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NOTE

From: Presidency
To: Delegations

Subject: Draft Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe

On 18 September 2018, CATS examined a draft Council declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe.

Delegations will find in the Annex a revised version of the draft declaration which takes into account both comments made at the CATS meeting on 18 September and subsequent written comments.

New text is marked in bold and underlined, existing text that has been moved but not modified is underlined, deleted text is marked in strike through.

Draft Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe

The Council of the European Union

CONSIDERING the determination of the European Union and its Member States to prevent and fight antisemitism as well as all forms of racism, xenophobia and other forms of intolerance and discrimination,

HAVING REGARD to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law¹,

HAVING REGARD to the Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime²,

HAVING REGARD to the Council conclusions of 6 December 2013 on combating hate crime in the European Union,³

CONSIDERING the code of conduct agreed on 31 May 2016 by the Commission together with major IT Companies on fighting hate speech online,

¹ OJ L 328, 6.12.2008

² OJ L 315, 14.11.2012

³ 17057/13

HAVING REGARD to the establishment in June 2016 of the EU High Level Group on combating racism, xenophobia and other forms of intolerance and of the Subgroup on methodologies for recording and collecting data on hate crime coordinated by the European Agency for Fundamental Rights (FRA).

RECALLING the importance of jointly implementing the conclusions from the Commission's first colloquium on fundamental rights on combating antisemitism and anti-Muslim hatred, as stressed in the Council conclusions of 9 June 2016 on the application of the Charter of Fundamental Rights in 2015,

HAVING REGARD to the Terezin Declaration on Holocaust Era Assets and Related Issues of 30 June 2009⁴

HAVING REGARD to the appointment in December 2015 of a Commission Coordinator on Combating Antisemitism,

CONSIDERING that on 26 May 2016 the plenary of the International Holocaust Remembrance Alliance (IHRA) adopted a legally non-binding working definition of antisemitism⁵,

CONSIDERING that on 1 June 2017 the European Parliament adopted a resolution on combating antisemitism,⁶

⁴<http://www.eu2009.cz/en/news-and-documents/news/terezin-declaration-26304>

⁵https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf

⁶ European Parliament resolution of 1 June 2017 on combating antisemitism (2017/2692(RSP))

OBSERVING for several years a worrying increase in the number of manifestations of hate speech, hate crimes, racism, xenophobia and intolerance in Europe affecting **religious and cultural** minorities, including Jewish peoples, **as recorded by those Member States who collect official data,**⁷ **as well as the second wave of the FRA survey on discrimination and hate crimes against Jewish people in the EU,**⁸

ACKNOWLEDGING that Jewish communities in several **some** EU Member States feel particularly vulnerable to terrorist attacks following an increase in violent incidents and terrorist attacks in recent years,

EMPHASISING that these attacks and all kinds of violence against European Jewish citizens target the fundamental values and human rights that are at the heart of the European Union, **as enshrined in Article 2 of the Treaty on the European Union (TEU),** ~~of the Treaties,~~

NOTING with strong concern that persistent antisemitism is not a curse of the past, but is an immediate and growing threat in Europe today, as confirmed **by FRA reports,**⁹ **as well as** in the latest annual report of the European Commission against Racism and Intolerance (ECRI) of June 2018¹⁰,

⁷ **<http://fra.europa.eu/en/publication/2018/hate-crime-recording>**

⁸ **<http://fra.europa.eu/en/publication/2018/2nd-survey-discrimination-hate-crime-against-jews>**.

⁹ **<http://fra.europa.eu/en/publication/2018/antisemitism-overview-2007-2017>**;

<http://fra.europa.eu/en/publication/2018/2nd-survey-discrimination-hate-crime-against-jews>.

¹⁰ <https://rm.coe.int/annual-report-on-ecri-s-activities-covering-the-period-from-1-january-/16808c168b>

AWARE of the fact that this growing ~~and widespread~~ antisemitism remains a cause of major concern for the security of Jewish citizens in many Member States, **whether it be from right-wing, left-wing or religious extremism, affecting Jewish citizens' freedom to display their identity**

NOTING that extreme anti-Zionism is causing great concern to Jewish communities in several Member States

NOTING that several EU Member States have taken measures – politically, financially and strategically – to protect their Jewish communities,

STRESSING that anti-Semitic hate speech online is having an impact on the sense of well-being of Jews in Europe and is enabling the dissemination of conspiracy theories including notions of Jewish control and Holocaust denial, both old and new, more widely,

RECOGNISING that freedom of expression **as well as freedom of religion and belief** constitutes one of the essential foundations in the construction of pluralistic and inclusive societies,

RECOGNISING that Jewish citizens are, always have been and always will be, an integral and inseparable part of our European societies, as full citizens with a right to a sense of security and wellbeing,

DETERMINED to ensure a future for Europe's Jewry ~~and to allow~~ Jewish citizens to live with the same sense of security and freedom as all other citizens in the European Union **together with Jewish communities,**

UNDERLINING that the security of Jewish citizens is an immediate necessity and requires timely action of the Member States and the EU institutions,

WELCOMING the important role ~~the~~ that FRA fulfils in regularly providing survey data on antisemitism as well as in regular monitoring the availability of official criminal justice data on antisemitism on all Member States, ~~in regularly updating the data collection on antisemitism and~~ LOOKING FORWARD ~~to the results of the comprehensive study on discrimination and hate crime against Jewish peoples in the European Union that is being conducted by the FRA to use it as scientific basis for further work on European and national level,~~

1. INVITES THE MEMBER STATES to adopt and implement a holistic strategy to prevent and fight all forms of antisemitism as part of their strategies on preventing racism, xenophobia, radicalisation and violent extremism,
2. CALLS ON THE MEMBER STATES that have not done so yet to endorse and apply the legally non-binding working definition of antisemitism ~~including illustrating examples~~ employed by the International Holocaust Remembrance Alliance (IHRA) as a useful guidance tool in education and training, including for ~~guide for the judicial and law enforcement authorities in their efforts to identify and prosecute antisemitic attacks more efficiently and effectively,~~
3. CALLS ON THE MEMBER STATES in particular to increase their efforts to ensure ~~an adequate level and standard of~~ security for Jewish communities, institutions and citizens,

4. CALLS ON THE MEMBER STATES to reinforce protection of Jewish communities and institutions as appropriate ~~by allocating appropriate operational capabilities and~~ by seeking or enhancing cooperation between the local and/or national law enforcement authorities and the respective Jewish community based on established good practice in several EU Member States, **as well as using this base for seeking new and innovative ways to further improve the cooperation.**
5. INVITES THE MEMBER STATES to provide for the finance of the necessary security measures of Jewish communities, institutions and citizens,
6. INVITES THE MEMBER STATES to make use of the financial support provided ~~within the framework of the Internal Security Fund Police~~ **by the European Union's financial instruments** for the protection of public spaces,
7. CALLS ON THE MEMBER STATES to take appropriate legislative measures against antisemitic hate crimes and incitement to violence **or hatred** against **Jewish peoples** and other minorities, and to fully implement the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law and the Council conclusions of 6 December 2013 on combating hate crime in the European Union, **and ensure effective investigations and prosecution.**
8. INVITES THE MEMBER STATES to ~~adopt~~ **make use of** the Key Guiding Principles of the EU High Level Group on combating racism, xenophobia and other forms of intolerance published in December 2017 in order to improve the recording of hate crime by law enforcement authorities,

9. INVITES THE MEMBER STATES to participate in the ongoing training of national law enforcement and criminal justice authorities provided by the FRA and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in order to improve their ability to record and collect hate crime data, including on antisemitism, **and support civil society organisations to complement the collection in order to better measure the extent of antisemitism affecting Jewish citizens,**
10. INVITES **REMINDS** THE MEMBER STATES to promote common values and general principles of the European Union as stipulated in Article 2 TEU, and increase understanding of the European identity through education and culture, **in line with the Paris Declaration adopted 2015¹¹ and** based on the Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching¹², and in this context promote education on the Holocaust as well as on ~~the role of Jewry~~ **education on the role of Jewish institutions, communities, and citizens** in today's Europe,
11. INVITES THE MEMBER STATES to introduce training about **all forms of intolerance, racism and hate crime, in particular** antisemitic **prejudices and** hate crime ~~and other forms of xenophobia~~ into the curricula of integration courses **for migrants**, ~~while avoiding negative stereotypes about migrants given the fact that many new arrivals in Europe originate from countries where public discourse is often dominated by antisemitic prejudices (especially in the Middle East),¹³~~

¹¹http://cache.media.education.gouv.fr/file/01_janvier/79/4/declaration_on_promoting_citizen_ship_527794.pdf

¹² OJ C 195, 7.6.2018

¹³https://www.coe.int/t/dghl/monitoring/ecri/activities/Annual_Reports/Annual%20report%202017.pdf

12. **INVITES THE MEMBER STATES to strengthen support for intercultural and interfaith work involving Jewish communities and institutions, and to encourage in particular the exchange between children and young people of different faiths and backgrounds, including through the use of European instruments such as E-Twinning and Erasmus+,**
13. CALLS ON THE MEMBER STATES to emphasise the importance of Holocaust **Remembrance. This requires adequate** education and training on **the Holocaust and** antisemitism for teachers and furthermore, the necessity for such education and training to be taken into consideration when working to successfully integrate third country nationals in the societies of EU Member States,
14. INVITES THE COMMISSION to present ~~in the first quarter of 2019 an action plan~~ containing specific measures **further measures combating and preventing all forms of antisemitism and to this end work closely with the Member States, including with regards** to ~~increase~~ the protection of Jewish institutions, communities and citizens,
15. INVITES THE COMMISSION to continue focusing on antisemitism as part of the work of the EU High Level Group on combating racism, xenophobia and other forms of intolerance and to continue developing, in close consultation with the Member States and with the support of the FRA, EU standards for data collection and analysis regarding antisemitism and other forms of ~~hate crimes~~ **hatred and discrimination** within the European Union,

16. INVITES THE COMMISSION to pay particular attention to illegal antisemitic hate speech as a topic to be discussed within the Code of Conduct on combating hate speech online and to include content that advocates antisemitic terrorist offences in the context of the EU Internet Forum. The European Internet Referral Unit at Europol should be fully used to detect and refer such terrorist content to the relevant Internet service providers.

~~15. INVITES THE COMMISSION to include antisemitic hate speech online as a topic to be discussed in the EU Internet Forum and use the European Internet Referral Unit at Europol to detect and refer antisemitic hate speech to the relevant Internet service providers;~~

17. WILL discuss appropriate options on how to improve the relevant policies of the Member States and the coordination of the work of the Council in preventing and combating antisemitism.
