
Policy Brief

Specialist Support for Hate Crime Victims



Funded by the European Union



Policy Brief

Specialist Support for Hate Crime Victims

This publication was published with the support of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The opinions and information it contains do not necessarily reflect the policy and position of ODIHR.

This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020). The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

Contents

Executive summary	7
Introduction	11
1. Hate crime and its victims	13
2. Hate crime impact	15
3. Hate crime victims' needs	16
4. Characteristics of specialist hate crime victim support	18
5. Purpose of specialist hate crime victim support	20
6. The state of specialist hate crime victim support: gaps and challenges	21
7. Policy recommendations	23
Specialist victim support should be enshrined in national legislation	23
Specialist support should be based on the needs of the victim	25
Specialist victim support should meet clearly defined quality standards	26
States should adopt a multi-agency hate crime action plan	26
Relevant stakeholders should set up multi-agency coordination mechanisms	27
Relevant stakeholders should commission studies on under-reporting of hate crimes and hate crime victims' needs	28
Conclusion	29

Executive summary

Hate crime victims require access to specialist support services. These services should be victim-centred, needs-based and diversity-sensitive. They should include practical help, emotional and psychosocial support, advice relating to legal and financial issues and community engagement. Such specialist support services for hate crime victims should be free of charge, confidential and form an integral part of a comprehensive hate crime response.

This policy brief draws attention to the worrying situation in many participating States of the Organization for Security and Co-operation in Europe (OSCE), where current responses to hate crime victims' needs fall short of agreed international commitments and obligations. It also highlights the need to establish or expand specialist support services that are tailored to victims and address the harmful impacts of hate crimes at the individual, community and societal levels.

Hate crimes are significantly under-reported across the OSCE region. There are many reasons why victims do not report bias-motivated crimes. These include wider societal issues of prejudice and structural discrimination as well as specific barriers hate crime victims face when engaging with law enforcement authorities.¹ If hate crimes are not reported, crimes cannot be prosecuted, perpetrators can act with impunity, connectedness and solidarity in society is fractured, and democracy is weakened. Lack of reporting also means that the real number of hate crime incidents is not known, resulting in inadequate policy responses and insufficient allocation of state resources to government entities and civil society victim support providers.

Ensuring support for victims of crimes is imperative to safeguarding their rights. In 1985, the United Nations General Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.² The declaration calls for United Nations Member States to adopt measures that secure universal recognition and respect for the rights of victims of crime and abuse of power. The declaration also required that Member States curtail the victimization of crime victims.

In 2009, OSCE participating States committed to take action against hate crimes by, inter alia, providing victims of hate crimes with access to counselling, legal and consular assistance and effective access to justice.³ OSCE participating States agreed to take steps to encourage victims to report hate crimes and promote capacity-building of law enforcement authorities through training, by developing guidelines on the most effective

1 *Encouraging hate crime reporting: The role of law enforcement and other authorities*, (Luxembourg: Publications Office of the European Union, 2021), p. 30.

2 UN General Assembly resolution 40/34, "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", 1985.

3 OSCE Ministerial Council, Decision 9/09, "Combatting Hate Crimes", Athens, 2 December 2009.

and appropriate way to respond to bias-motivated crime and by facilitating capacity-building for civil society to assist victims of hate crimes.⁴

In 2012, the European Union (EU) adopted the Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime (henceforth “the Directive”).⁵ The Directive was meant to improve the responses of Member States to the needs of victims and to ensure that victims across the EU enjoy their rights and have equal access to support services. Furthermore, the Directive defined hate crime victims as victims with specific needs and called on Member States to establish specialist victim support services, either as an integrated part of, or in addition to, generic victim support services.

Despite these international commitments and obligations, access to general victim support among OSCE participating States is still not universal. Access to specialist support services for hate crime victims is even more limited. Specialist support services are often offered by civil society organizations (CSOs) that strive to professionalize their services and do so with minimal resources. As a result, most hate crime victims do not have access to appropriate support. Their recovery is therefore compromised and victims may endure long-lasting debilitating effects of targeted hostility and violence. This may also lead communities to become distrustful of each other fearing further discrimination and intolerance and of the institutions that were unable to protect and support them.

To effectively address hate crime, the needs of victims must be met. Due to the distinct and severe impact hate crime has on individuals and communities, victims require access to support that is specifically designed to meet their needs.

There are several distinctive elements of specialist hate crime victim support, such as:

- Pro-active outreach to victims;
- Community engagement;
- Hate crime monitoring;
- Advocacy;
- Cross-cultural understanding; and
- Inclusiveness in recruitment and retention policies.

Staff both of state institutions and CSOs working with hate crime victims should reflect the client populations and diversity of the society they operate in as much as possible and demonstrate a cultural and historical understanding of the affected victims’ identities, as well as sensitivity to other nuances. Support staff should be able to tailor services to meet victims’ cultural and identity-specific needs.

4 OSCE Ministerial Council, Decision 13/06, “Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding”, Brussels, 5 December 2006.

5 Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 25 October 2012.

This policy brief advocates for the establishment of specialist hate crime victim support. On an individual level, such services include practical support, psychological, emotional and counselling services, as well as legal advice and representation. On a community level, specialist support providers engage with community members from different groups to better understand these communities' situation and requirements for support. They also identify barriers that prevent people from seeking support services and factor in this knowledge when designing and adjusting inclusive and accessible services that can meet the needs of diverse communities.

Raising awareness on the rights of hate crime victims and services available to them is another element of specialist support providers' service. On an advocacy level, specialist support providers rigorously examine existing patterns of intolerance, discrimination, prejudice and racism in their societies and contribute to the development of policy and action to tackle these injustices. Comprehensive victim support services put the lived experiences of people who suffer intolerance, exclusion and discrimination at the heart of their services. By highlighting broader issues related to hate crimes and their impacts and by emphasizing the importance of unity in the face of hatred, specialist support providers promote resilient, inclusive and supportive communities.

Given the complex and specific needs of hate crime victims, the most effective measures to address them will include a variety of interventions. To this end, public authorities must co-operate, co-ordinate and provide reliable and differentiated funding programs for organizations that provide support to hate crime victims. Such organizations include specialist support providers and grassroots and community-based organizations that have dedicated programs of community outreach and offer victim-sensitive, culturally aware, identity-respectful assistance. This assistance includes counselling, legal representation, advocacy and empowerment interventions adjusted to the victim's needs and provided by specifically trained professionals.

Adequate financial support for such actors enables specialist support providers to:

- Ensure specialist support service for all those affected by bias-motivated crimes;
- Organize as part of professional networks thereby ensuring common quality standards;
- Streamline monitoring and evaluation; and
- Ensure continuing education of practitioners.
- To guarantee availability and accessibility of adequate services across diverse community groups and geographic divides, States should:
- Extend equal eligibility for specialist support to all victims of bias-motivated violence;
- Set up mechanisms for inter-agency co-operation, including multi-actor referrals to ensure support systems are comprehensive; and
- Ensure ongoing evaluation of policies to help develop enhanced, knowledge-based solutions with the involvement of community representatives.

It is essential that State structures and civil society actors complement each other's efforts. Co-operation between multiple stakeholders can be formalized in the form of co-operation agreements or memoranda but should not be limited to the operational level. Political co-operation is also crucial for policy formulation at the national level. Therefore, it is recommended that:

1. Specialist victim support services and structures should be enshrined in national legislation.

Specialist support services can be set up as:

- A standalone specialist support service for all those affected by bias-motivated crimes, either in the form of an individual organization or a network of services providers.
 - Hate crime victim support specialization units within general victim support services.
2. Specialist support should be based on the actual identified needs of victims.
 3. Specialist victim support should meet clearly defined quality standards.⁶
 4. States should adopt a multi-agency Hate Crime Action Plan, including relevant protocols related to provision of specialist hate crime victim support.

Where appropriate, this should include the appointment of a national Hate Crime Commissioner.

5. Relevant stakeholders should set up multi-agency coordination mechanisms.
6. Relevant stakeholders should commission studies on the reasons for under-reporting of hate crimes and hate crime victims' needs.

The rehabilitation of hate crime victims warrants interlinked, complementary support by both State structures and specialist support providers. States must work to fulfil their obligation to safeguard the rights of victims.

⁶ See more in *Understanding the Needs of Hate Crime Victims* (Warsaw: OSCE/ODIHR, 2020) and *Model Quality Standards for Hate Crime Victim Support* (Warsaw: OSCE/ODIHR 2021).

Introduction

The policy brief has been developed within the framework of the Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support Project (EStAR), implemented jointly by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Association of Counseling Centers for Victims of Right-Wing, Racist and Antisemitic Violence in Germany (VBRG). The EStAR project covers 41 countries, all of which are participating States of the OSCE and Member States of the Council of Europe. Some are also members of the EU.⁷

The policy brief builds on prior EStAR publications⁸ and ODIHR's practical guide on *Hate Crime Victims in the Criminal Justice System*,⁹ all produced in 2020-2021, as well as VBRG publications, *Hate Crime Victim Support in Europe*¹⁰ and *Counselling for Victims of Right-Wing, Racist and Antisemitic Violence in Germany: Quality Standards for Professional Support*.¹¹

This policy brief promotes a victim-centred, gender-sensitive and intersectional approach¹² to hate crime victim support. It places hate crime victims¹³ at the centre of support policies and acknowledges hate crime victim identities as multifaceted and overlapping. Accordingly, their victimization is often multi-layered and complex. Hate crime victims are autonomous agents whose rights, entitlements and self-determined best interests should shape support practitioners' and institutions' responses. It is critical

7 EStAR members include: 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.

8 EStAR publications can be found on the [OSCE/ODIHR website](#): "EStAR: Enhancing Hate Crime Victim Support".

9 *Hate crime victims in the criminal justice system: a practical guide* (Warsaw: OSCE/ODIHR, 2020).

10 *Hate crime victim support in Europe: a practical guide* (Dresden: RAA Saxony, 2016).

11 *Counselling for Victims of Right-Wing, Racist and Antisemitic Violence in Germany: Quality Standards for Professional Support* (Berlin: VBRG, 2018).

12 "The impact of hate crime can depend on the intersectional nature of identities, when several personal characteristics operate and interact with each other at the same time in such a way as to be inextricable. For example, all people will be impacted differently by hate crime depending on the different social roles and status in society or a community. At the same time, individuals' experience will differ across different ethnic backgrounds, sexualities and religions, etc. The targeting of several intersecting characteristics in a multiple-bias hate crime can also exacerbate the impact (and the culpability of the perpetrator)". See more in: *Understanding the Needs of Hate Crime Victims, op. cit.*, p. 11.

13 This policy brief uses the term "victim" in line with the terminology of the main international documents and legal discourse. It has to be underlined, however, that in many languages it might have negative connotations, associated with weakness, powerlessness and helplessness and thus have a stigmatizing effect. This is not the intention of this document. More about the use of the term in: *Understanding the Needs of Hate Crime Victims, op. cit.*, note 11, p. 10.

that the unique individual experiences of hate crime victims are acknowledged and addressed by qualified professionals that can offer services tailored to their needs.

Moreover, this policy brief aims to inform the formulation of policy in the area of specialist hate crime victim services that provide support for affected individuals, cultivate partnerships and promote co-operation between different service providers to effectively address the diverse needs of victims. Specialist support services endeavour to promote democratic and open societies and the values of non-discrimination and tolerance through their political and social engagement. Finally, this brief seeks to create a deeper understanding of the needs and impact of hate crime on individuals, communities and societies in general.

This policy brief is primarily written for policy- and decision-makers responsible for formulating and enhancing hate crime victim support policies at the national level. It may also provide guidance and support in the advocacy efforts of general victim support organizations that consider expanding services to hate crime victims. It may also help community and non-governmental organizations active in human rights, equality and non-discrimination work, as well as specialist hate crime victim support organizations that wish to expand their services.

This policy brief includes several recommendations supported by selected examples of good and promising practices from EStAR project countries. These serve to illustrate possible ways to implement suggested recommendations and encourage exchange of good practices among and between OSCE participating States.

1. Hate crime and its victims

ODIHR defines a hate crime as a “criminal act with a bias motive.”¹⁴ The first element of a hate crime is an act that constitutes a crime under criminal law committed against a person, organization, group or property. The second element is that the criminal act is committed with one or more bias motives. What renders hate crimes different from ordinary crimes is that hate crimes target one or more aspects of a person’s identity that is or are unchangeable or fundamental that a person’s sense of self.¹⁵

Hate crimes have been referred to as “a concept that inspired legal and social change designed to protect people from being persecuted simply because of who they are, or who they are perceived to be.”¹⁶ Hate crimes are also described as ‘message crimes’, since they are intended by the perpetrator(s) to target not only the direct victim(s), but also the community the latter belong to or anyone perceived as ‘different’ or ‘other’.

Hate crime victims are often individuals belonging to groups or communities that have a long history of devaluation, discrimination, marginalization and even persecution in a given society. Hate crime is usually grounded in narratives that seek to legitimize the disenfranchisement, marginalization and oppression of ‘othered’ identities. Hate crime, therefore, disproportionately affects certain segments within communities such as people belonging to ethnic minorities, people from a migratory background, refugees, asylum seekers, religious minorities, homeless people, people with disabilities, members of the LGBTI+ community and women.

Hate crime is an assertion of otherness and discrimination and is a demonstration and expression of hostility towards people based on their actual or perceived age, disability, colour, nationality, ethnicity, religion or belief, ideology, language, sexual orientation, gender identity and expression, sex characteristics or any other identity traits. This list of protected characteristics is neither exhaustive, nor universally acknowledged across the OSCE region, but rather provides an indication of the characteristics that are protected most often.

It is important to note that anyone can become a victim of a hate crime and an individual’s characteristics can change over time, increasing their potential risk of being attacked. For example, an accident can cause someone to have a disability, or people may change their religion, belief or gender identity. Furthermore, anyone can become a victim by association or perceived association to a particular group.

14 OSCE Ministerial Council, Decision 9/09, *op. cit.*, note 3, agreed to by all OSCE participating States, states that “hate crimes are criminal offences committed with a bias motive.”

15 *Hate Crime Laws: A Practical Guide* (Warsaw: OSCE/ODIHR, 2009), p. 38.

16 Nathan Hall and others, *The Routledge International Handbook on Hate Crime* (London, Routledge, 2015), p. 13.

Hate crime creates both direct and indirect victims. The direct victim is the individual immediately threatened, attacked or harmed in some way. The indirect victims may include the direct victim's family, close relations, those sharing their victimized characteristics, as well as communities who are often subject to similar experiences. Apart from that, people who have witnessed a hate crime often feel significantly affected and require support similar to that of direct victims. Hate crime's harmful effects at both the individual and community level is well-established,¹⁷ having been recognized by experts¹⁸ and public institutions.¹⁹

Hate crime based on multiple biases is predominant. In a large study on hate crime victimization, the University of Leicester found that half of respondents were victimized because of more than one aspect of their identity or perceived 'difference.'²⁰ For instance, ethnic minority men with a disability or elderly lesbian women with a religious background.²¹ The EU, in its Strategy on Victims' Rights, has acknowledged the prevalence of such intersectional hate crime: "Hate crime [...] disproportionately affects certain communities such as Jews, Roma, Muslims, people of African descent, migrants and the LGBTI+ community, notably those who are targeted on multiple grounds."²² While hate crime disproportionately affects minority groups, multiple and intersecting protected characteristics are shared by large parts of society, for example people with disabilities, older people, women, youth and representatives of ethnic, religious or belief, sexual orientation and gender identity groups, can combine to put large segments of society at risk of discrimination, marginalization and violence on a daily basis.

17 See also: "Hate crime: what do victims tell us? A summary of independent research into experiences of hate crime victims" (London: Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, 2018).

18 Among other authorities see: "Key Guiding Principles on Encouraging Reporting of Hate Crime", EU High Level Group on combatting racism, xenophobia and other forms of intolerance, 2021.

19 See, among other authorities, "Hate Crime Operational Guidance", the UK College of Policing, 2014; "Community Impact Statements and their Use in Hate Crime Cases, Guidelines for Prosecutors", the UK Crown Prosecution Service, 2018.

20 "The Leicester Hate Crime Project: Findings and Conclusions", University of Leicester, 2014, p. 21.

21 The EU Strategy on Victims' Rights (2020-2025) acknowledges that hate crime disproportionately affects minorities, such as Jews, Roma, Muslims, people of African descent, migrants and the LGBTI+ community, and, in particular, people who are targeted on multiple grounds, p. 12.

22 "Crime, Safety and Victims' Rights" (Luxembourg: Publications Office of the European Union, 2021), p. 18. According to this survey, ethnic minorities experience physical violence at a higher rate – 22 per cent in the last five years – than the average for the entire population. So do people who self-identify as lesbian, gay, bisexual or "other" (19 per cent), and people with a health problem or disability (17 per cent). By comparison, only 8-9 per cent of people who do not identify with any of these communities experienced physical violence in the same period.

2. Hate crime impact

Victims report experiencing hate crimes as an attack on their identity and sense of self. Being a victim of a hate crime may feel like being “attacked because of your identity, because of what you are [and] it undermines the very essence of who you are.” Hate crime victims have expressly declared that they require additional, specialist support because of this aspect of their victimization.²³

The impacts of hate crime can range from physical injury to emotional and psychological harm.²⁴ Hate crime can have a significant impact on a victim’s mental health and on how they feel about themselves. Some victims experience sleeplessness and suicidal tendencies. For others, feelings of hurt, anger and disempowerment may persist for years. Hate crime can make victims feel inferior, subhuman, scarred, upset, unsafe even within their homes, anxious, disoriented, fearful, depressed, empty and hollow for a long time.²⁵

Contemporary discrimination narratives and practices can shape policies in different countries, which also lead to specific groups being targeted. For example, in countries where the media portrays biased coverage of refugees and migrants,²⁶ or where parliaments adopt legislation restricting the civil rights of members of the LGBTI+ community, depicting them as promoting behavior contrary to national traditions,²⁷ or when certain groups (ex. persons of Asian descent) are blamed for the spread of the coronavirus.²⁸

Hate crimes, which send messages of exclusion to entire communities, erode societal relations and exacerbate social tensions by making individuals and communities distrustful towards other communities. They undermine shared social values, such as equality and dignity. They weaken a society’s sense of unity and damage trust in the democratic order by undermining the trust in law and institutions, which can lead to potentially serious security and public order problems by setting off a cycle of blame and retaliation between victims and perpetrators and the respective groups they belong to.²⁹ Since hate crime victimization can have wide-ranging impacts on direct and indirect victims, the response requires a different level and different type of victim support.³⁰

23 See, among many other authorities: “Healing the Harms: Identifying How Best to Support Hate crime victims”, Leicester Hate Crime Project, University of Leicester, 2014, p.10.

24 *Ibid.*

25 *Ibid.*

26 See, among others: “IOM Issue Brief Countering xenophobia and stigma to foster social cohesion in the Covid 19 response and recovery”, IOM UN Migration, April 2020.

27 In recent years, hateful rhetoric in public discourse has been on the rise, translating into bias-motivated violence against members of the LGBT+ communities. See, among others: “COVID-19 impacts on LGBTI communities in Europe and Central Asia: A rapid assessment report”, ILGA-Europe, June 2020, p. 5.

28 *OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic* (Warsaw: OSCE/ODIHR, 2020), p. 127.

29 *Hate Crime Laws. A Practical Guide* (OSCE/ODIHR), 2009, p. 20.

30 “Healing the Harms: Identifying How Best to Support Hate crime victims”, *op. cit.*, note 21.

3. Hate crime victims' needs

Hate crime victims have multiple and diverse needs, such as:

- Personal safety and security, including from repeat and secondary victimization;
- Practical help, such as medical assistance, financial support, relocation, etc.;
- Emotional and psychosocial support;
- Confidentiality and trust;
- Information and advice;
- Help in navigating the criminal justice system; and
- Respectful and dignified treatment.³¹

Apart from these needs, some hate crime victims require support from someone who has similar victimization experience as well as the need to have a safe space to have their identity understood. For many victims, the need to have their identity nurtured stems from prior, and often ongoing experiences of discrimination and exclusion inflicted by entrenched social, cultural and institutional biases and negative stereotyping.

Victims usually share a profound need of safety and protection from further harm following a bias-motivated attack. A risk assessment that outlines strategies victims can take to protect themselves and possible protection measures should always be a part of an initial individual needs assessment (INA) for hate crime victims.³²

Some hate crime victims need urgent practical support to deal with the consequences and impacts of the crime, including immediate medical assistance, possible security arrangements, assistance in taking care of their dependents and potential financial support to pay for temporary relocation or to cover loss of income or repair damaged property. Victims might also need help to guide them through various administrative procedures.³³

Emotional and psychosocial support is often the broadest need among hate crime victims. This includes the need to be listened to and heard, believed, taken seriously and understood.³⁴ Hate crime victims' experiences should always be treated with utmost confidentiality.³⁵ Breaches in confidentiality can cause harm to the victim(s) by eroding trust and can negatively influence their recovery process.

One of the most pressing needs that many hate crime victims share is the need for comprehensive and readily understandable information about options they have to assert

31 *Understanding the Needs of Hate Crime Victims*, op. cit., note 11, p. 16.

32 *Ibid.*, p. 17.

33 *Ibid.*, p. 18.

34 *Ibid.*, pp. 19-21.

35 *Ibid.*, p. 23.

their rights and receive support. Some people might know their rights and entitlements, but many do not know about possible support services, or what their rights as victims, plaintiffs or witnesses are in the criminal justice process. Providing victims with clear and timely information empowers them as conscious actors and decision makers during the criminal justice process and their recovery.³⁶

Hate crime victims' information needs are often linked to criminal justice proceedings, which might be seen as difficult to navigate and understand. Therefore, it is essential to satisfy the victims' need for access to justice by facilitating their active participation in the process. To this end, hate crime victims should be kept informed about developments and procedures in their case. Acknowledgement of a victim's experience, the bias motivation(s) and impact of the crime within criminal justice proceedings sends a message to the perpetrator(s) and general public that any form of hate is not tolerated.³⁷

Hate crime victims need to be heard and believed. They need to be free from victim-blaming, from any implied justification of the criminal act they suffered and/or from any other reproduction of the perpetrators' prejudice(s) against their identities. Hate crime victims require an empathetic response that acknowledges the impacts that discrimination, inequalities, identity denigration or rejection that hate crime may cause. Any attempts to delegitimize the victim's words or stances, such as by undermining belief in their story or discrediting them to others, by law enforcement, criminal justice representatives, lawyers, doctors, psychologists or social workers can worsen the impact of a hate crime. Such actions amount to secondary victimization — the process of "victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim."³⁸

Re-victimization is not only caused by insensitivity to the hate crime victims experience or lack of understanding. A lack of adequate professionalism, including any deficiency of relevant expertise, skills and experience to properly identify and respond to a victim's needs, may also be perceived by the victim as unequal and disrespectful treatment. Some attribute this kind of treatment to their persistent experiences of being excluded, under-valued or unequal. Failure to correctly recognize and acknowledge the specific experiences associated with hate crime victimization disempowers victims and strengthens the perpetrators often causing an increase in violent hate crimes and large-scale hate-motivated attacks. Specialist services are designed to specifically and sensitively address these needs.³⁹

36 *Ibid.*, p. 24.

37 *Ibid.*, pp. 25-29.

38 *Model Quality Standards for Hate Crime Victim Support*, *op. cit.*, p. 23.

39 *Ibid.*, p. 23.

4. Characteristics of specialist hate crime victim support

Specialist hate crime victim support is a dedicated service for individuals, groups and communities affected by hate crimes. On an individual level, such services should include practical support, psychological, emotional and counselling services, as well as legal advice and representation. The needs of hate crime victims, their personal situation, strengths and coping strategies vary, and should play a role in what kind of support they might need. Carrying out an INA is a particularly important step as it enables specialist support to be tailored to an individual's actual, identified needs. As a result of an INA, the victim may need to be referred to other support services that are better positioned to provide support given the victim's specific needs.

Specialist support is defined by respect for hate crime victims' ownership of their own experiences and narratives of identity and victimization. Specialist support should be designed and made available in a way that supports hate crime victims' self-expression and agency, both at an individual and community level. Specialist support providers must create an environment that empowers hate crime victims to take control of their recovery. Specialist support providers bring a hate crime victim's experience to the public, galvanize solidarity actions and raise awareness of the impact of hate crimes.

Specialist support services place victims at the heart and centre of their work. By design, they should consistently and overtly serve their needs first and maintain privacy both during the counselling process and publicly. Support providers perform advocacy with and on behalf of victims and promote victims' perspectives in the larger societal debate, seeking to deconstruct and delegitimize the prejudices driving hate crime and, more broadly, systemic discrimination and inequalities. To do this, specialist support providers, including those receiving public funds, should maintain professional autonomy and maintain independence from public authorities and other actors, so they can effectively hold them to account.

Specialists treat hate crime victims as rights-holders defined by dignity, and not as dependent and passive recipients of welfare, or as assets for the investigation and prosecution of crime. Access to specialist support is not conditional upon reporting a crime to law enforcement or engaging with the criminal justice system. However, for victims who wish to pursue a criminal justice outcome, specialist support is available to facilitate effective access to justice.

The criminal justice system can be challenging and distressing for hate crime victims. For them to participate effectively in the criminal justice process, they may need compassionate support since unsupported and unaccompanied hate crime victims are at a higher risk of secondary victimization. Specialist support providers can support victims by acting as a contact point in criminal justice proceedings. This alleviates some of the burden from the victim and protects them from potential secondary victimization. Victims may also

find it helpful to receive assistance in relation to requesting special protection measures and liaison regarding the scheduling of trial dates.

Furthermore, failure to take into account the relevant bias motive(s) during the criminal proceedings contributes to victims' trauma and further undermines their confidence in the criminal justice system. Solidarity actions organized by specialist support providers during the criminal justice process do not compensate for the lack of recognition of bias by the justice system. However, to a degree, they can reassure the victim that they are valued members of society who enjoy support from an engaged public.

Specialist services should also be accessible for people with disabilities or care-related needs. They should be based on universal design of services and products. This means that, not only should the delivery of specialist support itself be accessible, but also that information outputs and the premises where support takes place should be accessible as well. Specialist support services should be staffed by people with a relevant educational background, such as social work, psychology, law, etc., and reflect the diversity in society. Support professionals should understand how systems built on discrimination and inequality function and how they affect people. They should also be aware of their own possible biases and be trained to uncover and address these. At a societal level, specialist support providers work to raise awareness, remove systemic barriers and create systems that are equal for all.

Specialist providers consistently work to mitigate collective indirect victimization within communities. They address the group impacts of hate crime, both for the sake of the group and of direct victims, fostering a supportive local environment for individual recovery. Specialist support organizations must routinely invest in targeted community outreach to proactively connect with communities on the ground. Building and maintaining community relations is an integral part of their services. Specialist service providers actively raise awareness among targeted populations on the rights of victims of hate crime and services available to them.

Specialist providers engage with the media to deconstruct discriminatory and hateful narratives and to ensure reporting on hate crimes is fair and accurate. Consistently and thoughtfully engaging with media not only helps to shift the focus from the perpetrators to the victims — who are often either neglected or assigned a marginal role in coverage of hate crime cases — but it can also shape public perceptions of hate crime as a societal problem.

Importantly, service providers should seek out and pro-actively approach individual hate crime victims who might need support, including by keeping track of trends and instances of hate crime. The latter is also used for hate crime monitoring purposes that enable service providers to operate with accurate and reliable data about the scale and types of hate crimes faced by people in society. This is particularly helpful when advocating for changes to hate crime prevention policies and to tailor services to meet the needs of victims. Governed by peer-reviewed professional standards and supported by adequate supervision, specialist providers should ensure that both internal and independent external monitoring and evaluation of services take place.⁴⁰

40 Please refer to EStAR's *Model Quality Standards for Hate Crime Victim Support*, *op. cit.* note 36.

5. Purpose of specialist hate crime victim support

Hate crime victims require support services which, on the one hand, have the professional capacities and experience to undertake an INA that responds effectively to the needs of a victimized person, but also ensure that the social and historical contexts in which communities find themselves inform their work.

Unlike general victim support, the work of specialist support providers requires an understanding of current socio-cultural and political contexts and a deep understanding of the communities affected by hate crimes. At the national level, support providers engage in advocacy for policy change or in awareness-raising activities on broader issues around hate crime. Therefore, specialist support services can contextualize an individual hate crime case and respond to it a comprehensive manner going beyond the criminal act. Not only are specialist support professionals trained and experienced in recognizing the specific impact of hate crime on victims, but they also know that the individual experience is embedded in social continuities and a pervasive web of discrimination and marginalization present in all social and political spheres.

Considering that hate crimes send a message of exclusion to victims and their communities, proactive outreach by specialist support providers to the victims is a manifestation of solidarity. Specialist support providers seek to proactively reach individuals and communities whose historical experiences, based on socially constructed norms that define difference, have caused them to distrust institutions of the State. Conversely, specialist support is organized around affirming equality and providing the space to value difference and diversity, at an individual, community and societal level.

Specialist support providers are best placed to protect their clients from further harm by engaging with those who cause secondary victimization, be they in the client's immediate environment, such as family and close relations, friends, or criminal justice actors involved in processing the case. Specialist support providers have an important role to play in raising awareness among law enforcement, prosecutors and court representatives on sensitive and respectful treatment of victims, as well as how to be mindful of the very specific needs of victims as part of a victim-centred approach.

Mainstreaming specialist support for hate crime victims contributes to individual and communal well-being, public health social inclusion. Hate crime victims often resort to avoidance and self-isolation when their needs are not addressed. They may also struggle with depression and experience anxiety and security concerns that inhibit their ability to participate productively in public life.⁴¹ This withdrawal diminishes their ability to function and develop their full potential within society. Comprehensive specialist support, including a functional system of referrals helps victims identify and receive the support they need so they are able to regain control over their lives.

41 Among other authorities, see "Key Guiding Principles on Encouraging Reporting of Hate Crime", *op. cit.*, note 16.

6. The state of specialist hate crime victim support: gaps and challenges

Very few hate crime victims have access to specialist hate crime victim support.⁴² In many OSCE participating States, support offered to hate crime victims remains inadequate and is not based on an understanding of hate crime victims' needs and the impact hate crimes have on societies and democracies in general.⁴³ OSCE participating States that are members of the EU are bound by the Victims' Rights Directive,⁴⁴ which details specific obligations of Member States towards the victims of crimes, including hate crime victims. Progress on transposing the Directive is monitored by the European Commission (EC) and non-compliance may result in infringement proceedings.

International human rights law safeguards hate crime victims' fundamental rights to dignity, equality, integrity and private life, including protection from repeat and secondary victimization. The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power calls on UN Member States to adopt measures that secure universal recognition and respect for the rights of victims of crime.⁴⁵ OSCE participating States have committed themselves to providing hate crime victims with access to counselling and legal assistance, as well as effective access to justice.⁴⁶

EU progress on general and specialist victim support

According to a report on the implementation of the Directive by the European Commission adopted in May 2020, "the cornerstone of EU victims' rights policy" was not completely transposed by most EU Member States.⁴⁷ The EC found that "the implementation of the Directive is not satisfactory... due to incomplete and/or incorrect transposition." The EC assessment raises "numerous concerns on the

42 *Ibid.*

43 "The State of Support Structures and Specialist Services for Hate Crime Victims Baseline Report", OSCE/ODIHR, 2020.

44 Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, *op. cit.* note 5.

45 UN General Assembly resolution 40/34, *op. cit.*, note 2.

46 "The Ministerial Council (...) calls on the participating States to: (...) in co-operation with relevant actors, explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance as well as effective access to justice" in: OSCE Ministerial Council, Decision 9/09, *op. cit.*, note 3.

47 "Report from the Commission to the European Parliament and the Council on the Implementation of Directive 2012/29/EU", European Commission, p. 3.

practical implementation of the Directive”, including “key provisions”, such as access to support services and protection in accordance with victims’ individual needs. Issues were found in most EU Member States.

The report stated that many States failed in their duties regarding the right to general support services and free and confidential specialist support services. Issues with the duty to secure access to victim support services independently from a formal complaint by a victim were identified in most States. Implementation of targeted support duties for victims with specific needs was problematic in several States and ineffective practices were identified. Issues were uncovered with the duty to ensure the protection of victims, including the recognition of victims with specific protection needs.

As well-established public hate crime victim support services largely do not exist in many OSCE participating States, States often rely on CSOs to provide specialist support services to fill this gap. However, CSOs often have minimal resources and, despite their expertise, are not considered an equal partner by the authorities and are often excluded from consultations on the development of victim support policies. Stable, long-term funding to ensure the sustainability of support provision even where services do exist is mostly insufficient. Funding mechanisms tend to be inflexible, providing for no contingency resources.⁴⁸

Comprehensive services are rare. Most services are limited in scope and unable to address the full scope of hate crime victim needs.⁴⁹ There is often a vast disparity in service levels between the capital city, major cities and rural areas. There is also limited availability of services for all individuals and communities who wish to be supported by professional and experienced providers that are able to deal with victims of particular bias motives. Many victims of hate crime have more trust in and are more inclined to accept support from organizations that have strong links to or represent communities they serve. Often, specialist services are offered to a specific target group (e.g., LGBTIQ, Muslims, Roma and Sinti, etc.) with no services available for other groups and individuals.

Support services often lack visibility, accessibility for persons with disabilities and might not respond to the various needs resulting from victims’ age, gender, language skills, etc.⁵⁰ Other barriers to accessing support include victims’ limited awareness of support provision and perceptions that relevant support services are either unavailable or inaccessible.⁵¹ The majority of hate crime victims are not aware of or know how to access support services.⁵² As a result, victims are often unaware of their right to specialist support. That is why specialist support providers are pro-active in institutionalizing targeted outreach in communities.

48 “The State of Support Structures and Specialist Services for Hate Crime Victims Baseline Report”, *op. cit.*, note 41, pp. 4, 7.

49 *Ibid.*, p. 13.

50 See: “EDF Recommendations on the EU Strategy on Victims’ Rights”, European Disability Forum, 2020.

51 See, among other sources: “The experiences of victims of hate crime”, NatCen Social Research, 2018.

52 “Healing the Harms: Identifying How Best to Support Hate crime victims”, *op. cit.*, note 21.

7. Policy recommendations

Effective hate crime responses include several measures. The recommendations below are intended as building blocks that outline policies, actions and principles to guide the establishment of specialist support where it does not exist and, if it is in place, can strengthen and improve various elements of it. These recommendations are accompanied by good and promising practice examples that demonstrate how these elements have been applied in some EStAR project countries.

Specialist victim support should be enshrined in national legislation

Laws should be adopted that specifically focus on the victims, give them a distinct legal status within the criminal justice process, and guarantee their rights, including to specialist support. While only some OSCE participating States are legally bound by the EU's legislation on victims' rights, it is recommended that the services proposed in the Directive serve as the minimum standard for hate crime victim support across the entire region.

These standards are:

- Information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in criminal proceedings including preparation for attendance at the trial;
- Information about or direct referral to any relevant specialist support services in place;
- Emotional and, where available, psychological support;
- Advice relating to financial and practical issues arising from the crime;
- Unless otherwise provided by other public or private services, advice relating to the risk and prevention of secondary and repeat victimization, of intimidation and of retaliation.

Lack of relevant legislation should not be an impediment to establishing or expanding support services, while relevant adoption in the national legal context should be the first step of a long-term engagement by the states for the comprehensive implementation of the legislative framework for victims' support. The gravity of the situation, in terms of the number of hate crimes reported annually,⁵³ requires swift action. Existing shortcomings in the provision of the specialist victim support can only be addressed by establishing support where it does not exist and expanding it where it is not sufficient and/or not tailored to the needs of victims.

53 See OSCE ODIHR Hate Crime Reporting page for more information.

Specialist support services can be set up as:

1. A standalone specialist support service for all those affected by bias-motivated crimes, either as an individual organization or as a network of services providers.

ZARA – Civil Courage and Anti-Racism Work, an Austrian NGO, provides legal support, psychosocial support, and accompanies victims to appointments at the police station and to courts and other authorities. It focuses on those affected by and witnessing racism and other intersecting forms of discrimination such as religious discrimination. ZARA also supports victims of online hate. Its services are free and confidential and can be provided anonymously. ZARA operates in a pro-victim manner.

VBRG in Germany is an umbrella organization for 14 specialist victim support services that operate in 12 federal States. The services are financed from municipal and State funds and a federal program called “Demokratie leben!” (“Live Democracy”). VBRG’s members’ services correspond to the definition of bespoke hate crime victim assistance as defined in this paper.

2. Hate crime victim support specialization units within general victim support services.

Victim Support UK (VS), is a government-funded general victim service with a degree of hate crime specialization, including specialized individual hate crime caseworkers. They provide a range of free hate crime services directly, including third-party reporting and referrals. In their Hate Crime Policy Statement, VS acknowledge the disproportionate impact of hate crime and the ensuing victims’ special needs. The provision of their specialist services for hate crime victims is based on a multi-agency partnership. VS acknowledge the special needs of hate crime victims according to their particular community. For example, identified barriers to reporting are group-disaggregated so they better understand the communities they serve. VS apply Multi-Agency Risk Assessment Conferences by analogy to hate crime cases.⁵⁴

Irrespective of the model, adequate and sustainable public funding needs to be allocated to service providers. Funding should be institutional, long-term and sufficient to ensure service delivery throughout the national territory.

54 In the UK, Multi-Agency Risk Assessment Conferences (MARACs), developed in the field of domestic violence are also used in hate crime cases. MARACs are victim-focused information-sharing and risk-management meetings attended by representatives of public agencies and NGOs held to discuss high risk cases and to draft safety and support plans.

Specialist support should be based on the needs of the victim

Victims' needs should be determined through an INA process. Needs of hate crime victims differ significantly from those of non-bias motivated crimes. Specialist services should be ideally delivered by professionals who share their clients' backgrounds and have the understanding of different cultural backgrounds, as well as specific needs resulting from victims' gender. Services should be available to direct and indirect victims. Service providers also engage in proactive outreach to potential victims.

RVRN — The Racist Violence Recording Network in Greece — is comprised of 51 non-governmental organizations and civil society actors, as well as the Greek Ombudsman and the Migrants' Integration Council of the Municipality of Athens, as observers. Some RVRN member organizations were established by groups that have been targeted by racist violence themselves.

RVRN monitors hate crime in Greece, based exclusively on interviews with the victims, while the RVRN member organizations offer medical, social and legal services, as well as practical, material and other types of assistance to victims of racist violence or victims of other hate- or bias-motivated violent attacks. Victims' needs are identified exclusively during an in-person meeting. Based on those needs, and in case they cannot be made by the receiving organization, referrals are made within the network.

Catch22 is a UK public service that designs and delivers services that build resilience and aspiration in people and communities. This statement is taken from its 2018 report:

“People from minority groups are more likely to be victims of crime, but are less likely to ask for support. Reasons for this vary across groups, but active outreach from local, tailored services can help to create support pathways for these demographics. Services should always be flexible and responsive enough to support people from all backgrounds, and if there's more expertise needed, teams should work with local specialists to make sure individuals get what they need.”⁵⁵

There are many ways INAs can be conducted. EStAR's *Model Guidance on Individual Needs Assessment of Hate Crime Victims*⁵⁶ clarifies what the process entails and how to set up a system, in which INAs are both effective, sensitive and respectful to victims. Conducting an INA upon first contact with the victim, making sure that from this point onwards the victim's right to understand and be understood is guaranteed and updat-

55 “The Changing Needs of Victims: And How to Support Them Better”, Catch 22, 2018, p. 21.

56 *Model Guidance on Individual Needs Assessments of Hate Crime Victims* (Warsaw: OSCE/ODIHR, 2021).

ing the INA throughout the interaction with the victim, constitute essential elements of needs identification. This Model Guidance could serve providers in designing, adapting and implementing an effective INA process.

Specialist victim support should meet clearly defined quality standards

Quality standards ensure that services uphold high professional standards. Independent monitoring and evaluation of services should be rigorous and include victims' perspectives. The EStAR project's *Model Quality Standards for Hate Crime Victim Support*⁵⁷ can be used as a guideline for the development of new services and as criteria to assess the quality of existing services. Quality standards provide measures to evaluate the organization and delivery of services to identify whether standards are achieved and what needs to be improved.

In the Czech Republic, quality of services is ensured by mandatory "standards of quality of social services" and "standards of quality of legal information", which must be demonstrated by service providers during registration with both the Ministry of Justice and Ministry of Social Affairs, and when delivering services. Adherence to these standards is controlled by the ministries.

States should adopt a multi-agency hate crime action plan

A hate crime action plan should focus on the formulation and implementation of concrete actions on hate crime prevention and support to those affected. The plan should have measurable targets and timelines for achieving them. The Hate Crime Commissioner should be responsible for coordinating implementation of the action plan.

In Spain, the Action Plan to Combat Hate Crimes (2019-2021) adopted by the Ministry of the Interior, highlights the serious consequences of hate crime on victims and their families, as well as its fracturing impact on society.⁵⁸ The Plan encompasses four lines of action, including support for victims. One of its express goals is to mitigate the harm done to victims. Collaboration with civil society organizations and specialist associations helped identify the specific needs of vulnerable communities that were then reflected in the Plan. The National Office to combat Hate Crimes, which was established on 2018, is in charge of promoting, coordinating and supervising the Plan, and also, tasked with raising awareness of victim support, among other priorities. A fundamental goal of the Plan is to deliver sensitive

57 *Ibid.*

58 See: "Action Plan to Combat Hate Crimes" (Madrid, Ministerio del Interior/State Secretariat for Security 2019).

and professional treatment to victims that guarantees their right to protection, information, support, assistance and active participation without discrimination.

Where appropriate, a Hate Crime Commissioner should be appointed to drive government action to prevent and tackle hate crimes, educate the public about hate crime and its impact, explicitly recognize the value of an open and inclusive society, reiterate the importance of community cohesion and provide support to those affected by hate crimes.

In September 2020, the UK Law Commission launched a public consultation on reforming hate crime law.⁵⁹ It proposed, among other measures, creating a **Hate Crime Commissioner** role with the mandate to drive forward best practices in curbing hate crime and supporting its victims. The Commissioner would help to implement more effective non-criminal responses to prevent and mitigate the harmful effects of hate crime in the community.

In Germany, the **Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism** within the Federal Ministry of the Interior and Community coordinates the relevant measures taken by all the federal ministries.⁶⁰ The office serves as a contact point for Jewish groups, and as a liaison for federal, State and civil society measures to combat antisemitism. The Commissioner coordinates a joint federal and State commission made up of representatives of competent bodies, providing public information and encouraging civic and cultural education to increase public awareness of antisemitism. The office was created in 2018 in response to the debate over growing antisemitism in Germany and how the federal State can best counter this. According to a Bundestag resolution, the Commissioner has independent advisers appointed in consultation with the federal government, consisting of Jewish and non-Jewish experts from academia, education and civil society.

Relevant stakeholders should set up multi-agency coordination mechanisms

Given the complex needs of hate crime victims, the most tailored and effective measures will include a variety of interventions. It is therefore essential that State structures and civil society actors work in concert and complement and reinforce each other's efforts. Co-operation between multiple stakeholders should be formalized in the form of co-operation agreements or memoranda of understanding but should not be limited to just the operational level. Political co-operation is also crucial for policy formulation at the national level.

⁵⁹ Please see the full report: [Hate crime laws: Final report](#) (London: Law Commission 2021).

⁶⁰ See further details at the [website](#) of the Federal Ministry of the Interior, Building and Community.

In Belgium, **inter-agency victim referral pathways** include automatic prosecutorial referral of hate crime victims' cases to specialist support-providing equality bodies (EBs). These include Unia for race, religion and other protected grounds and the Gender Equality Institute. The Prosecutor's Office contacts the relevant EB (depending on the victimized person's characteristics) when a hate crime is being prosecuted and then forwards the victim's details. The EBs then reach out to the victim to provide their support, including legal advice and assistance within proceedings. General victim support services and certain police units also refer hate crime cases to Unia. The two EBs provide hate crime victims with comprehensive specialized victim support, from recording victims' reports to legal representation. This form of operational cooperation is formalized in memorandums between involved entities.⁶¹

Relevant stakeholders should commission studies on under-reporting of hate crimes and hate crime victims' needs

Studies on reasons for under-reporting of hate crimes and specific hate crime victims' specialist support needs disaggregated by bias motivation and locality should be commissioned. Further policy formulations should be based on such victims' needs studies.

The EU Agency for Fundamental Rights produced a report **"Encouraging hate crime reporting: The role of law enforcement and other authorities"** that examines why victims do not report bias-motivated incidents and the barriers they face when reporting incidents through national crime reporting systems. By mapping existing practices that have a bearing on the victim's experiences when reporting bias-motivated violence and harassment, it aims to provide evidence to support national efforts to encourage and facilitate reporting.⁶²

The Center for Hate Studies of the University of Leicester in the UK conducted two major studies titled **"Recognizing the support needs of victims"**, which were designed to highlight the support needs of hate crime victims. These studies took place in two different geographical areas (Hertfordshire and the West Midlands) and involved people who had been targeted for different aspects of their identity.⁶³

In Sweden, the **Crime Victim Fund**, which is administrated by the Swedish Crime Authority, grants financial support to information work, developmental work, projects and research that can be related to hate crime victimization.⁶⁴

61 Information received from UNIA representative in response to a questionnaire, 2020.

62 "Encouraging hate crime reporting: The role of law enforcement and other authorities", op. cit., note 1.

63 See the webpage of the Leicester University's for the findings of the studies here: Recognizing the Support Needs of Victims.

64 Information received from Swedish Police representative in response to a questionnaire, 2020. More information can be found on Brottsöffermyndigheten website.

Conclusion

Victims of hate crimes are targeted because of their actual or perceived identity. As a result, and distinct from the needs of victims of non-bias motivated crimes, victims of bias-motivated crimes require support that is sensitive and attentive to their identities; this support should also be extended to others who are affected by a hate crime. Such support should be provided by specialist victim support services.

Ensuring that hate crime victims receive the support they need is the State's responsibility. Currently, however, access to such specialist hate crime victim support is not universally guaranteed. Civil society providers, including grassroots and community organizations that are at the forefront of support often have limited resources and are unable to offer comprehensive and nationwide services that meet professional quality standards to all who need them. Consequently, too many hate crime victims have no access to appropriate support. This results in victims' recovery being compromised, and the erosion of trust in institutions that are supposed to protect and support them.

Victim support is also a cornerstone of an effective criminal justice response. Unless victims of hate crimes are supported in reporting a crime and given assistance throughout the criminal justice process, they are unlikely to feel empowered to take legal action on their own. Many victims of hate crimes are reluctant to engage with the criminal justice system due to previous negative experiences or for fear of not being taken seriously. When victims do not report hate crimes, they are left uninvestigated, perpetrators remain unpunished and the rule of law is undermined.

Although it is the State's obligation to ensure that support structures are in place, CSOs play a vital role in supporting the State in fulfilling this obligation by providing victim support services. Considering the gravity of the problem posed by hate crimes, an effective and comprehensive response to tackle hate crimes and support victims can only be delivered if multiple stakeholders, including both State and CSOs, work together in an effective and impactful manner.