

FUNDAMENTAL RIGHTS CONFERENCE 2013

# Combating hate crime in the EU

*Giving victims a face and a voice*

VILNIUS, LITHUANIA, 12-13 NOVEMBER 2013



EU2013.LT



**FRA**

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS





Participation of a number of delegates from civil society as well as national human rights bodies has been supported by EEA and Norway Grants.



### **Fundamental Rights Conference – greener and more socially responsible!**

The Fundamental Rights Conference aims to be a socially responsible and environmentally friendly event.

To this end, all conference documents will be printed on environmentally friendly paper. Moreover, we have assessed greenhouse gas emissions linked to the energy consumption of the Fundamental Rights Conference and will compensate for carbon emissions by supporting a selected carbon project initiative.



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# Welcome

## **Dear Participants,**



I am honoured to welcome you to the Fundamental Rights Conference in Vilnius.

This year's conference organised by the Agency for Fundamental Rights in cooperation with the Lithuanian Presidency of the Council of the European Union addresses a multifaceted problem of combating hate crime in the European Union, mainly from the perspective of the victims' needs.

The conference gives us an opportunity, based on the findings of the Agency for Fundamental Rights, to look into the situation on the ground and examine the effectiveness of existing legal and practical tools for fighting hate crime. Notably, the conference takes place at the time of the foreseen review of Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law - a very appropriate moment for us to reflect on the further course of action.

I hope that the findings of this conference will be an important element of our discussion in the Council on what needs to be done at the European Union level to more effectively prevent hate crime and improve the situation of the victims.

## **Juozas Bernatonis**

*Minister of Justice of the Republic of Lithuania*



## Dear Participants,



A warm welcome to this year's Fundamental Rights Conference, which will focus on the crucial subject of hate crime.

The issue of hate crime is not only important but also very topical, as the EU is in the course of reviewing its legislation on combating racism and xenophobia and at the same time, implementation of new legislation on victims' rights is just picking up speed in the Member States. However, more must be done to make hate crimes visible and acknowledge victims. Measures must be taken to increase victims' trust in law enforcement authorities and ensure their access to justice. Only then can we say that we are giving them redress for what they have suffered.

We will be emphasising the victim's perspective from the very first day of this year's FRC. We will hear from a number of organisations representing victims of hate crime, who will discuss the impact of such offences on those targeted by perpetrators and on society more broadly.

As well as our keynote speeches and panel debates, we will have 10 working groups, enabling participants to focus on particular aspects of the main topic more closely. The working groups cover a wide range of topics, from strategies to make hate crime more visible, through capacity building for law enforcement systems, to the challenges of cyberhate.

As European governments battle against the social consequences of the economic crisis, this year's Fundamental Rights Conference will explore ways of combating hate crime effectively and lastingly. I am certain that our discussions will lead to the concrete findings and proposals needed to feed into the work of policy makers and practitioners at both the EU and national levels.

I look forward to your expertise and interest during and beyond our debates here in Vilnius.

**Morten Kjaerum**

*Director of the European Union Agency for Fundamental Rights*



# Fundamental Rights Conference 2013

## Combating hate crime in the EU: Giving victims a face and a voice

The Fundamental Rights Conference (FRC) is a high level annual event, organised by the European Union Agency for Fundamental Rights (FRA). In 2013 the conference focuses on **'Combating hate crime in the EU'** and is hosted in cooperation with the Lithuanian Presidency of the Council of the EU.

The event brings together over 350 policy makers and practitioners from the EU and its Member States, among them representatives from EU institutions and bodies, international organisations, national governments and parliaments, law enforcement, civil society and many more.

Participation of a number of delegates from civil society as well as national human rights bodies has been supported by EEA and Norway Grants.

### Objectives

- To develop concrete proposals for follow-up on FRA's opinions pertaining to hate crime, as formulated in its reports on the subject;
- To explore practical solutions for victim support services tailored to the specific situation and needs of the victims of hate crime;
- To stimulate debate on hate crime and exchange ideas and practices on how to combat it on an EU as well as Member State levels;
- To pool evidence and expertise of a variety of stakeholders in view of the foreseen review of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law;
- To enhance cooperation between stakeholders at different levels to counter hate crime more effectively.

### Background

Violence and crimes motivated by racism, xenophobia, religious intolerance or by a person's disability, sexual orientation, gender identity and other biases – often referred to as 'hate crime' – are a daily reality throughout the EU, as data collected by FRA and other actors consistently show.



Hate crime harms not only those targeted. It also sends a signal to other persons who feel that they are at risk of being labelled and treated like the victim. Moreover, the bias motivated offence, when understood as a statement about persons who (are thought to) bear a certain characteristic, has the potential to incite followers. The impact of hate crime thus reaches far beyond the immediate interaction between offender and victim.

As such, hate crimes call into question the basic concept and self-understanding of modern pluralist societies, which is based on the notion of individual human dignity. Hence, they strike at the heart of EU commitments to democracy and the fundamental rights of equality and non-discrimination.

However, victims of crimes motivated by bias and prejudice are often unable or unwilling to seek redress against perpetrators. Many of these crimes remain unreported, unprosecuted and, therefore, invisible. In such cases, the rights of victims of crime may not be fully respected or protected and Member States may not be upholding obligations they have towards victims of crime.

The Fundamental Rights Conference therefore invites decision makers and practitioners to explore effective strategies to combat crimes motivated by hatred and prejudice at the national as well as EU level. Discussions will address the most pertinent issues relevant for policy making in the field, among them:

- Existing evidence on the extent of hate crime;
- Underreporting of crimes motivated by hatred and prejudice;
- Gaps in hate crime monitoring and recording;
- Legal instruments pertaining to hate crime in the EU;
- Victim support services;
- Effective practices of investigation and prosecution;
- Discriminatory aspects of hate crime;
- Human rights education and remembrance;
- Capacity building for law enforcement and criminal justice systems;
- Challenges of cyberhate.

### **Existing legal and policy measures**

Conference discussions will take place in the context of current legal and policy framework to combat crimes motivated by hatred and prejudice in the EU, particularly the Council Framework Decision on Racism and Xenophobia; as well Directive, establishing minimum standards on the rights, support and protection of victims of crime.



## FRA work on hate crime

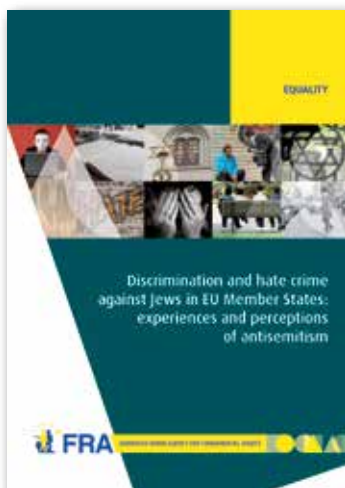
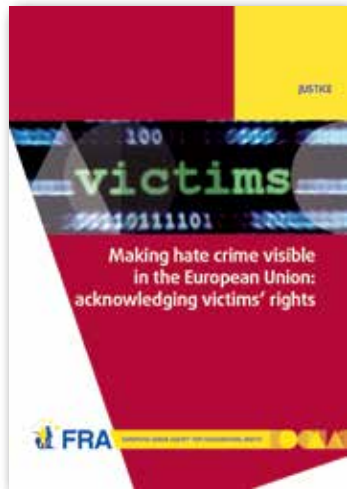
FRA has the most extensive EU-wide survey data on different groups' perceptions of hate-motivated victimisation, providing evidence on the situation of victims of hate crime that ranges from everyday acts committed by individuals on the street or over the internet, to large-scale crimes carried out by extremist groups.

Recent surveys and reports on the subject include:

- ➔ **EU-MIDIS Data in Focus 6: Minorities as victims of crime** (2012). This report looked into rates of perceived bias-motivated victimisation, people's experiences when reporting hate crimes and their rights awareness. The study is based on the findings of the first EU-wide survey asking immigrants and ethnic minority groups about their experiences. It is based on 23,500 face-to-face questionnaire interviews.
- ➔ **Making hate crime visible in the EU: Acknowledging victims' rights** (2012). This report analysed existing models and mechanisms of data collection, their merits and their flaws. The report examines hate crime from a fundamental rights perspective, emphasising the obligations of Member States to unmask bias motivations.
- ➔ **FRA survey on discrimination and hate crimes against Jews in eight EU Member States** (November 2013). The survey collected data on perceptions of antisemitism in the public sphere, the perceived threat of becoming a victim of antisemitic attacks, experiences of harassment, and the reporting of antisemitic incidents. The resulting study is based on an internet survey with over 5,800 respondents.
- ➔ **FRA survey on discrimination and victimisation of lesbian, gay, bisexual and transgender (LGBT) persons in EU Member States** (2013). This survey provides evidence on a range of issues including homophobic and transphobic crime and speech. The survey presents data on reporting and non-reporting of incidents, reasons for non-reporting, levels of confidence in the authorities, behaviour of public servants and types of perpetrators. This study is based on an internet survey with some 93,000 respondents.
- ➔ **FRA survey on gender-based violence against women in the EU**. To be presented in the first quarter of 2014, this survey was conducted among a representative sample of more than 42,000 women who were interviewed about their experiences of physical, sexual and psychological violence. The results of this survey can further support those of other FRA surveys highlighting issues such as trust in the police and non-reporting of particular crimes.

Building on the evidence collected and analysed by FRA, including its large scale surveys, as well as its thematic and annual reports, in October 2013 the agency published an **Opinion on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of crime**. The Opinion was developed in response to the request of the Council of the EU, Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP).







## Plenary speakers

*(in order of appearance)*



**Juozas Bernatonis** is the Minister of Justice of the Republic of Lithuania. Mr Bernatonis is a member of the Seimas of the Republic of Lithuania and was elected by the list of the Lithuanian Social Democratic Party to his current position in 2012. He serves as a member on the Committee on Legal Affairs. Prior to his current position, he was the Ambassador of the Republic of Lithuania to the Republic of Estonia (2006 to 2012); Advisor of International Affairs to Prime Minister Algirdas Brazauskas and chief adviser to Prime Minister Gediminas Kirkilas (2004 to 2006); and Minister of Interior (2001 to 2003).



**Morten Kjaerum** has served as Director of the European Union Agency for Fundamental Rights (FRA) since June 2008. Before joining the FRA, Mr Kjaerum served as the founding Director of the Danish Institute for Human Rights. Over 17 years in top executive roles, Mr Kjaerum built the Institute, Denmark's national human rights institution, into an internationally recognised institution. An expert in human rights implementation, Mr Kjaerum has been a member of the United Nations Committee on the Elimination of Racial Discrimination and the President of the International Coordination Committee for National Human Rights Institutions, a network coordinating relations between the United Nations and national human rights institutions. Mr Kjaerum has written extensively on issues relating to human rights, in particular on refugee law, the prohibition against racial discrimination, and the role of national human rights institutions.



**Cecilia Malmström** is the Commissioner of the European Commission in charge of Home Affairs. Her responsibilities include EU work on police cooperation, border control, asylum and migration. Prior to her appointment as a Commissioner, Ms Malmström served as Swedish Minister for European Union Affairs (2006 to 2010). In this capacity she coordinated the preparatory work and the implementation of the Swedish Presidency of the EU. From 1999 to 2006 Ms Malmström was a Member of the European Parliament, where among other duties she was also a Member of the European Parliament Subcommittee on Human Rights. She is a member of the Liberal Party of Sweden and was the Vice-President of the party from 2007 to 2010.



**László Surján** is Vice President of the European Parliament, where he represents the Hungarian Christian Democratic People's Party (KDNP), part of the Group of the European People's Party (Christian Democrats). He is also Member of the Bureau of the European People's Party (EPP) and is a Member of the European Parliament's Committee on Budget and Committee on Regional Development. He is also member of the Delegation for relations with Albania, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo and the Intergroup for Traditional National Minorities, Constitutional Regions and Regional Languages and member of the EP Working Group on Freedom of Religion and Belief. He is also founder of the Charta XXI Movement for Reconciliation in Central-East Europe.



**Alan Shatter TD** is the Irish Minister for Justice, Equality and Defence, a position he has held since March 2011. Alan Shatter has been a Member of Parliament (TD) at the Dáil Éireann since 2007 and previously from 1981 until 2002. Before his appointment as Minister for Justice, Equality and Defence, Mr Shatter, in his capacity as a Fine Gael TD, published a number of bills advocating radical legal, social and environmental reform. He has also held various positions on the Fine Gael Front Bench including Spokesperson on Justice and Law Reform, Health, Labour, Defence and Children.



**Snežana Samardžić-Marković** is the Director General for Democracy at the Council of Europe, in charge of the organisation's action promoting democratic governance and sustainable democratic societies. Her responsibilities include the work of the European Commission against Racism and Intolerance (ECRI), work against discrimination and hate speech, including the Council of Europe's 'No hate speech campaign'. Previously, Ms Marković held numerous positions in the Serbian Government including Minister of Youth and Sports (2007-2012) and President of the Fund for Young Talents, Assistant Minister of Defence (2005-2007) and Deputy Director in the Ministry of Foreign Affairs responsible for Neighbouring Countries.



**Ambassador Janez Lenarčič** is the Director of the Office for Democratic Institutions and Human Rights (ODIHR) – the specialised institution of the Organization for Security and Co-operation in Europe (OSCE), dealing with elections, human rights, and democratisation. Prior to this appointment in 2008, he served as Slovenian State Secretary for European Affairs, where he led the working group for the preparation of the Slovenian Presidency of the European Union. He was the Slovenian Ambassador to the OSCE from 2003 to 2006. In 2005, when Slovenia held the OSCE's rotating Chairmanship, he chaired the Permanent Council in Vienna, the Organization's regular political decision making body. He also served as a Diplomatic Advisor in the office of the Slovenian Prime Minister and the Permanent Mission of Slovenia to the United Nations in New York.



**Danutė Jočienė** is the outgoing Lithuanian judge at the European Court of Human Rights (ECtHR), where she has served from 2004 to 1 November 2013. At the ECHR she was the Vice-President of Section and Acting President for Rule 39 applications. Prior to becoming a judge at the ECtHR, Ms Jočienė worked for the Lithuanian government at the ECtHR, was a Vice-Dean, lecturer and associate professor at the Law Faculty of Vilnius University, and worked for the Lithuanian government as an expert on European law. She was awarded a doctoral degree in 1999 for her thesis on the application of the European Convention on Human Rights in the Contracting Parties and has published extensively in the field of human rights.



**Pierre Baussand** is the Director of Social Platform, the largest alliance of representative European federations and networks of non-governmental organisations active in the social sector. The Social Platform and its members are committed to the advancement of the principles of equality, solidarity, non-discrimination and the promotion and respect of fundamental rights for all in Europe. Prior to Social Platform, Mr Baussand managed a human rights team for the Organization for Security and Co-operation in Europe after the war in Bosnia and Herzegovina and led several human rights projects for the European Disability Forum. He also conducted field research in the Middle East on human rights and migration.



**Marinos Skandamis** is the Secretary General of Crime Policy of the Greek Ministry of Justice, Transparency and Human Rights since 2011. Prior to this appointment he served as Special Secretary of Correctional Policy and Forensic Services from 2009 to 2011. Mr Skandamis holds a PhD in Criminology. He is member of national and international organizations active in the fields of criminology and human rights protection and has authored several articles published in legal and sociology journals.



**Vytautas Leškevičius** is the Vice-Minister of Foreign Affairs of the Republic of Lithuania. During the Lithuanian Presidency of the Council of the EU, he is responsible for shaping and implementing the European Union's policy, as well as developing and strengthening relations with the European Union's institutions, member states of the European Union and candidate countries. He also directed preparations for the Lithuanian Presidency of the Council of the European Union. Mr Leškevičius has held various positions in the Lithuanian diplomatic service since 1996.



**Giannis F. Ioannidis** has been the Secretary General of the Greek Ministry of Interior since August 2012. He previously served as Secretary General of Transparency and Human Rights at the Greek Ministry of Justice, Transparency and Human Rights, from February 2011 to July 2012. Mr. Ioannidis also served as Secretary General of the Hellenic Union for Human Rights, and was a member of the National Commission for Human Rights. He is an attorney at the Hellenic Supreme Court, specialized in administrative and criminal law, and has authored several articles published in legal journals and the media.



**Manfred Nowak** is the Vice-Chairperson and Austrian Member of the FRA Management Board. He is also Professor of International Law and Human Rights at Vienna University, Co-Director of the Ludwig Boltzmann Institute of Human Rights and the chair of the independent human rights commission at the Austrian Ministry of Interior. From 2004 to 2010, he served as United Nations Special Rapporteur on Torture. Before that Mr Nowak was a judge at the Human Rights Chamber in Bosnia (1996-2003). Mr Nowak has published more than 500 books and articles on international, constitutional, administrative and human rights law, and has received numerous awards in the field of human rights.



## Moderators



**Saira Khan** is an author, TV presenter and an experienced host of numerous high level conferences. She often discusses topics related to British Muslim integration, diversity, forced marriages, rights of the child and has hosted the documentary 'Spotlight: Forced to Marry'. In her book 'P.U.S.H FOR SUCCESS' she shares her secret to self-development and uses her personal challenges from her upbringing as a British Asian Muslim to illustrate how to overcome societal prejudice and achieve your life goals and ambitions. Ms Khan is the ambassador for two charities 'Family and Parenting' and 'Pact Charity'.



**Friso Roscam Abbing** has served as Head of the Communication Department at the FRA since 2009. For the last three years Mr Roscam Abbing has been the moderator of the agency's annual Fundamental Rights Conference. Prior to this, Mr Roscam Abbing was a Member of the Cabinet of the European Commission Vice-President Jacques Barrot, the Commissioner for Freedom, Security and Justice. From 2004 to 2008, he was the spokesman of European Commission Vice-President Franco Frattini, the Commissioner responsible for Freedom, Security and Justice issues. Between 2000 and 2004, he headed the EU Asylum policies sector at the European Commission's DG Justice, Freedom and Security. Before this, he led the EU Office of the European Council on Refugees and Exiles (1994-2000) after starting his career as Head of the Legal Department at the Dutch Refugee Council (1986-1994).





# Agenda

## TUESDAY, 12 NOVEMBER 2013

- 08.30 – 9.30**      **REGISTRATION**  
Conference moderators:  
**Saira Khan**, TV presenter and host  
**Friso Roscam Abbing**, Head of Communication Department, FRA
- 09.30 – 10.00**      **WELCOME**  
**Juozas Bernatonis**, Minister of Justice, Lithuania  
**Morten Kjaerum**, Director, FRA
- 10.00 – 10.30**      **KEYNOTE ADDRESS**  
**Cecilia Malmström**, European Commissioner for Home Affairs
- 10.30 – 11.00**      **COFFEE BREAK**
- 11.00 – 12.30**      PANEL DEBATE: - **CRIMES MOTIVATED BY HATRED AND PREJUDICE – WHERE ARE WE TODAY?**  
Panellists:  
**László Surján**, Vice-President, European Parliament  
**Alan Shatter TD**, Minister for Justice, Equality and Defence, Ireland  
**Snežana Samardžić-Marković**, Director General for Democracy, Council of Europe  
**Ambassador Janez Lenarčič**, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR)
- 12.30 – 14.00**      **LUNCH**
- 14.00 – 15.15**      REFLECTIONS IN THE PLENARY: - **DIFFERENT FACES OF HATE CRIME?**  
*Panel debate with organisations representing victims of hate crime*
- 15.30 – 17.30**      **WORKING GROUPS**  
Working group I: **MAKING HATE CRIME VISIBLE: STRATEGIES TO BUILD TRUST AND ENCOURAGE REPORTING**  
Working group II: **CHALLENGES OF CYBERHATE**  
Working group III: **LEGAL INSTRUMENTS PERTAINING TO HATE CRIME IN THE EU**  
Working group IV: **ASSISTANCE FOR VICTIMS OF HATE CRIME**  
Working group V: **ENSURING EFFECTIVE INVESTIGATION AND PROSECUTION**
- 19.30**              **EVENING RECEPTION** - At the National Museum Palace of the Grand Dukes of Lithuania





## WEDNESDAY, 13 NOVEMBER 2013

**9.00 – 10.30** PANEL DEBATE - **EFFECTIVELY RESPONDING TO HATE CRIME – FROM LEGISLATION TO PRACTICE**

Pannelists: **Danutė Jočienė**, former Judge, European Court of Human Rights  
**Marinos Skandamis**, Crime Policy Secretary General, Ministry of Justice, Transparency and Human Rights, Greece  
**Pierre Baussand**, Director, Social Platform  
Member of the European Parliament (tbc)

**10.30 – 11.00** **COFFEE BREAK**

**11.00 – 13.00** **WORKING GROUPS**

Working group I: **RECORDING AND MONITORING HATE CRIME: STRATEGIES TO IMPROVE OFFICIAL DATA COLLECTION MECHANISMS**

Working group II: **REFLECTING REMEMBRANCE IN HUMAN RIGHTS EDUCATION AND TRAINING**

Working group III: **VIGILANCE AND AWARENESS: CAPACITY BUILDING FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE SYSTEMS**

Working group IV: **CONNECTING THE DOTS – DISCRIMINATION AS A TRIGGER FOR HATE CRIME**

Working group V: **GROSS TRIVIALISATION: NEGATING CRIMES OF THE PAST**

**13.00 – 13.30** **CLOSING REMARKS**

**Vytautas Leškevičius**, Vice-Minister of Foreign Affairs, Lithuanian Presidency of the Council of the EU

**Giannis F. Ioannidis**, Secretary General, Ministry of Interior, Greece

**Manfred Nowak**, Vice-Chairperson of the Management Board, FRA

**13.30 – 15.00** **LUNCH**



## Working group I:

### MAKING HATE CRIME VISIBLE: STRATEGIES TO BUILD TRUST AND ENCOURAGE REPORTING

#### Conference Hall 5.1

**Simultaneous interpretation from/into English/French available**

Victims and witnesses often do not report hate crimes because they lack confidence in the ability of law enforcement agencies and of the criminal justice system to deal effectively with their cases. They also tend not to turn to civil society organisations or victim support services to report hate crimes. As a result, hate crimes often remain invisible, with victims unable to seek redress against perpetrators.

While law enforcement agencies are, on the whole, responsible for enabling the proper recording of hate crimes, it is up to the criminal justice system to highlight bias motivations when rendering judgments. Civil society organisations and victim support services can serve as intermediaries in the process, for example, through enabling systems of third party reporting.

This working group will seek to explore how we can make hate crime visible. It will look at how to enhance trust in law enforcement agencies and the criminal justice system among victims and witnesses of hate crime.

It will also try to suggest ways to encourage reporting of hate crime, such as getting assistance from civil society organisations and victim support services.

## TUESDAY, 12 NOVEMBER 2013

### CHAired BY:



**Christos Giakoumopoulos** is Director of Human Rights in the Council of Europe's Directorate General Human Rights and Rule of Law, a position he has held from 2011. Previously he was Director of Monitoring in the same Directorate General since 2006. Before joining the Directorate General of Human Rights, he was General Counsel and General Director for Legal and Administrative Affairs of the Council of Europe Development Bank (Paris). Since joining the Council of Europe in 1987, he has also held posts in the Registry of the European Court of Human Rights, the Venice Commission and Director in the Office of the Commissioner for Human Rights, A. Gil Robles.

### PRESENTATIONS:

- **Ambassador Ingrid Schulerud**, EEA and Norway Grants, Norway
- **Dovilė Šakalienė**, Acting Director, Human Rights Monitoring Institute, Lithuania

### FACILITATORS:

- **Joanna Goodey**, Head of Department, Freedoms and Justice Department, FRA
- **Henri Nickels**, Programme MChaired byanager, Equality and Citizens' Rights Department, FRA
- **Waltraud Heller**, Head of Sector Communication and Outreach, Communication Department, FRA



## Working group II: CHALLENGES OF CYBERHATE

### Breakout room 4

Research has shown that in today's era of social media where public and private lives intermingle, the internet may also be used as a platform for hate and harassment, in particular for antisemitism, LGBT-hate speech, and racism or intolerance towards migrants and minorities.

This working group will stimulate debate about the challenges to combating hate crime on the internet - cyberhate - and what could be done. State and civil society practitioners throughout Europe will participate and share views, experiences, questions and tentative solutions, join forces and ideas and produce conclusions that will help feed EU policy.

The working group will make practical suggestions about legal or policy tools, human capacity and technical resources. It will also share promising initiatives from state and non-state actors that could effectively prevent and confront cyberhate at EU and national level.

## TUESDAY, 12 NOVEMBER 2013

### CHAired BY:



**Marnix Auman** is the Head of Cyber Intelligence at the European Cybercrime Centre at Europol. His team is responsible for capturing cybercrime information from a wide range of sources and translating that into actionable intelligence for use by different stakeholders. Over the years Mr Auman has run a number of key projects for the Belgian Police and Europol, including drafting Belgium's Serious and Organised Crime Threat Assessment during his time as Strategic Analysis Coordinator at Federal Police HQ in Brussels; setting up a Command and Control Centre while serving as Europol's Operational Intelligence Coordinator; and, most recently, implementing an organisation-wide Innovation Programme at Europol. His expertise covers strategic and operational intelligence analysis, data protection and security, information handling, change management and international cooperation.

### PRESENTATIONS:

- **Melinda Losonczi-Molnár**, Acting Deputy Chief Prosecutor of the V-XIII District Prosecution Office of Budapest, Hungary
- **Gabriella Cseh**, Head of Public Policy for Central and Eastern Europe, Facebook

### FACILITATORS:

- **Miltos Pavlou**, Programme Manager, Freedoms and Justice Department, FRA
- **Sara Sighinolfi**, European Parliament Liaison Officer, Communication Department



## Working group III:

### LEGAL INSTRUMENTS PERTAINING TO HATE CRIME IN THE EU

#### Conference Hall 5.3

**Simultaneous interpretation from/into English/French available**

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.

## TUESDAY, 12 NOVEMBER 2013

### 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 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 General of European Law Department under the Ministry of Justice, Lithuania
- **Albin Dearing**, Programme Manager – Criminal Law and Criminal Justice, Freedoms and Justice Department, FRA



## Working group IV: ASSISTANCE FOR VICTIMS OF HATE CRIME

### Conference Hall 5.2

The availability of assistance for hate crime victims across the EU varies. Closer cooperation between governments, state authorities, equality bodies, civil society and victim support organisations is needed to enable victims access their rights and receive appropriate support. The EU Victims' Directive encourages Member States to coordinate and cooperate with civil society organisations in monitoring and evaluating the impact of measures to support and to protect victims. The directive also highlights that particularly vulnerable victims, including the victims of hate crime, should receive specialist support.

Given the trauma often suffered by hate crime victims and their reluctance to report to the police, victim support services are essential to help victims come to terms with what they have endured and to encourage them to actively seek redress and participate in proceedings. A high percentage of victims, including hate crime victims, do not report incidents to the relevant authorities. To tackle this, Member States must find ways to encourage victims and to facilitate reporting. Effective support services and mechanisms to support victims and help them access justice is crucial in this regard.

This working group will explore practical solutions for victim support services tailored to the specific situation and needs of victims of hate crime.



## TUESDAY, 12 NOVEMBER 2013

### CHAired BY:



**Paul Iganski** is a Professor of Criminology and Criminal Justice at the Lancaster University Law School (UK) and was formerly Head of Department of Applied Social Science at Lancaster. For well over a decade, he has specialised on hate crime. He is currently researching the management of hate speech by courts. His books include *Hate Crime and the City* (2008), *Hate Crimes Against London's Jews* (2005 with Vicky Kielinger & Susan Paterson) and the edited volumes *Hate Crime: The Consequences of Hate Crime* (2009), and *The Hate Debate* (2002). He was principal investigator (with David Smith) for the Equality and Human Rights Commission's (EHRC) (Scotland) project on the Rehabilitation of Hate Crime Offenders (2011), and principal investigator on projects recently commissioned by the UK Equality and Human Rights Commission to analyse data from the British Crime Survey and the Scottish Crime and Justice Survey on equality groups' perceptions and experience of harassment and crime. He has also served as the project coordinator of the European Network Against Racism's Comparative Study on Racist Violence (2010).

As the chair of this working group, Mr Iganski will speak about *'how hate hurts'*.

### PRESENTATIONS:

- *'The role of an Equality Body in assistance and redress for victims of hate crime'*  
**Jozef De Witte**, Chair of the Board of EQUINET and Executive Director of the Centre for Equal Opportunities and Opposition to Racism, Belgium
- *'Stop Hate Crime! Experiences from Central and Eastern Europe'*  
**Timm Köhler**, Program Manager, Foundation 'Remembrance, Responsibility, Future' (EVZ), Germany

### FACILITATORS:

- **Dennis van der Veur**, Programme Manager, Equality and Citizens' Rights Department, FRA
- **Alice Hamilton**, Research Support Officer, Freedoms and Justice Department, FRA



## Working group V: ENSURING EFFECTIVE INVESTIGATION AND PROSECUTION

### Breakout room 5

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.

TUESDAY, 12 NOVEMBER 2013

#### CHAired BY:



**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:

- *'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

#### FACILITATORS:

- **Jana Gajdosova**, Research Officer, Freedoms and Justice Department, FRA
- **Geraldine Guille**, National Liaison Officers Network Coordinator, Communication Department, FRA



## Working group I:

### RECORDING AND MONITORING HATE CRIME: STRATEGIES TO IMPROVE OFFICIAL DATA COLLECTION MECHANISMS

#### Conference Hall 5.1

**Simultaneous interpretation from/into English/French available**

Few EU Member States have mechanisms in place to record hate crime in any detail. Such mechanisms, when available, produce valuable data to assist law enforcement agencies, the criminal justice system, policy makers and civil society organisations tackle hate crime. Member States with limited data collection – where few incidents are reported, recorded and therefore prosecuted – can be said to be failing in their duty to tackle hate crime. The EU Victims Directive points to systematic and adequate statistical data collection as being essential for effective policy making.

Differences among EU Member States in relation to hate crime legislation has a direct effect on how law enforcement agencies and criminal justice systems deal with this type of crime. Narrow legal definitions, for instance, tend to lead to under-recording of incidents and hence low numbers of prosecutions, thereby affording victims fewer opportunities for redress.

This working group will look into how to define hate crime for recording and monitoring purposes; and how to establish effective data collection systems by addressing the challenges inherent in recording and monitoring hate crime. It will also discuss training law enforcement officials and representatives of the criminal justice system in recognising hate crime.

## WEDNESDAY, 13 NOVEMBER 2013

### CHAired BY:



**Floriane Hohenberg** is the Head of Tolerance and Non-Discrimination Department at the OSCE Office for Democratic Institutions and Human Rights (ODIHR). ODIHR has published an annual report on hate crimes since 2006, containing hard data and information about the extent and types of hate crimes in the OSCE region; developments in legislation; and responses to hate crimes by governments and NGOs. ODIHR takes a comprehensive approach to understanding and addressing hate crime by providing training for police and prosecutors on the investigation and prosecution of hate crime; training for civil society organisations on monitoring hate crime; and producing guides for NGOs on monitoring hate crime and for policy makers on developing effective hate crime laws and data collection mechanisms.

Before her appointment in ODIHR, Ms Hohenberg was the Head of the Representation in Germany of the French Commission for the Victims of Spoliation Resulting from Antisemitic Legislation in Force during the Occupation (2000 to 2004).

### PRESENTATIONS:

- *'Training Security Forces in identifying and recording hate crimes'*  
**José Alberto Ramírez Vázquez**, Ministry of Interior; and **Nicolás Marugán Zalba**, Ministry of Employment and Social Security, Spain
- *'Collecting hate crime data: ODIHR's comprehensive approach'*  
**Joanna Perry**, Hate crime officer, OSCE Office for Democratic Institutions and Human Rights (ODIHR)

### FACILITATORS:

- **Henri Nickels**, Programme Manager, Equality and Citizens' Rights Department, FRA
- **Sara Sighinolfi**, European Parliament Liaison Officer, Communication Department, FRA



## Working group II:

### REFLECTING REMEMBRANCE IN HUMAN RIGHTS EDUCATION AND TRAINING

#### Breakout room 4

The European Union is built on fundamental values such as freedom, democracy and respect for human rights. In order to fully appreciate their meaning, it is necessary to remember the breaches of those principles caused in Europe – and to learn from them. History has taught us: to look forward we must look back. Learning from the past, understanding causes and effects, and raising awareness about these issues can make an important contribution to help to prevent such crimes in the future. This is true regardless of the specific national contexts and different experiences across the different countries. In this way, people today can learn to understand the consequence of choices they make for themselves and wider society.

This working group will therefore look at the understanding of what shared memory can mean, and how it is possible to arrive to European reconciliation, while at the same time acknowledging victims of discriminatory crimes of the past. It will look into patterns of the past, to learn from them to understand the present and to prevent hate crimes for the future. Finally, it aims to collect concrete promising practices, initiatives, and ways forward.

## WEDNESDAY, 13 NOVEMBER 2013

### CHAired BY:



**Pavel Tychtl** is Policy Officer at the DG Communication of the European Commission, where he has been responsible for the remembrance activities organised by the Commission since 2005 and is managing the Remembrance Action of “Europe for Citizens” programme. Previously, Mr Tychtl was Director of the European Council on Refugees and Exiles (ECRE) and worked with the Czech Academy of Sciences. He has also experience in the voluntary sector, where he worked as director of the Czech Organisation for Aid to Refugees. Mr Tychtl holds a degree in sociology and social history at Charles University in Prague and New School for Social Research in New York.

### PRESENTATIONS:

- **Jana Havlikova**, Head of the Development and Public Relations department, Jewish Museum Prague, Czech Republic
- **Rafał Rogulski**, Director, European Network Remembrance and Solidarity
- **AbdoolKarim A. Vakil**, Department of History, King’s College London; and Chair of the Research and Documentation Committee, Muslim Council of Britain, United Kingdom
- **Maciej Zabierowski**, Education and New Media Manager, Auschwitz Jewish Center, Poland

### FACILITATORS:

- **Waltraud Heller**, Head of Sector Communication and Outreach, Communication Department, FRA
- **Miltos Pavlou**, Programme Manager – Social Research, Freedoms and Justice Department, FRA
- **Geraldine Guille**, National Liaison Officers Network Coordinator, Communication Department, FRA



## Working group III:

### VIGILANCE AND AWARENESS: CAPACITY BUILDING FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE SYSTEMS

#### Breakout room 5

Building capacity to tackle and increase understanding of hate crime within law enforcement and criminal justice systems is crucial towards combating hate crime. The police in particular play a key role in protecting the rights of victims of hate crime. Training of law enforcement and criminal justice practitioners to enable them to identify victims of hate crime, understand their needs and deal with them in a respectful, sensitive, professional and non-discriminatory manner is key; particularly with regard to acknowledging 'new' forms of hate crime that may not yet have received sufficient attention, such as hate crimes committed against persons with a disability.

The perceived capacity of the police to address hate crime and support victims is also essential for victims to trust authorities and report hate crime incidents. There is also a need for local, national and EU level training curricula to reflect increasing societal diversity and address the new risks of discrimination that may arise. Member States should also ensure that safeguards are implemented to prevent institutional forms of discrimination and allow individuals to address grievances. Furthermore attention should be given to the language used when describing hate crimes within police and criminal justice systems.

This working group will discuss these issues, and highlight challenges and promising practices in the area. This includes the creation of specialised units or people within police and prosecution services responsible for dealing with hate crime.



## WEDNESDAY, 13 NOVEMBER 2013

### CHAired BY:



**Aija Kalnaja** is the Head of the Training Unit at the European Police College (CEPOL), which she joined in September 2011. She has 20 years of policing experience and international law enforcement expertise. Prior to joining CEPOL, Ms Kalnaja held the position of Deputy Chief of the Latvian Police, responsible for international cooperation and administrative affairs for the national police force. Between 2007 and 2011, she was Latvia's Police Attaché to the United Kingdom, acting as a strategic advisor to the Latvian government on police matters and cooperation with the United Kingdom. Before this, from 2003, she headed the Latvian SIRENE Bureau, managing the establishment of the national bureau. Externally, Ms Kalnaja led the Latvian delegations to the Council of Europe and European Commission working groups.

As a chair of this working group Ms Kalnaja will give a presentation 'Mapping of law enforcement training and the EU Law Enforcement Training Scheme (LETS)'.

### PRESENTATIONS:

- ⇒ *'Training as part of a broader government programme'*  
**Paul Giannasi**, Police Superintendent, Hate Crime Programme, Ministry of Justice, United Kingdom
- ⇒ *'Left hand, right hand'*  
**Gamal Turawa**, Police trainer

### FACILITATORS:

- ⇒ **Joanna Goodey**, Head of Department, Freedoms and Justice, FRA
- ⇒ **Alice Hamilton**, Research Support Officer, Freedoms and Justice Department, FRA



## Working group IV:

### CONNECTING THE DOTS – DISCRIMINATION AS A TRIGGER FOR HATE CRIME

#### Conference Hall 5.3

**Simultaneous interpretation from/into English/French available**

This working group will look at how discriminatory attitudes manifest themselves in hate crimes. More specifically, in light of Article 21 of the EU Charter of Fundamental Rights, it will examine to what extent the discriminatory motives behind such offences are fully addressed at EU and national level. The working group will look closely at the advantages and disadvantages of different policies and systems which EU Member States have put in place to address and prevent hate crime (including criminal, administrative, civil law tools).

The broad and diverse background of participants will ensure there is a focused debate on the role(s) of different bodies in preventing and addressing hate crimes. These bodies include governmental institutions, the police, prosecution services, the judiciary, victim support services organisations as well as equality bodies and other national human rights structures.

Participants are encouraged to identify drivers and barriers, as well as promising practices, of how different laws, policies and structures can be combined to effectively address hate crime in practice.

## WEDNESDAY, 13 NOVEMBER 2013

### CHAired BY:



**Karen Jochelson** is the Director of Economy and Employment Programme at the UK Equality and Human Rights Commission. She is responsible for developing and delivering the Commission's work with the private sector in its role as an employer and as a service provider. She was the Director of Research at the Commission from 2008 to 2012 and led a human rights review which assessed the government's compliance with the European Convention on Human Rights. Until December 2007, Ms Jochelson led the public health work programme at the King's Fund (London). She has also published extensively on the history of sexually transmitted diseases, racism, human rights, unemployment, business, and politics in South Africa.

### PRESENTATIONS:

- *'Hate crimes and the principles on equality'*  
**Dimitrina Petrova**, Executive Director, Equal Rights Trust
- *'Effective strategies to combat discrimination as a trigger for hate crime - Portuguese experience'*  
**Pedro Lomba**, Secretary of State Assistant to the Minister in the Cabinet of the Prime Minister and for Regional Development, Portugal
- *'The use of legislation to combat hate crimes'*  
**Ana Bandalo**, Attorney at law, Croatia

### FACILITATORS:

- **Dennis van der Veur**, Programme Manager, Equality and Citizens' Rights Department, FRA
- **Jana Gajdosova**, Research Officer, Freedoms and Justice Department, FRA



## Working group V:

### GROSS TRIVIALISATION: NEGATING CRIMES OF THE PAST

#### Conference Hall 5.2

This working group will look into discriminatory aspects of negating crimes of the past, including revisionism and negationism as defined in Article 1.1 of the Framework Decision on Racism and Xenophobia. Based on the case-law provided by the European Court of Human Rights it will analyse the importance of as well as the limits to criminalising revisionism and negationism in the wider context of other severe forms of discrimination.

Negating crimes of the past means denying their victims the right to be acknowledged and redressed. The discussion will stimulate debates on how to best respect the rights of victims of repressive or totalitarian regimes and how to protect them against expressions of contempt, including revisionism and negationism. It will highlight other relevant human rights aspects such as the protection of individuals against the revitalisation and resurgence of repressive or totalitarian ideologies and the protection of vulnerable groups against intimidation.



## WEDNESDAY, 13 NOVEMBER 2013

### CHAired BY:



**Françoise Tulkens** is a member of the FRA Scientific Committee and a former Judge at the European Court of Human Rights (1998 to 2012), where she served as Section President from January 2007 and Vice-President of the Court from February 2011. In 2012, she took up an appointment as a member of the Kosovo Human Rights Advisory Panel. Ms Tulkens holds a Doctorate in Law and is an associate Member of the Belgian Royal Academy. Previously she was Professor at the University of Louvain and has taught in Belgium as well as abroad. Ms Tulkens has authored many publications and holds honorary doctorates from the Universities of Geneva, Limoges, Ottawa and Ghent.

### PRESENTATIONS:

- **Dr. Neela Winkelmann**, Managing Director, Platform of European Memory and Conscience (tbc)
- Thomas Hochmann**, Associate Professor, University of Reims Champagne Ardenne

### FACILITATORS:

- **Justinas Žilinskas**, Professor, Mykolo Romerio University, associated expert to the Lithuanian Presidency of the Council of the EU
- **Albin Dearing**, Programme Manager – Criminal Law and Criminal Justice, Freedoms and Justice Department, FRA



## RECEPTION

at the National Museum Palace of the Grand Dukes of Lithuania  
Hosted by the Lithuanian Presidency of the Council of the EU

**12 November 19:30**

Opening of the reception by **Juozas Bernatonis**, Minister of Justice, Lithuania

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Welcome address by **Remigijus Motuzas**,  
Deputy Chancellor, Office of the Government of the Republic of Lithuania  
on behalf of  
**Algirdas Butkevičius**, Prime Minister of the Republic of Lithuania

\*\*\*

Performance of the Vilnius City Municipal Choir '**Jauna Muzika**'

### **Programme:**

Introduction

Vaclovas Augustinas (1959) Cantate Domino

Jonas Tamulionis (1945) Trys lietuvių liaudies dainos

Valts Puce (1962) Sonnet 12

Soloists: Skaistė Garbašauskienė, Lina Valionienė, Agnė Markevičiūtė

Vytautas V. Barkauskas (1961) Commedia dell arte

Vaclovas Augustinas (1959) Tykus, tykus

Conductor: Vaclovas Augustinas

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### **Refreshments**

**Address:** National Museum Palace of the Grand Dukes of Lithuania Katedros a. 4, Vilnius, Lithuania



## National Museum Palace of the Grand Dukes of Lithuania



The Palace museum offers detailed information about the members of one of Europe's most powerful dynasties.

The 400 year old Palace of the Grand Dukes of Lithuania in Vilnius, which was destroyed 200 years ago, reopened its doors just in time for the beginning of the Lithuanian Presidency of the Council of the European Union. The Palace is once again a place of significant importance to Europe; from the 14th to the middle of the 17th century, Lithuanian rulers governed the entire region and envoys from Central and Southern Europe, the Ottoman Empire and Persia were received in the Palace. Today, once again, issues important to all of Europe are discussed here .



## The Vilnius City Municipal Choir 'Jauna Muzika'



Jauna Muzika's repertoire includes choral a capella works from all epochs as well as vocal-instrumental music.

The Vilnius City Municipal Choir 'Jauna Muzika' is considered to be one of the best vocal ensembles in Lithuania. Every year, it performs at over 60 concerts in Lithuania and abroad.

The choir was founded in 1989 and became the Vilnius City Municipal Choir in 1994. In 2010, the choir's artistic director, conductor and composer, Vaclovas Augustinas, was awarded the Lithuanian National Culture and Art Prize for his contribution to the development of choral art and modernisation of sacred music.



## Practical information

The Fundamental Rights Conference 2013 will take place on 12-13 November 2013 in the Lithuanian Exhibition and Congress Centre in Vilnius.

Lithuanian Exhibition and Congress Centre (Litexpo)  
Laisves pr. 5, LT-04215 Vilnius, Lithuania  
<http://www.litexpo.lt/en/home>



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The conference venue is accessible to persons with disabilities. In case you need further assistance, please get in touch with the organisers. We will make any effort to accommodate your needs.



Wireless internet will be available throughout the entire conference venue. No password is needed. Several computer working stations with access to the Internet will be available in a dedicated area.



The conference language is English. Simultaneous interpretation from/into French, and Lithuanian will be provided in all the plenary sessions of the conference.





## SHUTTLE SERVICE



Shuttle service between the four conference hotels and the conference venue will be provided for all participants. Please see below the details for departure times.

Time	Departing from
<b>11 November:</b>	<b>Welcome reception</b> <i>(Hotel Crowne Plaza M.K. Ciurlionio Str. 84)</i>
19.00	Hotels Neringa, Artis Centrum, Conti
21.30 onwards	Return to Hotels Neringa, Artis Centrum, Conti
<b>12 November:</b>	<b>Fundamental Rights Conference</b> <i>(Litexpo conference centre, Laisves av. 5)</i>
07.45	Hotel Conti
08.00	Hotels Neringa, Artis Centrum, Crowne Plaza
17.45	Return to Hotels Neringa, Artis Centrum, Conti and Crowne Plaza
<b>12 November:</b>	<b>Evening reception at the National Museum</b> <i>(Palace of the Grand Dukes of Lithuania, Katedros a. 4)</i>
18.45	Hotels Crowne Plaza and Conti
21.30 onwards	Return to Hotels Crowne Plaza and Conti
<b>13 November:</b>	<b>Fundamental Rights Conference</b> <i>(Litexpo conference centre, Laisves av. 5)</i>
07:15	Hotel Conti
7:30	Hotels Neringa, Artis Centrum and Crowne Plaza



## Notes

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Every year the **Fundamental Rights Conference** brings together key fundamental rights players in the EU to examine a specific fundamental rights issue, stimulating debate on challenges and exploring solutions.

Previous Fundamental Rights Conferences focused on justice in austerity (2012), dignity and the rights of irregular migrants (2011), child-friendly justice (2010), the rights of the most marginalised groups, particularly those vulnerable to discrimination and exclusion (2009) and freedom of expression (2008).

For more information, see:  
<http://fra.europa.eu/en/frc2013>

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