



The response to hate speech and hate crime at EU level

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The legal and policy framework

Hate crime and hate speech are a criminal offences in the EU:

- EU law: 2008 Council Framework Decision on combating racism and xenophobia
- National criminal law transposing the Framework Decision (providing definitions of hate crimes and criminalised hate speech)

Policy actions:

- EU-level policy: the **High-Level Group on combating hate speech and hate crime**, including specialised networks of justice professionals and working groups on specific sub-areas, such as data collection, or online hate speech

The Council Framework Decision of 2008 on racism and xenophobia

ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 29, 31 and 34(2)(b) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) Racism and xenophobia are direct violations of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles upon which the European Union is founded and which are common to the Member States.

(2) The Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice ⁽²⁾, the Conclusions of the Tampere European Council of 15 and 16 October 1999, the Resolution of the European Parliament of 20 September 2000 on the European Union's position at the World Conference Against Racism and the current situation in the Union ⁽³⁾ and the Communication from the Commission to the Council and the European Parliament on the biannual update of the Scoreboard to review progress on the creation of an area of 'freedom, security and justice' in the European Union (second half of 2000) call for action in this field. In the Hague Programme of 4 and 5 November 2004, the Council recalls its firm commitment to oppose any form of racism, anti-Semitism and xenophobia as already expressed by the European Council in December 2003.

⁽¹⁾ Opinion of 29 November 2007 (not yet published in the Official Journal).

⁽²⁾ OJ C 19, 23.1.1999, p. 1.

⁽³⁾ OJ C 146, 17.5.2001, p. 110.

(3) Council Joint Action 96/443/JHA of 15 July 1996 concerning action to combat racism and xenophobia ⁽⁴⁾ should be followed by further legislative action addressing the need for further approximation of law and regulations of Member States and for overcoming obstacles for efficient judicial cooperation which are mainly based on the divergence of legal approaches in the Member States.

(4) According to the evaluation of Joint Action 96/443/JHA and work carried out in other international fora, such as the Council of Europe, some difficulties have still been experienced regarding judicial cooperation and therefore there is a need for further approximation of Member States' criminal laws in order to ensure the effective implementation of comprehensive and clear legislation to combat racism and xenophobia.

(5) Racism and xenophobia constitute a threat against groups of persons which are the target of such behaviour. It is necessary to define a common criminal-law approach in the European Union to this phenomenon in order to ensure that the same behaviour constitutes an offence in all Member States and that effective, proportionate and dissuasive penalties are provided for natural and legal persons having committed or being liable for such offences.

(6) Member States acknowledge that combating racism and xenophobia requires various kinds of measures in a comprehensive framework and may not be limited to criminal matters. This Framework Decision is limited to combating particularly serious forms of racism and xenophobia by means of criminal law. Since the Member States' cultural and legal traditions are, to some extent, different, particularly in this field, full harmonisation of criminal laws is currently not possible.

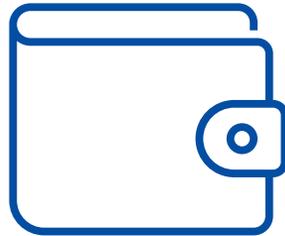
⁽⁴⁾ OJ L 185, 24.7.1996, p. 5.

“publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin”

Collaboration and support to national authorities and partner organisations (civil society, international organisations)



The EU High Level Group on combating hate speech and hate crime



Citizens, Equality, Rights and Values (CERV) Programme

→ Next round of funding for projects on combating hate speech and hate crimes opening in early 2027



Code of Conduct+ on countering illegal hate speech online

Addressing illegal hate speech online : Code of Conduct+ on countering illegal hate speech online

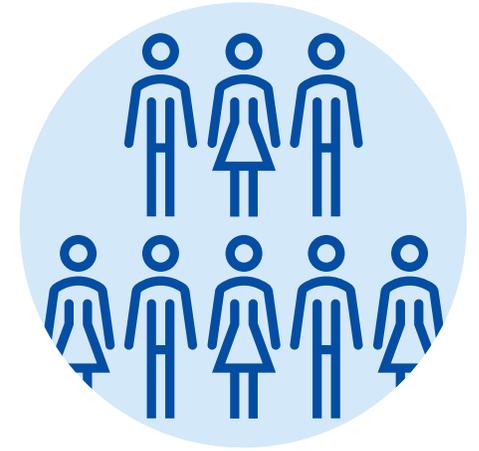


Code of conduct
under Article 45
DAS

Signed by all
VLOPs



Improving the
capacity to
respond to
threats deriving
from hate waves
(prevention)



Multi-
stakeholder
cooperation /
exchange and
monitoring

Questions?

Thank you!



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