



*European Economic and Social Committee*

**SOC/228**  
**Civil society participation in  
the fight against organised  
crime and terrorism**

Brussels, 13 September 2006

**OPINION**  
of the  
European Economic and Social Committee  
on  
**Civil society participation in the fight against organised crime and terrorism**  
(exploratory opinion)

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On 28 October 2005, the European Commission asked the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, to draw up an exploratory opinion on

*Civil society participation in the fight against organised crime and terrorism*  
(exploratory opinion).

The Section for Employment, Social Affairs and Citizenship, which was responsible for the Committee's work on the subject, adopted its opinion on 13 July 2006. The rapporteurs were Mr Rodríguez García-Caro, Mr Pariza Castaños and Mr Cabra de Luna.

At its 429th plenary session, held on 13 and 14 September 2006 (meeting of 13 September), the European Economic and Social Committee adopted the following opinion by 182 votes to six, with 11 abstentions.

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## 1. Introduction

- 1.1 Ms Margot Wallström, Vice-President of the European Commission, has asked the EESC to draw up an exploratory opinion on *The conditions and priorities for civil society participation and the role of public-private partnerships in the fight against organised crime and terrorism*, a subject of major political and social importance in Europe, in which the Committee is considered to be a key player. Although terrorism and organised crime are two different problems, the opinion deals with both topics, as requested by the Commission.
- 1.2 The Hague Programme is the broad political framework which defines EU policy on freedom, security and justice. The EESC adopted an opinion<sup>1</sup> in which it stated that "*The EESC believes that security policy should be effective, protecting citizens in a free and open society within a framework of justice, under the rule of law*", and that European security policies should strike a balance with freedom and the protection of fundamental rights.
- 1.3 The financial perspectives make provisions for the development of major programmes to fight terrorism and crime. The EESC adopted an opinion<sup>2</sup> in which it stressed that "*Protection of fundamental rights, liberties and security is the responsibility of all.*"

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<sup>1</sup> EESC Opinion of 15.12.2005 on the *Communication from the Commission to the Council and the European Parliament: The Hague Programme: Ten priorities for the next five years – The Partnership for European renewal in the field of Freedom, Security and Justice* (Rapporteur: Mr Pariza ([OJ C 65 of 17.3.2006](#))).

<sup>2</sup> EESC Opinion of 14.12.2005 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"* (Rapporteur: Mr Cabra de Luna ([OJ C 65 of 17.3.2006](#))).

1.4 The Commission has recently published a Communication on *Terrorist recruitment - Addressing the factors contributing to violent radicalisation*<sup>3</sup>, which sets down objectives for preventing recruitment by terrorist groups.

1.5 As requested by Ms Wallström, this opinion looks at security from the angle of civil society involvement and public-private partnerships – although this term may be inaccurate, as "civil society" refers to social organisations, which are different from private companies. Partnership between businesses and private operators and public authorities is key from an operational and security-related point of view. Civil society plays a fundamental role in promoting the values of the rule of law and making an active contribution to democracy.

## 2. **Conclusions**

2.1 Civil society plays a fundamental role in promoting the values of the rule of law and making an active contribution to democracy. Civil society organisations in Europe are carrying out very positive work in society, promoting active European citizenship and a participatory democracy. However, these organisations cannot and must not replace the national and European authorities in operational policies.

2.2 The EESC cannot accept that terrorists and criminals should be able to escape justice due to the EU's internal borders hindering police or judicial action. The EESC urges the EU institutions and Member States to draw up and implement a common strategy against terrorism and to abandon the current situation of decision-making "on the fly".

2.3 The EESC believes that the current situation of mere intergovernmental cooperation is for the most part inadequate and often inefficient, and therefore supports the European Parliament's resolution that security policy should be implemented by qualified majority rather than under the unanimity rule, and that the Community method should be adopted for decision-making. When it comes to security policy, "more Europe" is what is needed.

2.4 The EESC proposes that Europol become a European agency under a European political or judicial authority, with a remit that extends beyond its current coordinating role, and with its own operational capability for investigation across the EU in cooperation with Member States' police forces.

2.5 The EESC supports the European Parliament's recommendation that Member States modify their criminal legislation so that the crimes of terrorism covered in the Framework Decision should not be time-barred. The EESC supports the idea that the International Criminal Court should have jurisdiction over these crimes.

2.6 The EESC proposes stepping up Europe-wide school programmes and training activities for young people so that they can receive civic training that promotes democratic values,

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<sup>3</sup> COM(2005) 313 final, 21.09.05.

equality, tolerance and understanding of cultural diversity, in order to equip them with tools to prevent them from falling into the clutches of networks promoting radical and violent ideas.

- 2.7 In the fight against violent radicalisation, the EU and Member States' authorities need to consult the civil society organisations working actively to promote dialogue between religions and cultures and combat intolerance, racism, xenophobia and violent extremism, in order to reduce the tensions that breed radicalism and violence. Setting up platforms for public-private partnership at local level could be a positive way to deal with these – and other – issues. The EU and Member States should promote and boost the establishment of these platforms.
- 2.8 The EESC proposes that the EU institutions draw up a legislative framework of minimum standards that guarantee the protection and recognition of terrorism victims. The EESC therefore proposes that state action in this area be guided by standards, recommendations, good practices and guidelines to protect the victims of terrorism.
- 2.9 The EESC again stresses the need for common EU legislation for the compensation of crime victims.
- 2.10 The EESC calls for the recommendations of the Financial Action Task Force on money laundering and funding terrorism to be implemented without delay. It therefore urges the Member States to take the appropriate legal steps in order to comply with these recommendations.
- 2.11 The EESC calls on the media (especially when publicly owned) to establish suitable codes of conduct and work with the authorities to guarantee the dignity and privacy of victims, in order to avoid perspectives that could further the propaganda interests of terrorist groups, while respecting the freedom of the press.
- 2.12 The EESC supports the Commission's proposal to set up a European platform for public-private partnership and believes it essential that it secures the means to gain maximum benefit from public-private cooperation between the Member States and between the EU and Member States. The EESC believes that there should be ample scope for partnership, in order to boost the synergies that can be generated in the fight against crime and terrorism, with due respect for the EESC's intrinsic consultative prerogative. Point 13.4.2. of this opinion sets out what the EESC believes to be the priority objectives for public-private partnership.

### **3. The values and principles of the European Union**

- 3.1 The draft Constitutional Treaty defines the values, principles and objectives of the European Union. The Charter of Fundamental Rights ensures a balance between security on the one hand and individual freedom and rights on the other, including the right to protection of personal data.

- 3.2 The greatest threat to the stability and development of democratic systems comes not from external attacks, but from the loss of vitality, dynamism and social support within the institutions themselves.
- 3.3 Europe's great achievement is that it has successfully established the **rule of law** as the best means of organising power democratically.
- 3.4 The social rule of law refers to the exercising of power subject to the rule of law, the growing requirement for democratic legitimacy, and universal access to goods and services whilst ensuring equal opportunities and treatment.

#### 4. **Terrorism and organised crime are attacks on the rule of law**

- 4.1 Terrorism is one of the greatest problems facing the world; it is a critical issue at in Europe today, and Europeans are paying the price. This terrorism has various ideological bases; in recent years, particularly dangerous international radical islamist terrorism has also emerged. It is very difficult, therefore, to come up with an international definition of terrorism. For the purposes of this Opinion, the definition adopted by the Council on 13 June 2002<sup>4</sup> will be used.
- 4.2 There are also many powerful criminal networks<sup>5</sup> operating in Europe. Some of these are active at national level, but the most dangerous operate on a European and international scale. In 2002, the UN adopted an International Convention<sup>6</sup> on the subject in Palermo.
- 4.3 Terrorism and organised crime threaten and weaken the very nature of the State: its legitimate monopoly on the use of force. Although Europeans know that terrorism is a real threat which must be combated, they are less aware of the risks of organised crime, which can infiltrate institutions and society and has a strong and corruptive influence, as well as devastating consequences in both economic and social terms.
- 4.4 Terrorist and criminal organisations both use similar procedures to launder money via, inter alia, the financial and real estate sectors. Organised crime has a strong corrupting influence,

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<sup>4</sup> See COM(2005) 313 final, footnote 1, which states that "each Member State shall take the necessary measures to ensure that the intentional acts referred to nine expressly specified offences, as defined under national law, which given their nature and context, may seriously damage a country or an international organisation where committed with the aim of seriously intimidating a population, unduly compelling a Government or international organisation to perform or abstain from performing an act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation, shall be deemed terrorist offences."

<sup>5</sup> These operate in illegal arms dealing and drug trafficking, trafficking of human beings, robbery, prostitution, illegal gambling, commercial piracy, etc.

<sup>6</sup> United Nations Convention against Transnational Organized Crime.

See [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_eng.pdf)

which it tries to exert on political and administrative authorities and, occasionally, on civil society organisations.

- 4.5 At the international level, there are overlapping areas between organised crime and terrorism: illegal arms dealing and drug trafficking. For instance, one area where terrorism and organised crime converge is the phenomenon of extortion. Terrorist groups have often acted like mafia-style organisations which finance their barbaric acts through criminal activity: trafficking of narcotics, weapons and human beings, credit card fraud, hold-ups, robberies and extortion of professionals and businessmen, illegal gambling and other crimes.
- 4.6 Terrorism and organised crime are two different problems: terrorism has political motives and strikes European societies at certain times in their history, while organised crime is a problem of public order that affects society on an ongoing basis.
- 4.7 Although their roots and objectives differ, terrorism and organised crime do have one interest in common: to destroy or weaken the rule of law in order to achieve their goals.
  - 4.7.1 Terrorist organisations operating in some European countries aim to achieve their political ends through terror, crime, threat and extortion. However, they know that they will only realise their totalitarian goal once they have destroyed or weakened the rule of law.
  - 4.7.2 Organised crime aims to reduce and limit the scope of the rule of law and to increase the territory of impunity and lawlessness. It aims to develop a parallel society outside the remit of law and justice, ruled by mafias and criminal networks.
  - 4.7.3 The boundaries separating the rule of law from impunity can sometimes be unclear. In some parts of Europe, both terrorists and their social networks and organised criminals have managed to weaken the State by sowing terror and corruption within the political system.
  - 4.7.4 The rule of law is the response to the problems caused by terrorism and organised crime, ensuring a balance between freedom and security, joint action between police and judiciary, European and international cooperation, and active commitment from citizens and civil society.
  - 4.7.5 Society and the authorities must not back down or give up the fight against terrorists and organised crime. Terrorist organisations are fuelled by the possibility of achieving their goals, and society and the authorities must therefore make determined efforts to ensure that they fail.

## 5. **Civil society's response to terrorism and organised crime**

- 5.1 Terrorism is a serious violation of human rights, as it is a direct attack on life and freedom.
- 5.2 The operational side of the fight against terrorism and organised crime is the duty of the State (specifically, the police and the judiciary) which must guarantee the freedom and safety of its

citizens. The actions of the State must retain the balance between freedom and security, obey fundamental values (human rights and public freedoms) and democratic values (rule of law), because, as the EESC stated in another opinion<sup>7</sup>, "*History has shown us that it is open and free societies that most effectively defend security*".

- 5.3 Civil society constantly strengthens democracy and the values of the rule of law, and thus fights terrorism and organised crime in society in order to stop it from developing and to reduce its effects. Civil society organisations cannot and must not replace the national and European authorities in operational policies.
- 5.4 No ideology or cause can justify crime, terror and extortion. There is no legitimacy in using terror to achieve political ends. Terrorism has no causes, as nothing justifies terrorism. It is important to continue fighting tirelessly against the political and social legitimisation of terrorism, against radicalised political views that see terrorism as another instrument in political action.
- 5.5 Many European citizens do not perceive the seriousness of the terrorist threat, and some sectors even harbour doubts about it. Citizens are entitled to receive adequate information about security risks and to pressure public authorities to act more effectively against terrorism and organised crime.
- 5.6 Civil society organisations in Europe are carrying out very positive work in society, promoting active European citizenship and a more participatory democracy.
- 5.7 Political systems depend on their own internal life force. Europe's life force comes from the democratic nature of society. Political systems and institutions rely on society to breathe life into them; citizens and civil society must support the rule of law, as it is intended to guarantee and protect their freedom and social wellbeing.
- 5.8 However, 20th century European history has shown that the political values of democracy are extremely vulnerable. Citizens and civil society organisations must defend the values and principles on which the democracy of Europe is built.
- 5.9 Participatory democracy and the rule of law cannot be sustained and transformed without the support of citizens and their organisations. Through the activities of its organisations, civil society constantly revitalises the social and democratic rule of law in response to relativism and radicalism.

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EESC Opinion of 15.12.2005 on the *Communication from the Commission to the Council and the European Parliament: The Hague Programme: Ten priorities for the next five years – The Partnership for European renewal in the field of Freedom, Security and Justice* (Rapporteur: Mr Pariza ([OJ C 65 of 17.3.2006](#))).

- 5.10 Some sectors of the public are not committed enough: there is a certain lack of social conscience towards prostitution, drug trafficking, money laundering, piracy of consumer products, etc.
- 5.11 Citizens and civil society organisations could be more active in fighting organised crime, as it has a strong corrupting influence over political systems.

## 6. **Europe: an area of freedom, security and justice**

- 6.1 The Hague programme defines the EU's objectives to become a common area of freedom, security and justice, but there is still a long way to go before this goal can be achieved.
- 6.2 Meanwhile, criminals and terrorists are taking advantage of Europe's weakness in order to escape being brought to justice. The freedom of movement of people, capital and goods means that criminals can benefit from the permeability of borders; yet when it comes to political and judicial action, borders are maintained.
- 6.3 The EESC cannot accept that terrorists and criminals should be able to escape justice due to the old internal borders being maintained for police or judicial action.
- 6.4 The EU should draw up a common strategy against terrorism. The Commission and the Council should remain a constant political driving force and overcome the current situation of decision-making "on the fly". Political and judicial cooperation in Europe is poor because the legal and technical instruments are not adequate in the fight against terrorism and organised crime. Most instruments fall within the powers of Member States; in the Treaty, they come under the Third Pillar of the EU, i.e. intergovernmental level.
- 6.5 The European security strategy should be developed within the Community framework, and should go beyond the current situation of mere intergovernmental cooperation. Keeping these areas within the Third Pillar of the EU reduces their effectiveness and overall scope. The EESC calls on the Council to create an overarching common legal framework that is consistent with regard to security policy. Article 42 TEU could be applied, as proposed by the European Parliament<sup>8</sup>, with the unanimity rule being replaced by the qualified majority principle.
- 6.6 Criminal organisations regularly use the EU's external borders for their unlawful activities. The EU Customs Code should be used more effectively by border control services and, above all, by the customs authorities themselves and their International Mutual Administrative Assistance services. Indictments and punishments must be harmonised across the Community customs area, and the right of pursuit (the right to extend pursuits beyond national borders,

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<sup>8</sup> European Parliament resolution on progress made in 2004 in creating an area of freedom, security and justice. P6\_TA(2005)0227, 8 June 2005.



within the EU) and mutual recognition of sentences must be made universal. In other opinions, the EESC has pointed out the need to set up a European border police force<sup>9</sup>.

- 6.7 The Member States must step up the exchange of information between intelligence and security services regarding threats to the internal and external security of the EU; they should pool their strategic analyses of the terrorist threat, and draw up joint plans for protecting basic infrastructures.
- 6.8 The principle of availability of information is a key factor for improving police efficiency. This principle marks a new approach to improving the cross-border exchange of law enforcement information in the EU, based on enabling a law enforcement officer of one Member State to obtain from another Member State all the information he needs to carry out his investigation<sup>10</sup>. To ensure interoperability, a high level of trust between the law enforcement authorities of the respective Member States will be needed. The lack of trust has been one of the biggest obstacles to European cooperation thus far, and its causes should be investigated and explained to civil society.
- 6.9 The EU's role must be strengthened, and the European security strategy must be developed within the Community framework, with the aim of increasing its effectiveness and transparency. When it comes to security policy, "more Europe" is what is needed. The EESC has proposed<sup>11</sup> that the Community method be adopted in relation to security, granting the right of initiative to the Commission and co-decision powers to the Parliament. The Council should also abandon the unanimity rule and adopt decisions by majority, and the Court of Justice should have its own competences.
- 6.10 Europol's role should go beyond cooperation, giving it operational capability. The EESC proposes that it become an agency with operational capability, able to investigate throughout the EU. The Hague Programme calls for stronger practical cooperation and coordination at a national level between law enforcement, judicial and customs authorities as well as between these authorities and Europol. Member States need to promote Europol as a European agency and enable it to play a decisive role, together with Eurojust, in the fight against organised crime and terrorism. It is unacceptable that the Protocols amending the Europol Convention have still not been ratified or implemented by all Member States<sup>12</sup>. This is especially urgent if Europol is to receive the support and resources needed to function effectively as a cornerstone

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<sup>9</sup> See, in particular, the EESC opinion of 27.10.2004 on the *Proposal for a Council Decision amending Decision No 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)* (Rapporteur: Mr Pariza (OJ C 120 of 20.5.2006)).

<sup>10</sup> On 12 October 2005, the European Commission submitted a Proposal for a Council Framework Decision on the exchange of information under the principle of availability, COM(2005) 490 final, 12.10.2005.

<sup>11</sup> EESC Opinion of 14.12.2005 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"* (Rapporteur: Mr Cabra de Luna (OJ C 65 of 17.3.2006)).

<sup>12</sup> Ireland and the Netherlands are the only States not to have ratified it.

of European law enforcement cooperation. From 1 January 2006, Europol will replace its annual European Union crime situation reports with “threat assessments” on serious forms of crime.

- 6.11 Eurojust's aim is to coordinate national judicial authorities in the fight against organised crime and terrorism; however, despite the progress made since it was set up, it is still far from achieving its goals. Eurojust has few legal or financial resources, and commitments by Member States vary, as laws in some countries do not ensure sufficient support for judicial cooperation.
- 6.12 The EESC proposes that Eurojust serve as a means to effectively develop joint investigation work between the judiciary and tax authorities in the EU, in the fight against organised crime and terrorism. Information from national investigations should be sent to Eurojust, which should set up an effective European database.
- 6.13 Judicial cooperation in criminal matters is essential; the relationship between judicial authorities is currently based on a lack of trust. There is no "European judicial culture" or minimum common regulations on criminal matters. Citizens must ensure that the EU institutions and Member States heed their call for maximum judicial cooperation between all States. Citizens demand that no terrorist or criminal should be able to escape justice due to problems caused by misunderstandings or non-existent cooperation procedures.
- 6.14 The EESC supports the European Parliament's recommendation that Member States modify their criminal legislation so that the crimes of terrorism covered in the Framework Decision should not be time-barred. The EESC<sup>13</sup> strongly supports the idea that the International Criminal Court should have jurisdiction over crimes of terrorism.
- 6.15 The current situation is incomprehensible and unacceptable as far as citizens are concerned. It does not make sense for initiatives to be blocked because Member States put national prerogatives before the priorities of the common fight against terrorism and organised crime. European citizens do not understand the plethora of instruments and tools in the fight against terrorism and organised crime in the EU. There are numerous non-coordinated entities working towards the same goal, such as the Council's Counter-Terrorism Coordinator, the Commissioner for Justice, Freedom and Security, Europol, Eurojust, etc.
- 6.16 Scattering resources is not the best way to achieve efficiency. Eurojust and Europol should overcome their current cooperation problems and reinforce their joint investigation teams. The intelligence services should improve procedures for transmitting information within Europol. The European Anti-Fraud Office (OLAF) should work with Europol and Eurojust in

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<sup>13</sup> EESC Opinion of 15.12.2005 on the *Communication from the Commission to the Council and the European Parliament: The Hague Programme: Ten priorities for the next five years – The Partnership for European renewal in the field of Freedom, Security and Justice* (Rapporteur: Mr Pariza ([OJ C 65 of 17.3.2006](#))).

investigating crime. The different agencies and services must exchange data and investigations, so that their action against criminals can be more effective.

- 6.17 As terrorism is a global threat, counter-terrorism also features in the EU's foreign and security policy, and effective multilateralism and international cooperation are key issues therein. The EESC believes that the EU's efforts to fight terrorism and organised crime must complement the efforts of regional organisations sharing the values and interests of the EU. It is therefore important to seek synergies and ways of boosting cooperation with organisations such as the UN, the OSCE and the Council of Europe, in areas where these bodies add value to the objectives defined in the EU's policies against terrorism and organised crime.
- 6.18 In order to reduce some of the risks of radicalisation, Europe should aim for a foreign policy that promotes the values of democracy, peace, dialogue between different cultures, the fight against poverty and corruption, the extension of human rights throughout the world, and international cooperation within the UN system.

## 7. **The role of civil society in the prevention of violent radicalisation**

- 7.1 Civil society organisations embody the democratic rights of citizens to come together and play an active part, for example in society, in politics or in cultural life. Civil society organisations can, in their work, be important players in preventing terrorism, by promoting social cohesion and acting against the factors that contribute to violent radicalisation. They must obtain the necessary means to promote awareness of European values.
- 7.2 Terrorists do not fall into a predefined age group or social class, and some sectors of society can therefore become vulnerable. Poverty, failure at school, the lack of job opportunities, discrimination, the lack of civic values, identity crises, social exclusion, etc. create a breeding ground for frustration, where sects, religious fundamentalists, terrorist groups and criminal organisations spread their nets in the search for recruits.
- 7.3 In general terms, the EESC agrees with the view stated by the Commission in its Communication entitled *Terrorist recruitment - Addressing the factors contributing to violent radicalisation*<sup>14</sup>. This is the field in which civil society organisations are acting.
- 7.4 The EESC wishes to highlight the key points.
- 7.4.1 Programmes should particularly target young people of school age, in order to prevent them from getting caught up in networks of radical, violent thought. It is important to step up Europe-wide school programmes and training activities for young people so that they can receive civic training that promotes democratic values, equality, tolerance and understanding of cultural diversity.

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<sup>14</sup> COM(2005) 313 final.

- 7.4.2 The European Employment Strategy and the Lisbon objectives should reinforce policies promoting the professional integration of the most vulnerable individuals and minorities.
- 7.4.3 Civil society and the public authorities have an important educational role to play in order to ensure that all people, whatever their place of origin, have access to adequate information and training on the values of pluralism, freedom of conscience and religion, gender equality, tolerance and the secularity of the State, which form the basis for the democratic rule of law in Europe.
- 7.4.4 The EESC has drawn up several proposals to make integration a priority goal of the Community immigration policy<sup>15</sup>.
- 7.4.5 Opinion formers and the media can make a positive contribution to integration, by adopting balanced perspectives.
- 7.4.6 European societies today are culturally mixed, but national, ethnic or religious minorities suffer from a great many problems of racism, xenophobia and discrimination.
- 7.4.7 Social organisations are working actively in Europe to promote dialogue between religions and cultures and combat intolerance, racism, xenophobia and violent extremism.
- 7.4.8 The authorities should consult these organisations and establish cooperation systems in order to reduce the tensions that breed radicalism and violence. Businesses, trade unions and all civil society organisations play a key role in training, integration and combating discrimination.
- 7.5 The EESC is in favour of the development of programmes to research and analyse the social processes involved in violent radicalisation, terrorism and organised crime, and proposes that the Commission make funds available to help think tanks, universities and research centres.

## 8. **Consideration for the victims**

- 8.1 Victims of terrorism suffer violence which targets the whole of society and the values it represents. Victims are the reality of terrorism; they are the voice of society and its front line in the war on terrorism. They are key players for promoting society's necessary commitment against terrorism, and forging a civic response. Focusing on victims is the best way of discrediting and isolating terrorists, both politically and morally.

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<sup>15</sup> See the EESC opinions of 21.3.2002 on *Immigration, integration and the role of civil society organisations* in OJ C 125 of 27.5.2002 (Rapporteur: Mr Pariza Castaños), of 10.12.2003 on the *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment*, in OJ C 80 of 30.3.2004 (Rapporteur: Mr Pariza Castaños), and of 13.9.2006 on *Immigration and integration: cooperation between regional and local governments and civil society organisations* (Rapporteur: Mr Pariza Castaños).

- 8.2 The best way to recognise and commemorate the victims is to defend democracy and the rule of law, so that Europe can be a free and open society.
- 8.3 Victims represent, in one way or another, what terrorists and organised criminals are unable to accept: legitimate and democratic power subject to the rule of law. Civil society must transmit this social and political lesson so that the victims can be granted the necessary social and political recognition, and democracy and the rule of law can be revitalised.
- 8.4 Victim protection is an effective means of prevention. The victims of terrorism deserve full respect, support and help from citizens and institutions. The injustice of their experience and the consequences of the attack must be offset with decisive action by civil society and authorities in Member States and the EU, in order to meet their needs and ensure that their suffering be as limited as possible.
- 8.5 The EESC proposes the following measures for the protection and recognition of the victims of terrorism and their families.
- 8.5.1 A legislative framework of minimum standards should be drawn up to guarantee the right to dignity, respect for private and family life, the right to financial compensation, the right to medical, psychological and social assistance, the right to effective access to justice and judicial protection, and the right to professional and social reintegration, vocational and academic training to ensure equal capabilities with regard to employment opportunities.
- 8.5.2 State action in this area should be guided by standards, recommendations, good practices and guidelines to protect the victims of terrorism. The Commission should make funds available to help associations of terrorism victims set up European networks.
- 8.6 It is also important not to neglect other, lesser-known victims who receive less media coverage. These are the victims of criminal organisations that violate human rights to the same extent as terrorist organisations: victims of extortion, robbery, drugs; victims of human trafficking, prostitution and trade in women; victims of illegal labour exploitation.
- 8.7 All crime victims deserve special attention from the authorities and from civil society. The EESC has issued opinions<sup>16</sup> in which it called for common EU legislation for the compensation of crime victims. Insurance companies and mutual societies should make new commitments and ensure that their policies provide for better coverage for victims.

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<sup>16</sup> EESC Opinion of 20.3.2002 on the *Green Paper on Compensation to crime victims*. (Rapporteur: Mr Melicias ([OJ C 125 of 27.5.2002](#))).

EESC Opinion of 26.02.2003 on the *Proposal for a Council Directive on compensation to crime victims*. (Rapporteur: Mr Koryfidis ([OJ C 95 of 23.4.2003](#)))

## 9. **Financing of terrorism and organised crime**

- 9.1 The EESC has issued various opinions<sup>17</sup> containing proposals for improving public-private partnerships in order to combat the financing of terrorism and criminal organisations. However, it is the financial bodies that must make the greatest commitments.
- 9.2 The EESC recently issued two opinions<sup>18</sup> on the obligations of financial bodies to ensure greater transparency in financial transactions, in order to make unlawful activity more difficult. The EESC urges Member States to take appropriate legal steps to ensure that private bodies and non-profit organisations that might form part of the network through which terrorist funds are channelled adhere to the recommendations of the Financial Action Task Force on money laundering (FATF)<sup>19</sup> and on funding terrorism and money laundering. However, this must not result in general suspicion of all those citizens in civil society organisations.
- 9.3 The real estate sector is increasingly used to hide many funds deriving from terrorism and organised crime networks. In some cases, local authorities are corrupted by these groups. Real estate firms, large construction firms and other operators in the sector must cooperate with the national authorities to prevent the sector being used to hide ill-gotten funds, and to prevent the laundering of money obtained by terrorists and criminal organisations.
- 9.4 The international art, philately and antiques market is being used more and more as a means of concealing money obtained from criminal activities. Companies working with these goods should collaborate more actively with the authorities in order to make the market more transparent.
- 9.5 The EU needs common legal and administrative instruments so that it can work with Member States in combating these illegal activities. The EU Council must ensure that each Member State has adequate criminal legislation, within the context of minimum EU regulations, in order to take action against the financing of terrorism and organised crime.

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17 For example, see EESC opinion of 11.5.2005 on the *Proposal for a Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering, including terrorist financing* (Rapporteur: Mr Simpson ([OJ C 267 of 27.10.2005](#))).

18 EESC Opinion of 21.4.2006 on the *Proposal for a Regulation of the European Parliament and of the Council on information on the payer accompanying transfers of funds* (Rapporteur: Mr Burani ([OJ C 185 of 8.8.2006](#))).

EESC opinion of 11.5.2005 on the *Proposal for a Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering, including terrorist financing* (Rapporteur: Mr Simpson ([OJ C 267 of 27.10.2005](#))).

19 Group set up by the G-8 nations.

9.6 The EU Action Plan on Combating Terrorism<sup>20</sup> includes measures for coordinating the fiscal and financial intelligence services, and these should be increased. It is up to all Member States to act efficiently and achieve sufficient coordination within the Council.

## 10. **Internet and mobile telephony**

10.1 Internet and mobile phone operators must cooperate with the authorities and comply with laws requiring storage of internet traffic data (but not the content of messages).

10.2 There should also be cooperation when it comes to obtaining personal data when mobile phone cards are purchased: terrorist groups and criminal networks shelter behind the anonymity of email services or prepaid mobile phone cards so that they can communicate with one another undetected, or even detonate explosive devices remotely. The EESC has issued opinions<sup>21</sup> on this topic. The Parliament has also adopted a report<sup>22</sup> with which the EESC agrees.

10.3 European society is extremely vulnerable to cybercrime, and the Internet is increasingly being used by criminal organisations for their unlawful activities.

10.4 The Internet is becoming more and more necessary for European societies, companies and individuals, key service providers and public authorities, and the police and judiciary services. Europe is now facing a new risk: cyber-terrorism, which could bring society to a standstill.

10.5 Internet operators will need to improve their security systems and work with police and judicial authorities in order to crack down on these new crimes.

## 11. **The media**

11.1 It is the right and duty of the media to provide truthful information, and to avoid perspectives that are of interest to terrorist organisations. The media should also avoid images and information that violate the privacy and dignity of victims. Young people, in particular, should be protected from these risks. In this context, publicly-owned media should set the example.

11.2 The media could establish suitable codes of conduct and work with the authorities to guarantee the dignity and privacy of victims, and to avoid perspectives that could further the propaganda interests of terrorist groups.

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<sup>20</sup> See Plan adopted by the Council on 13.2.2006.

<sup>21</sup> See EESC opinion of 19.1.2006 on the *Proposal for a Directive of the European Parliament and of the Council on the retention of data processed in connection with the provision of public electronic communication services and amending Directive 2002/58/EC* (Rapporteur: Mr Hernández Bataller ([OJ C 69 of 21.3.2006](#))).

<sup>22</sup> See EP report A6(2005) 365 of 28.11.2005.

11.3 The Commission is holding a European conference in which the main media players will take part. The EESC believes that this would be a good opportunity to exchange best practices, set up self-regulation systems, help form European public opinion and promote a constructive image of the EU.

## 12. **Critical infrastructures**

12.1 Terrorists also try and achieve their criminal goals by attacking strategic infrastructures and key public services. Their targets include transport modes and networks, energy networks and operators, water supplies, telephone and communications operators, areas where people tend to congregate, etc.

12.2 New terrorist threats are hanging over European societies: most experts agree that there is a real and current risk of radiological, nuclear, chemical, biological or bacteriological attack. The sectors working with these products should therefore improve their security systems and cooperate effectively with the law enforcement authorities.

12.3 The EESC congratulates the Commission on its excellent Security Research programme (SRC 06), and hopes that it will continue to finance joint public-private research projects in order to improve security in the EU.

12.4 However, this programme should be extended to Europe's partners at its eastern and southern borders (Mediterranean) in the context of the European Neighbourhood Policy.

12.5 The private sector should be prepared to make its assets available to the authorities in times of crisis, in order to help manage the potentially catastrophic consequences of terrorist attacks. It would therefore be necessary to identify the areas in which organised civil society could add further value in a crisis situation, and to draw up agreements and conventions in order to roll out an efficient joint crisis management network.

12.6 Prevention and reaction capabilities depend on information and effective management of knowledge and the ability to anticipate future situations. An active role should be taken by all in responding to the challenges of terrorism and organised crime, and information must therefore be properly circulated among the parties involved.

12.7 The relevant managers of businesses and civil society organisations (particularly in strategic areas) should receive available information on the aspects of terrorism and organised crime affecting their areas of expertise or responsibility, so that they can prepare themselves and anticipate threats.

## 13. **The European platform for public and private partnership**

13.1 The Commission is currently drawing up a communication on public-private partnerships against organised crime and terrorism, which includes an action plan on public-private



partnerships. The key aspect of this cooperation, as set out by the Commission, is the so-called platform for public-private partnership against organised crime and terrorism. The content, procedures and operating rules of this platform, which is to be set up at the end of the year, should be defined. It will meet periodically in order to discuss subjects of common interest, identify areas for political and legislative action, design prevention strategies, exchange good practices and information, etc.

- 13.2 The platform will comprise representatives from the Member States and, on a voluntary basis, representative organisations such as European employers' bodies, trade unions, non-governmental organisations involved in the fight against organised crime and terrorism, etc. It aims to harness the advantages and synergies that such partnerships can generate. The end-goal of the initiative is to reduce the effects of organised crime and terrorism in Europe, making it an ever safer place for public action, citizens and economic activity.

### 13.3 **Conditions for civil society participation**

- 13.3.1 Civil society hopes that EU and Member State institutions will take note of the concerns voiced by their citizens, who are calling for efficiency in the fight against terrorism and organised crime. Citizens do not want to hear national, political or legal excuses for side-stepping the problems arising from the fight against crime and terrorism; they want solutions, and this forum should provide them with answers to their concerns.

- 13.3.2 The EESC believes that the Commission's proposal to create a public-private platform is a step forward, but does not go far enough.

- 13.3.3 The EESC should be involved in setting up and evaluating this platform.

- 13.3.4 Under the Treaty, organised civil society in the EU is represented through the European Economic and Social Committee. Naturally, other players representing specific interests will need to participate, but as general interests are represented by the EESC, it should be represented on this platform by three of its members (one from each Group).

- 13.3.5 The EESC urges Member States to promote the creation of public-private platforms at local and municipal level, with the same participatory and collaborative goals as the platform to be set up at EU level.

### 13.4 **Public-private partnerships in the fight against terrorism and organised crime**

- 13.4.1 The EESC believes that there should be ample scope for partnership between the public and private sectors, in order to boost and strengthen the synergies that can be generated in the fight against crime and terrorism.

#### 13.4.2 Key aims of this partnership:

- a) the first of civil society's objectives is not only to prevent the unlawful acts of terrorism and organised crime, but to prevent vulnerable people and groups from getting caught up in terrorist or criminal networks;
- b) identify the areas most vulnerable to criminal gang activity, and promote self-protection and links with the forces working to quash organised crime and terrorism;
- c) boost information and exchange experiences to reduce opportunities for crime;
- d) convey to EU and national institutions the concerns of the various sectors of civil society, so that the institutions can focus on the areas of crime and terrorism prevention and control that are of most interest to citizens;
- e) convey to EU and national institutions the main needs of businesses and organisations in the EU in terms of protection from organised crime; discuss with these institutions the best ways to ensure protection from criminal attacks and to fight crime;
- f) define areas for exchange of experience in specific sectors and in particular sensitive fields where organised crime is rife; Priority sectors include finance, transport, communications and energy;
- g) boost European platforms for prevention;
- h) act as a discussion forum in order to analyse the level of coverage and attention to the needs and requirements of victims of terrorism and organised crime;
- i) define Community strategies and policies on terrorism and organised crime from the viewpoint of organised civil society;
- j) step up the links between leading experts in both sectors in order to make the most of knowledge and experience in protection and the fight against organised crime and terrorism;
- k) take part in setting up and assessing the platform.

#### 13.5 Partnership systems

13.5.1 A partnership system between the public and private sectors, based on an instrument similar to that proposed by the Commission, could be an ideal way to start linking the two sectors. If there is a high level of representation within the platform, then the public-private partnership will have a greater impact and the resulting measures to fight terrorism and organised crime will be more effective.

13.5.2 The partnership system must allow for the creation of sector-based or specific working groups, designed to suit the subject in question and specifically linked with the structure set up for public-private partnership.

13.5.3 The partnership platform could invite organisations, businesses, experts, EU and national authorities to its meetings, along with all those that could share information or experience or add value to the fight against terrorism and organised crime.

Brussels, 13 September 2006.

The President  
of the  
European Economic and Social Committee

The Secretary-General  
of the  
European Economic and Social Committee

Anne-Marie Sigmund

Patrick Venturini

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