



# Working Party Improving Reporting and Recording of Hate Crime in the EU

## Inaugural Meeting Report

Rome, 4 November 2014

*The 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. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.*

Article 2, Treaty on European Union

The inaugural meeting of the **Working Party on Improving Reporting and Recording of Hate Crime in the EU** took place on 4 November 2014 in Rome. 43 Participants from 25 European Union Member States, the European Commission and the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) attended the event, which was co-hosted by FRA and the Italian Presidency of the Council of the EU.

This report is intended as a summary of the meeting and a list of planned future activities, and therefore does not contain a detailed account of the conversations in the plenary or thematic working groups. The outcomes of the meeting are split into 1) current gaps or deficiencies identified by participants in combating hate crime, 2) a selection of best practices shared during the meeting, and 3) planned activities.

## BACKGROUND

In response to the Council Conclusions<sup>1</sup> on combating hate crime in the European Union, which invited Member States to take appropriate measures to expedite the reporting of hate crimes by victims, FRA has established a **Working Party on Improving Reporting and Recording of Hate Crime in the EU**. In sum, the Working Party brings together 27 Member States, the European Commission, the Council of Europe's Commission against Racism and Intolerance (ECRI), ODIHR and FRA. Member State representatives include staff from ministries, prosecutors' offices, law enforcement agencies, police training institutions and national parliaments. The Working Party has initially been established for a two-year period.

At a seminar entitled **Combating Hate Crime in the EU**, held in Thessaloniki in April 2014, FRA, together with experts from Member States, the European Commission, and ODIHR, discussed the areas in which EU-wide cooperation could best help to combat hate crime. The thematic areas agreed on were:

- **Encouraging victims to report and improving recording of hate crime.** Activities developed in this area will serve to build trust in law enforcement agencies and other institutions, making it easier for victims or witnesses to report experiences of hate crime. The next step is to improve recording by ensuring that the bias motivation behind hate crimes is recognised. This in turn should result in a greater number of investigations and prosecutions of perpetrators. A special focus during the 4 November meeting was third-party and anonymous reporting models.
- **Enhancing multi-agency partnerships.** Closer and better cooperation is a prerequisite for combating hate crime effectively. Activities in this area focus on enhancing multi-agency partnerships to create synergies and avoid duplication in

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<sup>1</sup> [Council conclusions on combating hate crime in the European Union \(JHA Council meeting 5-6 Dec 2013\)](#)



combating hate crime. This requires an integrated approach, with close cooperation between relevant agencies and organisations at national and international level, such as law enforcement agencies, the criminal justice system, relevant ministries, EU bodies, and civil society organisations, including victim support organisations and other professionals working with victims of hate crime.

- **Training for law enforcement and criminal justice staff.** A mapping of existing training and capacity building programmes and practices at the national and international levels will help to identify training gaps and needs. This exchange will inform operational training for law enforcement agencies and the criminal justice system and enable staff to recognise incidents of hate crime and deal with them appropriately. Training practices that lead to an increased awareness of potential victims and general awareness raising models on hate crime will also be reviewed.

All members of the Working Party made their choice of primary engagement in one of these three thematic areas. However, this selection in no way precludes participation in any future activities decided on in another thematic group, as the three topics are often interrelated. All participants of the Working Party are therefore invited to take part in any of the planned activities listed below.

## OUTCOMES

In the course of the meeting, two principles emerged for the practical use of all the national practices discussed. The Working Party will therefore ensure both these principles are applied when identifying best practices at future meetings.

- Transferability of any given practice to a different national context
- Information concerning the process and conditions in which practices are realised in their current national setting

The key output of the Working Party will be a compendium of practices exchanged during this and subsequent meetings. Other agreed activities are listed beneath each of the thematic headings below.

### Current gaps in strategies to combat hate crime

The inaugural meeting of the Working Party led to the identification of a number of gaps in current practices and strategies to combat hate crime at national level. These deficiencies relate to all three of the thematic areas listed above, and future activities developed in each of them will therefore contribute to overcoming them.

- Lack of confidence among hate crime victims to report incidents
- Lack of awareness among hate crime victims about where or how to report incidents
- A lack of coordination between the police, civil society organisations and groups who often find themselves targets of hate crime to increase trust between the authorities and local communities
- A lack of coordination between police, civil society organisations and victim support services to ensure reported hate crime incidents are taken further
- Lack of feedback to victims and/or civil society organisations about the status of reported incidents, as well as a lack of feedback from judges to police
- Absence of a shared understanding of hate crime by the police and prosecution services, leading to contradictory assessments of a single case
- Lack of consistent supervision of cases throughout the criminal justice system, with no or few connections made between the stages of reporting, investigation, prosecution and sentencing
- Lack of legal frameworks that allow for enhanced penalties in cases of bias-motivated crime
- Lack of victimisation surveys at national level and other issues mean the majority of hate crime cases remain invisible

- In countries with federal systems, there is often a lack of knowledge sharing at national level, although local strategies to combat hate crime are often effective

## Selected best practices on combating hate crime

### A holistic approach to combating hate crime

In [Italy](#), the Observatory for Security against Acts of Discrimination (OSCAD) has a holistic approach to tackling hate crime. OSCAD was established in September 2010 to assist victims of hate crime to assert their right to equality before the law and to afford them protection against discrimination. It is a multi-agency body formed by the State Police and the Carabinieri, and it is housed within the Department of Public Security at the Ministry of the Interior.

OSCAD aims, among other things, to encourage reporting and facilitating the recording of crimes with a discriminatory motive, that is, on the grounds of ethnic or racial origin, religious convictions, sexual orientation, gender identity, disability, gender, age and language. OSCAD works closely with civil society organisations such as a number of LGBT rights organisations or Amnesty International Italy. OSCAD is also tasked with preparing training materials on combating discrimination for the police forces and participates in training/information programmes with public and private institutions.

In [Spain](#), the Monitoring Centre on Racism & Xenophobia has compiled a 'Comprehensive strategy against Racism, Racial Discrimination and related Intolerance', a guide that refers not just to the prosecutor or the police, but to a number of government agencies. It takes into account the whole issue of racism and xenophobia, analyses the problems faced in Spain in different areas, such as employment, health, housing and sport, and sums up what has been done in recent years to tackle hate crime. This led to a decision to improve the recording of hate crime data, for example by producing a handbook on registering and recording incidents of hate crime. Some 20,000 police officers have been trained with this handbook over the last two years.

In the [Netherlands](#), a National Expertise Centre on Discrimination (LECD) has been established at the Public Prosecution Service (PPS). The aim of the LECD is to optimise criminal enforcement in cases of discrimination, i.e. determining positions, advising, policy-making, tracing, prosecuting and reporting. The Centre was set up in 1998, to make sure that criminal code legislation relating to anti-discrimination will be carried out properly by the offices of the Public Prosecutor Service in the Netherlands and to safeguard the building and the consolidation of specific knowledge in the field of discrimination.

### Online reporting: encouraging victims to report hate crime

Enabling victims or witnesses to report incidents of hate crime online makes it possible to avoid direct contact with the police or other organisations, which can increase reporting rates significantly.

Both the [Czech Republic](#) and the [United Kingdom](#) have systems in place that enable online reporting of incidents of hate crime and/or hate speech. In [Greece](#), a countrywide hotline (11414) was established together with an online form for reporting racist crime.

### Raising awareness: public campaigns

[Poland](#) has launched an online campaign that informs (potential) victims of racist crime about how and where to report incidents. The website is accessible in a wide variety of languages. In the Netherlands, the authorities will soon launch a national campaign on TV, radio and social media to raise awareness on the mechanisms of discrimination and stereotyping, as well as to encourage people to report incidents of discrimination.



## PLANNED ACTIVITIES

Progress made on the activities below will be discussed at the next meeting of the Working Party, which is due to take place in Riga on 30-31 March 2015.

### **Thematic area 1: Encouraging reporting of hate crime and improving official recording of hate crime**

- Set up workshops on mechanisms that enable and encourage victims to report incidents of hate crime
- Set up workshops on the police-prosecution data interface and how to identify transferable aspects of recording and reporting mechanisms and develop shared monitoring definitions, flagging systems, and effective quality control.
- Organise study visit, e.g. to the Observatory for Security Against Acts of Discrimination (OSCAD) to enable practitioners how recording hate crime functions in practice in another Member State (see **best practice** section above for further information)
- Review and compare various official incident recording forms and methods, including the use of monitoring definitions setting out the type of offences and bias motivations that are officially recorded
- Assist Member States following guidance of ODIHR in carrying out a diagnostics of practices of recording and reporting hate crime, based on its 'Hate Crime Data Collection and monitoring: a practical guide'
- Elaborate quantitative and qualitative indicators to help measuring progress on reporting and improving recording of hate crime incidents

### **Thematic area 2: Enhancing cooperation and synergies between EU and international organisations, governmental bodies, law enforcement, criminal justice and civil society organisations to tackle hate crime with greater effectiveness**

- Map the multi-agency partnerships that would be most useful in Member States participating in this thematic area (e.g. between police and prosecutors; police and civil society, etc.)
- Collate cooperation frameworks
- Raise awareness of hate crime issues with national parliaments
- Develop a plan for cooperation with the media to facilitate accurate and sensitive reporting on hate crime
- Identify ways to implement practical exchanges of information about cooperation between relevant agencies, bodies and organisations

NB The European project 'Facing Facts' participated as an observer in this session.

### **Thematic area 3: Training for criminal justice personnel on how to deal with hate crime**

- Map national hate crime training through a questionnaire
- Develop guiding principles for hate crime training
- Promote and test training to equip key staff with the necessary knowledge and skills-set to identify and deal with hate crime and its victims, as well as to investigate and prosecute cases of hate crime
- Set up a pool of hate crime trainers at EU level which can be contacted when planning hate crime related training at national level
- Create national communities of practice on hate crime training with civil society organisations and others
- Cooperate with CEPOL to implement training programmes for the police on combating hate crime