

Seminar

How can EU Member States combat hate crime effectively? *Encouraging reporting & improving recording*

Thessaloniki, 28 - 29 April 2014



Seminar report

The [Council Conclusions on combating hate crime in the EU](#) provide new impetus to the Union, its institutions and Member States to ensure that the values enshrined in Article 2 of the Treaty on European Union *of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities* are fully respected in line with the Charter of Fundamental Rights of the European Union.

On 28-29 April 2014, the European Union Agency for Fundamental Rights (FRA) held a seminar together with the Hellenic Presidency of the Council of the European Union on how to combat hate crime effectively and sustainably, with the support of European Economic Area (EEA) and Norway Grants. Representatives of 25 Member States and the European Commission took part in the seminar. They were joined by national human rights bodies, civil society organisations and intergovernmental bodies, including the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe.

The seminar built on evidence collected by Member States, FRA and other organisations on hate crime, as well as on the December 2013 Council Conclusions on combating hate crime. These invited Member States to *take appropriate measures to facilitate the reporting of hate crimes by victims and as far as possible also associations supporting them, including measures to build trust in police and other state institutions*. These conclusions further invited FRA to *work together with Member States to facilitate exchange of good practices and assist the Member States at their request in their effort to develop effective methods to encourage reporting and ensure proper recording of hate crimes*.

The seminar served as a forum to discuss practical and policy measures to combat hate crime more effectively. Participants identified factors that could prove effective in improving recording and increasing reporting of hate crime, such as multi-agency partnerships, third-party reporting practices, systematic operational training, etc. The implementation of such measures, however, will require political commitment and the cooperation of key actors, such as law enforcement, criminal justice, human rights bodies, local authorities and civil society organisations.

On the first day of the seminar, parallel workshops were held on four topics. The first workshop was on encouraging reporting by improving trust in law enforcement and criminal justice. Points that emerged include the importance of enabling victims to register complaints and access the legal system; the need to keep victims informed of the criminal investigation process; and the need to ensure that sanctions are effective, proportionate and dissuasive. Third-party and anonymous reporting practices, which seem to encourage reporting, were also shared.

The second workshop discussed ways of improving the recording of hate crime, so that bias motivations are fully taken into account in the investigation, prosecution and sentencing of offences. In this context, it was stressed that police and criminal justice data on hate crime should enable cases to be followed from the complaint stage right through to sentencing.



The third workshop was on multi-agency partnerships. Participants underlined the importance of inter-institutional cooperation, which could, for example, enable better tracking of cases of hate crime throughout the criminal justice procedure. In addition, the discussion emphasised that multi-agency cooperation between governmental bodies, law enforcement, criminal justice and civil society can foster trust in these organisations among the people most likely to become targets of hate crime.

The fourth workshop explored issues of training. Participants argued that combined training for police and prosecutors could improve the recognition of hate crime and lead to better treatment of victims. Tailored training for police to recognise hate crime and deal appropriately with victims of such crime was defined as priority.

These workshops informed the discussion between Member States, the European Commission and FRA on the second day, which resulted in a consensus on the need to establish a FRA/Member States working party on hate crime. This working party will focus on how to encourage reporting and improve recording of hate crime through the exchange of views and practices, with particular attention paid to transferable aspects of these practices. The seminar participants reached a consensus that the following four areas should form the initial priorities of the working party:

- *Developing an understanding of the term 'hate crime' in the national context:* The working party will examine how bias motivated crimes are defined and treated by national police and criminal justice authorities, enabling Member States to develop a common understanding of the term 'hate crime' for the purposes of the working party. This would allow the identification of specific drivers, as well as possible barriers, to tackling hate crime effectively.
- *Enhancing multi-agency partnerships:* The working party will examine how a more 'holistic approach' could be achieved in different national contexts to help tackle hate crime more effectively, through enhanced cooperation between international organisations, governmental bodies, law enforcement, criminal justice and civil society.
- *Encouraging reporting:* The working party will review different ways of improving trust in law enforcement and criminal justice and facilitate reporting by victims or witnesses, including through third-party and anonymous reporting.
- *Training:* The working party will map existing training practices and seek to identify gaps and needs. This exchange will inform operational training for law enforcement agencies and the criminal justice system.

The working party's activities are guided by the EU acquis in its area of operation, which includes the *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*, as well as the package of legislative proposals and measure that reinforces existing national and EU measures on victims' rights, known as the *Victims' Package*.

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In consequence, the working party will emphasise the need for greater acknowledgement of victims' rights and better access to justice for victims of hate crime. The objective of the working party is therefore to foster the implementation of measures for encouraging the reporting of hate crimes, including measures to build trust in the police and other institutions.

FRA will facilitate the working party, which will involve representatives nominated by Member States, as well as representatives of the European Commission and ODIHR. At the seminar, the Hellenic Presidency reiterated the Council's commitment to fighting hate crime. The incoming Italian Presidency will host the inaugural meeting of the working party in November 2014.