

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

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The committee adopted the own-initiative report by Martine ROURE (FR, PES) containing a proposal for a European Parliament recommendation to the Council on the progress of the negotiations on the framework decision on action to combat racism and xenophobia. Although negotiations have been going on for a number of years, no agreement has yet been reached within the Council on the proposal for a framework decision. The German Presidency has proposed to the Council that negotiations be continued on the basis of a text for a framework decision submitted on 15 January 2007. Parliament adopted its position on 4 July 2002 on the basis of the Commission's initial 2001 proposal (please see [CNS/2001/0270](#)), which has now been substantially changed. The committee said that Parliament should therefore be consulted again on the basis of the text currently being discussed in Council. In the meantime, it decided to address a series of recommendations to the Council on the new text:

- the Council should send out a strong political message in support of a Citizens' Europe and provide a high level of protection for fundamental rights "through the avoidance of a third failure in respect of the proposal for a framework decision";
- the Council should 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;
- the framework decision should constitute European added value over and above the Joint Action adopted in 1996;
- together with the Commission, the Council should apply more actively existing anti-discrimination and anti-racist legislation and Treaty provisions and monitor the future implementation of the framework decision in each Member State, and report back to Parliament. The Council should also ensure that the Commission starts infringement proceedings against those Member States which fail to implement the legislation;
- the Council should insert in the final text of the framework decision the definition of racist and xenophobic offences already included in the Commission proposal for a framework decision, 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" is punishable as a criminal offence;
- the possibility of derogating from the principle of dual criminal liability should be left intact in order to enable the Member States to provide mutual support in judicial matters for the prosecution of racist and xenophobic behaviour and in order to combat cross-border racist movements;
- a non-regression clause should be incorporated to ensure that the implementation of the framework decision does not lead to a weakening of existing forms of protection;
- the Council should introduce a comprehensive legal framework to combat any form of discrimination through the adoption of a horizontal directive (pursuant to Article 13 of the Treaty) providing for effective, proportionate and deterrent penal sanctions 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.

