



## Minutes of the sixth meeting of the EU High Level Group on combating racism, xenophobia and other forms of intolerance

Brussels, 16-17 October 2018

The sixth meeting of the EU High Level Group on combating racism, xenophobia and other forms of intolerance took place in Vienna on 16 and 17 October 2018. It was **co-organised by the Commission with the Austrian Ministry of Interior on behalf of the Austrian Presidency of the Council** of the EU.

50 **representatives from 27 Member States**, representatives of the **European Parliament**, the **EU Agency for Fundamental Rights (FRA)** and the **EU Agency for Law Enforcement Training (CEPOL)**, representatives of the **Council of Europe's Commission Against Racism and Intolerance (ECRI)**, the **OSCE Office for Democratic Institutions and Human Rights (ODIHR)** and of the **United Nations**, as well as representatives of 18 **civil society organisations** and of **IT companies** took part at the meeting.

The discussions were introduced by **high-level keynote speeches**, including by the **State Secretary of the Federal Ministry of the Interior of Austria** Karoline Edstadler, **Commissioner Jourová**, the **Director of the FRA** Micheal O'Flaherty and the **UN Under-Secretary General and Special Adviser on the Prevention of Genocide** Adama Dieng.

### *Summary of discussions*

1. In their **opening remarks**, State Secretary Edstadler and Commissioner Jourová expressed **appreciation for the important work of the High Level Group** to date, and **welcomed forward looking discussions on how to frame future work**, to strengthen even further cooperation and translate agreed guidance into the day-to-day work of national authorities, to make concrete progress on the ground. Commissioner Jourová stressed in particular the importance of continuing to work together on preventing and combating racism and intolerance as crucial for the future of Europe, and reaffirmed her commitment to ensure that all the progress made, which is part of the Commission's broader efforts on fostering equality and dignity for all, can be built on to guide future efforts. Similarly, while pointing at **persistently worrying trends**, often fuelled by ultranationalist narratives legitimizing hatred and violence, **FRA Director** Michael O'Flaherty and **UN Under-Secretary General** Dieng underlined the **need for more efforts** at national, EU and international level, including the importance to ensuring accountability, preventing incitement and tackling the root causes of racial hatred and violence, as well as support and empower civil society actors at grassroots level – as also stressed by representatives of the **European Parliament** and **civil society** in the ensuing discussions.

2. Participants were invited, on the basis of a discussion note circulated by DG JUST ahead of the meeting, to engage a **joint reflection on the future of the High Level Group**: building on the exchanges and guidance developed so far and on the support offered by relevant partners, including FRA, CEPOL, ODIHR and ECRI, ways to intensify practical cooperation and information exchange at expert level in key areas were discussed, in order to inform future reflections on how to achieve

further concrete progress on the ground in the fight against hate speech and hate crime. There was **overall agreement** on the **importance to move to the next level and prompt**, based on a good understanding of existing challenges and building on the guidance developed, **concrete progress on the ground**, at national/local level. Participants broadly supported the proposed idea of a **two-tier structure**, whereby:

- the **High Level Group**, composed by national authorities at **policy making level** and other stable members and observers, would continue to meet in plenary setting to 1) define the broad objectives and expected outputs of the work to be carried out at expert level and 2) monitor the outcomes/validate such expert level work and provide further steer and impetus for follow up;

- "**expert working groups**" could be set up and used to intensify **practical cooperation and information exchange** at expert level, supported by relevant partners, including FRA, CEPOL, ODIHR and ECRI, in key areas (e.g. on recording and data collection, capacity building for better investigations and prosecutions, hate crime victims' support and improved reporting, hate speech online).

Several Member States' delegations as well as international partners underlined stressed the need for **the High Level Group remains closely associated to the work of the expert working groups** with a view to playing a steering and coordinating function. In this respect, the role of the High Level Group in identifying and ensuring relevant **cross-connections between the various work strands** was underlined, as well as the importance to maintain a **holistic approach** and make the link with work in other relevant policy areas (such as non-discrimination).

As regards the work to be carried out at expert level, there was **overall agreement on the identified work strands**, although some delegations recommended taking work forward step by step. Many stressed their support for **further cross-border (including regional) cooperation and exchanges**, but also underlined the importance for the work to allow acknowledging and working on **countries' specificities and needs** (also as a means to effectively foster **coordination and cooperation at national level**). Participants also highlighted the importance of be focussed and **set concrete objectives** for the work to be carried out at expert level in advance and of paying particular attention to **ensuring appropriate experts' representation**. In this context, the participation of relevant **practitioners** and the involvement of and cooperation with **civil society organisations**, in particular at national/grassroots level, was highlighted as key. In terms of accompanying activities, participants mentioned the importance of **training and capacity building as a cross-cutting priority**, which should continue to be supported also through **targeted EU funding**.

All welcomed the potential involvement of **international partners**, also as a means to ensure **synergies** and avoid duplication of work; on their side, **FRA, CEPOL, ODIHR, CoE and OHCHR confirmed their interest and availability** to be closely associated in future work and their intention to reflect on how their **operational involvement** in various work strands could be best conceived and integrated in their work plans.

DG JUST signalled its intention to work on and circulate for comments a **follow-up note on the proposed way forward**, meant to be used as the starting point of future work of the High Level Group and the expert working groups in the new setting.

3. The meeting also included an exchange of views on the **Guidance Note on the practical application of the EU Framework Decision on combating racism**, as well as working sessions on

**shared problems and promising practices** on investigating and prosecuting hate speech and hate crime. These discussions usefully fed into ongoing work on the draft Guidance Note, meant as a tool to assist Member States to respond to the need for the authorities to have **sufficient knowledge of relevant legislation and clear guidelines, practical tools and skills** to be able to identify and deal with the offences covered by the Framework Decision.

The Guidance Note was circulated for comments to all High Level Group members after the meeting and later finalised and **published by DG JUST on 28 November 2018**, to mark the 10<sup>th</sup> anniversary from the adoption of the Framework Decision.<sup>1</sup>

4. The **subgroups on countering hate speech online and on hate crime recording and data collection** gathered in the margins of the meeting.

The meeting of the **subgroup on countering hate speech online** was an opportunity for DG JUST to inform on **recent developments and new tools/initiatives** on illegal content online. Discussions then focussed on **positive speech and counter narratives**, illustrating recent experiences of **cooperation between IT companies and civil society**, and featuring examples of **education and awareness raising initiatives at national level** (in particular, from the Institute for Strategic Dialogue and OBERAXE (ES)). Conclusions highlighted the **continued added value of cooperation and joint efforts** in this area, and pointed at **counter-narratives** as an important focus of future work.

The meeting of the **subgroup on hate crime recording and data collection** was used as an opportunity to **take stock and evaluate the work of the subgroup so far**. After hearing from **Member States' experiences** (in particular, from FI, SK and SI) on the **impact** of the subgroup activities at national level, and the **progress made** as a result (including for example in terms of greater awareness of gaps and challenges, increased inter-service coordination and cooperation at national level, and fruitful cooperation with civil society), **FRA illustrated general feedback** gathered from members through an online survey, which pointed, among others, at:

- positive feedback on linkages between the work of the subgroup and the High Level Group, also to favour impact on national policy making;
- positive feedback on the subgroup's operational nature and the balance between country specific activities and cross-border exchanges and cooperation, and the importance of maintaining a practical and operational setting, and foster practical learning opportunities including at regional level;
- a call for improved planning (both strategic - setting objectives, deadlines, monitoring and evaluating activities; and on the activities carried out (for example, ensuring manageable groups, paying attention to concrete country needs, ensuring flow of communication between meetings);
- an interest to further work on implementing existing guidelines on hate crime recording (with a particular focus on use of bias indicators and on the specificities of particular forms of intolerance) and then expand to other issues such as and data collection (including relevance of data protection standards and victimisation surveys);
- an interest in integrating in the work of the subgroup aspects related to other horizontal issues (capacity building and training, cooperation with civil society) as well as thematic issues (hate speech online, addressing underreporting).

Discussions will usefully **inform reflections on the focus of future work** in this area in the High Level Group's new setting.

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<sup>1</sup> [https://ec.europa.eu/newsroom/just/document.cfm?doc\\_id=55607](https://ec.europa.eu/newsroom/just/document.cfm?doc_id=55607)