Basic information

2023/2068(INI) INI - Own-initiative procedure	Procedure completed
Extending the list of EU crimes to hate speech and hate crime **Subject** 7.30.30 Action to combat crime	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	PAGAZAURTUNDÚA Maite (Renew)	12/01/2023
	Shadow rapporteur ADAMOWICZ Magdalena (EPP) BARLEY Katarina (S&D) KUHNKE Alice (Greens/EFA) VONDRA Alexandr (ECR) MADISON Jaak (ID) REGO Sira (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
FEMM Women's Rights and Gender Equality	TAX Vera (S&D)	30/05/2023

European Commission

Commission DG	Commissioner
Justice and Consumers	DALLI Helena

Key events

Date	Event	Reference	Summary
11/05/2023	Committee referral announced in Parliament		
13/11/2023	Vote in committee		
28/11/2023	Committee report tabled for plenary	A9-0377/2023	Summary

17/01/2024	Debate in Parliament		
18/01/2024	Decision by Parliament	T9-0044/2024	Summary
18/01/2024	Results of vote in Parliament		

Technical information	
Procedure reference	2023/2068(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 107-p5
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/12038

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE750.074	28/06/2023	
Amendments tabled in committee		PE752.955	12/09/2023	
Committee opinion	FEMM	PE749.280	25/10/2023	
Committee report tabled for plenary, single reading		A9-0377/2023	28/11/2023	Summary
Text adopted by Parliament, single reading		T9-0044/2024	18/01/2024	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2024)145	21/05/2024	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
PAGAZAURTUNDÚA Maite	Rapporteur	LIBE	12/10/2023	ABTTF
PAGAZAURTUNDÚA Maite	Rapporteur	LIBE	19/09/2023	ASSEDEL
TAX Vera	Rapporteur for opinion	FEMM	30/05/2023	Article 19

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

2023/2068(INI) - 28/11/2023 - Committee report tabled for plenary, single reading

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.

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.