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(Information)

COUNCIL

RESOLUTION OF THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of 29 May 1990

on the fight against racism and xenophobia

(90/C 157/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaties establishing the European Communities,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas the fight against racism and xenophobia forms part of the broader context of protecting fundamental rights; whereas the joint declaration by the European Parliament, the Council and the Commission on Fundamental Rights of 5 April 1977 (3) bears witness to the prime importance that the Community institutions attach to respect for fundamental rights;

Whereas, in the Single European Act, the Member States stressed the need to 'work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the Member States, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the European Social Charter, notably freedom, equality and social justice';

Whereas, in its resolution of 16 July 1985 concerning guidelines for a Community policy on migration (4), the Council stressed that 'with a view to the harmonious coexistence of nationals of the Member States and migrant workers and their families, initiatives should be developed at Community, Member State and local level to inform and to promote awareness';

Whereas, in its resolution of 16 January 1986 (5), the European Parliament, noting the recommendations contained in the Committee of Enquiry's report on the rise of racism and fascism in Europe, called on 'the Commission, the Council, the other Community institutions, the parliamentary committees, the Bureau of the European Parliament and the governments and parliaments of the Member States to take the measures necessary to put them into practice';

Whereas, on 11 June 1986, the European Parliament, the Council, the Representatives of the Member States, meeting within the Council, and the Commission, recognizing 'the existence and growth of xenophobic attitudes, movements and acts of violence in the Community which are often directed against immigrants', adopted a declaration against racism and xenophobia (6) 'vigorously condemning all forms of intolerance, hostility and use of force against persons or groups of persons on the grounds of racial, religious, cultural, social or national differences; and looking upon it as indispensable that all necessary steps be taken to guarantee that their joint resolve to protect the individuality and dignity of every member of society and to reject any form of segregation of foreigners be carried through';

Whereas it behoves the institutions of the Communities and the competent authorities of the Member States, each in keeping with its powers, to take the necessary measures to implement this resolution,

(1) OJ No C 69, 20. 3. 1989, p. 43.
(2) OJ No C 23, 30. 1. 1989, p. 33.
(3) OJ No C 103, 27. 4. 1977, p. 1.
(4) OJ No C 186, 26. 7. 1985, p. 3.
(5) OJ No C 36, 17. 7. 1986, p. 142.
(6) OJ No C 158, 25. 6. 1986, p. 1.

1. TAKE NOTE of the Commission communication on the fight against racism and xenophobia concerning the implementation of the Interinstitutional Declaration of 11 June 1986 against racism and xenophobia aimed at protecting in that respect everyone within Community territory;

2. RECOGNIZE that acts inspired by racism and xenophobia may be countered by legislative or institutional measures such as the following:

(a) ratification, by those Member States which have not yet done so, of international instruments contributing to the fight against all forms of racial discrimination;

(b) recognition, by those Member States which have not yet done so, of the individual petitions referred to:

— in Article 25 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and

— in Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination,

ratification, if necessary, of the Optional Protocol to the International Covenant on Civil and Political Rights;

(c) resolute application of laws aimed at preventing or curbing discrimination or xenophobic acts and the preparation of such laws by those Member States which have not yet done so;

(d) efforts at national, regional and local level to integrate the different communities properly and, where appropriate, promotion of national mediation procedures;

(e) the granting to the bodies concerned in the fight against racism and xenophobia of the right to institute or support legal proceedings, to the extent that this is compatible with the legal system in the Member State concerned;

(f) the development of legal assistance, available in accordance with the rules of the legal system of the Member State concerned, to enable those concerned to defend their rights;

(g) underlining the importance of substantial measures to counter the possible effects on children of discriminatory acts based on racism and xenophobia;

3. CALL UPON the Member States to adopt such measures as they consider appropriate, paying particular attention to those referred to in point 2;

4. CONSIDER that an effective preventive information and education policy is of considerable importance in the fight against racism and xenophobia, and, in this context:

(a) in the field of information:

(i) note that the Commission, in compliance with Article 4 of the EEC Treaty:

— will make a comparative assessment of the legal instruments implemented in the various Member States to combat all forms of discrimination, racism and xenophobia and incitement to hatred and racial violence,

— will contribute to improved dissemination of information on these legal instruments,

— will promote demoscopic studies on the perception of democratic values and on the state of relations between the various communities living in Europe;

(ii) invite the Member States to:

— draw attention to the role that the media can play in eliminating racial prejudice and promoting harmonious relations between the various communities living in Europe; encourage reflection on information when faced with instances of violence, particularly of a racial nature;

(b) in the field of education and young people:

(i) expect that the action taken to:

— promote a European dimension in education tailored to the specific situation of each Member State, such as will develop civic-mindedness and the values of pluralism and tolerance,

— promote exchange programmes for young people as a means of encouraging tolerance and understanding,

— develop and extend current community cooperation aimed at improving the education of migrant workers' children,

will make a significant contribution to, *inter alia*, reducing xenophobia and promoting and encouraging tolerance and mutual understanding;

(ii) recall the action already taken in this context, namely the:

— resolution of the Council and the Ministers of Education, meeting within the Council, of 24 May 1988 on the European dimension in education [1],

— Council Decision 88/348/EEC of 16 June 1988 adopting an action programme for the promotion of youth exchanges in the Community — 'Youth for Europe' programme [2],

[1] OJ No C 177, 6. 7. 1988, p. 5.
[2] OJ No L 158, 25. 6. 1988, p. 42.

— Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers (1),

— actions to promote modern language teaching, actions for the schooling of the children of migrant workers and Community measures for the benefit of their languages and cultures of origin;

(iii) invite the Member States to:

— encourage the civic and vocational training of teachers, particularly in areas with a large immigrant population, in order to introduce them to the characteristics of the various origins and cultures of their pupils and students,

— encourage knowledge of the languages and cultures of origin;

5. STRESS the importance of all appropriate forms of cooperation between the Community and the Council of Europe;

6. RECOGNIZE the significance of the action, and the initiatives promoted, by the United Nations in the fight against racial discrimination.

(1) OJ No L 199, 6. 8. 1977, p. 32.

COUNCIL RESOLUTION

of 29 May 1990

on the protection of the dignity of women and men at work

(90/C 157/02)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work, including the conduct of superiors and colleagues, is unacceptable and may, in certain circumstances, be contrary to the principle of equal treatment within the meaning of Articles 3, 4 and 5 of Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (1), a view supported by case-law in some Member States;

Whereas, in accordance with the Council recommendation of 13 December 1984 on the promotion of positive action for women (2), many Member States have carried out a variety of positive action measures and actions having a bearing, *inter alia*, on respect for the dignity of women at the workplace;

Whereas the European Parliament, in its resolution of 11 June 1986 on violence against women (3), has called upon national authorities to strive to achieve a legal definition of sexual harassment and has called upon national governments, equal opportunities committees and trade unions to carry out concerted information campaigns to create a proper awareness of the individual rights of all members of the labour force;

Whereas the Council is anxious to take account of the study which found that sexual harassment is a serious problem for many working women in the European Community and is an obstacle to the proper integration of women into the labour market (4);

Whereas the Advisory Committee on Equal Opportunities between Women and Men, in its opinion of 20 June 1988, has unanimously recommended that there should be a recommendation and code of conduct on sexual harassment in the workplace covering harassment of both sexes,

1. AFFIRMS, that conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work, including conduct of superiors and colleagues, constitutes an intolerable violation of the dignity of workers or trainees and is unacceptable if:

(1) OJ No L 39, 14. 2. 1976, p. 40.
(2) OJ No L 331, 19. 12. 1984, p. 34.
(3) OJ No C 176, 14. 7. 1986, p. 79.
(4) 'The Dignity of Women at Work, Report on the problem of sexual harassment in the Member States of the European Communities, October 1987' (ISBN 92-825-8764-9).