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Item 69 (b) of the provisional agenda\*

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## Elimination of all forms of religious intolerance

### Note by the Secretary-General\*\*

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report of the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, submitted in accordance with General Assembly resolution 73/176.

#### *Summary*

The present report by the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, identifies violence, discrimination and expressions of hostility motivated by antisemitism as a serious obstacle to the enjoyment of the right to freedom of religion or belief. The Special Rapporteur notes with serious concern that the frequency of antisemitic incidents appears to be increasing in magnitude in several countries where monitors attempt to document it, including online; and that the prevalence of antisemitic attitudes and the risk of violence against Jewish individuals and sites appears to be significant elsewhere, including countries with little or no Jewish population. He finds that these incidents have created a climate of fear among a substantial number of Jews, impairing their right to manifest their religion, and that discriminatory acts by individuals and laws and policies by governments have also had a negative impact. The Special Rapporteur stresses that antisemitism, if left unchecked by governments, poses risks not only to Jews, but also to members of other minority communities. Antisemitism is toxic to democracy and mutual respect of citizens and threatens all societies in which it goes unchallenged.

The Special Rapporteur urges States to adopt a human-rights based approach in combatting antisemitism, as in combatting other forms of religious intolerance. He encourages States to identify, document, and prohibit the commission of antisemitic hate crimes; to implement such measures; to enhance government outreach to Jewish communities; to protect individuals at risk of violence; and to take actions in the areas of education and awareness-raising aimed at curbing the spread of antisemitic views. The Special Rapporteur also directs recommendations to the media, to civil society, and to the United Nations on efforts that all stakeholders can take to combat antisemitism and promote religious freedom and pluralism.

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\* A/74/xx

\*\* This report was submitted after the deadline to reflect the most recent developments.

## Activities

1. In its resolution 40/10, adopted on 21 March 2019, the Human Rights Council extended the mandate of the Special Rapporteur on freedom of religion or belief for a period of three years. The current mandate holder, Ahmed Shaheed assumed his mandate on 1 November 2016 following his appointment to the mandate by the Council during its thirty-second session.
2. An overview of the activities of the mandate holder between 1 August 2018 and 28 February 2019 is provided in the report that he presented to the Human Rights Council at its fortieth session (A/HRC/40/58). In addition, he undertook a country mission to the Netherlands from 28 March to 5 April and to Sri Lanka from 15-26 August. The Special Rapporteur participated in workshops that examined the overlaps between freedom of religion or belief and the Sustainable Development Goals, held in Geneva and in Oslo and organized workshops in Montevideo, Buenos Aires, Tunis, Colombo and Geneva to assess the relationship between gender equality and freedom of religion or belief. He addressed the Informal Meeting of the United Nations General Assembly on Combatting Antisemitism and Other Forms of Hate, on 26 June, in New York. In July, he participated in the Global Conference on Media Freedom held in London and the Ministerial Conference on Religious Freedom held in Washington, DC.
3. The details of the consultations that he convened for the present report are listed in paragraph eight below.

## Combatting Antisemitism to Eliminate Discrimination and Intolerance Based on Religion or Belief

4. Amidst an apparent surge in hate motivated by religious animus worldwide, hostility, discrimination and violence motivated by antisemitism has received scant attention as a human rights issue. Overall, data collection worldwide is limited, and in many states antisemitic harassment is significantly underreported.<sup>1</sup> Nevertheless, reports of hostility, discrimination and violence motivated by antisemitism have increased in many parts of the world.<sup>2</sup> Official and non-governmental monitors worldwide recorded a significant rise in the number of antisemitic incidents in 2017 and 2018 and reports of violent manifestations of antisemitism (physical attacks, with or without weapons) increased by 13 per cent globally in 2018.<sup>3</sup> Studies also demonstrate that anxiety is high among Jewish communities in numerous jurisdictions. One survey found that 85 percent of respondents felt antisemitism was a serious problem in their country, 34 percent reported that they avoided visiting Jewish events or sites because of safety concerns, and 38 percent had considered emigrating because they did not feel safe as a Jew.<sup>4</sup> Additionally, some States impose formal barriers to the enjoyment of freedom of religion or belief by Jewish persons, including measures that prohibit the donning of religious attire or impose, though not necessarily for antisemitic motivations, limits on the religious rite of male circumcision and restrictions on kosher slaughter practices.
5. Antisemitism, expressed through acts of discrimination, intolerance or violence towards Jews violates a number of human rights including the right to freedom of religion or belief. Attacks on synagogues, schools, and the desecration of Jewish cemeteries, for example, are explicit infringements that interfere with the concrete realities and practices of an individual's religious life. Likewise, acts engendered by antisemitism which result in social exclusion and harassment of Jews can violate the right to freedom of religion or

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<sup>1</sup> Consultations with Jewish communities conducted by the Special Rapporteur.

<sup>2</sup> See <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>.

<sup>3</sup> See <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>.

<sup>4</sup> EU Fundamental Rights Agency, Experiences and perceptions of antisemitism - Second survey on discrimination and hate crime against Jews in the EU, <https://fra.europa.eu/en/publication/2018/2nd-survey-discrimination-hate-crime-against-jews> (FRA survey), p. 16.

belief, in particular the right to be free from discrimination and intolerance on the basis of one's religion (or perceived religion).

6. The Special Rapporteur is mandated by Human Rights Council resolution 6/37<sup>5</sup> to identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and to examine incidents and governmental actions that are incompatible with the provisions of the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.<sup>6</sup> The right to freedom of religion or belief includes the right of individuals to practice and profess a religion or belief and the right to be free from discrimination by reason of identification (real or imaginary) with groups defined by reference to religion (or absence of religion).<sup>7</sup>

7. This report explores the global phenomenon of antisemitism – prejudice against, or hatred of, Jews and its impact on the right to freedom of religion or belief of Jewish individuals and communities worldwide. The report calls attention to the pernicious impediment antisemitism poses to the human rights of not just Jewish individuals, but to the rights of all in societies in which this insidious hatred is unaddressed. As UN Secretary-General, Antonio Guterres, remarked, "...anti-Semitism is not a problem for the Jewish community alone". It threatens "all people's human rights" and "where there is anti-Semitism, there are likely to be other discriminatory ideologies and forms of bias."<sup>8</sup> The report further highlights government restrictions which may undermine the right of Jewish persons to freedom of religion or belief, documents incidents and trends related to antisemitic violence, and explores the drivers of antisemitism along with the promulgation of antisemitic attitudes, online and off-line, that engender these acts. The Special Rapporteur concludes by identifying how various manifestations of antisemitism infringe upon the right to freedom of religion or belief, including intolerance and discrimination, and recommends that States take urgent steps using a human rights-based approach to address both the root causes and impacts of this global phenomenon.

## I. Methodology

8. Information for this report was primarily gathered from victims of antisemitic acts; representatives and religious leaders of Jewish communities; rights monitors and advocates; along with academics, legal experts and security officials in nine countries through a series of consultations in Buenos Aires, Argentina; Ottawa and Toronto, Canada; Paris, France; Vienna, Austria; Budapest, Hungary; Oslo, Norway, The Hague and Rotterdam, The Netherlands; New York, United States; and in London, United Kingdom from 28 March – 27 June 2019. Participants in an initial meeting held in Geneva in May 2018 included a representative of the OSCE Office for Democratic Institutions and Human Rights, the Personal Representative of the Chairperson-in-Office of the Organization for Security and Cooperation in Europe (OSCE) on Combating Anti-Semitism, the European Commission Coordinator on Combating Antisemitism, the United Nations High Commissioner for Human Rights and representatives of the Office of the High Commissioner for Human Rights. The Special Rapporteur also gathered information from representatives of Jewish communities and institutions located in Australia, Bosnia and Herzegovina, Chile, Colombia, Egypt, Iraq, Indonesia, Mexico, Myanmar, and Tunisia that participated in a series of meetings held in Washington, D.C. United States.<sup>9</sup>

<sup>5</sup> A/RES/HRC/6/37.

<sup>6</sup> A/RES/36/55.

<sup>7</sup> A/RES/36/55, Article 2.

<sup>8</sup> <https://www.un.org/sg/en/content/sg/statement/2018-09-26/secretary-generals-remarks-high-level-event-power-education>.

<sup>9</sup> These consultations were organised with the cooperation of the Office of the High Commissioner for Human Rights, Ralph Bunche Institute, UNESCO, the Centre for Israel and Jewish Affairs, Jacob Blaustein Institute for the Advancement of Human Rights, World Jewish Congress, European Jewish Congress, the UK All Party Group on Antisemitism, the Government of Canada, and the Government of Norway.

9. The Special Rapporteur invited civil society and other stakeholders to submit information about laws and policies affecting the right to freedom of religion or belief of Jews along with information about civil society and government responses to those in incidents in their respective countries.<sup>10</sup> Dozens of reports and studies produced by monitors, researchers, and rights organizations actors, many of them referenced in the present report, were also reviewed.

10. Finally, nineteen states responded to a series of questions circulated by the Special Rapporteur on 4 March 2019 to all UN member states. The survey inquired about legal protections for the right to freedom of religion or belief for Jewish persons; about measures for identifying, monitoring and responding to incidents that constitute incitement to, or perpetuation of acts of discrimination, hostility or violence against Jewish persons; and about best practices for combatting antisemitism in their countries.

## II. Key Findings

11. The Jewish population was estimated to be 14,606,000 worldwide in 2018, with 15 countries in the Americas, Western and Eastern Europe being home to the largest populations outside of Israel. It is estimated that almost forty-five per cent (approximately 6,469,800 persons) are located in the Americas, the vast majority of whom reside in the United States of America, where they make up two percent of the total population, and approximately 390,000 of whom reside in Canada.<sup>11</sup> Some 1,015,000 Jews (6.9 percent of the world's Jewry) live in Western European countries. There are approximately 320,000 Jews in Eastern Europe,<sup>12</sup> and approximately 200,000 Jews in the Asia-Pacific & Oceania regions,<sup>13</sup> where the largest populations reside in Australia (91,000),<sup>14</sup> Iran (10,000)<sup>15</sup> and New Zealand (7,000).<sup>16</sup> There are also approximately 7,179,400 Jews in the Middle East and North Africa, the vast majority of whom live in Israel,<sup>17</sup> and approximately 70,000 Jews live in South Africa.<sup>18</sup>

12. Aptly coined, 'the oldest hatred', prejudice against or hatred of Jews, known as antisemitism, draws on various theories and conspiracies, articulated through myriad tropes and stereotypes, and manifested in manifold ways; even in places where few or no Jewish persons live. This includes ancient narratives promoted by religious doctrine and pseudoscientific theories offered in the latter half of the second millennium to legitimize bigotry, discrimination and genocide of Jews. More contemporary forms of antisemitism employ narratives about the role of Jews in society — frequently informing or intersecting with other forms of bigotry, misogyny, and discrimination.

### A. Historical narratives and tropes

13. Some of the oldest antisemitic narratives can be traced back to theologies that attributed collective guilt for the murder of Jesus to Jews— treating them as “malicious” and “evil”. Such tropes, which identify Jews as descendants of Judas or Satan and depict them as “cunning, controlling, and powerful”, have been promoted through religious teachings, depicted in art and have sometimes motivated contemporary antisemitic acts. Other tropes reflect contempt for the Jewish religion, including the recurring false allegation that Jews

<sup>10</sup> <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/ReportSRtotheGeneralAssembly.aspx>.

<sup>11</sup> <https://www.jewishvirtuallibrary.org/jewish-population-of-the-world>.

<sup>12</sup> Countries included Albania, Belarus, Bosnia-Herzegovina, Estonia, Greece, Hungary, Latvia, Lithuania, North Macedonia, Moldova, Montenegro, Poland, Romania, Russian Federation, Serbia Slovakia, Slovenia and Ukraine.

<sup>13</sup> <https://www.pewforum.org/2012/12/18/global-religious-landscape-jew/>.

<sup>14</sup> <http://data.un.org/Data.aspx?d=POP&f=tableCode%3A28>.

<sup>15</sup> <http://data.un.org/Data.aspx?d=POP&f=tableCode%3A28>.

<sup>16</sup> <http://data.un.org/Data.aspx?d=POP&f=tableCode%3A28>.

<sup>17</sup> Countries surveyed: Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, Turkey, UAE, and Yemen.

<sup>18</sup> <http://data.un.org/Data.aspx?d=POP&f=tableCode%3A28>.

engage in the ritual murder of non-Jews (the “blood libel”), continue to pervade contemporary discourse.<sup>19</sup>

14. Antisemitism is also often expressed in racialized terms; characterizing Jewish people as sub-humans that must be excluded from ‘normal’ human civilization. This pseudoscientific approach was used to justify the persecution of Jews in Nazi Germany, while antisemitic expressions of Holocaust denial seek to repudiate or minimize the harrowing historical facts of the systematic murder of six million Jews.

15. Assertions that Jews are a “wandering” people without a land or nation, whose members conspire to advance their collective interests to the detriment of their ‘host’ countries, or that Jews constitute a “powerful, global cabal” that manipulates governments, the media, banks, the entertainment industry and other institutions for malevolent purposes, are also expressions of antisemitic attitudes. Many of these negative stereotypes were promulgated in *The Protocols of the Elders of Zion*, a discredited forgery widely disseminated in the Middle East alleging a secret Jewish plan for world domination, written in the late nineteenth century. These stereotypes often underpin modern conspiracy theories attributing responsibility to Jews for everything from immigration to terrorist attacks.

## **B. Trends in contemporary rhetoric**

16. The Special Rapporteur is alarmed by the growing use of antisemitic tropes by white supremacists including neo-Nazis and members of radical Islamist groups in slogans, images, stereotypes and conspiracy theories meant to incite and justify hostility, discrimination and violence against Jews.

17. The Special Rapporteur also takes note of numerous reports of an increase in many countries of what is sometimes called ‘left-wing’ antisemitism, in which individuals claiming to hold anti-racist and anti-imperialist views employ antisemitic narratives or tropes in the course of expressing anger at policies or practices of the Government of Israel. In some cases, individuals expressing such views have engaged in Holocaust denial; in others, they have conflated Zionism, the self-determination movement of the Jewish people, with racism; claimed Israel does not have a right to exist; and accused those expressing concern over antisemitism as acting in bad faith. He emphasizes that it is never acceptable to render Jews as proxies for the Government of Israel. He further recalls that Secretary-General Guterres has characterized “attempts to delegitimize the right of Israel to exist, including calls for its destruction” as a contemporary manifestation of antisemitism.<sup>20</sup>

18. The Special Rapporteur further notes claims that the objectives, activities and effects of the Boycott Divestment Sanctions (BDS) movement are fundamentally antisemitic.<sup>21</sup> The movement promotes boycotts and stockholder divestment initiatives against Israeli or international corporations and institutions that BDS supporters maintain are ‘complicit’ in violations of the human rights of Palestinians by the Government of Israel. Critics of BDS assert that the architects of the campaign have indicated that one of its core aims is to bring about the end of the State of Israel and further allege that some individuals have employed antisemitic narratives, conspiracies and tropes in the course of expressing support for the BDS campaign. The Special Rapporteur notes that these allegations are rejected by the BDS movement, including by one of its principal actors, who asserted that the movement is “inspired by the South African anti-apartheid and U.S. Civil Rights movements;”<sup>22</sup> maintained that they oppose all forms of racism and that they take steps against those who use antisemitic tropes in the campaign, and stressed that they employ “nonviolent measures

<sup>19</sup> See, e.g., Mark Weitzman, *Antisemitism: A Historical Survey* <http://www.museumoftolerance.com/education/teacher-resources/holocaust-resources/antisemitism-a-historical-survey.html>.

<sup>20</sup> See <https://www.un.org/sg/en/content/sg/statement/2018-09-26/secretary-generals-remarks-high-level-event-power-education>.

<sup>21</sup> See, e.g., “<https://www.nytimes.com/2019/07/27/world/middleeast/bds-israel-boycott-antisemitic.html>”.

<sup>22</sup> Information gathered from responses by the Palestinian BDS National Committee (BNC) to questions raised by the UN Special Rapporteur on freedom of religion or belief, 15 July 2019.

to bring about Israel's compliance with its obligations under international law."<sup>23</sup> Concern about the adoption of laws that penalize support for the BDS movement, including the negative impact of such laws on efforts to combat antisemitism have also been communicated to the Special Rapporteur. He recalls that international law recognizes boycotts as constituting legitimate forms of political expression, and that non-violent expressions of support for boycotts are, as a general matter, legitimate speech that should be protected. However, he stresses that expression which draws upon antisemitic tropes or stereotypes, rejects the right of Israel to exist, or advocates discrimination against Jewish individuals because of their religion should be condemned.

### C. Regional Trends

19. Public attitudes towards Jews vary across the world. In eastern European countries, for example, biased attitudes among the general public towards Jews are apparently prevalent. One study revealed that 55.98 percent of Poles surveyed reported that they would not accept a Jew as a family member,<sup>24</sup> and some 42 percent of Hungarians polled said they thought Jews held too much sway over the worlds of finance and international affairs.<sup>25</sup> In Poland, recently, an effigy of Judas depicted as a caricature of a hooked-nose Jew, was beaten, beheaded, burned, and drowned as part of a revived Easter holiday ritual.<sup>26</sup>

20. Experts and monitors reported that the proliferation and gains in political prominence made by Neo-Nazi, right-wing political parties, are the source of a preponderance of antisemitic incidents in that part of the world.<sup>27</sup> Political parties, including Jobbik in Hungary, they report, offer hate-filled antisemitic, discourses varnished over with appeals to 'nationalism'.<sup>28</sup> Such appeals offer classic narratives and tropes that characterize Jews as 'powerful conspirators' to their audiences in order to scapegoat them, immigrants, Muslims or Roma — depending on the context — for the economic insecurities being experienced in those countries.

21. Jews in Poland are subject to narratives meant to humiliate and demean them, along with institutional measures reportedly meant to disavow aspects of the country's Holocaust history and to limit expression. In 2018, for example, an Amendment to the Act on the Institute of National Remembrance was signed into law by Polish President Andrzej Duda. It criminalized false public statements that ascribe to the Polish nation collective responsibility in Holocaust-related crimes, crimes against peace, crimes against humanity, or war crimes, or which "grossly reduce the responsibility of the actual perpetrators". The legislation was amended four months later, and a joint Israel-Poland statement condemning both antisemitism and anti-Polish sentiment was issued.<sup>29</sup> Ukraine also adopted a legal prohibition on criticism of the 'Organization of Ukrainian Nationalists (OUN-UPA), a group which collaborated with the Nazis and took part in ethnic cleansing including the Lviv Jewish pogrom and the Volyn massacre.<sup>30</sup>

22. Media reports suggest that links between American and European neo-Nazis are strong and growing stronger.<sup>31</sup> Sources in some countries also raised concern about the increasing prevalence of antisemitic rhetoric that appears to be pervading evermore febrile

<sup>23</sup> *Ibid.*

<sup>24</sup> See, <http://forward.com/news/world/360967/anti-semitism-spikes-in-poland-stoked-by-populist-surge-against-refugees/>.

<sup>25</sup> <https://edition.cnn.com/interactive/2018/11/europe/antisemitism-poll-2018-intl/>.

<sup>26</sup> <https://www.independent.co.uk/news/world/europe/jewish-poland-effigy-easter-ritual-burned-judas-a8880801.html> and <https://www.algemeiner.com/2019/04/22/polish-catholic-church-leader-condemns-shocking-easter-ritual-involving-antisemitic-judas-effigy/>.

<sup>27</sup> While antisemitism is central to the ideology, neo-Nazism also embraces Islamophobia, xenophobia, racism, homophobia and discrimination against people with disabilities.

<sup>28</sup> See, e.g. <http://www.humanrightsfirst.org/sites/default/files/Jobbik-Party-Fact-Sheet-final.pdf>.

<sup>29</sup> <https://www.smithsonianmag.com/smart-news/poland-grants-initial-approval-controversial-death-camp-bill-180967975/>.

<sup>30</sup> <https://www.osce.org/odihr/395318>.

<sup>31</sup> See, A/HRC/38/53 para 10.

political climates. In this regard, monitors, academics and researchers spoke to the challenges presented by what appears to be a resurgence of classic antisemitism in online chatter and offline political activity being advanced by right-wing supremacist groups. They also expressed alarm about what appears to be an increasing use of antisemitic tropes by prominent political figures, along with the politicization of these incidents that only serve to inflame tensions. In the United Kingdom, the Equality and Human Rights Commission launched in 2019 an investigation into allegations of antisemitism within The Labour Party.<sup>32</sup>

23. The Special Rapporteur also received reports that Jewish university students in the US, Canada, and Western Europe are experiencing increased expressions of antipathy and hostility, particularly directed towards members of Jewish student organizations and participants in such activities, that seriously impact their rights to freedoms of association, peaceful assembly and their rights to manifest their religious beliefs. In some instances, Jewish students reported being condemned as complicit in the actions of the Israeli government by fellow students and organizations aligned with the political “left”.<sup>33</sup>

24. The Special Rapporteur received numerous reports that in countries in the Middle East and North Africa (MENA), Jews are frequently conflated with Israel and Zionism, even in countries with a deep history of Jewish life. Literature demonizing Jews is prevalent in the media in this region.<sup>34</sup> Saudi school textbooks contained antisemitic passages, with some passages even urging violence against Jews.<sup>35</sup> In August, the Committee on the Elimination of Racial Discrimination (CERD) expressed serious concern “about the existence of hate speech in certain media outlets, especially those controlled by Hamas, social media, public officials’ statements and school curricula and textbooks, which fuels hatred and may incite violence, particularly hate speech against Israelis, which at times also fuels antisemitism.”<sup>36</sup>

25. Though there are small Jewish populations in the Asia Pacific region, representatives reported some particularly concerning examples of pervasive antisemitic rhetoric, often reportedly stemming from popular association of all Jews with Israel and its policies.<sup>37</sup> For example over 57 percent of teachers and lecturers and 53.74 percent of students in Indonesia agreed with a survey statement claiming that “Jews are the enemies of Islam.”<sup>38</sup>

#### D. Antisemitic Violence: Regional Trends

26. A number of exceptionally violent antisemitic incidents have had an outsized impact on Jewish individuals’ sense of security in recent years. On 27 October 2018, a gunman attacked the Tree of Life Synagogue in Pennsylvania, United States, murdering eleven congregants and injuring seven others in the deadliest attack on Jews in U.S. history. His comments during the attack and social media activity on the days preceding it revealed a belief in a host of antisemitic conspiracy theories rooted in a far-right, white supremacist ideology.<sup>39</sup> Six months later, on 29 April 2019, a gunman similarly motivated by white supremacist ideology killed one congregant and wounded three others at a synagogue in the Poway California community, United States.<sup>40</sup>

<sup>32</sup> <https://www.equalityhumanrights.com/en/inquiries-and-investigations/investigation-labour-party>.

<sup>33</sup> Consultations Jewish communities from April – June 2019.

<sup>34</sup> Examples: In Saudi Arabia, the newspaper *Al-Iqtisadiyya* printed an editorial cartoon showing a grinding machine in the shape of the Star of David, grinding Gazans into skulls. In Algeria, *Echourouk El Youmi* published an article claiming that Jews had been plotting against Muslims for centuries, that Jews were responsible for most of the disasters that have befallen Muslims, and that Jews controlled the media, cinema, art, and fashion. In Qatar, the privately-owned *Al-Raya* newspaper published a cartoon showing a witch with a Star of David wand causing inter-Arab disputes.

<sup>35</sup> <https://www.adl.org/resources/reports/teaching-hate-and-violence>.

<sup>36</sup> UN Doc. CERD/C/PSE/CO/1-2, para. 19(c).

<sup>37</sup> Consultations with Jewish community representatives from Indonesia.

<sup>38</sup> <https://conveyindonesia.com/wp-content/uploads/2019/04/Survey-Nasional-Keberagamaan-GenZ.pdf>.

<sup>39</sup> <https://www.splcenter.org/hatewatch/2018/10/28/analyzing-terrorists-social-media-manifesto-pittsburgh-synagogue-shooters-posts-gab>.

<sup>40</sup> <https://www.nbcsandiego.com/news/local/New-Details-Emerge-in-Deadly-Poway-Synagogue-Shooting-511375582.html>; <https://ctc.usma.edu/terrorist-attacks-jewish-targets-west-2012-2019-atlantic-divide-european-american-attackers/>.

27. Earlier, between 2012 and 2015, French citizens carried out violent attacks resulting in deaths at a Hyper Casher kosher supermarket in Paris, at the Jewish Museum of Belgium, and at a Jewish day school in Toulouse. In 2015, a Danish citizen who had pledged loyalty to the Islamic State carried out multiple attacks in Copenhagen, including one outside a synagogue while a bat mitzvah was being celebrated, killing a volunteer security guard. The alleged perpetrators in all four of the above-mentioned cases were reportedly motivated by violent Islamist-extremist ideology.<sup>41</sup> In 2012, a suicide bomber allegedly affiliated with Hezbollah detonated a bomb on a bus at Burgas airport in Bulgaria, killing five Israeli tourists.<sup>42</sup> In 2008, Islamist terrorists attacked the India Centre of the Jewish Chabad Lubavitch movement as part of eleven coordinated shooting and bombings across Mumbai, killing five people, including a Rabbi.

28. In 2017, some 58 percent (1,749) of hate crimes in the United States were motivated by bias against a person's religious orientation were driven by antisemitic bias.<sup>43</sup> Approximately 41 percent (842) of all hate crimes committed in Canada in 2017 were motivated by bias against people's religious orientation, up 83 percent from the previous year.<sup>44</sup>

29. In Western Europe, French authorities reported that antisemitic acts increased by 74 percent from 2017 to 2018,<sup>45</sup> with antisemitic acts constituting half of all documented hate crimes and close to 15 percent of the incidents involving physical violence.<sup>46</sup> German authorities reported a 10 percent rise in documented antisemitic acts from 2017 to 2018, including a 70 percent increase in violent acts.<sup>47</sup> In May 2019, Germany's government commissioner on antisemitism warned Jews against wearing the kippa in public for fear of their safety.<sup>48</sup> Similarly, civil society groups in the United Kingdom reported a 16 percent increase in antisemitic incidents from 2017-2018.<sup>49</sup> Reports indicated that Jews in the United Kingdom who wear visible indicators of their religion are especially susceptible to verbal attacks and harassment. Antisemitism increased in their country according to 89 percent of respondents in the Fundamental Rights Agency 2018 survey of the 12 European states that contain over 96 percent of European Union's Jewish population.<sup>50</sup>

30. The Special Rapporteur received numerous accounts concerning vandalism and desecration of Jewish synagogues and cemeteries, as well as other recognizably Jewish sites. The Gothenberg Synagogue in Sweden was attacked in 2017. In March 2018, eleven suspected members of one violent neo-Nazi group were arrested in connection with the vandalization of the entrance to a Jewish cemetery outside Athens, Greece.<sup>51</sup> The UN High Commissioner for Human Rights recently condemned repeated instances of vandalism, including with swastikas, of a Holocaust memorial exhibition in Vienna, Austria.<sup>52</sup>

31. The Special Rapporteur received accounts of attacks on Jewish sites in Moldova, where a Holocaust memorial was damaged before its unveiling and a Jewish cemetery was the target of an arson attack;<sup>53</sup> in Hungary; and in the Czech Republic.

41 <https://ctc.usma.edu/terrorist-attacks-jewish-targets-west-2012-2019-atlantic-divide-european-american-attackers/>.

42 <https://www.nytimes.com/2013/02/06/world/europe/bulgaria-implicates-hezbollah-in-deadly-israeli-bus-blast.html>.

43 <https://www.fbi.gov/news/stories/2017-hate-crime-statistics-released-111318>.

44 <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00008-eng.htm>.

45 <https://www.france24.com/en/20190212-france-anti-semitism-acts-outrage-rise-vandalism-jewish-symbols-halimi-veil-bagelstein>.

46 <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>.

47 <https://www.tagesspiegel.de/politik/antisemitische-kriminalitaet-gewalt-gegen-juden-drastisch-gestiegen/23980318.html>.

48 <https://www.dw.com/en/german-official-warns-jews-against-wearing-kippahs-in-public/a-48874433>

49 <https://cst.org.uk/news/blog/2019/02/07/antisemitic-incidents-report-2018>

50 See, FRA survey

51 <https://greekcitytimes.com/2018/03/07/greek-counter-terrorism-police-arrest-six-in-neo-nazi-combat-18-crackdown/>

52 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24652&LangID=E>

53 <https://www.osce.org/odihr/317166?download=true>



32. In the MENA region, El Ghriba Synagogue in Djerba, Tunisia was attacked in 2018,<sup>54</sup> two synagogues in Shiraz, Iran were attacked in 2017,<sup>55</sup> and a Jewish cemetery in Basateen, Cairo was vandalized in 2018.<sup>56</sup> Authorities in both Egypt and Tunisia have taken security measures to protect Jewish religious leaders, Jewish religious sites, and Jewish heritage sites from being attacked, vandalized, or desecrated.<sup>57</sup> In 2013, the synagogue in Surabaya, Indonesia was targeted by protests, threats and attacks, forcing the last synagogue in the country to shut down.<sup>58</sup>

33. In Australia, there were 366 antisemitic incidents logged from 1 October 2017 to 30 September 2018.<sup>59</sup> This included 156 attacks (3 physical, 88 harassment, 19 vandalism and 46 graffiti) and 204 threats (email, postal mail, telephone, leaflets/posters) and represented a 59 percent increase overall.<sup>60</sup> It was reported that intimidation and harassment of Jews occurs regularly around synagogues on the Jewish Sabbath when Jews are attending religious services.

34. The Special Rapporteur notes news reports concerning recent antisemitic violence in Argentina.<sup>61</sup> On the other hand, representatives of Jewish communities in Brazil, Chile, Colombia, and Mexico, reported to the Special Rapporteur that antisemitic hate crime is relatively rare in their respective countries.

#### **E. Online manifestations of antisemitism**

35. Antisemitic hate speech is particularly prevalent online. Unanimous concern raised by all those engaged for this report noted that platforms like GAB (The Free Speech Network), 4Chan, and Twitter provide a forum for people who are geographically distant from one another to create networks in which they are able to share extreme antisemitic views. A study of online antisemitic hate speech found on Twitter in English revealed 4.2 million antisemitic tweets in one year alone, not including tweets of images or emojis.<sup>62</sup> Publicly prominent Jewish individuals and organizations are also specifically targeted with antisemitic comments online.

36. Sixty-eight percent of all antisemitic discourse online originated in the United States in 2016. Analysts note that the number of individuals who use social media in the US (200 million per week) far exceeds the number of social media users in all other countries, and that the proportion of citizens in the US uploading antisemitic posts on social media platforms is equal to or less than that of other, smaller countries. In 2016, 8,000 antisemitic posts were observed across social media platforms in Canada. Most posts took the form of expressions of hatred on Twitter.

37. In 2016, approximately 2,700 antisemitic posts were seen on social networking sites in Brazil, a relatively low number compared to the number of active users of social media. Most of the discourse originated on Twitter and in blog posts and consisted of expressions of hatred against Jews. In Mexico, there were approximately 2,000 antisemitic posts seen on social media throughout 2016. Here too, most of the discourse consisted of expressions of hatred that originated on Twitter. Civil society organizations registered a total of 404 antisemitic incidents in Argentina in 2017, a 14 percent increase since 2016. Online incidents accounted for almost 90 percent of all incidents in Argentina reported in 2017. Those incidents were up significantly to 47 percent in 2014, compared with only three percent in 2008. The circulation of antisemitic propaganda represented a key source of antisemitic manifestations reported in Western European countries. Online incidents constituted 41

<sup>54</sup> <https://www.jta.org/2018/01/15/israel/five-men-arrested-in-connection-with-firebomb-attack-on-synagogue-in-tunisia>

<sup>55</sup> <https://www.haaretz.com/middle-east-news/two-iranian-synagogues-in-shiraz-vandalized-1.5629841>

<sup>56</sup> <https://www.egypttoday.com/Article/1/54105/Head-of-Egyptian-Jewish-community-My-father%E2%80%99s-tomb-was-vandalized>

<sup>57</sup> Consultations with Jewish communities

<sup>58</sup> <https://www.timesofisrael.com/indonesias-last-synagogue-an-intended-heritage-site-destroyed/>

<sup>59</sup> <http://www.ecaj.org.au/wp-content/uploads/2018/11/ECAJ-Antisemitism-Report-2018.pdf>

<sup>60</sup> *Ibid*

<sup>61</sup> <https://www.jta.org/2019/06/12/global/officials-alarmed-by-anti-semitic-assaults-in-argentina;>

<sup>62</sup> <https://arxiv.org/abs/1809.01644>

percent of the reported cases in the Netherlands, 45 percent of those registered in Austria, and the majority of antisemitic incidents were reported in Italy and Switzerland.<sup>63</sup>

38. In Australia, antisemitism is most frequently encountered online.<sup>64</sup> In December 2017, Twitter disabled thousands of accounts promoting antisemitic hate, including the account of Australian Neo-Nazi group, Antipodean Resistance.<sup>65</sup> However, many of those users later migrated to Gab, a Twitter-like platform which permits hate speech. The Gab account is still in use.<sup>66</sup>

39. Antisemitism online includes far-right tropes that Jews spearhead feminist, LGBTI, and immigration movements as a method to perpetrate a “white genocide”: conspiracy theories that have been repeated in the online manifestos posted by far-right terrorists prior to mass shootings in synagogues. One study of the neo-Nazi web forum, Stormfront, found that more than 9,000 threads related to feminism had been established since its inception.<sup>67</sup> Of those threats, more than 60 percent mentioned Jews with many claiming that Jews are leading the feminist movement.<sup>68</sup> Another study, focused on 4chan, found, conservatively, 630,000 antisemitic posts in 2015, rising to 1.7 million in 2017.<sup>69</sup>

#### F. Government measures that may infringe upon freedom of religion or belief

40. The Special Rapporteur received information about official laws and policies that have affected the ability of Jewish communities to manifest their religion. Representatives of the Jewish community in Morocco told the Special Rapporteur that Jewish prisoners are forbidden from bringing kosher food into prisons. In Egypt, there have been official restrictions on Jewish festivities including the festival commemorating the 19th century Jewish Rabbi Yaakov Abu Hatzeira, which a court found should be permanently banned due to “its violation of public order and morality and its contradiction with the reverence and purity of religious rites.”<sup>70</sup>

41. Governments in several countries have also adopted measures that prohibit non-stunned slaughter, which is the prescribed method of slaughtering an animal for food production purposes practiced by the adherents of several religious traditions, including Jews and Muslims. Non-stunned slaughter is banned in Slovenia<sup>71</sup> and is highly regulated in Austria, Slovakia, Poland, Lithuania, Latvia, Estonia and Cyprus.<sup>72</sup> Poland is also considering restricting the export of kosher meat from Poland which could affect Jewish communities across the continent.<sup>73</sup> Sweden, Norway, Iceland, and Denmark require prior stunning before slaughter. Finland requires concurrent sedation; legislation is pending that would require prior stunning. At the subnational level, two of Belgium’s three regions have recently enacted laws requiring prior stunning, which will become effective in 2019 unless overturned by litigation pending in Belgium’s constitutional court. There are currently no restrictions on the export or import of kosher meat to these countries. The Council of Europe’s Convention for the Protection of Animals for Slaughter and the European Union’s Council Regulation 1099/2009 provides that animals should be stunned before they are slaughtered but allows Member States to derogate from the stunning requirement to allow for religious law slaughter.

<sup>63</sup> <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>

<sup>64</sup> Consultations with the Jewish community

<sup>65</sup> <http://www.ecaj.org.au/wp-content/uploads/2018/11/ECAJ-Antisemitism-Report-2018.pdf>

<sup>66</sup> *Ibid*

<sup>67</sup> <https://www.antisemitism.org.uk/wp-content/uploads/2019/02/APT-Google-Report-2019.1547210385.pdf>

<sup>68</sup> *Ibid*

<sup>69</sup> <https://www.antisemitism.org.uk/wp-content/uploads/2019/05/5982-Misogyny-and-Antisemitism-Briefing-April-2019-v1.pdf>

<sup>70</sup> <https://www.bbc.com/news/world-middle-east-30626088>

<sup>71</sup> <https://english.sta.si/1804329/slovenia-to-ban-ritual-slaughter>

<sup>72</sup> [https://www.loc.gov/law/help/religious-slaughter/europe.php#\\_ftn118](https://www.loc.gov/law/help/religious-slaughter/europe.php#_ftn118)

<sup>73</sup> <https://forward.com/food/416983/all-the-european-countries-where-kosher-and-halal-meat-production-are-now/>

42. No Eastern European country bans male circumcision. However, in Slovenia public officials have publicly criticized the ritual and Rabbis have been obstructed in carrying out the procedure. Several European states have adopted or are considering adopting measures related to circumcision.

43. Restrictions on kosher meat or male circumcision do not appear to be driven solely by antisemitism, but they may interfere with the ability of Jews to observe rituals and ceremonies in accordance with the precepts of one's religion or belief.

44. Jews face political exclusion in Bosnia-Herzegovina, where the constitution bars anyone who is not one of the country's three main ethnic groups – Bosniaks, Croats, and Serbs – from holding the Office of President or a seat in the national house of peoples; one of two parliamentary houses. Though the European Court of Human Rights ruled in 2009 that this restriction discriminates against Jews (and Roma),<sup>74</sup> the state has not amended the constitution.

45. In Canada, Jewish groups protested against adoption of Bill 21 by the government of Québec province on 16 June 2019. The Bill, which seeks to amend the Charter of human rights and freedoms, claims that the wearing of religious symbols interferes with maintaining one's duty towards the neutrality of the state and that, therefore, there is a need to amend the Quebec Charter to include a measure that restricts public servants, including police officers, judges and public-school teachers, from wearing religious attire or symbols while performing their duties. This measure will discriminate against persons, including Jews, who hold religious convictions that must be manifested through attire and symbols as they carry out their daily lives.

#### **G. Monitoring and reporting antisemitism**

46. Monitoring mechanisms for hate crimes are non-existent in many states. States with such mechanisms have adopted diverse approaches for collecting information about hate crimes, with different states covering myriad criminal offences and bias motivations. In many cases, information is rarely comprehensive or disaggregated, making it difficult to capture important elements of antisemitic acts necessary to identifying measured and informed responses. Unfortunately, many states fail to report altogether. The Organization for Security and Cooperation in Europe (OSCE) has endeavoured since 2004 to collect data on antisemitism and other hate crimes through its Office for Democratic Institutions and Human Rights (ODIHR), but only 15 of the 57 member states sent in data on antisemitic incidents in 2017.<sup>75</sup>

47. Under-reporting is also a significant problem. In one survey 79 percent of respondents who had experienced harassment in the five years preceding the survey did not report abuse, primarily because they believed nothing would change if they did.<sup>76</sup> Civil society and OSCE reports convey that many Jewish individuals do not feel comfortable reporting their experiences to law enforcement owing to the apparent normalisation of incidents, distrust in the criminal justice system, lack of resources, or fear that reporting a hate crime will reveal their Jewish identity to the public.<sup>77</sup> In some instances, victims may not identify the crime against them as a hate crime, either because the experience is so common among those in their circumstances or because they are unaware that a crime with a hate motive is more serious than the same crime without such a motive.<sup>78</sup>

48. Moreover, in 2014 fewer women than men reportedly experienced antisemitic harassment (17 percent compared to 24 percent).<sup>79</sup> These results could evidence a greater threat generally felt by women during periods of disruption or it might signify significant under-reporting. Such under-reporting distorts statistics and may create the impression that hate crimes are less prevalent than they actually are.

<sup>74</sup> *Sejdić and Finci v. Bosnia and Herzegovina* (27996/06 and 34836/06)

<sup>75</sup> <http://hatecrime.osce.org/2017-data>

<sup>76</sup> FRA survey, p 12

<sup>77</sup> Anna Zielinska, ODIHR advisor on Antisemitism, consultation. See also, FRA survey

<sup>78</sup> See, FRA survey

<sup>79</sup> <https://www.osce.org/odihr/320021?download=true>

49. The Special Rapporteur also observes that most civil society entities monitoring antisemitism, including Jewish organizations, do not substantially engage with United Nations human rights monitors. This lack of communication has inhibited the ability of UN experts and the inter-governmental bodies to which the experts report to address antisemitic acts and recommend actions to combat them.<sup>80</sup>

50. The aforementioned myriad forms of antisemitism are reflected in the “Working Definition of Antisemitism” adopted by the International Holocaust Remembrance Alliance (IHRA) in 2016.<sup>81</sup> The product of an initiative first undertaken in 2005 by the European Union Monitoring Center, the Working Definition was developed as a non-legal tool to facilitate more accurate and uniform monitoring of antisemitism across the countries that have adopted it and educating officials and the broader public about the diverse forms of antisemitism.

51. The Working Definition defines antisemitism generally as: “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.” The definition further offers the following illustrations:

- Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.
- Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:
  - Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
  - Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
  - Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
  - Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
  - Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
  - Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
  - Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
  - Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.

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<sup>80</sup> Submission by Jacob Blaustein Institute

<sup>81</sup> <https://www.holocaustremembrance.com/working-definition-antisemitism>

- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

*Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).*

*Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.*

*Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.*

52. The definition has been adopted by a number of countries and agencies,<sup>82</sup> some of which have taken diverse approaches in the ways they have utilized it. It has been endorsed by the European Parliament, which has recommended its adoption by EU member states,<sup>83</sup> and the Secretary-General of the Organization for American States.<sup>84</sup> It is used by a number of civil society organizations monitoring antisemitism and was recognized by the UN Secretary-General in 2018.<sup>85</sup>

53. The Special Rapporteur notes that critics of the Working Definition have expressed concern that it can be applied in ways that could effectively restrict legitimate political expression, including criticism of policies and practices being promoted by the Government of Israel which violate the rights of Palestinians. Such concerns are focused on three of the illustrative examples attached to the definition namely, claiming that the existence of Israel is a racist endeavour; requiring of Israel a behaviour not demanded of other democratic states; equating Israeli government policy with that of the Nazis. The Special Rapporteur notes that the IHRA definition does not designate these as examples of speech that are ipso facto antisemitic and further observes that a contextual assessment is required under the definition to determine if they are antisemitic. Nevertheless, the potential chilling effects of the use of these examples by public bodies on speech that is critical of Israeli government policies and practices must be taken seriously as should the concern that criticism of Israel sometimes has been used to incite hatred towards Jews in general such as through expression that feed on traditional antisemitic stereotypes of Jews. Therefore, the use of the definition, as a non-legal educational tool, could minimize such chilling effects and contribute usefully to efforts to combat antisemitism. Where public bodies use the definition in any regulatory context, due diligence must be exercised to ensure that freedom of expression within the law is protected for all. The Special Rapporteur affirms that the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, General Comment 34 of the Human Rights Committee and General Recommendation 35 of CERD provide relevant guidance in this regard.

54. The Special Rapporteur recalls that, as discussed below, international human rights instruments also stress the responsibility of public officials to refrain from expressing religious, racial and other forms of intolerance, as well as a duty to condemn expression that, even if protected by law, nevertheless reflects antisemitic attitudes. As set out in the Rabat Plan of Action, “Political and religious leaders should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination; but they also have a crucial role to play in speaking out firmly and promptly against intolerance,

<sup>82</sup> As of August 2019, the Working Definition had been adopted by Austria, Belgium, Bulgaria, Canada, Czech Republic, France, Germany, Hungary, Israel, Lithuania, North Macedonia, Moldova, The Netherlands, Romania, Slovakia, and the United Kingdom. It is also used by the U.S. State Department and the U.S. Department of Education, and the Ministry of Education of Greece

<sup>83</sup> <https://www.timesofisrael.com/european-parliament-votes-to-adopt-working-definition-of-anti-semitism/>

<sup>84</sup> [https://www.oas.org/en/about/speech\\_secretary\\_general.asp?sCodigo=19-0036](https://www.oas.org/en/about/speech_secretary_general.asp?sCodigo=19-0036)

<sup>85</sup> <https://www.un.org/press/en/2018/sgsm19252.doc.htm>

discriminatory stereotyping and instances of hate speech.”<sup>86</sup> The Special Rapporteur considers that tools such as the Working Definition, when used as a non-legal tool that relies on a contextual assessment of when speech can be deemed antisemitic, would serve a valuable function by communicating to public officials and the public at large widely-shared concerns about explicit and implicit forms that contemporary manifestations of antisemitism can take.

## H. Best Practices

55. The majority of groups in Western Europe and the Americas engaged for the present report expressed satisfaction with measures taken by governments to protect Jews in their respective countries. Fifty-six percent of those surveyed by FRA positively assess their national governments’ efforts to ensure the security needs of the Jewish communities.<sup>87</sup> The Special Rapporteur notes that many governments, including those that responded to the survey circulated for this report, have taken steps to combat antisemitism and pledged to strengthen their efforts. Such steps include the establishment of hate crime legislation which denotes an unequivocal response to the inciting feature of hate crimes. Countries in the Americas such as the United States, Canada, Argentina, Brazil and Chile, for example, have adopted such legislation and the majority of the OSCE countries have established hate crime statutes in their jurisdictions. Authorities in major cities in the United States, such as New York, have also established specific task forces that are supported by trained law enforcement officials to monitor, identify, and respond to hate crimes.<sup>88</sup> In 2017, Poland created a police coordinator for combatting hate online. Sweden has a national contact point on hate crime.

56. The Norwegian government reported that its Action Plan Against Antisemitism (2016-2020) takes a multidisciplinary approach, having adopted hate crime laws, established mechanisms for monitoring, investigating and reporting on antisemitic acts, and supporting initiatives that inform about the diversity in Jewish life and history in Norway and monitor attitudes in the population. In the Netherlands, hate speech online and offline is punishable. In addition, other measures to combat antisemitism include strengthening local approaches that promote dialogue between different religions, educational projects aimed at preventing antisemitic chanting in soccer stadiums and supporting teachers to discuss sensitive issues like antisemitism and Holocaust-denial in the classroom. The federal budget in Germany includes funds to compensate victims and the bereaved of extremist violent crimes (hardship payments).

57. Unfortunately, satisfactory responses to tackle the frontier of ubiquitous antisemitism online have been elusive. Member states have and continue to test approaches for responding to antisemitic attitudes, particularly those which incite hostility, discrimination and violence while respecting the right to freedom of expression and opinion. In 2016 the European Commission together with Twitter, YouTube and Microsoft adopted an EU code of conduct to tackle online hate speech within 24 hours in Europe.

58. Some states have increased their security measures around synagogues, with some countries placing guards outside synagogues and requiring state security services to vet any person wishing to enter or visit them. Others have committed funding to support rebuilding. Germany submitted that the state is rebuilding synagogues, bears half the costs of the upkeep of Jewish cemeteries and has numerous public places of remembrance and memorial sites specifically devoted to Jewish victims of the Holocaust.

59. In Morocco, the government has been making a concerted effort to work with NGOs to preserve and restore Jewish culture, including 12 Jewish cemeteries, and to open a new Jewish museum in Fez. Egypt is also working to restore and protect the second oldest Jewish cemetery in the world, and to open a new Jewish museum, in efforts spearheaded by an NGO but supported by the government.<sup>89</sup> In Tunisia, the State provides security for all synagogues

<sup>86</sup> A/HRC/22/17/Add.4, annex, para 36

<sup>87</sup> FRA survey, p 12

<sup>88</sup> Information gathered from consultation with New York communities, 11 April 2019, where members of the NYS Hate Crimes Task Force participated

<sup>89</sup> Consultation with the Drop of Milk Foundation, Egypt

and partially subsidizes their maintenance and restoration costs. Senior state functionaries participate in important Jewish festivals to demonstrate solidarity.<sup>90</sup>

60. In Sweden, a public body, the Living History Forum (LHF) produces educational exhibition material and materials for the classroom on democracy and human rights and uses the Holocaust and other crimes against humanity as a starting point. Many states teach about the Holocaust in schools. However, the Special Rapporteur notes the concern amongst many stakeholders that Holocaust education is not enough to effectively teach people to recognize and respond to antisemitism. Empathy training, religious education and modern images about Jews should be promoted through education for children.

### **III. Conclusions: The impact of antisemitism on the right to freedom of religion or belief**

61. The 1981 Declaration unequivocally condemns discrimination and intolerance on the basis of religion or belief. Its article 2(2) defines intolerance and discrimination based on religion or belief as “any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.”

62. The Special Rapporteur is alarmed by the increase in antisemitism in many countries, driven by sources including individuals motivated by white supremacist and radical Islamist ideologies. Furthermore, he is alarmed by violent attacks targeting Jewish communities worldwide and by information indicating that some authorities have allegedly incited, directly engaged in, or failed to respond to violent or threatening antisemitic acts commissioned by private actors. He is also concerned at the apparent increase in expressions of antisemitism emanating from sources on the political left as well as with discriminatory laws, regulations and policies of States.

63. As a result of this increase in antisemitism, members of the Jewish communities in a number of countries have reported that they are increasingly reluctant to display religious attire, such as the kippah, or to carry out public discussions in a traditional language indicative of their ethno-religious heritage (Hebrew) for fear of being subject to harassment, discrimination or violence. Individuals also report abstaining from identifying publicly as Jews, expressing their cultural identity or attending Jewish religious and cultural events – effectively excluding Jews from public life. In many places, Jewish communities have been compelled by the threats they face to seek or establish extensive security measures for their places of worship, their schools, and other religious and cultural sites. It is, therefore, critical that governments be expeditious now in their efforts to combat antisemitism, which not only impairs the human rights of Jews, but also, if left unchecked in any society, will serve to undermine peace and security for all.

64. It is impossible to deduce the full extent of antisemitic acts committed with any certainty — either globally or in any one country — given the disparities in monitoring and reporting methodologies and the serious and pervasive under-reporting of antisemitic acts by victims worldwide. Consequently, policymakers may be challenged when trying to employ data to ascertain the prevalence and impact of hate crimes, or the efficacy of existing responses. However, existing data does indicate that antisemitic acts are on the rise worldwide, which requires urgent and effective action by States to combat the phenomenon.

65. In many countries with smaller or non-existent Jewish communities, however, including in the Middle East and North Africa and the Asia-Pacific regions, authorities do not monitor antisemitic incidents, hate speech, or hate crimes. Nevertheless, reports by representatives of non-governmental organizations, provided directly to the Special Rapporteur confirmed that in some cases antisemitic attitudes appear to be prevalent, tolerated and even propagated by State officials.

66. Moreover, manifestations of antisemitic attitudes, including antisemitic hate crimes, online and offline not only affect their victims, but also can evoke fear amongst Jewish

<sup>90</sup> A/HRC/40/58/Add.1, para 47

communities, marginalize vulnerable individuals, promote disinformation and can incite hatred, discrimination and violence. As outlined by the Special Rapporteur's predecessor, "[t]he spread of negative stereotypes and prejudices ... poisons the relationship between different communities and puts people belonging to religious minorities in a vulnerable situation."<sup>91</sup> Additionally, the Special Rapporteur on contemporary forms of racism has noted that Holocaust revisionism contributes to the rehabilitation and dissemination of Nazism and creates fertile ground for nationalist and neo-Nazi demonstrations.<sup>92</sup> Hate speech and stigmatization of Jews can undermine external expressions of the right to freedom of religion or belief.

67. There is limited research on the gendered aspects of antisemitism. Research conducted by the Institute for Jewish Policy Research in the UK found that while women are less likely to be a victim of an antisemitic attack (14 percent women vs 74 percent men), marginally more women avoid public Jewish events for safety reasons (24 percent vs 21 percent) or remove symbols identifying them as Jewish in public (55 percent vs 50 percent) than men.<sup>93</sup> In accordance with a human rights based approach, States and civil society should ensure that frameworks to address both antisemitism and sexism pay attention to the intersecting religious and gendered identities.

68. There is not a more graphic example than the Holocaust of how religious and racial hatred can lead to genocide; and there have been many cases since showing how indifference to manifestations of such hatred have led to the destruction of societies. The Special Rapporteur emphasizes that under international human rights law, States are required to enact or rescind legislation, where necessary, to prohibit discrimination on the basis of religion or belief, including against Jews, and to take all appropriate measures to combat intolerance and violence on such grounds, including where such acts are manifested by private persons. Article 20 (2) of the ICCPR imposes upon States Parties the duty to "prohibit by law" any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence. Similarly, Article 4 (a) of the ICERD requires States to declare as an offence punishable by law, "incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin".

69. While a robust approach to combating manifestations of hatred is required, criminal or other punitive measures should only be used as a last resort where less restrictive measures have failed.<sup>94</sup> The Human Rights Committee, CERD and the Rabat Plan of Action have all suggested that an intent to incite discrimination, hostility or violence should be required if speech or other form of incitement is to be criminalized under international standards.<sup>95</sup> Furthermore, the Rabat Plan of Action recommends that domestic legal frameworks on incitement to hatred expressly refer to article 20 (2) of the Covenant and include robust definitions of key terms such as "hatred", "hostility", "advocacy" and "incitement" as defined in the Camden Principles on Freedom of Expression and Equality.<sup>96</sup> Accordingly, States should aim to combat speech that does not meet this threshold of Article 20 (2), primarily through counter speech and educational measures, consistent with international human rights standards.

<sup>91</sup> A/HRC/22/51, para 47

<sup>92</sup> See, A/HRC/38/53, para 15

<sup>93</sup> See, <https://www.antisemitism.org.uk/wp-content/uploads/2019/05/5982-Misogyny-and-Antisemitism-Briefing-April-2019-v1.pdf>

<sup>94</sup> See A/HRC/22/17/Add.4, appendix, para 34

<sup>95</sup> The term "advocacy" necessarily implies intention. See, A/HRC/22/17/Add.4, appendix, para 29; *See generally* Human Rights Comm., General Comment No. 34, CCPR/C/GC/34 (describing the application of art. 19 of the ICCPR on freedoms of opinion and expression) Additionally, in its 2013 General Recommendation 35 on racial hate speech the CERD Committee published guidance that State parties should recognize as "important elements" of any offence of incitement "the intention of the speaker and the imminent risk or likelihood that the conduct desired or intended by the speaker will result from the speech in question."

<sup>96</sup> See A/HRC/22/17/Add.4, appendix, para. 21; <https://www.article19.org/data/files/pdfs/standards/the-camden-principles-on-freedom-of-expression-and-equality.pdf>.



70. The Special Rapporteur notes that both impunity for antisemitic hate crimes and suppression of speech that does not carry criminal intent can undermine the urgent efforts needed to combat antisemitism. He therefore underscores the importance of taking urgent action to address antisemitism and of doing so within a wider human rights framework. As the OSCE Ministerial Decision 10/7 of 30 October 2007 notes, while the specificities of different forms of intolerance must be acknowledged, it would be important to take a ‘comprehensive approach and [address] cross-cutting issues in such fields as, inter alia, legislation, law enforcement, data collection and monitoring of hate crimes, education, media and constructive public discourse and the promotion of inter-cultural dialogue, in order to effectively combat all forms of discrimination.’<sup>97</sup>

71. Moreover, civil society actors engaged for this report stressed the importance of education and highlighted effective pedagogical methods; emphasizing that teaching about antisemitism should aim to engender empathy for victims of antisemitism and other forms of discrimination/hatred while avoiding perpetuating victimhood of Jews and that some approaches to Holocaust education without fostering critical thinking, risked reinforcing a negative image of Jews. An empathetic approach, they note, foster positive attitudes toward diversity.

72. The Special Rapporteur also commends the UN Secretary-General’s recognition that the threat of antisemitism requires the urgent and committed attention not just of all Member States, but of the United Nations itself.<sup>98</sup> In this regard, he notes the recent launch of the UN Strategy and Plan of Action on Hate Speech<sup>99</sup>. Soft law instruments and guidance documents developed under the auspices of the United Nations<sup>100</sup> can provide essential guidance for strategies to combat antisemitism and other forms of intolerance.

## IV. Recommendations

73. The Special Rapporteur urges States, civil society, the media and the United Nations to follow a human rights-based approach to combatting antisemitism. This includes implementing measures which foster the development of democratic societies that are resilient to extremist ideologies, including antisemitic propaganda, by fostering critical thinking, empathy, and human rights literacy among self-reflective citizens with the requisite proficiency and confidence to peacefully and collectively reject antisemitism and other forms of intolerance and discrimination. It also requires investments in education and training to enhance society-wide literacy about the different ways in which antisemitism manifests itself.

### A. States and political actors

74. The primary responsibility for addressing acts of intolerance and discrimination rests with States, including their political representatives. As such states must also foster freedom of religion or belief and pluralism by promoting the ability of members of all religious communities to manifest their right to freedom of religion or belief, and to contribute openly, on an equal footing, to society.

75. Governments must also acknowledge that antisemitism poses a threat to stability and security, and that antisemitic incidents require prompt, unequivocal responses from leaders. Such responses should be based on the recognition that the commission of antisemitic hate crimes engages the obligation of the State under international human rights law to protect Jews against the violation of their fundamental rights. States must also invest in preventive security measures, compliant with international human rights law, to deter antisemitic hate crimes.

<sup>97</sup> <https://www.osce.org/mc/29452?download=true>

<sup>98</sup> <https://www.un.org/sg/en/content/sg/speeches/2017-01-27/secretary-generals-memory-victims-holocaust-remarks>

<sup>99</sup> <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>

<sup>100</sup> See e.g. A/HRC/22/17/Add.4, appendix; A/HRC/40/58, annexes I and II; A/HRC/RES/16/18

76. States should enact and enforce hate crime legislation that recognizes antisemitism as a prohibited bias motivation and that is clear, concrete and easy to understand. States should impose systems, routines and training in place to ensure that relevant officials recognize antisemitic hate crimes and record them as such. While recalling that racist and religious intolerance, including antisemitism, are commonly expressed through coded expressions, it is recommended that a clear set of indicators for identifying bias motivation be employed in law enforcement. Because of coded expressions and the continuing reinvention of new forms of antisemitic speech and action, such indicators would not in themselves be all-encompassing or prove that an incident was a hate crime. However, where an antisemitic crime is established in line with the criteria set out under international law, there must be recourse to remedy to victims of such hate crimes.

77. The Special Rapporteur recognises that the IHRA Working Definition of Antisemitism can offer valuable guidance for identifying antisemitism in its various forms, and therefore encourages States to adopt it for use in education, awareness-raising and for monitoring and responding to manifestations of antisemitism. The Special Rapporteur recommends its use as a critical non-legal, educational tool that should be applied in line with guidance provided by the Rabat Plan of Action, Human Rights Committee in General Comment 34, and the CERD in General Recommendation 35. In this regard, the Special Rapporteur notes that criticism of the Government of Israel is not per se antisemitic, as stated in the Working Definition, unless it is accompanied by manifestations of hatred towards Jews in general, or expressions that build on traditional antisemitic stereotypes.

78. States should establish data-collection systems to document information on antisemitic hate crimes. Collecting accurate, disaggregated data is essential for enabling policy makers and law-enforcement authorities to understand the scope of the problem, discern patterns, allocate resources and investigate cases more effectively. States should also work with Jewish communities and organizations to strengthen efforts to monitor, document and report on hate crimes and other acts motivated by antisemitism, and should consider appointing a senior official to oversee such efforts.

79. Accessible and confidential mechanisms that facilitate the reporting of antisemitic hate crimes should be established, and efforts to raise awareness within Jewish communities as to where and how to report incidents should be undertaken. Governments should hold consultations with Jewish communities and relevant victim support organizations to develop effective strategies in support of victims and they should work with national human rights institutions, academics, NGOs and international organizations to conduct surveys that help clarify the needs of victims of antisemitic attacks.

80. Political parties should adopt and enforce ethical guidelines in relation to the conduct of their representatives, particularly with respect to public speech. Party leaders must promptly, clearly and consistently reject manifestations of antisemitism within their parties and in the public discourse.

## **B. Civil society**

81. Civil society organizations should ensure that their actions do not contribute to antisemitic discourses and take a multi-stakeholder, multidisciplinary, human rights-based approach to combatting antisemitism. Academic experts and researchers can support governments by providing independent expert advice and insights on the prevalence and manifestations of antisemitism, as well as on effective ways to counter it. They can support the work of states to monitor and report on antisemitic hate crimes, and other expressions of antisemitic attitudes. The Special Rapporteur notes that the OSCE has designed a guide to spread the practice of civil society coalition building to address discrimination and build more peaceful and tolerant societies.<sup>101</sup>

82. Civil society organisations have a responsibility to ensure that their own practices do not contribute to antisemitic discourses. They can play an important role in raising awareness about the various ways in which antisemitism can be manifested and about the impact of prejudiced messages faced by Jews and Jewish communities on human rights and society at

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<sup>101</sup> <https://www.osce.org/odihr/385017?download=true>

large. These actors can also support government efforts to raise awareness within Jewish communities as to where and how to report antisemitic incidents.

83. They can also play an integral role in reassuring the Jewish community after an attack, including in co-operation with parliamentarians and government officials and other communities and by publicly demonstrating solidarity and signaling a zero-tolerance policy towards antisemitism. Civil society should also strive to establish collaborative networks to foster mutual understanding, promote dialogue and inspire constructive action.

84. Educators can develop curricula that raise awareness about human rights and foster empathy through the incorporation of creative exercises and content that challenge and counteract antisemitic attitudes. Effective methodologies for educating students about antisemitic stereotypes include exploring the history of stereotypes, exploring the role of power dynamics in stereotypes and acknowledging shared responsibility for identifying and rejecting stereotypes. The Special Rapporteur notes the UNESCO/ODIHR Guidelines on Addressing Antisemitism through Education: Guidelines for Policymakers, and the ODIHR & UCL Holocaust Education Centre pedagogical knowledge guide for teachers in tackling antisemitism in classrooms.<sup>102</sup>

85. NGOs have and should continue to play an important role in denouncing antisemitism online and bringing incidents to the attention of lawmakers and the wider public, relating it to the overarching issues of hate speech and incitement to violence and terror.

### C. Media

86. Social media companies should take reports about cyberhate seriously, enforce terms of service and community rules that do not allow for the dissemination of hate messages, provide more transparency of their efforts to combat cyberhate, and to offer user-friendly mechanisms and procedures for reporting and addressing hateful content.

87. They should also report criminal antisemitic behaviour online to relevant local law enforcement agencies, including expression that constitutes incitement to discrimination, hostility or violence.

### D. UN System

88. The UN system has a vital role to play in engaging with Jewish communities to combat antisemitism. The Secretary General should consider appointing a senior-level focal point in the Office of the UN Secretary-General with responsibility for engaging with the Jewish communities worldwide, as well as monitoring antisemitism and the response of the UN thereto.

89. Various entities of the United Nations system, including OHCHR, UNESCO, the Alliance of Civilizations, and the Office of the Special Advisor on the Prevention of Genocide should enhance their cooperation with relevant human rights treaty bodies and special procedures mandate holders in order to stimulate joint action on antisemitism and other forms of hate.

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<sup>102</sup> <https://www.osce.org/odihr/383089>