

Implementing Restorative Justice for Hate Incidents and Hate Crimes: A Practical Guide



Restorative justice facilitates dialogue among victims, offenders and the community to repair the harm caused by the criminal conduct. Through mediated dialogue, restorative justice enables all to acknowledge the impact and identify practical measures to address the harm caused.

While investigation, prosecution and appropriate sentencing are essential to deterring hate crimes, restorative justice offers a complementary approach to addressing the impact of bias-motivated incidents.

Restorative justice 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;
- Address underlying causes in greater depth than is often possible in formal criminal proceedings; and
- Engage the wider community in the restorative process, facilitating access to essential social support and helping to mitigate future security concerns.

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.

The guide sets out the ten steps that all practitioners should consider when working towards a successful restorative justice outcome on cases involving bias-motivated incidents and crimes.

Step 1: **Changing perspective**

Both victims and offenders are regarded as equally important in the process.

Step 2: **Understanding and managing power relations**

All parties are equal in identifying the harm and in reaching agreement on reparation and/or restitution. The role of restorative practitioners is not to exercise control or authority, but to guide the process impartially.

Step 3: **Doing no [further] harm**

Restorative justice should only be used if this is in the best interests of the victim. Participation must be based on the victim's free and informed consent, which may be withdrawn at any time.

Step 4: **Setting up effective referral processes**

Victims should be able to participate in a restorative process at any stage of criminal proceedings.

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

Step 5: Preparing parties for restorative justice meetings

The restorative justice process must be explained clearly to ensure realistic expectations. At the end of the process, practitioners should present participants with the available follow-up options, including referral to other support services or specialists.

Step 6: Assessing risks (direct or indirect)

Risks should be evaluated by their probability and followed by mitigation strategies. These measures must also reflect the specific circumstances of the case.

Step 7: Facilitating the encounter and managing expectations

Dialogue encounters should focus on the needs of hate crime victims and the impact of the incident on them. Practitioners should enable authentic cooperation and meaningful engagement between the affected parties.

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

If the parties reach an agreement, practitioners must monitor and ensure compliance with the agreed outcomes.

Step 9: Monitoring and safeguarding agreements

Restorative justice practitioners should maintain contact with the participants and offer them the necessary assistance and support.

Step 10: Ensuring holistic follow-up support

The impact of bias-motivated crimes requires a holistic approach to support all parties. Practitioners should co-operate with partners, such as hate crime victim support providers, to ensure that case work is not done in isolation.

This document was prepared by ODIHR as a follow up to the co-operation initiative between the OSCE Office for Democratic Institutions and Human Rights and the European Commission 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). The project was funded by the European Union and the governments of Bulgaria, Italy, and Poland, and implemented by ODIHR. For more information, please visit [STARS: Comprehensive Support for Hate Crime Victims](#).



For further information, please see

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



To learn more about the STARS initiative, please contact ODIHR at hcvictimsupport@odihr.pl



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

**OSCE Office for
Democratic Institutions
and Human Rights**

Ul. Miodowa 10
00-251 Warsaw
Poland

Office: +48 22 520 06 00
office@odihr.pl

odihr.osce.org



Follow ODIHR

