

# The Stockholm programme and its relevance for European police education

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(2009 Conference in Badhoevedorp)

## Introduction

Creating a safe society has traditionally been a core duty of national governments. Until just a few decades ago, society and government regarded this duty as virtually the exclusive preserve of the government. This opinion has changed radically throughout the years. In many Member States of the European Union, responsibilities relating to safety and security have now also been ascribed to, and assumed by, the public, society and the market. National governments have evolved from being the monopolist actor to one of the many partners in safety provision.

But not just an ordinary partner. When it comes to safety, government provision tends to be extensive, wide-ranging and decisive. This is related to the state's monopoly of violence, exercised as soon as coercive measures have to be applied. The involvement of the market and society in creating a safe society is the outcome of considerations based on ideology, pragmatism, efficiency and effectiveness. Nor is a government that operates in isolation (apparently) omnipotent when it comes to providing safety and security. The provision of safety without the active involvement of the public and society is simply not effective and also lacks societal support. The modern provision of safety is based on the principles of community policing, the most efficacious components of which are a multi-agency approach, a bond with the community, transparency and the active involvement of society and the public.

Since the end of the last century, internationalisation, and Europeanisation in particular, have become very tangible and these developments are being given a more prominent position in the local and national safety strategies of separate EU Member States. Not everyone is convinced, however, of the relevance and necessity of designing safety and security strategies in a more international fashion. Opponents regard the encouragement of European (police) cooperation as a trend which may undermine the national sovereignty of EU Member States and that it may pose a threat to the privacy of citizens. Supporters, however, point to the opposite. Through cooperation something can be done about threats which are far less manageable for individual Member States. Here, they are referring to cross-border crime such as human trafficking, drugs trafficking and terrorism. Supporters argue that clinging on to classical, national sovereignty should not be stretched to the extent that individual Member States forego opportunities to provide their citizens with full protection against threats from beyond their own national borders. The supporters seem to be on the winning side, although the road forward remains full of obstacles.

Whatever the situation, cooperation between the police and judiciary has been an area of special attention for the European Union since the Maastricht Treaty. As is the case in Member States, the administrative plans of the European Union are based on policy documents and accompanying action plans. The plans apply for a period of five years, coinciding with the terms of

office for the European Parliament and the European Commission. In 1999, the first policy document was issued, the Tampere Programme. In 2004, the Dutch Presidency of the EU chaired the negotiations of the 'The Hague Programme'. The most recent programme in the field of freedom, security and justice is the 'Stockholm Programme, which saw the light of day in December 2009. In addition to a brief description of the content, this article makes a case, based on four separate arguments, for giving the establishment and content of the Stockholm Programme a prominent place in higher European police education.

### Establishment and content of the Stockholm Programme

On 10 June 2009, the Commission presented its text proposal for the Stockholm Programme. During its presentation, the Director-General of the Directorate-General for Freedom, Justice and Security noted that he had absolutely no illusions that the text proposal he presented would be the final draft of the programme. This prediction was more than accurate. Discussion and consultation around various conference tables resulted in the draft of the programme ultimately being approved by the European Council. The final text was twice as long as the Commission's original draft. Comparison of the two versions reveals considerable differences. The input from the Member States not only led to 'diplomatisation' of the text, as a result of which points of criticism and proposals were formulated less strongly and more guardedly, or even disappeared completely if they were subjected to too much criticism. The latter occurred, for instance, with text proposals on developments which were failing to meet previous objectives. The consultation process also yielded new elements. The drafts underwent significant expansion, particularly with respect to the external relationships of the European Union.

The final result is a safety programme consisting of an introduction and seven chapters, in total 82 pages with 170 concrete initiatives, focusing directly on the interests of the citizens, which can evolve directly from a proposal. A good example of this is the mutual acknowledgement of driver disqualifications between the Member States of the European Union, which is expected to enhance safety on European roads.

Another clear example is the creation of a European register of convicted child abusers. The objective of this instrument is to prevent child abuse by excluding paedophiles from working with children or from living in residential environments, which could put children at risk. The proposal to design an internal security strategy for the European Union is hardly open to standardisation in terms of direct usefulness for the public, not least because no explanation at all is given here of what exactly this coherent strategy should cover.

Cooperation between the police and judiciary are important elements in the programme and are highly relevant for police and judicial practice, as are migration, asylum and international relations. For police cooperation, the chapter on civil law bears less relevance. The proposed policy with respect to the logical and technical European information infrastructure only warrants the attention of specialists. They are provisional facilities for operational police cooperation. For police officers, the programme's introduction and Chapter 4 are essential. Anyone who has more time to look at the programme in depth is recommended to concentrate on Chapters 5, 6, and 7, although a thorough study of the whole programme is worthwhile. Four arguments underpin why the Stockholm Programme should be included in the study and used as reading material for serving police officers as well as police trainees.

### The subsidiarity principle and the international dimension

Member States and Europe were (partly) shaped on the basis of the subsidiarity principle. According to this principle, a higher administrative layer is not activated if a lower layer can act independently. Europe must not therefore interfere in what can be dealt with at the national level. The Stockholm Programme makes this principle very concrete by stating what European police cooperation should cover and what not. The following quotation (p. 40) provides a concise definition.

*The prime objective of EU law enforcement cooperation is to combat forms of crime that are typically cross-border in their dimension. Focus should not only be placed on combating terrorism and organised crime*

*but also cross-border widespread crime that has a significant impact on the daily life of the citizens of the EU.'*

Cooperation can thus involve very serious forms of crime, but need not. The cross-border character is most decisive and not always the seriousness of the crime. The programme is not completely consistent on this point, however. More or less implicitly, the Stockholm Programme encourages Member States to exchange best practices, even if they have no cross-border features, but are isolated incidents, which occur throughout Europe, as in the case of domestic violence, for example. However, the greatest added value of European police cooperation can be found in the approach to problems whereby Member States are highly dependent on each other when it comes to finding a solution. This is the *leitmotiv* in the programme and is visible in virtually all policy proposals. Anyone who gains insight into the nature of the international dimension will understand how crucial local and national policing, on the one hand, and international criminal investigation, on the other, are related. All three levels are indispensable for creating a working environment that contributes to the safety of citizens. Police officers should be made aware of this connection.

### **Freedom, security and justice as basic conditions for the single market**

Project Europe is regarded as the most important factor when it comes to maintaining peace and preventing war between the Member States in the past 60 years. Historically, that is an unprecedentedly long period. In addition, the European Union has made a considerable contribution to increasing prosperity on the continent. This prosperity has arisen with the gradual abolition of trade restrictions, differences in import regimes, the removal of borders and the introduction of a single currency. The emergence of one liberalised European market in which goods, services, persons and capital can move freely has strengthened the representation of national interests across the full European territorial spectrum. As a consequence of this, Member States can by no means individually protect their own interests at the national level and therefore have to trust the efforts of other Member States. In the Stockholm Programme, this responsibility of Member States for each other is

very clearly elaborated and clarified. For instance, by the proposals to intensify progress in the implementation of already-agreed measures, the protection of the euro, the reinforcement of such organisations as CEPOL, Europol and Frontex, strengthening Euregions and, last but not least, making information more available to other Member States. Police officers in Member States serve an important function when it comes to protecting European achievements and in enabling them to function.

### **The engines of European integration: via mutual trust to mutual recognition**

It is highly unlikely that a United States of Europe will be created within a time horizon of 25 years. On the basis of current insights, it is even inconceivable that project 'Europe' will ever evolve into a merger of Member States with the abolition of their national sovereignty. The reasons for this can be found in the cultural individuality of Member States, their language and the attachment to and identification of citizens with their own country. Cooperation and integration must therefore run along different tracks, and allow for the accommodation of different objectives at the same time. In this sense, project Europe is unique and cannot be compared to any other supranational or international organisation. Manuel Barroso, President of the European Commission, once referred to Europe in this context as a 'UPO' or Unidentified Political Object. The diversity that is so characteristic of Europe only permits the harmonisation of rules, laws and procedures on a modest scale. Large-scale harmonisation would simply run aground on the differences in 'hard' variables such as a legal or information management system. Harmonisation would encounter most resistance in the softer 'variables', such as differences in existing working methods or the opinions on priorities held by Member States. The knowledge that harmonisation can only be used as a strategy to bring unity in diversity on a limited scale exposed the need to find an alternative to enabling police and judicial cooperation between Member States. That alternative was found in the principle of mutual recognition. Elaboration of this principle means ideally that Member States are prepared to recognise judicial decisions and official acts by the police and judiciary of other Member States as if they were the acts and decisions of the Member State itself.

When this situation is realised, it will entail a massive increase in the efficiency of cooperation. It will be clear that full implementation of the principle of mutual recognition cannot be achieved overnight. Despite this, important progress has already been made. At the moment, there is such a thing as a European arrest warrant. This facility enables Member States to request the arrest of persons who, if they are actually arrested, are handed over to the Member State requesting the arrest without too much additional red tape. A similar facility, though diluted in the negotiation process, is the European evidence warrant, on the basis of which rulings on the evidence and the grounds for this are recognised by Member States other than the Member States which constructed the evidence. The most important precondition for the implementation of mutual recognition is the mutual trust between Member States. The Stockholm provides continual evidence of this awareness. Many measures are geared to building up or strengthening mutual trust.

A good example is the proposal to set up exchange programmes for officials from the police and judiciary, border guards and judges. Police officers in Europe are selected on the basis of a number of qualities. One of these is the willingness and ability of candidates to immerse themselves in the opinions and views of others and to then consider these when forming their own opinions. The principle of mutual recognition demonstrates why police officers are so urgently required to possess this quality. Study of the Stockholm Programme brings the relationship between job requirements and international police cooperation to the surface.

## Human rights and police

The fourth and last argument in favour of giving more prominence in police training to the Stockholm Programme is related to the attention that the programme pays to protection of the public. Powerful

initiatives to reinforce freedom, safety and justice in the EU go virtually hand in hand with arguments in favour of protecting privacy. The need to offer safeguards against the improper use of police data crops up, in fact, in every chapter. Protection of the public by the state receives almost as much attention as the protection of the public against the state. Critics believe that the attention in the programme for protection against the state will turn out to be no more than politically correct lip service. I see no reason to assume that this would be the case. This aspect, including the concrete cases made for better protection for more than vulnerable citizens, such as children, minority groups or victims of crime, provide police training with many starting perspectives on the theme of human rights and its transposition into police action.

## Conclusion

The Area of Freedom, Security and Justice is a precondition for the functioning of the internal market. This article makes a case, based on four separate arguments, for adhering a more prominent position in higher European police education to the policy-making process and content of the Stockholm Programme. As has become apparent from our CEPOL study tour, this programme offers an excellent learning mechanism because of the few concrete examples, which allow a deepening of our understanding of police and judicial cooperation in educational settings. The basic principles concern human rights, subsidiarity and the international dimension. A safer Europe can only be realised if Member States evolve from mutual trust to mutual recognition, and if members of the European police community can build cross-border ties through European police education.

## References

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