



2023/2068(INI)

25.10.2023

OPINION

of the Committee on Women's Rights and Gender Equality

for the Committee on Civil Liberties, Justice and Home Affairs

on extending the list of EU crimes to hate speech and hate crime
(2023/2068(INI))

Rapporteur for opinion: Vera Tax

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SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas equality between women and men is a core value of the Union enshrined in Article 2 of the Treaty on European Union (TEU); whereas Article 8 of the Treaty on the Functioning of the European Union (TFEU) requires the Union, in all its activities, to aim to eliminate inequalities, and to promote gender equality; whereas ending the spread of hate- and gender-based violence is a prerequisite to achieving real gender equality; whereas hate speech and hate crime breach the European Union's common values and are not compatible with the Treaties and the Charter of Fundamental Rights;
- B. whereas gender-based hate speech and hate crimes are forms of violence disproportionately affecting women¹, girls and the LGBTIQ+ community², and perpetuate and exacerbate gender inequality at both individual and institutional level; whereas young women and women in the public sphere, particularly politicians, women in the media and human rights defenders, are targeted by hate speech in particular and threats to their physical safety, which can escalate into hate crime offline; whereas persons belonging to specific groups and facing intersectional discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation, gender identity or expression, sex characteristics, residence status or migrant background among others, are at a higher risk of being victims of crime, including hate speech and hate crimes; whereas there has been a marked increase in anti-LGBTIQ+ hate crime and hate speech in Europe and gender biases and other stereotypes are among the main drivers thereof³;
- C. whereas hate speech can be understood as all types of expression that incite, promote, spread or justify violence, hatred or discrimination against a person or group of persons, or that denigrates them, by reason of their real or attributed personal characteristics; whereas the aim of sexist hate speech is to humiliate or objectify, to undervalue women's skills and opinions, to destroy their reputation, to make them feel vulnerable and fearful, and to control and punish them for not following certain behaviour; whereas sexist hate speech takes many forms both online and offline, notably victim blaming and re-victimisation, 'slut-shaming', 'body-shaming', image-based sexual abuse, brutal and sexualised death threats and threats of rape and violence, offensive comments on appearance, sexuality, sexual orientation or gender expression, but also false compliments or supposed jokes, using humour to humiliate and ridicule the target; whereas sexist hate speech seeks to silence women and the gender non-conforming,

¹ Council of Europe Gender Equality Strategy, 'Combating Sexist Hate Speech', 2016.

² Commission communication of 12 November 2020 entitled 'Union of Equality: LGBTIQ Equality Strategy 2020-2025' (COM(2020)0698); European Union Agency for Fundamental Rights (FRA), 'A long way to go for LGBTI equality', 14 May 2020.

³ LGBTIQ Equality Strategy 2020-2025, 2020; Council of Europe, Resolution 2417 (2022) entitled 'Combating rising hate against LGBTI people in Europe'.

undermine their freedom of speech and limit their movements and participation in society; whereas hate speech directed against women increases in emergencies and during conflicts; whereas it sometimes incites conflict-related sexual violence and war crimes, and crimes against humanity such as genocide;

- D. whereas sexist hate speech and disinformation are used both offline and online; whereas evidence suggests that women are generally more impacted than men by threatening behaviour experienced online; whereas 52 % of young women and girls have experienced online crime, including threats and sexual harassment⁴; whereas online hate speech has increased dramatically following the COVID-19 pandemic; whereas the phenomenon of hate speech is amplified online, including through social media platforms, by spreading disinformation and fear-inciting speech and threatening to undermine the human rights, privacy and dignity of the targeted individuals, leading to an increase in hate crimes against women and LGBTIQ+ persons in the physical world⁵; whereas many women and gender non-conforming people face online death threats and threats of sexual assault or rape on a daily basis and the victims are often not taken seriously by law-enforcement officials and by society as a whole; whereas this can lead to self-censorship⁶ and digital exclusion, resulting in the silencing of women, owing to their inability to fully participate and express themselves online out of fear of violence and abuse, excluding them from public debates they would like to be part of⁷, including directly threats discouraging women's political participation, ambition and opportunities; whereas disinformation campaigns often try to discredit the professional achievements of women by spreading fake stories about their personal lives; whereas when reporting cyber violence, women are still sometimes discredited and stigmatised, resulting in these crimes being under-reported and underestimated; whereas the monitoring of the voluntary EU Code of Conduct on countering illegal hate speech online has seen a decrease in companies' notice-and-action results in 2022⁸, and support for the Code of Conduct has further diminished, leading to a worsening online situation;
- E. whereas multiple factors, such as patriarchal societal structures, structural discrimination, unequal power relations, gender stereotyping and gender biases, fuel hate speech and hate crimes against women and gender non-conforming people; whereas they experience this hate online, but also offline in a variety of settings, including in public spaces, the workplace, schools or on public transport;
- F. whereas femicide is the most severe manifestation of gender-based violence; whereas in

⁴ See the survey on young people's experience of online harassment conducted by the World Wide Web Foundation and the World Association of Girl Guides and Girls Scouts using UNICEF's U report platform, February 2020, available at: http://webfoundation.org/docs/2020/03/WF_WAGGGS-Survey-1-pager-1.pdf.

⁵ Study – 'Combating gender-based violence: Cyberviolence', European Parliament, Directorate-General for Parliamentary Research Services, 17 March 2021, available at:

[https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662621/EPRS_STU\(2021\)662621_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662621/EPRS_STU(2021)662621_EN.pdf).

⁶ Study – 'Social media platforms and challenges for democracy, rule of law and fundamental rights', European Parliament, Directorate-General for Internal Policies, Policy Department C, Citizens' Rights and Constitutional Affairs, 3 April 2023, available at:

[https://www.europarl.europa.eu/RegData/etudes/STUD/2023/743400/IPOL_STU\(2023\)743400_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/743400/IPOL_STU(2023)743400_EN.pdf).

⁷ GREVIO General Recommendation No. 1 on the digital dimension of violence against women adopted on 20 October 2021.

⁸ Press release, 24 November 2022, 'EU Code of Conduct against online hate speech: latest evaluation shows slowdown in progress', available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7109.

2020, it is estimated that 2 600 women were killed by intimate partners or other family members in Europe; whereas the number of victims is estimated to be much higher, as there is a lack of comparative data and no harmonised legal definition of the crime; whereas, at present, 15 Member States do not have gender-based hate speech legislation; whereas statistics show that hate speech against LGBTIQ+ people is pervasive, in particular online, and there is a notable absence of laws in some Member States to prevent, address and penalise such forms of hate speech and hate crime;

- G. whereas anti-gender organisations are international movements that spread misleading, fearful messaging and rhetoric, particularly through the use of online tools, against anyone who does not fit the binary, gender-stereotypical and traditional vision of the heteronormative, cis-normative, patriarchal society, as is the case with the ongoing campaign against so-called ‘gender ideology’; whereas these movements have the purpose of creating and perpetuating discrimination based on, among others, sex, sexual orientation, gender identity, gender expression, and sex characteristics, thereby violating fundamental rights; whereas the rhetoric propagated by anti-gender movements actively contributes to marginalisation, stigmatisation, exclusion and violence; whereas these movements create an ‘anti-gender’ ideology and discourse that fuels gender-based hate crime and hate speech against women and LGBTIQ+ persons; whereas these movements pose a significant threat to the principles of equality, non-discrimination, human dignity and respect for human rights enshrined in Article 2 TEU, they have hindered the process of the EU’s ratification of the Istanbul Convention and have negatively affected the ratification and implementation of the Istanbul Convention at national level in some Member States; whereas these movements have a cross-border dimension, online as well as offline;
- H. whereas hate speech often starts as an act of bias, which can then lead to motivated aggression and violence; whereas gender-based hate speech and hate crime have enormous consequences for individual women and LGBTIQ+ people, seen as transgressing traditional gender roles, particularly those facing intersectional discrimination⁹, including physical harm, sometimes resulting in severe injury or death, and psychological harm, including stress, anxiousness and depression; whereas gender-based hate speech and hate crime also have enormous consequences for communities and society as a whole, as well as for human rights globally;
1. Condemns all forms of hate speech and hate crimes, including those committed against women, girls and LGBTIQ+ persons; condemns the actions of anti-gender and anti-feminist movements in Europe and worldwide that aim to overturn existing laws and public policies protecting women’s rights and LGBTIQ+ rights; observes that Member States have diverging rules and apply different standards to counter hate speech and hate crimes; stresses however, that common EU action is needed in order to ensure the promotion of EU values; calls on the Council to conclude a Council decision including hate speech and hate crimes as an area of crime within the meaning of Article 83(1) of the Treaty on the Functioning of the European Union as soon as possible;
 2. Calls on the Commission to propose a clear definition of hate crime and hate speech, including an explicit definition of gender-based hate speech and hate crimes, which

⁹ Trans Murder Monitoring Update on Trans Day of Remembrance 2022, available at: <https://transrespect.org/en/tmm-update-tdor-2022/>.

includes sexist and misogynous hate speech and related penalties, when legislation is proposed following the inclusion of hate speech and hate crimes in the list of ‘EU crimes’ in the Treaty, recognising that they are specific forms of violence directed against women and girls because of their gender; calls on the Commission to include offline and online gender-based hate speech and hate crime in the proposal; urges the Commission also to include sexual orientation, gender identity, gender expression and sex characteristics as discrimination grounds specifically covered by hate crime and hate speech as an area of crime under Article 83(1); considers such a measure to be essential to ensure the protection of women and LGBTIQ+ persons in the Union; calls on the Commission and the Member States to pay particular attention to the intersectional forms of gender-based hate speech and hate crime targeted at women, girls and the LGBTIQ+ community;

3. Welcomes the Commission proposal for a directive on combating violence against women and domestic violence, and the inclusion of minimum rules for the definition of the criminal offence of cyber incitement to violence or hatred; calls on the Commission to ensure that this directive serves as a model and a minimum standard when it comes to legislation tackling online hate speech and hate crimes; recalls the criteria laid down in the UN Rabat Action Plan regarding material qualifying as cyber incitement to violence or hatred; regrets that we still do not have a common definition of gender-based violence and violence against women, and that the offences covered in the Commission proposal are limited; requests that the Commission submit, on the basis of Article 83(1), third subparagraph, TFEU, a proposal for a Council decision identifying gender-based violence as a new area of crime with a view to combating all forms of gender-based violence in a coherent, holistic and coordinated way across the EU; calls on the Council to activate the passerelle clause by adopting a unanimous decision identifying gender-based violence as one of the new areas of crime listed in Article 83(1) TFEU;
4. Recalls that the proposals for legislation on combating violence against women and domestic violence, as well as the legislation combating child sexual abuse online, include provisions related to some important aspects of hate speech and hate crimes online and offline;
5. Stresses the link between online and offline hate speech and hate crime, following the rapid development of the digital world and social media platforms, primarily targeting young women and women; notes that presumed anonymity online makes it easier for people to engage in hate speech and hate crime;
6. Calls on the Commission to actively research, analyse and report on anti-gender movements within three years, including their strategies and funding, as well as combat the misinformation that they spread; recalls that the labelling of LGBTIQ+ people as an ‘ideology’ is growing in online and offline communication, and in campaigns against so-called ‘gender ideology’; highlights that feminists and LGBTIQ+ activists are often the targets of defamation campaigns, online hate speech and cyberbullying;
7. Calls on the Commission and the Member States to improve the regular availability and comparability of quality, disaggregated data on all forms of hate speech and hate crimes at Union and national level, and to harmonise data collection systems among Member States through cooperation with Eurostat, the European Union Agency for Fundamental

Rights and the European Institute for Gender Equality; stresses that Member States need to collect accurate disaggregated data on hate speech and hate crimes against women and LGBTIQ+ persons, and to interrelate the factors and multiple layers of deprivation, disadvantage and discrimination that make them vulnerable to hate speech and hate crime;

8. Calls on the Member States to tackle the problem of under-reporting and the issues victims are facing in obtaining access to criminal procedures and protection, in a gender-sensitive way;
9. Recalls the need to address the underlying causes of hate speech and hate crimes against women, girls and LGBTIQ+ people, and emphasises the importance of adopting comprehensive measures and broad policies in a gender-targeted way, also addressed specifically to boys and men; stresses that these measures should include mandatory, recurrent, effective and evidence-based capacity-building training aimed at professionals who are likely to come into contact with victims, in order to provide human rights-based, intersectional and gender-sensitive targeted support and to prevent secondary victimisation and stigma; recalls the need for effective prevention strategies, awareness raising and education and training¹⁰ to ensure protection, access to justice, specialised support services and reparation to victims, minimise the risk of hate speech and hate crimes and to allocate appropriate resources for their implementation;
10. Calls on the Member States to develop specific educational programmes, including comprehensive, age-appropriate, sexuality and relationships education curricula, which focus on creating awareness of gender biases, stereotypes and the resultant expectations about appropriate roles in society that can lead to gender-based hate speech and hate crime, including resilience campaigns and awareness raising aimed at countering hate speech, disinformation, fake news and fear-inciting speech; calls on employers and other stakeholders, as well as governments, to fully play their role in this regard;
11. Welcomes the work of the EU High Level Group on combating hate speech and hate crime and, in particular, its key guiding principles on cooperation between law enforcement authorities and civil society organisations, and acknowledges the importance of such an approach¹¹; calls on the Commission to revise the Code of Conduct in line with the obligations of the Digital Services Act and to tackle disinformation and hate speech, alongside launching a large-scale campaign headed by the Commission, Member States and tech and social media platforms in order to spread awareness of human rights-compliant online content moderation and specifically of reporting, flagging and notifying practices in order to empower both victims and bystanders of online hate speech and fear-inciting speech;
12. Calls on Member states and the Commission to support civil society organisations fighting all forms of online and offline gender-based violence, particularly those that provide victim support services, including by providing financial support; calls on the Commission and the Member States to promote ethical and privacy-by-design development and the use of technological solutions that support victims and help them

¹⁰ Council of Europe, Recommendation CM/Rec(2022)16 on combating hate speech, 2022.

¹¹ Available at:

https://commission.europa.eu/system/files/202303/KGP%20on%20cooperation%20LEAs%20CSOs_final.pdf.

to regain agency, and that contribute to protecting victims in the online space; calls for the full accountability of perpetrators and for the promotion of programmes addressed to perpetrators, aimed at ensuring safe relations and pro-social behaviour; stresses the need for special programmes to promote the respect of fundamental rights in the online space, in line with EU rules, with special regard to developing digital education, literacy and skills in order to equip users to fight against the dangers of the digital space, as well as to manage their responsibilities when interacting within it, particularly in social media platforms, and to ensure the safe use of the internet;

13. Stresses again that EU-wide measures are needed to reinforce the existing standards and to encourage measures to engage in counterspeech and counteract hate speech and hate crime, along with adequate protection for the victims of such crimes, through the creation of a solid framework and institutional network alongside soft measures or self-regulation that will serve to build social resilience against hate speech; recalls that in the EU budget, the Citizens, Equality, Rights and Values programme includes specific funding to promote equality and to fight against racism, xenophobia and discrimination, including hate crime and hate speech.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	24.10.2023
Result of final vote	+ : 21 - : 2 0 : 0
Members present for the final vote	Robert Biedroń, Annika Bruna, Gwendoline Delbos-Corfield, Rosa Estaràs Ferragut, Frances Fitzgerald, Lina Gálvez Muñoz, Alice Kuhnke, Elżbieta Katarzyna Łukacijewska, Radka Maxová, Andželika Anna Możdżanowska, Johan Nissinen, Maria Noichl, Carina Ohlsson, Sirpa Pietikäinen, Evelyn Regner, Christine Schneider, Sylwia Spurek, Elissavet Vozemberg-Vrionidi, Marco Zullo
Substitutes present for the final vote	Elena Kountoura, Monika Vana, Angelika Winzig
Substitutes under Rule 209(7) present for the final vote	Martin Hojsík

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ECR	Andželika Anna Możdżanowska
PPE	Rosa Estaràs Ferragut, Frances Fitzgerald, Sirpa Pietikäinen, Christine Schneider, Elissavet Vozemberg-Vrionidi, Elżbieta Katarzyna Łukacijewska, Angelika Winzig
Renew	Martin Hojsík, Marco Zullo
S&D	Robert Biedroń, Lina Gálvez Muñoz, Radka Maxová, Maria Noichl, Carina Ohlsson, Evelyn Regner
The Left	Elena Kountoura
Vers/ALE	Gwendoline Delbos-Corfield, Alice Kuhnke, Sylwia Spurek, Monika Vana

2	-
ECR	Johan Nissinen
ID	Annika Bruna

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention