

Measures against racism and xenophobia

Joint Action of 15 July 1996 concerning
Action to Combat Racism and
Xenophobia: OJ L 185 of 24 July 1996;

- At EU level, a number of instruments have been adopted to protect human rights in general and to address the issue of discrimination and racism in particular.
- The first major step to combat racism at European Union level was taken when the European Council adopted a Resolution proclaiming 1997 as the European Year against Racism.

- In the enlargement process, great importance is attached to progress in policies to combat racism and to protect minorities in the applicant countries.
- The Copenhagen European Council in 1993 defined the following political criteria which countries applying to be members of the European Union must satisfy: “stability of institutions guaranteeing democracy, the rule of law, human rights and the ***respect for and protection of minorities***”.

- The Treaty of Amsterdam introduced a new Article 13 in the EC Treaty, which gave the Community for the first time the power to take legislative action to combat discrimination.
- Article 29 of the TEU stresses the importance of preventing and combating racism and xenophobia.

- The Vienna Action Plan on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice refers to racism and xenophobia as one of the specific forms of crime to identify how could it be best combated by a EU approach.
- The conclusions of the European Council held in Tampere on 15 and 16 October 1999 state that the fight against racism and xenophobia has to be stepped up.

- The Hague Programme recalls the European Council's firm commitment to oppose any form of racism, anti-Semitism and xenophobia.

The Joint Action

- On 15 July 1996, the Council adopted a Joint Action concerning action to combat racism and xenophobia.
- Its main objective is to ensure effective legal cooperation between Member States in combating racism and xenophobia.
- The Joint Action stresses 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 are asked to ensure that a number of racist and xenophobic behaviors 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 behaviors.
- Other provisions contained in the Joint Action referred to seizure and confiscation of racist and xenophobic material and exchange of information.

- The Joint Action refers to the following racist and xenophobic behaviors:
- (a) public incitement to discrimination, violence or racial hatred in respect of a group of persons or a member of such a group defined by reference to colour, race, religion or national or ethnic origin;
- (b) public condoning, for a racist or xenophobic purpose, of crimes against humanity and human rights violations;

- (c) public denial of war crimes and crimes against humanity insofar as it includes behaviour which is contemptuous of, or degrading to, a group of persons defined by reference to colour, race, religion or national or ethnic origin;
- (d) public dissemination or distribution of tracts, pictures or other material containing expressions of racism and xenophobia;

- (e) participation in the activities of groups, organizations or associations, which involve discrimination, violence, or racial, ethnic or religious hatred.

- A first report on the implementation of the Joint Action of 1996 was produced in 1998.
- The scope, content and enforcement of legislation concerning racism and xenophobia differ considerably from one Member State to the other. The Commission is therefore of the opinion that it is time to achieve further progress in this area and in November 2001 adopted a proposal for a Framework Decision aiming to harmonize MSs' legislation.