



Council of the
European Union

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LIMITE

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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	15222/21 (FR)
Subject:	Draft Council conclusions on combating racism and antisemitism

Delegations will find in the Annex, a courtesy translation of the draft Council conclusions document (15222/21 FR) on the item mentioned above. The draft conclusions will be discussed at the WP on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) meeting on Monday 10 January 2022.

Courtesy translation of the text of Council document 15222/21 FR

**DRAFT COUNCIL CONCLUSIONS on combating racism and
antisemitism**

The Council of the European Union

- a. **HAVING REGARD** to the Treaty on European Union, and in particular the preamble and Articles 2, 3(3) and 6 thereof,
- b. **HAVING REGARD** to the Treaty on the Functioning of the European Union, and in particular Articles 10 and 19 thereof,
- c. **HAVING REGARD** to the Charter of Fundamental Rights of the European Union, and in particular Articles 1, 2, 3, 4, 5, 10, 21, 22, 51 and 52 thereof,
- d. **HAVING REGARD** to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law,
- e. **HAVING REGARD** to Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, which specifically mentions victims of hate crime,
- f. **HAVING REGARD** to the Council conclusions of 6 December 2013 on combating hate crime in the European Union,
- g. **HAVING REGARD** to the Council declaration of 6 December 2018 on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe and the Council declaration of 2 December 2020 on mainstreaming the fight against antisemitism across all policy areas,
- h. **HAVING REGARD** to the European Union Anti-racism Action Plan 2020-2025 presented on 18 September 2020,
- i. **HAVING REGARD** to the European strategy on combating antisemitism and fostering Jewish life presented on 5 October 2021,
- j. **HAVING REGARD** to the European Council conclusions of 21 and 22 October 2021 recalling the importance of the fight against all forms of antisemitism, racism and xenophobia,

- k. **HAVING REGARD** to the Commission communication on ‘A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime’, presented on 9 December 2021,
- l. **SOLEMNLY RECALLING** that the European Union is a union of law founded on shared values including respect for human dignity, freedom, equality, democracy, respect for human rights, including the rights of persons belonging to minorities; Member States have therefore undertaken to guarantee the rights and freedoms enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms for all people within their jurisdiction and to ensure that human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated;
- m. **WHEREAS** the European Union promotes a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail; therefore, in defining and implementing its policies and activities, the Union aims to combat discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
- n. **WHEREAS** the Charter of Fundamental Rights of the European Union, which is binding on Union institutions and the Member States when they act within the scope of Union law, protects equality, the right to dignity, the right to respect for privacy and family life, freedom of thought, conscience and religion, and freedom of expression;
- o. **WHEREAS** these values constitute the identity of the European Union, the Council of the European Union has a strong stake in them, and it is up to the institutions and bodies of the European Union, as well as the Member States, to fully respect these values;
- p. **REGRETTING** the increased frequency of antisemitic and racist incidents in all European Union Member States;
- q. **NOTING** that, while the internet and social networks offer new spaces for freedom of expression, they also promote the dissemination of racist and antisemitic content, inventing new forms of individual persecution and inciting physical and psychological violence while offering their perpetrators a sense of impunity;
- r. **WELCOMING** the initiatives of the European Commission presented in its European strategy for combating antisemitism and fostering Jewish life, namely, the creation of a permanent structure bringing together the Member States, representatives of the Jewish communities and interested parties in the form of a working group on how to implement the strategy on combating antisemitism, and the organisation of an annual forum of society on antisemitism;

- s. **WELCOMING** the recent work of the European Union Agency for Fundamental Rights to collect data on racism and antisemitism and in particular the report published on 9 November 2021: '*Antisemitism: Overview of antisemitic incidents recorded in the European Union 20102020*'.

The Council of the European Union invites Member States to:

1. **IMPLEMENT** at national level before the end of 2022 the Anti-racism Action Plan adopted by the European Commission on 18 September 2020 and the European strategy on combating antisemitism adopted by the European Commission on 5 October 2021;
2. **ADOPT** the non-binding working definition of antisemitism used by the International Holocaust Remembrance Alliance and the practical definition of Holocaust denial and distortion as useful guidance for education and training purposes, and in particular for law enforcement agencies as part of their efforts to detect and prosecute antisemitic crime more efficiently and effectively;
3. **RAISE AWARENESS** among their population of the fight against racism and antisemitism, in particular by insisting on Holocaust education, by commemorating the European Day of Remembrance of the Holocaust and prevention of crimes against humanity as well as the main commemorative days concerning racism, such as the International Day for the Abolition of Slavery, by upholding the duty to remember the victims of hate crime, by promoting places of remembrance and by encouraging initiatives to commemorate the victims of such acts;
4. **ADOPT** common national indicators for quantifying and qualifying racial and antisemitic incidents and comparing them both over time and between Member States, and for assessing the consequences of these incidents in terms of the safety and well-being of the population groups that are the victims, building on the guidelines developed by the Commission high-level group on combating hate speech and hate crime;
5. **ENSURE** that national coordinators for combating racism and antisemitism, equality bodies, as well as the social partners, civil society organisations and groups involved work closely together in developing preventive measures and evaluating the effectiveness of such measures;
6. **PROMOTE**, in accordance with freedom of expression, a culture characterised by tolerance, in particular by fostering a culture of understanding and by avoiding stereotypical negative representations of individuals in the media, publications and programmes, on the grounds of their membership, whether actual or alleged, of ethnic or religious groups;

7. **ENCOURAGE** the various media, technology and communications sectors to adopt codes of conduct enshrining their fundamental duty to respect the principles of equality and non-discrimination, and help them search for and adopt solutions enabling them to detect and eliminate online hate speech of a racist and antisemitic nature;
8. **STRENGTHEN** the ability of national investigative and judicial authorities to prosecute online racist and antisemitic hate speech, including by establishing national online monitoring centres and platforms where people can report hateful content;
9. **SET UP** national human rights institutions and equality bodies and ensure they comply with the Paris Principles and adopt a legislative framework that enables them to carry out their role independently, and provide them with the financial and human resources needed to carry out their tasks effectively, while guaranteeing the scope of their mandates and powers;
10. **ENSURE** the safety of groups of people affected by acts of racism and antisemitism, in particular during cultural or religious events and around religious sites;
11. **CRIMINALISE** all forms of discrimination based on actual or alleged ethnic origin or religious beliefs and increase the penalties for those who commit such acts;
12. **INCLUDE** in the initial and ongoing training given to law enforcement and justice professionals, specific modules on combating discrimination based on actual or assumed ethnic origin or religious beliefs, and develop best practices for identifying and supporting victims, drawing on the work of the Fundamental Rights Agency and CEPOL where necessary;
13. **ENCOURAGE** victims and witnesses of racism and antisemitic acts to report those acts and to lodge a complaint, including through the use of digital means, whilst facilitating the associated process by setting up specific information and awareness campaigns, and offer assistance, including psychological, social and material support, where necessary;
14. **TAKE** all appropriate measures to ensure full reparation for the harm suffered by the victims of racist and antisemitic acts and provide communication about the penalties imposed on perpetrators who have committed these crimes;
15. **PROVIDE** financial support for civil society initiatives to support the victims of these acts during the reporting and reparation process;

The Council of the European Union,

16. **WELCOMING** the Commission's initiatives and in particular:
- the appointment in December 2015 of a *Coordinator on combating antisemitism* and a *Coordinator on combating anti-Muslim hatred*, and, in 2021, of a *Coordinator on combating racism*;
 - the creation of an EU High Level Group on combating racism, xenophobia and other forms of intolerance;
 - the creation of a working group for implementing the EU strategy on combating antisemitism and fostering Jewish life;
 - the European Union Code of Conduct on countering illegal hate speech online;

INVITES the Commission to:

17. **UPHOLD** the fight against racism and antisemitism as a priority of the European Union and develop standards that offer comprehensive protection against racism and antisemitism '*in crucial areas such as education, social protection, access to and supply of goods and services that are available to the public, including housing*', as proposed in the 2021 report by the Fundamental Rights Agency;
18. **ENSURE** that the Coordinator on combating racism and the Coordinator on combating antisemitism and fostering Jewish life are given sufficient human and financial resources to carry out their roles in full and that regular dialogue is held with the stakeholders;
19. **PROPOSE** more funding opportunities to help national human institutions and equality bodies develop expertise on the application of the EU Charter of Fundamental Rights at national level, as proposed by the Fundamental Rights Agency in its report *Strong and Effective National Human Rights Institutions - Challenges, Promising Practices and Opportunities*, published on 21 January 2021;
20. **OFFER** financial support to local authorities and civil society to help them organise mediation and conflict resolution between ethnic and religious groups;
21. **PROVIDE** updates on the progress of the EU Anti-racism Action Plan and of the Strategy on combating antisemitism and fostering Jewish life, and on national variations in that regard, by publishing interim reports containing analysis and results.