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

2023/2068(INI) - 18/01/2024 - Text adopted by Parliament, single reading

The European Parliament adopted by 397 votes to 121, with 26 abstentions, a resolution on extending the list of EU crimes to hate speech and hate crime.

Member States' criminal laws deal with hate speech and hate crime in different ways and that minimum harmonised rules at EU level exist only when such crimes are committed against a group or individual based on their race, skin colour, religion, descent or national or ethnic origin, which makes it difficult to implement a successful common strategy to effectively combat hatred.

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

Parliament 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. It 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. It 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 resolution 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.

The resolution stressed that misuses of the internet and the business model of social media platforms, which is based on micro-targeted advertising, contribute to spreading and amplifying hate speech, inciting

discrimination and violence and increasing the risk of revictimization. It called on the Commission and the Member States to ensure the correct implementation of current legislation and to make use of all means and instruments at their disposal to counter the dissemination of hate speech online.

Furthermore, Parliament recalled public authorities' responsibility in preventing, investigating, prosecuting and reporting hate speech and hate crimes and that they must take into account facts that indicate hate when doing so.

Future EU legislation should support and promote strong cooperation with civil society, equality bodies and national human rights institutions.

Parliament also 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.

Lastly, 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.