Extending the list of EU crimes to hate speech and hate crime

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The Committee on Civil Liberties, Justice and Home Affairs adopted an own-initiative report by Maite PAGAZAURTUNDÚA (Renew, ES) on extending the list of EU crimes to hate speech and hate crime.

In 2021, the Commission presented the Communication 'A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime', with a view to adding hate crime and hate speech to the list of areas of crime where Parliament and the Council may establish minimum rules concerning the definition of criminal offences and sanctions applicable in all EU Member States.

Although the fight against hate speech and hate crime should be a clear priority for the Union, the Council has still not adopted its proposal for a decision. Such a Council decision would be a first step in creating the legal basis for the adoption, in a second phase, of a common legal framework to combat hate speech and hate crime throughout the Union.

Extend the list of EU crimes to hate speech and hate crime

The report urged the Council to adopt a **decision** to include hate speech and hate crime among the criminal offences within the list under Article 83(1) TFEU, so that the Commission can initiate the second stage of the procedure. Members strongly regretted that almost two years have passed since the publication of the Commission communication and that the Council has made no progress on it, even though it was able to swiftly expand the list of EU crimes for other purposes. They also regretted such inaction in the light of the increase in hate speech and hate crimes.

Member States are called on to work together responsibly and constructively to **resume negotiations within the Council** in order to adopt a Council decision before the end of the current parliamentary term.

The report called on the current and future Presidencies of the Council of the Union to consider the Commission's proposal as a priority when drawing up their agenda and defining objectives. It recommended that Article 83 TFEU be amended to make it subject to **reinforced qualified majority** rather than the current required unanimity and called for the 'passerelle clause' to be activated in this regard.

Future legislation

Members emphasised that future EU legislation to establish **minimum standards** concerning the definition of criminal offences and sanctions for hate speech and hate crimes must protect human dignity, seek to prevent harm, ensure equality and combat hatred and intolerance, irrespective of the motivation.

The Commission is asked to consider an **open-ended approach** whereby the list of grounds of discrimination will not be limited to a closed list in order to effectively combat hate speech and hate crimes motivated by new and changing social dynamics.

Members stressed the importance of:

- giving particular consideration to **minors**, including those belonging to **vulnerable groups**, so as to give them special protection from hate speech and hate crimes, to prevent these incidents, including bullying in

schools and cyberbullying, from occurring and to minimise their impact on minors' development and mental health;

- ensuring that a **robust EU legal protection framework** is put in place so that victims are effectively protected;

- applying an **intersectional approach** and the importance of adopting comprehensive measures, including providing training to professionals likely to come into contact with victims, as well as measures to ensure protection, safe access to independent justice, specialised support services and reparations for victims.

The Commission and the Member States are invited, in cooperation with the relevant EU bodies and organisations, to establish adequate **data collection systems** for obtaining solid, comparable, disaggregated and anonymous data on hate incidents.