



## **Prof. Gert Weisskirchen**

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Antisemitism

Since 2005 I have been appointed by the respective Chairman-in-Office to the position of Personal Representative on Combating Anti-Semitism. Now, in my third year of this mandate, it is time to take stock of the current situation, point to successes and positive trends, make critical assessments, and then look ahead to the future.

### **OSCE conference in Bucharest**

The mandates of the Personal Representatives of the Chairman-in-Office were created as a consequence of OSCE anti-Semitism conferences held in Vienna, Berlin, Paris, Brussels, and Cordoba. A further OSCE conference was held in Bucharest from 7 to 8 June this year: the High-Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding. It was preceded by a NGO meeting.

The Bucharest Declaration contains the following passage:

"Recognizing its unique and historic character, [the participating States] condemn anti-Semitism without reservation, whether expressed in a traditional manner or through new forms and manifestations. [They] Reiterate previous OSCE declarations that international developments or political issues, including in Israel or anywhere else, can never justify anti-Semitism."

Prior to that the NGOs formulated nine recommendations and made reference in this context to the special role of education and parliaments. I strongly support all of these recommendations and in particular the appeal issued by the NGOs to take action against expressions of racial hatred and anti-Semitic discourse on the Internet. I have listed these recommendations for you in my written statement.

As of June 2007 a total of 48 separate commitments had been made by OSCE participating States in reference to the fight against anti-Semitism. These commitments are necessary. There is a need now to strengthen the political will to implement these commitments in all OSCE countries. Many countries have been quite exemplary in this area. Unfortunately there are other countries whose efforts have not been sufficient.

### **Current state of affairs**

Despite the considerable efforts that have been undertaken in many participating States and the numerous conferences that have been held, there have been recurrent manifestations of anti-Semitism in many countries of the OSCE region. This includes countries whose governments and public institutions have had an excellent record in the fight against anti-Semitism. In Germany, for instance, a rabbi from the Jewish congregation in Frankfurt was injured in a knife attack. In addition to egregious acts of violence like this one, there are often other, much more subtle forms of anti-Semitism that are a cause for concern. What is dangerous, for instance, are attempts to make anti-Semitic attitudes predominant in public discourse.

One of my objectives is to create an awareness of different forms of anti-Semitic discourse. I can give two examples of this from my work.

In May 2007 the British University and College Union (UCU) called for an anti-Israeli boycott. Other unions followed this example with similar actions. I issued a press release immediately condemning this call for a boycott. I travelled to London in July to talk with the unions in a further attempt to raise public awareness of this matter.

There was a disquieting development in Croatia. The popular singer Marko Perkovic, alias "Thompson", started showing various symbols from the Ustasha era at concerts. During a country visit to Croatia I was able to talk to a number of government representatives as well as representatives of the Jewish communities. The objective here was to reach a consensus with my Croatian interlocutors that nationalistic tendencies of any kind need to be nipped in the bud.

I wrote a letter to all the heads of government of the OSCE participating States in which I proposed that an inquiry similar to the British All-Party Parliamentary Inquiry be carried out. This was also recommended by the NGOs in Bucharest. I enclosed the Magenta Foundation report on the 1st International Conference on Academic Anti-Semitism and the ODIHR-FRA Working Definition of Anti-Semitism. In the meantime I have received answers from some of the governments. Most of them use the working definition of anti-Semitism that was jointly formulated by ODIHR and the Fundamental Rights Agency. Unfortunately none of the reply letters has made any concrete statements to the effect that plans are being made to use an instrument similar to the All-Party Parliamentary Inquiry.

## **CiO Personal Representative mandates**

The role of CiO Personal Representatives encompasses three areas:

1. They implement the decisions taken by the participating states at OSCE Conferences.
2. They draw attention to both progress and setbacks in the implementation process.
3. They encourage efforts by civil society groups and promote national and transnational cooperation between social, parliamentary and governmental actors.

It will hardly be possible to carry out these tasks in a satisfactory manner with the current mandate structure. The Personal Representative mandates need to be equipped with further instruments if they are to be able to do justice to these functions. At the moment there is a considerable gap between what would actually be required and what exists in reality and this gap needs to be closed.

It would be nice if there were more support from the OSCE participating States. This year only one country visit has been agreed thus far, i.e. to Croatia. Unfortunately there have been no further invitations from other countries. Contacts and meetings with NGOs and representatives of the Jewish communities in the various countries is very important in terms of doing justice to the CiO Personal Representative mandates.

Prior to the appointment of the Personal Representatives the following six areas were declared to be in particular need of attention:

- 1) *Data collection*
- 2) *Legislation*
- 3) *Law enforcement*
- 4) *Education*
- 5) *Media*
- 6) *Parliaments*

Progress has been made over the past few years in most of these areas.

In November 2006 OSCE ODIHR held a Tolerance Implementation Meeting in Vienna on the subject of Data Collection. NGOs formulated various recommendations which I have listed in my written statement. I want to focus here on one of the most important recommendation the NGOs formulated:

We remind participating States of their commitment to provide hate crime statistics on a regular basis and to respond to violent manifestations of intolerance;

Various tools provided by OSCE ODIHR have proven to be very helpful. The OSCE ODIHR Law Enforcement Officer Programme has already been implemented in some countries and is in either the planning or preparatory stages in others. ODIHR is also working on a training programme for public prosecutors.

Teaching materials on the subject of anti-Semitism have been developed for a number of countries and are now in use there.

A code should be developed together with authors, journalists, and publicists that would constitute a voluntary moral and autonomous agreement to show tolerance and recognize the rights of minorities. A project of this kind has already been discussed with the OSCE Representative on Freedom of the Media.

The OSCE PA can be used as a laboratory for testing new legislative approaches. National parliaments should be encouraged to strengthen their ability to monitor the results of decisions in the OSCE. An instrument comparable to the All-Party Parliamentary Inquiry could be employed in other countries as well. It would be a good thing if OSCE PA national delegations were to promote an initiative of this kind in their parliaments.

## **Outlook**

Many parliaments have been exemplary in their efforts to fight anti-Semitism and recognize the scale of the problem. Nonetheless, there has been growing acceptance of anti-Semitic statements and stereotypes in some countries, as was observed in the autumn of 2006.

As such, it is of crucial importance that civil society be included in the fight against anti-Semitism. We cannot afford to lose those who are in the middle of the political spectrum. It must be guaranteed that social initiatives and projects will receive the support they need to be able to do their work successfully. It is a task for the national parliaments to see to it that there is sufficient funding for civil society projects of this kind.

We need to work towards an exchange of information on promising methods of fighting anti-Semitism. We are currently able to say that there are a number of particularly successful projects that could be implemented in other countries.

In Sweden, for instance, there is an exit programme for radical neo-Nazis. Over a period of many years case workers have succeeded in getting numerous individuals out of the right-wing extremist scene. No one is given up for lost.

In France official data on anti-Semitic violence and other manifestations of anti-Semitism is compared with data received from NGOs. Since NGOs do not use the same strict criteria for data collection, a more precise picture emerges as to the scale of anti-Semitic crimes.

The appointment of special envoys responsible for dealing with the subject of anti-Semitism and relations with Jewish communities results in the problem being seen more clearly on the part of executive government as well. There are special envoys of this kind in the United States, France, Poland, Spain, and Germany.

The following countries stand out for their efforts to fight anti-Semitism through education by taking part in the ODIHR Anne Frank House Project and developing relevant teaching materials: Germany, Croatia, Denmark, Spain, Lithuania, the Netherlands, Poland, the Russian Federation, Slovakia, and Ukraine. I have actively supported this ODIHR programme from the outset and I am pleased by the success it has had in many countries.

As has already been mentioned, the CiO Personal Representative mandates need to be expanded so that they can be carried out in a satisfactory manner. The provision of physical and human resources would be helpful in making our work more effective.

I am certain that we will continue to have strong support for carrying on the fight against anti-Semitism.

## Annex

### 1. ODIHR/FRA Working Definition on Antisemitism

#### WORKING DEFINITION OF ANTISEMITISM

The purpose of this document is to provide a practical guide for identifying incidents, collecting data, and supporting the implementation and enforcement of legislation dealing with antisemitism.

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

In addition, such manifestations could also target the state of Israel, conceived as a Jewish collectivity. 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.

Examples of the ways in which antisemitism manifests itself with regard to the state of Israel taking into account the overall context could include:

- 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.
- 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.

However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.

**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.

## **2. NGO Recommendations from the Civil Society Preparatory Meeting of the OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding in Bucharest, 7-8 June 2007**

- We commend initiatives such as the UK All-party Parliamentary Group Inquiry against anti-Semitism and its recommendations and we encourage national parliaments and legislatures in the OSCE region to initiate similar formal high level inquiries into anti-Semitism, when and where appropriate;
- Participating States should pay closer attention to the fact that anti-Semitic violence may be tied to organized extremist movements. Participating States should counter these movements with a range of educational and legal initiatives;
- We recommend developing or expanding existing educational curricula in order to focus on anti-Semitism, Jewish history and current Jewish life at all levels. Holocaust education should be a standard part of the curricula and when necessary should be designed to respond to the increasingly diverse heritage of pupils throughout the OSCE region in accordance with the guidance of the International Task Force on Holocaust education, research and remembrance;
- Recognizing that there is a correlation between violent anti-Semitic acts throughout the OSCE region and the conflicts in the Middle East involving the State of Israel, we call upon participating States to take additional measures to protect potential targets of violent anti-Semitic acts;
- Recalling the OSCE commitment in the Berlin Conference's declaration, that no political developments, including in the Middle East and Israel justify Anti-Semitism, we call for strong and immediate public condemnation and action against attempts to target Israeli and Jewish institutions and individuals for boycotts, divestment and sanctions;
- We call upon the OSCE to continue the institution of the Personal Representatives in the future and to ensure the focus on Anti-Semitism as a distinct form of hate. And we call on the future Chairs in Office to support their work and to maintain this focus. We call on the OSCE to continue regular high level conferences on Anti-Semitism and other forms of intolerance as well as convening high level expert meetings in between.
- We call on NGOs and criminal justice agencies to use the working definition on Anti-Semitism of the ODIHR and the former EUMC (FRA).
- We call on States to increase their efforts to combat hate on the internet as recommended at the 2004 Paris Meeting, which called for increased cooperation between governments and civil society across borders;
- We call on governments and civil society to condemn and to take action against public, academic and political discourse that legitimises Anti-Semitism including Holocaust denial or trivialisation, questioning the loyalty of Jewish citizens and anti-Semitic conspiracy theories.

### **3. NGO Recommendations from the Tolerance Implementation Meeting, Vienna, 9-10 November 2006**

#### **Introduction**

- We are grateful to the Chairmanship and the ODIHR for initiating an NGO roundtable to prepare recommendations for the Tolerance Implementation Meeting;
- We welcome the opportunity for civil society Delegates to give keynote speeches and in particular to present the conclusions and the recommendations of the preparatory roundtable to the Implementation Meeting;
- We recommend that this initiative be institutionalized in future OSCE conferences and meetings;

#### **Areas of concern**

- We note the continuing alarming rise of hate crimes in certain parts of the OSCE region;
- We remind participating States that democratic institutions and the rule of law are the absolute prerequisite for the adequate tackling of hate crimes;
- We call on all participating States to recognize hate crimes and to respond according to the commitments they have made;
- We express particular concern about situations in which hate crimes are committed with the collusion or the direct complicity of government agents;
- We express concern that certain governments and officials deny the occurrence of hate crimes;
- We are concerned about the attitude of certain governments that obstruct the work of human rights defenders who confront and combat hate crimes and fail to provide adequate protection from threats and violence;
- We are concerned about the longstanding institutional prejudice that obstructs the recording, investigation and prosecution of hate crimes;
- We commend the vital role an independent media plays in publicizing hate crimes and raising awareness of threats posed by hate groups;
- We are concerned about the misuse of legislation enacted to combat extremist activities to curtail freedom of speech and association;

#### **To the participating States:**

- We remind participating States of their obligation to comply with international standards relevant to discrimination and hate motivated violence;
- We remind participating States of their commitment to provide hate crime statistics on a regular basis and to respond to violent manifestations of intolerance;
- We stress the need for data to be publicized in a comprehensive way and on a regular basis
- We recommend that participating States establish specialized bodies, if they have not already done so, or strengthen existing ones to collect statistical data on hate crimes, including tracking of cases through the criminal justice system ;

- We recommend that participating States should use the ODIHR working definition to develop a minimum standard for hate crimes monitoring
- We commend participating States that have introduced a provision in their criminal code qualifying hate motivation as an aggravating factor and encourage other States to adopt similar provisions;
- We recommend that all grounds of discrimination including age, disability, gender, social status, political and religious belief and sexual orientation should be included in data on hate crimes;
- We stress that data on hate crimes should not only be used as a management tool but should be used to formulate effective policies to respond to hate crimes;
- We urge the provision of psychological, medical and legal support to victims by specialized bodies;
- We recommend that victims' surveys be conducted so as to identify patterns of hate crimes;
- We recommend provision for non governmental bodies to act as intermediaries between victims and law enforcement bodies, to forward incident reports and to represent victims in official communications;
- We recommend that law enforcement agencies should take account of victims' perceptions when recording hate crimes and also be sensitized to respond to the needs of victims;
- We recommend that law enforcement officers receive training to recognize the hate motivated elements of crimes in order to accurately record complaints;
- We recommend that law enforcement agencies publicize records on hate crimes in a comprehensive and timely manner;
- We recommend that participating States appoint public prosecutors with a specific competence and mandate and task specific police units to investigate hate crimes;
- We recommend that prosecutors and judges receive training in order to implement existing legislation;
- We encourage the development of guidelines for penalty enhancement for hate crimes;
- We recommend that law enforcement agencies provide NGOs with information on hate crimes;
- We recommend that specialized bodies acknowledge the information and data provided by civil society representatives and establish consultation mechanisms with civil society when reporting;
- We recommend that participating States recognize the added value of the work of community based organizations and support their activities to combat hate crimes
- We recommend that participating States consider next steps after the 2004 Paris Conference on hate on the internet which pointed to the growing relationship between incitement online and violent hate crime;
- In line with the Maastricht Decision 12/03 we urge participating States to support civil society initiatives that monitor and gather data on internet hate speech and incitement;

### **To civil society**

- We stress the importance for civil society to collect quantitative and qualitative consistent data
- We recommend that civil society agree on using the ODIHR working definition of hate crime and decide on a common methodology to monitor hate motivated violence

### **To the OSCE**

- We urge the OSCE to call yet again on States to implement commitments they have made to monitor and combat hate crimes
- We recommend that the OSCE Personal Representatives on discrimination and xenophobia, anti-Semitism, and Discrimination against Muslims must play an active role in raising awareness of the importance of monitoring and reporting hate motivated violence throughout the OSCE region;
- We recommend that the OSCE supports civil society projects aiming at addressing hate crimes, especially when monitoring and reporting and when providing assistance to victims;
- Recognizing the role of networks and coalitions in producing consistent data on hate crimes and hate on the internet, we recommend that the OSCE further strengthen the development of networks and coalitions of NGOs.