

Terms of Reference for the European network of national prosecutors responsible for hate crimes and criminalised hate speech

1. Introduction

Under EU legislation, hate-motivated speech and crimes are prohibited. The 2008/913/JHA Framework Decision on Combating racism and xenophobia by means of criminal law mandates the criminalisation of public incitement to violence or hatred on the basis of race, colour, religion, descent, or national or ethnic origin. Member States have transposed these provisions in national laws, often expanding the definition of criminalised hate speech to other grounds such as sexual orientation/gender identity, gender and disability.

Through EU legislation and domestic legal frameworks, hate-motivated speech and crimes are prosecuted nationally (and tested against the EU legislative framework).

EU Member State prosecutors monitor the proper application of national laws transposing the Framework Decision through investigations and, where necessary, prosecution. In this context, the objective is to set up an informal network made up of national prosecutors and facilitated by the European Commission. The network aims to support the appropriate application of the Framework Decision and to bring the relevant guidance produced under the EU High Level Group on combating hate speech and hate crime closer to prosecutors and practitioners, thereby also providing a space for communication and exchange.

2. Purpose

The purpose is to set up a network of prosecutors or prosecution offices focused on hate speech and hate crimes in Europe, under the framework of the EU High Level Group on combating hate speech and hate crime.

This network will allow specialised prosecutors to systematically discuss challenges and opportunities within their work.

By doing so it aims to contribute to the harmonisation in the application of the Framework Decision, and the strengthening of the legal practice in the prosecution of hate speech and hate crimes, thereby strengthening the rule of law.

The network creation and maintenance, as well as its activities will be facilitated by the European Commission (DG Justice and Consumers), with the support of partners and experts from international organisations working in the area of hate speech and hate crimes, as needed.

3. Objectives

- **Provide effective and timely support for specialised prosecutors in the area of hate speech and hate crimes:** by facilitating peer-to-peer exchanges, sharing expertise, and enabling ad hoc consultations on specific cases, the network ensures timely and practical support for prosecutors dealing with hate speech and hate crimes, including online.
- **Facilitate networking and collaboration among prosecutors and other stakeholders:** provide the network with a communication channels and regular meetings under the EU High Level Group framework, and supporting bilateral contacts, encourages transnational cooperation, and strengthens ties with relevant actors, such as international organisations (e.g. OSCE/ODIHR).
- **Strengthen institutional capacities through ongoing training and resource matching:** promote capacity building initiatives, trainings, and facilitate the exchange of relevant legal and prosecutorial tools relevant to the area of work.

4. Scope of Activities

The network's activities will span four key themes:

4.1 Awareness raising and exchange of information, practice, and expertise

- Organise regular thematic discussions, peer exchanges, and case studies to highlight challenges and effective practices in prosecuting hate speech and hate crimes.
- Disseminate updates on legal and policy developments, other relevant materials, at EU and Member State level relevant to hate speech and hate crimes prosecution.

4.2 Institutional Strengthening

- Facilitate access to training offers for prosecutors on topics such as hate crime and hate speech investigation, victim support, and collaboration with civil society organisations (CSOs).
- Match requests with existing resources at the international or national level, such as identifying appropriate training packages from organisations like OSCE/ODIHR, the Council of Europe, or Facing Facts.

- Facilitate problem-solving in relation to specific forms or cases of hate crime or hate speech.

4.3 Training and capacity building

- Connect prosecutors from different Member States to exchange good practices on investigative techniques, evidence gathering, victim engagement, and cooperation with law enforcement and CSOs.
- Establish links with existing relevant networks and workstreams, e.g. the network of law enforcement contact points which is developed under the High Level Group.
- Provide opportunities for multi-stakeholder dialogue, enabling prosecutors to engage with policymakers, other national authorities, digital service providers, civil society.
- Create a dedicated forum for practice-oriented discussions.

5. Roles and Responsibilities

- **European Commission:** The role of the European Commission is to facilitate and support the establishment of the network. The intention is to create a lasting, sustainable network available to prosecutors across the EU.
- **Prosecutors:** to attend and actively participate into the network's exchanges and to contribute to the outreach to other prosecutors both within their national context and in other Member States.

6. Membership

Group membership is limited to prosecutors only, in order to allow for an open exchange on sensitive and complex matters.

Ad hoc outreach and/or joint events with civil society organisations, community-based organisations, lawyers or similar, can be arranged as needed.

7. Meetings and time management

11.09. 2025

- **Frequency:** To be determined based on needs. At least one meeting per year in person and involving the whole network
- **Format:** Meetings may be held in-person or online, depending on the circumstances and needs of the members.

8. Decision-Making

Decisions within the network will be made by consensus. In cases where consensus cannot be reached, the issue will be escalated to an entity chosen by network itself. The first meeting of the network will be dedicated to taking a decision on which this entity should be.

9. Reporting

The network will report its activities and outcomes to the European Commission and other relevant fora as required.

10. Review of Terms of Reference

These Terms of Reference will be reviewed annually to ensure they remain relevant and effective in guiding the Network's activities.