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## COMMUNICATION

### **REQUEST FOR CONTRIBUTION**

From:	Presidency
To:	Terrorism Working Party (TWP)
Contact:	twg@consilium.europa.eu
Subject:	Violent right-wing extremism and terrorism- achievements and challenges – Part 1; Stocktaking at EU level and questionnaire for the Member States

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (14.04.2023)**

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### **Background**

The threat stemming from violent right wing-extremism (VRWE) was discussed in depth by the Terrorism Working Party (TWP) in 2019 and at the Justice and Home Affairs (JHA) Council meeting on 8 October 2019<sup>1</sup>. Ministers endorsed the Finnish Presidency's suggestion to continue the work on the basis of the following four work strands:

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<sup>1</sup> 12494/19

- 1. Creating a better situational overview of violent right-wing extremism and terrorism*
- 2. Developing and sharing good practices on how to strengthen the prevention, detection and addressing of all forms of violent extremism and terrorism*
- 3. Addressing the spread of unlawful right-wing extremist content online and offline*
- 4. Cooperating with key third countries, including by addressing the topic in counter-terrorism dialogues*

The topic has since been raised on many occasions and the response to the threat has developed at both national and EU level. The threat from VRWE is constantly evolving and repeatedly there are incidents that reminds us of the need to be vigilant and adaptable. In our continued efforts, we must learn from each other through the exchange of best practice, and we must keep ourselves updated on the progress at EU level and on possible support for Member States.

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**The stocktaking on the four work strands aims to recognise and highlight progress made at EU level as well as at national level, and to identify the main current and future challenges.**

Based on the presentations and discussions in TWP and the written contributions from Member States, the Presidency will report back to delegations on the main findings of the stocktaking, and a discussion will be held on the possible revision of the four work strands to reflect the evolution of the threat and current challenges.

### **Creating a better situational overview of violent right-wing extremism and terrorism**

The topic of violent right-wing extremism and terrorism, and related issues, has been raised on several occasions in TWP over the years, contributing to a better situational overview. In November 2020 a Presidency document<sup>4</sup> setting out the state of play regarding violent right-wing extremism and terrorism was issued, highlighting the main findings so far and calling on the incoming Presidencies to continue to regularly discuss the topic. The importance of addressing the online dimension was also emphasised, acknowledging the work conducted by the EU Internet Referral Unit (EU IRU) at Europol and the Commission-led EU Internet Forum (EUIF).

One of the points highlighted in 2019 was the fact that differing national threat pictures and legal settings makes it difficult to form a comprehensive situational overview of this phenomenon, as Member States do not all categorise violent right-wing extremist acts in the same way. This is still partly true, but steps have been taken since then.

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- Violent right-wing extremist offences are often categorised under the umbrella of **hate crimes** and are **prosecuted** as such. Several Member States are reviewing their policies and/or penal codes to enable the enforcement of higher penalties for both right wing terrorist and violent extremist acts.
- A lack of harmonised reporting by Member States on violent right-wing extremist acts may lead to an underestimation of the threat. In order to understand the overall terrorist threat landscape throughout the Union, there is a **need to build a common understanding** of other types of violent extremism and terrorism.
- Member States have a variety of approaches to **banning/dissolving right-wing terrorist groups, and associated symbols**. Some Member States have banned such groups, while others chose to take action based on individual offences. Overall, there is a positive impact of bans of groups and symbols, reducing the ability of groups to organise themselves and toning down their narratives.
- At EU level, the Regulation on addressing the dissemination of terrorist content online<sup>5</sup> and the activities of the EU Internet Forum should foster coordination among Member States on **tackling right-wing extremist content online**, including the development of a list of right-wing extremist groups, symbols and manifestoes to support online platforms monitoring of content.
- Many EU Member States have established **preventive measures**, to strengthen the resilience of youth, and enhance education and critical thinking. Some invest in research and set up counter- and alternative narratives. In some Member States law enforcement, including police and prison staff, are trained to identify violent right-wing extremism.
- The majority of Member States show willingness to take action on the activities of violent right wing extremists **online**, given the international linkages not only between groups but also individuals, as evidenced by attacks of lone actors.

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<sup>5</sup> Regulation (EU) 2021/784 of 29 April 2021 on addressing the dissemination of terrorist content online (OJ L 172, 17.5.2021, p. 79)

## The judicial perspective

Adopted in 2017, Directive (EU) 2017/541 on combating terrorism is the main criminal law instrument at EU level in the field of counter-terrorism. According to this Directive, the Commission has to assess the added value of the Directive and, if necessary, decide on appropriate follow-up actions. The Commission asked the EU Agency for Fundamental Rights (FRA) to conduct research on the Directive's impact on fundamental rights and freedoms in order to support this assessment.

One of FRA's findings in this report<sup>6</sup> was that *'Furthermore, FRA's findings show that in some Member States, offences such as public provocation to commit a terrorist offence and travelling for the purpose of terrorism are applied predominantly or exclusively to 'jihadism'. This is the case despite the neutral formulation of the legal provisions in the directive and in national laws, as well as the threat posed by other forms of terrorism. Comparable conduct motivated, for example, by right-wing extremism may not be subject to the same focus or may not be prosecuted under counter-terrorism legislation, as a number of interviewees specifically mention.'*

FRA also produces other reports, e.g. on hate crime that could contribute to an overall assessment and increased knowledge in relation to dealing with violent right-wing motivated crimes.

Eurojust, the European Union Agency for Criminal Justice Cooperation, assists national authorities by coordinating investigations and prosecutions and facilitating judicial cooperation in a growing number of cross-border terrorism cases. In late 2020, Eurojust organised two expert workshops on violent right-wing extremism and terrorism which brought together judicial practitioners and counter-terrorism experts to share experience and identify common legal and operational challenges in investigating and prosecuting offences committed by right-wing extremist and terrorist groups and lone actors. The outcome of the workshops has been summarised in a publication accessible on the Eurojust website.

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<sup>6</sup> Report of 18 November 2021, Directive (EU) 2017/541 on combating terrorism — Impact on fundamental rights and freedoms, European Union Agency for Fundamental Rights

Since 2019, in the context of the EU Cooperation Mechanism on the prevention of radicalisation, the Commission has been supporting Member States in increasing knowledge and exchanging best practices and experiences on specific challenges related to P-CVE through what is known as Project Based Collaboration (PBC)<sup>7</sup>. In September 2021, a PBC on violent right-wing extremism led by Finland and Sweden and supported by the Commission, presented the results of its work on a non-legally binding working definition for violent right wing extremism.

*Violent right-wing extremism (VRWE) are acts of individuals or groups who use, incite, threaten with, legitimise or support violence and hatred to further their political or ideological goals, motivated by ideologies based on the rejection of democratic order and values as well as of fundamental rights, and centred on exclusionary nationalism, racism, xenophobia and/or related intolerance.*

In the course of the PBC's work, it was stressed that a non-legally binding working definition at EU level is essential to identify, better understand, and acknowledge the extent of the problem and thus help EU Member States to effectively address this common threat. Some of the other aims were to;

- improve the recording of incidents and statistical data collection, and allow for their comparison (and potential standardization) and ease reporting procedures (e.g. also the EU Terrorism and Situation Trend Report (TE-SAT))
- allow, on the bases of reliable statistics, a comprehensive and representative assessment of the threat situation at EU and national level
- strengthen evidence-based advice for policy-making, at both EU and national level

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<sup>7</sup> The Commissions support to Member States, including the setup of the Project Based Collaboration is described in the final report from High-Level Commission Expert Group on Radicalisation (HLCEG-R) November 2018: <https://op.europa.eu/en/publication-detail/-/publication/04756927-97bc-11e9-9369-01aa75ed71a1/language-en>

## Overview and threat assessment by Europol

Every year, based on Member States reporting of terrorist incidents and the current terrorist threat, Europol produces a situational overview on terrorism, Europol's TE-SAT<sup>8</sup>, an often-referred overview of the threat linked to terrorism and violent extremism in the EU. **DELETED**

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***Developing and sharing good practices on how to strengthen the prevention, detection and addressing of all forms of violent extremism and terrorism***

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<sup>8</sup> For the most recent, see European Union Terrorism Situation and Trend report 2022 (TE-SAT) | Europol (europa.eu)

Through the Radicalisation Awareness Network (RAN) the Commission has developed concrete support to help policymakers, researchers and practitioners prevent radicalisation. RAN has done extensive work on topics related to violent right-wing extremism-related topics in recent years, such as ‘Lone Actors in Digital Environments’ and ‘Between extremism and freedom of expression: Dealing with non-violent right-wing extremist actors’ in 2021, and ‘Violent Right-Wing Extremism in the Western Balkans’ and ‘Countering the misuse of gaming-related content & spaces: Inspiring practices and opportunities for cooperation with tech companies’ in 2022. Through RAN Member States are able to upgrade knowledge and expertise, at both national and local level. RAN’s Practitioners’ publications are accessible on the DG HOME website and RAN Policy Support publications can be accessed by the members of the Network of Prevent Policy Makers in Member States.

The questions below will also give Member States the opportunity to share best practices and continue our efforts to highlight means of preventing, detecting and addressing violent right-wing extremism and terrorism.

### **Addressing the spread of unlawful right-wing extremist content online and offline**

The EU is also tackling the online dimension. The Regulation on addressing the dissemination of terrorist content online (TCO-Regulation) is a major achievement in this respect. It has been applicable since 7 June 2022, and it aims at ensuring the swift removal of terrorist content online while fully respecting fundamental rights such as the freedom of expression.

Another relevant legal act is the Digital Services Act (DSA)<sup>9</sup>, which imposes new obligations on online services to tackle all forms of illegal content, including incitement to violence and hate speech. It lays down obligations for online service providers in relation to transparency, risk assessment and risk mitigation frameworks. In addition, it provides a framework for the protection of fundamental rights as well as more protection for social network users, especially children.

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<sup>9</sup> Regulation (EU) 2022/2065 of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1)



Europol carries out extensive activities to prevent radicalisation and other related activities by violent right-wing extremists and terrorists online. The EU IRU supports Member States through voluntary measures such as content referrals shared with online companies. On the regulatory side, it provides support for the implementation of the TCO Regulation through the establishment of the EU Platform on illicit content online (PERCI)<sup>10</sup>. PERCI will facilitate the transmission of removal orders but it is not a pre-requisite for the implementation of the Regulation.

As a complement to the regulatory approach, the EU Internet Forum (EUIF) gathers tech companies, EU and EFTA (European Free Trade Association) Member States, law enforcement, trusted researchers and civil society organisations. The EUIF was launched by the Commission in 2015 to prevent the dissemination of terrorist and violent extremist content online and since 2019 it also addresses child sexual abuse online. One of its priorities, is to provide support to online companies in their content moderation efforts, especially in relation to violent right-wing extremism, which poses some challenges to online platforms. A Knowledge Package of violent right-wing extremist groups, symbols and manifestos proscribed or banned in EU Member States was produced in 2021 with the objective of providing guidance to online platforms on how to better identify and moderate violent right wing extremist content. The information contained in the package was analysed and updated by trusted researchers and will be further updated in 2023. The EUIF also organised a technical meeting dedicated to online violent right-wing extremist financing activities in autumn 2022 and developed guidance for EUIF stakeholders on preventing the misuse of video-gaming and adjacent platforms by empowering gaming communities. Countering radicalisation and the spread of violent extremist content online is of great importance, and it is therefore positive that the number of members of the EUIF is continuing to grow.

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<sup>10</sup> Plateforme Européenne de Retraits de Contenus Illégaux sur l'Internet (PERCI)

The EU IRU at Europol carries out systematic monitoring to detect trends and identify violent extremist content that can be subject to a referral process. In this way, it limits the spread of propaganda and other terrorist and violent extremist material online. Companies assess the referred content against their own terms of reference, and in this way, the spread of propaganda and other terrorist and violent extremist material online can be limited. In this process, the EU IRU pays careful attention to the needs of ongoing or potential investigations. In 2021, the EU IRU extended its monitoring and analytical capacity to be able to address violent right-wing extremist content.

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The EU IRU provides advanced open source intelligence (OSINT) support to Member States, enhancing their investigative efforts by using dedicated tools and expert OSINT analyses. In addition, content moderation support is given to online service providers. **DELETED**

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**Cooperating with key third countries, including by addressing the topic in counter-terrorism dialogues**

Paragraph 9 of the Council conclusions on ‘Addressing the external dimension of a constantly evolving terrorist and violent extremist threat’<sup>12</sup> adopted in June 2022, recognises the increasing threat emanating from violent right-wing extremism and terrorism, representing a serious global challenge for the EU and its Member States.

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<sup>12</sup> 10179/22

On a multilateral level, the Global Internet Forum to Counter Terrorism (GIFCT), Tech Against Terrorism (TAT), the Christchurch Call network, the G7 and the GCTF (Global Counter Terrorism Forum) (which the EU is currently co-chairing) are all multilateral cooperation mechanisms which have focused attention on the threat from violent right-wing extremism and terrorism and in which the EU uses its voice and has the opportunity to exchange best practice and obtain a situational overview of the current threat. In addition, the UN has put an increased focus on the threat stemming from violent right-wing extremism and terrorism in recent years, and the EU has actively contributed to these achievements.

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