



Report to the United Nations General Assembly on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16)

Purpose: To encourage the adoption of the International Holocaust Remembrance Alliance’s (IHRA) working definition of Antisemitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Introduction:

Recognising that “the underpinning of peaceful and inclusive societies is respect for the equality of all persons regardless of race, sex, ethnicity, nationality, culture, religion or belief, birth or other status,”¹ the Special Rapporteur on Freedom of Religion or Belief, in preparation for his report to the 75th session of the UN General Assembly, has invited interested parties to submit information on issues relating to discrimination against minority religious or belief communities in law and in practice; the effects of said discrimination; and recommendations for good practices whereby such minorities can more effectively be protected. The European Centre for Law and Justice hereby submits this briefing on the issue of antisemitism, a subject the Special Rapporteur has already expressed concern about in a recent report to the Human Rights Council.²

Antisemitism is one of the world’s oldest forms of hatred, manifesting itself in evil words and deeds since time immemorial. Jews have historically been persecuted, scapegoated, and marginalised through overt acts of discrimination. Throughout history, Jews have faced periods of government-initiated or tolerated violence. Hate crimes against Jews have intensified over the last several years.³ This report will address various examples of

¹Call for Submissions: Report to the United Nations General Assembly on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16), available at <https://www.ohchr.org/Documents/Issues/Religion/CallforSubmissions.pdf>.

²Rep. of the Special Rapporteur on Elimination on All Forms of Religious Intolerance, U.N. Doc. A/74/358 (2019), https://www.ohchr.org/Documents/Issues/Religion/A_74_47921ADV.pdf.

³*Antisemitic Incidents Hit All-Time High in 2019*, ANTI-DEFAMATION LEAGUE, available at <https://www.adl.org/news/press-releases/antisemitic-incidents-hit-all-time-high-in-2019> (last visited 29 May 2020).

discrimination by States in law and practice. It will present data regarding antisemitic acts by individuals. Recent statistics are quite startling and should be cause for major international concern. In truth, the attitude and conduct of States towards Jews and Israel, as well as tolerance of antisemitism can contribute to a climate which fosters antisemitism among the general population.

Finally, this report suggests the adoption of the IHRA definition of antisemitism as a tool to help states address anti-Jewish discrimination in its modern manifestations.

I. Discrimination by States

Legally enforced religious discrimination against Jews is not limited to any specific geographic region. Sadly, even developed democratic States openly discriminate against Jewish businesses and Jewish religious practices. For example, Sweden,⁴ Denmark,⁵ Belgium,⁶ and Slovenia⁷ have explicitly or effectively banned Jewish ritual (kosher) slaughter of livestock, thereby discriminating and reinforcing negative attitudes against their Jewish citizens. Western institutions have also discriminated against doing business with Jewish residents of Israel.⁸ Although discrimination against Jews exists in all parts of the world, the predominance of State anti-Jewish conduct today occurs in the Middle East.

Iran:

- At least 13 Jews have been executed in Iran since the Islamic Revolution, most for either religious reasons or their connection to Israel.⁹
- On the eve of Passover in 1999, 13 Jews were arrested and accused of spying for Israel and the United States. In September 2000, an Iranian appeals court upheld a decision to imprison ten of them from two to nine years.

Algeria:

- Marking a possible final end for the once vibrant Algerian Jewish community, Algerian authorities began to demolish a Jewish cemetery in Oran in November 2015.¹⁰

⁴Swedish Animal Welfare Act, Swedish Ministry of Rural Affairs (24 Sept. 2009).

⁵Animal Welfare at Slaughter, Danish Veterinary and Food Administration, 19 Feb. 2014.

⁶See Jos De Greef (17 May 2017), Wallonië verbiedt het onverdoofd slachten van dieren (Banned in Wallonia); Jan Gerits (28 June 2017), Vlaams Parlement keurt verbod op onverdoofd slachten goed (Banned in Flanders).

⁷Legal Restrictions on Religious Slaughter in Europe, Library of Congress, at 16 (March 2018).

⁸*Ministry of Strategic Affairs Report Exposes the Antisemitic Nature of BDS at the European Parliament in Brussels*, ISRAEL MINISTRY OF FOREIGN AFFAIRS, (25 Sept. 2019), <https://mfa.gov.il/MFA/ForeignPolicy/AntiSemitism/Pages/Ministry-of-Strategic-Affairs-report-exposes-the-antisemitic-nature-of-BDS-at-the-European-Parliament-in-Brussels-25-Septem.aspx>.

⁹U.S. Department of State, International Religious Freedom Report 2001, Released by the Bureau for Democracy, Human Rights, and Labor Washington, DC, (26 Oct. 2001).

- In 1975, the Algerian government seized all the country's synagogues and converted them to libraries. No reconciliations have been made to allow for the continuity of Jewish practice of religion.¹¹

Yemen:

- In October 2015, the Yemeni government handed down an ultimatum to the once vibrant Jewish community: convert to Islam or leave. This caused most of Yemen's Jews to emigrate and seek asylum in Israel.¹²

European Union:

- The European Union gave over 5 million Euros in 2017-2018 to ten Palestinian and European organisations that promote boycotts against the only Jewish Majority State.¹³ It is a fact that most Jews are connected to Israel to some extent. 73%-76% of European Jews have relatives in Israel, and 89%-91% of European Jews have visited Israel.¹⁴ Jews are also typically perceived by others to be identified with Israel. Therefore, EU actions hostile to Israel necessarily create distress for Jewish communities in Europe. The BDS movement has been condemned as antisemitic by the global Jewish community for its exclusive targeting of Jews for economic boycott, for using anti-Jewish imagery, and for encouraging anti-Jewish violence.¹⁵
- Further, the EU has adopted a policy of specially labeling products made in Jewish factories in the West Bank.¹⁶ The EU's labeling is aimed exclusively at Jewish communities under control of Israel. The labeling of Jewish products extends beyond

¹⁰Haim Lev, *Algeria Begins Plans to Uproot Jewish Cemetery*, ISRAEL NATIONAL NEWS (1 Nov. 2015), <http://www.israelnationalnews.com/News/News.aspx/202745>.

¹¹*Behind the Headlines the Jews of Algeria*, JEWISH TELEGRAPHIC AGENCY, (15 Apr. 1975), available at <https://www.jta.org/1975/04/15/archive/behind-the-headlines-the-jews-of-algeria>.

¹²Ruthie Blum, *Druze-Israeli Deputy Minister Says Yemen Told Jews to Leave or Convert to Islam*, ALGEMEINER, (11 Oct. 2015), <https://www.algemeiner.com/2015/10/11/druze-israeli-deputy-minister-says-yemen-jews-told-to-leave-or-convert-to-islam/>.

¹³Itamar Eichner, *Despite Opposing Israel Boycott, EU Keeps Funding Pro-BDS Groups*, YNETNEWS.COM, (23 Jan. 2019), <https://www.ynetnews.com/articles/0,7340,L-5451512,00.html>.

¹⁴FRA, *et al.*, *Young Jewish Europeans: Perceptions and Experiences of Antisemitism*, 17, (2019), available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-young-jewish-europeans_en.pdf [hereinafter *Perceptions and Experiences of Antisemitism*].

¹⁵See STATE OF ISRAEL MINISTRY OF STRATEGIC AFFAIRS AND DIPLOMACY, STATE OF ISRAEL, BEHIND THE MASK, THE ANTISEMITIC NATURE OF BDS EXPOSED (Sept. 2019), available at <https://4il.org.il/wp-content/uploads/2019/09/MSA-report-Behind-the-Mask.pdf>.

¹⁶Raphael Ahren, *On Labeling Settlement Goods, the European Union is Far From United*, TIMES OF ISRAEL, (2 Dec. 2019), <https://www.timesofisrael.com/on-labeling-settlement-goods-the-european-union-is-far-from-united/>.

territories disputed by Israelis and Palestinians to Jewish communities in other disputed territories including the Golan Heights.¹⁷

II. Antisemitism by Individuals

Europe:

- 45% of young European Jews have been a victim of at least one antisemitic experience within 12 months of being surveyed. The numbers for older Jews are also strikingly high (one-third of 35-59-year-olds and one-fifth of 60-plus-year-olds).¹⁸
- 41% of Jews aged 16-34 have considered emigrating from Europe because of antisemitism over the last 5 years. That desire was likely influenced by their perceptions of inadequate governmental responses to address antisemitism.¹⁹
- Jews in France were the target of a majority of hate crimes, despite constituting less than 1% of France's population.²⁰
- In the Netherlands, there were a total of 182 antisemitic incidents in 2019, a 35% increase from 2018.²¹
- In the UK, there were a total of 1805 antisemitic incidents, a 7% increase from 2018.²²
- From 2018-2019, violent antisemitic incidents increased 18% in Europe (456 cases in 2019 versus 387 in 2018). Seven persons were murdered during antisemitic attacks.²³
- At least 53 synagogues (12%) and 28 community centers and schools (6%) were targets of antisemitic attacks.²⁴

¹⁷Talia Kaplan, *Israel Blasts European Court of Justice Ruling to Label Settlement Products*, FOX NEWS (13 Nov. 2019), <https://www.foxnews.com/world/israel-blasts-european-court-of-justice-ruling-to-label-west-bank-products-anti-semitism-in-europe-now-has-legal-cover>.

¹⁸*Id.*

¹⁹*Id.*

²⁰*February 2020: Review of Recent Antisemitic Incidents Worldwide*, WORLD JEWISH CONGRESS, available at <https://www.worldjewishcongress.org/en/news/february-2020-review-of-recent-antisemitic-incidents-worldwide-3-5-2020>.

²¹Center for Information and Documentation on Israel, *Monitor of Antisemitic Incidents in the Netherlands in 2019 Summary Report*, (2019), available at <https://www.cidi.nl/wp-content/uploads/2020/02/English-Summary-CIDI-Monitor-Antisemitic-Incidents-2019.pdf>.

²²Community Security Trust, *Antisemitic Incidents Report 2019*, (6 Feb. 2020), available at <https://cst.org.uk/news/blog/2020/02/06/antisemitic-incidents-report-2019>.

²³Kantor Center for the Study of Contemporary European Jewry, *Antisemitism Worldwide 2019 and the Beginning of 2020*, (2020), available at https://en-humanities.tau.ac.il/sites/humanities_en.tau.ac.il/files/media_server/humanities/kantor/Kantor%20Center%20Worldwide%20Antisemitism%20in%202019%20-%20Main%20findings.pdf.

²⁴*Id.*

Tunisia:

- The last kosher restaurant in Tunisia’s capital closed in November 2015 due to security concerns based on a government warning.

USA:

- In the United States,
 - “[p]erpetrators of major antisemitic violent attacks in 2019 were active in disseminating antisemitic propaganda online, through international networks of likeminded activists. Anti-Zionism expressed in antisemitic terms was rampant among left wing activists . . . in reaction to warm Israeli-American administration relations, depicted as Israeli-Jewish deliberate attempts to dominate and manipulate American policies and leaders.”²⁵
- In 2019, the Anti-Defamation League recorded 2,107 antisemitic incidents in the United States, the highest number recorded since 1979 and a 12% increase over 2018.²⁶ They fell into 3 categories:
 - Harassment: There were 1,127 incidents where Jews reported feeling harassed by antisemitic language or actions, a 6% increase from 1,066 in 2018.
 - Vandalism: There were 919 vandalism incidents. Swastikas were present in 746 of these incidents. Acts of vandalism increased 19% from 774 in 2018.
 - Assault: There were 61 cases of assault accompanied by evidence of antisemitic animus. Antisemitic assault increased 56% from 39 in 2018. The 61 assaults harmed 95 victims, five fatally.
- Of all anti-religious hate crimes reported to the FBI in 2018, almost 60% of those were directed at Jews and Jewish institutions, despite Jews constituting less than 2% of the U.S. population.²⁷
- Among the major antisemitic attacks on the U.S. Jewish community were:
 - 27 April 2019: A white supremacist opened fire at the Chabad of Poway, California, killing one.

²⁵*Id.*

²⁶Anti-Defamation League, Audit of Antisemitic Incidents 2019, *available at* <https://www.adl.org/audit2019>.

²⁷Federal Bureau of Investigation, Uniform Crime Report, 2018 Hate Crime Statistics, *available at* <https://ucr.fbi.gov/hate-crime/2018/topic-pages/victims>; Antisemitic Incidents Report 2019, *supra* note 24.

- 10 December 2019: 2 Black supremacists (associated with a Black Hebrew Israelite Sect) attacked a Jewish grocery store in Jersey City, killing 3. A trustee of the Jersey City board of education justified their murder by saying that local Rabbis are selling body parts.²⁸
- 28 December 2019: An individual attacked a Rabbi and his family in their home in New York, resulting in 5 serious injuries and 1 fatality.

III. Best Practices

Adoption of IHRA definition of antisemitism:

Of the decisions taken by governmental bodies and international organizations to help address antisemitism, the most effective has been the adoption of the International Holocaust Remembrance Alliance’s (IHRA) working definition of antisemitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Under this definition, antisemitism can be expressed in speech, writing, art, and action and is shown by the attribution of sinister stereotypes and negative character traits to the Jewish people as a group. One manifestation is targeting the State of Israel, conceived as a Jewish collectivity. Criticism of Israel *similar to that leveled against any other country* cannot be regarded as antisemitic under the definition.

Having been adopted by various governments around the world, the IHRA definition now serves as the international standard for defining antisemitism. There are three key reasons to adopt the IHRA definition:

- First, it is the most universally accepted definition and thus enjoys unprecedented consensus. The IHRA definition is used by the United Kingdom, Scotland, Austria, France, Germany, the Netherlands, Greece, Romania, Bulgaria, Czech Republic, Slovakia, Moldova, Macedonia, Lithuania, and the United States. In 2017, the European Parliament passed a resolution calling on Member States and institutions to apply the IHRA definition.²⁹ No other modern definition of antisemitism enjoys this level of consensus.

²⁸Josefin Dolsten, Mayor Calls on Jersey City Official to Resign Over Jewish Comments, (18 Dec. 2019), JERUSALEM POST, <https://www.jpost.com/diaspora/antisemitism/mayor-calls-on-jersey-city-official-to-resign-over-jewish-comm-comments-611249>.

²⁹The Centre for Israel and Jewish Affairs, Policy Brief: IHRA and Defining Antisemitism, 15 Feb. 2018, available at <https://cija.ca/policy-brief-ihra-defining-antisemitism/>.

- Second, the IHRA definition allows for public officials and agencies and the public at large to apply a common standard. Adopting a common definition aids in confronting the global problem. The global nature of antisemitism demands that the definition and response be global as well. There is a need to establish global clarity as to what actions constitute antisemitism and therefore warrant government response. Because the IHRA definition already enjoys wide acceptance globally, its adoption on a global scale would enhance the ability to respond to antisemitism. Further, the IHRA definition is a pragmatic and flexible “working” definition. It allows for taking into consideration unique circumstances when applying the definition.³⁰
- Third, it unveils antisemitism that masks itself as anti-Zionism, without quelling legitimate criticisms of Israel. Historically, antisemitism has adapted to social, cultural, and political norms to gain legitimacy. Where Jews were once vilified as individuals and a collective, today it is Israel that is the target of the same vilification, “often using terminology and conspiracy theories that mirror historic antisemitism”.³¹ Modern antisemitic sentiment has taken the form of demonization of Jews through viewing Israel as a Jewish collectivity. This has manifested itself through movements to either boycott certain Israeli communities or Israel in its entirety.

Importantly, however, the IHRA definition recognises the distinction between legitimate criticism of Israel and its policies and illegitimate antisemitic tropes regarding Jews.³² The definition allows for political criticism of Jewish communities in disputed territories as well as criticism of Israel as a whole. According to the IHRA definition, an act against the State of Israel can be considered antisemitic if Israel is “conceived as a Jewish collectivity” in the context of the speech or act itself. Normal political criticism of Israel, of the sort one might direct at any other country, would not be considered antisemitic. As such, the IHRA definition carries the advantage of preventing people engaged in legitimate criticism of Israel being unjustifiably accused of antisemitism.

Most importantly, the IHRA definition is the most comprehensive, pragmatic, and effective modern definition of antisemitism available to combat the phenomenon. It is the most universally adopted definition, thereby enjoying the greatest global consensus. It also has already proven effective in serving governmental bodies in their work against antisemitism. Lastly, it preserves a wide array of political expression regarding Israel, while recognising antisemitism’s modern manifestation as vilification of the Jewish State. It has the potential to be a workable and effective global definition to one of the world’s oldest forms of hate and will help achieve our collective goal of eliminating intolerance and discrimination based on religion or belief.

³⁰*Id.*

³¹*Id.*

³²B’Nai Brith Canada, B’nai Brith Canada Proposal on Formal Canadian Adoption and Application of the IHRA Definition of Antisemitism, *available at* <https://files.constantcontact.com/189327c4701/dd1a1cb2-7316-4f57-8474-a00a6c949ec9.pdf>.

We therefore respectfully recommend that the IHRA definition be adopted for use at the UN.

Respectfully submitted this 1st day of June, 2020, at Washington, DC,



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