Note for the attention of the Presidency
Plenary Session of the European Parliament
Strasbourg 11 - 14 March 2013

Item: Council and Commission statements: strengthening the fight against racism and xenophobia
Debate foreseen: Tuesday 12 March 2013

I. SPEAKING POINTS

President,
Honourable Members,

Last October it was announced that the European Union had been awarded the Nobel Prize for bringing peace to our continent. We can be proud of the achievements of the European Union. It has brought peace, stability and prosperity - all on the basis of freedom, democracy and the rule of law.

But we should never be complacent about our achievements. The fact that we need to organise a Europe-wide Week Against Racism is a clear indication that Europeans still live under the shadow of discrimination, prejudice and aggression.

The Council stands firmly alongside this parliament in rejecting all forms of racism, xenophobia and homophobia. These are violations of the principles of liberty,
democracy, respect for human rights and fundamental freedoms. The EU's Charter of Fundamental Rights prohibits all discrimination on the grounds of race, colour, ethnic origin and religion or belief. Furthermore the Treaties provide the Union with the competence to take appropriate action to combat such discrimination.

All the institutions of the EU must stand shoulder to shoulder in defending fundamental freedoms and fighting all forms of discrimination. We can never rest until the scourge of discrimination has been completely banished from our societies.

Let me first address the situation in which we find ourselves today. Sadly, as fresh research published by the Fundamental Rights Agency has shown, discrimination in Europe is far from being a thing of the past. LGBT persons, ethnic minorities including Jews and Roma and other groups continue to face prejudice, discrimination, harassment and worse. It is unacceptable that Europe in the 21st century should still be a witness to homophobia and to racist attacks against Jews, Roma and others.

I commend this Parliament for keeping this issue high on the agenda. In your Resolution of May last year you called for more determined action and referred to specific concerns in some third countries.¹ I also recall your recent report on the situation of fundamental rights in the European Union (2010-2011),² which paints a disturbing picture and which also rightly calls for further action.

This leads to my second point - what is the EU is doing? The Treaties provide the Union with a number of powers, and these have been used successfully to introduce a range of legislation.

The Council has in particular taken steps to protect European citizens from all forms of racism and xenophobia. The Council's Framework Decision of 2008 ensures that

¹ 2012/2657(RSP).
² 2011/2069(INI).
such behaviour constitutes an offence across all Member States. Amongst other provisions it requires Member States to criminalize public incitement to violence or hatred directed against persons belonging to a group defined by reference to race, colour, religion, descent or national or ethnic origin. It also demands that such conduct is punishable by effective, proportionate and dissuasive criminal penalties of at least between 1 and 3 years imprisonment.

More generally the EU has taken a number of measures for tackling discrimination. The legal protection which the EU offers to racial and ethnic minorities is already fairly broad, covering employment, social protection, healthcare, education and access to goods and services.3 We have also taken steps to combat discrimination in the workplace on the grounds of religion or belief, disability, age or sexual orientation.

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Allow me to conclude by addressing the issue of what more might be done. We already have extensive legislation in place, and more legislation is under discussion on protection against discrimination in areas outside of employment. In addition Member States have their own domestic laws covering these areas. But the reports from the Fundamental Rights Agency clearly show that the adoption of legislation is not in itself sufficient. It also has to be implemented and properly enforced. But we also have to raise awareness. Events such as the Action Week against Racism play a vital part in keeping these issues in the public eye and so bringing abuses to light. All of us have a role to play in this regard - and I know that this Parliament in particular takes these responsibilities very seriously.

The European Union should be encouraging the development of a society based on

3 Directive 2000/43/EC.
equality, tolerance and respect for human rights. Those are the values on which it is founded. Bigotry and discrimination have no place in the Europe of the twenty-first century. The Nobel Prize was a way of honouring the European Union. Let us live up to the ideals it represents.

It is in that spirit that the Irish Presidency put the question of Hate Crimes on the agenda of the informal meeting of Justice and Home Affairs Ministers in Dublin in January. This subject is at once very focused – concern about the growth in Xenophobia, Anti-Semitism, Homophobia and other extreme forms of intolerance and how to take effective action at national and at EU level to combat these evils – and very broad, in that it touches on fundamental questions about the Rule of Law and the effective functioning of political and public institutions in the protection of the fundamental rights of citizens.

A specific theme of the discussion by Ministers was that the solution is not just about legislation, but about getting into the minds of people and encouraging positive attitudes.

The Irish Presidency suggested that a mechanism to better support protection of fundamental rights and the Rule of Law in Member States by sharing best practice, benchmarking practice and outcomes in an objective way and formulating appropriate recommendations and guidelines for action would provide such a holistic framework for effective responses to these issues.

JHA Ministers agreed to invite the Commission to give further consideration to this matter and to initiate a broad public debate taking account of the Commission’s Annual Report on the EU Charter of Fundamental Rights with governments and public institutions in Member States, to include national human rights and equality bodies, civil society etc. so as to raise awareness and understanding of the importance
of the rule of law, common values and protection of the fundamental rights of all in Europe.

The Commission will then come back during the course of 2014 with the results of this process and with as may be appropriate a package of recommendations on a mechanism to promote the Rule of Law and with specific suggestions about what next needs to be done to improve protection of fundamental rights in the Union. The Fundamental Rights Agency has an important role to play in providing expert and independent analysis in this process.