



**FRA**

EUROPEAN UNION AGENCY  
FOR FUNDAMENTAL RIGHTS

# ENCOURAGING HATE CRIME REPORTING

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## THE ROLE OF LAW ENFORCEMENT AND OTHER AUTHORITIES

REPORT



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# Foreword

Across the European Union, laws against hate crime are in place, and diverse services are generally available to victims. Such measures are vital to counter the harassment and violence all too many people still face due to their skin colour, ethnicity, immigrant background, religion, gender, sexual orientation or disability. But they risk falling short of their aims if people do not report bias-motivated crimes to the police.

Hate crimes that are not reported cannot be investigated or prosecuted, resulting in impunity and emboldening perpetrators. They also remain uncounted, obscuring the true extent of the problem and the urgent need for action. Victims that do not report such crimes will receive neither redress nor the necessary support.

This report outlines the nature, context and prevalence of bias-motivated violence and harassment, underlining the range of victimisation that goes unreported. It then looks at why victims do not report such incidents. The results show that most think that doing so would not change anything, that the procedures are too bureaucratic and time consuming, or that they hesitate because they lack trust in the police.

In addition to highlighting diverse barriers, the report outlines ways to encourage and enable victims to report. These include broad, long-term efforts, such as addressing structural discrimination and raising awareness among the general public; and more specific and practical steps, such as allowing third-party reporting and embedding hate crime specialists in police units.

The EU recently stepped up its action on tackling racism and empowering victims of crime by adopting two fundamental policy documents that apply a more holistic approach: the EU Strategy on Victims' Rights 2020–2025 and the EU Anti-racism Action Plan 2020–2025. Both documents note that hate crime underreporting poses a serious obstacle to law enforcement and policymaking.

Changing deeply entrenched biases and behaviours in society is a long and arduous process. Tackling hate crime effectively is a vital first step that, in turn, relies on stronger reporting and recording of such crimes.

We hope that policymakers at national and EU levels use the insights presented in this report to encourage victims to get the support, protection and justice to which they are entitled.

**Michael O'Flaherty**  
Director



# Contents

Foreword .....	1
Introduction .....	5
ENDNOTES .....	9
<b>1 ENCOURAGING HATE CRIME REPORTING: DELIVERING ON THE LEGAL DUTY TO FULLY RESPECT, PROTECT AND PROMOTE FUNDAMENTAL RIGHTS .....</b>	<b>11</b>
1.1 DUTY TO ENSURE ACCESS TO JUSTICE FOR ALL .....	11
1.2 DUTY TO PROTECT AND SUPPORT VICTIMS OF HATE CRIME .....	12
1.3 DUTY TO INVESTIGATE AND PUNISH HATE CRIME .....	13
1.4 INTERNATIONAL AND EUROPEAN POLICY GUIDANCE ON ENCOURAGING REPORTING .....	14
ENDNOTES .....	17
<b>2 UNCOVERING (UNDER)REPORTING .....</b>	<b>19</b>
2.1 BIAS-MOTIVATED VIOLENCE AND HARASSMENT: AN ALL TOO COMMON OCCURRENCE IN THE EU .....	21
2.2 UNDERREPORTING HINDERS VISIBILITY OF VICTIMISATION .....	25
2.3 TO WHOM DO VICTIMS REPORT? .....	28
2.4 REASONS FOR NOT REPORTING .....	30
2.5 PARTICULAR CHALLENGES IN REPORTING FACED BY CERTAIN GROUPS AT RISK OF HATE VICTIMISATION .....	37
ENDNOTES .....	39
<b>3 ENCOURAGING HATE CRIME REPORTING: ENABLING ENVIRONMENT, STRUCTURES AND PROCESSES .....</b>	<b>41</b>
3.1 CULTIVATING AN ENABLING SOCIAL ENVIRONMENT .....	42
3.2 ENABLING STRUCTURAL FACTORS: DIVERSE REPORTING OPTIONS AND STANDARDISED REFERRALS .....	47
3.3 ENABLING PROCESS FACTORS: BUILDING INSTITUTIONAL CAPACITY AND STRENGTHENING PARTNERSHIPS .....	60
ENDNOTES .....	71
<b>4 WAYS FORWARD: TOWARDS A VICTIM-CENTRED APPROACH TO HATE CRIME REPORTING ...</b>	<b>75</b>
4.1 CULTIVATING AN ENABLING SOCIAL ENVIRONMENT: COMBATING STRUCTURAL DISCRIMINATION .....	75
4.2 ENABLING STRUCTURAL FACTORS: INCREASING REPORTING OPTIONS AND IMPROVING STANDARDISED REFERRALS .....	76
4.3 ENABLING PROCESS FACTORS: BUILDING INSTITUTIONAL CAPACITY AND STRENGTHENING PARTNERSHIPS .....	77
ENDNOTES .....	79
Annex .....	81



# Introduction

Hate crimes motivated by racism, xenophobia, religious intolerance or a person's disability, sexual orientation, gender identity, gender expression and sex characteristics are severe expressions of discrimination. Hate crimes are a grave abuse of a person's dignity, inherent to all human beings, and violate the founding values of the European Union (EU).<sup>1</sup>

Victims of a hate crime are victimised for who they are or are perceived to be. But hate crimes do not only harm individual victims. The offender's message of intimidation and social exclusion reaches everyone sharing the same characteristics, and the wider society, weakening social cohesion.<sup>2</sup> In this way, hate crime causes incalculable damage to victims, families and society as a whole.

## WHY IS THIS REPORT NEEDED?

EU and international human rights laws mandate EU Member States to combat hate crime effectively. They also establish standards on the rights of and support and protection for victims of crime and guarantee the fundamental right of victims to an effective remedy. EU Member States therefore have a duty to ensure access to justice for all, including hate crime victims. Moreover, Member States have a duty to provide targeted support and protection to victims of hate crimes. States also have a duty to investigate hate crimes, punish perpetrators and prevent hate crimes from happening.

States cannot effectively deliver on these duties unless victims and witnesses come forward and report hate crime incidents to the competent authorities.

Evidence collected by the European Union Agency for Fundamental Rights (FRA) points to concerning rates of non-reported bias-motivated violence and harassment against ethnic minorities; immigrants and descendants of immigrants; lesbian, gay, bisexual, transgender and intersex (LGBTI) people; Muslims; and Jews across the EU. When victims do not report incidents – of bias-motivated crime or other crimes – to the police or any other organisation, they have no access to protection, support and justice.<sup>3</sup> The 'dark figure' of unreported hate crime, captured by FRA surveys, remains high. These crimes cannot be investigated and prosecuted, resulting in impunity for perpetrators.

This report examines why victims do not report bias-motivated incidents and the barriers that they face when reporting incidents through national crime reporting systems. It illustrates how the social environment and national structures and practices can support efforts to understand and remove existing barriers to reporting hate crime and actively encourage victims to report hate crime and seek justice.<sup>4</sup>

By mapping existing practices that have a bearing on the victim's experiences when reporting bias-motivated violence and harassment, this report aims to provide evidence to support national efforts to encourage and facilitate reporting, and ultimately assist Member States in delivering on their duties with regard to combating hate crime.

The report sets out the contextual information and information on the varying situations across the EU that served to help in identifying the *Key guiding principles on encouraging reporting of hate crime*<sup>5</sup> developed by the FRA-led working group on hate crime recording, data collection and encouraging reporting (2019–2021) (the working group on hate crime). These principles were adopted by the EU High Level Group on combating racism, xenophobia and other forms of intolerance in March 2021.<sup>6</sup> They aim to provide a framework to guide Member States in putting in place effective victim-centred reporting mechanisms and processes.

The *Key guiding principles on encouraging reporting of hate crime* set out three groups of actions.

First, **barriers to reporting should be removed**, and Member States should:

1. address the invisibility of hate crime and actively communicate and disseminate hate crime data;
2. counter discriminatory perceptions and practices in policing;
3. facilitate effective access to specialist support services for hate crime victims.

Second, relevant authorities **should put in place structures** to facilitate reporting and:

4. ensure proper recording of reported incidents;
5. set up alternative reporting options.

Third, relevant authorities should implement and enhance **enabling processes**, by:

6. tailoring outreach measures to reach those at risk of hate crime victimisation and raise the general public's awareness;
7. building institutional capacity through specialisation, comprehensive training and provision of specific guidance;
8. cooperating within, across and beyond institutional boundaries;
9. cooperating with civil society organisations (CSOs) and community organisations;
10. regularly assessing progress and impact.

The evidence in this report, with the key guiding principles, is intended to offer Member States guidance on removing barriers to reporting and putting in place enabling structures and processes to support an effective and victim-centred approach to hate crime reporting.

## FRA ACTIVITY

# Working group on hate crime recording, data collection and encouraging reporting

The European Commission asked FRA to lead a working group on hate crime recording, data collection and encouraging reporting (2019–2021) under the EU High Level Group on combating racism, xenophobia and other forms of intolerance.

FRA, as facilitator of the working group, delivers technical assistance and capacity-building activities to address three core objectives:

- provide technical assistance to national authorities to improve hate crime recording and data collection, including by developing tools and guidance;
- provide assistance to Member States to encourage reporting of hate crime;
- support Member States to improve inter-agency cooperation and cooperation with civil society organisations for the purpose of effective hate crime reporting, recording and data collection.

This report, along with the *Key guiding principles on encouraging reporting of hate crime* adopted by the EU High Level Group, responds and contributes to the second objective under the working group's terms of reference.

For more information, see FRA's webpage '[Working group on hate crime recording, data collection and encouraging reporting](#)'.

## Key guiding principles on combating hate crime effectively

The EU High Level Group on combating racism, xenophobia and other forms of intolerance has adopted four sets of key guiding principles,\* addressing:

- encouraging hate crime reporting;
- improving the recording of hate crime;
- ensuring justice, protection and support for hate crime victims;
- providing effective and high-quality hate crime training for law enforcement and criminal justice authorities.

The key guiding principles are not legally binding. They aim to help Member States to increase the capacity of relevant authorities to ensure the implementation of legislation related to hate crime and protection of victims of hate crime, including provisions implementing Council Framework Decision

2008/913/JHA of 28 November 2008 on combating certain forms and expression of racism and xenophobia by means of criminal law (the Framework Decision on Racism and Xenophobia) and Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (the Victims' Rights Directive).

*\* For more information, see **Key guiding principles on encouraging reporting of hate crime; Improving the recording of hate crime by law enforcement authorities: Key guiding principles; Ensuring justice, protection and support for victims of hate crime and hate speech: 10 key guiding principles; and Hate crime training for law enforcement and criminal justice authorities.***

## STRUCTURE OF THE REPORT

The information presented in the report builds on FRA's extensive evidence on the situation of hate crime victims, drawing on published FRA material and in particular on its EU-wide survey research. It also includes and analyses information on Member State practices submitted to FRA by members of the working group on hate crime.<sup>7</sup> The report refers to findings and recommendations by the United Nations (UN) and the Council of Europe, as well as work done by national, international and EU-wide CSOs.

**Chapter 1** provides a short summary of the key EU and international legislation relevant to combating hate crime and protecting the rights of hate crime victims.

Drawing on findings from FRA surveys and other research, **Chapter 2** examines the nature and prevalence of bias-motivated violence and harassment, reasons for not reporting and findings on where victims report incidents.

**Chapter 3** presents information provided by members of the FRA-facilitated working group on hate crime, examines the context in which victims experience hate victimisation and provides an overview of national structures and processes that affect victims' experiences when reporting bias-motivated incidents. It looks at the structural barriers that Member States should remove and the enabling factors that they should introduce and reinforce to encourage and enable victims to report.

This analysis is all the more pertinent in the light of the global spotlight on the urgency of addressing structural racism and the launch of the first EU anti-racism action plan, for 2020–2025.<sup>8</sup>

## Notes on terminology

For the purpose of this report, the following definitions apply.

- A ‘hate crime’ is “a criminal offence committed with a bias motive”.\* The terms ‘bias-motivated violence’, ‘bias-motivated crimes’ and ‘hate crimes’ are used interchangeably.
- ‘Bias-motivated harassment’ is a term that encompasses a range of harmful behaviours, some of which may not amount to a criminal offence.
- ‘Reporting’ can be broadly defined as the act of a victim or someone else, such as a witness, informing a public authority or a third party about a possible hate crime. This includes reporting of incidents that cannot be investigated further – for example, because the victim is unwilling to give a statement or the third party cannot share information that would identify the victim.
- ‘Third-party reporting’ is a process by which a victim or witness reports a potential hate crime to an authority, organisation, centre or service other than the police. This third party then reports the hate crime to the police.
- ‘Anonymous reporting’ is a process by which law enforcement is notified of an incident, by the victim, a witness or another third party, without disclosing the identity of the victim.

\* *European Commission (2018), **Guidance note on the practical application of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law**, Brussels, November 2018, p. 7.*

## Endnotes

- 1 European Union (2012), Consolidated version of the **Treaty on European Union**, OJ 2012 C 326, Arts. 2 and 3. The EU Charter of Fundamental Rights includes a number of articles relevant to combating hate crime, for example on the right to human dignity (Art. 1), the right to life (Art. 2), the right to physical and mental integrity (Art. 3) and the right to seek redress through an effective remedy (Art. 47); it prohibits inhuman or degrading treatment (Art. 4) and discrimination on numerous grounds including race, colour, ethnic origin, religion, sex, disability, age and sexual orientation (Art. 21).
- 2 FRA (European Union Agency for Fundamental Rights) (2012), **Making hate crime visible in the European Union: Acknowledging victims' rights**, Luxembourg, Publications Office of the European Union (Publications Office), pp. 15–24.
- 3 On the hidden extent of victimisation in crime surveys, see FRA (2021), **Crime, safety and victims' rights – Fundamental Rights Survey**, Luxembourg, Publications Office, pp. 9–12.
- 4 This report does not focus on instances of hate speech, such as incitement to hatred, but on reporting of hate crimes directed against a person or property. The research did not cover *ex officio* investigations or prosecutions in which investigating authorities initiate criminal proceedings without an initial complaint from a victim or witness.
- 5 European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2021), **Key guiding principles on encouraging reporting of hate crime**, Luxembourg, Publications Office.
- 6 The working group is composed of representatives of national authorities responsible for hate crime recording, data collection or reporting, nominated by Member States. It has representatives of all the EU Member States, except Luxembourg, which did not appoint a representative. Other members include representatives of 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's webpage '**Work on rights**'.
- 7 Luxembourg is not represented in the working group, and thus is not covered in the report. It does, however, cover the United Kingdom, which at the time of data collection was still an EU Member State.
- 8 European Commission (2020), **A Union of equality: EU Anti-racism Action Plan 2020–2025**, COM(2020) 565 final, Brussels, 18 September 2020.



# 1

## ENCOURAGING HATE CRIME REPORTING: DELIVERING ON THE LEGAL DUTY TO FULLY RESPECT, PROTECT AND PROMOTE FUNDAMENTAL RIGHTS

The EU has adopted legislation to combat hate crime and ensure that victims access justice and seek redress, in line with EU treaties and the EU Charter of Fundamental Rights.<sup>1</sup> Key pieces of legislation are the Framework Decision on Racism and Xenophobia and the Victims' Rights Directive.<sup>2</sup>

Non-reporting of hate crime means that relevant legislation is not used to a full enough extent and binding commitments remain unrealised. Underreporting may result in failure to ensure access to justice for all on an equal footing, and it undermines victims' right to find support and protection. It also compromises the effectiveness of national authorities in investigating and punishing hate crime.

Taken together, this means that removing barriers that prevent victims from reporting hate crimes and encouraging them to do so is a necessary condition for EU Member States to comply with and deliver on their duties to:

- ensure access to justice for all;
- protect and support victims;
- investigate and punish hate crime.

The following sections outline the main duties that Member States have under international human rights law and EU law that entail a responsibility to facilitate and encourage hate crime reporting.

### 1.1 DUTY TO ENSURE ACCESS TO JUSTICE FOR ALL

Member States have a duty to provide for an effective remedy for victims of all crimes, in line with Article 47 of the EU Charter of Fundamental Rights and Article 13 of the European Convention on Human Rights (ECHR). This right is an essential component of access to justice and the rule of law. It allows all individuals to seek redress for violations of their rights and freedoms.<sup>3</sup>

Taken in conjunction with the prohibition of discrimination set out in Article 14 of the ECHR and Article 21 of the EU Charter of Fundamental Rights, this duty entails that Member States have to ensure that everyone has a right to access justice and to seek redress through an effective remedy on an equal footing, in particular through the criminal justice system.

Member States have to ensure that this right is not only enshrined in law but also exercised in practice. Practically, this means creating a safe space for all victims, including victims of crimes based on discrimination, and protecting them from intimidation, retaliation and secondary victimisation. They must be allowed to decide how they would prefer to seek redress for the crime they have suffered. An important and decisive requirement in this context is that victims have confidence in law enforcement authorities and do not perceive them as indifferent to their suffering.

Trust in law enforcement and the criminal justice system, as FRA evidence in this report shows, is crucial for all hate crime victims, including, for instance, migrants in an irregular situation. The Victims' Rights Directive provides for the non-discriminatory application of its provisions to all victims, "including with respect to their residence status".<sup>4</sup> Furthermore, it identifies hate crime among the crimes that require the special attention of the authorities to the protection needs of victims.<sup>5</sup> This special attention is also an important element in building trust in the authorities and hence encouraging reporting and implementing in practice access to justice for all. The European Commission's guidance on the transposition and implementation of the directive recognises that its non-discriminatory application "may be of particular importance in the context of racist and xenophobic hate crime".<sup>6</sup>

Non-reporting of hate crimes implies that victims of such crimes face barriers that prevent them from exercising their right to an effective remedy. This raises concerns that in the case of hate crime victims Member States fail to fulfil their duty to ensure access to justice for all.

## 1.2 DUTY TO PROTECT AND SUPPORT VICTIMS OF HATE CRIME

The Victims' Rights Directive establishes minimum standards on the rights, support and protection of victims.<sup>7</sup> The directive underlines the need to take the specific nature of hate crime into account (recital 56). It also states that authorities should pay particular attention to victims of hate crime in carrying out individual assessments to identify special protection needs (Article 22 (3)).

Unlike the framework decision, which is restricted to racism and xenophobia, the Victims' Rights Directive refers to all victims of hate crime on an equal footing, regardless of the discriminatory ground that motivated the offender.

The directive obliges Member States to ensure that victims have access to confidential victim support services free of charge (Article 8 (1)), regardless of whether or not they have submitted a formal complaint (Article 8 (5)). This includes specialist support services, such as medical and psychological support, and legal advice on issues relating to residence status, in accordance with the victim's specific needs.

Member States are also required to inform victims about the type of support they can obtain and from whom (Article 1). They also have to facilitate the referral of victims to victim support services, either by the competent authority that received the complaint or by another relevant entity (Article 8 (2)).

In addition, victims with specific protection needs have the right to be interviewed by or through professionals trained for that purpose (Article 23). This could be particularly relevant in ensuring that victims of hate crime are interviewed by police officers who avoid any conduct that could suggest that they share the discriminatory attitudes of the offenders (see [Section 2.4.3](#) and [Section 3.3](#)).

### FRA ACTIVITY

## Justice for all? Equal access to criminal justice for all victims of crimes against the person

FRA's project 'Justice for all?' maps existing policies related to victims' access to justice. An upcoming report will address the differential treatment of various categories of victims – categories highlighted in the Victims' Rights Directive – and the consequent differences between these categories in terms of their access to criminal justice.

*For more information, see FRA's 2020–2022 Programming Document, p. 63.*

Facilitating and encouraging hate crime victims to report crimes, including by removing barriers to reporting, is a requirement for Member States to deliver effectively on their duty to provide victims of hate crimes with support and protection.

### 1.3 DUTY TO INVESTIGATE AND PUNISH HATE CRIME

EU Member States have a duty to combat hate crime, which means investigating such crime and punishing perpetrators, and also taking preventive measures. This duty is enshrined in legally binding provisions of international and EU law.

Hate crime, like any other serious crime, constitutes a blatant violation of human rights. Such crime may violate, for example, the right to life, the integrity of the person or the prohibition of torture and inhuman or degrading treatment. All these are rights enshrined in the EU Charter of Fundamental Rights and the ECHR, and Member States have an obligation to protect them.

Key elements of this obligation are the requirement to “enact criminal law provisions” and “the need to eradicate impunity”.<sup>8</sup> This “need to eradicate impunity” for perpetrators of serious violations of human rights, together with Article 13 of the ECHR on the right to an effective remedy, establishes a duty for states to investigate and punish crimes. According to the European Court of Human Rights (ECtHR), this means “a thorough and effective investigation capable of leading to the identification and punishment of those responsible, including effective access for the complainant to the investigation procedure”.<sup>9</sup>

States have, in addition to their duty to investigate and punish crime, an additional duty to investigate, unmask and punish any bias motivation. This is a duty stemming from international human rights standards and anchored in EU law.

The case law of the ECtHR has been instrumental in this regard, particularly the case law on Article 14 of the ECHR, which prohibits discrimination on the basis of any ground including race, colour or religion. According to the well-established reasoning of the ECtHR, “treating [bias-motivated] violence and brutality on an equal footing with cases that have no [such] overtones would be to turn a blind eye to the specific nature of acts which are particularly destructive of fundamental rights. A failure to make a distinction [...] may constitute unjustified treatment irreconcilable with Article 14 of the Convention”.<sup>10</sup> This reasoning has led the ECtHR to rule that Article 14 is violated when authorities do not take all possible steps to investigate whether or not discrimination may have played a role in the events under consideration.

The same reasoning lies at the heart of the Framework Decision on Racism and Xenophobia, which, in line with the provisions of the EU Charter of Fundamental Rights, brings the duty of Member States to combat hate crime directly into the EU legal order.<sup>11</sup> The framework decision obliges Member States to treat racist or xenophobic motivation for various offences as an aggravating circumstance or to stipulate that courts may take this into consideration in determining the penalties imposed on offenders (Article 4). It provides for punishment of certain conduct driven by hatred (Article 1) based on race, colour, religion, descent, or national or ethnic origin, such as incitement to violence on these grounds.<sup>12</sup> The framework decision requires that the investigation of such offences or their prosecution takes place *ex officio* and is not “dependent on a report or an accusation made by a victim” (Article 8).

Victims coming forward to report incidents is a necessary condition for Member States to deliver on their duty to investigate and punish bias-motivated crimes.

## EU steps towards broadening criminal law responses to hate crime

The Victims' Rights Directive obliges Member States to cater for the special protection needs of all hate crime victims, regardless of the type of discriminatory and bias motivation of the perpetrator.

However, the Framework Decision on Racism and Xenophobia, by means of criminal law, covers only hate crime committed on the basis of the race, colour, religion, descent, or national or ethnic origin of the victim (Article 1 (1)). It does not cover other grounds for discrimination prohibited under EU primary law (see Article 19 of the Treaty on the Functioning of the EU and Article 21 of the EU Charter of Fundamental Rights), such as sex, age, disability or sexual orientation. As in the case of protection against discrimination through the EU equality directives,\* this leads to gaps in protection gap and an artificial hierarchy of grounds that limits the breadth and scope of EU-level protection against hate crime.

These gaps in EU-level protection against all forms of hate crime have not prevented some Member States from broadening the range of discriminatory grounds that may lead to stricter penalties for perpetrators. As FRA has pointed out, the vast majority of Member States have gone beyond the framework decision and included other prohibited grounds in their hate crime provisions.\*\*

To address this situation of different levels of protection gap against differently motivated hate crimes, the European



Commission has announced its intention to “put forward a new proposal to combat gender-based violence” and “will also propose to extend the list of *euro-crimes* to include all forms of hate crime and hate speech”\*\*\*

\* FRA (2021) *Equality in the EU 20 years on from the initial implementation of the equality directives*, Luxembourg, Publications Office of the European Union (Publications Office).

\*\* FRA (2018), *Hate crime recording and data collection practice across the EU*, Luxembourg, Publications Office, p. 103.

\*\*\* European Commission (2020), *Commission Work Programme 2021 – A Union of vitality in a world of fragility*, COM(2020) 690 final, Brussels, 19 October 2020, p. 7.

It makes hate crime visible and makes it possible to design and implement effective prevention policies.

### 1.4 INTERNATIONAL AND EUROPEAN POLICY GUIDANCE ON ENCOURAGING REPORTING

In fulfilling their legal obligations to counter hate crime, including by encouraging reporting, national authorities can draw on ample guidance and country-specific recommendations from international intergovernmental organisations.<sup>13</sup> They all acknowledge the widespread and prevalent underreporting of hate crime, and set out means and measures aimed at encouraging and increasing reporting among victims of hate crime.<sup>14</sup> This report draws on this guidance and these recommendations and examines some of the key elements of them in **Chapter 3**.

## High number of recorded hate crimes can be a positive signal

The number of hate crimes recorded by the authorities is not necessarily an indicator of hate crime prevalence. Higher numbers of recorded hate crimes can reflect countries' efforts to make these incidents visible and indicate the efficiency of their national recording systems. They can also signal increased willingness, awareness and ability of victims and the public to report bias-motivated incidents.

Nevertheless, FRA surveys have shown that even in countries with relatively high numbers of police-recorded hate crimes, there is significant underreporting.

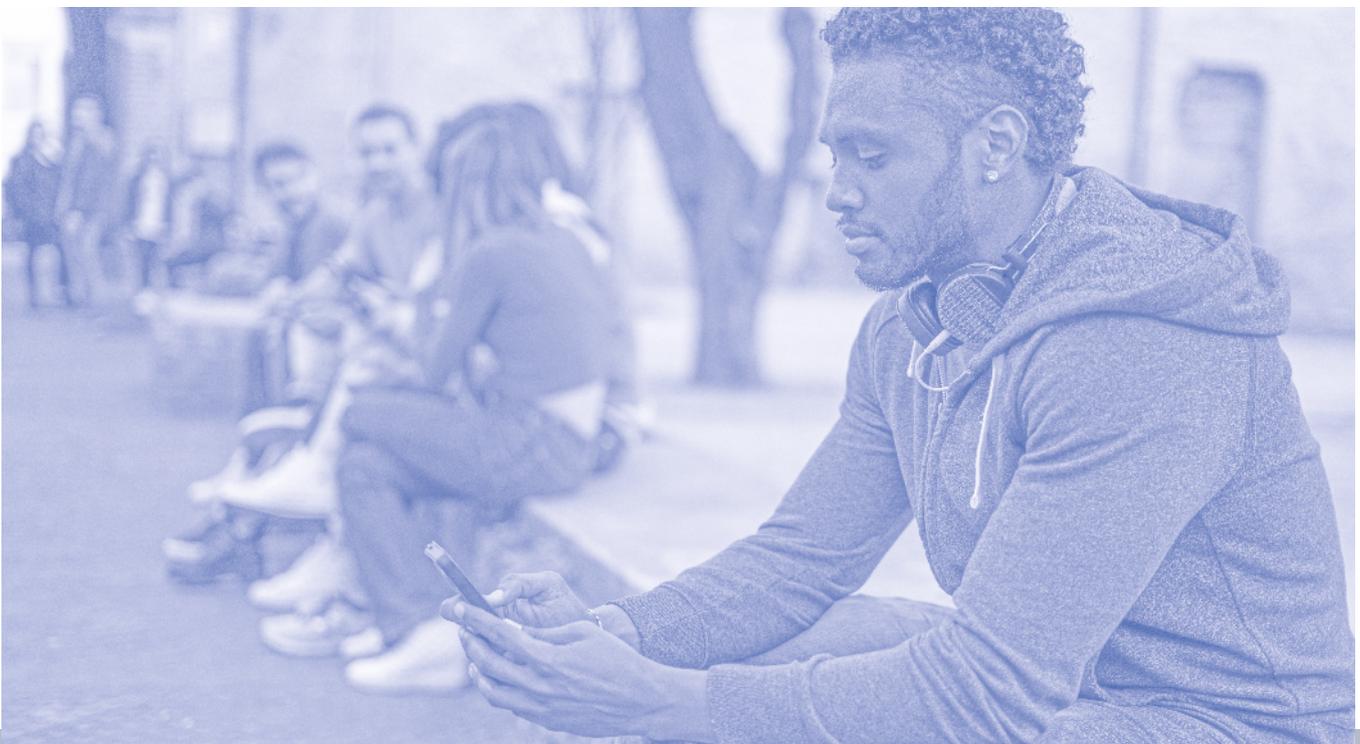
*For more information, see FRA (2018) **Hate crime recording and data collection practice across the EU**, Luxembourg, Publications Office, pp. 27–28.*

To support the effective implementation of the EU legal framework, in 2020 the EU took decisive steps towards a more holistic approach to tackling racism and empowering victims of crime by adopting two fundamental policy documents: the EU Strategy on Victims' Rights 2020–2025 and the EU Anti-racism Action Plan 2020–2025.<sup>15</sup> They explicitly address the underreporting of hate crime as a serious obstacle to law enforcement and policy making, and set out concrete measures in this regard.

The first EU strategy on victims' rights, for 2020–2025, highlights the need to "better [apply] EU rules on victims' rights in practice". Empowering victims of crime by ensuring effective communication with them and a safe environment for them to report are key strands of the strategy. Increasing crime reporting among "disadvantaged or vulnerable communities or minorities" is another area highlighted in the strategy. It sets out measures to strengthen

cooperation between authorities and communities and specifies that training in non-discrimination for law enforcement and judicial authorities is vital to increase trust in authorities and addressing underreporting.<sup>16</sup>

In addition to committing to ensuring that the EU legal framework is effectively enforced and assessing if the existing framework remains fit for purpose, the EU Anti-racism Action Plan 2020–2025 recognises the need to do more to tackle racism in everyday life. Actions include measures to counter discrimination by law enforcement authorities, ensuring safety and security, and addressing inequalities and combating discrimination in all areas of life. Moreover, the European Commission stresses the need to "[tackle] the underlying problem" – that is, structural racism, which "can be as profound and harmful as individual racism [...] its existence needs to be acknowledged and it must be addressed through proactive policies."<sup>17</sup> (See **Section 3.1** on the impact of the wider societal context in which bias-motivated victimisation occurs on victims' readiness to report incidents and seek justice.)



Both the EU Anti-racism Action Plan 2020–2025 and the EU Strategy on Victims’ Rights 2020–2025 stress the need for a comprehensive, holistic and coordinated approach to national efforts and call on Member States to develop and adopt national action plans against racism and racial discrimination and on victims’ rights, respectively.<sup>18</sup>

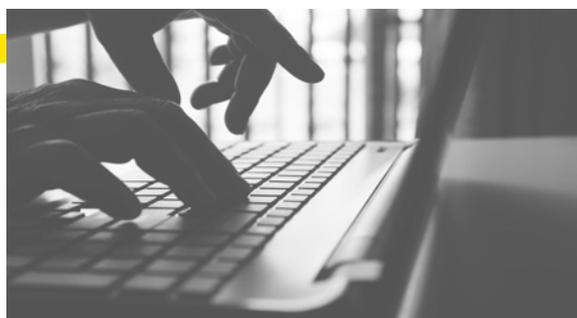
Ensuring protection and support for hate crime victims is also addressed in other key strategies adopted by the European Commission in 2020, such as the EU Gender Equality Strategy 2020–2025, the new EU Roma strategic framework, the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Equality Strategy 2020–2025 and the new EU Security Union Strategy 2020–2025.<sup>19</sup>

The EU Gender Equality Strategy 2020–2025 includes ending gender-based violence as one of its key policy objectives. The Commission pledges to propose additional measures to prevent and combat specific forms of gender-based violence, including by strengthening victim-centred access to justice and tabling a recommendation on the prevention of harmful practices.<sup>20</sup>

The new Roma strategic framework addresses the fight against antigypsyism as its first horizontal objective towards achieving effective Roma equality, inclusion and participation by 2030. The Commission has reiterated its commitment to ensuring full and correct incorporation into national law and implementation of the Framework Decision on Racism and Xenophobia, and to continuing to cooperate with information technology companies to counter antigypsyism, “one of the most commonly reported ground[s] of hate speech”.<sup>21</sup>

Ensuring LGBTIQ people’s safety is one of four key pillars of the first EU LGBTIQ equality strategy, for 2020–2025. The strategy recognises that underreporting of hate crimes remains a serious problem and sets out to support Member States in promoting a safe and supportive environment for LGBTIQ victims of crime and to improve recording of LGBTIQ-phobic bias.<sup>22</sup>

## Addressing hatred online



In December 2020, the European Commission proposed a Digital Services Act\* intended to regulate questions revolving around the responsibility of internet intermediaries in issues such as illegal online content, online hate and disinformation. While this report does not cover instances of online hatred, FRA has launched a project aiming to increase understanding of online hatred against certain groups.\*\*

Addressing different forms of hatred online is challenging because of the scale of the phenomenon and the difficulty of detecting illegal content online. Nevertheless, companies running large online platforms remove billions of pieces of such content every year.

FRA’s project aims to increase the understanding of online hatred in the forms of harassment, hate speech and incitement to violence against women and ethnic groups. Based on data collection in selected EU Member States, the research findings will contribute to policy making in the area of online content moderation.

\* *European Commission, Proposal for a Regulation on a Single Market For Digital Services (Digital Services Act), COM(2020) 825 final, Brussels, 15 December 2020.*

\*\* *See FRA’s 2021–2023 Programming Document, p. 59.*

## Endnotes

- 1 European Union (2012), Consolidated version of the **Treaty on European Union**, OJ 2012 C 326, Arts. 2 and 3. The EU Charter of Fundamental Rights includes a number of articles relevant to combating hate crime, for example, on the right to human dignity (Art. 1), the right to life (Art. 2), the right to physical and mental integrity (Art. 3) and the right to seek redress through an effective remedy (Art. 47); it prohibits inhuman or degrading treatment (Art. 4) and discrimination on numerous grounds including race, colour, ethnic origin, religion, sex, disability, age and sexual orientation (Art. 21).
- 2 Council of the European Union (2008), **Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law**, OJ 2008 L 328; **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**, OJ 2012 L 315.
- 3 Council of Europe and European Court of Human Rights (ECtHR) (2020), **Guide on Article 13 of the European Convention on Human Rights – Right to an effective remedy**, Strasbourg, Council of Europe and ECtHR, 31 December 2020.
- 4 **Victims’ Rights Directive**, Art. 1 (1).
- 5 **Victims’ Rights Directive**, Art. 22 (3) and recital 56.
- 6 European Commission, Directorate-General for Justice and Consumers (DG Justice) (2013), **Guidance document on transposition and implementation of 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**, Brussels, 19 December 2013.
- 7 **Victims’ Rights Directive**; European Commission, DG Justice (2013), **Guidance document on transposition and implementation of 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**, Brussels, 19 December 2013.
- 8 Council of Europe, Committee of Ministers (2011), **Guidelines of the Committee of Ministers of the Council of Europe on eradicating impunity for serious human rights violations**, Strasbourg, Council of Europe, 30 March 2011.
- 9 ECtHR, **Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania**, No. 47848/08, 17 July 2014; for more case law, see Council of Europe and ECtHR (2020), **Guide on Article 13 of the European Convention on Human Rights – Right to an effective remedy**, Strasbourg, Council of Europe, 31 December 2020.
- 10 ECtHR, **Nachova and Others v. Bulgaria**, Nos. 43577/98 and 43579/98, 6 July 2005; for more recent case law, see ECtHR, **Lakatošová and Lakatoš v. Slovakia**, No. 655/16, 11 December 2018. See also FRA (2018), **Unmasking bias motives in crimes: Selected cases of the European Court of Human Rights**, Luxembourg, Publications Office.
- 11 Council of the European Union (2008), **Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law**, OJ 2008 L 328; European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2018), **Guidance note on the practical application of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law**, Brussels, November 2018.
- 12 Council of the European Union (2008), **Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law**, OJ 2008 L 328. For more information, see FRA (2013), **FRA opinion on the Framework Decision on Racism and Xenophobia – With special attention to the rights of victims of crime**, Luxembourg, Publications Office; FRA (2016), **Ensuring justice for hate crime victims: Professional perspectives**, Luxembourg, Publications Office, pp. 13–14.
- 13 FRA (2018), **Hate crime recording and data collection practice across the EU**, Luxembourg, Publications Office, p. 101.
- 14 In particular, see United Nations (UN), **Committee on the Elimination of Racial Discrimination (CERD)**, **Draft Kyoto declaration on advancing crime prevention, criminal justice and the rule of law: Towards the achievement of the 2030 Agenda for Sustainable Development**, 17 February 2021; the **ECRI website**; and **OSCE/ODIHR’s dedicated website**.
- 15 European Commission (2020), **A Union of equality: EU Anti-racism Action Plan 2020–2025**, COM(2020) 565 final, Brussels, 18 September 2020; European Commission (2020), **EU Strategy on Victims’ Rights 2020–2025**, COM(2020) 258 final, Brussels, 24 June 2020.
- 16 European Commission (2020), **EU Strategy on Victims’ Rights 2020–2025**, COM(2020) 258 final, Brussels, 24 June 2020, pp. 2–5.
- 17 European Commission (2020), **A Union of equality: EU Anti-racism Action Plan 2020–2025**, COM(2020) 565 final, Brussels, 18 September 2020, p. 13.
- 18 European Commission (2020), **A Union of equality: EU Anti-racism Action Plan 2020–2025**, COM(2020) 565 final, Brussels, 18 September 2020, p. 17; European Commission (2020), **EU Strategy on Victims’ Rights 2020–2025**, COM(2020) 258 final, Brussels, 24 June 2020, p. 20.
- 19 European Commission (2020), **EU Security Union Strategy 2020–2025**, COM(2020) 605 final, Brussels, 24 July 2020.
- 20 European Commission (2020), **A Union of equality: Gender Equality Strategy 2020–2025**, COM(2020) 152 final, Brussels, 5 March 2020, pp. 3–4.
- 21 European Commission (2020), **EU Roma strategic framework for equality, inclusion and participation for 2020–2030**, COM(2020) 620 final, Brussels, 7 October 2020, pp. 11–12.
- 22 European Commission (2020), **Union of equality: LGBTIQ Equality Strategy 2020–2025**, COM(2020) 698 final, Brussels, 12 November 2020, pp. 11 and 13.



# 2

## UNCOVERING (UNDER)REPORTING

Drawing on findings from FRA surveys, this chapter presents the concerning rates of bias-motivated violent incidents and harassment that ethnic minorities, immigrants and descendants of immigrants, LGBTI people, Muslims and Jews experience in the EU. It reveals the range of non-reported victimisation and the main reasons for not reporting.

In addition to drawing on victims' experiences as reported in FRA surveys, the chapter presents the perspectives of judges and lawyers in criminal courts, public prosecutors, police officers and non-governmental organisations (NGOs) supporting hate crime victims.<sup>1</sup>

The chapter provides selected evidence across the EU, drawn from FRA's large-scale survey research, on:

- the prevalence of bias-motivated violence and harassment across some of the groups included in different FRA surveys;
- the extent of underreporting of bias-motivated violence and harassment among these groups;
- reporting to the police and to third parties;
- reasons for not reporting.

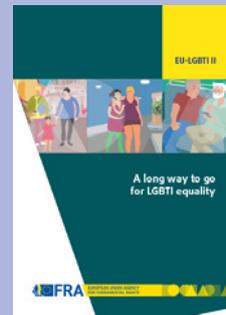
It does not include detailed cross-country comparisons or comparisons of groups within countries. Nevertheless, many results vary notably between countries, and between groups in a country, and readers are encouraged to explore these differences using FRA's interactive online data explorers, which offer the opportunity to browse results by country and disaggregated by surveyed groups and key sociodemographic characteristics such as gender, age and education.

## Experiences of bias-motivated violence and harassment: FRA research and data

The findings referred to in this section are based on data from the following FRA surveys.



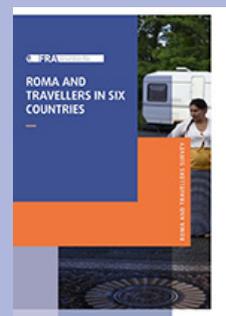
*FRA's second European Union Minorities and Discrimination Survey (EU-MIDIS II) (2016) collected information from 25,515 respondents with different ethnic minority and immigrant backgrounds across all 28 EU Member States.*



*A total of 139,799 people who describe themselves as lesbian, gay, bisexual, trans or intersex completed FRA's second online EU LGBTI Survey (EU LGBTI Survey II) in the EU-28, North Macedonia and Serbia (2019).*



*FRA's second Survey on Discrimination and Hate Crime against Jews in the EU (2018) collected data from 16,395 self-identified Jewish respondents in 12 Member States.*



*FRA's Roma and Travellers Survey (2019) covered five EU Member States and the United Kingdom, and collected information from 4,659 respondents who self-identified as Roma or Travellers.*

The year indicated for each survey reflects the period of data collection, not the year of publication of results. The years when the survey reports were published are indicated in the notes to this report (with publication sometimes being in the year following data collection).

In these FRA surveys, people with various minority backgrounds are asked about their experiences of discrimination, hate-motivated violence and harassment.

- First, the survey respondents are asked about their experiences of violence and harassment over certain periods (five years and 12 months).
- Second, if they indicate that they have experienced violence or harassment, they are asked whether or not they thought this was because of their (minority and/or migrant) background.

The surveys ask respondents about specific experiences of violent hate crimes: physical attacks, hitting, pushing, kicking or grabbing on the street, on public transport, in the workplace or in other locations, because of their minority background. In addition to asking about experiences of physical violence, the LGBTI survey also covers experiences of sexual attacks, and the survey on discrimination and hate crime against Jews collects information on vandalism of Jewish buildings or institutions.

Respondents are also asked about their experiences of different forms of bias-motivated harassment. Harassment is defined in the surveys as offensive or threatening comments in person, threats of violence in person, offensive gestures or inappropriate staring, offensive or threatening emails or text messages, or offensive comments made about them online.

For more information on the surveyed groups, terminology, methodology and questionnaires, see the respective technical reports on FRA's website.\* See also FRA's interactive data explorers,\*\* which provide an in-depth picture of the situation in different EU Member States.

\* See **Second European Union Minorities and Discrimination Survey. Technical report; Experiences and perceptions of antisemitism – Second Survey on Discrimination and Hate Crime Against Jews in the EU. Technical report; A long way to go for LGBTI equality - technical report; and Roma and Travellers in six countries - technical report.**

\*\* See **FRA's interactive data explorers** to browse results by country and disaggregated by surveyed groups and key sociodemographic characteristics such as gender, age and education.

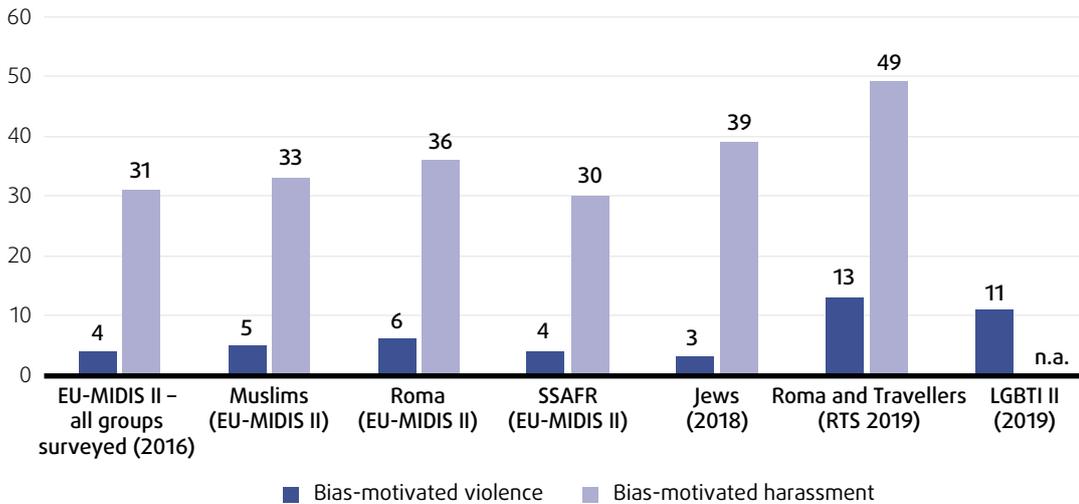
Notes:

- <sup>a</sup> The figure uses data from different FRA surveys and shows the prevalence of bias-motivated violence and harassment on grounds of ethnic or immigrant background (including skin colour and religion or religious belief) and of being LGBTI. For the specific questions asked in the surveys, see the related questionnaires and technical reports.
- <sup>b</sup> The figure for EU-MIDIS II is for the weighted average across all groups surveyed: Roma/Russian minority, and immigrants and descendants of immigrants from sub-Saharan Africa/Turkey/North Africa/Asia/South Asia and recent immigrants (n = 25,515). In addition, the figure presents data for specific groups covered in the survey: immigrants and descendants of immigrants from sub-Saharan Africa (SSAFR) in 12 countries (n = 5,803); Roma in nine eastern and southern European countries (n = 7,947); and Muslims in 15 countries (n = 10,527).
- <sup>c</sup> Second Survey on Discrimination and Hate Crime against Jews in the EU in 12 countries (n = 16,395).
- <sup>d</sup> Roma and Travellers Survey in six western European countries (RTS) (n = 4,659).
- <sup>e</sup> EU LGBTI Survey II, EU-28 (n = 139,799).
- <sup>f</sup> n.a., not available.

## 2.1 BIAS-MOTIVATED VIOLENCE AND HARASSMENT: AN ALL TOO COMMON OCCURRENCE IN THE EU

FRA surveys gather evidence on people’s experiences of bias-motivated violence and harassment based on respondents’ ethnic or immigrant background, including skin colour and religion or religious beliefs, as well as gender identity/gender expression and sexual orientation. Although the results stem from different surveys, the data attest to similar prevalence of experiences across groups. The proportions of Roma and Travellers, Jews, Muslims, people of African descent, immigrants and descendants of immigrants, and LGBTI people across the EU who experience violations of their fundamental rights to non-discrimination and personal safety and integrity are continuously high.

**FIGURE 1: PREVALENCE OF BIAS-MOTIVATED VIOLENCE AND HARASSMENT IN THE FIVE YEARS BEFORE THE FRA SURVEY IN QUESTION, BY SURVEY GROUP (%)<sup>a,b,c,d,e,f</sup>**



Sources: FRA, EU-MIDIS II, 2016; second Survey on Discrimination and Hate Crime against Jews in the EU, 2018; Roma and Travellers Survey, 2019; and EU LGBTI Survey II, 2019

As shown in Figure 1, Roma and Travellers – based on data from six western European countries – and LGBTI people – in the EU-28 in 2019 – experienced the highest rates of bias-motivated violence of the groups surveyed. Of all respondents to the Roma and Travellers Survey, 13 % had been physically attacked because they were Roma or Traveller, compared with 6 % of Roma interviewed for EU-MIDIS II.<sup>2</sup> This difference in the results could be due to a number of reasons, including the different countries covered in the two surveys, the levels of awareness of bias-motivated violence and harassment in the countries surveyed, and respondents’ willingness to discuss these issues in a survey, which to some extent reflects a country’s progression towards the normalisation of hate crime reporting.

One in 10 respondents (11 %) to FRA’s EU LGBTI Survey II indicated that they had been physically or sexually attacked because of being LGBTI, with trans and intersex respondents indicating higher rates of violence (17 % and 22 %, respectively).<sup>3</sup>

## Experiencing multiple biases

Hate crimes and harassment can be motivated by a single bias or multiple biases. In cases of the latter, biases and protected characteristics intersect. FRA survey data consistently show that many people across the EU experience intersecting or multi-bias hate crime and harassment, based on a varied combination of grounds.<sup>4</sup> For example, FRA survey results show that, among black people, those who indicate that they are Muslim face slightly more frequent racist harassment than non-Muslims (24 % versus 20 %).<sup>5</sup>

Individuals who experienced harassment in the past 12 months because of being LGBTI could indicate whether or not they were harassed for any additional reasons besides being LGBTI. Sexual orientation was named as an additional ground by 60 % of intersex and 46 % of trans people;

46 % of bisexual women and 29 % of lesbian women mentioned sex as an additional ground.

For LGBTI respondents who perceived themselves as an ethnic minority, 35 % mentioned ethnic origin. Of those who perceived themselves as a religious minority, 28 % mentioned religion or belief. Of those who perceived themselves as a minority in terms of disability, 33 % mentioned disability as an additional ground for the last incident of harassment. Four in 10 intersex respondents (41 %) also mentioned gender identity and expression as an additional ground.<sup>6</sup>

FRA’s Violence against Women Survey of 2012 provides insights into the experiences of violence among women with disabilities (those whose daily activities are limited by a health problem or disability). The survey found that the rate of violence is higher for women with disabilities than for women without. For example, 31 % of women with disabilities have experienced physical or sexual violence from a non-partner, compared with 20 % of women without. Thirty-four per cent of women with disabilities have experienced physical or sexual violence from a former or current partner, compared with 19 % of women without.<sup>7</sup>

Understanding intersectional experiences and multi-bias hate crimes and harassment is necessary to design effective measures to address underreporting and other measures to counter hate crime.



Between 30 % and 49 % of respondents to the FRA surveys had experienced some form of bias-motivated harassment in the five years before the surveys were conducted – be it because of their ethnic or immigrant background, their skin colour, their religion or religious beliefs, or being LGBTI.

Moreover, evidence suggests that incidents of bias-motivated harassment are a recurrent experience for many people. For example, 49 % of Roma interviewed for EU-MIDIS II who had experienced harassment because of their Roma background in the five years preceding the survey had experienced this six or more times, including in some cases ‘all the time’; 36 % had experienced it two to five times; and 15 % had experienced it once.<sup>8</sup>

Among respondents of sub-Saharan African descent, of those who had experienced racist harassment in the five years preceding the survey, 38 % had experienced this two to five times, and 45 % six times or more, including in some cases ‘all the time’.<sup>9</sup>

Repeated incidents, even those that might appear minor taken individually, have over time a profound negative effect on individuals and communities. Moreover, if the perpetrators are not held accountable, the number and severity of such incidents can escalate. For efforts to encourage reporting to be successful, the police must recognise and react to repeated bias-motivated incidents, even those that do not reach the threshold for criminality.



## FRA ACTIVITY

# In perspective: experiences of physical violence and harassment among the general population

In 2019, FRA's Fundamental Rights Survey collected data on experiences of physical violence and harassment among a representative sample of 35,000 respondents from the general population of the EU-27 countries, North Macedonia and the United Kingdom. The survey set out to measure overall prevalence rates for violence and harassment – asking a similar set of questions about individual acts as in FRA's other surveys – and did not ask respondents who indicated that they were victims of violence or harassment about the potential motivation.

The survey also examined the extent of selected types of property crime, people's safety concerns and measures taken to avoid situations perceived as unsafe, and willingness to take action when witnessing crime.

While the survey was of the general population, the results can be disaggregated to analyse, at EU level, the experiences of specific groups in the population, based on people's self-identification with regard to their ethnicity, citizenship status, country of birth, whether or not they had a disability or long-term health problem, and sexual orientation (as well as other categories such as age and gender).

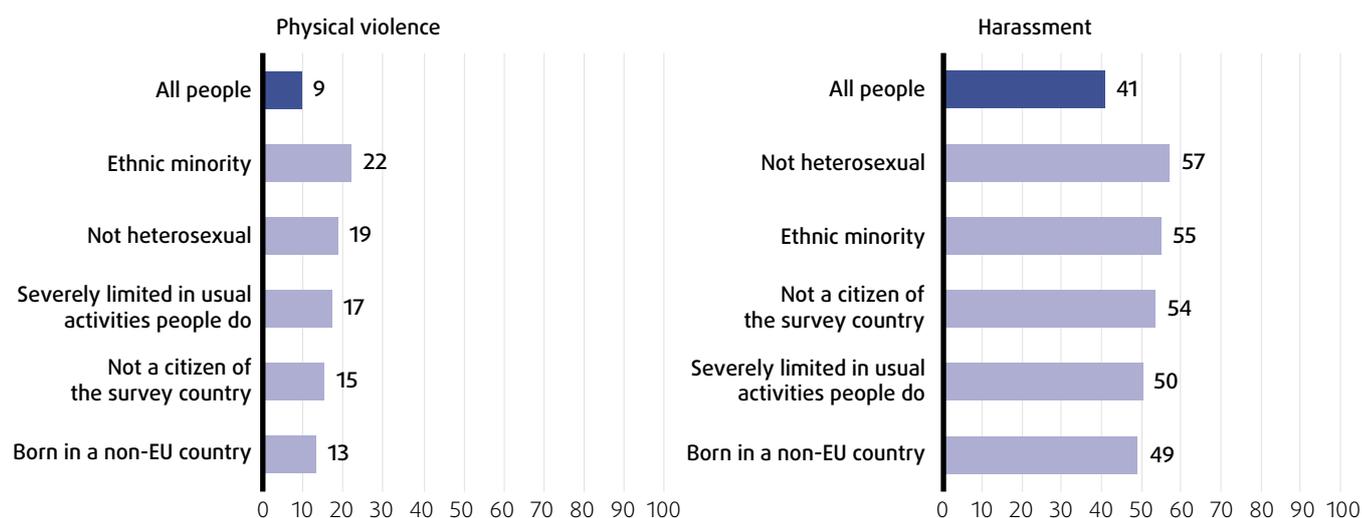
Figure 2 shows that people belonging to certain groups in the EU experience physical violence at a higher rate than the population overall. For example, whereas overall 9 % of all respondents had experienced physical violence in the five years before the survey, the proportion is higher for those who belong to an ethnic minority (22 %), for those who self-identify as lesbian, gay

or bisexual, or identify themselves in other terms (in Figure 2, the category 'Not heterosexual') (19 %), and for those who are severely limited in their usual activities due to a disability or a health problem (17 %).

Differences can also be found with respect to people's experiences of harassment, with people in the groups listed in Figure 2 experiencing harassment at a higher rate than the population overall. This can include – but is not limited to – experiences of bias-motivated harassment, as was the case with the results on physical violence described earlier.

*For more information, see FRA (2021) **Crime, safety and victims' rights – Fundamental Rights Survey.***

**FIGURE 2: EXPERIENCING PHYSICAL VIOLENCE AND HARASSMENT IN THE FIVE YEARS BEFORE THE SURVEY, ALL PEOPLE AND FOR SPECIFIC GROUPS BASED ON PEOPLE'S SELF-IDENTIFICATION (EU-27, %)<sup>a,b</sup>**



Source: FRA Fundamental Rights Survey, 2019; data collected in cooperation with Statistics Netherlands; the Government IT Centre (Centre des Technologies de l'Information de l'État, CTIE), Luxembourg; and Statistics Austria

Notes:

<sup>a</sup> Of all respondents in the EU-27 (n = 32,537); weighted results.

<sup>b</sup> In the figure, results for 'All people' refer to all those belonging to one of the groups listed in the figure above as well as everybody who is not a part of any of the listed groups.

## 2.2 UNDERREPORTING HINDERS VISIBILITY OF VICTIMISATION

FRA surveys consistently reveal the very low number of incidents of bias-motivated violence and harassment reported to any organisation, including the police. Although incidents of bias-motivated violence are more often reported to the police than incidents of bias-motivated harassment, the vast majority of physical attacks still remain unknown to law enforcement.

However, underreporting is not limited to incidents of bias-motivated violence and harassment. FRA's Fundamental Rights Survey shows that a high number of incidents of physical violence experienced by the general population are also not reported to the police or another organisation.<sup>10</sup>

### Impact of age and education level on reporting

Younger people (aged 16–24 years old) experience higher rates of bias-motivated violence and harassment,\* as do second-generation immigrants. However, younger respondents are also least likely to report incidents.

For example, 2016 EU-MIDIS II results show that only 23 % of the youngest age group (16–24 years) of immigrants and descendants of immigrants from sub-Saharan Africa reported the latest incident of physical attack to any organisation, compared with 40 % of respondents aged 25–44 and 45–59. Similarly, the hate crime reporting rate of younger EU-MIDIS II Roma respondents (16–24) is 22 %, compared with 28 % for 25–44-year-olds and 31 % for 45–59-year-olds and respondents aged 60 years or over.\*\*

Results from the EU LGBTI Survey II also show such differences: 35 % of respondents aged 55 years or over reported bias-motivated violent incidents, twice as high a rate as those in younger age cohorts (15 %) who were victims of violent hate crime incidents.

Victims' educational level also affects reporting rates of bias-motivated crime and harassment, as EU-MIDIS II data disaggregated by educational level show. Racist violence and racist harassment are more often reported by victims with tertiary education (48 % and 20 %, respectively), while rates are significantly lower for victims with secondary

education (28 % and 10 %, respectively) and lower than secondary education (33 % and 12 %, respectively).\*\*\*

Level of education does not seem to significantly affect reporting rates among respondents to the EU LGBTI Survey II.\*\*\*\*

\* The same pattern is found in the Fundamental Rights Survey, with higher rates of physical violence and harassment experienced by young people than people in other age groups. The Fundamental Rights Survey collected data on experiences of physical violence and harassment in general – that is, without a specific focus on bias-motivated incidents. See FRA (2021), **Crime, safety and victims' rights – Fundamental Rights Survey, Luxembourg, Publications Office.**

\*\* FRA (2016), **Second European Union Minorities and Discrimination Survey**, p. 58 (harassment) and p. 65 (violence); FRA (2018), **Second European Union Minorities and Discrimination Survey – Being black in the EU**, p. 17 (harassment) and p. 22 (violence); FRA (2017), **Second European Union Minorities and Discrimination Survey – Muslims: Selected findings**, p. 43 (harassment) and p. 46 (violence); FRA (2020), **A long way to go for LGBTI equality**, p. 42 (harassment) and p. 39 (violence); FRA (2018), **Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU**, p. 48 (harassment) and p. 51 (violence).

\*\*\* FRA (2018), **Second European Union Minorities and Discrimination Survey – Being black in the EU**, Luxembourg, Publications Office, p. 24. Levels of education correspond to the International Standard Classification of Education, ISCED 0 to ISCED 8.

\*\*\*\* FRA (2019), **EU LGBTI Survey II data explorer.**



Figure 3 shows that rates of reporting differ across the groups surveyed, varying between 11 % and 49 % for bias-motivated violence and 6 % and 14 % for bias-motivated harassment. As discussed in Section 2.3, one factor contributing to this variation is differences in the extent to which incidents are reported to the police, to other organisations or to both.

With regard to violence, for example, the overwhelming majority (89 %) of Roma and Travellers interviewed in 2019 by FRA who had suffered physical attacks based on hostility or bias towards Roma/Travellers in the five years before the survey did not report this to anyone.

Among the LGBTI respondents who had been victims of physical or sexual attacks as a result of being LGBTI, only 21 % of respondents reported such incidents to the police or any of the other organisations listed in the survey.<sup>11</sup>

Across the different groups surveyed by FRA, incidents of harassment are rarely reported. For example, the percentage of respondents to the EU LGBTI Survey II who reported harassment to any organisation, including the police, is 10 %. The percentage of respondents who reported harassment to the police is even lower, at 4 %.

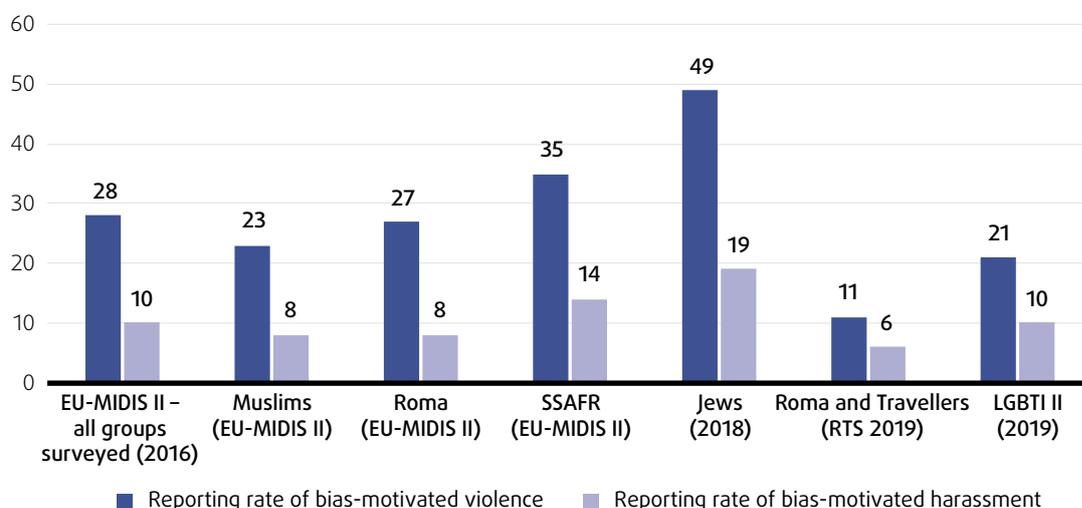
Among those responding to the 2019 Roma and Travellers Survey who had been victims of harassment, only 6 % reported the incident to the police or any other organisation. It is worth noting that non-reporting rates are higher for Roma or Travellers who were born abroad (97 %) than for those born in the country of residence where they were interviewed (85 %).<sup>12</sup> Earlier results from EU-MIDIS II in 2016, covering Roma populations in central, eastern and southern Europe, corroborate these findings, showing that only one out of 10 (10 %) Roma respondents reported bias-motivated harassment to anyone.<sup>13</sup>

Among the Jewish respondents who had experienced antisemitic harassment, 19 % reported the most serious incident in the five years preceding the survey to any organisation.<sup>14</sup>

Note:

<sup>a</sup> The figure uses data from different FRA surveys and shows the reporting rates for the most recent incident of bias-motivated violence and harassment among those respondents who had experienced bias-motivated violence and harassment on grounds of ethnic or immigrant background (including skin colour and religion or religious belief) or of being LGBTI. For the specific questions asked in the surveys, see the related questionnaires and technical reports.

**FIGURE 3: REPORTING OF THE MOST RECENT INCIDENT OF BIAS-MOTIVATED VIOLENCE AND HARASSMENT TO THE POLICE OR ANY OTHER ORGANISATION IN THE FIVE YEARS BEFORE THE FRA SURVEY IN QUESTION, BY SURVEY GROUP (%)<sup>a</sup>**



Sources: FRA, EU-MIDIS II, 2016; second Survey on Discrimination and Hate Crime against Jews in the EU, 2018; Roma and Travellers Survey, 2019; and EU LGBTI Survey II, 2019

## FRA ACTIVITY

# In perspective: reporting experiences of physical violence and harassment among the general population

FRA's Fundamental Rights Survey asked respondents who had been victims of physical violence and harassment, regardless of the motivation for these incidents, if they reported these incidents to the police.

The results show that less than one third (30 %) of respondents across the EU reported to the police the most recent incident of physical violence in the five years before the survey (including reporting by someone other than the victim). Figure 4 shows the disaggregated results, which indicate that reporting is more common among certain groups, particularly those who experience severe limitations in daily activities (due to a health problem or disability) and those with an ethnic minority background (both 45 %).

In the Fundamental Rights Survey, results on reporting incidents of harassment display a similar pattern to those on reporting physical violence. Of those who experience severe limitations in daily activities (due to a health problem or disability), 28 % reported the most recent incident of harassment to the police or another organisation, compared with 16 % of people who do not experience such limitations.

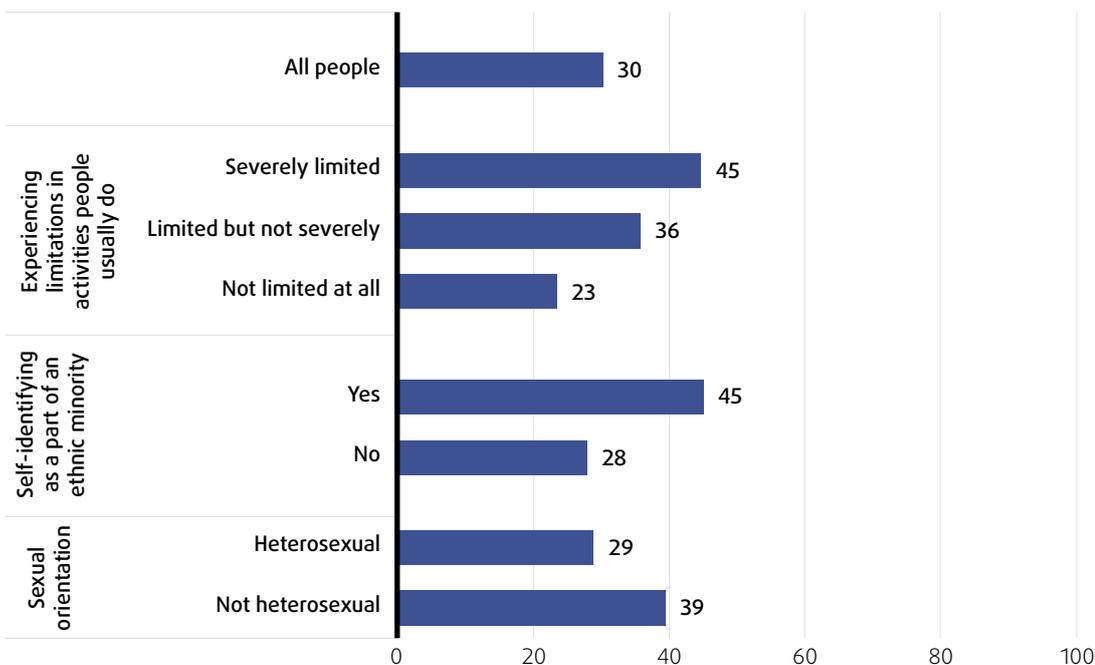
Of people who consider themselves part of an ethnic minority, 27 % reported the most recent incident, as opposed to 18 % of those who do not consider themselves to belong to an ethnic minority. Reporting harassment is also more common among people self-identifying as lesbian, gay, bisexual

or other (26 % reported) than among heterosexuals (18 % reported).

The results on reporting patterns among different groups emerging from the Fundamental Rights Survey indicate a need for more in-depth qualitative research and analysis, particularly in the light of the widespread acknowledgement that it is more difficult for victims of hate crime to report to the police than it is for victims of crimes committed without a discriminatory motive (see **Section 2.4**).

See FRA(2021), *Crime, safety and victims' rights – Fundamental Rights Survey* and FRA (2016), *Ensuring justice for hate crime victims: Professional perspectives*, p. 28.

**FIGURE 4: REPORTING THE MOST RECENT INCIDENT OF PHYSICAL VIOLENCE TO THE POLICE, BY SELECTED GROUPS (EU-27, %)<sup>a, b</sup>**



◀ Notes:

<sup>a</sup> Of respondents in the EU-27 who had experienced an incident of violence in the five years before the survey (n = 3,238); weighted results.

<sup>b</sup> In the figure, results for 'All people' refer to all those belonging to one of the groups listed in the figure above as well as everybody who is not a part of any of the listed groups.

Source: FRA Fundamental Rights Survey, 2019; data collected in cooperation with Statistics Netherlands, CTIE and Statistics Austria

It is interesting to note that EU-MIDIS II data point to substantial reporting differences between men and women of sub-Saharan African descent. Half of these women who were victims of racist violence (50 %) reported the most recent incident to the police or another organisation, in contrast to only around one in four men (23 %). Gender differences are particularly pronounced in reporting to the police: 31 % of women reported such incidents to the police, compared with 16 % of men<sup>15</sup> (see [Section 2.5.1](#)).

The persistence of bias-motivated victimisation indicated by FRA's surveys and confirmed by national victimisation surveys where available,<sup>16</sup> compounded by a persistent high level of underreporting, indicate a pressing need to tackle hate crime effectively and increase trust in law enforcement.

### 2.3 TO WHOM DO VICTIMS REPORT?

In FRA surveys, respondents are asked to whom they reported the most recent incident of bias-motivated violence or harassment, if they did so.

In addition to the option of selecting the police, respondents could select from a range of relevant services, organisations and individuals:

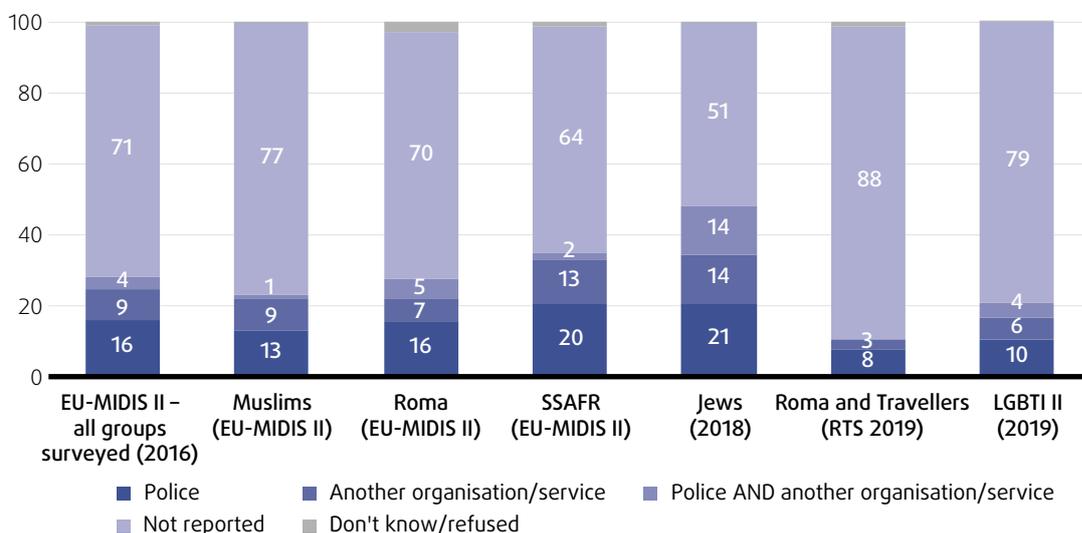
- a victim support organisation,
- a community organisation (e.g. a church or other faith-based organisation, a minority group),
- someone in the organisation/institution where the incident happened,
- social services,
- a legal service/lawyer,
- a doctor,
- a health centre or other healthcare institution,
- a national equality body/human rights institution/ombudsperson,
- or the media.<sup>17</sup>

Generally, experiences of violence are more commonly reported than those of harassment, regardless of whether they are reported to the police or another organisation. The fact that some victims report violent hate crimes only to organisations other than the police makes the need for referral mechanisms and organisational cooperation even more pressing.

#### Notes:

- <sup>a</sup> Results are based on respondents who had experienced bias-motivated violence on grounds of ethnic or immigrant background (including skin colour or religion or religious belief) or of being LGBTI in the five years before the survey in question; weighted results.
- <sup>b</sup> Respondents were asked if somebody had physically attacked them; only the EU LGBTI Survey II asked whether respondents had been physically or sexually attacked.
- <sup>c</sup> In EU-MIDIS II, the Roma and Travellers Survey 2019 and the EU LGBTI Survey II, respondents were shown a list of relevant services and organisations, and they could indicate whether or not they had reported the incident to any of these. In the Survey on Discrimination and Hate Crime against Jews, respondents were asked whether they reported the incident to the police or another organisation, and those who indicated that they had reported to an organisation other than the police were asked separately to specify to which organisation they had reported the incident.

**FIGURE 5: REPORTING BEHAVIOUR FOLLOWING THE MOST RECENT INCIDENT OF BIAS-MOTIVATED VIOLENCE, BY SURVEY GROUP (%)<sup>a,b,c</sup>**



Sources: FRA, EU-MIDIS II, 2016; second Survey on Discrimination and Hate Crime against Jews in the EU, 2018; Roma and Travellers Survey, 2019; and EU LGBTI Survey II, 2019

Notes:

- <sup>a</sup> Results are based on respondents who had experienced bias-motivated harassment on grounds of ethnic or immigrant background (including skin colour or religion or religious belief) or of being LGBTI in the five years before the survey in question; weighted results.
- <sup>b</sup> In EU-MIDIS II, the Roma and Travellers Survey 2019 and the EU LGBTI Survey II, respondents were shown a list of relevant services and organisations, and they could indicate whether or not they had reported the incident to any of these. In the Survey on Discrimination and Hate Crime against Jews, respondents were asked whether they had reported the incident to the police or another organisation, and those who indicated that they had reported to an organisation other than the police were asked separately to specify to which organisation they had reported the incident.

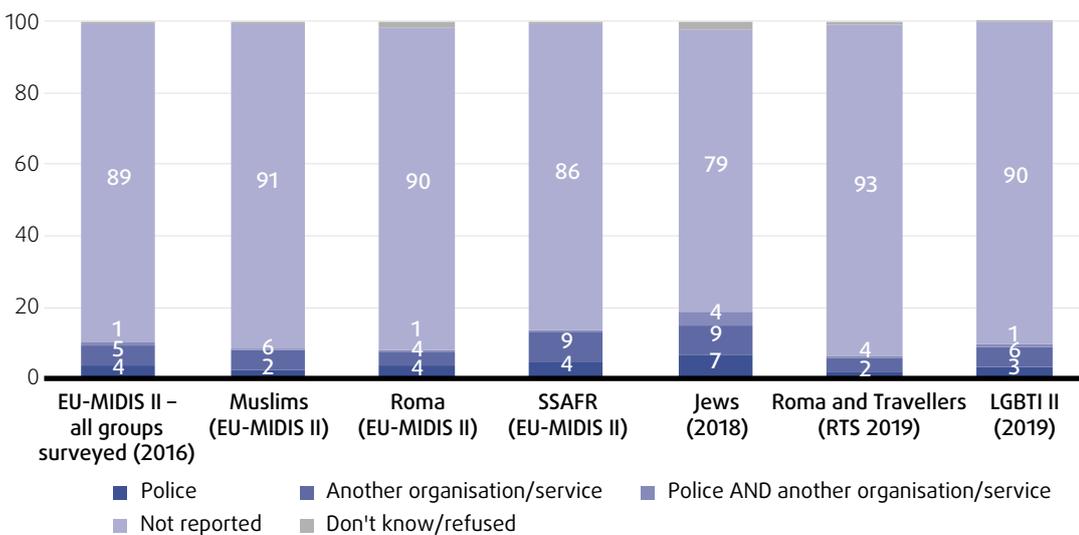
EU-MIDIS II data on people with a sub-Saharan African background show that, in cases of violent hate crime, a majority of victims of racist violence (64 %) did not report the most recent incident to the police or any organisation or service. More than one in three victims of racist violence reported the most recent incident to an organisation or service (including the police). Specifically, 22 % of victims of racist violence contacted the police, 15 % turned to another organisation or service and a few victims of racist violence contacted both the police and another organisation.<sup>18</sup> Among the other organisations, few respondents mentioned contacting an institution and/or someone in the organisation/institution in which the incident took place. Moreover, almost none of the victims contacted a victim support organisation.

Of Roma victims of violent hate crimes (EU-MIDIS II, 2016) and LGBTI victims of bias-motivated physical or sexual attacks, 3 % (in both cases) reported the most recent incident to a doctor or medical service. Few Roma respondents (2 % in EU-MIDIS II) and LGBTI respondents (3 %) to FRA surveys reported violent hate crimes to community organisations. Victims generally do not report violent hate crimes to victim support organisations either.

Regarding bias-motivated harassment, EU-MIDIS II results show that the overwhelming majority (90 %) of respondents did not report the most recently experienced incident of bias-motivated harassment to any organisation. Of those who did report such incidents, 36 % reported them to the police, 53 % to another organisation/service, and 10 % to both the police and another organisation/service.

Of 8,709 respondents who provided details of the most recent bias-motivated incident they had experienced – and of the 708 who reported the incident – only 13 contacted a national equality body, human rights institution or ombudsperson.<sup>19</sup>

**FIGURE 6: REPORTING BEHAVIOUR FOLLOWING THE MOST RECENT INCIDENT OF BIAS-MOTIVATED HARASSMENT, BY SURVEY GROUP (%)<sup>a,b</sup>**



Sources: FRA EU-MIDIS II, 2016; second Survey on Discrimination and Hate Crime against Jews, 2018; Roma and Travellers Survey, 2019; and EU LGBTI Survey II, 2019

Harassment incidents are more frequently reported to organisations other than the police, with most victims reporting to someone in the organisation/institution where the incident happened. This is the case for 5 % of respondents with a sub-Saharan African background, 2 % of Roma (in EU-MIDIS II), 4 % of Muslims and 3 % of LGBTI people. Almost none of the victims made use of victim support organisations, community organisations, social services, health services or legal services.

The largest proportion of respondents who reported harassment to a community organisation was found in the antisemitism survey: 20 % of respondents reported harassment to a Jewish organisation specialising in security and/or combating antisemitism.

Considering that harassment incidents may not amount to criminal offences under national legislation and victims often view them as 'not worth reporting', it is not surprising that these incidents are not reported to the police. Still, the reporting rates of bias-motivated harassment to national equality bodies are almost non-existent (close to zero).<sup>20</sup> The share of those reporting discrimination to equality bodies is higher, but is still low overall<sup>21</sup> (for more on equality bodies see [Section 3.1.1](#), 'Spotlight on equality bodies').

## 2.4 REASONS FOR NOT REPORTING

The main reasons that respondents give for not reporting bias-motivated incidents are broadly similar across the different FRA surveys. They indicate the twofold nature of barriers to reporting. Specifically:

- wider societal issues of prejudice and structural discrimination undermine the willingness of victims to report; and
- victims face specific barriers when engaging with national law enforcement systems (see [Section 2.5](#)).

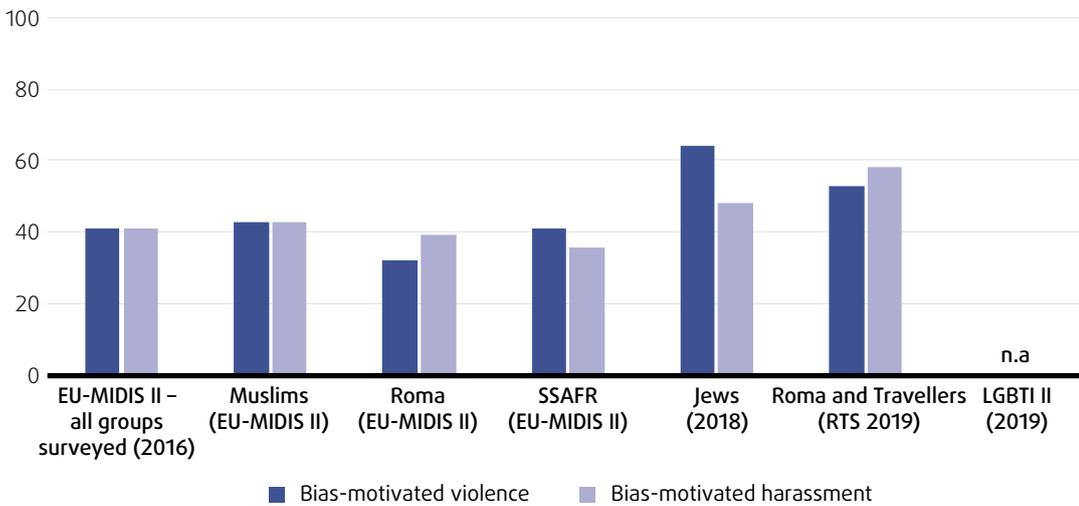
### 2.4.1 Incidents commonplace, little hope for change: 'Nothing will change', 'It happens all the time'

The most commonly given reason for not reporting the most recent incident of bias-motivated violence or harassment, across all groups, is that nothing would happen or change if the victim reported it. At least one third of respondents to each of FRA's surveys who had experienced such an incident thought this.

Most (64 %) Jewish respondents, 53 % of Roma and Traveller respondents and 43 % of EU-MIDIS II respondents who had been victims of bias-motivated crime did not report the most recent violent incident to the police or any other organisation because they were not convinced that reporting would change anything. Some 40 % of victims of bias-motivated violence in FRA's EU LGBTI Survey II also did not report to the police because they 'Did not think they would or could do anything'.

The share of respondents who selected this reason for not reporting does not differ much between violence and harassment.

**FIGURE 7: ‘NOTHING WOULD HAPPEN OR CHANGE BY REPORTING THE INCIDENT’: VICTIMS WHO GAVE THIS REASON FOR NOT REPORTING BIAS-MOTIVATED VIOLENCE OR HARASSMENT IN THE FIVE YEARS BEFORE THE FRA SURVEY IN QUESTION, BY SURVEY GROUP (%)<sup>a,b,c,d</sup>**



Sources: FRA, EU-MIDIS II, 2016; second Survey on Discrimination and Hate Crime against Jews in the EU, 2018; Roma and Travellers Survey, 2019; and EU LGBTI Survey II, 2019



**Notes:**

- <sup>a</sup> Results are based on respondents who did not report the most recent incident of bias-motivated violence or harassment on grounds of ethnic or immigrant background (including skin colour or religion or religious belief) or of being LGBTI in the five years before the survey in question; weighted results.
- <sup>b</sup> Respondents to all surveys were able to choose multiple answers.
- <sup>c</sup> In the Survey on Discrimination and Hate Crime against Jews and in the EU LGBTI Survey II, respondents were only asked why they did not report to the police, while in the other surveys respondents were asked why they did not report to any organisation, including the police.
- <sup>d</sup> n.a., not available. In the EU LGBTI Survey II, respondents were given the slightly different answer category ‘Did not think they would or could do anything’; therefore, the results are not presented in the figure.

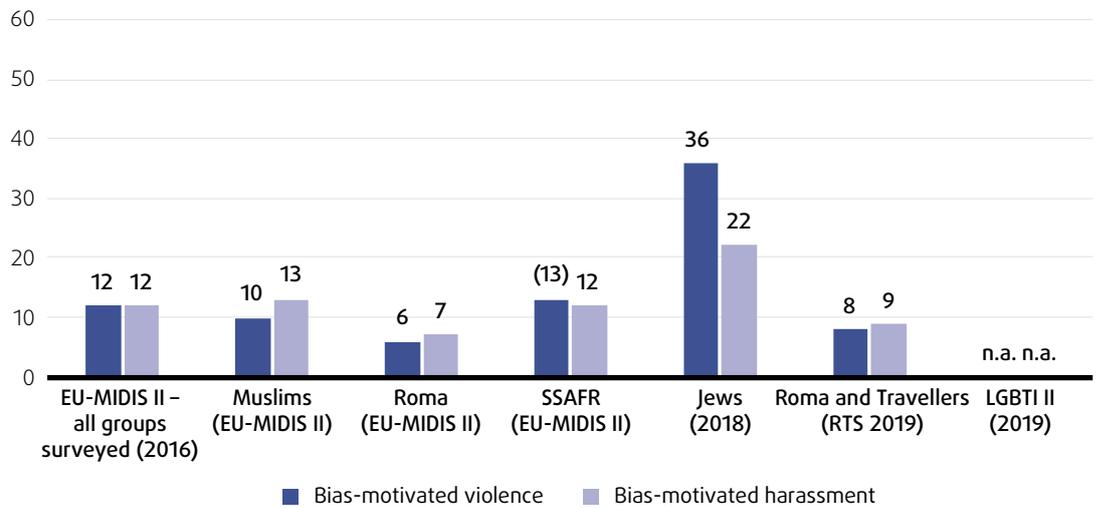
Another common reason for non-reporting that respondents gave across groups is that the incident was too minor or happens all the time. Generally, this reason is more often given in relation to non-violent incidents such as harassment (see [Annex](#)).

Some 38 % of respondents to EU-MIDIS II gave as the reason for not reporting the most recent incident of bias-motivated harassment that the incident was too minor or happens all the time. The figure for Muslim respondents to EU-MIDIS II is as high as 41 %. A similar proportion (43 %) of respondents to FRA’s second Survey on Discrimination and Hate Crime against Jews considered the antisemitic incident not serious enough to report. Half of LGBTI victims of bias-motivated harassment (51 %) did not report the incident to the police because they felt it was too minor or not serious enough.

**2.4.2 Cumbersome reporting procedures: ‘Too bureaucratic and time consuming’**

Another often-cited reason for not reporting violence or harassment to the police or any other organisation is because respondents perceive procedures to be too bureaucratic and time consuming.

**FIGURE 8: 'TOO BUREAUCRATIC/TIME CONSUMING/TOO INCONVENIENT': VICTIMS WHO GAVE THIS REASON FOR NOT REPORTING BIAS-MOTIVATED VIOLENCE OR HARASSMENT IN THE FIVE YEARS BEFORE THE FRA SURVEY IN QUESTION, BY SURVEY GROUP (%)<sup>a,b,c,d,e</sup>**



Sources: FRA EU-MIDIS II, 2016; second Survey on Discrimination and Hate Crime against Jews in the EU, 2018; Roma and Travellers Survey, 2019; and EU LGBTI Survey II, 2019

More than one third (36 %) of Jewish victims of antisemitic violence chose this reason for not reporting incidents to the police, while on average 12 % of respondents to FRA’s EU-MIDIS II (2016) gave this reason.

Findings from FRA’s EU-MIDIS II also point to some gender differences in reasons for non-reporting. Muslim men considered reporting bureaucratic or time consuming at a higher rate than women, for both harassment (15 % versus 10 %) and violence (13 % versus 4 %). Similar differences were also found among immigrants and descendants of immigrants from sub-Saharan Africa: more men than women believe that the process of reporting the most recent incident of physical attack would be too bureaucratic or time consuming (men, 17 %; women, 7 %).



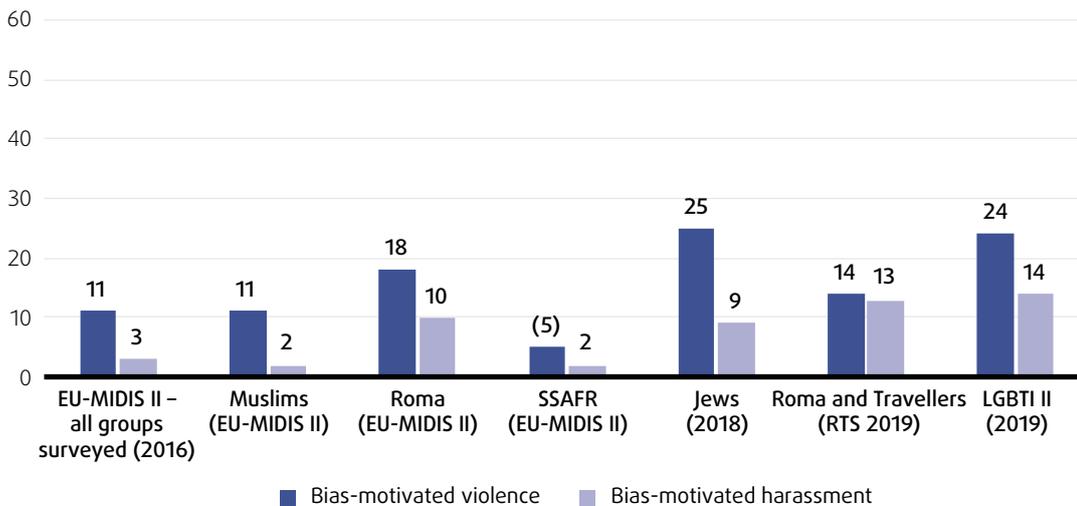
▲  
Notes:

- <sup>a</sup> Results are based on respondents who did not report the most recent incident of bias-motivated violence or harassment on grounds of ethnic or immigrant background (including skin colour or religion or religious belief) or of being LGBTI in the five years before the survey in question; weighted results.
- <sup>b</sup> Respondents to all surveys were able to choose multiple answers.
- <sup>c</sup> In the Survey on Discrimination and Hate Crime against Jews and in the EU LGBTI Survey II, respondents were only asked why they did not report to the police, while in the other surveys respondents were asked why they did not report to any organisation, including the police.
- <sup>d</sup> n.a., not available. In the EU LGBTI Survey II, 2019, respondents were not given this answer category.
- <sup>e</sup> Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations for the group in total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.

### 2.4.3 Experiences erode trust in police: 'I don't trust the police'

When victims report hate crime and harassment, they do so mainly to the police. However, victims across different minority groups consistently state that lack of trust in the police is a prominent reason for not reporting. In this regard, the possibility of using alternative reporting means, such as third-party reporting, could improve reporting rates (see Section 3.2.2, 'Third-party reporting' and 'Anonymous reporting').

**FIGURE 9: 'I DON'T TRUST THE POLICE': VICTIMS WHO GAVE THIS REASON FOR NOT REPORTING BIAS-MOTIVATED VIOLENCE OR HARASSMENT IN THE FIVE YEARS BEFORE THE FRA SURVEY IN QUESTION, BY SURVEY GROUP (%)<sup>a,b,c,d</sup>**



Sources: FRA, EU-MIDIS II, 2016; second Survey on Discrimination and Hate Crime against Jews in the EU, 2018; Roma and Travellers Survey, 2019; and EU LGBTI Survey II, 2019

#### Notes:

- <sup>a</sup> Results are based on respondents who did not report the most recent incident of bias-motivated violence or harassment on grounds of ethnic or immigrant background (including skin colour or religion or religious belief) or of being LGBTI in the five years before the survey in question; weighted results.
- <sup>b</sup> Respondents to all surveys were able to choose multiple answers.
- <sup>c</sup> In the Survey on Discrimination and Hate Crime against Jews and in the EU LGBTI Survey II, respondents were only asked why they did not report to the police, while in the other surveys respondents were asked why they did not report to any organisation, including the police.
- <sup>d</sup> Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.

Fear of or lack of trust in the police features as a prominent reason for non-reporting, particularly among LGBTI and Jewish respondents, and especially with regard to violent hate crimes (24 % and 25 %, respectively). LGBTI victims of bias-motivated attacks also indicated that their fear of a homophobic or transphobic reaction from the police was a reason for non-reporting, with substantial differences between the countries surveyed (EU average, 25 %).<sup>22</sup>

The way in which the police respond when victims report crimes affects trust in them. FRA data show that most respondents who had experienced hate crime were not satisfied with the police response. For example, the overwhelming majority of Muslim respondents to EU-MIDIS II who had reported the most recent incident of bias-motivated physical assault were either very or somewhat dissatisfied with the way the police had handled their complaint (81 %). Among respondents with a sub-Saharan African background who had reported racist violence to the police, the overwhelming majority (83 %), in particular women, were dissatisfied with the way the police had handled their complaint (women, 93 %; men, 69 %).<sup>23</sup>

In some cases, respondents to FRA surveys stated that a police officer was the perpetrator of the incident of racist violence. For example, about 4 % of the respondents to the 2019 Roma and Travellers Survey said that a police officer had physically assaulted them because of their Roma or Traveller background in the five years preceding the survey.<sup>24</sup> Among EU-MIDIS II respondents with a sub-Saharan African background who had experienced a bias-motivated physical attack, 11 % cited a police officer or a border guard as the perpetrator of the last incident of racist violence. Moreover, the majority of victims of bias-motivated assault by a police officer (63 %) did not report the incident to anybody.<sup>25</sup>

## Bias-motivated victimisation and discriminatory policing undermine trust in the police

In spite of the findings outlined above, the 2016 EU-MIDIS II findings show that across all target groups and countries respondents still tend to trust the police and their local (municipal) authorities, with an average rating of 6.3 on a scale from 0 to 10, where 0 means 'no trust at all' and 10 represents 'complete trust'. Trust in the legal system is also comparatively high, with an average rating of 6.1.

In fact, according to EU-MIDIS II data, the level of trust in the police is actually higher among immigrants and descendants of immigrants than among the general population.\* However, those with negative experiences of discrimination, harassment or violence have significantly lower levels of trust in the police and the legal system: the average level of trust in the police for those who have been victims of bias-motivated crime drops from 6.3 to 4.3, and for victims of bias-motivated harassment it falls from 6.6 to 5.3.\*\*

EU-MIDIS II results show that many respondents believe that they have been stopped by police because of their ethnic origin: on average, nearly every second respondent with a sub-Saharan African background (41 %) or a north African background (38 %) who had been stopped during the five years before the survey said that they had been stopped because of their immigrant or ethnic minority background. Among Roma respondents, nearly every second person among those who had been stopped (42 %) believed that this was because of their ethnic background.\*\*\*

Ethnic profiling is illegal and affects levels of trust in the police across all countries surveyed. The lowest average levels of trust

in the police are found among respondents who experienced the most recent police stop as ethnic profiling (4.8 on the same scale of trust from 0 to 10).\*\*\*\*

Respondents who had been stopped were also asked to evaluate police conduct. Among the respondents of sub-Saharan African descent who had been stopped by the police, 16 % said that the police had treated them disrespectfully during the most recent stop, but only 9 % had reported this.

\* FRA (2016), **Second European Union Minorities and Discrimination Survey**, Luxembourg, Publications Office, p. 101.

\*\* Ibid., p. 111.

\*\*\* The European Commission against Racism and Intolerance (ECRI) defines racial profiling as "the use by police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities". See Council of Europe, ECRI (2007), **General Policy Recommendation No. 11 on combating racism and racial discrimination in policing**, Strasbourg, Council of Europe, 29 June 2007

\*\*\*\* FRA (2018), **Second European Union Minorities and Discrimination Survey – Being black in the EU**, Luxembourg, Publications Office, p. 36.

For more information on discriminatory ethnic profiling, see the FRA handbook **Preventing unlawful profiling today and in the future: A guide** and the FRA survey report **Second European Union Minorities and Discrimination Survey**.



#### 2.4.4 Other factors affecting reporting of bias-motivated violence and harassment

There are other reasons why victims of violence and harassment do not report, as FRA's surveys show (see [Annex](#)). For instance, 22 % of respondents to the EU LGBTI Survey II indicated that they did not report the most recent bias-motivated physical or sexual attack to the police because they were ashamed, embarrassed or did not want anyone to know.

Roma respondents were particularly likely to cite 'Not knowing where to go and whom to contact' and 'No one will take me seriously or believe me' as reasons for not reporting bias-motivated violence to the police or any other organisation. Every fifth Roma victim of racist violence in the 2016 EU-MIDIS II (20 %) and every fourth Roma or Traveller victim in the 2019 Roma and Travellers Survey (25 %) thought that no one would believe them or take them seriously if they reported such incidents. Moreover, 16 % of respondents to the 2019 Roma and Travellers Survey and 15 % of 2016 EU-MIDIS II Roma respondents did not know where to go or whom to contact to report the most recent incident of bias-motivated violence.

Hate crime victims also indicated in FRA's surveys that sometimes they prefer to deal with the problem on their own or with the help of family and friends, showing that family and friends, as well as established organisations and structures, are an important source for support for hate crime victims. This is the case, for example, for 22 % of Muslims and 25 % of Roma victims of violence responding to EU-MIDIS II.<sup>26</sup>

EU-MIDIS II data (for 2016) show that first-generation immigrant respondents report bias-motivated violence somewhat more often (32 %) than second-generation immigrant respondents (25 %). When asked for the reasons, second-generation immigrants say more often that they dealt with it themselves, that nothing would happen as a result of reporting or that the incidents were too minor. This is in line with findings of the survey indicating that second-generation immigrants have a lower level of trust in the legal system than first-generation immigrants.<sup>27</sup>

Some victims do not report bias-motivated violence because they are afraid of intimidation or retaliation from the perpetrators. This was the case for 22 %

of victims of antisemitic violence, 16 % of LGBTI victims and 12 % of EU-MIDIS II respondents who had been victims of bias-motivated violence.<sup>28</sup>

It should be noted that among those respondents to EU-MIDIS II who had experienced bias-motivated violence, twice as many women as men said that the perpetrator was a neighbour (women, 20 %; men, 9 %) or an acquaintance/friend/relative (women, 14 %; men, 6 %). Incidents of interpersonal violence affect the decision on whether or not to report to the authorities: in these cases, twice as many women (18 %) as men (8 %) are worried about potential intimidation or retaliation by the perpetrator if they report the incident.<sup>29</sup>



## In perspective: reporting of physical violence and harassment among the general population

In the Fundamental Rights Survey, when asked about the reasons for not reporting incidents of physical violence to the police, most victims indicated that they did not consider the incident serious enough (40 %) or that they took care of it themselves (28 %). Some thought that the police would not do anything about it (18 %).

Taking into account the severity of the incident – in terms of sustaining physical injuries – 23 % of victims of physical violence who were injured did not report because they believed the police would not do anything about it, compared with 13 % of victims who were not injured. Of physical violence victims who received injuries, 14 %

did not report the incident because they did not trust the police, compared with 4 % of victims who were not injured, while 11 % indicated that they did not report it because it would have been ‘inconvenient/too much trouble’.

Of those who did not report the most recent incident of physical violence (for any reason), 9 % mentioned not trusting the police as the reason for not reporting, and 4 % of those who experienced harassment mentioned this reason.

*For more information, see FRA (2021), **Crime, safety and victims’ rights – Fundamental Rights Survey**.*

### 2.4.5 Professionals’ views on underreporting of hate crime

Criminal justice professionals recognise the reluctance of hate crime victims to report incidents. A 2016 FRA report based on 263 interviews with professionals working in criminal courts, public prosecutors and police officers, as well as representatives of NGOs supporting hate crime victims, illustrates how complex procedures impede hate crime victims’ access to justice and identifies factors that undermine the ability of the criminal justice system to tackle hate crime.<sup>30</sup>

One in four of the experts interviewed for this report believes that it is much more difficult for hate crime victims to report to the police than other victims of similar crimes. This is consistent with claims by academics that crimes committed with a discriminatory motive are more debilitating than other forms of victimisation.<sup>31</sup>

The interviews revealed a number of factors that account for victims’ underreporting of bias-motivated crimes, consistent with the accounts of victims explored before. Most experts consider that victims are reluctant to report to the police because they suffer from feelings of fear, guilt or shame. These difficulties tie in with other factors, such as victims’ lack of awareness of their rights and of available support. Victims also doubt that they will benefit from proceedings and see them as bureaucratic, costly and/or time consuming.

Another significant factor, according to the professionals interviewed, is victims’ lack of trust that the police will treat them in a sympathetic manner.<sup>32</sup> More than two out of five experts interviewed rated the risk that police officers could share the discriminatory attitudes of hate crime offenders as fairly or even very high.<sup>33</sup>

## 2.5 PARTICULAR CHALLENGES IN REPORTING FACED BY CERTAIN GROUPS AT RISK OF HATE VICTIMISATION

FRA's research provides evidence on the experiences of women with gender-based violence, and of asylum seekers, refugees and people with disabilities with bias-motivated crime. Specific groups' situations need to be taken into account when seeking solutions to encourage reporting and provide effective support services to victims.

### 2.5.1 Gender-based violence against women

Any act of violence disregards the victim's dignity and rights. Gender-based violence against women – that is violence targeting a woman because she is a woman – is particularly detrimental to the rights of women because it reinforces, and is reinforced by, a patriarchal culture that impairs the status of women in general. Misogynist violence is degrading treatment in that it imposes on the victim a demeaning notion of what it means to be a woman. By assigning the woman a subordinate position, the offender implicitly denies her a right to equal status and equal enjoyment of her rights. That is almost the definition of discrimination.<sup>34</sup>

Data from FRA's Violence against Women Survey indicate that one in three women (33 %) – of 42,000 respondents across the EU – has experienced at least one incident of physical and/or sexual violence since she was 15 years old. The rate of gender-based violence reporting is particularly low. Victims reported the most serious incident to the police in 14 % of cases of partner violence and in 13 % of cases of non-partner violence.<sup>35</sup> Women appear to be more likely to contact healthcare services than the police after experiencing violence, especially following an incident of sexual violence.<sup>36</sup>

The following four reasons for not contacting the police were mentioned most by respondents to the survey:

- Women dealt with the incident by themselves.
- They felt the incident was too minor or not serious enough, or it never occurred to them to report it.
- They considered that reporting would take too much effort or the benefits of reporting the incident would be too small compared with the effort it would take.
- They felt shame and embarrassment about what had happened and believed that the police would consider it a private matter.



For victims of domestic partner violence, fear of the offender is what prevents them from reporting to the police. Several women interviewed for FRA research on victims of partner violence were afraid to report to the police because the offender had threatened to kill them if they did. The report underlined that, to encourage victims of domestic violence to report to the police, measures to protect the victim against retaliation must be immediate and effective.<sup>37</sup>

### **2.5.2 Asylum seekers, refugees and irregular migrants face even greater barriers to reporting bias-motivated incidents**

The vulnerability of asylum seekers, refugees and migrants in an irregular situation to becoming victims of crime is acknowledged in EU law and international policy frameworks.<sup>38</sup> FRA's regular migration bulletins and its report on the integration of young refugees show that these groups can face various forms of violence and harassment across the EU.<sup>39</sup> Asylum seekers, refugees and irregular migrants face specific issues that affect their willingness to report such crimes, such as:

- lack of information about the criminal justice system, including on what constitutes a crime under the national legal system and where to report it;
- insecurity regarding their residence status and fear of being apprehended and deported;
- for asylum seekers, fear of a negative impact on their asylum applications;
- language barriers when reporting crimes and in accessing information about means of reporting and available support;
- lack of trust in the police, based on previous negative experiences with the police, and fear of being discriminated against or stigmatised in criminal proceedings;
- lack of alternative ways to report, including anonymously or through third parties.



### **2.5.3 Experiences of people with disabilities**

People with disabilities face additional barriers and challenges in reporting their experiences, FRA and other research finds.<sup>40</sup> These include:

- poor rights awareness due to lack of targeted outreach and inaccessible information;
- lack of support structures or accessible complaint mechanisms;
- isolation and segregation of victims in institutional and other care settings;
- prejudiced attitudes about the ability of people with disabilities to give evidence and to be 'credible' witnesses in criminal proceedings;
- proximity to the perpetrator and fear of retaliation, especially for those in need of support.

## Endnotes

- 1 FRA (2016), *Ensuring justice for hate crime victims: Professional perspectives*, Luxembourg, Publications Office.
- 2 FRA (2017), *Second European Union Minorities and Discrimination Survey – Online data explorer*.
- 3 FRA (2020), *A long way to go for LGBTI equality*, Luxembourg, Publications Office, p. 42.
- 4 FRA (2017), *Fundamental rights report 2017*, Luxembourg, Publications Office, pp. 68–69.
- 5 FRA (2018), *Second European Union Minorities and Discrimination Survey – Being black in the EU*, Luxembourg, Publications Office, p. 17.
- 6 FRA (2020), *A long way to go for LGBTI equality*, Luxembourg, Publications Office, p. 45.
- 7 FRA (2014), *Violence against women: An EU-wide survey – Main results report*, Luxembourg, Publications Office, p. 187.
- 8 FRA (2017), *Second European Union Minorities and Discrimination Survey – Online data explorer*.
- 9 *Ibid.*
- 10 FRA (2021), *Crime, safety and victims’ rights – Fundamental Rights Survey*, Luxembourg, Publications Office, pp. 78 and 85.
- 11 FRA (2019), *A long way to go for LGBTI equality*, Luxembourg, Publications Office, p. 46.
- 12 FRA (2020), *Roma and Travellers in six countries*, Luxembourg, Publications Office, p. 36.
- 13 FRA (2017), *Second European Union Minorities and Discrimination Survey – Online data explorer*.
- 14 FRA (2018), *Experiences and perceptions of antisemitism – Second Survey on Discrimination and Hate Crime against Jews in the EU*, Luxembourg, Publications Office, p. 55.
- 15 FRA (2018), *Second European Union Minorities and Discrimination Survey – Being black in the EU*, Luxembourg, Publications Office, p. 23.
- 16 FRA (2018), *Hate crime recording and data collection practice across the EU*, Luxembourg, Publications Office, pp. 94–97.
- 17 In the antisemitism survey, respondents could choose additional answer categories: a Member of Parliament, a local government councillor, a Jewish authority figure (e.g. a rabbi or a leader of a Jewish organisation), a Jewish organisation specialising in security and/or combating antisemitism, another Jewish organisation, or someone in authority at their workplace, school or university. In the LGBTI survey, respondents could choose the option of having reported to an LGBTI organisation.
- 18 FRA (2018), *Second European Union Minorities and Discrimination Survey – Being black in the EU*, Luxembourg, Publications Office, p. 23.
- 19 FRA (2016), *Second European Union Minorities and Discrimination Survey*, Luxembourg, Publications Office, p. 62.
- 20 FRA (2016), *Second European Union Minorities and Discrimination Survey*, Luxembourg, Publications Office, p. 62; FRA (2020), *Violence and harassment visualisation – LGBTI*.
- 21 FRA (2018), *Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU*, Luxembourg, Publications Office, p. 63. Of over 1,500 respondents who felt discriminated against for being Jewish in the 12 months before the survey, only 11 respondents reported the incident to a national equality body. See also FRA (2016), *Second European Union Minorities and Discrimination Survey*, Luxembourg, Publications Office, pp. 42–55; FRA (2020), *A long way to go for LGBTI equality*, Luxembourg, Publications Office, p. 25.
- 22 See the FRA survey data explorers online for a more in-depth picture of the situation in different EU Member States.
- 23 FRA (2018), *Second European Union Minorities and Discrimination Survey – Being black in the EU*, Luxembourg, Publications Office, p. 24.
- 24 FRA (2020), *Roma and Travellers in six countries*, Luxembourg, Publications Office, p. 37.
- 25 FRA (2018), *Second European Union Minorities and Discrimination Survey – Being black in the EU*, Luxembourg, Publications Office, p. 25.
- 26 See FRA (2017), *Second European Union Minorities and Discrimination Survey – Muslims: Selected findings*, Luxembourg, Publications Office, p. 48, and the [online data explorer](#).
- 27 FRA (2016), *Second European Union Minorities and Survey*, Luxembourg, Publications Office, pp. 66, 67 and 103.
- 28 FRA (2018), *Experiences and perceptions of antisemitism – Second Survey on Discrimination and Hate Crime against Jews in the EU*, Luxembourg, Publications Office, p. 55; FRA (2016), *Second European Union Minorities and Discrimination Survey*, Luxembourg, Publications Office, p. 67; FRA (2020), *A long way to go for LGBTI equality*, Luxembourg, Publications Office, p. 37.
- 29 FRA (2016), *Second European Union Minorities and Discrimination Survey*, Luxembourg, Publications Office, pp. 65 and 67.
- 30 FRA (2016), *Ensuring justice for hate crime victims: Professional perspectives*, Luxembourg, Publications Office.
- 31 *Ibid.*, p. 28.
- 32 *Ibid.*, p. 30.
- 33 *Ibid.*, p. 53.
- 34 FRA (2019), *Women as victims of partner violence – Justice for victims of violent crime*, Luxembourg, Publications Office, p. 70; FRA (2017), *Challenges to women’s human rights in the EU*, Luxembourg, Publications Office.
- 35 For an overview of practical steps and recommendations for police officers when a victim of intimate partner violence reports to the police, see European Institute for Gender Equality (2019), *A guide to risk assessment and risk management of intimate partner violence against women for police*, Luxembourg, Publications Office.
- 36 FRA (2014), *Violence against women: An EU-wide survey – Main results report*, Luxembourg, Publications Office.
- 37 FRA (2019), *Women as victims of partner violence – Justice for victims of violent crime*, Luxembourg, Publications Office, pp. 34–35.
- 38 For example, *Victims’ Rights Directive*; Council of Europe, ECRI (2016), *General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination*, Strasbourg, Council of Europe, 16 March 2016, Recommendation 33.
- 39 FRA (2019), *Integration of young refugees in the EU: Good practices and challenges*, Luxembourg, Publications Office. See also *FRA’s migration bulletins*, in particular: FRA (2016), *Current migration situation in the EU: hate crime*, Luxembourg, Publications Office; FRA (2019), *Protecting migrant workers from exploitation in the EU: Workers’ perspectives*, Luxembourg, Publications Office.
- 40 FRA (2015), *Equal protection for all victims of hate crime: The case of people with disabilities*, Luxembourg, Publications Office; FRA (2015), *Violence against children with disabilities: Legislation, policies and programmes in the EU*, Luxembourg, Publications Office; see also work done by OSCE/ODIHR (*‘Disability hate crime’*) and the European Network on Independent Living (*‘Disability hate crime: A guide for disabled people’s organisations, law enforcement agencies, national human rights institutions, media and other stakeholders’*).



# 3

## ENCOURAGING HATE CRIME REPORTING: ENABLING ENVIRONMENT, STRUCTURES AND PROCESSES

As discussed in **Chapter 2**, bias-motivated violence and harassment are largely not reported, while still remaining widespread in the EU. This is the reality not for one group, or in any particular EU Member State, but for immigrants and descendants of immigrants, Roma and Travellers, Jews, Muslims and LGBTI people across the EU, reflecting long-standing wider societal issues of prejudice and structural discrimination.

This chapter draws on information provided between March and September 2020 by relevant national authorities participating in the working group on hate crime, which FRA facilitates. It addresses the wider context of hate crime victimisation. Making use of information provided by national authorities, it examines the barriers victims face in the early stages of reporting an incident into national crime reporting and response systems, as well as enabling factors and national practices.

Figure 10 sets out key elements of understanding and removing existing barriers to reporting hate crime and actively encouraging victims to seek justice.

**FIGURE 10: KEY FACTORS TO ENCOURAGE THE REPORTING OF HATE CRIME**

<b>ENABLING SOCIAL ENVIRONMENT</b>	<ul style="list-style-type: none"><li>— Address structural discrimination and prejudice in society.</li><li>— Counter discriminatory perceptions and practices in law enforcement.</li><li>— Publicly condemn hate crimes and communicate hate crime data.</li><li>— Reach out to and support those most at risk of hate crime victimisation and raise awareness among the general public.</li></ul>
<b>ENABLING STRUCTURAL FACTORS</b>	<ul style="list-style-type: none"><li>— Support a variety of pathways to reporting.</li><li>— Enable alternative mechanisms such as third-party and anonymous reporting.</li><li>— Improve national hate crime recording and data collection systems.</li><li>— Invest in standardised referrals to and from relevant third parties.</li></ul>
<b>ENABLING PROCESS FACTORS</b>	<ul style="list-style-type: none"><li>— Provide practical guidance to the police.</li><li>— Embed hate crime specialists in police units.</li><li>— Strengthen police training and build institutional capacity.</li><li>— Ensure structured cooperation within, across and beyond institutional boundaries.</li></ul>

Source: FRA, 2021

## 3.1 CULTIVATING AN ENABLING SOCIAL ENVIRONMENT

The context in which victims experience hate crimes can undermine their readiness to seek justice by reporting to criminal justice authorities or other organisations.

European and international organisations, including human rights treaty bodies and other expert bodies, have issued guidance and recommendations to policymakers and professionals on specific measures required to meet states' legal obligations, create an enabling social environment and address hate crime underreporting.<sup>1</sup>

Many members of the working group on hate crime raised wider issues when identifying key drivers to encourage hate crime reporting, such as the need to:

- address structural discrimination and prejudice in society;
- counter discriminatory perceptions and practices in law enforcement;
- publicly condemn hate crimes and communicate hate crime data;
- reach out to and support those most at risk of hate crime victimisation and raise awareness among the general public.

Delivering on these objectives requires partnerships, leadership and cooperation beyond the remit of the police.

### 3.1.1 Addressing structural discrimination and prejudice in society

Two decades after the adoption of the Racial Equality Directive, and 13 years after the adoption of related criminal law provisions across the EU – under the Framework Decision on Racism and Xenophobia – people with minority and migrant backgrounds continue to face widespread discrimination and bias-motivated victimisation.<sup>2</sup>

These phenomena come as no surprise in the light of evidence of persistent discriminatory perceptions among the general population and structural discrimination across the EU. The concept of structural racism refers to inequalities rooted in systems that result in the exclusion of members of particular groups from participation in social institutions. It also includes structural discrepancies between those affected by racism and the general population. Structural racism is mirrored in socioeconomic inequality and poverty in many areas of life, and these factors amplify each other.<sup>3</sup>

In the 2019 Eurobarometer survey, more than half of respondents reported that discrimination against Roma (61 %), on the basis of ethnic origin and skin colour (59 %) or on the basis of sexual orientation (53 %) is widespread in their country.<sup>4</sup>

Findings from FRA's Fundamental Rights Survey on how comfortable people would feel about having a member of a specific group as a neighbour or marrying a close relative affirm the Eurobarometer results. On average in the EU-27, 33 % of survey respondents would feel uncomfortable with having a Roma/Gypsy as a neighbour; 22 % a Muslim; 14 % a lesbian, gay or bisexual person; and 9 % a Jewish person.<sup>5</sup>

FRA surveys of respondents with various minority backgrounds also found high levels of experiences of discrimination in the EU. Like reporting rates for bias-motivated violence, rates of reporting of incidents of discrimination to any organisation are low.<sup>6</sup>

## PROMISING PRACTICE

### Strategy on victim-centred policing services

In **Ireland**, the Diversity and Integration Strategy of the national police service, An Garda Síochána, provides a comprehensive strategic framework to increase reporting of hate crimes, "which must be regarded as a positive outcome". The strategy is based on the following five priority areas, which include specific objectives and outcomes.

- **Protecting the community:** protecting all, particularly minority and marginalised communities and vulnerable individuals.
- **Data:** ensuring the most effective and accurate management of data on hate crime in accordance with relevant legislation.
- **Our people:** developing the skills and environment to ensure equality, diversity, integration and protection of human rights in all aspects of operational policing.
- **Partnership:** engaging with stakeholders to build trust and identifying the policing needs of all diverse, minority and 'hard to reach' communities.
- **Communication:** communicating openly, honestly, sensitively and respectfully with all communities, colleagues and partners to improve trust and confidence in the policing service.

The strategy was developed in consultation with various stakeholders, including academics and CSOs, and is being incorporated into policy, guidelines and training.

*For more information, see An Garda Síochána's **Diversity and Integration Strategy 2019–2021**.*

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**“Structural discrimination refers to rules, norms, routines, patterns of attitudes and behaviour in institutions and other societal structures that, consciously or unconsciously, present obstacles to groups or individuals in accessing the same rights and opportunities as others and that contribute to less favourable outcomes for them than for the majority of the population.”**

European Commission against Racism and Intolerance, *General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level*, para. 20

Continuous experiences of prejudice and discrimination, direct or indirect,<sup>7</sup> influence victims’ attitudes and trust towards public authorities. They also damage community relations. In short, structural discrimination, bias and unequal treatment create an environment in which victims are not motivated to report violations or seek redress.

## Spotlight on equality bodies

EU legislation requires Member States to establish equality bodies with a remit to combat discrimination based on race, ethnic origin and gender.\* While there is variation across the EU in the activities and legal scope of equality bodies, as a general rule they are responsible for assisting victims of discrimination, monitoring and reporting on issues relating to discrimination, and raising awareness about the right to non-discrimination and the need to value equality in society.

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**“Whereas the police and prosecution services are the authorities primarily competent for dealing with hate crime, equality bodies should be competent to provide personal support and legal advice to people exposed to hate crime and refer them to the competent authorities”**

European Commission against Racism and Intolerance, *General Policy Recommendation No. 2 revised on equality bodies to combat racism and intolerance at national level*, para. 19

Hate crime is a severe form of discrimination. As such, although law enforcement and criminal justice agencies take the lead in investigating and monitoring any crime, including hate crime, equality bodies also play an important role with regard to hate crime.\*\*

They can contribute to understanding and addressing the problem in a number of ways. Depending on their mandate, competences and functions, these could include receiving individual complaints and providing personal support and legal advice to victims; referring victims of hate crime to competent authorities; addressing hate crime in dedicated reports and recommendations; promoting equality and raising awareness; developing standards

and guidance, and supporting duty bearers in combating discrimination and intolerance; collecting relevant data and publishing overviews of hate crime, hate speech and discrimination in the country to show connections, trends and themes; and conducting thematic and individual inquiries into how incidents are dealt with.\*\*\*

However, findings in this report regarding the existence of standardised referrals (see Section 3.2.4) and structured cooperation

(see Section 3.3.4) between the police and national equality bodies suggest that across the EU neither is a common or established practice. Overall, equality bodies should do more, in relation to both identifying and dismantling barriers

to hate crime reporting and encouraging reporting, in line with international norms and standards. Developing these strategic functions could be an effective way to contribute to efforts to raise awareness about the problem of hate crime and encourage reporting.

FRA’s 2021 opinion on the situation of equality in the EU refers to the low levels of reporting of discrimination and harassment to equality bodies combined with lack of awareness of equality bodies and of rights. It outlines key areas and actions for the EU, its Member States and national equality bodies in delivering equal protection against discrimination in the EU, including encouraging reporting of discrimination, promoting the collection and use of equality

data, and enabling equality bodies to fully promote equal treatment and effectively perform the tasks assigned to them under EU law.

*\* Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ 2000 L 180 (Racial Equality Directive); Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between women and men engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, OJ 2010 L 180. In practice, the mandates of many national equality bodies also include combating discrimination based on age, sexual orientation, religion or belief, and other grounds.*

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

*\*\*\* Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies, OJ 2018 L 167; Council of Europe, ECRI (2018), **General Policy Recommendation No. 2 revised on equality bodies to combat racism and intolerance at national level**, Strasbourg, Council of Europe, 27 February 2018, para. 19 (see pp. 72 and 81 of the explanatory memorandum).*

*For more information, see FRA's **Opinion on the situation of equality in the European Union 20 years on from the initial implementation of the equality directives**.*

### 3.1.2 Countering discriminatory perceptions and practices in policing

Victims' right to access criminal justice is dependent on victims' trust in the police. Reporting rates cannot be improved if victims lack confidence that the police will respect human dignity, ensure equality before the law and treat every individual in full respect of their rights. Taking proactive steps to ensure that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner is part of Member States' obligations under the Victims' Rights Directive.<sup>8</sup>

The EU Anti-racism Action Plan 2020–2025 calls on Member States to “step up efforts to prevent discriminatory attitudes among law enforcement authorities” and ensure fair law enforcement.<sup>9</sup> Both the UN Committee on the Elimination of Racial Discrimination (CERD) and the European Commission against Racism and Intolerance (ECRI) have provided guidance and suggested particular measures to address racial discrimination in policing.<sup>10</sup> These include establishing an independent body to investigate alleged cases of racially motivated misconduct by the police and assessing existing safeguards against institutional forms of discrimination, including to ensure that clear mission statements and robust systems of performance review are in place to prevent institutional discrimination.<sup>11</sup>

Moreover, CERD also notes that “the absence or small number of complaints, prosecutions and convictions relating to acts of racial discrimination in the country” could be an indicator of racial discrimination in the system.<sup>12</sup> Again, higher numbers of recorded hate crimes do not necessarily relate to prevalence but can indicate increased willingness and ability of hate crime victims to engage with the criminal justice system, and the capacity of national law enforcement systems to identify and record hate crimes correctly.<sup>13</sup>

## Diversity in law enforcement agencies



To meet the needs of contemporary EU societies, the composition of police agencies needs to be representative of the population they serve, and police work needs to be based on establishing a relationship of trust with all parts of society. Increased diversity in law enforcement agencies – in terms of ethnicity and gender, and other characteristics such as religion, sexual orientation and gender identity – is an important tool for building trust with communities.

Measures such as proactive and targeted community outreach can encourage people from underrepresented populations to consider careers in law enforcement. Achieving diversity in recruitment needs to be accompanied by mentorship programmes and other guidance and resources to enable recruits to grow in the job.

Recruiting, retaining and promoting police officers from minority backgrounds and female officers can support fundamental rights-compliant policing that is fit to serve European society in all its diversity.

*For more information, see **Fundamental rights based police training – A manual for police trainers and Police profession as a human rights service.***

Working to eliminate discrimination by law enforcement authorities and creating a culture of policing based on cooperation, transparency and accountability are therefore necessary to encourage hate crime reporting and increase trust among those at risk of hate crime victimisation.<sup>14</sup>

### 3.1.3 Publicly condemning hate crimes and communicating hate crime data

Evidence from international organisations shows that publicly acknowledging the existence of hate crime and its impact helps to establish trust among victims of and witnesses to hate crime in law enforcement and in the criminal justice system.<sup>15</sup> Police leadership and public figures – law enforcement spokespeople, prosecutors, judges and politicians – should publicly stress that hate crime is illegal and punishable by law.

Systematically publishing criminal justice data on hate crime increases transparency and accountability and can improve trust. Such data should be detailed and disaggregated – by bias motivation and type of crime – to make it possible to assess and improve the

effectiveness of criminal justice system responses to hate crime. Publicly available data and reports signal that public authorities acknowledge victims of hate crime and are committed to increasing transparency and raising awareness about the phenomenon and responses to it. All of this helps to dismantle barriers to trust and can improve reporting rates.<sup>16</sup>

### 3.1.4 Reaching out to and supporting those most at risk of hate crime victimisation and raising awareness among the general public

Responding to differences in reporting experience requires tailored and evidence-based measures recognising differences in experiences with regard to gender, age and education, intersectional experiences and multi-bias hate crime. Tailored outreach efforts are required to empower victims and raise awareness of their rights, existing complaint and reporting mechanisms, and available support.

## Safe crime reporting for migrants in an irregular situation

FRA has developed guidelines for Member States to safeguard crime reporting by migrants in an irregular situation. These include:

- introducing anonymous or semi-anonymous reporting facilities,
- offering victims of and witnesses to serious crimes the possibility to turn to the police via third parties (e.g. a migrants ombudsperson, another specially designated official or entities providing humanitarian and legal

assistance), and

- setting out conditions under which victims of or witnesses to crime, including domestic violence, can be granted residence permits.

The guidelines build on standards included in Council Directive 2004/81/EC and Directive 2009/52/EC.

For more information, see **Apprehension of migrants in an irregular situation – Fundamental rights considerations**.

Such efforts should be carried out with the support of CSOs and community organisations that play a crucial role in encouraging victims to report hate crime. In addition, ECRI highlights that information should be accessible and inclusive for all, and thus ensure that “all eligible groups de facto have equal access to these [support] services”.<sup>17</sup>

Efforts to enhance knowledge about rights among individuals at risk of hate crime victimisation should be coupled with awareness-raising efforts addressing the general public. Victims feel more confident and are more likely to report when witnesses to a hate crime intervene during the incident or volunteer themselves as witnesses to the police.<sup>18</sup> It is also a sign of a conducive social environment in which victimisation, in particular motivated by bias, is not tolerated.

However, the results of FRA’s Fundamental Rights Survey suggest that only just over half of people in the EU would be ready to intervene if they observed someone being physically assaulted in public.<sup>19</sup>

Third-party reporting is an important tool that can significantly improve reporting rates. This practice encourages hate crime witnesses, including family and friends who are not willing to engage with the criminal justice system, to contact an appropriately trained third party, such as an NGO or community organisation, that can facilitate victims’ access to support, protection and justice (see **Section 3.2.2**).

## PROMISING PRACTICE

### Enhancing communities’ confidence: police liaison officers

Appointing police officers with expertise and a responsibility to liaise with communities can increase trust in law enforcement, boost communities’ confidence that their experiences are taken seriously, encourage hate crime reporting and, because these officers can share their knowledge and insights, build the capacity of the police to tackle hate crime.

In the **Netherlands**, the Network of Professionals towards Diversity exists within the Dutch police to increase knowledge about different cultures and communities. The network’s members are sometimes from different backgrounds and cultures themselves, or they have specialised knowledge about these.

For example, victims of antisemitism can contact, via a dedicated hotline, email address or Facebook chat, the Jewish Police Network. LGBT people can use a dedicated hotline or email address to contact Pink in Blue, a national police network of self-identified LGBT police officers.\* Networks also exist for Turkish, Moroccan and Asian people, people with disabilities and other groups. The networks are part of the national policy ‘Police for One and All’.\*\*

During the period of the highest number of arrivals of people who applied for international protection in the EU, some countries trained specialised ‘refugee contact officers’ within their police forces. In **Austria**, the police, in cooperation with NGOs that operated reception centres, trained 180 police officers, who regularly visited reception centres and provided asylum seekers with information about the criminal justice system, criminal law and victim protection. Similar initiatives were implemented in Sweden.\*\*\*

\* **Jewish Police Network** and **Pink in Blue** network.

\*\* *Police for one and all*.

\*\*\* *FRA (2019), Integration of young refugees in the EU: Good practices and challenges, Luxembourg, Publications Office, Ch. 8.*

## 3.2 ENABLING STRUCTURAL FACTORS: DIVERSE REPORTING OPTIONS AND STANDARDISED REFERRALS

Drawing from information provided by the working group on hate crime and international guidance and recommendations, this section outlines some key enabling structural factors, including the need to:

- support a variety of pathways to reporting;
- enable alternative mechanisms such as third-party and anonymous reporting;
- improve national hate crime recording and data collection systems;
- invest into standardised referrals to and from relevant third parties.

### 3.2.1 Reporting to the police: extending options and tools

With victims of hate crime reluctant to come forward, as shown in Chapter 2, it is crucial for police services to take action to set up alternative reporting structures, as ECRI recommends.<sup>20</sup> Providing for alternative reporting mechanisms potentially increases flexibility and speed, thus offering a remedy to the barrier posed by the fact that reporting procedures are seen as too bureaucratic and time consuming.

Evidence from the working group on hate crime shows that the option of reporting crime in person to the police is most common in all countries, followed by the option to do this by telephone. Online reporting is supported in 23 Member States. Live web chats are available in Estonia, Spain and some localities in the United Kingdom. Other reporting options include email or letter. The use of social networks as a reporting option is not common among Member States; only seven law enforcement agencies reported the use of this method. Few countries use live web chat as a reporting option.

The working group's representative from the Netherlands, for example, noted that introducing an online live web chat as a reporting option had not proved successful because of practical and technical issues.

In Italy, for example, to address underreporting, and taking into account that the Italian legislative framework does not allow third-party reporting or online reporting of crimes, a dedicated email address for contact with the Observatory for Security against Acts of Discrimination (*Osservatorio per la Sicurezza Contro gli Atti Discriminatori*, OSCAD) was established in 2010. Its purpose is to receive informal reports from victims, witnesses and NGOs.

Similarly, in Ireland victims of hate crime can contact directly the National Diversity and Integration Unit of the national police service, An Garda Síochána, if they do not wish to attend the local police station. In Slovakia, victims and witnesses can use a dedicated email address to report hate crime.

Ensuring a variety of pathways to report hate crime into the system, coupled with specific measures that aim to reach out to individuals at risk of hate victimisation, could encourage more victims to come forward. Diverse reporting options should be made available, because no option is universally accessible to all.

**TABLE 1: REPORTING OPTIONS, BY COUNTRY**

	In person	Online form	Live web chat	Social networks	Hotline (24h)	Other
AT	X				X	
BE	X	X <sup>a</sup>			X	
BG	X	X			X	
CY	X	X <sup>b</sup>			X	Smartphone app
CZ <sup>c</sup>	X	X			X	
DE	X	X <sup>d</sup>			X	
DK	X				X	Email
EE	X	X	X		X	
EL	X	X			X	
ES	X	X	X		X	Email
FI	X	X		X <sup>e</sup>	X	
FR	X	X <sup>f</sup>		X	X	
HR	X	X		X	X	Email, smartphone app
HU	X	X			X	
IE	X	X			X	Email
IT	X				X	Email
LT	X	X			X	Email
LV	X	X			X	Post
MT	X	X		X	X	
NL	X	X			X	Police call centre
PL	X	X			X	Email, fax, post
PT	X	X <sup>g</sup>		X	X	
RO	X	X		X	X	National police petition form
SE	X				X	
SI	X	X			X	
SK	X	X		X	X	Email
UK	X	X	X <sup>h</sup>		X	National online hate crime reporting and information tool

Source: FRA, 2020

Notes:

No information was provided by Luxembourg. The United Kingdom is included, as it was still an EU Member State at the time of data collection. Relevant links to online forms or functional emails are provided where available.

- <sup>a</sup> Link provided to general online hotline, but local policing zones also have their own websites (e.g. **local policing zone of Antwerp**).
- <sup>b</sup> For racist and xenophobic hate crime occurring online.
- <sup>c</sup> Live web chat option is currently in testing mode.
- <sup>d</sup> The Länder provide different reporting options online (e.g. **Hessen** and **Berlin**).
- <sup>e</sup> Social networks are not an official reporting channel, but the police are present on social media and will take action if something is reported this way.
- <sup>f</sup> **The Platform for the Harmonisation, Analysis, Cross-checking and Orientation of Notifications** is a dedicated online form to report illegal internet content and behaviour. The form is only for reporting online hate speech (e.g. expression of racism, antisemitism or xenophobia, or incitement to racial, ethnic or religious hatred).
- <sup>g</sup> For more information on the online complaint system, see **the portal**.
- <sup>h</sup> Local variations.

For example, online reporting has the advantages of being less bureaucratic, not available only during traditional working hours and enabling easy access to crucial information on support services and victims' rights. However, access issues such as catering to various impairments and, more generally, issues relating to internet access and language difficulties are potential barriers to be addressed when online reporting forms part of a national hate crime reporting system.

Moreover, although online reporting makes it easier for victims to report crime, it may make an initial assessment of the case and/or the identification of victims' specific needs more difficult.<sup>21</sup>

## The COVID-19 pandemic: upsurge of racism and low levels of reporting

The COVID-19 pandemic exacerbated existing racism, xenophobia and related intolerance, as evidenced by FRA, international bodies and CSOs. The pandemic triggered an upsurge in racist and xenophobic incidents against people of (perceived) Asian origin, Roma and migrants, and racist conspiracy theories proliferated.

National and international actors have evidenced the disproportionate enforcement of COVID-19-related restrictions and discriminatory profiling. In some countries, national politicians and other public figures used derogatory language towards migrants and ethnic minorities, eroding communities' trust and social cohesion.

Some measures to contain the virus, such as stay-at-home orders, and shifting priorities in police work may also have affected hate crime reporting. The

pandemic accelerated a shift away from traditional forms of reporting, for example at a police station, towards alternative means, such as online portals and apps. However, for some communities, the technology required to submit a report is not accessible, and for domestic violence victims staying at home means being locked down with a perpetrator.

Given the already low hate crime reporting rates, figures on racist and xenophobic incidents related to the COVID-19 outbreak are likely to underestimate the extent of the problem.

*For more information, see FRA's COVID-19 bulletins on the **Fundamental rights implications of COVID-19**, particularly Bulletin No. 4; and FRA's **Fundamental rights report 2021**, Ch. 1 ('Coronavirus pandemic and fundamental rights: a year in review') and Ch. 4 ('Racism, xenophobia and related intolerance').*



### 3.2.2 Venues for alternative reporting – untapped possibilities

Providing alternative ways to report hate crime for victims reluctant to come forward – such as third-party and anonymous reporting – can significantly increase the likelihood that victims will report hate crime. This is recognised in the recitals of the Victims’ Rights Directive and in policy guidance issued by international bodies.<sup>22</sup>

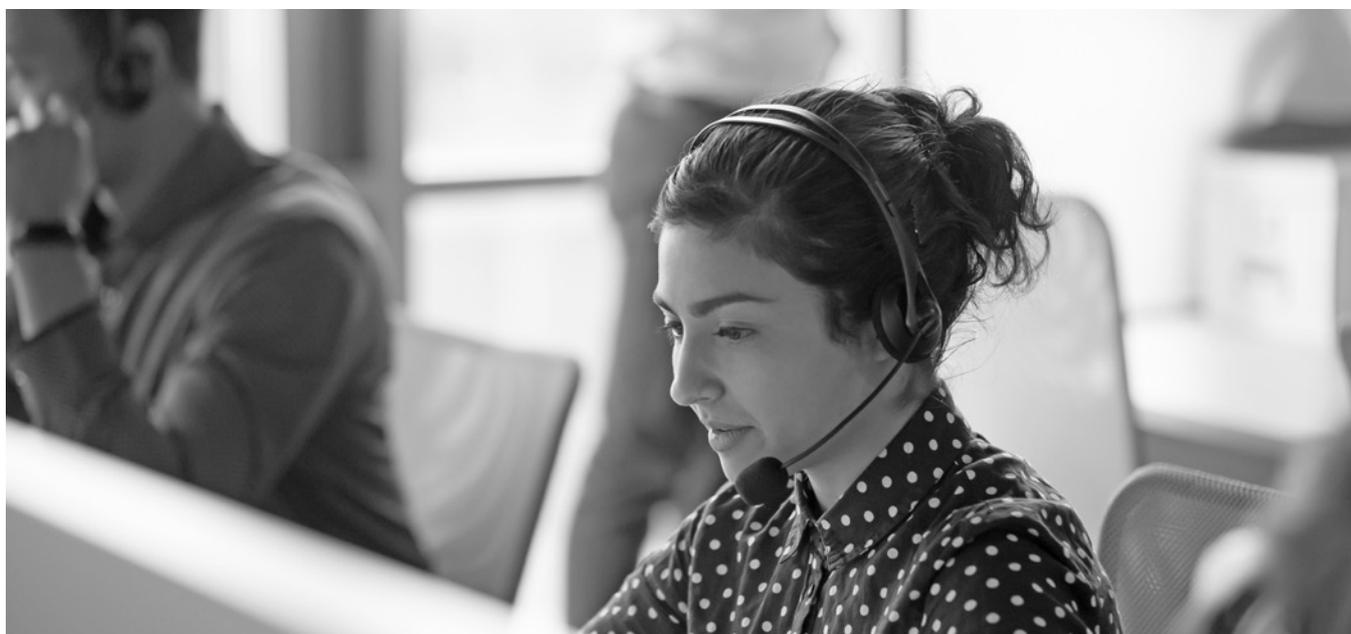
Enabling third-party and anonymous reporting can substantially contribute to improving the law enforcement reporting system. In a way, these options constitute the essence of a victim-centred structure to reporting, by making access to reporting easier for victims and bringing them closer to support, protection and justice.<sup>23</sup> In addition, these are viable and useful reporting options for police work for the purpose of intelligence gathering and are beneficial for informing sound and evidence-based policy making.

#### *Third-party reporting*

Third-party reporting – which is 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. Some of these organisations are designated as reporting centres or services, others are not.

For example, third-party reporting centres can be housed in physical locations such as religious centres, housing associations, medical centres, schools and libraries. Third-party reporting services are usually run by specialist and community-focused CSOs that provide online, telephone and in-person reporting, and access to victim support services, either directly or through referrals.<sup>24</sup>

Information reported to third parties usually includes details such as the location and details of the incident, and bias indicators based on victims’ perceptions.<sup>25</sup> This information can then be passed on to the police, with the option of anonymising any details that could identify the victim.



## PROMISING PRACTICE

# Third-party reporting for victims of antisemitism

In **Germany**, the Federal Association of Departments for Research and Information on Antisemitism (*Bundesverband RIAS*) is an association of eight state-wide networks for reporting antisemitic incidents and a federal coordination unit that initiates and supports the establishment of regional networks and runs education initiatives on antisemitism. The Bundesverband RIAS offices operate in close cooperation with federal Jewish organisations such as the Central Council of Jews in Germany and the Central Welfare Office of Jews in Germany, as well as local Jewish communities and CSOs.

The Bundesverband RIAS offices collect data from the organisation's **reporting website**, over the phone and through social media, from Jewish communities and other CSOs, and, where possible, from the police. The website provides information on recent developments, and the victim or witness can report the incident anonymously in English, German or Russian. Those reporting are given access to legal and psychosocial support.

*For more information, see the webpage **Report an antisemitic incident**.*

The purpose of third-party reporting is to provide an alternative means of reporting where a victim, family member or friend, or witness wants the police to be aware of the incident but is not willing to be in direct contact with the police or, in many cases, to reveal their identity. Reports from third parties can thus initiate a criminal justice process and/or provide information for intelligence-related policing and policy making. Third-party reporting can help to address some of the reasons for not reporting given in FRA surveys (see **Chapter 2**).

- With regard to the feeling that nothing will change as a result of reporting a bias-motivated incident, third-party reporting can play a role in explaining victims' rights and opportunities for redress to victims, and informing them about the 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 in countering this perception, as they are more likely to be embedded in the community and are therefore more accessible, approachable and convenient for reporting.
- With regard to low levels of trust in the police as a barrier to reporting, third-party reporting can provide an alternative that is closer to the affected communities in terms of familiarity and trust.
- In terms of fear of reprisal, anonymous reporting to third-party reporting centres or services can reassure victims who are worried that they may be identified by the perpetrator.

For third-party reporting centres or services to be effective, the police and these services need to agree on protocols that ensure that the incidents that they receive and register can be easily received and recorded also by the police. This report explores this issue further in the section on cooperation (**Section 3.3.4**). When it comes to third-party reports in which the victim's name and other details are withheld (anonymous reporting), the police need to have a legal mandate to accept and register such reports, regardless of whether they will lead to a criminal investigation or be used for other reasons, in particular for risk analysis or to design and implement preventive policies and measures.<sup>26</sup>

The working group on hate crime informed FRA about procedures for third-party reporting on hate crime. More than half of the Member States allow for third-party reporting, although in some there are certain limitations.

For example, the Finnish Criminal Investigation Act does not restrict who can report a crime. However, the public prosecutor may bring charges for certain offences only at the request of the injured party ('complainant offences'), meaning that criminal investigation is conducted only if the injured party requests of the criminal investigation authority or the public prosecutor that the offender be punished.<sup>27</sup>

In Lithuania, some provisions of the Criminal Code require a complaint filed by the victim or a statement by their legal representative.<sup>28</sup> In other countries, such as Austria, France, Italy, the Netherlands, Poland and Spain, national law does not accept reports on behalf of victims by third parties.

Overall, policies and structures supporting third-party reporting are not systematically used in the EU. Some members of the working group on hate crime highlighted the advantages of police cooperation with third-party reporting centres or services. These include:

- better understanding of the situation, data availability and insight into trends;
- faster information flows;
- more evidence about hate crimes;

- improved and coordinated responses and tailored victim support, including on practical aspects such as shelter needs, transport, intercultural mediation, etc.;
- increased community engagement and confidence in law enforcement
- better informed prevention programmes;
- improved public awareness through prevention programmes.

At the same time, working group members also highlighted challenges, including:

- challenges in building mutual trust;
- limited awareness on the part of both police and third-party reporting centres and services of the potential benefits of cooperation;
- different definitions and data collection methods, reducing data-sharing impact;
- lack of legal recognition of third-party reporting;
- a small number or a lack of appropriately qualified third-party reporting centres or services;
- limited resources of third-party reporting centres or services.

Working group members tended to focus on the role of third parties in supporting victims later in the process of investigation or during a criminal justice process, rather than as the first point of contact for a victim wishing to report an incident. This suggests a lack of awareness about the potential of third-party reporting to support hate crime reporting at the earliest stages, and thus a need for further awareness raising about the use and potential of such services.

#### *Anonymous reporting*

In anonymous reporting, the police can be notified of an incident online or by phone, by the victims themselves, a witness or another third party without disclosing the identity of the victim. These notifications can include details such as the location and a description of the incident, as well as bias indicators as perceived by the victim.

As with the enabling effect of third-party reporting, allowing anonymous reporting contributes to addressing some of the barriers discouraging victims from reporting incidents, as recognised by the EU High Level Group on combating racism, xenophobia and other forms of intolerance. Such barriers include fear of reprisal, distrust in the police, worry about bureaucratic and/or costly procedures, and fear of apprehension and return for migrants in an irregular situation.<sup>29</sup>

Raising awareness of this option sends the message to victims and communities that the authorities recognise the barriers to reporting but still want to hear about their experiences.

A number of members of the working group on hate crime pointed out the limitations of anonymous reporting for investigation and prosecution. The following example illustrates a common approach found in various countries. In Latvia, incidents reported anonymously – by phone, email or post – can be recorded by police.<sup>30</sup> Following an examination of the incident, the police will commence criminal proceedings, where appropriate. However, it is less likely that criminal proceedings will be initiated if the victim's identity is unknown. Nevertheless, where criminal proceedings are not appropriate or possible, the information provided anonymously is kept and informs the police for risk management purposes.

Anonymous hate crime reporting is allowed in less than half of EU Member States. Some Member States currently allow anonymous reporting only for

certain types of crime, for example terrorist offences, extremism or domestic violence. This suggests a recognition that such alternative channels can support the important outcomes of intelligence gathering and access to victim support regardless of whether a case can or cannot progress through the criminal justice process; criminal proceedings may require the disclosure of the identity of victims or of witnesses to the hate crime.

### 3.2.3 Proper recording of reported incidents: a twin priority

Victims' access to protection, support and justice depends not only on victims and witnesses coming forward and reporting an incident but also on the ability of national law enforcement systems to identify and record hate crime correctly.

EU Member States take different approaches to recording bias motivation and previous FRA research shows that many Member States still have no system in place that assists and compels police officers to identify and record bias motivation.<sup>31</sup> As a result, reported hate crimes may be wrongly categorised, bias motivation may not be investigated and a hate crime may not be prosecuted as bias motivated. This means that victims may be left without appropriate support, protection and justice; hate crime laws cannot be given effect in court; and even reported hate crimes are not accurately represented in official statistics.

Therefore, encouraging hate crime reporting and removing barriers to reporting should be a twin priority along with improving recording and data collection systems, as prescribed by the Victims' Rights Directive for all kind of crimes.<sup>32</sup> In 2017, the EU High Level Group on combating racism, xenophobia and other forms of intolerance adopted guidance on steps required to achieve effective recording mechanisms.<sup>33</sup> EU policy instruments also repeatedly call for investment in proper recording mechanisms and increased capacity in law enforcement to identify and record bias-motivated crimes.<sup>34</sup>

## FRA ACTIVITY

### Bolstering Member States' ability to record and collect hate crime data

The full implementation of EU law entails ensuring that the police properly identify hate crime victims and record bias motivation at the time of reporting. Doing so will support the investigation and prosecution of hate crime and provide a basis for victim support. FRA's evidence shows that proper recording of hate crime is still not a reality in many EU Member States.

FRA, together with the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), provides practical assistance through tailored workshops in national languages aimed at law enforcement and criminal justice bodies.

The workshops use the *Key guiding principles on improving the recording of hate crime by law enforcement authorities* to:

- raise awareness among law enforcement and criminal justice bodies of the need to properly record hate crimes;
- create a better understanding of gaps in existing hate crime recording and data collection practices;
- discuss ways to improve these practices through practical steps and specific operational measures.

These workshops aim to achieve, step by step, systemic change that will make a tangible difference in the way hate crimes are addressed and victims are supported. By December 2020, tailored recommendations had been issued to 10 Member States.

For more information, see *Technical assistance to national law enforcement and criminal justice authorities*.

### **3.2.4 Standardised referrals between police and third parties: towards ensuring access to victim support**

The Victims' Rights Directive obliges Member States to facilitate referrals to victim support services by the competent authority that received the complaint or by other relevant entities.<sup>35</sup> Without referrals, victims' right to access support may be jeopardised and this in turn may discourage involvement in criminal proceedings, including reporting.

According to the Victims' Rights Directive, a referral mechanism should ensure robust data protection systems and confidentiality. Some of the difficulties hindering effective referrals include personal data protection rules, lack of knowledge about local specialised victim support services, insufficient training of police officers and lack of systematised procedures.<sup>36</sup>

Evidence from the working group on hate crime shows that standardised referral mechanisms among relevant actors are not an established practice, even in Member States where legislation allows for anonymous reporting and third-party reporting. However, the absence of standardised referral mechanisms does not mean that referrals do not take place.

In Spain, for example, the National Office for Combating Hate Crimes reports that, although there is no established referral process from victim support services to the police, currently steps are being taken to establish a specific system to receive data on hate crime collected by CSOs and victim support services. Moreover, the Action Protocol for Police Forces on Hate Crimes includes a recommendation that victims be informed about the existence of CSOs that could provide, for example, psychosocial services.

#### *Referrals between police and local authorities*

The right to support is one of the core rights enshrined in the Victims' Rights Directive. Member States have a duty to facilitate referrals by the competent authority that received the complaint to victim support services, as well as referrals "by other relevant entities" in contact with victims of crime. The other entities are "understood to include public agencies or entities, such as hospitals, schools, embassies, consulates, welfare or employment services".<sup>37</sup>

Furthermore, the Commission addresses local authorities as a provider of support, recognising that, while the overwhelming majority of services for victims are run by CSOs, "specialist support may also be provided by other public or private services (such [as] medical establishments, health and psychiatric entities or social services)".<sup>38</sup>

Finally, in specifying that relevant statistical data related to the application of national procedures on victims of crime are to be gathered along with data recorded by the judicial authorities, law enforcement agencies and victim support organisations, the Victims' Rights Directive identifies as relevant any "administrative data compiled by healthcare and social welfare services".<sup>39</sup>

According to the working group on hate crime, referrals between the police and local authorities are not common practice in the EU. Only France reported that there are referrals between police and local authorities. In Spain, the police refer hate crime victims to local authorities and in Austria, Croatia, Finland, Hungary and Italy, the police receive referrals from local authorities. Detailed data on existing referral mechanisms were not collected in this research.

## Healthcare professionals' role in encouraging reporting of domestic violence

Similarly to hate crime, domestic violence remains largely undetected by authorities, partly because few victims report violence to police, as FRA and others note. At the same time, more victims of partner violence report it to healthcare institutions than to the police, FRA's violence against women survey shows.



This highlights the potential for healthcare professionals to identify violence, inform the police – under relevant conditions including confidentiality – and secure forensic evidence. Similar considerations could apply when developing policies to encourage reporting by victims of hate crime.

*For more information, see FRA (2019), **Women as victims of partner violence – Justice for victims of violent crime**, Luxembourg, Publications Office; and FRA (2014), **Violence against women: An EU-wide survey. Main results report**, Luxembourg, Publications Office.*

### *Referrals between police and victim support services*

The European Commission has provided guidance recommending that Member States consider “establishing national referral arrangements between the police and [victim support organisations], ensuring all victims are offered as soon as possible preferably automatic access to general/specialist victim support services”.<sup>40</sup> However, in its report on the implementation of the Victims' Rights Directive, the Commission highlights that several Member States have failed to transpose in national law the obligation for relevant authorities to refer victims to victim support services.<sup>41</sup>

Evidence from members of the working group on hate crime shows that there are a variety of referral mechanisms between police and victim support services. In some Member States, there is no standardised mechanism for referrals, while others have a mutual referral system, or one-way referrals from the police to support services, or from support services to police.

Some Member States highlight that referral depends on the consent of the victim. In the Netherlands, for example, there is a standardised procedure to refer victims to Victim Support Netherlands, but only if the victim agrees to this. This procedure can be followed only once a victim has officially reported the crime. When a victim officially reports to the police, they are advised to contact either Victim Support Netherlands or a local anti-discrimination bureau (*Antidiskriminerungsstelle*, ADV).<sup>42</sup>

In Ireland, the national police, *An Garda Síochána*, has a Garda Victim Services Office in each Garda division, which refers victims of crime, including hate crime, to an appropriate national service. In addition, there is an informal process of referring victims through *An Garda Síochána* to appropriate CSOs.<sup>43</sup>

In terms of availability of data on referrals, only Italy, Malta and Sweden are able to provide numbers of actual referrals for 2017, 2018 and 2019. The numbers of referrals, with the exception of referrals of victims by Swedish police to victim support services, are low. In 2019, for example, in Italy, the

system captured three referrals from victim support services to the police. This shows shortcomings in the collection of data, including data on the “number of referrals by police to victim support services, the number of victims that request, receive or do not receive support or restorative justice”, as referred to in the recitals of the Victims’ Rights Directive.<sup>44</sup>

**TABLE 2: STANDARDISED MECHANISMS FOR REFERRALS OF HATE CRIME VICTIMS BETWEEN POLICE AND VICTIM SUPPORT SERVICES (VSSs), INCLUDING THE NUMBER OF REFERRALS IN 2017, 2018 AND 2019, BY COUNTRY<sup>a,b</sup>**

	Police to VSSs	VSSs to police
AT	No	Yes
BE	Yes	Yes
BG	No	Yes
CY	No	No
CZ	Yes	Yes
DE	n.a. – varies across the <i>Länder</i>	n.a. – varies across the <i>Länder</i>
DK	No	No
EE	Yes	Yes
EL	No	No
ES	Yes	No
FI	Yes	Yes
FR	No	No
HR	No	Yes
HU	Yes	Yes
IE	Yes	No
IT	No	Yes <sup>b</sup> 2017 – 2 2018 – 6 2019 – 3
LT	No	No
LV	No	No
MT	Yes 2017 – no data 2018 – no data 2019 – 2	Yes 2017 – no data 2018 – no data 2019 – 1
NL	Yes	Yes
PL	No	Yes
PT	No	No
RO	No	Yes
SE	Yes 2017 – 163 2018 – 161 2019 – no data	No
SI	Yes	Yes
SK	No	No
UK	Yes	Yes

Source: FRA, 2020

◀ Notes:

<sup>a</sup> No information was provided by Luxembourg. The United Kingdom is included because it was still an EU Member State at the time of data collection.

<sup>b</sup> Data refer to OSCAD activity only. At provincial level, national police headquarters (Questura) or local Carabinieri stations may have developed cooperation with local CSOs or victim support services.

n.a., not available (information was not provided).

### *Referrals between police and equality bodies*

While there is variation across the EU in the mandates and functions of equality bodies, as a general rule their responsibilities include assisting victims of discrimination.<sup>45</sup> Victims of bias-motivated crime and harassment may reach out to equality bodies to report incidents, whereas victims of discrimination may contact law enforcement authorities in relation to incidents that do not meet the threshold for classification as a criminal offence.

Formalised and effective referrals between equality bodies and law enforcement, depending on who is competent to act in a particular case, are vital to enable victims of discrimination, including in its severe form of bias-motivated violence or harassment, to seek support, protection and justice. (For more information, see [Section 2.3](#) and [Section 3.1.1](#). 'Spotlight on equality bodies'.)

According to the working group on hate crime, referrals to and from equality bodies are not common practice in the EU (Table 3); with few exceptions, there are no institutionalised practices. In Belgium and Italy, however, the police and the equality bodies have formalised their cooperation.

In Belgium, Joint Circular No. 13/2013 of the Minister of Justice, the Minister of the Interior and the College of Public Prosecutors to the Court of Appeal, relating to investigation and prosecution of discrimination and hate crimes, stipulates that the police should inform Unia – the national equality body – or the Institute for the Equality of Women and Men whenever a case is pending that has been identified as involving discrimination, hate crime or hate speech.<sup>46</sup>

In Italy, OSCAD and the National Office against Racial Discrimination (*Ufficio Nazionale Antidiscriminazioni Razziali*, UNAR) have concluded a memorandum of understanding stating that UNAR will forward any case of discrimination reported to it and liable for prosecution to OSCAD, while OSCAD will send to UNAR any report received of an incident that is discriminatory or bias motivated but does not meet the threshold for criminal prosecution. When an incident is reported, OSCAD will analyse it and, if it is a criminal offence, contact the relevant police services for a proper investigation.

**TABLE 3: STANDARDISED MECHANISMS FOR REFERRALS OF HATE CRIME VICTIMS BETWEEN POLICE AND EQUALITY BODIES (EBs), INCLUDING THE NUMBER OF REFERRALS IN 2017, 2018 AND 2019, BY COUNTRY<sup>a</sup>**

	Police to EBs	EBs to police
AT	No	No
BE	No <sup>b</sup>	No <sup>b</sup>
BG	n.a.	n.a.
CY	No	No
CZ	No	No
DE	n.a. – varies across the <i>Länder</i>	n.a. – varies across the <i>Länder</i>
DK	No	No
EE	Yes	Yes
EL	Yes	No
ES	Yes	No
FI	No	Yes
FR	No	No
HR	Yes	Yes
HU	No	Yes
IE	No	No
IT	Y 2017 – 0 2018 – 8 2019 – 5	Y <sup>c</sup> 2017 – 1 2018 – 4 2019 – 2
LT	Yes	Yes
LV	No	Yes
MT	No	No
NL	Yes <sup>d</sup>	Yes <sup>d</sup>
PL	No	Yes
PT	No	Yes 2017 – 0 2018 – 1 2019 – 1
RO	No	Yes
SE	Yes	No
SI	No	No
SK	No	No
UK	No <sup>e</sup>	No <sup>e</sup>

Source: FRA, 2020

#### Referrals between police and civil society organisations

The working group on hate crime reported a limited number of referral practices between police and CSOs (see Table 4). Only Italy could provide data about the number of referrals. Table 4 provides information on the existence of formalised means of referral between the police and CSOs.

#### ◀ Notes:

- <sup>a</sup> No information was provided by Luxembourg. The United Kingdom is included because it was still an EU Member State at the time of data collection.
  - <sup>b</sup> In police training sessions, police officers are instructed to refer victims to equality bodies but there are no general instructions on procedure.
  - <sup>c</sup> Data reported refer to OSCAD activity only. At provincial level, national police headquarters (Questura) or local Carabinieri stations may have developed cooperation with local CSOs or victim support services.
  - <sup>d</sup> Referrals between regional ADVs and police.
  - <sup>e</sup> The equality body (the Equality and Human Rights Commission) does not accept hate crime complaints.
- n.a., not available (information was not provided).

## PROMISING PRACTICE

# Encouraging reporting and enhancing referrals of LGBTQI hate crimes

The **Brussels Capital Region** launched a pilot project in collaboration with Brussels Prevention and Security (a public body) and the local CSO Rainbow House. Based on the results of the 2019 national crime survey, which revealed that many people never file complaints about hate speech, hate crimes or discrimination with the police, the project supports victims to share and register their stories with local CSOs, including Rainbow House, which then refer them to the police, social services and other government bodies to file formal complaints.

For more information, see *Rainbow Cities Network – 2020 best practices*.

A lack of formal procedures, however, does not mean that there are no means for cooperation at national or local level between the police and CSOs, and there are many instances of informal cooperation, for example in France and the Netherlands, where there are referrals between LGBTI CSOs and Jewish organisations and police.

**TABLE 4: STANDARDISED MECHANISMS FOR REFERRALS OF HATE CRIME VICTIMS BETWEEN POLICE AND CSOS, INCLUDING THE NUMBER OF REFERRALS IN 2017, 2018 AND 2019, BY COUNTRY<sup>a</sup>**

	Police to CSOs	CSOs to police
AT	No	Yes
BE	No	No
BG	n.a.	n.a.
CY	No	No
CZ	Yes	No
DE	n.a. – varies across the <i>Länder</i>	n.a. – varies across the <i>Länder</i>
DK	No	No
EE	Yes	Yes
EL	No	No
ES	Yes	No
FI	No	Yes
FR	No	No
HR	No	Yes
HU	No	Yes
IE	No	No
IT	No	Yes <sup>b</sup> 2017 – 2 2018 – 10 2019 – 13
LT	No	No
LV	No	No
MT	No	No
NL	No	No
PL	No	Yes
PT	No	No
RO	No	Yes
SE	Yes	No
SI	Yes	Yes
SK	No	Yes
UK	Yes	Yes

Source: FRA, 2020

Notes: ▶

<sup>a</sup> No information was provided by Luxembourg. The United Kingdom is included because it was still an EU Member State at the time of data collection.

<sup>b</sup> Data reported refer to OSCAD activity only. At provincial level, national police headquarters (*Questura*) or local *Carabinieri* stations may have developed cooperation with local CSOs or victim support services.

n.a., not available (information was not provided).

### 3.3 ENABLING PROCESS FACTORS: BUILDING INSTITUTIONAL CAPACITY AND STRENGTHENING PARTNERSHIPS

Enabling processes create structures to facilitate reporting, operationalise policies and translate legal obligations into practice. The key enabling factors related to institutional capacity and embedding multistakeholder partnerships include:

- providing practical police guidance;
- embedding hate crime specialist police officers and hate crime units;
- strengthening police training and building institutional capacity;
- ensuring structured cooperation within, across and beyond institutional boundaries.

Station duty officers, call handlers, community patrols, investigators and online portals can be entry points for a hate crime report. Those who receive a report should have the knowledge to meet support needs and to identify the signs and indicators of bias suggesting that an incident may be a hate crime. They also need the means to record, share and act on information that may form the basis of evidence in an investigation, or that indicates a risk of escalation or revictimisation that may need an immediate or strategic response.

Practical police guidance can help to ensure that reported incidents are recognised, categorised and added to recording and data collection frameworks. Alternative reporting options may not be sufficiently used and specialised professionals and units will not be able to apply their expertise if cooperation and outreach in communities is not strengthened.

Moreover, policy guidance and theoretical instructions need to be accompanied by practical training. Structured cooperation and effective referrals between all relevant actors will facilitate access to justice and specialised support for victims.

#### FRA ACTIVITY

### Compendium of practices for combating hate crime: a resource for policymakers

FRA's online compendium contains examples of practices for combating hate crime, including in relation to encouraging reporting, data collection and cooperation with CSOs and communities at risk of hate victimisation.

It aims to inspire and support policymakers, CSOs and practitioners in designing and implementing enabling measures and processes and thus operationalising hate crime policies.

*For more information, see **Compendium of practices against hate crime.***



### 3.3.1 Practical police guidance: translating duties into practice

Developing guidelines and sharing promising practices can be important in translating obligations into practical steps for law enforcement officers. According to the Victims' Rights Directive, such guidelines should address practical aspects such as how to identify and record a potential hate crime, taking a statement, interviewing, assessing individuals' needs and referring victims, including victims of hate crime, to victim support organisations.<sup>47</sup>

Members of the working group on hate crime highlighted the standard practice of police informing victims of crime about their rights, including the right to support.

However, evidence from the working group shows that, where guidance implementing the Victims' Rights Directive exists, it is general and does not specifically address hate crime victims (Table 5).

Croatia, France, Latvia, Spain and the United Kingdom reported the existence of dedicated hate crime protocols or operational guidance covering all or some of the relevant processes.<sup>48</sup> The French methodological guide, for example, contains instructions on interviewing victims, assessing victims' needs and referring the victim to a specialised association. In Latvia, the *Guidelines for the identification and investigation of hate crimes*<sup>49</sup> include specific guidance on interviewing victims.

In Austria, since August 2020 every police officer has had access to an extensive internal e-learning seminar on hate crime, and further instructions and videos have been made available on the police intranet and integrated into the police data recording system. In Bulgaria and Italy, there are training manuals on hate crime, which were developed as part of OSCE/ODIHR projects and provide some guidance on interviewing, assessing individuals' needs and referring victims to victim support organisations.<sup>50</sup>

In other countries, FRA's research found, specific instructions related to hate crime are part of general guidelines. For instance, the Polish 'Questionnaire for individual assessment of the specific protection needs of a victim' includes a specific question on fear of repeated victimisation and the need for protection, asking if "the perpetrator's motivation relates to the characteristics of the victim, including: age, gender, disability, ethnic or national origin, race, religion, lack of religion, sexual orientation, gender identity or residence status".<sup>51</sup>

**TABLE 5: POLICE GUIDANCE ON INTERVIEWING, ASSESSING INDIVIDUALS' NEEDS AND REFERRING HATE CRIME VICTIMS, BY COUNTRY<sup>a</sup>**

	Interviewing hate crime victims	Assessing individual hate crime victims' needs	Referring hate crime victims to victim support services
AT	Yes – internal	Yes – internal	No
BE	Yes <sup>b</sup>	Yes	Yes
BG	No	Yes <sup>c</sup>	Yes <sup>c</sup>
CY	General manual includes questions for identifying hate crime victims – internal <sup>d</sup>	No	No
CZ	Yes – internal	Yes – internal	Yes – internal
DE	n.a. – varies across the <i>Länder</i>	n.a. – varies across the <i>Länder</i>	n.a. – varies across the <i>Länder</i>
DK	No	No	<b>General instructions exist</b>
EE	No	No	General instructions exist – internal
EL	No	No	No
ES	Yes	Yes	Yes
FI	General instructions include some guidance in relation to hate crime victims – internal	General instructions include some guidance in relation to hate crime victims	General instructions include some guidance in relation to hate crime victims
FR	No	No	No
HR	Yes	Yes	Yes
HU	Yes – internal	<b>General instructions exist</b>	<b>General instructions exist</b>
IE	No	No	Yes – internal
IT	Yes <sup>e</sup>	Yes <sup>e</sup>	No
LT	No	<b>General instructions</b> includes some guidance in relation to hate crime victims	No
LV	Yes – internal	No	No
MT	No	No	No
NL	No, with the exception of LGBTI-specific guidelines	General instructions exist – internal	Yes
PL	No	<b>General questionnaire for individual assessment</b> of protection needs includes a specific question for identifying hate crime victims	No
PT	No	No	No
RO	No	No	No
SE	No	No	No
SI	No	General instructions exist	No
SK	Yes – internal	No	No
UK	Yes	Yes	Yes

Source: FRA, 2020



Notes:

- <sup>a</sup> No information was provided by Luxembourg. The United Kingdom is included because it was still an EU Member State at the time of data collection.
  - <sup>b</sup> General instructions at the federal level (COL.13/2013); local policing zones have developed more practical instructions, such as checklists.
  - <sup>c</sup> OSCE/ODIHR Manual on joint hate crime training for police and prosecutors – Intended for use in Bulgaria.
  - <sup>d</sup> A manual entitled Human rights and combating discrimination includes particular questions for identifying hate crime. It is not a public document, but it is embedded in the police system and used by Cyprus's police officers.
  - <sup>e</sup> OSCE/ODIHR manual on training on hate crime for law enforcement, tailored to the Italian situation by the OSCAD Secretariat.
- n.a., not available (information was not provided).

### 3.3.2 Hate crime officers and units: strengthening specialisation

Engaging a specialist hate crime police officer can greatly enhance the assessment of and responses to the specific protection and support needs of victims, in line with Article 25 of the Victims' Rights Directive. The role of the officer who receives victims' reports is decisive; they need to approach victims sensitively, identify indicators of bias motivation, gather evidence and pass the information along the investigation chain.

ECRI and CERD call for the appointment of police officers and prosecutors specialising in hate crime. For example, ECRI stresses the need for police services to "establish specialised police and prosecution units that investigate hate crime and develop regular dialogue with civil society organisations on hate crime cases".<sup>52</sup>

Previous FRA research with professionals working on hate crime identified specialisation as a means of improving investigations, enhancing victims' trust in the police and sending a signal that the police take hate crime seriously. While having specially trained staff was generally recognised as positive, the police officers interviewed also argued that the responses of non-specialist staff are equally important<sup>53</sup> (see [Section 3.3.3](#) for more on specialist training).

Evidence from the working group on hate crime shows that about one third of EU Member States have specialised hate crime officers. In France, for example, a network of investigators and judges specifically trained on hate crime is intended to ensure that there are trained personnel at each zonal/departmental level. Furthermore, since 2014, there have been appointed reception *référénts* (officers or senior officers), who act as focal points for cases involving racism, antisemitism or discrimination.

In some Member States, for example Czechia, Greece, Malta, Spain and Slovakia, there are specialised hate crime units at central level tasked with improving the police service's response to hate crime.

In 2019, the Maltese government set up the Hate Crime and Hate Speech Unit, which provides free legal and therapeutic assistance to victims of hate crime.<sup>54</sup> In the Netherlands, after years of utilising specialist hate crime knowledge on a project basis, the police are in the process of establishing a centre of expertise on non-discrimination and hate crime.

**TABLE 6: SPECIALIST HATE CRIME OFFICERS AND HATE CRIME UNITS, BY COUNTRY<sup>a</sup>**

	Specialist hate crime officers	Hate crime unit
AT	No	No
BE	Yes – in each policing zone and in the first-line service of the Federal Police	No
BG	No	No
CY	No	Yes – the Office For Combating Discrimination in the police headquarters supports and provides advice to investigators around Cyprus
CZ	No	Yes – one unit in the capital
DE	Yes – varies across the Länder	No
DK	No	No
EE	No	No
EL	Yes – 68 specialised police officers across the country	Yes – in Athens and Thessaloniki
ES	Yes – 100 liaison officers, tasked mainly with strengthening engagement with local CSOs	Yes – one unit in the capital, as well as in other big cities in Spain
FI	Yes	No
FR	Yes <sup>b</sup>	No
HR	Yes – in every police administration there are specialised police officers for prevention and suppression of terrorism, extremism and hate crime	No
HU	Yes – at each police station, a mentor is appointed to facilitate the detection of hate crimes	Yes
IE	Yes – 384 diversity liaison officers	Yes – <b>Garda National Diversity and Integration Unit</b>
IT	Yes	Yes
LT	No	No
LV	No	No
MT	No	Yes – one unit in the capital
NL	Liaison officers for the LGBTI community ( <b>Pink in Blue network</b> ) and the Jewish community ( <b>Jewish Police Network</b> )	Yes
PL	No	No
PT	No	No
RO	No	No
SE	Yes – special investigative units in Stockholm, Gothenburg and Malmö, and specially designated officers in the other regions	No
SI	Yes	No
SK	Yes – 72 officers (based in nine units in four geographical regions: capital, west, central, east)	Yes – one unit in the capital, plus three across the country (west, central, east)
UK	Yes	No

Source: FRA, 2020

▲  
Notes:

<sup>a</sup> No information was provided by Luxembourg. The United Kingdom is included because it was still an EU Member State at the time of data collection.

<sup>b</sup> 122 officers had been trained by 2018. The objective is to create a network of 350 specialised officers across the country.

### 3.3.3 Police training: building capacity

The Victims' Rights Directive obliges Member States to ensure that police, prosecutors, court staff and judges, as well as staff from victim support services and restorative justice services, receive initial and ongoing training "to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner".<sup>55</sup> Recital 63 of the Victims' Rights Directive emphasises that "practitioners who are likely to receive complaints from victims with regard to criminal offences should be appropriately trained to facilitate reporting of crimes".

Moreover, EU policy instruments repeatedly call for comprehensive training of law enforcement representatives, and EU funding programmes offer support for national training and capacity-building initiatives.<sup>56</sup>

International monitoring bodies such as ECRI and CERD have also repeatedly highlighted the need to improve training on hate crime at national level.<sup>57</sup> Furthermore, the European Commission's working group on hate crime training and capacity building for national law enforcement, facilitated by the European Union Agency for Law Enforcement Training (CEPOL), under the EU High Level Group on combating racism, xenophobia and other forms of intolerance, aims to implement the key guiding principles on hate crime training on the ground.

As part of this task, the working group is finalising a mapping of existing hate crime training activities for law enforcement and criminal justice authorities carried out in the EU Member States. Results are expected in 2021, but preliminary findings reveal that in most Member States hate crime training of law enforcement and criminal justice authorities is limited and ad hoc. Gaps were found mainly in relation to training needs assessment, systematic cooperation with civil society actors, and monitoring and evaluation of the medium- and long-term impact and effectiveness of training programmes.<sup>58</sup>

Overall, evidence from the FRA-led working group on hate crime also shows that initial and further training on hate crime is not systematically provided in the EU. These findings show limited progress since FRA's 2014 report on the extent and nature of support for victims of crime, which found that Member States' approach to training, including specialist training such as that relating to hate crime, was "seldom systematic".<sup>59</sup> More specifically, the working group's findings suggest that existing training rarely targets frontline officers, police call handlers and first responders.

Nonetheless, some Member States reported efforts to train relevant personnel on hate crime awareness, identification and specialist responses. For example, in Finland, in addition to including hate crime in the general police training curriculum, specialist training is arranged every year. In Italy, OSCAD has since 2012 trained more than 11,000 police officers in person and another 11,000 officers through online modules in partnership with the national equality body and CSOs.<sup>60</sup>

The French representative in the working group reported that, as part of France's national plan to combat racism and antisemitism, the Interministerial Delegation for Combating Racism, Anti-Semitism and Anti-LGBT Hate had authorised the set-up and training of a network of specialist personnel including investigators and magistrates. The Portuguese representative reported providing inspectors in the Criminal Police with victim-focused hate crime training in the context of the 'Hate No More' project.<sup>61</sup>

#### PROMISING PRACTICE

## Facing Facts: custom-designed training sessions

Facing Facts, coordinated by the NGO CEJI – A Jewish Contribution to an Inclusive Europe, provides a unique EU-wide online learning platform dedicated to improving the ability of law enforcement, criminal justice and victim support practitioners to identify, understand and address hate crime and hate speech.

Its research-informed courses have a primary focus on developing the necessary knowledge and skills for culturally literate engagement with victims and communities, improving reporting and ensuring support.

For more information, see [the Facing Facts website](#).

### 3.3.4 Structured cooperation: within, across and beyond institutional boundaries

Encouraging and improving hate crime reporting requires cooperation and coordination between the various public authorities involved (law enforcement bodies, equality bodies and local authorities) and through partnerships and mechanisms for structured cooperation with CSOs and victim support organisations (for more on victim referrals, see [Section 3.2.4](#)).

The Victims' Rights Directive calls on Member States to "encourage and work closely with civil society organisations" and underlines that "for victims of crime to receive the proper degree of assistance, support and protection, public services should work in a coordinated manner".<sup>62</sup> In its EU Strategy on Victims' Rights 2020–2025, the European Commission identifies cooperation and coordination as one of the five key priorities and calls on Member States to ensure a coordinated and horizontal approach to victims' rights, including potentially by appointing a national victims' rights coordinator.<sup>63</sup>

International treaty and monitoring bodies also call on states to strengthen cooperation between police and affected communities, for example by holding regular formal and informal dialogues, and they see this as a practical means of addressing underreporting.<sup>64</sup>

Any structured cooperation requires institutionalised agreement. This could be achieved through exchange of letters of intent or more formal agreements, such as memoranda of understanding, to allow for regular meetings, formalised inter-agency referral mechanisms, and data and information sharing.<sup>65</sup> These more formal agreements benefit all bodies involved by ensuring the sustainability and regularity of exchanges, and thus contribute to building a solid framework for ensuring safety, support and justice for victims.

The working group on hate crime reported on forms of cooperation with local authorities,<sup>66</sup> equality bodies, CSOs and victim support services. In some countries, such as Lithuania, Slovakia and Spain, there are structured forms of cooperation between law enforcement, relevant ministries and CSOs, and, in the case of Lithuania, also with the national equality body.

The national hate crime office of the Spanish Ministry of the Interior, for instance, is part of an interinstitutional agreement to fight against racism, xenophobia, LGBTI-phobia and other forms of intolerance in which other ministries and CSOs participate. In addition to general meetings, there are three subgroups addressing training, hate crime data recording and trends in court decisions related to hate crime.

A similar working group on hate crime prevention exists in Lithuania; it meets every three months.<sup>67</sup> The working group is within the Ministry of the Interior and brings together representatives of law enforcement structures, the Office of Equal Opportunities (the national equality body) and civil society.



## PROMISING PRACTICE

# Local problem solving

In **Finland**, if an anonymous report is sufficiently specific to indicate that a crime has been committed, the police will launch an investigation. If the report includes information on the geographical area or areas where the problem occurred, proper police attention is directed to that area.

The police may use the ‘local problem solving’ approach, a model in which the police cooperate with a range of actors to solve public security problems at local level. Local actors include public authorities, CSOs and communities. The work can focus on small areas (e.g. a shopping centre) and the aim is to solve the problems through tailored measures jointly created by the parties. They must be familiar with each other’s operating practices and trust each other.

Such an approach is possible if the police has established effective cooperation networks and channels of communication for problem solving through which they can receive early information about emerging problems.

For more information, see **Finland’s Strategy on Preventive Police Work 2019–2023**.

In Slovakia, there is a dedicated Committee for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance, which brings together government representatives and six CSOs twice per year. In addition to serving as a platform for sharing information, this committee also has a mandate to provide recommendations to the Ministerial Council on Human Rights, National Minorities and Gender Equity, and under the auspices of the Ministry of the Interior it is responsible, in broader collaboration with CSOs, for preparing the National Framework for the Fight against Radicalisation and Extremism.

Some members of the working group on hate crime (e.g. those from Czechia, Malta, Poland and Sweden) reported no structured cooperation with any of these bodies. However, this does not mean that no form of cooperation is taking place. For example, the Swedish police reported that they inform and exchange data in line with data protection rules with all the relevant actors.

### *Police cooperation with local authorities*

Members of the working group on hate crime from five EU Member States – Bulgaria, Estonia, France, Latvia and Sweden – reported the existence of memoranda of understanding with local authorities. One third of the working group members mentioned that meetings, regular or ad hoc, take place. For example, in Czechia there is no organised means of cooperation at national level between the various bodies, but cooperation takes place at local level between police and local authorities, and in some cases with NGOs.

In Croatia, the police reported, in more than 200 local and regional prevention councils, local or regional police forces meet with local governments, religious groups, cultural groups, schools and other local authorities on a regular basis to discuss various issues, including hate crime.

In Italy, some police stations have established help desks for victim support, supported by memoranda of understanding signed by local police, local authorities, judicial authorities and CSOs.<sup>68</sup> Promising examples of significant cooperation at local level, including with local authorities, were also reported by the Belgian representative.<sup>69</sup>

### *Police cooperation with equality bodies*

Equality bodies are statutory public authorities that could play a more prominent role in combating hate crime and encouraging reporting (see **Section 3.1.1**, ‘Spotlight on equality bodies’, and **Section 3.2.4** on referrals).<sup>70</sup> Fostering closer cooperation between police and equality bodies could improve the protection of victims of bias-motivated violence and harassment. This is most pertinent in regard to standardising referrals between the two authorities, as explored in **Section 3.2.4**.

**“[Equality bodies] should facilitate their access to other bodies mandated with protecting them, such as the police [and] prosecution services [...]. Together with these institutions, equality bodies should analyse the root causes of under-reporting of discrimination and intolerance and take the necessary steps to ensure that cases of discrimination and intolerance are systematically reported to the competent bodies.”**

**ECRI, General Policy Recommendation No. 2 revised on equality bodies to combat racism and intolerance at national level, para. 58**

Interinstitutional cooperation could also encompass activities related to awareness raising – of rights, available complaint mechanisms and support services – among those at risk of discrimination and bias-motivated victimisation, and among the general population, as well as law enforcement training.

Members of the working group on hate crime reported on various forms of cooperation with equality bodies – such as regular and incident-related meetings, data sharing and referrals – yet few shared practices involving organised forms of cooperation.

Some working group members reported the engagement of equality bodies in police training activities (Belgium, Cyprus, Croatia, Italy and Romania). Others referred to annual meetings on hate crime between the police, equality bodies and CSOs (Denmark, Ireland).

In the Netherlands, for example, regional meetings between the local ADV, the prosecutor's office and the police are held every two or three months to discuss relevant cases. On a strategic level, these partners meet twice a year. The overall work and numbers of cases are presented in a yearly multi-agency report. This cooperation is supported by a formalised memorandum of understanding.

In Belgium and Italy, the police and national equality bodies have formalised their cooperation. In Belgium, Joint Circular No. 13/2013 of the Minister of Justice, the Minister of the Interior and the College of Public Prosecutors to the Court of Appeal relating to investigation and prosecution policy regarding discrimination and hate crimes specifies a requirement for an annual general meeting as well as periodic meetings focusing on specific projects, such as evaluation of the implementation of the joint circular or preparing new training for judicial agents and others.<sup>71</sup>

In Italy, OSCAD and UNAR signed an agreement in 2011 on data sharing, training for law enforcement agencies and referrals between the two bodies (see Section 3.2.4 on referrals).

#### *Police cooperation with victim support services*

As evidenced in Chapter 1, while there are direct obligations stemming from the Victims' Rights Directive for police and other public bodies to refer hate crime victims to specialist victim support services and to develop structured cooperation with them, there is little evidence that Member States are taking steps to ensure that these obligations are respected.

About half of the members of the working group on hate crime reported that law enforcement practitioners meet with victim support services in response to individual cases. Just over one third reported more systematic and regular meetings with victim support services.

However, the examples of specific means taken to ensure structured cooperation between police and victim support services were limited. In Finland, Portugal and Sweden, there are agreements with victim support services, while the Danish victim support service *Offerrådgivningen* is supported directly by the Danish police.

In some EU Member States, victim support organisations operate either directly at police stations or in their immediate vicinity, which makes referral easier. Such models exist in Belgium, Estonia, Finland, France, the Netherlands and Sweden.<sup>72</sup>

## PROMISING PRACTICE

# Police and victim support services join efforts to increase reporting

In **Sweden**, the police and Victim Support Sweden have jointly undertaken a project addressing underreporting of hate crime. The project included collecting information on experiences of victimisation to inform the design further activities at the outset, regional conferences bringing local-level police and victim support organisations together, and media and social media outreach campaigns reaching over 1.7 million users. A key success factor for the project was establishing a steering group composed of both bodies, with dedicated project team members meeting regularly.

Victim Support **Finland** is a civil society actor, with guaranteed state funding.\* It is the only nationwide victim support body, and it specialises in dealing with hate crime victims, offering basic information on hate crimes and how to report them on its website in 11 languages and in audio format. The Finnish police and Victim Support Finland have jointly produced a brochure aimed at raising awareness of hate crimes and encouraging reporting to the police.\*\*

\* *Finland, Ministry of Justice, **Ministeri Häkkänen: Rikosuhrapäivystyksen rahoitus vakiinnutetaan (press release)**, 22 December 2017. The funding will continue until 2027 on an annual basis of approximately € 4 million (€ 3.95 million in 2018) and aims to guarantee the continuation of crime victim support services in accordance with the obligations set out in the Victims' Rights Directive. See the webpage **Economy of Victim Support Finland** and other information available on the organisation's website.*

\*\* *See the brochure **Hate crimes violate fundamental rights and human rights**.*

For more information, see **Victim Support Sweden's webpage about the project**; the **Victim Support Finland webpage on hate crimes**; and the **Finnish Ministry of Justice's Facts Against Hate project website**.

The EU emphasises that a vigilant, empowered and enabled civil society plays an important role in implementing fundamental rights on the ground, raising awareness and supporting rights holders.<sup>73</sup> The Victims' Rights Directive calls on Member States to work closely with civil society in information and awareness-raising campaigns, research and education programmes, and monitoring and evaluating the impact of measures to support and protect victims of crime.<sup>74</sup> In its recitals, the directive also points to the role of CSOs in encouraging and facilitating reporting.<sup>75</sup>

Moreover, the EU Strategy on Victims' Rights highlights that integrated support to the most vulnerable victims requires structured and "close cooperation of authorities with the relevant organisations and ethnic, religious and other minority communities".<sup>76</sup>

The majority of members of the working group on hate crime reported that law enforcement practitioners hold regular and incident-related meetings with CSOs, and, in some cases, they work together on referrals and data exchange on anonymised incidents.

However, there were few specific examples of more structured efforts. In Cyprus, an agreement has been signed between law enforcement and 14 NGOs on submission of complaints, exchange of information and referrals. In Hungary, the national police meet regularly with the Working Group against Hate Crimes, which was established in 2012 by five NGOs.<sup>77</sup> In Finland, cooperation is not regulated by a joint agreement, but cooperation takes place at both local and national levels and is a specific requirement of the national Strategy on Preventive Police Work.<sup>78</sup>



International organisations have often stressed the importance of partnerships between police and communities.<sup>79</sup> Moreover, the UN and OSCE have produced guidance on community policing.<sup>80</sup> CERD has recommended regular dialogue as key to reinforcing communities' "confidence in law enforcement authorities, with a view to increasing the reporting rate to the police".<sup>81</sup> ECRI has also called for the creation of both formal and informal structures for dialogue between the police and minority communities, and has emphasised the importance of direct community engagement to tackle underreporting in its country recommendations.<sup>82</sup>

#### PROMISING PRACTICE

## Community policing: practices and resources

The European Crime Prevention Network Secretariat and CEPOL have developed a toolbox to support policymakers and practitioners, in particular police chiefs and senior management in police organisations, in achieving a successful community-oriented policing strategy in the EU.

The tool highlights the importance of proactive and regular communication, and collaboration and partnerships that are embedded in the local context as essential principles for community-oriented policing. It also provides information on a number of good practices from across the EU.

*For more information, see the toolbox, **Community-oriented policing in the European Union today**, and the further resources on community-oriented policing available from the **European Crime Prevention Network's Knowledge Centre**.*

# Endnotes

- 1 See the guiding principles adopted by the EU High Level Group on combating racism, xenophobia and other forms of intolerance – **Improving the recording of hate crime by law enforcement authorities; Ensuring justice, protection and support for victims of hate crime and hate speech**; and **Hate crime training for law enforcement and criminal justice authorities** – as well as guidance and recommendations from the UN (in particular CERD), ECRI and OSCE/ODIHR.
- 2 See Chapter 2, ‘Equality and non-discrimination’, Chapter 3, ‘Racism, xenophobia and related intolerance’, and Chapter 4, ‘Roma equality and inclusion’, in FRA (2020), **Fundamental rights report 2020**, Luxembourg, Publications Office.
- 3 European Network of Equality Bodies (Equinet) (2020), ‘**The other pandemic: Systemic racism and its consequences**’, 8 June 2020; UN, **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance – Declaration**, 2001; European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2018), **Afrophobia: Acknowledging and understanding the challenges to ensure effective responses**, Brussels, November 2018; **European Parliament resolution of 19 June 2020 on the anti-racism protests following the death of George Floyd**.
- 4 Eurobarometer (2019), **Special Eurobarometer 493**, p. 5. Note that, compared with 2015, the proportion of respondents who think discrimination is widespread has decreased. In addition, there is considerable variation depending on the group discriminated against and across Member States.
- 5 Note that results vary by Member State. See FRA (2020), **What do fundamental rights mean for people in the EU? – Fundamental Rights Survey**, Luxembourg, Publications Office.
- 6 FRA (2021), **Equality in the EU 20 years on from the initial implementation of the equality directives**, Luxembourg, Publications Office.
- 7 FRA (2011), **Handbook on European non-discrimination law**, Luxembourg, Publications Office, Chapter 2.
- 8 **Victims’ Rights Directive**, Art. 1; Council of Europe, ECRI (1996), **General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance**, Strasbourg, Council of Europe, 4 October 1996, p. 5.
- 9 European Commission (2020), **A Union of equality: EU Anti-racism Action Plan 2020–2025**, COM(2020) 565 final, Brussels, 18 September 2020, pp. 7–8 and 13.
- 10 Council of Europe, ECRI (2007), **General Policy Recommendation No. 11 on combating racism and racial discrimination in policing**, Strasbourg, Council of Europe, 29 June 2007; UN, CERD (2005), **General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system**, 2005.
- 11 See also FRA (2021), **Fundamental Rights Report 2021**, Chapter 4, ‘Racism, xenophobia and related intolerance’.
- 12 UN, CERD (2005), **General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system**, 2005, p. 3.
- 13 FRA (2018), **Hate crime recording and data collection practice across the EU**, Luxembourg, Publications Office, pp. 27–28.
- 14 FRA (2013), **Fundamental rights-based police training: A manual for police trainers**, Luxembourg, Publications Office; FRA (2018), **Hate crime recording and data collection practice across the EU**, Luxembourg, Publications Office, p. 12; FRA (2016), **Ensuring justice for hate crime victims: Professional perspectives**, Luxembourg, Publications Office, Chapter 5. See also FRA (2020), **Fundamental rights report 2020**, Chapter 3, ‘Racism, xenophobia and related intolerance’.
- 15 FRA (2012), **Making hate crime visible in the European Union: Acknowledging victims’ rights**, Luxembourg, Publications Office; OSCE/ODIHR (2020), **Hate crime victims in the criminal justice system – A practical guide**, Warsaw, OSCE/ODIHR, pp. 47–48. See also Council of Europe, ECRI (2019), **Report on Romania (fifth monitoring cycle)**, Strasbourg, Council of Europe, 5 June 2019; UN, CERD (2017), **Concluding observations on the combined twentieth to twenty-second periodic reports of Bulgaria**, 31 May 2017; UN, Human Rights Committee (2019), **Concluding observations on the fourth periodic report of Czechia**, 6 December 2019; UN, Human Rights Committee (2019), **Concluding observations on the fourth periodic report of Estonia**, 18 April 2019.
- 16 FRA (2012), **Making hate crime visible in the European Union: Acknowledging victims’ rights**, Luxembourg, Publications Office; FRA (2018), **Hate crime recording and data collection practice across the EU**, Luxembourg, Publications Office; OSCE/ODIHR (2020), **Hate crime victims in the criminal justice system – A practical guide**, Warsaw, OSCE/ODIHR, pp. 47–48. See also work done by the **EU High Level Group on combating racism, xenophobia and other forms of intolerance**.
- 17 Council of Europe, ECRI (1996), **General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance**, Strasbourg, Council of Europe, 4 October 1996, p. 6.
- 18 Fondation Roi Baudouin (2020), **Comment (mieux) aider les victimes de délits de haine à se reconstruire?**, Brussel, Fondation Roi Baudouin.
- 19 FRA (2021), **Crime, safety and victims’ rights – Fundamental Rights Survey**, Luxembourg, Publications Office, pp. 91–98.
- 20 ECRI recommends “setting up alternative mechanisms to encourage victims to report hate crime and hate speech incidents, such as [...] dedicated telephone lines”, Council of Europe, ECRI (2018), **Report on Malta (fifth monitoring cycle)**, Strasbourg, Council of Europe, 15 May 2018, para. 24. See also Council of Europe, ECRI (2019), **Report on Ireland (fifth monitoring cycle)**, Strasbourg, Council of Europe, 4 June 2019, para. 46.
- 21 FRA (2016), **Ensuring justice for hate crime victims: Professional perspectives**, Luxembourg, Publications Office, p. 43.
- 22 Victims’ Rights Directive, recital 63 (“measures should be put in place to enable third-party reporting, including by civil society organisations”), and the High Level Group’s key guiding principles. See also, for example, Council of Europe, ECRI (2018), **Report on Malta (fifth monitoring cycle)**, Strasbourg, Council of Europe, 15 May 2018, para. 24; and Council of Europe, ECRI (2019), **Report on Ireland (fifth monitoring cycle)**, Strasbourg, Council of Europe, 4 June 2019, para. 46.
- 23 Perry, J. (2019), **Connecting on hate crime data in Europe**, Brussels, CEJI – A Jewish Contribution to an Inclusive Europe.
- 24 For more information, see 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*, Vol. 26, No. 1, pp. 79–95.
- 25 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**, Warsaw, OSCE/ODIHR.
- 26 The focus of this report is on third-party reporting on behalf of the victim, not on institutions or representation of victims by a third party during criminal proceedings.
- 27 Finland, **Criminal Investigation Act**, Section 4.
- 28 Lithuania, **Recommendations on the commencement of the pre-trial investigation and its registration procedure**, approved by the Order of the Prosecutor General of the Republic of Lithuania.
- 29 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**, Brussels, December 2017, p. 9.
- 30 Latvia, **Regulations regarding the procedures for registration of events and reaction time of the police**, Arts. 3 and 6.5.
- 31 FRA (2018), **Hate crime recording and data collection practice across the EU**, Luxembourg, Publications Office.

- 32 **Victims' Rights Directive**, Art. 28 and recital 64.
- 33 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*, Brussels, December 2017.
- 34 See, for example, European Commission, *Union of equality: LGBTIQ Equality Strategy 2020–2025*, COM(2020) 698 final, Brussels, 12 November 2020, pp. 11 and 13; and European Commission (2020), *A Union of equality: Gender Equality Strategy 2020–2025*, COM(2020) 152 final, Brussels, 5 March 2020, pp. 3 and 7.
- 35 **Victims' Rights Directive**, Art. 8; European Commission (2013), *DG Justice guidance document related to the transposition and implementation of 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*, Brussels, 19 December 2013, p. 25.
- 36 European Commission (2013), *DG Justice guidance document related to the transposition and implementation of 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*, Brussels, 19 December 2013, pp. 24–25; Victim Support Europe and the Portuguese Victim Support Association (*Associação Portuguesa de Apoio à Vítima*) (2019), *VOCIARE synthesis report*, p. 56.
- 37 **Victims' Rights Directive**, Art. 8; European Commission (2013), *DG Justice guidance document related to the transposition and implementation of 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*, Brussels, 19 December 2013, p. 25.
- 38 European Commission (2013), *DG Justice guidance document related to the transposition and implementation of 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*, Brussels, 19 December 2013, p. 28.
- 39 **Victims' Rights Directive**, recital 64.
- 40 European Commission (2013), *DG Justice guidance document related to the transposition and implementation of 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*, Brussels, 19 December 2013, p. 27.
- 41 European Commission (2020), *Report from the Commission to the European Parliament and the Council on the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, COM(2020) 188 final, Brussels, 11 May 2020.
- 42 All local authorities are obliged by law to have an ADV in place. ADVs are tasked with assisting victims of discrimination, register complaints and bringing them to the attention of the Minister of the Interior. For more information, see European Commission, European network of legal experts in gender equality and non-discrimination (2016), *Country report – Non-discrimination: Netherlands*, Brussels, 2016.
- 43 See the dedicated An Garda Síochána web section on 'Victim services', in particular the page on 'Protection or special assistance for victims'. National victim support portals include **Crime Victims Helpline**, **Victim Support at Court**, **the Irish Tourist Assistance Service** and **the Federation for Victim Assistance**.
- 44 **Victims' Rights Directive**, recital 64.
- 45 Racial Equality Directive; **Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in a self-employed capacity** and repealing Council Directive 86/613/EEC, OJ 2010 L 180. In practice, the mandate of many national equality bodies also includes combating discrimination based on age, sexual orientation, religion or belief, and other grounds.
- 46 Circular letters are instructions to the authorities. See *Circular on the investigation and prosecution policy on discrimination and hate crime (including discrimination based on sex)* (COL.13/2013).
- 47 This relates to all obligations enshrined in the **Victims' Rights Directive**: for example, victims are to be interviewed "by or through professionals trained for that purpose" (Art. 23 (2) (b)); victims' specific protection needs are to be identified by "individual assessment" done by officials who have been specifically trained (Art. 22, recital 61); victims are to be referred to victim support services (Art. 8 (2)).
- 48 Croatia, *Protocol for procedure in cases of hate crimes*; France, *The investigator's methodological guide on the repression of discrimination and offences of a racist, anti-religious and anti-LGBT nature*; Spain, *Hate crime protocol for law enforcement*; United Kingdom, College of Policing, *Hate crime operational guidance*.
- 49 Latvia, State Police, in cooperation with the State Police College and the National Security Service, *Guidelines for the identification and investigation of hate crimes*, 4 August 2017.
- 50 OSCE/ODIHR (2018), *Manual on joint hate crime training for police and prosecutors – Intended for use in Bulgaria*, Warsaw, OSCE/ODIHR; Italy, OSCE/ODIHR, *Training against hate crime for law enforcement manual*, Warsaw, OSCE/ODIHR, tailored to the Italian situation by OSCAD Secretariat.
- 51 Poland, 'Questionnaire for individual assessment of the specific protection needs of a victim'.
- 52 UN, CERD (2017), *Concluding observations on the combined twentieth to twenty-second periodic reports of Bulgaria*, 31 May 2017; Council of Europe, ECRI (2020), *Report on Germany (sixth monitoring cycle)*, Strasbourg, Council of Europe, 17 March 2020.
- 53 FRA (2016), *Ensuring justice for hate crime victims: Professional perspectives*, Luxembourg, Publications Office.
- 54 For more information on the aims and objectives of the unit, see the Maltese Government's **dedicated website**, [stophate.gov.mt](http://stophate.gov.mt).
- 55 **Victims' Rights Directive**, Art. 25 and recital 61.
- 56 See, for example, European Commission, *A Union of equality: EU Anti-racism Action Plan 2020–2025*, COM(2020) 565 final, Brussels, 18 September 2020, pp. 7–8; European Commission, *EU Strategy on Victims' Rights 2020–2025*, COM(2020) 258 final, Brussels, 24 June 2020, p. 13; European Commission (2020), *A Union of equality: Gender Equality Strategy 2020–2025*, COM(2020) 152 final, Brussels, 5 March 2020, p. 4.
- 57 See, for example, Council of Europe, ECRI (2018), *Report on Croatia (fifth monitoring cycle)*, Strasbourg, Council of Europe, 21 March 2018, pp. 10 and 22; UN, CERD (2018), *Concluding observations on the combined eleventh and twelfth periodic reports of Slovakia*, 12 January 2018, pp. 3 and 4; UN, CERD (2017), *Concluding observations on the combined twentieth to twenty-second periodic reports of Bulgaria*, 31 May 2017, pp. 2 and 4; UN, CERD (2017), *Concluding observations on the fifteenth to seventeenth periodic reports of Portugal*, 31 January 2018, p. 3; UN, Human Rights Committee (2019), *Concluding observations on the fourth periodic report of Estonia*, 18 April 2019, p. 3.
- 58 EU High Level Group on combating racism, xenophobia and other forms of intolerance, working group on hate crime training and capacity building for national law enforcement, *Mapping hate crime training for law enforcement and criminal justice authorities in the European Union* (forthcoming).
- 59 FRA (2014), *Victims of crime in the EU: The extent and nature of support for victims*, Luxembourg, Publications Office, p. 101.

- 60 Online learning was developed and delivered as part of the ‘Facing Facts’ project, co-funded by the EU Rights, Equality and Citizenship Programme 2014–2020.
- 61 For more information, see ‘**Project Hate No More – Training and awareness raising to combat hate crime and hate speech**’.
- 62 **Victims’ Rights Directive**, recital 62.
- 63 European Commission, **EU Strategy on Victims’ Rights 2020–2025**, COM(2020) 258 final, Brussels, 24 June 2020, Key Priority 4, pp. 19–20.
- 64 See, for example, Council of Europe, ECRI (1996), **General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance**, Strasbourg, Council of Europe, 4 October 1996; Council of Europe, ECRI (2020), **Report on Austria (sixth monitoring cycle)**, Strasbourg, Council of Europe, 7 April 2020; Council of Europe, ECRI (2017), **Report on Spain (fifth monitoring cycle)**, 5 December 2017; UN, CERD (2017), **Concluding observations on the fifteenth to seventeenth periodic reports of Portugal**, 31 January 2018.
- 65 FRA (2018), **Hate crime recording and data collection practice across the EU**, Luxembourg, Publications Office, pp. 25–26.
- 66 ‘Local authorities’ refers to religious centres, housing associations, medical centres, schools, social services, etc.
- 67 Lithuania, Ministry of the Interior (2020), **Order on the establishment of a working group (Jsakymas dėl darbo grupės sudarymo)**, 24 February 2020.
- 68 Memoranda of understanding were signed in 2019 in Bari, Palermo and Milan. For instance, in Milan, thanks to cooperation between the police and the Milan Bar Association, legal support and guidance is offered to victims during criminal proceedings.
- 69 See information on the policing zones of **Antwerp, Ghent and La Louvière**.
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- 74 **Victims’ Rights Directive**, Art. 26 (2) and recital 62.
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- 77 For more information, see the dedicated website of the **Working Group against Hate Crimes**.
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- 81 UN, CERD (2017), **Concluding observations on the fifteenth to seventeenth periodic reports of Portugal**, 31 January 2018.
- 82 Council of Europe, ECRI (2019), **Report on Romania (fifth monitoring cycle)**, Strasbourg, Council of Europe, 5 June 2019; Council of Europe, ECRI (2017), **Report on Spain (fifth monitoring cycle)**, Strasbourg, Council of Europe, 5 December 2017.



# 4

## WAYS FORWARD: TOWARDS A VICTIM-CENTRED APPROACH TO HATE CRIME REPORTING

Improving the reporting of bias-motivated violence and harassment is not straightforward, as many social, structural and personal factors impact on victims' decisions on reporting. Removing barriers that prevent victims from reporting and taking measures to encourage victims and witnesses to come forward and report hate crime are necessary steps to bring law enforcement and criminal justice systems – and thus access to support, safety and justice – closer to the victim.

EU Member States need to design and implement a victim-centred approach to reporting in order to take effective action against hate crime and delivering on their legal duties to ensure access to justice for all, protect and support victims, and investigate and punish hate crime.

The way forward to a victim-centred approach to reporting has three levels:

- first, cultivating an enabling social environment;
- second, establishing the structures that facilitate reporting;
- and third, designing enabling processes.

The evidence in this report and the *Key guiding principles on encouraging reporting of hate crime*<sup>1</sup> based on the report's findings can serve as building blocks towards delivering on all three levels.

Member States are invited to draw on the report's findings and use the key guiding principles as an evaluative framework to identify gaps and prioritise actions towards achieving an effective victim-centred approach to reporting hate crimes. Both resources could also guide and support Member State actions related to the implementation of the EU Anti-racism Action Plan 2020–2025, the EU Strategy on Victims' Rights 2020–2025 and other relevant EU policy instruments.

### 4.1 CULTIVATING AN ENABLING SOCIAL ENVIRONMENT: COMBATING STRUCTURAL DISCRIMINATION

Bias-motivated violence and harassment are severe forms of discrimination. Bias-motivated crime does not occur in isolation. It is part of a wider pattern of experiences of prejudice and structural discrimination that many people with minority and migrant backgrounds experience across the EU. The social environment in which bias-motivated victimisation occurs should be acknowledged and recognised as a factor that reduces the willingness of victims to report.

Measures and initiatives contributing to an enabling social environment and empowering victims of and witnesses to hate crime to come forward and report incidents include:

- addressing structural discrimination and prejudice in society;
- taking decisive steps to eliminate discriminatory policing and embedding a human rights culture in law enforcement agencies;
- publicly condemning hate crime and disseminating hate crime data in a transparent way;
- raising victims' awareness of their rights, the criminal justice process and available support services, and strengthening the general public's readiness to intervene when witnessing a hate crime or harassment.

All these can be seen as essential conditions to support victims and witnesses in making a decision to report incidents, engage with the criminal justice system and take part in the process by giving statements and evidence.

## 4.2 ENABLING STRUCTURAL FACTORS: INCREASING REPORTING OPTIONS AND IMPROVING STANDARDISED REFERRALS

With victims reluctant to come forward, national efforts should focus on putting in place and improving structures that could facilitate reporting. These include:

- supporting a variety of pathways to reporting;
- enabling alternative mechanisms, such as third-party and anonymous reporting;
- improving national recording and data collection systems;
- investing in standardising referrals to and from relevant third parties.

Supporting a range of different options for victims of hate crime to report incidents into the system could encourage more victims to come forward. Moreover, a policy and technical framework that allows for third-party reporting and anonymous reporting can provide a crucial bridge to get information to the police. These types of reports can, even if they do not advance through the criminal justice system, inform police activities and policy making by creating a more comprehensive understanding of the situation, creating a wider evidence base for the design of preventive and policy measures.

While access to support, protection and justice is not ensured if victims do not engage with national authorities, allowing for third-party and anonymous reporting sends a message to individuals and communities that the police are interested in hearing about their experiences. This could increase trust and confidence in the criminal justice system.

Victims' access to protection, support and justice is dependent not only on victims and witnesses coming forward and reporting incidents but also on the ability of national law enforcement systems to identify and record hate crimes correctly. Therefore, proactive efforts to encourage reporting should be coupled with improvements to national hate crime recording and data collection systems.

Finally, the lack of any standardisation of referral procedures, which should be the backbone of national hate crime guidelines and structures for cooperation, inevitably results in ad hoc solutions and practices being applied by frontline officers coming into direct contact with victims of hate crime. Creating efficient and appropriate referral mechanisms would increase access to protection and support for victims, and thus lead to more meaningful reporting outcomes.



### 4.3 ENABLING PROCESS FACTORS: BUILDING INSTITUTIONAL CAPACITY AND STRENGTHENING PARTNERSHIPS

Reporting hate crime to law enforcement or another organisation is the first and a crucial step in the victim's journey towards accessing justice, protection and support. The quality and effectiveness of the authorities' response can make the difference between a victim gaining the confidence to continue their engagement and deciding not to proceed and not to report future incidents.

Key enabling factors to facilitate reporting, thus translating states' legal duties to combat hate crime into reality, include:

- providing practical guidance to the police;
- embedding hate crime specialisation, with specialist police officers and dedicated hate crime units;
- strengthening police training and building institutional capacity;
- ensuring structured cooperation within, across and beyond institutional boundaries.

An important element of encouraging reporting to the police is ensuring that at the point of reporting potential hate crime is identified as such and victims are treated in a respectful, sensitive, professional and non-discriminatory manner. The entry points for reporting are very diverse. Station duty officers, call handlers, community patrols, investigators, community organisations and moderators of online portals can all be the first point of contact for a hate crime victim. They must all be able to identify a hate crime, record it, assess each victim's protection needs and refer them to specialist support services.

To achieve this, a strategic approach is necessary. This includes developing specific operational guidelines, embedding hate crime specialists in the police and building capacity through targeted training.

Moreover, improving hate crime reporting will involve multi-agency partnerships and cooperation between various public authorities – law enforcement bodies, equality bodies and local authorities – including partnerships and mechanisms for structured cooperation with CSOs and victim support organisations.

All measures to encourage hate crime reporting – those aimed at creating an enabling social environment, establishing the structures that facilitate reporting and designing enabling processes – should:

- ensure that intersectional experiences and multi-bias hate crimes, including gender-based violence, are taken into account;
- be subject to monitoring and evaluation on a regular basis, as FRA has often underlined.

Monitoring assessments and evaluations should draw on the fullest possible range of sources at national level, alongside FRA data such as administrative registers, victimisation surveys, attitudinal surveys, complaints data and research from equality bodies, and information from third parties, including on reasons preventing victims from reporting, and the number and nature of complains and referrals.<sup>2</sup>

Acknowledging the wider social environment and striving to set up and improve enabling structures and processes are key to creating a victim-centred approach to reporting. All these elements are important for and interdependent in Member States' efforts to fulfil their duties to combat hate crime, protect and support victims and ensure their access to justice.

Furthermore, leadership, policy structures, technical processes and professional skills must be in place to explicitly and effectively remove barriers to reporting, to actively encourage victims to come forward and to ensure a professional and supportive response when they do.



## Endnotes

- 1 European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2021), **Key guiding principles on encouraging reporting of hate crime**, Luxembourg, Publications Office.
- 2 FRA (2012), **Making hate crime visible in the European Union: Acknowledging victims' rights**, Luxembourg, Publications Office; FRA (2013), **FRA opinion on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of crime**, Luxembourg, Publications Office; FRA (2016), **Ensuring justice for hate crime victims: Professional perspectives**, Luxembourg, Publications Office; FRA (2018), **Hate crime recording and data collection practice across the EU**, Luxembourg, Publications Office.



# Annex

**TABLE 7: REASONS FOR NOT REPORTING THE MOST RECENT INCIDENT OF BIAS-MOTIVATED VIOLENCE OR HARASSMENT ON GROUNDS OF ETHNIC OR IMMIGRANT BACKGROUND (INCLUDING SKIN COLOUR OR RELIGION OR RELIGIOUS BELIEF) OR OF BEING LGBTI IN THE FIVE YEARS BEFORE THE FRA SURVEY IN QUESTION, BY SURVEY GROUP (%)<sup>a,b,c,d,e</sup>**

Reason for not reporting the most recent incident of bias-motivated violence or harassment		EU-MIDIS II – all groups surveyed (2016)	Muslims (EU-MIDIS II)	Roma (EU-MIDIS II)	SSAFR (EU-MIDIS II)	Jews (2018)	Roma and Travellers (2019)	EU LGBTI Survey II (2019)
Nothing would happen or change by reporting	Violence	41	43	32	41	64	53	n.a.
	Harassment	41	43	39	36	48	58	n.a.
I didn't know where to go/whom to contact	Violence	5	3	15	7	n.a.	16	n.a.
	Harassment	6	6	13	5	n.a.	16	n.a.
I was afraid of intimidation/retaliation from perpetrators/fear of reprisal	Violence	12	11	19	10	22	9	16
	Harassment	4	4	9	3	8	6	8
I don't trust the police/I was afraid of the police	Violence	11	11	18	5	25	14	24
	Harassment	3	2	10	2	9	13	14
The incident was minor/not serious enough/not worth reporting/it happens all the time	Violence	16	18	10	12	n.a.	8	33
	Harassment	38	41	29	36	43	19	51
I dealt with the problem myself or with help from family or friends	Violence	21	23	25	14	n.a.	8	13
	Harassment	11	9	14	12	15	7	14
No one would believe me/take me seriously	Violence	11	6	20	7	n.a.	25	n.a.
	Harassment	9	8	15	6	n.a.	21	n.a.
It is too bureaucratic/time consuming/too inconvenient	Violence	12	10	6	13	36	8	n.a.
	Harassment	12	13	7	12	22	9	n.a.

Sources: FRA, EU-MIDIS II, 2016; second Survey on Discrimination and Hate Crime against Jews in the EU, 2018; Roma and Travellers Survey, 2019; and EU LGBTI Survey II, 2019

▲ Notes:

- <sup>a</sup> Results are based on respondents who did not report the most recent incident of bias-motivated violence or harassment in the five years before the survey in question; weighted results. Respondents whose answer was recoded as 'Don't know', 'Does not understand the question' or 'Refused' are included in the total, but these categories were infrequently chosen and are excluded from the table.
- <sup>b</sup> Respondents to all surveys were able to choose multiple answers. Note that answer categories differed slightly in some of the surveys (see the relevant survey reports and the online data explorer for more detailed information).
- <sup>c</sup> In the Survey on Discrimination and Hate Crime against Jews and in the EU LGBTI Survey II, respondents were only asked why they did not report to the police, while in the other surveys respondents were asked why they did not report to any organisation, including the police.
- <sup>d</sup> n.a., not available (answer categories differed or were not included in the survey). For example, in the EU LGBTI Survey II 2019, respondents were given the answer category 'Did not think they would or could do anything', rather than the wording used in the other surveys: 'Nothing will happen or change by reporting'; therefore, the results are not presented in the table.
- <sup>e</sup> Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.

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## PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

Hate crimes motivated by racism, xenophobia, religious intolerance or a person's disability, sexual orientation, gender identity, gender expression and sex characteristics are severe expressions of discrimination. In addition to violating individual victims' rights, such crime weakens social cohesion and damages society as a whole.

EU and international human rights laws mandate EU Member States to combat hate crime effectively. But States cannot effectively deliver on these duties unless victims and witnesses come forward and report hate crime incidents to the competent authorities.

This report examines why victims do not report bias-motivated incidents and the barriers that they face when reporting incidents through national crime reporting systems. By mapping existing practices that have a bearing on the victim's experiences when reporting bias-motivated violence and harassment, it aims to provide evidence to support national efforts to encourage and facilitate reporting – and ultimately assist Member States in delivering on their duties with regard to combating hate crime.



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