



EU legislation and policies on combating racism, xenophobia and other forms of intolerance

Service responsible: DG JUST/C2

These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union



Introduction

People across the EU continue to be targeted by manifestations of intolerance – be it on grounds of their race, religion, national or ethnic origin, sexual orientation or gender identity, their disability, social status, or other characteristics.

The EU rejects all forms and manifestations of racism and intolerance as they are incompatible with the values and principles upon which the EU is founded.



The EU addresses racism, xenophobia and other forms of intolerance by:

- ✓ **EU legislation** providing for common minimum standards to combat discrimination, hate crime and hate speech, whose transposition and implementation by Member States is rigorously monitored by the Commission
- ✓ **a variety of EU policy measures** to improve responses of national authorities and other actors on the ground
- ✓ **mainstreaming antiracism policy objectives in key areas** such as education, migrant integration, security and counterterrorism

Legal framework

- ✓ **Minimum standards on racist offences and penalties** (hate crime, hate speech): *Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008)*
- ✓ **Rules banning incitement to hatred and the promotion of discrimination in audiovisual media:** *Audiovisual Media Services Directive (2010, currently being reviewed)*

- ✓ **Minimum standards on rights, support and protection of victims of crime** (including specific attention to hate crime victims): *Victims' Rights Directive (2012)*
- ✓ **Legislation in the area of non-discrimination:** *Employment Equality Directive, covering discrimination on grounds of religion, age, disability and sexual orientation (2000), Race Equality Directive (2004)*

Policy framework

Building on the existing legal framework, a broad range of measures support national authorities and civil society in stepping up efforts to set up **tools and policies to prevent and counter more effectively** the spread of intolerance and hatred, **better enforce laws** and provide victims with the necessary **support and assistance**, **raise awareness**, improve **data collection** and the monitoring of trends.

The **2015 and 2016 Colloquia on Fundamental Rights** shaped the main priorities in this area which are now reflected in a number of **major policy initiatives:**

- ❑ **Collection and exchange of information and practices to implement effective law and policies**, including preventative actions
- ❑ Targeted measures to address **online hatred** by working with IT companies, civil society and the media
- ❑ Specific policies on combating **anti-Muslim hatred** and **Antisemitism**
- ❑ **Strengthened financial support**

Collection and exchange of information and practices

The Commission facilitates the exchange of information and good practice through **expert groups**:

- ✓ **EU High Level Group on combating racism, xenophobia and other forms of intolerance**
- ✓ **EU High Level group on non-discrimination, equality and diversity**

The **High Level Group on combatting racism, xenophobia and other forms of intolerance:**

- ❑ Gathers regularly **Member States, international organizations** (CoE/ECRI, OSCE/ODIHR, UN/OHCHR), **civil society, EU agencies**
- ❑ Fosters **discussions on gaps, challenges and responses**, promoting **best practice exchange**, developing **guidance** and strengthening **cooperation** and synergies between key stakeholders, to **feed into EU and national efforts** to ensure effective implementation of relevant rules and set up effective policies to better prevent and combat hate crime and hate speech

- ❑ Examples of issues discussed so far include ensuring high quality **hate crime training** for national authorities and how to better ensure justice, protection and support of **hate crime victims**. **Specific challenges linked to particular forms of intolerance are addressed** (e.g. anti-migrant hatred, antigypsyism, afrophobia, homophobia, anti-Muslim hatred, Antisemitism, etc)

- ❑ **Thematic work** is also carried out on:
 - **methodologies on recording and collecting data on hate crimes** (sub-group led by the EU Agency for Fundamental Rights)

 - **online hate speech** (sub-group led by the Commission)

Targeted measures to address online hatred

- ❑ **Laws on illegal hate speech must be enforced online as they are offline**
- ❑ **Dialogue with IT companies and Member States**, led by the Commission since 2015
- ❑ Main outcome: agreement on a **Code of Conduct on countering illegal hate speech online by Facebook, Twitter, Microsoft, Google** (*May 2016 – current efforts to enlarge it to other IT companies*)

Main commitments agreed by IT companies as included in the Code:

- **assess the majority of users' notifications** in 24h also respecting EU and national legislation on hate speech
- **remove expeditiously, if necessary, content assessed illegal**
- **help users notifying** illegal hate speech
- further work on **improving the feedback to users** and being more transparent towards the general society

Evaluation of the implementation of the Code done in cooperation with civil society one year on shows **significant progress made** by IT companies on the commitments, although some challenges remain in particular as regards **feedbacks and transparency.**

Combating anti-Muslim hatred

Reports from international and civil society organisations point to an **increase in insecurity among Muslims in Europe as well as forms of discrimination directed against individuals and communities** (*Special Eurobarometer on Discrimination in the EU in 2015, Pew Research Centre report on views about minorities, diversity and national identity in the EU, EU Agency for Fundamental Rights' EU MIDIS II Selected Findings on Muslims – September 2017*)



On 1 December 2015, the European Commission appointed a **Coordinator on combating anti-Muslim hatred**, whose main mandate is:

- ❑ to **ensure outreach** with Muslim communities in Europe and certain neighbourhood countries
- ❑ to **contribute addressing anti-Muslim hate speech, hate crime and discrimination**

The Coordinator **closely cooperates with Muslim, and other, organisations** which deal with anti-racism and non-discrimination policy at European and national level, including through **regular roundtables** on combating anti-Muslim hatred and **country missions**.

Topical issues on which the Coordinator has been very active since taking up his mandate include:

- ❑ **Discrimination** including in the field of employment and occupation
- ❑ **Hate speech online** and the **negative rhetoric** on Muslims in the media and in the political discourse
- ❑ **Education, training** and **awareness raising**
- ❑ **Engaging Young Muslims** in the Future of Europe Debate

Combating Antisemitism

Deep concerns remain about **manifestations of Antisemitism across the EU** and the impact Antisemitism has on Jewish daily life. A **new large-scale survey on the experience of Jews with Antisemitism is being conducted by the EU Agency for Fundamental Rights.**

The importance of addressing old and new forms of Antisemitism was also recently acknowledged by the **European Parliament** which adopted on 1 June 2017 a **Resolution on combating Antisemitism.**



On 1 December 2015, the European Commission appointed a **Coordinator on combating Antisemitism**, whose main mandate is:

- to **ensure outreach** with Jewish communities in Europe and beyond
- to **contribute addressing Antisemitic hate speech, hate crime and discrimination**

The Coordinator holds **regular roundtables and meetings with Jewish organisations and communities**, in Brussels and in Member States. The **annual EU-Israel seminar on combating racism, xenophobia and Antisemitism** also offers stakeholders a platform to exchange best practices and facilitate coalition building.

Topical issues on which the Coordinator has been very active since taking up her mandate include:

- Education, training and awareness raising**
- Preserving the memory of the Holocaust,** including through the European Holocaust Research Infrastructure (EHRI)
- Hate speech online**
- The security of Jewish communities and infrastructures**

Financial support

The Commission provides financial support to national authorities and civil society in this area primarily through the **Rights, equality and citizenship programme**:

- ❑ budget around **440 million EUR for the period 2014-2020**
- ❑ specific priorities on **promoting non-discrimination and combat racism, xenophobia, homophobia and other forms of intolerance**
- ❑ **activities** financed include **training, mutual learning** and exchange of good practices, **awareness raising, support to key European NGOs and networks, research, studies and data collection**

Other programmes also provide funding opportunities in areas which can contribute to the fight against racism, xenophobia and other forms of intolerance, such as:

- ❑ the **Europe for Citizens Programme**, for initiatives that raise awareness on remembrance, common history and common European values
- ❑ **Erasmus+** for transnational projects promoting social inclusion, shared values, intercultural understanding through education
- ❑ the **Lifelong learning programme** to promote cultural diversity, democratic values and respect for human rights

- ❑ the **Safer internet programme** to protect children using the internet and other communication technologies, for instance by fighting against racist and xenophobic content
- ❑ the **Asylum, migration and integration fund** to facilitate the integration and inclusion of third-country nationals

A **One stop shop** guide to EU initiatives and funding to promote "**Tolerant, inclusive and pluralistic societies**" was created in order to facilitate access to relevant information for citizens and stakeholders.