
Compendium

Practices on Structural Frameworks for Individual Needs Assessment (INA) of Hate Crime Victims and Referrals



Compendium

Practices on Structural Frameworks for Individual Needs Assessment (INA) of Hate Crime Victims and Referrals

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

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

Contents

Introduction	7
Methodology	10
1. The Purpose of an INA	12
Victim-centred process	12
2. The Fundamentals of an INA system	14
INA in the law	14
Actors involved in conducting an INA	15
Methods of conducting an INA	19
Conducting an INA in a victim-centred manner	22
Recording needs and storing of the INA safely	26
3. Referrals	28
Referral from Law Enforcement to CSOs	28
Referral from CSOs to Law Enforcement Agencies	31
4. Responding to the needs established in the INA	32
5. Training and Operational Guidance	34
Training for Law Enforcement Agencies and Criminal Justice Actors.....	34
Training for CSO service providers	35
Operational guidance	36
6. Conclusion	38

Introduction

In recent years, a concerted effort has been made to recognize victims as rights holders and active participants in all stages of the criminal justice process. Emblematic of this shift was the adoption of the EU Victims' Rights Directive, which established minimum standards for member states on the rights, support and protection of victims of crime.¹ As states attempt to realign their criminal justice systems with a more victim-centred approach, they face a wide array of challenges, including putting in place a legal framework that recognizes the rights of victims, establishing or enhancing victim support services and ensuring that all victim support providers within and outside of the criminal justice service are equipped with the necessary skills to provide quality support services. Each of these actions requires dedicated resources and policies that recognize the rights of victims and placing the victim at the center of response.

Participating States of the Organization for Security and Co-operation in Europe (OSCE) have committed themselves to take action against hate crimes, including supporting victims of hate crime.² The OSCE Office for Democratic Institutions and Human Rights (ODIHR)³ has been mandated to, "strengthen [...] its assistance programmes, in order to assist participating States upon their request in implementing their commitments." To provide OSCE participating States with the necessary tools and resources to ensure that hate crime victims are protected, that they enjoy full access to justice and that they receive tailored specialist support, the ODIHR and the Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence (VBRG),⁴ in Germany, are implementing the Enhancing Stakeholder Awareness and Resources for Hate Crime Victim

1 "Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime, and Replacing Council Framework Decision 2001/220/JHA" (Victims' Rights Directive), 25 October 2012, note 2.

2 OSCE Ministerial Council, Decision 9/09, "Combating Hate Crimes", Athens, 2 December 2009, Decision 13/06, "Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding", Brussels, 5 December 2006.

Specifically, they have agreed to: take steps to encourage victims to report hate crimes; provide hate crime victims with access to counselling and legal assistance, as well as effective access to justice; promote capacity-building of law enforcement authorities through training and the development of guidelines on the most effective and appropriate way to respond to bias-motivated crime, to increase a positive interaction between police and victims and to encourage reporting by victims of hate crime, i.e., training for front-line officers, implementation of outreach programmes to improve relations between police and the public and training in providing referrals for victim assistance and protection; and facilitate capacity-building of civil society to assist victims of hate crimes.

3 As the OSCE's institution promoting human rights and democracy, ODIHR provides support to OSCE participating States and civil society to address, among other things, intolerance and discrimination. To this end, ODIHR has an extensive mandate in the area of hate crime. For more information, see: [ODIHR's Efforts to Counter Hate Crime](#).

4 The VBRG provides victims of right-wing, racist and antisemitic violence across Germany with access to counselling and support. More information about the VBRG can be found [on their website](#).

Support (EStAR) project.⁵ The project covers 41 countries,⁶ all of which are participating States of the OSCE and member States of the Council of Europe, and some of which are also members of the European Union. This compendium has been developed within the framework of the EStAR project and illustrates the main features of an effective INA process, as well as providing information on how such a process is conducted in various project countries.

In 2020, the EStAR Project conducted a survey among EStAR Network members to determine the state of hate crime victim support in the project countries.⁷ Answers to the survey informed the development of the Baseline Report on The State of Support Structures and Specialist Services for Hate Crime Victims: Baseline Report.⁸ The report revealed that enormous differences exist among project states in their approaches to INA and referral processes. The practicalities of carrying out INAs differed substantially, with some states not carrying out INAs at all, others requiring INAs for all victims, and some others mandating INAs only for particularly vulnerable victims.⁹ Furthermore, the report revealed a lack of special training for individuals carrying out INAs.¹⁰

The objective of this compendium is to illustrate the main features of an effective INA process, using existing practices and initiatives that have been developed in relation to different aspects of INAs in EStAR project countries. It shows that a more robust approach to developing an INA as an essential post-victimization tool is necessary, and that greater recognition is required of the importance and utility of this tool in securing victims' rights and enabling their access to relevant services to address needs.

The Victims' Rights Directive, outlines the obligation for states to ensure that an INA is conducted for all victims of crime, to determine the victim's protection needs and whether they are at risk of secondary and repeat victimization, intimidation or retaliation, and what special protection measures they may require during the criminal justice process.¹¹ Following an INA, an interviewer has a better understanding of the victim's

5 For more information about the project, see: OSCE website, "[EStAR: Enhancing Hate Crime Victim Support](#)".

6 Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Cyprus, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom.

7 The EStAR Expert Network consists of government and civil society representatives from the project countries. More information: *The State of Support Structures and Specialist Services for Hate Crime Victims: Baseline Report* (Warsaw: OSCE/ODIHR, 2020), p. 3.

8 *The State of Support Structures and Specialist Services...*, *op. cit.*

9 *Ibid.*, p. 19-20.

10 *Ibid.*

11 According to Article 22 of the Directive 2012/29/EU, the purpose of an INA is to identify special protection measures victims may require during the course of criminal proceedings, with a focus on those actions listed in Articles 23 and 24, such as adopting measures to ensure the victim is treated in a sensitive manner during investigations and taking specific actions during trial to avoid re-traumatizing the victim. The INAs envisaged in this publication go beyond this, requiring the assessment of

needs and is able to either address them directly or to refer the victim to other support services better positioned to offer assistance. Protection and support measures refer to a broad range of actions that can be taken by criminal justice agencies and victim support services within and outside of the criminal justice system to address physical protection, psychological and other needs, as identified.

The idea of an INA process is not new – indeed, victim support services have been conducting such assessments, or “intakes”, for many years. What is new, however, is the requirement that law enforcement agencies, prosecutors, judicial authorities and others engage in this process of identifying and responding to the specific and unique needs of each victim.

The importance of understanding and responding to the individual needs of victims cannot be overstated, particularly in the case of hate crime victims, whose needs differ significantly from those of victims of other types of crime. Victims of hate crimes often feel traumatized and powerless. Moreover, not all victims of hate crime experience victimization in the same way, and individual needs will often differ, depending on a victim’s personal identities, situation, as well as strengths and coping strategies.¹² An INA, therefore, provides the touchstone for an individualized response and constitutes the first step in ensuring that victims can exercise their procedural rights and receive support, according to their needs.

All victims, along with witnesses who report a crime or otherwise participate in the criminal justice process, and also those who turn to service providers for support, should have their needs assessed. Given the particularly damaging impact of hate crimes, the needs of hate crime victims must be assessed comprehensively and continuously until legal proceedings are formally concluded, or until a victim no longer requires or asks for support.

It is crucial that the understanding that multiple actors are involved in delivering services to victims translates into concrete co-ordination mechanisms, for example, when it comes to sharing INA outcomes as a set of identified needs. Moreover, political will is needed to ensure that those institutions tasked with supporting victims have adequate resources, such as appropriate number of adequately trained personnel, technical tools designed to easily capture identified needs in a case management system and communicate them to agencies that can meet these identified needs, physical infrastructure that is victim-friendly, such as court buildings with multiple entrances and separate waiting rooms, and equipment that enables video and audio testimony.

This compendium notes that, while promising INA practices exist in some countries, in others there is insufficient clarity about the purpose of an individual assessment, the

a much broader spectrum of protection and support needs such as the need for referral to psychological support or social services.

12 For a fuller discussion see: *Understanding the Needs of Hate Crime Victims* (Warsaw: OSCE/ODIHR, 2020).

role of the victim in the INA process and on the various actors within criminal justice authorities and their specific roles in the process. In several countries, INAs are carried out by criminal justice authorities as part of investigations, and not as separate processes designed specifically to determine victims' needs. The involvement of judges in determining the needs of victims or tasking other representatives of the criminal justice system with determining these needs is rare.

The compendium is intended for use by policymakers, as well as civil society organizations (CSOs), to enable them to learn from current good practices to further enhance and develop their own. It should be read in conjunction with the Model Guidance on Individual Needs Assessments,¹³ which serves as a basic blueprint that can be adapted, built upon and adjusted to suit the specificities of different national contexts.

The compendium is divided into sections providing information and examples of the critical aspects of an INA system:

- The purpose of an INA;
- Fundamentals of an INA system;
- Referrals;
- Who can respond to the needs established through an INA; and
- Training and operational guidelines.

Each section considers these critical aspects from the perspective of state authorities conducting INAs, as well as CSOs.

Methodology

As mentioned above, this compendium builds on information collected via the Baseline Report survey conducted with the EStAR Network of Experts in 2020,¹⁴ with additional desk research and semi-structured interviews conducted to supplement this information. The interviews comprised a range of questions covering the critical aspects of an INA system – setting up an INA system, conducting an INA, co-operation and information exchange, referrals and training. Interviews were carried out between April and May 2021 with CSO and state representatives from the EStAR Network (including 6 women and 6 men) in Bosnia and Herzegovina, Croatia, the Czech Republic, France, Germany, Greece, Hungary, the Netherlands, North Macedonia, Sweden, and the United Kingdom, who either agreed to provide additional information to their responses to the earlier survey or were identified by the EStAR project team as having elements of good practice in their

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

14 The EStAR Network of Experts is the first dedicated network of experts on hate crime victim support, comprising experts from civil society organizations (CSOs) and governments. The Network was set up within the framework of the project. More information: *The State of Support Structures and Specialist Services...*, *op. cit.*, p. 3.

national systems. One EStAR Network member from Slovakia (a woman) responded to the questionnaire in writing. Where information was not obtained via the questionnaire or interviews, the analysis was supplemented by publicly available information.

This compendium has several limitations: it is neither comprehensive nor exhaustive; survey responses and interviews did not always provide the necessary level of detail on all pertinent issues; and, where several countries employ a similar approach, only one country example is included for illustrative purposes. Additionally, the compendium does not offer an evaluation of the practices presented.

The EStAR project aims to be inclusive and reflect needs and experiences of all members of society in its tools and resources. This approach captures the multidimensionality of people's experiences and identities, for example gender is not addressed as an isolated category but intersected with protected characteristics such as ethnicity, race, religion or belief, age, disability, etc. thus reaffirming a victim-centered and gender sensitive approach. This compendium puts needs and experiences of hate crime victims with their intersecting identities in the center of each action.

1. The Purpose of an INA

All victims must have their needs assessed. Considering the deleterious impact of hate crimes, the needs of hate crime victims must be assessed with due consideration of their personal situation and ensure an individual, victim-centred approach. The objectives of INAs are to:

- understand the needs of hate crime victims;
- determine corresponding protection and support interventions;
- identify special protection needs during criminal proceedings; and
- ensure effective referrals.

An INA should be carried out at the earliest opportunity, to identify the risk of secondary and repeat victimization, intimidation and/or retaliation.¹⁵ The initiator of the assessment process will differ depending on the specific circumstances of each case.

It is important that the INA records the victim's answers and not the opinion of the interviewer, as the purpose is to assess how the victim is affected and their own perceptions of the incident. Whether or not the criminal investigation leads to a hate crime conviction ultimately is another matter. What is imperative is that a victim is trusted and their perception is taken seriously – also by recording the victim's perception of a bias motive. A victim's preferences should be considered as much as possible, including if they do not want to benefit from certain support measures. INA outcomes must be integrated into the criminal justice process, using the information gained to effectively to address the victim's needs and protect them from intimidation and retaliation, while ensuring pertinent information is shared with the prosecutor or other relevant law enforcement entities, while ensuring data protection.¹⁶

Victim-centred process

The victim's participation in the INA process is essential. It is particularly important, therefore, that the victim understands why the assessment is being conducted, as such an understanding of the INA's purpose will likely affect their engagement in the process. It is important to clearly explain the purpose of an INA, and an interviewer needs to ensure the victim understands that the outcome of INA can have an influence on the level and range of protection and support provided to them.

¹⁵ Directive 2012/29/EU..., *op. cit.*, note 1, Article 22.

¹⁶ *The State of Support Structures and Specialist Services...*, *op. cit.*, p 21.

It is also necessary to bear in mind that INAs should be conducted based on the ability to follow up on or refer to other support. When designing INA tools to support the identification of victims' needs, such as interview guides, questionnaires or checklists, it is important to know what follow-up support is available and to ensure that interviewers do not ask questions about needs that cannot be met. In states with limited resources, state agencies carrying out INAs should be aware of the protocol for referring victims to medical or psycho-social support providers and other appropriate CSOs specializing in hate crime support.

Some victims who do not initially contact law enforcement agencies but, instead, turn to support providers may not wish to report the case to the authorities. In this instance, the victim's wishes must be respected by those conducting the INA. In some jurisdictions, however, the sharing of certain types of crime with a CSO may trigger mandatory reporting requirements. This should also be made clear to the victim. In these cases, where victims are obliged by the system to participate in the process, it is extremely important that they are accompanied throughout by a member of a victim support team or a lawyer who can ensure the victim is informed and comprehends what is happening.

2. The Fundamentals of an INA system

INA in the law

The EU Victims' Rights Directive created the obligation for states to ensure that INAs are conducted for all victims of crime to determine whether they are at risk of secondary and repeat victimization, intimidation or retaliation, and what special protection measures they require. The Directive pays special attention to the most vulnerable victims, including victims of hate crimes. The Directive should have been transposed into respective national laws by the end of 2015, but a report on the implementation of the Directive adopted by the European Commission in May 2020 concluded that most of the member states had not yet completely done this.¹⁷ An individualized approach to hate crime victim support, as delineated by the Directive, has been fully or partially transposed into national law in less than half of the EU member states.

In many jurisdictions, hate crime victims are recognized as victims of a specific category of crime, who, due to their very specific needs, are entitled to special protection measures and assistance. Such legislation recognizes the impact of hate crime victimization and defines the rights of victims and the range of support they are to be afforded (sometimes framed as a response to their particular vulnerability) in light of their very specific needs.

In the **Czech Republic**, the Victims' Rights Law¹⁸ establishes hate crime victims as victims with specific needs and provides for the right to free legal aid and other assistance (psychological and social counselling), the right to avoid visual contact with the perpetrator, the right to be interviewed by a trained professional and the right to be interviewed by a person of a gender of the victim's choice.

In some member states, the process of individual assessment does not take into consideration that a crime has been committed with a bias or a discriminatory motive.¹⁹

For example, in the new provisions of the Criminal Procedure Code of **France** (2016), which enshrines the INA process to determine special

17 "Report from the Commission to the European Parliament and the Council on the Implementation of Directive 2012/29/EU" (Brussels: European Commission, 2020), p. 3.

18 Zákon ze dne 30. ledna 2013 o obětech trestných činů a o změně některých zákonů (zákon o obětech trestných činů, Sbírka zákonů č. 45 / 2013) [Act of 30 January 2013 on Victims of Crime and on Amendments to Certain Acts (Act on Victims of Crime, Collection of Laws No. 45/2013)], § 2 (4) d.

19 "Report from the Commission...", *op. cit.*, ., p. 11.

protection measures during proceedings and the conclusion of partnerships between criminal justice agencies and victim associations on the local level. Article D. 1-3 of the Criminal Procedural Code indicates that the individual assessment should consider the following criteria: the harm suffered by the victim; the circumstances of the offence (including whether the offence occurred as a result of the personal characteristics of the victim or there was a discriminatory intent based on racist, ethnic or religious motivation); whether there is a relationship between the victim and the offender; whether the victim has any specific vulnerabilities (such as age or disability); and whether there is a risk of intimidation and retaliation.²⁰

Transposing the Directive in such a way recognizes the different roles actors within the criminal justice system have in ensuring that victims can effectively exercise their rights and receive support. It also highlights the co-operation and collaboration required between criminal justice representatives and victim support providers. In France, a working group consisting of representatives of law enforcement, criminal justice agencies and victim support providers, participated in a project that formulated proposals for the INA process that resulted in amendments to the legislation.²¹

Actors involved in conducting an INA

Actors within the law enforcement and criminal justice systems

Ideally, law enforcement agents coming into first contact with a victim will conduct an initial INA focusing on immediate safety and any physical and/or psychological risk to the victim. In certain situations, for example when the victim is obviously distressed or is reluctant to engage with police officers, the initial assessment can be conducted with the help of a psychologist from the victim support office within the police service.

Victims' needs relevant to their participation in criminal proceedings have to be assessed by prosecutors, judges, court officials and the respective victim services within these agencies. To ensure a victim-centred approach, it is advisable to have one person (e.g., prosecutor, victim support officer) assigned to the case from start to finish.²²

20 *Code of Criminal Proceedings (Code de procédure pénale)*, Article 10-5 and Article D 1-3, version of 3 November 2021.

21 Recommendations were issued in frames of the EVVI (Evaluation of Victims) project (Paris: Ministry of Justice, 2015). Amendments regarding the INA process were introduced in the French *Code of Criminal Proceedings*, *op. cit.*, in particular Article 10-5 about the INA procedure (introduced by the Law n°2015-993 of 17 August 2015 – art. 7) and Article D 1-3 stipulating that INA shall take into account discriminatory, racist, ethnic, religious motivation to decide what special protection measures victims require (recently amended by Decree n°2020-1640 of 21 December 2020 - art. 8).

22 *Model Guidance on Individual Needs Assessments...*, *op. cit.*, p. 14.

An in-depth assessment focusing on long-term social, psychological support needs in countries where such structures exist is conducted by victim support services within the criminal justice system.

A victim's needs do not remain static. The forms of assistance needed right after the incident, during pre-trial investigations, and then during a trial may change. Therefore, an INA must be updated at various stages by relevant authorities or support providers to ensure the victim is receiving the necessary support, tailored to their actual needs.

A two-step approach:

In **France**, the initial assessment is conducted by the police officer when the crime is reported. In big cities, police stations have victim support offices. These offices are staffed with a psychologist, and police officers can solicit their assistance when the victim appears to require psychological support. In such situations, a psychologist from the victim support office can intervene either to prepare the victim to file a complaint or to provide psychological support. Depending on the results of the initial assessment, an in-depth assessment may then be carried out by the local victim support association.

Agreements are concluded between court representatives, police officers and local victim support services to implement this in practice and to ensure the different actors communicate and work together. Public prosecutors can request that an in-depth assessment be made or require a victim support association to provide support to a victim whose particular vulnerability appears to deter them from exercising their rights.²³

Staggered Risk Assessments:

In **Sweden**, police officers conduct assessments that focus on identifying risk and any subsequent protection needs. Risk assessments conducted by the police are split into three stages:

1. Initial assessments

This assessment takes place when a victim reports to a police officer, and covers the immediate need for information, support and protection. At this first stage, the police assess whether there is an immediate risk or threat of violence and decide whether any immediate short-term protection measures should be put in place, such as taking the victim to a shelter, in the case of immediate danger at their home, or the implementation of restraining orders, where the suspect is well known to the victim.²⁴ The

23 Interview with Court of Paris representative, France, April 2021.

24 Frida Wheldon, "VOCAIRE National Report: Sweden", Victims of Crime Implementation Analysis of Rights in Europe (VOCAIRE), p. 76.

police recording system necessitates such an assessment and requires that police officers indicate when recording any crime whether the victim is in need of protection.

2. Structured assessments

If the initial assessment indicates that there is a high risk to the personal security of the victim, a structured risk assessment is then carried out by a police unit specialized in crime victim and personal protection matters (Brottsoffer och Personskydd).

The structured risk assessment aims to gather all further information necessary for the long-term planning of protection measures throughout the process of a criminal complaint.

3. Extended assessments

Finally, in difficult cases, a further “extended assessment” is conducted. This is done, for example, in cases involving serious organized crime or “honour-related violence”.²⁵

CSO actors

Where CSOs first encounter the victim, they initiate the INA process. While many CSOs interviewed for this compendium do not refer to their intake processes as “INAs” as such, in practice, they can indeed be categorized as forms of INAs.

Germany: ZEBRA²⁶

From the first contact onwards, two counsellors meet with the victim. Counsellors working at ZEBRA are usually social workers or psychologists by profession. They conduct meetings in pairs to ensure that nothing is missed; while one interviewer focusses on the victims’ story, the other

25 *Ibid.*, p. 78.

26 ZEBRA, Zentrum für Betroffene rechter Angriffe berät Betroffene, Angehörige und Zeug_innen nach rassistischen, antisemitischen und anderen rechtmotivierten Angriffen (the Center for Victims of Racist, Antisemitic and Other Right-Wing Violence), a counselling centre, is a VBRG member organization (see note 4) registered in Germany. The counselling centre offers services to victims of racist, antisemitic and other right-wing attacks, as well as to relatives and friends of victims and witnesses of such attacks. This includes providing information about legal options (filing police reports, civil action, protection of victims); accompanying victims to the police, other authorities, doctors and lawyers, preparation and follow-up for court cases; providing information on financial support options; psychological counselling; the arrangement of support from other counselling centres; assistance with public relations; and practical support for improving the quality of life following an attack (e.g., assisting with relocation).

ensures that no questions have been forgotten and pays close attention to the interviewee's body language.

The findings of this initial conversation are summarized in a standardized form, including information on what has happened, the perspective of the victim, the perspective of the interviewer, the legal situation and any identified psychological needs. The counsellors will also record any goals for recovery agreed upon between them and the victim. These two counsellors remain the victim's contact point throughout their involvement with the CSO.²⁷

Czech Republic: In IUSTITIA²⁸

When a victim contacts In IUSTITIA, a team consisting of a trained social worker, lawyer and, if necessary, a translator participate in the initial interview. This allows for the full spectrum of the individual's needs to be assessed at the first point of contact with the organization. A social worker is responsible for leading and writing up INA outcomes.

The initial interview or assessment is always preceded by a telephone call or series of emails to assess whether the client falls within the target group of victims of hate crime. An in-person interview is then conducted. Through the discussion of a variety of areas, including physical and mental health, the victim's family situation, their housing, their job or school, any economic loss, the victim's legal status (for non-Czech citizens), the details of possible criminal proceedings, the victim's perception of the crime, the victim's needs, and what they would like the outcome to be, the interviewer and victim are able to discuss specific needs in these areas, define goals and elaborate steps that can be taken to achieve them.²⁹

Hungary: Háttér Society³⁰

Individuals can contact the Háttér Society via telephone, email or an online form. Where an individual uses the information hotline, a volunteer will

27 Interview with ZEBRA representative, Germany, May 2021.

28 In IUSTITIA is an organization focusing on hate crime and violent extremism that provides legal assistance to victims of hate crime, including representation in court proceedings, and provides social services to communities at risk of hate violence.

29 Interview with In IUSTITIA representative, Czech Republic, May 2021.

30 The Háttér Society is the largest operating LGBTQI organization in Hungary. The organization provides support services including: an information and counselling hotline (operators are available via telephone, skype and chat to answer questions and offer help in relation to self-acceptance, coming out, or conflicts); personal counselling (10 to 12 counselling sessions for people struggling with self-acceptance, coming out, forming relationships, managing conflicts or stress); and legal aid (free legal counselling and representation to victims of discrimination harassment and violence on the grounds of sexual orientation or gender identity and advice on any legal matter where the sexual orientation or gender identity of the person might be of significance).

answer and conduct a very brief assessment, asking what support the individual is seeking. The individual can then be referred to the internal counselling or legal services.

Over the course of one year, volunteers undergo a training programme to qualify for working on the hotline. If the individual initiates contact through an online form, a lawyer or paralegal from the legal aid service assesses the information and makes any necessary internal referrals, depending on the support requested.³¹

Methods of conducting an INA

Any conversation with the victim should always start with an explanation of how their contact details have been obtained, how their personal data will be treated, and what purpose a conversation about their needs serves. An INA should capture enough information to allow an interviewer to understand the needs of the victim, identify what protective measures or support services are necessary to assist in their recovery, and refer them to the relevant support provider.³² To collect this information, two main approaches are commonly used: a written questionnaire or an unscripted conversation that enables victims to express their needs.³³

Using a Questionnaire

The use of a questionnaire is well suited to situations in which an INA is being conducted by persons without specialized training, such as volunteers engaged at victim support services or patrol officers arriving at a crime scene. Questionnaires, or other written tools, help reduce the risk of the person conducting the INA failing to address something that may be essential to the protection and support needs of a victim. In some countries, police services have developed specific templates or forms to be completed when conducting INAs, to assist police officers in this regard. These questionnaires, typically, address gender and gender-specific needs of the interviewee.

A questionnaire to guide the conducting of INAs for all victims has been developed in the context of the Evaluation of Victims (EVVI) Project.³⁴ The template questionnaire and accompanying guidelines aim at assisting interviewers in identifying the specific

31 Interview with Háttér Society representative, Hungary, May 2021.

32 *Model Guidance on Individual Needs Assessments...*, *op. cit.*, p. 20.

33 *Ibid.*, pp. 15-16.

34 The project was implemented by the French Ministry of Justice, the French Victim Support and Mediation Institute (INAVEM), the French National School for the Judiciary (ENM), the United Kingdom's Crown Prosecution Service, the Polish Ministry of Justice, Spain's Secretaria General de la Administracion de Justicia, Portugal's Associação Portuguesa de Apoio à Vítima and 'GIP-JCI - Justice Coopération Internationale, in France.

protection needs of victims and whether (and/or to what extent) they would benefit from special measures in the course of criminal proceedings.³⁵

The following templates have also been developed for hate crime victims:

- A tool kit developed by Kampania Przeciw Homofobii (Campaign against Homophobia), adapting the EVVI guidelines to the needs of persons who experience homophobic and transphobic hate crimes;³⁶
- The “Hate Crime Risk Assessment Form”, used by Nottinghamshire police in the United Kingdom for all hate crimes and hate incidents,³⁷ and
- ODIHR EStAR Project’s Model Guidance on Individual Needs Assessments of Hate Crime Victims.³⁸

Using unscripted conversations

The second option is an unscripted conversation. This enables skilled interviewers to conduct a conversation in such a way that victims feel comfortable expressing their needs.³⁹ Interviews conducted in this manner have the potential to produce better outcomes but require that the interviewers conducting them are trained not only in how to conduct such interviews, but also in the specific impacts of hate crimes on individuals and the wider community. Interviewers conducting such interviews can tailor questions as appropriate to the victim’s situation, communication needs and style, and can lead the conversation so that the victim determines the pace and feels at ease to speak about their needs. CSOs that provided information for the compendium employ various methods of capturing INA outcomes through unscripted conversations.

ZEBRA does not have a written intake questionnaire. Instead, each staff member is trained in the process of intake. Counsellors often begin by introducing themselves and the organization, explaining how the meeting is going to proceed, checking with the victim whether it is acceptable to take notes, and then letting the victim share their story. Depending on the situation, follow-up questions are then asked to identify what needs the

35 “EVVI : Evaluation of Victims”, *op. cit.*, p. 58.

36 Natalija Bitiukova, Csilla Faix-Prukner, Nikica Hamer Vidmar, Sanita Sile & Krzysztof Śmiszek, *Toolkit for the Law Enforcement Bodies: Accommodating the Needs of the Victims of Homophobic and Transphobic Hate Crimes* (Warsaw: Kampania Przeciw Homofobii [Campaign against Homophobia], 2016).

37 Interview with Police representative, United Kingdom, May 2021.

38 *Model Guidance on Individual Needs Assessments...*, *op. cit.*, p. 34.

39 It is important to note that all interviewers respect the *Do no harm* principle to ensure victims are not exposed to further harm or suffering, both physical and psychological during the process. This includes, but is not limited to; the use of non-discriminatory language and being mindful they are not reinforcing gender stereotypes or other forms of biases.

individual may have. The information is entered into an encrypted electronic database to which only authorized ZEBRA personnel have access.⁴⁰

Similarly, In IUSTITIA uses an informal conversation to identify the victim's needs. After every consultation, the social worker writes a report, which is logged in an internal case management system. The report summarizes the interviewer's findings in each of the areas where In IUSTITIA can provide support. Each time a social worker or lawyer has further interactions with the client, these are also logged in the internal case management system. The client does not have access to this file but can request a printed copy.⁴¹

This approach is overwhelmingly used by CSO service providers, but some law enforcement agencies also prefer this approach, as it avoids overburdening officers with multiple forms and protocols. Indeed, many individuals interviewed for this compendium cautioned against developing too many specialized template questionnaires, which could potentially overwhelm police services, who deal with many different types of crimes on a daily basis.

In the Netherlands and the United Kingdom, for example, trained police officers interview victims without a script but are required to complete an online form in the case management system indicating the victim's specific vulnerabilities and recommending special protection measures.⁴²

Certain police services in the United Kingdom utilize the THRIVE framework, through which individual police officers can assess situations and decide on necessary actions.

The THRIVE Framework:⁴³

The THRIVE framework was developed as part of an effort to ensure a more victim-centred approach to policing. While some police services use the framework simply as a deployment tool, others use it as part of a more formal process of victim assessment. Whether the framework is being used by operators to decide whether a police officer should be sent to the scene of a reported incident, or by a police officer actually at the scene of a crime, the THRIVE methodology requires an individual assessment of every incident, so that any resulting action is tailored to the specific circumstances of the case and the needs of the victim.

40 Interview with ZEBRA representative, Germany, May 2021.

41 Interview with In IUSTITIA representative, Czech Republic, May 2021.

42 Interview with Police representatives from the United Kingdom and the Netherlands, May 2021.

43 West Midlands Police, "THRIVE", 2021.

THRIVE requires police officers to consider and record:

Threats: What threats or potential sources of harm exist, and what are the wider circumstances of the reported crime? Who or what is threatened (e.g., persons, property or the broader community)?

Harm: If the threat is carried out or the circumstances of the incident deteriorate, what will be the likely level of harm?

Risk: What is the likelihood of harm occurring, given the current or historical circumstances? At this stage, the officer is prompted to assess what possible safeguarding options are available in light of the risk.

Investigation: Is there a need for an investigation and, if so, in what form?

Vulnerability: Is the victim vulnerable? According to THRIVE, a person is vulnerable if, as a result of their situation or circumstances, they are unable to take care or protect themselves or others from harm or exploitation.

Engage: Now that the officer has all the information, who can the officer engage with to ensure the best outcome (e.g., mental health teams or medical services)?

Continuous nature of an INA

The protection and support needs of hate crime victims may change with time and with the progress of criminal proceedings. Consequently, the INA process should not end once the initial needs assessment is completed. The process must be repeated throughout the life cycle of the case, to ensure that relevant and changing needs of the victims are met. While victims should be encouraged to contact the authorities in the event their situation and needs change, the ultimate responsibility for following up, updating the INA and managing victims' needs should always rest with the relevant state authorities and actors.⁴⁴

Conducting an INA in a victim-centred manner

For many victims of hate crime, unhelpful or denigrating responses, the devaluation of their experience and other forms of secondary victimization can lead to further humiliation, degradation and isolation, which has an even greater impact on their emotional

⁴⁴ *Model Guidance on Individual Needs Assessments...*, *op. cit.*, note 11, p. 23.

and psychological health, as well as on their social and economic well-being. As a result, the response and behaviour of the representatives of criminal justice agencies and professionals in institutions supporting the victims of crime (including those working in medical and psychological services, lawyers and legal services, social workers and CSO victim support providers), have a critical impact on hate crime victims.⁴⁵

Practical measures should be in place, therefore, to ensure the sensitive and respectful treatment of victims.⁴⁶ These include, but are not limited to:

<p>Ensuring interpretation and information in multiple languages are readily available.</p>	<p>In Slovakia, interpreters are available to facilitate communication in the victim's native language. This service extends to both court proceedings and therapeutic support.⁴⁷</p> <p>In the Czech Republic, In IUSTITIA reported that they provide interpreters for counselling services, while the state provides interpretation services during criminal proceedings.⁴⁸</p> <p>In Ireland, the Garda Victim Service Offices (GVSO) have translated their victim information booklet into 38 languages and made it available on their website, along with a copy of the Government of Ireland's Victims Charter.⁴⁹</p>
<p>Ensuring all communication is sensitive.</p>	<p>The United Kingdom Hate Crime Operational Guidance proposes the following "Victims of hate crime must be treated with sensitivity and according to their diverse needs. Police staff should be aware of issues such as language, religion and cultural or lifestyle backgrounds which will need to be addressed and should do their utmost to meet the diverse needs of each victim. When taking a report of a suspected incidence of hate</p>

45 *Understanding the Needs of Hate Crime Victims* (Warsaw: OSCE/ODIHR, 2020), p. 14.

46 For more details, see: *Model Guidance on Sensitive and Respectful Treatment*. The link can be found on the EStAR main page on the OSCE website.

47 The translation and interpretation for the victims during therapeutic support/victim support, is provided for by victim support organizations based on their agreement with a relevant translator/interpreter, and costs are usually covered by the respective organization, and not the state. These organizations, however, are funded from different sources, including the state budget and grants. Interpretation during the criminal proceedings (at all stages of the proceedings, including the submission of a criminal complaint) is provided for by the state, e.g., a translator/interpreter is called/appointed by courts, police or prosecution from the list of official translators/interpreters.

48 Interview with In IUSTITIA representative, Czech Republic, May 2021.

49 For further information, see: An Garda Síochána, (Ireland's National Police and Security Service), [Garda Victim Service webpage](#), An Garda Síochána website.

**Creating a friendly
and non-threatening
interviewing
environment that
allows for privacy.**

crime either by telephone or in person, the complainant should be calmed, reassured and dealt with in a courteous manner that underpins the basic principles of support and sensitivity.”⁵⁰

In **Portugal**, the Commission for Citizenship and Gender Equality published the “Handbook of Hate Crimes against LGBTI Persons: Training for a Professional Police Response”, based on the Council of Europe’s manual.⁵¹ The Handbook provides recommendations on how law enforcement representatives should interact with LGBTI persons and identify and investigate hate crimes against LGBTI persons.

In **Italy**, arrangements have been made to ensure that victim interviews and hearings take place in accessible and friendly premises.⁵² Protected hearing rooms are currently available in 64 Police Departments and in several headquarters of the Carabinieri Corps. The authorities have also collaborated with external partners to build victim-friendly interrogation rooms in a number of police stations. Referred to by different names locally – e.g., “Stanza Rosa” (pink room), in Aversa, or “Stanza Arcobaleno” (rainbow room), in Trapani – the rooms are furnished with comfortable furniture and lighting, equipped with video and audio recording devices, and primarily intended to aid police investigating cases of sexual or gender-based violence. Nonetheless, those rooms could be used for vulnerable victims of all types.

An initial interview, to assess whether the client is within the target group of those assisted by **In IUSTITIA**, is always conducted via telephone or email, as most clients do not live in Prague, where In IUSTITIA’s main office is located. A suitable location is then selected to conduct a more in-depth interview. This can either be in an In IUSTITIA regional office, in the victim’s home, or in the offices of probation and mediation services. Public places are no longer used, given the private nature of the conversations.⁵³

50 Hate Crime Operational Guidance (Coventry: College of Policing, 2014), p.54.

51 Joanna Perry & Paul Franey, Policing Hate Crime Against LGBTI Persons: Training for a Professional Police Response (Strasbourg: Council of Europe, May 2017), also available in Portuguese.

52 The State of Support Structures and Specialist Services..., op. cit., page 22.

53 Interview with In IUSTITIA representative, Czech Republic, May 2021.

	<p>Where possible, initial interviews are conducted at the offices of ZEBRA, in which there is a special counselling room. If, however, individuals seeking counselling do not live in Kiel, a capital city of the federal state where ZEBRA operates, counsellors will travel to meet individuals in their home city or town. In these cases, interviews might take place at their homes, in the counselling space of another organization or other public community spaces, including churches or youth centres.⁵⁴</p>
<p>Allowing the victim to be interviewed by an interviewer of the gender of their choice.</p>	<p>In the Czech Republic, hate crime victims have the right to be interviewed by a trained person and to choose the gender of the interviewer.⁵⁵ This is an important option, as it ensures that the victim is comfortable when recounting the details of the crime, particularly if it involves a sexual assault.</p>
<p>Allowing the victim to be accompanied and supported by a CSO representative, other victim support lawyer, a family member, a fellow member of their religious or belief community, or any other person the victim wishes to be there.</p>	<p>In Slovakia, law enforcement officers can consult with a psychologist on conducting interviews, and also have the option of having a psychologist present during interviews. Furthermore, victims can be accompanied by a person of their choice to provide psychological and moral support. Such personalized professional mental health support can be a critical factor in preventing re-victimization and in allowing victims to share their stories with criminal justice officials.⁵⁶</p> <p>In Sweden, victims of serious crimes are entitled to free counsel and support services in connection with the preliminary investigation and trial, in the form of an injured-party counsel. There is also voluntary witness support in district courts and courts of appeal, provided by people who offer support and help to victims of crime and witnesses in a trial.⁵⁷</p>

54 Interview with ZEBRA representative, Germany, May 2021.

55 Zákon ze dne 30. ledna 2013... [Act of 30 January 2013...], op. cit., §19-20.

56 Information shared by the representative of the Ministry of Justice of the Slovak Republic, May 2021.

57 Görel Granström & Karin Lström, "Lifecycle of a Hate Crime: Country Report for Sweden" (Umeå: Umeå University, 2017), p. 19.

Recording needs and storing of the INA safely

Once an INA has been conducted, it is important that the evaluation is recorded and shared with all relevant actors. The content of an INA includes highly sensitive information and should be shared only to the extent necessary for the provision of protection and support measures and for criminal proceedings, as revealing such information may increase the risk of repeated victimization and retaliation. The risk of retaliation is heightened, for example, where the defence may have access to the content of the INA.⁵⁸ Consequently, the assessments should be kept separately from the case file during the pre-trial investigation and trial. This can be stipulated in legislation. In all cases, victims should be provided with detailed information on data-protection measures, should be specifically asked for consent when it comes to sharing relevant information stemming from their case, and should be made aware of how their data will be used when they are asked for their consent to the assessment.⁵⁹

Often, law enforcement authorities and CSO service providers use online case management systems to facilitate information storing and sharing within their organizations. Some case management systems are also designed to allow the recording of victims' needs. Well-designed online case management systems with pre-defined fields to record victim's needs help to ensure that a victim's needs are not overlooked. Case management systems can also be designed to ensure that discriminatory motives are recorded and tracked, allowing for hate crime victims to be flagged for assistance in the system.

The PULSE system

The PULSE system used in Ireland was updated in 2015 to allow for the recording of victims' needs, as well as the services being provided to them. The PULSE system also requires that discriminatory motives are recorded when identified.⁶⁰ What the assessment entails, when it may be adapted and the appropriate recipients of the assessment results are outlined in Section 15 of the Victims of Crime Act, adopted in 2017, which stipulates that either the Garda Síochána or the Ombudsman Commission carry out an assessment of victim's needs, with the aim of identifying adequate protection measures, taking into consideration the victim's particular vulnerability to secondary and repeat victimization, intimidation and retaliation, both during the investigation and criminal proceedings.⁶¹

58 *Hate Crime Victims in the Criminal Justice System* (Warsaw: OSCE/ODIHR, 2020), p.30.

59 *Model Guidance on Individual Needs Assessments...*, *op. cit.*, p.29.

60 "Guide on How Crime is Reported and Counted" (An Garda Síochána, August 2020).

61 "Criminal Justice (Victims of Crime) Act 2017", Electronic Irish Statute Book (eISB), Number 28 of 2017, Section 15.

Sharing information in real-time

In the **Netherlands**, police officers, prosecutors and public victim support services use the same case management system. When a crime is first reported to police, they are required to confirm in the system whether a victim is vulnerable and whether the victim requires protection measures. This information is then automatically shared with victim support services and prosecutors.⁶²

Online Casefile Management Software

In IUSTITIA uses an online system called ARUM (version 1.25) developed by People in Need (PIN)⁶³. Used by a number of organizations, the system allows for client files to be shared and viewed by authorized staff members. Each client file includes both the INA, a list of tasks associated with each client that can be selected from a drop-down menu (e.g. arrange travel, email client, email on behalf of a client, attend a court hearing), and a summary of all interactions with the client. All relevant related documents, such as health reports, can be uploaded to the file.

In addition to the INA and relevant client tasks, the program allows for the relevant case worker to indicate whether goals have been achieved and to rate progress. Managers have access to statistics generated from these records, such as how many new clients have been admitted and how many tasks have been achieved. The software also allows them to monitor and record hate incidents, even when no client is identified. This allows them to analyse the situation of hate crime more broadly in the region in which they are working.⁶⁴

It also important that victims are made aware of how data is to be used at the time they are asked for their consent to the assessment.

Information Sharing Consent

At ZEBRA, it is explained to all clients receiving services how their personal data are going to be used, how long they will be stored in the encrypted case management system, who will be granted access to the information and information about clients' rights to correct or delete their data, or to revoke consent for its usage and storage. The consent form is available in German and seven other languages.⁶⁵

62 Interview with the Police representative, the Netherlands, May 2021.

63 People in Need is a Czech civil society organization providing humanitarian and development aid.

64 Interview with In IUSTITIA representative, Czech Republic, May 2021.

65 Interview with ZEBRA representative, Germany, May 2021.

3. Referrals

Once needs have been identified, the next step is to take action on the findings and put in place necessary protection or support interventions. For example, public victim support services may wish to request protective measures to be implemented by police or court services, including measures taking into account the victim’s gender (e.g. being interviewed by a person of the same gender as the victim)⁶⁶. Alternatively, CSO specialist support services may also wish to request that certain victim support measures be implemented during the investigation and prosecution of a crime, requiring relevant information to be shared with and among the relevant criminal justice bodies. If the processes by which these measures are requested and granted is institutionalized and law enforcement officers and CSOs are working closely together, outcomes are likely to be more effective.

An effective referral mechanism is necessary to ensure that any special protection measures can be put in place quickly. It is vital that relevant actors know what special support services are available and how they can be accessed. This information should be provided to victims in a format that they can understand, allowing them to make informed decisions about what support they wish to access. Developed and institutionalized relationships among CSO specialist support providers and state authorities are critical to ensure that victims gain access to specialized services easily and without delay. For example, if certain support needs have been identified by the authorities, such as the need for psychological counselling, a mechanism should be in place for an efficient and seamless referral to a specialist provider.

Referrals can take many forms, but must be made in a timely manner and through safe channels, minimizing the number of referrals required. A victim should not be sent from one provider to another before being able to access the support they require. The police and generic victim support services should be aware of all those providing specialized services. Direct case-based collaboration among generic and specialized victim support services must be established. States should ensure that the services individuals are being referred to meet standards for quality.⁶⁷

Referral from Law Enforcement to CSOs

Many countries have an opt-out referral system, i.e., an automatic referral system. When victims report a crime, their information is shared with relevant support providers, unless

66 *Model Guidance on Individual Needs Assessments...*, *op. cit.*, page 43.

67 More information: *Model Quality Standards for Hate Crime Victim Support* (Warsaw: OSCE/ODIHR, 2021).

the victim does not consent to the sharing of their information. Some examples of such a system are:

In the **United Kingdom**, when the police send a victim's details to support services, the information is automatically transferred to the organization's client registration or case management system. This method minimizes human intervention, reducing errors and omissions while ensuring that relevant contact information is transferred in a timely manner to the victim support organization.⁶⁸

In the **Netherlands**, the police operate an automatic referral system (requiring the victims' consent) to Slachtofferhulp Nederland (Victim Support Netherlands, or "VSN"), the national victim support service. If a crime is reported, the police, after conducting an initial INA, automatically share this information with the prosecutor's office and VSN, who are able to contact the victim and provide detailed information on the types of support available to them. VSN can also request protection measures from the police and prosecutors, and if these are not granted a written explanation must be provided. If an individual later requests a change to the agreed protection measures, VSN can input this into the system, and it will be automatically shared with the prosecutor's office and police. Furthermore, VSN employ a ZSM (stands for Careful, Quick and Tailored) approach practiced at specifically designated offices that are located within the prosecutor's office, allowing for individual cases to be discussed more easily and on a regular basis by, inter alia, VSN, the police and prosecutors. These offices are not used for counselling purposes.⁶⁹

In **France**, an online platform (24/7 chat with police officers) assists victims of discrimination and hate crimes committed on the Internet in filing complaints. Victims can chat with police officers, who will match them with the closest victim support association and explain to them how to file complaints and to contact the closest police station. There are also referents in police stations specifically in charge of matching victims of online hate with victim support services. The data-protection law – while very protective of privacy – contains special provisions allowing victim support services to exchange relevant data to fulfil their missions. At the criminal proceedings stage, specialized lawyers are appointed by the local bar to assist victims, provide them with legal representation and/or assist them in seeking compensation.⁷⁰

68 Interview with Police Representative, United Kingdom, May 2021.

69 Interview with the Police representative, May 2021.

70 Information shared by the representative of the Court of Paris, reply to EStAR Survey of hate crime victim support, 2020.

In **Belgium**, the CSO Collectif Contre l’Islamapohobie en Belgique (the Collective against Islamophobia in Belgium, CCIB)⁷¹ reported on its efforts to conduct INAs together with UNIA, the Belgian equality body, when they are approached by hate crime victims. This is done to save the victim from repeating the details of the crime. During the first meeting with the victim, the front-line officer conducts a semi-structured interview (using a questionnaire) to obtain information about the victim, the facts of the case and the context in which it occurred. The CCIB representative and the UNIA officer in charge of the file then agree on the specific needs of the victim and a calendar for monitoring and continuous evaluation of the case is put in place. UNIA plays an important role in liaising with the criminal justice system, the CSO service providers and the hate crime victim.⁷²

In addition to connecting victims with support providers, information exchange and communication between law enforcement and CSO service providers can also assist in identifying victims, monitoring hate crime more broadly and encouraging reporting. By opening and maintaining communication channels with support providers, law enforcement agencies can gain valuable insight into the number and nature of incidents in which victims decided not to report their experience. At the same time, support providers can assist victims in filing official reports at police stations using the same channels. With these goals in mind, national information-sharing agreements can be established between CSOs and law enforcement authorities to facilitate information sharing.

In the **United Kingdom**, two national information-sharing agreements exist between law enforcement and specialist support providers: Tell MAMA (working with the Muslim Community); and the Community Security Trust (working with the Jewish Community).⁷³ Under each agreement, police services agree to provide the organizations with up-to-date information relating to incidents involving members of the respective communities with which they work.

At the force level, police agree to share:

- anonymized details of incidents/crimes relating to – or believed to be targeted at – the community concerned; and
- anonymous details of any arrests made in relation to these incidents.

At the local level, the local police body agree to:

71 CCIB is a non-profit anti-racist, pluralist, non-confessional, non-community and non-partisan association that tackles all forms of anti-Muslim discrimination and supports victims of anti-Muslim hate crimes.

72 Information shared by the representatives of the Collective against Islamophobia, Belgium, reply to EStAR Survey of hate crime victim support, 2020. Also in: *The State of Support Structures and Specialist Services...*, *op. cit.*, p. 23.

73 Information-sharing agreements are available at the United Kingdom’s police hate crime portal “True Vision”.

- refer individual victims and witnesses who have expressly agreed that their information may be shared with victim support services;
- provide, at agreed intervals, a summary of local intelligence relevant to the target community and of the local implications of national and international events;
- participate in regular meetings to compare anonymized data to identify crime trends, to inform crime reduction activity and to evaluate the effectiveness of crime reporting structure data; and
- arrange ad-hoc meetings at times of specific need due to increased levels of tension or hate crime reporting.

It is hoped through sharing this information that the CSOs will be better prepared to protect their members and to provide advice to help citizens protect themselves and their communities.⁷⁴

Referral from CSOs to Law Enforcement Agencies

Referrals can also work in the opposite direction. CSOs can “refer” victims to law enforcement services and assist them in the process of filing police complaints.

In **France**, the International League against Racism and anti-Semitism (LICRA)⁷⁵ assists hate crime victims in reporting and navigating the criminal justice process by providing emotional support, legal advice and representation. If the victim decides to report the case to the police, LICRA helps them prepare the statement to the police. In cases where the victim contacts LICRA after a complaint has been filed with the police, they are supported throughout the criminal justice process. Additionally, victims are informed about restorative justice options available to them and suitable to their case, be they criminal procedures, mediation or the recognition of their victim status.⁷⁶

74 Interview with Police representative, United Kingdom, May 2021.

75 LICRA is one of the oldest anti-racism organizations in France. It relies on a network of 54 branches and several thousand volunteers, among them more than 100 renowned lawyers, in France and abroad. LICRA offers free legal services to victims and witnesses of racism, anti-Semitism and xenophobia.

76 Information shared during the EstAR Virtual Study Visit to France, 19-20 May 2021.

4. Responding to the needs established in the INA

Victims of hate crime have a wide array of individualized needs, often resulting from intersecting personal characteristics of the victims, that may often require the collaboration of a number of services to be met. For example, a victim may require assistance from a CSO, from social services and from law enforcement authorities. An INA and an effective response to the outcomes are a concerted effort by all involved. Some states have established inter-institutional, inter-sectional and inter-disciplinary communication and co-ordination channels and platforms to support hate crime victims. Sometimes, the same entity that undertakes the INA can also provide the victim with multidisciplinary services they require, as established by the INA outcome. Otherwise, a referral system allows for a transfer to the entity that can offer services.

Autonomous specialized hate crime victim support entities: state-funded, part of state structures

In **Malta**, the Hate Crime and Speech Unit, under the auspices of the Ministry of Interior, provides specialized services to hate crime victims. The Hate Crime Unit strengthens the support and services provided to victims of hate crime by the Police Victim Support Unit. The Hate Crime Unit is a multidisciplinary unit providing both professional support and legal assistance to victims, and consists of specialist service providers from different professional disciplines, including psychology, social work and legal aid.⁷⁷

In the London Borough of Greenwich, in the **United Kingdom**, a specialist multi-agency support panel made up of statutory and non-statutory providers has been set up specifically for hate crime victims. The panel meets once a month. Services can refer individuals to the panel or individual cases can be discussed. The aim is to be able to respond to the needs of victims quickly and efficiently. It allows services to work together in identifying and providing the help victims need. If, for example, housing issues are evident as a result of the victimization, then the relevant services on the panel can respond, resolving the problem quickly.⁷⁸

In **France**, for example in Lyon and Tour, members of the court and representatives of the state (public housing, etc.) meet regularly to discuss certain cases and ensure that relevant referrals have been made. While this

77 *The State of Support Structures and Specialist Services...*, *op. cit.*, p. 15.

78 "Review of Victim Services in London. Full report to MOPAC" (London: Mayor of London, 2014), p.17.

is often used for victims of serious violence, it is also employed in cases involving discrimination.⁷⁹

Specialized hate crime victim support CSOs

In **Germany**, there are specialized counselling centres for victims of hate crimes in each federal state. These counselling centres are financed from municipal funds, state funds and a federal programme titled “Demokratie leben!” (“Live democracy”). The centres support people who have been targeted by racist, antisemitic or other far-right attacks. The support is free-of charge, confidential, partisan (pro-victim) and long-term, with services offered including emotional support, information about legal options, accompaniment to the police station, court and/or other public institutions, information on financial support options and help with public relations.⁸⁰

In **France**, there are specialized CSOs, including SOS Racisme (specializing in hate crime victims) and LICRA, which partner with France Victimes, a general victim support organization. This partnership of specialized CSOs and general victim support providers ensures that hate crime victims can access multidisciplinary support. CSOs that specialize in hate crime victims are subsidized by the government, and the co-operation between CSOs and the authorities is institutionalized through conventions specifying the funding and the assigned objectives, which allows the quality of services provided to be assessed. General victim support organizations have a specific accreditation that focuses on professionalization and the quality of service.⁸¹

Police: Responses to Safety and Protection Needs

In **Norway**, the Oslo police district runs a programme called “Trygghetsprogrammet” (the Safety Programme). The programme is designed to help young victims of crime to re-establish a feeling of safety in public spaces, for example by the police accompanying the victim to the crime scene. The programme is operated by the section of the police working on crime prevention and involves a wide range of actors, including health workers, minority counsellors and students, who all contribute to the development of an individual safety guide, based on the individual victimization experience, to establish concrete actions to support the victim in feeling safe.⁸²

79 Interview with Court of Paris representative, France, April 2021.

80 Information shared by the representative of the VBRG in reply to EStAR Survey of hate crime victim support, 2020.

81 Interview with Court of Paris representative, France, April 2021.

82 Information shared by the representative of the Oslo police district in reply to EStAR Survey of hate crime victim support, 2020.

5. Training and Operational Guidance

In many OSCE participating States, there are no specialized victim support service providers, specialized victim support units or specialized staff within the police. As national stakeholders work to improve their victim support structures alongside their INA processes, it must be stressed that the assessment of victims' needs is a separate and additional task to investigative actions and, as such, requires adequately trained personnel. In states with limited structures and resources, a first step to improving national hate crime victim support is to ensure sufficient personnel are available and are properly trained on how to identify the needs of victims. It is important to involve experienced practitioners in working with victims of violence and trauma to conceptualize, design and deliver such training.

Training for Law Enforcement Agencies and Criminal Justice Actors

Both police and judicial staff are mandated to carry out INAs. Training programmes, therefore, must be established and targeted training opportunities created, ideally with the intrinsic incentive of providing better services. In some national justice systems, expertise and experience of how to implement assessments might already be available. Peer-to-peer training can be a viable and less cost-intensive option. State structures can also draw on the expertise of CSOs who have expertise in assessing and responding to the needs of hate crime victims and can contribute to the development and implementation of such training.

In the **Netherlands**, everyone in the police service who might be in contact with victims receives mandatory, in-person training regarding victims' rights. This is usually five days of such training per year, and INA is prioritized as one of these five. The training is provided to groups of 12 and covers victims' rights, what is an INA, and secondary and repeat victimization.

Phase one of implementing training on INA focused on those police officers patrolling the streets and was funded by structural funds from the European Union. The Ministry of Justice and Security and the Ministry of Health, Wellbeing and Sports, also contributed to funding of the training. The second phase was to focus on investigative police and police who work on telephone hotlines. Prosecutors receive E-Learning training on the topic, which is also obligatory and lasts 2 hours. Individual officers can also

receive a second day training in INA relative to their work. For example, those working for the Pink and Blue network (a network of LGBT police officers) will receive further training in INA specific to hate crime.

To control the quality of INA (and indirectly, therefore, the quality of the training), senior police officers have access to a dashboard that indicates if somebody is registered as a vulnerable victim and whether any protective measures are in place. In this way, they can keep an eye on how INAs are being implemented in practice within their teams. An internal guide on conducting INAs can also be found on the police intranet.⁸³

In **Sweden**, specialized hate crime units within the police exist in three regions. Each unit consists of roughly 10 police officers who have received special training in hate crime and are required to undergo mandatory further training on the topic every year at the Police Academy. All hate crime cases in Sweden are investigated by Hate Crime Unit police officers. The units have a three-part mission: investigation, education and co-operation with affected groups, the media and other agencies of the criminal justice system. Police officers are required to organize training on hate crimes for other colleagues, including on understanding what hate crime is and how to recognize bias indicators.⁸⁴

Training for CSO service providers

Many CSO service providers have put in place in-house training schemes for newly recruited staff and further specialized training on emerging issues for experienced staff. Ensuring that CSO service providers are qualified and able to provide quality service also requires commitment from the state to finance these service providers. A number of states have established accreditation schemes that define certain quality standards upon which funding for CSOs is dependent.

In **Hungary**, those answering calls to the Háttér Society hotline receive one year of training, with components including self-awareness, handling crisis calls, legal questions that might arise (e.g., victims' rights, hate crime laws and LGBTQI identities); ethics and communication. This training is accompanied by a full weekend of practical training in a secure environment.⁸⁵

In **Germany**, VBRG⁸⁶ requires counsellors working at member organizations to attend Basic Training, an eight-module programme lasting approxi-

83 Interview with Police representatives from the United Kingdom and the Netherlands, May 2021.

84 Interview with Police representative, Sweden, May 2021.

85 Interview with Háttér Society representative, Hungary, May 2021.

86 More information: [VBRG website](#).

mately 100 hours. Additionally, in the course of their work, counsellors are required to undertake professional capacity-building, including fulfilling an in-house training programme. Topics of the Basic Training and in-house training programme include:

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

Operational guidance

Training must be supported by operational guides specifically designed for law enforcement and criminal justice authorities, as well as for CSO service providers. Such guidance must offer practical advice for people with different roles and functions, to ensure that victims do not have to depend on the goodwill of a police officer and to ensure that police officers are not left alone to decide what to do when they encounter a victim. Guidance and instructions help to ensure that there is a consistency in approach.

In the **United Kingdom**, the College of Policing has a comprehensive training manual for law enforcement on hate crime – the Hate Crime Operational Guidance. The Guidance provides “practical advice and instruction” for law enforcement on, inter alia, responses and treatment of victims, including good practices on, “critical incident management, family liaison, community engagement and independent advice, third-party reporting, and changes in the way hate crime investigations are conducted”. The Guidance prescribes service delivery for the victims of hate crime and practical approaches to victim care. Law enforcement officers are not only trained to work effectively with hate crime victims, but are also provided a readily accessible “how-to” manual to use in the course of their work.⁸⁷

In **Spain**, an Action Plan to Combat Hate Crime has been developed. The Action Plan encompasses “four fundamental pillars: training of the Spanish Security Forces, prevention, assistance to victims and response to this type of crimes”.⁸⁸ The Action Plan not only lays out government actions to address hate crime, but also describes where additional guidance for

⁸⁷ “Hate Crime Operational Guidance”, *op. cit.*, p. 1.

⁸⁸ “Action Plan to Combat Hate Crimes” (Madrid: Ministry of Interior, Secretariat for Security, 2019), p. 2.

law enforcement can be found, including the Action Protocol for Spanish Security Forces for hate crimes and actions that infringe on the legal rules on discrimination. The Action Plan, therefore, raises the visibility of the actions of the criminal justice system to address hate crime, and also provides a guide to the available protocols and additional guidance.

In **Sweden**, methodological guidelines of the police established in 2017 provide information about how an INA should be conducted, but they do not mention hate crime victims specifically.⁸⁹

⁸⁹ Interview with Police representative, Sweden, May 2021.

6. Conclusion

The INA is a key instrument for ensuring a victim-centred approach to address the needs of hate crime victims. It constitutes the first step to ensuring the full provision of services and access to rights for victims. All hate crime victims must receive an in-depth and detailed INA that captures a comprehensive picture of their circumstances and the impact of the crime on them. As shown through examples in this compendium, there are multiple and diverse ways to implement systems that ensure that the INA process is both efficient and effective in achieving its goals. Therefore, when designing, strengthening and enhancing INA processes within victim support structures, it is important to ensure the following:⁹⁰



An INA should be conducted upon first contact with a hate crime victim. It is important that an INA be carried out at the earliest opportunity, to identify the risk of secondary and repeat victimization, intimidation and/or retaliation. The first point of contact could be the authorities or a CSO service provider, depending on the specifics of the case.



Victims have the right to understand and be understood from the first point of contact.¹² Individual needs cannot be identified without supporting victims in communicating those needs. This means victims have the right to receive information in an accessible and understandable language. Authorities are, therefore, obliged to ensure that interpreters, hearing devices or other specialist disability support are made available to victims. All communication should be tailored to the victim's age, maturity, intellectual and emotional capacity and level of literacy, and any mental or physical disability should be taken into account.¹³

90 *Model Guidance on Individual Needs Assessments...*, *op. cit.*, pp.34-35.

91 *Directive 2012/29/EU...*, *op. cit.*, Recital 34.

92 *Ibid.*, Recital 21.



An INA should be continually updated, as the needs of a victim do not remain static. The form of assistance needed right after the incident, during pre-trial investigations and during a trial may change. Assessments must be updated throughout the process, to ensure a victim is receiving the necessary support, tailored to their actual needs. Communication channels must be put in place to allow authorities in law enforcement and the criminal justice system, victim support services and other CSO service providers to work together and, with the consent of the victim, communicate information relevant to their protection needs and corresponding special protection measures.



An effective referral mechanism is necessary to ensure that victims are directed to support services, according to their identified needs. It is vital that relevant actors know what special support services are available, are sure of the quality of their services and know how they are accessed. Interviewers must be cautious about asking questions about needs that cannot be met due to lack of adequate service providers. Information about available services should be provided to victims in a format that they can understand, allowing them to make informed decisions about what support they wish to access. Developed and institutionalized relationships between CSO specialist support providers and state authorities are critical to ensuring that victims gain access to specialized services easily and without delay.



The victim's preferences must be considered, as much as possible, and their privacy and the right to the protection of personal data must be respected. Systems should be put in place to ensure the wishes of the victim are taken into consideration at all stages of the needs assessment, including whether they want to benefit from special protection measures or receive other types of services. When INA outcomes are shared between relevant actors, the confidentiality of the victim's data must be strictly guaranteed and be conditioned on their explicit consent and/or applicable legal obligations.



By focusing on an individual's needs, an INA can also uncover the impact of hate crimes on the wider community. By properly identifying needs of the affected individual and community, an INA can help design appropriate strategies for engagement by law enforcement to ensure the safety of all the communities they protect.