

Fundamental Rights Conference

Combating hate crime in the EU

Giving victims a face and a voice

Vilnius, Lithuania, 12-13 November 2013



FUNDAMENTAL RIGHTS CONFERENCE 2013

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12-13 November 2013, Vilnius, Lithuania
Litexpo conference centre (Laisvės ave. 5)

The Fundamental Rights Conference (FRC) is a high level annual event, organised by the European Union Agency for Fundamental Rights. In 2013 the conference will focus on **'Combating hate crime in the EU'** and will be hosted in cooperation with the Lithuanian Presidency of the Council of the EU.

The event will bring together over 300 policy makers and practitioners from the EU as well as national levels, among them representatives from EU institutions and bodies, international organisations, national governments and parliaments, law enforcement, civil society and many more.

Conference discussions will build on FRA's reports on *Making hate-crime visible in the European Union: acknowledging victims' rights*, and 'Minorities as victims of crime (EU-MIDIS Data in Focus 6)', as well as on findings of FRA's EU-LGBT and antisemitism surveys, among others.

OBJECTIVES

- To develop concrete proposals for follow-up on FRA's opinions pertaining to hate crime, as formulated in its reports on the subject;
- To explore practical solutions for victim support services tailored to specific situation and needs of the victims of hate crime;
- To stimulate debate on hate crime and exchange ideas and practices on how to combat it on an EU as well as Member State levels;
- To pool evidence and expertise of a variety of stakeholders in view of the foreseen review of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law;
- To enhance cooperation between stakeholders at different levels to counter hate crime more effectively.

BACKGROUND

Violence and crimes motivated by racism, xenophobia, religious intolerance or by a person's disability, sexual orientation, gender identity and other biases – often referred to as 'hate crime' – are a daily reality throughout the EU, as data collected by FRA and other actors consistently show.

Hate crime harms not only those targeted. It also sends a signal to other persons who feel that they are at risk of being labelled and treated like the victim. Moreover, the bias motivated offence, when understood as a statement about persons who (are thought to) bear a certain characteristic, has the potential to incite followers. The impact of hate crime thus reaches far beyond the immediate interaction between offender and victim.



As such hate crimes call into question the basic concept and self-understanding of modern pluralist societies, which is based on the notion of individual human dignity. Hence, it strikes at the heart of EU commitments to democracy and the fundamental rights of equality and non-discrimination.

However, victims of crimes motivated by bias and prejudice are often unable or unwilling to seek redress against perpetrators. Many of these crimes remain unreported, unprosecuted and, therefore, invisible. In such cases, the rights of victims of crime may not be fully respected or protected and Member States may not be upholding obligations they have towards victims of crime.

The Fundamental Rights Conference will therefore invite decision makers and practitioners to explore effective strategies to combat crimes motivated by hatred and prejudice at the national as well as EU level. Discussions will address the most pertinent issues relevant for policy making in the field, among them:

- Existing evidence on the extent of hate crime;
- Underreporting of crimes motivated by hatred and prejudice;
- Gaps in hate crime monitoring and recording;
- Legal instruments pertaining to hate crime in the EU;
- Victim support services;
- Effective practices of investigation and prosecution;
- Discriminatory aspects of hate crime;
- Human rights education and remembrance;
- Capacity building for law enforcement and criminal justice systems;
- Challenges of cyberhate;
- and other issues.

Existing legal and policy measures

Conference discussions will take place in the context of current legal and policy framework to combat crimes motivated by hatred and prejudice in the EU. Discussions will place particular focus on the implementation of the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law aiming to inform the revision of this decision foreseen for the end of 2013; as well as recently adopted EU Victims' Directive (2012/29/EU), establishing minimum standards on the rights, support and protection of victims of crime.

DRAFT PROGRAMME

MONDAY, 11 NOVEMBER

14.00 – 19.30 **ARRIVAL AND REGISTRATION**

19.30

WELCOME RECEPTION

Hosted by the European Union Agency for Fundamental Rights (FRA)

(Hotel Crowne Plaza Vilnius, M.k. Čiurlionio str. 84)

TUESDAY, 12 NOVEMBER

08.30 – 9.30 **Registration**

09.30 – 10.00 **WELCOME**

Juozas Bernatonis, Minister of Justice, Lithuania

Morten Kjaerum, Director, FRA

10.00 – 10.30 **KEYNOTE ADDRESS**

Cecilia Malmström, European Commissioner for Home Affairs

10.30 – 11.00 **COFFEE BREAK**

11.00 – 12.30 **PANEL DEBATE:**
Crimes motivated by hatred and prejudice – where are we today?

High level panel debate with policy makers and experts:

László Surján, Vice-President, European Parliament

Alan Shatter TD, Minister for Justice and Equality, Ireland

Christiane Taubira, Minister of Justice, France (tbc)

Cecile Kyenge, Minister of Integration, Italy (tbc)

Ambassador Janez Lenarčič, Director of the OSCE Office for Democratic Institutions and Human Rights

Focus:

- What is the nature of hate crime? What is the situation on the ground?
- What are the most pressing legal as well as practical challenges to combat hate crime effectively?

12.30 – 14.00 **LUNCH**



14.00 – 15.15 REFLECTIONS IN THE PLENARY
Different faces of hate crime

Panel debate with organisations representing victims of hate crime

Focus:

- How does hate crime look in reality? What are the experiences of those affected?
- What impact does it have on targeted communities and the society as a whole?

15.30 – 17.30 WORKING GROUPS

Working group I: Making hate crime visible: strategies to build trust and encourage reporting

Chair: **Christos Giakoumopoulos**, Director for Human Rights, Council of Europe

Focus:

- How can the trust of victims and witnesses in law enforcement authorities and criminal justice system be increased?
- Which reporting mechanisms have proven to be most effective and why? What lessons can be learned from experiences in EU Member States?
- How does cooperation between law enforcement agencies, the criminal justice system and non-governmental organisations work in practice?
- How can monitoring of hate crime by civil society organisations and other actors be put to better use to make hate crime visible?

Working group II: Challenges of cyberhate

Chair: **Troels Oerting**, Head of European Cybercrime Centre (EC3) and Assistant Director, Operations Department, EUROPOL – European Police Office

Focus:

- What legal instruments, policies and measures are in place at Member State and EU level to address cyberhate?
- What is the role of different actors tackling cyberhate?
- What practical measures could be implemented by governments, internet providers, civil society organisations and citizens?

Working group III: Legal instruments pertaining to hate crime in the EU

Chair: **Salla Saastamoinen**, Head of Unit Fundamental rights and rights of the child, DG Justice, European Commission

Focus:

- What legal instruments are available to EU Member States to address hate crime at the EU and international levels?
- How robust is the existing legislative framework? What steps could be taken to improve the situation?
- What is the impact/direction of recent jurisprudence of ECHR as well as the CJEU?



Working group IV: Assistance for victims of hate crime

Chair: **Paul Iganski**, Head of Department of Applied Social Science, University of Lancaster

Focus:

- What are the needs of victims of hate crime?
- What assistance schemes are most effective – public services, non-governmental organisations, generic or specialist victim support services, or a mixture of systems?
- How does the legal system guarantee effective redress for victims of hate crime?

Working group V: Ensuring effective investigation and prosecution

Chair: **Aline Verhaag**, Head of Case Analysis Unit, EUROJUST

Focus:

- Recognising hate crime/uncovering the motive – what are the most effective strategies?
- How can we develop good hate crime indicators for law enforcement?
- How has cross-border judicial cooperation worked so far? What challenges remain?
- How is the Framework Decision on Racism and Xenophobia implemented at the national level? How does this impact on the investigation and prosecution of hate crime?
- Enhanced penalties vs. aggravating circumstances

19.30

EVENING RECEPTION

AT THE NATIONAL MUSEUM PALACE OF THE GRAND DUKES OF LITHUANIA

Hosted by the Lithuanian Presidency of the Council of the EU

Opening by

Remigijus Motuzas, Deputy Chancellor, Office of the Government of the Republic of Lithuania

WEDNESDAY, 13 NOVEMBER

09.00 – 10.30

PANEL DEBATE:

EFFECTIVELY RESPONDING TO HATE CRIME – FROM LEGISLATION TO PRACTICE

Panel debate with policy makers and legal practitioners:

Emine Bozkurt, Chair of the Anti-Racism and Diversity Intergroup, Member of the European Parliament

Danutė Jočienė, Judge, European Court of Human Rights

Marinos Skandamis, Crime Policy Secretary General, Ministry of Justice, Transparency and Human Rights, Greece

Pierre Baussand, Director, Social Platform

Focus:

- How are legal obligations with regard to hate crime implemented in practice?
- What will the Victims Directive mean for victims of hate crime?
- The Framework Decision on Racism and Xenophobia: how well has it worked so far?
- Should subsequent legislation cover the same areas or be broadened?



- What are the advantages and risks of more encompassing legislation in this area?

10.30 – 11.00 COFFEE BREAK

11.00 – 13.00 WORKING GROUPS

Working group I: Recording and monitoring hate crime: strategies to improve official data collection mechanisms

Chair: **Floriane Hohenberg**, Head of Tolerance and Non-Discrimination Department, OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Focus:

- What mechanisms of data collection are currently in place and how can they be improved?
- What are the current gaps in data collection? What can we learn from existing promising practices in EU Member States?
- Uncovering the dark figure of hate crime – what is the role of crime victimisation surveys?

Working group II: Reflecting remembrance in human rights education and training

Chair: **Pavel Tychtl**, DG Communication, European Commission

Focus:

- How can remembering the past contribute to understanding the present?
- How can we best reflect remembrance of common European history in human rights education and training programmes?
- What promising practices are there in this field?

Working group III: Vigilance and awareness: capacity building for law enforcement and criminal justice systems

Chair: **Aija Kalnaja**, Head of Training Unit, CEPOL - European Police College

Focus:

- What are the effective ways to build capacity for law enforcement and criminal justice systems?
- In what way should the specificity of hate crime be reflected in curricula for law enforcement agents and those involved in the criminal justice system?
- What type of training on the issue is currently available in EU Member States? What could/should be improved?

Working group IV: Connecting the dots – discrimination as a trigger for hate crime

Chair: **Karen Jochelson**, Director of Economy and Employment Programme, Equality and Human Rights Commission, United Kingdom

Focus:

- What are the discriminatory aspects of hate crime?
- How can equality and non-discrimination education help prevent/fight discriminatory crime?
- What are effective strategies to raise awareness about the detrimental effects of discrimination?



Working group V: Gross trivialisation: negating crimes of the past

Chair: **Françoise Tulkens**, former Vice-President of the European Court of Human Rights

Focus:

- What is the discriminatory aspect of revisionism/negationism, as defined in the Art 1.1 of the Framework Decision on Racism and Xenophobia?
- Why is it important for revisionism/negationism to be criminalised?
- How can we best acknowledge the rights of victims of crimes of genocide, crimes against humanity and war crimes?

13.00 – 13.30 CLOSING REMARKS

Vytautas Leškevičius, Vice-Minister of Foreign Affairs, Lithuanian Presidency of the Council of the EU

G.F. Ioannidis, Secretary General, Ministry of Interior, Greece

Manfred Nowak, Vice-Chairperson of the Management Board, FRA

13.30 – 15.00 LUNCH
