

Fundamental Rights Conference 2013

Combating hate crime in the EU

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Commissioner Cecilia Malmström

Minister, Director, Ladies and Gentlemen,

The Fundamental Rights Agency has chosen an extremely important topic for this year's conference – hate crimes.

Hate crimes attack the core of what we believe in as Europeans. They undermine values that we hold dear, values we have enshrined in the Treaty on European Union. Respect for human dignity, freedom, equality, and human rights. Each and every time a hate crime is committed, these values are put in danger.

Through my entire political life, I have worked to protect those values, and to promote human rights.

As part of that work, I attended an event early this year in the European Parliament commemorating the atrocities committed at Auschwitz. We were shown a very moving black and white film on the horrors of the Warsaw ghetto. Later that evening we saw a film showing young men marching through the streets, harassing, attacking, and screaming at Roma people. But that film was in colour. It was from Hungary, today.

It is not just in Hungary that we see these problems. Hate crime is becoming increasingly visible all over Europe. Last summer, far-right extremists beat to death a young man in Paris, solely because he was gay. More recently, Greece was shocked by the murder of Pavlos Fyssas, a hip hop artist who campaigned against the rise of extremism.

I could go on. But these examples are sufficient to remind us that the problem of hate crime is not about to disappear. In fact it is growing, and there is still a *lot* of work to be done to address it.

Today I will therefore focus on three points. Looking at developments in Europe I will, first, explain why I am concerned, not to say deeply worried, about hate crimes and the intolerance that feeds them.

I will then point to some signs of hope, of what may be a new willingness to tackle the problem.

And finally, I will present a few ideas, from my perspective as European Commissioner, of what may be done, at a national and European level, to prevent and fight hate crimes.

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The examples I have already referred to are not isolated incidents. Across Europe, prejudice and hatred are motivating criminal behaviour.

We have seen the development of Islamophobic, anti-Semitic and white supremacist ideology in far-right groups. These groups are also anti-democratic, intolerant, and violent. They are divisive, using one another to create suspicion and hatred between communities. These groups are behind a mounting wave of harassment and violence targeting asylum seekers, immigrants, ethnic minorities and sexual minorities in many European countries.

This wave of violence has been documented in surveys and reports, by the Fundamental Rights Agency and others. These reports show some chilling facts: for example, in 2011 almost one in every five sub-Saharan African was physically assaulted, harassed or threatened on account of their ethnic origin. Roma populations suffer similar levels of abuse. And around 10% of North African and Turkish people reported being the victim of crimes with a racist motive in the same period.

Over the past five years, around one in four lesbian, gay, bisexual, trans- or intersex people have been attacked or threatened with violence. The recent report by the FRA on discrimination experienced by these groups shows the impact that intolerance and abuse has on their everyday lives: over half of the respondents feel they have to hide their sexual orientation in public places for fear of assault, abuse or discrimination.

Anti-Semitic hate crime was experienced by one in every four Jewish people responding to a recent survey, while every second Jewish person responding feared becoming the victim of a hate-crime. In countries that collect reliable data on such hate crimes, one sees high levels of anti-Semitic incidents.

It is not just in the streets that these minorities face abuse. Online tools like chatrooms and social media is a force for good when countering intolerance and discrimination. But these tools can also be hijacked to deliver messages of hate.

One in ten of all respondents to the Fundamental Rights Agency's survey on anti-Semitism said that they had been subjected to offensive or threatening comments online. And almost 10% of harassment against LGBTI people takes place over the internet. Hate crimes against women are even more common online, with almost in in five of young women experiencing abuse in this way each year.

Hate crimes have their roots in intolerance and ignorance. I am therefore very concerned that we are not just seeing more hate crime being *committed*. We are also seeing a shift in *attitudes* towards minorities. During the last decade, attitudes towards Muslims, Jews, and Roma worsened, according to the European Values Study. The same is true of attitudes towards immigrants.

This trend is playing into the hands of populist parties. We have already seen a neo-Nazi party enter the parliament of an EU Member State. All over the EU, populist parties are gaining ground using rhetoric which is harmful to minorities.

At the same time, mainstream political parties often fail to counter this populist shift. Politicians are no longer so willing to speak about the positive roles played by immigrants in European society. The benefits of diversity are clear. The fact that Europe needs migration to address its demographic challenge is equally clear.

But there is a worrying lack of political courage and leadership on these issues. Rather than defend the contributions made by migrants and minorities in the EU, politicians too often join populist parties in blaming minorities for strains on their social security systems, for problems in their healthcare systems or for high unemployment.

Some leading politicians have been more directly xenophobic. Before he left office, Silvio Berlusconi told his country that 'a reduction in foreigners in Italy means fewer people to swell the ranks of criminals.' And when a far-right MP in the Hungarian parliament called for a register of Jews to be drawn up, that country's leadership took quite some time to jump in to condemn the remarks.

I am, in other words, concerned that extremist and intolerant views appear to be gaining ground amongst European citizens, and amongst Europe's political parties.

Hate crimes are a growing problem. It is time for the EU and its Member States to act firmly against it.

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This brings me to my second point, the signs of progress.

In January of this year, at the Informal EU Council in Dublin, Interior Ministers discussed the need to take action to counter intolerance, racism, anti-Semitism, xenophobia and homophobia. In March, Member States wrote to the Commission, encouraging us to take steps to safeguard fundamental values in the EU. In June, the Council adopted Conclusions calling for more work to be done in this field.

The words of 17 EU Ministers responsible for integration are also encouraging. In September, they united to condemn the disgraceful racist insults aimed at the Italian minister Cécile Kyenge. Their declaration, intended "to remind Europe of its founding values", underlines that the fight against racism, discrimination on the grounds of race, and xenophobia is the

responsibility of all of us. It recognises that political leaders have a particular responsibility to combat intolerance, both in words and in actions. So I am very happy to see Mr Shatter here today, as one leading politician to drive forward the debate on how to combat hate crime.

The Vice President of the European Parliament, Mr Surjan, is also with us today. The European Parliament has long been a strong voice in the struggle against intolerance and prejudice. It has stressed the need for more work; to promote respect for fundamental rights, to make hate crime visible, and to condemn those who stand by while hate crimes are committed.

Only weeks ago, the Secretary General of the Council of Europe, Thorbjorn Jagland, expressed his concerns about the way 'racist, anti-Semitic, Islamophobic, anti-minority, anti-LGBT and anti-immigration rhetoric' has taken root in mainstream politics.

He asked politicians to show courage and leadership by moving the public debate away from racism and intolerance. I could not agree more.

So, in the EU there is a growing sense that something must be done. The question, then, is what should we do?

This brings me to my last point.

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The examples of hate crimes I have mentioned already are drawn from all over Europe. The problem of hate crime is not limited to a few EU Member States. It is one that affects us all, no matter where we are from or where we live and work. The EU therefore has an important role to play in addressing it.

This EU involvement has to start with clear, strong political leadership. I have mentioned the positive contributions from a number of Ministers and Member of the European Parliament. But more can be done. Hate crime is an issue which deserves political involvement at the *highest* level to bring home the message that it is not acceptable, anywhere in the EU.

But political statements and declarations are of course not enough. They have to be translated into concrete actions with a real impact. Let me give you just a few examples of what the EU is already doing, and where I believe that more can be done.

The action has to start by *prevention*: the EU and Member States must act to prevent intolerance turning into violent hate crime. This is why the Commission set up the EU Radicalisation Awareness Network in 2011.

The Network of more than 600 experts from across Europe supports the Member States in countering violent extremism. It has done work for example on the use of the internet to prevent violent intolerance and on how to encourage young people to think critically about bigoted material. The Network is closely engaged with civil society, which has a crucial role to place in this area. The Commission will continue to support civil society.

Building on the Radicalisation Awareness Network, the Commission will soon present an *EU Programme on Countering Violent Extremism* with a Toolbox to help Member States in their efforts to prevent hate crimes at an early stage.

In parallel with this work preventive work, the Commission supports activities to raise awareness on the rights and obligations of citizens, and we provide assistance for the capacity-building to national equality bodies.

We also fund activities which seek to preserve the memory of the mass violations of human rights during the period of Nazism and Stalinism. The Commission will increase its financial support for such remembrance projects in the years to come.

We also have important EU *legislation* in place to counter some hate crimes. The Framework Decision on racism and xenophobia adopted from 2008 obliges Member States to criminalise offenses based on race, colour, descent, religion or ethnic or national origin.

It is for Member States to investigate individual allegations of hate crimes. And it is for their national courts to determine whether offences are in fact hate crimes.

We are living in a time of austerity, and budgets are squeezed. But all Member States have a responsibility to ensure that this legislation is transposed, and that their authorities and courts have sufficient means to follow up reports of hate crimes. The Commission will come back to this later in the year, when it will present a report on how the Member States implement the Framework Decision.

That said, EU agencies – like Europol and Eurojust – can assist Member States when they investigate and prosecute hate crime.

This is particularly important in the field of cyber-hate. The European Cybercrime Centre at Europol is working closely with Member States to assess how to counter hate crimes committed using or facilitated by online tools. The Centre will report early next year on the results of its work in this and related areas of cybercrime.

But legislation, resources and EU agency support will not be enough if hate crimes are hidden away, if they are not *reported* to the police. When almost 80% of incidents of serious homophobic violence goes unreported each year, when between 75% and 90% of victims of serious racist and xenophobic violence do not inform the police, law enforcement is simply unable to do its job.

One big problem is that many victims do not report the crimes against them to the police because they do not feel anything will happen as a result. Others keep silent for fear of a negative reaction from law enforcement agencies.

This points to a *lack of trust in police forces* by minority groups who are victims hate crimes. The EU can and should assist Member States in building that trust.

To start with, I hope that Member States will implement the new *EU Victims' Rights Directive* without delay. The training of officials and access to victim support that the Directive calls for will hopefully result in more victims to come forward and report hate crimes.

EU agencies - including the Fundamental Rights Agency and the Police Training College CEPOL – also provide *guidance and training* for law enforcement on respect for fundamental rights. This is very valuable, and deserves to be strengthened. Combined with exchanges best practices between member States' authorities, training can help increase engagement between vulnerable groups and police forces.

I am sure our agencies will continue those efforts in the coming years, and I hope that Member States' authorities will engage fully with that work. Indeed, thanks to Morten, I now have the FRA's latest contribution, a *Manual* for police trainers on fundamental rights, fresh off the printing press.

A brief look through the opening pages suggests to me that this will be a very helpful tool for law enforcement professionals across the EU.

Now, let me conclude.

The concrete steps I have just mentioned will help us prevent and fight hate crime, to some extent, in the short to medium term.

But in the longer term, they will not be sufficient.

We need to ask how we can reverse the trends towards intolerance in the EU. We must think about how to protect our founding values in the face of hardship, demographic change, and pressure on resources resulting from climate change. Addressing these issues now will help us to prevent hate crimes in the future.

But basically, it all boils down to leadership. That has to be shown at *all levels*, from grassroots organisations all the way up to heads of state. I am sure that this conference will make a very useful contribution to that discussion.

I also hope that this conference will stimulate the debate, which has just started, on what priorities the EU should focus on in the field of justice and home affairs over the coming years.

I personally see the challenges of addressing hate crime as a *very* important element in that debate. I look forward to hearing the views of as many stakeholders as possible on that point in the coming months.

Thank you for your attention.