

# Victim Support Europe Contribution

ADDRESSING POTENTIAL GAPS IN THE RACIAL  
EQUALITY DIRECTIVE

Victim Support Europe  
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## About Victim Support Europe

Victim Support Europe (VSE) is the leading European umbrella organisation advocating on behalf of all victims of crime, no matter what the crime, no matter who the victim is. VSE represents 67 member organisations, providing support and information to more than 2 million people affected by crime every year in 33 countries.

Founded in 1990, VSE has been advocating for 30 years for a Europe, and a world, where all victims have strong victims' rights and services, whether they report the crime or not. We work towards this missing through advocacy to improve European and International laws, through research and knowledge development and through capacity building at the national and local level.

### VSE's recommendations

VSE welcomes the consultation to address possible gaps in the Racial Equality Directive and considers it an opportunity to strengthen the rights of victims of racially motivated crimes, as well as to enhance cooperation in tackling these through criminal law. Access to effective justice and victims' rights are essential to achieving the aims of the Directive, and thus we believe victims should be central to its provisions.

Concretely, we call on the European Commission to consider **including in the Directive new and emerging forms of hate crime and hate speech**, namely in the online realm, and creating mechanisms to ensure the **safe reporting** of online hate speech and hate crimes. Furthermore, we encourage the **collection of data on racially motivated crime** at the national and European levels and call on the Commission to request mandatory reporting from Member States with detailed information and data regarding these crimes. Victims of such crimes should also be able to access **victim support services, both generic and specialized**, and adequate funding should be allocated to these service providers. Member States need to have a combination of different coordinated support services operating to clear quality standards and working in cooperation with each other as part of a **national victim support framework**, providing a support that is adequate, timely and of quality.

We further call on the Commission to interlink the application of the Racial equality Directive and the Victims' Rights Directive, especially in matters of training, information provision to victims and access to justice and support. Namely, the Commission must continue to support **mandatory training for national authorities** that are most likely to be in contact with victims of racially motivated crime: the police, justice (judges, lawyers) and law enforcement authorities, medical and psychological services, social services etc. This training must include core skills applicable to all victims of crime as well as specific training on understanding the specific needs of victims of racially motivated crimes, the impact on its victims and how to support them. Training is particularly important for the police, as their understanding and recognition of the discrimination bias used against the victim when the crime was committed, will determine the identification of the racial motivation of crimes during the criminal processes and the application of specialised laws in court. This training should follow high quality standards and be victim-centric and trauma-informed.

In addition, VSE finds that the Directive has the opportunity to consider the rights of migrant victims to greater extent, taking into account potential intersecting grounds for discrimination. The Victims' Rights Directive has established, in its 1<sup>st</sup> article, that victims shall not be discriminated against on the grounds of their residence. For this purpose, we believe it is important that the Racial Equality Directive includes **provisions safeguarding the rights of all victims to report racially motivated**

**crimes**, which requires guarantees that the residence data of victims will not be transferred to migration authorities. A similar provision is included in the recent Commission's proposal for a Directive Combatting Violence Against Women and Domestic Violence, in its article 16, nr. 5.<sup>1</sup>

Based on the above, we call on the Commission to include effective remedies (including legal remedies) for these rights and to consistently monitor their implementation. The collection of disaggregated country data is essential for the Commission to monitor the implementation of the rights in the Directive, and so is the coordination between the aims of this directive and the Victims' Rights Directive. Effective access to and implementation of victims' rights should be an integral part of achieving racial equality.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022PC0105&from=EN>