

The Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR) project invites you to their Webinar on:

Participation of Hate Crime Victims in Criminal Proceedings

4 April 2022, 11:00-12:30



<https://osce-org.zoom.us/j/97122667682>

Passcode: 20466000

Concept & Agenda

The EStAR project is implemented by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany (VBRG). Through a victim-centered approach, the project provides tools for improving protection and services for hate crime victims and builds capacity of criminal justice and victim support experts and practitioners.

Hate crimes target people for who they are and as a result, the emotional and psychological impact of hate crimes can be much deeper than other forms of crime. Hate crimes are message crimes, and the message of rejection in each attack resonates throughout the community, from family members, to those sharing the identity of the victim, to the public. Thus, the impact of a criminal act motivated by bias can ripple across our societies. Therefore, our response to hate crime victims must be sensitive and respectful, assuring specific protection and support measures are applied and their rights are upheld. This sends a message that societies take hate crime seriously.

Hate crime victims who chose to participate in criminal or civil proceedings, must feel safe and supported each step of the way. They should have the opportunity to present the harm they have suffered, receive compensation and have the confidence that their procedural rights will be safeguarded. Therefore, hate crime victims need assistance in navigating the justice system. Mistreatment during the process or the proceedings, a lack of information, denied aggravated sentencing based on bias motivation or ineffective compensation outcomes can intensify the suffering of a victim. This can create mistrust in the criminal process and a reduction in people having the confidence to report a hate crime.

Regardless if the prosecution leads to conviction it is imperative that hate crime victims have meaningful access to justice and can participate in the criminal proceedings. Procedural rights differ between jurisdictions. Victims are usually allowed to submit evidence, participate in fact finding, attend preliminary hearings and ask questions in trial. In some OSCE participating States victims are allowed to present the harm they suffered to the court through a victim impact statement. In other States, victims can act as auxiliary or private prosecutors. In majority of cases, however, hate crime victims may require legal aid and psychological support during the criminal proceedings.

With the aim of promoting hate crime victims' active participation and adequate support provision during the criminal proceedings, ODIHR will organize a dedicated webinar discussion with insights offered by leading experts and practitioners in the field. Discussants will provide

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insights into victims' participation rights in different types of jurisdictions, provision of legal aid in criminal proceedings and international litigation. It will look at how hate crime victims should be supported during these proceedings, as well as offer a victim's perspective and experience on navigating the criminal justice system.

The webinar is aimed at experts and professionals working to protect and support hate crime victims. This includes representatives from the criminal justice sector, including prosecutors, judges and litigation lawyers as well as researchers in the field of criminal and restorative justice alongside specialist support providers working on hate crime victim protection.

Guest Speakers

- **Ms. Suzan van der Aa**
Professor of Criminal law and Criminal Procedure, Department Criminal Law and Criminology of Maastricht University, the author of [Special Needs of Hate Crime Victims Regarding the Criminal Procedure and Victim Support](#)
- **Mr. Krešimir Kamber**
Lawyer at European Court of Human Rights, Directorate of Jurisconsult, Registry of the European Court of Human Rights
- **Mr. Michal Zálešák**
Legal Consultant, [European Roma Rights Centre](#), Attorney-in-law at the Slovak Bar of Attorneys
- **Mr. Lars-Arne Raffel**
Social worker, [ZEBRA - Centre for Victims of Right- Wing Attacks](#)

Host

- **Ms. Jane E. Lawson**, EStAR Project Officer at ODIHR

Moderators

- **Mr. Viktor Kundrák**, Hate Crime Officer at ODIHR
- **Mr. Robert Kusche**, Executive Director at RAA Sachsen e.V., VBRG

Please note: The webinar will be recorded and published through the EStAR webpage accessible to the general public. The recordings will also be used for future reference, including for awareness raising and training purposes.

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