between law enforcement agencies and those laying the foundation for a Common European Asylum System.

We hope that the meeting about to take place at this symbolic location will be used as an opportunity for Ministers to reaffirm their commitment to Justice and Home Affairs policies aimed at the protection, in practice, of the fundamental rights each and everyone throughout the Union should enjoy. Recapturing the Tampere spirit is not just about decision-making procedures and a potential abolition of Member States' veto powers under the Third Pillar. What is needed is an open debate about the future of EU co-operation in all JHA areas, but particularly in the field of police and judicial co-operation in criminal matters, where the carefully struck balance between the promises of security on the one hand and freedom and justice on the other in the Hague Programme is in acute danger of being lost.

Yours sincerely



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