



Council of the
European Union

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FREMP 125
COHOM 49
JAI 412
DROIPEN 59

NOTE

From: Presidency
To: Delegations
Subject: Combating racism - state of play of work in the Council

The aim of this note is to set out the key elements at the Council level **in the fight against racism within the European Union** for the purposes of discussing the internal and external dimensions of combating racism at the joint FREMP and COHOM meeting on 8 June 2015.

On 28 November 2008, the Council adopted the Framework Decision 2008/913/JHA on **combating certain forms and expressions of racism and xenophobia** by means of criminal law. The Framework Decision is the prime legislative instrument combating crimes committed with a racist motive. It established legally binding minimum standards for countering severe forms of racism and xenophobia by criminal law as well as criminal sanctions for these crimes.

At the **informal meeting of JHA Ministers** on 17-18 January 2013 the Ministers discussed the need to counter **intolerance, racism, anti-Semitism, xenophobia and homophobia**. The contributions by Ministers at this discussion illustrated a range of issues that can arise: hate crimes and criminal law interventions to tackle hate crime; xenophobia, anti-Semitism and homophobia as social phenomena, which require interventions other than legislation to promote tolerance and acceptance; discrimination in employment and in provision of goods and services; the effectiveness with which public institutions, particularly in the Justice and Home Affairs area, function; integration measures, particularly for third country nationals; and promotion of universal human rights and equality values.

The Irish Presidency of the Council organized on 9-10 May 2013 a conference on the **protection of equality, fundamental rights and rule of law**.

These discussions led to the preparation of **Council conclusions**, adopted on 5-6 June 2013, on fundamental rights and rule of law and on the Commission 2012 report on the application of the Charter. These conclusions call for **countering extreme forms of intolerance, such as racism, anti-Semitism, xenophobia and homophobia**. In addition, the conclusions (point 8) refer to **hate crimes** and to the need for assessing the effectiveness of the existing EU legal norms on fighting hate crimes.

A joint Lithuanian Presidency/FRA **conference on combating hate crime** in the EU on 12-13 November 2013 addressed the issues most pertinent for policy making in the field of hate crime, including racism, xenophobia, anti-Semitism and other forms of hate crime. The conclusions of the conference called on EU institutions to **strengthen their efforts to prevent and combat hate crime**, inter alia by extending the protection to cover other forms of discrimination than those mentioned in Framework Decision 2008/913/JHA and by improving the coordination and cooperation between institutions and agencies. Member States were invited to pay particular attention to victims of hate crimes and to ensure an adequate level of assistance and protection.

The Council **conclusions on combating hate crime** of 5-6 December 2013 aim at raising awareness about hate crimes, and to give some concrete proposals for improving the combating of hate crime at both EU and member state level. Another important element is to ensure that victims of hate crime are properly assisted, supported and protected.

The report of 27 January 2014 from the Commission to the European Parliament and the Council on the **implementation of Framework Decision** 2008/913/JHA was presented by the Commission to the Council in February 2014 and examined at Working Party level (FREMP). Following the Lisbon Treaty provisions, which submitted relevant former third pillar acquis to the full powers of the European Court of Justice and of the European Commission, it was agreed that the Commission would start bilateral consultations on the implementation of the Framework Decision with all Member States and these bilateral meetings would provide an opportunity to clarify remaining gaps in the transposition and practical implementation of this legislation.

Following the **tragic events in Paris** on 7 January 2015, in support of fundamental freedoms, on 11 January 2015 the culture ministers of the EU issued a joint statement on freedom of expression. In its turn, on **12 February 2015 the members of the European Council issued a statement** on the fight against terrorism during an informal meeting, emphasizing the need for preventing radicalization and safeguarding fundamental values and human rights.

At the lunch of the **Council (General Affairs)** in April 2015 the ministers discussed the state of play of the implementation of measures for preventing radicalization and safeguarding fundamental values. Ministers took stock of progress made and shared best practices and information on initiatives.