

**Question for oral answer O-000002/2013  
to the Council**

Rule 115

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on behalf of the Verts/ALE Group

Subject: Making hate crime visible in the EU

Manifestations of hate such as minority groups being depicted as criminals or subhuman, anti-Semitism, police brutality and racial profiling, continued forced evictions and violent attacks against Roma, widespread homophobia and transphobia, i.e. hate crimes motivated by racism, xenophobia, religious intolerance or by a person's disability, sexual orientation or gender identity, are widespread in Europe. The Fundamental Rights Agency (FRA) reports that every fourth person from a minority group has experienced a hate crime, with up to 90% of these incidents not reported to the police<sup>1</sup>. Only four EU Member States collect or publish data on anti-Roma crime and only eight record crime motivated by the victim's (perceived) sexual orientation. Although the new victims' rights directive establishes victim protection without discrimination, the new specialised Hate Crime Units have restricted access. Overlooking the bias motivation behind a crime amounts to a violation of Article 14 of the ECHR; the European Parliament has called on the Commission and the Member States during this legislature sixteen times already to review Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, in order to strengthen and enlarge its scope. Legislation protecting equal treatment outside employment irrespective of religion or belief, disability, age or sexual orientation has remained blocked in the Council since 2009.

- How is the Council ensuring that hate crime, the bias motivations underlying it and the effect it has on victims are recognised in both national and European law? How is the Council ensuring that Member States respond effectively to hate crime as an abuse of fundamental rights?
- What policies is the Council implementing that will lead to reliable data being collected on hate crime, recording, as a minimum, the number of incidents reported by the public and recorded by the authorities, the number of convictions, the grounds on which the offences were found to be discriminatory and the punishments imposed, as well as crime victimisation surveys on the nature and extent of unreported crimes, the experiences of victims of crime with law enforcement, the reasons for non-reporting and rights awareness among victims of hate crime?
- What mechanisms is the Council putting in place to make hate crime visible in the EU, show that the authorities are taking hate crime seriously, encourage victims of hate crime and witnesses to report incidents, and provide the opportunity to seek redress against perpetrators?

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Forwarded: 24.1.2013

Deadline for reply: 14.2.2013

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<sup>1</sup> EU-MIDIS Data in Focus Report: Minorities as Victims of Crime and report on Making hate crime visible in the European Union: acknowledging victims' rights, FRA 2012  
<http://fra.europa.eu/en/publication/2012/eu-midis-data-focus-report-6-minorities-victims-crime>