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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)

No. prev. doc.: WK 12376/2020

Subject: Draft Council Declaration on mainstreaming the fight against antisemitism across policy-areas
- Approval
- Decision to use the written procedure for approval

1. Discussions at technical level on the draft Declaration have taken place during the months of October and November 2020.
2. The discussions were concluded by an informal written procedure on the final text on 10 November 2020, whereby agreement was reached at technical level.
3. **In view of the above, the Permanent Representatives Committee is invited:**
 - **to confirm the agreement on the text of the draft Declaration as set out in the Annex to this note;**

- to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision 2020/430, that the Council will use the written procedure for the approval.

**Council Declaration on
mainstreaming the fight against antisemitism across policy-areas**

1. Preamble: Antisemitism is an attack on European values

The European Union 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. The EU's aim is to promote peace, its values and the well-being of its peoples (see Articles 2 and 3 of the Treaty on European Union). It respects diversity and supports solidarity. Any form of antisemitism, intolerance or racist hatred is incompatible with the values and aims of the European Union and its Member States and must be addressed through decisive action at European and national level.

2. Reaffirming the Council declaration of 6 December 2018

The Member States reaffirm their commitment to the Council declaration of 6 December 2018 on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe, which was welcomed by the European Council in its conclusions of 13 and 14 December 2018. The declaration provides a comprehensive basis for fighting antisemitism in a holistic way. In practice, this should be done through national strategies to prevent and fight all forms of antisemitism, or within the framework of existing national strategies and/or action plans on preventing racism, xenophobia, radicalisation and violent extremism. The European Commission Working Group on antisemitism will continue to support the Members States in implementing the 2018 Council Declaration.

3. Protecting Jewish life and making it more visible as part of Europe's identity

Judaism and Jewish life have contributed considerably to shaping European identity and enriching Europe's cultural, intellectual and religious heritage. We are grateful that 75 years after the Holocaust, Jewish life, in all its diversity, is deeply rooted and thriving again in Europe. It is our permanent, shared responsibility to actively protect and support Jewish life.

4. Combating antisemitism head-on in all its forms, including in the context of the COVID-19 pandemic, and protecting Jewish communities and institutions

Antisemitism develops into various forms and must be combated with complementary public policies. Studies published for example by the European Agency for Fundamental Rights (FRA) and Eurobarometer 484 show that antisemitism in all its forms is increasingly prevalent in Europe. The increase in threats to Jewish persons in Europe including the resurgence of conspiracy myths, public expressions of antisemitism, especially in the context of the COVID-19 pandemic, and an increase in antisemitic incidents and hate crime is a cause of great concern.

Antisemitic conspiracy myths are often the initial step that may lead to hatred, hate speech, incitement to acts of violence and hate crime. Ensuring the security of Jewish communities and institutions must therefore be given utmost priority in all Member States. This includes continuous dialogue with the Jewish community with a view to ensuring appropriate levels of security awareness, specific training for security staff and law enforcement officers, exchange of best practices and thorough implementation of appropriate measures to ensure the security of Jewish institutions.

Antisemitic hate speech, including public condoning, denying or grossly trivialising the Holocaust, is increasingly influential and is shared online often without any consequences for those who produce and/or disseminate it. Crimes committed online should be punished just as crimes offline are and must be adequately addressed by means of effective prosecution and other measures. Illegal hate speech and terrorist content online, must be removed promptly and consistently by internet service providers, in accordance with the relevant legal and non-legal framework.

A strong and systematic judicial response to antisemitic acts is necessary. The Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA) must be transposed and effectively implemented by the Member States, including for crimes committed on the internet. Furthermore, judicial and law enforcement authorities must be adequately equipped and trained for their action against such crimes, including for criminal investigations and victim support. In this regard, the experience of specialised prosecution authorities and dedicated investigation units, where they exist, could be shared with their European counterparts.

Antisemitism, in any form, is and must remain unacceptable and all steps must be taken to counteract it, including, where necessary, through legal measures at European level. The Member States of the European Union support policy initiatives at European level that aim to combat incitement to antisemitic hatred and acts of violence, as well as the dissemination of antisemitic conspiracy myths online.

5. Applying useful tools in the fight against antisemitism

On 10 September 2020, in the context of the Presidency conference ‘Working together to fight antisemitism in Europe: structures and strategies for a holistic approach’, Member States had an exchange of views on structures, strategies, tools and best practices to be used to prevent and combat antisemitism.

Consistent use of the non-legally binding working definition of antisemitism employed by the International Holocaust Remembrance Alliance (IHRA) to identify bias indicators can help government agencies and non-governmental organisations alike to respond more sensitively and identify and address antisemitism more reliably.

We welcome the fact that 18 Member States have already followed up on the Council declaration of 6 December 2018 by endorsing the IHRA working definition as a useful guidance tool in education and training. Member States that have not yet done so are invited to join the other Member States and endorse the IHRA working definition as soon as possible.

The systematic reporting and recording of antisemitic incidents, including those that do not constitute a criminal offence *prima facie*, has proven to be an appropriate measure to obtain a comprehensive picture of the situation and be able to respond to new developments. The systematic collection and analysis of data on antisemitism can help attain a better understanding of the phenomenon. Fact-based policy-making and collection of comparable data are essential to develop, implement and monitor progress on tailored comprehensive strategies and education instruments, which must be accompanied by systematic prosecution of crimes with an antisemitic motive.

6. Mainstreaming the fight against antisemitism

The Member States of the European Union agree to mainstream the prevention and countering of antisemitism in all its forms. The fight against antisemitism is a cross-cutting issue involving various levels of government and policies at local, national and European level. Awareness of antisemitism therefore needs to be increased across policies and responsibilities.

Finding new ways to remember the Holocaust in a meaningful way will be essential to keeping the memory alive. Education about the Holocaust, antisemitism and Jewish life remains one of the most important tools to prevent antisemitic prejudices. Sharing good practices to foster media literacy and awareness of conspiracy myths – not only, but especially, among young people – will be key.

The fight against antisemitism needs to be considered consistently in the measures and decisions taken by the institutions of the European Union and in particular be reflected in the measures tabled by the European Union.

The Member States of the European Union explicitly welcome the European Commission's decision to make the fight against antisemitism a priority, as well as the strengthening of the institutional basis of the Coordinator on combating antisemitism and fostering Jewish life. The European Commission is invited to advance the fight against antisemitism along the same lines at European level, for example by supporting the work of the Coordinator, through its High Level Group on combating racism, xenophobia and other forms of intolerance and its Working Group on combating antisemitism, and by bringing supporting measures together in an comprehensive European strategy on combating antisemitism.

In this context, the European Commission's adoption of the EU anti-racism action plan 2020-2025 may bring tangible synergies to the fight against antisemitism.