

SURVEY QUESTIONNAIRE TO STATES ON ANTISEMITISM

United Nations Special Procedures

UN Special Rapporteur on freedom of religion or belief

Ahmed Shaheed

17 April 2019

The United Nations Special Rapporteur on Freedom of Religion or Belief, Dr. Ahmed Shaheed, is preparing a report on antisemitism in accordance with his mandate to identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief. He will present his research and recommendations on ways and means to overcome such obstacles to the UN General Assembly in September 2019.

The work of the UN Special Rapporteur on Freedom of Religion or Belief resolves to protect and promote the human right to freedom of religion or belief to advance security, tolerance and inclusion for both the individual and for our societies. Freedom of religion or belief, for anyone who professes either, is one of the fundamental elements in their conception of life and should be fully respected and guaranteed. It is also fundamental to the attainment of the goals of peace, stability, and social justice.

The mandate draws upon the frameworks developed by the international community, under the aegis of the United Nations, to promote mutual understanding and respect for diversity by advancing freedom of religion or belief, tolerance and non-discrimination. In addition to the guarantees in the 1948 Universal Declaration of Human Rights and relevant international human rights treaties, this includes the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and Human Rights Council resolution A/HRC/16/18 on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief. Other normative tools invoked by the mandate include the Rabat Plan for Action for the prohibition of incitement to national, racial or religious hatred (which explores the relationship between freedom of expression and hate speech, especially in relation to religious issues) as well as international commitments that recognize the role of civil society and religious communities in advancing tolerance and inclusion. The Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes, known as the “Fez Process”, sets out a broad range of ways in which religious leaders can prevent incitement to violence and contribute to peace and stability. The 2017 Beirut Declaration and its accompanying 18 commitments on “Faith for Rights” provides an additional platform for faith-based and civil society actors to enhance cohesive, peaceful and respectful societies.

In preparing his report, the Special Rapporteur is engaging with States to learn about experiences of antisemitism within the State and the measures undertaken by the State to respect, protect and fulfil the right to freedom of religion or belief Jewish individuals. We would be obliged if you could answer the questions set out below.

All Permanent Missions in Geneva

Responses and any clarifying queries can be sent to submissionsreligion@ohchr.org until 14 June 2019.

All input will be treated confidentially by the Special Rapporteur for the sole purpose of preparing for this report.

1. Judaism Within the State: The Right to Freedom of Religion or Belief

a) Is Judaism recognized as a religion in law? If so, what is the definition of Judaism in law? What is its status compared with other religions?

b) Is there a Jewish population in your state? If so, what size is that population? Are there Jewish communities in many parts of the country or is it concentrated in a few areas (if so, in how many)?

c) How does the State protect the right to freedom of religion or belief of the Jewish community? Can people freely change their religion into Judaism or leave the religion?

d) Are Jewish groups represented in public affairs? If so, are there official groups that work with the state? Are there official leaders of the community recognized by the state? Are the groups and leaders appointed by the Jewish community or by the state?

e) Do any synagogues exist in your country? If so, are the buildings in use or historical or both?

f) Are there Jewish cemeteries? Is there law on their protection?

g) Are there any places of Jewish education (schools or universities) in your country? If so, are they accredited or recognized by the state? Does the state provide funding to them?

h) Are there any legal restrictions on ritual circumcision of males? If so, what are the restrictions?

i) Are there any restrictions on religious slaughter of animals? If so, what are the restrictions? If not, are there any slaughterhouses in your country that are licensed to allow animals to be killed in line with Jewish law?

j) Are there any restrictions on importing kosher meat or other food? Is kosher food produced within the state?

k) Are there restrictions on Jewish religious symbols being worn? If so, what are those restrictions? Where do they apply? How are they enforced?

l) Are there any restrictions on Jews being able to create religious charities or humanitarian institutions? If so, what are the restrictions? If not, do such charities or institutions exist?

m) Are there any restrictions on Jewish materials being published or sold in the state? If so, what are the restrictions? If not, are there Jewish texts available and accessible in public libraries or institutions such as schools and universities?

- n) Are Jewish marriages recognized in State law?
- o) Does State law provide for the return of confiscated or otherwise wrongfully seized Jewish communal property and private property owned by Jews and/or the payment of compensation for such property?
- p) Are there any restrictions on freedom of movement of members of the Jewish community, including in travelling abroad or in returning after travel to any country?
- q) Are there any restrictions on the right to maintain free and peaceful contact with members of the Jewish community in other countries?
- r) Is there anti-discrimination law in general? How does the law deal with discrimination based on religion or belief?

2. Antisemitism in Law and Policy

- a) Is there a State definition of antisemitism? What is it?
- b) Does the State gather statistics on the number and nature of antisemitic hate crimes, penalties imposed on perpetrators and on remedies awarded to victims? Can the State provide these statistics to the Special Rapporteur?
- c) Who are the main perpetrators of antisemitism?
- d) Are there laws about discrimination against Jews? What are those laws? Who is bound by those laws? Who is protected by those laws?
- e) How is the prohibition of incitement to national, racial or religious hatred as reflected in international human rights law incorporated in national legislation? Does the State take other measures to prevent antisemitic hate speech?
- f) Are there specific offences in law regarding antisemitic crimes? Do the laws provide for the imposition of enhanced penalties for crimes committed with antisemitic motivation?
- g) Can the State provide information on cases of antisemitic violence, harassment, or desecration targeting individuals or their property, educational facilities or Jewish cultural or religious sites?
- h) Are the police trained about antisemitism? What form does that training take? Are the judiciary provided with training about antisemitism?
- i) Are there laws about the publication of antisemitic materials? What are those laws?
- j) Is it lawful to sell Nazi memorabilia or other antisemitic merchandise?
- k) Are Jews allowed to own property? Are they allowed to own businesses? Are there any public or private sector jobs that the Jews are legally excluded from?

- l) Are there any political parties that do not allow Jewish members? Are there Jewish people in government? Are there Jewish people in the judiciary?
- m) Are there specific educational measures to address antisemitism in educational environments and/or to prevent antisemitism through education?
- n) Is there a Holocaust Memorial Day commemorating the genocide of the Jewish people at the hand of Nazi Germany and its allies and collaborators recognized as part of the official state calendar? If so, in which ways is this day marked and commemorated? On which date/s does the commemoration take place and what is the official name of the day/s?
- o) At which level do government officials participate in the Holocaust commemorative event/s? Are Jewish community groups and representatives of other groups persecuted by the Nazis and their collaborators involved in the event/s in terms of organization and participation?
- p) Are there any public memorials of Nazi crimes that specifically mentions the Jews? Are there any public museums that have exhibitions about Nazi crimes and that specifically mention the Jews?
- q) Do public school curricula cover the rise of European fascism, the ideology of the Nazi Party, and the Holocaust and other crimes perpetrated by the Nazis?
- r) Does that education include materials specifically focused on the history of Jews and Judaism? Does it mention Jewish life and cultures before and after the Holocaust?
- s) What is the status of academic research concerning the history of Jews and Judaism, antisemitism and the Holocaust (research institutions, dedicated university chairs or departments, etc.)?
- t) Are there laws that address Holocaust denial?
- u) Does the State have a parliamentary or legislative code of conduct to deter politicians from making antisemitic, xenophobic, racist, homophobic, or other hateful remarks from the floor or in public appearances? Is there qualified or parliamentary immunity for hate speech?
- v) Does the State monitor and investigate antisemitism online? What data does the State have on the ways in which online propaganda and harassment and political manipulation are affecting Jewish People?
- w) Does the State monitor and investigate the manipulative use of bots on social media, and tactics including doxing, disinformation, that target Jewish people?
- x) What measures have been taken by the State to increase the reporting of antisemitic hate crimes? E.g. Has the State made efforts to ensure that the reporting mechanism is transparent and accessible?
- y) Does national law allow private members clubs to exclude Jews? Are hotels allowed to exclude Jews? If so, under what laws?

z) Does the State have any initiatives in place to counter negative religious stereotyping of Jewish persons?

3. Antisemitic Incidents

a) Have any political parties been accused of antisemitism in the past five years? If so, how was this addressed?

b) Have there been any cases brought against the media for antisemitism in the past five years?

c) Are public broadcasters (radio and television) required to have a code or policy on antisemitism?

d) Have neo-Nazi or antisemitic groups carried out antisemitic filtering campaigns, flash demonstrations (unannounced, quickly disbanded gatherings) or rallies?

e) Is there a specific mechanism for reporting antisemitic incidents? If so what is the mechanism?

f) Does the state record antisemitic incidents? If so where are they recorded? Are the statistics rising or falling? Do the statistics include the penalties imposed on perpetrators and remedies awarded to victims?

g) Does the government collect information concerning the motivation of the perpetrators of antisemitic acts? Can the State provide this information to the Special Rapporteur?

h) Does the state provide security for Jewish schools or cultural sites? If so, in what form? Does the state allow Jews to form community security groups? Is there a formal or informal relationship between them and the police?

i) Can the State provide information on cases of antisemitic violence, harassment, or desecration targeting individuals or their property, educational facilities or Jewish cultural or religious sites?

j) How does the State ensure that victims of antisemitic hate speech, crimes or discrimination are provided with effective remedies? Does the State fund programs designed to help hate crime victims?

k) How does the state monitor education materials in schools and in religious institutions to prevent antisemitic language, teachings, and depictions? How does it monitor those materials to prevent Holocaust denial? What sanctions and remedial actions are available if those materials are discovered?

l) Does the state monitor public libraries and state-sponsored literary and cultural events for publications or other content that is antisemitic or that denies the Holocaust?

4. Information on States to promote tolerance and understanding including public-private initiatives?

- a) What policies and regulations are in place to promote pluralism, diversity of the media, including new media, and which promote universal and non-discrimination in access to and use of means of communication? Are there examples of best practice?
- b) Does the State provide dedicated resources, including online, for the exchange of information and resources on the 'Istanbul Process' and implementation of Human Rights Council Resolution 16/18?
- c) Has the State identified whether sectors of their population are at risk of radicalization by extremist ideologies? What information does the State have on the recruiting techniques and organizational mechanisms of extremist groups for targeting alienated youth?
- d) Is extremism in the political system an issue for the State?
- e) How does the State create an environment for open robust debate and dialogue, including through a free and open Internet, in line with the rights to freedom of religion or belief, freedom of opinion and expression, and non-discrimination?
- f) What non-legislative initiatives does the State pursue to promote interfaith tolerance, understanding and public discussion?
- g) Does the State have any initiatives in place to counter negative religious stereotyping of Jewish persons?
- h) How does the State use public office to eliminate barriers between religious communities? Does it include Jews within those initiatives? If there are no Jewish communities in your country, how is Judaism included in these discussions?
- i) Does the State encourage or require public and private media to adopt and abide by codes of professional ethics and press codes that sanction anti-Semitic stereotyping?
- j) How does the State engage with social media companies to address online harassment of Jewish individuals and harassment response efforts?
- k) Does the State regulate website-hosting companies that host hateful or harassing content? Does the State impose liability for web hosts that host hateful or harassing content?
- l) What support or training does the State provide to local religious actors to support their role as key actors in preventing incitement to violence? How does that incorporate antisemitism?
- m) Does the State engage with civil society groups with expertise on tolerance and non-discrimination? What does this look like? Does it include Jewish groups?