Combating certain forms and expressions of racism and xenophobia by means of criminal law. Framework Decision

2001/0270(CNS) - 28/11/2002

The Council held an in-depth debate, based on a Presidency global compromise which was broadly welcomed, on the draft Council Framework Decision on combating racism and xenophobia. The debate focused on the key provisions which define offences concerning racism and xenophobia conduct. The main concern expressed by several delegations was how to find a balanced approach between, on the one hand, the scope of criminal liability and, on the other hand, constitutional rules and fundamental principles relating to respect for the freedom of association, freedom of the press and freedom of expression. In the light of the discussion and bearing in mind a number of reservations, the Presidency proposed to amend its compromise. In particular, it decided to broad the scope of the text and to recall on it that this Framework Decision shall respect Article 6 of the Treaty and will not compromise constitutional principles and values of the Member States. On that basis, the Council instructed its relevant bodies to examine the draft Framework Decision with a view to reaching a political agreement at one of its forthcoming sessions.