



Council of the
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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	Combating racism and antisemitism: next steps

1. State of play of the fight against racism and antisemitism

Council conclusions guiding the Council's approach

Over time the EU has taken measures against racism and antisemitism, for example through action to combat discrimination and to fight hate speech and hate crime. On 4 March 2022, during the French Presidency, the Council adopted conclusions on combating racism and antisemitism¹. In the conclusions, the Council deplored the alarming rise in racist and antisemitic incidents in EU Member States and stressed that racism and antisemitism are phenomena that deny equality between individuals, threaten our societies and require firm political responses that should take into account the specificities of each phenomenon as well as their commonalities.

¹ 6877/22.

In the conclusions, the Council invited Member States to develop national action plans and/or strategies by the end of 2022, as envisaged in the EU Anti-racism Action Plan, adopted by the European Commission on 18 September 2020², and the EU Strategy on combatting antisemitism and fostering Jewish life, adopted by the European Commission on 5 October 2021³. The Council also invited the Commission to uphold the fight against all forms of racism and antisemitism as a priority of the EU and to support Member States in order to ensure the development of standards that offer comprehensive protection against racism and antisemitism.

Implementation of EU strategic documents against racism and antisemitism

In 2021, the subgroup on the national implementation of the EU Anti-racism Action Plan, with the support of the European Union Agency for Fundamental Rights (FRA), adopted common guiding principles for national action plans against racism. These principles support Member States in producing effective national action plans against racism. In 2023, the Commission will report on the progress made as regards the implementation of the EU Anti-racism Action Plan and on national action plans against racism.

The Commission has set up a working group on the implementation of the EU Strategy on combatting antisemitism and fostering Jewish life. In 2024, the Commission will publish a report on the implementation of the strategy. The report will include the monitoring of progress at national level, taking into account national strategies developed by Member States and commitments already made by Member States in Council declarations and Council conclusions in 2018⁴, 2020⁵ and 2022.

² 11522/20.

³ 12598/21.

⁴ 15213/18.

⁵ 13637/20.

The need to streamline efforts within the Council

During the Czech Presidency, the FREMP Working Party held a discussion on the progress that had been made on the EU Strategy on combatting antisemitism and fostering Jewish life. The exchange highlighted possible streamlining efforts within the Council, and delegates indicated a willingness to have regular discussions on the topics of antisemitism, racism, and other forms of hatred. This was followed by a lunch discussion between the ministers attending a JHA Council meeting on 9 December 2022, which raised the question of how to maximise efforts to fight antisemitism at all levels and across society, while avoiding duplication of efforts.

2. Key challenges for the EU

It should be recognised that many challenges pertaining to racism and antisemitism persist in the EU. As noted above, a strategic and long-term approach is necessary to overcome such challenges. With this in mind, the Presidency sees fit to highlight three of the challenges that the EU currently faces.

The right to security and freedom from hate speech and hate crime

Security and freedom from hate speech and hate crime is not a reality for a vast number of people. The alarming rise in racist and antisemitic incidents in EU Member States is deplorable. The exacerbation of racist and antisemitic hate crimes and hate speech, Holocaust denial and distortion, and conspiracy myths both online and offline, are clear challenges that must be dealt with. Efforts need to be increased to ensure the security of persons belonging to groups affected by acts of racism and antisemitism. Steps also need to be taken to improve physical security and to prevent threats against sites and gatherings of people, such as around religious institutions, meeting venues and schools, and during cultural or religious events. To this end, the ability of national authorities to investigate and prosecute racist and antisemitic hate crimes and illegal hate speech could be strengthened, in concert with other security measures.

The impact of racism and antisemitism in everyday life

The impact of racism and antisemitism on people's everyday lives cannot be ignored, and there is a clear need to address how people are affected in areas such as working-life, access to goods and services, healthcare and interactions in public spaces. These challenges may require a long-term approach to address the root causes, including by more effectively recognising and tackling covert expressions of racism and antisemitism, taking steps to tackle direct and indirect discrimination in all spheres of life, and improving knowledge and education, including as regards historic and contemporary expressions of racism and antisemitism.

The need to move from plan to action

On 16-17 February 2023, the Presidency hosted a conference, *From Plan to Action – High-Level Conference on the Implementation of National Action Plans Against Racism*, at which the key elements in moving from the development to the implementation of national action plans and strategies were discussed. The exchange highlighted that robust structures for coordination and follow-up are crucial to ensuring tangible results, and that such structures should be effective in the long term. The importance of involving all relevant stakeholders, including civil society and local stakeholders, was also noted. In addition, as underlined by the discussions held during the Czech Presidency, steps taken by Member States and EU institutions would benefit from coordination to improve the coherence of measures taken across the board.

3. Elements of a forward-looking approach by the Council

There is a clear need to streamline Council discussions relating to the combat against racism and antisemitism. On 23 February 2023 the FREMP Working Party held an exchange on the next steps in the combat against racism and antisemitism, in which delegations took stock of the most recent developments and discussed how to establish a mutual, forward-looking approach to be taken by the Council in combatting racism and antisemitism.

Based on the discussion, the Presidency concluded that regular exchanges, at both technical and political levels, may enable the Council to facilitate a more coordinated approach to the efforts of Member States and EU institutions alike, as well as to ensure capacity building by, for example, identifying common denominators and exchanging best practices. The overall purpose of such an approach would be to continuously assess the state of play, to identify gaps and to discuss next steps in the implementation of both EU and national strategic documents and plans. It would be advisable to use an evidence-based approach, inviting stakeholders such as the FRA to share data and knowledge. Information from the Commission, including on national implementation measures, could also be used as a basis for discussions.

It is therefore suggested that the FREMP Working Party act as a focal point at technical level, where challenges and opportunities can be discussed by experts. To improve political coordination, the JHA Council is considered the most relevant Council formation to act as the main forum for political exchange and guidance on the topic. This would be without prejudice to the already existing competences of other Council working parties and Council formations and should be seen as an added value. At the same time, it would be advisable for all relevant parties to coordinate to avoid duplication of efforts.

Against this backdrop, ministers are invited to respond to the following questions:

1. What are the commitments of your country for the next steps in combatting racism and antisemitism at national level?

Ministers are encouraged to indicate whether a national action plan against racism and/or a national strategy against antisemitism and to foster Jewish life has been adopted, and what specific measures will be taken to implement such strategic documents. If no such adoption has been possible, any specific planned action can also be highlighted.

2. How can the Council create a forward-looking approach to the combat against racism and antisemitism?

Ministers are invited to reflect on the Presidency's proposal for a forward-looking approach to the work of the Council in this area, as outlined above. In addition, ministers are invited to provide further input on how the Council can achieve regular and productive exchanges on this topic.