

Speech by Commissioner Jourová on values in times of rising nationalism opening the Fundamental Rights Forum

**** Key messages ****

On the Charter for Fundamental Rights

We have to translate the Charter into basic principles. These principles should become an anchor in this fast changing, confusing world – simply the bedrock of our society.

On the modern challenges:

The bad version of nationalism, the one promoting exclusion and hatred is on the rise. And so is racial abuse and discrimination. Hate online is on the rise.

And these dangerous trends are not only visible in the rising popularity of the extreme parties. Sadly, the mainstream parties accept some part of this rhetoric of division.

March in Chemnitz, anti-Soros campaign in Hungary or growing anti-Muslim or anti-Roma rhetoric are just a few examples that show we have a problem.

On bad version of nationalism:

The identity politics, based on exclusive nationalism, scare me. I lived in a totalitarian regime where there was only one right ideology, only one right government, and only one allowed discourse. Minorities didn't exist, diversity of views and opinions were not respected. People did not dare to speak up.

This exclusive nationalism tries to force people to define themselves against others and implies that being a part of majority makes us somehow better.

I would argue that the predominant source of this is fear. When we are afraid, we often switch off rational thinking and escape to our instincts, even the darker ones.

On potential solutions:

We should not respond to the fear of people by lecturing, by being ignorant or by ridiculing. This is not how we can build a relationship. This is the way we lose people and push them away from our core principles.

We have to offer a familiar alternative to the people. In my view, we should promote healthy patriotism, based on inclusion, but also about nurturing the feeling of familiar community.

On the role of politicians

Calling media 'the enemies of the people' or blaming an individual or a minority group for migration or economic misfortune are not examples from the 1930s, but from my recent memory.

I appeal to politicians to show responsibility for their words, and to show restraint. They have to realise that their words become justification for some people to act on their urges and their fears.

On the role of media:

Media can build the culture of dialogue or sow divisions, spread disinformation and encourage exclusion. The Brexit debate is the best example of that.

They have a powerful role to play and we should help them and defend their right to hold politicians into account.

In Europe, we need to keep up our support for public broadcasters and independent media more broadly than just following the laws of markets

On digital revolution:

I don't blame the digital or social media for invention of fake news or disinformation, but often without any filters, they allow the massive spread of dubious sources and create the pretence of immunity.

The US presidential elections, Brexit referendum and the Cambridge Analytica case helped us realise that modern technology can be used by private or foreign interests to take advantage of our digital presence and to manipulate our elections.

We must ensure that what is illegal offline remains illegal online and that the anarchy of the online world comes to an end.

Conclusion

We must fight for open society. We must humbly ask the people to trust us again and promote the hope the Charter brings.

I understand this as embracing people's fears, showing empathy and going 'out there', out of our comfortable bubbles to try to show to people that fundamental rights belong to everyone and that they mean a lot in practice.

*****Speech*****

You here in the audience are the 'platinum members' of the Fundamental Rights club. It's largely thanks to your work and dedication that the European Union is probably the best place in the world when it comes to legislation and enforcement of fundamental rights.

The **Charter for Fundamental Rights** is an example of hard work where we

identified together a common set of values; values to guide our actions and to enable us to live together in a society in which pluralism, non-discrimination, tolerance, justice and equality prevail.

But we know the reality is much more difficult than that, diversified, if may use this euphemism.

Everyday, in the European Union, we can find examples that the Charter is not fully applied in real life. Stories that our host, the Fundamental Rights Agency has collected, like this one from Peter, a young German man, are just a reminder of this. He said: *"The antisemitic insults I have experienced were neither from neo-Nazis nor from leftists, but from ordinary people of the political centre."*

This is a scary confession, because it does unfortunately fit with the recent trends in Europe.

The bad version of nationalism, the one promoting exclusion and hatred is on the rise. And so is racial abuse and discrimination. According to the latest data we have, there are roughly 4 antisemitic incidents per day (!) in France, UK and Germany. Hate online is on the rise.

And these dangerous trends are not only visible in the rising popularity of the extreme parties. Sadly, the mainstream parties accept some part of this exclusive rhetoric.

It means that exclusion, discrimination and lack of respect for minorities have spilled over from the margins to the centre and don't meet enough resistance from the media, politicians or opinion leaders.

Nationalists marching in Chemnitz, anti-Soros campaign in Hungary or growing anti-Muslim or anti-Roma rhetoric are just a few examples that show that despite the Charter, despite a strong legal framework and dedicated people, like yourselves, we have a problem.

Even though I am sure that everyone here will be able to recite from the Charter even when woken up in the middle of the night, we shouldn't assume that everyone reads the charter as a bedtime story.

We have to translate the charter into basic principles that really matter, that are not negotiable, but that people in Europe can also relate to.

These principles should become an anchor in the fast changing, confusing world – simply the bedrock of our society.

For me, I understand the key elements as follows:

- Equality in front of law
- No tolerance for discrimination (but also not the fight against it that discriminates others)
- Freedom of speech, but with limits to exclude for instance speech calling for violence
- Freedom of religion, but within the limits of the legal order

- Access to justice for all, not only for the privileged or the rich
- Finally, the right of feeling secure, safe, but not at the expense of safety for others.

These principles can only work if they are applied and visible in everyday life of people.

For that to happen, the Charter rights and the bulk of EU legislation that directly promotes fundamental rights must be implemented. They must be translated into peoples' lives.

In this regard there have been a number of initiatives. For example, the Framework decision on Racism and Xenophobia, celebrating its 10th anniversary this year, the victim's rights directive, the fair trial package, the new EU data protection rules, the initiatives on work life balance and gender pay gap, the equality directives, the EU accession to the Istanbul convention on preventing and combating violence against women, the proposed directive on the protection of whistleblowers, the soon to be adopted Audio-Visual Media Service Directive.

Next to legislation and enforcement, we must also continue to develop policies that **foster and promote our fundamental rights and values**.

During my mandate I have witnessed the effectiveness of the "platforms" of EU, national and international experts and civil society, working together to combat hate crime, discrimination and intolerance and foster equality.

These joint efforts have led to good progress on some of the key challenges that we face. Let me just name three examples:

- First – a significant **curb to illegal hate speech online** thanks to the implementation of the Code of Conduct agreed with IT companies two years ago. IT companies are now removing on average 70 % of content notified to them and in more than 80% of the cases they do it in less than 24 hours. We decided this in 2016, if we allow jungle in the digital world, we can expect jungle in the real world. We knew we needed to act fast. If we had planned a regulation, it wouldn't be ready today;
- Second – an improvement of national systems for **recording and collecting equality data and data on hate crimes** – an area where FRA support has been decisive;
- Third – a **compilation of promising practices and guiding principles** on key issues such as hate crime training and hate crime victims' support. We will also present, in the coming months, a comprehensive guidance document on the practical application of the Framework Decision on combating racism. I consider these issues very important because they also send strong signals that hate crime and illegal hate speech are not acceptable and will be penalised.

But the work is not finished, including the legislative bit. In particular the digitalisation of our lives will call for new solutions. Think of **artificial intelligence**, for instance.

We are planning to present ethical guidelines on Artificial Intelligence development at the end of 2019. Our **European** approach to artificial intelligence relies on keeping the human being in the centre and ensuring that fundamental values are built in its design.

The development of Artificial Intelligence depends on the harvesting of personal data. We see China and the U.S. making progress in this area, and we seem to be lagging behind, but we want to do it the European way, with the human factor at the centre. It shouldn't rely on unscrupulous methods. History will tell us we were right.

Now I want to want to speak about the things that scare me, especially about what some call the identity politics, based on exclusive nationalism. I lived in a totalitarian regime where there was only one right ideology, only one right government, and only one allowed discourse. Minorities didn't exist, diversity of views and opinions were not respected. People did not dare speaking up.

This exclusive nationalism tries to force people to define themselves against others and implies that being a part of majority makes us somehow better.

This attitude gives rise to hatred, violence, discrimination and closes any space for dialogue.

We have to try to understand why people are turning to such a vision of the world, despite our tragic and not so distant history, especially in Europe. And why this discourse is no longer the exclusive rhetoric of fringe and extreme parties. Therefore we are not addressing fringe voters but more and more the mainstream. This is a discussion in our living rooms.

The reasons are very complex, but I would argue that the predominant source of this is simply fear. When we are afraid, we often switch off rational thinking and escape to our instincts, even the darkest ones.

I don't think we should respond to this fear by lecturing, by being ignorant or by ridiculing. This is not how we can build a relationship. This is the way we lose people and push them away from our core principles.

We have to try to understand the reasons and offer a familiar alternative. In my view, we should promote healthy patriotism, based on inclusion, but also about nurturing the feeling of familiar community.

Vaclav Havel described what I mean when he talked about the relationship between the Czech Republic and Europe. He said: "If I feel European, it doesn't mean I have stopped being a Czech. It is the opposite – as a Czech I am also a European. Poetically said – Europe is motherland of our motherlands." This is how I feel as well, in my job as European Commissioner.

And here I would point out to the particular role that politicians, media and digitalisation have both in spreading the disease of exclusion as well as in fighting it.

Politicians

- We politicians are heard, our opinions influence the society. We have access to mass media and a large group of society is influenced by what they say. In democracy irresponsible politicians can easily take advantage of the freedom of speech by using fear for their political gains.
- Calling media 'the enemies of the people' or blaming an individual or a minority group for migration or economic misfortune are not the examples from the 1930s but from my recent memory.
- I appeal to politicians for showing responsibility for the word and restrain. We have to realise that our words become justification for some people to act on their urges.

Media – a powerful multiplier under pressure

Now, media have an equally important role to play, not only because it is thanks to the media that words of politicians can be heard or read by millions.

Media should build the culture of dialogue or, on the contrary, sow divisions, spread disinformation and encourage exclusion. The Brexit debate is the best example of that.

Again, do you remember the first page of a popular British daily calling the judges the 'enemy of the people'? Or just last week, the EU leaders were called 'Dirty Rats' on another first page.

Almost daily we could find examples of stories that are spiced up to point out the enemy; to paint the picture black and white.

Traditional media are under enormous pressure from the digital world. They lose readership and advertising revenue. They have to cut staff which means less fact-checking, less quality reporting.

I would advocate for a **European approach to media based on quality and smart regulation, if needed.**

In Europe, we have a "dual" system in the area of broadcasting – combining the presence of **public broadcasters** with commercial broadcasters. We need to keep up our support for public broadcasters and independent media more broadly than just following the laws of markets.

Fundamental rights must be a part of public discourse in the media. They have to belong to the media.

Media are also instrumental in holding politicians account and in defining the limits of what is 'unacceptable' in a society. The murder of two brave journalists in the EU reminded us that it is a hard job. I was in Malta, where I visited the grave of Daphne, in the presence of her parents, husband, sisters and son. I told her son that I wouldn't be his mother's friend, if she were alive. Because it is not our role to be friends with journalists. They do a job that is uncomfortable for us, but we have to respect the crucial role they play for democracy.

Digital revolution

Finally, the digital revolution we are witnessing. This is probably the biggest source of change in our lives.

I don't blame the digital or social media for invention of fake news or disinformation, but often without any filters, they allow massive spread of dubious sources and create the pretence of immunity.

Look at the US presidential elections, Brexit referendum and the Cambridge Analytical case. These events helped us realise that modern technology can be used by private or foreign interests to take advantage of our digital presence and to manipulate our elections. This is why the European Commission adopted the package of measures to secure free and fair European elections.

That's why the work we started with the code of conduct needs to continue. The work we are doing to fight with disinformation, including publication of the code of practice in a few weeks' time needs to be effective.

We need to renew a societal contract that confirms basic principles and fundamental rights for the digital age. Only this can sustain people's trust in it and avoid they lose faith.

Conclusion

Ministers, Your Excellencies, Ladies and Gentleman,

We are at an existential period for our societies and for the future of European integration.

But, as the Vienna-born Karl Popper said, *"An open society can only be maintained if we are willing to fight for it"*.

And fight we must, but we have to fight smart. We have to remember that the world is not black and white and we have to keep our both feet firmly on the ground.

We must humbly ask the people to trust us again and promote the hope the Charter brings.

I understand this as embracing people's fears, showing empathy and going 'out there', out of our comfortable bubbles to try to show to people that fundamental rights belong to everyone and that they mean a lot in practice.

We need to renew ownership for fundamental rights and values and renew our societal contract for what they mean and for what they stand for.