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NOTE

From: EU Counter-Terrorism Coordinator
To: Delegations

Subject: Right-wing violent extremism and terrorism in the European Union:
background information

1. Definition of right-wing extremist terrorism and European statistics

The distinction between other right-wing extremist violence and right-wing terrorism is based on the EU CT directive¹. The Commission will report on the transposition to Council and the European Parliament in March 2020. The Directive is based on the understanding that terrorism is politically neutral. In the Directive terrorism is clearly defined by requiring two cumulative elements: one part consists of the seriousness of offences and the other part the terrorist aim with which these are committed. When one or the other element is missing, it is not considered terrorism. From a strictly legal point of view, this is a clear line. The Directive defines as criminal offenses preparatory acts such as provocation to commit terrorism, training for terrorism that may be easier to prove and that can be used at an earlier stage to start investigations and prosecutions for individual actors in “fluid” or “hard to prove” violent extremist groups. This could make it easier for Member States to prosecute right-wing violent extremism and terrorism.

¹ Directive (EU) 2017/541 of the European parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA (OJ L 88, 31.3.2017, p. 6).

Often, right-wing violent extremist crimes are prosecuted under other criminal statutes in Member States (e.g. causing an explosion, possession of illicit-arms, attempted murder) and receive adequate sentences. Right-wing extremist violence can fall under the wide scope of non-terrorist violent crimes, including hate crimes. Such offenses are often the beginning of further violent extremist radicalization. Verbal attacks, also online, can lower the threshold for the real use of violence. Contrary to terrorist offenses, statistics on other right-wing extremist violence are not systematically collected at EU level² and hence not available in a comparable fashion³.

Terrorism-related arrests and prosecutions as well as the number and nature of terrorist incidents in Member States are being published annually by Europol in the TE-SAT report⁴. It also provides some qualitative information on right-wing violent extremism. However, the report does not include incidents that are prosecuted under other criminal statutes⁵. Current reporting procedures have been shaped by the experience with jihadist terrorism and are not necessarily adequate to cover violent incidents motivated by right-wing violent extremism that cannot be classified as terrorism.

A project that has tried to explore possible ways to collect data in this field is the ISF-funded “Politically motivated crime in the light of current migration flows” (PoMigra) project, which aimed to shed light on the possible correlation between the influx of migrants in the EU and extremist crimes. Difficulties emerged in collecting statistical data in Member States, and at present data sets at the national level are not comparable. As a result, evidence-based advice for policy making at European level can be challenging.

² The EU Fundamental Rights Agency (FRA) and the Office of Democratic Institutions and Human Rights of the OSCE (ODHIR) are providing some statistics on specific aspects of right-wing violent extremism and terrorism. However, often the statistics provided by the Member States are difficult to compare.

³ The 2018 Report of the German security service (BfV) for example contains statistics at the national level. It counted some 12,700 "violence-oriented" right-wing extremists in Germany. While the overall number of right-wing crimes dropped by 0.3% in 2018, the number of violent crimes committed by right-wing extremists rose by 3.2% (from 1,054 to 1,088).

⁴ Terrorism Situation and Trend Report 2019 (TE-SAT), Europol, p. 72 (<https://www.europol.europa.eu/activities-services/main-reports/terrorism-situation-and-trend-report-2019-te-sat>).

⁵ This would raise methodological problems: It seems difficult to classify cases for which insufficient evidence exists to secure terrorism or violent extremism convictions as terrorism or violent extremism for statistical purposes.

2. Europol and Eurojust

Europol provided operational support in the aftermath of the Christchurch attack as well as in other cases of right-wing extremist terrorism. It coordinated efforts and information exchange among Member States and New Zealand⁶. For this reason, Europol also activated the exceptional clause⁷. Three operational analysis reports were drafted by the European Counter-Terrorism Centre (ECTC) and shared with Member States and New Zealand.

The Analysis Project (AP) Dolphin (for non-Islamist terrorism) has among its priorities the fight against right-wing violent extremism and terrorism and is supporting ongoing priority cases investigated by Member States.

Since 2017, Europol has started to provide dedicated support to major special events in Member States, for example with cross-checking of photos, images and videos as well as intelligence reports. This targets all threats and hence could also be used in the context of right-wing violent extremism and terrorism.

Additional effort in the fight against right-wing violent extremism and terrorism by the EU Internet Referral Unit (IRU) would be possible since Europol's mandate already allows the agency to "prevent and combat forms of crime [including terrorism and racism and xenophobia], which are facilitated, promoted or committed using the Internet."

Neither the national IRUs nor the EU IRU work systematically on the detection and referral of anti-Semitic content or unlawful hate speech in general⁸. Some investigations units in Member States (not necessarily IRU) work on this issue on an ad hoc basis in the framework of open investigations⁹. Being driven and directed by the demands of the Member States, the ECTC and in particular the EU IRU operational support has been predominantly focused on jihadist terrorism. However, right-wing violent extremism and terrorism already has raised and most probably will continue to raise demands and increase expectations on the ECTC support to the Member States in this field.

⁶ Via the Australian desk at Europol

⁷ Art. 25(5) of the Europol Regulation (on authorisation of transfer of personal data to third countries and international organizations)

⁸ Anti-Semitic content online / unlawful hate speech and the role of the EU IRU and national IRUs was discussed during the last Heads of IRU meeting in early June 2019.

⁹ Cases filed by individuals.

The ECTC is proactively engaging with and encouraging Member States to increase and standardise reporting on right-wing extremist violence and right-wing terrorism, also to allow to comprehensively and representatively assess the situation in the EU on this phenomenon¹⁰.

Eurojust discussed prosecutions of right-wing extremist terrorism at its annual CT meeting in June 2019. Eurojust also supports judicial cooperation in right-wing violent extremism and terrorism cases. In October 2018 Eurojust was invited to join Europol's AP Dolphin, which ensures more structured cooperation with the AP to which Eurojust already contributed even prior to the association. Eurojust provides analysis of terrorist related judgments in Member States, including related to right-wing extremist terrorism in its Terrorist Convictions Monitor. Information exchange on judicial investigations and prosecutions of terrorism, including right-wing extremist terrorism, will be strengthened with the launch of the European Judicial CT Register in September 2019.

3. Disengagement programmes

It is important for Member States to build and share experience with regard to disengagement programmes. The German experience with neo-Nazis seems to be very interesting, keeping in mind that right-wing violent extremism and terrorism has evolved over the last years and has different shapes and structures across Member States. In the exit program in Finland, there are customers with radical jihadist ideology as well as right-wing violent extremists. It would be useful to know whether exit programs in Member States are available only to radicalized persons with a certain ideology or open to all radicalized persons no matter what is the ideology they follow.

4. Possible interaction between jihadist and right-wing violent extremist ideologies

It is important to understand and address the ideological dimension of right-wing violent extremism which can contribute to radicalization to right-wing terrorism.

¹⁰ Europol will report to TWP in September 2019, as requested, and in the bi-annual six-monthly threat assessment (scope extended beyond jihadist extremism as agreed at the Council's Standing Committee on Operational Cooperation on Internal Security (COSI) meeting in May 2019).

In this context, it is interesting to note that while jihadist ideology and right-wing violent extremist ideology fundamentally clash with each other, at the same time the jihadist and right-wing violent extremist ideologies have some common features. The common tenets include supremacist ideology, hatred of the other, the perception of own communities being under threat, or belief in clash of civilisations and considering the use of violence. Moreover, both jihadist and right-wing violent extremist ideologies can be anti-Semitic, misogynist, homophobic and xenophobic. Both claim that Muslims cannot be integrated in the West nor be reconciled with the West. Both refuse the basic principles of Western democracies. It would be interesting to examine similarities with left-wing violent extremist ideology as well.

However, this does not necessarily mean that the same **indicators for risk analysis** with regard to the threat posed by jihadist radicalized persons can be used with regard to radicalized right-wing violent extremist persons. For example, in Germany the Radar ITE¹¹ indicators are not used in the context of right-wing terrorism.

There may be an interlink between an attack claimed by a Jihadist terrorist group and a subsequent increase in anti-Muslim incidents. Reversely, right-wing extremist terrorist attacks and other right-wing extremist violence might be met by retaliation from jihadist groups, or cause an increase in jihadist recruitment among people affected by a given incident. It remains open to what extent this correlation is indeed observable. There is also a threat of reciprocal violence between right-wing violent extremist groups and those opposed to them, which may lead to further radicalization of both sides. For example, there have been violent clashes between right-wing violent extremists and Salafists in Germany¹². In the aftermath of the Charlie Hebdo attacks in 2015, incidents of right-wing extremist violence against Muslims rose by 281 % in France¹³. The "Terrorist Threat Assessment for the Netherlands 50"¹⁴ of June 2019 points out that "terrorist incidents can also function as a trigger for violent retaliation by jihadists or right-wing extremists".

¹¹ The risk assessment tool of the German Federal Criminal Police (BKA) in the context of jihadist terrorism.

¹² Koehler, Right-Wing Extremism and Terrorism in Europe, Current Developments and issues for the future, PRISM 6, No. 2 pp. 92

¹³ Koehler

¹⁴ https://english.nctv.nl/binaries/Samenvatting%20DTN50%20EN_tcm32-396781.pdf, June 2019.

5. Right-wing violent extremism and terrorism online

The internet and social media play an important role regarding the spread of right-wing violent extremist and terrorist content. The internet is one of the key enablers of violent radicalisation and formation of groups, including those consisting of right-wing violent extremist sympathisers who search for ideological validation online. Participation in online right-wing violent extremist fora can act as a "tasting ground" and motor for offline violence.

While jihadist content is dominated by a small number of groups such as Daesh or Al-Qaeda which produce the overwhelming majority of online content, right-wing violent extremist content emanates from multiple sources¹⁵ and thus has multiple narratives, goals and targets. This poses a potential challenge for detection of unlawful right-wing violent extremist and terrorist materials. Big data analytics on violent right-wing extremist content online seems to be missing.

Right-wing extremist content online can be divided into three categories: lawful content under free speech laws, unlawful hate speech (or other unlawful symbols, for example those that have been banned), and terrorist content. It is a challenge that context is often necessary to identify the right-wing violent extremist symbols. Only terrorist and other unlawful content can be removed.

Several Member States have banned some right-wing violent extremist symbols and expressions. However, these symbols and expressions tend to change and adapt, depending on national measures. The fact that national bans do not cover the whole of the EU might create a challenge for removal requests, as social media are operating internationally.

The EU Directive 2017/541 on combating terrorism tasked Member States to *inter alia* take necessary measures against the spread of terrorist content online. The EU Internet Forum, established in 2015 by the European Commission deals with terrorist content, hence it could also tackle right-wing violent extremist and terrorist content.

¹⁵ Maura Conway, "Violent Extremism and Terrorism," VoxPol, 2018, https://voxpath.eu/download/voxpath_publication/Year-in-Review-2018.pdf, p. 12.

The European Commission Code of Conduct countering illegal speech online from 2016¹⁶ and the relevant dialogue with the internet companies covers unlawful hate speech, hence right-wing extremist content that is not terrorist content but constitutes unlawful hate speech. The Commission's Code of Conduct is a legally non-binding agreement. It commits companies which are parties to the document to have a clear and effective review process concerning illegal hate speech online, defined as "all conduct publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour religion, descent or national or ethnic origin."¹⁷ Yet this work remains voluntary and the EU has no legal mechanism holding IT companies responsible for hosting illegal hate speech. The EU supports a network of flaggers to support the hate speech dialogue.

As a consequence of the attacks in Christchurch, French President Macron and New Zealand Prime Minister Ardern brought together Heads of State and Government and leaders from the tech sector to adopt the Christchurch Call¹⁸, a commitment by Governments and tech companies to eliminate terrorist and violent extremist content online. It rests on the conviction that a free, open and secure internet offers extraordinary benefits to society. Respect for freedom of expression is fundamental. However, no one has the right to create and share terrorist and violent extremist content online. Also in this context, the EU Internet Forum members agreed to work together to establish a blueprint for a crisis protocol in full compliance with human rights and data protection standards which will be presented by the Commission in a few months. The protocol will apply to situations where there is a terrorist attack with a significant online component¹⁹.

¹⁶ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/countering-illegal-hate-speech-online_en#relatedlinks

¹⁷ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/countering-illegal-hate-speech-online_en

¹⁸ Meeting in Paris on 15 May 2019; <https://www.christchurchcall.com>.

¹⁹ For this, single points of contacts for alerting each other would be set up as well as pre-defined communication channels for real time coordination during the crisis both between industry and between industry, Europol and law enforcement.

6. Traditional media

Traditional media are still playing an important role in communicating and presenting facts, analyses and commentaries to its audience. Moreover, traditional media are often a source for social media. After significant violent or terrorist incidents, reporting via mass media channels may contribute to acceleration of polarisation in the society. To prevent further alienating certain parts of the society and fuelling radicalisation, initiatives raising awareness among traditional media (TV channels, newspapers, radio etc.) and enhancing information management between public authorities and media could be encouraged and supported by the Commission and Member States.
