

**DEVELOPING  
INTER-AGENCY  
CO-OPERATION  
PLANS TO ADDRESS  
HATE CRIME:  
A METHODOLOGY**





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# FOREWORD

OSCE participating States have agreed that respect for human rights and democratic institutions are cornerstones of security. At the same time, hate crimes affect the security of participating States in the increasingly diverse and dynamic region. In order to assist the participating States in fulfilling their commitments and providing an effective response to hate crimes, the OSCE [Office for Democratic Institutions and Human Rights](#) (ODIHR) has developed a collection of resources to address crimes motivated by prejudices against specific groups.<sup>1</sup>

As part of its work in this area, ODIHR supports participating States by helping criminal justice systems improve their responses to hate crime. Effective responses require holistic, co-ordinated work by a range of actors, including police, lawyers, prosecutors and judges. Close communication and co-operation among all relevant government agencies and civil society organizations involved, based on a shared understanding of hate crime, is crucial for investigating and prosecuting such crimes.

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1 “Tolerance and Non-Discrimination”, OSCE website, 9 October 2018, <<https://www.osce.org/tolerance-and-nondiscrimination>>.

In 2017 ODIHR launched the two-year project “Building a Comprehensive Criminal Justice Response to Hate Crime”, with funding provided by the European Union and the United States government. The project aims to strengthen co-operation among, and develop the skills of, criminal justice actors in four OSCE participating States – Bulgaria, Greece, Italy and Poland – in order to help these countries to build a unified response to hate crime that also engages civil society. This methodology draws on the tailor-made and innovative approaches applied to each of the project’s four partner countries to develop a toolkit suitable for use in any country.<sup>2</sup>

I am sure the methodology will provide effective approaches and solutions for governments and institutions looking to design their own customized inter-agency co-operation plans to address hate crime.

*Ingibjörg Sólrún Gísladóttir*  
Director of ODIHR

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2 For more information, see: “Building a Comprehensive Criminal Justice Response to Hate Crime: Project Description”, OSCE website, 9 October 2018, <<https://www.osce.org/projects/criminal-justice-response-hate-crime>> and *Building a Comprehensive Criminal Justice Response to Hate Crime* (Warsaw: OSCE/ODIHR), 2018, <<https://www.osce.org/odihr/criminal-justice-hate-crime-factsheet>>.

# PART 1: WHY A CO-ORDINATED INTER-AGENCY RESPONSE TO HATE CRIMES IS NEEDED

Effectively countering hate crime requires a comprehensive effort that brings together international governmental organizations, national government institutions, criminal justice agencies and civil society actors. Intergovernmental organizations can help set standards, promote best practices internationally and assist states in meeting goals related to effectively countering hate crime.<sup>3</sup> National governments need to integrate international standards into their own legislation, as well as policies on criminal justice, social protection and education. All three branches of government bear the responsibility for undertaking actions within their mandate to establish a comprehensive response to hate crimes. It is essential to establish functional communication between all relevant stakeholders if an inter-agency approach is going to be effective. This inevitably includes civil society, which is a vital partner that plays an important role in monitoring and reporting incidents, supporting victims, fostering community relations and raising public awareness.

An integrated response is required to overcome a number of common institutional deficiencies in addressing hate crimes. These specifically include the fragmented and inconsistent use of data collection and sharing systems; a lack of co-ordination among criminal justice actors and agencies; divergent interpretations of legislation, often arising from a lack of clarity and legal definitions; and the absence of standardized practices for investigating and prosecuting hate crimes. A comprehensive integrated response system also involves the meaningful and sustainable inclusion of relevant civil society actors, the optimal use of resources, institutional crisis intervention preparedness and training opportunities for criminal justice actors on how to investigate and prosecute hate crimes.

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3 For more information, see: “ODIHR’s capacity-building efforts”, OSCE/ODIHR Hate Crime Reporting website, 9 October 2018, <<http://hatecrime.osce.org/odihrs-capacity-building-efforts>>.

## OSCE commitments and assistance

Starting with the Helsinki Accords in 1975, participating States made commitments to safeguard the freedoms and values of the OSCE. While OSCE commitments are not legally binding, they are politically binding and improve security within the OSCE region.

OSCE participating States have committed to enact and enforce legislation that provides criminal sanctions appropriate to the gravity of hate crimes. They have also committed to address under-reporting of hate crimes and introduce or improve capacity-building for law enforcement, prosecution and judicial officials, with the aim of facilitating the prevention, investigation and prosecution of hate crimes. States have also committed to collecting, processing and publishing reliable data on hate crime. In recent years, participating States have acknowledged the importance of taking a comprehensive approach to address this multifaceted problem.<sup>4</sup> They have undertaken to ensure co-operation at the national and international levels, including with relevant international bodies and among national police forces, with the aim of combating violent organized hate crime. OSCE participating States have also committed to exploring ways to provide hate crime victims with access to counselling, legal and consular assistance, and effective access to justice.<sup>5</sup>

ODIHR has been tasked by participating States to serve as a collection point for information, statistics and legislation on hate crime, as well as on best practices in addressing hate crime. States have also tasked ODIHR to make this information publicly available, ODIHR has developed evidence-based, consultative programmes that governments can adopt in their efforts to address hate crime. ODIHR's programmes build the capacity of law enforcement and other criminal justice officials to effectively investigate and prosecute hate crimes. ODIHR's Training against Hate Crimes for Law Enforcement (TAHCLE) programme is designed to improve police skills in recognizing, understanding and investigating hate crimes, interacting effectively with victim communities and building public confidence and

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4 "Our Mandate", OSCE/ODIHR Hate Crime Reporting website, 9 October 2018, <<http://hatecrime.osce.org/what-do-we-know/our-mandate>>.

5 OSCE Ministerial Council Decision No. 9/09, "Combating Hate Crimes", Athens, 2 December 2009, <<https://www.osce.org/cio/40695>>.

co-operation with other law-enforcement agencies.<sup>6</sup> ODIHR also trains prosecutors to understand, investigate and prosecute hate crimes through its Prosecutors and Hate Crimes Training (PAHCT) programme.<sup>7</sup> The Office has also developed a robust hate crime data collection programme called Information against Hate Crime (INFAHCT), to assist participating States in their efforts to effectively record hate crimes.<sup>8</sup>

ODIHR's work with international organizations and national stakeholders throughout the OSCE region on addressing hate crimes has given it the expertise to provide competent support and facilitate the establishment of interagency co-operation between institutions and civil society organizations.

## Council of Europe and European Union legal standards

Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention) represents an important international legal standard that focuses on inter-agency co-operation, in particular in relation to victims. The Convention has been ratified by 33 OSCE participating States while it has been signed by additional 12 states (and the European Union).<sup>9</sup> The Convention sets out to ensure that State Parties develop a comprehensive framework of policies and measures to protect and assist all victims (specifically, victims of violence against women and domestic violence). To this end, the Convention aims to assist states in effectively co-operating towards adopting an integrated approach, including by engaging in extensive inter-agency co-operation and developing a comprehensive framework.<sup>10</sup>

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6 *Training Against Hate Crimes for Law Enforcement (TAHCLE): Programme Description* (Warsaw: OSCE/ODIHR, 2012), <<https://www.osce.org/odihr/tahcle>>.

7 *Prosecutors and Hate Crimes Training (PAHCT): Programme Description* (Warsaw: OSCE/ODIHR, 2014), <<https://www.osce.org/odihr/pahct>>.

8 *Information Against Hate Crimes Toolkit (INFAHCT): Programme Description* (Warsaw: OSCE/ODIHR, 2018), <<https://www.osce.org/odihr/INFAHCT>>.

9 "Chart of signatures and ratifications of Treaty 210", Council of Europe website, 26 October 2018, <<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>>.

10 *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence* (Istanbul: Council of Europe, 2011), page 6, <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>>.

The Convention furthers the design of integrated policies and disaggregated relevant data collection, calling on states to adopt and implement State-wide effective, comprehensive and co-ordinated policies implemented by way of effective co-operation among all relevant agencies, institutions and organizations.<sup>11</sup>

The Convention also calls for training on inter-agency co-operation to ensure that case referrals are handled in a uniform manner. Drawing up a national action plan is recommended as a means of ensuring the involvement of all stakeholders in a comprehensive and co-ordinated policy.<sup>12</sup>

In line with Article 18 of the Convention, states must ensure that victim protection activities are co-ordinated and that co-operation mechanisms engage all relevant agencies. Such mechanisms include protocols, roundtable discussions and other tools that facilitate structured co-operation among different actors and agencies.<sup>13</sup> Law enforcement officials – usually the first to respond to crimes – need to be able to refer victims to support services, including those providing medical care. They also need to be able to facilitate the collection of forensic evidence and provide psychological and legal counselling for victims.<sup>14</sup>

One relevant standard for the OSCE participating States that are also Member States of the European Union (EU) is the Victims Directive, since it also establishes standards on inter-agency co-ordination on hate crime victim protection.<sup>15</sup> Under Directive 2012/29/EU, EU Member States have a duty to co-ordinate the work of their institutions in securing effective access to justice and due support for victims of crime, with a particular emphasis on vulnerable victims, such as children, people with disabilities, and victims of gender-based violence, including

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11 Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 11 May 2011, <<https://rm.coe.int/168008482e>>.

12 *Explanatory Report, op. cit.*, note 10, page 12.

13 *Ibid.*, page 21.

14 *Ibid.*

15 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Strasbourg, 25 October 2012, Recitals 8, 55-58, as well as Article 1 and Chapter 4, <<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012L0029&from=EN>>.

those who have been the target of hate crime. According to this Directive, Member States are tasked with establishing a mechanism to co-ordinate and provide funding for such services.

The European Commission specifies the relevant actors that should be involved, noting that “[e]xtensive national coordination among competent authorities [...] should include the Ministry of Justice, Ministry of Interior, the police and public prosecution authorities, the courts, ministries and/or public bodies in charge of equality, non-discrimination, health and social welfare”.<sup>16</sup> The importance of working with victim support organizations (VSOs) is also underscored, noting that “horizontal collaboration and coherence between police, judiciary and victim support organisations” when dealing with a victim’s case “in order to minimize the burden upon the victim.”<sup>17</sup> Effective communication channels between VSOs, police and judicial authorities help to build trust and are essential to facilitating the reporting of crimes and the referral of victims to VSOs.<sup>18</sup> Moreover, states are advised to consider adopting a coherent and comprehensive national policy on the rights of victims, including access to support, protection and participation throughout criminal proceedings, paying particular attention to inter-agency co-operation.<sup>19</sup>

To support national efforts to strengthen co-operation among key actors, the European Union High Level Group on combating racism, xenophobia and other forms of intolerance was established.<sup>20</sup> The High Level Group has encouraged states to develop comprehensive hate crime training programmes, with a view

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16 Directorate General Justice Guidance Document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 19 December 2013, Ref. Ares(2013)3763804, page 4, <<https://e-justice.europa.eu/fileDownload.do?id=05758a3a-9e2e-49a5-a7ec-3737c3ad6876>>.

17 *Ibid.*, page 9.

18 *Ibid.*, page 26.

19 *Ibid.*, page 9.

20 “Register of Commission Expert Groups – EU High Level Group on combating racism, xenophobia and other forms of intolerance (E03425)”, European Commission website, 9 October 2018, <<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3425>>.

to ensuring that hate crime laws, are effectively enforced.<sup>21</sup> The High Level Group also recommends bringing together different types of practitioners (police, prosecutors and judges) in joint training sessions to facilitate a unified approach across criminal justice agencies.<sup>22</sup>

The High Level Group's Subgroup on methodologies for recording and collecting hate crime data has called on states to develop frameworks to support systematic and sustainable co-operation among authorities, including by:

- holding regular meetings to exchange information;
- establishing working groups on improving hate crime recording;
- developing data sharing agreements; and
- working towards comparable and compatible methodologies for recording hate crimes.<sup>23</sup>

As outlined above, the applicable OSCE commitments and some international legal standards provide clear guidance on the need for comprehensive and concerted actions across all institutions to address hate crime. International standards and practices indicate that inter-agency co-operation works best when it is inclusive and when all relevant actors are involved, including government institutions at all levels and civil society organizations engaged in preventing and responding to hate crimes.

Inter-agency co-operation efforts should be incorporated into national policy or legislation that sets out the specific objectives of co-operation. These efforts should also be institutionalized through the creation of a network or other mechanism for policy co-ordination. Such a mechanism should be governed by a designated entity and accompanied by a sustainability strategy that ensures

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21 *Hate Crime Training for Law Enforcement and Criminal Justice Authorities: 10 Key Guiding Principles* (Brussels: EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2017), page 4, <<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=30378&no=1>>.

22 *Ibid.*, page 7.

23 *Improving the Recording of Hate Crime by Law Enforcement Authorities: Key Guiding Principles* (Brussels: EU High Level Group on combating racism, xenophobia and other forms of intolerance – Subgroup on methodologies for recording and collecting data on hate crime, 2017), page 8, <[http://fra.europa.eu/sites/default/files/fra\\_uploads/ec-2017-key-guiding-principles-recording-hate-crime\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/ec-2017-key-guiding-principles-recording-hate-crime_en.pdf)>.

the continued availability of appropriate human and financial resources. The implementation of co-ordination measures should be monitored and regularly evaluated. Guidelines on institutional practice should be codified in operational protocols or inter-agency agreements. Co-operation agreements should, at a minimum, include information on common definitions, victims' rights and needs, methods of communication between institutions on hate crime cases, capacity-building of criminal justice agencies and civil society and information about how data are collected and reported.

Part 2 of this publication offers a practical, step-by-step guide to assist governments and institutions in designing an inter-agency co-operation plan to address hate crime.

After each heading a text box with good practices will follow in order to present comparative practical examples of functioning inter-agency co-operation in different countries. So far, only a few states have begun to put such inter-agency approaches into place and, hopefully, this publication will inspire many more to take the initiative.

# PART 2: HOW TO DEVELOP AN INTER-AGENCY CO-OPERATION PLAN TO ADDRESS HATE CRIME

The decision to strengthen inter-agency co-operation to address hate crime can be triggered by a range of events or other factors, including a watershed event highlighting the need for cultural, legal and institutional change. The racist murder of Stephen Lawrence in the United Kingdom in 1993 led to an inquiry that showed that institutional racism influenced the investigative process. The inquiry led to a range of measures on addressing hate crimes by law enforcement.<sup>24</sup> The process of joining an international organization or union (such as when Croatia joined the EU) and greater awareness among political leaders of the urgency of addressing the issue in a more systematic way (as has been the case in Bulgaria and Greece, among others) can also catalyse co-operation to address hate crime.

Once the decision to develop an inter-agency approach has been taken, the next step is to conduct consultations to identify the focus and scope of such efforts, as well as what measures to prioritize. This can be achieved by conducting a needs assessment.

## Needs assessment

Institutional co-operation to address hate crime must be fact-based if it is to be effective. Before a co-operation agreement can be drawn up, an assessment of hate crime trends needs to be conducted to collect information on the prevalence, nature, main victim groups, main perpetrator profiles and reporting rates of such crimes in a given country. In addition, institutional responses to hate crime should

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24 “The Stephen Lawrence Inquiry. Report of an inquiry by Sir William Macpherson of Cluny advised by Tom Cook, the Right Reverend Dr John Sentamu, Dr Richard Stone presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty” (UK Secretary of State for the Home Department, 1999), <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277111/4262.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf)>.

be assessed by reviewing the existing legislation, policies and performance records, based on which gaps, obstacles and inconsistencies in the application of hate crime legislation can be identified. A review of existing good practices should also be conducted. Such assessments help to ensure that inter-agency co-operation is evidence-based and strategic, thereby enhancing its impact and sustainability.

Those responsible for designing an inter-agency co-operation plan should rely on statistics and qualitative data to investigate the root causes of hate crimes and to understand why certain groups are targeted, where protected characteristics intersect and what the patterns and impact of bias-motivated attacks are in the country. Such data also provide a baseline against which progress can be measured. A thorough needs assessment informs the development of the comprehensive plan, which is tailored to the national context. Identified needs can then be compared with measures and services that are already in place, including institutional capacity-building, victim protection and support systems, the investigation, prosecution and sentencing of hate crimes and research. States can also look into data collection methods and whether data are disaggregated by age, disability, ethnicity, gender identity or expression, religion, sex or sexual orientation. This process of disaggregation helps states to build a more complete picture about which groups are the biggest victims of hate crime and to what extent and in what manner.

If a decision has already been taken concerning the scope of the inter-agency co-operation plan – including whether to take a comprehensive approach or to focus on prevention or criminal justice – then this will also determine the scope of the needs assessment.

A methodology for the needs assessment must be developed to determine its scope and the organizations to consult. A reliable needs assessment should be inclusive and involve stakeholders from different institutions, including equality bodies, human rights institutions, civil society and community organizations. Collaborating with academic institutions, specialist civil society organizations and international organizations is a resource-efficient way to improve the accuracy of the information obtained.<sup>25</sup>

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<sup>25</sup> *Handbook for National Action Plans on Violence Against Women* (New York: UN Women, 2012), page 14, <<http://www.un.org/womenwatch/daw/vaw/handbook-for-nap-on-vaw.pdf>>.

A decision must be made as to who will conduct the needs assessment, and whether that individual or entity will also develop the methodology themselves or follow a methodology designed by the lead institution. The needs assessment process could be assigned to a competent government unit, provided that staff with the necessary experience and expertise are available. It could also be assigned to an independent public body, such as a human rights commission, the office of the ombudsperson or an equality body. The task could be contracted out to an academic institution, research organization, think tank or a consultancy firm following a tender. Alternatively, an international organization could be approached to provide such assistance. The needs assessment could also be assigned to an independent professional, such as an international consultant or a national expert.

If the initiative to establish inter-agency co-operation comes from parliament, then a competent parliamentary committee or working group could conduct the needs assessment or commission it to an external entity or professional. In Italy, the Jo Cox Committee which addresses hate, intolerance, xenophobia and racism, is comprised of members of parliament from all parliamentary groups and representatives from the Council of Europe, the United Nations, the Italian Statistics Institute, research centres, relevant civil society organizations and experts.<sup>26</sup> In 2017, the Committee produced a report on the extent, causes and effects of hate speech in Italy, based on an extensive fact-finding process that included hearings and desk research.<sup>27</sup> A needs assessment conducted or endorsed by parliament is likely to raise the profile of the endeavour and lend it greater validity.

It is important that the person or entity appointed to conduct the needs assessment has the necessary experience and expertise in the field of addressing hate crime and is recognized as impartial and legitimate by all relevant actors, including politicians, state institutions and their staff, civil society, victims' organizations,

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26 The Committee was named after Ms. Helen Joanne Cox, member of the United Kingdom parliament who was murdered by a white supremacist in London in 2016. See: Ian Cobain, Matthew Taylor, "Far-right terrorist Thomas Mair jailed for life for Jo Cox murder", *The Guardian*, 26 October 2018, <<https://www.theguardian.com/uk-news/2016/nov/23/thomas-mair-found-guilty-of-jo-cox-murder>>.

27 *The Pyramid of Hate in Italy: Final Report* (The "Jo Cox" Committee on hate, intolerance, xenophobia and racism, 2017), <<http://website-pace.net/documents/19879/3373777/20170825-HatePyramid-EN.pdf>>.

the legal community and the general public, among others. Much will depend on the credibility of the needs assessment report, which will act as a template for the inter-agency co-operation plan.

The needs assessment should review the following: relevant domestic and international human rights jurisprudence; the findings and recommendations of human rights treaty bodies; reports by domestic and international human rights and civil society organizations specializing in public interest law; comparative good practices applied in other countries; and research and disaggregated relevant data on hate crime in the national context, as well as any activity reports and evaluations documenting the performance of national institutions in responding to hate crime.<sup>28</sup>

The individual or entity responsible for conducting the needs assessment should further map and consult a wide range of relevant civil society organizations, including those representing victims of hate crime, to gain a comprehensive understanding of their knowledge and concerns. The concerns may indicate a high level of underreporting, which could also be related to how well organized the minority groups are, creating different perceptions of the actual problem of hate crimes. The civil society organizations consulted should represent a broad range of targeted communities and victim groups, and can be identified based on a review of relevant international and domestic reports on hate crime in the national context. Where possible, consultations should also be held with local and grassroots organizations from across the country or, at a minimum, from areas with high rates of hate crime. This will help to ensure that the assessment's findings are representative of the entire country.

As part of the needs assessment, consultations should also be held with representatives of the institutions that will be involved in developing the inter-agency co-operation plan. Involving these institutions in the needs assessment will help to ensure commitment to and ownership of the plan, as well as its implementation. Importantly, it will provide representatives of those institutions with an opportunity to present their views on the existing good practices and challenges in co-operating to address hate crimes.

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<sup>28</sup> *Hate Crime Laws: A Practical Guide* (Warsaw: OSCE/ODIHR, 2009), <<https://www.osce.org/odihr/36426>>.

Needs assessment consultations can take the form of in-depth interviews, focus groups or qualitative assessments. Such consultations should help to determine the composition and oversight structures of the working group that will later draft inter-agency co-operation plan.

Where possible, public consultation events, such as roundtable discussions or seminars, can be held with the aim of raising awareness among and obtaining insight from relevant civil society organizations, local and central authorities, researchers, specialist journalists and other observers. These events help to strengthen the findings of the needs assessment and enhance its credibility. To minimize costs, such public consultations could also be held through an online questionnaire published on the websites of relevant public institutions together with awareness-raising efforts to solicit contributions, such as an open call for civil society participation.

The needs assessment can also draw on ODIHR's dedicated database of international and domestic legislation from the OSCE region, [Legislationline.org](http://legislationline.org), which ODIHR has developed in line with its mandate "to continue to serve as a collection point for [...] relevant legislation".<sup>29</sup> The database, which can be accessed by the public, was created to assist participating States in their efforts to bring legislation in line with relevant international human rights standards, and is specifically aimed at lawmakers. In addition, [Legislationline.org](http://legislationline.org) can be used as a reference tool for researchers, legal practitioners, government officials and international legal experts throughout the OSCE region. In particular, it contains the most comprehensive database of hate crime legislation, including international norms and standards related to combating hate crime.

[Legislationline.org](http://legislationline.org) forms part of ODIHR's efforts to assist states and civil society to develop effective hate crime response systems.<sup>30</sup> To this end, ODIHR has also developed a practical guide to help lawmakers design and draft effective legislation to address hate crime, as well as to harmonize existing national legislation with international standards on hate crime.

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29 OSCE Ministerial Council Decision No. 13/06, "Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding", Brussels, 5 December 2006, <<http://www.osce.org/mc/23114?download=true>>.

30 "ODIHR's capacity-building efforts", *op. cit.*, note 3.

When it is ready, the draft needs assessment report could be made available online to allow those who were not included in the first round of consultations to offer their contributions. It is important to remember that a more inclusive needs assessment process will ensure a more credible outcome, and provide the lead institution with a solid basis from which to develop the inter-agency co-operation.

Once finalized, the needs assessment report should be adopted by the government, a government ministry, equality or human rights body, or another public authority. Such endorsements help to institutionalize the assessment's findings. An endorsement by the government would, in particular, help to mobilize commitment to the inter-agency co-operation plan among leaders of institutions from across the political spectrum. If that is not feasible, then ownership of the needs assessment by a high-profile ministry would be the next-best scenario. If the needs assessment is conducted by parliament in the first place, then the final report should be officially adopted by parliament or by a parliamentary committee or group.

### *Good practice examples: Needs assessments*

#### **Greece**

In Greece, a needs assessment was conducted as part of ODIHR's project on "Building a Comprehensive Criminal Justice Response to Hate Crime", with assistance from contracted international and national experts. The assessment included a comprehensive review of reports on hate crimes and efforts to combat such crimes in Greece by international organizations, including the European Commission against Racism and Intolerance (ECRI), the Committee on the Elimination of Racial Discrimination (CERD) and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Reports by domestic civil society organizations were also reviewed.

In addition, a range of executive and judicial institutions were consulted, including the Ministry of Justice, the Police Department of Racist Violence within the Ministry of the Interior, the Supreme Court Prosecutor, the Special Hate Crime Prosecutor of Athens, the National Point of Contact on hate crimes,

a judge of the Court of First Instance of Athens and staff from the court's information technology department. Human rights defenders and civil society organizations dealing with human rights were also consulted, including an umbrella organization representing 42 civil society organizations. The discussions focused on identifying relevant actors, designing the structure of an inter-agency co-operation agreement and designating a body responsible for its implementation.

### **The Former Yugoslav Republic of Macedonia**

In this country, a multi-agency working group conducted a comprehensive needs assessment for the drafting of legislative amendments pertaining to hate crimes in the Criminal Code. It included a review of the official data on hate crimes, as well as the civil society reporting mechanism (<http://zlostorstvaodomraza.mk/>) which was functional for several years. Each of the members of the working group, representing the Macedonian Academy of Arts and Sciences, the Academy for Judges and Prosecutors, the Ministry of Justice, the Ministry of Internal Affairs, the National Point of Contact on Hate Crimes, the Anti-Discrimination Commission, the Public Prosecutor's Office, the Appellate Court, as well as representatives from academia and civil society organizations, contributed input to the needs assessment. The needs assessment was presented at several workshops with legal professionals and civil society representatives and was supported by the OSCE Mission to Skopje.

### **Sweden**

In Sweden, when developing the National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime,<sup>31</sup> the government carried out awareness-raising activities and consultations with victims' organizations and public bodies across the country, thereby incorporating victims' perspec-

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31 *A comprehensive approach to combat racism and hate crime: National plan to combat racism, similar forms of hostility and hate crime* (Government of Sweden, 2017), <<https://www.government.se/492382/contentassets/e6047ff54c00452895005f07e2e2ba39/a-comprehensive-approach-to-combat-racism-and-hate-crime>>.

tives.<sup>32</sup>In addition, government reports on prior anti-racism work performed by various bodies were reviewed.<sup>33</sup> Sweden's national plan also draws on international human rights monitoring recommendations, including those by the ECRI (on awareness-raising) and CERD (on standardizing definitions, enhancing personnel specialization and ensuring strategic oversight for law enforcement and prosecution).<sup>34</sup>

### **United Kingdom**

The United Kingdom's Action Against Hate plan for 2016-2020 is designed to comprehensively address hate crime by forging partnerships across government, criminal justice agencies and community groups. The plan was developed through consultations with the communities most affected by hate crime and with the support of the Independent Advisory Group on Hate Crime.<sup>35</sup>

## **Engaging leadership**

Following the needs assessment, the lead institution should engage in dialogue with high-level officials, including institutional and political leaders, to secure commitments that they will work together to develop an inter-agency co-operation plan. Such dialogue is critical to securing all institutions involved have ownership of the process and that they each dedicate the necessary resources to make it successful. Holding high-level consultations among key institutions also helps to make decisions on the focus, scope and structure of the inter-agency co-operation plan and to establish the role of different stakeholders in the process. Furthermore, these negotiations will determine the format of the inter-agency co-operation plan and whether it will take the form of a government or ministerial action plan,

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32 *Ibid.*, page 33.

33 *Ibid.*, page 37.

34 *Ibid.*, page 40.

35 *Action Against Hate: The UK Government's plan for tackling hate crime* (Home Office of the United Kingdom, 2016), <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)>.

a strategy, an executive order, secondary legislation or law. Securing agreements on such issues prior to launching the process improves the sustainability of the co-operation plan.

Without high-level political and institutional backing, the inter-agency co-operation plan may not be as effective. Notably, a lack of commitment to address hate crime among law enforcement or the judiciary has been found to pose a systemic barrier to victims' access to justice.<sup>36</sup> Leaders of key institutions need to demonstrate their commitment to the issue in order to counter institutionalized bias against hate crime victims.<sup>37</sup> High-level institutional commitment has been shown to increase the likelihood of a co-operation plan being successful.<sup>38</sup>

In addition to high-level consultations, institutional commitment to implementing and sustaining a co-operation plan can also be forged through the direct and meaningful involvement of institutional leaders. This could be achieved by setting up a working group composed of high-level officials, including both women and men and leaders, to drive and oversee the development of the inter-agency co-operation plan. Alternatively, a single minister could be made responsible for the process.

Securing continued support and engagement from high-level political leadership is vital to ensuring the process is sustainable and impactful.<sup>39</sup> Officials with higher institutional and political standing will be better able to bring about the legislative or policy changes required to implement the co-operation plan and to ensure that it is properly resourced. For that reason, cabinet members or other senior officials with relevant portfolios (such as representatives of the justice or interior ministries) would be best placed to oversee the development of an inter-agency co-operation plan.

Addressing hate crime is a long-term process. To ensure that the co-operation

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36 *Ensuring Justice for Hate Crime Victims: Professional Perspectives* (Luxembourg: Publications Office of the European Union, 2016), EU Agency for Fundamental Rights (FRA), page 7, <[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-justice-hate\\_crime-victims\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-justice-hate_crime-victims_en.pdf)>.

37 *Ibid.*, page 10.

38 *Handbook for National Action Plans on Violence Against Women*, *op. cit.*, note 25, page 22.

39 *Ibid.*

plan withstands shifting political dynamics, it should be structured in a manner that secures support from actors from across the political spectrum. Therefore, the institution leading the initiative should ensure there is a networked approach that brings together parliamentarians from all political parties, senior civil servants from the ministries responsible for implementing the plan and representatives of relevant civil society organizations.

Having the inter-agency co-operation plan endorsed by the cabinet as a government policy also increases its sustainability and impact.<sup>40</sup> If the plan also succeeds in gaining the support of relevant international organizations, then this will help to raise its profile among the general public and to affirm its political neutrality. Endorsement of the plan by leaders of all institutions will help to maximize its sustainability, which is vital to addressing the underlying causes of hate crime.

### ***Good practice example: Engaging leadership***

#### **Greece**

In Greece, as part of ODIHR's project on "Building a Comprehensive Criminal Justice Response to Hate Crime", the Ministry of Justice consulted with numerous institutions to secure their commitment to the process. Discussions among high-level officials (namely, the Secretary-General of the Ministry of Justice and her counterparts) secured the political will necessary to ensure a meaningful and successful process. It was during these discussions that the scope of the inter-agency co-operation plan was designed and agreed upon.

## **Defining the scope of inter-agency co-operation**

### ***1. Protected Grounds***

When consulting with leaders of institutions about the scope and focus of the co-operation plan, the institution in charge of the process should take into

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<sup>40</sup> *Ibid.*, page 23.



### *Good practice example: Defining the scope of hate crimes*

#### **Greece**

The inter-agency co-operation agreement developed in Greece defined hate crime based on the definition included in the country's criminal code and included attacks against persons or property on the grounds of "race, colour, national or ethnic origin, descent, religion, disability, sexual orientation, gender identity or gender characteristics". In addition, adhering to the ECtHR jurisprudence, the agreement also acknowledged that attacks targeting those associating with members of a protected group are also hate crimes.

An inter-agency co-operation plan that addresses all forms of hate crime has the advantage of recognizing and addressing intersectional hate crimes that target individuals based on multiple protected characteristics. A comprehensive approach secures equal treatment for all victim groups in terms of protection and prevention. On the other hand, single-issue co-operation plans (such as those focusing on hate crimes motivated by intolerance against Roma and Sinti or by racism, for example) provide the opportunity to address manifestations of a specific type of hate crime in more depth. However, such targeted (single-issue) approaches make it more difficult to standardize the hate crime concept across the institutions, creating a risk that there are different interpretations of the definition, which may affect the comparability of collected data.

Comprehensive inter-agency co-operation plans should include strategies and measures that are tailored to the issues facing different victim groups. Special attention should be given to the specific needs of victims of intersectional hate crimes, as generic strategies are less likely to reach those whose access to victim services and justice systems is especially limited.

## **2. Substantive Areas**

A comprehensive inter-agency co-operation plan should cover all the different aspects of addressing hate crime, including prevention, investigation, prosecution and sentencing, victim protection, support and rehabilitation, case recording and reporting. To maximize the plan's effectiveness, all the relevant authorities

working in these different areas should be involved in developing and implementing the plan. This enables the development of benchmarks and good practices that are relevant to the country context, while ensuring co-ordination of all activities implemented under the plan.

While a comprehensive inter-agency co-operation plan has numerous advantages, a targeted approach might be more effective in addressing specific issues in a particular jurisdiction. In a crisis situation, for example, a single intervention focused on resolving the crisis may be more effective. Political leaders, experts, experienced civil society organizations and the expert public can also be consulted when determining the scope of such a strategy.

Whether a comprehensive or a targeted approach is applied, a decision must be made as to which particular issues the co-operation plan will cover, and what specific measures will be taken to address each issue. Part 3 of this publication suggests what issues and measures an inter-agency co-operation plan might include. Those suggestions can be selectively applied according to a particular jurisdiction's needs and resources.

### ***Good practice examples: Areas covered by the plan***

#### **Croatia**

In Croatia, the Rules of Procedure in Hate Crime Cases covers case response, investigation, case tracking, victim protection and support, data collection, analysis and publishing, and awareness-raising and training to address hate crime.<sup>43</sup>

#### **Greece**

The inter-agency co-operation agreement concluded as part of the ODIHR project in Greece encompassed awareness-raising, capacity building, data

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43 *Protocol for Procedure in Cases of Hate Crimes* (Zagreb: Human Rights Office of the Government of Croatia, Working Group for Monitoring Hate, 2011), <<https://pravamanjina.gov.hr/UserDocsImages/arhiva/protokoli/Protocol%20on%20procedure%20in%20cases%20of%20hate%20crime.pdf>>.

recording, collection and evaluation, victim protection and support, and research and surveys on hate crime.

### **Spain**

In Spain, the Framework Agreement on Co-operation included measures to facilitate hate crime case identification, data collection and publishing, capacity-building, prosecutor specialization, police and prosecutor response, victim support, research, and promotion of equality.<sup>44</sup>

### **Sweden**

Institutions in Sweden took a holistic approach to developing an inter-agency co-operation plan and included five strategic areas: knowledge, education and research; co-ordination and monitoring; engaging with and obtaining the support of civil society organizations; prevention of hate crime online; and the legal response to hate crime.<sup>45</sup>

### **United Kingdom**

In the United Kingdom, the Action Against Hate plan includes measures to address the root causes of hate crime (focused on challenging attitudes), the funding of security measures, capacity-building, awareness-raising, steps to facilitate hate crime reporting, addressing hate crime online and victim support.<sup>46</sup>

## **3. Stakeholder mapping**

The scope of the inter-agency co-operation plan, and the actors involved in drafting the plan, will have been determined through consultations with institutional and political leaders during the needs assessment process. The question of who to involve in drafting the plan will depend on the scope of the plan. Therefore, those

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44. *Convenio marco de cooperación y colaboración [Framework co-operation and collaboration agreement]* (General Council of the Judiciary, 2015), <<http://www.poderjudicial.es/stfls/CGPJ/RELACIONES%20INSTITUCIONALES/CONVENIOS/FICHERO/2015-63.pdf>>.

45. *A comprehensive approach to combat racism and hate crime*, op. cit., note 31, pages 4 and 9.

46. *Action Against Hate*, op. cit., note 35.

responsible for drafting the plan should be selected only after the scope of it has been determined. For example, a plan that focuses on developing criminal justice responses to hate crime would not usually involve education specialists outside of those from police academies.

Although the scope of the co-operation plan should be shaped by the needs assessment findings, political leaders may only be willing to address some of the needs identified. That is why it is important to engage in dialogue with political leaders when developing the scope of the plan, as it will depend significantly on what they believe is feasible and are prepared to endorse. If the scope of the plan and the stakeholders involved in it are already fixed when political leaders are consulted, then they may not be willing to endorse the initiative. Once the needs are established, political leaders should be consulted on how to address those needs; this ensures their full engagement with and ownership of the co-operation plan.

The next task is to decide on the composition of the working group responsible for drafting the plan. This will require a balance between ensuring a representative process, including all relevant agencies, and allowing for operational expediency regarding the efficient use of time and other resources. The number and identities of civil society organizations to be included in the process also need to be determined. Although it may be more practical to involve fewer actors, ODIHR's good practice standards state lessons learned show that victims should be adequately represented in this process through direct and meaningful participation in decision-making relevant to them.<sup>47</sup>

Civil society organizations often bring knowledge and experience that institutions do not have, but which they need in order to ensure that decisions are based on facts. It is essential that victims' perspectives are incorporated into policies that take a rights-based approach. Mainstreaming victims' experiences and the needs of both men and women into policy-making at all levels helps to empower victims and enhances the legitimacy of those policies.

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<sup>47</sup> Similarly, the European Union Victims Directive requires that civil society organizations be closely involved in all policy-making processes and measures related to victim rights, including the monitoring and assessment of the impact of such policies (Recital 62). EU Member States are expected to establish a regular policy dialogue with victim support organizations to identify any challenges in providing victim support services.

The involvement of independent civil society organizations is important because they can identify and correct gaps in policy and hold the government to account. Therefore, a sufficient range of civil society organizations – including those representing individuals and communities targeted by hate crime – should be involved in drafting the inter-agency co-operation plan. Where a comprehensive approach has been adopted, civil society organizations representing all relevant victim groups and subgroups should be included in the process, including both female and male victims of intersectional hate crimes. Civil society organizations specializing in public interest law should also be included in the drafting process, so they can contribute their knowledge of litigation issues, institutionalized bias and other problems in the criminal justice system.

It is important to establish formal tools to ensure ongoing and structured dialogue and co-operation among state institutions and civil society organizations. In addition to their involvement in developing an inter-agency co-operation plan, civil society organizations should also be asked to assist in implementing, monitoring and evaluating it.

For the inter-agency co-operation plan to be effective, relevant civil society organizations must play an active role in all stages of the drafting and implementation process, including the preliminary needs assessment and any subsequent impact assessments. A good interagency co-operation plan should also task institutions with specific duties aimed at ensuring that civil society organizations have the necessary information about each institution's role in the process. Civil society organizations should be given opportunities to work jointly with institutions on tasks related to hate crime prevention, capacity-building, providing victims with the services they need and redress, disaggregated relevant data collection and enhancing the quality and completeness of hate crime reporting. They could, for example, be involved in capacity-building activities as consultants, trainers and guest speakers; be given access to databases; act as points of contact to represent vulnerable victims; and assist in the development of institutional practice guidelines (for example, on victim protection and support, case tracking and bias indicator identification).

## **Good practice examples: Engaging stakeholders**

### **Canada**

In Canada, the Cross-Cultural Roundtable on Security (CCRS) was created to engage the citizens and the Government of Canada in a long-term dialogue on matters related to national security. The Roundtable brings together citizens who are leaders in their respective communities and who have extensive experience in social and cultural matters.<sup>48</sup>

### **Croatia**

In Croatia, the Rules of Procedure in Hate Crime Cases were drafted by the Hate Crime Monitoring Working Group, which included the Ministries of Interior, Justice and Foreign Affairs, the Police Academy, relevant courts, the Public Attorney's Office, the Ombudsman, the Zagreb Faculty of Law, the Council for Civil Society Development and civil society organizations.<sup>49</sup>

### **Greece**

In Greece, the interagency co-operation agreement was drafted by the Ministry of Justice, Transparency and Human Rights, the Ministry of Interior, the Ministry of Health, the Ministry of Migration Policy, the President of the Supreme Court, the Prosecutor of the Supreme Court, the National School of Judges, the ODIHR National Point of Contact on Hate Crimes, and the Racist Violence Recording Network (RVRN) – an umbrella organization consisting of 42 civil society organizations.<sup>50</sup>

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48 “Terms of reference of the Cross-Cultural Roundtable on Security”, Public Safety Canada website, 26 October 2018, <<https://www.publicsafety.gc.ca/cnt/ntnl-scrtr/crss-cltrl-rndtbl/trms-rfrnc-en.aspx>>.

49 *Protocol for Procedure in Cases of Hate Crimes*, *op. cit.*, note 43.

50 The RVRN (<http://rvrn.org/category/english/>) consists of organizations and bodies that provide medical, social and legal services and/or are directly in contact with the victims of racist violence or other violent crimes incited by hate or prejudices, as well as organizations created by those groups that are usually the target of racist violence.

### **The former Yugoslav Republic of Macedonia**

Legislative amendments to the Criminal Code pertaining hate crimes were drafted by the inter-agency working group consisting of the Macedonian Academy of Arts and Sciences, the Academy for Judges and Prosecutors, the Ministry of Justice, the Ministry of Internal Affairs, the National Point of Contact on Hate Crimes, the Anti-Discrimination Commission, the Public Prosecutor's Office, the Appellate Court, as well as representatives from academia and civil society organizations.

### **Spain**

In Spain, the Framework Agreement on Co-operation was concluded by the General Council of the Judiciary, the State Prosecutor General, the Ministry of Justice, the Ministry of Interior, the Ministry of Health, Social Services and Equality, the Ministry of Employment and Social Security and the Centre for Legal Studies.<sup>51</sup>

### **Sweden**

In Sweden, the National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime was developed by the Ministers for Culture and Democracy, Home Affairs and Justice and Migration. The plan defines roles for the Police Authority, the Prosecution Authority and the National Council for Crime Prevention, among other bodies, including local authorities.<sup>52</sup>

### **United Kingdom**

In the United Kingdom, the Action Against Hate plan developed by the Home Office, the Department for Communities and Local Government and the Ministry of Justice institutionalizes partnerships between the government and criminal justice agencies, including the prosecution service, the police, the courts, the National Offender Management Service and community groups.<sup>53</sup>

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51 *Convenio marco de cooperación y colaboración*, *op. cit.*, note 44.

52 *A comprehensive approach to combat racism and hate crime*, *op. cit.*, note 31, pages 4 and 9.

53 *Action Against Hate*, *op. cit.*, note 35.

## Forming a working group

Once the composition of the working group has been determined, having considered gender balance, the next step is to decide how to organize the process of drafting a co-operation agreement. If a working group is too large the drafting process can become impractical. In that case, it might be more appropriate to set up an expert panel tasked with preparing drafts of the agreement for the whole group to discuss and improve upon. More than one expert panel can be created, each dealing with a distinct topic or theme.

Alternatively, if a large, inclusive working group proves impractical or unproductive, then the group could be limited to a certain number of civil society representatives and/or stakeholder institutions, based on transparent and legitimate criteria (for example, their level of experience and expertise). Those not able to take part could be included in consultations and feedback once a draft has been agreed. If this approach is adopted, it is recommended to hold a hearing session during which the civil society organizations and institutions not included in the working group have adequate opportunity to present their views in person or in writing and receive a response to their comments or be included in discussions.

The process of selecting civil society organizations and institutions for inclusion in the working group or expert panels should be fair, transparent and based on established criteria. This is important to establish trust in the process among those involved, while also ensuring the accountability and integrity of the initiative overall.

The working group's tasks should be clearly articulated and set to a timeline. The operating procedures should also be clearly established, including the frequency and length of working group sessions, the attendance required to achieve a quorum, rules for chairing and participating in sessions, and record-keeping and decision-making procedures (such as by consensus or a majority vote). The working group's oversight structures should also be specified and made transparent and accessible to all participants. This will ensure that participants have appropriate expectations and are able to prepare for working group sessions, making them more productive. Furthermore, the working group will ensure that different needs and vulnerabilities of women and men are taken into account and addressed appropriately.

As noted in the section on “Engaging leadership”, directly engaging leadership is important for securing institutional commitment and the resources required to ensure a co-operation plan’s effectiveness and sustainability. Therefore, where possible and appropriate, senior leaders should also be personally involved in the drafting process. This will secure their ownership of the effort and will send a strong message to their staff, other stakeholders and the public regarding the significance of the process.

## Drafting the plan

One approach is to have the working group prepare a draft from scratch, basing it on the needs assessment and their own knowledge. If the working group is not involved in developing the draft, but instead reviews and revises it, then a decision must be made as to who will draw up the initial draft. The lead institution could assign this task to its staff or hire an external consultant with the appropriate practical experience and expertise, such as a local academic or researcher, or a legal practitioner specializing in hate crime law and policy. It is important that the individual selected to prepare the initial draft has demonstrated expertise in the field, as this will help to ensure the draft’s legitimacy among working group members. The expert should also ensure that the plan is gender mainstreamed.

Depending on the country context, the neutrality of the expert in relation to the working group members might be an important consideration. It may be necessary to exclude experts that are affiliated to the civil society organizations and institutions represented on the working group from the selection process.

In cases where a local expert is not available to develop the initial draft, hiring an international consultant – especially one with experience of strengthening hate crime responses in other countries – can increase the document’s credibility in the eyes of the working group. At the same time, local legal advice should still be obtained to ensure that the draft is tailored to the national context, entailing an additional cost.

Hiring an individual expert can help to limit administrative costs by saving the time and effort required for the working group to collectively develop a first draft. Provided that time and other resources are available, however, it is beneficial to

have the working group produce the first draft, as it helps to cement their ownership of, and commitment to, the plan. This is also a more inclusive and procedurally fairer approach, as it enriches the process by giving marginalized groups the same platform as more mainstream ones.

In addition to the above, procedural rules need to specify how working group discussions will be incorporated into the draft co-operation plan as it evolves. Keeping a record of proceedings is useful, as it allows the content of discussions to be verified when amending and agreeing drafts. The person or panel tasked with amending drafts to reflect participants' feedback and the group's decisions must be selected on the basis of legitimate and transparent criteria, whether by the working group, its chair or by the oversight structure.

While developing the inter-agency co-operation plan, the working group should continue to monitor the plan's adherence to the needs assessment report. This ensures that the draft plan reflects the identified needs and ensures that suitable interventions are made to address those needs. Working group members should be given sufficient time to prepare their feedback on initial drafts as participants' ownership of and commitment to the initiative will be largely determined by the quality of the process. The co-operation that goes into developing the plan is likely to be reflected in the plan's implementation and in the real-life co-operation among institutions that follows. That is why it is crucial that working group members co-operate effectively to ensure that the initiative is worthwhile for all involved.

## PART 3: WHAT SHOULD GO INTO AN INTERAGENCY CO-OPERATION PLAN?

We have already established that the lead institution and its partners are normally responsible for making decisions on the scope of the inter-agency co-operation plan. Whether a comprehensive or targeted approach is taken, there are still many potential variations when it comes to the content of the plan. In addition, the specific measures included in the plan to address the identified issues will need to be determined. Part 3 of this publication outlines the themes and activities that may be included in an inter-agency co-operation plan.

When developing the plan, it is important to consider the activities already performed by institutions and how they might feed into the cross-cutting measures included in the co-operation plan. Meanwhile, consultations with institutional leaders will have indicated the areas that will attract the most institutional commitment and resources. The following suggestions of specific areas to include in an inter-agency co-operation plan are based on information taken from the relevant international legal and policy standards, as well as good practices found in different countries.

### Hate crime prevention

According to OSCE commitments, participating States are expected to “[c]onsider drawing on resources developed by the ODIHR in the area of education, training and awareness-raising to ensure a comprehensive approach to the tackling of hate crimes”.<sup>54</sup> Such ODIHR resources include printed handbooks and guidelines, training sessions and awareness-raising activities about the impact of hate crime on communities and how participating States can address intolerance and promote

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<sup>54</sup> OSCE Ministerial Council Decision 9/09, *op. cit.*, note 5.

respect in national educational curricula.<sup>55</sup> Prevention is considered a key component of a comprehensive approach to addressing hate crime.

Other international legal and policy documents consistently underscore the need for prevention work in order to bring about systemic changes in institutional responses and attitudes to hate crime.<sup>56</sup> Prevention is one pillar of a state's response to hate crime and is as important as protecting victims and prosecuting perpetrators.

A strategic inter-agency co-operation plan should address the root causes of hate crime in addition to its manifestations and impact. Piecemeal interventions that fail to address the context in which crimes occur are less effective and are at odds with the comprehensive approach the OSCE advocates. A hate crime response that focuses exclusively on the justice system, for example, would fail to meet victims' needs, while supporting victims without effectively prosecuting the perpetrators would be inadequate in preventing hate crimes.

Measures to reduce bias-motivated violence can only be productive if undertaken alongside preventive work to root out prejudice, transform cultural and social norms and patterns of behaviour, and address dehumanizing stereotypes and victim-blaming attitudes.<sup>57</sup>

Without concerted efforts to dismantle negative stereotyping, other measures will prove ineffective in addressing the underlying causes of bias-motivated crime. The efforts of authorities to address hate crime often may remain ineffective because the same stereotypes that trigger bias-motivated violence could also be present within institutions. This can lead to a flawed hate crime response that allows perpetrators to act with impunity. Tangible change requires interventions that erode the foundations of systemic and institutionalized prejudices, including by mobilizing popular support and peer pressure to prevent such attacks.

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55 Key resources available at: <<https://www.osce.org/odihr/tolerance-and-non-discrimination>>.

56 The European Union Victims Directive calls on member states to address the root causes of violence through preventive measures, while the Istanbul Convention dedicates an entire chapter to the duty of state parties to prevent violence, including through awareness-raising, education and training.

57 Andrea Krizsan, Eniko Pap, *Implementing a Comprehensive and Co-ordinated Approach: An assessment of Poland's response to prevent and combat gender-based violence* (Council of Europe, 2016), page 12, <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168064ecd8>>.

Accordingly, preventive activities aimed at changing attitudes should be a key component of any inter-agency co-operation plan to address hate crime. Hate crime prevention must employ multiple methods to transform society's understanding of the problem and foster tolerance, including awareness-raising, education and hate crime training for relevant practitioners, while taking into account the differing needs of both men and women. Prevention work should be comprehensive and should target a range of social settings, including schools and other educational establishments, parents' associations, workplaces, faith institutions, sporting clubs and the media. Prevention activities should also be incorporated into professional capacity-building materials for criminal justice and law enforcement officials, and form part of community services. All agencies involved in combating hate crime should be included in programmes aimed at preventing such crimes. Training on tolerance and non-discrimination would also benefit teachers, children and youth and communities, as well as the judiciary, police, practicing lawyers and social and healthcare professionals. Professional training programmes should include training-of-trainers initiatives.

Local and regional authorities can be instrumental in adapting prevention measures to specific contexts. For example, as part of ODIHR's project activities in Italy, ODIHR and its implementing partner (the Catholic University of the Sacred Heart in Milan) conducted capacity-building activities for magistrates, representatives of the police and *carabinieri*, local lawyers, and civil society organizations in the region of Lombardy. As part of the project, a researcher reviewed 13,000 magisterial decisions by the Court of Milan from 2016 to identify hate crime cases and analyse their structure and sentencing. These activities raised awareness among the key stakeholders about the concept of hate crimes and their prevalence, and enabled them to conduct hate crime prevention on a regional level.

National human rights institutions, equality bodies and civil society organizations often have a wealth of information and other resources that can be harnessed to adapt prevention measures to local, regional and national contexts. Inter-agency co-operation plans should earmark resources and funding for conducting systematic, nation-wide campaigns aimed at changing attitudes and empowering victims through the dissemination of information about their rights and potential remedies and support.

## ***Good practice examples: Hate crime prevention***

### **Croatia**

In Croatia, under the Rules of Procedure in Hate Crime Cases, the Office for Human Rights and the Rights of National Minorities is responsible for organizing public awareness-raising campaigns.<sup>58</sup>

### **Greece**

In Greece, the inter-agency co-operation agreement provides for a range of prevention measures, including raising awareness of the concept of hate crime within institutions and disseminating materials about hate crime prevention, such as leaflets and videos. Under the agreement, each institution involved is tasked with raising awareness of hate crime among different criminal justice professionals. The Ministry of Justice is responsible for raising awareness of hate crime among penitentiary personnel and ensuring they take measures to prevent such crimes; the Ministry of Interior is responsible for raising awareness among police officers; the Prosecutor of the Supreme Court is responsible for raising awareness among prosecutors; and the President of the Supreme Court is tasked with raising awareness among judges. Meanwhile, the National School of Judges is responsible for conducting awareness-raising events, while the Ministry of Health is responsible for ensuring that social care personnel are aware of the concept of hate crime and take measures to prevent it.

### **Spain**

The Framework Agreement on Co-operation developed in Spain requires co-operating institutions to raise awareness of hate crime through conferences and seminars.<sup>59</sup>

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58 *Protocol for Procedure in Cases of Hate Crimes*, *op. cit.*, note 43.

59 *Convenio marco de cooperación y colaboración*, *op. cit.*, note 44.

## Sweden

In Sweden, the National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime requires that school children are educated about hate crimes and that in-service training is provided for school staff. It also calls for multi-disciplinary research to be conducted on the root causes of hate crime.<sup>60</sup>

## United Kingdom

Prevention measures in the United Kingdom's Action Against Hate plan focuses on challenging the attitudes that are conducive to violence. Creating an environment that prevents attacks from happening in the first place is among the plan's key objectives. For example, school teachers are provided with tools to deconstruct prejudice among students. The plan also aims to reduce the incidence of hate crime by providing funding to secure vulnerable faith institutions, public transport and nightlife services, as well as through awareness-raising.<sup>61</sup>

## Hate crime training

Training criminal justice and law enforcement professionals to understand and effectively respond to hate crime is key to preventing such crimes. As noted in Part 1 of this methodology, OSCE commitments and ODIHR good practice standards emphasize the importance of capacity-building for officials involved in implementing the state's policy on responding to hate crime. In particular, OSCE participating States have committed to “[build] the capacity of law enforcement agencies and personnel to identify, collect data, investigate and prosecute hate crimes [...]”.<sup>62</sup> Two programmes developed by ODIHR – the Prosecutors and Hate

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60 *A comprehensive approach to combat racism and hate crime*, note 31, pages 50 and 51.

61 *Action Against Hate*, *op. cit.*, note 35.

62 OSCE Ministerial Council Decision No. 4/13, “Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, With a Particular Focus on Roma and Sinti Women, Youth and Children”, Kyiv, 6 December 2013, <<https://www.osce.org/mc/109340>>.

Crimes Training (PAHCT) and the Training against Hate Crime for Law Enforcement (TAHCLE)<sup>63</sup> – are specifically designed to facilitate capacity-building. The training programmes provide resources to assist participating States in drafting training activities, including as part of an interagency co-operation plan.

Both programmes are concise and designed to be integrated into existing training efforts and to draw on local resources. They can both be delivered either as a three-day training-of-trainers programme, or as a training session to prosecutors or police lasting a day and a half. The PAHCT programme aims to improve prosecutorial responses to hate crime and can be customized to the needs and legal framework of any country. ODIHR recommends that the programme is implemented in co-operation with national prosecutorial training bodies. TAHCLE is designed to improve police skills in preventing and responding to hate crimes, including recognizing and investigating incidents, interacting with victim communities and building public confidence and co-operation with law enforcement.

Other relevant training resources include the Council of Europe’s HELP programme on Hate Crime and Hate Speech.<sup>64</sup>

The European Union Victims Directive requires EU Member States to train officials who come into contact with hate crime victims so that they are able to identify the needs of victims and treat them “in a respectful, sensitive, professional and non-discriminatory manner” (Recital 61 and Article 25). Moreover, training is required to prevent victims from being revictimized owing to potential prejudice and insensitivity as a result of institutionalized racism.<sup>65</sup>

Article 15 of the Istanbul Convention also requires states to train professionals, including those in the judiciary, law enforcement, legal profession, healthcare, forensics, social work and education. Accordingly, professionals involved in dealing with victims must be sensitized to the causes, manifestations and consequences

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63 *Prosecutors and Hate Crimes Training (PAHCT)*, *op. cit.*, note 7; and *Training Against Hate Crimes for Law Enforcement (TAHCLE)*, *op. cit.*, note 6.

64 *HELP Online Courses*, Council of Europe website, 9 October 2018, <<http://help.elearning.ext.coe.int/>>.

65 *Ensuring Justice, Protection and Support for Victims of Hate Crime and Hate Speech: 10 Key Guiding Principles*, (EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2017), page 7, <[http://fra.europa.eu/sites/default/files/fra\\_uploads/ec-2017-key-guiding-principles-recording-hate-crime\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/ec-2017-key-guiding-principles-recording-hate-crime_en.pdf)>.

of bias violence.<sup>66</sup> Such training is considered vital, as it brings about a change in professionals' views about, and conduct toward, victims, and improves the support those professionals are able to provide. The Convention recommends that such training include preventing and detecting bias-motivated violence, protecting the needs and rights of victims and preventing secondary victimization. It also recommends providing professionals with initial vocational training and ongoing in-service training to equip them with the tools to identify and manage violent cases. Further, the Convention calls for such training to be reinforced by clear protocols and standard-setting guidelines that are regularly monitored, reviewed and revised. It also recommends that training programmes be geared towards equipping professionals with the skills needed for inter-agency co-operation across different sectors.<sup>67</sup>

An effective inter-agency co-operation plan against hate crime should, therefore, include capacity-building measures. At the very least, police, prosecutors and judges should receive comprehensive training that is based in international human rights law.<sup>68</sup> Such capacity-building should facilitate a shared understanding of the causes, consequences and nature of bias-motivated violence, with the aim of challenging the prejudices that undermine the institutional response to such crimes.<sup>69</sup> Training should be designed and implemented in a way that fosters co-operation and ensures sustainability of the knowledge acquired by the participants through the monitoring and evaluation of capacity-building measures.<sup>70</sup> The training programme should also be designed in a gender mainstreamed manner and discuss the different impact hate crime has on men and women. The effect of training programmes on the performance of institutions should also be evaluated.<sup>71</sup>

Participants of such training programmes should be selected based on a needs assessment of the institution and the participants themselves.<sup>72</sup> The assessment should take into consideration the different needs of and both men and women,

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66 *Explanatory Report, op. cit.*, note 10, paragraph 98.

67 *Ibid.*, paragraph 101.

68 *Ensuring Justice for Hate Crime Victims, op. cit.*, note 36, page 10.

69 *Handbook for National Action Plans on Violence Against Women, op. cit.*, note 25, page 28.

70 *Hate Crime Training for Law Enforcement and Criminal Justice Authorities, op. cit.*, note 21, page 7.

71 *Handbook for National Action Plans on Violence Against Women, op. cit.*, note 25, page 28.

72 *Hate Crime Training for Law Enforcement and Criminal Justice Authorities, op. cit.*, note 21, page 7.

who should participate equally in the training. In addition to law enforcement and criminal justice officials, other professions with a role to play in preventing hate crime, such as teachers, faith and community leaders and media representatives, could also be included in training programmes. High-level officials should also be included, as it helps forge institutional commitment and improves the sustainability of the inter-agency co-operation plan.<sup>73</sup> Training the leaders of institutions also strengthens the engagement of their staff in such training programmes. Furthermore, it can promote the production of relevant operational guidelines and other institutional reforms, such as the creation of a specialized hate crime unit.

Conducting joint hate crime training for representatives of different agencies and professional hierarchies can also help to foster co-operation among institutions.<sup>74</sup> Training should aim to support professionals throughout the course of their work by including both pre-service and in-service training.<sup>75</sup> The programmes should be standardized and accredited to ensure they are delivered uniformly.<sup>76</sup> Moreover, civil society organizations should be included in the planning, preparation, delivery and evaluation of training programmes.<sup>77</sup> Partnerships with civil society organizations for training purposes should be concluded following a comprehensive mapping of potential civil society partners. They should be based on co-operation models that ensure structured, rather than *ad hoc*, exchanges.<sup>78</sup>

In terms of its content, the training should address officials' underlying biases (such as victim blaming), while equipping them with the practical skills to provide victim support while taking into account needs of both men and women. Inter-agency co-operation plans should recognize that hate crime victims are particularly vulnerable and that officials must take specific actions to address that vulnerability. Consequently, capacity-building measures should be based on the international standards relevant to public interest law.<sup>79</sup>

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73 *Ibid.*

74 *Ibid.*

75 *Ibid.*

76 *Handbook for National Action Plans on Violence Against Women, op. cit.*, note 25, page 28.

77 *Hate Crime Training for Law Enforcement and Criminal Justice Authorities, op. cit.*, note 21, page 8.

78 *Ibid.*

79 For more such standards, see, for example: *Hate Crime Training for Law Enforcement and Criminal Justice Authorities, op. cit.*, note 21, pages 9–11.

## ***Good practice example: Hate crime training***

### **Bulgaria**

As part of ODIHR project activities in Bulgaria, a pre-existing professional training co-operation agreement was implemented with the participation of several institutions: the National Institute of Justice (the training authority for magistrates), the Ministry of Interior, the Prosecutor's Office and the National Security Agency. Although the agreement was unrelated to hate crime, it was instrumental in conducting joint hate crime training events for police and prosecutors.

As this example from Bulgaria demonstrates, hate crime co-operation plans can benefit from a flexible and creative approach that utilizes existing and generic tools and resources to improve hate crime response. In general, it is a good practice to review other government policy areas to ensure that efforts to tackle hate crime are consistent with the wider policy framework.<sup>80</sup> In doing so, both divergent and complementary policies and practices should be identified with the aim of aligning the co-operation plan with the work of different government departments.<sup>81</sup>

### **Croatia**

In Croatia, the Rules of Procedure in Hate Crime Cases encompasses conducting training events for police offices responsible for handling hate crime cases.<sup>82</sup>

### **Greece**

In Greece, capacity-building activities are included within the interagency co-operation agreement and include trainings, workshops and seminars to be conducted within each participating institution and in co-operation with

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<sup>80</sup> *Handbook for National Action Plans on Violence Against Women*, *op. cit.*, note 25, page 27.

<sup>81</sup> *Ibid.*

<sup>82</sup> *Protocol for Procedure in Cases of Hate Crimes*, *op. cit.*, note 43.

civil society. In line with the agreement, the training activities can draw on relevant international training programmes. In particular, the Ministry of Interior is tasked with training police officers; the Prosecutor of the Supreme Court is to promote training for prosecutors; the President of the Supreme Court is responsible for promoting training for judges; and the National School of Judges is to include pre-service and in-service training programmes for judges and prosecutors in its curriculum.

A good practice applied in Greece was the personal and active participation of the Prosecutor of the Supreme Court of Greece in the PAHCT programme, which was conducted by ODIHR. ODIHR consulted the Supreme Court Prosecutor at all stages of training preparation, including when customizing the training to the Greek context. She personally reviewed and approved all the training materials. This resulted in the Supreme Court Prosecutor being fully engaged in the training and having ownership of it. Following the training, she pledged to prioritize the prosecution and investigation of hate crime cases. She also personally committed to ensure that the PAHCT programme be conducted for prosecutors across the country as part of the training mandate of the Prosecutor's Office.

The Prosecutor of the Supreme Court also encouraged the Prosecutor's Office in Thessaloniki to provide the PAHCT programme to law professors, with the aim of disseminating knowledge of hate crime prosecution among law students. Twenty law professors were trained as a result.

### **Spain**

Spain's Framework Agreement on Co-operation tasks institutions with conducting joint hate crime training workshops, including for prosecutors and police.<sup>83</sup>

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83 *Convenio marco de cooperación y colaboración, op. cit., note 44.*

## Human rights-based victim support

Inter-agency hate crime co-operation plans should include standards on handling contact with victims.<sup>84</sup> As noted in Part 1, the importance of victim support is emphasized in OSCE commitments, including OSCE Ministerial Council Decision 9/09, which calls on states to provide hate crime victims with access to “counseling, legal and consular assistance, and effective access to justice”.<sup>85</sup>

Inter-agency co-operation plans on addressing hate crime should include standards on the treatment of victims and, where possible, outline specific tasks for relevant institutions, officials and practitioners. In addition, co-operation plans should ensure that the necessary institutional co-ordination is in place to secure victims’ access to information and to support their participation in criminal proceedings. As mentioned in the previous section, an adequate plan will also provide for corresponding capacity-building measures for all officials responsible for ensuring those rights.

Research has shown that very few hate crime victims access support services.<sup>86</sup> Therefore, inter-agency co-operation plans should include measures to facilitate victims’ referral to health and support services. Referral mechanisms, such as operational protocols, should be established within and between police and other public services (such as hospitals, counselling centres, schools and welfare and community support providers) in order to streamline victims’ access to these services.<sup>87</sup> The procedures and mechanisms for referring hate crime victims should be monitored. Healthcare professionals, in particular, should receive

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84 Similarly, the European Union Victims Directive sets out a number of victim rights and provides corresponding requirements for member states related to upholding victims’ dignity and preventing re-victimization. The Directive also requires that victims’ needs be evaluated and addressed in a structured way, and that particular vulnerabilities are appropriately taken into account. Effective capacity-building on the appropriate treatment of victims should also be provided for police and court staff, among others, including through institutional guidelines and good practices.

85 “ODIHR’s capacity-building efforts”, *op. cit.*, note 3.

86 *Ensuring Justice, Protection and Support for Victims of Hate Crime and Hate Speech*, *op. cit.*, note 65, page 13.

87 *Ibid.*

88 *Handbook for National Action Plans on Violence Against Women*, *op. cit.*, note 25, pages 46–47.

pre-service and in-service training on referring hate crime victims, as well as on collecting forensic evidence.<sup>88</sup>

It is a good practice to set up a national toll-free telephone hotline and online services to enable victims to receive information, legal advice, support and counselling around the clock.<sup>89</sup> This should be accompanied by the development of standards on counselling and social services for victims of hate crimes, as well as the provision of training for practitioners on applying those standards.<sup>90</sup>

In addition, it is recommended that inter-agency co-operation plans provide for co-ordinated legal aid and court support services for victims, including accessible information on victims' rights.<sup>91</sup> Victims should also be given access to impartial and high-quality interpretation and translation services.<sup>92</sup> Inter-agency co-operation plans should require guidelines on the provision of such services to be developed to ensure they are delivered effectively and to share examples of good practices.<sup>93</sup> The implementation of such guidelines should be monitored to ensure that all service providers adhere to them.<sup>94</sup> Protocols on the institutional response to hate crimes should be publicly available so that victims can complain when institutions fail to respond adequately.

### ***Good practice examples: Victim support***

#### **Croatia**

In Croatia, the Rules of Procedure in Hate Crime Cases expressly aim to protect victims and the rights that they are guaranteed under the Constitution and

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89 The Greek police has a 24 hour telephone line where persons can call and report racist crimes. See: "Hellenic Police Services against racist violence", Hellenic Police website, 26 October 2018, <[http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=23698&Itemid=0&lang=EN](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=23698&Itemid=0&lang=EN)>.

90 *Handbook for National Action Plans on Violence Against Women, op. cit.*, note 25, page 49.

91 *Ibid.*, page 50.

92 *Ibid.*

93 *Ibid.*, page 44.

94 *Ibid.*

international instruments.<sup>95</sup> The Ministry of Interior should take steps to protect victims, and measures must be taken to protect the physical integrity of victims and prevent their further victimization during court proceedings. Departments responsible for providing support to victims and witnesses shall be involved in the protection of victims and witnesses in judicial proceedings. All institutions are obliged to protect the rights of victims in line with the European Union law, OSCE Ministerial Council Decision 9/09, the International Covenant on Civil and Political Rights, and other international standards. Victims are to be treated with consideration and in a way that respects their dignity, so as to avoid secondary victimization. Furthermore, the competent authorities shall, at a victim's request, inform them on the progress and outcome of legal proceedings.

### **Greece**

In Greece, the interagency co-operation agreement includes victim protection and support measures. The agreement provides for the respectful and sensitive treatment of victims throughout criminal proceedings and the full enjoyment of victims' rights during administrative and judicial procedures. The Ministry of Justice is responsible for guaranteeing that the rights and needs of victims are adequately recognized and addressed, and for creating and maintaining victim support services at the local level. The Ministry of Justice is also responsible for undertaking legislative initiatives to enhance victim protection. The Ministry of Interior is to ensure that the rights of victims are recognized and addressed, and that victims are protected from secondary victimization. Furthermore, the Ministry of Interior is to ensure that every victim has their needs individually established and is referred to a relevant service provider. The Ministry of Health is to provide guidance to healthcare professionals on the identification of potential victims, as well as information to victims on their rights.

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<sup>95</sup> *Protocol for Procedure in Cases of Hate Crimes, op. cit.*, note 43.

The Ministry of Migration Policy is to ensure that hate crime victims are identified during procedures involving non-nationals and, specifically, during medical examinations and the provision of psychosocial support. It is tasked with providing information to victims, especially on how to report crimes to the authorities. The Migration Policy Ministry is also responsible for referring victims to the competent police authorities and to providers of support services, such as those providing legal assistance, medical care, psychosocial support and accommodation.

### **Canada**

In Canada, each province and territory is responsible for the provision of services to victims within their jurisdiction. Complementing these efforts, the Government of Canada makes funding available to civil society organizations through a Victims Fund that provides grants and contributions to support projects and activities that encourage new approaches, promote access to justice, improve the capacity of service providers, foster the establishment of referral networks, and/or increase awareness of services available to victims of crime and their families.<sup>96</sup>

### **Sweden**

In Sweden, the National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime requires that the Police authority steps up existing consultations and exchanges with victims' representatives.<sup>97</sup>

### **United Kingdom**

In the United Kingdom, the Action Against Hate plan establishes measures to improve victim support, including the experiences of witnesses at court. These measures include a joint review of witness support practices by the prosecution service and the police.<sup>98</sup>

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96 "Victims Fund", Department of Justice website, 26 October 2018, <<http://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/index.html>>.

97 *A comprehensive approach to combat racism and hate crime*, *op. cit.*, note 31, pages 50 and 51.

98 *Action Against Hate*, *op. cit.*, note 35.

## Criminal justice response

Co-ordination between law enforcement and criminal justice agencies should be a central focus of an inter-agency co-operation plan. In this vein, OSCE participating States have committed to “promptly investigate hate crimes and ensure that the motives of those convicted [...] are acknowledged”.<sup>99</sup> To deliver on that commitment, states should ensure that the different agencies involved in responding to hate crimes work together according to an integrated system. Effective, sustained communication among agencies is key to establishing a coherent response. Therefore, an inter-agency co-operation plan should establish tools and protocols to ensure effective information exchange. Such a plan should also ensure that law enforcement and criminal justice agencies have a shared commitment to co-ordinating their efforts. Finally, an integrated response must be implemented across the entire country.

Inter-agency co-operation plans should provide for comprehensive reviews of police and prosecutorial practices and relevant case law to identify areas in need of legal reform, such as barriers to accessing justice and the insensitive treatment of hate crime victims. Inter-agency co-operation plans should require that well-resourced specialized hate crime police and prosecutor units are established. At the same time, the existence of such units does not negate the need for an appropriate response from all units. Joint codes of practice for police and prosecutors can also be developed to ensure that good practices are applied systematically across both sectors.

Inter-agency co-operation plans should include the development of institutional guidelines on handling casework, with the aim of optimizing and harmonizing the work of law enforcement and criminal justice officials. Such guidelines should aim to enhance co-operation and co-ordination by setting out procedures for the systematic exchange of information and for case referrals. In particular, structured and standardized information sharing processes should serve to improve the management and monitoring of cases. To aid information sharing, the co-operation plan could require the setting up of a joint resource centre and/or joint registers/databases for recording and tracking cases.<sup>100</sup> Joint standards on

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<sup>99</sup> OSCE Ministerial Council Decision 9/09, *op. cit.*, note 5.

<sup>100</sup> *Handbook for National Action Plans on Violence Against Women*, *op. cit.*, note 25, page 61.

handling casework should be transparent and set expectations, while joint protocols should include common definitions (or interpretations of legal definitions) and specify each agency's role in the response system. Key relationships and victim referral channels should be clearly identified, as should be mechanisms to ensure monitoring and accountability.<sup>101</sup> Guidelines and protocols should be subject to periodic review,<sup>102</sup> while quality assurance mechanisms should be built in and the performance of such efforts monitored across the response system.

### *Good practice examples: Criminal justice response*

#### **Croatia**

In Croatia, the Rules of Procedure in Hate Crime Cases set out a sequence of specific steps that police must take in response to a hate crime complaint, including initial investigative steps and victim protection and assistance measures.<sup>103</sup> The Rules also require police to uncover bias indicators, while the judiciary, including the prosecution service, is to respond urgently and with special attention to hate crime cases.

#### **Greece**

In Greece, the inter-agency co-operation agreement includes law enforcement and criminal justice response measures. The Ministry of Interior is responsible for identifying, investigating and reporting any potential hate crime cases to the specialized unit. It is also required to upgrade existing police guidelines on hate crime cases by incorporating information on bias indicators. The Ministry is further tasked with enhancing co-ordination among the 70 specialized police units across the country.

The Prosecutor of the Supreme Court is to provide guidance on prosecuting hate crimes to all prosecutors' offices and on the appointment of specialized prosecutors. Guidelines for prosecutors require them to refer potential hate

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<sup>101</sup> *Ibid.*, page 60.

<sup>102</sup> *Ibid.*, pages 61-62.

<sup>103</sup> *Protocol for Procedure in Cases of Hate Crimes, op. cit.*, note 43.

crime cases to specialized prosecutors, the work of whom is co-ordinated by the Prosecutor of the Supreme Court.

The Ministry of Migration Policy is to provide guidance to its employees on reporting potential hate crime cases to the competent police units, in particular those employed in reception and identification centres and shelters for asylum seekers.

### **Spain**

In line with the government's Comprehensive Strategy Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2011), Spain's co-operation agreement calls for specialized prosecutorial units to be set up across the country.<sup>104</sup> Those units are to apply uniform criteria when prosecuting hate crime cases to ensure the standardized and effective application of criminal law. In addition, the agreement envisages the development of protocols on police responses to hate crime incidents.

### **Sweden**

In Sweden, the National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime requires that the Prosecution Authority develop guidelines on ensuring a consistent procedure for processing hate crime cases, disseminate those guidelines and have them applied by all prosecution offices nationwide.<sup>105</sup> The Police Authority, the Prosecution Authority and the National Council for Crime Prevention are to collaborate to ensure the consistent application of the term "hate crime" within and across the relevant agencies.<sup>106</sup>

## **Addressing under-reporting of hate crime**

Inter-agency co-operation plans should include mechanisms to encourage victims and witnesses to report hate crimes. On this topic, OSCE participating States have

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104 *Convenio marco de cooperación y colaboración*, *op. cit.*, note 44.

105 *A comprehensive approach to combat racism and hate crime*, *op. cit.*, note 31, page 66.

106 *Ibid.*, page 68.

committed to “take appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents States from devising efficient policies. In this regard, explore, as complementary measures, methods for facilitating the contribution of civil society to combat hate crimes”.<sup>107</sup> ODIHR supports civil society in efforts to monitor and report hate crimes, and to foster relations between communities and law enforcement agencies in order to encourage victims to report crimes.<sup>108</sup>

The systemic under-reporting of hate crimes significantly impairs criminal justice responses to hate crime.<sup>109</sup> Steps to encourage reporting should be based on a needs assessment that identifies the country-specific barriers to reporting, in addition to more general ones, such as the lack of trust in the police, prosecution service and courts among vulnerable groups. The needs assessment should also evaluate the measures currently in place to promote reporting of hate crimes.<sup>110</sup>

One way of facilitating hate crime reporting is to establish specialized hate crime police units or liaison officers.<sup>111</sup> This approach was taken in Greece, where the Prosecutor of the Supreme Court increased the number of specialist hate crime prosecutors from 5 to 18 following ODIHR assistance.

In addition, inter-agency co-operation plans should envisage police community outreach, police involvement in prevention activities in schools and awareness-raising on available remedies.<sup>112</sup> Other measures include setting up channels for third party and anonymous reporting, including online reporting, that are administrated by police or prosecution services.<sup>113</sup> Equality bodies, ombudspersons or human rights commissions can also be tasked with managing reporting tools and liaising with law enforcement.<sup>114</sup>

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107 OSCE Ministerial Council Decision 9/09, *op. cit.*, note 5.

108 “ODIHR’s capacity-building efforts”, *op. cit.*, note 3.

109 *Ensuring Justice for Hate Crime Victims*, *op. cit.*, note 36, page 27.

110 *Ibid.*, page 9.

111 *Ibid.*

112 *Handbook for National Action Plans on Violence Against Women*, *op. cit.*, note 25, page 62.

113 *Ensuring Justice, Protection and Support for Victims of Hate Crime and Hate Speech*, *op. cit.*, note 65, page 9.

114 *Ibid.*

Monitoring is key to ensuring that interventions to promote hate crime reporting are sustainable. Reliable and methodical monitoring of such interventions is often lacking, making it difficult to address gaps in their impact and establish good practices.<sup>115</sup> Accordingly, inter-agency co-operation plans should provide for the ongoing evaluation of measures to encourage reporting.<sup>116</sup>

### *Good practice examples: Addressing under-reporting*

#### **Poland**

The ODIHR project “Building a Comprehensive Criminal Justice Response to Hate Crime” generated a good practice in Poland, where a victimization survey was used as a tool to identify the scale of under-reporting. More than 25 per cent of respondents stated that it is not worthwhile to report a crime, while 22 per cent said that the police would not respond to the reported crime. Meanwhile, just over 20 per cent responded that they had not reported a crime due to lack of evidence of the crime taking place. The study was based on an innovative respondent-driven sampling methodology that applied a “snowballing” approach, whereby respondents recruited other respondents from within their community. The study aimed to reach “hidden” communities that would not be captured by the statistics available to the authorities.<sup>117</sup>

#### **United Kingdom**

In the United Kingdom, the Action Against Hate plan aims to increase hate crime reporting by improving and simplifying the reporting process, encouraging third party reporting and conducting outreach in communities that tend

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115 *Ensuring Justice for Hate Crime Victims*, *op. cit.*, note 36, page 11.

116 In this regard, the Victims Directive requires that data be collected on how victims access their rights: *Ensuring Justice, Protection and Support for Victims of Hate Crime and Hate Speech*, *op. cit.*, note 65, page 7.

117 See more at: “ODIHR supports research on unreported hate crimes and hate incidents in Poland”, ODIHR website, 26 October 2018, <<https://www.osce.org/odihr/386313>>.

to under-report hate crimes. It also has an initiative to publish information on successful prosecutions, with the aim of increasing public trust in the criminal justice response to hate crime.<sup>118</sup>

## Collecting hate crime data

OSCE commitments and ODIHR good practice standards have established the importance of systematically collecting data on hate crimes. In particular, OSCE participating States have committed to “collect, maintain and make public, reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to law enforcement, the numbers prosecuted and the sentences imposed”.<sup>119</sup> More, specifically, states are required to “collect and maintain reliable information and statistics about anti-Semitic crimes [and] report such information periodically” to ODIHR.<sup>120</sup> Participating States must also “collect and maintain reliable information and statistics about hate crimes motivated by racism, xenophobia and related discrimination and intolerance [and] report such information periodically” to ODIHR.<sup>121</sup> Finally, participating States have committed to “nominate, if they have not yet done so, a national point of contact on hate crimes to periodically report to the ODIHR reliable information and statistics on hate crimes”.<sup>122</sup>

OSCE commitments also oblige participating States to take measures to facilitate hate crime reporting, including by setting up telephone hotlines for victims to report hate crime and seek assistance and support. States are also expected to engage in public relations campaigns aimed at preventing and responding to hate crimes. Thus, participating States are expected to engage in awareness-raising

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118 *Action Against Hate*, *op. cit.*, note 35.

119 OSCE Ministerial Council Decision 9/09, *op. cit.*, note 5.

120 OSCE Permanent Council Decision No. 607, “Combating Anti-Semitism”, Sophia, 7 December 2004, <<https://www.osce.org/mc/23133>>.

121 OSCE Permanent Council Decision No. 621, “Tolerance and the fight against Racism, Xenophobia and Discrimination”, Sophia, 7 December 2004, <<https://www.osce.org/mc/23133?download=true>>.

122 OSCE Ministerial Council Decision 9/09, *op. cit.*, note 5.

efforts to ensure that the public understands the nature and scope of hate crimes, that they are encouraged to report incidents, and are therefore able to assist the police in apprehending and investigating perpetrators.<sup>123</sup>

As already noted, ODIHR is mandated to serve as a “collection point for information and statistics collected by participating States”, and to “report its findings [...] and make its findings public”.<sup>124</sup> More specifically, ODIHR is required to “make its findings publicly available through TANDIS [the Tolerance and Non-Discrimination Information System] and its Report on Challenges and Responses to Hate-motivated Incidents in the OSCE region”.<sup>125</sup> ODIHR’s regular hate crime reports serve “as a basis for deciding on [OSCE] priorities for future work” to promote tolerance and address hate crime.<sup>126</sup>

ODIHR leads international efforts to foster hate crime data collection and provides numerous online resources, such as annual hate crime data, via the Hate Crime Reporting website: [www.hatecrime.osce.org](http://www.hatecrime.osce.org). Relevant data on ODIHR’s website include the number of cases reported to law enforcement authorities, the number of cases prosecuted and the sentences imposed. The hate crime data also include contributions from international organizations and civil society organizations. The ODIHR publication *Hate Crime Data Collection and Monitoring Mechanisms: A Practical Guide* is a valuable resource that sets out ten practical steps governments can take to improve recording systems and gain a better understanding of the prevalence and impact of hate crime.<sup>127</sup>

OSCE Commitments and ODIHR’s efforts on hate crime data collection are compatible with Council of Europe treaties, as well as the activities and directives of the European Union. For example, OSCE participating states that have ratified the Istanbul Convention are obliged to collect disaggregated statistical data for effective,

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123 “ODIHR’s capacity-building efforts”, *op. cit.*, note 3.

124 OSCE Ministerial Council Decision No. 4/03, “Tolerance and Non-Discrimination”, Maastricht, 2 December 2003, <<https://www.osce.org/mc/19382>> and OSCE Permanent Council Decision No. 607, *op. cit.*, note 120.

125 OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 29.

126 OSCE Ministerial Council Decision No. 4/03, *op. cit.*, note 124.

127 “Data Collection Guide”, OSCE/ODIHR website, 9 October 2018, <<https://www.osce.org/odihr/datacollectionguide>>.

evidence-based policy-making.<sup>128</sup> The benefit of the statistical data as presented in the Explanatory Report on the Convention is also applicable to raising awareness among policy-makers and the public about the prevalence and nature of hate crimes, and to encourage reporting by victims or witnesses. Data on the use of victim services help authorities to assess the effectiveness of existing policies and the administrative cost of bias-motivated violence. Administrative and judicial data can contribute to a state's response to violence and can provide information on crimes that authorities are dealing with within criminal procedures, while service-based administrative data can include systematic recording of data concerning how victims are using services and how the government is serving them. Judicial data should include sentencing and the characteristics of convicted persons, as well as conviction rates. To reveal any improvement or decline in the effectiveness of interventions to address hate crime, administrative and judicial statistics should be studied at regular intervals.<sup>129</sup>

European Union agencies have also underscored the importance of enhancing hate crime data collection<sup>130</sup> and have acknowledged that few states have mechanisms in place to comprehensively record hate crimes.<sup>131</sup>

An essential goal of inter-agency co-operation plans is to facilitate the exchange of adequate data, with the aim of developing, implementing and monitoring fact-based policies to address hate crime. Inter-agency co-operation plans can help overcome obstacles to data sharing that result from the use of different software and case recording and management systems. Accordingly, inter-agency co-operation plans should include co-ordinated interventions that ensure, at a minimum, the collection of data on the number of hate crime incidents reported by the public and recorded by the authorities; the number of convictions; bias motivations; and sentencing punishments.<sup>132</sup> Plans should establish a permanent mechanism for the collection and regular communication and analysis of comprehensive statistical

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128 *Explanatory Report, op. cit.*, note 10, paragraph 74.

129 *Ibid.*, paragraph 76.

130 *Improving the Recording of Hate Crime by Law Enforcement Authorities: Key Guiding Principles, op. cit.*, note 23, page 4.

131 *Crimes motivated by hatred and prejudice in the EU* (European Union Agency for Fundamental Rights, 2013), pages 2-3.

132 *Ibid.*

and qualitative hate crime data. In order to reflect the nature, prevalence and impact of hate crime, such data must be disaggregated by victims' protected characteristics.<sup>133</sup> Hate crime definitions and evaluation indicators should be shared across agencies involved in processing data in order to ensure its accuracy and reliability.

Inter-agency co-operation plans should also encourage the development of guidelines aimed at standardizing data collection and record-keeping systems across the police, the prosecution, the courts and other services, including healthcare, and across institutions at all levels. The development of common data-collection procedures and integrated data systems is essential for data to be appropriately analysed.<sup>134</sup> The collection and analysis of system-wide data enables continuous quality assurance and the improvement of data collection mechanisms.<sup>135</sup>

Moreover, co-operation plans should encourage the development of regulations for police on systematically recording all bias indicators.<sup>136</sup> Police procedures should be standardized and should establish clearly defined common bias indicators for officers to flag.<sup>137</sup> Police should actively co-operate with civil society organizations to improve hate crime recording.<sup>138</sup> Civil society plays a crucial role in monitoring and reporting hate crimes. Data provided by civil society organizations form an important part of ODIHR's hate crime data collection and offer valuable context to the hate crime data reported by participating States.<sup>139</sup>

Based on established good practices, it is useful for a national research institution be consulted on data collection processes and enlisted to help analyse hate crime data. Regular, comparable reports on the prevalence of hate crime should also be produced to gauge trends. Other good practices include implementing systems to allow victims to track a hate crime or systems that measure how satisfied victims were with how their case was handled. In connection, with that, establishing a mechanism to record victim complaints could be a good idea.

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133 See: *Handbook for National Action Plans on Violence Against Women*, *op. cit.*, note 25, page 29.

134 *Ibid.*, page 71.

135 *Ibid.*

136 *Ensuring Justice for Hate Crime Victims*, *op. cit.*, note 36, page 11.

137 *Improving the Recording of Hate Crime by Law Enforcement Authorities: Key Guiding Principles*, *op. cit.*, note 23, page 5.

138 *Ibid.*, page 6.

139 "ODIHR's capacity-building efforts", *op. cit.*, note 3.

## ***Good practice examples: Collecting hate crime data***

### **Croatia**

In Croatia, the Rules of Procedure in Hate Crime Cases set out duties for the police on registering, tracking and recording data about hate crime cases in the case management system.<sup>140</sup> Judicial bodies are responsible for marking hate crime cases in a specific manner, and for collecting, storing and reporting data to the Ministry of Justice. The State Attorney's Office and the courts are to maintain databases containing specific data about each case, while the Ministry of Justice is responsible for aggregating judicial case data. The Ministry of Justice is also responsible for submitting such data to the Office for Human Rights and the Rights of National Minorities – the central body for collecting and publishing hate crime data – and for co-ordinating the task force on monitoring hate crime.

### **Greece**

In Greece, the inter-agency co-operation agreement helped institutions overcome obstacles to information sharing that resulted from the use of different software and case management systems. It led prosecutors to adopt the practice of marking hate crime cases with “RV” (“racist violence”) in the case management system. Under the agreement, co-operating institutions were tasked with improving the hate crime data recording and collection systems by ensuring the adequate recognition and registration of hate crimes. They undertook to improve the disaggregation of hate crime data, track cases throughout the judicial system and analyse recorded data. The institutions further agreed to support research on victimization, survey victims and apply other methods to establish the prevalence of unrecorded and unreported hate crime.

In particular, the Ministry of Justice is responsible for requesting, processing and monitoring data from the police, the Prosecutor's Office and the courts. It has also undertaken to ensure that personnel in penitentiary institu-

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<sup>140</sup> *Protocol for Procedure in Cases of Hate Crimes, op. cit.*, note 43.

tions report potential hate crime cases. The Ministry is further tasked with comparing the official data on the number of hate crimes with data aggregated by civil society.

The Ministry of Interior, meanwhile, has undertaken to register and report all potential hate crime cases to the competent specialized prosecutor; to include bias indicators for case identification in the police guidelines on hate crime; to improve and maintain a database of disaggregated data (including information on a victim's real or presumed membership or association in a protected group or association with such a group); and to provide such data to the Ministry of Justice.

The Prosecutor of the Supreme Court has undertaken to support all prosecutors in providing timely information to the Ministry of Justice on hate crime cases referred by the police, as well as to mark hate crime cases with "RV" to enable effective tracking of them. The president of the Supreme Court also agreed to ensure that the courts flag potential hate crime cases and share case data with the Ministry of Justice.

The Ministry of Health has undertaken to ensure that social care personnel, including those working in mental health institutions, report potential hate crime cases. Finally, the Ministry of Migration has been tasked with providing guidance to its personnel on reporting potential cases to the police.

## **Spain**

In line with the government's Comprehensive Strategy Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2011), Spain's co-operation agreement requires the co-operating authorities to record and collect quantitative and qualitative hate crime data based on specified indicators. Police are to be trained to ensure adequate data are recorded. Moreover, the agreement endorses the creation of a system of indicators aimed at facilitating the identification and recording of hate crime cases. It also requires the publication of aggregated statistical data on hate crime.<sup>141</sup>

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141 *Convenio marco de cooperación y colaboración, op. cit., note 44.*

## Sweden

In Sweden, the National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime requires the police to follow up on reported hate crime cases and compile national status reports, in co-operation with all relevant agencies. The police force is also required to report aggregated hate crime data to the government, in line with specific reporting requirements set out in the plan.<sup>142</sup>

## Developing human rights- based policies

It is important that inter-agency co-operation plans be founded on international human rights law, especially as those legal standards necessitate comprehensive co-operation involving all relevant institutions to address hate crime. A human rights-based approach recognizes that hate crimes are human rights violations, and that the state has an obligation under international law to counter such crimes and to provide redress to victims. An inter-agency co-operation plan should, therefore, define hate crime in line with the definition provided in international human rights law. A human rights-based approach also calls for an integrated framework for co-operation. Such an approach helps to lend the initiative legitimacy and promotes a shared understanding of key concepts by linking the plan to universally recognized criteria. It ensures a proper understanding of victims' dignity and rights. It also allows governments to demonstrate their implementation of obligations under international law and facilitates their reporting to treaty bodies.<sup>143</sup> All efforts to establish an integrated response plan, from development to reporting, should abide by human rights principles.

Measures taken into account also need to be based on a gendered understanding of hate crimes, which means that services have to demonstrate an approach that is relevant to their users, that recognizes the gender dynamics, impact and consequences of hate crimes, and that operates within a gender equality and

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142 *A comprehensive approach to combat racism and hate crime*, *op. cit.*, note 31, pages 63 and 64.

143 *Handbook for National Action Plans on Violence Against Women*, *op. cit.*, note 25, page 19.

human rights framework. Furthermore, the needs of victims should be assessed in light of all relevant circumstances to allow professionals to make informed and suitable decisions.

Plans to address hate crime involving multiple institutions should be linked to broader equality and human rights strategies and mechanisms in order to minimize overlap and foster coherence. The human and structural resources of existing equality and human rights mechanisms should be utilized when implementing the relevant areas of an inter-agency co-operation plan to address hate crime.<sup>144</sup>

### ***Good practice examples:***

#### ***Developing human rights-based policies***

##### **Croatia**

Croatia's Rules of Procedure in Hate Crime Cases invoke the country's obligations under international and European human rights law.<sup>145</sup>

##### **Greece**

In Greece, the inter-agency co-operation agreement concluded as part of ODIHR's project is grounded in the Constitution, the Convention for the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, OSCE commitments and the European Union Victims Directive.

##### **Spain**

In Spain, the Framework Agreement on Co-operation incorporates the objectives of the Government's Comprehensive Strategy Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2011), which was used to define the scope of the co-operation plan. The agreement also links to other human rights standards and obligations.

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<sup>144</sup> *Ibid.*, page 76.

<sup>145</sup> *Protocol for Procedure in Cases of Hate Crimes*, *op. cit.*, note 43.

## Sweden

In Sweden, the National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime draws on Sweden's international human rights obligations, and was developed in response to a UN Human Rights Council recommendation.<sup>146</sup> The measures included in the plan are linked to objectives set by parliament.<sup>147</sup>

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<sup>146</sup> *A comprehensive approach to combat racism and hate crime*, *op. cit.*, note 31, pages 17 and 22.

<sup>147</sup> *Ibid.*, page 9.

## PART 4: ADOPTING, IMPLEMENTING AND MONITORING THE INTER-AGENCY CO-OPERATION PLAN

Once a final draft of the inter-agency co-operation agreement is ready, it is a good idea to make it available online for feedback from those not included in earlier consultations. After relevant comments have been incorporated, the plan will be ready to be submitted, adopted and come into force.

### Adopting the plan

A joint inter-agency response to hate crime can take various forms. Some countries have adopted agreements or protocols, while others have developed national action plans or secondary legislation, such as executive decrees. Adopting a single comprehensive national action plan or strategy seems to be the most common approach.<sup>148</sup> Another option is to have several separate national action plans or strategies, each with a different focus.<sup>149</sup>

A good practice is to codify all efforts to combat hate crime, including specific cross-institutional co-ordination activities, under a single piece of primary legislation. This provides the most stability and legitimacy for such efforts. In the field of countering gender-based violence, Spain's Integrated Protection Measures against Gender Violence Act is a model example of a single piece of primary legislation that encompasses all related efforts, and is recognized as one of the most advanced legal frameworks in the world for addressing such violence.<sup>150</sup>

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<sup>148</sup> *Preventing Violence Against Women: Article 12 of the Istanbul Convention* (Council of Europe, 2014), page 17, <<https://rm.coe.int/168046e1fo>>.

<sup>149</sup> *Ibid.*

<sup>150</sup> *Ibid.*, page 16.

## Maintaining or annulling the drafting mechanism

Once the drafting mechanism's primary objective is fulfilled, a decision needs to be made as to the mechanism's future. It might be useful to retain the mechanism as a permanent structure for inter-agency co-operation. On the other hand, it might be more efficient to dismantle the *ad hoc* drafting mechanism and set up a long-term and well-resourced structure to drive and co-ordinate the implementation of the adopted plan, with an appropriate monitoring mechanism built in.

For example, in Greece, the inter-agency working group established within the Ministry of Justice to draft the co-operation agreement is programmed to continue functioning as a forum for inter-agency exchange and to co-ordinate the implementation of activities under the agreement. The working group is to meet in full at least once a month, and all members are required to inform the institutional leadership about developments in their work. Moreover, the Ministry of Justice is to continue providing secretarial support to the working group, including by scheduling meetings, proposing the agenda and keeping minutes.

## Evaluating the process

When deciding whether to retain the drafting mechanism, it is useful to assess its procedural successes and shortcomings. It might, therefore, be worth conducting an assessment to identify the challenges and good practices encountered when developing the co-operation plan. An external auditor could be hired to conduct the assessment. Alternatively, the lead institution could task its own staff to carry it out. As part of the assessment, all participants in the drafting mechanism should be invited to provide feedback via an anonymous evaluation questionnaire, interviews, a focus group or other means. To ensure a meaningful assessment, it is important that civil society participants are consulted. A principal criterion for evaluating the process should be whether it has adequately addressed all issues identified in the needs assessment.

In Greece, an external consultant was contracted to assess the process of developing the inter-agency co-operation agreement and to identify the lessons learned. The assessment included studying reports on hate crime in Greece and project documents detailing the activities undertaken by participating institutions. The consultant also conducted interviews with working group participants representing

a number of national institutions and civil society organizations, as well as ODIHR. Participants who were not interviewed received a written questionnaire through which they could provide feedback. The consultant then compiled a report that highlighted the good practices identified.

## Securing implementation and sustainability

To combat the deep-rooted problem of hate crime, it is important that inter-agency co-operation plans are sustainable and include strategic measures to be implemented in the short, mid and long terms. Therefore, in addition to setting specific tasks and timeframes, inter-agency co-operation plans should also establish oversight structures to ensure the consistent implementation of planned activities. They are also needed to ensure that cross-cutting policies are effectively and coherently applied over time. Where a significant number of civil society organizations have been included in the drafting mechanism, their continued participation will help to galvanize the efforts of co-operating institutions in implementing the plan. To maximize results, such civil society organizations should be included in the plan's oversight structures.

### Oversight structures

As noted above, a sustainable inter-agency co-operation plan requires the backing of influential agencies and actors from across government and political parties. To this end, governance of the plan should be structured so as to obtain and retain the endorsement and commitment of key institutions and actors. An oversight structure is typically responsible for co-ordinating the plan's implementation, continuously managing risks and amplifying the plan's positive impact. The role of such structures is to direct the efforts of all relevant institutions to ensure the co-ordinated implementation of the inter-agency co-operation plan.

International good practice indicates that cross-government committees or ministerial councils can be appointed as oversight structures for the implementation of inter-agency co-operation plans.<sup>151</sup> Agreements or memoranda of understanding can be adopted to co-ordinate the roles of different institutions represented in the oversight structure. An oversight structure formed of high-level agencies

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<sup>151</sup> *Handbook for National Action Plans on Violence Against Women*, *op. cit.*, note 25, page 31.

from different sectors should have the support of a well-funded and technically-capable secretariat unit that is able to undertake responsibilities on behalf of all sectors.<sup>152</sup> Oversight structures should report to, and be guided by, the minister or ministers (or other high-level officials) that endorse the co-operation plan. The plan should specify the composition of the oversight structure and also provide for sufficient long-term resources, including expert staff from institutions responsible for implementing the plan.<sup>153</sup>

### ***Good practice examples: Monitoring and evaluating the inter-agency co-operation***

#### **Croatia**

In Croatia, the Hate Crime Monitoring Working Group that drafted the Rules of Procedure in Hate Crime Cases is the designated entity responsible for monitoring the implementation of hate crime legislation and for overseeing the hate crime data collection process. It holds meetings several times a year, providing an opportunity for members to exchange information and discuss hate crime trends and policies.

#### **Sweden**

In Sweden, the National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime was endorsed by the Minister for Culture and Democracy, the Minister for Home Affairs and the Minister for Justice and Migration.<sup>154</sup> The plan establishes a centralized structure responsible for co-ordinating all activities included in the plan, as well as for monitoring the plan's implementation annually. The purpose of the structure is to ensure the plan's strategic implementation in the long-term.<sup>155</sup>

#### **United Kingdom**

In the United Kingdom, the implementation of the Action Against Hate plan is

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<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*, pages 31–32.

<sup>154</sup> *A comprehensive approach to combat racism and hate crime*, *op. cit.*, note 31, page 5.

<sup>155</sup> *Ibid.*, page 9.

overseen by a project board comprised of criminal justice agencies and relevant government departments, as well as the Independent Advisory Group on Hate Crime.<sup>156</sup>

### *Implementation, Resourcing and Accountability*

Once an inter-agency co-operation plan is officially adopted, the focus should be on guaranteeing effective and continued implementation of it. To this end, it is useful to raise awareness of the plan among the relevant professional communities, institutional staff and the general public, including victimized communities.

As indicated throughout this publication, an effective plan should include specific, measurable short-, mid- and long-term goals, accompanied by objectives and criteria to measure their implementation. The plan should also specify the implementing institution, timeframe, funding and human resources allotted to each activity and mechanism set out under the plan.<sup>157</sup> As such, plans normally transcend a single funding cycle and access to the resources necessary for implementing the plan must be continuous.

In addition, for the plan to remain fit-for-purpose it must provide for its own continuous monitoring, evaluation and reporting. This will ensure that the plan builds on its original framework to reflect the outcomes of its implementation.

Independent monitoring is a cornerstone of human rights-based policy-making. Therefore, victims' organizations and those working to promote human rights should be included in the plan's monitoring and evaluation structures. Research organizations should also be included to ensure that assessments of the plan's implementation are methodologically sound.<sup>158</sup> As part of independent monitoring efforts, each stage of the implementation process should be documented. This allows for the early identification and efficient management of any problems that arise. It allows good practices to be identified and expanded. Therefore, it is

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<sup>156</sup> *Action Against Hate*, *op. cit.*, note 35.

<sup>157</sup> *Handbook for National Action Plans on Violence Against Women*, *op. cit.*, note 25, page 77.

<sup>158</sup> *Ibid.*, page 78.

a good idea to design a comprehensive monitoring framework, including specific and comparable indicators and targets that are clearly linked to the plan's goals and objectives.<sup>159</sup> Indicators should measure both output and effect. Monitoring frameworks should be transparent and the results should be communicated to all parties involved in implementation.<sup>160</sup>

If possible, the monitoring framework should include a mechanism for gathering and analysing data from across different sectors, and for identifying lessons learned and developing new proposals to reflect the findings.<sup>161</sup> To strengthen accountability and credibility in the process, the monitoring mechanism should be independent from the institution that leads the plan's implementation.<sup>162</sup> It could, however, be the body in charge of overseeing data collection under the plan.

Monitoring allows for regular and extensive evaluations to be carried out – both qualitative and quantitative – of the outputs, outcomes and impacts of interventions implemented under the plan. The implementation process should also be assessed. Data collected as part of the monitoring process should be disaggregated by protected characteristics (such as disability, ethnicity, race, religion, sex and sexual orientation, among others) to measure the impact of the plan on different groups. Furthermore, in order to measure the impact of the monitoring plan, it should include gender sensitive indicators, quantitative indicators based on statistical data disaggregated by sex, and also qualitative information. These measurements of gender equality allow states to monitor and assess changes in the relations between men and women, the outcomes of particular policies, programmes or activities for women and men, or changes in the status or situation of men and women who are victims of hate crimes.

Monitoring reports should be shared with all stakeholders and made public. The plan should specify the entities responsible for reporting the results of the assessment. Based on these reports, implementation measures should be adjusted and new interventions should be developed to ensure that the inter-agency co-operation plan continues to respond to changing realities.

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159 *bid.*

160 *Ibid.*

161 *Ibid.*, page 79.

162 *Ibid.*, page 80.

## CONCLUSION

Hate crimes are serious human rights violations that can undermine international, national, regional and local security. A comprehensive response involving all institutions is essential if efforts to counter hate crime are to be effective. Strategic inter-agency co-operation is the best way of ensuring the impact and sustainability of efforts to address the roots of hate crime. It is vital that the institutional response takes a purposeful and holistic approach. The plan should co-ordinate work in all areas of preventing and addressing hate crime, including efforts to challenge attitudes that are conducive to such crimes, providing capacity-building for police and magistrates, effectively investigating suspected perpetrators, ensuring respect for and care of victims and engaging in comprehensive data collection and processing. By integrating these separate yet complementary efforts, the plan will ensure the development of evidence-based laws and policies to combat hate crime, while guarding against secondary victimization resulting from the denial of justice. Only through co-ordinated and inclusive co-operation across all sectors and levels can meaningful change in protecting and providing redress for victims be achieved. Any measures taken to prevent and address hate crimes need to promote equality between women and men. States are obliged to secure this equality and protect the enjoyment by citizens of all civil, political, economic, social and cultural rights, as set out in the international human rights instruments.

Above all, an inter-agency co-operation plan to address hate crime must have a broad scope, clear goals and objectives, well-defined obligations, specific time-frames and sufficient resources. It must be developed from the ground up via a participatory process that integrates the efforts of all stakeholders, including those representing hate crime victims. Failing to integrate victims' perspectives will undermine the legitimacy and effectiveness of efforts to address hate crime. Indeed, a human rights-based approach depends on including those whose rights need protecting at all stages of the process.

It is equally important that leaders from across the social, political and institutional spectrum are involved in crafting the inter-agency plan from the outset. This is the only means to ensure that leaders commit to ensuring the plan's implementation in the long-term. Encouraging leaders to take ownership of the initiative can help safeguard its sustained impact despite changes of government and other political shifts. The active and full involvement of leaders should be bolstered by their own commitment to building a rule-of-law-based state that places individual dignity at the centre of policy-making. This will enable the full array of political and social structures to be enlisted to successfully transform society from one where intolerance manifests as hate crime, to one that does not tolerate bias-motivated crimes.

