

Victim-Centered and Intersectional Approaches in the Response to Hate Crimes

A handbook of good practices



CounterHate

Improving the assistance of victims of hate crimes through a victim-centered and intersectional approach

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Preface

Beyond the individuals and groups directly affected by hate crime and hate speech, this kind of fear-inducing discrimination erodes the fabric of our societies by undermining the protection of human rights and the social cohesion that we hold dear.

As we stand against these heinous acts, our resolve is mirrored in the legislative and policy framework of the European Union. This includes the 2008 Framework Decision, which mandates the criminalisation of public incitement to violence and hatred on various grounds, and the 2012 Victims' Rights Directive, ensuring that victims receive the adequate support and protection they need by establishing minimum standards on the rights, support and protection of victims of crime.

Despite these significant strides, a gap persists in the practical application of these policies, particularly in addressing the intersectional nature of hate crimes and the needs of victims. In view of this, the EU Strategy on victims' rights (2020 – 2025) aims to empower victims and to guarantee that they can rely on their rights regardless of their location within the EU.

To further contribute to making our Union a well-functioning area of freedom, security and justice, we also proposed to revise the Victims' Rights Directive. We aim to achieve efficient recognition of judgments and judicial decisions in criminal matters, enhance security through improved crime reporting, and establish victim-centered justice, ensuring recognition and reliance on the rights of victims.

Online, the scourge of hate speech is a particularly pervasive issue. This is why, in our recent Communication on 'No Place for Hate', we called upon all Europeans to stand up against hatred, both in physical and online spaces, and to speak up for tolerance and respect. Furthermore, the Digital Services

Act mandates social media companies to actively monitor their platforms and expeditiously remove illegal hate speech, addressing the ever intensifying threat of online violence. As of February 2024, the rules of the Digital Services Act will fully enter into force and apply to all platforms.

Yet, a stark reality remains – and our vision for a Union of Equality rooted in inclusion and respect is challenged by the unyielding presence of hate and its effects. It is a reality that demands not only policies and strategies; but requires collective action, courage, and a relentless pursuit of justice.

The COUNTER-HATE project led by the University of Girona and funded by the European Union's Justice Programme, stands at the forefront of this journey. This handbook is not just a guide - it serves as a powerful tool in our arsenal against hate by providing an essential blueprint for action.

As European Commissioner for Equality, I am troubled that victims of hate crime have had to suffer what they have, but I am grateful to their courage and resilience in speaking up and challenging their aggressors. Their stories are a constant reminder of the urgency of our mission. This handbook is a call to every professional, lawmaker, and citizen of our Union. We must stand united in our efforts to implement these practices, to build bridges of understanding, and to forge a future where hate finds no refuge.



HELENA DALLI

EU Commissioner for Equality

Executive summary

Hate crimes against various social groups are a serious social problem in most European Union countries. While both the EU and the Member States have paid increasing attention to this issue in recent years, these efforts often fail to consider the intersectional nature of hate crimes and do not pay enough attention to the concerns of victims. The project Counter-Hate: Improving the assistance of victims of hate crimes through a victim-centered and intersectional approach funded by the European Union's Justice Programme aims to tackle this problem. Building on the research carried out as part of the project, the current handbook strives to help professionals by highlighting good practices in the response to hate crimes from the six countries covered by the project (Greece, Hungary, Italy, Lithuania, Slovenia and Spain). While the handbook is not the first compendium of good practices in this field, its uniqueness lies in its focus on intersectionality and victim-centeredness.

The handbook opens with two chapters that provide insights on the topics of victim-centeredness and intersectionality, describing the challenges they pose and basic principles that derive from them. This is followed by a description of our methodology: how we identified and validated the good practices that are included in our handbook. We divided our description of good practices into nine chapters, each focusing on a type of activity or intervention, namely victim support, reporting, investigative and prosecutorial protocol, training of professionals, professional specialization, intersectoral cooperation, community response, awareness-raising, and documentation. We chose not to focus on legislation *per se*, primarily because the handbook is aimed at practicing professionals who operate within given legislative frameworks, but also because in the majority of the project countries the key problems are not related to legislation itself, but rather to its enforcement.

Each chapter follows a similar structure, beginning with a problem description that highlights the issues the given intervention aims to tackle. The chapters then provide a detailed analysis of a good practice we identified in one of the project countries, as well as a shorter description of similar good practices from other countries. Each chapter closes with a list of tips, recommendations, and useful resources that may help professionals implement similar good practices.

Victim-centeredness in the response to hate crimes

Historically, the rights, experiences and well-being of **victims were not at the center of criminal law considerations**. Criminal law was aimed at codifying what is considered morally wrong by the state (acting on behalf of society as a whole), and at sanctioning those who commit morally reprehensible acts. Criminal law was thus much more about the state's and society's desire to condemn wrongful acts and punish perpetrators, than to deliver justice and redress for victims.¹ If victims played any role at all in proceedings, **they were generally relegated to the role of witnesses**, who could aid the investigation and prosecution by contributing information that could help identify the perpetrator and prove the commission of the crime.² Criminal proceedings were much more geared towards **protecting the rights of defendants** and preventing wrongful convictions than at ensuring that victims could have their voice heard and avoid suffering any negative impact as a result of the proceedings.

In recent decades, the concerns of victims have increasingly been at the forefront of criminal law reforms. This resulted from recognition of the fact that the harm inflicted on victims during criminal proceedings may exceed the harm caused by the crime itself (this is known as **secondary victimization**). The fear of secondary victimization may prevent victims from reporting the crimes they suffered, or result in a lack of cooperation on the part of the victim in the event that criminal proceedings have al-

1 Zedner, L. (1994). Reparation and retribution: Are they reconcilable? *Modern Law Review*, 57(2), 228–250. <https://doi.org/10.1111/j.1468-2230.1994.tb01934.x>

2 Wechsler, R. J. (2022). Victims as Instruments. *Washington Law Review*, 97(2), 507–580.

ready begun.³ Ensuring the well-being of victims is therefore not only the right thing to do, but is also necessary for effective criminal proceedings.

Various national and international measures and instruments, such as the Victims' Rights Directive,⁴ aim to introduce or strengthen victim-centered approaches by emphasizing that **victims shall be recognized and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner** by all actors coming into contact with them. The European Commission has also confirmed that the demand for victim-centered justice has risen in recent years. Therefore their proposal⁵ for amending the Victims' Rights Directive highlights the necessity of an enabling environment where victims are recognized and can rely on their rights.

Compared to victims of other crimes, **hate crime victims are in a special situation**. Hate crime victims are targeted for who they are or who the perpetrators think they are; to put it simply, they are attacked because of a characteristic or an aspect of their identity. They are singled out for an immutable characteristic, *i.e.* for something they have no control over. As a result, they may rightly find the hate-motivated incident and its consequences difficult to process. It should also be taken into account that hate crimes have a wider impact on the whole group to which the victim belongs: members of the community may feel the humiliation and pain of the victim, and be equally threatened. The importance of the assistance provided to hate crime victims is justified by the fact that attacks against individual members of the community can be considered as an attack on the community as a whole.⁶ To ensure adequate support that is tailored to

3 Erentzen, C., & Schuller, R. (2020). Exploring the dark figure of hate: Experiences with police bias and the under-reporting of hate crime. *Canadian Journal of Criminology and Criminal Justice*, 62(2), 64–97. <https://doi.org/10.3138/cjccj.2019-0035>

4 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, (2012). <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>

5 Proposal for a Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, (2023). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0424>

6 Normantaitė, K. (2018). Victims of hate crimes. In E. Leonaitė (Ed.), *Communicating with Victims of Crime, A Handbook for Officers* (pp. 52–53). Human Rights Monitoring Institute. https://victim-support.eu/wp-content/files_mf/1554799348HandbookforOfficersHRMI2.pdf

the needs of hate crime victims, a victim-centered approach should be applied throughout criminal proceedings and throughout the entire process of assisting hate crime victims.

A victim-centered approach puts victims' rights, dignity, experiences, as well as their well-being and safety at the forefront of all actions taken in response to hate crimes. This systematic approach to the provision of support helps to secure the participation of victims in procedures conducted in relation to the crimes they suffered. At the same time, it helps to ensure that victims' needs are duly respected during this critical period. Based on existing guidelines and legal instruments, such as the Victims' Rights Directive, the following rights must be secured in order to ensure a victim-centered approach:

1. **RIGHT TO BE TREATED WITH RESPECT.** This requires that victims of any crime are recognized as such, and are treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground including race, skin color, ethnicity, national or social origin, class, caste, religion, belief, political opinion, sex, language, sexual orientation, gender identity, age, disability, residence, property, birth or health.
2. **RIGHT TO BE PROTECTED.** All victims of crime must be protected. Protection means measures to safeguard a person's physical, psychological and emotional well-being. It should also be taken into account that both the actions of perpetrators, as well as those of authorities carry the risk of harm, against which victims require protection.
3. **RIGHT TO PRIVACY AND CONFIDENTIALITY.** The best way to encourage victims to turn to different support services is to ensure privacy and confidentiality. In order to avoid further harm, it is important to ensure the confidentiality of any information that might identify them.
4. **RIGHT TO RECEIVE INFORMATION.** This includes receiving adequate information on their rights from the first point of contact, including basic information on available support services, judicial procedures, protection, legal aid, and possible compensation.
5. **RIGHT TO JUSTICE.** Victims have the right to access and seek justice and accountability in any possible way through available procedures.

6. **RIGHT TO BE HEARD.** Victims have the right to be heard and to provide evidence during proceedings. This also includes written statements.
7. **RIGHT TO SUPPORT.** Securing the rights listed above may not be sufficient for victims to effectively make use of them; they may require legal and practical assistance to navigate the criminal justice system.

The effective realization of these rights requires that all professionals involved in the criminal justice system or in contact with victims are aware of such rights, and take active measures to ensure them.

Further resource

- Organization for Security and Co-operation in Europe. (2020). *Hate Crime Victims in the Criminal Justice System, A Practical Guide*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). <https://www.osce.org/files/f/documents/c/5/447028.pdf>

Intersectionality in the response to hate crimes

The concept of intersectionality has gained significant traction in recent years in academia and civil society, and increasingly in law and public policy as well. The term itself was introduced by the American legal scholar Kimberlé Crenshaw in the late 1980s⁷ while demonstrating that the law often fails Black women, who belong to two disadvantaged groups, *i.e.* they are both Black and women at the same time. She posited that their specific concerns fall through the cracks in law, public policy and civil society activism, which tend to focus on only one aspect of inequality, such as either race or gender.

Put simply, intersectionality means that various axes of inequality – such as gender, race, ethnicity, religion, class, sexual orientation, gender identity, age, disability or immigration status – do not operate independently of each other. Rather, they create **overlapping and interdependent systems of discrimination or disadvantage**. This is most prominent in the case of persons who belong to more than one disadvantaged group simultaneously, such as Muslim women, poor people living with disabilities, or gay and lesbian people living in small settlements with less access to infrastructure. However, intersectionality is a much broader concept that draws attention to the fact that no social group is homogenous: within any social group, such as women, Roma or LGBTIQ people, there are **more and less privileged**

7 Crenshaw, K. (1989). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum*, 1989(1), Article 8 (139–167). <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>; Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 43(6), 1241–1299. <https://doi.org/10.2307/1229039>

members who might have different needs and interests. The intersecting axes of inequality mean that everyone has their own unique experiences of discrimination and oppression.

Although such an observation may seem self-evident, it is worth noting the extent to which law, policy and civil society are built on a mono-categorical logic that **focuses on one axis of inequality while disregarding all others**. Civil society groups often offer services to and represent the interests of one social group, such as women, ethnic minorities, people with disabilities or LGBTIQ people. But, which organization should a victim of a hate crime turn to if they were subjected to discrimination or violence for being both a woman and belonging to an ethnic minority? They might approach an organization that focuses on ethnicity, but then the gender aspect of the incident might be sidelined or *vice versa*. In such cases, the victim's complex, individual needs will not be met. Many countries offer protection from discrimination or violence based on a number of grounds in various laws or under different provisions within the same law. This forces criminal justice agencies to focus on only one aspect of the crime. Even if not prescribed by law, lawyers and prosecutors might concentrate on only one aspect of an incident if it offers greater chances of conviction.

Intersectionality poses three rather distinct challenges in the response to hate crimes. First, a hate crime might be **committed with more than one bias motivation** present at the same time, for example when a Roma gay man is attacked for both racist and homophobic motives or when a Muslim woman wearing a hijab is attacked for both Islamophobic and sexist motives. An intersectional approach would require that the criminal justice system take into account all of the different biases present. Taking the above examples, an intersectional approach would demand that the crime be registered as both a racist and homophobic crime or as an Islamophobic and sexist crime. As a result, the crime would be listed in criminal statistics under both categories (and ideally under a specific intersectional or multiple grounds category as well). Finally, if a case is handled using an intersectional approach, the sentence would acknowledge all biases (potentially with a more severe punishment corresponding to the greater impact of the crime on the victim and on the various affected communities).

Second, intersectionality may also be relevant in cases where only one bias motivation is present. Differences in level of education, financial situation, immigration status or disability might impact how the victim experiences the crime or whether they report it. These differences may also correlate with victims' ability to effectively participate in criminal proceedings. Therefore, the needs of hate crime victims may differ from the needs of victims of other types of crimes, and according to the bias motivation based on which the crime was committed, and also **depend on other personal characteristics, identities or life situations of the victim that were not directly relevant to the crime itself.**⁸ This requires a careful, individualized assessment of the victim's needs when deciding on protection measures or the types of support the victim may need.⁹ A thorough analysis of hate crime victims' personal characteristics or backgrounds might also help target preventive measures more effectively if statistics show that certain groups of people are more likely to be victimized within different categories of hate crimes based on distinct bias motivations.

Finally, intersectionality may be relevant in relation to perpetrators as well as to victims. The structurally discriminatory criminal justice system may disadvantage certain groups of perpetrators, who are more likely to be identified, prosecuted, and/or face more severe sanctions. For instance, hate crime legislation may be applied disproportionately more often in cases where racial or ethnic minorities perpetrate crimes against majority victims,¹⁰ or when migrants and ethnic minorities are blamed for an increase in homophobic or anti-semitic crimes.¹¹ What is meant to protect one disadvantaged group of society (the victim's group) might end up stigmatizing another disadvantaged group of society (the perpetrator's group). Criminal

8 Iganski, P., & Lagou, S. (2015). Hate crimes hurt some more than others: Implications for the just sentencing of offenders. *Journal of Interpersonal Violence*, 30, 1696–1718. <https://doi.org/10.1177/0886260514548584>

9 On individual needs assessment see the chapter on victim support.

10 Bárd, P. (2014). A gyűlölet-bűncselekmények hatékony üldözésének társadalmi feltételrendszere. In A. Borbíró, É. Inzelt, K. Kerecsi, M. Lévy, L. Podoletz (Eds). *A büntető hatalom korlátainak megtartása: a büntetés mint végső eszköz Tanulmányok Gönczöl Katalin tiszteletére* (pp. 29–39). Eötvös Kiadó.

11 Haritaworn, J. (2010). Queer injuries: the racial politics of “homophobic hate crime” in Germany. *Social Justice*, 37(1), 69–89. <https://doi.org/10.2307/41336936>

justice responses to hate crimes might inadvertently **increase, rather than tackle social injustices**, and political actors may instrumentalize this for their own gain.

Intersectionality is increasingly recognized in European Union equality policies. The most recent editions of the European Commission's equality strategies focused on specific grounds¹² all call for an intersectional approach. The anti-racism action plan, for example, states that “(i)n addition to religion or belief, racism can also be combined with discrimination and hatred on other grounds, including gender, sexual orientation, age, and disability or against migrants. This needs to be taken into account through an intersectional approach.”¹³

The Council of Europe's Committee of Ministers' draft recommendation on combating hate crimes¹⁴ affirms that Member States should recognize “the different ways in which hate crime manifests and impacts different groups and individuals with multiple intersecting characteristics and statuses”, and that “hate crime can be linked to several intersecting personal characteristics or statuses and that such manifestations of hate crime often lead to an amplified impact on victims”. It also recommends that measures be put in place that

12 A Union of Equality: Gender Equality Strategy 2020-2025 COM(2020) 152, (2020). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152&qid=1699363193231>
A Union of equality: EU anti-racism action plan 2020-2025 COM(2020) 565, (2020). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0565&qid=1699363068466>;
A Union of Equality: EU Roma Strategic Framework for Equality, Inclusion and Participation COM(2020) 620, (2020). <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2020%3A620%3AFIN>;
Union of Equality: LGBTIQ Equality Strategy 2020-2035 COM(2020) 689, (2020). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0689>;
Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030 COM(2021) 101, (2021). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52021DC0101>;
EU Strategy on the Rights of the Child COM(2021) 142, (2021). <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A52021DC0142>;
EU Strategy on Combating Antisemitism and Fostering Jewish Life (2021-2030) COM(2021) 615, (2021). <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52021DC0615>

13 A Union of equality: EU anti-racism action plan 2020-2025 COM(2020) 565, (2020), paragraph 5 in Introduction. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0565&qid=1699363068466>

14 Council of Europe Committee of Experts On Hate Crime (PC/ADI-CH) (2023): Draft Recommendation CM/Rec(20XX)XX of the Committee of Ministers to member States on Combating Hate Crime, (2023). <https://rm.coe.int/pc-adi-ch-2023-05-en-draft-recommendation/1680ab5e49>

“take into account the qualitatively different manner in which intersectional victimisation operates and calibrate victim support measures in that light”, and that Member States should “identify, record, monitor and analyse” not only different grounds for hate crimes, but also intersectional hate crimes.

Intersectionality is a highly abstract, theoretical notion, and its current application in the criminal justice and victim support system around Europe is rather limited.¹⁵ Our research identified very few good practices that systematically address intersectionality in the target countries. Nevertheless, in the chapters that follow, we highlight how intersectional approaches are already being implemented, even if only in embryonic form, and offer recommendations on how good practices could be further improved to make them truly intersectional.

Further resources

- ▶ European Commission, Directorate General for Justice and Consumers, European network of legal experts in gender equality and non discrimination, & Fredman, S. (2016). *Intersectional discrimination in EU gender equality and non-discrimination law*. Publications Office. <https://data.europa.eu/doi/10.2838/241520>
- ▶ Walser, E. (2020). *Hate crime provisions in EU member states: The importance of an intersectional approach to ensure victims' rights* (G. Siklossy, Ed.). ENAR. https://www.enar-eu.org/wp-content/uploads/intersectionality_and_hate_crime_briefing_final-2.pdf
- ▶ *Intersectionality and Multiple Discrimination*. Council of Europe. <https://www.coe.int/en/web/gender-matters/intersectionality-and-multiple-discrimination>

¹⁵ Borràs Andrés, N., Viggiani, G., & Passanante, L. (2023). *Transnational report: The crucial role of intersectional and victim-centred approaches to confronting bias-motivated violence*. <https://doi.org/10.5281/ZENODO.7885566>

What makes a good practice?

In the identification of good practices, this handbook draws on the approach developed by the European Institute for Gender Equality (EIGE). This approach involves establishing a standard set of criteria in order to identify promising practices, analyze them to assess whether they are indeed good practices, and then to disseminate those selected.¹⁶

Within this framework, we carried out the research in four steps. First, the specific focus of the project predetermined the topic related to which good practices were sought to be identified: namely the response to hate crimes, with a specific focus on victim-centeredness and intersectionality. Following this, a template was created to describe each ‘practice with potential’; this included information about the context, the implementing organization, partners involved, objectives, results and impact, budget, lessons learned and sources of further information. Partner organizations were then asked to identify and collect information from relevant stakeholders on ‘practices with potential’. These practices were discussed at national workshops. As a next step, based on the practices collected, we identified a smaller number of categories (methods and tools, such as victim support, documentation, training, intersectoral cooperation, professional specialization, awareness raising, etc.). For each category, we selected a leading good practice that was further discussed at the transnational workshop. The final phase was dissemination, which included discussions at national and transnational workshops, and the development of the current handbook.

EIGE’s methodology includes the following basic criteria relevant in all policy areas: transferability, relevance, efficiency, effectiveness, impact-

¹⁶ EIGE’s approach to Good Practices (2023) European Institute for Gender Equality. European Institute for Gender Equality. https://eige.europa.eu/gender-mainstreaming/good-practices/eige-approach?language_content_entity=en

fulness and sustainability. EIGE also highlights learning potential as a criterion, which the guide explains as “*the potential as (a) learning tool that may build capacity of stakeholders*”.¹⁷

The European Commission’s European Website on Integration (EWSI) – a comprehensive EU resource that provides policy-makers and practitioners with current information and exemplary approaches to migrant integration – further contains a definition on good practices: “*strategies, approaches and/or activities that have been shown through research and evaluation to be effective, efficient, sustainable and/or transferable, and to reliably lead to a desired result*.”¹⁸

Based on these two sources, we used the following criteria to identify good practices and select a leading good practice from those identified:

Effectiveness: Good practices aim to produce positive results and achieve their intended goals in relation to the specific problems they seek to address.

Evidence-based: Good practices are often based on empirical evidence deriving from scientific research (*i.e.* surveys, focus groups, interviews, participant observation, etc.). They may also rely on the community needs of those affected by the specific problems the good practice intends to address. The findings of these pieces of evidence are applied in practice.

- ▶ **RELEVANCE:** Good practices aim to be relevant and tailored to effectively address the specific problems.
- ▶ **COLLABORATIVE:** In order to design, implement and improve good practices, all relevant stakeholders should be involved in these processes.
- ▶ **SUSTAINABILITY:** Ideally, good practices should be sustainable over time. This includes practices that are enduring in light of the changing environment.
- ▶ **ADAPTABILITY:** In addition to being sustainable, good practices may be adaptable to changing circumstances and needs. Furthermore, adaptability implies that good practices have the capacity to be tailored to specific situations or local and national contexts to make them more versatile and flexible, and thus more valuable.

17 Ibid.

18 *What are „good practices“?* | *European Website on Integration*. (13 October 2021). European Commission. https://ec.europa.eu/migrant-integration/page/what-are-good-practices_en

- ▶ **MEASURABILITY:** In order to measure the effectiveness of good practices, indicators may be developed to quantify their strengths and areas for improvement.
- ▶ **TRANSPARENCY:** Good practices need to be transparent to allow for accountability, and to facilitate learning and improvement, the sustainability of funding, and stakeholder involvement.
- ▶ **WELL-DOCUMENTED AND COMMUNICATED:** For better outreach to relevant stakeholders and those who may benefit from a good practice, its broad communication is essential. Furthermore, in order for a good practice to be adaptable, transparent and measurable, each step of the process of design, development and implementation should be documented.

Further resources

- ▶ *Compendium of practices on hate crime*. (2021). European Union Agency for Fundamental Rights. <http://fra.europa.eu/en/theme/hate-crime/compendium-practices>
- ▶ Đaković, T., & Senta, C. (2019). *Against hate. Guidebook of good practices in combating hate crimes and hate speech*. <https://www.cms.hr/en/publikacije/against-hate-guidebook-of-good-practices-in-combating-hate-crimes-and-hate-speech>
- ▶ Pullerits, M., Piggott, H., Turley, C., DeMarco, J., Ghezelayagh, S., Tann, J., & Wedlake-James, T. (2020). *Successes and challenges of delivering hate crime community projects. A summary of evaluations from the Hate Crime Community Project Fund, waves 1 and 2 (Research Report 115)*. Home Office & NatCen Social Research.

Victim support

Problem description

The serious and unique impact of hate crimes on victims and their broader community reinforces the utmost importance of a victim-centered approach in (criminal) proceedings. **Victim support services tailored to the needs of hate crime victims** can prevent further traumatization and mitigate the effects that bias-motivated incidents have both on the individual and the community. A victim-centered approach presupposes that the wishes and experiences of hate crime victims are heard, considered and respected as much as possible, including whether or not victims would like to benefit from such assistance. The transnational report prepared in the Counter Hate project found that in the examined countries, no organization offers a full range of services available to all hate crime victims (*i.e.* not only those with a specific protected characteristic).¹⁹ The lack of such a victim support scheme makes horizontal and vertical cooperation between civil society organizations and the state indispensable. In all of the examined countries, victim support services are selective and fragmented.

An effective and victim-centered support system offered to hate crime victims presupposes comprehensive knowledge of their needs. The importance of **individual needs assessments** (INA) to exhaustively map the specific needs of hate crime victims cannot be understated. The law enforcement authorities who first come into contact with the victim must conduct an

19 Borràs Andrés, N., Viggiani, G., & Passanante, L. (2023). *Transnational report: The crucial role of intersectional and victim-centred approaches to confronting bias-motivated violence*. <https://doi.org/10.5281/ZENODO.7885566>

initial evaluation to identify the victims' immediate safety and security needs, while the specialized victim support services that maintain contact with victims at later stages can identify and address further needs.²⁰ It is essential that there is a constant flow of information between specialized victim support services or organizations providing support and law enforcement authorities to ensure adequate, timely and targeted assistance for hate crime victims.²¹ Only support grounded on a comprehensive INA is capable of aiding victims of hate crimes in a holistic manner. First and foremost, INA requires that victims are listened to and believed; allegations of a hate motivation for the crime must be acknowledged, and relevant procedures should be carried out accordingly. INA must be sensitive, reflecting on the victim's social identity, gender, etc.; and must be conducted in a manner that is accessible to all victims (understandable information and communication, interpretation, physical accessibility, etc.).²² The objective of INA is to understand the needs of the victim, identify necessary protection and support measures, determine if any special protection is needed during criminal proceedings, and ensure that competent support services are contacted.²³ The assessment of vulnerabilities and needs should not be limited to the characteristic of the victim that served as the motivation for the crime, but should encompass all aspects of their identity and life situation that may be relevant for the provision of assistance.

Victim support services include any free and tailored help to victims of crimes. The type of help varies: the most common forms of support services include **legal, medical, and psychological help, assistance with housing,**

20 Organization for Security and Co-operation in Europe. (2021). *Model Guidance on Individual Needs Assessments of Hate Crime Victims*. OSCE Office for Democratic Institutions and Human Rights (ODIHR), p. 23. https://www.osce.org/files/f/documents/5/9/489782_o.pdf

21 For the key communication channels see: Organization for Security and Co-operation in Europe. (2021). *Model Guidance on Individual Needs Assessments of Hate Crime Victims*. OSCE Office for Democratic Institutions and Human Rights (ODIHR), p. 28. https://www.osce.org/files/f/documents/5/9/489782_o.pdf

22 There are various templates developed for INA of hate crime victims, for instance the THRIVE framework used in certain police services in the United Kingdom.

23 Organization for Security and Co-operation in Europe. (2021). *Model Quality Standards for Hate Crime Victim Support*. OSCE Office for Democratic Institutions and Human Rights (ODIHR), p. 18. https://www.osce.org/files/f/documents/1/0/485273_1.pdf

mediation services, support in restorative justice procedures, or the provision of information. As hate crimes may have an impact beyond the direct victim, access to victim support services should not be confined to victims only, but should be extended to indirect victims (such as family members or close acquaintances). Some form of support might also be needed for members of the community targeted or for anyone else who feels affected.

Access to support shall also not be dependent upon the commencement of (criminal) proceedings, and cannot be restricted to the initial phases of proceedings, if they are initiated at all: support needs to be available continuously.²⁴ Comprehensive support for hate crime victims exceeds the responsibilities (and often capacities) of a single institution. A coherent and well-functioning victim support system is founded on **cooperation between state bodies and civil society organizations.** The basic principles of support for hate crime victims include:

- ▶ anonymity and confidentiality: to guarantee the safety of victims and strengthen their trust in the process of victim support;
- ▶ partiality: to facilitate a positive professional attitude and create a victim-centered atmosphere;
- ▶ organizational, financial and spatial independence: to ensure the credibility of the support service provider and build confidence;
- ▶ awareness of intersectionality and diversity: to maintain a critical reflection on social, racial, religious, and other differences;
- ▶ holistic approach to resilience: to mitigate the impact of the hate crime, taking into account the victim's specific needs and their social, cultural, etc. environment;
- ▶ non-discriminatory and non-judgmental approach.²⁵

24 Organization for Security and Co-operation in Europe. (2021). *Model Quality Standards for Hate Crime Victim Support*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). p. 10. https://www.osce.org/files/f/documents/1/0/485273_1.pdf

25 Kees, S.-J., Iganski, P., Kusche, R., Świder, M., & Chahal, K. (2016). *Hate Crime Victim Support in Europe | A Practical Guide*. RAA Sachsen (Saxony) - Counselling Services for Victims of Hate Crimes. pp. 31-33. https://www.equalrightstrust.org/sites/default/files/ertdocs/2016_RAA_Saxony-Hate_Crime_Victim_Support_2016_Vers.final_.pdf

Support services for hate crime victims complying with the principles listed above presuppose the proactive development of multi-sectoral collaboration and cooperation between state authorities and civil society organizations.²⁶ Protocols should govern the flow of information between criminal justice authorities and other organizations providing support, including a workable and transparent system of referrals and communication channels that ensure that all the relevant information is shared, while maintaining the confidentiality of victims.²⁷

Additionally, in well-functioning victim support systems, service-provision organizations enjoy the trust of hate crime victims, and are more likely to be able to channel in clients for strategic litigation, thereby improving the quality of the system and advancing a victim-centered approach through litigation.

Leading good practice

SOS Racism Catalonia (SOS Racisme Catalunya) is a civil society organization maintaining an **Assistance and Reporting Service (Servei d'Atenció i Denúncia – SAiD)** for victims of racism.²⁸ Racism remains the main motivation for hate crimes in Spain. Although in recent years, an increase may be observed in the number of reported racist hate crimes, 80-90% of hate-motivated incidents remain invisible to the criminal justice system. State institutions often remain inactive, and fail to prevent secondary victimization or offer effective assistance to the victims of racist violence. SAiD was created with the purpose of providing specialized support to victims of racism, in particular victims of racist hate crimes and discrimination based on race.

26 For details see the chapter on intersectoral cooperation.

27 Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR). (2022). *Policy Brief | Hate Crime Victim Support*. p. 43. <https://www.osce.org/files/f/documents/b/e/516375.pdf>

28 SAiD | *Servei gratuït i especialitzat que ofereix atenció a persones que han patit una discriminació o un delictes d'odi racista*. SOS Racisme. <https://sosracisme.org/said/>

Their general goal is to restore the rights of victims, and provide them with redress for the harm bias-motivated violence or discrimination caused. Furthermore, SAiD actively works to denounce racism through social action and public advocacy, hold members of the public administration accountable, and encourage the reporting of racist hate crimes. Its psycho-social and legal victim support services cover legal representation (including the submission of complaints), restorative justice practices, psychosocial interventions and referrals to other specialized bodies. To rectify the damage to victims caused by racist hate crimes, they employ a unique restorative approach. This involves holding the offender accountable, while promoting community participation for the transformation of the conflict. The restorative justice approach applied by SAiD promotes an individualized intervention that is contextualized in order to remedy the harm, reduce the victim's loneliness and isolation, and prevent individual and collective second victimization. All affected parties are involved in the restorative justice process: the victim, their community and the perpetrator.

In recent years, SOS Racisme assisted and supported over 500 victims on an annual basis, yet in only a quarter of those cases could the conditions for reporting the crime to authorities be achieved. Challenges and obstacles include: victims giving up on the process because of fear or distrust, the disappearance or unavailability of victims, or self-management of the conflict. SAiD has recently improved its services, increased its human resources and diversified its channels of contact to make their services more accessible. Their greater capacity for and dedication to responding to hate crimes has resulted in better identification of racist incidents and improved provision of services to victims of racist hate crimes. Currently, SAiD is known as a contact point for victims in need of specialized services.

Similar good practices

The **Roma Secretariat Foundation** (*Fundación Secretariado Gitano – FSG*) in Spain works for the comprehensive promotion of the rights of Roma peo-

ple using a multidisciplinary approach.²⁹ Its **Calí Program** (*Programa Calí*) is designed to combat hate crimes and discrimination against Roma, and with the participation of 30 Roma women experts it provides gender-sensitive and intersectional victim support services. Victims are accompanied and assisted throughout the proceeding: from the time a complaint is filed until the verdict in the case is rendered. FSG also carries out strategic litigation, and acts as a coordinator of the National Service to support victims of racial or ethnic discrimination, thereby collaborating with a further 7 CSOs, making the services accessible in all parts of the country. Since 2015, the Slovenian LGBTIQ+ rights organization **LEGEBITRA** has been operating a **Legal Counseling Program**, which was established as part of the Legal Advice Centre for Protection against Discrimination at the Law Faculty (University of Ljubljana) as an officially accredited extracurricular activity. It primarily offers free legal advice to anyone who has faced discrimination, hate speech or hate crimes based on their sexual orientation, gender identity, gender expression or sex characteristics. Among other things, the Legal Counseling Program also provides information and general guidance to victims of discrimination and hate crimes. In addition to legal advice, LEGEBITRA offers psycho-social support for victims of hate crimes, which generally precedes the provision of legal advice. **Rete Dafne** is a public service in Italy that assists victims of crimes, not exclusively hate crime victims.³⁰ The victim support services are offered in collaboration with local authorities, healthcare services, judicial authorities, law enforcement agencies and CSOs with relevant mandates. Rete Dafne operates a network of service providers who provide the specialized services identified in the initial phase of the proceedings. The services victims may benefit from include accompaniment to services, psychological support, safe spaces, group meetings, mediation, and psychiatric or medical counseling. Although there is growing demand for the services of Rete Dafne, its public funding remains low. The Italian **Gay Center**³¹ offers assistance

29 *Equal Treatment*. Fundación Secretariado Gitano. https://www.gitanos.org/que-hacemos/areas/equal_treatment/index.html.en

30 <https://www.retedafne.it/>

31 Gay Center. <https://gaycenter.it/>

to victims of discrimination and violence based on sexual orientation and gender identity. Its professional staff and volunteers serve such victims by offering a toll-free helpline and chat service (Gay Help Line); psychological, medical and legal consultations; and family and social mediation and job orientation. In addition, the Gay Center promotes a culture of respect for human rights in order to mitigate the negative social and psychological impact of violence. **Háttér Society** in Hungary provides various services benefiting victims of hate crimes: its Legal Aid Service offers legal counseling and representation in criminal proceedings, while its toll-free Information and Counseling Hotline and Personal Counseling Service offers psycho-social support for victims.³²

Tips and recommendations

- ▶ Ensure that the criminal justice system follows a victim-centered approach.
- ▶ Create horizontal and vertical cooperation among state agencies and civil society organizations.
- ▶ Map victims' needs through a comprehensive individualized needs assessment, covering all aspects of the victim's identity and life situation.
- ▶ Create a well-functioning, transparent and efficient system of referrals across various victim support services.
- ▶ Make victim support services available both for direct and indirect victims.

Further resources

- ▶ Organization for Security and Co-operation in Europe. (2021). *Model Quality Standards for Hate Crime Victim Support*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). <https://www.osce.org/odihr/485273>
- ▶ Organization for Security and Co-operation in Europe. (2021). *Model Guidance on Individual Needs Assessments of Hate Crime Victims*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). <https://www.osce.org/odihr/489782>
- ▶ Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR). (2021). *Compendium. Practices on Structural Frameworks for Individual Needs Assessment (INA) of Hate Crime Victims and Referrals*. <https://www.osce.org/odihr/505981>
- ▶ Kees, S.-J., Iganski, P., Kusche, R., Świder, M., & Chahal, K. (2016). *Hate Crime Victim Support in Europe. A Practical Guide*. RAA Sachsen (Saxony) - Counselling Services for Victims of Hate Crimes. <https://www.raa-sachsen.de/support/publikationen/hate-crime-europe-4551>
- ▶ EU High Level Group on combating racism, xenophobia and other forms of intolerance. (2017). *Ensuring justice, protection, and support for victims of hate crime and hate speech: 10 key guiding principles*. https://ec.europa.eu/newsroom/just/document.cfm?doc_id=48874

32 <https://en.hatter.hu/>

Reporting

Problem description

As Article 8 (Initiation of investigation or prosecution) of the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia posits: “Each Member State shall take the necessary measures to ensure that investigations into or prosecution [of racist and xenophobic offenses] shall not be dependent on a report or an accusation made by a victim of the conduct, at least in the most serious cases where the conduct has been committed in its territory.”³³ What challenges may arise when – as this Council Framework Decision notes – victims “are ... particularly vulnerable and reluctant to initiate legal proceedings”?³⁴

The 2021 report published by the Fundamental Rights Agency of the European Union found that the most common reasons cited by victims for not reporting a hate crime or other bias-motivated incidents indicate a two-fold nature of barriers:

- ▶ wider societal issues of prejudice and structural discrimination, and
- ▶ specific barriers when engaging with law enforcement authorities and the criminal justice system.³⁵

33 Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, Pub. L. No. 2008/913/JHA, L 328/55 (2008). Art. 8. http://data.europa.eu/eli/dec_framw/2008/913/oj

34 Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, Pub. L. No. 2008/913/JHA, L 328/55 (2008). (11) http://data.europa.eu/eli/dec_framw/2008/913/oj

35 European Union Agency for Fundamental Rights. (2021). *Encouraging hate crime reporting: The role of law enforcement and other authorities*. p. 30. Publications Office of the European Union. <https://data.europa.eu/doi/10.2811/303805>

While the first set of barriers requires broad action from the state and CSOs alike, concerns related to the criminal justice system, in particular to law enforcement authorities, may be overcome or mitigated through targeted and specific measures. **Fear of secondary victimization by representatives of authorities** is among the most frequently cited reasons victims voice for not reporting a hate crime. Police play a critical role in reporting: eliminating discriminatory perceptions and actively countering discriminatory practices in policing is crucial to respond to the under-reporting of hate crimes. Addressing the invisibility of hate crimes and actively communicating and disseminating statistical data to the wider public on their existence raises the confidence and trust of victims in the criminal justice system, and signals that there is an enabling environment for reporting.³⁶ The fear from secondary victimization and retaliation may be well-founded, especially for victims who have had negative experiences with the criminal justice system and/or struggle with their identity, in particular, if they belong to multiple intersecting vulnerable groups. Such issues may arise during the reporting procedure as **intersecting identities may be rendered invisible**; only a system sensitive to intersectionality can properly address such complexities.

Furthermore, victims may fear retaliation from offenders, as well as stigmatization and ostracization within their community. Such fears are closely linked to **concerns of privacy and safety**. Therefore, a legal framework with guarantees and a system to dispel these concerns in practice need to be developed.

Legal awareness of hate crimes and victims’ rights correlates with victims’ willingness to report bias-motivated incidents. If victims do not recognize their experiences as hate crimes or are not aware of available support, they may reject institutionalized solutions.

36 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, (2012). Art. 1. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>; See also: EU High Level Group on combating racism, xenophobia and other forms of intolerance, Working Group on hate crime recording, data collection and encouraging reporting. (2021). *Key guiding principles on encouraging reporting of hate crime: The role of law enforcement and relevant authorities*. https://ec.europa.eu/newsroom/just/document.cfm?doc_id=75196

Furthermore, the inaccessibility and inconvenient and bureaucratic nature of reporting may also constitute barriers for victims. In the FRA survey, many victims cited these issues as the reason for not coming forward with their experience. Hate crime reporting mechanisms may be complex, thus victims may face challenges before and during the reporting of hate crimes. Such difficulties include lack of knowledge of mechanisms and available support, difficulty in navigating such mechanisms, the use of legal jargon or the language of the country in which they reside, as well as lengthy and slow bureaucratic procedures.

While recognizing the challenges and barriers related to hate crime reporting, it must be stressed that reporting is crucial for a number of reasons. Reporting hate crimes is necessary to set the criminal justice system in motion, to hold offenders accountable, and ultimately to provide **justice for victims**. Reporting enables victims to have **access to victim support services, which helps them to cope** with the consequences of being victims of hate crime. At the same time, reporting should not be a precondition for accessing such support services. If accurate data on hate-motivated incidents is systematically collected, **evidence-based, adequate and targeted policies can be developed** to prevent and combat hate crimes. Effective reporting can also contribute to a better understanding of hate crimes community- and nation-wide, raise awareness about this issue, and boost solidarity between groups of individuals.

As FRA's report highlights, an intersectional perspective must be taken into account to better understand problems related to reporting, such as underreporting or refusals to report: *“Understanding intersectional experiences and multi-bias hate crimes and harassment is necessary to design effective measures to address underreporting and other measures to counter hate crime.”*³⁷

Leading good practice

³⁷ European Union Agency for Fundamental Rights. (2021). *Encouraging hate crime reporting: The role of law enforcement and other authorities*. p. 22. Publications Office of the European Union. <https://data.europa.eu/doi/10.2811/303805>

The **Alternative Hate Crime Reporting platform or interface, “Pranesk”**,³⁸ is a 6-step online platform which facilitates hate crime reporting in Lithuania.

This platform was launched by civil society organizations as an easy-to-access platform for victims of hate crimes/incitement to hatred or witnesses of such events to report such crimes to CSOs or the police and receive help. The online platform is managed by the Lithuanian Human Rights Center in partnership with three main CSOs:

1. the European Human Rights Foundation,³⁹ which provides free legal aid in all cases of incitement to hatred or hate crimes, helps to prepare submissions, accompanies victims during the pre-trial investigation, and assists them during trial;
2. the National LGBT Association LGL,⁴⁰ which provides free legal aid to LGBTIQ victims of hate crimes; and
3. the Red Cross⁴¹ which provides free legal aid to foreigners coming from non-EU countries who are victims of hate crimes.

The platform's objective is to **offer legal support to victims of hate crimes and help reduce hate crime reporting latency** in Lithuania. It furthermore aims to encourage hate crime reporting by providing an alternative crime reporting platform to victims of such crimes. The reporting platform is available in four languages: Lithuanian, English, Russian and Polish. The platform is fully operated by NGOs, and the Lithuanian Police is an official partner in this initiative.

The reporting process is as follows: the person reporting provides information about themselves, the circumstances of the crime committed, whether they would like to report the incident to the police, and whether they require support; they then permit the operators of the Hate Crime Reporting platform to proceed with the information provided. As the person reporting has full discretion regarding how to proceed, the report can be forwarded

³⁸ *Report hate crimes*. Mano Teisės Pranesk. <https://manoteises.lt/pranesk/en/>

³⁹ *Europos Žmogaus Teisių Fondas (EFHR)*. <https://lt.efhr.eu/>

⁴⁰ *LGL - Nacionalinė LGBT teisių organizacija*. <https://www.lgl.lt/en/>

⁴¹ *Teisinė pagalba*. Red Cross Lithuania. <https://redcross.lt/veiklos/prieglobscio-ir-migracijos-programa/teisine-pagalba/>

to law enforcement authorities or to the above-mentioned CSOs who can provide legal aid and psychological and emotional support. Alternatively, the report may not be forwarded at all, but kept as data by the Lithuanian Center for Human Rights.⁴² This type of information contributes – in an anonymized way – to improved and more accurate hate crime statistics at the national level. Furthermore, relying on alternative reporting methods may be an effective tool to counter the latency of hate crime reporting.

The platform also provides basic definitions of concepts such as hate crimes and the difference between a hate crime and hate speech, and details the steps in the procedure for reporting a hate crime. In relation to concerns about intersectionality and victim-centeredness in focus in this project, the website allows the reporting person to select multiple bias indicators and receive information specific to their situation.

Similar good practices

A similar good practice from Greece is the **Racist Violence Recording Network (RVRN)**.⁴³ RVRN was established in 2011 with two main objectives: addressing the lack of an official and effective system for documenting incidents of hate- or bias-motivated violence and fostering collaboration among entities that independently document such incidents involving individuals who seek their services. In connection with this, the **Hellenic Police Helpline against Racist Violence (11414)** is a dedicated phone line for reporting bias-motivated crimes. The phone line is open 24 hours a day and guarantees the anonymity of victims and the confidentiality of communication. In Italy, the abovementioned **Gay Help Line** operates across the entire country. These phone lines may be considered more as victim support tools; nevertheless, they may contribute directly or indirectly to reporting or to gathering more accurate information on hate crimes. Hát-

⁴² *Lithuanian Human Rights Center*. <https://www.zmogausteisiugidas.lt/en/themes/>

⁴³ *Racist Violence Recording Network*. ΕΕΔΑ - Εθνική Επιτροπή Για Τα Δικαιώματα Του Ανθρώπου. <https://www.nchr.gr/en/racist-violence-recording-network.html> - see also in the chapter on Documentation.

tér Society runs the platform **Report homophobia!** where cases of hate crimes, hate speech and discrimination can be reported. Users can remain anonymous or provide contact information, and decide whether they want their stories published and/or to receive help. Stories marked for publication are shared on the website after editing, and are used in communication to further promote the reporting interface and raise awareness about the hardships that LGBTIQ people face in their everyday lives.

Tips and recommendations

- ▶ Establish intersectoral cooperation and partnerships between CSOs and criminal justice authorities to encourage reporting of hate crimes.
- ▶ Provide multiple or alternative, easy-to-use reporting channels.
- ▶ Take into account intersectional perspectives and identities, recognize multi-bias hate crimes, and tailor reporting channels and procedures to them.
- ▶ Promote reporting platforms on multiple platforms to reach a wider audience.
- ▶ Offer accessible reporting channels to accommodate a wide range of victims' needs (e.g. the use of multiple languages, high-contrast colors, alt-text, and captions and transcripts for images and videos).

Further resources

- ▶ EU High Level Group on combating racism, xenophobia and other forms of intolerance, Working Group on hate crime recording, data collection and encouraging reporting. (2021). *Key guiding principles on encouraging reporting of hate crime: The role of law enforcement and relevant authorities*. https://ec.europa.eu/newsroom/just/document.cfm?doc_id=75196
- ▶ European Union Agency for Fundamental Rights. (2021). *Encouraging hate crime reporting: The role of law enforcement and other authorities*. Publications Office of the European Union. <https://fra.europa.eu/en/publication/2021/hate-crime-reporting>
- ▶ Pezzella, F. S., Fetzer, M. D., & Keller, T. (2019). The Dark Figure of Hate Crime Underreporting. *American Behavioral Scientist*, 000276421882384. <https://doi.org/10.1177/0002764218823844>

Investigative and prosecutorial protocol

Problem description

Adopting legislation that recognizes hate crimes on all relevant grounds is only the first step in an effective response to hate crimes. Law enforcement and criminal justice agencies may **need guidance** on how to interpret certain aspects of the law. Even if the definition of hate crimes is clear, identifying and proving them may be difficult as this entails assessing the inner mental state (the motivation) of the perpetrator. This is why the notion of **bias indicators** was developed as a heuristic tool to help in the identification of hate crimes and to guide investigation procedures. Further traumatization of victims is a problem in many criminal proceedings, but due to the sensitive nature of the crimes and the disadvantaged social position of most victims, it is especially common in hate crime proceedings. Law enforcement and criminal justice professionals therefore need guidance on how to **avoid further traumatization and ensure the sensitive and respectful treatment of victims**.

Investigative and prosecutorial protocols are by-laws **officially adopted and issued by relevant public bodies**. They offer practical guidance for law enforcement and criminal justice bodies on how to carry out the tasks mandated to them by law. They establish standard procedures to ensure that legal obligations and best practices are met in the everyday operation of these agencies. In addition to offering guidance for practitioners, they also serve as a benchmark against which the handling of specific cases can be evaluated, and can form the basis for training of professionals.

Investigative and prosecutorial protocols can be adopted even in countries that do not recognize hate crimes as a specific type of crime in their criminal law. Hate crimes are always criminal offenses, and therefore require investigation, prosecution and sanctioning regardless of whether the law prescribes higher sanctions for bias motivated crimes in general, or for crimes committed against the specific victim group in particular. The European Court of Human Rights (ECtHR) has held that authorities have a duty to investigate and take into account the bias motivation of a crime during sentencing, even if there is no *sui generis* hate crime provision in force, or if bias-motivation is not recognized as an aggravating circumstance.⁴⁴ Investigative and prosecutorial protocols can also include an explicit recognition of hate crimes committed based on intersectional or multiple grounds. Such protocols can thus help **fill legislative gaps** and bring law and practice in line with the judgment of the ECtHR.

Leading good practice

In July 2019, the Hungarian Chief of Police issued **ORFK Instruction no. 30/2019. (VII. 18.)** on the tasks of the police in regard to hate crimes. The instruction contains: a clear definition of hate crimes based on the definition of OSCE ODIHR, and also includes references to specific crimes in the Hungarian Criminal Code; the general duty to explore a potential bias motivation in all criminal cases; a list of bias indicators; the duty to record all bias indicators in the case file; the duty to report all hate crimes internally to the command control center and the national hate crime coordinator; as well as the duty to monitor all hate incidents, even those not reaching the criminal threshold. The instruction clarifies that special categories of personal data can be processed (direct questions can be posed and responses recorded) if needed for the investigation. The instruction also establishes an institutional structure within the police: a hate crime network (*szakvonal*) that consists of a national hate crime coordinator, county-level

⁴⁴ Case of Angelova and Iliev v. Bulgaria (Application no. 55523/00), (2007). par. 115-117. <https://hudoc.echr.coe.int/?i=001-81906>

network members and local mentors. The instruction also contains the duty to provide training on hate crimes annually to all uniformed police and criminal investigators.

The instruction also contains **specific guidance on how to interact with victims** to minimize secondary victimization and improve victim cooperation. It prescribes that the “(t)he police officer shall communicate with the victim in a calm, objective and – within the boundaries of professional communication – supportive manner. The police officer shall not display personal judgments towards the victim’s behavior, culture, origin, community, and shall refrain from using stereotypical or prejudiced words and phrases and from blaming the victim.” Police officers should provide sufficient information to the victim about the expected course of police action and ways to contact the police, as well as about victim support services provided both by public bodies and civil society organizations. The instruction highlights that police officers shall examine the victim’s need for special treatment with heightened care. With regards to special categories of personal data, the instruction clarifies that the real or perceived personal characteristic at issue shall only be recorded to the extent necessary for the proceeding, and in a way that respects the dignity, needs and sensitivities of the victim.

The instruction recognizes the **communal dimension of hate crimes**, and prescribes that in case the commission of a hate crime is suspected, “the message shall be communicated to the social groups sharing the characteristic of the victim targeted by the perpetrator that all hate crimes will be thoroughly investigated.” If similar incidents targeting the victim or members of groups sharing the characteristic of the victim have occurred in the same locality, police officers shall record such incidents in the case file, and issue calls for witnesses with a special focus on the community to which the victim belongs.

The adoption of the police protocol was prompted by nearly 10 years of **advocacy work by civil society organizations**, in particular the Working Group Against Hate Crimes (WGAHC),⁴⁵ a coalition of CSOs and academics. Common counter-arguments against the adoption of the protocol included the following: (1) hate crimes do not require any special knowledge, skills, or procedures, they should be investigated as any other crimes; (2) the po-

⁴⁵ See also the chapter on Intersectoral cooperation.

lice cannot create a protocol for all types of crimes; and (3) investigations cannot be standardized, police officers need discretion to decide the best course of action. CSOs published reports about the systemic failures of law enforcement bodies to implement the legislation, and called attention to international good practices involving such protocols in order to rebut these arguments. A turning point came in 2016 when the Government accepted a UPR recommendation on developing such a protocol, which was subsequently used in domestic advocacy. In 2017, the police confirmed that they were working to develop such a protocol. The document was developed collaboratively: the WGAHC drafted a list of issues for inclusion in the document, and the text itself was drafted by the police and adopted in 2019.

Similar good practices

There are similar protocols and guidelines in several other countries. In Lithuania, for example, the Prosecutor General's Office issued **Methodological recommendations on pre-trial investigation regarding hate crimes and hate speech**, the newest version of which came into force in April 2020. In 2015, the Center for Legal Studies and Specialized Training of the Catalan Government issued a **Practical manual for the investigation and prosecution of hate crimes and discrimination**. In 2016, the Catalan Ministry of Interior adopted an **Action protocol of the Security Forces for hate crimes and conduct that violates the legal norms on discrimination**.

Tips and recommendations

- ▶ Adopt investigative and prosecutorial protocols to improve the implementation of legislation or fill legislative gaps.
- ▶ Include a comprehensive, easy-to-understand definition of hate crimes.
- ▶ Include a list of bias indicators, as well as the duty to record such indicators in the case file.
- ▶ Use language that allows for recognizing bias motivation on more than one ground.
- ▶ Include practical guidance on how to avoid further traumatization and ensure sensitive and respectful treatment of victims.
- ▶ Involve civil society organizations in the drafting and evaluation of such protocols.

Further resources

- ▶ Organization for Security and Co-operation in Europe. (2021). *Model Guidance on Sensitive and Respectful Treatment of Hate Crime Victims in the Criminal Justice System*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). <https://www.osce.org/files/f/documents/8/f/499513.pdf>
- ▶ Organization for Security and Co-operation in Europe. (2014). *Prosecuting Hate Crimes: A Practical Guide*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). <https://www.osce.org/odihr/prosecutorsguide>
- ▶ *Investigation of Hate Crimes**. International Association of Chiefs of Police (IACP). <https://www.theiacp.org/resources/policy-center-resource/hate-crimes>

Training professionals

Problem description

Having good legislation and sophisticated investigative and prosecutorial protocols in place does not guarantee the proper enforcement of legislation or the avoidance of further traumatization of victims if professionals tasked with implementing such provisions are not aware of them or do not know how to properly implement them. It is not enough to simply have adequate national hate crime legislation in place, its effective implementation needs to be ensured through comprehensive training for members of law enforcement and criminal justice authorities.⁴⁶

In general, the basic training of law enforcement personnel (*i.e.* police officers) and members of the criminal justice system fails to adequately address the specificity of hate crimes and the unique needs of hate crime victims. Basic and further training curricula do not prepare criminal justice professionals to effectively investigate hate crimes, and to work in partnership to ensure that bias-motivated incidents are investigated and prosecuted, and that perpetrators are sentenced according to hate crime laws. Given the specific nature of hate crimes, members of the criminal justice system, and the police in particular, need to possess the requisite knowledge and skills to engage with and assist hate crime victims in a sensitive and re-

⁴⁶ EU High Level Group on combating racism, xenophobia and other forms of intolerance, Working Group on hate crime training and capacity building for national law enforcement. (2021). *Mapping Hate Crime Training For Law Enforcement And Criminal Justice Authorities in the European Union*. pp. 9-10. https://commission.europa.eu/system/files/2022-04/wg_hate_crime_training_report_mapping_national_activities.pdf

spectful manner.⁴⁷ Being aware of their own biases and understanding how these biases impact their work with and the support they provide to hate crime victims ensures that they approach and treat victims and witnesses with empathy and the utmost sensitivity, thereby minimizing the risk of secondary victimization and further traumatization.

Training programs must be underpinned by national action plans and strategies that establish specific goals: training should correspond to the methods used in countering hate crimes. A multidisciplinary and multi-tiered approach also strengthens coordination and cooperation across the relevant authorities (*i.e.* the police, prosecution service, judiciary, as well as the victim support system).⁴⁸

A lack of knowledge or understanding of hate crimes among law enforcement or criminal justice authorities is the source of several problems addressed in this handbook, including among others: under-classification of crimes (*i.e.* failure to investigate and prosecute bias-motivated incidents as hate crimes), underreporting, disregard for the specific needs of hate crime victims, lack of recognition of the impact of a hate crime on the community, and biased treatment of victims or witness.⁴⁹ These deficiencies in the criminal justice system should be addressed at the earliest possible stage, through tailored and comprehensive training programs that are based on needs assessments, are delivered with the most suitable methodology, convey quality content, and that are monitored regularly. Training activities should be periodic, *i.e.* not limited to basic training and occasional further training programs. Members of the criminal justice system are not

⁴⁷ Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR). (2022). *Sensitive and Respectful Treatment of Hate Crime Victims: Training Course for Criminal Justice Professionals*. p. 23. https://commission.europa.eu/system/files/2022-04/hlg_conclusions_paper_hate_crime_training_final_rev_43050.pdf

⁴⁸ EU High Level Group on combating racism, xenophobia and other forms of intolerance. (2017). *Hate Crime Training for Law Enforcement and Criminal Justice Authorities: 10 Key Guiding Principles*. p. 6. https://commission.europa.eu/system/files/2022-04/hlg_conclusions_paper_hate_crime_training_final_rev_43050.pdf

⁴⁹ Bayer, J., & Bárd, P. (2020). *Hate speech and hate crime in the EU and the evaluation of online content regulation approaches*. Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies. pp. 101-105. [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655135/IPOL_STU\(2020\)655135_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655135/IPOL_STU(2020)655135_EN.pdf)

the only professionals who need or benefit from training on hate crimes: attorneys, lawyers, and persons working with victim support services should also be targeted.

Leading good practice

The **Observatory for Security against Acts of Discrimination (OSCAD)**⁵⁰ is an Italian inter-agency public body established in September 2010 by a decree of the Chief of Police. The **aim** of OSCAD is to systematize and give further impetus to the activities carried out by the Italian National Police and the Carabinieri to prevent and combat hate crimes.

OSCAD's **main objectives** include:

- ▶ preventing and fighting hate crimes, hate speech and all forms of discrimination;
- ▶ facilitating the filing of complaints on hate crimes in order to effectively combat the phenomenon of under-reporting, thereby increasing the visibility of hate crimes;
- ▶ carrying out monitoring, including through an in-depth analysis of open sources;
- ▶ recommending adequate interventions, monitoring progress in responding to complaints, and providing advice to police agencies;
- ▶ raising awareness, providing trainings, and constantly improving law enforcement officers' skills in order to combat the phenomenon of under-classifying;
- ▶ strengthening cooperation with civil society organizations and with the Italian national equality body.

Any OSCAD activity (training, communication campaigns, memoranda of understanding, cooperation with CSOs, etc.) must be approved by the Chief of Police Director General of Public Security after receiving detailed information on the activity from the Deputy Director General of Public Security – Director of Criminal Police, who is also the President of OSCAD.

⁵⁰ *Observatory for security against acts of discrimination—OSCAD*. Polizia di Stato. <https://www.poliziadistato.it/articolo/25241>

Training is a priority for OSCAD. It is a tool to raise awareness among members of the police and improve their efforts to prevent and combat discrimination and hate crimes. The topics of training and information seminars cover ethnic profiling; hate speech in social media; human rights in law and in practice; lesbian, gay, bisexual, trans and intersex hate crime; Roma, Sinti and Traveller issues; capacity building in law enforcement; and how to deal with vulnerable victims. Also the organization of OSCAD and its mandate is introduced in such seminars.⁵¹

Like many similar initiatives, OSCAD faces several **barriers and challenges**, including: sustaining the commitment of government, police and other relevant stakeholders; difficulties in collecting high-quality data on hate crimes for defining targeted interventions and strategies; and securing the necessary financial, human, and other resources.

Similar good practices

It is not easy to find systematic approaches to training on hate crimes like the one OSCAD offers, but there are other good practices being implemented in Europe. The **Comprehensive LGBTI Assistance Service of Catalonia (SAI)**⁵² deals with people who experience, have experienced or are at risk of discrimination or violence on the grounds of sexual orientation, gender identity or gender expression. This service assists both LGBTIQ people and their community, as well as professionals who work on related issues. Among other activities, SAI offers training on LGBTIQ rights and diversity for public bodies.

⁵¹ *Promising Practice: Observatory for Security against Acts of Discrimination OSCAD*. (August 19, 2021). European Union Agency for Fundamental Rights. <https://fra.europa.eu/si/promising-practices/observatory-security-against-acts-discrimination-oscad-o>

⁵² *Xarxa SAI*. Departament d'Igualtat i Feminismes. <https://igualtat.gencat.cat/ca/ambits-dactuacio/lgbti/xarxa-sai>

Racist Violence Recording Network (RVRN)⁵³ is a Greek initiative providing medical, social and legal services while maintaining direct contact with victims of racist violence and victims of other hate or bias motivated violent attacks. Their aim is to systematically record acts of bias-motivated violence, but they also provide training on issues related to identifying, recording and tackling hate crimes to public authorities and civil society organizations.

Tips and recommendations

- ▶ Include training on hate crimes in the basic and further training curricula for criminal justice professionals.
- ▶ Use existing training materials and online learning opportunities, and design training specifically tailored to target groups.
- ▶ Use practice-based learning activities in training on hate crimes.
- ▶ Provide appropriate funding for training activities including compensation for experts acting as educators.
- ▶ Ensure that participants receive further training credits and/or certificates upon the completion of training.

Further resources

- ▶ Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR). (2022). *Sensitive and Respectful Treatment of Hate Crime Victims: Training Course for Criminal Justice Professionals*. <https://www.osce.org/files/f/documents/2/0/512437.pdf>
- ▶ Organization for Security and Co-operation in Europe. (2018). *Manual on Joint Hate Crime Training for Police and Prosecutors*. OSCE Office

⁵³ *Racist Violence Recording Network*. ΕΕΔΑ - Εθνική Επιτροπή Για Τα Δικαιώματα Του Ανθρώπου. <https://www.nchr.gr/en/racist-violence-recording-network.html>. For details see the chapter on documentation.

for Democratic Institutions and Human Rights (ODIHR). <https://www.osce.org/files/f/documents/3/b/402296.pdf>

- ▶ European Commission, & EU Agency for Law Enforcement Training (CEPOL). (2023). *Strategic approaches to embedding hate crime and hate speech training in national training programmes for law enforcement: A compass*. https://commission.europa.eu/system/files/2023-04/strategic_approaches_hct-hst_le.pdf
- ▶ EU High Level Group on combating racism, xenophobia and other forms of intolerance. (2017). *Hate Crime Training for Law Enforcement and Criminal Justice Authorities: 10 Key Guiding Principles*. https://ec.europa.eu/newsroom/document.cfm?doc_id=43050
- ▶ EU High Level Group on combating racism, xenophobia and other forms of intolerance, Working Group on hate crime training and capacity building for national law enforcement. (2021). *Mapping Hate Crime Training For Law Enforcement And Criminal Justice Authorities in the European Union*. https://commission.europa.eu/system/files/2022-04/wg_hate_crime_training_report_mapping_national_activities.pdf

Professional specialization

Problem description

As discussed above, hate crime victims have special and different needs in comparison to victims of other crimes. It should be emphasized that without the essential skills necessary for identifying, investigating and prosecuting hate crimes, no justice can be brought to victims, and communities affected by hate crimes will have no trust in the criminal justice system. Only the accurate, fair and transparent application of hate crime laws can ensure that such crimes are reported and that perpetrators are brought to justice. The existence of professionals specialized in hate crimes and the needs of hate crime victims is essential for ensuring an adequate institutional response to bias-motivated crimes.

The lack of specialization on hate crimes within the criminal justice system and the support services offered to victims results in the underreporting, mishandling and under-classification of such cases. This ultimately erodes victims' confidence that official procedures will offer any effective remedy or justice. Some bodies, such as the police or the prosecution service, are expansive, with countless departments and staff members. Without specialized units within law enforcement agencies, investigating and prosecuting hate crimes can be challenging, and potentially result in inadequate responses to bias-motivated incidents, leaving marginalized communities without protection and vulnerable to further victimization.

Without professional specialization in hate crimes within the justice system, the hate-based motivation of perpetrators may not be recognized, which reinforces the perception that hate crimes are not properly punished

and that the bias motivation is not taken into account when sanctioning perpetrators. Such a message undermines all efforts taken to counter hate crimes, and deters victims from reporting hate-motivated incidents. The need for staff and/or units specialized in hate crimes is not confined to bodies within the justice system; the staff of victim support services (both state- and CSO-run) must possess the same competencies. Ideally, specialized units within and outside the criminal justice system should cooperate, both vertically and horizontally. In sum, without specialization in hate crimes, it is challenging to accurately identify, document, and respond to bias-motivated incidents, resulting in underreporting and potential mis- or under-classification of crimes.

Leading good practice

Since 2013, each Spanish province has had a special prosecutor whose main responsibility is to respond to crimes that threaten the principles of equality and non-discrimination. They are part of the **Network of Prosecutors for the Criminal Protection of Equality and against Discrimination**.⁵⁴ These specialized prosecutors are under the coordination of the General Prosecutor on Hate Crimes and Discrimination of the Spanish Prosecutor's Office. This position was created in 2011 in response to the need to institutionally address the problem of discrimination and the lack of protection for victims. The network started and still operates with the aim of offering a coordinated and standardized response to crimes based on hate and discrimination. To ensure the realization of this aim, the State Prosecutor General's Office requested the Provincial Prosecutor's Offices to assign a prosecutor specialized in hate crimes.

The General Prosecutor on Hate Crimes and Discrimination has the following **responsibilities**:

- ▶ coordinating the Network of Prosecutors for the Criminal Protection of Equality and against Discrimination;

⁵⁴ *Delitos de odio y discriminación*. Ministerio Fiscal. <https://www.fiscal.es/-/delitos-de-odio-y-discriminacion>

- ▶ ensuring the identification of hate crimes;
- ▶ statistical control;
- ▶ monitoring proceedings initiated or carried out related to hate crimes;
- ▶ complying with the duties assumed by Spain under international treaties and those established in the regulations that make up the national legal system, as well as with the standards derived from the jurisprudence of the European Court of Human Rights;
- ▶ maintaining relationships with other institutions and authorities.

Despite the existence of specialized prosecutors, the Spanish justice system still faces various **challenges** when it comes to hate crimes. For instance, the vast majority of hate crime cases remain unreported. In other cases where proceedings are initiated, proving the biased motives of the perpetrator at trial remains difficult, despite the participation or intervention of a specialized prosecutor. Judges are reluctant to consider hate as an aggravating circumstance. Furthermore, many hate crimes do not even reach the trial phase and go unpunished since the perpetrator cannot be identified.

In light of these experiences, the network has a significant **impact** on criminal proceedings. The appointment of prosecutors specialized in hate crimes and discrimination allows for the special and expert treatment of the particularities and specificities of bias-motivated crimes. Qualified professionals with the necessary skills and competencies can deal with the investigation and prosecution of such crimes more effectively. In general, the Network of Prosecutors for the Criminal Protection of Equality and against Discrimination facilitates the development of unified criteria and coordinated action related to the prosecution of hate crimes.

Similar good practices

The **Hellenic Police Services against Racist Violence**⁵⁵ operating in Greece is another publicly maintained initiative specialized in hate crimes. In 2012, two departments and 68 offices were established to deal with racial violence across Greece. The aim of establishing these bodies was to effectively combat violence based on racist motives. The departments and offices are staffed by more than two hundred specialized officials of the Hellenic Police. Among other things, these bodies are responsible for intervening *ex officio* following complaints or charges in the investigation and prosecution of any activities or actions that may incite racial discrimination, hatred, or violence against persons or groups. They also gather and process data on offenses or attempted offenses motivated by racial bias. They place areas with increased risk of racist attacks under surveillance, inform victims or complainants of their rights, and maintain a special record of racist incidents.

SOS Racisme⁵⁶ from Spain aims to provide specialized support to victims of racism, works to identify new measures aimed at providing redress for the harm suffered by victims of racism, and advocates for the effective recognition of their rights. The Spanish **Roma Secretariat Foundation (FSG)**⁵⁷ works for the comprehensive promotion of the rights of Roma people from a multidisciplinary approach. The FSG's areas of intervention include its Equal Treatment Area, the main aim of which is to tackle anti-Roma discrimination and hate crimes. It records and monitors such acts, assists victims, raises awareness about the rights of Roma people, and offers training activities for law enforcement and legal professionals.

55 *In general* | Ελληνική Αστυνομία.. Hellenic Police Ministry of Citizen Protection. <https://www.astynomia.gr/hellenic-police-services-against-racist-violence/in-general/?lang=en>

56 *Qui som*. SOS Racisme. Retrieved 8 November 2023, from <https://sosracisme.org/que-es-sos-racism/>. For details see the chapter on victim support.

57 *Fundación Secretariado Gitano*. <https://www.gitanos.org/>. For details see the chapter on victim support.

Tips and recommendations

- ▶ Create specialized hate crime units within the criminal justice system and victim support services.
- ▶ Provide specialized training on hate crimes to criminal justice professionals.
- ▶ Engage with affected communities to build trust in the criminal justice system and the support services offered to victims.
- ▶ Ensure that other professionals and colleagues are kept up-to-date on hate crime issues, keep such issues on the agenda.

Further resources

- ▶ Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR). (2022). *Quality Specialist Support Services for Hate Crime Victims: Training Course*. <https://www.osce.org/files/f/documents/a/7/515240.pdf>
- ▶ <https://lgbt.police.uk/wp-content/uploads/2020/04/Liaison-Officer-Manual.pdf>

Intersectoral cooperation

Problem description

Effective prevention of and response to hate crimes requires broad **multi-stakeholder and intersectoral cooperation involving both state and civil society actors (CSOs)**. There is no single body that can fulfill all the tasks necessary for countering hate crimes and supporting hate crime victims. A comprehensive government response to hate crimes necessitates robust engagement of CSOs as partners in the development of legislation and policy, prevention and victim support services.

To ensure workable intersectoral cooperation between the various stakeholders involved in countering hate crimes, it is essential to **formalize such collaboration**, preferably in legislation or policy. Such structured fora for intersectoral cooperation carry numerous benefits, as an integrated response has the capacity to overcome fragmentation and institutional deficiencies in the fight against hate crimes.⁵⁸ Intersectoral forms of cooperation between multiple stakeholders should be based on a **needs assessment** to ensure that collaboration is evidence-based and takes strategic considerations into account. Such a needs assessment should not only focus on exploring the root causes of hate crimes, but also extend to the identification of institutional competencies and deficiencies, gaps, and good practices. Furthermore, the following should also be considered:

- ▶ research and data on hate crimes in the domestic context;

⁵⁸ Organization for Security and Co-operation in Europe. (2018). *Developing Interagency Co-operation Plans to Address Hate Crime: A Methodology*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). p. 8. <https://www.osce.org/files/f/documents/3/b/402296.pdf>

- ▶ reports of national institutions involved in responding to hate crimes;
- ▶ relevant domestic and international human rights jurisprudence, and the findings of human rights treaty bodies;
- ▶ reports of civil society organizations specialized in the field of hate crimes and victim support; and
- ▶ comparative good practices from other countries.⁵⁹

The needs assessment must be accompanied by **mapping of relevant stakeholders**: while it is indispensable to assign a lead institution to manage the intersectoral collaboration, it is equally important to fully engage non-state stakeholders performing essential tasks and services related to hate crime prevention and hate crime victim support.

The tasks such an intersectoral cooperative forum or group may perform are diverse and, where the focus of its operations lies depends on the cooperation agreement or plan.

Strategic inter-agency cooperation may strengthen hate crime prevention. Coordinated interventions addressing the root causes of hate crimes, *i.e.* dismantling biases and stereotypes, combined with a victim-centered support system and effective prosecution, can amplify prevention efforts. Fragmented interventions either disregard the underlying causes of bias-motivated incidents, fail victims, or reduce the preventive impact of prosecution and court proceedings. Preventive measures that are sufficiently adaptable to local contexts and implemented by all relevant actors lead to better outcomes.

Cooperation among law enforcement agencies, the prosecution service and courts creates unique opportunities to streamline and unify the interpretation of hate crime legislation in a way that leads to avoiding any appearance of impunity. Such coordination ensures that investigative authorities take the necessary steps to substantiate indictments, and that the prosecution service accurately classifies hate crimes. Only clear communication between these actors on the evidentiary requirements can ensure that no reported hate crime goes unpunished. Creating unified and foreseeable standards of proof also aids CSOs assisting victims, and builds trust in the justice system.

59 Organization for Security and Co-operation in Europe. (2018). *Developing Interagency Co-operation Plans to Address Hate Crime: A Methodology*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). p. 18. <https://www.osce.org/files/f/documents/3/b/402296.pdf>

Monitoring at all stages of criminal proceedings and the strategic analysis of the data gathered further allow for an up-to-date understanding of the nature of hate crimes, and of deficiencies in criminal justice proceedings or the victim support system, all of which is essential for timely legislative, training or policy interventions.

In the context of intersectoral collaboration, in particular with the involvement of CSOs providing victim support services, a communication channel may be created to **integrate victims' perspectives** and address their needs more directly and accurately.

Leading good practice

In Lithuania, the **Working Group to Promote an Effective Response to Hate Crimes and Hate Speech** was formalized in 2020 through a decree issued by the Minister of Interior.⁶⁰ It was convened as part of the project “*Strengthening the response to hate crimes and hate speech in Lithuania*” funded under the European Union’s Rights, Equality and Citizenship Programme (2014-2020). The project was implemented by the Ministry of Interior, the General Prosecutor’s Office and the Office of the Inspector of Journalists’ Ethics.

The Working Group was the first attempt in Lithuania to establish a structured format for intersectoral cooperation among relevant state actors (*i.e.* representatives of the Ministry of Interior, the Ministry of Social Security and Labor, the Prosecutor General’s Office, the police, the Office of the Inspector for Journalists’ Ethics, etc.) and civil society and international organizations working with vulnerable groups (*e.g.* LGBTIQ rights, disability rights, or Roma rights organizations). Its operation is financed from the budget of the Ministry of Interior, however, its members do not receive any remuneration.

The objective of establishing the Working Group was to address the diverse and multidimensional issues related to hate crimes and hate speech,

60 Įsakymas Dėl darbo grupės sudarymo Nr. 1V-162, (2020). <https://www.e-tar.lt/portal/en/legalAct/de8241d056d611ea931dbf3357b5b1c0/qkKxLxzzDA>

and its competence is tailored to this goal. The functions of the Working Group as set out in the decree include:

- ▶ considering and making appropriate proposals to raise public awareness of hate crimes and hate speech, promoting dialogue with vulnerable communities, and considering other issues related to increasing the effectiveness of the fight against hate crimes and hate speech;
- ▶ monitoring the implementation of the Republic of Lithuania's international obligations in the field of prevention of hate crimes and hate speech, and developing proposals for their proper implementation;
- ▶ considering legislation and draft legislation, as well as action plans and draft action plans related to the prevention of hate crimes and hate speech;
- ▶ examining issues relevant to improving monitoring of the situation of hate crimes and hate speech in Lithuania;
- ▶ preparing and publishing an annual report on the situation of hate crimes and hate speech in Lithuania; and
- ▶ exchanging relevant information on planned and ongoing activities and good practices in the field of prevention of hate crimes and hate speech.

At its own initiative, the Working Group may organize discussions, seminars, etc. to raise awareness on hate crimes and hate speech, reduce under-reporting, improve compliance with Lithuania's international obligations, and to strengthen the competence of law enforcement agencies and other state institutions, and civil society organizations.

Importantly, the Working Group not only streamlines state and non-state efforts taken to effectively counter hate crimes and hate speech, but also provides a unique platform for addressing the specific needs of vulnerable communities disproportionately affected by these crimes (such as the LGBTIQ community, migrants, ethnic minorities), as well as a structured communication channel between civil society organizations and key law enforcement bodies.

Similar good practices

The **National Council against Racism and Intolerance (NCRI)** in Greece was established by Law 4356/2015 (Government Gazette A 181/24.12.2015). It is a collective body providing advice and opinions, and comes under the General Secretariat for Human Rights of the Ministry of Justice. It comprises both government authorities – *i.e.* representatives of ministries with relevant mandates – and civil society organizations, as well as, national human rights institutions.

Its main responsibilities include:

- ▶ designing policies to prevent and combat racism and intolerance in order to ensure the protection of persons and groups that are targeted due to their race, color, national or ethnic origin, genealogy, social origin, religious or other beliefs, disability, sexual orientation, gender identity or expression;
- ▶ supervising the implementation of laws against racism and intolerance and the compliance thereof with international and European laws; and
- ▶ promoting and coordinating the activities of the bodies involved in order to more effectively address the phenomenon and boost cooperation with civil society in such matters.

The NCRI developed the first National Action Plan against Racism and Intolerance for the years 2020-2023⁶¹, and also published a Guide on the rights of hate crime victims, which is available in ten languages.⁶² It has carried out extensive awareness-raising activities on issues of racism, discrimination and intolerance.⁶³

The Hungarian **Working Group Against Hate Crimes (WGAHC)** was established by five civil society organizations (Amnesty International Hun-

61 Įsakymas Dėl darbo grupės sudarymo Nr. 1V-162, (2020). <https://www.e-tar.lt/portal/en/legislationAct/de8241d056d611ea931dbf3357b5b1co/qkKxLxzzDA>

62 Available at: <https://moj.gov.gr/wp-content/uploads/2022/08/GUIDE-LAST.pdf>.

63 See for instance the television spots for the rights of refugees and the need for integrating refugee children in public education (available at: <https://moj.gov.gr/wp-content/uploads/2020/06/Pagosmia-imeras-prosfygon.mp4> and https://moj.gov.gr/wp-content/uploads/2020/06/KETHI_Spot_Prosfygonpoula.mp4

gary, Háttér Society, Hungarian Helsinki Committee, Hungarian Civil Liberties Union, Legal Defense Bureau for Ethnic and National Minorities) in 2012 with the aim of joining forces for a more effective approach to hate crimes. In addition to representatives of the CSOs, individual experts also take part in the work of the WGAHC.⁶⁴ The WGAHC continuously provides professional input on draft laws and submits initiatives aimed at strengthening state responses to hate crimes. It conducts research to better understand the phenomenon of hate crimes and to identify new tools in the fight against incidents of hate. The WGAHC has developed curricula and conducted training programs for professionals dealing with hate crimes. Some of its member organizations offer legal aid for hate crime victims. Finally, the WGAHC fosters good professional relations with other CSOs representing or supporting hate crime victims, the police, the public prosecutor's office, other authorities and the judiciary. While not an intersectoral body *per se* (WGAHC's membership is limited to CSOs and academics, there are no public bodies involved), as a clear point of contact, WGAHC has proven to be a very useful tool to foster dialogue between civil society and public bodies.

The **Racist Violence Recording Network** described in greater length in the chapter on *Documentation* also serves as a good practice for intersectoral cooperation.

64 *Working Group Against Hate Crimes (GYEM)*. (May 9, 2013). Gyűlölet-bűncselekmények Elleni Munkacsoport. <https://www.gyuloletellen.hu/en/about-us>. For details see the chapter on intersectoral cooperation.

Tips and recommendations

- ▶ Have a legal basis for any intersectoral cooperation that ensures its sustainable operation.
- ▶ Include all relevant stakeholders, *i.e.* both state bodies and civil society organizations to ensure that all perspectives are integrated and taken into account.
- ▶ Base the mandate of intersectoral bodies on a thorough needs assessment, and tailor their activities to the objectives set forth in the founding agreement.
- ▶ Establish a monitoring and evaluation system to assess cooperation between intersectoral bodies, and make necessary adjustments in a timely manner.

Further resources

- ▶ Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR). (2022). *Compendium: Practices of Civil Society and Government Collaboration for Effective Hate Crime Victim Support*. <https://www.osce.org/files/f/documents/4/2/514165.pdf>
- ▶ Organization for Security and Co-operation in Europe. (2018). *Developing Interagency Co-operation Plans to Address Hate Crime: A Methodology*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). <https://www.osce.org/files/f/documents/3/b/402296.pdf>
- ▶ EU High Level Group on combating hate speech and hate crime. (2023). *Key guiding principles on cooperation between law enforcement authorities and civil society organisations*. https://commission.europa.eu/system/files/2023-03/KGP%20on%20cooperation%20LEAs%20CSOs_final.pdf

Community response

Problem description

Convicting the perpetrator is not the only way to mitigate the detrimental individual, communal and social impact of a hate crime. Hate crimes are **symbolic crimes** that send a message to the victim and their social group that they are not equal members of society and that they do not belong to it. The existence of hate crime provisions and their enforcement in specific criminal proceedings is a counter-message that expresses the political community's rejection of bias and inter-group animosity, and affirms the values of equality and non-discrimination. However, criminal law sanctions are not the only way to deliver such a message. Public expressions of solidarity and belonging can have a similar effect.

Such alternative responses are particularly relevant, as **criminal justice responses often fail**. If the perpetrator is not identified, they cannot be prosecuted and sanctioned, and justice is not delivered. Even if the perpetrator is identified, investigation and prosecution of the case may take months or years, by which time the symbolic damage of the crime has already been done. The use of restorative methods, such as mediation that offers a space for the perpetrator to apologize and repair the financial, emotional and psychological damage to the victim, as well as community-level interventions, such as publicly condemning the crime and expressing solidarity with the victim, can be powerful alternatives or supplements to criminal sanctions.

Focusing public attention on hate incidents can bring unwanted attention to cases of hate crimes and re-traumatize victims, even if the aim of such communication is to support them. Authorities, CSOs and public figures

should carefully assess the potential impact that public attention may have on the victim's well-being before communicating publicly about the case.

Leading good practice

Marc (assumed name) is a 54 year-old gay man who lives in the small municipality of Ordis, located in the province of Girona (Spain) with a population of 373 inhabitants.

One morning, his van was spray-painted with fuchsia-colored swastikas and a hateful message that read: "*Faggots die!*" The perpetrator could not be identified, so the criminal proceeding did not deliver any result. Nevertheless, the attack did not go unaddressed: his **community stood up and expressed solidarity with him**. His neighbors organized a protest rally against the incident, the city hall painted the benches in rainbow colors, and named the square "*Harmony Corner*".

Similar good practices

In 2012, a 90 year-old former Chief Rabbi in Hungary was insulted on the street. Representative of the three main historical churches in Hungary, the president of the Hungarian Catholic Bishops' Conference, the president of the General Synod of the Reformed Church in Hungary, and the presiding bishop of the Lutheran Church in Hungary issued a **joint press release** condemning the attack, while the President of the Republic made a **personal visit** to the rabbi. In 2013, three participants of the Budapest Pride March, two of them Roma, were brutally attacked by extreme right-wing counter-protestors. The Ministry of Human Resources issued a brief **press release** condemning the attack and expressed hope that the perpetrators would be identified.

Tips and recommendations

- ▶ Criminal justice agencies should communicate cases of hate crimes, with due consideration for the privacy of the victim(s).
- ▶ Community leaders, politicians and public figures should publicly condemn hate incidents, and express solidarity with victims.
- ▶ Consult the victim about their preferences regarding public communication about the incident.

Further resource

- ▶ De Greef, A., & Grossthal, K. (Eds.). (2020). *Safe To Be: Handbook*. Safe To Be by Speak Out project consortium. <https://hatter.hu/sites/default/files/dokumentum/kiadvany/speakout-handbook.pdf>

Awareness raising

Problem description

Raising awareness means bringing an issue, in this case hate crimes, to peoples' attention and ensuring that the issue is more visible in society.⁶⁵ Raising awareness about hate crimes can be challenging. Nevertheless, raising awareness about such issues with a victim-centered approach that takes intersectionality into account is crucial for fostering a more inclusive and fair society where everyone can live and exercise their rights in safety, where people trust the criminal justice system, and where hate crimes are reported, and perpetrators brought to justice.

The **constraints or unsustainability of resources** (*i.e.* project-based funding) may limit awareness-raising activities and campaigns in terms of their reach, impact and longevity. Sharing personal stories of hate crime victims can empower other victims to come forward and act. However, **victims' consent, privacy, safety and the emotional impact** of such storytelling need to be considered. Being a victim puts the individual in a sensitive and vulnerable position, so an adequate balance must be struck between protecting the victim from further traumatization and stigmatization, and strengthening the goal of educating and raising awareness. Awareness-raising activities, such as campaigns, must also **avoid perpetuating and reinforcing stereotypes** about certain communities. Other challenges include **resistance or backlash towards culturally or politically sensitive issues**, such as hate crimes. This can result in the goal and **message of a specific**

⁶⁵ Want to know how to raise awareness?. Youth Do It. <https://www.youthdoit.org/themes/awareness-raising>

awareness-raising campaign being intentionally misinterpreted and misrepresented.

Despite the challenges mentioned above, awareness raising is of the utmost importance. In order to tackle some of these challenges, campaigns and other awareness-raising activities require careful consideration during the planning phase. It is crucial to **set the goal of such activities using measurable indicators of success** (e.g. KPI, key performance indicators, especially engagement). In order to fulfill their educational purposes, awareness-raising campaigns and activities need to **rely on accurate and comprehensive information**. This may include academic findings, hate crime statistics, and/or – with the involvement of hate crime victims – personal stories, or focus group discussions. Through existing forms of collaboration, **relevant stakeholders may be involved** in the design and implementation of a comprehensive awareness-raising campaign or activities, and provide different insights and sources of knowledge. Furthermore, **straightforward, easily understood, culturally sensitive, tailored messages** should be used in the campaign to avoid misinterpretation and/or misrepresentation of its messages. In line with this, the **safety and security of victims** involved in the awareness-raising campaign **must be guaranteed** to prevent secondary victimization and stigmatization. **A crisis management plan** should be in place to allow for the timely handling of any backlash against participants of the campaign.

Leading good practice

As part of the project, “**Call It Hate: Raising Awareness of Anti-LGBT Hate Crime - CIH**”⁶⁶, Háttér Society from Hungary implemented the “**Be louder than hate**” campaign⁶⁷. The campaign’s concept was based on the fact that hate crimes usually occur in public spaces. Nevertheless, such cases may remain hidden as victims are afraid to report the incidents, and

66 *Call It Hate*. (April 4, 2018). Háttér Society. <https://en.hatter.hu/what-we-do/legal-aid/projects/call-it-hate>

67 *Legyél hangosabb a gyűlöletnél!*. <https://hangosabbagyuloletnel.hu/>

eyewitnesses may often avoid or ignore these bias-motivated incidents, all of which leads to underreporting. Furthermore, the campaign reflected on the latency of data related to the reporting of hate crimes, as victims may feel that “there is no point in going to the authorities”. The campaign’s main goal was to encourage victims to share their stories, as there will be no change otherwise. The importance of this campaign was to combat hate crimes by identifying cases, in particular those affecting LGBTIQ people, which may remain hidden from authorities and CSOs. In addition, the campaign’s website explained the concept of hate crimes, provided examples as to what constitutes a hate crime, reflected on data on hate crimes and its latency, and finally provided general information about the reporting procedure and the forms of legal aid available through Háttér Society.

Several tools were used as part of this campaign, for example washable stencil messages (i.e. ‘This is a crime scene’) on the streets of Budapest. This was replicated on sidewalks in other locations where hate crimes had occurred in the past. Activists also handed out flyers “*You were at a crime scene*” with a QR code. Through these activities, those who engaged with activists, or those who passed through these locations and received a geo-targeted social media ad, were “*nudged*” to go from the offline space to an online platform and connect these spaces. In the online sphere, a chatbot recounted the story of the hate crime that was committed at the chosen location. It asked users what they would have done if they had been there, educated them about what should be done in such situations, both as a victim or a witness, informed them where victims can turn for help, and directed them to the campaign’s website at the end of the conversation. The chatbot reached 4,300 unique users.

The launch of the “*street stencil campaign*” was connected with Budapest Pride as the media is especially focused on LGBTIQ issues during this period. Furthermore, as in previous years, a hate crime incident actually occurred at Budapest Pride. Háttér Society held a press conference at the scene of the incident that was televised by, among others, one of the main commercial TV channels on the evening news. It was seen by 545,000 people. In addition to sharing details about the case, representatives of Háttér Society informed the media about the research results of the project “*Call It Hate*”.

The campaign also used the “Be louder than hate” website to provide victims of hate crimes the opportunity to come forward and “*bring those stories to light that were buried deep inside*”. Documenting personal stories also highlighted how many cases are not included in Hungarian statistical data on hate crimes, as they may not have been reported. The website allowed victims to share their stories anonymously. The aim was to encourage others to speak up, to destigmatize being a hate crime victim, and to stress the importance of reporting hate crimes. The website contained further educational resources for visitors. This campaign also relied on the help of LGBTIQ influencers who were invited to share their personal stories, and encourage others to do so on the website and report hate crimes. They also promoted Hátter Society’s legal and psycho-social support services. In total, 210,000 views were recorded. The campaign had specifically designed temporary tattoos, which were distributed all over Hungary. People were encouraged to “*tattoo themselves*” and share images on social media platforms with the hashtag #hangosabbagyűlöletnél (#louderthanhate).

Returning to the offline space, during the campaign, a social experiment was conducted disguised as a casting for an advertisement. Two people with predetermined roles were involved: a man with a rainbow badge on his shirt and another purportedly homophobic man. A conflict arose between them, and the homophobic man began to insult the supposedly gay man, first verbally, which then escalated to a physical altercation. The organizers were attempting to determine the reactions of others. Other participants were interviewed one by one following the incident, during which they could express their emotions, explain their reaction to the altercation, and share their thoughts or previous experiences related to hate crimes.

Tips and recommendations

- ▶ Know your target audience and tailor your message accordingly.
- ▶ Take into account the complexity of hate crimes as well as the intersectional identities of victims.
- ▶ Utilize different tools (print flyers, social media, public events, school programs, etc.) taking into account your target audience.
- ▶ Storytelling is a powerful tool to raise awareness, and shared personal stories or testimonials are especially useful as they may boost solidarity and may make victims or eyewitnesses more willing to report hate crimes.
- ▶ Interactive activities may engage people better in the context of awareness-raising campaigns.

Further resources

- ▶ *10 keys to effectively communicating human rights—2022 Edition*. (April 13, 2022). European Union Agency for Fundamental Rights. <http://fra.europa.eu/en/publication/2022/10-keys-effectively-communicating-human-rights-2022-edition>
- ▶ Framing Equality Toolkit | ILGA-Europe. (November 21, 2017). <https://www.ilga-europe.org/report/framing-equality-toolkit/>

Documentation

Problem description

Decision no. 9/2009 of OSCE's Ministerial Council explicitly calls on states to "(c)ollect, maintain and make public, reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to law enforcement, the numbers prosecuted and the sentences imposed".⁶⁸ The lack of comprehensive and accurate data on hate crimes undermines every effort to effectively address the problem. Any national system aimed at **systematically collecting data on hate crimes** must begin with identifying the relevant offenses covered by criminal law: some countries have one specific provision on hate crimes, while others consider hate or bias motivation under a number of criminal provisions making it more complicated to map incidents of hate crimes. It is important to limit data collection to offenses that explicitly contain hate motivation as a constitutive element of the crime to ensure comparability internationally. At a minimum, the list of offenses needs to capture all the bias motivations explicitly mentioned in criminal law, preferably further broken down to specific protected grounds, *i.e.* instead of referring to religious hatred, data collection should specify the religious community affected (*e.g.* anti-Semitic or anti-Muslim crimes).⁶⁹ From an intersectional perspective, it is of the utmost importance that more than one

68 Decision No. 9/09 Combating Hate Crimes, (2009). point 1. <https://www.osce.org/files/f/documents/d/9/40695.pdf>

69 Organization for Security and Co-operation in Europe. (2014). *Hate Crime Data-Collection and Monitoring Mechanisms: A Practical Guide*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). p. 42. <https://www.osce.org/files/f/documents/3/a/124533.pdf>

protected characteristic can be marked for each case, and that the system allows for identifying cases involving victims with multiple characteristics. As data collection is for statistical purposes, data protection laws cannot be used to avoid gathering disaggregated data on the bias motivation of the perpetrators.

There are a number of actors in the justice system and beyond that deal with hate crimes or hate crime victims, thus a **national coordination structure for data collection** is essential. If data collection is limited only to the number of reported hate crime cases, the number of indictments involving hate crimes, or the number of convictions for hate crimes, the overall picture will be distorted. Data should be recorded from the start of proceedings, and the system developed for documenting bias-motivated incidents should follow the case through the entire process, *i.e.* from time it is reported to law enforcement authorities until the court renders a decision (if any). At the same time, documentation of hate crimes should not be confined to official procedures: victims often do not come forward and fail to report crimes to the police. Without seeking input from civil society organizations supporting hate crime victims, the prevalence of bias-motivated incidents cannot be accurately estimated and measured.

Data collection and documentation of hate crimes is indispensable for:

- ▶ understanding the prevalence and nature of hate crimes;
- ▶ creating and maintaining a victim support system that is accessible to all and that provides tailored responses for hate crime victims;
- ▶ measuring the effectiveness of responses to hate crimes;
- ▶ maximizing prevention efforts;
- ▶ providing legislative bodies and policy-makers with reliable data; and
- ▶ creating a set of evidence-based information that can be communicated to the wider public.

In addition to collecting data, it is also important to **make it publicly available**. This ideally entails making the raw data available for download for analysis, as well as publishing reports at regular intervals (for instance annually) that go beyond numerical data and identify long-term trends and new developments.

Leading good practice

The Greek **Racist Violence Recording Network** (RVRN) was established at the initiative of the Greek National Commission for Human Rights and the Office of the United Nations High Commissioner for Refugees in Greece in 2011.⁷⁰ It currently consists of a group of 52 civil society organizations offering medical, social, legal, and psychological services, and which come into contact with victims of bias-motivated violence or other violent attacks motivated by hate or prejudice. The establishment of RVRN was prompted by the lack of an official system for recording hate crimes and bias-motivated incidents and the need to connect the various organizations assisting hate crime victims.

The key functions of the RVRN include:

- ▶ recording bias-motivated incidents;
- ▶ documenting the qualitative and quantitative trends of hate-motivated violence in Greece;
- ▶ identifying gaps in the victim support system;
- ▶ preparing and submitting recommendations to the Greek authorities aimed at ensuring compliance with domestic and international law;
- ▶ raising awareness; and
- ▶ providing training for public authorities and civil society organizations on hate crimes.

RVRN systematically records acts of bias-motivated violence. The incidents are registered anonymously; hate crime victims come into contact with one of the participating organizations and receive assistance from them. Since its foundation, RVRN has published 11 annual reports⁷¹, organized a number of public events, and promoted information to raise awareness about hate crimes. The annual reports contain details on the profile of victims, indicating their protected characteristic, the profile of the perpetrators (their occupation or whether they belong to extremist groups), the trends indicated by the number of reported cases, and the root causes of

hate crimes. The annual reports are an invaluable collection of data essential for understanding and mapping hate crimes, and for identifying the appropriate measures necessary to effectively respond to them. The statistics prepared by RVRN go beyond official records on hate crimes; they also encompass reports from civil society organizations where the victim – due to fear of retaliation and secondary victimization – failed to come forward and file an official report about the bias-motivated incident they suffered.

RVRN also facilitates cooperation with a relevant mandate in the fight against hate crimes, and participates in the National Council against Racism and Intolerance.

Similar good practices

The **Roma Secretariat Foundation** (*Fundación Secretariado Gitano – FSG*) records and monitors antigypsyist hate crimes and cases of discrimination in their annual report. Similarly, **SOS Racisme** publishes yearly reports about racist incidents and hate crimes. The comparative data allow them to identify trends, and draw conclusions on the nature of the phenomenon, the profile of victims and perpetrators, and the root causes of underreporting. The **Working Group Against Hate Crimes** has an online database of hate crime cases based on the case files of member organizations, a survey of court decision databases and press releases issued by police, prosecutors and courts, as well as media reports. In addition to data on the incidents themselves, data on criminal proceedings (including legal qualification and procedural errors) are also recorded.

⁷⁰ *RVRN.org*. <https://rvrn.org/en/>

⁷¹ The reports are available at: Reports Archives. (May 26, 2022). *RVRN.org*. <https://rvrn.org/en/category/reports/>

Tips and recommendations

- ▶ Create a system that allows for the collection of aggregated data on hate crimes from the moment such crimes are registered in the criminal justice system.
- ▶ Allow for a case to be tracked from the time it is reported until the court decision, establish intersectoral cooperation among criminal justice bodies if necessary.
- ▶ Seek input from civil society organizations to comprehensively map the prevalence of hate crimes.

Further resources

- ▶ Organization for Security and Co-operation in Europe. (2014). *Hate Crime Data-Collection and Monitoring Mechanisms: A Practical Guide*. OSCE Office for Democratic Institutions and Human Rights (ODIHR). <https://www.osce.org/files/f/documents/3/a/124533.pdf>

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CounterHate

Improving the assistance of victims of hate crimes through a victim-centered and intersectional approach