

Strengthening the fight against racism, xenophobia and hate crime

European Parliament resolution of 14 March 2013 on strengthening the fight against racism, xenophobia and hate crime (2013/2543(RSP))

The European Parliament,

- having regard to the international human rights instruments prohibiting discrimination, notably the UN Convention on the Elimination of All Forms of Racial Discrimination (UNCERD),
- having regard to the European Convention on Human Rights, notably Article 14 thereof,
- having regard to Article 21 of the Charter of Fundamental Rights, which prohibits any discrimination based on any grounds, such as race, ethnicity or language, religion or membership of a national minority,
- having regard to Article 2 of the Treaty on European Union (TEU), which states that the EU ‘is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail’,
- having regard to Article 10 of the Treaty on the Functioning of the European Union (TFEU), which states that ‘in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’,
- having regard to Article 19 TFEU, which gives the EU a political mandate to ‘take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’,
- having regard to Article 67 TFEU, which states that the EU ‘shall endeavour to ensure a high level of security through measures to prevent and combat [...] racism and xenophobia’,
- having regard to Article 83(2) TFEU,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime¹,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin² (the Racial Equality Directive),

¹ OJ L 315, 14.11.2012, p. 57.

² OJ L 180, 19.7.2000, p. 22.

- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation¹ (the Equal Treatment in Employment Directive),
 - having regard to Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law² (the Framework Decision on Racism and Xenophobia),
 - having regard to the EU Framework for National Roma Integration Strategies,
 - having regard to its previous resolutions on racism, xenophobia, anti-Semitism, religious intolerance, anti-Gypsyism, homophobia, transphobia, discrimination, bias violence and extremism, and its resolution of 22 May 2012 on an EU approach to criminal law³,
 - having regard to the Fundamental Rights Agency (FRA) and its work in the areas of non-discrimination, racism, xenophobia and related forms of intolerance and bias violence⁴,
 - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas the Irish Presidency launched a debate at the informal Justice and Home Affairs Council of 17-18 January 2013 on EU action to counter hate crime, racism, anti-Semitism, xenophobia and homophobia, and highlighted the fact that better protection and data collection are necessary, as well as a stronger commitment by leaders to ‘actively uphold European values and foster a climate of mutual respect for and inclusion of persons of different religious or ethnic background or sexual orientation’;
 - B. whereas the International Day for the Elimination of Racial Discrimination is observed annually on 21 March in response to the murder of 69 anti-apartheid demonstrators in South Africa in 1960;
 - C. whereas it is essential to remember the massacres based on racism and xenophobia that have occurred in Europe’s history and to keep their memory alive;
 - D. whereas the European Union is based on the common values of respect for democracy, human rights and the rule of law and is underpinned by greater promotion of tolerance;
 - E. whereas racism, xenophobia, anti-Semitism, religious intolerance, anti-Gypsyism, homophobia, transphobia and related forms of intolerance involve beliefs, prejudices and attitudes that legitimise discrimination, bias violence and hatred on the basis of certain grounds, including characteristics and social status;
 - F. whereas, although all the Member States have introduced the prohibition of discrimination into their legal systems in order to promote equality for all, discrimination and hate crimes – i.e. violence and crimes motivated by racism, xenophobia, anti-Gypsyism, anti-Semitism or religious intolerance, or by a person’s sexual orientation, gender identity or membership of a minority group, or on the basis of the non-exhaustive grounds listed in Article 21 of the

¹ OJ L 303, 2.12.2000, p. 16.

² OJ L 328, 6.12.2008, p. 55.

³ Texts adopted, P7_TA(2012)0208.

⁴ For example: ‘Making hate crime visible in the European Union: acknowledging victims’ rights’, http://fra.europa.eu/sites/default/files/fra-2012_hate-crime.pdf

Charter of Fundamental Rights – are on the rise in the EU;

- G. whereas the Fundamental Rights Agency (FRA) has reported that every fourth person from a minority group has experienced a racially-motivated crime and that up to 90% of all assaults or threats experienced by migrants or members of ethnic minority groups are not reported to the police; whereas only four EU Member States collect or publish data on anti-Roma crime and only eight record crime motivated by the victim's (perceived) sexual orientation;
- H. whereas it is important that the EU and its Member States take action to fight racism and xenophobia by preventing them through education, promoting a culture of respect and tolerance and ensuring that hate crimes are reported by victims, investigated by law enforcement authorities and sanctioned by the judicial system;
- I. whereas the current economic crisis is challenging the principle of solidarity, and whereas the Member States must stay vigilant in times of economic crisis in order to prevent the temptations of growing intolerance and scapegoating;
- J. whereas the EU has adopted a series of instruments to combat such acts and discrimination, notably Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (the Racial Equality Directive), Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (the Equal Treatment in Employment Directive), Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law (the Framework Decision on Racism and Xenophobia), the EU Framework for National Roma Integration Strategies and Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime;
- K. whereas the Commission proposal of 2008 for a Council directive on protecting equal treatment outside employment irrespective of religion or belief, disability, age or sexual orientation (the Equality Directive) has not been adopted by the Council after 5 years of debate, owing to staunch opposition by a few Member States;
- L. whereas Parliament has repeatedly called on the Commission, the Council and the Member States to strengthen the fight against violence and discrimination based on bias, including racism, xenophobia, anti-Semitism, religious intolerance, anti-Gypsyism, homophobia and transphobia;
- M. whereas the Commission recently warned about racist, extremist and populist political discourse, which may also inspire 'lone wolves' to carry out indiscriminate killings as the threat of violent extremism spreads;
- N. whereas all the states participating in the Organisation for Security and Cooperation in Europe (OSCE), including all the Member States, have acknowledged that hate crimes, defined as criminal offences committed with a bias motive, have to be tackled by means of criminal legislation and specific tailored policies;
- 1. Stresses that intolerance and discrimination of all kinds must never be accepted in the European Union;

2. Calls on the Commission, the Council and the Member States to strengthen the fight against hate crime and discriminatory attitudes and behaviour;
3. Calls for a comprehensive strategy for fighting hate crime, bias violence and discrimination;
4. Stresses the importance of everyone being well aware of their rights in terms of protection against hate crimes, and calls on the Member States to take all appropriate measures to encourage the reporting of hate crimes and of every racist and xenophobic crime, and to ensure adequate protection for people who report crimes and for the victims of racist and xenophobic crime;
5. Recalls its previous requests for a review of Council Framework Decision 2008/913/JHA, in particular as regards expressions and acts of anti-Semitism, religious intolerance, anti-Gypsyism, homophobia and transphobia;
6. Calls on the Council and Member States to approve without further delay the Equality Directive, which represents one of the main EU instruments to promote and guarantee genuine equality in the EU and to combat bias and discrimination;
7. Calls for measures to ensure the implementation of national Roma integration strategies through periodic reviews, monitoring and support to enable local, regional and national authorities to develop and implement effective human-rights-compliant policies, programmes and action for the inclusion of Roma, using available funds, including EU funds, while strictly monitoring respect for fundamental rights and the implementation of Directive 2004/38/EC on the right to move and reside freely;
8. Calls for the implementation of Parliament's repeated request for a roadmap for equality on grounds of sexual orientation and gender identity;
9. Calls on the EU to sign the UNCERD, given that all the Member States have already ratified it;
10. Calls for measures to ensure that all relevant EU criminal law instruments, including the Framework Decision, incorporate a broader spectrum of graduated sanctions, including, where appropriate, alternative penalties such as community service, while fully respecting fundamental rights, including the freedom of expression;
11. Calls for the role of national authorities responsible for fighting discrimination to be strengthened in order to facilitate accountability for the promotion of hate speech and incitement of hate crime;
12. Calls for support for training programmes for law enforcement and judicial authorities, and for appropriate EU agencies, in preventing and tackling discriminatory practices and hate crimes;
13. Calls for the collection of broader, reliable data on hate crime, i.e. recording, as a minimum, the number of incidents reported by the public and recorded by the authorities, the number of convictions, the grounds on which offences were found to be discriminatory and the punishments imposed, as well as crime victimisation surveys on the nature and extent of unreported crimes, the experiences of crime victims with law enforcement, the reasons for non-reporting, and rights awareness among victims of hate crime;

14. Calls for mechanisms to be put in place with a view to making hate crime visible in the EU, ensuring that bias-motivated offences are punishable, and as such are recorded properly and investigated effectively, that offenders are prosecuted and punished and that victims are offered proper assistance, protection and compensation, thus encouraging victims of hate crime and witnesses to report incidents;
15. Instructs its President to forward this resolution to the President of the European Council, the Council, the Commission and the parliaments and governments of the Member States.