

FRA Seminar: How can EU Member States combat hate crime effectively?

Thessaloniki, 28 April 2014

- First of all, I would like to express my enormous gratitude to the Greek Presidency and European Agency for Fundamental Rights for their initiative on the subject of hate crime. This is a delicate and very hotly debated topic at present, which has been on the agenda for more than a decade, but has only now entered the spotlight.
- Before I go on to sum up today's discussions, I would like now to state Italy's firm commitment during our Presidency of the EU to moving forward with the work already started to monitor, prevent and put a stop to hate crimes.
- Over the years, Italy has developed a regulatory framework of reference for combating hate crimes by adopting decisive measures to support potential victims of discriminatory actions and conduct, and by means of an effective system of penalties.
- The first milestone was the ratification in 1975 of the United Nations Convention on the Elimination of Racial Discrimination, and the subsequent adoption in 1993 of urgent legislative measures covering the phenomena of incitement to violence on racial, ethnic, national or religious grounds.
- This legislation constitutes a regulatory instrument that is still valid today, and substantially conforms to the Council Framework Decision of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.
- Italian law has a number of effective means for combating discrimination, and in some aspects is more stringent because it

provides for a wide range of possible crimes. These include the constitution of organisations, associations, movements or groups which number amongst their aims incitement to discrimination or violence on grounds of race, ethnicity, nationality or religion or crimes covered by the law on genocide, which do not appear in the Framework Decision.

- Allow me now briefly to describe the skills and best practices of the authorities in our country with the greatest share of responsibility for drafting research tools and measures to prevent and crack down on hate crimes, namely the *Ufficio Nazionale Antidiscriminazioni razziali* (National Office to combat Race Discrimination – UNAR) and the *Osservatorio per il contrasto ai fenomeni di discriminazione* (Anti-Discrimination Observatory – OSCAD)
- UNAR’s mission is to combat any form of discrimination, whether on the grounds of race or ethnic origin, religion, personal conviction, disability, age, sexual orientation or gender identity. The fact that its mission covers all grounds of discrimination means it can combat racism, promote Roma integration and also the integration of the most vulnerable social groups such as the elderly and the disabled, and fight homophobia and transphobia, paying particular attention to the phenomenon of ‘multiple discrimination’.
 - UNAR provides assistance to the victims of discrimination in proceedings they bring before administrative or judicial bodies through specific action taken by an appropriate Contact Centre;

- increases knowledge of means of protection through awareness-raising and publicity campaigns;
 - formulates recommendations and opinions on issues related to discrimination on grounds of racial or ethnic origin;
 - supports research, training courses and exchange of experience in cooperation with non-governmental organisations and associations active in the sector in order to draw up guidelines or codes of conduct in the anti-discrimination field.
- On April 2013, UNAR adopted the first LGBT National Strategy with the synergic participation of national institutions, organizations of civil society, social partners and all the stakeholders. The Strategy's priorities are: education and training, with special attention to preventing and combating homophobic and transphobic bullying; employment, with regard, in particular, to the issue of discrimination against LGBT persons, with a special emphasis on transsexual and transgender persons; security and prisons, with regard to information and awareness raising of law enforcement and prison officers; media and communication, focusing on the fight against stereotypes and prejudices in the representation of LGBT persons.
- OSCAD, on the other hand, was established to assist victims of hate crimes to assert their right to equality before the law and protection against discrimination. It is a multi-agency body (State Police and Carabinieri) within the Department of Public Security at the Ministry of the Interior.
 - Among other things, OSCAD:
 - seeks to increase reporting and facilitate the recording of crimes of discrimination on grounds of ethnic or racial origin, religious convictions, sexual orientation, gender identity,

disability, age and language. It receives information, sometimes anonymously, from private citizens, institutions and trade associations;

- in the light of the information it has gathered, takes targeted action on the ground through the State Police and Carabinieri and follows up action taken in response to discrimination that is reported to the police;
 - maintains contact with public or private associations and institutions concerned with combating discrimination;
 - prepares training materials on combating discrimination for the police forces and participates in training/information programmes with public and private institutions;
 - to that end OSCAD has signed a memorandum of understanding with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to join the TAHCLE programme (Training Against Hate Crimes for Law Enforcement) to train police officers in preventing and combating hate crimes;
 - also in relation to training, OSCAD works with UNAR, LGBT Rights Lawyers (Lenford Network) and Amnesty International. Together with Amnesty, it is currently conducting a 'training of trainers' programme to increase police officers' awareness and sensitivity, and their skills in dealing with the complex issues involving Roma and Sinti.
- Italy still has work to do. Council Framework Decision 2008/913/JHA needs to be fully transposed into Italian law by introducing further offences such as publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court. To that end, the Italian

Parliament is currently debating a bill to create offences of publicly condoning and denying these crimes.

- However, Italy is constantly searching for ways forward. In 2013, in line with important European Parliament Resolution on strengthening the fight against racism, xenophobia and hate crime, Belgium and Italy jointly hosted a meeting in Rome of 18 Ministers and High Representatives of the Member States of the Union that concluded with the adoption of the ‘Rome Declaration’, a document that calls upon governments and the European Commission to draw up, debate and approve a proposal for a ‘Pro-diversity, anti-racism Pact for Europe 2014-2020’.
- In addition, Parliament is also debating a bill that would criminalise homophobic and transphobic offences in conformity with Article 19 of the Treaty of the Functioning of the European Union (TFEU) and Article 21 of the Charter of the Fundamental Rights of the European Union.
- Of course, all the EU Member States still have far to go in setting up methods and institutions that will effectively combat hate crime. That is why I was so glad today to hear positive proposals that could take us all forward on this issue.
- I would therefore now like to move on to the discussions we have had today and the conclusions we have drawn.
- First of all, I was pleased that our discussions have been so constructive, and that we have heard practices that could be emulated in other countries, even if they need to be adapted. One of these are the 50 public prosecutors specifically responsible for equality and non-discrimination issues in Spain. Another is the website in the UK that victims of hate crime can use to report their experiences.

- There are another few points that I would like to single out:
- **First of all**, we need excellent between different agencies dealing with hate crime at national level – the government, local level, law enforcement agencies, and NGOs.
- **Secondly**, we already have a strong legislative framework in the EU to combat hate crime; now we have to ensure that this legislation is implemented. We have heard various points today made about countries where legislation is not being implemented; and I think one of the advantages of this seminar is that we can talk openly about worst as well as best practices, so that we can learn from each other.
- **Thirdly**, there was a lot of talk today of training police officers, prosecutors and others who come into contact with hate crime victims; and this is of course very important. But we also need to think about training and education at the level of society: we have to develop a culture of tolerance among our citizens so that they understand bias and prejudice are unacceptable.
- In this regard, I found one point made this afternoon very illustrative: it used to be said that a girl was at fault for being raped because she had a short skirt on or some similar justification. But now we have moved on from that attitude – I'm glad to say. As one participant [Lena Papamichalopoulou] said, this shows there are a lot of stereotypes and perceptions that need to be changed. We need a change of culture.
- I am also very grateful to Mr Ioannidis for mentioning the idea of a roadmap, which I think is a very good idea. It is one that will be

discussed further tomorrow, and I hope that the Italian presidency and FRA can work together to take this forward.

- In conclusion: Italy fully supports the establishment of a working group on hate crime composed by member states' authorities and we are very glad to announce that the first formal meeting of the working group will be held in Rome under the auspices of the Italian presidency.
- It is extremely important that an agreement is reached on minimum standards in Europe on combating hate crime. We look forward to the working group on hate crime to make a significant contribution in this respect. Last but not least, the best practices that have been highlighted today have transferable features that can be adopted, adapted and applied in other countries, increasing the tools that each Member State has at its disposal to combat hate crime.
- Finally, I would like to stress the incoming presidency's strong commitment to combating hate crime. In this respect we fully support the initiatives of the Fundamental Rights Agency. I am sure that it is in the name of all of us here today in Thessaloniki that I thank and commend the Greek Presidency and the Fundamental Rights Agency for their drive and endeavours in carrying forward the debate on the ways and means to counter and eradicate hate crime.