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NOTE

From: Presidency
To: Permanent Representatives Committee/Council
Subject: Right-wing violent extremism and terrorism

Background

Terrorism remains a major threat to security in EU Member States. Terrorists seek not only to kill and maim, but also to divide our societies and spread hatred. The feeling of insecurity that terrorists attempt to create is of great concern because it has the potential to undermine the cohesion of our societies, increase polarisation and cause a rise in extremist views.

While Jihadist terrorism remains the main terrorist threat that the European Union is facing, according to reports from INTCEN and Europol the threat posed by right-wing violent extremists is low, but not insignificant, and growing¹.

Recent and foiled attacks in the EU and beyond have shown that there is a need to further strengthen the EU's approach in tackling right-wing extremist violence and the terrorist threat.

¹ Europol TE-SAT 2019 and Europol strategic report on Right-Wing Violent Extremism and Terrorism in the EU of 9 September 2019 (12001/19 *RESTREINT UE/EU RESTRICTED*).

Based on open-source information alone, several of the groups active in the EU interact, in one way or another, across borders and especially with groups active in neighbouring countries².

Developments outside the EU must also be carefully monitored. For example, in the United States, the recent Strategic Framework for Countering Terrorism and Targeted Violence³, issued by the Department of Homeland Security on 20 September 2019, emphasises a growing threat from domestic actors inspired by violent extremist ideologies and focuses on the white supremacy threat as one of the most ‘potent ideologies’ driving acts of violence in the US.

The EU threat assessment in the field of counter-terrorism endorsed in May 2019⁴ stressed the need to address politically or ideologically motivated violent extremism and terrorism in all its forms, also taking into consideration the increasing polarisation of societies. In this context, the Presidency's intention is to discuss how to address acts and expressions that are unlawful, in line with existing EU legislation⁵. The non-violent expression of right-wing political views is not affected by this initiative.

Initial discussions on the topic in the Council structures

The Presidency began its discussions in the Terrorism Working Party (TWP) meeting on 12 September 2019, on the basis of a discussion paper provided by the EU Counter-Terrorism Coordinator (11756/19 + ADD 1), followed by a discussion in the Standing Committee on Operational Cooperation on Internal Security (COSI) on 26 September 2019, based on a discussion paper drafted by the Presidency (12225/19).

In general, Member States supported joint work to prevent and combat violent right-wing extremism and terrorism.

² Cf. the Nordic Resistance Movement, Blood and Honour and Generation Identity.

³ https://www.dhs.gov/sites/default/files/publications/19_0920_plcy_strategic-framework-countering-terrorism-targeted-violence.pdf

⁴ EU threat assessment in the field of counter-terrorism (9044/1/19 REV 1, p. 4).

⁵ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism (OJ L 88, 31.3.2017, p. 6); Code of conduct on countering illegal hate speech online of 31 May 2016 (https://ec.europa.eu/info/sites/info/files/code_of_conduct_on_countering_illegal_hate_speech_online_en.pdf); 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 (OJ L OJ L 328 of 6.12.2008).

Right-wing violent extremist groups and actors pose various challenges to Member States' authorities. It was acknowledged during the discussion in the TWP and COSI that it is difficult to form a comprehensive situational overview of this phenomenon due to the fact that Member States do not categorise violent right-wing extremist acts in the same way.

Differences in approaches in Member States may lead to only a partial and insufficient threat picture. The lack of a complete picture carries the risk of underestimating the phenomenon and its significance, and this may influence available response strategies.

Member States agree that the EU has adequate instruments and measures in place to prevent and combat terrorism, provided that these are implemented and applied correctly. When a violent act is considered a terrorist offence, the EU legal framework provides viable options for achieving a successful investigation, prosecution and conviction. The recently updated Directive on combating terrorism (Terrorism Directive)⁶ is the cornerstone of the Member States' response to counterterrorism⁷, and does not distinguish between the ideologies that may or may not influence terrorist activities⁸.

⁶ Directive on combating terrorism. The deadline for implementation was 8 September 2018. According to Article 29 of that Directive, a report assessing the extent to which the Member States have taken the necessary measures to comply with this Directive is due by 8 March 2020.

⁷ The Presidency report presented to the June 2018 JHA Council meeting on the future of EU substantive criminal law concluded, among other things, that at this stage the emphasis should be on ensuring the effectiveness and quality of the implementation of the existing EU legislation, and that more efforts should be undertaken to that effect.

⁸ It lists three motives as grounds for classifying offences as terrorist offences: seriously intimidating a population, unduly compelling a government or international organisation to do something or abstain from doing something, and finally, seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or international organisation.

One issue repeatedly highlighted in the discussions was the role of the internet, and the need to reflect further on how to counter online violent extremist and terrorist propaganda, irrespective of the underlying ideology. Although social media are widely used, the violent extreme right has learned to exploit a range of media channels to advance and mainstream its views. As the line between online and offline communities becomes increasingly blurred, terrorist propaganda is reaching vast audiences in Europe, inciting some to act and driving others to embrace extremist views at the opposite end of the spectrum⁹. The role of the national Internet Referral Units (IRUs) and the EU IRU was emphasised in this context.

Ministers are invited to provide their views on the following suggestions on the way forward to address right-wing violent extremism and terrorism. Relevant Council structures, such as TWP and COSI, are invited to continue the discussion and to follow up on the work strands agreed.

- 1. Creating better situational overview of right-wing violent extremism and terrorism, for example by mapping national legal and policy frameworks and collecting statistics as well as by providing an analytical overview.*
- 2. Continuing to develop and share good practices on how to strengthen the prevention, detection and addressing of all forms of violent extremism and terrorism, including by supporting the work of RAN and ESCN in that respect. Research into terrorism and violent extremism in all its forms should also continue to be supported.*
- 3. Addressing the spread of unlawful extremist content online and offline irrespective of the underlying motive by emphasising the role of national IRUs and the EU IRU and by further exploring the ways in which the violent extreme right exploits and mainstreams its narratives both online and offline.*
- 4. Cooperating with key third countries, including within the framework of the implementation of the Joint Action Plan on Counter-Terrorism for the Western Balkans and by addressing the topic in CT-dialogues with strategic partners facing similar challenges.*

⁹ Europol TE-SAT 2019.