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Combating Antisemitism in Europe – Official and Civil Society Initiatives

Michael Whine

The work of the European agencies

Recognising that Europe has been the arena for the worst excesses of Jew hatred, European agencies have sought to put in place lasting instruments and agreements to prevent its resurgence.

Jewish groups had noted with alarm that antisemitic incidents began to rise towards the end of the 1990s, and then with gathering intensity after the first Palestinian Intifada and the ill-fated UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban in 2001, where Muslim states and civil rights groups established a malign coalition against Israel, Zionism and the Jews. This increase in antisemitism became a worldwide phenomenon, but its impact was particularly strong on the Jews of Europe.

The first body to note the reappearance of antisemitism, at the beginning of this era, was the Organisation for Security and Cooperation in Europe (OSCE). Following the Helsinki Accords between the West and the Soviet Bloc, the Conference on Security and Cooperation in Europe (CSCE) meeting in Paris agreed, *inter alia*, to “combat all forms of racial and ethnic hatred, antisemitism, xenophobia etc”.¹ The CSCE subsequently became the Organisation for Security and Cooperation in Europe (OSCE), and at both its ninth and tenth Ministerial Council meetings in Bucharest and Porto respectively, the foreign ministers of the participating states re-focused their concern. At the first of these meetings, in December 2001, they requested that OSCE institutions pay attention to the “manifestation of aggressive nationalism, racism, chauvinism xenophobia, anti-Semitism and violent extremism” and at the second, in December 2002, having decided to intensify their efforts, called for the convening of a separately designated “human dimension” event, on “issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia.”²

The Vienna meeting that followed in June 2003, was the first high level conference addressed specifically to the issue of antisemitism; it was attended by more than

four hundred participants, including foreign ministers and world Jewish leaders.³

It became clear during the proceedings that a further meeting, to focus on practical solutions, would be required as participants came to realise that antisemitism was now coming from new and different directions. Several of the keynote speakers, including former French foreign minister Robert Badinter, Irwin Cotler (then a member of the Canadian parliament, but about to be appointed justice minister) and Robert Wistrich, stressed that the ‘new antisemitism’, which demonises Israel, had the potential to be every bit as genocidal as that of the Nazis.

Badinter, in particular, spelled it out:

In actual fact, the current upsurge of anti-Semitism in France and other countries in Europe is primarily anti-Zionist in inspiration. Nothing could be more meaningful, in that respect, than to analyse



1. *Charter of Paris for a New Europe*, Meeting of Heads of State or Government, Conference on Security and Cooperation in Europe, p. 7, Paris, November 19 – 20, 1990, <http://www.osce.org/mc/39516> (last visited September 28, 2012).
2. *Bucharest Ministerial Declaration*, Decision No. 5 by the Ministerial Council (MC(9).DEC/5), p.29, Ninth Meeting of the Ministerial Council, OSCE, Bucharest, December 3 - 4, 2001, <http://www.osce.org/mc/40515> (last visited September 28, 2012).
Porto Ministerial Declaration, Decision No.6, Tolerance and Non-Discrimination (MC(10).DEC/6), p.45, Tenth Meeting of the Ministerial Council, OSCE, December 6 - 7, 2002, Porto, <http://www.osce.org/mc/40521> (last visited September 28, 2012).
3. ‘OSCE Participating States Ready and Willing to ‘Take Up the Gauntlet’ and Fight Anti-Semitism, Press Release, OSCE Chairman in Office, Vienna, June 19, 2003, <http://www.osce.org/cio/55405> (last visited September 28, 2012).

the acts of anti-Semitic violence committed in France over the past ten years. In 1992, there were 20 recorded acts of anti-Semitic violence. Then their number dwindled significantly between 1992 and 1998: 3 in 1997, just 1 in 1998. In 1999, on the other hand, there were 9 acts of anti-Semitism. The figures explode starting in 2000, with 119. Practically all of them, 114, occurred after 28 September 2000 and the outbreak of the second Intifada and the Israeli-Palestinian clashes, which were widely reported on television.⁴

Irwin Cotler added that the new antisemitism is frequently transmitted on the Internet and that while traditional antisemitism is addressed to individual Jews, or the Jewish religion, the new antisemitism addresses Israel, the collective Jew among the nations.

The following year, the OSCE Parliamentary Assembly, an independent parallel body to the intergovernmental agency, recommended that the OSCE monitor antisemitic incidents, and urged those states that had not yet joined the Task Force for International Cooperation on Holocaust Education (ITF), to do so.⁵ At the annual OSCE Human Dimension Implementation Meeting in Warsaw in October 2003, Jewish organisations lobbied for this second meeting, which the German government agreed to host.

The conference that eventually took place, in Berlin in April 2004, was hosted by the German federal president, Johannes Rau. The final conference declaration stated “unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East never justify anti-Semitism.”⁶

While not as strong as some would have wished, it nevertheless broke a logjam in pointing to the source of much contemporary antisemitism, that from the Muslim world and the Left, which hides itself in the language of human rights. Of equal importance, it committed participating states to collect and maintain data on antisemitism and other hate crimes, and to work with the Parliamentary Assembly to determine appropriate means for periodic review of the problem. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) was tasked with systematic collection and publication of the information as well as with identifying the best practice in order to advise states on countering antisemitism.⁷

The Berlin Declaration was subsequently endorsed by the OSCE Permanent and Ministerial Councils, thereby obliging OSCE Participating States to follow its recommendations.

This marked the first practical step by governments

towards recognising the growth of ‘new antisemitism’, and was reflected in UN Secretary General Kofi Annan’s address in June 2005, when he called on UN member states to endorse it. Again, crucially, he specifically cited the paragraph in the Declaration about ‘political events never justifying antisemitism’.⁸

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.⁹ The OSCE also held a conference on cyberhate in Paris in 2005, which in turn led to governments’ committing themselves to researching the threat presented by the Internet, while acknowledging its benefits.¹⁰

4. Senator Robert Badinter, Address at *OSCE Meeting on Anti-Semitism*, Vienna, (June 19, 2003), PC.DEL/642/03, <http://www.osce.org/secretariat/42105>, (last visited October 7, 2012).
5. Resolution on Combating Anti-Semitism in the 21st Century, Rotterdam Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted during the Twelfth Annual Session, OSCE Parliamentary Assembly, July 5 – 9, 2003, Rotterdam. www.oscepa.org/images/stories/documents/declarations/2003_rotterdam_declaration_english.2308.pdf.
6. *Berlin Declaration*. OSCE Conference on Anti-Semitism, Berlin, April 28-29, 2004, (PC.DEL/696/04), <http://www.osce.org/cio/3142> (last visited October 7, 2012).
7. *Id.*
8. Kofi Annan, *Jews Everywhere Must Feel that the United Nations is Their Home Too*, speech at Seminar on anti-Semitism, (June 21, 2004), www.un.org/News/Press/docs/2004/hr4773.doc.htm (last visited September 28, 2012).
9. *Cordoba Declaration* by the Chairman-in-Office, OSCE, CIO.GAL/76/05/Rev.2, June 9, 2005, www.osce.org/cio/15548 (last visited October 7, 2012).
Bucharest Declaration by the Chairman-in-Office, OSCE, CIO.GAL/89/07. June 8, 2007, <http://www.osce.org/cio/25598> (last visited September 28, 2012).
Astana Commemorative Declaration Towards a Security Community, OSCE, CIO.GAL/111/10, June 30, 2010, www.osce.org/cio/74985?download=true (last visited September 28, 2012).
10. Conclusions by the Chair of the OSCE Meeting on the Relationship between Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes, OSCE, Paris, June 16-17, 2004, <http://www.osce.org/cio/37720> (last visited October 7, 2012).

Each of these initiatives is ongoing, with regular reviews requiring governments to report their progress. Although this process began with the realisation that antisemitism was once again growing, and that it is often fuelled by the overspill of Middle East tension and the penetration of Islamist ideologies, it has broadened to encompass all forms of racism and hate crime.

In parallel with the OSCE, European Union agencies have also made progress, although their initiatives were hampered in the early days by the misplaced perception that antisemitism only came from the extreme right.

In 2002, the European Union Monitoring Centre on Racism and Xenophobia (EUMC) commissioned the 15 National Focal Points of its Racism and Xenophobia Network (RAXEN) to collect data on antisemitism within the European Union. It also commissioned Berlin's Technical University Centre for Research on Antisemitism (ZfA) to analyse the reports and publish a composite analysis. The result was not well received by the EUMC board, allegedly because it apportioned much of the blame for rising antisemitism on Europe's Muslim communities, and accordingly a clumsy attempt was made to suppress the results.¹¹ When the report was leaked to the media, the EUMC was obliged to commission a second report, "Perceptions of Anti-Semitism in the European Union", based on Jewish leaders' perception of the threats to their communities. This confirmed the findings of the first report.

The final composite report, 'Manifestations of Anti-Semitism in the EU 2002 – 2003' finally 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 indicates that there have been changes in the profile of perpetrators. It is not any more the extreme right that is mainly responsible for hostility towards Jewish individuals or property (or public property with a symbolic relation to the Holocaust or to Jews) – especially during the periods when registered incidents peak.¹²

This report also called for regular monitoring of data, and a proper workable definition of antisemitism for the post-Shoah era, when anti-Zionism sometimes cloaks hatred of Jews.¹³

In 2007, the EUMC was replaced by the European Union Agency for Fundamental Rights (FRA), with the purpose of ensuring that the fundamental rights of EU citizens are protected. It does so, *inter alia*, by collecting evidence

of human rights violations, and using this to provide independent advice to European policy makers.¹⁴

Although the focus of FRA is much wider than was that of the EUMC, the monitoring of antisemitism remains its 'core business'. In this regard, FRA is engaged in three substantial projects on antisemitism. The first is the annual report on antisemitism, drawn from data provided by government and civil society organisations, and designed to update the 2004 EUMC report.¹⁵ The second is a survey of Jews' experiences and perceptions of antisemitism in 9 EU member states. This will be among the largest ever surveys on antisemitism, which is ongoing at the time of writing, and the results of which will be published in mid 2013.¹⁶ The third is a study of the role that memorials, commemoration sites and historical exhibitions play in Shoah and human rights education; the results have been detailed in a handbook for teachers on using visits to Holocaust-related sites and exhibitions to best effect, and in a handbook of best practices for Shoah memorial sites.¹⁷

11. *Report on Antisemitism*: Commissioned but not published, press release, EJC, December 1, 2003 (copy in author's possession).
12. *Manifestations of Antisemitism in the EU 2002–2003*, EUMC, Vienna, 2004, <http://fra.europa.eu/fraWebsite/attachments/AS-Main-report.pdf>, p.319 (last visited September 28, 2012).
13. *Id.*, p. 322.
14. *What we do*, European Union Agency for Fundamental Rights, <http://fra.europa.eu/en/about-frta/what-we-do> (last visited October 7, 2012).
15. *Antisemitism - Summary overview of the situation in the European Union 2001-2011*, Working Paper, June 2012, FRA, http://fra.europa.eu/sites/default/files/fra_uploads/2215-FRA-2012-Antisemitism-update-2011_EN.pdf (last visited October 7, 2012).
16. *Survey: Discrimination and hate crimes against Jews*, European Union Agency for Fundamental Rights, http://fra.europa.eu/fraWebsite/research/projects/proj_survey_jews_en.htm (last visited October 8, 2012). FRA survey of Jewish people's experiences and perceptions of antisemitism, http://fra.europa.eu/sites/default/files/fra_uploads/1997-FRA-2012-factsheet-jewish-population-survey_EN.pdf (last visited October 7, 2012).
17. *Discover the Past for the Future: the Role of Historical Sites and Museums in Holocaust Education and Human Rights Education in the EU – Summary Report*, European Union Agency for Fundamental Rights, Vienna, 2011. *Human Rights Education at Holocaust Memorial Sites Across the European Union: An Overview of Practices*, European Union Agency for Fundamental Rights, Vienna, 2011.

The oldest European institution, the Council of Europe (CoE), has also addressed the rise in antisemitism. Established in 1949 by 10 countries, but now with 47 member states, the CoE seeks to develop democratic and legal norms, common responses to political, social and legal challenges, and to monitor adherence to the European Convention on Human Rights.¹⁸ Its monitoring body, the European Commission Against Racism and Intolerance (ECRI), reviews each member's progress in enacting human rights legislation and combating racism via four yearly reviews, and by publishing guidance on particular themes. General Policy Recommendation No. 9, 'on the fight against antisemitism', which it published in 2004, recommended that member states prioritise fighting antisemitism by enacting legislation, taking into account the general requirement to combat racism and racial discrimination contained in General Policy Recommendation No. 7. This advised that national, regional and local administrative levels 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 specialised bodies to monitor racism, xenophobia and antisemitism, introduce anti-racist education into school curricula and promote learning about Jewish history and the Shoah, etc.¹⁹

As the responsible body for initiating European treaties and conventions, the CoE has played a role in combating antisemitism in its various forms over the years. Among recent initiatives has been the Additional Protocol to the Convention on Cybercrime (Budapest Convention), concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.²⁰ This requires signatory states to enact criminal law against the dissemination, via the Internet, of racially and religiously motivated hate speech, incitement and insults, as well as denial of genocide, including the Shoah. By the end of October 2012, 33 states had signed the Additional Protocol, of which 20 had ratified and entered it into their domestic legislation. In addition, two non - Council of Europe states, Canada and South Africa had also signed.²¹

The Additional Protocol was itself an outcome of the ECRI General Policy Recommendation No. 6 on Combating the Dissemination of Racist, Xenophobic and Antisemitic Material via the Internet, published in December 2000.²²

Although not strictly a European agency, the Taskforce for International Cooperation on Holocaust Education, Remembrance and Research (ITF) is based in Berlin; it originated in the Stockholm International Forum on the Holocaust, convened by Swedish prime minister, Goran Persson, in January 2000.²³ So far, 31 member countries

have pledged to strengthen efforts to promote education, remembrance and research on the Shoah, and to commemorate it on January 27, when Auschwitz was liberated, or on their own national or other commemoration day, such as *Yom Hashoah* [Holocaust Remembrance Day in Israel].²⁴ Yet more countries have developed educational programmes to 'inculcate future generations with the lessons of the Holocaust in order to prevent future acts of genocide', at the urging of the United Nations 2005 General Assembly resolution.²⁵

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18. Council of Europe, Who We Are, <http://www.coe.int/aboutcoe/index.asp?page=quisommesnous&l=en> (last visited September 28, 2012).
 19. ECRI General Policy Recommendation No. 9, on the Fight Against Antisemitism, Council of Europe, Strasbourg, September 2004.
 20. Additional Protocol to the Council of Europe Cybercrime Convention, <http://conventions.coe.int/Treaty/EN/Treaties/html/189.htm> (last visited September 28, 2012).
 21. Additional Protocol to the Convention on Cybercrime, Concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems, Status as of 7 October 2012, <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=189&CM=4&DF=&>.
 22. General Policy Recommendation No.6, Combating the Dissemination of Racist, Xenophobic and Antisemitic Material via the Internet, European Commission Against Intolerance, Strasbourg, December 15, 2000.
 23. Declaration of the Stockholm International Forum on the Holocaust, January 26 - 28, 2000, <http://holocausttaskforce.org/about-the-itf/stockholm-declaration.html> (last visited October 7, 2012).
About the ITF, Task Force For International Cooperation On Holocaust Education, Remembrance and Research, <http://holocausttaskforce.org/about-the-itf.html> (last visited October 7, 2012).
 24. Member Countries, ITF, <http://www.holocausttaskforce.org/membercountries.html> (last visited September 28, 2012).
 25. U.N. GAOR Res, Doc. A/RES/60/7.1 (2005), <http://www.un.org/en/holocaustremembrance/docs/res607.shtml> (last visited October 7, 2012).

How effective are the European agencies?

Assessing the effectiveness of the European agencies in combating antisemitism requires a longer perspective than is afforded by this brief review, but their efforts to date can be noted, and commented on.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) energetically pursues governments and civil society organisations for data on hate crimes including antisemitism, and it provides regular fora for giving and receiving advice. The annual *Hate Crimes in the OSCE Region: Incidents and Responses* report provides an overview of these efforts and those of other international agencies. It is divided into thematic sections and country reports, and is drafted by ODIHR staff from responses to an annual questionnaire sent to governments' National Points of Contact (usually interior or justice ministries), and reports from civil society groups. The *Anti-Semitic Crimes and Incidents* chapter records the genesis of ODIHR's work, from the high level conference declarations, brief reports of high level and expert meetings, and synopses of the country reports, noting particularly serious incidents, and responses to them.²⁶

Following the Berlin Conference, the OSCE appointed a Personal Representative of the Chairman-in-Office on Anti-Semitism, and summaries of their investigations are also included. The first of the Personal Representatives was Prof. Gert Weisskirchen, then a member of the German Bundestag and Vice President of the OSCE Parliamentary Association. The second and current holder of the position is Rabbi Andrew Baker, Director of International Jewish Affairs at the American Jewish Committee.²⁷

Again following the Berlin conference, ODIHR embarked on a long term project to educate on antisemitism, in cooperation with partners, including the ITF, the Anne Frank House, whose staff wrote the three books referred to above, and Yad Vashem, whose staff prepared an accompanying teachers guide. These have been translated into many languages, and distributed via national education ministries.²⁸

A third focus has been on training criminal justice agencies to understand, investigate and prosecute hate crime. As first responders, the police should be able to determine if a crime is motivated by bias, and to investigate it accordingly. The OSCE initiative, namely, the Law Enforcement Officer Programme, has now been broadened into the Training Against Hate Crimes for Law Enforcement (TAHCLE) programme, to provide continuous and holistic training for police officers and prosecutors.²⁹ To accompany this, ODIHR published *Hate Crime Laws: a Practical Guide*, and is shortly to publish a guide for prosecuting hate crime, with the assistance of the International Association

of Prosecutors.³⁰

As noted above, FRA also publishes an annual report on antisemitic crimes and incidents, *Anti-Semitism: summary overview of the situation in the European Union*. As with the ODIHR report, it provides a historical background opening chapter followed by country reports, based on data submitted by governments and Jewish organisations.³¹

The overriding concern in both the ODIHR and FRA reports, since they were first published, has been the lack of reliable data. European governments are required to submit data on all hate crime according to various instruments and agreements. The data must be capable of disaggregation, so that antisemitic incidents and crimes can be isolated, but the reality is that only 13 out of 27 EU member states collected such data on antisemitism, and only 20 out of 56 OSCE Participating States in 2011. The reasons for failing to do so are various, and not necessarily due to lack of interest or sympathy. For example, states may lack capacity or may not yet have legislated to give their competent ministries a mandate to do so.³²

26. *Hate Crimes in the OSCE Region – Incidents and Responses, Annual Report for 2010*, Warsaw, November 2011. http://tandis.odihhr.pl/hcr2010/pdf/Hate_Crime_Report_full_version.pdf (last visited October 7, 2012).

(The author is one of many people asked to review the 2011 Report, to be published in September 2012, but see also previous annual reports).

27. *Rabbi Baker Reports*, OSCE, http://www.osce.org/search/apachesolr_search/reports%20by%20rabbi%20baker (last visited September 28, 2012).

28. Teaching materials to combat anti-Semitism developed in co-operation with ODIHR, <http://tandis.odihhr.pl/?p=ki-as,tm> (last visited September 28, 2012).

OSCE Press Release, *OSCE human rights office launches new hate crimes training programme for law enforcement officers*, May 13, 2011, <http://www.osce.org/odihhr/77522> (last visited September 28, 2012).

OSCE, *Effective prosecution of hate crimes focus of ODIHR event for prosecutors*, <http://www.osce.org/odihhr/91990> (last visited September 28, 2012).

30. *OSCE/ODIHR Hate Crime Laws – A Practical Guide*, Warsaw, 2009 <http://www.osce.org/odihhr/36426?download=true> (last visited October 7, 2012).

31. *Anti-Semitism: Summary Overview of the Situation in the European Union*, European Union Agency for Fundamental Rights, Vienna, 2012.

32. *Ibid*, p.9, See also *Hate Crimes*, OSCE ODIHR, 2011(to be published September 2012).

Frustrated by the lack of official data, both agencies now encourage civil society organisations to fill the gaps, and to provide context for the official reports. However, many of these reports, including those from Jewish groups, may be based only on media reports or anecdotal evidence, and the agencies require their information to criminal justice standards. As a consequence, a dialogue begun in 2008 between FRA and the Community Security Trust (CST) in the UK, led to the establishment of the Facing Facts project, a consortium of CST, the Dutch Jewish community's Israel and Jewish Documentation Centre (CIDI), the Brussels-based, CEJI – A Jewish Contribution to an Inclusive Europe, and the Federation of Dutch Associations for the Integration of Homosexuality (CoC), funded by the European Commission. The International Lesbian and Gay Association-Europe (ILGA), subsequently joined as junior partners.³³

Training is offered to all, and over two years, the partners will train volunteers and professionals to standardise criteria for comparable hate crime and hate incident data collection, learn how to hold their governments accountable to international agreements, work to improve cooperation between civil society and public authorities, and publish an instruction manual for use by all. Given ODIHR's equal concern to obtain better quality data, they are providing additional expertise to augment that provided by the UK Ministry of Justice, and additional funding has been provided by the Open Society Foundations and the Dutch Jewish Humanitarian Fund (*Joods Humanitair Fonds*).³⁴

Another issue preventing data collection has been the lack of a common definition for antisemitism. The 2004 EUMC report noted that the RAXEN network found it difficult to define antisemitism in a post-Shoah Europe. Is, for example, anti-Israel graffiti on a synagogue wall, antisemitic, or is it legitimate comment about Israel? The authors of the report observed that 'different monitoring bodies apply different methods of counting incidents and complaints', which they ascribed to the lack of a common definition. They added that this led to underreporting of incidents, and proposed that a common definition be created.³⁵

The EUMC thereupon embarked on extensive consultation with Jewish organisations, Jewish and non Jewish academics and ODIHR, which led to the creation of the Working Definition on Antisemitism, which was adopted in January 2005. Although the definition could not subsequently be adopted by FRA (because it has no mandate to do so), it is published on their website, and the latest FRA report points to its continuing need: 'where data exist, they are generally not comparable, not least because they are collected using different definitions, methodologies and sources across the EU member

states.'³⁶

The Definition has been recommended by the US State Department, ODIHR, and the British Association of Chief Police Officers, among others, and is translated into all European languages by the European Forum on Antisemitism.³⁷

Two recent agreements have empowered states and the European agencies. The 2008 Common Framework Agreement required all EU member states to legislate against incitement to racial and religious hatred, and denial of genocide, including the Shoah, by November 2010. Compliance will be monitored during 2013, and states will be prosecuted before the European courts for non compliance, in 2014. Although weaker than originally intended, it nevertheless puts down an important marker.³⁸

The second agreement, the OSCE Ministerial Agreement on Combating Hate Crimes, calls on Participating States, *inter alia*, to collect and make public reliable data on hate crimes, enact specific legislation to counter hate crime, 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, *etc.*³⁹

Conclusions

It has become clear that the European agencies now accept their responsibility for combating antisemitism and for securing their Jewish citizens in a way that they had not previously done. Because these initiatives have been incremental and slow their scale and extent generally goes

33. *Facing Facts – Make Hate Crimes Visible, Project*, http://www.ceji.org/facingfacts/?page_id=2 (last visited 28 September, 2012).

34. *Facing Facts - Train the Trainer Programme*, <http://www.ceji.org/facingfacts/?p=293> (last visited September 28, 2012).

35. See *supra* note 12, p. 322.

36. See *supra* note 31, p. 4.

37. European Forum on Antisemitism *Working Definition of Antisemitism*, <http://www.european-forum-on-antisemitism.org/working-definition-of-antisemitism/> (last visited September 28, 2012).

38. Council Framework Decision 2008/913/JHA, on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law, November, 28, 2008, O.J. (L 328/55).

39. OSCE Ministerial Council Decision No.9/09 Combating Hate Crimes, MC.DEC/9/09, Athens, December 2, 2009.

unmentioned, except within the bodies themselves.

It must also be noted that they were sometimes vigorously argued for, and might not have taken place had not the representatives of the Jewish groups involved been so active and persistent.

Any assessment of the value and effectiveness of these initiatives, however, needs to be measured against a set of criteria, of which the three most important are: understanding contemporary antisemitism; how effective are they in combating antisemitism; whether these initiatives are likely to endure, or whether they are merely temporary palliatives.

With respect to the first of these, the EUMC report on "Manifestations of Anti-Semitism" and the Berlin Declaration acknowledged that antisemitism was coming from new directions and often in different forms, although the effect on the victims may have been little different from that of 'old antisemitism'. Both documents recognised that the Middle East and the Muslim world were impacting the Jews in negative ways (at least in Western Europe), although there had been reluctance to do so initially.

It remains to be seen how effective the measures taken will be, but Europe has now established a body of agreements that (i) criminalise incitement to antisemitism and Holocaust denial while preserving freedom of speech, (ii) promote Holocaust education in varying ways and through different bodies, and (iii) train criminal justice agencies to understand, investigate and prosecute hate crime, including antisemitism. These are enduring initiatives and although their application may be less than consistent, particularly in post Communist states, they are slowly impacting the body politic, and will increasingly provide protection to Jewish communities.

The annual OSCE and FRA surveys of antisemitism now provide regular and consistent measurement, which can only improve as the capacities of state parties improve, and as civil society groups are trained to add data, and context to that data.

The agencies encourage Jewish community groups to investigate antisemitism, and in doing so have recognised that some of these groups have become leaders in understanding and investigating hate crime generally. This has had an empowering effect on some in the Jewish community, and as a consequence they have been able to educate the European agencies, and some national criminal justice agencies. In this context they are able to also demonstrate that contemporary antisemitism may be less about far right extremism and daubing of swastikas on synagogue walls, and more about the antisemitic effects of Jew hatred that cloaks itself in the language of human rights, or which demonises Israel.

Assessing the real effectiveness of the above measures over slightly more than ten years is difficult. They have been implemented within a deteriorating economic situation in which political extremism is once again growing, as hate crime generally, and antisemitism specifically, are rising, and as the distance from the Shoah is increasing, and its memories fade.

While the initial concerns about rising antisemitism were voiced by politicians, the ensuing progress would not have been attained without consistent pressure from the Jewish organisations. ■

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