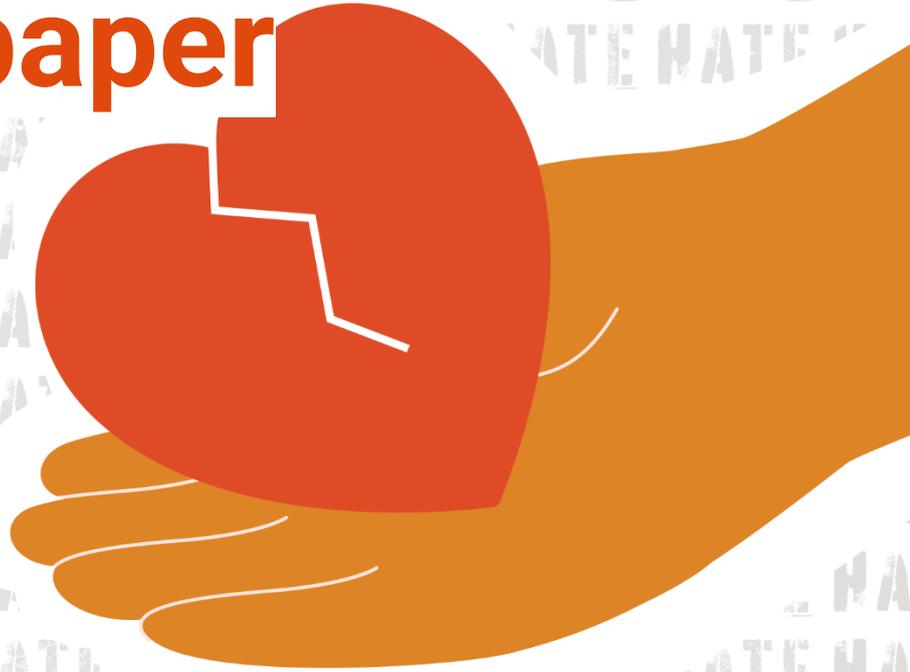




Position paper



Partners

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Towards a Europe without hate

Background

Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. Hate crimes comprise two elements: a criminal offence and a bias motivation.¹ Such crimes not only harm the victim, but are also generally prejudicial to fundamental rights, namely human dignity and non-discrimination.² The message conveyed by the offender sends a signal not only to the individual victim, but also to other persons who feel they are at risk of being labelled and treated like the victim. The impact of hate crime thus reaches far beyond the immediate interaction between offender and victim.³ In addition to violating the rights of individual victims, such crime weakens social cohesion and damages society as a whole.⁴

According to the second European Union Minorities and Discrimination Survey, one in four respondents (24 %) experienced hate-motivated harassment, and 3 % experienced a hate-motivated physical attack in the 12 months before the survey. The second EU LGBTI Survey⁵ found that 24 % of people who responded to the questionnaire experienced physical or sexual attacks in the previous five years, with an even higher percentage of 34 % in the case of transgender persons.

Combating hate crime is one of the priorities of the Commission's action to promote the EU's core values and to ensure the implementation of the EU Charter of Fundamental Rights. European institutions have developed some legal mechanisms to prevent and combat hate

¹ OSCE Office for Democratic Institutions and Human Rights (ODIHR). [What is a hate crime?](#)

² European Commission (2021). [A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime.](#)

³ European Union Agency for Fundamental Rights (FRA) (2012). [Making hate crime visible in the European Union: acknowledging victims' rights.](#)

⁴ European Union Agency for Fundamental Rights (FRA) (2016). [Ensuring justice for hate crime victims: professional perspectives.](#)

⁵ European Union Agency for Fundamental Rights (FRA) (2021). [A long way to go for LGBTI equality.](#)

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crimes and guarantee the rights of and assistance to victims, most notably the *Framework Decision 2008/913/JHA on combating certain forms and expression of racism and xenophobia by means of criminal law* and *Directive 2012/29/EU on the rights, support and protection of victims of crime*. This Directive establishes that Member States must pay particular attention to the rights and differing situations of victims of hate crimes by addressing their special needs and avoiding secondary victimization. However, many victims of hate crimes do not report to the competent authorities, because the criminal process often generates secondary victimization and does not provide the restorative effects that victims need.⁶

Following the typology established by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), hate crimes are classified according to the bias motivation of the offence: religion (e.g. against Muslims or Jews); racialization, ethnicity or origin (racism and xenophobia); sexual orientation and gender identity (LGBTphobia); and other motivations (against people with disabilities, the homeless, etc.). However, quite often bias-motivated violence and discrimination comprise a complex and multifaceted phenomenon in which two or more prejudices are intertwined, such that each case acquires a specific dimension. An intersectional approach makes it possible to understand that the interrelation of different axes of discrimination can increase the risk of secondary victimization, as well as decrease the likelihood that victims will report their experiences.⁷

⁶ European Union Agency for Fundamental Rights (FRA) (2021). [Encouraging hate crime reporting. The role of law enforcement and other authorities.](#)

⁷ Center for Intersectional Justice (nd). ["What is intersectionality?"](#); Crenshaw, K. (1994). ["Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color"](#); Crenshaw, K. (1989). "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-discrimination Doctrine, Feminist Theory and Antiracist Politics," *The University of Chicago Legal Forum*, 1: 139–168. Hill Collins, P. (2019). *Intersectionality as Critical Social Theory*. Durham: Duke University Press.

The Counter-Hate project

The European Union-funded project *Counter-Hate. Improving the assistance of victims of hate crimes through a victim-centred and intersectional approach* (2022-2024) has been implemented in six European countries (Greece, Hungary, Italy, Lithuania, Slovenia and Spain) in an attempt to improve assistance to victims of hate crimes by guaranteeing that legislation and policies adopt a victim-centred and intersectional approach.

The project's target groups are individuals who have experienced bias-motivated violence and discrimination, regardless of whether they reported the hate incident to the authorities, as well as policymakers and professionals working in the field of anti-hate crime and victim assistance, the general public and academics at both national and international level.

The project was implemented in four different stages. Stage 1 focused on research, using qualitative and quantitative techniques, to map and evaluate national legislation and policies regarding hate crimes, as well as assistance to victims, and to analyse the opinions and needs of victims of hate crimes and the perspectives of policymakers and key professionals. The focus of Stage 2 was fostering mutual learning and the exchange of best practices amongst key professionals and policymakers involved with hate crimes and victim assistance, as well as promoting interagency and multidisciplinary cooperation between policymakers, public bodies and NGOs through national and transnational workshops. Stage 3 focused on developing a blended-learning training course to enhance the skills of security and justice practitioners dealing with hate crimes. Finally, Stage 4 targeted dissemination and the communication of the project results.

What the Counter-Hate research found⁸

⁸ For more information, cf. [The crucial role of intersectional and victim-centred approaches to confronting bias-motivated violence](#).

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The research conducted as part of the project showed that a legal framework against hate crime and discrimination exists in all six countries analysed, although some additional measures would be advisable. For instance, there is a need to homogenize specially protected groups and collectives at the European level without endangering the particular protections offered by each individual state.

One of the main challenges involves counteracting the factors behind the high levels of under-reporting: a lack of trust in institutions; a lack of resources for assistance services; fear of suffering reprisals or having to expose oneself publicly; fear of secondary victimization; and a lack of awareness of the available resources and reporting channels.

Victims do not consider the institutions responsible for reporting and judging cases either sensitive or adequately prepared to address hate crimes, with the exception of prosecutors and police units specialized in the matter. The lack of training for law enforcement and judicial bodies to help them correctly identify discriminatory motives and properly investigate these crimes from the earliest stages of the procedure is particularly noteworthy.

Some police officers are still poorly prepared to handle these cases, and their reports do not take hate into consideration as a possible motivation in criminal acts. Similarly, judges continue to find it difficult to recognize hate speech or aggravation in their sentencing, and their convictions of this behaviour correspond to the category of ordinary offences. The lack of homogeneous judicial criteria in the approach towards hate crimes and their aggravating circumstances must be addressed, as this leads to the under-categorization and under-consideration of these unlawful behaviors.

Tackling hate crimes and adopting appropriate policies also requires improving the collection of official hate crime statistics, as all the countries in the consortium reported difficulties in data collection, transparency and the homogeneity of registration channels and protocols. This results in an opacity of information that does not allow for an adequate

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response, especially in terms of prevention and the protection of vulnerable minorities. These processes need to be standardized in all European countries, imposing the duty to publish detailed data, including data related to the number of reports, and clarifying the grounds that need to be taken into account in hate crime data collection.

Areas for improvement have been identified in state coordination and financial support to organizations involved with the daily care of victims of hate crime and the prevention of discrimination. In addition to more coordinated work, there is a need for the investment of resources in additional training for competent authorities in the field of victim support. There is also an urgent need to raise awareness in order to reduce the mistrust and secondary victimization that many victims experience when they turn to institutional channels. This training must include all the actors involved in the process of receiving victims of hate crime, as well as those who have contact with them and their case files throughout the criminal procedure.

The creation and implementation of support policies can no longer ignore the needs of victims, which are long-standing and require continuous and long-term follow-up, especially regarding psychological support. Moreover, it is essential to correctly analyse the personal conditions of each victim and, in particular, intersectional factors, since intersectionality can increase the risk of secondary victimization, and decrease the likelihood that a victim will report their experience. Intersectionality has a multiplying effect and can exacerbate the impact of hate crimes on victims. Despite the difficulty of incorporating this concept at the legislative level due to its theoretical nature, it is possible to increase knowledge and raise awareness about the importance of this circumstance in assistance policies, as well as the coordination of victim care services. Victims need immediate access, not only to general assistance services, but also to specific services focused on their needs and aimed at further redressing the consequences of the crime in the multiple areas of life that may have been affected by it.

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Recommendations for European institutions

1. Strengthen the legal framework. Extend the list of EU-crimes to include hate crimes and adopt new secondary legislation to cover all forms of hate crimes and hate speech against all social groups at risk, specifically including disability, sexual orientation and gender identity as protected characteristics.

2. Promote the collection of accurate data. Harmonize data collection on hate crimes amongst Member States, relying on both victimization surveys and official criminal statistics that cover all the stages of the criminal procedure from reporting to sentencing, allowing for disaggregation by protected characteristics; impose the duty to publish detailed data at regular intervals.

3. Counteract the high level of underreporting. This is key to combat secondary victimization, strengthen victims' trust in the reporting authorities and judicial system and ensure a complete restoration of the harm caused by the violence.

4. Enhance training and awareness-raising amongst law enforcement and judicial authorities, as well as civil servants. These activities must be implemented to improve the detection and handling of hate crimes, as well as the support provided to victims. Furthermore, clear and specific guidelines must be created for civil servants, police officers and judges so that they know how to apply hate crime and discrimination legislation.

5. Strengthen the support offered by government administrations. Support is particularly required by regional and local administrations, social organizations and public-private collaboration, so that each local area is equipped to offer all the necessary victim services.

6. Incorporate intersectionality into the analyses, policies and services related to bias-motivated violence and discrimination. This is essential, given that the different axes of oppression interact and overlap, producing complex biographies, inequalities and needs.

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7. **Consider the limitations of the hate crimes paradigm.** The handling of hate crimes may not offer full redress to victims insofar as it focuses largely on sentencing and less so on repairing harm. Therefore, there is a need to develop a victim-centred approach that places the victim at the heart of the system by addressing their experiences and needs and providing restoration strategies.

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Website

<https://www.udg.edu/en/projectes/counter-hate>



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