

INCLUDING THE VOICES OF HATE CRIME VICTIMS IN POLICYMAKING AND POLICY IMPLEMENTATION

A Practical Guide



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*Including the voices of hate crime victims in policymaking
and policy implementation — a practical guide*

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CONTENTS

- INTRODUCTION** 5
 - Background 5
 - How to use the guide 6
 - International commitments and legislation 6
 - Existing guiding principles 8
 - Definitions 9
 - Fundamental principles 10

- WHY SHOULD WE LISTEN TO HATE CRIME VICTIMS?** 11
 - Shedding light on hate crime victims' experiences 12
 - Upholding the rights of hate crime victims 13
 - Hate crime victims should be listened to and heard 13

- HOW SHOULD WE LISTEN TO HATE CRIME VICTIMS?** 15
 - 1. Put victims at the centre of any initiative 16
 - 2. Choose a suitable format for engagement 17
 - 3. Prepare the engagement 21
 - 4. Create safer spaces 22
 - 5. Manage expectations 24
 - 6. Offer support before, during and after the event 25
 - 7. Build trust and long-term partnerships 26
 - 8. Put systems in place to institutionalize hate crime victims' voices 27
 - 9. Avoid instrumentalizing victims and their voices 29
 - 10. Ensure a range of voices are heard 30

- SUMMARY** 32

INTRODUCTION

Background

The “Working group on hate crime victim support” is part of the “EU High Level Group on combating hate speech and hate crime” and supports the European Union Member States (EU MSs) to enable national law enforcement, criminal justice and civil society actors to better protect and support victims of hate crime.

It builds on the results of the Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR)¹ project, implemented between 2020 and 2022 by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), in partnership with the Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany (VBRG),² with financial support from the European Commission and the Federal Government of Germany.

Following discussions held with “Working group” experts representing national and local authorities, international organizations, police, academia and civil society organizations from EU MSs and beyond, ODIHR, in its capacity as coordinator of the “Working group”, has developed this practical guide. It focuses on supporting the meaningful engagement of hate crime victims in policymaking and policy implementation.

Consultations with “Working group” experts started at the group’s first meeting in Brussels (1 December 2022) and continued at an online roundtable (7 March 2023) and during consultations with individual experts and practitioners. The final draft was circulated for comments from “Working group” experts from 19 February to 4 March 2024 and was supported by a thorough review of the available literature.

1 See more on the [EStAR: Enhancing hate crime victim support project webpage](#).

2 [Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany \(VBRG\) website](#).

How to use the guide

This guide, which is built around ten key guiding principles, is aimed at national stakeholders who are interested in the meaningful and considerate inclusion of hate crime victims' voices in policymaking and policy implementation processes.

The voices of hate crime victims are often not heard in the policymaking process and are neglected during policy implementation. This can lead to inadequate, insufficient or ineffective policies and practices. Therefore, the meaningful inclusion of voices that express the lived experience of hate crime victims can allow necessary adjustments to be made to these processes, improving their overall quality and enhancing their results.

By including hate crime victims in the development of policy responses, authorities can better ensure that systems, policies and programmes are tailored to the needs of victims, helping them to recover and regain agency while upholding their rights to redress and support. In parallel, this should improve the effective implementation of applicable national and European legislation, as well as relevant OSCE commitments. However, this approach should only be pursued while ensuring respect for the principle of “do no harm” that must be observed at all times towards hate crime victims.

The guide takes stock of the experience and existing practices shared by national stakeholders during the consultation process and sets out practical guidelines to follow when engaging with hate crime victims for policymaking or policy implementation purposes. It also draws inspiration from the work that practitioners across the EU and OSCE region have done to support and protect victims of domestic violence, trafficking in human beings and war crimes.

The key principles included in this document are often related and intersecting. They should not be read or implemented in isolation. On the contrary, only a comprehensive approach to engaging hate crime victims in policymaking and policy implementation processes can bring satisfactory results while giving them the necessary support and protection.

International commitments and legislation

This guide is grounded in the OSCE Ministerial Council Decisions which specify that “hate crimes are criminal offences committed with a bias motive.”³ OSCE participating States have committed themselves to:

3 [Ministerial Council Decision No. 9/09 on Combating Hate Crimes, 2 December 2009.](#)

“ Take appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents States from devising efficient policies. In this regard, explore, as complementary measures, methods for facilitating the contribution of civil society to combat hate crimes;

(...)

“ 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;”⁴

“ ... promote capacity-building of law enforcement authorities through training and the development of guidelines on the most effective and appropriate way to respond to bias-motivated crime, to increase a positive interaction between police and victims and to encourage reporting by victims of hate crime, i.e., training for front-line officers, implementation of outreach programmes to improve relations between police and the public and training in providing referrals for victim assistance and protection;

(...)

“ ...facilitate the capacity development of civil society to contribute in monitoring and reporting hate-motivated incidents and to assist victims of hate crime”.⁵

The responses of EU MSs to hate crimes are regulated by the 2020-2025 EU Strategy on victims' rights⁶ that guides the implementation of the EU Directive 2012/29.⁷ The Directive specifically identifies victims of hate crime as those who need enhanced protection and support, and provides minimum standards for the protection and support measures that should be made available to victims in the European Union. The document takes into account the European policies outlined in the framework of the Union of Equality,⁸ which calls for increased engagement with representatives of different at-risk communities.

4 *Ibid.*

5 Ministerial Council Decision No. 13/06, on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding, 5 December 2006.

6 EU Strategy on victims' rights (2020-2025), adopted on 24 June 2020.

7 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (the Victims' Rights Directive), 14 November 2012. The Directive was under review at the time of drafting this document.

8 The Union of Equality.

The document also takes into consideration the standards laid out by the Council of Europe, in particular in the [European Convention on Human Rights](#),⁹ [ECRI General Policy Recommendation N11: Combating racism and racial discrimination in policing](#),¹⁰ [Recommendation CM/Rec\(2022\)16](#) of the Committee of Ministers to member States on combating hate speech,¹¹ [Recommendation Rec\(2006\)8\[1\]](#) of the Committee of Ministers to member states on assistance to crime victims,¹² and relevant case law of the European Court of Human Rights.

Also of relevance are standards pertaining to equality and non-discrimination enshrined in the [Universal Declaration of Human Rights](#),¹³ the [International Covenant on Civil and Political Rights \(ICCPR\)](#),¹⁴ and the [International Convention on the Elimination of all Forms of Discrimination \(ICERD\)](#).¹⁵

Existing guiding principles

The EU High Level Group has developed non-binding guidance for national stakeholders to increase their capacities in addressing hate crimes and support the implementation of EU legislation¹⁶ related to hate crime and protection of victims of hate crime.

This document builds on and complements the existing guidance listed below:

- On cooperation between law enforcement authorities and civil society organizations¹⁷
- On encouraging the reporting of hate crime¹⁸

9 [European Convention on Human Rights](#), Council of Europe, 4 November 1950, as amended by Protocols Nos. 11, 14 and 15, supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16.

10 [ECRI General Policy Recommendation N 11 on combating racism and racial discrimination in policing](#), European Commission against Racism and Intolerance (ECRI), adopted on 29 June 2007.

11 [Recommendation CM/Rec\(2022\)16 of the Committee of Ministers to Member States on combating hate speech](#), Council of Europe, 20 May 2022.

12 [Recommendation Rec\(2006\)8\[1\] of the Committee of Ministers to Member States on assistance to crime victims](#), Council of Europe, 14 June 2006.

13 [Universal Declaration of Human Rights](#), United Nations, 10 December 1948.

14 [International Covenant on Civil and Political Rights](#), United Nations General Assembly resolution 2200A (XXI), 16 December 1966.

15 [International Convention on the Elimination of All Forms of Racial Discrimination](#), UN General Assembly resolution 2106 (XX), 21 December 1965.

16 [Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law](#), Council of Europe, 28 November 2008; and [Directive 2012/29/EU of the European Parliament and Council of Europe on establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#), 25 October 2012. In line also with relevant OSCE commitments, in particular: [Ministerial Council Decision No. 9/09](#), and [Ministerial Council Decision No. 13/06](#).

17 [Key guiding principles on cooperation between law enforcement authorities and civil society organisations](#), EU High Level Group on combating hate speech and hate crime, 2022.

18 [Key Guiding Principles on encouraging reporting of hate crime](#), EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2021.

- On improving the recording of hate crime by law enforcement authorities¹⁹
- On ensuring justice, protection and support for victims of hate crime and hate speech²⁰
- On hate crime training for law enforcement and criminal justice authorities²¹

Definitions

Whenever the guide refers to ‘policymaking’, this means the process of formulating policy, including a wide array of possible actions such as advocacy events, consultations, lobbying, etc. Whenever it refers to ‘policy implementation’, it captures the process of practical application of formulated policies, comprising initiatives such as setting up coordination and consultation mechanisms, training professionals, ongoing monitoring of policy implementation, etc.

This guide uses the term ‘victim’ to ensure consistency with the terminology employed in the main international documents and discourse on hate crime. However, the term is used with caution and the acknowledgement that some victims, although considered as such by the criminal justice system, would refuse to identify themselves as such.²² “The term often carries a negative connotation, and may be associated with weakness. Thus, the term ‘victim’ risks denying affected individuals’ resilience, agency and ability to overcome the consequences of victimization.”²³

19 [Improving The Recording of Hate Crime by Law Enforcement Authorities: Key Guiding Principles](#), EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2017.

20 [Ensuring Justice, Protection and Support for Victims of Hate Crime and Hate Speech: 10 Key Guiding Principles](#), EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2017.

21 [Hate Crime Training for Law Enforcement and Criminal Justice Authorities: 10 Key Guiding Principles](#), EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2017.

22 [Policy Brief: Hate Crime Victim Support](#), OSCE/ODIHR, 22 April 2022, p. 9.

23 *Ibid.*, p. 9.

Fundamental principles

This guide promotes a victim-centred, gender-sensitive and intersectional approach to engaging with hate crime victims. This approach acknowledges that the identities of hate crime victims are multifaceted and overlapping.²⁴ If a policy fails to recognize the interplay between characteristics, they are likely to go “unnoticed and unchallenged.”²⁵

“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).”²⁶

While ODIHR and the “Working group” members made every effort to make this document comprehensive, this guidance does not constitute a closed and complete list of elements that need to be considered when engaging with hate crime victims.

This practical guide can be read as a standalone document. However, readers are recommended to consult other documents related to hate crime victim support issued by the “High Level Group on combating hate speech and hate crime”²⁷ and ODIHR, particularly those developed as part of the EStAR project.²⁸

24 [Policy Brief: Specialist Support for Hate Crime Victims](#), OSCE/ODIHR, 28 February 2022, p. 11.

25 N. Chakraborti, [Re-Thinking Hate Crime: Fresh Challenges for Policy and Practice](#), *Journal of Interpersonal Violence*, Vol. 30 (10), Sage Journals, p. 1745.

26 [Understanding the Needs of Hate Crime Victims](#), OSCE/ODIHR, 7 September 2020, p. 11.

27 See the European Commission [Combating hate speech and hate crime website](#).

28 [EStAR: Enhancing hate crime victim support project webpage](#).

**WHY SHOULD WE LISTEN TO
HATE CRIME VICTIMS?**

Shedding light on hate crime victims' experiences

The lived experience of hate crime victims can inform a “more sophisticated process of policy formation, monitoring and evaluation,”²⁹ one based on evidence rather than presumptions that “can hamper its effectiveness.”³⁰

Victims can provide valuable information to policymakers and criminal justice professionals, who would otherwise be unable to capture the intricacies of the impact of hate crimes on victims, their relatives and friends, and the wider community.³¹ Without these individual experiences, the level of awareness of both professionals and the public about what it means to become a victim of a bias-motivated attack remains largely unknown and, therefore, risks not being addressed by the criminal justice system in a comprehensive manner. Victims' narratives “can reveal hardships, and name discriminatory experiences, that once named, can ultimately be combated,”³² and “draw attention to neglected areas of evidence that ultimately influence policies and formal laws.”³³

Furthermore, listening to victims' voices can help address the problems within existing criminal justice and victim support structures such as inequalities, the marginalization of communities and lack of public awareness about the issue. However, it is important to recognize that the narratives of hate crime victims who have not previously told their stories as part of the legal process may be very different from those who have.³⁴ As research shows, often the notions of weakness and helplessness, inherent in the role of a victim, are rejected by those who provide their testimonies in an attempt to maintain their own integrity and positive self-image.³⁵

Finally, yet importantly, by actively creating opportunities for hate crime victims from different communities to share their voices, the state authorities can send a strong message to society that hate crime will not be tolerated. Particular attention should be paid to creating opportunities for hate crime victims from the most marginalized communities and those that are face a high risk of bias-motivated victimization.

29 N. Chakraborti, *Re-Thinking Hate Crime*, p. 1750.

30 *Ibid.*

31 R. Delgado, Storytelling, counterstorytelling, and “naming one's own reality”, in R. Delgado & J. Stefancinc (eds.), *Critical race theory: An introduction*, (New York, New York University Press, 2001), p. 43, in: H. A. Lim, *Race, bigotry, and hate crime: Asian Americans and the Construction of Difference*, in: B. Perry (ed.), *Hate Crimes Volume 3. The Victims of Hate Crime*, London, Praeger Perspectives, 2009, p. 68.

32 *Ibid.*

33 *Ibid.*

34 L. Jägervi, *Who wants to be an ideal victim? A narrative analysis of crime victims' self-presentation*, *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 15:1, 2014, p. 85.

35 *Ibid.*, pp. 85-86.

Upholding the rights of hate crime victims

Hate crime victims have fundamental rights that are protected under international and national law.³⁶ “International human rights law safeguards hate crime victims’ fundamental rights to dignity, equality, integrity and private life, including protection from repeat and secondary victimization.”³⁷ “The state’s duty to protect and support hate crime victims, therefore, includes protection of hate crime victims’ safety and dignity in all interactions with public authorities.”³⁸

Hate crimes not only harm the victim, they also constitute a direct violation of these fundamental rights; namely to human dignity and with respect to non-discrimination. Due to significant under-reporting, hate crime victims are often unable or unwilling to seek redress against perpetrators.³⁹ “In such cases, the rights of victims of crime may not be fully respected or protected and EU Member States may not be upholding the obligations they have towards victims of crime.”⁴⁰

States should ensure that their policies, legislation, strategies and action plans to protect and support hate crime victims are based on evidence and duly reflect a victim-centred, gender-sensitive and intersectional approach. The involvement of hate crime victims in policymaking and policy implementation can raise awareness about how the right of victims to an effective investigation and effective remedy should be at the centre of criminal justice responses. It can also provide an opportunity for sharing examples of how these rights have and have not been realized.

Hate crime victims should be listened to and heard

Hate crimes have a far greater impact on individuals than other crimes, because the victims are targeted based on their characteristics, which are central to their identity and often impossible to change.⁴¹ Recognition of this fact should underpin any initiative aimed at engaging with hate crime victims.

The emotional harm caused by a hate crime can be very deep and long-lasting, and the resulting needs of each victim will depend on their individual characteristics and

36 OSCE/ODIHR Policy Brief: [Hate Crime Victim Support](#), p. 9.

37 OSCE/ODIHR Policy Brief: [Specialist Support for Hate Crime Victims](#), p. 21.

38 OSCE/ODIHR Policy Brief: [Hate Crime Victim Support](#), p. 14. See more in [Encouraging Hate Crime Reporting - The Role of Law Enforcement and Other Authorities](#). Report, European Union Agency for Fundamental Rights, Vienna, 2021.

39 [Making hate crime visible in the European Union: acknowledging victims’ rights](#), European Union Agency for Fundamental Rights, Vienna, 2012, p. 7.

40 *Ibid.*

41 OSCE/ODIHR, [Understanding the Needs of Hate Crime Victims](#), p. 19.

circumstances. Nevertheless, many hate crime victims share the need to be listened to and heard.

“Sharing their experiences and emotions with others can have a liberating and relieving effect. It is an important first step in building victims' own resilience to the emotional impact of the crime. Sharing and adopting different perspectives can also help to identify solutions to problems and regain the ability to act.”⁴²

As such, listening to hate crime victims' voices in the context of policymaking and policy implementation can also be a way of giving them the opportunity to act and transform their victimization experience to the benefit of other people targeted with a bias motivation.

⁴² *Ibid.*

**HOW SHOULD WE LISTEN TO
HATE CRIME VICTIMS?**

This guide provides practical advice on what to take into consideration when engaging with hate crime victims, organized in ten distinct, but intersecting principles.

1. Put victims at the centre of any initiative

Hate crime victims must remain at the heart of every initiative that concerns or involves them, as this is the only way to ensure its meaningful impact and relevance. Therefore, anyone planning to engage hate crime victims in the policymaking or policy implementation process must take a victim-centred approach:

“The victim-centred approach acknowledges the hate crime victim as an authority about their own victimization experience, aware of their own needs and wants. It also acknowledges that, although people affected by hate crimes may share a common identity or a range of identities and characteristics, they are individuals with specific and unique needs. The victim-centred approach also recognizes that hate crime victims are not passive and powerless people simply in need of help from others. They have the potential to exercise their own agency – the capacity to act autonomously and make their own decisions and choices. A requisite of the victim-centred approach is that any hate crime victim is treated as an equal partner in progressing their case through criminal justice or other rehabilitation processes. Through this approach, they are considered active participants in planning and shaping the required support. This includes victims being party to decisions and playing an active role in the processes that affect them. The principle of “doing with” – rather than “doing for” – the victim is integral to the victim-centred approach. This departs from the common practice of criminal justice professionals and other practitioners who come into direct contact with victims, and make decisions on their behalf.”⁴³

This implies that all potential engagement must be voluntary, based on informed consent, and that the event organizers must not put victims under pressure to speak in public or engage in other ways. The organizers must also provide adequate support appropriate for the victim’s new role as a public persona. Hate crime victims should always have the opportunity to step down, should they wish.

To ensure interactions with hate crime victims are meaningful, it is best to make sure that they are not just limited to sharing their experience. While this may sensitize the audience and set the stage for further discussions, it also risks making a shallow and symbolic effort to listen to victims’ voices. Those involved should also be encouraged to share their views, opinions and proposals, to the extent they wish to do so.

43 OSCE/ODIHR, Policy Brief: Hate Crime Victim Support, pp. 8-9.

It is also important to remember that victims' narratives are bound to be individual and, therefore, efforts should be made to set them within a broader context if they are meant to influence the policymaking or policy implementation processes in a systematic and relevant manner.

Finally, putting victims at the centre of any intervention implies removing any barriers that are preventing them from taking part in the events. This may entail practical arrangements to facilitate hate crime victims' engagement, including securing the physical accessibility of spaces, interpretation, psychological support, transportation and childcare or offering compensation for the time and expenses incurred. Further potential barriers and solutions are discussed in the following sections.

2. Choose a suitable format for engagement

By sharing their stories, experiences and opinions, hate crime victims can demonstrate the impact of hate crimes on individuals, those close to them and entire communities, thus shaping existing and future hate crimes and hate crime victim support policies. There are numerous policy areas in which sharing the lived experience of bias-motivated violence can be of particular benefit to those responsible for putting these policies in place. These include the following:

- Setting up a system of hate crime victim support;
- Developing quality standards, protection and support services; and
- Advocacy for victims' rights, including the rights of marginalized groups at risk of bias violence, etc.

By no means, however, should hate crime victims' engagement be instrumentalized to pursue particular political or institutional interests (see more in *g. Avoid instrumentalizing victims and their voices*).

There are different ways in which the involvement of hate crime victims can be facilitated:

- Directly, as speakers, participants or trainers
- Indirectly, through civil society organizations
- By engaging with self-organized groups
- Through empirical research
- Via dedicated state institutions

Firstly, hate crime victims can be engaged **directly** as speakers, participants in dedicated meetings with policymakers or as trainers. Victims' narratives can provide a reference or a starting point for discussion, under the condition that the necessary preparations and safeguards are in place against secondary victimization, i.e., one that occurs not as

a direct result of the criminal act, but through the treatment of the victim by institutions and individuals.⁴⁴ Alternatively, written or pre-recorded statements can be used to minimize the potential risk of secondary victimization.

Example: In Germany, the Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence (VBRG)⁴⁵ directly involves victims of hate crime in policy consultation meetings and expert hearings. The personal accounts of individual experiences and needs are intended to raise awareness among ministries, victim protection offices and other government agencies for the consistent application and expansion of existing legal rights in the area of victim protection, victims' rights and compensation claims. This approach raises awareness of the practical effects of political decisions and helps decision makers to better understand unintended gaps in legislation and its application.

Secondly, hate crime victims can be engaged **indirectly**, through specialized **civil society organizations**.⁴⁶ Civil society representatives who provide specialist hate crime victim support are best placed to explain and ensure appropriate protection and support measures, because they work closely with the communities they serve and have the necessary expertise and trust of the individuals concerned. In addition, civil society can provide access to individuals and communities who would otherwise hesitate to engage with the authorities directly.

44 Preventing Secondary Victimization, policies and practices, EUCPN Toolbox Series No. 7, European Crime Prevention Network, Brussels, March 2016, p. 9.

45 Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany (VBRG) website.

46 A recent study published by the European Union Agency for Fundamental Rights demonstrated that “procedures for CSOs to participate effectively in policymaking and decision making remain patchy, and CSOs are often unable to access relevant information or clear standards or guidelines to support their contribution. The quality of the consultation processes varies. Considerable differences emerge between national and EU consultations. Some 58% of the responding organisations found the quality of EU consultations acceptable, while the percentage was 38% for national consultations. Other challenges that CSOs face include the limited interest of policymakers in consulting meaningfully, difficulties in accessing consultations, weaknesses in the consultation process itself, insufficient feedback on follow-up after consultations and the insufficient capacity of organisations to contribute to consultations, including due to a lack of funding for such processes. These challenges are exacerbated for organisations working with those at risk of exclusion” in Protecting civil society – Update 2023, European Union Agency for Fundamental Rights, Vienna, 2023, p. 9.

Example: In Hungary, the civil society organizations Háttér Society,⁴⁷ Romaversitas,⁴⁸ Action and Protection Fund⁴⁹ and the Hungarian Civil Liberties Union⁵⁰ collaborated in creating video testimonies with hate crime victims to be used in training and other meetings with professionals. Six videos, covering anti-LGBTI, anti-Roma and anti-Semitic incidents were created, each focusing on one victim or incident. The videos have been used on multiple occasions, such as when training members of the Hungarian police hate crime network in 2017, during Facing All the Facts Hungarian e-learning training for police officers, and in Counter Hate Hungarian e-learning training for police officers, prosecutors, judges and victim support staff.⁵¹

While the impact of a hate crime on individuals depends on their personal characteristics and situation, the ways in which victims cope with their experience also vary. Many engage in **self-organized groups** that transform their victimization into advocacy on behalf of victimized communities. Providing grass-roots organizations with a platform and structured ways to advocate for their rights can be an effective tool to hear victims' voices, due to their natural willingness to share their experiences.

Victims' voices can also be heard through **empirical research**. This allows one to reach victims that would not be willing to engage in other ways, provided that the research is conducted in a sensitive, respectful and non-exploitative manner. Creating more links between academia and policymakers is a necessary precondition for ensuring that research is considered during the policymaking and policy implementation processes.

Example: In Poland, ODIHR collaborated with the Commissioner for Human Rights to uncover the nature and scale of unreported hate crimes against members of the Sub-Saharan, Ukrainian and Muslim communities by means of sociological research. Among all the communities surveyed, sub-Saharan Africans were the most affected by hate crimes (43 per cent). Of the Ukrainians surveyed, 18.5 per cent said they had fallen victim to hate crimes, while eight per cent of the Muslims reported being affected by such crimes. The research also confirmed that hate crimes had been under-reported in Poland. The results of the study⁵² were

47 [Háttér Society website.](#)

48 [Romaversitas website.](#)

49 [Action and Protection Fund \(Tett és Védelem Alapítvány\) website.](#)

50 [Hungarian Civil Liberties Union website.](#)

51 Shared by a representative of the Háttér Society.

52 [Survey on the nature and scale of unreported hate crimes against members of selected communities in Poland. Survey report, OSCE/ODIHR, IPSOS, Rzecznik Praw Obywatelskich, 26 February 2019.](#)

presented to Polish Members of Parliament at sessions of the Committee working on issues related to National and Ethnic Minorities in 2019⁵³ and 2020.⁵⁴

Example: The European Union Agency for Fundamental Rights (FRA) conducts large-scale surveys focusing on the experiences of people belonging to different marginalized communities, including people from ethnic minorities, Roma, Jewish or LGBTI communities. The data presented in the FRA reports relies on victims' experiences, is representative and comparative across the European Union and allows for informed policymaking on both the European and national levels. In a 2023 survey, FRA established that nearly one in three respondents of African descent (30 per cent) say that they had experienced racist harassment in the five years before the survey.⁵⁵ The 2021 Roma Survey demonstrated that some 17 per cent of Roma surveyed had experienced at least one form of bias-motivated harassment in the twelve months preceding the survey.⁵⁶ In a 2018 study of Jewish experiences across the European Union, more than one in four (28 per cent) of all respondents said they had experienced anti-semitic harassment at least once during the twelve months preceding the survey.⁵⁷ According to a 2020 LGBTI survey, a majority of respondents (58 per cent) said that, during the five years before the survey, they had experienced, harassment in the form of offensive or threatening situations — including incidents of a sexual nature — at work, on the street, on public transport, in a shop, on the internet or elsewhere.⁵⁸ The 2017 Second European Union Minorities and Discrimination Survey demonstrated that one in four respondents (24 per cent) had experienced hate-motivated harassment, and 3 per cent a hate-motivated physical attack in the twelve months before the survey.⁵⁹

Finally, there can be **dedicated state institutions** that ensure the experiences of hate crime victims are at the centre of policymaking. These, however, need significant commitment from the state to uphold, consult and treat victims as genuine partners in policymaking and policy implementation.

53 [Full record of the meeting in Polish.](#)

54 [Full record of the meeting in Polish.](#)

55 [Being Black in the EU. Experiences of people of African descent](#), European Union Agency for Fundamental Rights, Vienna, 2023, p. 55.

56 [Roma Survey 2021 – Main results](#), European Union Agency for Fundamental Rights, Vienna, 2022, p. 13.

57 [Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU](#), European Union Agency for Fundamental Rights, Vienna, 2018, p. 12.

58 [A long way to go for LGBTI equality](#), European Union Agency for Fundamental Rights, Vienna, 2020, p. 17.

59 [Second European Union Minorities and Discrimination Survey](#), European Union Agency for Fundamental Rights, Vienna, 2017, p. 16.

Example: In the United Kingdom, the institution of the Victims' Commissioner for England and Wales was established to promote the interests of victims and witnesses of crime and encourage good practice in their treatment. The Victims' Commissioner meets regularly with government, criminal justice and support agency officials to highlight what works well and to advocate for change where the system needs improving. The Commissioner is independent of government, which means they are free to give their opinion to key policymakers on how the justice system could be more efficient and easier to understand and access.⁶⁰

The chosen method of engagement with hate crime victims should depend on the aim of a particular initiative, its target audience and the overall context. It should be carefully analysed on a case-by-case basis and checked against the benefit that engaging with hate crime victims might bring in the given circumstances. The priorities behind such activities might differ widely depending on the country context.

3. Prepare the engagement

Any engagement with hate crime victims should be preceded by detailed preparation, including not only logistics and special accommodation for the specific needs involved individuals might have, but also work with both the victims and the audience.

It is very important that this preparatory work is done by professionals, who are well trained on hate crime victimization, are trauma-informed and able to take into account the intersectional impact and needs of the victims. Sensitive, respectful and empathetic treatment of hate crime victims should never be improvised, as it might lead to serious negative consequences for the victims.

Depending on the context, type of event and personal characteristics of the hate crime victims, it is worth exploring with them whether they would like or require support in improving their story-telling skills, public speaking and advocacy in order to make the experience as satisfactory and impactful as possible. This is particularly important in the case of individuals that have limited experience with public speaking or presentations. Similarly, support in shaping and focusing the narrative might be necessary, but it should always be done in close cooperation with the victim, so that their views, opinions and preferences are properly reflected.

60 Victims' Commissioner for England and Wales [official website](#).

Example: In Croatia, victims' voices were heard as part of the Women's Court in Sarajevo,⁶¹ which served as a non-institutional transitional justice⁶² instrument. Women victims of war testified in public and their direct engagement changed the audience's perspective. Every instance of victim engagement was prepared by designated coordinators, who offered psychological support, accompanied victims to the court and organized preparatory sessions with educators, experts on justice and truth commissions, as well as experts that advised on how to deliver the stories. The storytelling process was facilitated at each stage. First, the stories were shared in a closed group, written down and only then edited for focus and impact. During these meetings, the victims themselves decided which stories were to be shared in public. The process involved various experts on education, and the stories were only later shared from the stage in front of a larger audience.

It is equally important to consider the type of audience at the event. Audiences might require different levels of preparation, based on their previous exposure to the subject of hate crimes and its victims, their profession or other factors. In all cases, however, a content warning should be provided in preparation for the content that might re-traumatize members of the audience. They should also be made aware of the principles of sensitive and respectful treatment of hate crime victims.

It is also advisable to ensure that only invited guests have access to the venue or event to prevent any intentional disruptions.

4. Create safer spaces

Putting the rights and needs of hate crime victims at the heart of initiatives related to policymaking and policy implementation implies the need to secure suitable conditions by creating safer spaces and safeguarding the rights of hate crime victims, while being sensitive and respectful each step of the way.⁶³ Failure to create a protected environment

61 Shared by a representative of the [Center for Women War Victims](#).

62 The notion of transitional justice “comprises the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.” In [The rule of law and transitional justice in conflict and post-conflict societies](#). Report of the Secretary-General, United Nations Security Council, S/2004/616, 23 August 2004, p. 4.

63 OSCE/ODIHR, [Model Guidance on Sensitive and Respectful Treatment of Hate Crime Victims in the Criminal Justice System](#), p. 7.

in which hate crime victims can engage may have negative consequences for the victims, putting them at risk of secondary victimization.

Adapting the venue or facilities “with the aim of creating a gender- and diversity-sensitive, friendly and non-intimidating environment”⁶⁴ whenever a hate crime victim is engaged is crucial. This might mean choosing and managing a physical space in a way that offers the possibility of a meaningful interaction. It also implies ensuring that all who come into contact with the victim behave in a professional, respectful and non-discriminatory manner and use sensitive language and correct terminology when referring to protected characteristics and the victim’s identity.⁶⁵

All hate crime victims involved in policymaking and policy implementation should also be given an opportunity to be accompanied by people of their choosing who they trust.

Example: In Italy, the Observatory for Security Against Acts of Discrimination (OSCAD)⁶⁶ engaged hate crime victims in a session with members of the police force. The victim was invited to speak about her experience. She was accompanied by a civil society organization that she had turned to for support and that was a long-standing partner of OSCAD. This demonstrated the importance of collaboration between institutions and civil society organizations that allows, among other things, the building of relationships based on mutual trust. A protected and welcoming environment was created, and the victim was supported by professional support workers, including the head of the association Gay Help Line and the association’s lawyer. The participants were, in turn, sensitized before listening to the testimony. The final evaluation of the course demonstrated the impact that this engagement had on the audience.

Managing online spaces is as important as managing the physical environment where the exchanges take place. Unless otherwise agreed with the victim, taking pictures and posting social media content about a given event is not acceptable. Any public coverage should be agreed with the victim beforehand and, if permission is granted, it is worth considering turning off the comment function. All online and other public visibility should respect the personal data protection rules in force in a given country. In particular, victims’ private addresses should never be disclosed.

64 [Hate Crime Victims in the Criminal Justice System. A Practical Guide](#), OSCE/ODIHR, 9 April 2020, pp. 79-80.

65 *Ibid.*, p. 81.

66 [Observatory for security against acts of discrimination \(OSCAD\)](#), on Italian Ministry of Interior web portal.

5. Manage expectations

As part of preparing for an engagement involving hate crime victims, it is worth addressing the expectations of all parties involved in the process. The expectations of hate crime victims can be managed by providing clear information about the aims and objectives of a given initiative, the added value of bringing hate crime victims into the discussion, the nature of the process, the possible outcomes or lack thereof, the audience and their roles, so that the victims can make informed choices about their participation. Explaining the broader purpose of the engagement, aimed at facilitating a policy change, may also boost victims' motivation to participate.

It is particularly important to make sure that the hate crime victims engaging in policy-making understand that the process might be long and complicated, and that their involvement might not bring immediate results, or bring them in a way that might not be attributed to their involvement. Similarly, a training session for criminal justice actors involving hate crime victims might not necessarily immediately improve the overall treatment of victims by these actors, and is more likely to contribute only to a gradual change in criminal justice actors' behaviour. Specialist support providers can play a vital role in addressing these concerns.

At the same time, it is essential to address the preconceived ideas that members of the audience might have. Academic studies have shown that many people have a generic image of a crime victim, which is ideally innocent and defenceless.⁶⁷ These ideas, in turn, tend to influence the way victims of crime are perceived and may result in increased or decreased levels of empathy, support and protection offered to the victims. Research also suggests, however, that actual victims' narratives are often a lot more nuanced than these stereotypical perceptions,⁶⁸ and it should not be taken for granted that everyone wants to present themselves as an 'ideal victim'.⁶⁹ On the contrary, in some studied examples the personal strength of the victim was an important part of their narrative and was "either balanced or favoured over status as a crime victim deserving of help."⁷⁰ The potential implications need to be addressed in a sensitive manner.

Victims should be enabled to present themselves in a dignified way of their choosing.⁷¹ On the other hand, the individual characteristics of each and every victim, as well as the unique nature of each and every hate crime, along with the impact it has on victims,

67 Nils Christie, "The Ideal Victim", in M. Lindgren, K. – Å. Petterson, B. Hägglund, *Brottsoffer. Från teori till praktik [Victims of Crime. Theory and Practice]*, Stockholm, Jure CLN AB, 2001, p. 29.

68 L. Jägervi, *Who wants to be an ideal victim?*, p. 75.

69 *Ibid.*

70 *Ibid.*, p. 78.

71 *Ibid.*, p. 75.

their families and friends, communities and society needs to be briefly explained to the potential audiences in advance.

Once the engagement is complete, it is necessary to evaluate the experience of hate crime victims and other people involved. This might not only provide valuable feedback to the organizers but also constitute a source of learnings for future similar engagements. Importantly, it is key to stay in touch with the hate crime victims involved, ask for their feedback, clearly explain that certain elements of the process are independent of them and their engagement and keep them informed about any potential progress that has been made thanks to their input.

6. Offer support before, during and after the event

As studies have shown, victims of hate crimes tend to suffer from “protracted and higher levels of depression and withdrawal, vulnerability, anxiety and nervousness; an extreme sense of isolation; longer lasting fear; protracted psychosomatic symptoms; significant problems with their job or school work; as well as major problems with family members or friends.”⁷² Hate crime victims are likely to spend longer periods in hospital, need more time off work and have more intense and longer lasting feelings of insecurity than victims of similar crimes committed with no bias motives.⁷³

Victims may be suffering from post-traumatic stress disorders; thus, it is important to bear this in mind when communicating with them. “Post-traumatic states can manifest in sudden outbursts of emotion or anger, in victims not showing up as agreed, not answering the phone when called, or in other ways. (...) The assistance of a psychologist might be required in some situations.”⁷⁴

It is recommended that a specialist support provider or a qualified person who is knowledgeable about hate crime victimization and able to provide psychological and emotional support is available throughout the preparation, implementation and follow-up process. In this way, the negative impacts of recalling past events for a hate crime victim can be mitigated or avoided.

72 OSCE/ODIHR, Understanding the Needs of Hate Crime Victims, pp. 11-12.

73 The Sensitive and Respectful Treatment of Hate Crime Victims. Training Course for Criminal Justice Professionals, OSCE/ODIHR, 17 February 2022, p. 67.

74 OSCE/ODIHR, Hate Crime Victims in the Criminal Justice System, p. 84.

7. Build trust and long-term partnerships

Trust between a hate crime victim and their interlocutors is of the highest importance for any engagement that aims to support policymaking and policy implementation. The organizers should invest in building the trust that could lay the foundations for meaningful exchanges.

Hate crime victims might have lost their trust in society or the criminal justice system because of their experiences. They may also distrust certain criminal justice professionals, e.g., the police, due to their previous experience. They might suffer from deep trauma, which can manifest itself or be interpreted as a lack of trust, indecisiveness, uncooperativeness, or ‘trouble-making’.⁷⁵ Recognizing these circumstances, taking them into account and addressing them is key for engaging with hate crime victims.

One of the most effective ways of building trust with individual hate crime victims is to invest in long-term partnerships, going beyond one-off events and isolated engagements. Whenever this is not possible, it is necessary to consider relying on support from civil society organizations, which are often capable of nurturing such relationships, preparing the individuals and communities they work with to pursue advocacy work, support them through the process and offer follow-up. Establishing channels for consultation, cooperation and coordination with organizations representing hate crime victims and formalizing these links can all contribute to trust building process.⁷⁶ However, cooperation between state institutions and civil society must be done in a way that does not undermine the credibility of the civil society organizations within the communities they serve and the public. CSOs must maintain organizational, operational and financial independence from state institutions. A lack of ongoing and considerate support could undermine the trust of engaged civil society and individual victims.

While engaging in a long-term partnership with a hate crime victim and/or their supporting civil society organization brings best results, victims should also have the right to cease their engagement, as well as rescind use of their testimony at will and at a time of their choosing. The hate crime victim should remain the sole owner of their narrative, and their rights should not be abused by those providing the platform for engagement. In cases when a recording (video or audio) has been made, victims should also be properly informed about what happens to their testimony and how it is being used.

75 *Ibid.*, p. 35.

76 See more e.g.: [Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities. A Practical Guide](#), OSCE/ODIHR, 15 May 2017, pp. 31-34.

8. Put systems in place to institutionalize hate crime victims' voices

Hate crime victims' voices can have a sustainable and meaningful effect on policy processes when they are recognized by existing systems and there are official ways for their voices to be heard.⁷⁷ This can take different forms.

Hate crime victims can have a direct impact on policymaking and policy implementation in the framework of official and established advisory groups, which meet at regular intervals and have permanent access to officials within state structures. These officials, in turn, consult and take into consideration the feedback they receive. This method has proven to be very efficient, provided that the advisory group is treated as a genuine partner by the authorities and receives the necessary support for it to function in an uninterrupted and meaningful way.

Example: In the United Kingdom, there is a Hate Crime Independent Advisory Group (IAG)⁷⁸ tasked with providing independent and informed advice to the National Police Chiefs' Council (NPCC), the Association of Police and Crime Commissioners (APCC) and partners on strategy, policy, guidance and operational responses relating to hate crime, community tensions and associated challenges. The group meets on a regular basis and consists of hate crime victims, academia and civil society representatives. One of the ground rules is the acceptance, by both the governmental interlocutors and the IAG members, that policy decisions will not be taken without considering victims' voices. The formulated proposals, however, are not legally binding and do not need necessarily to be taken into account.

Example: In Scotland, the Hate Crime Strategic Partnership Group made hate crime victims' voices a central element in the process of developing a Hate Crime Strategy for Scotland. The group was established to ensure a multi-agency strategic approach towards the development of the new Hate Crime Strategy⁷⁹ that took into account the needs of diverse communities. It was composed of members with specific expertise in tackling hate crime and prejudice and championing equality, inclusion and human rights. They were supported by the Government to engage in a safe way.⁸⁰

77 See more in: EU High Level Group, [Key guiding principles on cooperation between law enforcement authorities and civil society organisations](#), that call for formalizing commitments through institutional agreements and engaging CSOs throughout the design, implementation and evaluation of relevant measures to combat hate crime.

78 [Hate Crime Independent Advisory Group website](#).

79 [Hate Crime Strategy for Scotland, Scottish Government, Police Scotland, March 2023](#).

80 [The Hate Crime Strategic Partnership Group: terms of reference, Scottish Government, Last updated 22 February 2024](#).

Some states also have dedicated official bodies, such as victims' rights commissioners, who act on behalf of victims, supported by specialist support providers, and can create an effective feedback loop between victims and authorities. Similarly, victims can also make their voices heard in official consultation processes launched by the authorities. Consultations should be adequately designed and have sound methodology in order to make them meaningful.

Example: In Germany, the Federal Victims' Commissioner serves as a permanent contact person for those affected by extremist and terrorist attacks to deal with their concerns. The main tasks of the Commissioner include providing support for those affected by an attack, arranging additional support services and enabling networking among key actors in the field of victim protection. The Commissioner also provides a political voice for the victims of such attacks. To ensure a coordinated approach and high-quality support from an early stage, the Commissioner meets with victims following an attack and maintains a regular exchange with all the relevant actors.⁸¹

Finally, some countries have established multi-agency platforms to engage victims and civil society organizations, on local, regional or national levels, as simple and effective ways of providing public consultations for proposed policies.⁸²

Example: In France, existing multi-agency platforms are used to engage victims and civil society groups in policymaking processes at local levels across the country. France Victimes and the victim support associations have special relationships with the courts, public prosecutor's offices, legal advice centres, the police and constabulary, hospitals and city halls, etc. Formal agreements also exist with the Ministries of Foreign Affairs, Justice, Policy, Sport and National Education in order to increase victims' access to the associations' services.⁸³

81 [OSCE/ODIHR Hate Crime Reporting website](#).

82 See more in: European Union Agency for Fundamental Rights, [Encouraging Hate Crime Reporting; Compendium of practices for equality data collection website](#), run by the European Union Agency for Fundamental Rights; and EU High Level Group, [Key guiding principles on cooperation between law enforcement authorities and civil society organisations](#).

83 [France Victimes website](#).

Example: In Lithuania, there is a working group led by the Lithuanian Ministry of Interior, composed of civil society representatives, authorities, police and prosecutors. It meets on a regular basis and gives civil society organization representatives who work with hate crime victims access to the authorities, as well as providing opportunities for civil society organizations to initiate amendments to legal acts. For example, the Lithuanian Gay League submitted their proposals regarding recommendations on the investigation of hate crimes and hate speech, which, at the time of writing, was the only legal act which contained a hate crime definition in Lithuania.⁸⁴

Whatever the institutional framework, it is important to ensure that adequate training on hate crimes and the treatment of hate crime victims is completed by all those involved. Furthermore, the sustainability of initiatives should be secured by establishing formal frameworks and providing adequate compensation to members, as well as offering psychological and other support to participants if necessary.

9. Avoid instrumentalizing victims and their voices

While the issues of protection of human rights, promotion of tolerance and non-discrimination, addressing hate crimes and building cohesive societies free of hate should become central to domestic and international policy, everyone needs to be cautious about engaging people who have a lived experience of bias violence for a particular political, or other benefit. To be genuine and meaningful, engagement with hate crime victims must not be treated as a way of pursuing the aims of an institution, government, political party, civil society or international organization. It should, rather, aim to improve policies and support the debate on their effectiveness and consequences for individuals, family and friends, communities and society as a whole.

This means that, provided the basic rules of effective, non-violent and non-discriminatory communication are followed, the organizers should not be able to approve or reject either the message a hate crime victim wishes to convey, nor the way they do it. Moreover, the selection of individuals to be engaged in a given activity must not be informed by political motives that might provide more visibility to victims of certain crimes or those belonging to certain groups. Existing hate crime legislation, and its potential limitations in terms of grounds for protection, should not serve as a basis for exclusions. On the contrary, “if hate crime policies are to provide effective protection against harm and injustice to especially disadvantaged or vulnerable individuals, then it is crucial for policymakers

84 Shared by a representative of the [Lithuanian Gay League](#).

and enforcers not to exclude those most at risk.”⁸⁵ Should the organizers fail to fulfil this criterion, they risk losing the trust of individual hate crime victims, their communities and society as a whole.

10. Ensure a range of voices are heard

Not all hate crimes are visible, and a large number of incidents across the EU and entire OSCE region are never reported to the authorities.⁸⁶ Consequently, the vast majority of victims are never protected, offered support or compensated. The reasons for not reporting hate crimes may vary from person to person and there are communities that might be less likely to report in specific country contexts. While planning a policy-related engagement, it is important to reflect on the communities that could be represented, focus on the ones that have less opportunities to have their voices heard and explore the reasons behind this.⁸⁷ In this regard, hate crime victimization surveys can help shed light on the experiences of communities at risk of victimization.⁸⁸ It is equally important to recognize one’s own potential institutional biases that might influence engagement with hate crime victims.

At the same time, it is important not to rely solely on self-appointed community leaders and try to engage people with different perspectives, including youth and women. Neither hate crime victims, nor particular communities, constitute homogenous groups, and being mindful of gender perspectives might bring to light experiences that would otherwise have not been shared. To achieve this, it is necessary to establish contacts and work closely with community-based organizations or civil society.

85 N. Chakraborti, Re-Thinking Hate Crime, p. 1745.

86 See, for example, the following European Union Agency for Fundamental Rights publications: Ensuring justice for hate crime victims: professional perspectives, European Union Agency for Fundamental Rights, 27 April 2016; Being Black in the EU; Roma Survey 2021; A long way to go for LGBTI equality; Experiences and perceptions of antisemitism; Second European Union Minorities and Discrimination Survey; and, for example: Paul Iganski, Hate Crime Victimization Survey Report, OSCE Mission to Skopje, October 2023 or OSCE/ODIHR, IPSOS, Rzecznik Praw Obywatelskich, Survey report.

87 See more in EU High Level Group, Key guiding principles on cooperation between law enforcement authorities and civil society organisations, which call for broad representation and participation of different groups within a society.

88 See Mapping Unreported Hate Crimes Using Respondent-driven Sampling: A Methodology, OSCE/ODIHR, 7 November 2018.

Example: In the United Kingdom, the Hate Crime Independent Advisory Group (IAG)⁸⁹ runs a dedicated youth section supporting the group's activities. A Youth IAG member has a seat on the IAG and IAG represents the Youth IAG in their interactions with the police.⁹⁰

Nevertheless, when organizing engagement with hate crime victims, it should be acknowledged that they will be unable to present the full range of experiences of hate crime victims, because of the individualized nature of hate crime victimization. Civil society organizations may also have limited outreach, which can effectively limit the representation. Finally, organizers are at risk of engaging only with those who are already comfortable speaking and presenting their experience. Therefore, it is recommended always to underline that hate crime victims are speaking about their individual experience rather than on behalf of their community and to set their narratives in a wider context, giving the audience a better understanding of what they are hearing.

89 [Hate Crime Independent Advisory Group website.](#)

90 [National Hate Crime Independent Advisory Group on Hate Crime for Policing and Criminal Justice. Terms of Reference, agreed March 2022.](#)

SUMMARY

This guidance aims to assist all stakeholders in conducting meaningful activities involving hate crime victims that reflect their lived experience of hate crime victimization in the context of policymaking and policy implementation.

It is the hate crime victims themselves that should remain at the heart of such initiatives, and their well-being should be the main concern of anyone getting in touch with them. This entails choosing a suitable format for engagement, careful preparation and creating safe spaces for victims to share their experiences, views and opinions.

It is equally important to work with the victims by managing their expectations towards the process and offering support well before, during and after their contribution. To further facilitate hearing victims' voices, stakeholders should also consider engaging in institutionalized and long-term partnerships with victims and their representatives, putting in place adequate systems and resources for systemic change and continuous engagement, while ensuring different voices are heard and avoiding their instrumentalization.

If the ten principles above are followed, stakeholders engaged in hate crime policymaking and policy implementation should be able to offer platforms for hate crime victims to engage meaningfully in a way that does not expose them to secondary victimization.

In turn, this engagement should ensure that the systems, policies and programmes are tailored to the needs of victims and designed to help victims recover, regain agency and uphold their rights to redress and support.

