

# Combating Antisemitism in Europe

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European governments, individually and collectively, have concluded agreements to protect and promote the human rights of Jews as well as their security needs. They have also agreed to commemorate the Holocaust, and to learn lessons from it.

Most of the agreements are designed to protect all minorities, and focus on combating hate crime and on protecting human rights, but some focus on antisemitism specifically. However, European agencies recognize that some governments fail to fulfil the obligations imposed on them by virtue of their membership in the institutions, and the agreements they have concluded. Governments may intend to abide by the agreements, but may not yet have introduced them into their domestic law or may lack the capacity to act on them. Some, however, just appear to lack the political will to do so.

Of course, pursuing legal and political agreements are not the only route for Jewish communities. Other options exist, and while domestic legislation and European norms provide the parameters within which to act, communities might also look to other means. Consideration might be given, say, to effectively utilizing information and communication technologies that now strengthen the governance of states and empower civil society. Interactive social networks are increasingly used by governments to consult and involve civil society, but some Jewish communities have yet to construct coherent strategies around their use.

The focus here is what can be achieved in Europe, but wider arenas have some relevance, particularly those provided by the United Nations. Despite the failure of some UN human rights institutions in recent years, especially the Geneva-based Human Rights Council and the Durban Review process, the UN has established norms and conventions that are important. As an aside, it is worth restating that the UN's adoption of human rights norms came about as a consequence of Jewish concerns and historical experiences. Jacob Blaustein, then-president of the American Jewish Committee (AJC) and a member of the US delegation to the formative 1945 meeting of the UN, persuaded that body that it should place human rights provisions in the UN Charter; René Cassin, the eminent French

jurist and founder of the Consultative Council of Jewish Organizations, drafted the Universal Declaration of Human Rights; and Raphael Lemkin, a Polish-born Holocaust survivor, drafted the UN Genocide Convention. All drew on their Jewish learning and experience to lay down the norms for universal human rights.<sup>1</sup>

Second, it should be noted that governments' protection of human rights, and their efforts to combat antisemitism and racism, may be dramatically altered by traumatic events or processes that shift their thinking and force strategy and policy improvements.

A turning point for the French government was the attack on the Carpentras Jewish cemetery in May 1990, when thirty gravestones were smashed and the body of a recently deceased local Jewish citizen was exhumed and defiled. The event was said to have "scarred the national psyche and did untold damage to France's image abroad."<sup>2</sup> Three days later, President François Mitterrand led a protest march through Paris in which over 200,000 people participated.

Other outcomes followed. The Ministry of Justice convened a cross-department "commission" to monitor rising antisemitism, subsequently institutionalizing the process so that the Jewish community had an official point of contact. The Gendarmerie National established a unit to carry out forensic examinations of serious antisemitic incidents, even reviewing "cold cases."<sup>3</sup> The National Consultative Commission on Human Rights (Commission Nationale Consultative de Droits de l'Homme—CNCDH) now monitors and publishes data on antisemitic incidents, and works closely with the Jewish Community Security Service (Service de Protection de la Communauté Juive—SPCJ).<sup>4</sup>

Two other key events were the murder of three Jewish school children and a teacher at the Ozar Ha Torah School in Toulouse in March 2012, followed by the bombing of a kosher grocery store in Sarcelles in September 2012. A nationwide year-long criminal investigation ensued, leading to the discovery of secret jihadi terrorist networks and the apprehension of their members.<sup>5</sup>

In Britain, the failure of successive police investigations into the racist murder of black teenager Stephen Lawrence in 1993 and the findings of the Macpherson Inquiry in 1998 sparked intense soul-searching by the police. The subsequent additional inquiries profoundly altered the attitudes and working practices of the criminal justice agencies, and their manner of dealing with hate crime.<sup>6</sup>

British politicians and media were slow to understand and respond to the post-2000 escalation of antisemitism. This changed in 2005, when the All Party Parliamentary Group against Antisemitism established an Inquiry into Antisemitism. Their

report contained a far-reaching analysis of contemporary antisemitism.<sup>7</sup> That the members of the Inquiry were neither Jewish nor represented constituencies with any substantial Jewish voters added weight to their findings that Britain was becoming complacent about the rise of antisemitism from new and different directions. The Inquiry required the government to review its efforts against antisemitism, and to publish its review on an annual basis thereafter. The government eventually established a cross-departmental committee, with Jewish community and police representation, which meets on a regular basis to ensure that action continues to be taken.<sup>8</sup>

Third, there must be a recognition that antisemitism did not disappear with the defeat of Nazism in 1945. Across Western Europe, anti-Jewish and anti-Israel in the form of racist and antisocial behavior still persists, but now the overspill of the Israeli–Palestinian conflict, the penetration of antisemitic Islamist ideologies, and the effects of leftist campaigns against Israel and Zionism are frequently the primary cause of antisemitic incidents and discourse. This effect is vividly seen in the spikes in incidents tracking conflict between Israel and its neighbors, or media coverage of domestic incidents, and has been analyzed by the Jewish monitoring agencies.<sup>9</sup>

In Central and Eastern Europe, it is the rise of ultranationalism, reactions to globalization, residual Christian anti-Judaism, and governments' failures to teach young people about the Holocaust that permit the reappearance of antisemitism after Communist regimes suppressed open incitement against Jews.

### **The European Agencies**

European organizations have different but sometimes overlapping roles. The Council of Europe establishes human rights standards; its monitoring agency, the European Commission Against Racism and Intolerance (ECRI), monitors compliance with those standards and with the European Convention on Human Rights. The associated European Court of Human Rights examines complaints by member states and individuals, and possesses regulatory and decision-making powers. The European Union Agency for Fundamental Rights (FRA) carries out investigations, analyses, and provides statistical data with the aim of contributing to policymaking by the European Parliament and Commission.<sup>10</sup>

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) focuses on the “human dimension” of security by assisting governments to abide by their commitments, *inter alia*, to human rights, the rule of law, and tolerance and non-discrimination.<sup>11</sup>

The first international agency to react to the rise in antisemitism was the OSCE.<sup>12</sup> At the foreign ministerial conference in Bucharest in 2001, the OSCE requested that its institutions pay attention to the “manifestation of aggressive nationalism, racism, chauvinism, xenophobia, antisemitism and violent extremism” that was now emerging.<sup>13</sup> The following year it called for a separate event to focus on “the topics of antisemitism, discrimination and racism, and xenophobia,” at the Oporto foreign ministerial conference.<sup>14</sup>

The OSCE Vienna meeting that followed in 2003 was the first high-level conference to specifically address the issue of contemporary antisemitism, and was attended by more than 400 participants, including foreign ministers and world Jewish leaders.<sup>15</sup>

Several of the speakers highlighted the new emerging trends. The former French foreign minister, Robert Badinter, noted that the current surge in antisemitism was often inspired by anti-Zionist sentiment, and that incidents had surged in France, and elsewhere in Europe after the intifada. Canadian parliamentarian and legal scholar Professor Irwin Cotler reported that the new antisemitism was frequently transmitted by the internet, and Hebrew University’s Professor Robert Wistrich suggested that it had the potential to be as genocidal as that of the Nazis.<sup>16</sup>

The following year, in April 2004, the German president, Johannes Rau, hosted a high-level conference on antisemitism in Berlin, which noted the new directions from which antisemitism was coming. At that gathering, OSCE participating states made a commitment to collect data on antisemitism and other hate crimes, to periodically review the data they had gathered, and to identify best practices in countering antisemitism.<sup>17</sup>

Following the Berlin conference, the OSCE appointed a Personal Representative of the Chairman-in-Office on Antisemitism, whose task was to report back on the progress being made by participating states. The appointee works closely with the staff of ODIHR and their adviser on antisemitism.

In 2005, UN Secretary-General Kofi Anan threw the weight of the United Nations behind the OSCE Berlin Declaration, calling on UN member states to endorse it.<sup>18</sup>

The parley in Berlin was followed by other high-level OSCE conferences in Cordoba, Bucharest, and Astana at which the mechanisms for monitoring antisemitism were established, teaching materials on antisemitism were commissioned, and procedures for training criminal justice agency personnel were put in place. Significantly, each of the initiatives is ongoing, with regular reviews requiring governments to report their progress.<sup>19</sup>

In parallel, EU agencies also began to monitor the rise in antisemitism, although their initiatives were hampered in the early days by the misplaced perception that antisemitism came only from the extreme right, and by clumsy attempts to hide or disparage the results of their own surveys.

However, the final composited report of the European Union Monitoring Centre on Racism and Xenophobia (EUMC, the forerunner of FRA), published in 2004 and entitled “Manifestations of Antisemitism in the EU 2002–2003,” acknowledged that:

there is indeed evidence to support the view that there is a link between the number of reported anti-Semitic incidents and the political situation in the Middle East. Furthermore, some of the data indicate that there have been changes in the profile of perpetrators. It is not any more the extreme right that is mainly responsible for hostility toward Jewish individuals or property.<sup>20</sup>

This report also called for regular monitoring of data, and a proper workable definition of antisemitism for the post-Holocaust era, when anti-Zionism sometimes cloaks antisemitism.

While not intended to be legislated, the EUMC Working Definition of Antisemitism nevertheless provides a simple language guide to understanding the nature of antisemitism in the post-Holocaust era and was intended for use by police officers or the human rights community.<sup>21</sup> It has since been recommended by others including ODIHR, the US Department of State, the All Party Parliamentary Group Against Antisemitism and in the Hate Crime Manual to be published for use by British police officers by the College of Policing.<sup>22</sup>

Monitoring antisemitism is one of the “core business” areas of FRA, which is engaged in four ongoing projects: publishing an annual report on antisemitism drawn from data provided by member states and civil society groups, and designed to update the 2004 report; a survey of Jewish experiences and perceptions of antisemitism in nine EU members states, published in November 2013; a study of the role that memorials, commemoration sites, and historical exhibitions play in Holocaust education and a handbook for teachers on using visits to Holocaust-related sites and exhibitions for anti-racism education; and advice on best practice for Holocaust memorial sites.<sup>23</sup>

ECRI reviews member states’ progress in combating racism and enacting human rights legislation via four yearly country reviews, and by publishing guidance on particular themes. General Policy Recommendation No. 9 “on the fight against

antisemitism,” adopted in 2004, recommended that member states prioritize combating antisemitism by enacting legislation, promoting education about Jewish history, and encouraging academic and media debate, taking into account the general requirement to fight racism and racial discrimination contained in General Policy Recommendation No. 7, adopted in 2002.<sup>24</sup> That document called upon states’ national, regional, and local administrative authorities to combat racism by enabling their political, economic, educational, social and religious sectors to undertake the task. It also required member states to establish and support national specialized bodies to monitor racism, xenophobia, and antisemitism; introduce anti-racist education into school curricula; and promote learning about Jewish history and the Holocaust.<sup>25</sup>

### **European Agreements**

Three agreements in particular were designed with the purpose of ensuring that states combat antisemitism.

The 2008 Council Framework Decision required EU member states to legislate against incitement to racial and religious hatred and denial of genocide, including the Holocaust, by November 2010. Compliance was monitored in 2013, and states will be held to account if they have not satisfactorily transposed the directive into their domestic legislation by this year. Although weaker than originally intended, it nevertheless lays down a common threshold.<sup>26</sup>

The OSCE 2009 Ministerial Agreement on Combating Hate Crimes requires participating states, *inter alia*, to collect and make public reliable data on hate crimes, enact specific legislation, enhance capacity building, ensure national and international cooperation, address the increasing use of the internet to promote hatred, and increase government and civil society cooperation.<sup>27</sup>

The third agreement is the 2003 Additional Protocol to the Council of Europe Convention on Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems. This requires signatory states to enact criminal law against the dissemination, via the internet, of racially and religiously motivated hate speech, incitement, and insult, as well as denial of genocide, including the Holocaust.<sup>28</sup> By the middle of August 2013, thirty-five states had signed the Additional Protocol, of which twenty had ratified and entered it into their domestic legislation.<sup>29</sup>

A voluntary agreement was concluded in 2000 at the Stockholm International Forum on the Holocaust, which gave rise to the International Holocaust Remembrance Alliance (IHRA, formerly the Task Force for International

Cooperation on Holocaust Education). In so doing, states promote education and research on the Holocaust and commemorate it on January 27, when Auschwitz was liberated, or on their own national or other commemoration day such as *Yom Hashoah*.<sup>30</sup>

Six international organizations have joined the thirty-one member states of IHRA with observer status. They are: the UN, UNESCO, OSCE ODIHR, FRA, the Council of Europe, and the Conference on Jewish Material Claims against Germany. In 2009, the IHRA created the Standing Committee on Antisemitism and Holocaust Denial to establish a common approach to combating the upsurge in antisemitism and Holocaust denial and trivialization.<sup>31</sup> The IHRA now recognizes that Holocaust trivialization, and its false equivalence with the departure of the Arab refugees from Palestine in 1948, is supplanting outright denial.

Other countries have also developed educational programs in compliance with the UN General Assembly resolution of 2005.<sup>32</sup> In 2007, the UN General Assembly also adopted a resolution condemning Holocaust denial, and is developing an outreach program with UNESCO designed to teach lessons from the Holocaust.

### **Jewish Agencies and the Israeli Government**

Jewish organizations, such as the American Jewish Committee, Anti-Defamation League, B'nai Brith International, National Council for Soviet Jews, and the World and European Jewish Congresses, have sharpened their focus since 2000, and their work has enabled the European agencies to tackle antisemitism more effectively.

The Israel Ministry of Foreign Affairs Global Forum for Combating Antisemitism has also changed its orientation, and at the Fourth Global Forum in May 2013, Jewish community representatives led the discussions and defined the projected outcomes, with the Israeli government taking something of a back seat compared to its role at previous meetings. European government representatives attended in large numbers, constituting up to half the participants in several workshops. The final action plan of the Forum's ten working groups aims to empower Jewish communities to use national laws and international agreements in a mutually reinforcing mission to combat antisemitism.<sup>33</sup>

The Jewish agencies and the Global Forum have a delicate mission, as they must balance requirements and sensitivities of local Jewish communities with their often robust approaches. External actors can promote new ways of working but they must appreciate the local context. Nevertheless, their role has been vital in persuading governments of their duties toward their Jewish citizens.

## **What National Governments and Jewish Communities Can Do**

Governments, therefore, have roles and communities have opportunities. These can be summarized under four headings: adherence to agreed legal norms; measurement of antisemitism and analysis of the data in order to influence governments and international organizations to act; development of more effective and formalized relationships with governments; and education and outreach.

The opportunities offered to Jewish communities by the OSCE processes and forums are unique, and should be better utilized.

The Berlin Declaration committed the OSCE to combating antisemitism, and it was subsequently endorsed by the Twelfth Ministerial Council meeting, which gives it the direct support of its participating states.<sup>34</sup> The Declaration was given practical effect in 2005 when the OSCE Cordoba Conference tasked the annual OSCE Human Dimension Implementation Meeting (HDIM) with ensuring that participating states implement the decisions taken, and reaffirmed the mandate of the Personal Representatives of the Chairman-in-Office, whose task it is to report back on progress. The system of high-level conferences was established to enable states' ministerial-level representatives to report on progress in combating antisemitism in open sessions before their peers, and meetings between experts on antisemitism, ODIHR staff, and the Special Representative on a regular basis. A program to train police officers to investigate and monitor hate crimes, including antisemitism, was also developed and introduced civil society experts into the workshops to provide evidence and context.<sup>35</sup>

ODIHR established an online system to manage and publish the information it receives from participating states, civil society, and intergovernmental organizations. In addition, the so-called Tolerance and Non-Discrimination Information System (TANDIS) links with Human Rights Information and Documentation Systems International (HURIDOCS), a search engine that provides access to human rights legislation and relevant documentation from more than 2,000 NGOs.<sup>36</sup>

ODIHR has published three school textbooks on antisemitism, the Holocaust and racism, prepared by the Anne Frank Zentrum in Amsterdam, with a teachers' guide prepared in collaboration with Yad Vashem, which are designed to be incorporated into states' educational curricula.<sup>37</sup>

The annual ODIHR Human Dimension Implementation Meeting devotes a half-day session to antisemitism, and allows equal right of access to civil society. Jewish community representatives, therefore, have an opportunity to present



their concerns before an international audience of government and civil society representatives.

FRA likewise allows Jewish communities to express their concerns, but in a less direct manner. The 2004 survey of antisemitism in the EU, published by the European Union Monitoring Centre on Racism and Xenophobia, also collected evidence and testimony from Jewish leaders, which led it to change its previously expressed position that Jew-hatred only came from the far right. Since then, FRA has sought to canvass Jewish opinion on the growth and changing nature of antisemitism, but it has been disappointed with the lack of response. Consequently, in order to meet the European Commission's need for data to formulate effective policy responses, FRA undertook a survey of Jewish people's experiences and perceptions of antisemitism in nine EU states, published in November 2013. It has pointed out that past surveys of antisemitism have not been comparable due to varying data-collection practices, and that Jewish populations form too small a part of general population surveys to be analyzed in any robust way. Using its experience of surveying "hard-to-reach" population groups, the survey examined the experiences and views of those who self-identify as Jews, focusing on their experiences of antisemitism, discrimination, awareness of rights and feelings of safety. A parallel survey of media coverage of antisemitism was compiled by the Community Security Trust (CST), and was fed into the final assessment.<sup>58</sup>

In prior discussions with Jewish community leaders and academic consultants over two years, FRA officials have taken pains to point out that the findings derived from the survey should not only assist in formulating European strategies for combating antisemitism, but should aid and empower communities in their own discussions with their governments.

A second FRA initiative grew out of their frustration with the fact that Jewish communities were unable to provide their own data on antisemitism to add to that provided by governments. Moreover, the data that had been supplied failed to meet the minimum standards required for the inter-government agencies, because they were based on media or anecdotal reports without being properly evidenced.

Discussions between FRA staff and this author in 2008 led eventually to the European Commission-funded "Facing Facts" project, a consortium composed of the CST, the Dutch community's Israel and Jewish Documentation Centre (CIDI), the Federation of Dutch Associations for the Integration of Homosexuality (CoC), and the Brussels-based CEJI—A Jewish Contribution to an Inclusive Europe. They were later joined by the International Lesbian and Gay Association—Europe (ILGA) as junior partners. Although originally conceived as a Jewish initiative, the focus was broadened to other minority groups, including LGBT,

Muslims, and Roma.<sup>39</sup> A declared sub-strategy of the Facing Facts project was to strengthen the capacities of smaller Jewish communities to monitor and thus combat antisemitism.

The partners compiled and published an instruction manual on data collection and trained a group of twenty volunteers, half of whom represented Jewish communities, to gather and analyze hate crime data. The participants learned how to engage with governments and to hold them accountable to international agreements.

Finally, FRA holds an annual forum, the Fundamental Rights Platform, for its stakeholders with which to debate its Annual Work Program and Annual Report. Jewish communities, could, but largely do not, participate in these events, thereby depriving themselves of regular opportunities to state their case.<sup>40</sup>

The outcomes of the Global Forum on Antisemitism likewise focused on enabling Jewish communities to tackle antisemitism more effectively. The Action Plan of the Western Europe and EU Working Group noted the European agreements and stressed that communities should develop their capacities to monitor, report upon, and combat antisemitism, but at the same time engage more effectively with governments and international agencies. It also suggested that community organizations engage more closely with parliamentarians and encourage them to take an active role in the struggle against antisemitism.<sup>41</sup>

The Action Plan of the Former Soviet Union and Eastern Europe Region Working Group noted that some states had yet to develop adequate hate crime legislation; enforcement is not consistent in others; educating about antisemitism and xenophobia, and confronting extremism were required by the governments concerned; and that they needed to work with Jewish communities and NGOs.<sup>42</sup>

The Action Plan of the Working Group on Law, Legislation and Enforcement recognized that legislation is not enough, and that legal actions must be accompanied by other measures, especially education within civil society. Among other recommendations, it called for additional parliamentary inquiries, noting that parliamentarians have the power to change the parameters within which society conducts itself.<sup>43</sup>

Parliamentary inquiries, established on a bipartisan basis, such as those which took place in the UK, Canada, and Italy (the German inquiry was conducted by the Interior Ministry), have the opportunity to involve all the relevant sectors of governments, and can reach beyond them into areas of popular culture, within which prejudices may be born or transmitted.<sup>44</sup>

Finally, governments and Jewish communities alike should proactively challenge online antisemitism. The legal framework for outlawing incitement and Holocaust denial now exists, but much material lies just below the threshold of criminality, and a proactive approach by communities could reap rewards. Social networks are more receptive to the threat of harmful online content, and complaint guides are now available covering the main social networks.

## Conclusions

European agencies now take the threat of rising antisemitism very seriously, but the wholehearted commitment of some EU member states is lacking. Jewish communities should therefore take the initiative to use legislation as well as social networks to challenge antisemitism, and urge their governments to do more. They should be pressing governments to make Holocaust commemoration more meaningful and relevant to average citizens.

Across Europe, the increasing number of Jewish museums, and specifically Holocaust-related museums and commemoration ceremonies, is also worth noting. On one level, these are positive expressions of pro-Jewish sentiment and memory. Some governments cite these developments as evidence of their opposition to antisemitism, but as governments, they should not be allowed to promote memorialization as their sole contribution to combating antisemitism. The security of their Jewish citizens must also concern them.

## Notes

Some of the findings of this paper were presented at the Tom Lantos Institute Conference on “Jewish Life and Antisemitism in Contemporary Europe” in Budapest in October 2013.

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