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Targeted consultation: European Commission's initiative to include hate speech and hate crime in the list of EU crimes provided for in Article 83(1) TFEU

Fields marked with * are mandatory.

Introduction

Article 83(1) of the Treaty on the Functioning of the European Union (<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008E083&from=EN>) (TFEU) lays down a list of areas of crimes ('EU crimes') in which the harmonisation of the definition of criminal offences and sanctions by the EU is possible under the ordinary legislative procedure. EU crimes refer to areas of particularly serious crimes with a cross-border dimension, resulting from the nature or impact of such offences or from a special need to combat them on a common basis. Article 83(1) TFEU also provides for the possibility for the Council to adopt - unanimously, after obtaining the consent of the European Parliament - a decision to identify further areas of crime that meet these criteria, based on "developments in crime".

As a result of the transposition of 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, all EU Member States have national laws in place criminalising hate speech and hate crime on the grounds of race, colour, religion, descent or national or ethnic origin.

In the perspective of strengthening the fight against hate speech and hate crime in Europe, President Von der Leyen announced^[1] the Commission's intention to propose the extension of the list of EU crimes to hate speech and hate crime – whether because of race, religion, gender or sexuality. This commitment is reflected in the Commission President's letter of intent (https://ec.europa.eu/info/sites/info/files/state_of_the_union_2020_letter_of_intent_en.pdf), and the 2021 Commission Work Programme (https://eur-lex.europa.eu/resource.html?uri=cellar%3A91ce5c0f-12b6-11eb-9a54-01aa75ed71a1.0001.02/DOC_1&format=PDF).

This key initiative, to be delivered in 2021, will also give effect to the EU Gender Equality Strategy 2020-2025^[2] and the LGBTIQ Equality Strategy 2020-2025^[3], which referred to the **extension of the list of EU crimes to cover hate speech and hate crime on grounds of sex and sexual orientation, respectively**.

The present questionnaire is targeted at national and international public authorities, key civil society organisations and networks, European networks of experts and research institutions, which have expertise on the national legal frameworks criminalising hate speech and hate crime and/or collect relevant data. The questions asked are meant to collect information and views on the current national legal frameworks and the landscape of hate speech and hate crime across Europe. In particular, the information to be collected on the scale, nature and impact of hate speech and hate crime will enable the Commission to assess whether these types of crime meet the criteria referred to in Article 83(1) TFEU, i.e. whether they are

particularly serious crimes which have a cross-border dimension, and whether there are “developments in crime” that justify their inclusion in the list of EU crimes.

The replies to the present **questionnaire will gather evidence, facts and information for this initiative** without either prejudging any action by the European Union or affecting the remit of its competences.

The European Commission will analyse the results of the consultation and will publish a summary of the contributions received in response to this survey.

For further information on this initiative, please see:

European Commission Roadmap: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12872-Hate-speech-hate-crime-inclusion-on-list-of-EU-crimes>
(<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12872-Hate-speech-hate-crime-inclusion-on-list-of-EU-crimes%20>)

[1] State of the Union Address by President von der Leyen, 16 September 2020

(https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1655)

[2] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152> (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152>)

[3] https://ec.europa.eu/info/sites/info/files/lgbtiq_strategy_2020-2025_en.pdf

(https://ec.europa.eu/info/sites/info/files/lgbtiq_strategy_2020-2025_en.pdf)

Instructions

The consultation will be open from **24rd February** to **10th April** at 00:00.

The consultation aims to gather information and data pertaining to individual Member States or aggregated at European level.

To provide information on several Member States, **separate replies to this questionnaire should be submitted for each Member State**.

Organisations operating or gathering information at European level, can submit such information in an aggregated manner, indicating which countries the data submitted relates to.

The consultation questionnaire should be completed only in English.

We encourage you to answer as many questions as possible, but even incomplete questionnaires will be taken into account. To finish the survey please click the “submit” button. If, in addition to completing this questionnaire, you wish to submit any relevant information, data or policy paper, please send it to JUST-NO-HATE@ec.europa.eu (mailto:JUST-NO-HATE@ec.europa.eu)

Please refer to the privacy statement provided in the link in the right side of this page for information on data protection regarding this consultation.

We would like to thank you in advance for your time and input.

For any further questions, please contact JUST-NO-HATE@ec.europa.eu (mailto:JUST-NO-HATE@ec.europa.eu)

Identification

*What is the nature of your organisation?

- EU Agency or body
- International organisation
- National public authority/administration
- National independent authority (e.g. independent body dealing with anti-discrimination policies, such as equality body, ombudsperson etc.)
- Judicial authority
- Public prosecution body
- Police
- Other law enforcement structure
- EU experts' network
- Civil society organisation
- Civil society network or umbrella organisation
- Research institution
- Other

*Is your organisation included in the EU Transparency Register?

NB: It is not compulsory to register to reply to this consultation. We would however encourage you to register here as the Transparency Register provides citizens with direct and single access to information about who is engaged in activities aiming at influencing the EU decision-making process, which interests are being pursued and what level of resources are invested in these activities.

- Not applicable
- No
- Yes

Please specify the name of your organisation

*Name:

*Name of the contact person:

*Email address:

***Please indicate the place of establishment of your organisation (main headquarters in case of multinational organisations):**

- Austria
- Belgium
- Bulgaria
- Czech Republic

- Denmark
- Germany
- Estonia
- Ireland
- Greece
- Spain
- France
- Croatia
- Italy
- Cyprus
- Latvia
- Lithuania
- Luxembourg
- Hungary
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovenia
- Slovakia
- Finland
- Sweden
- Other

* If other, please specify:

United Kingdom

What is the nature of your work in the area of hate speech and hate crime?

[Multiple choice is possible]

- Developing policies on combating hate speech, including online, and/or hate crime;
- Receiving and handling reports on incidents of hate speech and hate crime;
- Investigation or prosecution;
- Providing support, advice and/or legal assistance to victims;
- Conducting research;
- Collecting data;
- Carrying out advocacy and/or public awareness work;
- Carrying out training activities;
- Other

Do you consent that parts of your reply to this questionnaire or of other written contributions you may provide be cited in documents related to this initiative (such as in the external study or Commission documents), including the express quotation of your organisation's identity? Please note that your full reply/contribution will not be published (only parts of your reply/contribution might be cited).

[Multiple choice is possible]

- Yes
 No
 I consent partially

***Please indicate what national legal context you have expertise on/are familiar with/you are providing data about.**

NB: If you would like to describe more than one national legal framework you will have to submit another reply to this questionnaire. If you represent an organisation working at European level, you may select the option below "EU level" indicating for which countries you are submitting data. In this case, the section on the "national legal framework" may not be applicable for your organisation.

- Austria
- Belgium
- Bulgaria
- Czech Republic
- Denmark
- Germany
- Estonia
- Ireland
- Greece
- Spain
- France
- Croatia
- Italy
- Cyprus
- Latvia
- Lithuania
- Luxembourg
- Hungary
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovenia
- Slovakia
- Finland
- Sweden
- European level

Section I - National legal frameworks on hate speech and hate crime

As a result of the transposition of Council Framework Decision 2008/913/JHA (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913>), of 28 November 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law, all EU Member States have national laws in place criminalising hate speech and hate crime on the grounds of race, colour, religion, descent or national or ethnic origin.

Some Member States also criminalise hate speech and hate crime on other grounds, including sex/gender, sexual orientation, gender identity/sex characteristics, disability and age. This section of the questionnaire intends to collect information on the criminalisation, at national level, of hate speech and hate crime on these grounds.

To your knowledge, does the national legal framework of the Member State(s) you are familiar with contain a specific provision criminalising hate speech on grounds of:

[Multiple choice is possible]

- Sex/gender
- Sexual orientation
- Gender identity/sex characteristics
- Disability
- Age
- None of the above
- I don't know
- I do not have any expertise on the legal framework

Please indicate the legal provision in question and mention any further information you consider relevant:

The catalogues of protected characteristics in Articles 119.1, 126a, 256.1 and 257 are closed and it is impossible to prosecute hate crimes or hate speech based on SOGIE, disability, gender or age using these provisions.

To your knowledge, is online hate speech criminalised in a specific, distinct, manner?

- No
- Yes
- I don't know

To your knowledge, does the national legal framework of the Member State(s) you are familiar with contain a specific provision criminalising hate crime on grounds of:

[Multiple choice is possible]

- Sex/gender
- Sexual orientation
- Gender identity/sex characteristics
- Disability
- Age
- All of the above
- None of the above
- I don't know

Please indicate the legal provision in question and mention any further information you consider relevant:

The provisions of the Criminal Code pertaining to hate crime (Art. 119.1 and Art. 257) criminalise only selected hate crimes (threats, violence and breach of bodily integrity) based on race, religion, national or ethnic origin and (Art. 119.1 only) political affiliation.

Please provide more information on the definition/scope of the ground(s) selected in your reply to the previous question.

NB: For example, the criminal offence of hate crime based on gender may cover both hate speech against women as well as hate speech against transgender people.

The catalogues of protected characteristics are closed and it is impossible to prosecute hate crimes or hate speech based on SOGIE, disability or gender using articles 119.1, 126a, 256.1 and 257.

To your knowledge, does the offence of hate crime on the ground(s) selected in your reply to the previous questions cover:

- All crimes committed with a bias motivation, which are criminalised under national law with a higher penalty;
- Only certain types of crimes or only crimes of particular seriousness (for example, hate crimes constitute a self-standing crime for only certain type of serious offenses)
- I don't know

Please provide more information:

Art 119 proscribes racially, politically and religiously motivated threats and violence; art 126a proscribes incitement to crimes described in article 119.1; art 256.1 proscribes incitement to hatred based on race, national and ethnic origins and religion; art 257 proscribes violation of bodily inviolability and public insults based on race and religion.

Please indicate which penalties are laid down in the national legal framework for hate speech:

[Multiple choice is possible]

- A custodial sentence
- A financial penalty
- Other
- I don't know

If other, please specify:

limitation of liberty - community sentence

Please indicate the minimum and maximum thresholds (e.g. 12 months):

Art. 119.1 (threats and violence) and Art. 126a (incitement to crimes from Art. 119) - prison sentence from 3 months to 5 years;
 Art. 256.1 (incitement to hatred) - financial penalty, community sentence or prison sentence up to 2 years;
 Art. 257 (public insults and breach of bodily integrity) - prison sentence up to 3 years.

Please indicate which penalties are laid down in the national legal framework for hate crime:

[Multiple choice is possible]

- A custodial sentence

- A financial penalty
- Other
- I don't know

Please indicate the minimum and maximum thresholds (e.g. 12 months):

Art. 119.1 (threats and violence) and Art. 126a (incitement to crimes from Art. 119) - prison sentence from 3 months to 5 years;
 Art. 257 (public insults and breach of bodily integrity) - prison sentence up to 3 years.

To your knowledge, even if in the national legal framework there is no specific provision criminalising hate crime on the grounds of sex/gender, sexual orientation, gender identity/sex characteristics, disability or age, is there another criminal law provision of general application based on which national courts may nevertheless take into consideration the bias motivation of the perpetrator on such grounds when determining the criminal penalties?

NB: For example, the national criminal code may contain a provision of general application on the sentencing powers of the courts that allows them to take into account the motivation of the perpetrator when determining the criminal penalty.

- Yes
- No
- I don't know

Could you please provide examples of case-law where courts relied on this provision of general application to sanction hate crime on the grounds of sex/gender, sexual orientation, gender identity/sex characteristics, disability or age?

The sentencing directives are provided in Article 53 of the Criminal Code. While not mentioned specifically in this provision, the directives allow for the consideration of the bias motivation of the offender by judges in deciding on the punishment. However, until recently, it almost never happened in practice (<https://iris.unibs.it/retrieve/handle/11379/509062/88384/2018%20Running%20through%20hurdles.pdf>, p. 222). To my knowledge, only in a handful of cases the courts have acknowledged the bias based on SOGE, gender, disability or age as an aggravating circumstance. For example, in 2018, the District Court in Poznań found the motivation based on "intolerance against people of a different sexual orientation" to be "a motivation that deserves particular condemnation" (sentence of the RC in Poznań of 13 April 2018, III K 213/17, Legalis).

To your knowledge, are there other, alternative means of justice for victims of hate crimes on the grounds of sex/gender, sexual orientation, gender identity/sex characteristics, disability or age?

Victims of most hate crimes on the grounds of sex/gender, sexual orientation, gender identity/sex characteristics, disability or age need to use the existing framework for common crimes. This is a major barrier in the access to justice, particularly in the case of threats, verbal offences and low-level physical assaults, which are not prosecuted ex officio. These provisions require that the victim make a personal accusation against the offender. Theoretically, prosecutors may decide to step in and prosecute, publicly, cases that would otherwise depend on the report made by the victim. This should happen particularly if the victim is vulnerable, or the prosecutor otherwise believes that it is in the public interest for the prosecution services to engage. The use of this prerogative for hate crimes not recognised in the Criminal Code, however, has been rare (<https://iris.unibs.it/retrieve/handle/11379/509062/88384/2018%20Running%20through%20hurdles.pdf>, p. 222-223).

Please provide the reference of the national law(s) criminalising hate speech and hate crime on the grounds of sex/gender, sexual orientation, gender identity/sex characteristics, disability or age selected in reply to the previous questions, including the criminal law provisions of general application, where relevant.

https://www.legislationline.org/download/id/9048/file/Poland_CC%20excerpts_hate%20crime.pdf

To your knowledge, are there any plans at national level to amend the existing legislation in order to criminalise hate speech and/or hate crime on any of the grounds of sex/gender, sexual orientation, gender identity/sex characteristics, disability or age?

- No
- Yes
- I don't know

If yes, please specify, in particular, whether the legislative amendments envisaged relate to hate speech and/or hate crime and on which of the above mentioned grounds.

Bills aimed at recognizing SOGI, disability, age and gender hate speech and hate crime have been submitted, regularly, in the parliament since 2011 (the last one in 2016), usually by MPs of the opposition parties. The government pledged to change the law in the framework of the Universal Periodic Review in 2012 and 2017 but, in March 2018, the Ministry of Justice informed the Polish Society for Anti-Discrimination Law that it would not work on the issue (<https://iris.unibs.it/retrieve/handle/11379/509062/88384/2018%20Running%20through%20hurdles.pdf>, p.223).

The amendment of the Criminal Code, prepared by the Ministry of Justice and passed by the parliament in 2019 (<https://orka.sejm.gov.pl/proc8.nsf/0/5EE0EC8007E87E2CC12583FD004E383E>) introduced a new aggravating circumstance for "committing a violent crime motivated by hate because of the victim's national, ethnic, racial, political or religious affiliation or because of their non-denominational status". SOGI, disability, age and gender were not included in the provision. The act did not come into force - before the President signed the act, the Constitutional Tribunal ruled that it was inconsistent with the Constitution.

Section II - Information and data on the scale of hate speech and hate crime, related trends and developments

This section of the questionnaire is intended to collect information and views on the scale of hate speech and hate crime and related trends, including by collecting data on incidents of hate speech and hate crime during the period of 2015-2020, if possible disaggregated by ground and by year.

*** Does your authority, body or organisation record hate speech, including online, and/or hate crime incidents or collect other relevant data?**

- Yes
- No
- I don't know

*** In your view, do official statistics on incidents reported to and/or recorded by law enforcement (or other authorities) reflect the real number of incidents on hate speech and/or hate crime occurring in the Member State(s) you are familiar with?**

- Yes
- No
- I don't know

*** If no, please explain further:**

Victimisation surveys and NGO reports show that hate crimes remain a serious problem in Poland. Official statistics on incidents reported to, and recorded by, police do not reflect the real number of incidents on hate speech and or hate crime occurring in Poland.

Despite the ability to record hate crimes with a range of bias motives, the numbers of hate crimes based on SOGI, disability, age and gender captured by the police are negligible (<https://iris.unibs.it/retrieve/handle/11379/509062/88384/2018%20Running%20through%20hurdles.pdf>, p.233). For example, in 2019, Poland reported to ODIHR only 16 cases of hate crimes based on SOGI, and zero crimes based on disability, age or gender (<https://hatecrime.osce.org/poland>), despite the ability to flag these motivations in the data collection system.

There is a wealth of evidence showing that hate crimes against LGBT people are a common problem in Poland (<https://tinyurl.com/Knut2020>, p. 75-79). There is also evidence of violence against women and people with disabilities (<https://tinyurl.com/Knut2020>, p. 79-83), which is not usually recognised as hate crimes by the authorities.

While the statistics on racially- and religiously-motivated crimes show the increasing ability to record this kind of crimes, there is still evidence of under-reporting and under-recording. For example, research by the Office of the Commissioner for Human Rights and the OSCE ODIHR found that only 5% of anti-Ukrainian hate crimes in the Małopolskie voivodship (South Poland) were reported (<https://www.osce.org/files/f/documents/5/3/412463.pdf>).

Would you have an estimate of the extent of under-reporting of incidents of hate speech and/or hate crime?

- No
- Yes

If yes, please specify in quantitative terms:

Research by the Office of the Commissioner for Human Rights and the OSCE ODIHR published in 2019 found that only 5% of anti-Ukrainian hate crimes in the Małopolskie voivodship (South Poland) were reported (<https://www.osce.org/files/f/documents/5/3/412463.pdf>) .

In your view, what would be the main reasons for under-reporting?

[Multiple choice is possible]

- Lack of trust in police
- Burden of proof
- Loss of evidence
- Fear of secondary victimisation
- Fear of stigmatisation
- Other
- All of the above
- None of the above
- I don't know

In your view, has there been an increase of the phenomenon of hate speech and/or hate crime at national or European level in the last years?

NB: Please reply to this question, if possible, comparing the period 2018-2020 with the period 2015-2017.

- No
- Yes
- I don't know

On which grounds?

[Multiple choice is possible]

- Race
- Colour
- Descent
- National origin
- Ethnicity/ethnic origin
- Religion
- Sex/gender
- Sexual orientation
- Gender identity/sex characteristics
- Disability
- Age

Please explain further, if possible disaggregating by hate speech and hate crime incidents and providing data. Please indicate, whether an increase has been particularly significant as regards one ground or a combination of several grounds. Please add links to any report/source of data mentioned.

In 2018-2019, the visibility of LGBT people, including through the organisation of LGBT Pride marches and events, increased dramatically. Many towns saw Pride marches organised for the first time. In some cases, the marches were met with violent protests, often inspired by political and religious leaders. For example, in 2019, over 100 people were detained following the attacks on Pride participants in Białystok (<https://www.tvn24.pl/r/959551>). There is also an increasing tendency among people who survived a homophobic or transphobic attack to share their experiences of victimisation on social media in order to raise awareness of the problem.

The perceived rise in the number of incidents is connected with the ongoing right-wing campaign against the so-called "LGBT ideology" and the increased politicisation of LGBT rights in Poland. The acronym "LGBT", previously virtually unknown, became mainstream (often misspelled) and largely replaced the anti-gay slurs previously in use, particularly in political rhetoric and on the internet.

Section III - Nature and impacts of the phenomena of hate speech and hate crime

This section of the questionnaire is intended to gather information and views on the interlinkages between hate speech and hate crime, the cross-border nature of these phenomena and their harmful impacts on individual victims and on society as a whole.

In your view, can hate speech perpetrated offline (e.g. orally or through symbols, in public places, in sport events or in political speech) have a spillover impact across national borders? (i.e. even if it occurs in one Member State, it can encourage/lead to instances of hate speech in (an) other Member State(s))

- Yes
- No
- I don't know

***In your view, can hate speech perpetrated online (e.g. through social media or online audiovisual services) have a spillover impact across national borders? (i.e. even if it occurs in one Member State, it can encourage/lead to instances of hate speech in (an)other Member State(s))**

- Yes
- No
- I don't know

In your view, in what ways can hate speech committed in one Member State lead to instances of hate speech in (an)other Member State(s)?

[Multiple choice is possible]

- Hateful messages in public, e.g. expressed in sport events, broadcast on television or contained in political speech, are reproduced and become easily available throughout the EU;
- Through the increasing use of social media, people across the EU are exposed to similar online content, including the same hateful rhetoric;
- Hate speech may create a climate of fear or social conflicts, which may spill over from one Member State to the other;

- The ideologies behind hate speech messages are developed internationally and are cross-border phenomena;
- Hateful ideologies even when rooted in one location and related to the local context, can spread across borders through online platforms and the media;
- Hateful messages are developed and propagated by networks with members from several countries (within or outside the EU) that inspire, organise or plan verbal attacks against specific groups that share a protected characteristic;
- Other
- All of the above
- I don't know

Could you further elaborate and/or provide examples of such a spillover impact?

- No
- Yes

In your view, can hate speech, perpetrated online and/or offline in one Member State, have a spillover impact across national borders and induce people to commit hate crimes against (members of) groups that share a protected characteristic in (an)other Member State(s)?

- Yes
- No
- I don't know

Could you further elaborate and/or provide examples of such a spillover impact?

- No
- Yes

In your view, can hate crime have a spillover impact across national borders? (i.e. even if it occurs in one Member State it can encourage/lead to instances of hate crimes in (an)other Member State(s))?

- Yes
- No
- I don't know

In your view, in what ways can hate crimes committed in one Member State lead to instances of hate crimes in (an)other Member State(s)?

[Multiple choice is possible]

- The psychological impact or spillover effect of hate crimes on society may provoke follow-up hate crimes in other Member States, imitating or echoing the crime committed in the Member State where the first crime occurred;
- Hate crimes may create a climate of fear or social conflicts, which may spill over from one Member State to the other;
- The ideologies behind hate crimes are developed internationally and are cross-border phenomena because they can be rapidly shared through social media;
- Hate crimes offences may be committed by networks with members from several countries (within or outside the EU) that inspire organise or plan physical attacks against specific groups that share a protected characteristic;
- Other
- All of the above

- None of the above
- I don't know

Could you further elaborate and/or provide examples of such a spillover impact?

- No
- Yes

In your view, does hate speech/hate crime cause harm to:

[Multiple choice is possible]

- The individual victims;
- The group sharing protected characteristics of the victim;
- The perpetrators;
- Society as a whole;
- Other
- None of the above
- All of the above
- I don't know

In your view, what are the harmful impacts of hate speech/hate crime on the individual victims:

[Multiple choice is possible]

- It affects their identity;
- It provokes behavioural changes;
- It provokes fear that the victim might be attacked again because of their personal characteristics;
- It causes psychological distress;
- It may prompt secondary victimisation;
- Other
- All of the above
- None of the above
- I don't know

In your view, what are the harmful impacts of hate speech/hate crime on society as a whole:

[Multiple choice is possible]

- Polarisation of the society, creation of social conflicts;
- Creation of a climate of fear with a chilling effect on freedom of expression and engagement in democratic debate (both online and off line) for persons belonging to groups sharing protected characteristics;
- Creation of a climate of fear with a chilling effect on freedom of expression and engagement in democratic debate (both online and off line) for journalists and politicians;
- Creation of a climate of fear with a chilling effect on freedom of expression and engagement in democratic debate (both online and off line) for the public in general;
- Chilling effect on the willingness of citizens to engage in politics and to exercise official functions (such as mayors, politicians);
- Other
- All of the above
- None of the above
- I don't know

Could you elaborate, including by providing examples or data on impacts, if possible:

Section IV - European Union action in the area of criminal law measures to combat hate speech and hate crime

This section of the questionnaire is intended to collect views on the added value of EU action as regards the criminalisation of hate speech and hate crime at EU level.

***In your view, should the list of EU crimes in Article 83 TFEU be extended to include hate speech?**

- No
- Yes
- I don't know

In your view, should the list of EU crimes be extended to include hate speech on the ground(s) of:

[Multiple choice is possible]

- Sex/gender
- Sexual orientation
- Gender identity/sex characteristics
- Disability
- Age
- Other
- None of the above
- All of the above

***In your view, should the list of EU crimes be extended to include hate crime?**

- No
- Yes
- I don't know

In your view, should the list of EU crimes be extended to include hate crime on the ground(s) of:

[Multiple choice is possible]

- Sex/gender
- Sexual orientation
- Gender identity/sex characteristics
- Disability
- Age
- Other
- None of the above
- All of the above

In your view, should the list of EU crimes be extended to include hate speech and hate crime on grounds of race, colour, religion, descent, national or ethnic origin?

NB: Please note that while Council Framework Decision 2008/913/JHA (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913>), already criminalises hate speech and hate crime on the above grounds, since the entry into force of the Treaty of Lisbon, the EU has no longer a competence to adopt any additional legislative measures further to the existing EU framework.

- Yes
- No
- I don't know

In your view, which is the most important reason(s) justifying the extension of the list of EU crimes to hate speech and/or hate crime?

[Multiple choice is possible]

- The particular seriousness of these types of crimes, such as the distress caused to the victim;
- Their cross-border dimension, since they may lead to the commission of crimes in (an) other Member State(s);
- The developments in these areas of crime, since trends show an increase of these phenomena;
- To address and effectively tackle the extremist ideologies behind hate speech and hate crime;
- To address existing gaps and shortcomings at national level as regards the prosecution of hate speech and/or hate crime and the protection of victims;
- Other
- All of the above
- I don't think the list of EU crimes should be extended

Section V - Sources of information and data

Are you aware of any exercises to collect data or gather information on the criminalisation of hate speech and/or hate crime that are underway, already planned for the future or envisaged (for example in the context of an EU or national funded project)?

- No
- Yes

Is there any other information or source of information related to the scale, impact or criminalisation of hate speech and hate crime or to relevant data that you would like to share with us?

- No
- Yes
- I don't know

If yes, please specify:

Handbook on dealing with hate crime cases for legal practitioners (in Polish) edited by P. Knut (2020; <https://tinyurl.com/Knut2020>) contains up-to-date information about the scale and nature of hate crimes in Poland; discussing legal framework; provides examples of case law and shows emerging good practices in litigating cases and supporting victims.

Background Documents

[Privacy statement](#)

Contact

[Contact Form \(/eusurvey/runner/contactform/EUCrimesSurvey2021\)](/eusurvey/runner/contactform/EUCrimesSurvey2021)
