

IMPLEMENTING RESTORATIVE JUSTICE FOR HATE INCIDENTS AND HATE CRIMES

A Practical Guide



IMPLEMENTING RESTORATIVE JUSTICE FOR HATE INCIDENTS AND HATE CRIMES

A Practical Guide



Implementing Restorative Justice for Hate Incidents and Hate Crimes – a Practical Guide

Warsaw, 2025, OSCE/ODIHR

Published by the OSCE Office for Democratic Institutions
and Human Rights (ODIHR)

ul. Miodowa 10

00-251 Warsaw

Poland

www.osce.org/odihr

© OSCE/ODIHR 2025

All rights reserved. The contents of this publication may be freely used and copied for educational and other non-commercial purposes, provide that any such reproduction is accompanied by any acknowledgment of the OSCE/ODIHR as the source.

ISBN: 978-92-9271-461-1

Designed by Homework



ACKNOWLEDGEMENTS

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) received valuable support from a number of experts involved in the development of this publication, including Professor Theo Gavrielides PhD, Founder and Director of the Restorative Justice for All International Institute,¹ who conducted research and fieldwork and authored this guide; Professor Mark Walters PhD, who provided peer review; and the following experts who participated in interviews and shared their experience and knowledge: Veronika Szontagh, Ben Lyon, Felicity Gerry, Neil Chakraborti, Grazia Mannozi, Gema Varona Martínez, Borbala Fellegi, Miriam Attias, Ali Wardak, Stefanie Mayerhofer, Petra Masopust Šachová and Stéphanie Laulhé Shaelou. ODIHR also acknowledges the contributions made by 28 practitioners, policymakers, researchers and harmed and harming parties (as explained below) who responded to an online survey, as well as those who submitted case studies.

This document was prepared as part of the cooperation initiative between the OSCE Office for Democratic Institutions and Human Rights and the European Commission (EC) entitled “Support to the Organization for Security and Co-operation in Europe (Office for Democratic Institutions and Human Rights) for knowledge sharing and standard setting on hate crime including hate crime victim support” (CERV-2023-IM-CRAC/RIGH/2). It is funded by the European Union and the governments of Bulgaria, Italy and Poland, and implemented by ODIHR.²

For more information, please visit [STARS: Comprehensive Support for Hate Crime Victims](#).



Funded by the
European Union



With funding from
the Ministry of Foreign Affairs
of the Republic of Bulgaria



With funding from the Italian
Ministry of Foreign Affairs
and International Cooperation



With funding from the Polish
Ministry of Foreign Affairs

¹ RJ4ALL website.

² ODIHR, [STARS: Comprehensive Support for Hate Crime Victims](#) project website.

CONTENTS

INTRODUCTION	7
Background and scope	5
How to use the guide	6
International commitments and legislation	8
Fundamental principles	10
MAIN CONCEPTS	12
Hate crime	13
Restorative justice	13
Restorative justice practice (direct and indirect)	14
Restorative justice outcome	15
Victim — harmed party	16
Offender — harming party	17
Community	17
Complex restorative justice cases	18
Restorative justice practitioner	18
Understanding the nature and dynamics of hate crimes	18
Prerequisites for success	20
The implementation of restorative justice inside and outside the criminal justice system	21
Proceeding with due care and consideration	21
THE BENEFITS OF USING RESTORATIVE JUSTICE FOR BIAS-MOTIVATED VIOLENCE	24

TEN STEPS TO IMPLEMENT RESTORATIVE JUSTICE FOR HATE INCIDENTS AND HATE CRIMES	30
Step 1: Changing perspective	31
Step 2: Understanding and managing power relations	32
Step 3: Doing no (further) harm	33
Step 4: Setting up effective referral processes	35
Step 5: Preparing parties for restorative encounters	37
Step 6: Assessing risks (direct or indirect)	39
Step 7: Facilitating the encounter and managing expectations	40
Step 8: Securing consensual, realistic, clear and time-bound agreements	44
Step 9: Monitoring and safeguarding agreements	45
Step 10: Ensuring holistic follow-up support	47
CONCLUSION	50
ABBREVIATIONS	52

INTRODUCTION

Background and scope

The Working Group on hate crime victim support is part of the European Union (EU) High Level Group on combating hate speech and hate crime and supports the EU Member States (EU MSs) to enable national law enforcement, criminal justice and civil society actors to better protect and support victims of hate crime. It builds on the results of the Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR) project³ implemented between 2020 and 2022 by ODIHR in partnership with the Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany (VBRG),⁴ with financial support from the EU and the Federal Government of Germany.

ODIHR, in its capacity as the coordinator of the Working Group, has developed this practical guide following consultations with Working Group experts representing national and local authorities, international organizations, law enforcement, academia and civil society organizations from EU MSs and beyond.

The guide is the result of primary and secondary research combining three methods: semi-structured, in-depth interviews; an online survey for experts; and the collection of case studies. The research was conducted between January and February 2025. Over a six-week period, 11 experts were interviewed, 28 responded to the survey, and 14 submitted case studies. The document was peer reviewed and consulted with Working Group experts in May 2025.

³ ODIHR EStAR: Enhancing hate crime victim support project website.

⁴ Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany website.

How to use the guide

This guide aims to support practitioners working in:

- Formal criminal and youth justice settings (e.g., police, probation, prosecution)
- Informal criminal and youth justice settings (e.g., civil society organizations, mediation centres)
- Formal (e.g., schools, universities) and informal (e.g., youth clubs) educational settings

The guide is organized in three parts. The first aims to explain the main concepts of restorative justice and associated terms.

The second presents the benefits that restorative justice can bring to victims, communities and offenders. It should be noted that this guide takes a neutral, evidence-based approach to restorative justice, making it clear that human rights and victims' rights always take precedence over any outcome of the restorative process. The guide acknowledges that OSCE participating States (pSs) may seek additional outcomes when pursuing restorative justice, such as the reduction of recidivism, costs or prison numbers. However, offering restorative justice must never compromise victims' safety.

The third part offers ten practical steps to implement restorative justice for bias-motivated violence. Each step is an important element in constructing a restorative justice outcome, and none should be skipped. Ignoring any of them may lead to re-victimization and the failure of the restorative justice process.

This guide can be read as a standalone document. However, readers are recommended to consult other ODIHR publications on hate crime victim support (particularly those developed as part of the EStAR project⁵ and the STARS initiative⁶) and those of the EU High Level Group on combating hate speech and hate crime.⁷

5 ODIHR, [EStAR: Enhancing hate crime victim support webpage](#).

6 ODIHR, [STARS: Comprehensive Support for Hate Crime Victims webpage](#).

7 European Commission, [Combating hate speech and hate crime website](#).

Guiding principles

The EU High Level Group has developed non-binding guidance for national stakeholders to increase their capacities in addressing hate crimes and support the implementation of EU legislation related to hate crime and the protection of victims of hate crime.

This document builds on and complements the following guidance:

- On cooperation between law enforcement authorities and civil society organizations⁸
- On encouraging the reporting of hate crime⁹
- On improving the recording of hate crime by law enforcement authorities¹⁰
- On ensuring justice, protection and support for victims of hate crime and hate speech¹¹
- On hate crime training for law enforcement and criminal justice authorities¹²
- On including hate crime victims in policymaking and policy implementation¹³

8 Key guiding principles on cooperation between law enforcement authorities and civil society organisations, EU High Level Group on combating hate speech and hate crime, 2022.

9 Key guiding principles on encouraging reporting of hate crime, EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2021.

10 Improving The Recording of Hate Crime by Law Enforcement Authorities: Key Guiding Principles, EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2017.

11 Ensuring Justice, Protection and Support for Victims of Hate Crime and Hate Speech: 10 Key Guiding Principles, EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2017.

12 Hate Crime Training for Law Enforcement and Criminal Justice Authorities: 10 Key Guiding Principles, EU High Level Group on combating racism, xenophobia and other forms of intolerance, 2017.

13 Including the voices of hate crime victims in policymaking and policy implementation — a practical guide, OSCE/ODIHR, 3 June 2024.

International commitments and legislation

This guide is grounded in OSCE Ministerial Council decision 9/09 on combating hate crimes, which specifies that “hate crimes are criminal offences committed with a bias motive.”¹⁴ OSCE pSs have recognized that hate crimes can threaten security and provoke wider violence and even conflict between states, communities and groups. They have also agreed to several commitments that aim to prevent and address hate crimes. These include data collection and monitoring,¹⁵ an effective criminal justice response, cooperation between authorities and civil society, and the provision of comprehensive support to hate crime victims.

Importantly for the restorative justice process, the OSCE pSs have committed themselves to:

“[...] explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance as well as effective access to justice”.¹⁶

Those OSCE pSs that are also EU MSs are bound by Directive 2012/29/EU of the European Parliament (EP) and of the Council, which states:

“Restorative justice services, including for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, but require safeguards to prevent secondary and repeat victimisation, intimidation and retaliation. Such services should therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as the nature and severity of the crime, the ensuing degree of trauma, the repeat violation of a victim’s physical, sexual, or psychological integrity, power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim’s ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to the restorative justice services and in conducting a restorative justice process.”¹⁷

14 OSCE Ministerial Council decision No. 9/09 on combating hate crimes, OSCE, Athens, 2 December 2009.

15 OSCE ODIHR Hate Crime Report website.

16 OSCE MC Decision No. 9/09.

17 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.

The guide also builds on the following international binding and non-binding instruments (in chronological order). These make explicit references to restorative justice and hate crimes, and may be relevant for all, or many OSCE pSSs:

- United Nations (UN) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power¹⁸
- Council of Europe Committee of Ministers, Recommendation No. R (99) 19 of the Committee of Ministers to member States concerning mediation in penal matters¹⁹
- United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters²⁰
- European Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law²¹
- Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters²²
- International Principles and Guidelines on Access to Justice for Persons with Disabilities (Office of the United Nations High Commissioner for Human Rights)²³

18 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, United Nations General Assembly resolution 40/34, 29 November 1985.

19 Recommendation No. R (99) 19 of the Committee of Ministers to member States concerning mediation in penal matters, Council of Europe Committee of Ministers, 15 September 1999.

20 Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters, United Nations ECOSOC Resolution 2002/12, 24 July 2002.

21 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, Council of the European Union, 28 November 2008.

22 Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters, Council of Europe, 3 October 2018.

23 International Principles and Guidelines on Access to Justice for Persons with Disabilities, Office of the United Nations High Commissioner for Human Rights, (Geneva 2020). The document calls to “establish or support alternative justice mechanisms, such as restorative justice, alternative dispute resolution mechanisms, and cultural and social forms and forums of justice, that are available to persons with disabilities on an equal basis with others, without regard for any construct of capacity to participate.”

- Declaration of the Ministers of Justice of the Council of Europe Member States on the role of restorative justice in criminal matters on the occasion of the Conference of the Ministers of Justice of the Council of Europe “Crime and Criminal Justice – the role of restorative justice in Europe”²⁴
- Recommendation CM/Rec(2024)4 of the Committee of Ministers to member States on combating hate crime²⁵

Fundamental principles

This guide promotes a victim-centred, gender-sensitive and intersectional approach to engaging with hate crime victims. This approach acknowledges that the identities of hate crime victims are multifaceted and overlapping.²⁶ Whenever a policy or its implementation fails to recognize the interplay between characteristics, they are likely to go “unnoticed and unchallenged”.²⁷

“The impact of hate crime can depend on the intersectional nature of identities, when several personal characteristics operate and interact with each other at the same time in such a way as to be inextricable. For example, all people will be impacted differently by hate crime depending on the different social roles and status in society or a community. At the same time, individuals’ experience will differ across different ethnic backgrounds, sexualities and religions, etc. The targeting of several intersecting characteristics in a multiple-bias hate crime can also exacerbate the impact (and the culpability of the perpetrator).”²⁸

24 Declaration of the Ministers of Justice of the Council of Europe Member States on the role of restorative justice in criminal matters on the occasion of the Conference of the Ministers of Justice of the Council of Europe “Crime and Criminal Justice – the role of restorative justice in Europe”, Venice, 13-14 December 2021.

25 Recommendation CM/Rec(2024)4 of the Committee of Ministers to member States on combating hate crime, Council of Europe, 7 May 2024: “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.” In addition to this, Recommendation CM/Rec(2022)16 of Ministers to member States on combating hate speech recommends programmes that engage with perpetrators of hate speech in order to address their prejudices and discriminatory actions and expressions as an alternative sanction, with the aim of achieving restorative justice .

26 Policy Brief: Specialist Support for Hate Crime Victims, OSCE/ODIHR, 28 February 2022, p. 11.

27 Neil Chakraborti, Re-Thinking Hate Crime: Fresh Challenges for Policy and Practice, *Journal of Interpersonal Violence*, Vol. 30 (10), Sage Journals, 5 September 2014, p. 1745.

28 Understanding the Needs of Hate Crime Victims, OSCE/ODIHR, 7 September 2020, p. 11.

MAIN CONCEPTS

Hate crime

Hate crimes are always comprised of two elements: a criminal offence and a bias motive. The first element is the criminal offence; the act must be an offence under domestic criminal law.²⁹ ODIHR's guidance refers to this criminal act as the 'base offence'.³⁰ As legal provisions vary from country to country, there is some divergence in the kind of conduct that amounts to a criminal act. In general, however, most countries criminalize the same type of violent acts. Any crime contained in a criminal code can be a hate crime; without the base offence there is no hate crime.

The second element is the motivation: the criminal act must be committed with a particular motive, referred to in ODIHR's guidance as 'bias'.³¹ The motive manifests itself either in the biased selection of the target or in hostility expressed during the crime. In order to qualify as such, hate crimes need to target one or more members of, or the people or property associated with, a group that shares a common characteristic. These are referred to as protected characteristics. A protected characteristic is a characteristic shared by a group, such as 'race',³² colour, language, religion or belief, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation or another common feature that is fundamental to their identity. Hate crimes typically have a direct victim.³³

To capture a wider spectrum of victim experiences that fall short of the criminal threshold, this guide also uses terms such as 'hate incidents' and 'bias-motivated incidents.' These are incidents motivated by bias that are not considered crimes according to the law.

Restorative justice

Restorative justice is an approach that focuses less on the retributive aspects of criminal justice, represented by the punishment of the offender, and instead emphasizes the need to repair the harm caused by criminal conduct,³⁴ while reintegrating all parties back into the community. Restorative justice solutions typically involve individuals directly affected

29 Many countries distinguish between crimes and less serious infractions, such as 'misdemeanours', although they are described in a variety of ways.

30 For other examples of the discriminatory selection model of hate crime laws, see [Prosecuting Hate Crimes A Practical Guide](#), OSCE/ODIHR, 29 September 2014, Section 3.

31 *Ibid.*, p. 15. See also EU European Council, [Framework Decision 2008/913/JHA](#), Article 4.

32 The use of the term 'race' in this document does not imply endorsement by ODIHR of any theory based on the existence of different races. It is a term widely used in international human rights standards, as well as in national legislation. This document uses the term to ensure that people who are misperceived as belonging to another 'race' are protected against hate crimes.

33 OSCE/ODIHR, [Prosecuting Hate Crimes](#), p. 1.

34 [Hate Crime Victims in the Criminal Justice System. A Practical Guide](#), OSCE/ODIHR, 2020, 9 April 2020, p. 154.

by a criminal incident (e.g., victims and offenders) and can also involve other, indirectly affected community members (e.g., family members and community representatives).

EU Directive 2012/29/EU defines restorative justice as “any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party.”³⁵

Restorative justice practice (direct and indirect)

Direct restorative justice practice involves a face-to-face and/or online encounter between harmed and harming parties, including Victim-Offender Mediation (VOM), Family Group Conferencing (FGC) or Restorative Justice Circles (RJC). Indirect restorative justice involves indirect communication between harmed and harming parties, including an exchange of letters, video or audio files, facilitated by an independent facilitator/mediator.

The key difference between the main restorative justice practices lies in the number and nature of parties involved.

- Victim-offender mediation: only the victim, offender and mediator
- Community reparative boards: community members, offenders and mediator
- Family group conferences: the victim, offender, family and friends of both parties, the facilitator and other professionals such as social workers and psychologists
- Circles: the victim, offender, circle keeper,³⁶ family and friends of both parties, affected community members, professionals³⁷

³⁵ Directive 2012/29/EU.

³⁶ A keeper is a trained facilitator who guides participants through a structured dialogue process — called a restorative circle — to promote healing, understanding and accountability.

³⁷ These may include, *inter alia*, social workers; probation or youth offending officers; police officers; teachers or school staff; and victim support workers. See Gordon Bazemore and Mark Umbreit, *A Comparison of Four Restorative Conferencing Models*, U.S. Department of Justice, Juvenile Justice Bulletin, February 2001.

Restorative justice outcome

“[A] Restorative outcome means an agreement reached as a result of a restorative process. Restorative outcomes include responses and programmes such as reparation, restitution and community service, aimed at meeting the individual and collective needs and responsibilities of the parties and achieving the reintegration of the victim and the offender.”³⁸

Types of restorative justice outcomes³⁹

Types of reparation	Examples	Participant/s targeted
Material	• Provision of materials, goods or property • Financial restitution to the victim/s • Replacement of damaged goods • Repair of damaged property (e.g., painting fence or painting over graffiti)	Victim and/or community property
Emotional	• Apology • Verbal • Written • Physical gestures (hand shake or embrace)	Victim
Relational	• Renewal of personal relationships • Proactive: agreement on future interaction (e.g., to say ‘hello’ when walking past each other in the street) • Restrictive: agreement to desist from certain future action (e.g., not use certain words/language, not play music at certain times)	Victim, perpetrator and community members
Community	• Unpaid work in local community • Volunteering at a charity • Removing graffiti from public property	Perpetrator and community members/property

³⁸ United Nations ECOSOC, [Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters](#).

³⁹ Taken from Mark Austin Walters, [Repairing the harms of hate crime: towards a restorative justice approach?](#), UNAFEI Resource Material Series, No. 108, 2018.

Types of reparation	Examples	Participant/s targeted
Moral learning	- Studying, research projects or taking part in workshops or courses - Conducting a short research project supervised by a (restorative) justice practitioner - Providing a short report on a topic related to the harm caused - Presenting a reflections document about what has been learnt/new understandings to the victim, family or local community	Perpetrator
Multi-agency support	- Provision of additional social support - Social services support (social worker) - Educational support (teachers) - Housing advice (housing officers) - Medical referral (psychiatric or doctors) - Alcohol or drug awareness (rehabilitation centres)	Victim and perpetrator

Victim — harmed party

Hate crime victims are individuals who have suffered harm as a result of a hate crime and who consequently require protection, specialist support and the opportunity to receive compensation.⁴⁰ Whenever this guide uses the term ‘victim’, it is to ensure consistency with the terminology used in the main international documents and discourse on hate crime. However, the term is used with caution and the acknowledgement that some victims, although considered as such by the criminal justice system, may not identify as such.⁴¹ Practitioners should note that, “the term often carries a negative connotation, and may be associated with weakness. Thus, the term ‘victim’ risks denying affected individuals’ resilience, agency and ability to overcome the consequences of victimization.”⁴²

⁴⁰ OSCE/ODIHR, *Hate Crime Victims in the Criminal Justice System*, p. 9.

⁴¹ *Hate Crime Victim Support: Policy Brief*, OSCE/ODIHR, 22 April 2022, p. 9. For an analysis of the term ‘victim’ in the Directive see also Theo Gavrielides, *Collapsing the labels ‘victim’ and ‘offender’ in the Victims’ Directive and the paradox of Restorative Justice*, *International Journal of Restorative Justice*, Volume 5, 2017, Special Issue 3, Reimagining victims and restorative justice: the European Union, Canada and beyond, 13 December 2017, pp. 368-381.

⁴² OSCE/ODIHR, *Hate Crime Victim Support*, p. 9.

At the same time, following the terminology used in the restorative justice field, this guide puts emphasis on ‘harm’ rather than ‘crime’ and therefore also uses the term ‘harmed party’.

Offender — harming party

An offender is a person, or a group of people, who have harmed an individual or a group of individuals, an institution or a community. They have typically breached criminal law and may face legal consequences such as punishment, rehabilitation or other forms of sanction.

Following the terminology used in the restorative justice field, this guide also uses the term ‘harming party’.

Community

Community is understood as “a complex system of human relationships, as the principal (social) place, to which citizens belong and wherein they interact.”⁴³ Community can be understood as both physical and symbolic: it may refer to local neighbourhoods or broader identity-based groups.⁴⁴ In restorative justice practice, ‘community’ can be understood as a ‘tool’ through which restorative goals can be achieved. For instance, community can provide the necessary context for restorative practice to reintegrate the harmed parties. Community can also become a ‘goal’ of restorative justice. For example, restorative meetings can help rebuild the community by healing damaged relationships. The community is therefore a key player, not only in the restorative justice process itself, but also in achieving the restorative justice outcome.⁴⁵ Engaging in restorative justice in hate crime cases “without the presence of community representation, may be insufficient in some cases, or in any case that can be strengthened by addressing the community component in cases of hate crime”.⁴⁶

43 Theo Gavrielides, *Power, Race & Justice: The restorative dialogue we won't have* (Routledge, Oxford 2022).

44 Mark A. Walters, Jenny L. Paterson, Liz McDonnell and Rupert Brown, *Group identity, empathy and shared suffering: Understanding the ‘community’ impacts of anti-LGBT and Islamophobic hate crimes*, *International Review of Victimology*, 26(2), 3 March 2019, pp. 143–162.

45 Theo Gavrielides, *Some Meta-theoretical Questions for Restorative Justice*, *Ratio Juris*, 18(1), 2005, 84–106; Gavrielides, *Power, Race & Justice*.

46 Malini Laxminarayan and Lisanne Veldt, *Resolving identity-based violence: Lessons for restorative justice in the hate crime context*, *Droit et cultures*, 86 | 2024/1.

Complex restorative justice cases

Complex restorative justice cases are defined as harms that involve a power imbalance between the harming and harmed party, and where this imbalance may generate re-victimization and risks of additional harm to all parties involved.⁴⁷ Hate crimes are considered complex, because they target individuals or groups based on aspects of their identity, amplifying power dynamics and causing broader social and psychological impacts beyond the immediate incident.

Restorative justice practitioner

A restorative justice practitioner is an individual who has practised restorative justice unsupervised and received appropriate training. Directive 2012/29/EU specifies that these practitioners should “receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful, and professional manner.”⁴⁸

Understanding the nature and dynamics of hate crimes

Hate crimes inflict profound and multifaceted harm. The targeted nature of these crimes can deeply undermine a victim’s sense of identity and belonging. Research has shown that victims often experience severe psychological trauma, including anxiety, anger, feelings of vulnerability, shame and depression, which frequently last longer than for victims of similar offences not motivated by bias.⁴⁹

The repercussions ripple through communities, instilling fear and insecurity among members who share the victim’s identity. This collective unease can lead to social fragmentation and erode trust between different communities and social groups, and in public institutions, particularly if the victims perceive law enforcement as unresponsive or dismissive. Secondary victimization — where victims feel neglected or misunderstood by the authorities — exacerbates their distress and may deter future reporting.

A victim-centred approach is needed to address these impacts; one that prioritizes safety, provides emotional and practical support, ensures respectful treatment and facilitates

47 Examples of complex cases include sexual abuse, child sexual abuse, hate-motivated incidents, gun crime, knife crime or organized crime. Cases considered as not complex include shoplifting, theft, physical or property violence or neighbourhood disputes. See Steps 6 and 7 for managing these risks.

48 Directive 2012/29/EU, Art. 25.

49 OSCE/ODIHR, *Understanding the Needs of Hate Crime Victims*, pp. 11-15.

access to justice. Recognizing and responding to the unique needs of hate crime victims is essential for their recovery and for fostering resilient, inclusive societies.

Hate crime laws respond to the heightened harm caused by bias-motivated criminal acts by increasing the punishment offenders receive.⁵⁰ However, while the criminal justice framework allows law enforcement to investigate, prosecute, record and collect data on hate crimes, other forms of intolerance and bias-motivated behaviour (also referred to as hate incidents) are often not adequately captured by law. Hate crime, discrimination and other forms of intolerance are experienced in different ways, and, while some forms might be punishable, others might go unnoticed by the criminal justice system, often resulting in escalation.

Restorative justice offers a valuable mechanism for addressing hate-related incidents that fall both inside and outside the scope of criminal law, by focusing on the *harm* experienced rather than the legal threshold of an offence. This harm-centred approach enables communities to respond to incidents that may be invisible to, or unaddressed by formal justice systems. Moreover, restorative practices can play a preventive role by fostering dialogue and understanding in everyday settings, such as schools, youth centres, community hubs and places of worship, helping to address the root causes of hate before incidents escalate.

Harm is a broad concept that extends beyond what is punishable by law. To successfully address incidents of hate, there first needs to be an acknowledgement of their often evolving, multifaceted and sometimes repetitive or continuous nature. This is particularly significant for prevention strategies, given that hate incidents and hate crimes frequently stem from the same, underlying drivers.⁵¹ These drivers, such as prejudice, stereotyping and social exclusion, can appear in a range of behaviours, from subtle microaggressions to overt acts of violence, creating a continuum of harm that affects individuals and communities over time.

Understanding that hate crimes are not always isolated incidents can be particularly useful to emphasize the potential role of restorative justice in preventing and resolving incidents that do not necessarily fall within the definition of hate crimes as aggravated offences. Restorative justice interventions can be implemented at an early stage, providing opportunities to address harmful behaviours and tensions before they escalate into more serious or criminal acts.

By creating space for dialogue, accountability and mutual understanding, a restorative justice approach can interrupt cycles of hostility and promote more constructive

50 [Hate Crime Laws: A Practical Guide. Revised Edition](#), OSCE/ODIHR, 23 September 2022.

51 Walters, *Hate Crime and Restorative Justice*.

responses to conflict and prejudice. This guide should, therefore, be of interest not only to those working in the criminal justice field (e.g., police, probation, lawyers) but also to those working in education (teachers, youth workers), health care, social care and civil society, as well as religious and community leaders.

Prerequisites for success

To be effective, restorative justice practices must be grounded in, and guided by core principles that are consistently upheld. Restorative justice, delivered in any of its forms — mediation, circles or conferencing — should be:

- Safe
- Impartial
- Confidential
- Fair
- Voluntary
- Guided by professional standards⁵²

If the harming party does not accept that they have committed the conduct or incident, direct forms of restorative justice must never be practised.⁵³ This is especially important when addressing incidents rooted in bias, because they carry an increased risk of re-victimization, which can further exacerbate the harm already experienced.

To ensure that restorative justice practices can help to repair the harms of hate and prejudice they must be free from:

- Domination
- Discrimination
- Bias
- Abuse of power⁵⁴

Direct restorative justice solutions should be used in the following circumstances: when the bias motive is acknowledged by the perpetrator; the victim can be compensated for

52 See more in United Nations ECOSOC, [Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters](#); [Directive 2012/29/EU](#); [Handbook on Restorative justice programmes](#), 2nd Edition, UN Office for Drugs and Crime, Vienna, 2020; Theo Gavrielides, *The RJ4All Restorative Justice Practice Framework: 10 steps to delivering safe and compliant restorative justice practice* (London: RJ4All Publications, 2025).

53 Note, however, that in such cases, indirect restorative justice approaches (e.g., shuttle mediation or restorative circles) may still be appropriate, enabling victims to articulate the harms they have suffered and access alternative forms of community support, validation and healing.

54 See more in Gavrielides, *Power, Race & Justice*.

the harm they suffered; and the victim attends the meetings voluntarily.⁵⁵ Combining restorative justice practices with criminal justice measures can be helpful in addressing these issues.

The implementation of restorative justice inside and outside the criminal justice system

Restorative justice can be implemented both inside and outside the criminal and youth justice systems, via two implementation models: formal and informal.⁵⁶ Regardless of the model, restorative justice for hate crimes has most commonly been used to prevent further incidents. It is particularly useful in preventing the escalation of hate incidents, although its implementation in the aftermath of more serious forms of bias-motivated violence can also prove highly effective in addressing harm.

Restorative justice practices are often applied outside the formal criminal justice system, for example in schools, neighbourhoods or through civil society initiatives. Many OSCE pSs use a mixed approach, where restorative justice is available both through legal mechanisms and through community-based initiatives. Some OSCE pSs have legislation in force that allows case diversion within the criminal justice system, meaning it provides alternative solutions in order to avoid criminal proceedings. Other OSCE pSs apply restorative justice in a limited scope, restricting its use to specific offences or procedural stages.

At both the institutional and community levels, restorative justice can play an important role in preventing and responding to hate incidents, especially if it prioritizes voluntary participation, safety and the opportunity for affected communities to voice their experiences.

Proceeding with due care and consideration

Those applying restorative justice in response to hate incidents or hate crimes must approach it with care and awareness of the specific needs of those affected.

⁵⁵ OSCE/ODIHR, *Hate Crime Victims in the Criminal Justice System*, p. 156.

⁵⁶ Further information on this distinction, which is also called ‘structured restorative justice’ and ‘unstructured restorative justice’ can be found Theo Gavrielides, *Comparative Restorative Justice*, (New York: Springer, 2021).

Restorative justice practitioners must start by understanding the potential power imbalances between the victim and the offender, including the offender's capacity to exert dominance or control over other parties involved in the case.⁵⁷

A second important aspect of bias-motivated cases is recognizing that the harmed party is likely to have experienced the incident as part of a wider pattern of societal bias and discrimination. A key goal of restorative justice outcomes is to repair the harm caused, by restoring the harmed party as closely as possible to their position before the incident occurred, as if the harm had never taken place.

However, in cases of hate incidents, the harm is often deeply rooted and shaped by a long history of violent marginalization, making full repair difficult, if not impossible. Some cases will involve inter-generational trauma⁵⁸ and can also be affected by historical structural inequalities within society.

57 Theo Gavrielides, *Restorative Justice Theory & Practice: Addressing the Discrepancy*, 2nd Edition (London: RJ4All Publications, 2020).

58 Ely Aaronson, *From slave abuse to hate crime* (Cambridge University Press, 2014); Avlana Eisenberg, *A trauma-centered approach to addressing hate crimes*, *The Journal of Criminal Law and Criminology*, 112(4), 2022, pp. 729-748; OSCE/ODIHR, *Hate Crime Victims in the Criminal Justice System*, p. 126.

**THE BENEFITS OF USING
RESTORATIVE JUSTICE
FOR BIAS-MOTIVATED VIOLENCE**

While the use of restorative justice for hate crimes has received limited evaluation so far,⁵⁹ there is evidence of the potential benefits it can bring to affected individuals and communities. Some positive evidence of restorative justice with hate incidents and hate crimes has been found in the field of youth violence.⁶⁰

Restorative justice approaches emphasize the needs and experiences of the victim, making them a potentially valuable option for people who have experienced hate crime, who often seek recognition, validation and meaningful dialogue as part of their healing process. Such processes can:

- Empower victims and amplify their voices, particularly in cases that do not reach court, by providing a meaningful space for their experiences to be acknowledged;
- Reduce emotional trauma, as victims feel acknowledged and their identity differences are humanized through dialogue and repair;⁶¹
- Address underlying causes in greater depth than is often possible in formal criminal proceedings, allowing a more holistic understanding of the causes and effects of the incident; thereby reducing the risk of repeat victimization;⁶² and
- Engage the wider community in the restorative process, which can provide essential social support and help mitigate future potential security concerns.⁶³

Restorative justice offers a less complex justice system for victims to navigate. It is easier for all parties to understand.⁶⁴ Restorative justice approaches also tend to be more flexible, as they are aimed at responding to the specific needs of participants. For example, hate crime victims can benefit from restorative justice by receiving non-material compensation, such as an apology, observing expressions of remorse or regret by offenders, receiving promises

59 Ignacio Elpidio Domínguez Ruiz, Malin Roiha, Olga Jubany, *Restorative solutions for anti-LGBT victimisation experiences: potential pathways for victims' wellbeing and key challenges and needs* *Culture, Health & Sexuality*, 25(12), 11 August 2022, pp. 1626-1639; Liyana Kayali and Mark Austin Walters, *Responding to hate incidents on university campuses: benefits and barriers to establishing a restorative justice programme*, *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 24(1), 2021, pp. 64–84; Mark Austin Walters, *Hate Crime and Restorative Justice*; Tony Munton, Christopher Maidment, Emma Carter, Alan Gomersall and Joanna Perry, *Hate Crime Perpetrator Programmes: A Review Of The Evidence*, (Mayor of London, Office for Policing and Crime, June 2024).

60 Further information can be found in Juras, A., & Novák, J. (2024). Hate Crimes from the Perspective of Restorative Justice, *Internet Journal of Restorative Justice*, 12(1), ISSN (online): 2056-2985.

61 Walters, *Hate Crime and Restorative Justice*.

62 *Ibid.*

63 *Ibid.*

64 Berit Albrecht, *Multicultural Challenges for Restorative Justice: Mediators' Experiences from Norway and Finland*, *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 11(1), 2010, pp. 3-24.

that incidents will not be repeated, and a readiness to make amends.⁶⁵ Victims often say that this non-material reparation is equally, if not more important than material compensation.⁶⁶

There is also a significant body of research suggesting that victim satisfaction with restorative justice is considerably higher when compared to experiences with the conventional criminal justice system.⁶⁷ Furthermore, studies have shown higher chances of victims receiving monetary or material compensation through restorative justice, compared to the criminal justice pathway.⁶⁸ Restorative justice can also provide a more cost-effective alternative to traditional criminal justice processes, which often involve significant legal and procedural expenses.⁶⁹

There is some evidence to suggest that commonly targeted groups would prefer restorative justice in response to a hate incident or a hate crime rather than conventional criminal justice processes. In one quantitative study involving LGBTI participants, 61 per cent of respondents expressed a preference for restorative justice over an enhanced punishment when asked to choose between the two as responses to hate crimes.⁷⁰ The researchers found that restorative justice was perceived as more effective in reducing reoffending and better for victim recovery than court-imposed sentencing enhancements.

Hate crime victims' support for restorative justice

A Leicester University project on hate crime victimization, run from 2012-2014, based on extensive surveys of victims of hate crimes, observed: “[P]articipants showed an overwhelming preference for the use of educational interventions and restorative approaches to justice, as opposed to extended prison sentences or harsher regimes. Moreover, this preference was shared by victims of different types of violent and non-violent hate crime and from different communities, ages and backgrounds. Many participants spoke of wanting the offender to understand the impact that their behaviour had on them, their family and in some cases their wider community, and believed that this could be achieved through the use of facilitated mediation. [...] Overall, participants felt that the use of smarter punishment – and not harsher punishment – offered a more effective route to challenging underlying prejudices, and therefore to preventing future offending.”⁷¹

65 Walters, *Hate Crime and Restorative Justice*.

66 *Ibid.*

67 See e.g., Jeff Latimer, Craig Dowden and Danielle Muise, *The effectiveness of restorative justice practices: A meta-analysis*, *The Prison Journal*, 85(2), June 2005, pp. 127–144.

68 *Ibid.*, pp. 127–144.

69 Frank Grimsey Jones and Lucy Harris, *Economic evaluation of restorative justice*, (London: Why me? 2022).

70 Mark Austin Walters, Jenny L. Paterson and Rupert Brown, *Enhancing punishment or repairing harms? Perceptions of sentencing hate crimes amongst members of a commonly targeted victim group*, *British Journal of Criminology*, 61(1), January 2021, pp. 61–84.

71 *Victims' Manifesto*, The Leicester Hate Crime Project, University of Leicester, September 2014.

In a 2017 London study, involving 84 victims and 44 offenders of different complex crimes including bias-motivated violence, the majority of victims said they had opted for restorative justice “to bring closure” (60%), followed by “to have their say and explain the impact of the offender’s actions” (40%), “to ask the offender questions” (40%) and “other reasons” that included “because I am passionate about restorative justice” (40%).⁷²

Research has also shown that restorative justice can bring positive changes to communities and to the criminal justice system by reducing re-offending. One of the key findings from a qualitative study of restorative justice meetings for hate crime cases conducted in various locations across England was that, in 17 of 19 cases researched involving ongoing hate crimes, the incidents ceased following participation in a restorative process.⁷³

Research in the United Kingdom (UK) presented evidence of lower rates of recidivism following restorative justice with certain crimes.⁷⁴ A similar, independent evaluation of two, UK-based restorative justice interventions (Silence the Violence and Milestones) delivered to 268 offenders showed that they had a positive effect on their recidivism, wellbeing and general pro-social behaviour.⁷⁵

Last, but not least, restorative justice can have a positive impact on affected communities, resulting in their empowerment and increased social cohesion.

72 Theo Gavrielides, *Victims and the restorative justice ambition: a London case study of potentials, assumptions and realities*, *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 21(3), 2018, pp. 254-275.

73 Walters, *Hate Crime and Restorative Justice*.

74 T. F. Marshall and S. Merry, *Crime and Accountability: Victim-Offender Mediation in Practice*, (Norwich: HMSO, 1990); Lawrence W. Sherman, Heather Strang et al, *Restorative justice: the evidence*, The Smith Institute, 2007; Lawrence Sherman, Heather Strang et al, *Preliminary Analysis of the Northumbria Restorative Justice Experiments*, (Lee Center of Criminology, 2006).

75 Theo Gavrielides, Andriana Ntziadima and Ioanna Gouseti, *Evaluating Social Action for Rehabilitation: Khulisa Rehabilitation Social Action programmes Executive Summary*, RJ4All Publications, April 2015.

Case Study: Anti-LGBTI hate in Spain⁷⁶

A 54-year-old gay man was living in a small town in the province of Girona, Spain, with a population of 380. One morning, he discovered his van had been spray-painted with fuchsia-coloured swastikas and a homophobic insult. The perpetrator could not be identified, so a criminal prosecution could not be instigated. Nevertheless, the attack did not go unaddressed. His community stood up and expressed their solidarity. His neighbours organized a protest rally against the incident. The city hall painted the benches in rainbow colours and named the square ‘Harmony Corner’. These actions played a pivotal role in restoring the community, fostering healing and empowering those affected. According to the victim, the community response made him feel supported by the entire village and its local authorities.

Restorative justice responses in bias-motivated cases involving youth

The implementation of restorative justice responses should pay particular attention to the needs and rights of young people as victims, perpetrators or witnesses of hate crimes, as well as members of groups and communities that are directly or indirectly affected by bias-motivated incidents and crimes. “Juvenile justice is an ideal area for the implementation of [a] restorative approach, but only in careful steps. Failure due to high expectations without the necessary support to achieve them has an adverse effect on the target group as well as on the success of the measures.”⁷⁷

⁷⁶ Submitted by an expert as part of the consultation process.

⁷⁷ [European Best Practices of Restorative Justice in the Criminal Procedure 2010](#), Ministry of Justice and Law Enforcement of the Republic of Hungary, Budapest 2010, p. 23. See also [Recommendation CM/Rec\(2024\)4 of the Committee of Ministers to member States on combating hate crime](#), which calls on the authorities to “follow a multidisciplinary and multi-agency approach” and emphasizes “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.” For more considerations in relation to the involvement of children in restorative justice processes, see, for example, Annemieke Wolthuis, Emanuela Biffi and Malini Laxminarayan, [Restorative justice in cases involving child victims. I-Restore European Research Report](#), i-Restore, December 2020.

**TEN STEPS TO IMPLEMENT
RESTORATIVE JUSTICE
FOR HATE INCIDENTS
AND HATE CRIMES**

This section presents ten steps towards a successful restorative justice outcome that all practitioners should consider when working on cases involving bias-motivated incidents and crimes. It is important to remember that restorative justice is often not a linear process, and each case will have its own requirements and challenges. However, this actually reflects the whole point of restorative justice — a route to finding peace, healing and empowerment that is equitable and responds to the parties' needs.

Step 1: Changing perspective

Anyone implementing a restorative justice process must recognize that both victims and offenders are regarded as equally important in the process. This principle is because “retributive justice focuses on the violation of state law (...) restorative justice focuses on the violation of people and relationships”.⁷⁸

This first step should not be underestimated. Many practitioners delivering restorative justice will have been trained to manage risk by disempowering the person responsible for harm and removing them from decision-making within the justice process and potentially from wider society. Restorative justice departs from conventional approaches by placing both victims and offenders at the centre of the process. It reminds justice practitioners of the importance of recognizing the needs of *all* parties and involving them in decisions about how the harm should be addressed and repaired.

Case Study: Mitigating tensions and building community resilience in the UK⁷⁹

The case was conducted by the Restorative Justice for All International Institute⁸⁰ and was run by trained volunteers. The circles⁸¹ created a space for sharing experiences, recognizing harm and exploring solutions. The structure of the circle involved 14 participants and one facilitator: five individuals directly affected by hate crime, two recruited from groups that commonly experience hate crime, four civil society representatives including social workers, and three other local community members. This diverse group engaged in a restorative justice dialogue that addressed both personal and community-level concerns. The circle was not a response to a single incident but a mechanism for mitigating tensions and building resilience in the broader community that was suffering from rising levels

⁷⁸ Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Herald Press, 1990), p. 65.

⁷⁹ Submitted by the Restorative Justice for All International Institute (RJ4All).

⁸⁰ Restorative Justice for All International Institute webpage.

⁸¹ Circles are restorative justice practices involving victims, offenders, circle keepers, family, friends, affected community members and professionals.

of hate crime. The focus on hate incidents related to gender and sexual orientation, which stemmed from the participation of an LGBTI support group. A clear intersection of race and ethnicity was also highlighted.

Follow-up evaluations with participants indicated that the circle provided a space for them to share their stories with nuance, while maintaining a sense of agency over their own experiences. The space recognized the complex, multi-layered nature of victimization, highlighting the importance of restorative justice responses that respond to diverse and intersecting needs. Participants described incidents that varied in location, severity and impact. This range of experience highlighted the potential of restorative justice to bridge these differences and foster a shared recognition of harm within the community. Views on the causes of hate incidents varied. Some perceived 'hate' as a choice, advocating for separation or retribution. Others attributed the incidents to ignorance and emphasized education and integration as key preventive measures. The circle allowed these perspectives to coexist, ensuring participants could express their needs while promoting mutual understanding and reflection. Moreover, the circle functioned as a prevention mechanism by discussing the harm and equipping the community with restorative justice tools to prevent further violence. It provided a space for those harmed to regain power and express the ongoing impact of the hatred and discrimination they experience, and also engaged individuals who had overlooked this in their community. By putting restorative justice principles at its centre, this initiative demonstrated that hate crime is not only a legal issue but also a social one, requiring community-based responses. This acknowledged the full extent of the harm caused by hate, ultimately contributing to the creation of a more cohesive and resilient community.

Step 2: Understanding and managing power relations

The restorative process demands power-sharing based on the premise that all the parties are equal in the identification of harm and in reaching an agreement for reparation and/or restitution. Hate incidents and hate crimes send a message of exclusion and devaluation to individual victims and the communities sharing their characteristics. They also often involve a continuum of harm and, unlike other crimes, bias-related violence has a profound impact on victims' physical and psychological well-being. All these considerations expose restorative processes to power-related risks as the harmed and harming party are brought together.

Power relations are an important factor not only between the parties, but also between the facilitator and the parties. Restorative justice practitioners must recognize that their

role is not to exercise control or authority, but to guide the process impartially, ensuring that all parties are equally empowered to participate.⁸²

The theory of restorative justice assumes that any practitioner, independently of their background and identity, should be able to facilitate any case. Where required, practitioners “should have an understanding of the local culture and communities”.⁸³ Restorative justice services and programmes should also, to the extent possible, seek to employ people belonging to communities at risk of hate crime victimization.

It is important to remember that victims may face specific barriers to accessing restorative justice, such as those related to their financial situation, migration status or other identity-related factors that contribute to their social marginalization.⁸⁴ These barriers can be further compounded by institutional prejudice, where systemic biases within justice services may result in victims being disbelieved, dismissed or inadequately supported. As a result, some victims may feel unsafe or excluded from processes that are meant to offer them redress and recognition.⁸⁵

Step 3: Doing no (further) harm

Restorative justice practitioners are expected to adhere to a ‘do no harm’ principle, ensuring this is upheld at all times when engaging with hate victims.⁸⁶ This is particularly significant in the context of restorative justice, which can foster an emotionally charged and deeply transformative process for all parties involved.

Restorative justice practitioners must take precautions and implement safeguards to prevent secondary victimization — harm caused not by the crime itself, but by how victims are treated by institutions and justice professionals.⁸⁷ Restorative justice practitioners must therefore remain vigilant about potential risks that may arise during the process. However, risk identification and mitigation should not be viewed as a straightforward,

82 Gavrielides, *Power, Race & Justice*.

83 UN ODC, *Handbook on Restorative justice programmes*, p 47.

84 Methods of managing power relations are outlined in Step 3.

85 See, for example, Baroness Casey of Blackstock, *Independent Review into the Standards of Behaviour and Internal Culture of the Metropolitan Police Service: Final Report*, Metropolitan Police Service, March 2023.

86 *Including the Voices of Hate Crime Victims in Policymaking and Policy Implementation. A Practical Guide*, OSCE/ODIHR, 3 June 2024, p. 6.

87 *Preventing Secondary Victimization, policies and practices*, EUCPN Toolbox Series No. 7, European Crime Prevention Network, Brussels, March 2016, p. 9; Article 12 of *Directive 2012/29/EU* states “Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services.”

linear task. Risks can emerge throughout the restorative justice process, meaning that mitigation efforts are an ongoing part of subsequent stages.

Safe and competent restorative justice services should, at a minimum, fulfil the following conditions:⁸⁸

- Restorative justice services should only be used if this is in the best interest of the victim. It is crucial that the victim's needs are carefully considered, particularly in relation to appropriate restitution and the recognition of the prejudice involved and its impact on the victim.⁸⁹
- Participation in any restorative justice process must be based on the victim's free and informed consent, which may be withdrawn at any time.⁹⁰
- Before agreeing to participate in any restorative process, victims should be given full and unbiased information about the process and potential outcomes, as well as about the procedures for supervising the implementation of any agreement. Practitioners must consult the victim, inform them and secure their informed consent.⁹¹
- The victim should be directly involved in identifying appropriate restoration and agree to any proposed restitution outlined in the final agreement.⁹²
- At a minimum, the victim should always be informed of the formal outcome, including their needs (as identified through the individual needs assessments).⁹³ The agreement reached should not diminish the victim's right to make any future formal compensation claim or diminish the claimable amounts in a court of law.
- The final agreement and any discussions documented in restorative justice processes not conducted in public are confidential and should not subsequently be disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.⁹⁴

88 Based on provisions of Article 12 of [Directive 2012/29/EU](#).

89 OSCE/ODIHR, [Hate Crime Victims in the Criminal Justice System](#), p. 152.

90 Council of Europe, [Recommendation CM/Rec\(2018\)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters](#), Rule 16.

91 OSCE/ODIHR, [Hate Crime Victims in the Criminal Justice System](#), p. 153.

92 *Ibid.*, p. 152.

93 See more in [Model Guidance on Individual Needs Assessments of Hate Crime Victims](#), OSCE/ODIHR, 15 June 2021.

94 Council of Europe, [Recommendation CM/Rec\(2018\)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters](#), Rules 17 & 53.

Both the victim and the offender should acknowledge the basic facts of the case as a basis for participation. In cases of hate crimes, this basis should also include the bias motivation underlying the attack in question.⁹⁵ The restorative justice process should not be triggered if the harming party is not prepared to admit guilt and accept these basic facts.

If criminal proceedings are ongoing, participation in restorative processes should not be construed as evidence of admission of guilt, and where evidence of bias motivation exists, restorative justice outcomes should not result in the bias element being dismissed.⁹⁶

Community response in the United States⁹⁷

An anti-racist mural in Santa Cruz, California, was defaced, causing considerable distress among local community members. In collaboration with other local stakeholders, a local collective of artists and activists, who had spearheaded the mural project, advocated for the implementation of a restorative justice process. The process was guided by the Conflict Resolution Center of Santa Cruz County's Reconciliation Project with support from Santa Cruz County Adult Probation Department. Key components of the process included facilitated dialogues, community engagement and reparative actions such as repainting the mural, financial restitution, participation in educational activities and community service. Feedback from stakeholders highlighted the success of the process in fostering personal accountability and community healing.

Step 4: Setting up effective referral processes

Diversion to a restorative process should be made available at any stage in criminal proceedings.⁹⁸ Depending on the legal structures regulating the handling of hate crimes, a case can be referred from various sources, including a self-referral. It is essential that

95 OSCE/ODIHR, *Hate Crime Victims in the Criminal Justice System*, p. 155.

96 *Ibid.*, pp. 153-155.

97 Submitted by an expert as part of the consultation process.

98 Council of Europe, *Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters*, Rule 19. See also OSCE/ODIHR, *Hate Crime Victims in the Criminal Justice System*, p. 155; *Directive 2012/29/EU*, Article 12: "Member States shall facilitate the referral of cases, as appropriate to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral." Some jurisdictions, however, may choose to put in restrictions related to circumstances in which restorative justice can be used for hate incidents and hate crimes.

any referral source is well-informed about the aims of restorative justice, its core values and the specific effects of hate crime victimization.

Cases should be allocated to a restorative facilitator on a case-by-case basis. Any potential or actual conflict of interest must be declared and considered when a case is allocated. Given the complexities of hate crime cases, at least one caseworker involved in overseeing the restorative justice process should be trained and experienced in facilitating such cases.

This should include:

- An understanding of how previous or current relationships can affect the restorative justice process, either increasing the benefits or providing opportunities for further harm to be caused; and
- An understanding of the unique harms caused by bias-motivated incidents and the impact these may have on facilitating inclusive dialogue, including the necessary level of preparation and the time required to effectively facilitate meetings.

As outlined above, practitioners will need to ensure that participation in restorative justice processes is freely accepted by all parties and that their informed consent is voluntary. In hate crime cases, the way information about restorative justice is presented is crucial, as this can affect greatly an individual's informed consent to participate. The method and style of delivery, along with the preparation provided, play a significant role in whether potential participants will feel comfortable and willing to engage. This preliminary stage is key to any future success in delivering reparative outcomes and must entail:

- Notification that participants have the right to withdraw consent at any time without explanation;
- Full and detailed information on how the parties' data will be managed and what notes will be taken during the process;
- Notification that they have the right to review their casework notes as they are developed; and
- Information on what the notes will be used for, and their non-admissibility as evidence should the case be returned to the formal justice process or other institutional systems.

Practitioners will need to be aware that it is often problematic to determine consent in complex cases. It is vital that restorative justice practitioners consider how a harmed party's consent, although seemingly fully informed, may be influenced by feelings of false

guilt and complicity, or real or perceived pressure from those who caused the harm on the harmed party or their family that may result from the outcome of any restorative justice intervention. Where neurodiversity or Special Educational Needs and Disability (SEND) issues are identified, these must be recorded and supported accordingly.⁹⁹

Practitioners must also ensure that all parties are clear about the safeguards and understand that they can choose either form of restorative justice (direct or indirect) regardless of whether they will be face-to-face or online. When opting for a direct, face-to-face restorative justice practice, it is vital to ensure that the meeting space is considered safe and neutral by everyone involved.

Harming parties who are in outright denial of the harm they have caused are not qualified for a restorative justice practice.

It is important to manage the expectations of all parties involved in the restorative justice process. Promises should not be made about specific outcomes, and alternative options should be discussed, if either a direct or indirect encounter cannot take place.

Step 5: Preparing parties for restorative encounters

Once the parties have agreed to take part in a restorative justice process, practitioners must prepare them for either direct or indirect encounters. This is the most important phase in the delivery of a safe restorative justice process. It should involve detailed case research and excellent communication between the restorative practitioner and potential participants.

The preparation phase must include:

- Personal contact between the restorative justice practitioner and potential participants
- Development of a continuous risk assessment
- A candid description of the restorative justice process to ensure realistic expectations
- Confirmation of informed consent from participants or validation of any previously obtained consent, e.g., to a referring agency
- A preparatory contact meeting where participants can:

⁹⁹ See Nicholas Burnett and Margaret Thorsborne, *Restorative practice and special needs: a practical guide to working restoratively with young people*. (London: Jessica Kingsley, 2015).

- Discuss what happened;
- Talk about what they were thinking at the time and since the incident;
- Discuss how they were feeling at the time and since the incident;
- Discuss who has been affected and how;
- Reflect on the nature and dynamics of the relationships that have been created or affected by the incident/s; and
- Reflect on what they need in order to move on or put things right.

The order of the preparatory contact (e.g., victim first) is not formally prescribed. However, in cases where harmed parties experience disempowerment, e.g., due to identity differences, practitioners should recognize that a perpetrator-first approach might reinforce negative power imbalances, creating the perception that the perpetrator's consent is more important.

At this stage, practitioners should reiterate that participants can withdraw their consent at any time in the process. This also applies throughout the direct or indirect encounter.

Any agreement reached through the restorative process should not affect the victim's right to pursue a civil claim or proceed with a criminal case. Depending on the jurisdiction, practitioners should be mindful of any legal time limits for initiating formal legal action and consider how participation in a restorative process may impact the victim's ability or willingness to seek justice through other legal avenues.

Where a face-to-face encounter is chosen, at least one well-planned, face-to-face preparation meeting should be held between the restorative justice practitioner and each participant separately. All complex cases should be dealt with by a minimum of two restorative justice practitioners. The method of co-working is not prescribed.

During preparation, it is important to be clear about the role of the restorative justice practitioner(s) in the process, including their role in overseeing any final agreement. Moreover, unless this duty is delegated to others, practitioners should present the available options for participants to follow up on the agreement once it is finalized, including referral to other support services or specialists.¹⁰⁰

The contact details of the practitioners, as well as procedures for emergencies and interventions outside working hours, should be given to all those taking part in the process.

¹⁰⁰ See more in OSCE/ODIHR, [Model Guidance on Individual Needs Assessments of Hate Crime Victims](#).

Step 6: Assessing risks (direct or indirect)

The encounter stage, whether direct or indirect, online or face-to-face, must be supported by a thorough risk assessment. Complex cases, including cases of bias-motivated violence, create risks — the process can go wrong. This can make professionals working in this area risk averse; a restorative justice approach should not be rejected just because the process may be risky. Risks should be evaluated by their probability rather than possibility, and followed by consideration of mitigation strategies. These measures must also reflect the specific circumstances of the case.

In many cases, the identified risks may already be a live problem, which may continue or become more acute if no action is taken.

Where Special Educational Needs and Disabilities (SEND) or neurodiversity are identified, an appropriate risk register and risk mitigation measures will need to be put in place. This is particularly important when children or young people are involved, directly or indirectly.¹⁰¹

Risk assessment and management is a continuous process that starts with the first notification of the case and ends only when the case is closed, after the final follow-up phase. Risk is dynamic and should be expected to change throughout the process. Therefore, risk assessment must also be flexible and reflect these changes.

Practitioners should be aware of the available risk assessment tools. They should assess the following general risks:

- The history and recent incidents of bias-motivated violence in the area
- Identification of parties (where anonymity or privacy is at risk)
- Interference with other processes in progress (e.g., court trials, protection orders)

Some risks might be related to the well-being of the harmed party, such as:

- Mental, emotional and physical health needs
- A tendency to self-harm and stated intentions or attempts at suicide
- Perceived or actual insecurity/self-blame
- Any indication of power imbalance, e.g., intimidation, blaming, denigration, disempowerment
- A previous history of bias-motivated victimization

¹⁰¹ Burnett and Thorsborne, *Restorative practice and special needs*.

- Protected characteristics, including national or ethnic origin, ethnicity, nationality, religion or belief, gender, sex, sexual orientation, gender identity, disability and others¹⁰²

Finally, there are risks related to the behaviour of the harming party, such as:

- Known warning signs, where available, including extremist¹⁰³ views and/or ultra-nationalism
- Socio-cultural, racial or ethnic biases, gender bias, anti-LGBTI bias or other types of identity-based hostilities

The existence of such risk factors should not automatically exclude proceeding with a restorative justice practice.

The risks for evaluation should also include other people connected to the parties involved. For example, the risk to any children would also be considered, regardless of whether they are taking part in the restorative justice practice. Hate crime is a complex phenomenon that typically has an impact beyond the directly harmed and the harming parties, which may include children and other family members.

Written risk assessments should be mandatory and should record any rationale for decisions taken in the development of the case. Information about potential risks must be discussed fully with participants to ensure their informed consent. This information should also include any measures taken, or that could be taken, to mitigate those risks.

Step 7: Facilitating the encounter and managing expectations

Where a face-to-face encounter is arranged, the physical space needs to be agreed to, in writing, by all parties, ensuring that it is neutral and safe.

The encounter should include a discussion about what happened, what impact it had and the outcome it can produce, taking into account participants' actions, thoughts, feelings and needs.

¹⁰² See more in OSCE/ODIHR, *Hate Crime Laws: A Practical Guide*, pp. 49-54.

¹⁰³ 'Extremism' is an imprecise term without a generally accepted definition, which leaves it open to overly broad and vague interpretations and opens the door to arbitrary application of the law. In line with OSCE commitments, terrorism and violent extremism cannot and should not be associated with any 'race', ethnicity, nationality or religion. See *Freedom of Religion or Belief and Security: Policy Guidance*, OSCE/ODIHR, 9 September 2019, p. 31.

Practitioners may begin with the act of harm that has brought the parties to the meeting. However, the encounter should be about repairing, not blaming or correcting, and its focus should be on the harm itself and not the harming party.

When facilitating dialogue about identity differences and biases, practitioners should be attuned to variations between the parties in their style of communication and abilities. This can include differences in paralanguage (non-verbal elements of communication, such as tone, inflection, pauses, speed and volume) that influence how messages are interpreted. Variations in speech, such as dialect or accent, can lead to misunderstandings or unintended offence, particularly for those unfamiliar with these nuances. These can hinder the empathy and mutual understanding that are vital for successful restorative justice outcomes. To overcome these differences, restorative justice practitioners should focus on the following:¹⁰⁴

1. **Building trust through clarification:** Where language or paralanguage differences, or the use of symbolism might cause confusion or misinterpretation, facilitators should take time to clarify any potentially misunderstood expressions. This could involve checking for understanding or gently addressing any reactions that could be influenced by cultural differences in communication.
2. **Encouraging empathy and understanding:** Facilitators should foster an environment where empathy is prioritized over assumptions. Helping participants understand that differences in language, paralanguage and symbolism are often cultural and not necessarily indicative of disrespect can help bridge any communication gaps and reduce the risk of escalating tensions.
3. **Active mediation:** When necessary, facilitators should mediate conversations about how language, paralanguage and symbolism may be perceived differently across cultures. This can involve discussing the intent behind certain expressions to help all parties understand each other better.

Likewise, it may be necessary to facilitate complex dialogue in cases involving individuals with SEND and/or neurodiversity, which may affect participants' ability to articulate harm, their feelings and/or their needs. This can be particularly important in cases of disability hate crime. Recommendations for engaging with participants with learning disabilities during restorative dialogue include:¹⁰⁵

¹⁰⁴ Outlined more fully in Walters, *Hate Crime and Restorative Justice*, Chapter 8.

¹⁰⁵ Burnett and Thorsborne, *Restorative practice and special needs*.

4. **Adapted communication:** This may include using tailored language, visual aids, the use of story boards or offering additional time to process information. Adjusting the pace and style of communication helps ensure that all parties can engage meaningfully.
5. **Supportive environment:** Practitioners should create a supportive environment, where individuals with SEND feel safe and encouraged to express themselves in a manner that suits them. This includes offering reassurance and ensuring that participants are not overwhelmed by the intensity of the emotions typically involved in hate crime cases.
6. **Involvement of caregivers:** In some cases, caregivers or support workers should be included in the process. This helps ensure that individuals with SEND have the support they need to participate effectively, while also protecting them from potential harm or misunderstanding.
7. **Ongoing monitoring and flexibility:** Practitioners are encouraged to remain flexible throughout the restorative encounter. They should continuously assess whether the process is meeting the needs of the participants¹⁰⁶ and adapt as necessary to ensure that the experience is accessible and beneficial for everyone involved.

Special considerations while facilitating restorative justice encounters

Victims from particular communities at risk of hate crime victimization may have special needs resulting from their identities that need to be taken into account at every step of the process. For example, victims belonging to the LGBTI community “may be subject to blackmail as they may not have alerted others to their status as LGBT[I].”¹⁰⁷ There are also specific language aspects related to using the pronouns a person prefers and the name of preference, rather than the one given at birth, for those who changed it. There can be “agreed mechanisms for victims to alert the facilitators to microaggressions or feelings of being re-victimised”.¹⁰⁸ This is also the case with people from racialized communities, “who often find themselves

¹⁰⁶ “It is important to be honest with the harmed person that restorative justice may not focus on all of their needs and can only address the issues arising from the particular crime/harm for which they have been referred to the RJ [restorative justice] process.” Source: Joakim Hope Soltveit, Lucy Jaffe and Cheryl Lubin, Eds., *Restorative justice in cases of violent extremism and hate crimes*, A practice guide by the European Forum for Restorative Justice (EFRJ) working group on violent extremism, European Forum for Restorative Justice, June 2021, p. 12.

¹⁰⁷ Soltveit et al, *Restorative justice in cases of violent extremism and hate crimes*, p. 12.

¹⁰⁸ *Ibid.*

called by names that the dominant group does not recognise as hurting or problematic”.¹⁰⁹

More generally, restorative justice practitioners should be prepared for unexpected information to surface during an encounter, as sensitive or hidden details can emerge. Practitioners should remain alert to behavioural cues — both verbal and non-verbal — that could signal the re-emergence of hostilities or unresolved emotions. It is essential that they manage these reactions with empathy and patience, allowing space for participants to express themselves while maintaining a safe and respectful environment. Practitioners should be ready to intervene when necessary, offering reassurance, redirecting the conversation or, if required, pausing the dialogue to prevent escalation. Ensuring that all parties feel heard and respected is key to maintaining the integrity of the process.

Restorative justice practitioners should always display sensitive, respectful and impartial behaviour. They should also be aware of their own practice and unconscious bias relating to all protected characteristics as well as socio-economic status. While it is essential to focus on the needs of hate crime victims and consistently consider the impact of the incident on them, facilitators should refrain from making value judgments during the encounter. Doing so could create obstacles to authentic cooperation and meaningful engagement between the affected parties.

All parties are responsible for determining the outcome of the process. The following need to be noted:

- While outcomes should be shaped by the expressed needs of the participants, restorative practitioners or justice professionals overseeing the process should, to the extent possible, ensure that the outcome is not negative or excessively burdensome for any of the parties.
- Restorative justice processes may be deemed successful without a formally signed outcome agreement. This may differ depending on an OSCE pSS’ legal framework.
- Outcomes, where achieved, should be recorded and copies given to participants. The extent to which these legally bind participants, if at all, will depend on the legal framework the restorative practice operates in.

The exchange of information between organizations about outcomes should be open and honest, and should require the consent of the participants or agencies involved (e.g., when

¹⁰⁹ *Ibid.*

providing basic information to any agency or other participant that may otherwise have been kept confidential).

Restorative justice encounters are not mandatory and cannot be imposed.

The role of restorative justice practitioners is to manage the logistics and create a safe environment, for example, by ensuring clearly labelled exits, conducting a walk-through of the location ahead of the meeting and ensuring there are break out rooms, separate entrances, waiting areas and exits for all parties, if necessary. They must show respect and act fairly towards all parties so that they can build resolutions.

Step 8: Securing consensual, realistic, clear and time-bound agreements

If the encounter results in an agreement, compliance must be monitored to ensure the outcomes are carried out. This must be made clear to both parties.

If the restorative justice process is linked to the criminal or civil justice system, a feedback mechanism must be incorporated. It should specify a clear timeframe for verifying the fulfilment of the agreement.

When the restorative justice process is not linked to the criminal or civil justice system, a follow-up meeting should be offered to discuss progress and compliance with the outcomes.

Apologies are a common form of agreed reparation. Research shows that for an apology to be reparative it must be perceived to be genuine.¹¹⁰ Where apologies are rushed or cajoled from the harming party, these may exacerbate the emotional harms already experienced by the harmed party.¹¹¹

In cases involving hate incidents, an apology may be insufficient unless it is accompanied by a commitment to stop further bias-motivated behaviour and followed by a period of observation to check that no additional incidents occur.¹¹² This is especially important in hate crime cases, because victims often experience heightened feelings of vulnerability and fear due to earlier repeated experiences of bias-motivated victimization.

110 Kathleen Daly, *South Australia Juvenile Justice Research on Conferencing Technical Report No. 2. Research Instruments in Year 2 (1999) and Background Notes*, (Brisbane, Queensland; School of Criminology and Criminal Justice, Griffith University), 4 June 2015.

111 Walters, *Hate Crime and Restorative Justice*, Chapter 5.

112 *Ibid.*

Restorative practitioners must, therefore, ensure that they do not facilitate insincere apologies. This can be done by dedicating sufficient time to prepare participants and ensuring that both parties have the opportunity to communicate openly with one another. Written letters of apology must be detailed and fully explain the regret or remorse of the harming party.

Case study: Anti-Semitic harassment involving youth in the United Kingdom¹¹³

A 17-year-old Jewish student faced repeated anti-Semitic harassment from a peer, who pushed him to the ground, called him slurs, threw rocks at him and later verbally abused both him and his mother in public. After the offender was convicted, the case was referred to the Oxford Youth Offending Service, which facilitated a restorative justice process. Instead of completing standard community service as a form of reparation, the victim suggested that the offender research the Holocaust and reflect on the wider harm of anti-Semitism. The resulting report was shared with the victim and his family. Although there was no direct dialogue between the parties, the process created space for the harmed parties to speak with the practitioner about their cultural identity, their connection to the Holocaust victims and the deeper emotional impact of being targeted for their heritage. This act of storytelling became a central part of the process, helping to contextualize the harm. While the sincerity of the offender's reflection remained uncertain, the victim's family found the exercise more meaningful than traditional forms of punishment. This case shows how restorative justice may help offenders to learn more about cultural and identity difference and, more broadly, about the harmful impact of racial and religious hostility, not just on the primary victim, but on entire groups of people.

Step 9: Monitoring and safeguarding agreements

Monitoring or observation periods must be agreed upon in order to safeguard the agreement even after other outcomes have been completed. During this period, the restorative justice practitioner should stay in contact with the participants and monitor the completion of any outcomes.

¹¹³ Taken from Walters, *Hate Crime and Restorative Justice*, pp. 230-232.

Aftercare and follow-up actions in restorative justice practice, such as psychological support, are integral to participants' safety as well as to the provision of a holistic restorative justice process.

All participants of a restorative justice process should, if they agree, be given necessary assistance and support. This support should continue throughout and after the restorative justice practice. Restorative justice practitioners are responsible for recommending appropriate specialist services, such as anti-violence programmes, drug and alcohol treatment services, women's support services or, in the case of bias-motivated violence, specialist hate crime victim support services.

Restorative justice practitioners working on complex cases deal with intense and often emotional conversations, and they work under pressure to manage risks. Therefore, it is important that supervisors debrief facilitators after every stage of a complex case.

Restorative justice practitioners who have direct contact with the harmed and harming parties of complex cases should have ongoing supervision from management or peers who are not involved in the case. This supervision should include:

- Validation of the risk assessment
- Quality control
- Coordination support
- Advice and guidance, including care and support for practitioners and their development
- Monitoring the compliance of the harming party with the terms of agreement and with agreed time limits.

Case study: A bias-motivated act of vandalism in Czechia involving a juvenile offender¹¹⁴

In Czechia, a 16-year-old boy was involved in a bias-motivated act of vandalism targeting a Jewish cemetery, including the desecration of gravestones and a Holocaust memorial. While the other perpetrators denied responsibility, the boy admitted his involvement and was referred to a restorative justice process as part of juvenile proceedings. Given the sensitive nature of the incident, individual victims chose not to be directly involved. Instead, a local rabbi represented the affected community in a professionally organized mediation. During the process, the rabbi was able to communicate the emotional damage, fear and insecurity

¹¹⁴ Taken from Ministry of Justice and Law Enforcement of the Republic of Hungary, *European Best Practices of Restorative Justice in the Criminal Procedure*, p. 170.

caused by the boy's actions, enabling him to recognize the broader social and psychological consequences of his actions. In response, the boy expressed genuine remorse and committed to a reparative agreement, which included community service focused on restoring the damaged cemetery. His actions and attitude were later communicated to the wider community, contributing to a reduction in tension and promoting reconciliation. Restorative justice can address hate crimes involving youth offenders by prioritizing accountability, community involvement and meaningful reparation, even when direct victims do not take part.

Step 10: Ensuring holistic follow-up support

The severe and multi-dimensional impact of bias-motivated crimes requires a holistic approach to support all parties, both during and after any agreement is made to address the immediate harm. This holistic approach requires multi-agency engagement, where practitioners work directly with other support services and experts, such as mental health specialists and therapists, social and healthcare workers, educators, psychotherapists, lawyers, childcare providers, human rights and gender rights educators, religious leaders, cultural and diversity trainers, and specialist hate crime victim support providers.¹¹⁵ Restorative justice professionals should be ready to refer parties to these specialist services by creating and maintaining a directory of available resources. It may also be appropriate to include representatives from these agencies in direct restorative encounters with the parties.

It is important to map and cooperate with partners, such as hate crime victim support providers, when responding to complex cases, to ensure that casework is not conducted in isolation. Partners, including any multi-agency risk assessment panels, may need regular updates to ensure continuity in care and prevention of future harm.

Case study: Multi agency cooperation in a case of disablist abuse in the UK¹¹⁶

A young Black British man with a minor learning disability faced over a year of harassment from a group of schoolchildren, including verbal slurs, rumour-mongering and stone-throwing. After a police warning failed to stop the abuse, a community facilitator brought together the victim, the young people involved and the head teacher of their school for a restorative dialogue. The victim had the

¹¹⁵ *Ibid.*, Chapter 6.

¹¹⁶ Taken from Walters, *Hate Crime and Restorative Justice*, pp. 176-177.

opportunity to talk about the emotional impact of the insults, and the involvement of the school reinforced the clear message that such behaviour is unacceptable and affirmed its commitment to upholding a safe learning environment. The students apologized and agreed to stop. The harmed party shared that, for the first time in a long while, he and his girlfriend felt safe walking in their neighbourhood. Involving community actors, such as school staff in this case, can strengthen the restorative process. Their presence not only supports the victim emotionally but also helps prevent repeat victimization.

This guide shows how restorative justice can be used to address hate incidents and hate crimes. It acknowledges the potential benefits of restorative justice while emphasizing the importance of a victim-centred and intersectional approach. It recognizes the multifaceted nature of hate crime and its long-lasting impact on individuals and communities. It outlines the fundamental principles and key concepts that underpin restorative justice, as well as the complexities surrounding hate crimes and hate incidents.

It is important to focus on ensuring that restorative justice is appropriately applied, taking into account the risks and challenges, such as secondary victimization and power imbalances between the harmed and harming parties. Practitioners must remain vigilant to avoid further harm and ensure that all those involved are treated with fairness, dignity and respect. The guide includes recommendations on how to manage complex restorative justice cases, including those involving parties with diverging cultural backgrounds and those with special educational needs or learning disabilities.

The ten steps to implement restorative justice for hate crimes and hate incidents include practical advice on what restorative justice practitioners should consider, how to set up effective referral processes, prepare participants, assess risks, facilitate the encounters, manage expectations, conclude with meaningful and monitored agreements and ensure follow-up support. They also emphasize the need for multi-agency partnerships with specialized support services to ensure a holistic approach to victim support and community healing.

Ultimately, this guide aims to help practitioners navigate the complexities of restorative justice in hate crime and hate incident cases, while addressing the limitations and risks of such practices. It is a resource for anyone involved in supporting victims of hate crime to ensure that restorative justice is a transformative tool for healing, empowerment and social cohesion.

Abbreviations

EC	European Commission
EP	European Parliament
EU	European Union
EU MSs	European Union Member States
EStAR	Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support
FGC	Family Group Conferencing
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
OSCE pSs	OSCE participating States
RJC	Restorative Justice Circles
SEND	Special Educational Needs and Disabilities
STARS	Strengthening Targeted Assistance and Response Structures for Hate Crime Victims in the OSCE Region
UK	United Kingdom
UN	United Nations
VBRG	Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany
VOM	Victim-Offender Mediation

