



Enhancing Stakeholder Awareness & Resources  
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# Understanding the Needs of Hate Crime Victims



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# Understanding the Needs of Hate Crime Victims



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## Introduction

Participating States of the Organization for Security and Co-operation in Europe (OSCE) have committed to take action to combat hate crimes. In particular, they have agreed to protect hate crime victims, encourage reporting, provide hate crime victims with effective access to justice and assistance, support organizations assisting victims and build the capacity of law enforcement to interact with victims of hate crimes.<sup>1</sup> Participating States that are also European Union (EU) Member States have additionally committed to EU standards on countering racism and xenophobia and protecting victims' rights; likewise members of the Council of Europe follow standards prescribed in the Convention on the Compensation of Victims of Violent Crimes and related recommendations.<sup>2</sup> In line with these commitments, it is the responsibility of states to ensure that victims of hate crime are protected, enjoy full access to justice and can receive the support they need.<sup>3</sup>

While most OSCE participating States have the capacity to recognize, record, investigate and prosecute hate crimes, victims of hate crime are often not at the centre of these responses. The position of hate crime victims across the region remains precarious. Victims often lack information and therefore have difficulty in navigating the criminal justice system. Their status as hate crime victims is not always recognized, limiting their access to criminal proceedings and preventing them from fully asserting their rights in the criminal justice process. Law enforcement and criminal justice bodies sometimes fail to acknowledge or recognize the specific victimization and resulting needs of hate crime victims, identify and signpost the relevant support needed, and can even outright re-victimize individuals. In many countries, victim support systems are fragmented, underfunded or only developing. Many systems rely on civil society organizations as the

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1 See, in particular: OSCE Ministerial Council, Decision 9/09, "Combating Hate Crimes", Athens, 2 December 2009, <<https://www.osce.org/cio/40695>>; and OSCE Ministerial Council, Decision 13/06, "Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding", Brussels, 5 December 2006, <<https://www.osce.org/mc/23114>>.

2 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, <<https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32008F0913>>; and 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, <<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>>. See also, Council of Europe, "European Convention on the Compensation of Victims of Violent Crimes," 24 November 1983, ETS 116, <<https://rm.coe.int/1680079751>> and Council of Europe, Committee of Ministers Recommendation Rec(2006)8, "On Assistance to Crime Victims", 14 June 2006, <<https://rm.coe.int/16805afa5c>>.

3 OSCE Ministerial Council, Decision 9/09, *op. cit.*, note 1: "The Ministerial Council [...] calls on the participating States to: [...] in co-operation with relevant actors, explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance as well as effective access to justice;"

primary providers of support to hate crime victims, often without regular or sufficient funding.

This publication has been developed within the framework of the Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support Project (EStAR)<sup>4</sup>, implemented jointly by the OSCE Office for Democratic Institutions and Human Rights (ODIHR)<sup>5</sup> and the Association of Counseling Centers for Victims of Right-wing, Racist and Anti-Semitic Violence in Germany (VBRG)<sup>6</sup> to address some of these issues through the development of practical tools for states and civil society alike. The EStAR project covers forty-one countries<sup>7</sup>, 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 publication aims to provide information and foster understanding among policymakers, criminal justice officials and victim support staff of the specific needs of hate crime victims. It addresses the needs common to all or most victims of hate crime, both as a category of victims and as individuals. Some of the impacts and/or needs specific to particular targeted groups are addressed through text boxes throughout the publication.

Recent legal developments in the EU have had a major influence on national legislation protecting victims; for example, the EU Victims' Rights Directive (Victims' Directive) specifically delineates victims of hate crime as those who need enhanced protection and support. A number of diverse international legal and regulatory regimes are reflected in the national responses to hate crime victims in EU Countries. Understanding the needs of those affected by hate crime should be the first step to designing criminal justice and victim support policies and measures. Similarly, this publication – one of the first products of EStAR – will inform the remaining work of the project. Forthcoming EStAR

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4 For more information about the project, see: "EStAR: Enhancing hate crime victim support", OSCE/ODIHR website, <<https://www.osce.org/odihr/hate-crime-victim-support>>.

5 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* (Warsaw: OSCE/ODIHR, 2016), <<https://www.osce.org/odihr/68668>>.

6 The VBRG provides victims of right-wing, racist and anti-Semitic violence across Germany with access to counselling and support. More information about the VBRG can be found here: <<https://www.verband-brg.de/english/>>.

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

products will formulate detailed approaches to be taken to effectively protect and support victims of hate crime. In the meantime, this publication lays the groundwork by establishing why such specific approaches are needed.

The publication sets out the necessity for a victim-centred approach to responding to hate crimes, one based on an individualized approach to each hate crime victim that takes into account the nuances of intersectionality. This approach looks at the victim's personal circumstances, the material and immaterial impact of the crime on the victim, including possible psychological consequences such as traumatization and post-traumatic stress disorders, and the specific needs of each victim. This individualized approach should be employed by all involved with hate crime and its victims, at all times.

This publication is primarily addressed at law enforcement and criminal justice officials, and hate crime specialists and victim support practitioners from government and civil society alike. The diversity and breadth of the needs of hate crime victims mean that many other professionals encounter them on regular occasions. Lawyers, psychologists, medical or social workers could study this publication to better care for their clients. Lastly, this publication can help raise awareness of the impact of hate crime among the broader public, resulting in greater engagement in preventing the phenomenon.

This publication was developed jointly by ODIHR and the VBRG, and is based on the organizations' work with communities and criminal justice authorities throughout the OSCE region. The publication utilizes expertise in the area of hate crime victim support in particular, and draws on the organizations' thematic publications, including ODIHR's *Hate Crime Victims in the Criminal Justice System: A Practical Guide*<sup>8</sup> and the VBRG/RAA Saxony's *Hate Crime Victim Support in Europe: A Practical Guide*.<sup>9</sup> It incorporates information provided by representatives of civil society organizations and communities, as well as guidance from Paul Iganski of Lancaster University, an expert in this field.

The publication is structured around the idea of "understanding-based intervention." It starts by explaining the concepts of hate crime and hate crime victims in Chapter I. In Chapter II, it discusses the various ways in which hate crimes impact the victims. Chapter III then talks about the needs of individual victims that arise from this impact.

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8 *Hate Crime Victims in the Criminal Justice System* (Warsaw: OSCE/ODIHR, 2020), <<https://www.osce.org/odihr/447028>>.

9 Stephan-Jakob Kees, Paul Iganski, Robert Kusche, Magdalena Świder and Kusminder Chahal, *Hate Crime Victim Support in Europe – A Practical Guide* (Dresden: VBRG e. V./RAA Saxony, 2016), <<https://www.verband-brg.de/guidelines-hate-crime-victim-support-in-europe/>>.

The last two chapters group these needs into the main principles that need to be upheld by those responding to hate crimes and working with victims.

The publication includes anonymized quotes and personal testimonies collected by ODIHR and the VBRG from victims. These were included to help the reader better understand the harm hate crimes cause, and thus bring them closer to the reality of those who experience it.



# I. Hate crime and hate crime victims

## 1. What is a hate crime?

Hate crimes are criminal offences committed with a bias motive.<sup>10</sup> Hate crimes, therefore, always comprise two elements:

- **A criminal offence:** An act that constitutes an offence under criminal law. Because legal provisions vary from country to country, there are some divergences in the kind of conduct that amounts to a crime (e.g., acts of intimidation, threats, robbery, property damage, assault, murder, etc.). In general, most countries criminalize the same types of violent acts.
- **A bias motive:** In committing the crime, the perpetrator acts on the basis of a prejudice or bias. It is the bias motive that makes hate crimes different from ordinary crimes.

The above definition of hate crime implies that the perpetrator intentionally selects the target of the crime based on the victim's membership, perceived membership or association with a particular group, or expresses hostility towards such a group during the attack. The target may be one or more people, or it may be property associated with a group that shares a particular protected characteristic. A protected characteristic is a characteristic shared by a group, such as race, language, religion, ethnicity, nationality, sexual orientation, gender identity, disability, gender or other common feature that is fundamental to their identity. Hate crimes might have multiple biases.

Hate crimes send a message of rejection to those they target and their communities. If left unaddressed, hate crimes can have a wider impact on society. They can alienate targeted communities from the state, in particular from law enforcement and criminal justice bodies. They can escalate and set communities against each other, resulting in retaliatory attacks and, in extreme cases, civil unrest or conflict. As such, hate crimes are a serious threat to the principles of equality and non-discrimination, but also to social cohesion.

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<sup>10</sup> OSCE Ministerial Council Decision 9/09, *op cit.*, note 1.

## 2. Who is a hate crime victim?

As all people have protected characteristics, anyone – both members of majority and minority groups – can become targets of a hate crime. Through hate crimes, perpetrators express prejudice towards whole communities. Individuals are often selected at random, as mere representatives of their group.

Depending on the national and local context, members of groups that are already marginalized or discriminated against are more likely to be targeted in hate crimes than others. Those who are more visible or easily identifiable as belonging to or affiliated with a group are also more likely to be targeted. For some groups, these differences (for example, in attire and the wearing of religious symbols) are gendered, resulting in women or men from the same group being attacked in different ways. For example, Muslim women wearing headscarves are more likely to be attacked compared to Muslim men who are not wearing any religious symbols, likewise, Jewish men wearing yarmulkas are more likely to be attacked than Jewish women without religious symbols on. Hate crimes reflect the nature of prejudice in society and individual perpetrators, which also affect the target and type of attack. For example, the destruction of aids is more common in disability hate crime and “curative” rape in hate crime against LGBTI people.

Furthermore, victims are often selected based on the intersectional nature of identities, and such crimes can be motivated by multiple biases. For example, sex intersects with other protected characteristics, such as age, disability, ethnicity, race and religion. People professionally affiliated with or actively engaged on gender issues, such as those working for women’s rights groups or LGBTI civil society organizations, may also be targeted.

The EU Victims’ Rights Directive defines a crime victim as: “[A] natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence.”<sup>11</sup> In line with this definition, a hate crime victim is a natural person who suffered harm as a result of a hate crime. The “harm” can include injury or loss of life, material (property) and moral damage (including pain, physical, mental or emotional suffering), economic loss and loss of income, and loss of maintenance for dependants.<sup>12</sup>

Hate crimes can have a greater impact on the targeted persons than other crimes, as victims are attacked based on their personal characteristics. These characteristics are

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11 Directive 2012/29/EU, *op. cit.*, note 2, Article 2.

12 OSCE/ODIHR (2020), *op. cit.*, note 6, p. 32.

often unchangeable and lie at the core of the victim's identity. The impact of hate crimes is further detailed in Chapter III.

For the purpose of understanding the needs of hate crime victims, this publication focuses on the direct victims of hate crimes. It is, however, worth noting that there are a range of categories of individuals that might have suffered as a result of incidents, and thus also require protection and support. These include: a) relatives of the victim; b) witnesses of the incident; c) community members who share the same characteristics with the targeted person or property; d) members of other communities that have faced historic and/or institutional discrimination and marginalization, and can fear becoming a target if further hate crimes are not prevented.

This publication refers to people affected by a crime as “victims” in line with terminology of the main international documents and legal discourse. The term is used to capture and avoid trivialization of the serious consequences of hate crimes. However, the term “victim” should be used with caution. Being a victim is not a person's identity. Furthermore, in many languages the term has negative connotations. It is often associated with weakness, powerlessness and helplessness and can have a stigmatizing effect. The term is also static and does not capture the dimension of coping with problems. That is why many victims will not identify themselves as a “victim”, even though they are from a legal standpoint. Calling affected individuals “victim” carries the danger of denying their resilience, agency and capacity to overcome the consequences of victimization.

## II. Impact of hate crime

As noted above, the impact of hate crime can be far greater than that of crimes committed without a bias motive, particularly in terms of the impact on individual victims and those immediately associated with them. Recognizing the impact of hate crime provides a basis for the respectful and sensitive treatment of its victims and can provide a better understanding of hate crime victims' needs.

### 1. Direct impact

Every victim of hate crime is different and is affected differently. There are many factors that can influence the impact of victimization, including: the type of incident; a person's previous experience with discrimination, devaluation and disadvantage; the existence of social support circles; and an individual's economic and psychological resilience. The impact of hate crime can depend on the intersectional nature of identities, when several personal characteristics operate and interact with each other at the same time in such a way as to be inextricable. For example, all people will be impacted differently by hate crime depending on the different social roles and status in society or a community. At the same time, individuals' experience will differ across different ethnic backgrounds, sexualities and religions, etc. The targeting of several intersecting characteristics in a multiple-bias hate crime can also exacerbate the impact (and the culpability of the perpetrator).

The common denominator, however, is that hate crime victims are targeted for who they are. The offender's actions can therefore be experienced as an attack on the very core of a person's identity which is devalued, denigrated and derided.

In addition to the physical harm and shock experienced immediately after an attack, one of the most significant impacts of hate crime victimization – which is greater than in other crimes – is post-victimization socio-emotional and psychological distress. The emotional impact involves mental distress that will be short-lived, although could last for some weeks. The psychological impact involves more persistent and long-lasting mental distress.

A well-established body of research suggests that victims of hate crime are more likely to suffer protracted and higher levels of depression and withdrawal, vulnerability, anxiety and nervousness; an extreme sense of isolation; longer lasting fear; protracted

psychosomatic symptoms; significant problems with their job or school work; as well as major problems with family members or friends.<sup>13</sup>

All people have a fundamental need to belong and a sense of attachment to others is essential for mental well-being. Hate crimes are acts of marginalization. They send a message that people with the victim's identity traits are unwelcome in their school, workplace, neighbourhood, town, city or country. In some cases, the exclusionary message is very explicit in the insults hurled by offenders. Rejection, ostracism and social exclusion can trigger reflexive pain and distress. The greater the rejection, the greater the potential socio-emotional and psychological distress.

*"I really don't feel like I'm part of this society or that I'm even welcome in it. There is so much hate!! I'm scared for my mother walking alone at night and being attacked because of her veil. I'm afraid for my future children. All of these feelings make me depressed and I've considered moving somewhere where my religion does not make me a potential target."<sup>14</sup> – A victim of a racist attack*

The fear of (repeat) victimization is typical among hate crime victims. Realizing that they have been targeted for their social identity and characteristics they cannot change, victims are afraid that this can happen again at any time. Each act of hate crime, therefore, sends a threat of future victimization, not only for the person directly on the receiving-end, but also for others who share their social identity and characteristics, as well as other communities that face discrimination. To manage this fear, victims and people who could potentially be victims might refer, often unconsciously, to using coping mechanisms. Some normalize their experience by accepting devaluation, discrimination and intolerance as an everyday and "normal" state of being.

Coping responses to the fear of repeat victimization can involve changes in behaviour. Hate crime victims are more likely to report avoidance measures, such as trying to stay alert, being less trusting of people and avoiding certain areas at certain times. Victims may fear going out at night or partying, avoid places where attackers might gather and, in some cases, decide to move home or emigrate. Some hate crime victims try to conceal aspects of their social identity in public places by not wearing religious or cultural symbols, changing attire, not holding hands with their same-sex partner, not speaking

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13 Paul Iganski, *Understanding the needs of persons who experience homophobic or transphobic violence or harassment: The impact of hate crime* (Warsaw: Campaign Against Homophobia, 2016).

14 This quote and the quotes used throughout this publication were obtained by ODIHR and the VBRG through their work with communities and individuals. The quotes belong to real people living in the project countries; their personal data have been omitted for reasons of privacy and security.

their language and not mentioning their place of origin or sexual orientation in casual conversations. Some victims turn to alcohol or drugs. Others may retaliate aggressively (verbally or physically) to individuals or groups representing the attacker, which can lead to victims becoming criminally liable.<sup>15</sup>

## 2. Indirect impact

The impact of a hate crime usually goes beyond an individual victim. A hate crime attack sends a message of rejection and devaluation, not only to the targeted person but to the community they represent.<sup>16</sup> The community that shares the characteristic of the victim may experience the attack as if they themselves were the victim. They can experience fear and feel at risk of future attacks. These effects can be multiplied where a community has historically been marginalized and subjected to discrimination or even persecution.

*“Until the attack I never saw myself as a foreigner. I was never discriminated against. Since that day, things have changed.” – Family member of the victim of a racist attack*

Hate crime can further impact the life, security and public participation of a community. The fear of an attack may prevent communities from organizing their cultural or religious events. Equally, the fear of victimization might force the community and its members to be more cautious, often self-censored, in the public space. In addition, when the hate context is not addressed by the authorities and no clear message is sent to the perpetrators, communities might lose trust in their security and the state authorities. This might require communities to provide security for their premises and events, instead of the authorities, taking funds aimed at cultural and social activities. In some extreme cases, a lack of support from the authorities may force communities to relocate to another place, city or even country.

## 3. Secondary victimization and its impact

According to the European Crime Prevention Network:

*“Secondary Victimization refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals*

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15 OSCE/ODIHR (2020), *op. cit.*, note 6, p. 31.

16 Also known as “vicarious impact”.

*to the victim. This includes, but is not limited to, not recognizing and treating the victim in a respectful manner, an insensitive and unprofessional manner of approaching the victim and discrimination of the victim in any kind.”<sup>17</sup>*

For many targets of hate crime, secondary victimization can lead to even greater humiliation, degradation and isolation, which will have an even greater impact on their emotional and psychological health and their social and economic well-being. The response and behaviour of the representatives of criminal justice agencies, and professionals in institutions supporting the victims of crime (including medical and psychological services, lawyers and legal services, social workers and civil society victim support services), can therefore have a critical impact on hate crime victims.

*“You can’t be different in my country. We went out and were beaten by two guys. They broke my nose, they cut my neck with a knife and [...] they paralysed my friend’s hand. [When reporting the case], the police started joking with us, calling us words like ‘faggot’. Then they sent us [to a] hospital, where the doctor ignored us and said, ‘You are sick people, I don’t need HIV in my clinic.’” – A victim of a hate crime due to bias against sexual orientation*

In particular, the representatives of criminal justice agencies can contribute to secondary victimization in the following ways:

- A lack of a response, or an unhelpful and denigrating response;
- Attributing responsibility for the crime to victims, or claiming the culpability of the victim (victim-blaming);
- Minimizing the seriousness of a reported hate crime and trivializing the individual experience and consequences;
- Denying the victim’s perspective in the assessment and evaluation of the crime, not taking a bias motivation into consideration or dismissing it as irrelevant;
- Displaying negative attitudes or reinforcing the prejudices of the perpetrator, and treating the victim accordingly;
- Expressing sympathy and understanding for the perpetrator;
- Lacking appropriate knowledge, experience and skills to acknowledge the significance of the victim’s identity for the crime they suffered;
- A lack of consideration for individual needs, especially the need for information and justice; and
- The denial of victims’ rights or victim status.

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<sup>17</sup> “Preventing Secondary Victimization policies and practices”, European Crime Prevention Network, EUCPN Toolbox Series No. 7, p. 9, <[https://eucpn.org/sites/default/files/document/files/toolbox\\_vii\\_-\\_final.pdf](https://eucpn.org/sites/default/files/document/files/toolbox_vii_-_final.pdf)>.

In addition, perpetrators and their relatives, the public, especially the media, and defenders of perpetrators in court proceedings can positively or negatively influence, prevent or cause secondary victimization.<sup>18</sup>

On 18 April 2016, a Romani boy was brutally beaten up in an EU member state. The perpetrator racially abused and physically assaulted the victim for saying that he considered himself equal with the attacker despite their different ethnicities.<sup>19</sup>

Although the court's judgment explicitly acknowledged a racial bias motivation the proceedings were accompanied by a number of racist outbursts that have further re-victimized the victim and exposed the weakness of the criminal justice system's response to hate crimes. In the medical examination following the attack, the court physician used an ethnic slur and minimized the attack, saying: "He [the victim] was kicked just a little." The investigating officer also used an ethnic slur. The perpetrator of this brutal racist assault on a minor was given a lenient sentence: a probationary period of three years with four months community service. In the sentencing, the criminal justice system effectively conveyed an institutional tolerance to hate crime.

Against the climate of the long-term marginalization of Roma and racist public discourse, this case resulted in an international solidarity campaign #RomaAreEqual, initiated by the European Roma Rights Centre. Within days, the online campaign was shared by thousands across Europe, including international organizations.

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18 Matthias Quent, Daniel Geschke and Eric Peinelt, *They did not take us seriously. A Study on the Experiences of Victims of Right-wing Violence with the Police [Die haben uns nicht ernst genommen. Eine Studie zu Erfahrungen von Betroffenen rechter Gewalt mit der Polizei]* (Berlin: VBRG e.V., 2014), p. 18, <[https://www.verband-brg.de/wp-content/uploads/2019/01/EZRA-VBRG-Studie-Die\\_haben\\_uns\\_nicht\\_ernst\\_genommen\\_WEB.pdf](https://www.verband-brg.de/wp-content/uploads/2019/01/EZRA-VBRG-Studie-Die_haben_uns_nicht_ernst_genommen_WEB.pdf)>.

19 The victim was represented in the criminal proceedings by the Helsinki Committee active in the OSCE participating State where the crime took place.



# III. Hate crime victims' needs

The specific impacts of hate crime result in some common types of needs among hate crime victims. Understanding these needs is critical to correctly responding to hate crimes and countering their damaging impact.

These are the need for:

- Personal safety and security;
- Practical help;
- Emotional and psychosocial support;
- Confidentiality and trust;
- Information and advice;
- Help in navigating criminal justice; and
- Respectful and dignified treatment.

Hate crime victims are likely to have needs in common with victims of other types of crime. However, there are certain needs that are more likely to be present for all or most hate crime victims, and other needs that are specific to particular types of hate crime. It is important that all those who work with hate crime victims – including medical and psychological services, lawyers and legal services, social workers and civil society victim support services, and criminal justice services – have the skills and resources necessary to respond to their needs or know where to refer victims for such support.

## 1. Need for personal safety and security

During and immediately after experiencing a hate crime, most victims feel utterly unsafe, exposed and in danger. The immediate physical and emotional impact of crime can be devastating; some have physical injuries, experience mental confusion and their sense of control of their own safety is significantly diminished. At this stage, the need for safety and physical protection is the most acute, as people often feel helpless, vulnerable and frightened.

The need to feel safe and protected from further harm is profound. Victims have a need for safety regardless of where the crime was committed. Many victims of hate crime feel that they need to change their home, school, workplace, city or even country in order to remove themselves from a setting where their identity was attacked. This is rarely possible, however, and victims look for other ways to increase their safety, such as by changing locks, installing alarm systems or video cameras, or asking friends and relatives to accompany them to and from their home or workplace or to move in with them. However, these measures may be out of reach for many hate crime victims, whereas the need to feel safe remains.

*“We were scared and ran from one apartment to another. We called the police. We could not stay in our room, as it was destroyed by the fire caused by the attackers. The counselling centre found a place where we could temporarily stay and engaged a lawyer and other people who wanted to help us.” – Two residents of a refugee centre, who had racial slurs shouted at them through a window by the same perpetrators that committed the arson attack the night before*

For the perpetrators of hate-motivated crimes, certain establishments and buildings are targets as they are visible representations of the social identities of the hate crime victims, and because perpetrators wish to deny their legitimate public existence. These include synagogues, mosques, minority community religious schools, grocery stores and cafes providing products and services for customers of particular nationalities, and LGBTI-friendly clubs, bars and other businesses. They will need support and professional advice to increase security measures.

For many victims of hate crime, the question arises as to what kind of danger they will be exposed to in the future and what strategies they can use to protect themselves effectively against future attacks. A risk assessment and a reflection of the danger situation should be carried out by all institutions with which the victim comes into contact.

*“Every day of my life is permeated by fear. I look around, note the number plates of passing cars and check who is observing me all the time.” – A victim of a racist attack*

Hate crime victims also need to feel safe from further victimization by the procedures of the criminal justice system. In particular, they need to feel physically and emotionally

safe when reporting a crime in a police station, or when giving evidence or otherwise participating in the proceedings in a courtroom.

Criminal justice system authorities should ensure the protection of victims and their family members from physical, emotional and psychological harm, including protection from secondary and repeat victimization, intimidation and retaliation. Victims have the need to be reassured by criminal justice professionals that actions will be taken to support and protect them. Many have the need to be accompanied to the police, separated from the perpetrator and provided with additional security measures, including a police escort to and from court proceedings, and separate and secure waiting areas in courthouses. The prospect of the perpetrator gaining access to the victim's personal data by inspecting investigation files is a great burden for many victims, who fear repeated or revenge attacks for reporting the crime.

It is also important to restore a sense of individual and community safety. By regaining a sense of safety, hate crime victims can increase their confidence, control and participation in the criminal justice system, and are more inclined to make use of available social and community services.

Some LGBTI individuals and persons with disabilities experience hate crime at the hands of their parents, other family members or carers with whom they may live. Such cases can differ to other types of hate crime, as the victims may be particularly vulnerable in their own homes, further enhancing their need for safety. To avoid re-victimization, the victim may need to be relocated to a shelter or, in the case of LGBTI victims, within the LGBTI community.

## **2. Need for practical help**

Some hate crime victims need urgent practical support to deal with the consequences and impacts of the crime, including immediate medical assistance and long-term professional support that addresses the victim's evolving needs. The need for support encompasses the need for material and practical support, psychological assistance, legal advice, interpretation and help accessing compensation.

Some will need help arranging and paying for their temporary relocation, a loss of income, the repair of damaged property, additional security arrangements and transportation costs to access service providers. Victims may also need help with caring for and supporting their dependent children and other relatives, as well as guidance on administrative procedures on how to apply for compensation, among other needs.

Many Roma victims may not have access to services and support as they are often geographically removed from service providers and lack the financial means to pay for transportation. In some cases, limited literacy skills and a lack of organized support structures may also inhibit their ability to navigate the available resources. Therefore, outreach to and support for hate crime victim support services actively engaged with Roma communities are essential.

### **3. Need for emotional and psychosocial support**

The need for emotional and psychosocial support is the broadest need of many hate crime victims. However, many people who experience hate crime do not at first realize how great and diverse their need for emotional and psychosocial support is. As physical and emotional reactions to the crime may start to manifest themselves in a loss of sleep, distraction and apathy, victims begin to realize their need for such help.

As time goes by, the need for emotional support takes different forms, as emotional wounds endure long after physical wounds have healed. Some victims may need specialized and continuing psychosocial support to help them deal with the lasting impact and consequences of the crime. Overcoming victimization and building their own resilience can be assisted by facilitating short- and long-term psychological counselling, individual and/or group therapy.

#### **a. Need to be listened to and heard**

The emotional needs of victims and witnesses of hate crime will differ from one person to another. However, some needs, such as the need to be listened to and heard, are common to those who experience a hate crime. While at first this need is rarely acknowledged by victims themselves, most people who turn to a counsellor, a friend or the police, experience this need. Sharing their experiences and emotions with others can have a liberating and relieving effect. It is an important first step in building victims' own resilience to the emotional impact of the crime. Sharing and adopting different perspectives can also help to identify solutions to problems and regain the ability to act.

The need to be listened to and heard is also the first step in the long process of establishing trust between the person who experienced the crime and the person approached for assistance. Listening without pre-judgement is a gateway to the victim and their needs. Hate crime victims need to talk to someone with an "open ear" and respectful communication, both verbal and non-verbal, when they are ready to speak – however often that might be and for however long it might take.

Police and other criminal justice actors should take this into account and cater to this need when first approached by the victim or at the crime scene. Calm, attentive and gender- and diversity-sensitive communication will help the victim feel comfortable about speaking openly about their experience. Specific guidance and/or training for professionals might be needed to ensure that hate crime victims receive the respectful and sensitive treatment they require.

#### b. Need to be believed and taken seriously

Hate crime victims need to be believed. Taking into account the victim's perspective about the bias, prejudice or hate motivation as the reason for the crime, or as an aggravating element, plays a crucial role in providing emotional support for victims. It shows victims that their experiences are acknowledged, not discounted, and that their perceptions of their victimization experience are taken seriously.

This implies that the victim's perceptions of bias motivation need to be taken seriously by the police and all actors within the criminal justice system. Bias motivation should be recorded, investigated, prosecuted, punished and mentioned in public statements. Believing the victim is a precondition for an effective response to hate crimes. Only people who trust that their claims are going to be taken seriously will report the crime that they have experienced and provide evidence.

#### c. Need to be understood

Being understood emotionally connects a person with others. Conversely, not feeling understood often leads to a sense of isolation and detachment. The need to be understood is a prerequisite for the victim to be able to express their needs and accept offers of assistance. On the other hand, when the victim thinks they are being misunderstood, their trust in the service providers' or authorities' ability to support them significantly diminishes.

Many victims of hate crime try to understand why they became a target. They look for explanations in their own behaviour, and may blame themselves for being out late in the evening, taking a wrong route, wearing a religious symbol in an unfamiliar place or deciding to move to another country, etc. Trying to understand what happened to them and why is natural, as victims want to draw lessons from their experience and attempt to restructure their lives so that they can prevent another incident from happening.

*"Thanks to counselling and therapy, today I am stronger than ever before." –  
A victim of a racist attack that resulted in hospitalization and therapy lasting  
more than a year*

However, as hate crimes target the victim's identity, many realize that there is not much they can do to prevent the re-occurrence of violence against them. This understanding on the part of the victim and service providers is a precondition for developing effective coping strategies and seeking appropriate support services. These needs should be translated into the approaches taken by criminal justice officials and support providers, which should aim to validate the victim's experience by (i) implementing all principles of sensitive and respectful interviewing, (ii) reassuring the victim that they are not to blame for what happened, (iii) contextualizing hate crimes and providing correct information about the options and procedures ahead, while (iv) avoiding biased expressions, attitudes and otherwise re-victimizing.

#### d. Need for solidarity

Being taken seriously is synonymous with solidarity with hate crime victims, many of whom suffer in silence. They may feel shame or guilt about their own distress. They may doubt and blame themselves, or feel that their person or the group to which they belong is dehumanized. This psychological reaction causes many hate crime victims to avoid talking about their experience and become withdrawn. However, this is not the only reason why hate crime victims do not share their experience of the crime or seek help.

Many hate crime victims belong to groups that have historically experienced segregation and marginalization, and continue to experience aggression and harassment in their everyday lives. At the same time, harassment and violence is largely tolerated – and sometimes even encouraged – leading to further hate-motivated attacks and social divisions.

Because of these experiences, victims of harassment rarely rely on passers-by to intervene, but may still feel let down when people fail to do so. It is important that victims are able to feel confident that members of the public will help them in the event of a hate incident, such as by calling for assistance or testifying in court. Such responses provide a sense of solidarity and help to affirm the victim's membership in the wider community.

Very often, public interest in hate crimes is concentrated in the immediate aftermath of an attack, and on attacks targeting places of worship or ethnic, sexual or other minorities. This is usually when public expressions of solidarity with the victims are strongest, denouncing hate-motivated crimes as harmful not only to individuals or groups, but also democratic societies, as attacks on the system of co-existence that is based on solidarity with each other. However, when the media shifts attention to another event, support for victims and manifestations of solidarity decrease, often leaving the victims feeling abandoned and disillusioned.

On 9 October 2019, when the Jewish community around the world was commemorating Yom Kippur, the holiest day of the year in Judaism, a far-right shooter tried to break into a synagogue in Halle, Germany. As he did not manage to enter the synagogue where 51 people were worshipping, he killed two people outside the building. This anti-Semitic attack was strongly condemned by politicians in and outside Germany, and by community and religious leaders of various faiths. In Berlin, people demonstrated against anti-Semitism and in solidarity with the victims.

The emergence of new champions and allies can help victims feel empowered following attacks. These actors can drive a change in public perceptions and lead to greater awareness of the impact of such crimes on victims. Through advocacy work, they can also lead to greater procedural safeguards to prevent secondary victimization, call for better understanding of victims' needs and appeal for greater solidarity.

*“Even though we are victims and subjected to repression, do not enjoy equal rights, and do not have the recognition of the majority society, we self-organize and do not bend.” – Survivor of a racist arson attack*

Advocacy organizations and those providing victim support can be instrumental in mobilizing solidarity, while also helping victims to navigate and get involved in initiatives aimed at fostering tolerance.

#### **4. Need for confidentiality and trust**

For many victims, experiencing a hate crime constitutes a fundamental breach of trust in oneself, in the community, in society and in the values underpinning that society. Victims of hate crime need to have their trust restored. By regaining trust, the victim has the capacity and strength to accept assistance, work through and overcome the impact of the crime. Appropriate and victim-centered support also means that victims are more likely to trust law enforcement agencies and report a crime.

*“People won’t call the police if they are attacked verbally or even physically because of the police surveillance of Muslim communities, which has caused us to lose trust in their willingness to treat us fairly.” – A Muslim community member*

When victim support providers learn about a hate-motivated incident or crime, or when the victim agrees to receive support after reporting the incident to the police, they

should proactively reach out to the affected person. This contact is of paramount importance, as it provides the opportunity for victim support providers to establish the confidentiality of the process. Upon receiving reassurance that their information will be treated confidentially, most victims accept the offer of a consultation. Those victims who actively seek counselling also need to have their identity and information about them protected. There are, however, victims who want to make their experience broadly known, as they see publicity as a form of protection.

Regardless, establishing relationships of trust and confidentiality plays a central role in the recovery process, as it helps create an environment in which victims can open up, discuss their experience, seek assistance and decide on further steps. This relationship must be based on a candid discussion about the limitations of confidentiality, especially in cases where victims decide to report the crime to the police or have to be part of the criminal justice process.

It is particularly important that victims are able to trust investigators and other representatives of the authorities. Therefore, the authorities must take appropriate measures to protect victims' privacy, including personal characteristics such as religion, ethnicity, immigration status, sexual orientation or gender identity, and not to reveal these to third parties or the public without the victim's informed and explicit prior consent. Systems should be put in place to ensure that only such information about the victim that is critical to the proceedings is entered into the criminal file, which is accessible to the perpetrator and other parties. In particular, the results of the individual risk and needs assessments, which might need to be shared with agencies and organizations responsible for supporting the victim, should be protected from the offender. Maintaining privacy and confidentiality is critical to victims' well-being.

Victims of hate crime need to be reassured that all aspects of their communication with counsellors and other public servants will be dealt with in the strictest possible confidence. Victims who cannot trust professionals to treat such information confidentially may withhold information that might be relevant in determining their needs and the impact the crime had on them. When professionals disregard the privacy of their clients, this harms the victims. Confidentiality also relates to the channels of communication, as receiving correspondence about a homophobic or transphobic incident to a home address, university or a workplace can accidentally "out" the victim. Information about the victim's sexual orientation or gender identity should not be revealed to other people in the courtroom or to the press.



## 5. Need for information and advice

For many people, the experience of becoming a victim is disturbing and shocking. Victims may feel helpless, disoriented and unable to act. Most victims will request information immediately after the incident. It must therefore be recognized as a particularly pressing need. While some people know their rights and sources of support, many others experience confusion about what has happened to them. Recognizing and properly addressing the comprehensive need for information empowers the victim to be a legitimate participant in the process, restoring the victim's agency and decision-making abilities and strengthening their self-esteem.

The range of information relevant to the victim is wide and encompasses the need for information about victims' rights and procedures, available support and services, and specific information pertaining to their case. The need for information can change repeatedly over time depending on the victim's situation. Therefore, providing information should not be seen as a single event. The information needs to be available in different formats for ease of access, such as via online portals, helplines, social media channels, brochures, leaflets and posters in public places. The information should be accessible for people with disabilities or sensory limitations, and translated into minority languages.

Those with undocumented or refugee status, or with a previous negative experience with the criminal justice system, may want to avoid the repetition of a frustrating, stressful and lengthy process. Some victims face the problem of not being able to follow proceedings because of the intentional complexity of the language used, including legal jargon. In some cases, for example those involving asylum seekers and people with limited literacy skills, victims are compelled to sign documents that they do not understand, but which have implications for their case.

Hate crime victims also need information to help them decide whether they want to report a hate crime, and if they choose to report, they need help in navigating the criminal justice system. This means informing victims about the full range of their rights as victims (and duties as witnesses), supporting them in asserting their rights to the full extent, as well as managing their expectations in terms of the length and nature of the proceeding. This need is further elaborated below in the section on navigating criminal justice.

## 6. Need for help in navigating criminal justice

Not all victims of hate crime pursue their need for justice by participating in the criminal justice process. For those who do, the reactions of criminal justice agencies have a particularly important role in determining the consequences of the victims' experience of victimization. This particularly applies to the behaviour of law enforcement officers both in handling the crime and in its aftermath.

Approaching and navigating the criminal justice system can thus present additional burdens for victims. The need to describe the injustice experienced forces victims to repeatedly recount their traumatic experiences.

### a. Need for access to justice

The need for justice for many hate crime victims is persistent, despite the fact that many victims do not report the crime to the police. This may be because they do not see the criminal justice system as the relevant place to find justice, or because they fear that the system will ignore their needs, will not offer protection from secondary victimization and will not prevent a repetition of the crime.

*"I was scared to report the case to the police. Who knows how many [perpetrators] would wait for me the next day." – A victim of two racist attacks on two consecutive days, who was threatened with a more brutal attack in the future*

Many formal justice systems are unaffordable, slow and incomprehensible to the public. Courthouses are often located in urban centres, leaving victims in rural and remote areas without access to justice. Authorities should ensure access for victims with disabilities and make funds available for their case-related travel.

Hate crime victims want to see the criminal justice system, which historically focuses on the offender, at work for them. Authorities should define the participation rights of victims of hate crimes. Different jurisdictions provide different options for participation, be it as a witness, as a victim providing a statement about the impact, or as an injured party to the proceedings.

However, in all procedural arrangements, the need for access to justice goes far beyond the legal status and procedural arrangements. The victim's treatment at the hands of police when providing testimony, the number of times a statement is taken, the place where it is provided and the willingness of officials to give the victim access to the investigation and investigators are all factors influencing the victim's level of comfort.

Criminal justice officials should be aware of the procedural obstacles that victims can face, and should act in partnership with the victim rather than instrumentalize them as mere sources of evidence.

Because of their previous experiences with the criminal justice system, some hate crime victims will have a sense of mistrust or fear of the police. Victims who belong to groups that have historically been subjected to racial profiling, harassment, violence or a general lack of protection by the police – such as some minority ethnic, refugee and Roma communities – may not want to have any contact with police, including by reporting hate crimes or engaging in lengthy case processes. Individuals who believe that police have committed hate crimes or are complicit in hate crimes perpetrated by others may see no sense in reporting, or simply be scared to contact the police. Immigrants or refugees who have fled their country of origin because of government-supported violence may mistrust the police in their new country of residence too. Individuals who are not citizens of the country where they have been victimized might fear that, even as crime victims, their involvement with the police or government may result in arrest and/or deportation.

Access to legal aid and representation is instrumental in accessing justice. Many victims' legal literacy is not sufficient to access justice. Victims need to understand the process, their rights, including their role in the proceedings, and ways to claim them. The presence of a victim support practitioner, a friend or a relative accompanying the victim whenever they interact with law enforcement bodies and other authorities can be helpful and is a right guaranteed by the EU Victims' Rights Directive.

Legal representation is particularly necessary for victims who participate in criminal proceedings, during which they may have the opportunity to present an impact statement in court or claim compensation. Considering the situation of many hate crime victims, access to such services should be provided free of charge to the victim.

Many refugees experience hate crimes.<sup>20</sup> Refugees are subjected to a complex set of rules and regulations, and their access to social services, the labour market and justice are severely restricted, if not completely denied in many countries. When refugees experience hate crime, their needs go beyond those of other hate crime victims, as they usually do not have any relatives or friends nearby who can offer compassion and provide emotional support. They might also have language barriers and lack trust in the authorities because of their experiences in their home country. Additionally, their insecure residency status makes them fear that reporting a crime may lead to being reported to immigration authorities and deported, possibly to a country where hate crime victims will face persecution or even torture. This essentially leaves migrants, refugees and asylum seekers without access to justice.

## b. Need for understanding

The need to understand and to be understood within criminal justice proceedings includes the practical and procedural needs of victims. The EU Victims' Rights Directive states that "justice cannot be effectively achieved unless a victim can fully understand the process and properly explain the circumstances of a case and provide their evidence." This means that victims have the right to receive information in an accessible and understandable language, and that the relevant authorities are obliged to explain the processes and rights of victims in a timely, consistent and clear way. It further obliges the authorities to ensure that translators, hearing devices or other specialist disability support are made available to victims.

In line with the EU Victims' Right Directive "communication should be tailored to the victim's age, maturity, intellectual and emotional capacity, literacy, and any mental or physical impairment should be taken into account." The duty to provide information should not be fulfilled as a mere formality, and officials need to make sure the victim has understood the information they have been given.

Any limitations on a victim's ability to communicate information should be taken into account during criminal proceedings. Accommodations should be made to allow for additional support from relatives, friends and community members to enable the victim

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20 For example, according to German Federal government figures, refugees were insulted, threatened or attacked 1,620 times in 2019. In addition, there were 128 attacks on asylum centers and 78 attacks on organizations and individuals who work with refugees. See: "Over 1,700 Attacks on Refugees" [Über 1.700 Angriffe auf Geflüchtete]. <<https://taz.de/Rechte-Gewalt-gegen-Gefluechtete/!5674901/>>

to enhance their ability to communicate their experience and the impact of the crime on them. Such accommodations may include allowing more time for the victims to communicate their experiences. Some victims will need interpreters when they do not feel comfortable expressing themselves in the language of criminal justice proceedings.

When victims understand and are understood, they can effectively participate in the criminal justice process. Such participation can be therapeutic, in that it gives them the feeling of taking an active role in restoring justice and having the harm and impact of the crime they suffered acknowledged and recognized.

Victims of hate crime with intellectual disabilities have complex and nuanced needs, especially when it comes to participating in reporting a crime or being part of the criminal justice process. These groups of victims may need alternative formats in order to participate in the proceedings. Police need to be ready to engage with them, when necessary using alternative formats, and without emphasizing the individual's impairment or cognitive ability when taking their statements during reporting and/or in court. People with learning disabilities or mental health issues need not to have their experience dismissed or the credibility of their story undermined or questioned because of possible ambiguities. Victims with learning disabilities or mental health conditions need to be provided with information in such a way that they can understand what is being said. They also need police and other authorities to demonstrate readiness to engage and look for ways to understand victims.

### c. Need to be kept informed

Being a victim of violence can cause enormous insecurity and disorientation. Being well-informed and involved can reduce this impact. Many victims report that receiving insufficient information about an investigation or court case added to their worries at an already stressful time. The denial of information can also accelerate processes of secondary victimization.

Throughout the case, many victims have an urgent need to receive timely information on case progress, including information about whether the offender has been identified or arrested, charged, sentenced or released. They also need to be involved in the decision-making on how the police or the prosecutors intend to proceed further in the case.

It is equally important to respect the victims' need to use their preferred communication channel. It is up to the victim to decide how they want to be contacted: if they choose

to receive mail by post, be called at certain hours, or receive correspondence only electronically, the police and other service providers should respect this preference, as much as possible.

#### d. Need to send a message

Victims differ in what they perceive as “justice delivered.” In addition to wanting to know that their perpetrators were identified and prosecuted, most hate crime victims want the criminal justice process to have a formative/educational effect on the perpetrator, representatives of the criminal justice system, other authorities and the wider public.

For many victims, the perpetrator’s punishment is not the culmination of justice. Even in instances where a bias motive could not be proved but was recorded, considered and investigated, victims may be provided with some sense of justice. The enhanced sentencing of hate crime offenders sends a clear message to potential perpetrators, the targeted community and the public that hate crimes are taken seriously. If, on the other hand, courts do not recognize a hate motivation in a crime, a sense of impunity can prevail instead.

For many hate crimes victims, the need for justice encompasses the need to speak about the impact of the crime on them, receive an apology, ask for accountability and forgive. Their need for justice entails receiving recognition of their suffering, compensation, compassion from the public, as well as remorse and accountability on the part of the offender. Restorative justice solutions, mediation and other alternative or out-of-court outcomes might provide some victims with satisfaction. Where victims can claim compensation or other forms of material redress as part of the criminal proceedings, it is critical that such compensation explicitly reflects the additional harm present in hate crime victimization.

The ability to present the impact of a hate crime on them, be it through witness testimony or a victim impact statement, has been described by many hate crime victims as an important moment in their healing process.

## 7. Need for respectful and dignified treatment

People who have experienced hate crime turn to law enforcement agencies and other service providers with the hope of receiving assistance and protection. They place their trust in these institutions at a time when they feel violated and are most vulnerable. The attitudes shown by people working in these institutions towards the victims of hate crime can be a critical trigger of secondary victimization.

Young LGBTI people can be especially sensitive about their physical and psychological safety. Young people are more likely to be in internal conflict about their identity, which they may still be discovering and exploring. They may hide it from their family and others around them. At such a stage of identity development, young people may be more vulnerable to offence and humiliation. Contact with the police can therefore be especially threatening for young people. Even minor comments, such as making the victims feel guilty about not remembering all the details or saying immediately that the case does not stand a chance for success, can leave a lasting impact. In communication with LGBTI people, criminal justice professionals and service providers should take into consideration the preferred way they want to be addressed and use the correct pronouns.

The EU Victims' Rights Directive calls on law enforcement agencies and other service providers to treat victims "in a respectful, sensitive and professional manner" without any discrimination. At all stages of the process, starting from the initial contact, interviews, written communication and individual needs assessment processes, etc., consideration should be given to the "personal situation and immediate needs, possible disability and maturity of a victim while fully respecting the victim's physical, mental and moral integrity." For the victims of hate crime, this requirement implies that those dealing with victims need to have a sound understanding of common types of hate crime victimization and the context of hate crimes in their area, including the situation of the main targeted groups.

Victims are more likely to trust the police and other service providers when they are treated in a respectful and dignified manner, shown concern and a willingness to listen and understand. Victims need to be treated with courtesy, concern and understanding. Criminal justice professionals and service providers, such as healthcare personnel and counsellors, need to use respectful language, be aware of their own biases, avoid manifesting biased attitudes and behave in a way that protects the victim from re-victimization.

*"When the police came [to the scene of an arson attack], they asked me if I have Turkish or Kurdish roots, and if it is possible that the perpetrators came from these offender circles." – A victim of a racist attack*

Specially trained personnel should conduct interviews and otherwise engage with victims of hate crimes. Where relevant, guidance on the sensitive and respectful treatment of hate crime victims should be developed, distributed and used.

## 8. Multiple needs

Most victims of hate crime may have many of the needs explained above. This section uses a real case example to show the multitude of needs of victims of hate crime:

### **Case background:**

Ahmad\* is a young man who recently came to Europe, escaping war in his home country and hoping to make a new home. A few months after his arrival, Ahmad's friend was attacked in a park, unprompted, with a knife by a right-wing attacker. Ahmad intervened to protect his friend. This encounter left him scarred emotionally and physically, as his palm was slit open by the attacker. He had become a victim of a hate crime. After this incident, a social worker from a refugee camp where the two young men live introduced Ahmad to a counselling centre for persons affected by right-wing, racist and anti-Semitic violence. From that point on, Ahmad received support from the counsellors at the centre; he learned to trust his counsellors and relied on them for emotional support, practical help in organizing his life, and navigating the complicated bureaucracy.

On a winter's day, in broad daylight, Ahmad and his friend became the victims of another attack, this time at a busy train station in a provincial town. Two attackers first racially assaulted the young men, then threw beer bottles, beat and kicked them. Although the attack lasted several minutes, none of the many passers-by tried to stop the attack. However, someone called the police, who arrived at the crime scene shortly after the perpetrators abandoned the station, leaving their victims crouching on the ground. Ahmad was seriously injured in the attack; his lower jaw was broken. He also suffered shock and trauma. His friend survived the attack largely unharmed.

When classifying the attack, instead of documenting grievous bodily harm, the police recorded the incident as bodily harm. Further, despite information that the perpetrators repeatedly used racist language, the police disregarded the hate motive. Because of this, the case was not reported and registered officially as a hate crime case. The police officers also did not refer Ahmad to a counselling centre and did not ensure that an interpreter was present when he was first summoned for an interview.

\* For reasons of anonymity, the name of the victim has been changed.



## Impact and needs of the victim:

What followed the attack at the train station were months of fear, uncertainty, emotional distress and self-blame on Ahmad's part. The attack, coupled with his interactions with the police, shattered Ahmad's hope of feeling safe and protected by his new country.

The counsellors took measures to increase Ahmad's feeling of safety; they listened to Ahmad's account of what happened at the train station and his despair. They helped Ahmad deal with his sense of shame for not fitting in, for being so obviously foreign, for not speaking the local language fluently and for many other things for which he was holding himself responsible. On Ahmad's behalf, they intervened with the hospital to get an earlier appointment for an urgently needed second surgery, which the hospital had initially scheduled for one year later. The counsellors guided Ahmad, who wanted to play an active role in bringing the perpetrators to justice and preventing others from falling victim to racist violence, on how to lodge a criminal complaint. When the police handed Ahmad documents without explaining their content or indicating the timeframes for submitting them, the counsellors explained in plain language the forms and the process. Without the counsellors' involvement, Ahmad would not have been able to lodge the complaint and stay informed about the case.

### Victims' Needs:

- The need for personal safety and security
- The need for practical help
- The need for emotional and psychosocial support
- The need for confidentiality and trust
- The need for information and advice
- The need for help in navigating criminal justice
- The need for respectful and dignified treatment

It is too early to say what turn Ahmad's case will take. It is clear that he needs long-term counselling and support, as his thoughts keep going back to the day when he and his friend were brutally attacked while a crowd of people stood idly by. There is, however, hope in the gesture of solidarity shown by the unknown person who Ahmad assumes called the police, and because of the support he has received from the counselling centre.

# IV. A victim-centred approach

By identifying the common needs of hate crime victims, this publication serves to sensitize those who come into direct contact with hate crime victims, and encourage all institutions and professionals to keep these needs in mind, and to help victims identify other, more specific needs they might have.

It is important to bear in mind that not all needs apply to all victims, and not all victims experience these needs similarly. An **intersectional understanding** of the impact of hate crime on individuals and their subsequent needs is critical. This understanding requires a victim-centred approach that acknowledges that even though people might share a particular social identity and personal characteristics, they are unique individuals with specific individual needs.

Hate crime policy commonly singles out protected characteristics such as race, language, religion, ethnicity, nationality, sexual orientation, gender and gender identity, and disability. The reality, however, is that victims often experience acts of hate crime on the basis of intersections between these characteristics. Muslim women have their headscarves pulled. Bearded Muslim men are called “terrorists.” Jewish men have their kippahs knocked-off their heads. Particular sexualized and gendered epithets are reserved for lesbian women, women in general and marginalized groups of women, and so on.

Furthermore, a particular social identity is not uniform among all persons who share that identity. As an example, there are many different types of disability. Therefore, persons with disabilities as a group are not a homogeneous community. The lived experience of a disability is also mediated by other aspects of social identity such as a person’s age, gender, ethnicity and religion.

By the same reasoning, the impact of hate crime on individual victims can be mediated by the interaction of different aspects of their identity, such as their age, gender, ethnicity and religion. An individual’s physical condition, mental stability and health conditions, as well as their previous individual and collective experiences of discrimination, crime, violence and traumatization, can also affect the impact of a hate crime on a particular victim.

The intersections of all these aspects of hate crime victims' identity can therefore also affect their needs. Consequently, professional victim support providers commonly agree that a victim-centred approach to identifying the needs of hate crime victims should be applied. Each case needs to be individually assessed.<sup>21</sup>

The essence of a victim-centred approach is enshrined in the EU Victims' Rights Directive, which aims to strengthen the rights, support, protection and participation of victims in criminal proceedings. In doing so, the Directive requires criminal justice bodies to deal with victims' needs in an **individual manner**, based on an **individual assessment** and a targeted and participatory approach towards the provision of information, support, protection and procedural rights.

A victim-centred approach also implies having a victim's needs and rights at the centre of any action, approach or measure undertaken by criminal justice bodies, victim support service providers, civil society actors and any person in direct contact with a victim throughout the lifecycle of a hate crime case. This follows a human rights-based approach, as respect for fundamental human rights is essential for justice and to guarantee the security and safety of individuals and communities.

Ensuring that the needs of victims are met and that they are able to play an active role throughout the criminal justice process is not only beneficial for victims themselves. A victim-centred approach can help avoid secondary victimization and improve victims' trust in the criminal justice system, encouraging victims to report their cases and cooperate more actively with criminal justice bodies. This in turn can help law enforcement to better understand the security needs in their communities and can further improve the efficiency of the criminal justice system.

A victim-centred approach should also be considered a guiding principle for all other professionals who come into direct contact with victims, such as doctors, healthcare workers, lawyers, social workers and consultants. Their mandate and activities should be based on a concrete need for assistance, as well as on the available resources and possibilities for assistance in the victims' living environment. It is advisable to involve victims in any decision that has to be made, taking into account their existing strengths, skills and resources. Needs and resources should never be anticipated as their availability is fundamental to the process and should also be taken into account in dealing with health, legal and social problems resulting from the crime.

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21 Kees et al., *op. cit.*, note 7, p. 68.

A victim-centred approach is essential to respond appropriately to victim's needs and to support victims in coping with the manifold consequences of the crime as quickly as possible. The approach strengthens victims' ability to act, which is often lost following an attack, and increases their self-efficacy experience and self-confidence.

# V. Summary points: Understanding the needs of hate crime victims

Hate crime victims share common needs with victims of other types of crime. However, there are some needs that are more likely to be present for all or most hate crime victims. Some needs are also specific to particular types of hate crime. Understanding them is critical to correctly respond to hate crimes and counter their damaging impact.

## **Summary points: the needs of hate crime victims**

- **Personal safety and security:** During and immediately after experiencing a hate crime, most victims feel utterly unsafe, exposed and in danger. The need to feel safe and protected from further harm is profound. Victims need to be reassured by criminal justice professionals that actions will be taken to support and protect them.
- **Practical help:** Practical support to deal with the immediate consequences and impact of the crime will be needed by some hate crime victims. This can include legal advice, medical assistance, repairs and security arrangements for property, and family support.
- **Emotional and psychosocial support:** The emotional and psychosocial needs of victims of hate crime will differ from one person to another. However, there is often a need to be *listened to and heard*; a need for victims' perspectives about the crime's bias motivation to be *believed and taken seriously*; a need to be *understood* and the impact of the crime acknowledged; and a need to *feel solidarity* from criminal justice authorities and victim support service providers, so that victims are not alone in responding to their experience of hate crime.

- **Confidentiality and trust:** The experience of hate crime can shatter a person's trust in their community and their sense of a just world. Establishing relationships of trust and confidentiality with victims of hate crime is fundamental to the recovery process.
- **Information and advice:** Hate crime victims will need information and advice about their *rights and expectations* in case they decide to report the crime to the police or other authorities and organizations. They will need information about all the available support services.
- **Help in navigating criminal justice:** Hate crime victims need *access to justice*: to see that the criminal justice system will actively support their case. Victims need *help to fully comprehend the criminal justice procedures* involved in processing their case. Criminal justice agencies *need to enable the victim to explain the circumstances of their case* so that it can be properly understood. Victims will also need to be *kept informed about the progress of their case* through the criminal justice system so that they can see that it is being taken seriously. Overall, the criminal justice system needs to send a *message that hate crimes are taken seriously*. The active investigation, prosecution and conviction of hate crime sends an important message of justice for victims and condemnation of the offenders' motivations and actions.
- **Respectful and dignified treatment:** Given that feelings of violation can be acute among hate crime victims, it is critical that criminal justice agencies and other service providers behave *professionally, respectfully* and in a way that protects victims from re-victimization.
- **Victim-centred approach:** While hate crime victims share some common needs, it has to be understood and acknowledged that *each victim is a person with individual needs*. Their needs should be at the centre of the response by criminal justice agencies and other service providers and an intersectional understanding of the impact of hate crime on individuals and their subsequent needs is critical.

# VI. Action points: Making a victim-centred approach a reality for hate crime victims

**This publication advocates for a comprehensive and inclusive victim-centred approach to preventing and responding to hate crimes. This requires victims to be treated as individuals with individual needs, enhanced sensitivity and an understanding of commonly recurring needs.** To make the victim-centred approach to hate crimes a reality, concrete steps and measures should be taken by criminal justice officials, other authorities and victim support practitioners.

## **Action points for working with victims of hate crime**

*At a minimum, when working with victims of hate crime...*

### **Criminal justice system authorities should:**

- Ensure that victims have effective access to justice both procedurally and physically; that they can participate in accordance with the law in all stages of hate crime proceedings; and that their agency and preferences are respected. To that end, legal aid and representation should be provided; and
- Ensure the protection of victims from physical harm immediately after the incident and continue to provide such protection in line with the identified risks and protection needs.

**Criminal justice system authorities and victim support service providers should:**

- Approach victims of hate crime with an awareness of the specifics of hate crime victimization, hate crime impact and the typical needs of hate crime victims;
- Treat hate crime victims sensitively and with respect, in a professional and individualized manner. Those working directly with victims should be mindful of their own biases and avoid manifesting them. To these ends, practitioners working directly with victims of hate crime should receive guidance and be specifically trained;
- Assess the needs of each victim of hate crime on an individual basis, with a view to identifying their protection and support needs and referring them to the relevant services. A methodology for conducting individual needs assessments should be developed and implemented to ensure consistent approaches;
- Address the victim's need for medical assistance, emotional and psychosocial support, as well as any financial and practical support required to address their emotional and psychosocial needs;
- Take into consideration and cater to the victim's need to be listened to, believed and taken seriously;
- Take appropriate and timely measures to identify and uphold the victim's privacy and confidentiality needs; and
- Provide full and timely information to victims about their rights, the process and the available support services. The provision of information should not be formalistic but should be tailored to the victim.