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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 Assembly resolution [73/176](#).

* The present report was submitted after the deadline so as to reflect the most recent developments.



Report of the Special Rapporteur on freedom of religion or belief

Summary

In the present report, 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 such incidents, 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 in countries with few or no Jewish inhabitants. He finds that those 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 combating antisemitism, as should be done in combating all forms of religious intolerance. He encourages States to identify, document and prohibit, in law and in practice, the commission of antisemitic hate crimes; 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, civil society and the United Nations on efforts that all stakeholders can make to combat antisemitism and promote religious freedom and pluralism.

I. 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 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 presented to the Human Rights Council at its fortieth session ([A/HRC/40/58](#)). In addition, the Special Rapporteur undertook a country mission to the Netherlands from 28 March to 5 April and to Sri Lanka from 15 to 26 August 2019. 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 also addressed the informal meeting of the General Assembly on combating antisemitism and other forms of racism and hate, held in New York on 26 June. In July, he participated in the Global Conference for Media Freedom, held in London, and in the ministerial conference on religious freedom held in Washington, D.C.
3. The details of the consultations that he conducted for the present report are listed in paragraph 8 below.

II. Combating 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 have received scant attention as a human rights issue. Overall, data collection worldwide is limited, and in many States antisemitic harassment is significantly underreported.¹ Nevertheless, reports of hostility, discrimination and violence motivated by antisemitism have increased in many parts of the world.² 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 2018.³ Studies also demonstrate that anxiety is high among Jewish communities in numerous jurisdictions. In one survey, it was found that 85 per cent of respondents felt that antisemitism was a serious problem in their respective countries, 34 per cent reported that they avoided visiting Jewish events or sites because of safety concerns, and 38 per cent had considered emigrating because they did not feel safe as Jews.⁴ 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 out of antisemitic motivations, limits on the religious rite of male circumcision and restrictions on kosher slaughter practices.

¹ Based on consultations with Jewish communities conducted by the Special Rapporteur.

² See www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf. See also [A/74/253](#).

³ See www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf.

⁴ European Union Agency for Fundamental Rights, *Experiences and Perceptions of Antisemitism: Second Survey on Discrimination and Hate Crime against Jews in the EU*, pp. 16 and 31.

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 and 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 that result in the social exclusion and harassment of Jews can violate the right to freedom of religion or belief, in particular the right to be free from discrimination and intolerance on the basis of one's religion (or perceived religion).

6. The mandate of the Special Rapporteur pursuant to Human Rights Council resolution 6/37 is 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 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Pursuant to article 2 of the Declaration, the right to freedom of religion or belief includes the right of individuals to practise 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 the absence of religion).

7. In the present report, the Special Rapporteur 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. He calls attention to the pernicious impediment that antisemitism poses not only to the human rights of Jewish individuals, but also to the rights of all people in societies in which this insidious hatred is unaddressed. As the Secretary-General remarked, “antisemitism is not a problem for the Jewish community alone”. It threatens “all people's human rights” and “where there is antisemitism, there are likely to be other discriminatory ideologies and forms of bias”.⁵ The Special Rapporteur further highlights government restrictions that 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 offline, that engender those acts. He 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.

III. Methodology

8. Information for the present report was primarily gathered from victims of antisemitic acts, representatives and religious leaders of Jewish communities, human rights monitors and advocates, and academics, legal experts and security officials in nine countries through a series of consultations in Buenos Aires; Ottawa and Toronto, Canada; Paris; Vienna; Budapest; Oslo; The Hague and Rotterdam, the Netherlands; New York; and London from 28 March to 27 June 2019. Participants in an initial meeting held in Geneva in May 2018 included a representative of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), the Personal Representative of the OSCE Chairperson-in-Office on Combating Antisemitism, the European Commission Coordinator on Combating Antisemitism, the United Nations High Commissioner for Human Rights and representatives of the Office of the United Nations High Commissioner for Human Rights. The Special Rapporteur also gathered information

⁵ See www.un.org/sg/en/content/sg/statement/2018-09-26/secretary-generals-remarks-high-level-event-power-education.

from representatives of Jewish communities and institutions located in Australia, Bosnia and Herzegovina, Brazil, Chile, Colombia, Egypt, Indonesia, Iraq, Mexico, Myanmar and Tunisia who participated in a series of meetings held in Washington, D.C.⁶

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 incidents in their respective countries.⁷ Dozens of reports and studies produced by monitors, researchers and human rights organizations, many of which are cited in the present report, were also reviewed.

10. Finally, 22 States responded to a series of questions circulated to all Member States by the Special Rapporteur on 4 March 2019. The survey included questions about legal protections for the right to freedom of religion or belief for Jewish persons; 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 best practices for combating antisemitism in their countries.

IV. Key findings

11. The Jewish population was estimated at 14,606,000 worldwide in 2018, with 15 countries in the Americas and Western and Eastern Europe being home to the largest populations outside of Israel. It is estimated that almost 45 per cent of Jewish persons (approximately 6,469,800) are located in the Americas, with the vast majority of them residing in the United States of America, where they make up 2 per cent of the total population, while approximately 390,000 reside in Canada.⁸ Some 1,015,000 Jews (6.9 per cent of the world's Jewish population) live in Western European countries. There are approximately 320,000 Jews in Eastern Europe⁹ and approximately 200,000 in the Asia-Pacific and Oceania regions,¹⁰ where the largest populations reside in Australia (91,000),¹¹ the Islamic Republic of Iran (10,000)¹² and New Zealand (7,000).¹³ There are approximately 7,179,400 Jews in the Middle East and North Africa, the vast majority of whom live in Israel.¹⁴ Approximately 75,000 Jews live in South Africa.¹⁵

⁶ The consultations were organized with the cooperation of the Ralph Bunche Institute for International Studies, the Jacob Blaustein Institute for the Advancement of Human Rights, the World Jewish Congress, the European Jewish Congress, the Centre for Israel and Jewish Affairs, the All-Party Group against Antisemitism (United Kingdom), the United Nations Educational, Scientific and Cultural Organization, the European Union Agency for Fundamental Rights, the Government of Canada and the Government of Norway.

⁷ See www.ohchr.org/EN/Issues/FreedomReligion/Pages/ReportSRtotheGeneralAssembly.aspx.

⁸ See www.jewishvirtuallibrary.org/jewish-population-of-the-world.

⁹ Countries included Albania, Belarus, Bosnia and Herzegovina, Estonia, Greece, Hungary, Latvia, Lithuania, North Macedonia, Montenegro, Poland, the Republic of Moldova, Romania, the Russian Federation, Serbia, Slovakia, Slovenia and Ukraine.

¹⁰ See www.pewforum.org/2012/12/18/global-religious-landscape-jew/.

¹¹ United Nations, "Population by religion, sex and urban/rural residence", Demographic Statistics Database, available at <http://data.un.org/Data.aspx?d=POP&f=tableCode%3A28> (20 September 2019).

¹² Ibid.

¹³ Ibid.

¹⁴ Countries surveyed: Algeria, Bahrain, Djibouti, Egypt, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates and Yemen.

¹⁵ United Nations, "Population by religion, sex and urban/rural residence", Demographic Statistics Database, available at <http://data.un.org/Data.aspx?d=POP&f=tableCode%3A28> (20 September 2019).

12. Aptly termed “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 and depicted in art, and they have sometimes motivated contemporary antisemitic acts. Other tropes reflect contempt for the Jewish religion, including the recurring false allegation that Jews engage in the ritual murder of non-Jews (the “blood libel”), and continue to pervade contemporary discourse.¹⁶

14. Antisemitism is also often expressed in racialized terms, with Jewish people characterized as subhumans who must be excluded from “normal” human civilization. This pseudoscientific approach was used to justify the persecution of Jews in Nazi Germany and the subsequent acts of genocide committed by the Nazis and their accomplices against the European Jewish population, while antisemitic expressions of Holocaust denial seek to repudiate or minimize the harrowing historical facts of that systematic murder of 6 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 those negative stereotypes were promulgated in the *Protocols of the Elders of Zion*, a discredited forgery published in the early twentieth century and widely disseminated in the Middle East, alleging a secret Jewish plan for world domination. Those 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 the policies or practices of

¹⁶ See e.g. Mark Weitzman, “Antisemitism: a historical survey”, available at www.museumoftolerance.com/education/teacher-resources/holocaust-resources/antisemitism-a-historical-survey.html.

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 that Israel does not have a right to exist and accused those expressing concern about antisemitism of acting in bad faith.¹⁷ The Special Rapporteur emphasizes that it is never acceptable to render Jews as proxies for the Government of Israel. He further recalls that the Secretary-General has characterized “attempts to delegitimize the right of Israel to exist, including calls for its destruction” as a contemporary manifestation of antisemitism.¹⁸

18. The Special Rapporteur further notes the claims that the objectives, activities and effects of the Boycott, Divestment and Sanctions movement are fundamentally antisemitic.¹⁹ The movement promotes boycotts and stockholder divestment initiatives against Israeli or international corporations and institutions that supporters of the movement maintain are “complicit” in violations of the human rights of Palestinians by the Government of Israel. Critics of the movement assert that its architects have indicated that one of its core aims is to bring about the end of the State of Israel, and they further allege that some individuals have employed antisemitic narratives, conspiracies and tropes in the course of expressing support for the campaign. The Special Rapporteur notes that those allegations are rejected by the Boycott, Divestment and Sanctions movement, including by one of its principal actors, who asserted that the movement was “inspired by the South African anti-apartheid and U.S. Civil Rights movements”;²⁰ maintained that they opposed all forms of racism and that they took steps against those who used antisemitic tropes in the campaign; and stressed that they employed “nonviolent measures to bring about Israel’s compliance with its obligations under international law”.²¹ Concern about the adoption of laws that penalize support for the 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 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 also stresses that expression that draws on 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 towards Jews are apparently prevalent among the general public. One study revealed that 55.98 per cent of Poles surveyed reported that they would not accept a Jew as a family member,²² and some 42 per cent of Hungarians polled said they thought Jews held too much sway over the worlds of finance and international affairs.²³ In Poland, an effigy of Judas, depicted as a

¹⁷ See David Hirsh, *Contemporary Left Antisemitism* (Abingdon, Oxon, Routledge, 2018).

¹⁸ See www.un.org/sg/en/content/sg/statement/2018-09-26/secretary-generals-remarks-high-level-event-power-education.

¹⁹ See e.g. David M. Halbfinger, Michael Wines and Steven Erlanger, “Is B.D.S. anti-Semitic? A closer look at the Boycott Israel campaign”, *New York Times*, 27 July 2019.

²⁰ Based on information gathered from responses by the Boycott, Divestment and Sanctions national committee to questions raised by the Special Rapporteur on 15 July 2019.

²¹ Ibid.

²² See Don Snyder, “Anti-Semitism spikes in Poland – stoked by populist surge against refugees”, *Forward*, 24 January 2017.

²³ See <https://edition.cnn.com/interactive/2018/11/europe/antisemitism-poll-2018-intl/>.

caricature of a hook-nosed Jew, was recently beaten, beheaded, burned and drowned as part of a revived Easter holiday ritual.²⁴

20. Experts and monitors have 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.²⁵ Political parties, including Jobbik in Hungary, they report, offer hate-filled antisemitic discourses varnished over with appeals to “nationalism”.²⁶ Such appeals offer their audiences classic narratives and tropes that characterize Jews as “powerful conspirators” 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 the President of Poland, Andrzej Duda. It criminalized false public statements that ascribe collective responsibility to the Polish nation in Holocaust-related crimes, crimes against peace, crimes against humanity or war crimes, or that “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.²⁷ Ukraine also adopted a legal prohibition on criticism of the Organization of Ukrainian Nationalists, a group that collaborated with the Nazis and took part in ethnic cleansing, including in the Lviv pogroms and the Volyn massacre.²⁸

22. Media reports suggest that links between American and European neo-Nazis are strong and growing stronger (A/HRC/38/53, para. 10). Sources in some countries have also raised concerns about the increasing prevalence of antisemitic rhetoric that appears to be pervading evermore febrile political climates. In this regard, monitors, academics and researchers spoke about the challenges presented by what appears to be a resurgence of classic antisemitism in online communication 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 those incidents, which only serves to inflame tensions. In the United Kingdom of Great Britain and Northern Ireland, the Equality and Human Rights Commission launched in 2019 an investigation into allegations of antisemitism within the Labour Party.²⁹

23. The Special Rapporteur also received reports that Jewish university students in the United States, Canada and Western Europe have been experiencing increased expressions of antipathy and hostility, in particular directed towards members of Jewish student organizations and participants in related activities, that seriously affect their right to the freedoms of association and peaceful assembly and their right to manifest their religious beliefs. In some instances, Jewish students reported being

²⁴ May Bulman, “Jewish effigy hanged and burned in ‘disturbing’ Easter ritual in Poland”, *Independent*, 22 April 2019; and Ben Cohen, “Polish Catholic Church leader condemns shocking Easter ritual involving antisemitic ‘Judas’ effigy”, *Algemeiner*, 22 April 2019.

²⁵ While antisemitism is central to the ideology, neo-Nazism also embraces Islamophobia, xenophobia, racism, homophobia and discrimination against people with disabilities.

²⁶ See e.g. www.humanrightsfirst.org/sites/default/files/Jobbik-Party-Fact-Sheet-final.pdf.

²⁷ Brigit Katz, “Poland’s President signs highly controversial Holocaust bill into law”, *Smithsonian*, 29 January 2018.

²⁸ See www.osce.org/odihr/395318.

²⁹ See www.equalityhumanrights.com/en/inquiries-and-investigations/investigation-labour-party.

condemned as complicit in the actions of the Government of Israel by fellow students and organizations aligned with the political “left”.³⁰

24. The Special Rapporteur received numerous reports that in countries in the Middle East and North Africa, 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 the region.³¹ It was reported that school textbooks in Saudi Arabia contained antisemitic passages, with some even urging violence against Jews.³² In August, the Committee on the Elimination of Racial Discrimination expressed serious concern “about the existence of hate speech, in particular hate speech directed against Israelis, which at times fuels antisemitism towards this group, in certain media outlets, in particular those controlled by Hamas, as well as on social media, in public officials’ statements and in school curricula and textbooks, which also fuels hatred and may incite violence” (CERD/C/PSE/CO/1-2, para. 19 (c)).

25. Although there are small Jewish populations in the Asia-Pacific region, representatives reported some particularly concerning examples of pervasive antisemitic rhetoric, often reportedly stemming from the popular association of all Jews with Israel and its policies.³³ For example, over 57 per cent of teachers and lecturers and 53.74 per cent of students in Indonesia agreed with a survey statement asserting that “Jews are the enemies of Islam”.³⁴

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 11 congregants and injuring 7 others in the deadliest attack on Jews in United States history. His comments during the attack and his 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.³⁵ Six months later, on 27 April 2019, a gunman similarly motivated by white supremacist ideology killed one congregant and wounded three others at a synagogue in the Poway community in California.³⁶

27. Earlier, between 2012 and 2015, French citizens carried out violent attacks resulting in deaths at a 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

³⁰ Based on consultations with Jewish communities.

³¹ 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 had 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.

³² See www.adl.org/resources/reports/teaching-hate-and-violence.

³³ Based on consultations with Jewish community representatives from Indonesia.

³⁴ See <https://conveyindonesia.com/wp-content/uploads/2019/04/Survey-Nasional-Keberagamaan-GenZ.pdf>.

³⁵ See www.splcenter.org/hatewatch/2018/10/28/analyzing-terrorists-social-media-manifesto-pittsburgh-synagogue-shooters-posts-gab.

³⁶ See www.nbcsandiego.com/news/local/New-Details-Emerge-in-Deadly-Poway-Synagogue-Shooting-511375582.html; and <https://ctc.usma.edu/terrorist-attacks-jewish-targets-west-2012-2019-atlantic-divide-european-american-attackers/>.

reportedly motivated by violent Islamist-extremist ideology.³⁷ In 2012, a suicide bomber allegedly affiliated with Hizbullah detonated a bomb on a bus at the airport in Burgas, Bulgaria, killing five Israeli tourists.³⁸ In 2008, Islamist terrorists attacked a centre of the Chabad Lubavitch movement in Mumbai, India, as part of 11 coordinated shootings and bombings across the city, killing five people, including a rabbi.

28. In 2017, some 58 per cent of hate crimes committed in the United States that were motivated by bias against a person's religious identity were driven by anti-Jewish bias.³⁹ Approximately 41 per cent (842) of all hate crimes committed in Canada in 2017 were motivated by bias against people's religious orientation, up 83 per cent from the previous year.⁴⁰

29. In Western Europe, the French authorities reported that antisemitic acts had increased by 74 per cent from 2017 to 2018,⁴¹ with such acts constituting half of all documented hate crimes and nearly 15 per cent of the incidents involving physical violence.⁴² The German authorities reported a 10 per cent rise in documented antisemitic acts from 2017 to 2018, including a 70 per cent increase in violent acts.⁴³ In May 2019, the German Government commissioner on antisemitism warned Jews against wearing the *kippa* in public for fear of their safety.⁴⁴ Similarly, civil society groups in the United Kingdom reported a 16 per cent increase in antisemitic incidents from 2017 to 2018.⁴⁵ Reports indicated that Jews in the United Kingdom who wear visible indicators of their religion are especially susceptible to verbal attacks and harassment. According to the 2018 survey conducted by the European Union Agency for Fundamental Rights in 12 States that are home to over 96 per cent of the Jewish population of the European Union, 89 per cent of respondents indicated that antisemitism had increased in their country.⁴⁶

30. The Special Rapporteur received numerous accounts concerning vandalism and desecration of Jewish synagogues and cemeteries, as well as other recognizably Jewish sites. The Gothenburg Synagogue in Sweden was attacked in 2017. In March 2018, 11 suspected members of a violent neo-Nazi group were arrested in connection with the vandalization of the entrance to a Jewish cemetery outside Athens.⁴⁷ The United Nations High Commissioner for Human Rights recently condemned repeated instances of vandalism, including with swastikas, of a Holocaust memorial exhibition in Vienna.⁴⁸

31. The Special Rapporteur received accounts of attacks on Jewish sites in the Republic of Moldova, where a Holocaust memorial was damaged before its unveiling

³⁷ See <https://ctc.usma.edu/terrorist-attacks-jewish-targets-west-2012-2019-atlantic-divide-european-american-attackers/>.

³⁸ Nicholas Kulish, Eric Schmitt and Matthew Brunwasser, "Bulgaria implicates Hezbollah in July attack on Israelis", *New York Times*, 5 February 2013.

³⁹ See <https://ucr.fbi.gov/hate-crime/2017/topic-pages/victims>.

⁴⁰ See www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00008-eng.htm.

⁴¹ See www.france24.com/en/20190212-france-anti-semitism-acts-outrage-rise-vandalism-jewish-symbols-halimi-veil-bagelstein.

⁴² See www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf.

⁴³ See www.tagesspiegel.de/politik/antisemitische-kriminalitaet-gewalt-gegen-juden-drastisch-gestiegen/23980318.html.

⁴⁴ See www.dw.com/en/german-official-warns-jews-against-wearing-kippahs-in-public/a-48874433.

⁴⁵ See <https://cst.org.uk/news/blog/2019/02/07/antisemitic-incidents-report-2018>.

⁴⁶ See European Union Agency for Fundamental Rights, *Experiences and Perceptions of Antisemitism*.

⁴⁷ <https://greekcitytimes.com/2018/03/07/greek-counter-terrorism-police-arrest-six-in-neo-nazi-combat-18-crackdown/>.

⁴⁸ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24652&LangID=E.

and a Jewish cemetery was the target of an arson attack,⁴⁹ as well as in Hungary and Czechia.

32. In the Middle East and North Africa region, the El Ghriba Synagogue in Djerba, Tunisia, was attacked in 2018,⁵⁰ two synagogues in Shiraz, Iran, were attacked in 2017,⁵¹ and a Jewish cemetery in Basateen, Cairo, was vandalized in 2018.⁵² Authorities in 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.⁵³ In 2013, the synagogue in Surabaya, Indonesia, was targeted by protests, threats and attacks, forcing the last synagogue in the country to shut down.⁵⁴

33. In Australia, 366 antisemitic incidents were logged from 1 October 2017 to 30 September 2018.⁵⁵ They included 156 attacks (3 physical attacks, 88 cases of harassment, 19 vandalism and 46 graffiti) and 204 threats (email, postal mail, telephone, leaflets/posters) and represented a 59 per cent increase overall.⁵⁶ It was reported that intimidation and harassment of Jews occurs regularly around synagogues when Jews are attending religious services on the Jewish Sabbath.

34. The Special Rapporteur also notes news reports concerning recent antisemitic violence in Argentina.⁵⁷ On the other hand, representatives of Jewish communities in Brazil, Chile, Colombia, and Mexico reported to the Special Rapporteur that antisemitic hate crimes are 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 (a Twitter-like platform that permits hate speech), 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.⁵⁸ Publicly prominent Jewish individuals and organizations are also specifically targeted with antisemitic comments online.

36. Sixty-eight per cent 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 United States (200 million per week) far exceeds the number of social media users in all other countries, and that the proportion of the population in the United States who upload antisemitic posts to social media platforms is equal to or less than that in other, smaller countries. In 2016, 8,000 antisemitic posts were observed across social media platforms in Canada. Most took the form of expressions of hatred on Twitter.

⁴⁹ See www.osce.org/odihr/317166?download=true.

⁵⁰ See www.jta.org/2018/01/15/israel/five-men-arrested-in-connection-with-firebomb-attack-on-synagogue-in-tunisia.

⁵¹ See www.haaretz.com/middle-east-news/two-iranian-synagogues-in-shiraz-vandalized-1.5629841.

⁵² See www.egypttoday.com/Article/1/54105/Head-of-Egyptian-Jewish-community-My-father%E2%80%99s-tomb-was-vandalized.

⁵³ Based on consultations with Jewish communities.

⁵⁴ See www.timesofisrael.com/indonesias-last-synagogue-an-intended-heritage-site-destroyed/.
www.ecaj.org.au/wp-content/uploads/2018/11/ECAJ-Antisemitism-Report-2018.pdf.

⁵⁶ *Ibid.*

⁵⁷ See www.jta.org/2019/06/12/global/officials-alarmed-by-anti-semitic-assaults-in-argentina.

⁵⁸ See <https://arxiv.org/abs/1809.01644>.

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, some 2,000 antisemitic posts were seen on social media in 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 per cent increase compared with 2016. Online incidents accounted for almost 90 per cent of the incidents reported in Argentina in 2017. Those incidents were up significantly, having climbed to 47 per cent in 2014, compared with only 3 per cent in 2008. The circulation of antisemitic propaganda represented a key source of antisemitic manifestations reported in Western European countries. Online incidents constituted 41 per cent of the reported cases in the Netherlands, 45 per cent of those registered in Austria and the majority of antisemitic incidents reported in Italy and Switzerland.⁵⁹

38. In Australia, antisemitism is most frequently encountered online.⁶⁰ In December 2017, Twitter disabled thousands of accounts promoting antisemitic hate, including the account of the Australian neo-Nazi group Antipodean Resistance.⁶¹ However, many of those users later migrated to Gab, and the group's Gab account is still in use.⁶²

39. Antisemitism online includes far-right tropes that Jews spearhead feminist, lesbian, gay, bisexual, transgender and intersex movements and immigration movements as a method of perpetrating 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 showed that more than 9,000 threads related to feminism had been established since its inception.⁶³ Of those threads, more than 60 per cent included mentions of Jews, with many claiming that Jews are leading the feminist movement.⁶⁴ In another study focused on 4chan, the authors arrived at a conservative estimate of 630,000 antisemitic posts in 2015, with the figure rising to 1.7 million in 2017.⁶⁵

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 nineteenth century Jewish Rabbi Yaakov Abuhatzzeira, which a court found should be permanently banned owing to "its violation of public order and morality and its contradiction with the reverence and purity of religious rites".⁶⁶

41. Governments in several countries have also adopted measures to prohibit non-stunned slaughter, which is the prescribed method of slaughtering an animal for

⁵⁹ See www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf.

⁶⁰ Based on consultations with the Jewish community.

⁶¹ See www.ecaj.org.au/wp-content/uploads/2018/11/ECAJ-Antisemitism-Report-2018.pdf.

⁶² Ibid.

⁶³ See www.antisemitism.org.uk/wp-content/uploads/2019/02/APT-Google-Report-2019.1547210385.pdf.

⁶⁴ Ibid.

⁶⁵ See www.antisemitism.org.uk/wp-content/uploads/2019/05/5982-Misogyny-and-Antisemitism-Briefing-April-2019-v1.pdf.

⁶⁶ See www.bbc.com/news/world-middle-east-30626088.

food production purposes practised by the adherents of some religious traditions, including Jews and Muslims. Non-stunned slaughter is banned in Slovenia⁶⁷ and is highly regulated in Austria, Cyprus, Estonia, Latvia, Lithuania, Poland and Slovakia.⁶⁸ Poland is also considering restricting the export of kosher meat, which could affect Jewish communities across the continent.⁶⁹ Denmark, Iceland, Norway and Sweden require prior stunning before slaughter. Finland requires concurrent sedation, and legislation is pending that would require prior stunning. At the subnational level, two of the three regions of Belgium have recently enacted laws to require prior stunning, which will become effective in 2019 unless overturned by litigation pending in the country's Constitutional Court. There are currently no restrictions on the export or import of kosher meat to those countries. The Council of Europe Convention for the Protection of Animals for Slaughter and the European Council Regulation (EC) No. 1099/2009 provide that animals should be stunned before they are slaughtered, but they allow Member States to derogate from the stunning requirement to allow for religious slaughter.

42. No Eastern European country bans male circumcision. In Slovenia, however, 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 their religion or belief.

44. Jews face political exclusion in Bosnia and Herzegovina, where the Constitution bars anyone who does not belong to one of the country's three main ethnic groups – Bosniaks, Croats and Serbs – from holding the office of President or a seat in the House of Peoples, one of the two houses of parliament. Although the European Court of Human Rights ruled in 2009 that the restriction discriminates against Jews (and Roma),⁷⁰ the State has not amended its Constitution.

45. In Canada, Jewish groups protested against adoption of bill 21 by the government of Quebec province on 16 June 2019. In the bill, which seeks to amend the Quebec Charter of Human Rights and Freedoms, it is asserted 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 for

⁶⁷ See <https://english.sta.si/1804329/slovenia-to-ban-ritual-slaughter>.

⁶⁸ See www.loc.gov/law/help/religious-slaughter/europe.php.

⁶⁹ See <https://forward.com/food/416983/all-the-european-countries-where-kosher-and-halal-meat-production-are-now/>.

⁷⁰ European Court of Human Rights, *Sejdić and Finci v. Bosnia and Herzegovina*, application Nos. 27996/06 and 34836/06, Judgment, 22 December 2009.

identifying measured and informed responses. Unfortunately, many States fail to report altogether. Since 2004, OSCE has endeavoured to collect data on antisemitism and other hate crimes through its Office for Democratic Institutions and Human Rights, but only 15 of the organization's 57 member States submitted data on antisemitic incidents in 2017.⁷¹

47. Underreporting is also a significant problem. In one survey, 79 per cent of respondents who had experienced harassment in the five years preceding the survey had not reported abuse, primarily because they believed that nothing would change if they did.⁷² Civil society and OSCE reports reveal that many Jewish individuals do not feel comfortable reporting their experiences to law enforcement owing to the apparent normalization of incidents, distrust in the criminal justice system, lack of resources or fear that reporting a hate crime would reveal their Jewish identity to the public. In some instances, victims may not identify the crime against them as a hate crime, either because the experience is so common among people 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.⁷³

48. Moreover, in 2014, fewer women than men reportedly experienced antisemitic harassment (17 per cent, compared to 24 per cent).⁷⁴ Those results could evidence a greater threat generally felt by women during periods of disruption, or they might point to significant underreporting. Such underreporting distorts statistics and may create the impression that hate crimes are less prevalent than they actually are.

49. The Special Rapporteur also observes that most civil society entities that monitor antisemitism, including Jewish organizations, do not frequently engage with United Nations human rights monitors. This lack of communication has inhibited the ability of United Nations experts and the intergovernmental bodies to which they report to address antisemitic acts and recommend actions to combat them.⁷⁵

50. The aforementioned myriad forms of antisemitism are reflected in the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance in 2016.⁷⁶ The product of an initiative first undertaken in 2005 by the European Monitoring Centre on Racism and Xenophobia, 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 to educate 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:

(a) Manifestations might include the targeting of the State of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled 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

⁷¹ See <http://hatecrime.osce.org/2017-data>.

⁷² European Union Agency for Fundamental Rights, *Experiences and Perceptions of Antisemitism*, p. 12.

⁷³ See European Union Agency for Fundamental Rights, *Experiences and Perceptions of Antisemitism*.

⁷⁴ www.osce.org/odihr/320021?download=true.

⁷⁵ Submission by the Jacob Blaustein Institute.

⁷⁶ See www.holocaustremembrance.com/working-definition-antisemitism.

things go wrong”. It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits;

(b) 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:

(i) Calling for, aiding or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion;

(ii) Making mendacious, dehumanizing, demonizing or stereotypical allegations about Jews as such or about the power of Jews as a 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;

(iii) 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;

(iv) 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);

(v) Accusing the Jews as a people, or Israel as a State, of inventing or exaggerating the Holocaust;

(vi) 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;

(vii) Denying the Jewish people their right to self-determination, e.g. by claiming that the existence of a State of Israel is a racist endeavour;

(viii) Applying double standards by requiring of Israel a behaviour not expected or demanded of any other democratic nation;

(ix) Using the symbols and images associated with classic antisemitism (e.g. claims of Jews killing Jesus or “blood libel”) to characterize Israel or Israelis;

(x) Drawing comparisons of contemporary Israeli policy to that of the Nazis;

(xi) Holding Jews collectively responsible for actions of the State of Israel.

52. According to the working definition, antisemitic acts are criminal when they are so defined by law (e.g. 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.

53. The definition has been adopted by a number of countries and agencies,⁷⁷ 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 States

⁷⁷ As at August 2019, the working definition had been adopted by Austria, Belgium, Bulgaria, Canada, Czechia, France, Germany, Hungary, Israel, Lithuania, North Macedonia, the Netherlands, the Republic of Moldova, Romania, Slovakia and the United Kingdom. It is also used by the United States Department of State and Department of Education, and by the Ministry of Education of Greece.

members of the European Union,⁷⁸ and by the Secretary-General of the Organization of American States.⁷⁹ It is used by a number of civil society organizations that monitor antisemitism and was recognized by the Secretary-General of the United Nations in 2018.⁸⁰

54. 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 that 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; comparing the government policy of Israel with that of the Nazis. The Special Rapporteur notes that the definition developed by the International Holocaust Remembrance Alliance does not designate them as examples of speech that are ipso facto antisemitic and further observes that a contextual assessment is required under the definition to determine whether they are antisemitic. Nevertheless, the potential chilling effects of the use of those examples by public bodies on speech that is critical of policies and practices of the Government of Israel must be taken seriously, as should the concern that criticism of Israel sometimes has been used to incite hatred towards Jews in general, including through expression that feeds 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. When 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 No. 34 (2011) of the Human Rights Committee on the freedoms of opinion and expression and general recommendation No. 35 (2013) of the Committee on the Elimination of Racial Discrimination on combating racist hate speech provide relevant guidance in this regard.

55. 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, discriminatory stereotyping and instances of hate speech” (A/HRC/22/17/Add.4, appendix, para. 36). 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.

⁷⁸ See www.timesofisrael.com/european-parliament-votes-to-adopt-working-definition-of-anti-semitism/.

⁷⁹ See www.oas.org/en/about/speech_secretary_general.asp?sCodigo=19-0036.

⁸⁰ See www.un.org/press/en/2018/sgsm19252.doc.htm.

H. Best practices

56. The majority of groups in Western Europe and the Americas engaged for the present report expressed satisfaction with the measures taken by Governments to protect Jews in their respective countries. Fifty-six per cent of those surveyed by the European Union Agency for Fundamental Rights gave a positive assessment of the efforts of their national Governments to ensure the security needs of Jewish communities.⁸¹ The Special Rapporteur notes that many Governments, including those that responded to the survey circulated for the present report, have taken steps to combat antisemitism and pledged to strengthen their efforts in this regard. 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 Argentina, Brazil, Canada, Chile and the United States, have adopted such legislation, and the majority of 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 in monitoring, identifying and responding to hate crimes.⁸² In 2017, Poland established the post of police coordinator for combating hate online. Sweden has a national contact point on hate crime.

57. The Government of Norway reported that its action plan against antisemitism (2016–2020) takes a multidisciplinary approach, with hate crime laws, established mechanisms for monitoring, investigating and reporting on antisemitic acts, and supporting initiatives that provide information about the diversity of 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 and educational projects aimed at preventing antisemitic chanting in soccer stadiums and supporting teachers in discussing sensitive issues, such as 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).

58. Unfortunately, satisfactory responses to tackle the frontier of ubiquitous antisemitism online have been elusive. Member States continue to test approaches for responding to antisemitic attitudes, in particular 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 a European Union code of conduct to tackle cases of online hate speech within 24 hours in Europe.

59. Some States have increased their security measures around synagogues, including by placing guards outside the facilities 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.

60. In Morocco, the Government has been making a concerted effort to work with non-governmental organizations (NGOs) to preserve and restore Jewish culture, including 12 Jewish cemeteries, and to open a new Jewish museum in Fez. Egypt is

⁸¹ European Union Agency for Fundamental Rights, *Experiences and Perceptions of Antisemitism*, p. 12.

⁸² Information gathered from consultations with New York communities on 11 April 2019, in which members of the Hate Crimes Task Force of the State of New York participated.

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.⁸³ In Tunisia, the State provides security for all synagogues and partially subsidizes their maintenance and restoration costs. Senior State functionaries participate in important Jewish festivals to demonstrate solidarity (A/HRC/40/58/Add.1, para. 47).

61. In Sweden, the Living History Forum, a public body, 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 provide Holocaust education in schools. However, the Special Rapporteur notes the concern among 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 of Jews should be promoted through education for children.

V. Conclusions: the impact of antisemitism on the right to freedom of religion or belief

62. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief unequivocally condemns discrimination and intolerance on the basis of religion or belief. In article 2 (2) of the Declaration, intolerance and discrimination based on religion or belief are defined as “any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis”.

63. The Special Rapporteur is alarmed by the increase in antisemitism in many countries, driven by sources that include 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 committed 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 discriminatory laws, regulations and policies of States.

64. 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 *kippa*, 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, which effectively excludes Jews from public life. In many places, the threats faced by Jewish communities have compelled them to seek or establish extensive security measures for their places of worship, 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.

65. It is impossible to deduce with any certainty the full extent of antisemitic acts committed, either globally or in any one country, given the disparities in monitoring and reporting methodologies and the serious and pervasive underreporting of such acts by victims worldwide. Consequently, policymakers may face challenges when

⁸³ Consultation with the Drop of Milk organization, Egypt.

trying to employ data to ascertain the prevalence and impact of hate crimes or the efficacy of existing responses. However, the existing data do indicate that antisemitic acts are on the rise worldwide, which requires urgent and effective action by States to combat the phenomenon.

66. 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, in reports provided directly to the Special Rapporteur, representatives of NGOs confirmed that in some cases antisemitic attitudes appear to be prevalent, tolerated and even propagated by State officials.

67. Moreover, manifestations of antisemitic attitudes online and offline, including antisemitic hate crimes, not only affect their victims, but can also evoke fear among Jewish communities, marginalize individuals in vulnerable situations, promote disinformation and incite hatred, discrimination and violence. As outlined by the previous Special Rapporteur, “the spread of negative stereotypes and prejudices ... poisons the relationship between different communities and puts people belonging to religious minorities in a vulnerable situation” (A/HRC/22/51, para. 47). In addition, 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 (A/HRC/38/53, para. 15). Hate speech and the stigmatization of Jews can undermine external expressions of the right to freedom of religion or belief.

68. There is limited research on the gendered aspects of antisemitism. Research conducted by the Institute for Jewish Policy Research in the United Kingdom found that while women are less likely to be victims of antisemitic attacks (14 per cent women, compared with 74 per cent men), a marginally larger share of women avoid Jewish public events for safety reasons (24 per cent, compared with 21 per cent of men) or remove symbols identifying them as Jewish in public (55 per cent, compared with 50 per cent).⁸⁴ In line with a human rights-based approach, States and civil society should ensure that frameworks to address both antisemitism and sexism account for intersecting religious and gendered identities.

69. 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 that show how indifference to manifestations of such hatred can lead 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 International Covenant on Civil and Political Rights 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 International Convention on the Elimination of All Forms of Racial Discrimination requires States to declare as an offence punishable by law “incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin”.

70. While a robust approach to combating manifestations of hatred is required, criminal or other punitive measures should be used only as a last resort, when less restrictive measures have failed (A/HRC/22/17/Add.4, appendix, para. 34). It has

⁸⁴ See www.antisemitism.org.uk/wp-content/uploads/2019/05/5982-Misogyny-and-Antisemitism-Briefing-April-2019-v1.pdf.

been suggested by the Human Rights Committee, by the Committee on the Elimination of Racial Discrimination and in the Rabat Plan of Action that an intent to incite discrimination, hostility or violence should be required if speech or other forms of incitement are to be criminalized under international standards.⁸⁵ Furthermore, in the Rabat Plan of Action, it is recommended 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. Accordingly, States should aim to combat speech that does not meet the threshold set out in article 20 (2), primarily through counter-speech and educational measures, in line with international human rights standards.

71. The Special Rapporteur notes that both impunity for antisemitic hate crimes and the 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 noted in OSCE Ministerial Council decision 10/7 of 30 October 2007, 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”.

72. Moreover, the 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 created the risk of reinforcing a negative image of Jews. An empathetic approach, they noted, can foster positive attitudes towards diversity.

73. The Special Rapporteur also commends the recognition by the Secretary-General that the threat of antisemitism requires the urgent and committed attention not just of all Member States, but of the United Nations itself.⁸⁶ In this regard, the Special Rapporteur notes the recent launch of the United Nations Strategy and Plan of Action on Hate Speech. Soft law instruments and guidance documents developed under the auspices of the United Nations⁸⁷ can provide essential guidance for strategies to combat antisemitism and other forms of intolerance.

VI. Recommendations

74. The Special Rapporteur urges States, civil society, the media and the United Nations to follow a human rights-based approach to combating antisemitism. Such an approach includes implementing measures that foster the development

⁸⁵ The term “advocacy” necessarily implies intention. See [A/HRC/22/17/Add.4](#), appendix, para 29, and, more generally, general comment No. 34 (2011) of the Human Rights Committee. In addition, in its general recommendation No. 35 (2013), the Committee on the Elimination of Racial Discrimination published guidance that States 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”.

⁸⁶ See www.un.org/sg/en/content/sg/speeches/2017-01-27/secretary-generals-memory-victims-holocaust-remarks.

⁸⁷ See e.g. [A/HRC/22/17/Add.4](#), appendix; [A/HRC/40/58](#), annexes I and II; and Human Rights Council resolution 16/18.

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 with regard to the different ways in which antisemitism manifests itself.

A. States and political actors

75. 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 to society openly and on an equal footing.

76. 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. They must also recognize that they have an affirmative responsibility to address online antisemitism, as the digital sphere is now the primary public forum and marketplace for ideas.

77. 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 put 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. As a result 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 for victims of such hate crimes.

78. The Special Rapporteur recognizes that the working definition of antisemitism developed by the International Holocaust Remembrance Alliance can offer valuable guidance for identifying antisemitism in its various forms and therefore encourages States to adopt it for use in education and 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 in the Rabat Plan of Action, in general comment No. 34 (2011) of the Human Rights Committee and in general recommendation No. 35 (2013) of the Committee on the Elimination of Racial Discrimination. 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 by expressions that build on traditional antisemitic stereotypes.

79. States should establish data collection systems to document information on antisemitic hate crimes. Collecting accurate, disaggregated data is essential for enabling policymakers 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.

80. Accessible and confidential mechanisms should be established to facilitate the reporting of antisemitic hate crimes, and efforts should be made to raise awareness within Jewish communities as to where and how to report incidents. 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.

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

B. Civil society

82. Civil society organizations should take a multi-stakeholder, multidisciplinary, human rights-based approach to combating 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 OSCE has developed a guide to spread the practice of civil society coalition-building to address discrimination and to build more peaceful and tolerant societies.⁸⁸

83. Civil society organizations have a responsibility to ensure that their own practices do not contribute to antisemitic discourse. They can play an important role in raising awareness of the various ways in which antisemitism can be manifested and of the impact of prejudiced messages faced by Jews and Jewish communities on human rights and society at large. These actors can also support government efforts to raise awareness within Jewish communities as to where and how to report antisemitic incidents.

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

85. Educators can develop curricula that raise awareness of 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 narratives include exploring the history of

⁸⁸ See www.osce.org/odihr/385017.

stereotypes, examining the role of power dynamics in such prejudices and acknowledging shared responsibility for identifying and rejecting antisemitic tropes. In this regard, the Special Rapporteur notes the guidelines for policymakers on addressing antisemitism through education⁸⁹ and the guidance and support materials for teacher training on addressing antisemitism in schools, both published by the United Nations Educational, Scientific and Cultural Organization and the OSCE Office for Democratic Institutions and Human Rights.

86. 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

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

88. 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. United Nations system

89. The United Nations 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 Executive Office of the Secretary-General with responsibility for engaging with Jewish communities worldwide, as well as for monitoring antisemitism and the response of the United Nations thereto.

90. Various entities of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, UNESCO, the United Nations Alliance of Civilizations and the Office of the Special Adviser 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.

⁸⁹ See www.osce.org/odihr/383089.