

# Combating racism and xenophobia: progress in the negotiations on the framework decision

2007/2067(INI) - 21/06/2007 - Text adopted by Parliament, single reading

In adopting the initiative report by Mrs Martine **ROURE** (PES, FR) on the progress of the negotiations concerning the framework decision on combating racism and xenophobia, the European Parliament did not follow the position agreed on by the committee responsible and approved a series of compromise amendments tabled by the **PES, EPP-ED, ADLE, Greens/ALE, GUE/NGL**.

To recall, this framework decision concerns combating certain forms and expressions of racism and xenophobia by means of criminal law has been blocked by the Council since 2005. The German Presidency announced in January 2007 that this issue would take priority. MEPs drafted a first initiative report covering recommendations to be included into the framework decision by the Council.

However, before this report arrived at Plenary, the Justice and Home Affairs Council on the 19 April 2007 reached an informal political agreement and amended the initial text on which the Parliament was consulted on in 2002 (refer to [CNS/2001/0270](#)).

The House decided to amend its approach and proposed an amended version of the initiative report by associating the main European Parliament political groups. Following the publication of the final text, the Parliament shall draft a second consultation report on the draft framework decision.

In view of the proposal for a framework decision on which a political agreement was reached at the Justice and Home Affairs Council meeting of 19 April 2007, the Parliament addresses the following recommendations to the Council:

- send out a strong political message in support of a citizens' Europe and provide a **high level of protection for fundamental rights** by finalising the text as soon as possible and ensuring that it is publicised;
- make education towards peace, non-violence and respect for fundamental rights, and an interfaith and intercultural dialogue at EU level, the main instruments of the fight against racism and xenophobia;
- ensure that the **framework decision contributes European added value** over and above the Joint Action;
- together with the Commission, apply more actively existing anti-discrimination and anti-racist legislation and Treaty provisions, and monitor closely the future transposition and implementation of the framework decision in each Member State, and report back to Parliament; ensure that the Commission starts infringement proceedings against those Member States which fail to implement the legislation;
- recognise that some Member States have criminalised the denial or flagrant trivialisation of genocide, crimes against humanity or war crimes;
- **insert in the final text of the framework decision the definition of racist and xenophobic offences** which is already included in the above-mentioned Commission proposal pursuant to which "directing, supporting or participating in the activities of a racist or xenophobic group with the intention of contributing to the organisation's criminal activities" would be punishable as a criminal offence;
- exclude the notion of a public order offence, since it is not based on a precise definition of that concept, and define what constitutes threatening, abusive or insulting conduct which Member States may decide is or is not punishable;
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- incorporate a **non-regression clause** such as the one contained in Article 6 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, in order to ensure that the implementation of the framework decision does not lead to a weakening of existing forms of protection;
- ensure that implementation of the framework decision will not undermine any obligation imposed pursuant to the above-mentioned International Convention on the Elimination of All Forms of Racial Discrimination;
- set up, under the aegis of the European Union Agency for Fundamental Rights, a unit for the purpose of monitoring similar offences in the Member States, its task being to record, store and classify data;
- ensure that the framework decision is satisfactorily implemented by allowing the Commission report to take account of the opinions of the Fundamental Rights Agency and the non-governmental organisations concerned;
- introduce a comprehensive legal framework enabling discrimination to be combated in all its forms, through the swift adoption of a comprehensive directive on the fight against discrimination (pursuant to Article 13 of the Treaty) which should provide for effective, proportionate and deterrent penal sanctions for all forms of discrimination, as well as administrative sanctions, rehabilitative sanctions such as mandatory education and community service, or fines, which, in the case of public figures and representatives of the authorities, should be more severe owing to the fact that their status should be considered to be an aggravating circumstance;
- take into account the fact that there should be no hierarchy among the grounds for discrimination and include within the scope of criminal liability **hate crimes and violent crimes** based on those grounds or a combination of those grounds (multiple discrimination);
- undertake to carry out, within no more than three years after the time limit for transposition of the framework decision, a revision of the provisions of the framework decision, with the aim of reducing the scope of derogations.