

**Monitoring and Combating Antisemitism:
Current Challenges and Engaging the United Nations Human Rights System**

**Report of an Expert Consultation Organized by
AJC's Jacob Blaustein Institute for the Advancement of Human Rights in Cooperation with
the UN Special Rapporteur on Freedom of Religion or Belief
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Introduction and Summary of Recommendations

On 28 June 2018, AJC's Jacob Blaustein Institute for the Advancement of Human Rights (JBI), in cooperation with Dr. Ahmed Shaheed, the United Nations Special Rapporteur on Freedom of Religion or Belief, brought international experts who monitor and combat antisemitism together to meet with key UN human rights experts including key professionals with a mandate to report on antisemitic acts. The goal was to discuss ways that UN human rights mandate holders could devote appropriate attention to the surge of antisemitic incidents in recent years. The consultation provided an unprecedented opportunity for leaders on documenting and reporting on antisemitism to share information about recent trends with UN experts. The work of the consultation was carried out in roundtable discussions. This report of the Jacob Blaustein Institute for the Advancement of Human Rights (JBI) summarizes the key issues covered during the discussions and their conclusions

UN Secretaries General have pointed to the unique nature of antisemitism and the need for UN action to combat the issue on a global scale. In 2004, then-UN Secretary-General Kofi Annan had directly urged the Special Rapporteurs on religious freedom and contemporary forms of racial discrimination to work with the Office of the High Commissioner for Human Rights “to actively explore ways of combating anti-Semitism more effectively in the future.” He asked that “all parts of the Secretariat should be vigilant,” recalling that, throughout history, antisemitism “has been a unique manifestation of hatred, intolerance and persecution. Antisemitism has flourished even in communities where Jews have never lived, and it has been a harbinger of discrimination against others. ... [I]n fighting anti-Semitism we fight for the future of all humanity.”¹ And, in January 2017, then-new UN Secretary-General, Antonio Guterres, lamented that, contrary to his expectations, “antisemitism is alive and kicking. Irrationality and intolerance are back.” Still, he pledged: “I guarantee you that as Secretary-General of the UN, I will be in the frontline of the battle against antisemitism and all other forms of hatred.”²

During the Geneva consultation, it became clear that key UN human rights experts rarely engage with or receive communications and other documentation reflecting such abuse, despite these promises, and the substantial efforts of stakeholders to document antisemitic incidents. This lack of communication has inhibited the ability of UN experts or the inter-governmental bodies to which the experts report to address antisemitic acts and recommend actions to combat them.

¹ Annan, Kofi, “Secretary-General Kofi Annan’s opening remarks at the Department of Public Information (DPI) Seminar on Anti-Semitism, in New York, 21 June:” June 21, 2004, available at <https://www.un.org/sg/en/content/sg/speeches/2004-06-21/secretary-general-kofi-annan%E2%80%99s-opening-remarks-department-public>.

² Guterres, António, “Remarks at Observance of the International Day of Commemoration in Memory of the Victims of the Holocaust” January 27, 2017, available at <https://www.un.org/sg/en/content/sg/speeches/2017-01-27/secretary-generals-memory-victims-holocaust-remarks>.

UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein told participants that the UN's Office of the High Commissioner for Human Rights (OHCHR) is concerned that UN human rights mechanisms have historically "underserved" victims of antisemitism. He called on the UN system to "do its part" to rectify the problem.³ Expressing a sense that antisemitism is an issue that has not been addressed effectively, the High Commissioner encouraged more activity in this area by speaking up and standing up to those who promote such hate.

Citing mounting concern about rising harassment, hate speech, discrimination, and intimidation and murderous attacks such as those in Paris, Toulouse, and Brussels, participants in the Geneva expert consultation urged UN human rights mechanisms to end what Dr. Shaheed publicly characterized as a "scandalous lack of attention" to antisemitism.

Recommendations from the consultation included:

For antisemitism and hate crimes monitors:

- Continue to monitor antisemitism and hate crimes thoroughly, and make every effort to:
 - Take steps to understand the UN human rights mechanisms;
 - Understand the human rights framework and language; and
 - Submit more data (surveys, statistics, crimes, cases, etc.) to UN and other international bodies and mechanisms.

For UN Human Rights Experts:

- Endorse and apply the International Holocaust Remembrance Alliance's (IHRA) "Working Definition on Antisemitism" in full and incorporate it into training programs;
- Appeal for action to condemn antisemitism;
- Re-establish a focal point on antisemitism in the Secretary-General's Office;
- Survey regularly the work of antisemitism monitors worldwide;
- Build trust within the Jewish community and with antisemitism monitors;
- Meet with representatives of Jewish communities on all country missions;
- Address issues of greatest concern to the Jewish community; and
- Encourage state authorities to address antisemitism.

For individual governments:

- Endorse and use the IHRA "Working Definition on Antisemitism" in full as guidance for law enforcement officials and other agencies where applicable;
- Confront a climate in which these acts of antisemitic violence could occur;
- Continue to combat right-wing extremism (white supremacy, nationalism, fascism, neo-Nazism) as well as left-wing extremism (anti-Israel manifestations when they cross the line into antisemitism);
- Denounce antisemitism and antisemitic acts at a high level;
- Appoint high-level officials tasked with combating antisemitism;
- Collect data about antisemitic incidents and identify perpetrators of such incidents and publish this information;
- Adopt hate crime legislation that criminalizes violence motivated by antisemitic animus and implement such legislation by identifying, investigating, and prosecuting acts of antisemitic violence and holding perpetrators accountable through judicial processes;

³ American Jewish Committee (AJC), "Human Rights Officials at AJC's Jacob Blaustein Institute Event Call for Greater UN Attention to Combating Anti-Semitism," July 3, 2018, available at <https://www.ajc.org/news/human-rights-officials-at-ajcs-jacob-blaustein-institute-event-call-for-greater-un-attention>.

- Carry out thorough and effective monitoring and documentation of antisemitic incidents;
- Ensure likely targets of antisemitic acts are provided with adequate official protection;
- Support victims of antisemitism and encourage reporting of antisemitic incidents; and
- Address antisemitism through education, including education about the Holocaust and about the history and customs of the Jewish people.

Manifestations of antisemitism worldwide

Participants at the expert consultation identified many different forms of antisemitism they had documented or encountered ranging from murders, harassment, and vandalism, to discrimination and hate speech and/or hate crimes.

More than 300 incidents of antisemitism had been identified in 40 countries in the previous year according to the 2017 report of the Kantor Center for the Study of Contemporary European Jewry.⁴ Fear and feelings of insecurity among Jews in Europe were cited as most disturbing, in part triggered by the murders of two women in Paris: Sarah Halimi (aka Lucie Attal), a 65-year-old Orthodox Jew, and Mirielle Knoll, an 85-year-old Holocaust survivor. These murders had followed violent attacks that have taken place in Paris, Toulouse, Brussels, Charlottesville, and Berlin. In Malmo, Sweden firebombs were placed outside a Jewish burial chapel. In 2015 a Jewish man was gunned down in Copenhagen while on duty as a volunteer security guard of a synagogue during a Bat Mitzvah ceremony. The Kantor Center identified widespread concern among Jews that they have entered a new period in which “expressions of classic traditional antisemitism are back, and, for example, the term “Jew” has become a swear word.”⁵

Participants addressed incidents of harassment of Jews: They noted that Jews who wear visible Jewish signs such as religious or traditional clothing, school uniforms or jewelry bearing Jewish symbols are especially susceptible to verbal attacks and harassment.⁶ In the United Kingdom in 2017, the single most common type of antisemitic incident involved verbal abuse directed at Jewish people in public.⁷ In 2018, expressions of Jewish identity such as speaking Hebrew on a street in Berlin⁸ or wearing a kippah or skull cap as a non-Jew⁹ served as tinder for antisemitic harassment and attacks.

Desecration of Jewish sites was reported to be common and of concern across the globe. In December 2017, vandals attacked two synagogues in the Iranian city of Shiraz. They ripped Torah scrolls, prayer books, and other ritual objects – some of which were thrown in toilets.¹⁰

⁴ The Kantor Center for the Study of Contemporary European Jewry (The Kantor Center) conducts research and collects data from a network of 40 countries on antisemitic incidents. Their methodology requires proven antisemitic motivation; counting a multi-event as one case; no exaggeration or diminishing the severity of the situation; and distinguishing between violent, verbal and visual manifestations. See The Kantor Center, “Antisemitism Worldwide 2017: General Analysis,” available at http://www.kantorcenter.tau.ac.il/sites/default/files/Doch_full_2018_220418.pdf.

⁵ Ibid., pg. 6

⁶ Community Security Trust (CST), “Antisemitic Incidents Report,” pg.7, available at <https://cst.org.uk/data/file/a/b/IR17.1517308734.pdf>.

⁷ Ibid.

⁸ Bachner, Michael, “Israeli reporter attacked in Berlin ‘for speaking Hebrew,’” Times of Israel, November 26, 2018, available at <https://www.timesofisrael.com/israeli-reporter-attacked-in-berlin-for-speaking-hebrew/>.

⁹ “Non-Jewish man wearing a kippah assaulted on Berlin street,” Jewish Telegraphic Agency, April 18, 2018, available at <https://www.jta.org/2018/04/18/global/jewish-man-wearing-kippah-assaulted-berlin-street>.

¹⁰ “Two Iranian Synagogues in Shiraz Vandalized over 24 Hours,” Haaretz, December 28, 2017, available at <https://www.haaretz.com/middle-east-news/two-iranian-synagogues-in-shiraz-vandalized-1.5629841>.

Jews in Europe reported discrimination in multiple areas, including in employment (at work or while looking for work), housing, education and healthcare.¹¹ According to a survey by the EU's Agency for Fundamental Rights (FRA), more than one in three Jews in Germany and Poland said they felt discriminated against on the basis of their religion or belief.¹² In Austria, new cases of housing and residential discrimination against Jews have been reported in which Austrian and Israeli Jews were reportedly refused accommodations in a hotel due to their Jewish and Israeli identity. Similarly, in Germany, instances in which Israeli citizens were denied service in a restaurant or not allowed to open a bank account have been reported.

In Russia, although levels of antisemitism in general were low or on the decline, the prevalence of antisemitic statements and hate speech has risen recently with the resurgence of old antisemitic tropes in the media.¹³ 2017 marked the 100th anniversary of the October 1917 revolution in Russia. Jews have been accused of being responsible for the revolution and the "ritual murder" of the Tsarist family. This theory is unambiguously understood as antisemitic. According to one participant, two members of the Russian Parliament, on two separate occasions, accused "the Jews" of carrying out the 1917 Russian revolution and blamed them for damaging Russian culture and the Church.

Participants agreed that the internet and social media have become the newest platforms for spreading antisemitic hate speech. 89% of Jews in Europe assess antisemitism to be the most problematic form of hate speech on the internet and social media.¹⁴ Out of seven kinds of antisemitic manifestations listed in the FRA survey of 12 EU member states, respondents in all countries surveyed identified antisemitism on the internet as increasing and 70% expressed concern about this in their respective countries.¹⁵ Russian websites and social media pages, for example, are full of antisemitic content which is being published almost without any interference by the law enforcement agencies. Moreover, social networks are basing their domains in Russia and Southeast Asia, where countries are not a party to the Council of Europe Code of Conduct which outlines social network responsibility, exempting them from policing this type of behavior on their platforms.¹⁶

¹¹European Union Agency for Fundamental Rights, "Experiences and perceptions of antisemitism: Second survey on discrimination and hate crime against Jews in the EU," 2018, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf.

¹² Ibid.

¹³ The Kantor Center, "Antisemitism Worldwide 2017: General Analysis," pg. 18, available at http://www.kantorcenter.tau.ac.il/sites/default/files/Doch_full_2018_220418.pdf.

¹⁴ FRA report pg.11

¹⁵ Ibid., pg.22

¹⁶ European Commission, "Countering online hate speech – Commission initiative with social media platforms and civil society shows progress," June 1, 2017, available at http://europa.eu/rapid/press-release_IP-17-1471_en.htm; Council of Europe, "Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems," January 28, 2003, available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008160f>; European Commission against Racism and Intolerance (ECRI), "General Policy Recommendation No. 6 on Combating the Dissemination of Racist, Xenophobic and Antisemitic Material via the Internet," December 15, 2000, available at <https://rm.coe.int/ecri-general-policy-recommendation-no-6-on-combating-the-dissemination/16808b5a8d>; ECRI, "General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination," December 13, 2002, available at <https://rm.coe.int/ecri-general-policy-recommendation-no-7-revised-on-national-legislatio/16808b5aae>; ECRI, "General Policy Recommendation No. 15 on Combating Hate Speech," December 8, 2015, available at <https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-combating-hate-speech/16808b5b01>.

Antisemitic incidents were reported to be on the rise elsewhere in the world as well. In South Africa, a majority of antisemitic views and/or behavior is reported to include verbal threats, intimidation, and hate mail. In 2017 incidents mainly occurred in the two main Jewish population centers in Johannesburg and Cape Town. Incidents appear to spike when there are flare-ups in the Middle East conflict and include online hate speech reinforcing classic antisemitic tropes, physical threats aimed at Jewish student groups on university campuses during “Israel Apartheid Week” and verbal abuse targeting synagogue attendees or Jews wearing identifiable symbols such as a Star of David necklace. In one such incident, one of the campus activists was “caught on camera impersonating a Nazi imitating the Hitler moustache, goose-stepping, and making stiff-arm salutes.”¹⁷ Spokespeople for the ruling party, the African National Congress (ANC), have reportedly made antisemitic statements in public. Yet the ANC has not taken action against the persons responsible for such statements or to distance itself from what was said.

According to a participant, antisemitism remains prevalent in 2017 in speeches, statements, sermons, newspaper articles, books, TV programs and caricatures in the Arab and Muslim world. In particular, antisemitic motifs continued to appear in Arab media and on social networks. For example, during 2017, antisemitic incidents spiked on three occasions: the 100th anniversary of the Balfour Declaration, violence at the Temple Mount, and the recognition of Jerusalem as Israel’s capital by the U.S. President.

A conference participant relayed that in Chile, reported incidents vary widely ranging from seemingly acceptable antisemitic speech in social settings and online hate speech to graffiti and physical attacks. There have also been reports of growing tensions between the small Jewish population in Chile and the significant population of Chileans of Palestinian descent.

Measuring antisemitism

Antisemitism monitors can be based in official government authorities, international governmental organizations such as the United Nations, and non-governmental organizations (NGOs). Monitoring ranges from national to regional and international in scope.

While some government authorities and civil society groups monitor and record incidents of antisemitism, participants in the consultation pointed out that their accuracy can vary greatly, depending upon data collected and definitions used, for example, what qualifies as a hate crime. These discrepancies lead to existing data sets that cannot be compared to one another and an incomplete picture of the state of antisemitism worldwide.¹⁸ In addition, many Jews (including a substantial majority in EU states) were found to be reluctant to report incidents they experience or witness, and antisemitic events that may not be subject to legal penalties such as social media postings will also go unreported further increasing the lack of clarity.

At the multilateral level, attempts by regional official bodies to gather antisemitic hate crime data is often met with lack of responsiveness from governments leaving them with incomplete data and reliant on civil society organizations to fill gaps.¹⁹

¹⁷ The Kantor Center, “Antisemitism Worldwide 2017: General Analysis,” pg. 84, available at http://www.kantorcenter.tau.ac.il/sites/default/files/Doch_full_2018_220418.pdf.

¹⁸ E.g. In Sweden, as part of its mandate to collect official criminal statistics, the governmental Swedish National Council for Crime Prevention (BRA) analyzes 16,000 police reports per year, recording 300-350 cases of antisemitism annually. In 2016, the number of hate crimes dropped for all motives. BRA encourages not only looking at police reports, but other sources as well.

¹⁹ The intergovernmental OSCE’s Office of Democratic Institutions and Human Rights (ODIHR) collects some statistics on antisemitic hate crimes. Its source is government-supplied information, as well as information from other intergovernmental agencies. However, only 13 of the 57 participating states sent in data on antisemitic incidents for the report in 2016. There is no official state data on antisemitic incidents for the other 44 member states. OSCE maintains

While antisemitism monitors, such as civil society organizations,²⁰ have not routinely shared information with UN experts, many report they engage regularly with ODIHR, FRA and other multilateral institutions such as the European Union, the Council of Europe (CoE) and agencies affiliated with these regional and other regional organizations. The CoE's independent European Commission against Racism and Intolerance (ECRI) periodically monitors and reports on all CoE countries. It has published general guidance for governments and civil society on combatting antisemitism, and reports about trends.

While there are a number of mechanisms and NGOs monitoring antisemitism in Europe, antisemitism in Arab and Muslim countries is not monitored through domestic reporting efforts. However, a conference participant drew attention to NGOs, Middle East Media Research Institute (MEMRI) and Palestinian Media Watch, that are engaged in monitoring antisemitism in public media across the region. In some countries where there are concerns within the Jewish community about antisemitism, such as Chile, there are still no formal official statistics on antisemitic incidents kept either by the Jewish community or police or government agencies.

There are also occasional efforts to collect data on antisemitism through a larger initiative on improving documentation of hate crimes more broadly. An initiative by Jewish Contribution to an Inclusive Europe (CEJI), a private organization, creates partnerships of Jews with organizations representing other groups affected by hate crime, such as LGBT, Muslim, Roma and migrants. Together they try to join forces to improve reporting and recording of all hate crimes.

Rising antisemitism: perpetrators and trends of normalization

Many perpetrators of antisemitic violence have historically fit a neo-Nazi or right-wing profile. In the 2018 FRA survey of 16,395 Jews in 12 countries, the most commonly mentioned categories of perpetrators of antisemitic incidents mentioned by respondents have been “someone I cannot describe” (31%) and “someone with a Muslim extremist view” (30%). “Someone with a left-wing political view” was identified often (21%) and “someone with a right-wing political view” was cited far less often (13%)²¹ Earlier, one participant noted, conclusions from the European Commission against Racism and Intolerance (ECRI) in 2014 on antisemitism in the EU said the main perpetrators were Islamists and radicalized young Muslims.²² However, more recent reporting from ECRI (2017) was not specific on this point. The 2017 ECRI report continued to identify widespread “antisemitic hatred, often expressed through insults, threats, vandalism of synagogues or Jewish cemeteries and violence against Jewish persons” including protests against

a database of NGO organizations that contribute information, and this adds some information on 23 of the 57 participating states.

²⁰ Austria's Forum Against Antisemitism (FgA – Forum gegen Antisemitismus), a national Jewish organization, records antisemitic incidents; it uses the IHRA Working Definition on Antisemitism as a guide. In South Africa, antisemitic incidents are logged by the private South African Jewish Board of Deputies (SAJBD). SAJBD interacts with official structures and brings complaints, the resolution of which may stretch over many years. The SOVA Center in Russia also monitors violent hate crimes and attacks against Jewish sites (religious and otherwise), as well as manifestations of antisemitism in media or by officials and popular public figures, including on the internet. A comprehensive effort to monitor antisemitic incidents is conducted annually by the Kantor Center for the Study of Contemporary European Jewry at Tel Aviv University. It monitors antisemitism in media – on TV, radio and social networks, online hate speech, and internet sites – and receives reports from official organizations as well as from a network of representatives from about 40 countries.

²¹ FRA survey, pg.54

²² ECRI, “Annual Report of ECRI's Activities covering the period from 1 January to 31 December 2014,” available at <https://rm.coe.int/annual-report-on-ecri-s-activities-covering-the-period-from-1-january-/16808ae6d4>.

Israel that “often turned into general antisemitic rhetoric and generated calls for violence against all Jews” but did not attribute that to only one particular group.²³

In the UK, according to a participant, the perpetrators of antisemitic violence have changed. 15 years ago, they were mostly “white angry males” between 18-25 years old, but today the data shows the latter group comprises only about 50% of the perpetrators. People of Middle Eastern, African, and Southeast Asian origins are increasingly contributing to antisemitic incidents. In Russia, in contrast, antisemitic attacks most often come from ultra-right or other extremist groups.

With perpetrators of antisemitic attacks appearing to come from diverse parts of the social and political spectrum, participants feel that antisemitism is becoming normalized, a point also made in the FRA survey. Conference participants found this situation unacceptable. In Austria, perpetrators of antisemitic threats have been known to sign their own names to threatening letters and social media posts and even include a return address, showing no fear of being identified or consequences. In the last three years in Austria, antisemitic incidents in which the victims were personally addressed have reportedly doubled. As Holocaust survivors are passing away, another participant pointed out, academia and politicians reportedly have lessened fear of publicly denying the Holocaust.

Defining antisemitism for national and international monitors: approaches by civil society and multilateral organizations

Participants explained to UN experts that the “Working Definition of Antisemitism” adopted by the IHRA in 2016 had been a valuable tool in efforts to monitor, document, and educate about antisemitism.

They recalled that it has been a challenge for various international institutions to gather data from national monitors about the manifestations of antisemitism, such as those that surged after 2001, targeted at Jewish schools, synagogues and individuals. Many such incidents were inexcusably “dismissed as reactions to the Middle East conflict, as though anger towards Israel somehow explained harassing Jewish worshippers or threatening Jewish school children.”²⁴ Pointing to these ‘new forms’ of antisemitism, participants recalled that the 2004 Berlin Declaration of the then-56-nation Organization of Security and Cooperation in Europe (OSCE) clarified that participating states “Declare unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism.”

In 2005, the European Union Monitoring Center (EUMC) developed a comprehensive “Working Definition of Antisemitism” that included examples of the diverse forms antisemitism can take.²⁵ It cites a range of activities from Holocaust denial to prejudices directed against Jews, to drawing analogies of Jews to the Nazis, and holding Jews and Jewish institutions collectively responsible for the actions of the State of Israel.

²³ ECRI, “Annual Report of ECRI’s Activities covering the period from 1 January to 31 December 2017,” pg. 12, pp.16 available at <https://rm.coe.int/annual-report-on-ecri-s-activities-covering-the-period-from-1-january-/16808c168b>.

²⁴ “The Working Definition of Anti-Semitism,” American Jewish Committee.

²⁵ In 2004, the Council of Europe’s independent European Commission against Racism and Intolerance (ECRI) adopted a general policy recommendation which noted, among other things, that while “antisemitism has persisted for centuries across Europe ... the current increase of antisemitism in many European countries ... is also characterised by new manifestations of antisemitism.” See ECRI, “General Policy Recommendation No. 9 on the Fight against Antisemitism,” June 25, 2004, available at <https://rm.coe.int/ecri-general-policy-recommendation-no-9-on-the-fight-against-antisemit/16808b5ac8>.

This “Working Definition” has been adopted by many individual countries and agencies. The Working Definition has also been endorsed by the European Parliament, which has recommended its adoption by EU member states.²⁶ It is used by governmental agencies including the U.S. State Department and the U.S. Department of Education. While the Working Definition is not intended for incorporation into criminal or civil laws prohibiting antisemitism, it is an important educational tool, particularly for State officials (police, prosecutors, judges, and others) and those monitoring or documenting hate crimes.

States’ responses to antisemitism

Appointment of special representatives

Appointment by a national government or regional body of special representatives or envoys with a mandate to address antisemitism can provide effective means for monitoring and combatting antisemitism. The ODIHR chairman annually appoints a personal representative on combatting antisemitism, a position currently held by Rabbi Andrew Baker,²⁷ who can undertake country visits which result in reports with valuable recommendations. The European Commission has also appointed its first coordinator on combating antisemitism, Katharina von Schnurbein, who has enabled the Commission to conduct outreach to local Jewish communities to establish a network which can be consulted about antisemitic incidents.

At the national level, the Research and Information Center on Anti-Semitism (RIAS), a Jewish civil society organization in Germany, has advocated successfully for the appointment by the German government of a Federal Government Commissioner for Jewish Life in Germany and the Fight Against Antisemitism.

Educational initiatives

Institutions including the Council of Europe’s Parliamentary Assembly and the European Parliament have led many European states to undertake education, interfaith collaboration, and Holocaust curriculum development initiatives.²⁸ Concern was raised during the consultation that current curricula being used in schools can have the unintended effect of reinforcing negative stereotypes of Jews by repeating them in the classroom but not refuting or examining them. Teachers may also not have a good grasp on how to educate about combating antisemitism or even the Holocaust, and more attention is needed to correct this. Similarly, a participant encouraged educational initiatives on the history of Jewish communities in Arab lands and on past Muslim-Jewish relations. The participant also encouraged religious education that highlights the positive and tolerant verses toward the Jews in the Quran alongside the negative ones. Such efforts, it was suggested, could point to the value of coexistence of religious communities.

As an example of an educational initiative, the U.S. Holocaust Memorial Museum (USHMM) seek to expand Holocaust education and promote tolerance and pluralism by working with educators within migrant communities and Muslim countries who recognize antisemitism as a problem in their communities. In 2017, the Kingdom of Morocco and His Highness Prince Moulay Rachid hosted USHMM Director Tad Stahnke in Rabat to “work together to bring the

²⁶ “EU Parliament urges states to adopt working definition of anti-Semitism,” Times of Israel, June 2, 2017, available at <https://www.timesofisrael.com/european-parliament-votes-to-adopt-working-definition-of-anti-semitism/>; European Parliament, “European Parliament resolution on combating anti-Semitism,” May 29, 2017, available at <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B8-2017-0383&language=EN>.

²⁷ See “Country Reports – Personal Representative of the Chairperson-in-Office on Combating Anti-Semitism,” available at <https://www.osce.org/chairmanship/333786>.

²⁸ See Whine, Michael, “Can the European Agencies Combat Antisemitism Effectively?” Israel Journal of Foreign Affairs, 2017, Vol. 11 No. 3 pg. 371-381, available at <https://doi.org/10.1080/23739770.2017.1424697>.

lessons of the past to address the problems of the present and to make a better tomorrow.” The USHMM initiative also encourages persons who might otherwise be isolated to be more engaged with the United Nations which has an impressive Holocaust Remembrance program including valuable educational materials.²⁹ As another example, the Jewish Interactive Museum of Chile has some programming is aimed at bringing public school students of all faiths and backgrounds to learn about Jewish history by touring the Museum.

Official cooperation with civil society organizations

Participants discussed positive examples of formal cooperation between governments and Jewish civil society. RIAS in Germany assists victims of antisemitic incidents to file charges with police when incidents happen. RIAS cooperates with the Berlin police and can communicate directly with authorities on hate crimes cases on victims’ behalf. As noted above, RIAS has also successfully advocated for appointment of a contact person for Jewish communities.

Protecting Security

In France, the Jewish Community Security Service (Service de Protection de la Communauté Juive, SPCJ) is the lead Jewish community coordinator monitoring antisemitism. SPCJ works closely with the French Ministry of Interior’s “Victims Unit” conducting regular information exchanges. French law enforcement also provides security services to Jewish sites around the country in response to the antisemitic attacks that have taken place in the country.³⁰

The Hungarian Jewish Community and the Hungarian government cooperated to monitor and combat antisemitism. A National Co-operation Statement sets out the government’s responsibility for ensuring the security of the Jewish community, including financial support for the Jewish community’s security efforts (e.g., technical equipment, police patrols, etc.)³¹ It should be noted that the government has been behind campaigns that have been deemed antisemitic by the local community and has stoked antisemitic incidents.³²

Combating on-line hate incitement

The UK has recently established a national a police-led cybercrime unit. Incidents of online hate will be forwarded to this unit to be investigated. Such incidents can be prosecuted using a set of guidelines for working on these kinds of crimes.³³ Germany has also introduced cyber hate legislation, and France is now looking to Germany and the UK’s laws and programs to address the issue of cyber hate. In Russia, the government is fighting hate speech using criminal prosecution. The level of hate speech on social networks is said to be very high. The government issues many criminal sentences for antisemitic statements online – at least 22 verdicts were reached in 2017.

²⁹ United States Holocaust Memorial Museum, “Moroccan Prince Hosts U.S. Holocaust Museum Director, Endorses Efforts to Expand Holocaust Education, Promote Tolerance and Pluralism,” October 25, 2017, available at <https://www.ushmm.org/information/press/press-releases/moroccan-prince-hosts-museum-director>.

³⁰ Service de Protection de la Communauté Juive, “Report on Antisemitism in France in 2016,” available at <https://www.antisemitisme.fr/dl/2016-EN.pdf>.

³¹ Organization for Security and Co-operation in Europe (OSCE), “Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities: A Practical Guide,” 2017, pg. 32, available at <https://www.osce.org/odihr/317166?download=true>.

³² “Hungarian Jewish leader slams ‘poisonous’ anti-Soros campaign,” Times of Israel, July 6, 2017, available at <https://www.timesofisrael.com/hungarian-jewish-leader-slams-poisonous-anti-soros-campaign/>;

Applying a Human Rights-Based Approach to Monitoring and Combatting Antisemitism

Monitoring and reporting techniques between human rights organizations and Jewish community organizations tend to differ. As a victim community trying to mobilize the Jewish constituency and to reach out to others for help, Jewish representatives make efforts to obtain official protection. Many Jewish community leaders thus view government officials quite differently than advocates in the human rights community: Where human rights organizations and advocates “thrive on confrontation” and mobilize shame against government officials, Jewish groups often turn to government officials as the entity that can protect the community. Their approach will often consist of “polite requests... an attempt to persuade officials... in a non-confrontational way.”³⁴

Jewish community organizations often engage in collecting information and reporting on antisemitism for the primary purpose of encouraging preventive security measures rather than engaging in public advocacy as human rights groups do. Because of the security concerns and vulnerability of many small local Jewish communities, global monitors of antisemitism sometimes refrain from publicizing violations of the rights of local Jewish community members if that is their wish. To the extent that Jewish community groups are particularly concerned about and attuned to antisemitic acts stemming from non-state actors, they often do not endeavor to gather information that could establish State actor complicity nor State responsibility for inaction in the face of patterns of private actor abuses. In part to compensate for underreporting by victims of antisemitic attacks as well as for official reluctance to collect disaggregated data on antisemitism, antisemitism monitors often employ social science methodologies, including opinion surveys, to identify trends concerning levels of antisemitism in societies.

In contrast, human rights monitors commonly focus on documenting specific cases of acts that amount to rights violations. In determining what constitutes a ‘violation,’ human rights monitors strive to establish the responsibility of the State and its officials for breaching their human rights obligations. Human rights monitors verify and corroborate victims’ accounts and seek independent evidence to support victims’ allegations of discriminatory motivation for attacks. General human rights monitors rarely rely on social science surveys, preferring a case approach. They may not consider the presence of a pattern of attacks on Jewish community institutions and individuals sufficient to establish the existence of an antisemitic motivation for those attacks or to establish government responsibility for human rights violations.

Despite these differences, antisemitism can indeed be addressed through the human rights paradigm. The international human rights framework contains elements that are relevant to combatting antisemitism such as the right to non-discrimination on race, religion, and equal protection under the law, right to life, right to freedom of thought conscience and religion, right of states to prevent advocacy based on religious or national hatred that rises to the level of incitement, the obligation to end racial discrimination, the obligation to assure that victims of discrimination have remedies, etc. As noted above, Jewish communities gauge the ‘temperature’ of the Jewish communities fears through surveys employing social science methodologies.

The jurisprudence of various national courts and regional human rights bodies reflects that antisemitism can take different forms involving multiple prohibited grounds for discrimination, including race, religion, and national origin. While a number of court cases from the UK, France, Germany, Australia and New Zealand address antisemitism within the framework of the

³⁴ Matas, David, “Combatting Antisemitism” Summary of remarks at the Jacob Blaustein Institute for the Advancement of Human Rights Conference on Antisemitism, Vienna, 2003.

prohibition of racial and ethnic discrimination, Canadian decisions have explicitly recognized the intersectionality of Jewish ethnicity and religious identity.

In a number of countries in Europe, participants reported seeing the attempt to ban the religious practice of male circumcision and viewed this as an antisemitic act. Male circumcision, or a “brit-milah”, is a major Jewish ceremony associated with the celebration of the birth of a young boy and the covenant he enters into with God, thus entering into and symbolizing the start of a Jewish life. Focusing on children’s rights under his mandate, the former UN Special Rapporteur on freedom of religion, Heiner Bielefeldt, noted in his 2015 report to the General Assembly that while male circumcision is an indispensable element of religious initiation rituals performed on children, it can still cause physical and psychological damage when practiced improperly in the absence of trained professionals.³⁵ The Special Rapporteur argued that this can reach the level of a human rights violation when the state fails to protect a child by not ensuring the practice is monitored and physical and mental health regulations are in place. In this way, he has addressed the issue through a human rights lens.

Improving UN human rights mechanisms’ treatment of antisemitism:

The meeting focused on how Jewish groups can better engage with the UN human rights mechanisms and how UN human rights experts and staff can better engage the Jewish community and groups monitoring and reporting on antisemitism.

While UN human rights mechanisms can improve their reporting on antisemitism and better embrace their mandates to combat antisemitism, Jewish communities should also strive to better articulate their complex and nuanced concerns. Jewish organizations can try to understand UN human rights special procedures and how to engage with them. This requires learning about UN human rights terminology and being able to navigate the institutions in order to share data on antisemitism with UN bodies.

Despite potential areas in which human rights reporting and traditional efforts at reporting on antisemitism can differ, it is important to stress that antisemitism *can* and *should* be addressed using a human rights paradigm.

Elements of the international human rights framework that are relevant to antisemitism include:³⁶

- The rights to non-discrimination on grounds including race and religion and to equal protection under the law (ICCPR arts. 2 and 26);
- The right to life (ICCPR art. 6);
- The right to freedom of thought, conscience, and religion (ICCPR art. 18);
- The obligation of states to prohibit by law advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence (ICCPR art. 20), in ways that are consistent with the right to freedom of opinion/expression (ICCPR art 19);
- The obligation to end racial discrimination by State and non-State actors alike under the right to freedom of thought, conscience and religion (CERD art. 2 and art. 5);

³⁵ “Interim report of the UN Special Rapporteur on freedom of religion or belief to the General Assembly,” August 5, 2015, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/286.

³⁶ International Convention on Civil and Political Rights (ICCPR), December 16, 1966, available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; International Convention on the Elimination of All Forms of Racial Discrimination (CERD), December 21, 1965, available at <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>.

- The obligation to condemn and take measures to eradicate racist propaganda and incitement to racially-motivated discrimination or violence (CERD art. 4), and
- The obligation to ensure that victims of racial discrimination have effective protection and remedies. (CERD art. 6)

RECOMMENDATIONS

What antisemitism and hate crimes monitors should do

- Take steps to better understand human rights framework, language, and study UN human rights mechanisms to communicate more effectively with those mechanisms

Whereas representatives of many UN Member States, acting through the UN’s political bodies (i.e. Human Rights Council, General Assembly, etc.) regularly adopt resolutions and take other actions demonstrating overwhelming bias against Israel and hostility toward Jews, the UN’s Special Procedures branch under the Office of the High Commissioner of Human Rights houses independent human rights experts whose mandates encompass antisemitism. Several independent experts are mandated to devote appropriate attention to the issue and can be allies in the fight to combat antisemitism. Groups should endeavor to understand how these mechanisms work in order to properly engage them, then seek to connect to them through the Office of the High Commissioner for Human Rights.

On a visit to a North African country, the Special Rapporteur on religious freedom or belief found it difficult to obtain concrete information from the local Jewish community on problems they faced. It became clear that the community and others may not always know how to express such concerns to the Rapporteur using human rights terms and norms. Through a human rights lens, this may reveal the lack of full enjoyment of the right to manifest freedom of religion. Familiarity with the terminology and mechanisms of the UN human rights system would help correct this.

- Continue to monitor antisemitism and hate crimes thoroughly and make every effort to submit more data on antisemitic acts to UN experts and other international bodies

UN Special Rapporteurs receive information on alleged human rights violations from civil society, communicate with governments, and report on their findings. UN participants encouraged antisemitism monitors to engage and regularly submit data and information on antisemitism to them to ensure the subject is properly documented and becomes part of reports of UN mandate holders. Information submitted can range from a single case to whole reports describing statistics, trends, and patterns.

In the case where a Special Rapporteur is preparing to send an official communication to a government drawing that government’s attention to a specific human rights case or issue, or in preparation for a country visit, UN human rights staff need to receive information on specific cases with as much detail as possible. This can open channels for the government in question to respond officially.

What the UN human rights experts and mechanisms should do

- Endorse and apply IHRA’s “Working Definition on Antisemitism” and incorporate it into training programs

Adoption of the working definition would be a good achievement, but it also needs practical application to be useful. It is being adopted by governments, and international organizations and

they utilize it in their work. UN human rights mechanisms and the Office of the High Commissioner for Human Rights should make efforts to incorporate the working definition into their work—in fact, each relevant Special Rapporteur could adopt the working definition.

- Appeal for action to condemn antisemitism

Participants agreed that when political leaders take action and condemn antisemitism, it can help protect the Jewish community and prevent further abuse. Such condemnation would do a lot to build trust within the Jewish community. Condemnations of all forms of antisemitism should be made regularly and come from multiple UN leaders, mandate holders and relevant bodies.

- Re-establish a focal point on antisemitism in the UN Secretary General’s office

Former UN Secretary-General Kofi Annan had appointed one of his top officials as a focal point on antisemitism and concerns of the Jewish community. Former Secretary-General Ban Ki-Moon assigned this function to a much lower level official, and few interacted with him. Now, however, the position seems to have disappeared under Secretary-General Antonio Guterres. While Guterres is sensitive to the issue, no UN official visibly has responsibility for monitoring and engaging to address antisemitism and other concerns of the Jewish community. Reviving this post could make a big difference.

- Survey regularly the work of organizations monitoring antisemitism worldwide, understand the methodological issues that presently inhibit efforts to monitor antisemitism, and try to develop relationships and build trust in the Jewish community

One way to address challenges faced by UN human rights experts who are seeking to issue of antisemitism from a human rights perspective is to find ways to incorporate the information being gathered by organizations monitoring antisemitism around the world into the framework of the human rights lexicon relevant to their mandate. Rapporteurs need to better understand the context in which antisemitism monitors are undertaking their work.

There are many factors that complicate obtaining an accurate reading of antisemitism levels worldwide. Many states do not collect statistics on antisemitic hate crime as such. Some states only require their local and regional law enforcement agencies to voluntarily report hate crimes back to federal agencies. Some states have different protected grounds under domestic non-discrimination policies. Other states define antisemitism and the threshold for religiously motivate hate crimes differently. All of these factors often lead to inaccurate or incomplete data on the levels of antisemitism.

One of the messages that needs to be communicated to Jewish communities is that the UN is open to receiving information and reports on antisemitism, and that that the problems they are facing are understood. This requires sensitization around problems affecting Jewish communities. The UN needs to engage in a manner which aims to build confidence, through “trust-building exercises.” Relationships can be fostered by reaching out to Jewish communities to encourage the submission of data on antisemitism and then systematically including such data in Special Rapporteur reports. Building this trust will take time.

- Identify and endeavor to meet with representatives of Jewish communities on all country missions

Jewish communities are often highly organized. Each Jewish community around the world has a representative body; identifying and contacting them should be relatively easy. These bodies bring together all competing factions within the community, and there are also umbrella organizations that have lots of access points. There are Jewish newspapers in nearly every Jewish

community. UN mandate holders should communicate in advance through them to reach a wide Jewish audience prior to a country visit or when seeking case submissions.

- Address issues of greatest concern to the Jewish community

The UN should seek to address the issue of antisemitism bearing in mind issues of greatest concern to the Jewish community, e.g. “International developments or political issues, including those in Israel or the Middle East never justify antisemitism.” or “Jews should never be a proxy for political concerns elsewhere in the world” and other comments of this nature.

- Encourage state authorities to address antisemitism

It is important that the UN human rights mechanisms engage in the fight against antisemitism by urging governments to acknowledge the existence of antisemitism and its harmful effect on their societies. Reporting on antisemitism can raise awareness and help prevent future incidents.

For example, the South African government has recently been re-elected to serve on the UN Security Council. It would be very helpful, for example, if relevant UN human rights mechanisms could engage directly with South African government on identifying and eradicating antisemitism. Similarly, Chile responds to international criticism, and special rapporteurs could have a real impact if they were to address specific cases there.

What states should do

- Endorse and incorporate the IHRA “Working Definition on Antisemitism” as guidance for law enforcement officials and other agencies where applicable
- Confront a climate in which these acts of antisemitic violence could occur
- Continue to combat right-wing extremism (white supremacy, fascism, neo-Nazism) as well as left wing extremism (anti-Israel manifestations when they cross the line to antisemitic tropes or comparisons)
- Denounce antisemitism and antisemitic acts at a high level

Attacks must be condemned and characterized as antisemitic. Characterizing such attacks as spillover from the Middle East conflict is to imply these are mutually exclusive and cannot be separated. A state can improve protection of the Jewish community if it swiftly condemns acts of hate. State leaders who show indifference to the nature of the impact of antisemitism on the community by, for example, characterizing antisemitic violence as merely “hooliganism” and “acts of alienated youth” can be detrimental to the Jewish community’s safety. It can embolden those with antisemitic beliefs to act out without fear of consequence.

Antisemitic speech has tremendous currency in places in the world where perpetrators can promote violence, including transnationally. It can be addressed through the approach reflected in Human Rights Council resolution 16/18 which encourages human rights stakeholders to confront the drivers of violence, including those propounding such notions that Jews are manipulating societies.³⁷ Denial or distortion of the Holocaust also must be confronted.

³⁷ United Nations Human Rights Council, “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief,” A/HRC/RES/16/18, April 12, 2011, available at <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G11/127/27/PDF/G1112727.pdf?OpenElement>.

- Appoint high-level officials tasked with combating antisemitism
- Collect data about antisemitic incidents and identify the perpetrators of such incidents and publish this information
- Adopt hate crime legislation that criminalizes violence motivated by antisemitic animus and implement such legislation by identifying, investigating, and prosecuting acts of antisemitic violence and holding perpetrators accountable through judicial processes
- Carry out thorough and sufficient monitoring and documentation of antisemitic incidents.
- Ensure likely targets of antisemitic acts are provided with adequate official protection
- Support victims of antisemitism and encourage reporting of antisemitic incidents
- Address antisemitism through education including education about the Holocaust and about the history and customs of the Jewish people

Younger populations are less educated on the Holocaust. Some younger generations do not even know it existed. UNESCO has partnered with OSCE and ODIHR to develop guidance for policy makers on how to address antisemitism through the use of education tools.³⁸

Founded in 1971 under the aegis of the American Jewish Committee, the Jacob Blaustein Institute for the Advancement of Human Rights (JBI) continues in that capacity to strengthen human rights through the United Nations and other intergovernmental bodies. JBI strives to narrow the gap between the promise of the Universal Declaration of Human Rights and other international human rights agreements and the realization of those rights in practice.

Jerry H. Biederman is Chairman of the JBI Administrative Council, and Felice D. Gaer is the Director of the Institute.

³⁸ United Nations Educational, Scientific, and Cultural Organization (UNESCO), “Preventing Violent Extremism: Addressing Antisemitism Through Education” available at <https://en.unesco.org/preventing-violent-extremism/education/antisemitism>.