

FUNDAMENTAL RIGHTS CONFERENCE

COMBATING HATE CRIME IN THE EU – GIVING VICTIMS A FACE AND A VOICE

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Ladies and gentlemen,

- I am grateful to the Lithuanian Presidency and the FRA for having chosen for this year's Fundamental Rights Conference the topic 'Combating hate crime in the EU'. By giving victims a face and a voice during this conference and proactively including civil society, this gathering was different from many other conferences on this topic. As Morten Kjaerum said during his opening remarks, it is the function of FRA to go out to talk to the victims of hate crime, be it the Roma, the LGBT community, Jews, persons with disability or any other targeted group. Their common reality is, as various FRA surveys clearly show, fear. Fear to be seen as belonging to a certain group and becoming a victim of violence. That is how hate crime affects entire communities.
- During my six years as UN Special Rapporteur on Torture, I received countless hate mails from all kind of people. Many US citizens felt the need to remind me in fairly strong words of the Nazi past of my country (Austria) in order to make their point that I should stay out of interfering with US policies in Guantanamo Bay, secret CIA black sites, extraordinary rendition flights and other aspects of the so-called "war on terror". But all these threatening emails were nothing if compared to the hate-mails I received after I had signed, together with other UN experts, the Yogyakarta Principles on LGBT rights! Now I fully understood the fear of the LGBT community in many African and Asian countries.
- Cecilia Malmström rightly said yesterday that hate crimes undermine the values on which the EU is built. She also stressed that it is time to act jointly at the EU level. What actions shall the EU take to more forcefully combat hate crime? And what should be done by Member States and civil society?

- In my opinion, the clearest message from this conference is to overcome the hierarchical order of non-discrimination grounds in EU legislation. Victims of hate crime suffer in the same way, whether they are attacked on the ground of their ethnic origin, religion, their colour, their gender, sexual orientation, their age or a disability. It is no longer justified to give priority to combating racism and xenophobia. Other forms of discrimination, prejudice and hate, such as homophobia, transphobia, Islamophobia and hatred against people with disabilities deserve equal attention. FRA, therefore, rightly stressed in its recent opinion on the Framework Decision on Racism and Xenophobia that when implementing the Victim's Directive, and having regard to the rights of victims of crimes committed with a discriminatory motive, EU Member States should interpret 'discrimination' as relating to all characteristics protected under Article 21 of the EU Charter of Fundamental Rights. I fully agree with this recommendation. But why stop at the Victim's Directive? What about linking the Victims' Directive with the review of the Framework Decision, as suggested by our colleague from the German Ministry of Interior this morning? A broader definition of hate speech (incitement to hatred and hostility) and negationism, as defined in Article 1 of the Framework Decision, including the full range of non-discrimination grounds, should become an obligation for national law makers. It would then be covered by EU competences in Article 83(2) of the TFEU, as Amnesty International convincingly argues in its submission of October 2013 to the EU on the framework decision. I would very much appreciate if the Commission could take this important recommendation into account during its present review of the Framework Decision.
- Let me come now to other important issues discussed during this conference and recommendations to governmental authorities.
- Our discussions at the conference have shown clearly that hate crime does exist, and it is a problem that must be acknowledged by policy makers throughout the EU. Proof that this is not yet the case is the fact that the Hungarian foreign ministry has just rejected the results of FRA's antisemitism survey, despite the vast number of comments we have gathered from the Jewish community in Hungary that says the contrary. Hate crime destroys the lives of individuals and of entire communities. And it undermines the EU's core values as set out in Article 2 TEU. Let us not forget that the impulse for

establishing the European Union was born of the tragedies that came before. As Alan Shatter said yesterday: “The ultimate hate crime atrocity was committed in Europe. The whole background to the European Union is ‘never again’ ...”

- In searching for ways forward to combat hate crime, one issue that was reiterated throughout the working groups was underreporting. A number of suggestions were made to improve the situation. Here are just a few: 1) a bigger role could be played by NGOs in forming a bridge between the law enforcement authorities and victims; 2) training for police to be more sensitive to issues of inter-cultural dialogue and bias-motivated crimes should be made mandatory for all those coming into contact with hate crime victims; 3) a clear message is needed also from the political level that the bias motivation behind crimes must be taken seriously.

- As well as overcoming hurdles, it was also good to see that many working groups discussed good practices that would be well worth repeating elsewhere.
 - For instance, in Barcelona, a special prosecution service has been set up to investigate and prevent bias-motivated crimes. This service cooperates with NGOs in order to build a closer relationship with victims, and has a kind of rapid response mechanism for reporting Neo-Nazi events. The practice has been found so successful that it is being expanded to cover all of Spain.
 - In Belgium, the federal police have set up a unit specifically to combat cyberhate, which as we have seen from FRA’s most recent surveys is a significant problem. The Belgian unit links up with schools to educate children about their behaviour online, and also works with public service workers as well as potential victims.
 - One of the good practices that I personally liked was in Ireland, where they have introduced celebrations to welcome former migrants as new Irish citizens. This is a relatively simple idea that succeeds in one stroke in integrating people from other countries and backgrounds, making them feel accepted, and giving them the sense that their contribution to Irish society is valuable.
 - We heard this morning from the Portuguese State Secretary that Portugal has worked particularly hard on implementing an

integrationist agenda with inter-cultural mediators, helping migrant children to integrate, as well as other forms of diversity management. This, he said, has proved at least as important as legislative measures.

- Also vital in this regard is the implementation of the Victims' Directive on the ground. As Member States are still in the course of transposing the Directive into national law, now is the time to put pressure on countries to
 - 1)ensure that an assessment of the specific needs of individual victims is carried out,
 - 2)that not only police but also prosecutors and judges who come into contact with those targeted should receive intensive training on working with hate crime victims, and
 - 3)that all countries should set up victim support services.
- In order to implement all these different proposals in reality, though, let me stress again that we have to have
 - 1)the backing of political leaders and the top echelons of the prosecution and judiciary,
 - 2)more joined up action between the political, the institutional and the social level; and
 - 3)the agencies involved in justice and crime prevention such as Eurojust and Europol must coordinate their work to a greater extent.
- Ladies, and gentlemen, many more excellent points were made that I unfortunately don't have time to mention here, but they will feed into the conference conclusions and indeed, the Council Conclusions of the Lithuanian Presidency. I am also very pleased to be able to tell you that we have just learnt the Greek government is interested in convening a meeting dedicated to hate crime under its own Presidency, which will begin in the new year.
- Before I end, I would also like to give my heartfelt thanks the moderators, Friso Roscam Abbing and Saira Khan, as well as to Monika Laurinaviciute-Kocmann from FRA and Vygante Milasiutte, liaison officer of FRA in Lithuania: without their organisational talents, this conference could never have taken place. Finally, my thanks to the Lithuanian Presidency, particularly the Justice and Foreign Ministries, for co-hosting the conference. And thank you to all the moderators and those who took place in the panels for your contributions.

- To conclude: we have now put the fight against hate crime on the agenda of policy makers, both at the EU and Member State levels. Now the challenge remains for each and every one of us to do what we can according to our own possibilities to develop the tools necessary for combating hate crime more effectively throughout the EU.

Thank you for your attention.