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HATE CRIME VICTIM SUPPORT IN EUROPE

A Practical Guide

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RAA SACHSEN E.V. – COUNSELLING SERVICES FOR
VICTIMS OF HATE CRIMES

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**HATE
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GLOSSARY

BIAS MOTIVE: Prejudice, hatred and hostility – mostly based on an ideology of inequality such as racism, anti-Romanyism, antisemitism or homophobia – are often the motive for planned or spontaneous violent attacks or the reason for violent escalations in everyday problem situations.

COUNCIL OF EUROPE: An independent international organisation headquartered in Strasbourg with members from 47 countries in Europe, established to promote democracy and protect human rights and the rule of law in Europe.

CLIENTS: Persons that are supported by service providers given that they are directly or indirectly affected by hate violence.

CASE WORKER: Person who works for a service provider on behalf of the client through personal counseling.

CIVIL SOCIETY ORGANISATION (CSO): Non-profit organisation that is not part of a government or any other state authority. CSOs' foci can include a wide range of activities, from human rights, health care or environmental projects to sports and education.

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA): A decentralized agency of the European Union established to provide expert advice to EU institutions and Member States concerning fundamental rights, discrimination, and access to justice.

DIRECTIVE: A legal act of the European Union. It obliges EU Member States to achieve a particular binding result without dictating the means of achieving that result.

GROUP-FOCUSED ENMITY: An integrative sociological concept that tries to detect and to systematize hostile attitudes towards people of different social, religious and ethnic backgrounds and with different lifestyles. The term was coined by the educationalist Wilhelm Heitmeyer (2002) and also refers to an empirical long-term study of such attitudes in Germany. The concept includes racism, xenophobia, antisemitism, homophobia, disdain of the homeless, devaluation of people with disability, Islamophobia, sexism, privileges of the establishment and contempt of long-term unemployed persons.

HATE CRIME: Hate violence against persons or property. It is criminalised and subject to greater penalties than otherwise identical crimes where denigration of perceived social identity plays no part.

HATE GROUP: An organised group or movement that advocates and practices hatred, hostility, or violence towards perceived members of a race, ethnicity, nation, religion, gender, gender identity, sexual orientation, as well as towards human rights defenders and those who support social diversity and democracy.

HATE SPEECH: Outside the law, all forms of expression which spread, incite, promote or justify hatred, hostility, or violence towards a person or group on the basis of perceived identity such as race, ethnicity, nation, religion, gender, gender identity, sexual orientation, as well as towards human rights defenders and those who support social diversity and democracy.

HATE VIOLENCE: Violence in which the denigration of a person's perceived identity, such as their race, their ethnicity, nation, religion, gender, gender identity, sexual orientation, sexual identity and disability status plays some role in the violent act.

LGBT: Stands for lesbian, gay, bisexual, and transgender. Sometimes expanded to LGBTIQA in recognition of intersex people, asexuals and those who identify as queer or are questioning their sexuality or sexual identity.

ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE): The world's largest security-oriented inter-governmental organisation that brings together 57 participating states in the Northern Hemisphere. Created during the Cold War era in 1975 as an East-West forum its mandate now includes issues such as arms control, promotion of human rights, freedom of the press and fair elections.

OFFICE FOR DEMOCRATIC

INSTITUTIONS AND HUMAN RIGHTS

(ODIHR): An institution of the OSCE headquartered in Warsaw promoting human rights, non-discrimination, democratic elections and the rule of law since 1991.

RIGHT-WING VIOLENCE: A term used by German civil society and social scientists to describe violence in which the perceived social or political identity of a person or group plays a role. During the violent act an inhuman ideology based on inequality is expressed, such as racism, antisemitism, homophobia, ableism, classism, national chauvinism, sexism, fascism or neo-Nazism.

SUPPORT SERVICE PROVIDER: Civil society organisation that offers help, support and advice to those who are affected by hate violence. Usually the services are tailored to the different target groups that are affected by hate violence.

VICTIM: Every person harmed as a result of a crime or whose rights were violated by an offender.

VICTIMISATION: The process of being victimised or becoming a victim. Primary victimisation describes the immediate attack and all direct consequences and impacts of it. Secondary victimisation relates to further mental, social and economic impacts that do not occur immediately following the attack.

FOREWORD

RAA Sachsen e.V. and its European partners have produced an exceptional tool with this Practical Guide on hate crime victim support in Europe. It deserves to be praised for the many features that will make it a game changer for civil society organisations and individuals active – or planning to be more active – in supporting individuals having faced, directly or indirectly, hate violence and its wide-ranging consequences.

Let's start by acknowledging the conceptual and legal robustness as well as the “grassroots” quality of this Guide. It is the result of an impressive joint effort by an unprecedented number of NGOs with expertise in supporting victims of hate violence in various European national settings – many of which are members of ENAR, the European Network Against Racism – and academics whose deep knowledge of the multifaceted phenomenon of hate violence has long been demonstrated.

Further, as you shall discover, the guide is comprehensive, written in an accessible language, and addresses both long-time practitioners and newcomers to the field. Although civil society organisations are its primary target audience, civil servants in the judiciary, judges, police officers, lawyers, and all those working on healing processes (medical doctors, nurses, psychologists, social workers, counsellors) will also considerably benefit from the content and perspectives presented in this guide—its victim-centred approach in particular.

Indeed, the guide discusses at length the multidimensional impact of hate violence and crime on individuals, their communities as well as the majority community: their needs, their hurdles are explored, bringing in their perspective in view of improving remedies and methods of redress. At every step of the guide, the victim's perspective is heard in an empowering way.

To avoid the pitfalls of many transnational toolkits, the authors have taken great care to provide users with a wide range of concrete cases from various national and legal contexts. They also showcase a large array of diversity grounds that have been the target of hate violence. They do not restrict their concerns to race or sexual orientation, which might make most of the (few) headlines dedicated to this pervasive phenomenon, but also hide the breadth of groups faced by different forms of hate violence.

We hope that this guide will receive the attention it deserves and empower civil society organisations and practitioners to improve and further their daily work in the very challenging area of support to victims of hate violence, which has been largely undervalued by public authorities until very recently. No doubt this guide will be pioneering in making the voices of victims heard, and ensuring that they are properly cared for.

Dr. Michael Privot
ENAR Director

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RAA Saxony extends its thanks to Geert Attes from the UNITED Network and Peter Wittschorek, former Adviser on Civil Society Relations at OSCE Office for Democratic Institutions and Human Rights, for providing access to their networks for the recruitment of participants for the Berlin symposia.

Gratitude is also owed to the Foundation "Remembrance, Responsibility and Future" (EVZ) for financing our project and making it possible. We are grateful for the support our stakeholders and partners have

shown us, namely: the Antonio-Amadeu Foundation, Bundesarbeitsgemeinschaft Kirche und Rechtsextremismus (BAGKR), Berlin Mission, German Association of Support Service Providers for victims of right-wing, racist and Antisemitic violence (VBRG) and the European Network Against Racism (ENAR).

Moreover, we want to thank our colleagues from all over Europe who joined our project and contributed their commitment, great expertise and professional knowledge. The Civil Society Organisations they represented are listed in the text box below.

We would also like to sincerely greet our German colleagues particularly the authors' collective of the publication "Beratung für Betroffene rechter, rassistischer und antisemitischer Gewalt. Qualitätsstandards für eine professionelle Unterstützung" (VBRG 2015).

Robert Kusche & Stephan-Jakob Kees
RAA Sachsen e.V.

CIVIL SOCIETY ORGANISATIONS

- *APAV – Portuguese Association for Victim Support (Portugal)*
- *Civic Assistance Committee Moscow (Russia)*
- *Fundación Secretariado Gitano (Spain)*
- *Galop – LGBT anti-violence & abuse charity (England)*
- *German Association of Support Service Providers for victims of right-wing, racist and antisemitic violence (VBRG)*
- *Greek Council for Refugees (Greece)*
- *Helsinki Committee for Human Rights of the Republic of Macedonia (Macedonia)*
- *In IUSTITIA (Czech Republic)*
- *Justice 21 (Bulgaria)*
- *KPH – Campaign Against Homophobia (Poland)*
- *LEA – International Foundation and Council of Jewish Women in Georgia (Georgia)*
- *Mobile Counselling for Victims of right-wing*

CONTEXT OF THE GUIDE

This report, *Hate Crime Victim Support in Europe*, is a result of the project 'Standards and Guidelines for Victims of Hate Crime in Europe' initiated by the German Civil Society Organisation RAA Saxony – *Counselling Services for Victims of Hate Crimes*. RAA Saxony undertook the project to improve support structures and the situation of those who suffer hate violence crimes.

Due to a current lack of knowledge sharing and a gap in documented guidelines on supporting victims of hate violence our goal was to bring together hate crime community workers from different European states to discuss and share knowledge and expertise on appropriate support for victims of hate crime. Representatives of twenty-three civil society organisations from eighteen European countries providing support to victims of hate violence and several academics with extensive applied experience in the field were invited to participate in two three-day symposia in Berlin in March and May 2015.

The participants represented non-governmental organisations in Europe providing direct counselling and offering other professional support to victims of hate violence. Given the large spectrum of

targeted groups usually included in definitions of hate crime we invited providers of support who are in regular contact with clients from a diversity of targeted groups from across the full reach of the European Union and beyond.

This document presents suggested guidelines, recommendations and necessary framework requirements for efficient counselling services throughout Europe. The guidelines were formulated by the participants in the symposia. Therefore, this document aims to bring the expertise and knowledge of experienced practitioners to the international discourse about hate crime victim support. In particular, we contribute hate crime victims' perspectives – drawn from the experience of support providers – by putting victims' needs into focus. We believe this is necessary to establish a visible and explicitly victim-centred approach to the provision of effective support services for those who suffer hate violence in Europe.

- *Violence – Miteinander e.V.* (Germany)
- *M.C.I. – Movimiento contra la Intolerancia* (Spain)
- *NEKI – Legal Defence Bureau for National and Ethnic Minorities* (Hungary)
- *NICEM – Northern Ireland Council for Ethnic Minorities* (Northern Ireland)
- *Reach Out Berlin* (Germany)
- *Rural Mosaic* (England)
- *RFSL – The Swedish Federation for LGBT Rights* (Sweden)
- *Social Action Centre/ No Borders Project* (Ukraine)
- *Spanish Federation of Roma People* (Spain)
- *Stop Hate UK* (England)
- *Zagreb Pride* (Croatia)
- *ZARA – Zivilcourage und Anti-Rassismus-Arbeit* (Austria)

OUR VISION AND GOALS

**PROVIDING SUPPORT
TO VICTIMS OF HATE
VIOLENCE IN EUROPE:**

We as community workers want to make hate crimes visible. We struggle for the recognition by official authorities and wider society that hate crimes are inhuman attacks that can have disastrous physical and psychological impacts on the victims. Furthermore hate crimes send a clear discriminatory message against the victim, against the group to which the victim belongs, and against the fundamental principles of democratic societies. Hate crimes negate basic rights of every human being and threaten social peace in Europe.

We are aware of the social responsibility to support those who are afflicted by these kinds of unacceptable crimes on their path to justice. We act in solidarity and behave solely on victim's side. Hate crimes are not only the victims' problem. Hate crimes are concerning everyone. That's why we see the struggle against hate crime and discrimination as a long-term task for every European society as a whole.

We are committed to an inclusive Europe without any discrimination and violence against people because of their (assumed) age, colour, creed, culture, disability, ethnic or national origin, gender, marital status, medical condition, mental health, nationality, physical appearance, political beliefs, race, religion, sexual identity and/or orientation, or social class.

We are concerned about the new rise of racism, antisemitism, homophobia, xenophobia, general intolerance and bias motivated discrimination across Europe which is manifesting in a rise of bias motivated violence and hate speech against migrants and refugees, ethnic and religious minorities, Roma and Sinti, LGBT and other vulnerable groups as well as against people who are committed to human rights.

On behalf of human rights we take our social responsibility to combat bias motivated violence. Hate crimes are the obvious manifestation of exclusion and misanthropy but they are only the tip of an iceberg. To really gain a sustainable improvement of the situation we also focus on struggling against the causal political attitudes like racism, antisemitism, homophobia, fascism and neo-Nazism, xenophobia and all other kinds of intolerance and group-focused enmity. We want to do this from a victim-centred perspective to reach maximum protection and safety for all potentially targeted people.

We have developed strong knowledge, expertise and experience and a wide range of service provision to support victims of bias motivated violence, their families and friends as well as witnesses of bias motivated incidents. We have effectively implemented unique methodologies and mechanisms to help our clients overcome the multiple impacts of bias motivated attacks and to combat the causal reasons of bias motivated discrimination and violence as well.

We consider that most of our clients experience on-going multiple discrimination and attacks. Violence is not a personal stigma but an experience of injustice. We note that bias motivated discrimination and violence are neither an exception nor a problem exclusively of extreme political groups or parties but rather a social problem within all European societies.

We represent the interests, concerns and needs of our clients. We advocate on their behalf and act to improve victims' situation as well as the situation of potentially affected vulnerable groups within our societies of Europe. As a result we often have to act in a hostile environment and against the social intentions of a large population. That is why every Support Provider needs strong stakeholders and partners that give at least encouragement.

These guidelines are intended for human rights activists and civil society organisations who are planning to offer a specialised support service for victims of hate violence or who are interested in improving their service. The guidelines may also help trainers who educate service staff and volunteers as well as programme designers who develop and evaluate specialised support programs.

The report also wants to demonstrate the expertise, the specialised know-how and the professionalism of already existing Support Providers who offer specialised assistance, support and advice to the large spectrum of hate crime victims in Europe. By doing this we hope to motivate stakeholders, funders and politicians to get active on hate crime victims' behalf, to develop and support specialised support structures all over Europe and to facilitate and implement relevant governmental activities to promote and secure hate crime victims' rights.

**ANTICIPATED USERS OF
THE GUIDELINES**

CLARIFYING OUR CONCEPTS: »HATE CRIME«, »HATE VIOLENCE«, AND HATE CRIME »VICTIMS«

What is hate crime? It is important to be clear about this concept at the outset. The notion that there are crimes to be labelled as 'hate crime' seemingly emerged originally in the context of coalitions of interest between civil society activists, crime victim movements, and supportive political figures and public officials in the United States in the 1970s. Use of the term later crossed the Atlantic in the 1990s to be appropriated by academics, the criminal justice system and the media in the United Kingdom, and later still elsewhere in Europe—most notably in Sweden. However, the label 'hate crime' has not been wholeheartedly embraced in all European countries: in Germany, for instance, the term 'right-wing' violence seems to be commonly preferred.

As it is a concept, the term 'hate crime' can have no single definition. Very few countries in Europe use the term in their criminal statutes, and there is no single legal definition. The nearest that there is to a broadly accepted definition of the term 'hate crime' has been produced by the Organisation for Security and Cooperation in Europe (OSCE). It defines hate crimes as "...criminal acts motivated by bias or prejudice towards particular groups of people." According to the OSCE Office for Democratic Institutions and Human Rights (ODIHR), to be considered a 'hate crime' "...an offence must meet two criteria: First, the act must constitute an offence under criminal law; second, the act must have been motivated by hate."

Bias motivation, according to ODIHR, "...can be broadly defined as preconceived negative opinions, stereotypical assumptions, intolerance, or hatred directed to a particular group that shares a common characteristic, such as race, ethnicity, language, religion, nationality, sexual orientation, gender or any other fundamental characteristic." ODIHR advises that "People with disabilities may also be victims of hate crimes" and accordingly collects data annually on such crimes (see: <http://hatecrime.osce.org/what-hate-crime>).

While OSCE's definition importantly captures the essence of what might be regarded as hate crime, it has some fundamental limitations. First, its focus on hate crime as motivated crime—mo-

tivated by bias or prejudice—does not seem to account for the numerous incidents in which the victim is not specifically targeted in a premeditated act motivated by bias or prejudice, and where instead such motivation is peripheral to the crime, or it surfaces as an everyday encounter between the soon-to-be offender and the soon-to-be victim unfolds. When offenders' actions are motivated by bias or prejudice they might be considered to be at the more extremist end of the spectrum of all the different types of crime that could occur. When bias or prejudice aggravate, or surface during, an encounter, offenders' actions might be considered to be at the everyday end of the spectrum of crime—informed by commonly held stereotypes, prejudices and bigotry. Sadly, there are numerous instances of this latter type of offence, and they are likely to considerably outnumber targeted acts of premeditated motivated hate crimes. Some refer to such crimes with the potentially dismissive label of 'low level'. They are not 'low level' at all, as the post victimisation socio-emotional and psychological impact of everyday hate crime can be just as severe as extremist hate crime.

Of relevance to this point about the types of crime that might be conceptualised as 'hate crime', ODIHR proposes that "Hate crimes can include threats, property damage, assault, murder or any other criminal offence committed with a bias motivation." Even though threats are mentioned in the definition, there are many other speech acts—insults, abuse, name-calling, epithets, and invective denigrating a person's social identity, for instance—that do not speak threats of violence but nevertheless have an intimidatory or otherwise damaging impact. Such speech acts are unfortunately common.

A third limitation of this type of definition of hate crime is fundamentally relevant to the provision of support to those who experience it. As well as excluding acts of hate speech, the notion of hate crime is confined, as already noted, to acts that constitute an offence under criminal law in a country. Many experiences that people will report to civil society organisations providing support to hate crime victims, and that people report to official authorities as well, are incidents that do not qualify as crimes under the criminal law. Some types of instances of verbal abuse and other forms of hate speech are likely to be the most common type of such incident. Nevertheless, the impact for those on the receiving end can be just as profound as acts classified as crime. Victims of such incidents will therefore potentially need support just as much as victims of so-named 'hate crimes'.

HATE VIOLENCE

Given these limitations to defining 'hate crime', some prefer to use the term 'hate violence' where violence refers not only to physical acts, but all forms of violation—including hate speech. Use of the term 'hate violence' conceptualises the problem more inclusively to capture acts beyond the reach of the criminal law. It could be tentatively proposed that the term 'hate crime' may well be preferred by official authorities as their primary concern will understandably be an operational concern: managing and prosecuting violations of the criminal law. This might be called a 'top-down' approach to conceptualising hate crime. By contrast, the term 'hate violence' may well be preferred by civil society actors working to counteract all violations of people's social identity, whether criminal or not. This might be called a 'bottom-up' approach as it was so labelled by participants in one of our workshops. Hence, in these guidelines, we use the terms 'hate crime' and 'hate violence' interchangeably to speak both to official authorities working to manage the problem, and to civil society working to tackle the problem and support victims.

HATE

Finally, on the matter of conceptualising 'hate crime', there is one other fundamental issue that needs comment. Notably, the OSCE's definition of hate crime does not use the word 'hate'. The words 'bias' or 'prejudice' are used instead. This is perhaps a recognition that 'hate' is an extreme sentiment that is probably confined to the most severe manifestations of violence, hostility or abuse against a person's social identity. However, the word 'hate', when used in the terms 'hate crime' or 'hate violence', has provided an emotive label which has rightly attracted the attention of criminal justice and civil society, and therefore we too use the word 'hate' in these guidelines.

VICTIM

Finally, there is one other concept that we need to clarify. Arguably, from our experience, most persons who suffer an attack on their social identity, whether it be a physical or verbal attack, do not want to call themselves a 'victim'. In terms of empowerment this is to be welcomed. However, criminal justice systems commonly work with the term 'victim'.

In using the term 'victim' we might think of two steps in the process of victimisation. First, what might be regarded as 'primary victimisation' includes the immediate attack and all the directly resulting consequences and impacts—short and long-term. These guidelines are aimed at supporting victims to overcome these impacts. Second, there is also the process of 'secondary victimisation', which refers to the negative mental, social and possibly economic

impacts for the victim which are caused not by the attack itself but result from the actions or inaction of others subsequent to the attack. This can range from recriminations, poor investigation by the police and law enforcement, denial of the presence of bias motivating or aggravating the attack, trivialisation of the attack, and in general an inadequate, or even paternalistic, response from others to the attack—especially from official authorities.

The labelling of the person as a victim can even contribute to such secondary victimisation. Describing persons as victims can result in the stigmatisation of passivity for the person who experiences an attack. It can be disempowering. It holds the person in the negative moments of the attack and by doing so denies their resilience as resourceful persons. While we recognise that those who suffer hate crime are victims for a moment, and so use the term 'victim' in these guidelines, we try to use the term sparingly, recognising that being a victim is not the person's primary identity: instead, from the moment of seeking support they are empowering themselves and strengthening their resilience to overcome the consequences of victimisation. Therefore, for those seeking to assist such resilience we recommend that the word 'victim' is not used so as to turn attention to the positive steps the person is taking.

Overall, the building of resilience, and overcoming the multiple impacts of hate violence depends not solely on the individual's capacity for resilience. Recovery can be aided or hindered by the:

- The reactions of the social environment and related persons, such as family, friends, neighbours and colleagues.
- The skills of professionals, such as the police, justice, media, and health workers, and;
- The reactions of public and institutional representatives.

THE PROBLEM OF HATE VIOLENCE IN EUROPE

According to official data collated by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) hate crime is a Europe-wide problem. To take ODIHR's data on racist and xenophobic motivated hate crimes only, for instance, in the sixteen countries from which our project participants were drawn, nearly 63,500 hate crimes were reported to official authorities in 2014. However, in some of the countries no official data for 2014 are available.¹

It is well known that official crime data greatly underrepresent the real extent of crime—and the same goes for hate crimes—because many victims do not report their experiences of crime to the police or other authorities. Recently, the European Union Agency for Fundamental Rights (FRA) has put the accounts of communities victimised by hate violence into sharp focus against the available official data. The 2008 European Union Minorities and Discrimination Survey revealed a disturbing picture of criminal victimisation of minority ethnic, refugee and migrant communities (FRA 2009a). Roma communities reported the highest levels of victimisation. Almost a fifth (18%) of Roma respondents in the survey reported at least one incident of personal racist criminal victimisation including assaults, threats and serious harassment in the last twelve months (FRA 2009a: 65). Also, just over one-in-ten (11%) Muslim respondents interviewed in fourteen EU Member States reported at least one incident of personal racist criminal victimisation in the

previous twelve months (FRA 2009b).

A further survey carried out by the European Union Agency for Fundamental Rights in 2012 of the experiences of lesbian, gay, bisexual, and transgender people, showed that just over one-in-twenty respondents said that they had been attacked or threatened with violence at least once in the past twelve months, partly or completely because of their perceived sexual orientation or gender identity. Almost a fifth said that they had been victims of harassment in the past twelve months on the basis of their sexual orientation or gender identity (FRA 2013a).

A 2012 survey of discrimination and hate crime against Jewish people in EU Member States, also carried out by the European Union Agency for Fundamental Rights, showed that almost one-in-twenty respondents had experienced antisemitic violence or threats in the previous twelve months and over a quarter had experienced antisemitic harassment (FRA 2013b).

There is an absence of comparable survey data on hate violence for European nations beyond the EU Member States. However, the Minority Rights Group International report, *State of the World's Minorities Today 2014*, which has a specific focus on hate violence, provides accounts of the problem of hate violence in Europe beyond the European Union in Georgia, Russia and the Ukraine (Grant 2014).

While FRA's data show that hate crimes are a daily reality in Europe, unfortunately these crimes too often remain invisible as official data show only the tip of the iceberg of the problem. The 2009 European Union Minorities and Discrimination Survey showed that up to 74 per cent of victims did not report incidents of hate crime to the police or any other organisation (FRA 2009a). Non-reporting is due to many reasons: mistrust of authorities; fear of sanctions; language barriers, just to name a few of the reasons. Those who suffer hate violence are often too poorly informed and inadequately supported to take even the first step in the long path to justice.

Today, refugees and asylum seekers are some of the most vulnerable people across Europe. Among them, are refugees who flee because of their sexual orientation and political views, as well as war and economic reasons. Those who flee to Europe face numerous challenges and problems—starting with the pure difficulty of entering Europe, obtaining a residence permit, finding housing and health care, and the fear of deportation. Elements of the public debate in Europe about the refugee crisis are characterised by hostility against refugees and migrants. The democratic right of freedom of speech is too often abused—by politicians and on social media—with hate speech and vilification against migrants and refugees. The public humiliation and undifferentiated stigmatization of those seeking a more secure life serve as threats and provide fertile ground for discrimination and hate violence. Within the last two years in some European nations there has been an increase in far-right demonstrations including violence, a rise of racist

attacks against persons, as well as attacks on refugee shelters. To take just one example, the case of Germany, there has been an estimated fivefold increase in attacks and crimes on refugee shelters last year: 924 incidents were officially recorded in 2015.² Independent Data from the German support organizations for East-Germany and North-Rhine-Westphalia also show a dramatic increase of racist and right-wing violence during the last year (2014: 782 and 2015: 1747).³ Some of those who publicly and practically support refugees and migrants in Germany have also come under attack by those who feel legitimized to use violence as a means of political struggle.

Official data on hate crime, independent monitoring data, and public data from opinion surveys demonstrate that intolerance, prejudice and hate violence are widespread in Europe. The security, social peace and democratic values of our European societies are under attack. Every single incident of hate violence results in pain and suffering for each targeted person and their social environment. Greater efforts are needed on all levels in Europe to tackle the problem. And greater attention needs to be paid to the needs and interests of those who directly suffer from discrimination and violence.

¹www.hatecrime.osce.org

² Heißler, Julian: Deutlich mehr Anschläge auf Asylbewerberheime. In: Tagesschau Online 13.01.2016, <https://www.tagesschau.de/inland/anschlaege-asylunterkuenfte-bka-101.html>

³ VBRG: Press Statement 09.03.2016: 1747 Fälle politisch rechts motivierter Gewalt in Ostdeutschland, Berlin und NRW - Unabhängige Opferberatungsprojekte veröffentlichen gemeinsame Statistik für 2015, <http://verband-brg.de>

THE EUROPEAN UNION DIRECTIVE ON MINIMUM STANDARDS ON THE RIGHTS, SUPPORT, AND PROTECTION OF VICTIMS OF CRIME: SIGNIFICANCE FOR SUPPORTING VICTIMS OF HATE CRIME

At European Union level, crime victim support is currently a policy priority. The European Commission has prioritized action to support victims of all types of crime. An EU Directive of the European Parliament and of the Council (2012/29/EU) establishing minimum standards on the rights, support and protection of victims of crime came into force in November 2012. By 16th November 2015 EU Member States were expected to implement the provisions of the Directive into their national laws. The Directive brings new quality to the understanding of the rights of victims and situates them in quite a different role than before as the Directive strives to employ victims' perspectives. Among a number of measures, the Directive aims to strengthen the role of restorative justice; it focuses on groups with special needs; and it lays stress on the protection of victims and their families from secondary and repeat victimisation, and from intimidation and retaliation.

One of the most important provisions of the Directive is that EU Member States are required to recognise hate crime victims as a group with special protection needs (Article 22).

ARTICLE 22

Individual assessment of victims to identify specific protection needs

1. Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings...due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.
2. The individual assessment shall, in particular, take into account:
 - (a) the personal characteristics of the victim;
 - (b) the type of nature of the crime, and;
 - (c) the circumstances of the crime.
3. In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a cri-

me committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered.

6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures...

Source: Extracted and adapted from: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012L0029&from=EN>

This provision is especially significant for those EU Member States that need to improve support for victims of hate violence—which in essence is all Member States. Other provisions, if the Directive is properly adopted, potentially offer organisations working with victims of hate violence the opportunity to enhance their services.

For instance:

- Probably of most importance for providers of support to hate crime victims is Article 8 of the Directive which specifies rights to access victim support services. It requires that Member States facilitate the referral of victims to such services—which can be civil society, non-governmental organisations. It is important that this support should be responsive to victims' specific needs. Because of the specialist expertise and understanding offered by organisations working with groups which have a high risk of victimisation from hate violence, such organisations offer the potential to work in cooperation with official authorities to mediate the impacts and consequences of hate violence.
- There is also the potential for organisations providing support to victims of hate violence to gain state funding for their work. In particular, as Article 26 states that "by funding victim support organisations, Member States shall encourage initiatives enabling those providing victim support and restorative justice services to receive adequate training", there is the potential for funding for training.
- Information on the type of support victims can obtain, and from whom, has to be provided to victims during first contact with the authorities. This requirement provides the opportunity for

support organisations to require from the authorities, such as the police, that they pass-on their contact details to any person that has reported hate crime to them. For instance, an LGBT organisation can produce an information leaflet and expect the police to pass it on to any victim who reports homophobic crime, so that the organisation can offer their support.

- It should be made possible for victims of hate violence when reporting their experience of victimisation to official authorities for reports, testimony and complaints to be made in their own language if necessary and if different to the national language of the Member State in which they reside. Translation or interpretation should be provided free of charge. These requirements provide the potential for organisations working with asylum seekers and migrants—whether irregular or not—to be involved in the process of victim support if they can offer appropriate language services.
- Article 3 of the Directive stresses that a victim can be accompanied by a person of their choosing in their first contact with official authorities. This provides a formal opportunity for organisations providing support for victims of hate violence to be present in the process of reporting from the very beginning. Article 20 of the Directive also provides such an opportunity to be formally present during criminal investigations.

Overall, it is important to note that the way the Directive is implemented can vary greatly among EU Member States and that from the moment it is adopted the provisions have to be exercised before they become a standard. This means providers of support for victims of hate violence should be aware of the current state of implementation in their home countries and that they can take an active role in shaping the application of the Directive, for example by conducting benchmarking analyses and pressing law enforcement, criminal justice and other official authorities to engage with and utilise the provisions of the Directive.

Finally, while the EU Victims' Directive only applies to EU Member States, the Directive's provisions provide important guidelines for standards for hate crime victim support in countries beyond the European Union.

HOW HATE HURTS

Why were we especially concerned about hate violence to bring together participants from victim support organisations from across Europe to discuss and draft guidelines for supporting victims? Surely, all violence is hurtful.

There is a key reason why we share a particular concern about hate violence: it can be more harmful than other forms of violence. Recognition of the particular harms of hate violence has prompted some nation states in Europe and beyond to enact so-called 'hate crime laws' which provide the potential for greater penalties for convicted hate crime offenders compared with offenders in otherwise-motivated crimes. For European Union Member States the 2008 Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law obliges them to ensure that racist or xenophobic motivation is considered as an aggravating circumstance for criminal offences.

Why is it that hate crime should be dealt with differently, and even potentially more harshly, by the courts?

Most victims of violence suffer some post-victimisation impact. Sometimes there is physical injury. Sometimes, there are behavioural changes. More often, there are emotional and psychological consequences. In the case of hate violence, however, there is evidence to show specifically that the socio-emotional and psychological distress suffered can potentially be greater.¹

While the pattern of difference is not consistent for every single victim—as criminal victimisation affects different people in different ways—on average it is clear that hate violence hurts more when the socio-emotional and psychological injuries are measured in crime surveys for hate crime victims as a group compared with victims of otherwise-motivated crimes.

In terms of specific signs of socio-emotional distress, victims of hate violence are more likely to report significant problems with their job or school work following victimisation and report that being a victim of hate crime led to them having significant problems with family members or friends—including getting into more arguments or fights than before, not feeling that they could trust them as much, or not feeling as close to them as before.

In terms of psychological distress, a majority of victims of all types of crime report some degree of post-victimisation emotional distress. But victims of hate violence are more likely, when com-

¹ cf. Ehrlich et al., 1994; Herek et al., 1999; Iganski 2008; Iganski & Lagou 2015; McDevitt et al., 2001

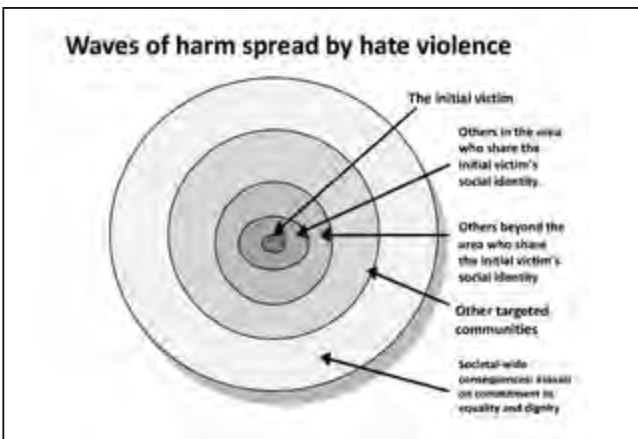
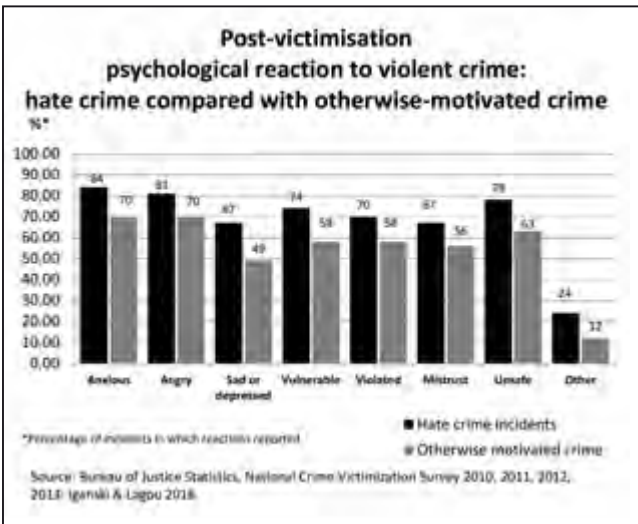
pared with victims of other forms of violence, to report suffering protracted and higher levels of depression and withdrawal; anxiety and nervousness; loss of confidence; anger; increased sleep difficulties; difficulty concentrating; and fear and reduced feelings of safety. In short, victims of hate violence are more likely to suffer post-traumatic stress type symptoms.

Consistently higher proportions of those who suffer hate violence report protracted psychosomatic symptoms—such as headaches, trouble sleeping, changes in eating or drinking habits, stomach upset, fatigue, high blood pressure, and muscle tension or

back pain—when compared with victims of non-hate crimes.

The impact of hate violence can also extend well-beyond the person who is on the immediate receiving-end (although such consequences are methodologically more difficult to scientifically demonstrate compared with the consequences for individual victims). Hate violence sends a terroristic message to everyone who shares the victim's identity: this "could be you".

The reason why hate violence potentially inflicts greater socio-emotional and psychological injuries is that the victims, and those around them who share their social identity, can perceive their victimisation experience as an attack upon the core of their identity: the very essence of their being. Hate violence is seen as sending a message to the victim, and those



Adapted from: Paul Iganski (2001) 'Hate crimes hurt more', American Behavioral Scientist, Vol. 45, No. 2, page 629.

who share their social identity, that they are devalued, unwelcome, denigrated, despised. As victims of hate violence are attacked because of their social identity, such crimes are not personal. Because of this they also convey the potential for further victimisation and therefore have a terroristic impact. Some victims, and potential victims, where possible, will try to manage their visibility to avoid victimisation. This terroristic impact also accounts in part for the higher level of post-traumatic stress type symptoms reported by victims of hate violence.

A 2008 study (Dzelme 2008) undertaken and published by a Civil Society Organisation—the Latvian Center for Human Rights—drew out, in-depth, the profound and long-lasting psychological impact that can be inflicted. Some victims said that it was the very essence of their being that was attacked. Some also said that they felt powerless and in a constant state of insecurity and alertness to the potential for further attacks. Some were consequently suspicious of others, making constant assessments of their immediate surroundings with calculations of safety and danger.

As well as the socio-emotional and psychological impact, hate violence can also have a profound spatial impact. The study of hate crime victims in Latvia described how the spatial mobility of victims of hate violence—their movements around town—were confined as they sought to escape potential further victimisation by avoiding seemingly risky places. Given that many attacks occur in public places the confinement can be profoundly limiting.

The spatial impact of hate violence not only affects those who are direct victims. Others who share the same social identity as the victim and who come to hear about the violence—perhaps family, friends, or other people in the neighbourhood, or even people elsewhere in the region or the country—can suffer the same intimidatory impact and likewise take avoidance measures. Some members of targeted communities carry mental maps of ‘no go areas’ in their heads. They will understand that hate violence is not personal: victims are attacked not for the individuals they are, but for what their visible social group identity represents to the attacker. They realise that they could be next.

In some cases a whole country can become a ‘no go area.’ Beyond the relative social stability of European nations, hate violence has had profound spatial impacts and claimed many lives. The phenomenon has a long history as evidenced by the violence in Rwanda and Bosnia. But even in recent years—in Iraq and Syria most recently, for instance—there have been numerous episodes of

large-scale killings around the world in which denigration of the victims' identities, and violent mobilisation around ethnic and religious identity in particular, has played a role in the violence. The targeting of women through sexual violence has also been characteristic of such conflicts, used to intimidate, inflict terror, and ethnically cleanse. When hate violence is perpetrated in regions of conflict, the spatial impact can occur on a massive scale. Most recently, hate violence has contributed to the flight of refugees into Europe from the conflict in Syria and Iraq. Some of these refugees will seek support from civil society organisations when they encounter further discriminatory violence against them in Europe.

It is widely recognised that displaced persons and refugees are more prone to mental health and psychosocial problems. However, the impact for those fleeing hate violence in particular can be even more egregious, as such violence on its own potentially inflicts significant psychosocial consequences as just discussed.

Understanding why greater hurts are potentially felt by victims of hate violence and those around them who share their social identity has been informed by a body of qualitative research which suggests that such injuries are due to the perception by victims of their victimisation experience as an attack upon the core of their identity: the very essence of their being. Hate violence can be seen as sending a message to the victim, and those who share the victim's identity, that they are devalued, unwelcome, denigrated and despised.

THE NEEDS OF THOSE AFFECTED BY HATE VIOLENCE

Despite the increasing recognition of the particular psychosocial impact of hate violence, when it comes to supporting those affected, the particular needs of sufferers of hate violence are rarely articulated and made explicit in the limited guidance that currently exists for casework support. The focus of the guidance is generally caseworker-centred. It is primarily concerned with recommendations for the approach that should be taken by practitioners in working with those affected by hate violence. Arguably, the 'victim' is consequently missing in the guidance. While the guidelines we offer in this document also focus on the skills and aptitudes of the caseworker, we argue that from the outset, and throughout the process of support, a victim-centred approach is essential. This situates the client at the centre of the guidance as support begins with the victim and their needs. In the first instance, therefore, we need to try to understand the needs of those affected by hate violence.

Furthermore, the limited guidance that exists for supporting victims of hate violence is also generally presented in terms of generic guidelines for support for victims of all types of violence. Support for specific needs arising from experiencing hate violence is rarely explained. While victims of hate violence will share similar needs with victims of other types of violence, we argue, on the basis of our practitioner ex-

perience, that there are also distinct needs consequent to suffering hate violence.

While the needs of victims of any type of violence will differ from person to person, based on the practitioner experience shared in the project workshops, we offer the following understanding of common needs of those who suffer hate violence:

THOSE AFFECTED BY HATE VIOLENCE SOMETIMES NEED URGENT SUPPORT TO DEAL WITH THE IMMEDIATE CONSEQUENCES

Sometimes urgent problems or traumatisation are paramount. Clients may need immediate support such as medical treatment, repairs to damaged property or financial assistance. To bring about a stable situation for the client it is important to deal with such urgent needs first. Because of the potential for repeat victimisation, which is a particular risk for those who suffer hate violence, refuge away from the site of the attack might be needed—possibly even temporary housing. Again, because of the potential for repeat victimisation, 'target hardening' in the shape of increased security measures around the home and other sites of attack might be needed—such as additional locks to doors and windows, alarms, and possibly even a security presence by community volunteers.

THOSE AFFECTED BY HATE VIOLENCE NEED TO BE BELIEVED

Sufferers of hate violence often fear not being believed by others—especially by the police and others involved in criminal justice. Such fears are well-grounded and there is a difference here when compared with the response of authorities to many

other types of crimes. It has long been recognised that in many instances of hate violence the hate motivation is not acknowledged or taken seriously when hate violence is reported to the police and other authorities. The consequence for victims, therefore, is that the particular impact of hate violence is not acknowledged. Failing to take seriously the reported experience of hate violence amounts to secondary victimisation. Those affected by hate violence therefore need to be listened to—their experiences validated.

PEOPLE WHO HAVE EXPERIENCED HATE VIOLENCE NEED TIME TO ARTICULATE THEIR NEEDS

While listening to the client's story case workers can find out about their needs with the help of open, heedful and empathetic questions which invite the client to tell more. Because of the particular trauma potentially inflicted by hate violence—as discussed in the previous section of these guidelines—and the associated pain in recounting traumatic experience, those affected will often need time to talk and to articulate their needs. Therefore, consultants always have to be sensitive and patient.

VICTIMS MIGHT NEED HELP TO COMMUNICATE THEIR NEEDS

Language services might be needed—particularly for recent asylum seekers and refugees. Clients with communication difficulties might need specialist disability support.

VICTIMS MIGHT NEED AN ADVOCATE OR SUPPORTER TO EXPRESS THEIR NEEDS

The presence of a friend, relative, or other

advocate might strengthen the capacity of the person who has suffered hate violence to discuss their experience with a case worker and articulate their needs.

THE EXPRESSED NEEDS OF THE PERSON WHO SUFFERED FROM HATE VIOLENCE NEED TO BE RECOGNISED, ACKNOWLEDGED AND ADDRESSED

If the expressed needs of those who experience hate violence are not acknowledged and addressed, and not put at the centre of casework, then there is the potential for frustration, disappointment and withdrawal from support offered. In essence, those who suffer hate violence need somebody who can understand their particular needs.

HELP WILL BE NEEDED TO IDENTIFY RESOURCES TO OVERCOME THE CONSEQUENCES OF HATE VIOLENCE

People who have experienced a violent attack on their mental or physical integrity sometimes have difficulties in recognising possible means of overcoming the consequences of the attack. The emotional and psychological impact of the attack can blur their view of their own potential and the potential available resources in their social environment. Even worse, in the case of hate violence, where the social identity of the person affected places them in a minority in the locality or the community where they reside, they may feel marginalised and alienated from those around them, and at worst, feel under siege.

Skilled support can enable clients to recognise resources of resilience: to recognise the possibilities, to expand options, and regain self-determination. In this way, skilled help focuses on developing soluti-

ons and not on dealing with problems (von Schlippe 2007).

Focusing on the client's own resilience—their strengths and capacities—is fundamental to help overcoming the multiple impacts of hate violence. One of the main aims of those providing support is to identify and develop these strengths and capabilities as well as to direct the affected person to additional resources. Solution and resource orientation is essential for helping clients to regain a sense of self-confidence and control of their lives which they may have lost through the attack.

NEEDS SPECIFIC TO THE VICTIM'S SOCIAL IDENTITY

Those who suffer hate violence might have particular needs specific to their social identity. For instance:

- Victims from particular religious communities might have some distinct faith and cultural needs and such needs might differ according to gender.
- By the same token some disabled persons who have suffered hate violence and who have restricted mobility will need accessible premises where casework support is offered, or alternatively visits by a caseworker to their home or another accessible place might be more appropriate.
- Those who suffer hate violence because of their sexual orientation or sexual identity may potentially present a number of issues for support services. Being accepted and not having their sexual orientation questioned by a service is paramount. Hate crime caseworkers will need to understand how victims can be

rejected by family and friends when they disclose their sexual or gender identity. Maintaining privacy and confidentiality and considering how services communicate with the client will therefore need to be discussed carefully. They might require access to specialist counselling services and a non-judgemental space. A hate crime service will therefore need to have identified LGBT friendly, supportive services, for example, when considering medical care, and LGBT specific peer support groups to strengthen identity, confidence, and to empower.

- Refugees, asylum seekers and migrants might need specialist legal support in relation to concerns they have about their rights to residence if they report their experience of hate violence to the police or other authorities. Often, a key challenge in working with asylum seekers is them having the correct documentation for a caseworker to be able to proceed with a case. If their asylum request is rejected they can be removed or may disappear. Caseworkers might have to explain in detail how the criminal justice system works, and the processes for reporting a crime, to reduce the fear asylum seekers might have that they are going to be persecuted. Asylum seekers often have no family around them or other support and therefore suffer from isolation and loneliness. Some might have language needs that cannot be always catered for in the numbers required. Identifying appropriate peer support may help in developing trust in local services and reducing the chances that they will exit the hate crime service because they have more urgent needs and pressures related to their insecure residency status. Local

agencies, particularly the police, often have a lack of understanding or do not want to understand the needs of asylum seekers and their experiences of hate crime. This all makes casework more complex and increases the likelihood of a complaint failing. This increases the emotional pressure on workers and having to explain the outcome of cases.

- Roma communities are stigmatised and generally socially excluded. Public authorities often have a negative view of Roma and they are often ignored or not believed when making complaints about hate crime. There is often little empathy towards them. Often whole families and communities are targeted and therefore finding a safe space for them to live is challenging. This means that working with those from Roma communities who suffer hate violence and providing support and casework can be complex and time-consuming because the needs of whole families have to be met.

SUPPORT MIGHT BE NEEDED BY THOSE INDIRECTLY AFFECTED BY HATE VIOLENCE

The family of the person who experienced hate violence, friends, and any witnesses of the attack, may well need support too given that the impact of hate violence can spread well beyond the person targeted—as discussed in the previous section of these guidelines.

THE VICTIM'S PERSPECTIVE

Hate violence is an attack on the social identity or perceived social identity of an individual or group. As discussed in previous sections of these guidelines, hate crime can have more severe impact than non-hate crime. However, the experience of victims of hate violence has often been that they feel they are not believed or taken seriously when they make a report to official authorities. We therefore apply what we refer to as the 'victim's perspective'. Focusing on the victim's perspective means recognising and acknowledging the validity of the account of the person who has suffered hate violence. As formulated by our workshop participants, the victim's perspective means that:

We will believe, listen, make visible and give a voice to their experience. We will behave professionally, be open and honest about what we can realistically achieve together with our clients. We will work with them to provide practical, emotional and legal support and options, signposting to other services and developing strategies that aim to ensure their safety. Support and advocacy services will recognise and understand the impact of discrimination and disadvantage at local community, institutional, and societal level, and contribute to preventing hate crime through awareness raising and campaigning.

This definition recognises that being a victim of hate violence is part of belonging to a social group that experiences discrimination. The victim's experience and perspective can be lost or neglected, however, be-

cause it can be rendered invisible through discrimination: they might not know that what they have experienced can be acknowledged as 'hate crime'. They might be worried and fearful of the reaction they will receive—and even fearful of reprisals—if they make a complaint to official authorities. They might feel ashamed. They might want to escape the area of their victimisation: this could be where they live.

Working from the victim's perspective requires a set of skills and values that inform the practice of a hate crime service. These include a non-judgemental approach, advocacy and empowerment (Chahal 2003). However, different groups will require different service responses and therefore hate crime practitioners will need to be flexible to the needs of individual clients and groups as they are presented.

A key role of hate crime victim support services is to advocate on behalf of those who have suffered hate violence and provide assistance, advice and support. Hate crime caseworkers across Europe recognise that operating from a victim's perspective means that:

- They believe and validate the experiences of victims;
- They take a non-judgemental approach;
- Take immediate action to support the victim and respond to the complaint;
- Provide emotional support;
- Offer representation, advice and signposting to other services;
- Refer to specialist support services for psychological and emotional support, and;
- Problem solve with the client to produce realistic actions and agreements.

**PROMOTING
EMPOWERMENT**

The overarching principle in working with those who have experienced hate violence is the recognition that the process of empowerment has to inform the practice of both the service and the individual caseworker. Often victims of hate crime feel a lack and loss of trust in service providers and the communities around them. When a victim makes a complaint or is referred to a hate crime service, practitioners work in partnership with them to provide and explain the various options available and guide them through the process of making decisions (Stark 2004). This enables them to be better equipped to resolve problems and access services through self-help. The client is able to make informed decisions and has the capacity to act through recognition that they have the tools to take hold of their situation.

**REPRESENTING THE
CLIENT**

Hate crime practitioners also recognise that challenging hate violence involves providing a service based on the principles of advocacy. Advocacy includes providing a supportive and listening service that represents directly the concerns and the cases of the victims to public agencies and service providers for action to be taken. This can include working with the media and wider institutions to raise awareness and demand action in individual cases and collective action against hate crime.

**INDIRECT VICTIM
SUPPORT**

Challenging and getting hate crime recognised by institutions, communities and society is a core part of promoting the victim's perspective. Hate crime services provide a range of additional services apart from direct victim support, such as:

- Awareness raising through training professionals and local community activists;
- Evidence gathering about the extent of hate crime, and;
- Prevention work in local schools and communities.

**ACKNOWLEDGING
LIMITATIONS**

Hate crime practitioners also work within limitations. They cannot end hate crime and discrimination. There is limited time and limited resources for the task compared with the demands made on the services. Other services mandated to support victims may not respond to their needs or recognise hate crime. Actions might not also be followed-through by clients because of pressures on their daily lives or they may simply move on.

REACHING OUT TO VICTIMS OF HATE VIOLENCE

There are some key processes that are essential for the quality and success of hate crime victim support. We suggest these processes on the basis of our collective experience of aiming to provide victim-centred support.

REFLECT ON THE BARRIERS FOR VICTIMS OF HATE VIOLENCE TO SEEKING PROFESSIONAL SUPPORT

Regularly people turn to friends, family, or others close to them, after experiencing violence to find someone who will listen and offer emotional support. Victims rarely seek professional support immediately after an attack. The first step that victims take in seeking help is the first in their striving to recover from the impact of hate violence: the first step in their self-empowerment. To facilitate this step support providers need to reflect on the barriers in place between victims and support services.

Victims often have few social resources as they suffer from structural social exclusion. Some may be disadvantaged by reduced mobility or they might be in a poor financial situation. Often they lack knowledge about support providers. Sometimes language barriers exist. Furthermore many victims will have good reason not to trust public authorities—especially law enforcement agencies. This spills over into a lack of confidence in independent support providers as well. Victims may

not believe that there is someone who will listen to, and believe, their stories: someone who is able and willing to offer professional support. And if victims can get no personal support and if society does not recognise hate violence as a violation of human rights, victims often become resigned to violence. The result is that they only look for professional support if they cannot withstand the multiple impacts of on-going discrimination and violence.

Support Providers need to eliminate these barriers in order to be easily accessible for the victim. First and foremost, it is important to represent and preserve the independence of support providers to promote trust and confidence for victims to accept help and support. Our experience indicates that victims will only find trust if they are confident that support providers will work exclusively on their behalf.

A PROACTIVE APPROACH TO REACH THE VICTIMS

Support providers need to use a proactive approach to reach out to those who have suffered from hate violence (Porath 2013). Many support providers learn about incidents of hate violence through newspaper reports, social media, and reports from the police. In such cases, support providers can seek to locate and contact victims. This could be achieved by research in the locality and by contacting community representatives and other cooperative partners. Some support providers send to the police, other criminal justice agencies and health services, a letter offering support with a request to forward it to the victim.

Multilingual information about the support on-offer, and a description of the service's principles—such as anonymity, cost-free, partiality—can be made available through social media, email newsletters, and through leaflets and posters, directed at the communities that experience hate violence and the areas in which such violence occurs. Promotional material can advertise that the service is tailored to the needs of victims of hate violence and indicate that trained staff are available and willing to provide support. A strong brand can be helpful. In public, and in educational work, it is useful to raise awareness about hate violence, but also to tell people's stories about positive outcomes following professional support to build community confidence and encourage victims to come forward. The aim is that in time word-of-mouth will direct to support providers those who have experienced hate violence.

Trustful relationships need to be built with targeted communities. Victim support can be connected with community engagement and collaboration. For most support providers community participation is a basic principle, some have community representatives on the management board. Furthermore, networks should be established with interested groups, potential supporters, media representatives and open-minded representatives of public authorities. They all can help to reach out to victims and to make the service known.

THESE MEASURES CAN HELP REDUCE BARRIERS FOR CLIENTS IN ACCESSING SERVICES:

- A multilingual website with an anonymous contact form;
- A free telephone help line;
- Regular and reliable consultation hours;
- Accessible offices;
- Service provision without charge;
- Provision of support even if no criminal complaint has been lodged;
- Provision of support for people with irregular legal status;
- A multilingual counselling service, and if needed, the support of trustworthy translators, and;
- Outreach counselling.

OUTREACH COUNSELLING

Outreach counselling is an established approach in many fields of specialised victim support. Clients determine the location of consultation in agreement with the service provider, possibly by using facilities of cooperative partners. While outreach work involves a greater investment of effort, resources and costs, for service providers compared with working from their own premises, our experience shows that outreach counselling can be indispensable for some victims of hate violence and its availability brings great relief. It can help to lessen the financial, legal and psychosocial barriers often standing in the way of victims accessing support. In rural areas in particular there is a strong need for outreach services.

BASIC PRINCIPLES OF HATE CRIME VICTIM SUPPORT

In this section of the guidelines we outline some basic principles of professional hate crime victim support drawing on the practitioner experience of our workshop participants. These basic principles guiding support for those who suffer hate violence are fundamental to meet their needs, to obtain their confidence, and to fully work on their behalf. They constitute a victim-centred approach which focuses on the clients, their needs and their full recovery from their experience of hate violence.

ANONYMITY AND CONFIDENTIALITY

To guarantee the safety of clients and to find their trust, the process of counselling has to be strictly confidential. Clients have to have the possibility to stay anonymous. Caseworkers are usually bound to a professional code whereby any details from the consultation and any personal data can only be shared with a third-party if the client gives their fully-informed consent. In some European nations caseworkers are not legally bound to such professional conduct. Furthermore, access to confidential information can be sought by official authorities in connection with criminal investigation. Where such potential exceptions to confidentiality apply, however, clients must be informed. Overall, as a matter of principle, we recommend that in all cases of supporting victims of hate violence a professional code should be honoured for respecting the anonymity of the

clients if they wish and the confidentiality of their information.

PARTIALITY

Partiality on the part of caseworkers calls for a professional attitude towards their clients which is characterised by solidarity and acceptance. The victim's perspectives, needs and interests are in focus during the whole process and are essential for the development of a victim-centred action plan. Clients' experiences are understood as being the personal expression of their personal history as well as a product of social power relations.

Caseworkers need to offer support in line with their clients' wishes and interests. They work on the client's behalf with other professionals only if requested to do so. Partiality also requires a socio-political commitment to the victim's rights and needs in general. This includes linking the problem of hate violence with social and legal inequality, intolerance, group-focused enmity and hatred, as well as identifying any abuses during legal procedures and criminal investigation of the client's case or inadequate service they might have received from official authorities.

Support providers need to offer their support irrespective of the client's legal status - if they are a refugee, asylum seeker, or an irregular migrant, for instance - and irrespective of their willingness to report their experience of hate victimisation to the police. Furthermore, the client's perception of their experience, and how they label it, is what matters, irrespective of whether the police and other public au-

thorities would classify their experience as 'hate crime'.

Most significantly, partiality of caseworker support for victims is not compatible with working with the perpetrators of hate violence.

INDEPENDENCE

To meet the conditions of partiality the organisational and financial independence of support providers is essential. Support providers often have to advocate for the victim's interests against the shortcomings of other agencies and official authorities. A victim-centred approach can only be fully achieved if support providers are completely independent. While multi-agency collaborative work is desirable and can be productive, support providers need to be completely independent of public authorities and governmental bodies. Spatial independence is important too: premises and other facilities should not be shared. Our experience shows that such organisational independence is often victims' main criteria for the credibility of a support provider and fundamental for confidence-building.

AWARENESS OF INTERSECTIONALITIES, DIFFERENCE AND DIVERSITY

To provide professional hate crime victim support it is fundamental for caseworkers to constantly and critically reflect on their own social position in relation to the client and how this might impact upon their attitudes and actions in supporting those who have suffered hate violence. This is especially important in cases in which the caseworker and client have different social, religious or cultural backgrounds or where the caseworker does not share the

targeted social identity with which the client identifies. In order to gain a broader understanding of clients' needs and experiences, and their wants and wishes, diversity among the team offering support is important. Being supported by a caseworker who shares the clients' experiences of victimisation, or at least shares their social identity, can be crucial for some victims to overcome their experience of hate violence.

Caseworkers need to reflect on differences, inequalities and power imbalances on the grounds of age, skin colour, creed, culture, disability, ethnicity, national origin, gender, sexual orientation, sexual identity, marital status, medical condition, mental health, physical appearance, political beliefs, social class and other social cleavages. The intersectionality of how social identities combine and interact to mediate particular experiences of discrimination, disadvantage and violence, needs to be recognised, acknowledged, and taken into account.

A HOLISTIC APPROACH TO RESILIENCE

The impact of hate violence can be mediated by many external and internal factors. Consequently, support providers need to take the victim's specific needs as well as their social, cultural and political environment into account. To assist and support the victim's efforts in overcoming the impact of victimisation support workers will need to respect and recognise the victim's daily living environment and how this constrains or enables self-determination. Often, support providers and case workers will need to collaborate with relevant partners—such as school, university, city

council and other public agencies—as well as with representatives of the community—such as the victim’s family, neighbours, religion representatives, community associations—and even possibly the victim’s employer, to support the victim’s social reintegration. In the victim’s living environment case workers might be involved in building structures that enable the victim’s participation and self-determination. Such resources for resilience can provide a powerful contribution to the victim’s recovery from their experience of hate violence.

NON-DISCRIMINATORY APPROACH

Support providers must actively seek to ensure that no client is either directly or indirectly treated less favourably than others, discriminated against, or disadvantaged on the basis of their social identity, in the service they receive. A non-discriminatory approach is not only a fundamental principle: it also avoids collusion with the social processes in which hate violence is nested.

To avoid discrimination caseworkers need to constantly and critically reflect on their own practices and how their own social identity impacts upon their practice.

NON-JUDGEMENTAL APPROACH

Caseworkers must always acknowledge that only the client can provide fully valid information about themselves, their needs, and their wants and goals. Applying a formulaic evaluation and response to the client’s experience is not victim-centred. On the basis of our practitioner experience we understand that it is often difficult to adequately comprehend the victim’s wants and

goals. But every action the victim takes in responding to their experience of hate violence has meaning to them. To make the correct assessment of each situation caseworkers have to make a conscious effort not to be judgemental. It is not easy to reserve judgement and no one is entirely able to do so fully as nobody is wholly without prejudice. Yet caseworkers need to strive for, and attempt to diligently apply, a non-judgemental approach. Core attitudes for a non-judgemental approach are acceptance, empathy and genuineness.

Caseworkers need to have accomplished listening skills to hear and understand exactly what is being said to them by the person who has experienced hate violence. They have to enable the client to talk freely and comfortably without the feeling of being judged.

In practice a non-judgemental approach means:

- Being open minded and accepting clients exactly as they are;
- Accepting clients’ accounts, their versions of their experience of hate violence and their subsequent decisions;
- Not evaluating clients’ behaviour, decisions or actions;
- Accepting clients’ decisions and not making decisions for them;
- Allowing clients to act on their own decisions;
- Not pushing clients with the caseworker’s own ideas and thoughts about how to move forward;
- Being careful and cautious with recommendations and advice.

HATE VIOLENCE AND THE PROCESS OF COUNSELLING

Providers of support to those who have suffered hate violence usually work in small teams that are generally interdisciplinary to ensure a range of expertise for counselling victims. Across Europe, the available resources of support providers are highly variable, and as a general rule are insufficient given the need for their services.

Many support providers have established regular collegial consultation to discuss and develop their counselling processes. Some have sought external support by supervision and peer consulting. The establishment of such expertise can often be dependent upon a question of financial resources. But it is an important goal for the delivery of a high quality service to those who come forward for support. It is also important for effective support and care for caseworkers and others working to support victims of hate violence.

To build a relationship of trust and confidence it is important that caseworkers are consistently involved with their clients during the whole process of counselling. However, different services can also be shared among a team according to their different skills and the resources available. It is also useful to have the participation of a second caseworker who is informed about the case details. This enables a collegial consultation at short notice, and representation in the event that the primary caseworker is unavailable for some reason. It also potentially raises the service's accessibility for the client if caseworkers are drawn from a variety of social backgrounds (Köbberling 2010).

Staff should be well prepared for a first meeting. Having the right ethos and an open-minded attitude is very important. Translation needs should be inquired about in advance of the meeting so that appropriate arrangements can be made if necessary. For a number of practical reasons, and to provide reassurance to the person who has suffered hate violence, the first meeting should take place as promptly as possible after the incident.

In terms of the practical reasons for a prompt first meeting, over time, clients may forget about, or bury in their minds, the details of an incident which could play an important role if brought to attention during criminal proceedings. It is important, therefore, that those who have suffered hate violence have an opportunity to rec-

FIRST MEETING WITH THE VICTIM

ount their experience as soon as they can. Furthermore, the mental impact of an attack can become more severe if left untreated and can have a further debilitating effect.

Our experience shows that a safe room, probably chosen by the client, and at the right time, are essential for a confident conversational atmosphere. Usually a first meeting won't last longer than one hour because it is usually onerous for most clients. Some providers of support for victims of hate violence meet the client with two staff: after the first meeting, one will accompany the client through the whole counselling process.

At the outset, caseworkers should explain clearly that they are willing to help and willing to listen to the client's story. The first interview should be led by the client—depending on what kind of information they wish to share and what they expect should happen. The whole counselling process is built on this first meeting, it can therefore be critical.

Experience shows that really listening to clients' stories is critical. Caseworkers and other staff need to actively listen without any judgement and with respect for what clients reveal. There must be no expectations of what clients should say or disclose. Caseworkers must show empathy and validate the client's problems and experiences. Victims often fear not being believed. Hence, caseworkers and other staff should clearly say, for example, "I am sorry to hear what has happened to you", "No one should suffer such an attack". Such emotional support is basic to helping a person stabilise their situation and begin recovery.

Caseworkers should make clients aware of their rights and clarify what kind of expertise, what forms of support—including support from other cooperative partners—can realistically be offered. It is important not to raise unrealistic expectations. The options available will need to be explained clearly and comprehensibly, as well as the benefits and limitations of the various possibilities of action. From the very first meeting, caseworkers should be careful and cautious with recommendations and advice.

Caseworkers should continue with a case only after the client has given issue-based consent. Clarifying what is on offer to the client, and how it might progress, has to be a recurring, central aspect of the counselling process. Therefore caseworkers will need to be transparent about every step they take. They should make sure that the client understands and agrees to any course of action. The acceptance of any support on offer must always be optional for every client. They choose what to accept and which direction of

**ACTIVE LISTENING,
VALIDATION AND SIGN-
POSTING**

**VICTIM-LED
COUNSELLING AND
DEDICATED – OR
CUSTOMISED –
SUPPORT**

support to pursue. Caseworkers and other staff will therefore need to respect the decisions of the client. They must never push a client, pursue a personal agenda, or seek to manipulate a client's wishes.

Dedicated, or customised, support must be based on the circumstances specific to the case. To develop such support, a number of key considerations will need to be taken into account:

- The client's urgent needs;
- Their physical and psychosocial situation;
- The client's personal circumstances and problems;
- Available resources;
- Time of the first meeting;
- The client's safety and the potential for further victimisation;
- The client's social environment;
- Their previous experience of victimisation;
- The possibility of referral for support to appropriate partners and other agencies;
- The potential for hostility or threat in their local environment, and;
- The client's financial situation

KEEPING THE TIMELINE FLEXIBLE

In general the timeline of the counselling process and the support on offer will need to be kept flexible and open to follow the victim's needs and wishes. From time to time it will be expedient to reflect on progress and to clarify outcomes which might justify the termination of the counselling process. There are no universal criteria to define a successful outcome but if the victim's needs are met then the support can be considered to be successful. Our experience shows that some consulting relationships only last for one meeting. However, some can last for several years.

One reason for a lengthy process of support is often the time-lag between the incident and the completion of legal proceedings. In some instances, urgent problems or traumatisation need to be dealt with as the priority. To stabilise the situation for the client it is usually important to deal with these urgent needs first. Thereafter, the process of tackling the longer-term impact of an attack can begin. It can take many years for a person to fully recover from an attack, to overcome the psychological impact of hate violence, and to regain the full ability to act and take control of their situation.

Termination of the process of support should be determined by the client. Before termination it is important to establish coping strategies to deal with the consequences of any further attacks in the future.

Usually clients will experience disappointments during the counselling process—especially when it comes to criminal justice matters and court proceedings. This may also have an effect on the caseworker and other support staff. A professional attitude should not be blurred by setbacks. Caseworkers should not show persistent anger or frustration in front of the client. Nevertheless, for a trusting relationship, authenticity is also needed. Thus it can be acceptable to share anger and frustration together with the client for a short time in the search for constructive solutions—but not as an impediment to seeking solutions. It is also useful for caseworkers to regularly have collegial consultation with each other to collectively discuss ways of how to deal with disappointment and the potential impact on motivation.

With the consent of the client caseworkers should take notes during a meeting. Some support providers use standardised questionnaires to guide collection of all relevant information. These might also help to facilitate and structure the meeting. It can be important, especially for possible future court proceedings, to capture the client's words about what happened and how they felt during and after the attack. Records are useful for enabling transparency of the counselling process and to inform, with the client's permission, others who become involved in the support.

Relevant information to capture in the records includes:

- The client's contact details—with their permission, and if they don't wish to remain anonymous. Sometimes it is necessary to record the contact details of a third-party who can contact the victim if needs-be;
- Date, time, location and situation of the incident;
- A detailed report of what happened, who was involved, and what was done and said, with all indications of a hate crime precisely noted down;
- Physical and mental injuries, the emotional impact on the victim, and details of any property damage or loss. Photographs of injuries or any other physical evidence of the incident—such as hate graffiti, threatening letters, damaged property, any weapons used, even including thrown stones if that was the case—provide important records;

**HOW TO DEAL WITH
DISAPPOINTMENT**

**TAKING NOTES AND
DOCUMENTING THE
PROCESS OF SUPPORT**

- Contact details of any witnesses, and;
- A detailed list of any contact with the police and any other official authorities including medical facilities, as well as their response and behaviour towards the victim and any actions they took.

During the counselling process consultants should also record their own case research, their actions, the development of the process and the development of interventions.

Records have to be stored in a secure place in consideration of victim confidentiality and also national data protection regulations. During the first meeting, victims should be informed about data privacy, protection and the use of the records. After termination of the counselling relationship all personal data should be destroyed.

IMPORTANT TASKS FOR SUPPORT PROVIDERS

There are some tasks fundamental to successful work on the client's behalf. On the basis of our collective experience, we suggest that they are taken into account for a high quality support.

Some Support Providers offer local intervention in the client's living environment. Local intervention takes place in close consultation with the clients and other potentially targeted persons. Usually it is based on the client's wish for public proscription of the violent incident, the need for public solidarity and a sustainable improvement of client's living conditions (Köbberling 2013). Accordingly, local intervention aims to make the client's social environment sensitive for the specific needs and perspectives of victims of hate violence and potentially targeted persons. Solidarity should be initiated and the (potential) victim's perspective should be strengthened. Local intervention also aims to show the perpetrators and their sympathisers that their actions will not go unchallenged.

Local intervention can cover different fields of action:

- Dialogue with cooperation partners on site or with representatives of local authorities;
- Support or representation of clients who are not able or willing to articulate or represent their interests and concerns;
- Support for clients and their social environment to organise events and solidarity actions;
- Case related public relations, e.g. initiating donations appeals, research on local hate groups and local community safety.

Only a few states in Europe collect comprehensive data on hate crime. Hence many civil society organisations supporting victims independently monitor hate crimes at the local, regional or national level. The aim of monitoring is to make visible and document the real dimensions of hate violence, its prevalence and nature, to put the problem onto the public agenda and to promote suitable countermeasures. Monitoring is often based on case-related research, media and press research, on the reporting of cooperation partners, and from the exchange of information with police agencies, prosecutors and the courts.

LOCAL INTERVENTION AND PREVENTION

MONITORING

It is important to record accurate and reliable data. The descriptions and interpretations of the victims should be the main criteria in identifying violent incidents as hate crimes. Furthermore, other objective indicators should be taken into account such as bias motivated threats and abuse, the appearance of the perpetrators, previous threats, any weapons used, and the social and political environment in which the violence occurs.

There is no common agreement among civil society organisations in Europe supporting victims of hate violence about how to monitor incidents. Some comply with the recommendations of the OSCE Office for Democratic Institutions and Human Rights (ODIHR)¹. Some civil society organisations supporting victims of hate violence support ODIHR's annual Hate Crime Reporting by submitting data². Many refer to the well-known Facing Facts! Hate Crime Monitoring Guidelines established by CEJI³.

Hate crime victim support service providers appreciate the independent actions of other civil society and Non-Governmental Organisations to uncover the large number of unreported and unknown incidents of hate violence.

Civil society organisations across Europe provide support to victims of hate crime irrespective of whether the incidents are reported to the police. After taking all aspects of the circumstances of a case into account they provide information to victims about the benefits, but also the limitations, of making a criminal complaint. Normally, victims of hate violence will be encouraged to report an offence to the police or other authorities where relevant. However, there should be no expected outcome in terms of whether a report is made. As a general rule victims should never be pushed. A decision not to report must be respected. It is important to take the victim's reservations and fears seriously and to respect them as an expression possibly of previous experience of stigmatisation, discrimination and violence—either directly or indirectly. Our experience shows that for a number of reasons the personal costs of reporting a hate crime to the police can be very high.

Different reasons have an adverse effect on the victim's readiness to report:

- The belief that a criminal complaint will not bring anything positive, and instead, might lead to further victimisation, threats and abuse;
- Fear of retaliation by the perpetrator against themselves, their family, friends and their community—especially if the perpetra-

¹ OSCE-ODIHR: *Hate Crime Data-Collection and Monitoring Mechanisms. A Practical Guide, 2014*

² <http://hatecrime.osce.org/civilsociety>

³ www.facingfacts.eu/publication/facing-facts-hate-crime-monitoring-guidelines

REPORTING

tor lives in the immediate neighbourhood, or is a member of a hate group or even a representative of a public authority;

- Fear and distrust of the police and frustration possibly about previous experience with official authorities;
- Fear of not being believed;
- Fear of being discriminated against or stigmatized in criminal proceedings thereby resulting in further victimisation;
- For irregular migrants, asylum seekers and undocumented refugees, fear of arrest and deportation;
- A sense of resignation to attacks—they become habitual;
- Some of those who suffer hate violence feel ashamed and do not want to become stigmatised as a 'victim';
- Fear of revealing their religious, ethnic or political identity to public authorities where there is a climate of hostility towards their community;
- Fear of discrimination, or even victimisation, if they reveal their sexual identity or sexual orientation to public authorities;
- A lack of knowledge about hate crime laws, criminal proceedings and the potential positive effects of making a criminal complaint;
- Some countries in Europe do not have hate crime laws so victims cannot make a complaint that includes consideration of the bias motive.

From our perspective as civil society organisations supporting victims of hate violence, we argue that the impetus should not be on the victim to overcome their reservations about making a criminal complaint. Instead, the impetus lies with the police and other public authorities to convince victims that they will be treated with respect and sensitivity, that their needs will be fully acknowledged, and that they will not experience prejudice or stigmatisation. Support providers appreciate every step that is taken to establish such a victim-centred perspective at every level of the criminal justice process.

Through public relations work about hate violence many Support Providers expand social discourse about the problem with information and analysis about the causes and effects of such violence. Public relations work also presents the victims' perspectives. Such work raises sensitivity about victims' needs and advocates improving the general situation of victims of hate violence and commonly targeted groups and communities.

PUBLIC RELATIONS

Public relations can involve press releases and other publications such as email newsletters, a well maintained website, blog or social media presence, as well as press conferences, panel discussions and other public events. Some Support Providers regularly publish annual reports, and produce related brochures and other publications to reach for a wider audience.

A key goal of public relations work about hate violence is to publicise the support available for victims and the communities commonly targeted.

NETWORKING

Networking involves relationship building work which takes place on different levels with different aims and goals. Building and maintaining networks requires resources and continuity. At the local level Support Providers focus on building and maintaining good relations with the communities usually targeted by hate violence. Specific knowledge about attacks and the contexts in which they occur can be obtained. Local networking enables Support Providers to more effectively reach victims and to organise case-related support within the community.

More broadly it is important to have good relations with local stakeholders and supporters such as human rights organisations, local politicians and community support organisations. They can help to obtain case-related support and to monitor incidents of hate violence. The needs and problems of targeted persons and communities should be a key focus of these local collaborations in order to develop and initiate appropriate strategies to tackle discrimination, bias motivated hatred and violence and to secure community safety. Networks also need to be built with organisations and other Support Providers where clients can be referred to for additional support—such as psychologists, shelter house services or lawyers.

On a wider level many Support Providers network on regional, national and international levels. As advocacy organisations on behalf of victims and human rights they actively represent victims' needs and raise political awareness about hate violence related issues in diverse strategic alliances. Such alliances can range from collaborations with governmental and administrative institutions, politicians, universities, trades and lawyers unions, social and charitable societies, to international governmental institutions, civil society associations and human rights networks.

**WORKING WITH THE
POLICE**

Working with the police and other criminal justice organisations can potentially be very challenging for most civil society organisations supporting hate crime victims due to the commonly vastly different styles of organisation they represent.

However, it is beneficial for civil society organisations to seek to establish relationships of trust with the police and other criminal justice organisations to facilitate at the very least an exchange of information relevant to supporting victims of hate crime. Some support providers have positive experience with dedicated hate crime police officers. Others use their police contacts to forward letters of with offers of support to the victims.

Nevertheless, it is also important for civil society organisations to monitor what actions are taken by the police in response to reported hate crimes and seek to hold them to account if necessary.

If a caseworker accompanies a victim in meetings with the police, or through the criminal justice processes, a relationship of trust between the caseworker and the victim is absolutely essential. Victims usually fear contact with the police for a variety of reasons. Our experience shows that improper treatment, or a poor response, by the police and other official agencies can have a negative impact on the victim's confidence in the support provider. To avoid that, case workers should clearly show that they are always on the victim's side.

Some providers of support for victims of hate violence have developed specialised awareness training on hate crime for the police and other criminal justice organisations. Such training usually covers information about identifying a hate crime, distinguishing the bias indicators, understanding the wider social impact of hate crime, and sensitivity about the specific needs of hate crime victims who come into contact with official organisations.

Working with the media can be beneficial and helpful both to raise awareness about a specific case and to advocate on the behalf of victims of hate violence in general. Good connections with trusted journalists who understand the problem of hate violence, and who are sensitive towards victims' needs, can potentially be very productive. When working with the media it is important that those providing support to victims of hate violence ensure that the journalists will respect victims' needs and their privacy.

Public relations about a specific case must always depend upon the victim's wishes. If the media are to be involved it is incumbent upon caseworkers and others providing support to explain to the victim the potential disadvantages, as well as the benefits, of bringing a personal story into the public domain. Media coverage which does not respect the victim's wishes can negatively affect the healing process. To avoid potential negative consequences it is useful for support providers to offer awareness training for media

representatives. At the core of such training should be reflections on how to write and talk about hate violence without violating the victims or stereotyping and discriminating against targeted communities.

Civil society organisations supporting victims of hate violence are often contacted by the media as experts in the field to give background information to news reports of hate crime. If asked to present their service in the media organisations supporting victims of hate violence should focus on the positive aspects of professional support by illuminating stories of success in their work.

RECOMMENDATIONS

It must be recognised that civil society organisations across Europe—within the EU and beyond—are at the heart of the struggle against hate crime. Civil society community workers provide the everyday frontline support for victims of hate crime. Yet such community organisations are struggling with a lack of resources and limited budgets, and with their financial position deteriorating in the current climate of austerity measures.

In this context, we recommend that:

- Funding by the European Union of direct support services provided by civil society organisations for those who have suffered hate crime would provide recognition of the particular impact of hate crime, not only upon individual victims, but also the communities of which they are a part.
- European Union funding needs to be made more accessible to civil society organisations supporting victims of hate crime. Funding arrangements need to be accessible independently of national conditions. In case national governments do not comply with the provisions of the Commission and do not provide co-funding, EU funding should cover the costs entirely.
- The EU should include assistance with efforts in combating hate crime and discrimination as a priority of funding programs implemented by the EU for non-EU countries.
- The European Union and the Council of Europe should support international knowledge exchange between hate crime service providers in Europe—from the EU and beyond—so that expertise and best practices of civil society in tackling hate crime and supporting victims can be shared and strengthened.
- The European Union and the Council of Europe should promote harmonization of hate crime legislation in non-EU countries regarding the list of protected characteristics in-line with EU norms. Specifically, sexual orientation, gender identity, and disability should not be excluded as protected characteristics in hate crime legislation.
- The European Union and the Council of Europe should support development, adoption, and implementation of codes of practice for police and prosecution services for the investigation of hate crimes in EU and non-EU countries.
- The European Union and the Council of Europe should recommend and support the implementation of standards in data collection by police and prosecution service in EU and non-EU countries.
- The European Parliament should support an evaluation of the implementation by EU Member States of the 2012 Directive (2012/29/EU) establishing minimum standards on the rights, support and protection of victims of crime. The evaluation should draw on the knowledge and experience of civil society organisations supporting victims of hate crime. It must not only account for compliance with the Directive: there must be an evaluation of the effectiveness of the actions of Member States and the provisions established to support victims of hate crime in accordance with the Directive's goals.
- Those EU Member States found not to be adequately fulfilling the terms of the 2012 Victims' Directive must be held fully accountable.

CASE STUDIES FROM EUROPE

BEST PRACTICE EXAMPLE FROM SWEDEN: SUPPORT FOR A PERSON IDENTIFIED AS GAY

CONTRIBUTED BY
RFSL – THE SWEDISH
FEDERATION FOR
LESBIAN, GAY,
BISEXUAL AND
TRANSGENDER RIGHTS

A Male, 30 years old, identified as “feminine gay” experienced physical and verbal abuse from relatives and neighbours. The motive was being gay and how he dressed. This led to fear, anxiety and isolation. He didn’t go outside at all, and had difficulties sleeping. It also resulted in lack of trust in people, he didn’t even trust his friends at the time. He reported all incidents to the police and turned to us at RFSL Crime Victim Support for psychosocial support. We also helped contact with the social services and with a lawyer. Social services took the case seriously and found a shelter quickly (at a women’s shelter!). The client was in the end satisfied even though the case didn’t go to court. He feels safe now, and has got a new apartment.

What helped the victim:

- Psychosocial support from someone specialised in LGBT matters and hate crime.
- Good knowledge about the right places to refer him to.
- The social services acted quickly and were thinking “outside the box”.
- Good cooperation between authorities and community organisations.

BEST PRACTICE EXAMPLE FROM THE UNITED KINGDOM: SUPPORT FOR A PERSON IDENTIFIED AS TRANS WOMEN

CONTRIBUTED BY
GALOP

G Galop assisted a trans woman in the UK facing harassment from a neighbour. After a housing worker disclosed that she was trans, the neighbour shouted offensive things and threatened to shoot her. She had previously faced transphobic violence while transitioning, leaving her traumatised with numerous disabilities. This latest incident left her stressed, unable to work and having suicidal thoughts.

Her caseworker listened and discussed available options. She eventually decided to move. The caseworker called a meeting of professionals to formulate a plan. They also wrote a complaint to the housing provider about the disclosure and provided training. She was afraid of the repercussions of talking to the police but with help from her caseworker she met a police officer and decided she wanted action to be taken. This led to the neighbour being confronted and his behaviour being stopped.

Galop negotiated with her public housing provider for her to choose a safe home to be moved to and secured money for her moving costs. She went back to work and her caseworker accompanied her to a support group as a means of building her support network. She was very pleased with the outcome.

BEST PRACTICE EXAMPLE FROM THE UNITED KINGDOM: 24/7 HELPLINE SERVICE

Stop Hate UK have operated helplines to enable access to independent hate crime reporting since 2006 as a direct response to Recommendation 16 of the Stephen Lawrence Inquiry.

**CONTRIBUTED BY
STOP HATE UK**

Our helplines provide 24/7 reporting services giving access to emotional and practical advice and support to anyone targeted or who witnesses hate crime motivated by any aspect of identity or perceived identity. The services are accessible via phone, text, text-relay, webchat, online form and email. Support is provided by trained operators at the point of contact. Following contact and with the caller's consent referrals are made to the police and non-police referral points, ensuring that we refer to an appropriate agency depending on the caller's needs.

Within certain areas and for callers reporting learning disability or LGB & T motivated incidents we provide an extra level of specialised support via our Hate Crime Advocate who ensures that the caller has received the support needed from agencies. If required we also make contact with the referral agency and act as an advocate and adviser

BEST PRACTICE EXAMPLE FROM NORTHERN IRELAND: ADVOCACY AND REPRESENTATION

An Eastern European family with three children were living in private rented accommodation in a Protestant area. They had a few minor incidents in the past where they would be intimidated verbally for sending the oldest daughter to a Catholic school. As the situation escalated the daughter's school received a bullet in an envelope and the younger daughter's parents received a sympathy card. This was reported to the police and recorded as racist hate crime. The family wanted to move straight away after the incident. NICEM facilitated communication with the police, arranged a visit with a community police officer and contacted the Northern Ireland Housing Executive to make an application for both emergency accommodation and to move into social housing in the area chosen by the family.

The situation was explained to the Housing Executive but initially there seemed to be a problem with getting the family temporary accommodation that would suit them. The hate crime worker contacted the managers at the housing executive who looked into the case.

As it took a few weeks to investigate the family decided that because it was March they would rather wait until the end of the school year and then move. After the Housing Executive manager's intervention the family was offered property which due to an error at the housing office was given to a different family. The hate crime worker got involved again and the family was offered a property in the area of choice which they liked. The worker also liaised with a local charity to help out with furniture, the local jobs and state benefits office to make sure all changes of address were done, and the private landlord who was reluctant to return the deposit. The hate crime worker stayed in touch with the family for a few months after to make sure all housing and benefits issues were sorted. Since the move the family have had no problems regarding hate crime/incidents.

The case study highlights that a key role of hate crime services is to advocate on behalf of clients and provide assistance, advice and support. Hate crime practitioners working across Europe recognise that operating from a victim's perspective they have to believe and validate the experiences of victims, take a non-judgemental

approach, take immediate action to support the victim and respond to the complaint, provide emotional support, offer representation, advice and signpost to other services, refer to specialist support services for psychological and emotional support and problem solve with the client to produce realistic actions and agreements.

BEST PRACTICE EXAMPLE FROM RUSSIA: ASSISTING INVESTIGATION IN A RACIST MURDER CASE

In 2010-2011 Civic Assistance Committee and its lawyer represented the interests of the hate crime victim's brother, a national of Tajikistan. His brother Bakhrom (a pseudonym) was killed in June 2009 by a group of young members of a nationalistic movement from the Moscow regional town Protvino.

The movement—Movement against illegal immigration (DPNI)—paid special attention to how it was presented in the mass media, highlighting, that they were legal and against violence. DPNI was very active in several regions of Russia and quite popular among young people, who wanted to be right-wing on the one hand, and legal and safe on the other hand. The leader of DPNI and his brother claimed they had political ambitions and this movement would soon unite nationalists of all shades.

The branch of DPNI of about 13 people in Protvino became active in November 2008 and as later became known had invented an effective scheme of attacks on migrants and people of non-Slavic appearance. At first, young females got acquainted with young migrants and invited them for a date at distant and empty venues in the evening. When the future victim showed up, they were attacked by a crowd, severely beaten and humiliated. Before they were arrested in summer 2009 they attacked several migrants from Uzbekistan, Vietnam and Tajikistan. Bakhrom was the victim of the same scheme - he came to the empty construction site together with his friend. They were both attacked by more than 8 people. Bakhrom died because one of his ribs punctured his lung due to heavy jumps on his chest. His friend managed to run away and survive.

The leaders of DPNI made a statement that they had nothing to do with its own branch in Protvino. Nevertheless during interrogations in the presence of the CAC lawyer it came to the surface

**CONTRIBUTED BY
CIVIC ASSISTANCE
COMMITTEE**

that youngsters from Protvino DPNI branch reported about their attacks on migrants to the leaders of the movement. They were cherished for that and offered firearms to develop their activities.

This information became public and the myth about the possibility of “fluffy mild nationalists” who can be against violence bit the dust. The truth became obvious to many – all nationalistic activities and propaganda sooner or later led to primitive racist violence.

The lawyer’s work as the representative of Bahrom’s brother, who arrived in Russia from Tajikistan to take his brother’s body home, was very intense. She insisted on a more thorough investigation and the case was returned to the prosecutor’s office from the court: more involved people were found and interrogated. She also made a special effort of communicating with the main perpetrator’s family. Parents of the DPNI Protvino branch leader knew nothing about his criminal actions and were taken aback by the scandal. They influenced their son, who happened to be the ringleader, and he told investigators everything he knew about the criminal activities of other members. He also excused himself in the presence of Bakhrom’s brother and paid out compensation to the victim’s family. Other members of the branch were totally dependent on him, so it was crucial to ensure that he was not going to repeat his criminal actions. In January 2011 he was given a 5 year suspended sentence for organising a criminal gang and inciting hatred. There is a chance that he can improve and steer clear of criminal activities, which would have been doubtful if he was imprisoned and at the end of his prison term became a hardened criminal.

It was very important for us not only to represent the interests of the victim’s relatives, obtain compensation for his family and even not to seek imprisonment of the perpetrator for a long term. We put a lot of effort into assisting the investigation about finding out more information about the movement in general, and to making the public part and parcel of all “mild nationalists” – street violence, blatant racism which brutally killed innocent people.

In April 2011 the Moscow city court announced the DPNI an extremist organisation and prohibited its activities in Russia. One of the grounds of the prosecutor’s claim in the court for doing so was the sentence against the leader of DPNI branch in Protvino.

BEST PRACTICE EXAMPLE FROM HUNGARY: LEGAL SUPPORT FOR PERSON IDENTIFIED AS ROMA

NEKI's client is a Roma man in his fifties, a well-known maker of musical instruments. The hate crime incident happened in 2013 when our client took his daughter and her friends to a feast in a nearby village. During the night a larger group started to insult them shouting anti-Roma and threatening remarks such as “what do you want, gypsies?”, “you're gonna die”. Our client asked the hostile group about why they were acting in that way, but the answer simply was that “the problem is that you're gypsies”. A short while later the threats lead to violence and our client was beaten and kicked several times and had to flee the scene. The attack caused a great deal of trauma to the victim since he was beaten and humiliated despite not doing anything to provoke the incident and the only cause seemed to be his ethnic origin.

NEKI provided legal assistance during the police investigations to the court trials at the end of which the main perpetrators were found guilty of committing a hate crime. The court acknowledged that a hate crime was committed against him—and not some other incident he might have provoked. This was very important to him. He felt that justice was served. Also, it was comforting to him that an organisation stood beside him, believed him and gave him aid.

What can be learned from this case is that it helps a victim of hate crime when he receives assistance and comforts him seeing a hate crime acknowledged officially and the perpetrators found guilty. These things helped him cope with the emotional trauma of the hate crime and gave him a lot of comfort.

CONTRIBUTED BY NEKI

BEST PRACTICE EXAMPLE FROM AUSTRIA: ADVOCACY AND PUBLIC RELATIONS

Every year, ZARA (‘Civil Courage and Anti-Racism Work’) publishes its annual Racism Report. It is the only continuous source of qualitative data and information about racist incidents and structures in Austria. It not only maintains a systematic record of incidents reported to the counselling service of ZARA, it gives victims and witnesses the opportunity to share their often distressing stories and experiences with racism in Austria.

CONTRIBUTED BY ZARA

The cases published in the report provide a brief glimpse into what everyday life involves for many people. Racism occurs everywhere, be it while at work, opening a bank account, going out for a meal or catching a bus.

Cases are brought to ZARA by people wishing to be taken seriously as victims of often degrading and offending racist discrimination. They want to get justice by getting legal advice and support for taking legal steps or just wish their experience of racism to be documented and noticed by their fellow citizens.

Raising awareness about issues of every day racism, and thereby combating racism and promoting civil courage, as well as a positive approach to cultural diversity, are key elements of ZARA's work. The positive responses and reactions of readers, as well as of persons using the depictions of these racist incidents for their own work on equality, human rights, or other fields of education give heart to the need for such a publication. Finally, the actual use of the report as an important source of information for media, politicians, researchers, as well as national and international organisations, confirms its importance.

BEST PRACTICE EXAMPLE FROM GERMANY: SUPPORT OF A CHECHEN FAMILY

**CONTRIBUTED BY
RAA SAXONY**

In 2014 a cooperation partner of RAA Saxony provided a contact to a Chechen family that fled to Germany several months before. They were housed in a flat near Leipzig. Our cooperation partner informed us about threats against the family from a neighbouring couple in the same building.

During first contact with our new clients it quickly became clear that the accumulation of ongoing harassment, insults and threats had become a heavy burden for all family members. The three children did not dare to leave the flat alone. Other neighbours also complained about the couple. Nevertheless the vehemence of intimidation linked with racist abuse revealed that the family was chosen to be victimised because of their Chechen origin.

Together with our local cooperation partner we supported the family to make a criminal complaint. We provided and financed a

lawyer. The family was successful in obtaining injunctive relief against the neighbours which prohibited any type of contact. As a result the number of threats has fallen sharply. In cooperation with the responsible community worker we successfully obtained a relocation to another town. The family moved in 2015.

BEST PRACTICE EXAMPLE FROM GERMANY: RAISING AWARENESS OF RIGHT-WING VIOLENCE AND RACIST HATE CRIMES

In 2003 a 16 year old student was assassinated by a Neo-Nazi in Leipzig. On his way home he was attacked with a knife. He was still able to call the ambulance but later died from the serious injuries inflicted. The perpetrator was caught. In court he showed no contrition and said he did not like the conversations about drugs between the student and his friends. In a letter to his mother he even attacked the judge and wrote “they should all be gasified”.

Some years later a local cooperation partner of RAA Saxony – the Initiativkreis Antirassismus – planned to produce an exhibition about all fatalities of right-wing violence and racist hate crimes in the area of Saxony since 1990. They brought the case of the student to a wider public awareness. The goal of the exhibition was to raise awareness against right-wing violence and racist hate crimes and to inform the public about how the police, courts, media, politics and administration deal with those who are affected by hate violence.

An attempt was also made to urge the state government to officially recognise all victims as victims of right-wing and racist violence. With the help of several parliamentary questions put forward by supportive politicians the Initiativkreis Antirassismus was successful in persuading the responsible governmental administration to evaluate the case again. As a result, ten years after he was murdered the student was officially recognised as a hate crime victim by the Ministry of the Interior. Thus his relatives got the opportunity to receive additional compensation payment from the government. RAA Saxony accompanied and supported the whole process and especially provided contact to the victim’s relatives.

**CONTRIBUTED BY
RAA SAXONY**

BEST PRACTICE EXAMPLE FROM SPAIN: SUPPORTING A VICTIM TO ATTAIN HIS RIGHTS

**CONTRIBUTED BY
M.C.I.**

A man from Congo living in Madrid was beaten up by a man on his way home. It was clear that the attack was racially motivated. The victim was paralysed from his waist down and needed a wheelchair now. After the attack the victim received no support, not from the police or anyone else. Seven months later M.C.I. found out about the case by chance. We got in contact with the victim and together began a case against the perpetrator. As a result he was sentenced to 20 years in prison. It was also possible to obtain a compensation payment and to raise public awareness about the need for specialised laws and services for victims of hate violence. A major outcome of the whole support process was family reunion. M.C.I. obtained a permit for the victim's family to come to Spain.

BEST PRACTICE EXAMPLE FROM UKRAINE: ACTING AGAINST THE REVERSAL OF PERPETRATOR AND VICTIM

**CONTRIBUTED BY
NO BORDERS**

Olaolu Sunkanmi Femi was a Nigerian student at Luhansk National University, who arrived in the Ukraine in 2007 from Nigeria to study.

On 5 November, 2011, Femi and his friend were insulted and attacked by five young people. Femi was able to defend himself and his friend, confronting the attackers with a broken glass bottle neck. The next day Femi was detained and later imprisoned by a court decision in Luhansk pre-trial detention centre where he was kept for 18 months.

He was charged with attempted premeditated murder with the motive of hooliganism. According to the investigators, he carried out the attack with a previously prepared weapon - a broken glass bottle. Despite the fact that the attackers got officially considered "light injuries", and that the type of injuries indicate they were inflicted during self-defence, not attack, Femi was charged with attempted murder.

Fair investigation and access to justice were not available as the evidence for these charges were only testimonies of the "victims". The investigating authorities declared that it was impossible to

find and interrogate the taxi driver, who drove the two Nigerian students to the building and, according to the Nigerians, saw the beginning of the incident.

The results of the medical analysis, which indicated that the attackers were in a state of alcohol intoxication, were not added to the case file. Unexpectedly for the defence, in the case file there were certain “unidentified firearms” that, according to the testimony of the “victims”, were used by Femi to shoot one of the victims in the leg. Neither the weapon, nor traces of a firearm shot were found on the clothes of the “victim”. The testimonies of the defendant and a defendant’s witness that could confirm a racist motive for the attack were ignored. Therefore, a victim of a racist attack not only did not have access to justice, but instead was accused as a perpetrator through unfair and biased proceedings.

Human rights NGOs, including the No Borders Project, created an initiative called “Justice for Olaolu Femi” which focused on lobbying and advocacy to support him. The methods used by the initiative included street activities in different cities, online flash-mobs and spreading information about the case to the media. In a short time, the case was highlighted both in social and traditional media. Individual activists and NGOs all over the world joined the initiative. The case received attention from society, thus proceedings came under strict scrutiny in relation to the nature of accusations and procedural guarantees.

Only the active role of human rights activists within the “Justice for Olaolu” initiative managed to attract media attention about the case and ensure that court proceedings were not held in a biased way. In the end, Femi was released on 17 April 2013 after one year and a half of unfair and illegal detention. Though Olaolu Femi is free today, his case is still pending and he has to face a trial.

BEST PRACTICE EXAMPLE FROM UKRAINE: SUPPORT BY LEGAL ASSISTANCE AND PUBLIC PRESSURE

**CONTRIBUTED BY
NO BORDERS**

Our client is the mother of a 17-year old boy who was verbally and physically assaulted at a metro station by a group of people, as well as the victim himself, a Nigerian Ukrainian (17-year old).

On 19 August 2015, the boy was going back home in the evening taking a metro. A group of over 40 people entered the train carriage acting loud and shouting racist slurs. One of these people addressed the client saying, “Hey, monkey, would you like a banana?” and threatening him with physical violence. The client exited the metro at a station where ten people from the group surrounded him and provoked a fight by pushing and hitting the client. He tried to avoid the punches and did not resist—understanding it would lead to further violence. This happened directly at the platform of the station. No other passengers interfered.

When the client was severely hit on his jaw, one of the passers-by tried to pull the attackers away, and they ran off, disappearing.

The client got home and called the police. The patrol brought him and his mother to a police where they made a report. The police station said that the case files would still be transferred to the metro police department.

The client and his mother went back to the crime scene trying to find the officer on duty, where they waited for half an hour before the officer showed up. When questioned about the incident, the officer responded that he had not seen any fights at the station.

The client’s condition after the attack was satisfactory, but both he and his mother were shocked by the event. They were looking for witnesses of the event via social media, and through our partner network contacted us for legal representation with the police.

The client was very active and brave in going public about the offence and looking for support and witnesses who could help the investigation. Our organisation has provided legal assistance and with the help of a lawyer the case (still in progress now) was qualified with a hate motive, which is quite rare in Ukraine. What also helped was the reaction of the Ombudsman’s office in response to

our and other organisations' condemnation of the violence, which, in our view, led to more careful attention to the investigation from the police who are usually inactive in these cases.

There is always a risk when going public about an attack. However, the client's efforts on social media and the attention that civil society organisations and national human rights bodies can try to bring to an incident can be crucial for a proper investigation. In addition, the public reaction to the ugliness of the crime was an important factor supporting the victim and reassuring him that this is not accepted by the general public. Proactive legal assistance also serves as a safeguard for making sure that the investigation accounts for all aspects of the offence

LAW EXCERPTS FROM EU-DIRECTIVE 2012/29/EU OF 25 OCTOBER 2012

ESTABLISHING MINIMUM STANDARDS ON THE RIGHTS, SUPPORT AND PROTECTION OF VICTIMS OF CRIME

ARTICLE 3

Right to understand and to be understood

1. Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings, including where information is provided by that authority.
2. Member States shall ensure that communications with victims are given in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim including any disability which may affect the ability to understand or to be understood.
3. Unless contrary to the interests of the victim or unless the course of proceedings would be prejudiced, Member States shall allow victims to be accompanied by a person of their choice in the first contact with a competent authority where, due to the impact of the crime, the victim requires assistance to understand or to be understood.

ARTICLE 8

Right to access victim support services

1. Member States shall ensure that victims, in accordance with their needs, have access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. Family members shall have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim.
2. Member States shall facilitate the referral of victims, by the competent authority that received the complaint and by other relevant entities, to victim support services.
3. Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities

providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim.

4. Victim support services and any specialist support services may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis.
5. Member States shall ensure that access to any victim support services is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

Support from victim support services

ARTICLE 9

1. Victim support services, as referred to in Article 8(1), shall, as a minimum, provide:
 - (a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in criminal proceedings including preparation for attendance at the trial;
 - (b) information about or direct referral to any relevant specialist support services in place;
 - (c) emotional and, where available, psychological support;
 - (d) advice relating to financial and practical issues arising from the crime;
 - (e) unless otherwise provided by other public or private services, advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation.
2. Member States shall encourage victim support services to pay particular attention to the specific needs of victims who have suffered considerable harm due to the severity of the crime.
3. Unless otherwise provided by other public or private services, specialist support services referred to in Article 8(3), shall, as a minimum, develop and provide:
 - (a) shelters or any other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation;
 - (b) targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling.

ARTICLE 20**Right to protection of victims during criminal investigations**

Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that during criminal investigations:

- (a) interviews of victims are conducted without unjustified delay after the complaint with regard to a criminal offence has been made to the competent authority;
- (b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation;
- (c) victims may be accompanied by their legal representative and a person of their choice, unless a reasoned decision has been made to the contrary;
- (d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

ARTICLE 22**Individual assessment of victims to identify specific protection needs**

1. Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.
2. The individual assessment shall, in particular, take into account:
 - (a) the personal characteristics of the victim;
 - (b) the type or nature of the crime; and
 - (c) the circumstances of the crime.
3. In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered.
4. For the purposes of this Directive, child victims shall be presumed to have specific protection needs due to their vulnerability

to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article.

5. The extent of the individual assessment may be adapted according to the severity of the crime and the degree of apparent harm suffered by the victim.
6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures.

Training of practitioners

1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner.
2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims.
3. With due respect for the independence of the legal profession, Member States shall recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims.
4. Through their public services or by funding victim support organisations, Member States shall encourage initiatives enabling those providing victim support and restorative justice services to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.
5. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall aim to enable the practitioner to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

ARTICLE 25

Cooperation and coordination of services

1. Member States shall take appropriate action to facilitate cooperation between Member States to improve the access of victims to the rights set out in this Directive and under national law. Such cooperation shall be aimed at least at:
 - (a) the exchange of best practices;
 - (b) consultation in individual cases; and
 - (c) assistance to European networks working on matters directly relevant to victims' rights.
2. Member States shall take appropriate action, including through the internet, aimed at raising awareness of the rights set out in this Directive, reducing the risk of victimisation, and minimising the negative impact of crime and the risks of secondary and repeat victimisation, of intimidation and of retaliation, in particular by targeting groups at risk such as children, victims of gender-based violence and violence in close relationships. Such action may include information and awareness raising campaigns and research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders.

Source: Adapted from: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=C-ELEX:32012L0029&from=EN>

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Web: <http://ruralmosaic.info>

SWEDEN

RFSL – The Swedish Federation for LGBTQ Rights
Box 350
101 26 Stockholm
Mail: forbund@rfsi.se
Web: www.rfsi.se

UKRAINE

Social Action Centre/ No Borders Project
PO Box 480B
Kyiv 01001
Mail: info@noborders.org.ua
Web: <http://noborders.org.ua>

SPAIN

Federación Española del Pueblo Gitano
Mail: federacion.esppg@hotmail.com

ENGLAND

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Web: www.stophateuk.org

CROATIA

Zagreb Pride
Vinicka 5
10000, Zagreb
Mail: info@zagreb-pride.net
Web: www.zagreb-pride.net

AUSTRIA

ZARA – Zivilcourage und Anti-Rassismus-Arbeit
Schönbrunner Straße 119/13
A-1050 Wien
Mail: office@zara.or.at
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EUROPE

UNITED for Intercultural Action
European Network against nationalism, racism, fascism and in support of migrants and refugees
Mail: info@unitedagainstracism.org
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Web: <http://www.stiftung-evz.de>

»No doubt this guide will be pioneering in making the voices of victims heard, and ensuring that they are properly cared for...the guide is comprehensive, written in an accessible language, and addresses both long-time practitioners and newcomers to the field. Although civil society organisations are its primary target audience, civil servants in the judiciary, judges, police officers, lawyers, and all those working on healing processes (medical doctors, nurses, psychologists, social workers, counsellors) will also considerably benefit from the content and perspectives presented in this guide—its victim-centred approach in particular.«

DR MICHAEL PRIVOT

DIRECTOR - EUROPEAN NETWORK AGAINST RACISM (ENAR)