
Recommendation CM/Rec(2024)4 of the Committee of Ministers to member States on combating hate crime

*(Adopted by the Committee of Ministers on 7 May 2024
at the 1498th meeting of the Ministers' Deputies)*

Preamble

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1),

Considering that the member States of the Council of Europe have undertaken to secure the rights and freedoms enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, "the Convention") to everyone within their jurisdiction and that human rights and freedoms are universal, indivisible, interdependent and interrelated;

Stressing that hate crime threatens the very basis of democratic societies and the rule of law in that such offences are a threat to democratic values, social stability and peace, and an attack on the fundamental principles of equality and human dignity protected by the Convention and other international instruments as well as under domestic law;

Stressing also that hate crime is a particularly serious type of crime, which is destructive of fundamental rights and freedoms of individuals, and their ability to enjoy these rights, and that it jeopardises the safety of the individuals and groups targeted by hate crime;

Recognising the impact of hate crime and the harm suffered by victims, their communities and society as a whole;

Being aware that individuals and groups can be targeted by hate crime on various grounds, or on intersectional grounds, and acknowledging that certain individuals and groups need special protection and support to ensure their effective access to justice, without detriment to the rights of others;

Acknowledging that hate can be manifested with different degrees of severity, ranging from everyday stigmatisation and discrimination, microaggressions and verbal abuse, to violence, terrorism, war crimes and genocide and, in that context, recalling the provisions and noting the relevance of Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech;

Having regard to the obligations of member States under the Convention, as interpreted in the case law of the European Court of Human Rights ("the Court"), to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention;

Being also aware that effective protection of such rights requires, depending on the circumstances and as a matter of positive obligations, an appropriate criminal law response where the acts in question constitute a criminal offence, and recalling in this regard the case law of the Court and the General Policy Recommendations (GPRs) of the European Commission against Racism and Intolerance (ECRI), notably GPRs Nos. 7 and 15;

Noting the need to frame such criminal law responses in a manner which is consistent with Article 6 (right to a fair trial) and Article 7 (principle of legality) of the Convention, and in particular by ensuring that the criminal law is not construed extensively to the detriment of the accused;

Acknowledging that there is no binding international definition of hate crime, that States take different approaches when addressing hate crime and that the lack of a common understanding and response can contribute to fragmented and inconsistent approaches by member States, which may lead to uneven protection of victims of hate crime;

Recognising the importance of respecting and protecting victims' rights in line with Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime, and being aware of trauma and stigmatisation when supporting those affected by hate crime, as well as the need for targeted and specialised support in this area;

Recalling also the relevance of gender-responsive approaches to addressing hate crime in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "the Istanbul Convention"), Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity, Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism and ECRI GPR No. 17 on preventing and combating intolerance and discrimination against lesbian, gay, bisexual, transgender and intersex persons;

Appreciating the vital role played by a wide range of stakeholders, particularly civil society organisations, in addressing hate and supporting its reporting;

Being aware that hate crime may also be committed by agents of the State who have the task of protecting people from hate crime, which constitutes a very serious violation of the Convention and international law;

Deploring the abuse of the internet for the purposes of preparing, facilitating or committing hate crime, having regard to the Convention on Cybercrime (ETS No. 185), its First Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189) and its Second Additional Protocol on enhanced co-operation and disclosure of electronic evidence (CETS No. 224), as well as to General Recommendation No. 1 on the digital dimension of violence against women, adopted by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO);

Building on existing international human rights standards, Council of Europe treaties and other relevant standard-setting instruments, in particular:

- the United Nations Convention on the Rights of Persons with Disabilities;
- Recommendation CM/Rec(2008)11 of the Committee of Ministers to member States on the European Rules for juvenile offenders subject to sanctions or measures, and the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010);
- Recommendation CM/Rec(2009)10 of the Committee of Ministers to member states on integrated national strategies for the protection of children from violence;
- Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters; and
- Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime;

Drawing on the relevant case law of the European Court of Human Rights and the findings and recommendations of the Council of Europe's monitoring bodies;

Concluding, in the light of the foregoing considerations, and in view of the fact that hate crime is a profound attack on the universality of human rights and on societal cohesion, that a comprehensive multistakeholder approach is needed to prevent and combat hate crime, comprising a coherent strategy and a wide-ranging set of legal and policy measures that take due account of specific situations and broader contexts,

Recommends that the governments of the member States:

1. take all necessary measures and dedicate sufficient resources to ensure the prompt and full implementation of the principles and guidelines appended to this recommendation to prevent and combat hate crime and provide information, support and access to justice for victims of hate crime;
2. engage with the relevant stakeholders, including civil society organisations, equality bodies, specialist victim support providers and national human rights institutions, and take appropriate action to support the main actors addressed in the appendix to this recommendation in adopting the corresponding measures;
3. ensure that legislation, policies and other measures are monitored and reviewed through the collection, analysis and publication of disaggregated data across the criminal justice system, including victim support, for the purposes of evaluating the effectiveness of implementation of this legislation, policies and other measures and their impact on preventing and combating hate crime;
4. promote the goals of this recommendation at local, regional, national, European and international levels by engaging in dialogue and co-operation with all stakeholders to achieve these goals, including through addressing drivers of hate crime, measures for its prevention and the mitigation of its impact;
5. translate this recommendation into national, regional and minority languages as far as possible, disseminate it as widely as possible among competent authorities and stakeholders and ensure that it is accessible to persons with disabilities, through all available means;
6. review regularly the state of implementation of this recommendation with a view to enhancing its impact and inform the Committee of Ministers of the measures taken by member States and other stakeholders, the progress achieved and remaining shortcomings five years after its adoption.

Appendix to Recommendation CM(2024)4 of the Committee of Ministers to member States on combating hate crime

Principles and guidelines on a comprehensive approach to combating hate crime

Scope, definition and approach

1. The aim of the following principles and guidelines is to assist member States and other relevant stakeholders in developing and implementing measures aimed at preventing and combating hate crime in a comprehensive manner within the framework of human rights, democracy and the rule of law, and to avoid fragmented approaches to preventing and combating hate crime.
2. For the purposes of this recommendation, “hate crime” is understood as a criminal offence committed with a hate element based on one or more actual or perceived personal characteristics or status, where:
 - a. “hate” includes bias, prejudice or contempt;
 - b. “personal characteristics or status” includes, but is not limited to, “race”,¹ colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender, sexual orientation, gender identity and expression, and sex characteristics.²

¹ Since all human beings belong to the same species, the Committee of Ministers rejects, as does ECRI, theories based on the existence of different “races”. However, in this document, the term “race” is used in order to ensure that those persons who are generally and erroneously perceived as “belonging to another race” are not excluded from the protection provided for by legislation and the implementation of policies to prevent and combat hate crime.

² In accordance with Article 10.2.c of the Rules of Procedure for the meetings of the Ministers’ Deputies, the Republic of Bulgaria reserves the right of its government to comply or not with paragraph 2.b of the Appendix to Recommendation CM/Rec(2024)4 of the Committee of Ministers to member States on combating hate crime. Following Decision No. 13/2018 of the Constitutional Court, the term “gender identity” is incompatible with the legal order of the Republic of Bulgaria.

3. Member States should ensure that, in addressing hate crime at a legislative, policy or operational level, they take into account that hate crime can be linked to several intersecting personal characteristics or status and that such manifestations of hate crime often lead to a greater impact on victims.

4. When developing and implementing policies, legislation, strategies or action plans against hate crime, member States should pay due attention to the importance of:

- a. being aware of the different forms of harm caused by hate crime to victims, the community or group to which the victim belongs or is perceived to belong or to represent, other persons sharing the victim's personal characteristics or status, and those who are affiliated with or support the victim;
- b. recognising the damage that hate crime causes to pluralistic and democratic societies, which can lead to an exacerbation of social divisions and intergroup or interethnic tensions;
- c. recognising that hate crime can be perpetrated both online and offline;
- d. having an evidence-based, intersectional and multisectoral collaborative approach to policy making which recognises the importance of civil society in this regard, with particular emphasis on the need for such policies to be "trauma informed" and based on the principle of universal access, with particular reference to the need for an approach which is sensitive and responsive to gender, disability and other protected characteristics;
- e. providing for an adequate criminal response to hate crime, having regard to its impact on individuals, groups and society at large;
- f. ensuring and promoting access to justice for victims of hate crime, including by making targeted, specialised support, assistance and protection available to them and putting in place measures to encourage reporting, while ensuring that such support is available whether or not the victim engages with the criminal justice system;
- g. the need for the criminal justice system to identify, address and take measures to eliminate any institutional bias and discrimination in order to combat impunity, increase the trust of victims in that system and improve the experiences of those who engage with the system;
- h. developing implementation measures to underpin legislation, and the requirement for policies, strategies and action plans to support and operationalise hate crime legislation;
- i. respecting data protection standards.

Basic principles

5. Preventing and combating hate crime, whether online or offline, demands a holistic and multifaceted approach which requires those working in public institutions to effectively co-operate and co-ordinate with one another, as well as with civil society organisations and those belonging to and working with groups at risk of being targeted by hate crime, for the purposes of understanding, responding to, preventing and combating hate crime.

6. Member States should ensure that there are effective, proportionate and dissuasive legal provisions in place to prevent and combat hate crime, and to respond to its occurrence. Such provisions should be provided for in criminal law, comply with the principles of legality and proportionality and attach tangible legal consequences to the offence. Criminal law responses to hate crime should equally be framed and implemented with due regard for the rights of the victims, in accordance with paragraphs 13 to 16 below.

7. To that end, member States should ensure effective implementation of the criminal law, including by prioritising the unmasking of the hate element of a crime, as this is the constitutive element that differentiates hate crime from other criminal offences.

8. Member States should develop, adopt and implement a comprehensive and evidence-based strategy which includes a system-wide and trauma-informed approach to combating hate crime that is sensitive and responsive to gender, disability and other protected characteristics. Particular focus should be placed on issues such as prevention, monitoring, awareness raising and training, as well as on supporting and protecting victims of hate crime. Such an approach could be achieved through an action plan or as part of a broader effort to combat hatred, discrimination or extremism as well as, for example, by including efforts made in line with paragraph 5 of Recommendation CM/Rec(2022)16 on combating hate speech.

9. Member States should put in place effective support systems and mechanisms for those affected by hate crime, including by introducing wide-ranging appropriate and effective psychological, psychosocial, medical, financial and legal support which is sensitive and responsive to gender, disability and other protected characteristics.

10. Those in positions of power or authority should be conscious of their responsibilities, seek to prevent and combat individual and institutional bias and discrimination, and foster an inclusive society which promotes principles of human rights including, *inter alia*, operationalising the principles of ECRI GPR No. 11 across different protected characteristics. They should also take note of Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism and, in line with Recommendation CM/Rec(2022)16, ensure that public authorities or institutions actively prevent and combat hate speech and its dissemination, and promote the use of inclusive language, speech and behaviours.

Victim support

11. Member States should provide victims of hate crime with access to targeted, specialised support services, independently of whether or not those experiences of victimisation are reported to the police. Where a report is made, such support should continue to be available following the investigation or finalisation of any criminal justice proceedings.

12. Member States should recognise the particular importance of putting in place measures which take into account the qualitatively different manner in which intersectional victimisation operates and adjust victim support measures accordingly.

13. Member States should take a holistic approach to creating a supportive, unprejudiced, accessible, safe and welcoming environment at all stages of the criminal justice process that adequately addresses the needs and rights of the victim, and is sensitive and responsive to gender, disability and other protected characteristics, by:

- a. ensuring that victims are kept informed as to the progress of their case, listened to and assisted in participating at all stages of their case, upon request, in particular clear information must be provided with respect to the hate element of the crime;
- b. addressing risks of secondary victimisation by criminal justice practitioners through training in hate crime identification and the sensitive and respectful treatment of hate crime victims, and through being committed to a victim-centred approach;
- c. ensuring that no adverse repercussions will be suffered as a result of reporting hate crime, particularly in relation to those working in criminalised industries, irregularly present migrants and persons seeking international protection, by ensuring, for example, that there is a separation between the reporting of hate crime on the one hand and the enforcement of immigration laws on the other;
- d. providing victims with a range of safe and effective pathways to reporting, including online reporting and anonymous reporting, as well as an emergency helpline to ask the police to come and make a report;
- e. ensuring that specific assistance is put in place to address the needs and rights of victims of hate crime, with particular emphasis on the operation of Recommendation CM/Rec(2023)2 in this regard.

14. Member States should provide effective and trauma-informed victim support services which are sensitive and responsive to gender, disability and other protected characteristics, and which specifically include psychological support, language services and medical and legal assistance that includes, where appropriate, legal representation and court accompaniment. Where barriers to accessing support exist for victims, for example those with disabilities, reasonable accommodations such as alternative reporting and access measures should be put in place.

15. Member States should facilitate access to targeted support by way of information and referral services capable of directing victims to the right providers, and either provide these services directly or make them available by appropriately funding victim support entities and civil society organisations. Such services should be easily accessible and understandable, including in different languages. To ensure effective referrals, police and other actors in the criminal justice system should be aware of the existing support providers and available services.

16. Victims or their representatives, in accordance with their position in national law, should have the opportunity to be heard and provide testimony in court as to their experiences and have legal representation to support engagement in this context. Where appropriate and as determined by national law, member States are also strongly encouraged to make provision for victims to make victim impact statements and community impact statements as part of the sentencing process where the defendant has been found guilty of a hate crime.

Legislative models and range of offences

17. Member States should address hate crime comprehensively through criminal law. This may be accomplished by:

- a. a general provision which provides that a hate element constitutes an aggravating circumstance for all criminal offences at sentencing;
- b. a substantive provision which attaches the hate element to any criminal offence at the point of the criminal charge;
- c. standalone equivalents of base criminal offences, which include the hate element as a constituent part; or
- d. a combination of the above.

In line with this approach, member States should also address criminalised hate speech in accordance with the list of offences contained in paragraph 11 of the appendix to Recommendation CM/Rec(2022)16. This may be accomplished by, for example, standalone offences in which the hate element is a constituent part.

18. Member States should incorporate the hate element of a crime into their national criminal law in the following forms:

- a. hate motivation for the offence or hate being demonstrated through the commission of the offence;
- b. discriminatory selection of the person(s) or object(s) targeted;
- c. hate being a constituent part of the offence; or
- d. a combination of the above.

19. Criminal law should address crimes directed at persons, groups of persons or property, and may also address those directed at spaces, artifacts, facilities or events associated with persons with protected characteristics and groups of such persons, as referred to in paragraph 2.b above, having regard to the need to respect, as relevant, the provisions of Article 7 and Article 10 of the Convention.

20. Member States should frame legislation in a manner which complies with the principle of minimal criminalisation, consider deprivation of liberty as a measure of last resort and be guided by the principles of Recommendation CM/Rec(2018)8 on restorative justice, where relevant. Where applicable, the extent to which the sentence for a hate crime should be enhanced or aggravated should be proportionate to the maximum sentence imposed for the original offence. Payment of compensation to victims in appropriate cases should be provided for in legislation.

Criminal justice system

21. Member States should ensure that the criminal justice system as a whole, including the institutions and individuals operating within it, makes certain that the hate element of hate crime is detected, unmasked, acknowledged and addressed throughout the criminal justice process in order to ensure that relevant positive obligations are met.

22. Member States should put in place policies and targeted operational guidelines to ensure that hate elements are adequately unmasked, recorded and consistently recognised by all criminal justice professionals as the case moves through the criminal justice system.

23. Criminal justice systems as a whole should provide for appropriate, adequate and effective remedies and support in addition to protection for the rights of persons targeted by hate crime. This should be addressed through the development of a system-wide strategy to protect and support the victims, and by reducing the potential for re-victimisation and re-traumatisation. In particular, member States should ensure that persons reporting hate crime or making a complaint are protected against any adverse treatment or consequences as a result thereof.

24. Member States are encouraged to ensure access to free legal aid for victims of hate crime where the interests of justice so require, in accordance with applicable conditions and procedural rules under national law.

25. Member States should combat impunity by identifying and responding to any biased or prejudiced behaviour on the part of law enforcement and other criminal justice practitioners, at both individual and institutional levels, through preventive and educational policies, and disciplinary measures. In order to increase trust in the criminal justice process of those targeted by hate crime, evidence-informed measures should be introduced, including the training and sensitisation of members of law-enforcement agencies, prosecutors, victim support service personnel, legal aid practitioners, court staff and judges about the harm caused by hate.

26. Where appropriate, the principles of Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters, should be adapted to apply to hate crime, particularly with regard to the active participation of those harmed by criminal offenders, in the resolution of matters arising from the offence at all stages of the criminal justice process, including post-conviction, with the understanding that the participation of victims must be voluntary. Member States are encouraged to involve civil society organisations in this process.

27. In order to address the particular impact of hate crime on children and young people across all groups targeted by hate crime, the principles of Recommendation CM/Rec(2009)10 of the Committee of Ministers to member States on integrated national strategies for the protection of children from violence, should be adapted and applied to hate crime. In particular, with reference to Appendix I, Section 6 on child-friendly services and mechanisms, a mechanism for reporting hate crime should be included as part of a comprehensive system that also includes referral and support services. Specialised support services should be introduced that cater for the individual needs of children and young people who are victims of hate crime, across all targeted groups. Such services should provide child-friendly information (adapted for age, language and maturity) on the reporting system.

28. In order to ensure that children and young people are supported appropriately, the principles of Recommendation CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures, should be applied with respect to hate crime offenders with particular reference to paragraph 15 of its appendix, which recommends that member States follow a multidisciplinary and multi-agency approach, and paragraph 23.2, which emphasises the importance of sanctions and measures which may have an educational impact as well as those which constitute a restorative response to the offences committed by children and young people.

29. Member States should take effective measures through their criminal justice system and other relevant authorities to prevent and combat hate crime against persons who are deprived of their liberty, in particular through the introduction of complaint mechanisms and effective investigation of hate crime, including when committed by officials.

Enhancing the effectiveness of the criminal justice system

30. Policies should be introduced throughout the criminal justice process to ensure that hate crimes are unmasked, recorded, investigated, prosecuted and sentenced appropriately.

31. Member States should ensure that training for all relevant criminal justice professionals is bespoke and developed in an interdisciplinary manner.

32. In order to reduce instances of underreporting of hate crime or situations where the hate element is not consistently recognised across the criminal justice system, member States should recognise the importance of understanding any perceived barriers to reporting, seek means to address those barriers and develop processes to ensure that criminal offences are recorded as hate crimes where appropriate.

33. Effective reporting mechanisms should be introduced to encourage reporting of hate crime through, for example, customised reporting mechanisms or online reporting facilities, which may include an option to report anonymously. Following the report, the risks and needs of a hate crime victim should be assessed, with a view to formulating appropriate protection measures and organising a referral to support services.

34. Protocols, guidelines and policies related to the processing of hate crime cases should be made publicly available, monitored and regularly reviewed to ensure practices are functioning and appropriate. Law-enforcement and other criminal justice agencies should be encouraged to co-operate and co-ordinate between themselves and with civil society organisations on issues relating to hate crime in order to increase reporting, provide a trauma-informed response to victims, ensure that the hate element of a crime is unmasked and communicated throughout the criminal justice process and ensure that the commission of a hate crime leads to tangible legal consequences.

Police

35. Police should develop a common approach for the recognition, unmasking and official recording of hate crime and ensure that hate incidents that do not constitute crimes are appropriately recognised, in accordance with the guidance provided by ECRI GPR No. 11. Policies should also be developed with respect to victim support, in particular the development of individual needs and risk assessments. Clear guidance should also be provided on the circumstances, if any, in which a crime should be re-recorded as a non-hate-based offence in the criminal record of a suspect. Police recording processes and databases should be updated to allow the recorded data on hate crimes to be disaggregated by targeted groups and crime type, in accordance with existing European human rights and data protection standards.

36. The identification and recognition of “bias indicators” are essential to unmasking the hate element of a crime. Such indicators should, therefore, be developed for all groups targeted by hate crime, in close co-operation with relevant civil society organisations, and should be used to ensure that hate crimes are properly recorded, investigated and included in the relevant criminal file.

37. Compulsory modules on hate crime should be included in the curricula of police training academies. Regular awareness training on hate crime for the purposes of improving first responses should be provided to all police officers. Compulsory, continuous and targeted training should be provided to police officers, in particular those specialised in investigating hate crime. This should include, for example, training on bias indicators and how to unmask the hate element, including the need to search for and secure evidence regarding the hate element through the identification and recording of bias indicators in accordance with the case law of the Court and the guidance provided by ECRI GPR No. 11. Training should also be provided on bias, on the assessment of individual needs and risks and on the referral of victims to relevant support services, as well as on respectful and non-discriminatory treatment of victims of hate crime.

38. The role of specialist hate crime investigators should be developed within police organisations to provide an expert knowledge base, direct operational support and responses, and support to victims of hate crime in partnership with victim support services. Bespoke training should be provided to all such officers working in either specialist hate crime units or as individual specialists attached to other policing units.

Prosecutors

39. A common approach for prosecutors should be developed, enabling them to recognise, investigate and prosecute hate crimes, as well as ensuring that hate crimes are appropriately recorded in databases. Guidelines and protocols should be developed for the recognition, investigation, prosecution and recording of hate crimes.

40. Targeted and continuous training should be provided to prosecutors responsible for recognising, investigating or prosecuting hate crimes, including on how to unmask and establish the hate element in court.

41. The role of a specialised hate crime prosecutor should be developed, including the task of ensuring that hate crimes are appropriately prosecuted and that victims of hate crime are treated by prosecutorial services in a respectful and non-discriminatory manner.

42. Member States are encouraged to develop guidelines regarding the circumstances in which decisions as to why a reported hate crime was not prosecuted can be communicated to the victim, and which details are to be provided in such communications.

Judges

43. Without prejudice to the independence of the judiciary, targeted training should be provided to judges regarding hate crime. As part of this, member States could consider encouraging judges to exchange information on practices with respect to sentencing of hate crimes, including, for example, information on the interpretation and application of the obligation on courts to give reasons for their decisions under Article 6 of the Convention in the context of hate crime.

Post-conviction services and measures

44. Guidelines, policies, protocols and standard operating procedures should be developed for the purposes of effectively rehabilitating hate crime offenders and addressing the drivers of hate crime.

45. Member States should ensure that offenders are given the opportunity, during imprisonment and while on probation, to participate in programmes and activities for the purposes of addressing prejudices and hateful attitudes, as well as facilitating rehabilitation and reintegration.

46. Member States should adopt policies, practices and other measures which prevent prison being a place in which hate can be fostered rather than addressed.

47. Member States are encouraged to ensure that the criminal records of offenders reflect their conviction under relevant hate crime legislation, where appropriate. Subject to data protection standards, rules should be established as to the details to be provided in disclosures of judicial or police data with respect to police or security clearance of individuals, particularly when an individual was or is reasonably suspected, but not convicted, of a hate crime.

Third-party reporting, monitoring and data collection

Third-party reporting

48. Member States should provide practical means and measures to ensure that victims have an effective remedy in order to exercise their rights and, to this end, support all available means to enable the reporting of hate crime to the authorities through a variety of platforms, set out above in paragraph 33, but also by providing appropriate support to civil society organisations in order for them to provide alternative

reporting mechanisms. Such alternative mechanisms could include complaints hotlines, reporting to public services, accompaniment services and online monitoring systems. Reporting mechanisms should also provide options for victims to contact or be referred to victim support services. These should offer a means by which the victims can also report anonymously if they so wish.

Monitoring

49. Member States should take an evidence-based approach to understanding and addressing reasons for the underreporting of hate crime among people at risk of victimisation. This approach should comprise surveys, including victimisation surveys, assessments of trust in criminal justice institutions and measurements of prejudice within criminal justice institutions. The success of interventions designed to improve the reporting of hate crime should be measured regularly by comparing official and unofficial reporting rates to the prevalence of hate crime as measured in victimisation surveys.

50. Member States should ensure that their policies, legislation, strategies and action plans against hate crime are based on evidence and duly reflect an approach which is sensitive and responsive to gender, disability and other protected characteristics. To this end, member States should identify, record, monitor and analyse trends and the different manifestations of and grounds for hate crime and intersectional hate crime, including hate crime online, in compliance with existing European human rights and data protection standards. In this connection, member States should, as appropriate, collaborate with relevant key stakeholders.

51. Member States should put in place effective means to measure the prevalence of hate crime across society by regularly conducting surveys, including victimisation surveys, in order to assess progress in combating hate crime. These surveys should take into account the needs and rights of all groups targeted by hate crime.

Data collection

52. Member States are encouraged to ensure that anonymised and disaggregated data are collected and analysed by criminal justice authorities during the lifecycle of a hate crime, from the point of reporting and recording to prosecution, sentencing and post-conviction support and diversion measures. Where needed for the purposes of monitoring and follow-up, member States are encouraged to collect and analyse disaggregated data to allow for an assessment of where the hate element of the crime may not have been consistently recognised and recorded throughout the process.

53. Statistics and, where appropriate, data and metadata, collected in compliance with existing European human rights and data protection standards, should be made publicly available in both raw and analysed formats, with caveats if required, with data being disaggregated at a minimum by crime type and personal characteristic. In particular, statistics and data regarding criminal hate speech and hate crime should be distinguished.

54. Member States should use this data and its analysis to regularly assess and improve strategies to combat hate crime, and to design and implement additional measures, as needed. In this context, openness, transparency and engagement with key stakeholders should be guiding principles with respect to the use of data, for example through scrutiny of the policing and criminal justice functions with respect to hate crime, including with regard to the analysis of data, training materials and protocols.

Prevention

55. Member States should prepare and implement effective strategies and conduct relevant research to explore and address the root causes and drivers of hate crime, in particular regarding the stigmatisation, exclusion and social marginalisation of groups and individuals as well as hate ideologies at all levels of society. Building on paragraphs 44 to 54 of the appendix to Recommendation CM/Rec(2022)16 on combating hate speech, and sections I.A and I.B of the appendix to Recommendation CM/Rec(2019)1 on preventing and combating sexism, preventive measures should be developed using a multisectoral approach with the aim of fostering normative barriers, such as those addressing the drivers of hate speech, which include disinformation, negative stereotyping and stigmatisation of individuals and groups.

56. Member States should take appropriate steps to improve awareness raising, education, training and the use of counter-speech or alternative discourse measures, in line with Recommendation CM/Rec(2022)16 on combating hate speech, in order to improve the ability of relevant actors and institutions, including public officials, to proactively identify factors and conduct which could lead to hate crime. Particular attention should be given to the proliferation of hate speech in online platforms.

57. Civil society organisations relevant to the area of hate crime should be encouraged and supported in their diverse roles as a means to promote social inclusion, democratic participation and tolerance.

58. As part of their strategies to prevent hate crime, member States should ensure that all behaviours and activities along the continuum of hate are robustly responded to, but equally recognise that acts of violent extremism or terrorism involving one or more hate elements require particular vigilance in the context of investigation, prevention and disruption. Member States should be guided by the legislative, operational and policy strategies contained in Recommendation CM/Rec(2017)6 of the Committee of Ministers to member States on “special investigative techniques” in relation to serious crimes including acts of terrorism, also having regard to the case law of the Court with respect to matters such as privacy (Article 8 of the Convention), freedom of expression (Article 10) and freedom of association (Article 11).

59. In co-operation with groups targeted by hate crime, member States should protect spaces, facilities and events associated with such groups. This should include measures aimed at reducing opportunities to commit hate crimes and increasing the safety of those groups. The role of community policing should be emphasised in protecting groups at risk of being targeted.

Recommendations concerning key actors

60. Member States should develop training in consultation with a range of stakeholders including victim support services, equality bodies, national human rights institutions, restorative justice services, healthcare providers, educational institutions, legal aid providers, frontline responders and civil society organisations for the purpose of ensuring that victims are enabled to seek, and be provided with, the support that they need, including any referrals required. This training should be aligned with that provided to criminal justice professionals set out in paragraph 31 above and constitute a core part of the strategy for preventing and combating hate crime. The range of measures addressed to key actors in paragraphs 28 to 43 of the appendix to Recommendation CM/Rec(2022)16 should be seen as broadly applying to hate crime.

Public officials, elected bodies and political parties

61. The role of politicians, public officials, civil servants, local authorities, and community and societal leaders in publicly promoting a culture of inclusiveness and human rights should be recognised. With due respect for the separation of powers, such public figures should condemn instances of hate crime, particularly where cases trigger a public debate, and denounce the instrumentalisation of hate.

Education systems

62. Member States should ensure that education institutions, teachers and educators contribute to developing a culture of inclusiveness which values diversity and human rights. To this end, the following measures should be introduced and properly resourced by member States across education systems:

- a. comprehensive, research-based teacher education;
- b. comprehensive, research-based educational resources for use in education and classrooms;
- c. the integration of diversity, gender equality and inclusion into education policy.

All curricula should be reviewed for the purposes of fostering an inclusive ethos that promotes mutual respect and equality, and to ensure that curricula are free from discriminatory content. Curricula should be “living” and evolving, co-constructed in meaningful ways with children and young people, and, where appropriate, civil society organisations.

63. Member States should take a trauma-informed approach to managing and addressing offences within education systems which is also sensitive and responsive to gender, disability and other protected characteristics. Member States are encouraged to introduce distinct reporting systems for hate crime across education systems. Consideration should be given to the introduction of trained and specialised liaison officers to provide such support.

Civil society organisations

64. Member States should provide civil society organisations with appropriate funding and resources in order that they can provide, as necessary, local, targeted and specialised support to victims of hate crime, contribute to training of criminal justice professionals, act as a bridge between State institutions and members of groups targeted by hate crime and inform local and national policy with respect to combating hate crime.

65. Member States should promote a safe, inclusive and enabling online and offline civic space in which civil society organisations working in the area of hate crime can operate, by ensuring adequate support and protection from threats, harassment or attacks, so that civil society organisations are empowered and enabled to thrive.

66. Such organisations should, in particular, be funded in order to provide support to victims as outlined in paragraph 15 above and capture third-party data regarding the prevalence of hate crime outlined in paragraph 48.

67. Member States should encourage and facilitate co-operation between civil society organisations, at national and international levels, in relation to the exchange of good practices, particularly on matters such as victim support and data collection.

Internet intermediaries including internet service providers

68. Building on Recommendation CM/Rec(2022)16, and within their duty to comply with all applicable laws and to respect human rights, internet intermediaries, including internet service providers, should identify hate crimes that are committed on or disseminated through their systems and act in the framework of their legal and corporate responsibility. Such an approach should be in line with Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business, and Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries.

69. Internet intermediaries should apply the recommendations in paragraphs 30 to 37 of the appendix to Recommendation CM/Rec(2022)16 regarding content moderation policies and the human moderation of hate crime online, co-operate with civil society organisations and develop internal processes to identify and remove hate crime.

Media and journalists

70. Building on paragraph 38 of the appendix to Recommendation CM/Rec(2022)16, with particular reference to the public watchdog role of media and journalists in a democratic society and with due consideration given to their duty to comply with all applicable laws and to respect human rights, the media, journalists and other actors should enjoy the freedom to report on hatred and intolerance. They should be free to choose their reporting techniques, styles and mediums, and should have the right to access relevant information, in accordance with domestic law.

National co-operation and co-ordination

71. Member States should engage in regular, inclusive consultation with all relevant stakeholders, and in co-operation and dialogue with groups affected by hate crime. Such consultation should result in the development and review of national strategies and action plans against hate, in association with State and non-state stakeholders, as defined above in paragraphs 4 and 8, and should include the development and regular revision of national prevention policies, as well as a review of institutional strategies throughout the criminal justice process. Recognising the variations in experience at national, regional and local levels, authorities across these levels should work in consultation, ensuring equality of access to justice and support as well as protection for all.

72. Member States should co-operate with relevant authorities, civil society organisations, equality bodies and national human rights institutions at a cross-cutting multisectoral level for the development of guidelines, policies, protocols and standard operating procedures, for the prevention and combating of hate crime as well as, where relevant, for the development, implementation and review of national action plans or strategies for preventing and combating hate crime.

International co-operation and co-ordination

73. Member States should co-operate with each other with a view to providing a consistent and common response to victims, and promoting consistency in legal standards and approaches to preventing and combating hate crime, in accordance with the provisions of this recommendation. They should furthermore adhere to and effectively implement relevant European and international instruments and engage with intergovernmental organisations.

74. Dissuasive and deterrence measures should be introduced to counter violent extremism and hate groups, which may operate in the territory of a member State or across the borders of several member States; such measures should be particularly directed at people at risk of supporting the commission or carrying out of hate crime, and especially in relation to children and young people.

75. In implementing this recommendation, member States should participate in multilateral engagement, co-ordination and co-operation as well as in joint initiatives through exchanging information and good practices and allocating appropriate funding and resources. Member States should also co-operate to ensure that similar instruments and data collection standards are adopted across Council of Europe member States for the purposes of data standardisation and comparability.