



Brussels, 30 November 2018
(OR. en)

14966/18

CATS 89
JAI 1231
FREMP 215
COSI 303

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe

1. On 18 September, CATS examined the first draft Council declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe.
2. Subsequently, JHA Counsellors met and discussed the revised version of the draft declaration on 8 November 2018.
3. On 21 November 2018, the revised document has been analysed at the CATS meeting.
4. An agreement in principle on the text was reached at the JHA Counsellors meeting on 28 November 2018. The Presidency concluded that the annexed text could be submitted to Coreper/Council for adoption. No delegation opposed.

5. In the light of the above, the Presidency invites Coreper:

- to endorse the Council declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe, and
 - to ask the Council to approve it.
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Draft Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe

The Council of the European Union

CONSIDERING the determination of the European Union and its Member States to prevent and fight antisemitism as well as all forms of racism, xenophobia and other forms of intolerance and discrimination,

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 law¹,

HAVING REGARD to the Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime²,

HAVING REGARD to the Council conclusions of 6 December 2013 on combating hate crime in the European Union³,

CONSIDERING the code of conduct agreed on 31 May 2016 by the Commission together with major IT Companies on fighting hate speech online,

¹ OJ L 328, 6.12.2008

² OJ L 315, 14.11.2012

³ 17057/13

HAVING REGARD to the establishment in June 2016 of the EU High Level Group on combating racism, xenophobia and other forms of intolerance and of the Subgroup on methodologies for recording and collecting data on hate crime coordinated by the European Agency for Fundamental Rights (FRA),

RECALLING the importance of jointly implementing the conclusions from the Commission's first colloquium on fundamental rights on combating antisemitism and anti-Muslim hatred, as stressed in the Council conclusions of 9 June 2016 on the application of the Charter of Fundamental Rights in 2015,

HAVING REGARD to the appointment in December 2015 of a Commission Coordinator on Combating Antisemitism,

CONSIDERING that on 26 May 2016 the plenary of the International Holocaust Remembrance Alliance (IHRA) adopted a non-legally binding working definition of antisemitism,

CONSIDERING that on 1 June 2017 the European Parliament adopted a resolution on combating antisemitism,⁴

⁴ European Parliament resolution of 1 June 2017 on combating antisemitism (2017/2692(RSP))

OBSERVING for several years a worrying increase in the number of manifestations of hate speech, hate crimes, racism, xenophobia and intolerance in Europe affecting minorities and other vulnerable groups, including Jewish people, as recorded by those Member States who collect official data⁵, as well as the second wave of the FRA survey on discrimination and hate crimes against Jewish people in the EU⁶,

ACKNOWLEDGING that Jewish communities in some EU Member States feel particularly vulnerable to terrorist attacks following an increase in violent incidents and terrorist attacks in recent years,

EMPHASISING that these attacks and all kinds of harm against European Jewish citizens target the fundamental values and human rights that are at the heart of the European Union, as enshrined in Article 2 of the Treaty on the European Union (TEU),

NOTING with strong concern that the situation for Jewish people has not substantially improved and that antisemitic hatred remains widespread as confirmed by the 2018 FRA report⁷, as well as by the latest annual report of the European Commission against Racism and Intolerance (ECRI) of June 2018⁸,

⁵ <http://fra.europa.eu/en/publication/2018/hate-crime-recording>

⁶ <http://fra.europa.eu/en/publication/2018/2nd-survey-discrimination-hate-crime-against-jews>.

⁷ <http://fra.europa.eu/en/publication/2018/antisemitism-overview-2007-2017>;

<http://fra.europa.eu/en/publication/2018/2nd-survey-discrimination-hate-crime-against-jews>.

⁸ <https://rm.coe.int/annual-report-on-ecri-s-activities-covering-the-period-from-1-january-16808c168b>

AWARE of the fact that this growing antisemitism in all its forms remains a cause of great concern for Jewish people in many Member States,

STRESSES the fact that antisemitism, irrespective of which extremist political or religious direction, ideology or belief may stand behind it, affects Jewish peoples' safety, wellbeing and ability to express their identity however they may choose,

NOTING that antisemitism - including when disguised under the cover of political views – as well as Neo-Nazism are causing great concern to Jewish communities in several Member States,

NOTING that several EU Member States have taken measures – politically, financially and strategically – to protect their Jewish communities,

STRESSING that antisemitic hate speech online is having an impact on the sense of well-being of Jewish people in Europe and is enabling the dissemination of antisemitic propaganda and conspiracy theories including notions of Jewish control and Holocaust denial, both old and new, more widely,

RECOGNISING that freedom of expression as well as freedom of religion or belief constitute one of the essential foundations in the construction of pluralistic and inclusive societies,

RECOGNISING that Jewish citizens are, always have been and always will be, an integral and inseparable part of our European societies, as full citizens with a right to a sense of security and wellbeing,

DETERMINED to ensure a future for Jewish people to live with the same sense of security and freedom as all other citizens in the European Union,

UNDERLINING that the security of Jewish people is an immediate necessity and requires timely action of the Member States and the EU institutions,

WELCOMING the important role that FRA fulfils in regularly providing survey data on antisemitism as well as in regular monitoring the availability of official criminal justice data, on racism, xenophobia and other forms of intolerances, including on antisemitism, in all Member States,

WELCOMING the European Union acquiring the status of Permanent International Partnership, observer status without voting rights, with the International Holocaust Remembrance Alliance (IHRA) to ensure continuous remembrance of the Holocaust and to prevent and fight any form of antisemitism,

1. INVITES THE MEMBER STATES to adopt and implement a holistic strategy to prevent and fight all forms of antisemitism as part of their strategies on preventing racism, xenophobia, radicalisation and violent extremism,
2. CALLS ON THE MEMBER STATES that have not done so yet to endorse the non-legally binding working definition of antisemitism employed by the International Holocaust Remembrance Alliance (IHRA) as a useful guidance tool in education and training, including for law enforcement authorities in their efforts to identify and investigate antisemitic attacks more efficiently and effectively,
3. CALLS ON THE MEMBER STATES in particular to increase their efforts to ensure security for Jewish communities, institutions and citizens,

4. CALLS ON THE MEMBER STATES to reinforce protection of Jewish communities and institutions as appropriate by seeking or enhancing cooperation between the local and/or national law enforcement authorities and the respective Jewish community based on established good practice in several EU Member States, as well as using this base for seeking new and innovative ways to further improve the cooperation,
5. INVITES THE MEMBER STATES to provide for the financing and implement the necessary security measures of Jewish communities, institutions and citizens,
6. INVITES THE MEMBER STATES to make use of the financial support provided by the European Union's financial instruments for the protection of public spaces,
7. CALLS ON THE MEMBER STATES to take appropriate measures against hate crimes and incitement to violence or hatred against Jewish people and to fully implement the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law and the Council conclusions of 6 December 2013 on combating hate crime in the European Union, and ensure effective investigations and prosecution,
8. INVITES THE MEMBER STATES to make use of the Key Guiding Principles of the EU High Level Group on combating racism, xenophobia and other forms of intolerance published in December 2017 in order to improve the recording of hate crime by law enforcement authorities,

9. INVITES THE MEMBER STATES to participate in the ongoing training of national law enforcement and criminal justice authorities provided by the FRA and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in order to improve their ability to record and collect hate crime data, including on antisemitism, and support civil society organisations to complement the collection in order to better measure the extent of antisemitism affecting Jewish citizens,
10. REMINDS THE MEMBER STATES to promote common values and general principles of the European Union as stipulated in Article 2 TEU, through education and culture, in line with the Paris Declaration adopted 2015⁹ and based on the Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching¹⁰, and in this context promote education on the Holocaust as well as on education on the role of Jewish institutions, communities, and citizens in today's Europe,
11. INVITES THE MEMBER STATES to introduce training about all forms of intolerance, racism and hate crime, in particular antisemitic prejudices and hate crime into their school curricula, into vocational training such as for people working in the field of security and justice as well as into the curricula of integration courses,

⁹ 5322/15

¹⁰ OJ C 195, 7.6.2018

12. INVITES THE MEMBER STATES to strengthen support for intercultural and interfaith work involving Jewish communities and institutions, and to encourage in particular the exchange between children and young people of different faiths and backgrounds, including through the use of European instruments such as E-Twinning and Erasmus+,
13. CALLS ON THE MEMBER STATES to emphasise the importance of Holocaust remembrance and education for all, as well as research. Without prejudice to national competence, this requires freedom of research, adequate curricula as well as adequate education and training on the Holocaust and antisemitism for teachers, people working in the field of security and justice and could be taken into consideration as part of general integration measures,
14. INVITES THE COMMISSION to present in the context of its overall strategy against racism, xenophobia and other forms of intolerance, further measures combating and preventing all forms of antisemitism and to this end work closely with the Member States, including with regards to the protection of Jewish institutions, communities and citizens,
15. INVITES THE COMMISSION to continue focusing on antisemitism as part of the work of the EU High Level Group on combating racism, xenophobia and other forms of intolerance and to continue developing, in close consultation with the Member States and with the support of the FRA, EU standards for data collection and analysis regarding antisemitism and other forms of hate speech and discrimination within the European Union,

16. INVITES THE COMMISSION to pay particular attention to illegal antisemitic hate speech as a topic to be discussed within the Code of Conduct on combating hate speech online and to include also content that advocates antisemitic terrorist offences in the context of the EU Internet Forum. The European Internet Referral Unit at Europol should be fully used to detect and refer such terrorist content to the relevant Internet service providers,
 17. WILL enhance coordination of the work of the Council in preventing and combating antisemitism, among other by exchanging best practices.
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