

INTERNATIONAL GUIDELINES AND STANDARDS CONCERNING THE SUPPORT AND PROTECTION OF HATE CRIME VICTIMS

Abstract: The adequate protection and support of hate crime victims can be linked to the issues related to the state's efforts to develop comprehensive victim support systems. Besides this general issue, hate crime victim support and protection implies certain distinct features. This article aims to highlight international standards and guidelines that are relevant for providing support and protection for victims of hate crimes, focusing on their differentiating qualities. The main problem associated with hate crimes is the inability to recognize such acts, which is an essential prerequisite for providing victims with additional protection. In addition, there is an increased susceptibility of these victims to secondary victimization and fear regarding the potential reoccurrence of hate-motivated incidents. Victim assistance service providers must possess an understanding of the distinct needs of hate crime victims. Increasing awareness regarding the rights of hate crime victims and fostering confidence in the criminal justice system are additional imperatives.

Key words: hate crimes, victim protection, secondary victimization, discrimination

INTRODUCTION

There is no widely accepted definition of hate crimes. According to the definition adopted by the *Organization for Security and Co-operation in Europe* (hereinafter: OSCE), hate crimes can be defined as criminal acts motivated by bias or prejudice towards particular groups of people, therefore they have two components: a criminal offense and a biased motivation.¹ Hate crime law frequently incorporates the term “hatred” or, as suggested in the definition, terms like “bias,” “prejudice,” or “hostility” in conjunction with or as substitutes for the term “hate” (Schweppe, 2021: 3). Hate crimes are also frequently referred to as “bias crimes”. Hate crimes can be prescribed as a specific mandatory circumstance for a criminal offense committed out of hatred based on characteristics such as race, religion, national or ethnic origin, sex, sexual orientation, or gender identity of the victim.² Hatred as a feeling is aimed not against the victim as an individual possessing a particular characteristic, but at a certain group with which the victim shares those characteristics. The effective support of victims relies also on the capacity of states to acknowledge hate crimes, and then conduct thorough investigations, punish the offenders, and impose appropriate sentences. When it comes to characteristics that are targeted by hate or bias motivation, they vary among states. Most of them criminalize hate crime on the grounds of race, color, religion, descent, or national or ethnic origin, but

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¹ OSCE, ODIHR, *Hate Crime Reporting*, Available at: <https://hatecrime.osce.org/>, accessed 05.03.2024.

² Criminal Code, Official Gazette of the Republic of Serbia no. 85/2005, 88/2005 – corrected, 107/2005 – corrected, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019, Article 54a.

to a lesser extent when it comes to sex, gender, disability, and age, and some states generally criminalize conduct committed with a hate or bias motive, without referring to any specific ground (Ypma et. al., 2021: 58).

The position of the victim is often examined in the literature by evaluating arguments that relate to the justification of imposing enhanced criminal penalties for hate or bias crimes. There is an argument that they inflict greater harm than parallel crimes to the immediate victim of the crime, the affected community, and the overall society (Lawrence, 1994: 348). It cannot be assumed that hate crimes are more likely to be brutal or to do more physical harm than their counterparts, as they encompass a wide spectrum of criminal offenses motivated by hatred toward certain groups. Not all crimes classified as hate crimes necessarily entail some form of violence.

However, victims of hate crime may encounter a sense of personal vulnerability and diminished worth as a result of their association with a particular group. Additionally, they may perceive themselves as being more vulnerable to future hate-motivated criminal incidents. Victims' vulnerability is heightened by perpetrators' ability to recognize the majority of features that are commonly associated with a particular group. Most of the disadvantaged groups are linked to a well-established set of stereotypes, which can be described as a collection of constructed associations formed within social groupings and internalized from a young age, or to prejudice. This can result in less proactive professionals offering assistance to victims of hate crimes, increased biased or ambivalent assessments of the hate crime victim, and less severe responses towards the perpetrators. Hate crime victims can experience secondary victimization and blame, feeling disconnected from the criminal justice system, and a general absence of social support (Lyons, 2006: 40). For victims, hate crimes often result in heightened and prolonged psychological distress after the crime (Herek et al., 2002: 336).

Hate crimes possess a twofold effect: they inflict physical damage upon the direct targets and function as message crimes when the perpetrators intentionally designate an unidentified person or property to symbolize a certain group, doing so to convey their contempt or sense of superiority over the group. Therefore, hate crimes can have broader implications as they can instigate fear and intimidation not only in the immediate targets but also in those who share similar characteristics with the victims. As a result, those belonging to the specific group can experience comparable harm to that of the actual victim (OSCE/ODIHR, 2020a: 29). Hate crimes not only violate individual rights but also demonstrate discrimination against both the victim and the group or community to which the victim belongs or is perceived to belong. Although the hate crime victim implies a natural person who has suffered harm directly caused by a hate crime or family members of a person whose death was directly caused by a hate crime, to ensure protection and support for hate crime victims, it is important to also consider the distinctive characteristics of hate crime and the negative effects it has on both the victims and the affected group or community (EU High Level Group, 2017: 4).

When it comes to the protection of hate crime victims there are two most relevant documents: the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) which affirms access to justice and fair treatment for victims, and within the EU, the 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

(hereafter: Directive 2012/29/EU) which harmonizes the minimum standards for victims of crime within EU, including hate crime victims.³

With the exception of the EU framework, which is the most developed in this regard, the international law on victims, in general, is mostly built upon soft law, resolutions, and declarations of international organizations, and not on international treaties. However, within mechanisms for human rights protection, interpretations of fundamental rights established in treaties are also encompassing some of the victims' rights. In addition, organizations dedicated to the advancement of human rights have compiled comprehensive data on the experiences of victims subjected to harassment and hate-motivated violence and formulated a set of important guidelines concerning the protection of hate crime victims.

Concerning hate crimes, there is no legally binding human rights document with a norm explicitly devoted to hate crimes; nevertheless, in the context of discrimination prohibition norms, international human rights monitoring bodies have developed standards relevant to hate crimes.

However, within the EU, the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia through criminal law, explicitly prescribes the obligation of Member States to ensure that racist and xenophobic motivation is considered an aggravating circumstance, or that such motivation may be taken into consideration by the courts in the determination of the penalties.⁴ The European Commission has proposed expanding the list of EU crimes to include hate speech and hate crime to establish minimum rules for the definition of criminal offenses and sanctions applicable in all EU Member States, with a particular emphasis on broadening the list of characteristics that are targeted by hate or bias.⁵ This initiative is part of a broader set of EU actions to combat hate crimes and also emphasizes the need to develop training and capacity building for law enforcement, improve hate crime recording and data collection, as well as to encourage victims to report hate crimes. Within Europe, the Organization for Security and Co-operation in Europe ((hereafter: OSCE) is also particularly focused on ensuring an adequate response to hate crimes among member states.

RELEVANT STANDARDS

At the universal level, the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power recognizes the need to provide services and assistance to victims. It is stated that careful consideration should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as race, color, sex, age, language, religion, nationality, political or other opinion, cultural beliefs, or practices, property, birth or family status, ethnic or social origin, and disability.⁶

At the European level, the only treaty devoted to victims' rights is the European Convention on the Compensation of Victims of Violent Crimes, which is entirely focused on the right to compensation.⁷ However, within the European Union, the most relevant document is

³ A/RES/40/34, 29 November 1985; *Official Journal of the European Union*, 14.11.2012, L 315/57.

⁴ *Official Journal of the European Union*, 6.12.2008, L 328/55, Article 4.

⁵ COM(2021) 777 final, Brussels, 9.12.2021; *Official Journal of the European Union*, C 79/12, 2.3.2023.

⁶ A/RES/40/34, 29 November 1985, Paras 17, 3.

⁷ European Treaty Series - No. 116, Strasbourg, 24.XI.1983.

Directive 2012/29/EU, which recognizes the increased risk of secondary victimization for the victims of hate crimes and identifies specific protection needs.

According to the Recital of the Directive 2012/29/EU, the victim's personal characteristics should be taken into account during individual assessments. "They should also take into account the type or nature and the circumstances of the crime such as whether it is a hate crime, a bias crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, whether the victim's residence is in a high crime or gang dominated area, or whether the victim's country of origin is not the Member State where the crime was committed" (Recital 56). Also, it is recognized that the "victims of human trafficking, terrorism, organized crime, violence in close relationships, sexual violence or exploitation, gender-based violence, hate crime, and victims with disabilities and child victims tend to experience a high rate of secondary and repeat victimization, of intimidation and of retaliation. Particular care should be taken when assessing whether such victims are at risk of such victimization, intimidation, and retaliation and there should be a strong presumption that those victims will benefit from special protection measures" (Recital 57).

Article 22 of the Directive 2012/29/EU is devoted to the individual assessment of victims to identify specific protection needs: "In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organized crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered." (Article 22(3)). The additional bias or discriminatory motive is usually a broader term than hate crime because it includes more protected characteristics. Based on the 2020 European Commission Report on the implementation of Directive 2012/29/EU, nearly half of the Member States have either not implemented or have only partially implemented Article 22(3), and in certain Member States, the individual assessment procedure fails to account for the presence of bias or a discriminatory motive in the commission of a crime.⁸ Research conducted by the Fundamental Rights Agency reveals that hate crimes are significantly underreported within certain communities. The European Commission has published a Strategy on Victims' Rights (2020-2025) that advocates for integrated support for hate crime victims. This entails fostering strong collaboration with the relevant communities and increasing the rate of hate crime reporting.⁹

In June 2006, the Council of Europe's Committee of Ministers adopted Recommendation Rec(2006)8, titled "On Assistance to Crime Victims." This recommendation includes several elements that are relevant to the protection of hate crime victims. Specifically, states need to guarantee that individuals who are especially susceptible to harm due to their personal attributes or the circumstances of the crime receive appropriate assistance tailored to their specific situation. Additionally, it is crucial to offer specialized training to all personnel who interact with child victims and victims of specific types of crimes, such as domestic or sexual violence, terrorism, and crimes motivated by racial, religious, or other prejudice.¹⁰

⁸ COM(2020) 188 final, Brussels, 11.5.2020, p. 8.

⁹ [COM\(2020\) 258 final](#), 24.6.2020.

¹⁰ *Committee of Ministers on 14 June 2006 at the 967th meeting of the Ministers' Deputies*, Council of Europe, paras 3.4., 12.3.

The OSCE has made substantial efforts concerning hate crimes. OSCE's Decision 13/06 promotes hate crime reporting through educating front-line officers, executing outreach programs to enhance police-public relations, and providing education regarding offering referrals for victim assistance and protection.¹¹ In Decision 9/09, OSCE urged states to implement appropriate measures to promote the reporting of hate crimes by victims. It was acknowledged that inadequate reporting hinders states from formulating effective policies and urged states to ensure that victims have access to counseling, legal and consular support, and effective access to justice. Additionally, the OSCE recommended that states promptly investigate hate crimes, publicly condemn and acknowledge the hate motives, and conduct awareness campaigns.¹² The decisions focus on improving hate crime reporting and educating professionals, but they do not recognize the increased risk of secondary victimization.

The General Policy Recommendation released by the European Commission against Racism and Intolerance (ECRI) outlines the basic safeguards for victims who have been subjected to racial offenses or racial discrimination.¹³

INTERNATIONAL BODIES AND PROTECTION OF HATE CRIME VICTIMS

There are currently no universal standards explicitly addressing hate crimes, although human rights monitoring bodies increasingly pay attention to this issue. International human rights monitoring bodies generally recognize the necessity of criminalizing discriminatory motives and conducting effective investigations into these motives as part of efforts to prevent discrimination, and in some cases emphasize the need for crime victim protection. Other organizations, with a specific focus on promoting and safeguarding human rights, have formulated a set of recommendations and guidelines for protecting victims of hate crimes. Additionally, they have conducted surveys to investigate the circumstances faced by hate crime victims.

The Human Rights Committee frequently monitored the position of crime victims in general. When necessary, it emphasized the need to encourage the reporting of hate crimes and guarantee that these crimes are adequately investigated, perpetrators are prosecuted and punished, and victims are given effective remedies.¹⁴

The recommendations of the Committee on the Elimination of Racial Discrimination (hereafter: CERD Committee), which oversees the implementation of the Convention on the Elimination of All Forms of Racial Discrimination, are significant in this context.¹⁵ The CERD Committee stressed the general importance of prosecuting racist acts, including minor offenses committed with racist motives, since any racially motivated offense undermines social cohesion and society as a whole.¹⁶ The CERD Committee has repeatedly demanded of member states that they take effective measures to encourage the reporting of racist hate crimes, as well as to ensure that such crimes are thoroughly investigated, and prosecuted and that vic-

¹¹ MC.DEC/13/06, Brussels, 5 December 2006.

¹² MC.DEC/9/09, Athens, 1 – 2 December 2009.

¹³ ECRI(2003)8 REV, par. 21.

¹⁴ CCPR/C/IRL/CO/5, 26 January 2023, par. 18(d).

¹⁵ United Nations, Treaty Series, vol. 660, p. 195, 21 December 1965.

¹⁶ Committee on the Elimination of Racial Discrimination, from A/60/18, pp. 98-108, par. 15.

tims receive effective remedies.¹⁷ UN Committee against Torture also under its competencies, monitors hate crime legislation and practices concerning torture victim protection.¹⁸

When it comes to European bodies that publish regular country reports, the Council of Europe's European Commission Against Racism and Intolerance (ECRI) provides a valuable overview of hate crimes and an evaluation of national trends, gaps, and challenges, including addressing the needs of hate crime victims.¹⁹

Significant to the protection of hate crime victims is a comprehensive set of guidelines, training programs, and reports created by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). ODIHR assists member states and civil society organizations in developing the necessary frameworks, cooperation mechanisms, and tools to guarantee the protection, comprehensive access to justice, and specialized support of victims of hate crimes.²⁰

The Advisory Committee on the Framework Convention for the Protection of National Minorities, an independent expert committee tasked with evaluating this matter, may address the matter of hate crime victim protection. Its assessment is based on comprehensive country-specific opinions that are adopted following the monitoring process.

The European Commission oversees the implementation of Directive 2012/29/EU within the European Union and released a report on this matter in 2020.²¹ Non-EU member states seeking EU membership must also align their legislation with the EU's *acquis*. For example, the Republic of Serbia must likewise align victim protection according to Directive 2012/29/EU, and while great progress has been made, there are still important challenges that need to be addressed (Kolaković-Bojović, Đukanović, 2023: 62-67; Kolaković-Bojović, 2020: 41-54).

The work of the EU High Level Group on combating racism, xenophobia, and other forms of intolerance, established in 2016, is also relevant. It was recently renamed as the High Level Group on combating hate speech and hate crime. This renaming reflects the group's expanded scope of action, which now encompasses more than just racist and xenophobic motives as outlined in the Framework Decision on combating racism and xenophobia. The primary objective of the High Level Group on fighting hate speech and hate crime is to facilitate the interchange and dissemination of effective strategies among national authorities, address current deficiencies, and enhance efforts to prevent and combat hate speech and hate crime.

The EU Agency for Fundamental Rights has gathered comprehensive data on individuals' encounters with hate-motivated violence and harassment. These surveys have specifically targeted the experiences of distinct demographic groups, including immigrants and their descendants, Roma, Jews, people of African descent, and LGBTI individuals.

¹⁷ CERD/C/IRL/CO/5-9, 23 January 2020, par. 22; CERD/C/POL/CO/22-24, 24 September 2019, par. 20.

¹⁸ Report of the Committee against Torture Forty-fifth session (1–19 November 2010) Forty-sixth session (9 May–3 June 2011), (A/66/44).

¹⁹ ECRI Report on Poland (sixth monitoring cycle) Adopted on 27 June 2023; ECRI Report on Hungary (sixth monitoring cycle), Published on 9 March 2023.

²⁰ OSCE ODIHR Hate crime reporting, Enhancing victim protection and support, Available at: <https://hatecrime.osce.org/odihr-tools/enhancing-victim-protection-and-support>, Accessed 10. 03. 2024.

²¹ COM(2020) 188 final, Brussels, 11.5.2020.

THE EUROPEAN COURT OF HUMAN RIGHTS PRACTICE

The European Court of Human Rights has established a set of standards regarding hate crimes in Europe, specifically in relation to the prohibition of discrimination. The Court stressed that when investigating violent incidents, it is the responsibility of State authorities to make every effort to uncover any racist motives and determine whether ethnic hatred or prejudice may have influenced the events. Undoubtedly, demonstrating racial motives will frequently be exceedingly challenging in practical terms.²² The Court expanded the range of motives to include religion, sexual orientation, gender identity, political opinion, sex, and disability, and almost all of the cases concern the lack of adequate investigation of hate motive (Kolaković-Bojović, Đukanović, 2023: 41-55). Insufficient investigation or prosecution may contribute to the failure to safeguard the life or physical well-being of the victim.²³ There are some hate crime cases in the Court practice that even involve complete failure to investigate, not just motives.²⁴

The practice of the Court also reveals the indifference of state officials concerning the immediate protection of victims, although the states have an obligation to take reasonable steps to protect and prevent ill-treatment which the authorities had or ought to have known. For instance, in one case the Court determined that the assault on the homes of the applicants was driven by racist motives. The police neglected to take any actions to safeguard the applicants' homes from the attack, and no valid justification was provided for their lack of action, despite being aware of the impending attack.²⁵ The obligation to protect was relevant in a case concerning the use of hate speech toward individuals who identify as homosexual. It was also obvious that the police chose not to take action to alleviate the situation and instead stayed outside the room where the incident took place.²⁶ The police officers' lack of action in these incidents can be attributed to the pervasive presence of stereotypes or prejudice, which encourage them to endorse criminal activities.

SUPPORT AND PROTECTION FOR VICTIMS OF HATE CRIMES DISTINCT CHARACTERISTICS

The protection of hate crime victims is also connected to the challenges arising from the fact that some states are presently in the process of building comprehensive victim support systems. Besides this general issue that also affects hate crime victims, there are some distinct characteristics related to hate crime victim support and protection. One of the main issues associated with hate crimes is the failure of authorities to acknowledge incidents as hate crimes, which is a crucial prerequisite for providing extra protection to the victims of such acts.

Directive 2012/29/EU acknowledges the necessity of providing specific safeguards for hate crime victims due to their increased susceptibility to secondary victimization, intimidation, and retaliation (Article 22). Victims of hate crimes will thus benefit most from the enforcement of specific protective measures.

²² Bekos and Koutropoulos v. Greece, Application no. 15250/02, 13. December 2005, par. 69.

²³ Opuz v. Turkey, no. 33401/02, 9 June 2009, at paras. 143-146 and 173-174.

²⁴ Aghdgomelashvili and Japaridze v. Georgia, Application no. 7224/11, 8. October 2020, paras. 39, 45-50.

²⁵ Burlya and Others v. Ukraine, Application no. [3289/10](#), 6 November 2018, par. 131.

²⁶ Association Accept and others v. Romania Application no. 19237/16, 1 June 2021, paras. 105-113.

These specific protection measures according to Directive 2012/29/EU, include measures during criminal investigations and court proceedings. During criminal investigations, interviews must be done in designated settings by qualified personnel and the same individuals. If the victim requests, interviews should be performed by a person of the same sex in cases of sexual, gender-based, or intimate partner violence, unless conducted by a prosecutor or judge (Article 23 (2)). During court proceedings, specific remedies must also be available to victims. These include measures to prevent visual contact between victims and offenders, measures that enable the victim to be heard in court without physically being present, measures to prevent unwarranted intrusion into the victim's private life unrelated to the criminal offense, and measures to allow a hearing to take place in the absence of the general public (Article 23 (3)). Directive 2012/29/EU also includes additional safeguards where the victim is a child (Article 24).

Victims of hate crimes should be approached by criminal justice officials and victim assistance service providers who understand their unique requirements and the consequences of the hate crime. Hate crime victims commonly experience a fear of being victimized again. Victims, upon recognizing that they have been singled out based on their social identity and inherent traits that are beyond their control, experience fear of potential recurrence of such targeting. In addition, there is an increased risk of secondary victimization. Secondary victimization occurs when a victim is met with an unfavorable or prejudiced response from authorities, which reinforces their impression of the crime and can worsen the trauma that they have endured. Secondary victimization refers for example to a situation where a victim of a racially motivated hate crime reports the incident to the authorities, but instead of receiving support, they are subjected to additional racist remarks and/or have the underlying bias or hate motive behind the crime ignored or minimized (OSCE/ODIHR, 2020a: 18). Therefore, the distinctiveness of hate crime secondary victimization can lie in the failure to acknowledge or disregard the hate or bias motive, the display of negative attitudes or the reinforcement of the perpetrator's prejudices, and the subsequent mistreatment of the victim. It also involves showing sympathy towards the perpetrator for the same reason, as well as a lack of appropriate knowledge, experience, and skills to understand the importance of the victim's identity. (OSCE OSCE/ODIHR, 2020b: 14).

Reducing the negative repercussions that hate crime implies the essential requirement for providing personal safety and security for the victims, for example, victims can require extra security measures, such as being escorted to and from court hearings by police officers. The other services provided include practical assistance (this can include medical assistance, security arrangements for the property, and family support), emotional and psychosocial support, maintaining confidentiality and trust, offering information and guidance, aiding in navigating the criminal justice system, and ensuring respectful and dignified treatment (OSCE OSCE/ODIHR, 2020b: 16).

The EU High Level Group on Combating Racism, Xenophobia, and Other Forms of Intolerance produced a valuable document outlining basic principles for protecting and supporting victims of hate crime and hate speech. It is emphasized that the quality of services provided is heavily reliant on national authorities' and practitioners' awareness and ability to recognize and treat hate crime victims in a respectful, sensitive, tailored, professional, and non-discriminatory manner and that full respect for the principle of non-discrimination is especially important when dealing with hate crime victims. The impact of established practices should be assessed regularly by collecting data and statistics on how victims have exercised their rights, and victimization surveys can also help to better assess victims' enjoyment of rights (EU High Level Group, 2017: 6-7).

The second concern identified in the guidelines is the identification and resolution of real or perceived obstacles to reporting hate crimes. The victim's decision to report a hate crime can be influenced by a lack of comprehension of the nature of hate crimes or a lack of trust in law enforcement, which may stem from the same factors that led to the victim being targeted (Culotta, 2005: 25). Hence, it is imperative to enhance consciousness regarding the entitlements of hate crime victims and foster confidence in law enforcement. Special emphasis should be placed on the significance of reaching out to vulnerable groups and marginalized populations.

Directive 2012/29/EU (articles 3, 4, 6, 10, and 11) regulates the facilitation of participation in criminal procedures, which is also an essential protective measure for victims of hate crimes (EU High Level Group, 2017: 8-10).

When considering redress, it is important to focus on addressing the specific nature and impact of the crime, as well as the unique qualities of the victim. Mediation and other forms of restorative justice should only be utilized if they are provided in a clear, consistent, and skilled manner by professionals who possess a thorough comprehension of the characteristics of hate crime (EU High Level Group, 2017: 11/12).

Ensuring protection against secondary victimization is recognized as crucial for victims of hate crimes. This is achieved by adhering to the rules outlined in Directive 2012/29/EU, which includes provisions for safeguarding victims during criminal investigations and interviews (Article 20), preserving the victim's privacy during legal proceedings (Article 21), and implementing specific protective measures based on an individual assessment of the victim's needs (Article 23). Directive 2012/29/EU (Article 19 and Article 23) provides safeguards against recurring victimization, reprisals, and intimidation, particularly in cases involving hate crimes. It also includes provisions for protective measures. When considering hate crime, it is important to consider both the type and form of the crime, as well as the characteristics of the victim who was targeted. Additionally, the specific social context in which the crime occurred, including social tensions, a hostile atmosphere, and the societal consequences of the crime, should also be taken into account (EU High Level Group, 2017: 12-13).

According to guidelines, the support should be specifically directed towards addressing the needs of victims of hate crimes. Article 9 of Directive 2012/29/EU guarantees the entitlement of hate crime victims to receive support from victim support services, which concerning hate crime victims, must reflect the unique characteristics of hate crimes and the societal context in which they occur. The individual approach to addressing a crime will differ significantly based on various factors and personal characteristics. These factors include the specific type of crime and the frequency of victimization, the nature and severity of the crime, the relationship between the victim and the perpetrator(s), the vulnerabilities of the victim, including any intersecting or multiple factors that may make them more susceptible to harm (such as health problems or disabilities), the victim's social and economic status, and the broader social context in which the crime occurred. Furthermore, according to Directive 2012/29/EU, it is mandatory to provide victims and their family members with free of charge and confidential general and specialized support services, tailored to their specific requirements (EU High Level Group, 2017: 13-14).

Presently, it is observed that assistance for victims of hate crimes is primarily offered by non-governmental organizations and community-based groups who work voluntarily. It is recommended to explore strategies for guaranteeing adequate resource allocation to ensure the long-term sustainability of these organizations, as they have the potential to provide valuable and tailored support services (EU High Level Group, 2017: 15). Importantly, all organ-

izations involved in assisting hate crime victims should create and distribute guidelines, as well as enforce mandatory training sessions for all professionals, about the appropriate and considerate handling of hate crime victims (ODIHR, 2022: 45).

CONCLUSION

Directive 2012/29/EU is essential in terms of the special protection of hate crime victims as an instrument constraining EU member states on the result to be achieved, but providing national authorities with the power to determine the form and methods to achieve the result.

However, crime victims in general could potentially gain advantages from the adoption of a binding international agreement, either at the United Nations or at the European level, which does not solely concentrate on the entitlement to compensation but encompasses all the rights of victims. This agreement should similarly to Directive 2012/29/EU acknowledge the specific requirements of hate crime or other vulnerable groups of victims, rather than solely concentrating on the exceptional safeguarding of victims who have endured significant harm as a result of the severity of the offense. Regarding the implementation of Directive 2012/29/EU, EU member states and states pursuing EU membership have a main responsibility to establish adequate general victim support systems, and above all to consider the existence of discriminatory motives during the individual assessment procedure. Victim assistance service providers must possess knowledge regarding the unique requirements of hate crime victims and the consequences of the hate crime itself. These repercussions primarily consist of increased susceptibility to secondary victimization and victim fear regarding the potential reoccurrence of hate-motivated incidents. Furthermore, it is crucial to increase awareness of the rights of individuals who have been victimized by hate crimes and cultivate trust in the law enforcement system.

Currently, most international organizations that oversee discrimination in general or specific domains also focus on hate crimes and acknowledge the importance of providing hate crime victims with effective remedies. In addition, organizations and groups dedicated to the advancement of human rights protection have formulated a set of valuable guidelines, training programs, and reports. Efforts are being constantly made to identify optimal strategies that can strengthen the position of hate crime victims.

The implementation of policies targeted at minimizing discrimination also may have positive consequences for both hate crime victims and the affected communities, given the wider implications associated with hate crimes.

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