

## Working group V: Ensuring effective investigation and prosecution

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### ABOUT

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Member States are obliged to ensure that victims have access to effective remedies, including criminal justice responses when hate crimes are committed. Any bias motives behind offences have to be taken into account and acknowledged by the police, prosecution services and courts. This could include introducing enhanced penalties for hate crimes that go beyond including any bias motivation as an aggravating circumstance in the criminal law. The establishment of hate crime indicators for law enforcement could also be useful in this regard.

This working group will furthermore explore ways to ensure that national law enforcement officials can easily exchange practices when addressing hate crimes. It will look at how cross-border cooperation has worked so far and what challenges still remain. This will include a discussion on the impact the Framework Decision on Racism and Xenophobia has had on the investigation and on prosecution of hate crime in EU Member States.

It will also cover how to ensure hate crime victims should benefit from appropriate measures to protect them against confrontations with regard to secondary or repeat victimisation, intimidation and retaliation.

### CHAired BY:

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**Alinde Verhaag** is the Head of the Case Analysis Unit at Eurojust. She previously worked as an analyst at Eurojust and as a legal researcher at the Dutch National Ombudsman between 2002 and 2006. The mission of the Case Analysis Unit (CA Unit) is to facilitate the judicial cooperation and coordination role of Eurojust by providing operational and case-related analysis. The Unit develops working methodologies for strategic products and monitors operational work to identify both legal obstacles and solutions to judicial cooperation and in Joint Investigation Teams (JITs).

## PRESENTATIONS:

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*'Racist Hate Crime: human rights and the criminal justice system in Northern Ireland'*

**Genevieve Sauberli**, Researcher - Investigations and Policy, Northern Ireland Human Rights Commission, United Kingdom

*'Investigation and prosecution practices in Europe - findings of the European Commission Against Racism and Intolerance (ECRI)'*

**Stephanos Stavros**, Executive Secretary to ECRI, Directorate of Human Rights and Antidiscrimination, Council of Europe

## FRA FACILITATORS:

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**Jana Gajdosova**, Research Officer, Freedoms and Justice Department, FRA

**Geraldine Guille**, NLO Network Coordinator, Communication Department, FRA

## GUIDING QUESTIONS:

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1. What are the current practices in national systems and how effective are they in recognising hate crime and uncovering the motive? What improvements are needed? How can we develop good hate crime indicators for law enforcement?
2. How can national law enforcement officials be better informed on, exchange and learn from each other when addressing hate crimes? How has cross-border judicial cooperation worked so far? What challenges remain?
3. What are the current practices in national systems to protect hate crime victims in the course of investigation and prosecution against secondary or repeat victimisation, intimidation and retaliation? How effective are they? What improvements are needed?

## RELEVANT FRA EVIDENCE:

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- FRA Opinion on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of crime (2013)
- Fundamental rights: challenges and achievements in 2012. Annual report 2012 (2013)
- Making hate crime visible in the European Union: Acknowledging victims' rights (2012)
- European Union lesbian, gay, bisexual and transgender survey: Results at a glance (2013)
- Discrimination and hate crime against Jews in EU Member States: Experiences and perceptions of antisemitism (2013)