



EU High Level Group on combating racism, xenophobia and other forms of intolerance

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Working Group on hate crime recording, data collection and encouraging reporting

KEY GUIDING PRINCIPLES ON ENCOURAGING REPORTING OF HATE CRIME

THE ROLE OF LAW ENFORCEMENT AND RELEVANT AUTHORITIES

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1. INTRODUCTION



"Hate is hate – and no one should have to put up with it."
Ursula von der Leyen, President of the European Commission,
State of the Union Address 2020

Background and purpose of the key guiding principles

Hate crimes motivated by racism, xenophobia, religious intolerance, or another person's disability, sexual orientation, gender identity, gender expression and sex characteristics are a daily reality for many across the EU, as data that the European Union Agency for Fundamental Rights (FRA) has collected show.¹

Hate crimes not only harm the individual victim. The message of intimidation and non-acceptance that the offender sends reaches all population groups clustered around a certain label, and the wider society. Hate crimes are an attack on equality between human being and human dignity and damage societies as a whole by weakening social ties and increasing social division.²

Yet victims of hate crime often do not report incidents they experience, either to law enforcement or to other relevant authorities or bodies, such as victim support and civil society organisations (CSOs), local authorities or national human rights bodies. Reasons for not reporting include having 'normalised' experiences of bias-motivated violence and harassment because they happen so often; not trusting law enforcement agencies; feeling that nothing would happen as a result of reporting; not being aware of one's rights; and not knowing about existing support services. Previous negative experiences with the criminal justice system and time-consuming, bureaucratic procedures further compound the reluctance of many to report incidents of hatred.³

What is meant by reporting of hate crime?

'Reporting' can be broadly defined as the act of the victim or another party informing a public authority or a third-party reporting centre or service about a hate crime. The act of notification can include incidents that cannot be investigated further, for example because a victim is unwilling to give a statement or the third party cannot share information that would identify a victim. It can also include processes that allow third parties to regularly share anonymised information about incidents that have been reported to them to support police efforts to track patterns of hate incidents.

The result is that victims often do not get the support that they need and their access to justice is limited, while perpetrators remain unpunished. In addition, non-reporting leads to law enforcement and criminal justice authorities, and policymakers, not being able to respond appropriately to hate crime.

¹ See FRA (n.d.), [Hate crime](#).

² FRA (2012), [Making hate crime visible in the European Union: Acknowledging victims' rights](#), pp. 15–24.

³ For reasons for not reporting violence, see FRA (2018), [EU-MIDIS II – Main results](#); FRA (2018), [Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU](#); FRA (2020), [A long way to go for LGBTI equality](#); FRA (2020), [Roma and Travellers in six countries](#).

Acknowledging this, the EU High Level Group on combating racism, xenophobia and other forms of intolerance mandated FRA to facilitate a Working Group on hate crime recording, data collection and encouraging reporting (2019–2021) ('the Working Group').⁴ The Working Group's initial focus of attention was to map practices and identify means and measures to encourage victims of hate crime to come forward and report incidents to the authorities.⁵

The Working Group developed the following key guiding principles on the basis of evidence that FRA collected from members of the Working Group. It finalised the key guiding principles after consulting representatives of relevant national authorities and various interested stakeholders, including CSOs that are members of the EU High Level Group, the European Commission, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights and the Council of Europe's European Commission against Racism and Intolerance (ECRI).

FRA's report on encouraging reporting of hate crime in the EU

Evidence that the Agency collected, in its role as facilitator of the Working Group on hate crime recording, data collection and encouraging reporting, provided the foundation to develop these 'Key guiding principles on encouraging reporting of hate crime'.

A dedicated FRA report on *Encouraging reporting of hate crime in the EU*, forthcoming in 2021, will provide Member States with an evidence base to help them implement targeted measures to encourage reporting of hate crime. The report examines the barriers that victims face at the first stages of reporting an incident to national crime reporting and response systems, as well as the factors and national practices that can enable and encourage reporting. It offers an overview of information provided by national authorities in the 26 EU Member States represented in the Working Group, and the United Kingdom.

For Member States to comply with and deliver on legal duties that the EU legal framework stipulates, they need to remove barriers that prevent victims from reporting hate crimes, and to encourage them to do so.⁶ Given this, the principles in this document aim to support Member States in meeting obligations and commitments they have made with regard to ensuring access to justice for all, protecting and supporting victims, and combating hate crime.⁷

The principles could also support and feed into the development of national measures related to the implementation of the EU anti-racism action plan 2020–2025 and the EU Strategy on

⁴ The Working Group is composed of representatives from national authorities responsible for hate crime recording, data collection or reporting, nominated by Member States. The Working Group has representatives from all EU Member States, except Luxembourg, which did not appoint a representative. In addition to Member States' representatives, members represent the European Commission, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE ODIHR), the Council of Europe's European Commission against Racism and Intolerance (ECRI) and CSOs. For more information, see [FRA web page](#).

⁵ The Working Group builds on the work of the Subgroup on methodologies on recording and collecting data on hate crime facilitated by FRA under the High Level Group (2017–2018), as well as work of FRA's Working party on hate crime (2014–2016).

⁶ [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 establishing minimum standards on the rights, support and protection of victims of crime](#). In addition, all EU Member States have committed to "Take appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents States from devising efficient policies", in [OSCE's Ministerial Council Decision 9/09](#).

⁷ The key guiding principles focus not on instances of hate speech, such as incitement to hatred, but on hate crimes against a person or property.

victims' rights 2020–2025.⁸ Both these documents explicitly address the under-reporting of hate crime as a serious obstacle to law enforcement and policymaking.

Key guiding principles adopted by the EU High Level Group on combating racism, xenophobia and other forms of intolerance

The present key guiding principles complement key guiding principles that the EU High Level Group adopted in 2017, which address:

- [Improving the recording of hate crime by law enforcement authorities](#)
- [Ensuring justice, protection and support for victims of hate crime and hate speech](#)
- [Hate crime training for law enforcement and criminal justice authorities](#).

The key guiding principles aim to help Member States build the capacity of relevant authorities to ensure the implementation of legislation related to hate crime and to the protection of victims of hate crime, including provisions transposing 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 establishing minimum standards on the rights, support and protection of victims of crime.

How to use the key guiding principles

Member States are invited to apply these principles and build on them when identifying ways to encourage reporting of hate crime. The principles aim to provide a framework that can guide Member States to remove barriers to reporting, and put in place enabling structures and processes that support the effective reporting of hate crimes. The principles are victim-centred and interconnected, complement and build on each other, and can be used as an evaluative framework to identify gaps and prioritise action in a diversity of contexts.

Policymakers and other stakeholders can choose to build up a comprehensive reporting system by implementing specific elements of the principles, as progress is made. Moreover, implementing these principles, along with other key guiding principles that the High Level Group endorsed,⁹ can be an useful tool.

Furthermore, encouraging reporting requires a comprehensive multi-stakeholder approach and an environment that enables people to come forward and report their experiences with confidence. It is not a task for a single institution. It is vital that relevant national stakeholders work together to map the current context and to prioritise actions jointly.

The key guiding principles are divided into three groups of actions.

1. First, **barriers to reporting should be removed**. This includes addressing the invisibility of hate crime, countering discriminatory perceptions and practices in policing, and removing barriers to access to support for victims.
2. Second, relevant authorities **should put in place structures** to facilitate reporting. This includes improving hate crime-recording mechanisms as well as introducing alternative reporting options.
3. Third, **enabling processes should be implemented**. This includes targeted outreach measures, building the capacity of law enforcement officials to identify potential hate crimes and effectively support victims, and embedding forms of structured cooperation with relevant CSOs and victim support services. Regularly

⁸ See European Commission (2020), [EU anti-racism action plan 2020–2025](#); European Commission (2020), [EU Strategy on victims' rights 2020–2025](#).

⁹ See key guiding principles on [improving recording of hate crime](#); [ensuring justice, protection and support for victims of hate crime and hate speech](#); and [hate crime training for law enforcement and criminal justice authorities](#).

evaluating the impact and progress of measures that are in place is key in tracking their effectiveness.

Importance of encouraging reporting and recording of bias-motivated harassment

The present key guiding principles focus on reporting of hate **crime** but also aim to encourage reporting of incidents of bias-motivated harassment. Bias-motivated harassment encompasses a range of harmful behaviours, many of which may not amount to a criminal offence. Nevertheless, encouraging reporting of such incidents is critical, since they have a profound effect on individuals and should be recognised and understood as part of the lived experience of hate victimisation.

Not only do forms of bias-motivated harassment that do not meet the criminal threshold have a high impact on victims and communities, they can be a precursor to, and form the context of, criminal behaviour. It is therefore important that relevant authorities be open to and encourage the reporting of information and intelligence about patterns of targeted harm, including hate incidents that do not reach the threshold of criminality. At the same time, the police should record such incidents properly and official data should make them visible.

2. KEY GUIDING PRINCIPLES ON ENCOURAGING REPORTING OF HATE CRIME

Pathways to report hate crime are not always accessible or available for victims, as evidence that FRA has collected shows consistently. Reasons for not reporting that FRA's surveys reveal are twofold. Some relate to a broader societal context; others to the process of reporting to and engaging with the criminal justice system. Hate crime victims suffer from feelings of fear, guilt and shame; they fear a risk of secondary victimisation if they decide to report, and they lack confidence in law enforcement agencies and relevant authorities such as criminal justice authorities; they feel that criminal proceedings are too bureaucratic, costly or time-consuming; and they believe that, in the end, they will not benefit much from these proceedings.¹⁰

The following key guiding principles are victim-centred and encourage an approach that brings the law enforcement and criminal justice systems, and thereby access to support, safety and justice, closer to the victim.

Removing barriers to reporting

Principle 1: Address the invisibility of hate crime and actively communicate and disseminate hate crime data

Publicly acknowledging the existence of hate crime and its impact helps to give victims and witnesses of hate crime confidence in law enforcement authorities and in the criminal justice system.¹¹ Robust and visible responses to hate crimes by all relevant public authorities – including law enforcement spokespeople, public prosecutors, judges and government officials – go a long way to encourage reporting. Proactively reaching out to victims and communities and calling for effective, proportionate and dissuasive sanctions and remedies, in line with obligations stemming from the EU Framework Decision on Racism and Xenophobia, are examples of how the barrier of low confidence in the responsiveness of the system can be addressed.

¹⁰ See FRA (2018), [EU-MIDIS II – Main results](#); FRA (2018), [Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU](#); FRA (2020), [A long way to go for LGBTI equality](#); FRA (2020), [Roma and Travellers in six countries](#).

¹¹ FRA (2012), [Making hate crime visible in the European Union: Acknowledging victims' rights](#); OSCE ODIHR (2020), [Hate crime victims in the criminal justice system – A practical guide](#), pp. 47–48.

It is equally important to actively disseminate and communicate data about hate crime. If reports on hate crime are publicly available, it signals that states acknowledge victims of hate crime, improves transparency, and raises awareness of the phenomenon and responses to it.¹² Accurately and transparently reporting on trends in the incidence of hate crime by regularly publishing disaggregated data, capturing intersectional experiences too – and highlighting evidence of increased reporting – can enhance trust and further motivate victims to come forward and report incidents.¹³

In addition, prosecution and court services should aim to ensure that data on the numbers of prosecutions and sentences can be recorded, extracted and published (see principle 4 on ensuring proper recording of hate crime).¹⁴

Building knowledge, confidence and awareness that national hate crime laws are being applied, and that coming forward to report does, where appropriate, lead to a criminal justice outcome, is a crucial factor in dismantling barriers to trust and overcoming victims' lack of confidence that anything will be done as a result of reporting.

Principle 2: Counter discriminatory perceptions and practices in policing

It is essential to ensure a fundamental rights-based and victim-based approach to policing. The police play a critical role in effectively protecting fundamental rights, which themselves play a critical role in ensuring effective policing. Unlawful profiling and discriminatory police treatment can damage trust and lead to under-reporting of crimes.¹⁵

Member States have an obligation, under the Victims' Rights Directive, to ensure that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner. That includes taking proactive steps to ensure that victims of hate crime can report to the police without fearing that police officers share the discriminatory attitudes of the offenders.¹⁶

Victims' and communities' experiences or perceptions of police discrimination are major barriers to reporting. Countering and eliminating police discrimination requires that the leadership send a 'zero tolerance of discriminatory attitudes' message and implement inclusive, effective and independent complaints mechanisms that, where appropriate, hold police accountable through proportionate sanctions.¹⁷ Both ECRI and the Committee on the

¹² See European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017), [Improving the recording of hate crime by law enforcement authorities – Key guiding principles](#); FRA (2018), [Hate crime recording and data collection practice across the EU](#), pp. 11, 13–17.

¹³ FRA (2018), [Hate crime recording and data collection practice across the EU](#).

¹⁴ See for example ECRI (2019), [ECRI report on Ireland, CRI\(2019\)18](#), para. 26.

¹⁵ See for example European Commission (2020), [EU anti-racism action plan 2020–2025](#), p. 7; FRA (2018), [Preventing unlawful profiling today and in the future: A guide](#).

¹⁶ Article 1 of the [Victims' Rights Directive](#), ECRI (1996), [ECRI general policy recommendation No. 1](#), p. 5.

¹⁷ See European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017), [Improving the recording of hate crime by law enforcement authorities – Key guiding principles](#), principle 1, 'Cultivating a human rights culture within law enforcement agencies'; European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017), [Ensuring justice, protection and support for victims of hate crime and hate speech: 10 key guiding principles](#), principle 1, 'Ensuring quality, sustainability, coordination'; FRA (2016), [Ensuring justice for hate crime victims: Professional perspectives](#), pp. 53–58; FRA (2013), [Opinion on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of crime](#), FRA Opinion – 02/2013, p. 17.

Elimination of Racial Discrimination (CERD) have provided dedicated guidance on concrete measures to address racial discrimination in policing.¹⁸

Increasing diversity among staff in law enforcement services by recruiting, retaining and promoting members of under-represented minority groups and female officers into police leadership can make policing inclusive. That can reinforce the level of trust and thus improve crime reporting.¹⁹

Principle 3: Facilitate effective access to specialist support services for hate crime victims

Hate crime victims are in difficult emotional and motivational situations, as FRA's large-scale surveys of victims and its research with criminal justice professionals both underline. This makes targeted professional support services that provide reassurance and encouragement particularly crucial.²⁰

To fulfil the rights of victims to have access to justice, reporting should be connected to providing reliable support services to the victim.²¹ Access to information, timely and individual assessment of specific protection needs and referral to victim support services are all legally binding duties.²² Victims' access to support, however, is premised on the ability of law enforcement authorities to identify hate crimes and their knowledge of existing specialist support services (see also principle 7 on building institutional capacity).

Creating efficient referral mechanisms, including by introducing some form of standardisation or automation, would increase victims' access to protection and support, and thereby lead to meaningful reporting outcomes.

Access to specialist support services could encourage victims to come forward, since the opportunity to access support is likely to motivate people to report.²³ Providing information about support services and raising awareness of victims' rights also facilitate access to support (see principle 6 on tailored outreach measures). Moreover, victims have a right to access confidential specialist support services, and access should not depend "on a victim making a formal complaint [...] to a competent authority".²⁴

Close and meaningful cooperation with specialist support services can help identify the necessary resources and referral mechanisms that are most likely to meet victims' needs and thus encourage more victims to report. In this respect, national authorities should draw on the High Level Group's key guiding principles on ensuring justice, protection and support for victims of hate crime and hate speech, and upcoming activities of the EU Victims' Rights

¹⁸ ECRI (2007), [General policy recommendation No. 11 on combating racism and racial discrimination in policing](#), CRI(2007)39; CERD (2005), [General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system](#), A/60/18. See also CERD (2020), [Concluding observations on the combined fifth to ninth reports of Ireland](#); ECRI (2020), [ECRI report on Austria \(sixth monitoring cycle\)](#); ECRI (2020), [ECRI report on Germany \(sixth monitoring cycle\)](#).

¹⁹ See also European Commission (2020), [EU anti-racism action plan 2020–2025](#), p. 8; ECRI (2007), [General policy recommendation No. 11 on combating racism and racial discrimination in policing](#), CRI(2007)39, para. 17.

²⁰ FRA (forthcoming), *Encouraging reporting of hate crime*; FRA (2016), [Ensuring justice for hate crime victims: Professional perspectives](#), pp. 37–40.

²¹ See recital 63, [Victims' Rights Directive](#): "In order to encourage and facilitate reporting of crimes [...] it is essential that reliable support services are available to victims".

²² [Victims' Rights Directive](#), Articles 4, 6, 8 and 22(3).

²³ See Perry, J. (2019), [Connecting on hate crime data in Europe](#), Brussels, CEJI-A Jewish contribution to an inclusive Europe.

²⁴ See Article 8, [Victims' Rights Directive](#).

Platform.²⁵ In addition, the EU Expert Network for Hate Crime Victim Support also provides tools and resources for enhancing support to victims of hate crime.²⁶

Enabling structures

Principle 4: Ensure proper recording of reported incidents

Victims' access to protection, support and justice needs not only victims and witnesses to come forward and report an incident but also national law enforcement systems to identify and record hate crimes correctly. If hate crimes remain unidentified or unrecorded, they remain un-investigated, unprosecuted, uncounted and, ultimately, invisible. Thus, encouraging hate crime reporting and removing barriers to reporting should be twin priorities along with improving recording and data collection systems, as the Victim's Rights Directive prescribes for all kinds of crimes.²⁷

To be effective, national hate crime-recording mechanisms should meet a number of criteria outlined in the High Level Group's key guiding principles on improving the recording of hate crime.²⁸

Standard operating procedures must require police officers to pay attention to possible bias motivation. Officers should have the skills to use indicators to identify bias and to flag and record incidents as potential hate crimes (see principle 7 on building institutional capacity).

An effective hate crime-recording system, however, requires not only that law enforcement officers have the skills to identify bias indicators, but also that the systems in place have the technical capability to capture and record bias. This means that police need to be able to record crime types, bias indicators and victim support needs, for the purposes of case handling and of extracting accurate data that can be disaggregated by bias motive, gender, age and other variables.

Disaggregated data on hate crime, also capturing intersectional experiences and multi-bias hate crimes, need to be available for designing effective measures to combat hate crime and to monitor and evaluate progress over time (see principle 10 on assessing progress and impact). In addition, transparently and regularly communicating data on trends in the incidence of hate crime can make victims more confident and enhance trust in a criminal justice system that takes hate crime seriously (see principle 1 on communicating hate crime data).

Principle 5: Set up alternative reporting options

With victims of hate crime reluctant to come forward, providing alternative reporting mechanisms can increase trust, flexibility and speed. This would offer a remedy to victims and witnesses who perceive reporting procedures as too bureaucratic and time-consuming,

²⁵ European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017), [Ensuring justice, protection and support for victims of hate crime and hate speech: 10 key guiding principles](#); and see [EU Victims' Rights Platform](#).

²⁶ For more information see [EStAR](#) project.

²⁷ [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#), Article 28 and recital 64.

²⁸ See European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017), [Improving the recording of hate crime by law enforcement authorities – Key guiding principles](#); FRA (2018), [Hate crime recording and data collection practice across the EU](#).

and provide an alternative route for those who are reluctant to come forward because they do not trust the process or the police.²⁹

To ease this process, victims could benefit from a variety of pathways to report hate crimes to the system. These can include reporting by email, through an online portal, using an app or through a third party. A policy and technical framework that allows a report via an appropriate third party, who is not the victim, can provide the police with a crucial bridge to information (see Box 2). Coupled with specific measures that aim to reach out to individuals at risk of hate victimisation and encourage reporting (principle 6), this approach can help encourage reporting and realise victims' rights to support and safety.

ECRI has also stressed that alternative forms of reporting, such as third-party reporting, "can be highly effective since people feel more comfortable talking about traumatic incidents with members of their own community".³⁰

Anonymous reporting is another way to encourage victims to report, and could be a means "to ensure easy and trustful reporting to the authorities [and] can also contribute to address underreporting".³¹ In this context, it can be noted that the coronavirus pandemic has accelerated a shift away from traditional forms of reporting, for example to a police station, and towards alternative means, such as online portals and apps.³²

Third-party reporting – untapped possibilities

Third-party reporting – distinct from the representation of victims by third parties in criminal proceedings – is a process by which a victim or witness can report a potential hate crime to an authority, organisation, centre or service, other than the police. Information reported to third parties usually includes details such as the incident location, what happened as well as bias indicators based on victims' perception.³³ This information can be then passed on to the police, with the option of anonymising any details that allow the identification of the victim.³⁴

²⁹ On reasons for not reporting, see FRA (forthcoming), *Encouraging reporting of hate crime*; ECRI (2019), [ECRI report on Ireland, CRI\(2019\)18](#).

³⁰ See ECRI (2019), [ECRI report on Ireland, CRI\(2019\)18](#), p. 18; ECRI (2017), [ECRI General Policy Recommendation No. 7](#); ECRI (2018), [ECRI report on Malta, CRI\(2018\)19](#).

³¹ European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017), [Ensuring justice, protection and support for victims of hate crime and hate speech](#), p. 9. Anonymous reporting has certain limitations. However, even if reported cases do not advance through the criminal justice system, they serve to inform police and policymaking by providing a more comprehensive understanding of the situation so that they can craft prevention and policy measures based on wider evidence. Moreover, it sends a signal to individuals and communities that the police is interested in hearing their experiences. See also FRA (forthcoming), *Encouraging reporting of hate crime in the EU*; OSCE ODIHR (2020), [Hate crime victims in the criminal justice system: A practical guide](#), p. 46.

³² For more information, see FRA, [Fundamental rights implications of COVID-19](#), especially [bulletin 4](#).

³³ Bias indicators are objective facts, circumstances or patterns connected to a criminal act that, alone or in conjunction with other indicators, suggest that the offender's actions were motivated in whole or in part by bias, prejudice or hostility. See OSCE ODIHR (2014), [Hate crime data-collection and monitoring mechanisms – A practical guide](#).

³⁴ Wong *et al.* (2019) distinguish between third-party reporting centres, usually housed in physical locations such as religious centres, housing associations, medical centres, schools and libraries, and third-party reporting services, usually run by specialist and community-focused CSOs that provide online, telephone and in-person reporting, and victim support services either directly or through referrals. Wong, K., Christmann, K., Rogerson, M. and Monk, N. (2019), ['Reality versus rhetoric: Assessing the efficacy of third-party hate crime reporting centres'](#), *International Review of Victimology*.

Third-party reporting centres and services can help address some of the reasons for not reporting as evidenced in FRA surveys and in its report *Encouraging reporting of hate crime in the EU*³⁵, and include

- With regard to the feeling that nothing would change as a result of reporting a bias-motivated incident, third party reporting can play a role in explaining victim's situation and opportunities for redress to victims, and informing about potential benefits of reporting (e.g. compensation).
- When it comes to victims' belief that reporting is too inconvenient and that it causes too much trouble, third party reporting centres or services can play a substantial role as they are more likely to be community-based and are therefore more accessible, approachable and convenient for reporting.
- In terms of low levels of trust in the police as barrier to reporting, third party reporting can provide an alternative closer to the affected communities in terms of familiarity and trust.
- With regards to fear of reprisal, anonymous reporting to third party reporting centres or services can reassure victims who are worried that they might be identified by a perpetrator.

In seeking to develop third-party reporting networks, Member States could consider working with organisations and community groups that have trusted relationships with at-risk communities at the grassroots level. National equality bodies can also be important partners to consider engaging in such networks.³⁶ Reaching out to local authorities – such as schools, medical centres and social services – and private bodies, and encouraging them to nurture safe environments and zero tolerance of discrimination and hate crimes, could also help victims and witnesses to come forward and report incidents.³⁷

Enabling processes

Principle 6: Tailor outreach measures to reach those at risk of hate crime victimisation and raise the general public's awareness

Means and measures to reach out to individuals at risk of hate victimisation – such as awareness-raising campaigns – should be targeted and informed by evidence, to meet the needs of victims and address their specific experiences with reporting.

There are differences in reporting rates across affected groups, such as ethnic or religious minorities, migrants and their descendants, and lesbian, gay, bisexual, trans and intersex (LGBTI) people, as well as with regard to gender, age and education, FRA evidence shows.³⁸

Authorities need to acknowledge intersectional experiences of multi-bias hate crimes, which should be reflected in any measures taken to address under-reporting and when designing outreach strategies to victims. Authorities should also acknowledge and address the heightened barriers that some individuals at risk of hate victimisation face. For example,

³⁵ FRA (forthcoming), *Encouraging reporting of hate crime*.

³⁶ See Equinet (2020), [A perspective from the work of equality bodies on: European equality policy strategies, equal treatment directives, and standards for equality bodies](#), p. 10.

³⁷ Fondation Roi Baudouin (2020), [Comment \(mieux\) aider les victimes de délits de haine à se reconstruire?](#), Fondation Roi Baudouin, Brussels.

³⁸ See for example FRA (2018), [Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU](#); FRA (2020), [A long way to go for LGBTI equality](#); FRA (2020), [Roma and Travellers in six countries](#). FRA (2017), [EU-MIDIS II – Main results](#), shows substantial differences between age groups, generations and level of education. Differences also relate to gender. Findings from FRA's (2018) [Being Black in the EU](#) report show that half of women victims of racist violence reported the most recent incident to the police or another organisation, but only one in four men did so.

asylum seekers may face insecurity and fear of arrest or deportation; or the lack of support structures or accessible complaint mechanisms for people with disabilities may exacerbate the problem.³⁹

If the general public takes a proactive approach when witnessing hate crime, it can play an important role in encouraging victims to report and seek justice. Victims feel stronger and are more likely to report when witnesses intervene during the incident or spontaneously report to the police as witnesses, anecdotal evidence suggests.⁴⁰

Relevant authorities should draw on data and evidence to better target outreach measures to the general public and to communities at risk, taking into account what is known about reporting patterns and trends among these communities. For example, awareness-raising messages on social media and posters could communicate that hate crime is unacceptable; advocate for the rights of victims of hate crime to support and protection; and acknowledge the importance of reporting. Outreach activities and print materials should be in languages that at-risk groups use, and should be accessible for people with disabilities.

Campaigns and outreach measures could be organised in cooperation with national human rights institutions and equality bodies, as well as with CSOs where appropriate.

Principle 7: Build institutional capacity through specialisation, comprehensive training and specific guidance

Ideally, victims of hate crime would report their experience to the relevant authority, which would identify potential hate crimes, record the incident, refer the victim to appropriate support and, where necessary, take a statement and ensure safeguards are in place to prevent repeat victimisation and escalation.⁴¹

Station duty officers, call handlers, community patrols, investigators, community organisations and online portals can all be entry points for a hate crime report. It is vital for these personnel to be able to identify a hate crime, record it and ensure access to support for victims. This needs a strategic approach, including embedding specialist roles within the police personnel, developing specific operational guidelines and enhancing capacities through targeted training.

If a hate crime is reported, engaging a victim specialist or a hate crime victimisation specialist can greatly help with assessing and responding to the specific protection and support needs victims might have.⁴²

An important element to encourage reporting to the police is to ensure that, at the point of reporting, potential hate crimes are identified and victims are treated in a respectful, sensitive, professional and non-discriminatory manner. This requires, among other things,

³⁹ See European Network against Racism (ENAR) (2020), [Hate crime provisions in EU Member States: The importance of an intersectional approach to ensure victims' rights](#). On challenges faced by asylum seekers, see FRA (2019), [Integration of young refugees in the EU: Good practices and challenges](#); FRA (2016), [Current migration situation in the EU: Hate crime](#). In relation to persons with disabilities victims of hate crime, see FRA (2015), [Equal protection for all victims of hate crime – The case of people with disabilities](#); OSCE ODIHR (n.d.), [Disability Hate Crime](#); European Network on Independent Living (2014), [Disability hate crime](#).

⁴⁰ Fondation Roi Baudouin (2020), [Comment \(mieux\) aider les victimes de délits de haine à se reconstruire?](#), Fondation Roi Baudouin, Brussels.

⁴¹ In line with Member States' obligations under the [Victims' Rights Directive](#).

⁴² This is in line with Article 25 of the [Victims' Rights Directive](#), and intergovernmental organisations have repeatedly highlighted it. See CERD (2017), [Concluding observations on the combined twentieth to twenty-second periodic reports of Bulgaria, CERD/C/BGR/CO/20-22](#); ECRI (2020), [ECRI report on Germany \(sixth monitoring cycle\)](#).

practical guidance to police officers and relevant civilian staff, such as call handlers who take a report about an alleged crime.⁴³

Police curricula should include hate crime training. That is the most effective way to raise officers' awareness and increase their likelihood of encouraging victims to report and of having the skills to support the affected person to explain what happened. In this respect, national authorities should draw on the key guiding principles on hate crime training for law enforcement and criminal justice authorities when designing and implementing national training programmes.⁴⁴ In addition, activities of the Working Group on hate crime training for law enforcement and criminal justice authorities, facilitated by the EU Agency for Law Enforcement Training (CEPOL), provide guidance in ensuring effective and high-quality hate crime training.⁴⁵

Finally, building institutional capacity should be a collaborative and coordinated action developed in partnership with relevant public authorities, national equality bodies, CSOs and victim support organisations (see principle 8 on cooperation).

Principle 8: Cooperate within, across and beyond institutional boundaries

Effectively encouraging reporting of hate crime requires coordinated action within and across a number of institutions and organisations, and is a fundamental consideration when implementing the principles in this document. Cooperation is necessary on two axes: first between various public authorities – law enforcement bodies, equality bodies and local authorities – and second with civil society and victim support organisations, by building partnerships and mechanisms for structured cooperation.

One specific step that can be taken is setting up national multi-stakeholder working groups, under the auspices of broader strategic frameworks that include national equality bodies, as relevant, and CSOs that work with individuals at risk of hate victimisation. Such working groups should aim to regularly discuss and agree on coordinated actions to encourage and increase reporting, and monitor progress. This set of key guiding principles could serve as an agenda for such multi-stakeholder conversations, to support authorities and relevant stakeholders in agreeing priorities and actions to take.

Principle 9: Cooperate with civil society and community organisations

Ensuring that the voice of those most at risk of hate victimisation is heard is a crucial step in creating an enabling social environment that encourages reporting. The EU's Victims' Rights Directive calls on Member States to "encourage and work closely with civil society organisations".⁴⁶ Both CERD and ECRI strongly emphasise that cooperation between the police and affected communities should be strengthened, and see this as a concrete way to address under-reporting.⁴⁷

⁴³ Article 22, [Victims' Rights Directive](#). See also ECRI (2018), [ECRI report on Croatia, CRI\(2018\)17](#).

⁴⁴ European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017), [Hate crime training for law enforcement and criminal justice authorities](#).

⁴⁵ See CEPOL, [Hate crime](#).

⁴⁶ Recital 62, [Victims' Rights Directive](#).

⁴⁷ European Commission (2020), [EU anti-racism action plan 2020–2025](#); European Commission (2020), [EU Strategy on victims' rights 2020–2025](#). See for example ECRI (1996), [ECRI General Policy Recommendation No. 1](#); ECRI (2018), [ECRI report on Spain, CRI\(2018\)2](#); ECRI (2019), [ECRI report on Romania, CRI\(2019\)20](#); ECRI (2020), [ECRI report on Austria](#); CERD (2016), [Concluding observations on the fifteenth to seventeenth periodic reports of Portugal, CERD/C/PRT/CO/15-17](#).

Vigilant, empowered and enabled CSOs play an important role in this respect by promoting and implementing fundamental rights on the ground.⁴⁸ Catering to the various needs of victims of many forms of discriminatory offences is complex and often results in fragmented and somewhat piecemeal support.⁴⁹ Moreover, it is largely CSOs and victim support organisations that provide support. To this end the Victims' Rights Directive tasks governments with establishing a mechanism to coordinate and, where needed, encourage – and financially support – initiatives aimed at providing support services to victims who do not yet have such services available to them.

Representative organisations can also be an important bridge enabling law enforcement authorities to reach out to individuals at risk of hate victimisation and to build confidence in line with the principles of community oriented policing.⁵⁰ Setting up structures that help authorities exploit synergies with CSOs and grassroots organisations can therefore play a central role in sending a signal that builds trust among communities and thereby encourages and facilitates reporting.⁵¹

Overall, ensuring regular dialogue and structured cooperation with organisations and groups that have trusted relationships with at-risk individuals is crucial. CSOs should be involved in the design, implementation and evaluation of the impact of actions taken to encourage reporting of hate crime.

Principle 10: Regularly assess progress and impact

Regular monitoring and evaluation of measures implemented to encourage the reporting of hate crime should be informed by comparable, reliable and valid data, and take gender into consideration. Therefore, methodologically sound assessments should include regular and systematic collection of evidence from different sources. In this regard, relevant authorities could:

- invest in improving official data collection mechanisms to monitor trends in reported levels of hate crimes;
- complement official administrative data with crime victimisation surveys to capture the numbers of crimes not reported to the police;
- regularly and transparently assess the impact and effectiveness of actions that relevant authorities take to encourage reporting.

Robust administrative data, coupled with victimisation surveys and complaints data from other victims' support organisation or equality bodies, would allow police to assess the true prevalence of hate crime. Data from victimisation surveys can be used in a variety of ways: for example, to bolster strategic efforts to acknowledge the problem of under-reporting (principle 1), to provide insights into why victims do not report, and to assess improvements made in recording hate crime (principle 4), and to inform and tailor national responses and monitor their impact.⁵²

The impact of measures that relevant authorities adopt – for example setting up specialised units, enabling alternative reporting channels or setting up systematic referral mechanisms – should be subject to assessment and review on a regular basis.⁵³

⁴⁸ As also underlined by the Council of the European Union (2016), [Council conclusions on the application of the Charter of Fundamental Rights in 2016](#), para. 7. See also FRA (2019), [Challenges facing civil society organisations working on human rights in the EU](#).

⁴⁹ FRA (2016), [Ensuring justice for hate crime victims: Professional perspectives](#), Chapter 3.

⁵⁰ The European Crime Prevention Network (EUCPN) and CEPOL (2018), [Community Oriented Policing in the European Union Today](#).

⁵¹ European Commission (2020), [EU Strategy on victims' rights 2020–2025](#), pp. 14–15.

⁵² FRA (2018), [Hate crime recording and data collection practice across the EU](#).

⁵³ FRA (2016), [Ensuring justice for hate crime victims: Professional perspectives](#).

When evaluating progress and the impact of measures taken to enhance the reporting of hate crime, relevant authorities should engage with a range of stakeholders, including CSOs, community organisations and national equality bodies, as relevant (see also principle 8 on cooperation).

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