



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 June 2011**

**11268/11**

**FREMP 66  
JAI 405  
COHOM 159  
DROIPEN 60**

**NOTE**

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from:	General Secretariat of the Council
to:	Council (Justice and Home Affairs)
Subject:	Draft Council conclusions on the memory of the crimes committed by the totalitarian regimes in Europe

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On 12 January 2011, the Commission submitted to the Council and to the European Parliament its Report on the memory of the crimes committed by totalitarian regimes in Europe.

In follow-up to this report, the Working Party on Fundamental Rights, Citizen's Rights and Free Movement of Persons as well as the JHA Counsellors examined the above mentioned draft Council conclusions during three of their meetings and lastly on 24 May 2011, on the basis of document 9317/3/11 FREMP 38 JAI 258 COHOM 111 DROIPEN 28 REV 3.

On 25 May 2011, COREPER examined the above mentioned draft Council conclusions on the basis of document 10455/11 FREMP 57 JAI 344 COHOM 144 DROIPEN 43. The outcome of proceedings of this COREPER meeting is set out in document 10758/11 FREMP 63 JAI 367 COHOM 151 DROIPEN 48.

COUNCIL is requested to adopt the Council conclusions as set out in the Annex to this Note.

**DRAFT COUNCIL CONCLUSIONS****on the memory of the crimes committed by totalitarian regimes in Europe****THE COUNCIL OF THE EUROPEAN UNION**

**Considering** that many Member States have experienced a tragic past caused by totalitarian regimes, be it communist, national socialist or of any other nature, which have resulted in violations of fundamental rights and in the complete denial of human dignity;

**Considering** that past tragedies should be followed up by reconciliation, to provide for an opportunity of further peaceful coexistence and development;

**Recalling** the Statement by the Council inserted in the minutes of the Council at the time of adoption of the Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law<sup>1</sup>, in which the Council deplores all crimes of genocide, crimes against humanity and war crimes, including those committed by totalitarian regimes;

**Noting**, that totalitarian regimes in Europe, although different in their origins, political justification and expression, form part of Europe's shared history;

**Recalling** the European Parliament's Resolution of 2 April 2009 on "*European conscience and totalitarianism*", which underlined the fact that there could be no reconciliation without truth and remembrance;

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<sup>1</sup> Adopted by the Council on 27/28 November 2008.

**Noting** the statement of the Stockholm Programme<sup>2</sup> that *"The Union is an area of shared values, values which are incompatible with crimes against humanity, genocide and war crimes, including crimes committed by totalitarian regimes. Each Member State has its own approach to this issue but, in the interests of reconciliation, the memory of those crimes must be a collective memory, shared and promoted, where possible, by us all. The Union must play the role of facilitator."*;

**Understanding** that, although the main role in establishing the truth and recording history is a matter to be dealt with at Member States' level, the Union should still play a meaningful role in this process, acting to facilitate it by encouraging discussion, sharing of experiences and supporting the Member States' initiatives;

**Recalling** the Conclusions of the General Affairs and External Relations Council on "European Conscience and Totalitarianism" of 15 June 2009, welcoming the European Parliament's call for the establishment of a "Platform of European Memory and Conscience" that would provide support for networking and cooperation among national bodies related to the examination and remembrance of totalitarian regimes and inviting the European Commission to make full use of all existing related financial instruments;

**Having regard** to the discussions which took place during the public European hearing on "Crimes committed by totalitarian regimes" held in Brussels on 8 April 2008, to the conference on "Europe 70 years after the Molotov-Ribbentrop Pact" which took place in the European Parliament on 14 October 2009, to the conference on the Holocaust and Human Rights Education that took place in Terezin, Czech Republic on 19 and 20 October 2010 and to the public European hearing "What do Young Europeans know about Totalitarianisms?" held on 29 March 2011;

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<sup>2</sup> Adopted by the European Council on 10/11 December 2009; OJ C 115 , 04/05/2010 P. 0001 - 0038

**Noting** that a fair treatment of the victims of every totalitarian regime as well as a proper prevention of such crimes should be assured. The denial of such crime should be treated according to adequate standards, taking into account, where appropriate, national circumstances and legal traditions of the Member States, and respecting the freedom of expression;

**Reaffirming** the importance of raising awareness of the crimes committed by totalitarian regimes of promoting a shared memory of these crimes across the Union and underlining the significant role that this can play in preventing the rehabilitation or rebirth of totalitarian ideologies;

**Sharing** the view that the necessary legal conditions for adopting an additional instrument are not met at this stage, but noting that the Commission will keep this question under review;

1. **Welcomes** the Report from the Commission to the European Parliament and the Council on “*The memory of the crimes committed by totalitarian regimes in Europe*”;
2. **Recalls** that the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States and should be a constant inspiration and source of encouragement to all Member States seeking to come to terms with the sufferings of their past;
3. **Highlights the value** of the European Union’s role in facilitating, sharing and promoting the collective memory of these crimes;
4. **Highlights** the Europe-wide Day of Remembrance of the victims of the totalitarian regimes (23 August) and invites Members States to consider how to commemorate it , in the light of their own history and specificities;

5. **Encourages** the Member States and the Commission to raise or support initiatives aiming at informing and educating the public about Europe's totalitarian past, as well as to conduct research projects, including those with an international dimension;
6. **Welcomes** the Commission's intentions to use EU financial and other programmes, as mentioned in the Report, to assist interested parties to support and promote such initiatives and projects as well as to examine how those activities could be sufficiently financed in the future;
7. **Invites** the Commission to pay attention to the questions of the participation of smaller organisations to EU financial programmes, including schools and higher education institutions, as well as to examine how to foster participation of the beneficiaries from the Eastern partnership countries and Russia in common initiatives and projects financed by these programmes.
8. **Encourages** the Commission to further examine and promote possibilities for research projects or grants in the field of totalitarian regimes for researches from the EU member states as well as other European countries that have suffered from the crimes of totalitarian regimes. This may include EUROBAROMETER polls on what EU citizens know about European totalitarian regimes.
9. **Invites** all interested parties to make full use of existing EU programmes to establish a Platform of European Memory and Conscience to provide support for current and future networking and cooperation among national research institutes specializing in the subject of totalitarian history.
10. **Invites** the Commission to reflect and inform regularly the Member States and interested parties on cultural, educational, memorial and other activities and concrete steps to raise awareness of the crimes committed by totalitarian regimes and to further promote the memory of totalitarian regimes in the framework of existing EU financial programmes;

**11. Takes note of** the Commission’s intentions, as indicated in the Report to the European Parliament and to the Council entitled “The memory of the crimes committed by totalitarian regimes in Europe” of 22 December 2010, to keep under review the conditions for an additional legal instrument, including in the light of the findings of the forthcoming report, under Article 10(2) of Framework Decision 2008/913/JHA.

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