

ENGLISH only

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Vienna, 18 June 2003

A European Union contribution
to the OSCE anti-Semitism Conference,
Vienna, 19-20 June 2003.¹

The European Union as an organisation and acting individually through its Member States is a firm supporter and partner of the OSCE in many of its activities and the fight against anti-Semitism is no exception.

In Europe we are aware of the dangers and horrors of anti-Semitism, ethnic hatred and racist violence. The European Union was created to prevent a repetition of the two wars that destroyed the fabric of our societies. Though economic in its initial character, the European Union has recognised the importance of fundamental rights as the dynamo for its future evolution. This is attested to by the proclamation of the Charter of Fundamental Rights in 2000 and the current discussions in the Convention on the Future of Europe on the merits of incorporating it into the future Constitutional Treaty and the new powers of the Nice Treaty which provide for a process to establish whether a Member State is in breach of the fundamental rights which all Member States and Institutions of the Union must respect. And gradually we are underpinning those rights with the coming into force of supportive legislation at the national and European level.

The Holocaust serves to remind us all to remain vigilant and alert, and ready to counter such manifestations with the full array of moral, political, legal and judicial power. The lessons we have learnt in the EU from the Holocaust are many, not least the duty and obligation to safeguard and protect our vulnerable communities and foster ways to live together in peace and mutual respect. This approach is a cornerstone of the ongoing project to build a European Union free of such hatred and intolerance, free, secure and just for all those residing within our borders.

¹ The Acceding Countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia and the Associated Countries Bulgaria, Romania and Turkey align themselves with this contribution.

This conference not only provides the European Union with the opportunity to re-emphasize its commitment to the fight against anti-Semitism and racism, but it should also send a timely and strong signal of “no tolerance” towards anti-Semitism. It brings us together within the OSCE area to pursue common concrete, practical and forward-looking measures to tackle these phenomena. This commitment is ongoing and will take many forms. In fact the European Commission launched this week on 16 June its campaign to raise awareness and improve information on new EU wide legislation to combat racial and religious discrimination amongst others. This campaign should continue to draw attention to the matters at hand and hopefully invoke wider debate to make our actions as effective as possible.

The European Union approaches anti-Semitism and racism as interrelated phenomena. Anti-Semitism is a painful part of our history and for that requires certain specific approaches. The measures instigated and the lessons learnt from our experience of anti-Semitism have ensured that strategies to combat anti-Semitism will continue to form an important component of the EU’s approach to combating racism, xenophobia and related intolerance.

The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States. Its objectives include the combating of racism, racial discrimination, anti-Semitism and xenophobia and the promotion of social cohesion.

Anti-Semitism and racism undermine the very basis of our principles.

EVENTS OF EARLY 2002

The European Union was therefore saddened and shocked by the reports of violent anti-Semitic incidents in various places of the European Union in early 2002. It strongly condemned those incidents and undertook a series of measures to protect and reassure members of the Jewish community, and safeguard their properties and places of worship, and identify and tackle the causes. The Jewish community is a valued and integral part of the European Union. We believe that the measures taken both by Member state governments and the wider community had an impact as the level and degree of the incidents were not repeated during the remainder of the year. This conference provides the setting to share our experience and examples of good practice, which can be a model for us all.

And this does not mean that anti-Semitism has again gained an intellectual or respectable foothold in our societies, or that the European Union has been gripped by a “wave” of anti-Semitic violence. Reports from the EU’s Monitoring Centre on Racism had identified that the aftermath of the 11 September terrorist attacks and the ongoing situation in the Middle East were exploited by individuals and groups holding extremist views and harbouring hatred and intolerance to target members of the Jewish and Muslim

communities. The Union is also mindful that it would be remiss to tackle anti-Semitism solely within the context of events outside the Union. Anti-Semitism, as we are all aware, has a long and infamous history on our continent and strategies and approaches must take that fully into account. Experience from previous events in the Union has shown that ethnic or religious minority groups as whole in our society cannot be held responsible for the acts of violence or extremist activities carried out by individuals identified as belonging to their groups and that efforts to tackle such incidents require the full and active support of society as a whole. This conference should therefore address strategies for society as a whole.

Acts of anti-Semitic violence gained no support in the wider community, which was a positive sign for the EU and were condemned outright by, amongst others, leaders of faith communities and ethnic minorities. Inter-community and inter-faith cooperation could play a valuable role in addressing the causes and to prevent such acts. Hopefully, this conference will further add to the various initiatives already undertaken in this light.

In a common stance to combat racism, anti-Semitism and xenophobia, the EU's Council meeting Justice, Home Affairs and Civil Protection on 25-26 April 2002 indicated 'its wish to step up preventive action and fight against racist violence and anti-Semitism'. In addition, it stated that 'It will continue to make similar efforts against all forms of intolerance, in particular those which would use as their pretext the conflicts and acts of violence in the Middle East and are aimed at persons of the Jewish or Muslim faith or any other faith'².

Incidents such as these serve to remind us and I am glad to see that this conference will address these issues, namely that governments alone cannot tackle anti-Semitism, anti-Semitism involves society and therefore society as a whole must play its part.

In addition, as anti-Semitism and racism continue to demonstrate, particularly in the age of the Internet and new information technology, the activities of anti-Semites and racists are no longer confined within the borders of a single country. The use of information technology should be discussed at this conference with a view to suggestions for countering the negative aspects and using the internet as a vital ingredient in the campaign against racism and anti-Semitism. We should consider how to further expand cooperation between states, NGOs and international organisations. The EU welcomes the June 2002 conclusions of the Additional Protocol to the Cybercrime Convention.

The role of the media will also be discussed and we should examine issues and outcomes from the recent OSCE conference on Freedom of the Media and the Internet.

EU ACTIVITIES

The European Union has been developing over the last few years a comprehensive and cohesive approach to tackling racism and anti-Semitism. This

² 2423rd Council meeting – Justice, Home Affairs and Civil Protection – Luxembourg, 25/26 April 2002.

approach is centred around new legislative measures, establishing European level mechanisms, mainstreaming anti-racism across its programmes and activities and strengthening cooperation amongst its Member States. The approach covers action in the fields of justice and home affairs, employment and social affairs, education and external relations.

LEGISLATIVE MEASURES

Article 13 EC Treaty

As a result of the introduction of a non-discrimination clause (article 13) in the European Community Treaty, in 2000 the Council of the European Union adopted two key pieces of legislative measures in the fight against discrimination on the grounds of inter alia racial or ethnic origin, religion or belief. By the end of 2003, all Member States of the European Union shall incorporate these Council Directives into national legislation, thereby re-enforcing the fight against racial discrimination at the national and European level. The directive to combat discrimination irrespective of racial or ethnic origin covers a broad range of fields including employment, education and access to social services and benefits. The directive against discrimination of grounds of religion or belief focuses on employment and occupation.

The laws outlaw racial harassment and prohibit retaliation against persons who have made use of those rights flowing from the directives. The laws give the victims of discrimination the right to seek redress before the courts of law, with effective and dissuasive sanctions for those found to be in breach of the principle of equality. The law on racial discrimination also requires Member states to set up equality bodies which will have the power to support victims of discrimination, conduct surveys or studies on discrimination and publish reports and deliver recommendations in the field of racial or ethnic discrimination.

Criminal Law

In the field of criminal law, at EU level, the Council adopted on 15 July 1996 a Joint Action concerning action to combat racism and xenophobia including anti-Semitism. Its main objective was to ensure effective legal cooperation between Member States in combating racism and xenophobia. The Joint Action stressed the need to prevent the perpetrators of such offences from benefiting from the fact that they are treated differently in the Member States by moving from one country to another to avoid prosecution. Member States were asked to ensure that a number of racist and xenophobic behaviours listed in the Joint Action be punishable as criminal offences or, failing that, and pending the adoption of any necessary provisions, to derogate from the principle of double criminality for such behaviours. Other provisions contained in the Joint Action referred to seizure and confiscation of racist and xenophobic material and exchange of information.

A Proposal by the European Commission for a Council Framework Decision on combating racism and xenophobia is being discussed. The objective of the proposal is both to reinforce criminal law measures aimed at approximation of the laws and regulations of the Member States regarding racist and xenophobic offences and to facilitate and stimulate cooperation among Member States to combat these offences.

In addition, the European Commission presented a proposal for a Council Directive on compensation to crime victims in October 2002. The proposal has two objectives. Firstly, to establish a minimum standard in the EU by making it compulsory for all Member States to provide an adequate level of State compensation for victims. Secondly, to ensure that compensation is easily accessible in practice regardless of where in the EU a person becomes the victim of a crime. The proposal covers racist and xenophobic crimes.

Charter of Fundamental Rights

The European Union proclaimed the Charter of Fundamental Rights on 7 December 2000. The Charter aims to strengthen the protection of fundamental rights and make those rights more visible to the people residing within the EU. In respect of universalism, the rights set forth in the Charter (except those linked to citizenship of the EU) are generally granted to all persons irrespective of their nationality or residence. Article 1 guarantees the respect and protection of human dignity and article 21 prohibits discrimination based on any ground including colour, ethnic or social origin, language and religion or belief.

EUROPEAN LEVEL MECHANISM - EUMC

In 1997 the European Union established the European Monitoring Centre on Racism and Xenophobia (EUMC)³, based here in Vienna. The Centre is an independent and specialised agency of the European Union. It was set up in recognition of the importance in cooperation in the fight against racism, anti-Semitism and xenophobia, the added value of learning from each other's experience, sharing good practice and the importance of obtaining objective and reliable data to guide the Member States in their actions to counter these manifestations.

The Monitoring Centre has set up national focal points in each Member State of the Union through its Racism and Xenophobia network, RAXEN, to collect data on racism, anti-Semitism and xenophobia. It conducts research and surveys, hosts a European Round Table once a year on specific topics and cooperates with inter-governmental organisations such as the Council of Europe, the United Nations and the OSCE. In fact, it is undertaking common work with the OSCE and the Council of Europe on issues relating to the Roma. The Centre also acts as an advisory facility to the Member States and the EU institutions on the questions of racism and anti-Semitism.

³ <http://eumc.eu.int>

The Centre is currently examining ways to enhance its work on anti-Semitism within the broad framework of racism.

PROGRAMMES AND ACTIVITIES

In addition, at a practical level, the European Union advocates closer cooperation between police forces of Member States on exchanging experience and factual evidence and action taken or to be taken to combat acts of anti-Semitism and racism. In this action, full use will be made of the competent bodies of the European Union and the data collected by those bodies, and the path made clear for use of this information by the Member states.

Community Action programme

The European Commission administers a Community Action Programme against discrimination within the Union based around three strands. These are:

- strengthening the analysis and evaluation of the nature and impact of discrimination in the Community to ensure that anti-discrimination measures are properly targeted;
- supporting organisations, which are involved in the fighting and preventing discrimination to build their capacity to prevent and counter discrimination;
- the raising of their awareness of key decision-makers of the possibilities for increasing the effectiveness of anti-discrimination measures and practices.

Human Rights and Democracy

The European Commission has given great prominence to the need to fight racism and xenophobia in its cooperation with third countries in the field of human rights. This is reflected in the funding priorities established under the EU's European Initiative for Democracy and Human Rights⁴. The fight against racism and xenophobia is one of four such priorities established under the Initiative for the period 2002-2004. Measures aimed at promoting the universal ratification of the UN International Convention on the Elimination of all forms of Racial Discrimination by 2005 and elaborating and implementing effective national measures to combat discrimination on the grounds of racial or ethnic origin, have been specifically targeted. A call for proposals addressed to NGOs and covering these issues was launched by the Commission in April 2002⁵. The fight against racism and the rights of minorities and indigenous peoples are also raised on a regular basis in political dialogue with third countries.

⁴ European Initiative for Democracy and Human Rights Programming Document 2002-2004. Adopted by the Commission on 20 December 2001.

http://europa.eu.int/comm/external_relations/human_rights/doc/eidhr02_04.htm

⁵ http://europa.eu.int/comm/europeaid/projects/ddh/cfp_en.htm

Education

In the fields of education, vocational training and youth, the Community has a number of programmes aimed at transmitting the democratic principles and respect for others, which are fundamental values of Europe. By funding projects proposed by the players themselves, these programmes enable universities, teachers, educators and associations to organise trans-European actions against racism and xenophobia. The new generation of programmes running from 2000 – 2006 include racism and xenophobia as one of the priority areas.

Information and awareness-raising activities

The Community Action Programme provides the opportunity to launch campaigns against racism and anti-Semitism in support of the EU's objectives, such as the campaign launched by the European Commission on 16 June 2003 in support of implementation of anti-discrimination legislation.

Other initiatives to raise awareness and recognise the work of individuals or organisations in their work against racism, xenophobia and anti-Semitism include the presentation of prizes and awards. Prizes and awards not only reward the work of the winners, they also contribute to raising awareness on the issues.

At the conference "Combating racism at European level", held in Brussels on 24 and 25 February 2000, the European Commission launched an innovation award for the best projects relating to discrimination on the basis of race or ethnic origin. The European Monitoring Centre on Racism and Xenophobia (EUMC) together with the Evens Foundation launched the Jean Kahn Award in 2003 as follow up to the European Commission's initiative. The Jean Kahn Award is intended to reward an organisation or an individual in recognition of an outstanding contribution in combating racism, xenophobia and anti-Semitism by initiating significant and sustained change and developing good practices or innovative projects with a European impact. The winner of the Award will be announced in September 2003.

The Role of the media

It is time to consider how media can play a more effective role in the fight against anti-Semitism. The role of the media under the title 'Cultural Diversity – Against Racism' was a subject of a media conference organised by the EUMC, Westdeutscher Rundfunk, the European Broadcasting Union and the European Media Institute in 1999. The conference examined a variety of issues related primarily to media influence on racism and positive examples and approaches in the media to overcome racism. The conference produced recommendations relating to areas such as training and information, creating networks between journalists and experts, cultural sensitive reporting of events and the exchange of good practice. This was followed up by the EUMC in 2002 with a study on racism and cultural diversity in the mass media, which sought to provide an overview of research and examples of good practice in the EU Member States.

Round Tables

Dialogue between and among various communities plays a role in improving understanding, highlighting key issues and setting the context for cooperation and common action at the community level.

The European Commission supported by the EU's Monitoring Centre on Racism held three separate Round Tables on the issues of anti-Semitism, Islamophobia and intercultural cooperation. These took place from December 2002 through to March 2003. These events confirmed that irrespective of differences and opinions, intercultural understanding, community based initiatives and a greater emphasis on education are key components of the fight against anti-Semitism.

There have been many excellent initiatives by individual Member States to address the issues of anti-Semitism, holocaust education and inter-cultural understanding, but special mention must be given to the Government of Sweden, ably supported by the EU Member States, the United States of America and others in hosting the Stockholm International Forum on the Holocaust and subsequent follow up initiatives.

COOPERATION WITH THE OSCE

The European Union remains committed to cooperating with the OSCE on this and related issues. The need to avoid duplication, to complement each other's activities and make the most effective use of our resources is self-apparent. We have established various mechanisms for achieving this and we look forward to this conference to strengthen the degree and level of cooperation and put forward ideas on how to improve this cooperation.

The conference should make suggestions on how the various existing mechanisms of the OSCE can cooperate more effectively with the mechanisms of the EU and Council of Europe amongst others. The experience and expertise of ODIHR, HCNM and the Representative on Freedom of the Media should be harnessed more effectively on this issue in cooperation with the EU. The way forward is not to create new structures, but to examine the opportunities for making the current structures engage more effectively, using more targeted approaches in cooperation with the EU and Council of Europe mechanisms to combat racism, discrimination, xenophobia and anti-Semitism.

It is vital that we continue to share information and reports and undertake common activities in support of the Porto declaration and other OSCE objectives to combat racism, anti-Semitism, racial discrimination and related intolerance. In this light, the EU stresses the importance of addressing racism, xenophobia, discrimination and anti-Semitism under a common unified approach, using the experience and initiatives on the various issues to support action across the board. This approach should guide us at the forthcoming Human Dimension Implementation Meeting in Warsaw in October and the

recommendations from this conference and the conference on Racism in September. Setting up numerous plans and strategies to address the different issues separately will undermine the commonality of the phenomena, waste resources, weaken the solidarity of the various groups engaged in the fight against racism and the effectiveness a common approach brings to the matter of racism.

Mainstreaming racism and anti-Semitism across core policy areas of government activity brings the added value of greater consistency in government policy making and coherence and cohesiveness in action. This applies equally to the work of the OSCE and its Member States, and should be the subject of common activities between the inter-governmental organisations. It is therefore vital that the recommendations of the conference incorporate existing achievements and initiatives, that the OSCE prioritises those, which are practical and forward-looking and strengthen the cooperation between the OSCE institutions and its Member states and the OSCE and other organisations such as the EU and the Council of Europe at the European level.

COOPERATION WITH THE UNITED NATIONS AND THE COUNCIL OF EUROPE

Multilateral organisations such as the United Nations (UN) and the Council of Europe constitute an important reference framework for the EU in establishing its basic standards and defining its position on various thematic issues. The EU will continue to work in these bodies to promote the strengthening of monitoring mechanisms and effective respect for human rights, and for coordinated participation in developing new standards. In addition, the EU will work with these organisations to ensure that approaches to racism, xenophobia and anti-Semitism are consistent across their programmes and activities and measures to tackle racism take account of anti-Semitism.

In this respect, the EU's work at the World Conference against Racism in 2001 demonstrated its determination to ensure that issues such as anti-Semitism were taken into account and attempts to relativise the Holocaust were successfully prevented. Member States, which have devised national action plans as part of implementing the Durban agreement, have included the fight against anti-Semitism in their broad strategies to combat racism.

The EU also participated actively collectively as a body and individually through its member states at the International Consultative Conference on School Education in relation to Freedom of religion or Belief, Tolerance and Non-discrimination in Madrid, which was hosted by the UN and the Government of Spain. The resulting Madrid Declaration underlined the need to promote, through education, the respect for freedom of religion or belief, the responsibilities of States to promote educational policies aimed at strengthening the promotion and protection of human rights. It also encouraged States to improve ways and means of training teachers and to disseminate and exchange information, material and best practice in the field.

With regard to the Council of Europe, the EU attaches great importance towards the opportunity to engage positively with countries throughout Europe on a wide range of issues which impact directly on racism and anti-Semitism in the fields of human rights, national minorities, social cohesion and education.

The preparatory process for the World Conference against Racism which took place within the framework of the Council of Europe provided a key occasion to pull together under a comprehensive approach the various issues related to racism, racial discrimination, xenophobia and anti-Semitism, especially given the long standing involvement of the Council of Europe in combating racism, discrimination and intolerance. The Member States of the EU as members of the Council of Europe undertook to monitor and evaluate action to prevent and eliminate racism, racial discrimination, xenophobia, anti-Semitism and related intolerance in the areas of legal, policy and educational and training measures. As outlined under EU activities, the EU and its Member States have already embarked on a series of measures in all these areas.

This conference should take full account of the already existing framework for action at the European and international level, particularly in the fields already identified for more in-depth discussion.

CONCLUSION

The European Union looks forward to the upcoming debate and discussions in the various areas identified for this conference. A comprehensive and coherent approach requires that developments in the various fields and areas are mutually supportive. Progress in individual areas can only have limited effect, legislation for example needs to be backed up by complementary action in education and information and awareness raising activities at the local level.

The way forward is to use more effectively the opportunities for making the current structures of the OSCE and Member States engage on racism, xenophobia, discrimination and anti-Semitism, using more targeted approaches in cooperation with other organisations to combat racism, discrimination, xenophobia and anti-Semitism as a whole.