

Andrea Orlando
Minister of Justice
Italian Presidency of the Council of the European Union

**AMNESTY
INTERNATIONAL**



EUROPEAN INSTITUTIONS OFFICE

Brussels, 31 October 2014

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Dear Minister

Inaugural meeting of the Working Party on Hate Crime - Amnesty International calls on the EU to take bold initiatives to tackle hate crime

On 4 November, a group of European Union (EU) member states will meet in Rome to establish a working party on hate crime. This follows a series of initiatives, led by the Council of the EU in cooperation with the EU Agency for Fundamental Rights (FRA), that have been taken since 2013. These included two conferences on hate crime before and after and the Justice and Home Affairs Council conclusions on hate crime were adopted on 5 December 2013.

While Amnesty International welcomes the continued attention given to hate crime by EU member states, we are concerned that relevant discussions and conferences have not been followed-up with any commitments to take action at EU level. We believe that the working party should serve to promote much needed new steps in EU policy-making on hate crime.

[Research](#) by Amnesty International and other human rights NGOs and bodies, including the FRA, has pointed to a number of gaps in the existing EU legal framework on hate crime.

The EU Framework Decision on Racism and Xenophobia, to date the EU's only instrument on hate crime, does not cover hate crimes beyond those on the grounds of race and ethnicity, leaving homophobic and transphobic crime for instance outside its remit. This is essential in light of the fact that there is a serious lack of legal protection against homophobic and transphobic hate crime in several EU member states as highlighted by the [joint FRA-EU Presidency event](#) on sexual orientation and gender identity discrimination on 28 October.

Furthermore, the Framework Decision does not cover the investigation and prosecution phases, which are essential to ensuring that the alleged hate motive behind the crime is properly unmasked.

On the same day that the working party meets in Rome, a court in Messolonghi, western Greece, will consider the racist motive behind the brutal attack on a Romani woman, Paraskevi Kokoni, and her nephew two years ago. Amnesty International is campaigning on this case to bring justice to the victims, as highlighted in [our recommendations](#) to the Italian Presidency.

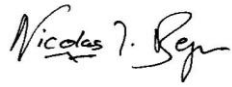
Legal provisions aimed at combating hate crimes in Greece have been in force for several years, and formally, they comply with the EU legislative provision that requires the appropriate sanctioning of the racist or xenophobic motives. However, investigators frequently fail to examine possible racist motives, and prosecutors rarely present such evidence in court.

Despite these shortcomings, the member states and the European Commission have so far refrained from engaging in a substantive review of current EU standards.

We call on the new working party to robustly address the need for new binding EU instruments to improve protection against hate crime across the EU, and urge the European Commission and the Council to work hand in hand with the members states in this direction.

We stand ready to provide any further information you may require and would welcome further discussions after the meeting in Rome to understand the objectives of the working party and how its work will be brought forward through action at the EU level.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nicolas Beger". The signature is fluid and cursive, with the first name "Nicolas" written in a larger, more prominent script than the last name "Beger".

Dr. Nicolas Beger
Director

Cc:

Gian Ludovico de Martino di Montegiordano, President of the Italian Inter-ministerial Human Rights Committee (CIDU) hosting the meeting

Věra Jourová, Commissioner for Justice, Consumers and Gender Equality, European Commission

Frans Timmermans, First Vice-President in charge of Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights, European Commission