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*Plenary sitting*

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**B9-0477/2022**

18.10.2022

## MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission  
pursuant to Rule 132(2) of the Rules of Procedure

on growing hate crimes against LGBTIQ+ people across Europe in light of the  
recent homophobic murder in Slovakia  
(2022/2894(RSP))

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on behalf of the PPE Group

**Cyrus Engerer, Gabriele Bischoff, Birgit Sippel, Juan Fernando López  
Aguilar, Marc Angel, Pina Picierno, Evin Incir, Sylvie Guillaume, Thijs  
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on behalf of the S&D Group

**Michal Šimečka, Abir Al-Sahlani, Malik Azmani, Olivier Chastel, Katalin  
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Sophia in 't Veld, Jan-Christoph Oetjen, Moritz Körner, Maite  
Pagazaurtundúa, Ramona Strugariu, Róza Thun und Hohenstein, Dragoș  
Tudorache, Hilde Vautmans, Michal Wiezik**

on behalf of the Renew Group

**Terry Reintke**

on behalf of the Verts/ALE Group

**Malin Björk**

on behalf of The Left Group



**European Parliament resolution on growing hate crimes against LGBTIQ+ people across Europe in light of the recent homophobic murder in Slovakia (2022/2894(RSP))**

*The European Parliament,*

- having regard to the Charter of Fundamental Rights of the European Union (hereinafter ‘the Charter’),
- having regard to Article 2 of the Treaty on European Union (TEU),
- having regard to the European Convention on Human Rights and the related case-law of the European Court of Human Rights,
- having regard to the Universal Declaration of Human Rights,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA<sup>1</sup> (‘Victims’ Rights Directive’),
- having regard to the evaluation of the implementation of the Victims’ Rights Directive in the Commission Staff Working Document – Evaluation (SWD(2022)0180)<sup>2</sup>, and its Executive Summary<sup>3</sup> of 28 June 2022,
- having regard to the Commission communication of 12 November 2020 entitled ‘Union of Equality: LGBTIQ Equality Strategy 2020-2025’ (COM(2020)0698),
- having regard to the Commission communication of 9 December 2021 entitled ‘A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime’ and its respective annex (COM(2021)0777),
- having regard to the results of the EU LGBT Survey launched by the European Union Agency for Fundamental Rights (FRA) in 2019,
- having regard to its resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights<sup>4</sup>,
- having regard to its resolution of 11 March 2021 on declaring the EU an ‘LGBTIQ Freedom Zone’<sup>5</sup>,
- having regard to the Council of Europe’s Recommendation of 20 May 2022 of the

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<sup>1</sup> OJ L 315, 14.11.2012, p. 57.

<sup>2</sup> [https://ec.europa.eu/info/sites/default/files/law/swd\\_2022\\_179\\_evaluation\\_rep\\_en.pdf](https://ec.europa.eu/info/sites/default/files/law/swd_2022_179_evaluation_rep_en.pdf)

<sup>3</sup> [https://ec.europa.eu/info/sites/default/files/law/swd\\_2022\\_180\\_resume\\_evaluation\\_rep\\_en.pdf](https://ec.europa.eu/info/sites/default/files/law/swd_2022_180_resume_evaluation_rep_en.pdf)

<sup>4</sup> OJ C 395, 29.9.2021, p. 2.

<sup>5</sup> OJ C 474, 24.11.2021, p. 140.

Committee of Ministers to member states on combating hate speech (CM/Rec(2022)16)<sup>6</sup>,

- having regard to the Council of Europe’s Recommendation of 31 March 2010 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (CM/Rec(2010)5)<sup>7</sup> and to its 2020 report on implementation<sup>8</sup>,
  - having regard to General Policy Recommendation No 15 of the European Commission Against Racism and Intolerance (ECRI) on combating hate speech<sup>9</sup>,
  - having regard to the ECRI’s Country Monitoring Report on the Slovak Republic<sup>10</sup>,
  - having regard to the Human Rights Comment of the Commissioner for Human Rights of the Council of Europe, entitled ‘Pride vs. indignity: political manipulation of homophobia and transphobia in Europe’<sup>11</sup>,
  - having regard to report by the Commissioner for Human Rights of the Council of Europe following his visit to the Slovak Republic from 15 to 19 June 2015,
  - having regard to the Commission’s 2022 Rule of Law Report,
  - having regard to the study by its Directorate-General for Internal Policies of 20 May 2022 entitled ‘Right-wing extremism in the EU’<sup>12</sup>,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas on Wednesday, 12 October 2022, in central Bratislava, Slovakia, a far-right radicalised gunman, inspired by white supremacist terrorists, brutally murdered two young persons, Matúš Horváth and Juraj Vankulič, and injured one other person; whereas the shooting took place outside the well-known gay bar Tepláreň, one of the very few LGBTIQ+ spots in the city; whereas the shooting was a deliberate and planned attack explicitly targeting the LGBTIQ+ community and he intended to kill more people, including high officials; whereas the Slovak police classified the act as a terrorist attack and investigations are still ongoing; whereas if confirmed as a terrorist attack, it would be the first terrorist attack against the LGBTIQ+ community in the EU;
- B. whereas the murderer, a radicalised 19-year-old student from Bratislava, was on the run hours after the attack; whereas he actively communicated about the incident before, during and after the shooting via various different social media channels; whereas an

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<sup>6</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680a67955#\\_ftnref1](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a67955#_ftnref1)

<sup>7</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805cf40a](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805cf40a)

<sup>8</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809f9ba0#\\_Toc2764960](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809f9ba0#_Toc2764960)

<sup>9</sup> <https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-combating-hate-speech/16808b5b01>

<sup>10</sup> <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

<sup>11</sup> <https://www.coe.int/en/web/commissioner/-/pride-vs-indignity-political-manipulation-of-homophobia-and-transphobia-in-europe?inheritRedirect=true>

<sup>12</sup> Study - ‘Right-wing extremism in the EU’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 20 May 2022.

anti-Jewish and anti-LGBTIQ+ manifesto appeared on his account a few hours before the shooting; whereas the same account shows the alleged murderer outside the bar Tepláreň in mid-August 2022; whereas half an hour after the killings, the account owner tweeted ‘hatecrime’, ‘gaybar’ and ‘feeling no regrets’; and shortly before midnight, the account said: ‘bye, see you on the other side’; whereas the radicalised 19-year-old student appeared on photographs linking him to the international anti-feminist and misogynist ‘incel’ ideology and movement;

- C. whereas the LGBTIQ+ community in Slovakia has been subjected to hate-fuelled rhetoric and violence, also driven by many Slovak politicians; whereas verbal and physical attacks on the LGBTIQ+ community in Slovakia are often widespread, preventing them from feeling safe and accepted by society; whereas hateful comments justifying or mocking the murders appeared on social media following the tragic event;
- D. whereas the climate of hate, intolerance and intimidation towards LGBTIQ+ community in Slovakia has been cultivated not only by far-right and extremist movements, but also by representatives of the church and political elites, who have often called for further restrictions on LGBTIQ+ people in their statements; whereas in June 2014, the National Council amended the country’s constitution to expressly deny same-sex couples the right to marry and subsequent legal protections; whereas an anti-LGBTIQ+ referendum took place in February 2015 after the conservative church-backed group Alliance for Family gathered 400 000 signatures calling for a vote on stricter legislation against LGBTIQ+ people; whereas in May 2022 a member of the ruling coalition party proposed a law aiming to ban the rainbow flag from state-owned and public buildings; whereas another legislative proposal was introduced by members of parliament in September, seeking to ban all mentions of the queer community from schools, advertising and television; whereas there is no compulsory, age-appropriate comprehensive relationship and sex education in Slovak schools;
- E. whereas on Friday, 14 October 2022 a large number of people, including the Slovak President and the Prime Minister, gathered in Bratislava for the march to condemn hatred against LGBTIQ+ people; whereas similar events were organised all over the country and in several other Member States to campaign for the rights of the LGBTIQ+ community in Slovakia; whereas the Slovak President repeated her long-standing call upon politicians not to spread hate; whereas for the first time the Presidential Palace displayed a rainbow flag next to the Slovak and the European flags and the Office of the Parliament lit up Bratislava castle to commemorate the victims of the murder;
- F. whereas crime motivated by prejudice, known as hate crime or bias-motivated crime, affects not only the individuals targeted but also communities and societies as a whole; whereas Member States have a positive obligation to ensure that the rights to human dignity, to integrity, prohibition of torture and inhuman or degrading treatment or punishment are protected and enforced in practice;
- G. whereas there is a growing normalisation of exclusionary and stigmatising rhetoric against LGBTIQ+ people based on prejudice, which leads to additional violence and dehumanisation and to offenders feeling guilt-free and uninhibited;
- H. whereas the 2019 EU LGBTI Survey II showed a bleak picture in the EU as regards

discrimination of LGBTIQ+ people, with little progress in the years since the first LGBTI Survey in 2012; whereas in 2019 there had already been a decrease since 2012 in the number of people reporting the most frequent hate-motivated incident of physical or sexual attacks to the police; whereas in the Slovak Republic the percentage of respondents who experienced a hate-motivated assault amounted to 1 in every 10 persons; whereas in its 2020 country monitoring report on the Slovak Republic, ECRI stated that studies suggest that around 1-8 % of the population in the Slovak Republic is LGBTI; whereas ECRI recognised the role of politics in bolstering anti-LGBTIQ+ rhetoric, namely through anti-LGBTIQ+ campaigns, a constitutional change that prevents equal marriage and other political initiatives openly discriminating against LGBTIQ+ people; whereas ECRI noted with regret the negative dynamic in recent years, concomitant with the limited progress on LGBTIQ+ equality;

- I. whereas the European Court of Human Rights has delivered a number of recent judgements in cases related to hate crime against LGBTIQ+ people: the *Stoyanova v. Bulgaria* case, pertaining to the gruesome murder of a 26 year old gay man in a public park, requiring Bulgaria to reform its Criminal Code to acknowledge such violent crimes (motivated by perceived or actual sexual orientation) as being ‘aggravated’<sup>13</sup>; in the case of *Sabalić v. Croatia* concerning a hate crime against a lesbian woman, recognising that, unless the authorities take a firm line, prejudice-motivated incidents would be met with an indifference that was tantamount to official acquiescence to or even connivance with hate crimes<sup>14</sup>; and in the *Beizaras and Levickas v. Lithuania*, recognising a positive obligation on behalf of the state to investigate homophobic comments online which constituted incitement to hatred and violence<sup>15</sup>;
- J. whereas in 2022, the Committee of Ministers of the Council of Europe adopted a recommendation on combating hate speech and is currently preparing a recommendation on combating hate crime for 2023; whereas the Committee of Ministers of the Council of Europe adopted in 2010 a landmark recommendation to Member States on measures to combat discrimination based on sexual orientation and gender identity;
- K. whereas in 2021 the Commissioner for Human Rights of the Council of Europe warned of the scapegoating of LGBTIQ+ minorities as a tactic applied by ultra-conservative and nationalist politicians posing as defenders of so-called ‘traditional values’ to strengthen their base and gain or stay in power; whereas this raises strong concerns over politicians’ legitimisation of hatred in exchange for potential political gain; whereas according to the Commissioner for Human Rights, the scapegoating of LGBTIQ+ people is a symptom of widespread opposition to, and an assault on, human rights and the rule of law, both of which are core EU values;
- L. whereas the 2022 rule of law report published in July 2022 by the European Commission expresses continued concerns over the financing of civil society organisations activities on issues related to gender equality and LGBTIQ+ rights and over verbal attacks on human rights defenders in these areas, as well as over the

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<sup>13</sup> <https://hudoc.echr.coe.int/eng?i=001-217701>, 79.

<sup>14</sup> <https://hudoc.echr.coe.int/eng?i=001-207360>, 95.

<sup>15</sup> <https://hudoc.echr.coe.int/fre?i=001-200344>, 129.

disbursement of funding through public subsidy schemes that continue to exclude organisations working on these issues;

- M. whereas the Victims' Rights Directive requires that victims of hate crime should receive an individual assessment and that it should identify specific protection and support needs, for example regarding their sexual orientation, gender identity or expression, and identifies victims of hate crime as especially vulnerable victims;
- N. whereas in December 2021, the Commission published a Council decision proposal to add hate speech and crime to the list of EU crimes as codified in Article 83(1) TFEU, which requires unanimity in the Council; whereas Hungary, Poland and Czechia are still withholding their support for this decision;
- O. whereas in 2020, the United Nations Independent Expert on sexual orientation and gender identity noted in the context of the pandemic that 'hate speech inciting violence against LGBT persons has been on the rise' and urged states to protect LGBTIQ+ people from violence and discrimination and prosecute perpetrators<sup>16</sup>; whereas in 2019, the United Nations Strategy and Plan of Action on Hate Speech identified hate speech as 'a menace to democratic values, social stability and peace'<sup>17</sup>;
1. Condemns in the strongest possible terms the cowardly act of terror against the LGBTIQ+ community and the murder of Matúš Horváth and Juraj Vankulič committed in Slovakia; deplores this ideologically motivated far-right attack; expresses its sincere regret to the families of the victims;
  2. Commends the immediate, massive and positive response of Slovak civil society and citizens to the murders, as expressed by the marches across the country and abroad, and stands in solidarity with the LGBTIQ+ community in the country;
  3. Strongly condemns all forms of hate and violence, as well as any physical or verbal attacks, against persons based on their gender, sexual orientation, gender identity or expression and sex characteristics in both Slovakia and the EU; recalls that there is no place for LGBTIQ+ hatred, racism and discrimination in our societies; asks the Commission, the European Council and the Council to take a strong and decisive stand against hate, violence and injustice in Europe;
  4. Calls on the Slovak Government and the National Council of the Slovak Republic to show genuine commitment to making meaningful progress in the protection of LGBTIQ+ people from any form of hate crime and homophobia in close cooperation with the LGBTIQ+ community and to take a strong public position against violations of the human rights of LGBTIQ+ people;
  5. Urges the Slovak authorities to effectively fight against the disinformation campaigns against LGBTIQ+ people, to encourage factual, objective and professional reporting by the media on LGBTIQ+ persons and issues related to sexual orientation, gender identity or expression and sex characteristics and to investigate the hate crime and hate speech

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<sup>16</sup> <https://www.ohchr.org/en/statements/2020/10/statement-victor-madrigal-borloz-un-independent-expert-protection-against>

<sup>17</sup> <https://www.un.org/en/genocideprevention/hate-speech-strategy.shtml>

against the members of LGBTIQ+ community living in Slovakia;

6. Expresses grave concern over the frequent use of offensive, aggressive and homophobic language towards the LGBTIQ+ community in Slovakia, including by former and current members of the government and the National Council of the Slovak Republic; calls for a halt to the further polarisation of society in Slovakia and a rejection of any form of cooperation with far-right extremist forces;
7. Calls on the Slovak Government and the National Council of the Slovak Republic to secure equal rights for LGBTIQ+ people living in Slovakia based on the Charter, guaranteeing the respect of all rights, in particular private and family life, including legal recognition of same-sex couples; calls for the finalisation of the ongoing discussions to reform legal gender recognition respecting international and European standards and calls for its swift adoption;
8. Expresses its deepest concerns regarding the discrimination suffered by rainbow families and especially their children in Slovakia, deprived of fundamental human rights on the grounds of sexual orientation, gender identity or expression, or the sex characteristics of parents or partners; calls on the government to overcome this discrimination and to remove all obstacles LGBTIQ+ people face when exercising the fundamental right to freedom of movement within the EU; urges the government to respect its obligations under international and European law and guarantee fundamental rights to all persons;
9. Takes note of ECRI's country monitoring report on the Slovak Republic; recalls that ECRI made several recommendations to the Slovak authorities, such as developing and implementing an action plan for LGBTI persons, in close consultation with civil society, adopting a new action plan to prevent and combat racism, homophobia and transphobia, particularly in the form of hate speech, ensuring that internet service providers and social network operators swiftly and systematically remove hate speech from their systems and forward the evidence to the judicial authorities and revising the Criminal Code to ensure racist, homophobic or transphobic motives are 'aggravating circumstances' for any ordinary offence; fully supports ECRI's recommendations and calls on the Slovak authorities to immediately implement the measures;
10. Is deeply concerned by the impunity with which anti-LGBTIQ+ groups, in particular far-right extremist groups, operate in some Member States and stresses that this sense of impunity is among the reasons underlying the alarming rise in violent actions by certain far-right organisations, and the increase in threats against minorities, including the LGBTIQ+ community;
11. Is deeply worried that the younger generations in Europe and elsewhere feel less and less concerned about the history of fascism, including the embedded hate and discrimination against LGBTIQ+ people, ethnic minorities and the Jewish population; emphasises that an awareness of history is one of the preconditions for preventing such crimes from occurring in the future and needs to be an important feature of the education of younger generations; stresses the need to set aside more space on history curricula for objective and factual learning about different ideologies, their forms and their origins, including fascism, as well as their consequences and remnants in present



times;

12. Underlines that hate speech and hate crime are widespread across Europe and have been increasing in recent years; underlines that hate speech by public figures, notably politicians, is perceived as legitimising hatred by those who perpetrate it; deems it necessary to tackle these forms of expression, which incite, spread or promote hatred, and are contrary to the principles of a democratic and pluralist society; is concerned by the increasing prevalence of LGBTIQ+-phobic rhetoric emanating from far right, alt-right and ultraconservative parties; calls on the public authorities and, in particular, local authorities to help stop the tide of intolerance that surrounds these and other types of attacks;
13. Believes that the EU should launch campaigns against anti-LGBTIQ+ narratives, including right-wing extremism at EU level and develop and fund long-term programmes supporting local grassroots organisations and citizens' initiatives at local level to help develop the population's resistance to right-wing extremism; calls on the Commission to also prioritise the follow-up of anti-LGBTIQ+ narratives in their disinformation efforts;
14. Calls on the Member States to step up efforts to ensure education promotes the civic values of acceptance, tolerance, diversity, equality and respect on issues related to sexual orientation, gender identity and expression and sex characteristics, for example through systematic human rights education and awareness-raising campaigns;
15. Strongly condemns governments in Europe relying on active or passive support by far-right and other LGBTIQ+-phobic political parties to access and maintain themselves in power and legitimise their narratives;
16. Calls on the Commission and the Member States to support civil society at European, national, regional and local levels to strengthen democracy, rule of law and fundamental rights, as they play an important role, especially in those Member States where we see a rise in far-right ideology and hate speech;
17. Calls on the Commission to widen the scope of the annual Rule of Law report to cover fundamental rights systematically, including LGBTIQ+ rights;
18. Stresses the need for Member States to combat hatred against LGBTIQ+ persons by all means possible, including by implementing the recommendations of the Committee of Ministers of the Council of Europe, which call on its member states to ensure effective prompt and impartial investigations, as well as the prosecution of those responsible for such crimes, to recognise that a bias motive related to sexual orientation or gender identity may be taken into account as an aggravating circumstance, to ensure victims and witnesses are encouraged to report hate-motivated incidents and that law enforcement structures have the necessary knowledge and skill to provide assistance to them; further calls on the Member States to take appropriate measures to combat the incitement of hatred online;
19. Recalls that the lack of implementation of court judgements amounts to erosion of the rule of law;

20. Urges the Council to adopt as soon as possible the Council decision on the extension of the list of EU crimes to include speech and hate crimes in Article 83(1) TFEU and urges Hungary and Poland to stop blocking its adoption, and urges Czechia, as the current holder of the rotating Council Presidency, to take further steps in this matter and reach an agreement on it as soon as possible;
21. Underlines the individual responsibility of Member States in combating hate crimes against LGBTIQ+ people and commends those that have unilaterally decided to improve the level of protection by explicitly recognising as ‘aggravating circumstances’ the grounds of sexual orientation, gender identity and expression and sex characteristics, as well as developing victim support, training or legal professionals and dedicated law enforcement services to address such crimes; encourages all Member States to exchange best practices and lead by example in the matter;
22. Stresses that the Victims’ Rights Directive is a useful tool in providing assistance to survivors of hatred and violence; notes with concern that LGBTIQ+ victims often do not report crimes owing to lack of assurances or openness from law enforcement, lack of trained staff or fear of reprisals, and recognises that more can be done to build trust in public authorities;
23. Instructs its President to forward this resolution to the governments and parliaments of the Member States, the Council, the Commission, the Committee of Regions, the European Economic and Social Committee and the Council of Europe.