

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

ABOUT

This working group will discuss means of improving the legal framework addressing crimes committed with a discriminatory motive. As a starting point, existing European legal instruments will be analysed, with particular emphasis on:

- The Framework Decision 2008/913/JHA of November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law;
- The Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime;
- The Audiovisual Media Services Directive (2010/13/EU);
- The Additional Protocol to the Council of Europe Convention on Cybercrime.

CHAired BY:



Salla Saastamoinen is the Head of Unit of Fundamental Rights and Rights of the Child in the Directorate General Justice of the European Commission. The core responsibilities of this unit include ensuring effective implementation of the EU Charter of Fundamental Rights, promoting the fight against racism and xenophobia as well as the fight against homophobia. In this capacity, Ms Saastamoinen represents the European Commission in the Management Board of the FRA. Ms Saastamoinen has worked for the European Commission for the for the past 17 years, where she has held several positions, including the Head of Unit Civil Justice Policy.

PRESENTATIONS:

'EU Framework Decision on Racism and Xenophobia'

David Friggieri, Legal officer, DG Justice, European Commission

'The work of special prosecutors on hate crime – practical examples from Spain'

Miguel Ángel Aguilar, public prosecutor of the Special Hate Crimes and Discrimination Service, Barcelona Provincial Prosecutor's Office, Spain

FACILITATORS:

Deividas Kriaučiūnas, Director of European Law Department, Ministry of Justice, Lithuania

Albin Dearing, Programme Manager – Criminal Law and Criminal Justice, Freedoms and Justice Department, FRA

GUIDING QUESTIONS:

1. Defining basic concepts and their scope: is there a common definition for crimes committed with a discriminatory motive and incitement to such crimes?
2. What legal instruments are available to EU Member States to address hate crime at the EU and international levels?
3. What legal instruments form the basis of Member States' policies addressing hate crime, including cyber hate?
4. What can be done to mitigate the impact of political parties that promote discriminatory attitudes?
5. How robust is the existing legislative framework? What steps could be taken to improve the situation?
6. What is the impact/direction of recent jurisprudence of the European Court of Human Rights as well as the Court of Justice of the European Union?

RELEVANT EVIDENCE BY THE FRA

- FRA Opinion on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of crime (2013)