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# Policy Brief

## Structural Arrangements for Hate Crime Victim Support



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# Executive summary

Hate crime victim support requires that victims can access the services they need to fully recover from a hate crime, understand and participate in criminal justice processes and regain their agency. Yet in most countries, the structural arrangements required for an effective and comprehensive hate crime victim support system are not in place or need strengthening. These structural arrangements include the laws, polices, procedures, guidance and funding that underpin effective and sustainable services.

Evidence from across the OSCE region reveals profound gaps in the structural arrangements for hate crime victim support. Domestic legal and policy frameworks are, in many cases, underdeveloped or non-existent. Where they do exist, they commonly lack the necessary foundations for a comprehensive victim support structure. The absence of clear guidance for criminal justice practitioners on how to identify and respond to hate crime victims' needs results in inadequate responses because those support services are not based on an understanding of hate crime victims' needs and vulnerabilities.

Gaps in specialist service provision across the OSCE region means that general victim support services end up responsible for providing support to hate crime victims, despite lacking the necessary expertise. This results in limited availability of services or services that vary in quality, scope, accessibility and many other factors within national jurisdictions. While civil society organizations (CSOs) often take the lead in providing specialist support services to hate crime victims, they are often outside state co-ordination structures, do not receive state funding or are insufficiently funded. In addition, they are often not involved in government consultations on hate crime policymaking. Low levels of awareness of the available services among both criminal justice practitioners and victims and a lack of mechanisms to assess the quality of the services available undermine victims' ability to access the services they require.

While there is no single model for establishing and strengthening the structural arrangements necessary for effective hate crime victim support services, they should be built around specialist services specifically designed to respond to the needs of hate crime victims. Where specialist hate crime support as a standalone service does not exist, specialist support services can be provided through specific units integrated into general victim support services.

Specialist hate crime victim support services can be provided by states through designated units or staff in the criminal justice system, social work services or qualified civil society providers. For these to be effective, and to maximize the available expertise and resources, state and civil society actors should collaborate. Regardless of whether such services are provided by a public or non-public entity, the government must be involved in co-ordinating their availability and provision, ensuring their quality and securing their funding. Practical support, legal advice and representation, psychological and emotional

assistance and counselling services should be available free of charge to all hate crime victims, wherever they are located and independently of whether they report the incident to the police.

Countries that take a comprehensive, rather than sectoral, approach to establishing and strengthening structural arrangements for hate crime victim support are more likely to address hate crime victims' specific needs and offer them effective support and protection. Such holistic approaches include appropriate legal and policy frameworks, clear and commonly agreed definitions of what constitutes a "hate crime" and a "hate crime victim", adequate and sustainable funding, robust quality standards for support provision, capacity-building, guidance for law enforcement and other criminal justice system professionals and structured co-operation between different actors. A comprehensive government response should also fully engage CSOs as partners in providing support for victims, and ensures that information on available services that meet quality standards is accessible to all, so that an effective referrals system can be triggered to meet the needs hate crime victims.

# Recommendations and action points

The following recommendations and action points provide an overview of the concrete steps and measures governments can take to establish or strengthen structural arrangements to make a comprehensive and needs-based hate crime victim support system a reality. The Policy proposals presented do not form an exhaustive list of measures that can be applied to improve structural arrangements for specialist hate crime victim support but make up the key measures required to strengthen and/or develop a robust hate crime victim support system.

These recommendations and action points are primarily directed at policymakers and decision makers in government who are responsible for designing or improving the provision of services for victims of hate crime. At each stage of implementing these recommendations, policymakers should co-operate closely with civil society providers and victims' groups to ensure their experiences and expertise are fully incorporated.

Successful structural arrangements advocate for an inclusive, victim-centred approach to hate crime victim support. Taken together, these action points provide a framework to establish or strengthen the structural arrangements needed to ensure the systematic provision of support to victims of hate crime. These recommendations focus on ensuring that each victim is treated as an individual with their own specific needs and puts the focus on empowering them to recover from their victimization.

## Putting the foundations in place

- Establish legal frameworks that recognize and define hate crimes, identify hate crime victims as a specific and particularly vulnerable category of victims with specific support needs, and set out specialist and general support services to which hate crime victims are entitled.
- Create comprehensive, free to access and standalone specialist services addressing the specific needs of hate crime victims. The minimum services provided and any eligibility criteria for accessing them should be set out in law. Access should be independent of whether the victim chooses to report the hate crime.
- Take steps to ensure that hate crime victims can access specialist support within general victim support services in cases where specialist hate crime victim support services are absent. For European Union (EU)

Member States, general victim support services should, at a minimum, include those specified in the EU Victims' Rights Directive.<sup>1</sup>

- Embed a needs-based approach to service provision by establishing a robust individual needs assessment (INA) process that is repeated over time to capture changes in a victim's needs.<sup>2</sup>
- Set up systematic training programmes for people who work with hate crime victims. Training programmes should be developed and implemented through a collaborative process that incorporates the experiences and expertise of specialist CSO service providers working with hate crime victims, as well as victims themselves.

## Fostering enabling conditions

- Develop and distribute comprehensive and actionable guidance on how to design and deliver all elements of hate crime victim support. This guidance should be developed through an inclusive, multi-stakeholder approach.
- Create institutionalized multi-stakeholder co-operation platforms to facilitate both horizontal (across sector) and vertical (across governance level) collaboration, civil society support providers and among different specialist service providers.
- Establish modes of collaboration that include forums to discuss and strengthen co-operation, a list of identified contact points and procedures and a continuously updated overview of relevant hate crime victim support providers, and set out these modes of collaboration in formal written documents
- Institutionalize clear and consistent communication channels between criminal justice actors and CSO victim support services, particularly concerning INAs and referrals. Communication must be based on the victims' consent and must respect their privacy.
- Ensure adequate and sustainable funding for hate crime victim support services provided by the State and CSOs. Project-based funding should be long-term and complemented by core funding to avoid gaps in service provision.
- Prepare and disseminate accessible information in a range of different formats to ensure that hate crime victims and all support workers who encounter them are aware of victims' rights and available support services.

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1 [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.](#)

2 A needs assessment, as it is stipulated in Article 22 of the [Directive 2012/29/EU](#), is not sufficient for hate crime victims, who require a more comprehensive approach.

- Implement sustainable measures to identify and address barriers to accessing victim support.
- Build victims' trust in support services and encourage them to seek and take up support.

## Ensuring the quality of hate crime victim support services

- Establish robust and comprehensive standards for the quality of victim support services provided by the government and CSOs. These standards should focus on ensuring victims' needs and rights are met. They should be developed in inclusive, multi-stakeholder processes.
- Develop and implement effective mechanisms to regularly monitor and evaluate the quality of service. These mechanisms should focus on the extent to which services meet victims' needs and quality checks should be conducted by external and independent experts.
- Collect comprehensive data on hate crime victim support services to identify what kind of support is most needed, including where it is needed most and by whom. Government data should be complemented by information from CSOs.

# Introduction

Participating States of the Organization for Security and Co-operation in Europe (OSCE) have committed to take action to address hate crime. They have agreed to encourage reporting, provide hate crime victims with effective access to justice and assistance, support organizations assisting victims and build the capacity of law enforcement to interact with victims of hate crimes.<sup>3</sup> Participating States that are also European Union (EU) Member States are additionally bound by legislation on countering racism and xenophobia and protecting victims' rights.<sup>4</sup> In particular, Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime (Victims' Rights Directive) specifically delineates victims of hate crime as "particularly vulnerable victims" with specific protection and assistance needs. In addition, member states of the Council of Europe follow standards set out in the European Convention on the Compensation of Victims of Violent Crimes (1983) and related recommendations.<sup>5</sup>

All these commitments underline that the primary responsibility for putting in place the structural arrangements necessary to ensure that victims of hate crime receive support rests with states. These commitments also ensure that a victim-centered approach includes specialist support services. However, in practice many victims struggle to access the support they need. Legal frameworks, law enforcement and criminal justice bodies sometimes fail to acknowledge or recognize hate crimes and the resulting needs of hate crime victims, or do not adequately identify relevant support and direct victims to it. In many countries, victim support systems — including both generic services and specialist support for hate crime victims — are fragmented, underfunded or in the early stages of development. Many systems rely on CSOs as the primary providers of support to hate crime victims, often without dependable or sufficient funding.

Recognizing these challenges, the OSCE Office for Democratic Institutions and Human Rights (ODIHR),<sup>6</sup> in partnership with the Association of Counselling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany (VBRG),<sup>7</sup> is implementing the

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3 See, in particular: OSCE Ministerial Council, Decision 9/09, "[Combating Hate Crimes](#)", Athens, 2 December 2009; and Decision 13/06, "[Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding](#)", Brussels, 5 December 2006.

4 Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law; and Directive 2012/29/EU, op. cit., note 1.

5 Council of Europe, [European Convention on the Compensation of Victims of Violent Crimes](#), 24 November 1983, ETS 116; and Committee of Ministers Recommendation Rec(2006)8, [On Assistance to Crime Victims](#), 14 June 2006.

6 ODIHR supports OSCE participating States and civil society to address intolerance and discrimination and has an extensive mandate relating to hate crime. For more information, see: [ODIHR's Efforts to Counter Hate Crime](#) (Warsaw: OSCE/ODIHR, 2016).

7 For more information, see [VBRG's website](#).

Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support Project (EStAR).<sup>8</sup> The project aims to equip state and civil society actors with tools and resources to ensure that hate crime victims are protected, enjoy full access to justice and receive tailored specialist support. The project covers 41 countries, all of which are participating States of the OSCE and Member States of the Council of Europe, and most of which are also EU Member States.

This policy brief outlines the structural arrangements necessary for the effective provision of hate crime victim support. It first addresses what is meant by structural arrangements for hate crime victim support and explores why they are needed. It then examines the current state of hate crime victim support structures in project countries and highlights gaps and shortcomings in these arrangements. The final section sets out how to effectively establish, organize and strengthen structural arrangements for the provision of hate crime victim support. Examples of promising practices are included throughout the report to capture different practical aspects of setting up hate crime victim support structures. For a holistic and comprehensive perspective, this brief should be read alongside other EStAR publications.<sup>9</sup>

The brief is primarily written for policymakers and decision makers, advisers, analysts and researchers responsible for designing, improving or providing services for victims of crime – in particular victims of hate crime – at the international and national level. It may also be of help to criminal justice and hate crime victim support practitioners, CSOs working with victims of hate crime and organizations working on issues related to human rights, inclusion and diversity.

This brief — like the EStAR project as a whole — takes a victim-centred and a gender-sensitive approach. This puts victims of hate crime at the centre of any action, approach or measure by criminal justice bodies, support providers or other entities. A victim-centred approach includes individualized treatment that views the victim as an individual with specific needs, and as a partner with agency throughout the process of recovering from a hate crime and through the criminal justice process, should the victim choose to take legal action. This brief is based on the understanding that hate crime victim protection and support must be embedded in, and form an integral part of, a comprehensive and co-ordinated approach to responding to hate crime.

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8 Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Cyprus, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom. See: EStAR, "[Enhancing hate crime victim support](#)", OSCE/ODIHR website for more information.

9 See: EStAR, "[Enhancing hate crime victim support](#)", OSCE/ODIHR website for more information.

# 1. What are structural arrangements for hate crime victim support?

Structural arrangements for hate crime victim support are the elements both within and outside of the criminal justice system that prescribe and govern the recognition, protection and support services provided to victims of hate crime.

Structural arrangements include:

- The legal and policy framework defining hate crimes and hate crime victims and their rights;
- Legislation and policies stipulating which services are provided to victims of hate crime and who can access them;
- Recognition of which organizations provide support to victims of hate crime and how they are funded; and
- Guidance and procedures for implementing laws and policies on hate crimes, the rights of hate crime victims and the services available to hate crime victims.

A more holistic and comprehensive understanding of structural arrangements incorporates the enabling conditions that make these laws and policies effective in practice.

Enabling conditions include:

- Arrangements to ensure the different actors involved co-operate efficiently;
- Guidance to ensure support services and criminal justice systems respond to the specific needs of individuals;
- Information to make sure victims are aware of their rights and how and where to access support; and
- Mechanisms to assess the quality of services provided.

While governments are responsible for establishing and strengthening structural arrangements for hate crime victim support, doing this effectively means engaging closely with, and drawing on the expertise of, other actors including civil society service providers and victims' groups. Civil society providers and, in particular, those offering specialist support services to hate crime victims, have a crucial role to play in ensuring that structural arrangements respond to, and meet the needs of, hate crime victims.

### **What do we mean by specialist hate crime victim support services?**

The term “specialist support service” refers to professional support that is given to hate crime victims by experts with an understanding of hate crime victimization and the specific needs and vulnerabilities of victims. Services can be offered by either or both state and non-government entities and can include legal representation and psychosocial and counselling services.

## 2. Why are structural arrangements needed for effective hate crime victim support?

The specific nature and impact of hate crime on individuals, communities and wider society requires governments to put in place comprehensive structural arrangements to address the harms they cause. Without these institutionalized arrangements, victims will not receive the tailored support they need to recover from a hate crime, understand and – should they choose to – participate in criminal justice processes and regain their agency. Well-functioning hate crime victim support structures also facilitate reporting of hate crimes when they occur, enabling more effective policing and redress for hate crime victims.

### Recognizing the specific nature and impact of hate crime

Without legal frameworks to define hate crimes, hate crime victims and their rights, states – including law enforcement and criminal justice professionals – struggle to recognize and respond to the specific nature and impact of hate crime.<sup>10</sup> Lack of specific legal recognition of hate crime and the rights of its victims can also undermine the political will to establish or strengthen specialist support structures. For the purpose of this policy brief hate crime victims are defined as natural persons who suffered harm as a result of a hate crime. The document also recognizes that, apart from direct victims, hate crimes affect a number of categories of individuals, who might require protection and support, such as relatives of the victim, witnesses, community members who share the same characteristics with the victim and members of other communities that faced historic or institutional discrimination and marginalization.<sup>11</sup>

Hate crimes comprise two core elements: the commitment of an offence under criminal law and a bias motive for the crime.<sup>12</sup> A bias motive indicates that the perpetrator acts based on prejudice against an individual or group based on one or more protected characteristics, such as race, gender, language, religion or belief, ethnicity, nationality,

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10 *Understanding the Needs of Hate Crime Victims* (Warsaw: OSCE/ODIHR, 2020), p. 4.

11 *Ibid.*, pp. 9-10.

12 *Ibid.*, p. 8.

sexual orientation, gender identity, age or disability. Hate crimes can involve multiple or intersectional biases. For example, a Muslim woman may be targeted both because of her gender and her religion, or a Black man with a disability may be victimized because of his ethnicity and impairment. People professionally affiliated with or actively engaged on issues affecting particular groups within the population may also be targeted.

The existence of a bias motivation distinguishes hate crime from other offences and makes them particularly harmful. Victims of hate crimes are targeted because of one or more of their (assumed) personal characteristics, which are often unchangeable and lie at the core of their identity. In addition to the physical harm resulting from an attack, this can result in long-term emotional and psychological distress. Victims of hate crime are more likely to suffer depression and withdrawal, vulnerability, anxiety and nervousness, a sense of isolation and fear, psychosomatic symptoms, difficulties with their job or schoolwork, and tensions with family members or friends.<sup>13</sup> Structural arrangements addressing these harms are crucial to enabling victims to recover after experiencing a hate crime.

The identity-based nature of hate crime also means that its impact extends well beyond the victim. Whole communities are victimized when a hate crime occurs, because the knowledge that an individual or property has been targeted because of a characteristic that is shared by other community members spreads fear of further attacks and both creates and exacerbates feelings of marginalization and exclusion. This can prompt people to change their behavior, such as by avoiding places or situations where they fear they could be subject to a hate crime, refrain from wearing or hiding religious or ethnic attire or symbols, etc. The message of rejection inherent to hate crimes can alienate targeted communities from the state and reduce trust in law enforcement, criminal justice bodies and public authorities. Hate crimes can also increase tensions between communities, potentially resulting in retaliatory attacks and, in extreme cases, civil unrest or conflict.<sup>14</sup>

## Identifying and responding to hate crime victims' specific needs

Effective structural arrangements are crucial for identifying and responding to hate crime victims' needs in a structured and comprehensive way. Hate crime victims are likely to have some needs in common with victims of other types of crime. However, the specific nature of hate crime often creates additional needs, which may be common to hate crime victims in general, linked to specific types of hate crime or related to other groups

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13 Paul Iganski, *Understanding the Needs of Persons who Experience Homophobic or Transphobic Violence or Harassment: The Impact of Hate Crime* (Warsaw: Campaign against Homophobia, 2016), p. 20.

14 *Hate Crime Victims in the Criminal Justice System: A Practical Guide* (Warsaw: OSCE/ODIHR, 2020), p. 29.

who share the same characteristic(s). These specific needs include support based on specific knowledge, understanding or experience related to the parts of the person's identity that were targeted in the attack and the traditions and social norms of their community. Hate crime victims may also need support overcoming barriers to accessing justice due to their residency status or communication needs, such as translation help or access to services and information for people with disabilities. Support must be tailored to the individual needs of each hate crime victim.

For EU countries, the Victims' Rights Directive<sup>15</sup> leaves it up to individual Member States to establish specialist services either separately or integrate them into general support services. However, general victim support services often lack a specific understanding of hate crime victimization or the expertise required to provide individualized support to the wide variety of people affected by hate crime. Evidence suggests that many victims of hate crime find it easier to confide in and rely on the expertise and solidarity of smaller, specialized organizations advocating for their rights. This often includes anti-discrimination organizations working on the protected characteristic for which the victim was targeted. For example, women's organizations supporting victims of gender-based violence or associations linked to specific ethnic groups supporting members the same ethnicity.<sup>16</sup>

## Ensuring meaningful access to justice for hate crime victims

Robust structural arrangements includes elements such as legal and policy frameworks, support system mechanisms to ensure the existence of specialist support services, co-ordinated individual needs assessment and referral practices, as well as measures and continuous training programmes to protect the sensitive and respectful treatment of victims.<sup>17</sup> These conditions are all crucial to creating structures to address the impact and harm of bias-motivated hate crimes and empower victims to access justice through the criminal justice system, should they choose to do so. Access to justice is understood as the ability of the victim to seek and obtain — through national or international justice institutions — remedy for the harm they have suffered. Many victims of hate crimes who wish to pursue this form of redress struggle to play any significant role in criminal proceedings, beyond that of a witness, unless they receive competent and empowering assistance and support. Structural arrangements for effective hate crime victim support therefore play a critical role in ensuring that victims can access effective and meaningful justice that fully recognizes their rights by providing victims with expert advice and

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15 [Directive 2012/29/EU](#), *op. cit.*, note 1.

16 [Proceedings that do justice – Justice for victims of violent crime, Part II](#) (Luxembourg: EU Agency for Fundamental Rights (FRA), 2019), pp. 48-52.

17 See more: [Diagnostic Tool for Assessing National Hate Crime Victim Support Systems](#) (Warsaw: OSCE/ODIHR 2021).

guidance. Research shows that victims credit support services with providing a crucial link between them and the criminal justice system, providing much-needed legal, emotional and practical support during criminal proceedings that are often long and difficult.<sup>18</sup>

It is important to recognize that the relevance of hate crime victim support structures extends far beyond criminal justice outcomes, irrespective of whether victims choose to pursue this type of redress. While securing concrete criminal justice outcomes will be a priority for many hate crime victims, specialist services are also a key source of support to recover from the attack, address its psychological impact and help victims reintegrate into work and family life.

## Supporting hate crime reporting and prosecution

Well-functioning hate crime victim support structures facilitate reporting and prosecution of hate crimes to help address the chronic underreporting of them.<sup>19</sup> Despite measures in many countries to increase the police's capacity to detect hate crimes, members of targeted groups or those associated with them often do not trust the police to take their complaints seriously and investigate them effectively. They may also be fearful of the impact of entering into criminal justice proceedings due to concerns about having to confront the offender, retaliation and repeat victimization, the cost of legal assistance, and the potential for secondary victimization because of insensitive or unprofessional practices within the criminal justice system. This has a significant negative effect on the functioning of the criminal justice system, which relies on victims to report alleged crimes and to contribute to investigations and prosecutions.

Many hate crime victims will only pursue criminal proceedings if they feel confident that they can foresee the personal consequences of reporting a hate crime to the police in terms of their mental and physical well-being, the role they will be expected to play in criminal proceedings, and the length and cost of such proceedings. Hate crime victim support services can facilitate this process by providing advice and information about the different stages of the criminal justice process.

Research by the EU Agency for Fundamental Rights collecting the experiences of both support workers who encounter hate crime victims and hate crime victims themselves indicated that both groups believe greater availability of support services would significantly increase reporting rates.<sup>20</sup> The study emphasized the importance of support services in providing moral support to help victims decide whether they wish to report

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18 *Ibid.*

19 *Ibid.*, and *Ensuring justice for hate crime victims: professional perspectives* (Luxembourg: EU Agency for Fundamental Rights (FRA), 2016), pp. 37-40.

20 *Ibid.*, and *Proceedings that do justice – Justice for victims of violent crime, Part II, op. cit.*, note 16.

a hate crime. The study also showed that it is often only after consulting a support organization that victims can make an informed decision about whether to report their victimization to the police. Starting proceedings on an informed basis is crucial to ensuring that victims feel their participation in criminal proceedings is empowering and helps them restore control over their lives.

In some OSCE participating States criminal proceedings may take an unduly long time, sometimes more than five years, presenting a heavy emotional burden for the victim. Provision of long-term emotional and psychological victim support may not only encourage individuals to report hate crimes, but also help ensure that cases are not dropped by the victim during the process.

### **The importance of a victim-centred approach**

A victim-centred approach recognizes that hate crime victims often feel a lack of control and a loss of trust in institutions, services and communities. Rebuilding this trust requires making the victim's needs and rights the cornerstone of any action or approach undertaken by criminal justice bodies, victim support service providers, civil society actors and any person in direct contact with a victim throughout a hate crime case. Empowering the victim should inform the practice of both support services and any individuals working with the victim.<sup>21</sup>

Recognizing victims' rights, meeting their needs and supporting them to play an active role in the criminal justice process and their own recovery has wider benefits. A victim-centred approach can help to avoid secondary or repeat victimization and improve victims' trust in the criminal justice system and other institutions, encouraging them to report incidents and co-operate more actively with criminal justice bodies and other services. This, in turn, can enhance law enforcement and other actors' understanding of targeted communities' security needs and further improve the effectiveness and responsiveness of the criminal justice system and victim support services in future cases.

The EU Victims' Rights Directive<sup>22</sup> sets out the core elements of a victim-centred approach, which focuses on strengthening the rights, support, protection and participation of victims in criminal proceedings. At its heart is the requirement for criminal justice bodies to address victims' needs in an individualized way, based on an individual assessment and a targeted and participatory approach to the provision of information, support, protection and procedural rights.

<sup>21</sup> *Hate Crime Victim Support in Europe: A Practical Guide* (Dresden: RAA Sachsen e.V., 2016), p. 28.

<sup>22</sup> Directive 2012/29/EU, op. cit., note 1.

### 3. Challenges and gaps in structural arrangements for hate crime victim support

The structural arrangements in place for hate crime victim support vary significantly across the OSCE region and are non-existent in some participating States. While some countries have more comprehensive systems, there remain several recurring, interconnected gaps in the structures underpinning the provision of hate crime victim support.

#### Absence of a legal framework and clear definitions

Differences in the approaches and support available to hate crime victims in OSCE participating States reflect the various national legal traditions across the OSCE region. But gaps in the legal framework recognizing hate crime and the rights of hate crime victims also persist across EStAR project countries. When gaps exist in the legal framework it means law enforcement and other criminal justice officials may be unaware that hate crime victims require specialist support.

The Victims' Rights Directive recognizes hate crime victims as a specific category of particularly vulnerable victims. This definition is included in many EU Member States' legal frameworks, although in practice many of them still lack specialist support to deal with vulnerable hate crime victims.<sup>23</sup>

Most countries participating in the EStAR project that are not EU Member States either lack a policy specifically focused on hate crime victims or include hate crime victims as part of broader groups of crime victims. In countries where primary legislation exists, it is not always supplemented by regulations or guidance providing the necessary detail for effective implementation. Even where such secondary legislation exists, it is often not consistently applied. In addition, legislation recognizing the specific situation of hate crime victims frequently does not define the term "hate crime victim" in both EU countries and those that are not covered by the EU legislation. This makes it difficult to operationalize policies, guidance or practices on the ground.

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<sup>23</sup> *The State of Support Structures and Specialist Services for Hate Crime Victims: Baseline Report* (Warsaw: OSCE/ODIHR, 2020), p. 6.

## Recognizing the specific needs of hate crime victims

### Case Study: Czech Republic

The Czech Republic enacted a victims' rights law in 2013 that established hate crime victims as victims with specific needs. This law gives hate crime victims the right to free legal aid and other professional assistance (psychological and social counselling), to avoid visual contact with the perpetrator, to be interviewed by a trained professional and to be interviewed by a person of a gender of the victim's choice in an especially sensitive manner. Moreover, the interview is performed in such a way that all necessary data is collected in one sitting, so questions need not be repeated later.

## Insufficient specialist support services

Victim-centred support structures designed specifically for victims of hate crime do not generally exist in EStAR project countries. Although hate crime victims' needs may also be met through a support system intended for general victims of crime, data from the OSCE region reveals that only a few states have a comprehensive system in place.<sup>24</sup> Often, the victim support services offered are largely limited to the criminal justice process and may depend on the victim's participation status in the legal procedure against the perpetrator. The criminal justice system and individuals within it often do not consider hate crime victims' specific needs and do not treat victims in a sensitive and respectful way.<sup>25</sup>

## Reliance on civil society organizations

Civil society often takes the lead in providing specialist services for hate crime victims. This support is frequently given on an ad hoc basis and is not co-ordinated with actors inside or outside the criminal justice system. CSOs often work closely with the communities they serve, applying the skills and knowledge they gain through listening to victims' needs and tailoring their services to meet them, despite minimal resources.

In many OSCE participating States, there are CSOs that support all victims of hate crime and those that support certain victim communities. These organizations also provide training and other capacity-building activities to law enforcement and criminal justice agencies. Despite this, state authorities often do not view CSOs as equal partners and do not include them in discussions regarding the development or improvement of victim support.<sup>26</sup>

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<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*, p. 25.

<sup>26</sup> *Ibid.* p. 4.

## Imbalances in available support

The availability of support services for hate crime victims is variable and fragmented.<sup>27</sup> There are often regional discrepancies, with services frequently not available in rural areas and smaller towns, a lack of services addressing certain types of victimization, or gaps in the type of support provided. Often, these gaps coincide, so that an appropriate service may be available for a certain type of victimization in one particular region, but not for other forms of hate crime, or in other regions. Similarly, some services may be able to provide emotional support and counselling, but not legal advice. This patchwork of support leaves many hate crime victims without the necessary breadth of support. To access the appropriate services victims may need to travel long distances.

This is part of the reason why hate crime victims explicitly seek support from organizations that advocate on behalf of their community – for example victims of anti-Muslim or anti-Semitic hate crime – or in their geographical area. The local knowledge and nuanced understanding that CSOs hold can be instrumental in enabling them to provide effective support. Nevertheless, the fact that they are only available in certain areas or for certain groups of victims can add to the inconsistent nature of service provision. This can be particularly problematic for victims of hate crimes motivated by multiple or intersectional biases.

## Lack of specific guidance and referral systems

Despite growing recognition of the specific nature and impact of hate crime, the common needs of hate crime victims and how to identify an individual's particular needs, these topics are rarely addressed in the guidance available to those responsible for designing and providing specialized victim support. Often, guidance for criminal justice practitioners and staff working for hate crime victim support organizations falls under the generic guidelines for victims of all types of violence, with little explanation of the specific needs of hate crime victims. In addition, available guidance is generally centred on case workers and focuses on recommendations for the approach that practitioners should take when working with those affected by hate violence.<sup>28</sup> These gaps may result in a failure to take a victim-centred approach built around the victim's personal experience.

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<sup>27</sup> *Ensuring justice for hate crime victims: professional perspectives*, *op. cit.*, note 19, pp. 37-40; and *Proceedings that do justice – Justice for victims of violent crime, Part II*, *op. cit.*, note 16.

<sup>28</sup> *Hate Crime Victim Support in Europe: A Practical Guide*, *op. cit.*, note 21, p. 23.

Many OSCE participating States also lack a structured system for referring victims to available support services, with referrals based on personal relationships between individual officers and specific service providers, or within networks of victim support providers.

### **Facilitating referrals between specialist support providers**

#### **Case Study: Greece**

The Racist Violence Recording Network (RVRN) was established in Greece in 2011 and currently includes 51 non-governmental and civil society actors. RVRN members are often the first point of contact for hate crime victims and offer a range of services, including information, legal aid, psychosocial services, material support and other types of assistance. The network employs a staff member dedicated to facilitating and keeping track of referrals between member organizations, as well acting as a contact point for referrals from state authorities.

## **Co-operation challenges**

Data collected by the EStAR project indicates that only a few OSCE participating States have effective, formal mechanisms for communication between criminal justice bodies, government victim support units and CSO service providers.<sup>29</sup> Very few also have mechanisms for CSOs to co-ordinate with one another. The countries that do have mechanisms in place are often those with a more robust overall response to hate crime, which typically involves co-operation with civil society in other areas of hate crime prevention and response.

Where they exist, co-operation mechanisms take different forms across project countries, including formal lists of approved specialist services, or inter-agency networks that bring together CSOs and law enforcement to co-ordinate the delivery of victim support. In some countries, equality bodies and CSOs are given a robust role in co-ordinating and providing support to victims as part of the government response through inclusion in inter-ministerial and cross-sectoral co-ordination mechanisms. In other cases, governments claim a monopoly on victim support, providing it solely within the criminal justice system. This frequently reflects a government response that lacks a needs-based approach to victims' rights and undervalues the expertise of CSOs.

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<sup>29</sup> *The State of Support Structures and Specialist Services for Hate Crime Victims: Baseline Report*, *op. cit.*, note 23, p. 7.

EStAR project research indicates four main types of co-operation between different actors providing hate crime victim support:<sup>30</sup>

- **Government and CSOs share responsibility:** The criminal justice system and CSOs collaborate to provide hate crime victim support, making CSOs an integral part of the national victim support system.
- **Single entity responsibility system:** Support is directly co-ordinated or led by one entity, such as an equality body or CSO, with other CSOs playing a supporting role. Placing the responsibility for support in one place can make co-ordination more effective. However, if the responsible entity does not operate efficiently, it affects the entire system, leading to a breakdown in support.
- **Governments and CSOs work in parallel:** Some CSO support providers do not want to become part of a more integrated government-run system through accreditation, connected funding or other processes. Effective dialogue can help parties reach an agreement on a framework for collaboration that avoids overlap, ensures the independence of CSOs and supports funding.
- **CSOs co-operate with each other:** CSOs working with hate crime victims from different communities have established long-standing co-operation. This helps them to improve their services by identifying what is and is not working and sharing good practices. They exchange information, complement each other's services, co-develop standards and guidelines, conduct joint trainings and become each other's allies and champions, joining forces to advocate for change.

In many countries, however, police rely on informal lists or prior knowledge of specialist support providers when they refer victims. Generally, there is little communication between the criminal justice system and supporting CSOs once criminal proceedings begin, beyond what is mandated in procedural law. Such communication happens most frequently when the CSO is providing legal representation to the victim.

## Insufficient or unsustainable funding

Hate crime victim support services are typically underfunded, limiting both the scope and quality of the services they can provide. CSOs that are not officially registered with the government are often not entitled to state funding. Those that do receive state funding frequently do not receive sufficient, multi-year funding, or may lose funding when governments change.

Many service providers rely on project-based rather than continuous and institutionalized funding. This undermines the sustainability of their activities, and their ability to plan

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30 *Ibid.*

and provide long-term support. In addition, funding may come with various conditions preventing it from being used to hire staff or for certain activities.

## Low awareness of hate crime victims' rights and insufficient information about them

Many victims of hate crime are unaware of their status and the rights it confers on them, and do not know where to turn for specialist support.<sup>31</sup> Victims who do not speak the national language, lack internet access or have accessibility needs linked to a disability, face particular challenges in accessing the information they require. On the institutional side, many criminal justice practitioners also often lack awareness of victims' rights, as well as knowledge about available support services and the process for referring victims to them. These barriers to accessing specialist support sometimes result in demand for such services being underestimated significantly, which often erodes the political will required to establish or strengthen structural arrangements for hate crime victim support services and prevents them from working efficiently once set up.

### Resources for victims and practitioners

#### Case Study: United Kingdom

Truevision is a web resource owned by the British National Police Chief's Council which provides information for victims about hate crime, including how to report a hate crime and what support services are available in the victim's local area.<sup>32</sup> It also has a wide variety of resources for practitioners on issues such as prosecuting hate crimes, hate crimes during elections, hate crime data, information sharing agreements and personal safety, as well as a list of useful reports and research.

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31 *Ensuring justice for hate crime victims: professional perspectives*, *op. cit.*, note 19, pp. 37-40; and *Proceedings that do justice – Justice for victims of violent crime, Part II*, *op. cit.*, note 16.

32 For more information, see Truevision's website.

## Reaching out directly to hate crime victims

### Case Study: Germany

RAA Saxony — a German CSO providing counselling services for victims of hate crimes — employs a staff member to identify potential victims of hate crimes by monitoring media reports and police statements. They then send a letter for the police to forward on to the victim introducing the organization and the services they provide. In addition, an arrangement with the police ensures that information leaflets about the organization are available in every police station.

## Lack of quality control mechanisms

Most project countries lack an established mechanism for assessing the quality of hate crime victim support services. In a few EStAR project countries, professional service providers have quality standards or accreditation requirements that are treated as standards for the provision of services. Some providers carry out self-evaluations or collect feedback and satisfaction surveys from their clients, but these are rare. Where quality control instruments were reported by project countries, they often took the form of evaluations of project targets that largely focused on implementation activity or presenting quantitative data related to the number of interventions rather than the quality of the services provided.<sup>33</sup>

Requiring service providers to be accredited can provide a rudimentary form of quality control. However, organizations accredited as service providers often do not provide any or all relevant specialist services for hate crime victims, or they end up providing them only to certain groups of victims.<sup>34</sup> In contrast, overly onerous accreditation requirements for CSOs may prevent them from providing much-needed specialist services to hate crime victims. Accreditation requirements may also be used to exclude certain types of organizations or impede the work of specialist services providing support to victims for specific types of hate crime, for example homophobic hate crime.

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33 *The State of Support Structures and Specialist Services for Hate Crime Victims: Baseline Report*, *op. cit.*, note 23, p. 9.

34 *Ibid.*, p. 9.

# 4. Recommendations: Establishing structural arrangements for the provision of hate crime victim support

Establishing structural arrangements for the provision of effective hate crime victim support requires a comprehensive set of measures. The elements below are consecutive and interconnected building blocks of a successful, needs-based support system:<sup>35</sup>

- The first set of recommendations focuses on building the foundations of a functioning hate crime victim support system;
- The second group of recommendations examine the conditions that need to be in place to enable services to develop effectively and sustainably; and
- The third set of measures ensure that the services provided are of a sufficiently high quality to meet victims' needs.

Countries setting up specialist hate crime victim support structures for the first time can establish pilots in collaboration with CSO victim support organizations and community-based CSOs. However, creating a holistic, sustainable and effective model of hate crime victim support means implementing such pilots or policy leads within police, criminal justice system, social services and the relevant ministries as part of a systematic approach.

## Learning from experiences with other victim groups

While hate crime victims' needs are specific, inspiration can be drawn from successes providing support to other types of victims, particularly other groups of particularly vulnerable victims. For example, many OSCE participating States have established solid frameworks to support victims of domestic abuse or gender-based violence, with targeted funding, automatic referrals from police to specialist service providers and institutionalized co-operation between CSOs and public authorities and between general CSOs and those working in a specific field. There are also examples of large-scale media campaigns to raise awareness of available victim

<sup>35</sup> For further guidance, see *Ibid.*, and *Hate Crime Victim Support in Europe: A Practical Guide*, *op. cit.*, note 21.

support services. Elements of these support structures and experiences could be applied to the context of hate crime to improve outreach, encourage reporting and build the capacity of service providers to meet victims' needs.

## Putting the foundations in place

### Recognize and define hate crime and hate crime victims in legal frameworks

Defining hate crime victims' protection and support entitlements and enshrining their ability to access these services in law is a crucial first step towards ensuring that hate crime victims are able to access the services they need.<sup>36</sup> This would provide legal clarity for all actors involved in hate crime cases and support services and help raise awareness of the specific impact of hate crime on victims and what support they need. Any legal framework on hate crime should be mindful that:

- **Legal frameworks should specifically recognize hate crimes:** Frameworks should be clear that hate crimes differ from other crimes by virtue of their bias motivation. This recognition should reflect the wide range of protected characteristics that can be targeted in a hate crime and avoid giving greater weight to certain bias motivations. Within the OSCE region, "race", national origin, and ethnicity are the characteristics most commonly given protected status by states, closely followed by religion or belief. Other frequently protected characteristics include gender, age, disability and sexual orientation.<sup>37</sup>
- **Hate crime victims should be defined in law as a specific and particularly vulnerable category of victims:** If hate crime victims are included as a sub-group of another category of particularly vulnerable victims, they should be explicitly mentioned in the law. The definition of a "hate crime victim" should not lead to a restrictive understanding of the term.
- **Legislation should set out the general and specialist support services available to hate crime victims.** General and specialist support services should – at a minimum for EU Member States – include those stemming from Article 9 of the Victims' Rights Directive (see below). Access to, and availability of, support should be guaranteed in law and apply irrespective of whether the victim reports the crime to the

36 ODIHR's definition of hate crime can provide guidance. See: *Understanding the Needs of Hate Crime Victims*, *op. cit.*, note 10, p. 8; and "What is Hate Crime", OSCE/ODIHR Hate Crime website.

37 *Hate Crime Laws: A Practical Guide* (Warsaw: OSCE/ODIHR 2009), pp. 40-44.

authorities or participates in a criminal proceeding. Support should also be available to all persons in the country.

Where legal frameworks are not in place or still in their infancy, governments should develop strategies setting out their proposals to recognize hate crime and hate crime victimization in law. Such policy documents help to set a clear direction and timeframe for establishing legal frameworks and can serve as a basis for consultation with other relevant actors.

Developing a common understanding of what constitutes a hate crime and hate crime victim also enables greater experience-sharing across countries. Intergovernmental organizations, including the OSCE, the Council of Europe and the EU, can help to promote the sharing of good practices of hate crime provisions in legal frameworks.

### **Establishing victims' rights in law and practice**

The EU Victims' Rights Directive establishes minimum standards on the rights, support and protection of victims of crime. It includes measures to ensure that victims are recognized, treated with respect, and receive proper protection, support and access to justice. While only legally binding for EU Member States, the Directive offers a conceptual framework that can support the establishment or strengthening of legislation elsewhere.

One of the core provisions of the Victims' Rights Directive is Article 8. It grants victims the right to access "confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings".<sup>38</sup> Article 9 requires that such services include, at a minimum:

- Information about victims' rights and victims' potential role in the proceedings;
- Information about or referral to relevant specialist support services;
- Emotional and psychological support;
- Advice concerning practical and financial issues; and
- Advice concerning the risk of and prevention of secondary and repeat victimization.

The Directive leaves it up to individual countries to establish specialist services separately or integrate them into general support services. However, these specialist services must provide shelter or other appropriate interim accommodation for victims at imminent risk of secondary and repeat victimization. They must also provide targeted and integrated support for victims with specific needs.

<sup>38</sup> Directive 2012/29/EU, *op. cit.*, note 1.

The Directive underlines the need to take the specific nature of hate crime into account. In particular, Article 22 requires states to ensure that victims receive a timely and individual assessment to identify their specific protection needs and that particular attention be paid to victims of crimes committed with a bias or discriminatory motive.

The Directive also requires that EU countries ensure appropriate training on victims' needs for officials, such as police officers, court staff, and support workers, who are likely to encounter victims in the course of their work.

## **Establish specialist hate crime victim support services**

The legal framework provides a basis for establishing or strengthening a specialist hate crime victim support system, which includes policies, procedures, guidance and services as part of a holistic state response specifically designed to address the particular needs of hate crime victims. Standalone hate crime victim support services that exist alongside and in addition to general victim support services are often best placed to respond to the specific needs of hate crime victims. These services should be provided free of charge, irrespective of whether the crime has been reported to the authorities. These services should also help facilitate a victim's participation in criminal proceedings if they choose to pursue this form of redress.

Support services should address the impact of hate crime on both individuals and their communities and include, at a minimum:

- At the individual level:
  - Medical, legal and psychosocial support;
  - Language support, including interpretation;
  - Provision of information;
  - Financial assistance to cover immediate needs;
  - A person to accompany the victim throughout criminal proceedings; and
  - Shelter or other temporary accommodation.
- At the community level:
  - Awareness-raising on discrimination, hate crime and victims' rights;
  - Information on where to access specialist support and what support is available; and
  - Trust-building measures to encourage victims to seek support.

Specialist support services should be designed and delivered by both governmental agencies and CSO stakeholders with the understanding that the physical, emotional and behavioural impacts of a hate crime are severe and long-lasting and may change over time. Support services should also combine an understanding of discrimination and of

anti-discrimination policies with expertise in criminal justice matters and the situation and rights of victims in criminal proceedings. They should recognize that while some needs are likely to be common across most or all hate crime victims, others may be specific to particular forms of hate crime.

These services can be provided by specialist victim support units operated by the government, supported by qualified civil society providers. Irrespective of whether such services are provided by public or non-public entities, the government must be involved in coordinating their availability and provision, ensuring their quality and securing their funding. Information on services that meet the quality standard requirements must be accessible to all relevant law enforcement practitioners so that effective referrals can be made easily.

### **Providing specialist support to hate crime victims**

#### **Case Study: Malta**

The Government of Malta's Hate Crime and Speech Unit provides specialized services, including professional support and legal assistance, to hate crime victims. Its goal is to strengthen the support and services provided by the Police Victim Support Unit. The multidisciplinary unit consists of specialist service providers from different professional disciplines, such as psychology, social work and legal aid, enabling it to provide a wide range of support to meet victims' diverse needs.

#### **Case Study: Germany**

Germany has specialized civil society counselling centres for victims of hate crimes in each federal state. They are financed mainly through a federal Ministry programme called "Demokratie leben!" (Live Democracy) and co-financed from the respective federal state, and in some cases by the municipalities or the EU. The counselling centres support victims and witnesses of right-wing extremist, racist and antisemitic attacks with free, confidential, pro-victim and long-term services, including emotional support, information about legal options, a person to accompany victims to the police station or court, information on financial support and help with public relations.

In the absence of standalone hate crime victim support services, countries should ensure hate crime victims can access specialist support through general victim support services. These services should incorporate the same minimum elements of specialist support set out in the bulleted list above.

To ensure that hate crime victims' rights to specialized support services are institutionalized, the obligations of state bodies, any criteria for accessing such services and standards for the provision of support, should be formalized in written agreements or policies and referred to in publicly available documents. These could include victims' rights charters or hate crime strategies, which should be regularly reviewed and evaluated.

## Embed a needs-based approach to service provision

Support for victims of hate crime should be provided based on an understanding of the particular experiences of hate crime victims.<sup>39</sup> The services provided to each individual victim should then be tailored to their specific needs. This requires identifying the victim's needs, which may include medical, legal, psychosocial support, language and financial needs. Support practitioners may also need to find out relevant information such as the victim's residency status. An individual needs assessment (INA) must also consider victims' personal characteristics, including age, gender, gender identity, ethnicity, religion or belief, sexual orientation, disability and also details about the bias motivation of the perpetrator.

Achieving this means establishing a robust INA process that law enforcement and/or CSO providers are required to trigger on first contact with a victim. The information gathered should then feed into an individual protection strategy for the victim, which should be the basis for referrals to required support services. This strategy should be updated and amended over time to reflect any evolution in the victim's need for assistance.<sup>40</sup> To ensure transferability of INA outcomes across the victim support system, state and civil society actors should establish minimum elements of a consistent methodology for conducting INAs. The process for conducting an INA should be accompanied by instructions, practical guidance and training for police and civil society practitioners on hate crime victimization and how to conduct INAs in a respectful and sensitive manner.

The particular vulnerability of hate crime victims and their common concern about engaging with the criminal justice system means it is especially important to protect victims' privacy and ensure their full consent in the INA process. Victims may not want to disclose information about their needs to other actors and this should be respected.<sup>41</sup> INAs should only collect necessary information and access to and sharing of data must be carefully controlled. However, suitably anonymized data from INAs can be used to inform the design of services and the type of services different victims are entitled to, ensuring they meet the needs of hate crime victims.

## Set up systematic and focused training programmes

Everyone who works with hate crime victims – including law enforcement, medical and psychological services, lawyers and legal services, social workers and staff at civil society victim support services – must have the skills necessary to respond to a victim's needs and know where to refer victims for additional specialist support. Detailing staff skill

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39 See: *Understanding the Needs of Hate Crime Victims*, *op. cit.*, note 10.

40 See EStAR's publication for guidance on how to design, adapt and implement an effective INA process: *Model Guidance on Individual Needs Assessments of Hate Crime Victims* (Warsaw: OSCE/ODIHR, 2021).

41 *Ibid.*

requirements in support quality standards and/or introducing accreditation requirements for service providers helps to make training more systematic and targeted.

Training programmes should be comprehensive and ongoing, covering issues such as:

- The rights of victims of crime, including victims of hate crime;
- Hate crime victimization, including the particular challenges facing victims targeted because of different personal characteristics;
- Avoiding and addressing conscious and unconscious bias;
- Avoiding secondary victimization;
- Support services available and referral processes for specialist support;
- Conducting individual needs assessments and risk assessments;
- Sensitive and respectful treatment of hate crime victims.<sup>42</sup>

The development and implementation of training programmes should be collaborative and draw on the experience of specialist CSOs that have experience working with hate crime victims, national human rights bodies and hate crime victims themselves. Involving these actors in training for police and criminal justice practitioners helps to ensure a victim-centred and human rights-based approach.

Approaches to training whereby CSOs co-operate to build each other's capacity makes them better placed to address intersectionality in their work. Training systems should also be part of a continuous learning structure to reinforce behavioural changes and learning objectives. Mechanisms should be in place to monitor learning plans and respond to additional training needs.

### **Training for law enforcement and civil society hate crime victim support providers**

#### **Case Study: CEPOL**

The European Union Agency for Law Enforcement Training (CEPOL) organizes regular webinars for law enforcement officers dealing with victims of hate crimes motivated by a range of different biases. They train officers on various issues, including:

- The nature, prevalence and specific features of different types of hate crime;
- How to recognize hate crime;
- Best practices when dealing with hate crime victims; and
- Protection measures including referral to specialist support services.<sup>43</sup>

<sup>42</sup> For more on this, see: *Model Guidance on Sensitive and Respectful Treatment of Hate Crime Victims in the Criminal Justice System* (Warsaw, OSCE/ODIHR: 2021).

<sup>43</sup> "Hate Crime", EU Agency for Law Enforcement Training, November 2021.

### **Case Study: Germany**

The VBRG in Germany requires hate crime counsellors to attend a basic training programme comprising roughly 100 hours of learning split across eight modules. Counsellors are also required to undertake additional ongoing capacity-building training, including an in-house training programme. The eight-module training programme is broken down into the following topics:

- Introduction to counselling for people affected by right-wing, racist and antisemitic violence;
- Introduction to collegial case counselling;
- Victimization, trauma and dealing with difficult situations;
- Legal issues in counselling;
- Social compensation law and other compensation benefits;
- Counselling for victims of violence from a systemic perspective;
- Working with interpreters;
- Group counselling for affected persons, relatives and witnesses.

### **Case Study: Sweden**

In 2019-2020, Victim Support Sweden (VSS) and the Swedish Police Authority implemented the joint Swevic project to collect best practices in hate crime victim support and to educate the police, staff and volunteers at VSS. The project was funded by the European Commission. The project has trained over 550 people in hate crime victim support and offers a web course in hate crime victim support that is continuously available to all employees in the Swedish Police Authority and VSS, including volunteers.

## **Fostering enabling conditions**

### **Provide comprehensive and actionable guidance**

While a strong legal framework recognizing the rights of hate crime victims and their need for support forms the foundation for effective victim support structures, translating these provisions into practice requires governments to develop clear and actionable guidance. Such guidance should cover all stages of the design and delivery of hate crime victim support, including the roles and responsibilities of relevant actors and the requirements during different phases of the criminal justice process therefore collaboration with CSOs is essential. It is also crucial that guidance is developed through an inclusive multi-stakeholder approach that incorporates the experience and expertise of specialist CSO service providers and victims' organizations.

A useful starting point is for governments to map the existing measures outlined in legislation and the procedural codes relevant to hate crime victim support. Then governments should identify any existing guidance on how to implement those measures in practice. This gap analysis provides an overview of where further guidance is needed to enable service providers and practitioners to implement legal and procedural standards in their work. This exercise should complement a clear elaboration of hate crime victims' needs, and the central importance of shaping structures to ensure that they can meet victims' needs as identified through INAs.

## **Operational guidance for law enforcement in the treatment of hate crime victims**

### **Case Study: United Kingdom**

The British College of Policing's *Authorised Professional Practice Guidance on Hate Crime* is a comprehensive training manual for law enforcement on hate crime. It provides practical advice and good practices on hate crime investigation, response and treatment of victims, family liaison, community engagement, third-party reporting, service delivery for the victims of hate crime and practical approaches to victim care.<sup>44</sup>

### **Case Study: Spain**

The Action Plan to Combat Hate Crime developed by the Spanish government encompasses four pillars:

- Training of the security forces;
- Prevention;
- Assistance to victims; and
- Response to hate crime.

It not only lays out government actions to address hate crime, but also describes where additional guidance for law enforcement can be found.

Provisions of the Action Plan are complemented by the "Protocol for action by law enforcement agencies for hate crime in breach of the legal provisions on discrimination", which provides guidance for Spanish officers on how to handle hate crime. This protocol is accessible to all police officers through the police intranet to ensure that all evidence that allows the determination of hate motivation is evidenced. One of its main objectives is to facilitate close and professional treatment of victims, guaranteeing their right for protection, information, support, assistance,

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44 "Authorised Professional Practice Guidance on Hate Crime", The British College of Policing, 20 October 2020. More information about the latest update of the guidance is available at the website of the College of Policing.

care and active participation in the criminal justice process and the process of recovery from a hate crime without discrimination of any kind.<sup>45</sup>

## Establish institutionalized platforms for co-operation

The extent and variety of hate crime victims' support needs requires the involvement of many different government and non-government actors across a range of fields, at the national, regional and local levels. Effective and systematic co-operation among them is critical to integrating the services of specialist providers into the overall system and ensuring access to comprehensive victim support. This includes both horizontal (across different actors) and vertical (across different levels of governance) collaboration between:

- **Government and CSOs:** CSOs are often victims' first point of contact because they enjoy greater levels of trust than law enforcement and provide specialist services that the government does not offer. Government and CSOs working together will be able to offer a more victim-centred and comprehensive approach to victim support. However, the co-operation should follow a clear strategy that addresses the need for specialized support services or ensures that general victim support services have personnel trained in hate crime victimization.
- **Different CSOs:** Co-operation among all types of victim support CSOs – including those supporting all victims of hate crime, those assisting certain victim communities and those working on hate crime more broadly – has been shown to yield positive results.<sup>46</sup> Different organizations have different areas of expertise. For example, some might be experts of victimization but have less knowledge on law and policy regarding victims' rights.
- **Specialist service providers:** Many actors — both governmental and civil society — are not able to provide all the services hate crime victims may require, from legal advice to physical and mental healthcare, financial assistance and accommodation. Effective co-operation between these providers is crucial to ensuring holistic support to victims.

Co-operation between CSOs and the police and other criminal justice organizations can be challenging because they often have very different organizational and operational

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45 "Action Plan to Combat Hate Crime", Spanish Security Forces, 2019; and "Protocol for action by law enforcement agencies for hate crime in breach of the legal provisions on discrimination", Secretary of State for Security, Ministry of Interior (2014, updated 2015 and 2020). The Spanish authorities, in cooperation with civil society organizations, have also developed dedicated guidelines aiming to support police officers when investigating hate crimes against persons with disabilities and dealing with the victims: "Guide to action with people with developmental disabilities who are victims of hate crime" Secretary of State for Security, Ministry of Interior, 2020.

46 *The State of Support Structures and Specialist Services for Hate Crime Victims: Baseline Report*, *op. cit.*, note 23, p. 17.

styles. For example, CSOs often want to maintain their independence from the government since there is often a lack of trust in the criminal justice system's commitment to victims. The absence of initiative from the criminal justice system to actively engage with CSO support providers and recognize them as valuable partners presents additional obstacles.

Nevertheless, it is crucial to establish mechanisms of collaboration to share information (with victims' consent), enable referrals, avoid gaps in service provision and effectively respond to victims' needs. Successful engagement also enables mutual learning, including the opportunity for police to learn from CSOs' empirical experiences and knowledge of emerging trends. In addition to national, regional and local co-ordination structures, international bodies, such as ODIHR, the Council of Europe and the EU, can support international knowledge exchange between hate crime victim support providers.

There is no single model for effective co-operation. However, any approach must establish structures to enable collaboration with – and integration of – specialist service providers and set these out clearly in formal written documents, and include:

- **Memoranda of understanding or other framework agreements:** These should set out clear, consistent operating procedures and the roles and responsibilities of all entities. These partnership agreements should cover all aspects of victim support, seek to align methodologies for specialist services, set out criteria for accreditation and address any gaps or overlaps in service provision.
- **Forums to discuss and strengthen co-operation:** Regular exchanges enable discussions of recurring or emerging challenges and trends and help parties identify steps to address them and exchange good practices. Any co-ordination mechanism or working groups must be cross-sectoral and incorporate a wide range of different actors.
- **Clearly identified contact points and procedures:** Government entities and CSOs should establish contact points to co-ordinate collaboration and communication, including procedures for ensuring that information reaches its intended recipient. Some support providers have had positive experiences with specialized hate crime police officers.
- **A continuously updated database of CSOs and specialist support providers working with hate crime victims at the national, regional and local levels:** This will enable law enforcement and other criminal justice system actors to effectively refer victims on the basis of their needs. The database should be regularly updated with new service providers and reflect assessments of service quality.

Structured co-operation mechanisms will be stronger and more useful when all parties trust each other. Trust-building measures or exercises between the different entities involved, such as round-table discussions, regular meetings or outreach programmes to victimized communities, would be helpful for making mechanisms a success, especially at the outset.

## Ensuring structured co-operation

### Case Study: France

In France, specialized hate crime victim support CSOs, including “*SOS Racisme*” and the International League Against Racism and Anti-Semitism, partner with the general victim support organization “*France Victimes*” to ensure that hate crime victims can access multidisciplinary support. Co-operation between CSOs and the authorities is institutionalized through agreements specifying funding and assigning objectives. This allows for clear assessment of the quality of services provided.

### Case Study: Belgium

The Belgian Interfederal Centre for Equal Opportunities and against Discrimination and Racism (UNIA) plays an active role in co-ordinating and offering victim support, including through co-operation with police, specialist support service providers and CSOs. Each case is treated independently and confidentially and UNIA works with each victim to determine the next steps.

## Set up clear and consistent communication channels

Survey data and long-standing good practices show that focusing on strengthening communication channels is critical for building an effective support system.<sup>47</sup> Governments should institutionalize communication around INAs and referrals between the criminal justice system and CSOs providing support to hate crime victims. This could be done, for example, by establishing clear contact points. These channels should also be used to share the outcomes of an INA between entities to avoid repeatedly questioning the victim and to ensure that protection measures implemented in criminal proceedings are relevant to the victim.

Any exchange of information between service providers and criminal justice bodies should be done with the explicit consent of the victim and should respect their need for confidentiality.

## Distribute accessible information material

Governments have a responsibility to ensure that both hate crime victims and practitioners are aware of victims’ rights and have information about what services are available to support them to claim these rights. Such information should be provided in a variety of different formats, such as online portals, helplines, social media, brochures, leaflets and posters in public places, to reflect the different ways people access information. To

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<sup>47</sup> *Ibid.*, p. 11.

ensure it is available to people with disabilities and those who do not speak the national language(s), it should also be produced in accessible formats, including easy-read, braille and sign language. Materials should also be translated into minority languages.

Given that most victims request information immediately after a hate crime incident, it is particularly important to ensure that first responders and others engaging with victims at this point can provide relevant, accurate and comprehensive information. This helps empower victims, restore their agency and enable them to make informed decisions. However, a victim's need for information may change over time, so providing information should not be viewed as a one-off event.

Governments and other relevant actors should consider supporting research to capture good practices relating to the development and distribution of information material.

### **24/7 helpline service for hate crime victims and witnesses**

#### **Case Study: United Kingdom**

Since 2006, Stop Hate UK has operated 24/7 helplines providing independent reporting support and other services. The helplines offer emotional and practical advice and support to anyone who has been targeted by or witnessed a hate crime motivated by any aspect of (perceived) identity. The services are accessible via phone, text, text-relay, webchat, online form and email, and are provided by trained operators at the point of contact. With the user's consent, operators make referrals to appropriate police and non-police agencies depending on the user's needs.

### **Ensure adequate and sustainable funding**

The availability of high-quality specialist hate crime victim support services, in terms of their existence, quality of delivered services, their geographic spread and coverage of bias motivations is largely determined by funding. Governments are responsible for ensuring that state service providers are adequately funded and that non-government service providers have access to government funding. In countries without specialist hate crime victim support CSOs, the state should provide funding for community-based grassroots groups to ensure the provision of basic hate crime victim support. International funding streams can also support the development and provision of specialist hate crime victim support services, including those provided by civil society.

Alongside the volume of funding, the type of funding available is also crucial to ensure efforts are sustainable. To ensure high-quality, continuous services to all hate crime victims in need, governments should guarantee institutional, ongoing funding to both state and non-state service providers. This means de-linking funding streams from specific project activities and avoiding situations where services simply stop when a project is completed. Institutional funding should also be tied to the quality of service, based

on evaluations from service beneficiaries and experts in the field of hate crime victim support.

## Build victims' trust in support services

Experiencing hate crime often erodes victims' trust in institutions, including the criminal justice system. In many cases, this lack of confidence is not new. Rather, hate crime victimization further exacerbates a sense of exclusion associated with long-standing marginalization. This makes victims reluctant to seek support from victim support services, even those offered by independent providers.<sup>48</sup>

Government and civil society-led service providers need to reflect on the barriers that discourage victims from using their services and take steps to remove them.

Trust-building measures may include:

- Preserving the autonomy of hate crime victim support providers — in how they support and advise individual victims — from the criminal justice system or other government agencies. Many victims will only begin to trust service providers if they are confident they will act exclusively on their behalf.
- Clearly explaining the service's operating principles — such as being anonymous, free of charge and victim-centred — and explaining that support can be provided through multilingual, easy-to-understand information material.
- Clarifying what personal data will be collected, how it will be processed and stored and who will have access to it.
- Ensuring a diverse team is available to provide support. For some victims, being supported by a caseworker who shares their experiences of victimization, or their social identity, can be crucial in enabling them to overcome their experience of hate crime.

Further research and experience sharing facilitated by governments as part of a multi-stakeholder exercise is needed to identify and capture successful strategies for building the trust of hate crime victims.

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<sup>48</sup> *Hate Crime Victim Support in Europe: A Practical Guide*, *op. cit.*, note 21.

## **Building strategies with the aim to improve co-operation with minority communities**

### **Case Study: Ireland**

The Irish National Police Service's Diversity and Integration Strategy 2019 to 2021 aims to engage with internal and external stakeholders in a proactive and inclusive manner to build trust and identify the policing needs of all diverse, minority and "hard to reach" communities.<sup>49</sup> This includes establishing a Garda National Diversity Forum with representatives of communities and key stakeholders to monitor and review the implementation of the strategy. It also involves holding a National Annual Consultation Day with key stakeholders as part of policing plan development and future diversity and integration policy development.

# **Ensuring the quality of hate crime victim support services**

## **Establish quality standards**

Governments have a responsibility to ensure that the support services offered to hate crime victims by all providers – both state and non-state – are of a high quality and meet their specific needs. Central to ensuring high quality service is provided is the development of rigorous quality standards, which should:

- Reflect hate crime victims' identified needs and embed a victim-centred approach;
- Be comprehensive, including clearly defined standards and criteria for each of the services provided, such as the provision of legal advice and representation, psychosocial support or general counselling and a person to accompany the victim;
- Have standards that cover staff qualifications and training, service guidelines and outcomes for victims;
- Incorporate the experience and expertise of a wide range of actors including policymakers, specialist service providers, academics and victims' organizations, through an inclusive co-development process;
- Cover all services providing support to hate crime victims, irrespective of whether they receive government funding; and
- Include robust monitoring and evaluation mechanisms for assessing the implementation of quality standards.

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<sup>49</sup> "Diversity and Integration Strategy 2019 to 2021", An Garda Síochána, 2019.

Once developed, these standards should be fully incorporated into government accreditation or licensing programmes, as well as any memoranda of understanding or partnership agreements between government and civil society support providers.

To ensure they are free of political influence, accreditation systems should include actors independent of government. The decisions of any accreditation body should be subject to independent review and this review process must protect the victims from further victimization and have the mechanisms in place to respond when a victim states they were dissatisfied with a service.

### **Quality standards for hate crime victim support**

#### **Case Study: Czech Republic**

The Czech Republic promotes high quality service through documented mandatory quality standards that apply to social services and the legal information provided to victims. The mandatory quality level must be demonstrated by the service provider during registration with the Ministry of Justice and Ministry of Social Affairs. One of the standards ensures that victims' data are confidential and are not exchanged with law enforcement bodies without prior written agreement. Adherence to the standards is assessed by the ministries mentioned above.

#### **Case Study: Switzerland**

The Swiss counselling network for victims of racism (*Beratungsnetz für Rassismopfer*) comprises 23 member institutions providing specialist support services to victims of racist attacks. It aims to strengthen service quality by developing professional standards that enable members to identify and jointly agree on ethical guidelines for support services provided to victims of racism. Members commit to implementing the quality standards and communicate gaps openly, so that they can be addressed through training initiatives. The network reports annually on racist incidents and offers members further training and networking opportunities.

### **Ensure effective monitoring and evaluation**

Even rigorous and comprehensive quality standards are unlikely to systematically improve service delivery unless their implementation is regularly and independently monitored. Monitoring and evaluation can take different forms, such as an accredited government mechanism or an independent commission, but should be:

- Victim centred, with a focus on the quality of outcomes for hate crime victims, and the extent to which services meet their needs;
- Based on defined quality standards;

- Comprehensive in scope, incorporating qualitative and quantitative elements to understand what works and why;
- Inclusive, involving input from different actors, including hate crime victims and experts external to and independent of the service provider itself; and
- Conducted on a regular basis and repeated over time.

The results of monitoring exercises should feed into both service design and delivery, as well as funding allocation and the identification of training needs. Where significant shortcomings are identified, this should prompt a review or, if necessary, removal of the service provider's accreditation or any partnership agreements. Additional research would help to capture examples of effective monitoring and evaluation mechanisms and support mutual learning.

## Monitoring the implementation of quality standards

### Case Study: Portugal

The Portuguese Association for Victim Support (APAV) aims to continuously improve the quality of its services, including those for hate crime victims, by having a specific quality policy. As part of this commitment, a monitoring unit assesses the support services and is responsible for creating and analysing annual satisfaction surveys filled out by victims who have used the services. In addition, a quality management system includes both an internal and external evaluation of each case and unit at the headquarters.

### Case Study: Germany

VBRG member organizations in Germany follow the organization's Quality Standards for Professional Support. The standards were developed in co-operation with the social science research institute German Youth Institute (*Deutsches Jugendinstitut*) or DJI for short. The DJI also assesses the work of counselling centres and independently evaluates clients' experiences, including their satisfaction with the quality of service offered, which aspects helped them most, and how services can be improved. The results of the DJI's assessments are incorporated in the ongoing further development of VBRG's member organizations.

## Collect comprehensive data on hate crime victim support services

One frequent factor that erodes the political will to establish and strengthen hate crime victim support services is the absence of data underlining their value and impact. Collecting comprehensive data on the use and impact of such services can help make a strong policy case for specialist support, as well as to identify what kind of support is most needed, where and by whom. While governments should take a leading role in

collecting this official data both through police and the criminal justice system, they should also draw on data collected by CSO service providers. This data should complement the systematic recording and reporting on hate crime incidents.<sup>50</sup> Data collection can also be used for communication and advocacy to raise awareness of hate crime and contribute to preventative measures that benefit society as a whole.

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50 ODIHR presents information from OSCE participating States, civil society and inter-governmental organizations about hate crime on a [dedicated website](#).

# 5. Conclusion

Hate crimes target the essence of people's identities and victimize individuals because of their specific personal characteristics. By doing so, they not only harm their direct victims, but affect communities and societies as a whole. Ensuring victims receive the support they need to recover from hate crimes, regain their agency and – when they wish to do so – seek redress through the criminal justice system, is a primary responsibility of governments.

Despite growing recognition of the importance of specialized support services for victims of hate crime, profound gaps in the structural arrangements that underpin the effective design and delivery of such services persist. These gaps leave criminal justice practitioners, law enforcement officers, social workers and civil society organizations struggling to provide victims with the comprehensive support they require.

The recommendations above set out three main areas of action for policymakers and decision-makers who are responsible for establishing and strengthening structural arrangements for hate crime victim support.

The first group of recommendations addressed the legal and policy foundations that must be put in place to recognize hate crimes and hate crime victims, hate crime victims' rights and the needs-based, expert support services to which they are entitled.

The second set of recommendations provided guidance on how to turn policy into practice through clear guidance, multi-stakeholder co-operation, effective communication and sufficient and sustainable funding.

The third and final action points focus on ensuring the quality of hate crime victim support services through robust quality standards and effective monitoring mechanisms.

Taken together, these recommendations offer a framework for a robust, comprehensive and systematic response to hate crime victimization that puts the needs of the victim at the centre of protection and support.