



FUNDAMENTAL RIGHTS CONFERENCE 2013

'Combating hate crime in the EU'

12-13 November 2013, Vilnius, Lithuania
Litexpo conference centre (Laisvės ave. 5)

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

The event will bring together over 300 policy makers and practitioners from the EU as well as national levels, among them representatives from EU institutions and bodies, international organisations, national governments and parliaments, law enforcement, civil society and many more.

Conference discussions will build on FRA's reports on *Making hate-crime visible in the European Union: acknowledging victims' rights*, and 'Minorities as victims of crime (EU-MIDIS Data in Focus 6)', as well as on findings of FRA's EU-LGBT and antisemitism surveys, among others.

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 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, it strikes 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 will therefore invite 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;

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- 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;
- and other issues.

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. Discussions will place particular focus on the implementation of the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law aiming to inform the revision of this decision foreseen for the end of 2013; as well as recently adopted EU Victims' Directive (2012/29/EU), establishing minimum standards on the rights, support and protection of victims of crime.



DRAFT PROGRAMME

MONDAY, 11 NOVEMBER

14.00 – 19.30 **ARRIVAL AND REGISTRATION**

19.30 **WELCOME RECEPTION**
Hosted by the European Union Agency for Fundamental Rights (FRA)

TUESDAY, 12 NOVEMBER

08.30 – 9.30 **Registration**

09.30 – 10.00 **WELCOME**

Juozas Bernatonis, Minister of Justice, Lithuania

Maija Sakslin, Chairperson of the Management Board, FRA

10.00 – 11.00 **KEYNOTE ADDRESSES**

Cecilia Malmström, European Commissioner for Home Affairs

Alexander Alvaro, Vice-President, European Parliament

11.00 – 11.30 **COFFEE BREAK**

11.30 – 13.00 **PANEL DEBATE:**
Crimes motivated by hatred and prejudice – where are we today?

Panel debate and plenary discussion with policy makers and practitioners:

- **Morten Kjaerum**, Director, FRA
- **Ambassador Janez Lenarčič**, Director of the OSCE Office for Democratic Institutions and Human Rights
- Representative of the Irish Presidency of the Council of the EU



Focus:

- What is the nature of hate crime? What is the situation on the ground?
- What impact does hate crime have on society?
- What are the most pressing legal as well as practical challenges to combat hate crime effectively?

13.00 – 14.00

LUNCH

14.00 – 14.45

REFLECTIONS IN THE PLENARY

Different faces of hate crime – presentation of the FRA antisemitism survey results

15.00 – 17.30

WORKING GROUPS

Working group I: Making hate crime visible: strategies to build trust and encourage reporting

Chair: **Christos Giakoumopoulos**, Director for Human Rights, Council of Europe

Focus issues:

- How can the trust of victims and witnesses in law enforcement authorities and criminal justice system be increased?
- Which reporting mechanisms have proven to be most effective and why? What lessons can be learned from experiences in EU Member States?
- How does cooperation between law enforcement agencies, the criminal justice system and non-governmental organisations work in practice?
- How can monitoring of hate crime by civil society organisations and other actors be put to better use to make hate crime visible?

Working group II: Connecting the dots – discrimination as a trigger for hate crime

Chair: TBC

Focus:

- What are the discriminatory aspects of hate crime?
- How can equality and non-discrimination education help prevent/fight discriminatory crime?
- What are effective strategies to raise awareness about the detrimental effects of discrimination?

Working group III: Legal instruments pertaining to hate crime in the EU

Chair: **Salla Saastamoinen**, Head of Unit Fundamental rights and rights of the child, DG Justice, European Commission



Focus:

- What legal instruments are available to EU Member States to address hate crime at the EU and international levels?
- How robust is the existing legislative framework? What steps could be taken to improve the situation?
- What is the impact/direction of recent jurisprudence of ECHR as well as the CJEU?

Working group IV: Assistance for victims of hate crime

Chair: TBC

Focus issues:

- What are the needs of victims of hate crime?
- What assistance schemes are most effective – public services, non-governmental organisations, generic or specialist victim support services, or a mixture of systems?
- How does the legal system guarantee effective redress for victims of hate crime?

Working group V: Ensuring effective investigation and prosecution

Chair: EUROJUST

Focus issues:

- Recognising hate crime/uncovering the motive – what are the most effective strategies?
- How can we develop good hate crime indicators for law enforcement?
- How has cross-border judicial cooperation worked so far? What challenges remain?
- How is the Framework Decision on Racism and Xenophobia implemented at the national level? How does this impact on the investigation and prosecution of hate crime?
- Enhanced penalties vs. aggravating circumstances

19.30

**EVENING RECEPTION
AT THE NATIONAL MUSEUM PALACE OF THE GRAND DUKES OF LITHUANIA**

Hosted by the Lithuanian Presidency of the Council of the EU

Opening by

Gediminas Kirkilas, Vice-Spokesperson of the Lithuanian Parliament and Chairperson of the EU Affairs Committee (tbc)



WEDNESDAY, 13 NOVEMBER

09.00 – 10.30

PANEL DEBATE: EFFECTIVELY RESPONDING TO HATE CRIME – FROM LEGISLATION TO PRACTICE

Panel debate with policy makers and legal practitioners:

- **Françoise Le Bail**, Director General for Justice, European Commission (tbc)
- **Emine Bozkurt**, Chair of the Anti-Racism and Diversity Intergroup, Member of the European Parliament
- **Danutė Jočienė**, Judge, European Court of Human Rights
- Greek Presidency of the Council of the EU (tbc)

Focus:

- How are legal obligations with regard to hate crime implemented in practice?
- What will the Victims Directive mean for victims of hate crime?
- The Framework Decision on Racism and Xenophobia: how well has it worked so far?
- Should subsequent legislation cover the same areas or be broadened?
- What are the advantages and risks of more encompassing legislation in this area?

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

Chair: **Floriane Hohenberg**, Head of Tolerance and Non-Discrimination Department, OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Focus issues:

- What mechanisms of data collection are currently in place and how can they be improved?
- What are the current gaps in data collection? What can we learn from existing promising practices in EU Member States?
- Uncovering the dark figure of hate crime – what is the role of crime victimisation surveys?

Working group II: Reflecting remembrance in human rights education and training

Chair: **Pavel Tychtl**, DG Communication, European Commission



Focus:

- How can remembering the past contribute to understanding the present?
- How can we best reflect remembrance of common European history in human rights education and training programmes?
- What promising practices are there in this field?

Working group III: Vigilance and awareness: capacity building for law enforcement and criminal justice systems

Chair: Aija Kalnaja, Head of Training Unit, CEPOL CEPOL - European Police College

Focus:

- What are the effective ways to build capacity for law enforcement and criminal justice systems?
- In what way should the specificity of hate crime be reflected in curricula for law enforcement agents and those involved in the criminal justice system?
- What type of training on the issue is currently available in EU Member States? What could/should be improved?

Working group IV: Challenges of cyberhate

Chair: **Troels Oerting**, Head of European Cybercrime Centre (EC3) and Assistant Director, Operations Department, EUROPOL – European Police Office

Focus:

- What legal instruments, policies and measures are in place at Member State and EU level to address cyberhate?
- What is the role of different actors tackling cyberhate?
- What practical measures could be implemented by governments, internet providers, civil society organisations and citizens?

Working group V: Gross trivialisation: negating crimes of the past

Chair: TBC

Focus:

- What is the discriminatory aspect of revisionism/negationism, as defined in the Art 1.1 of the Framework Decision on Racism and Xenophobia?
- Why is it important for revisionism/negationism to be criminalised?
- How can we best acknowledge the rights of victims of crimes of genocide, crimes against humanity and war crimes?

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13.00 – 13.30

CLOSING REMARKS

Morten Kjaerum, Director, FRA

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

13.30 – 15.00

LUNCH