

U.S. Commission on International Religious Freedom Hearing: Global Efforts to Counter Anti-Semitism

Statement of the United Nations Special Rapporteur on Freedom of Religion or Belief

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Chairpersons, Distinguished Guests, Ladies and Gentlemen:

As the UN Special Rapporteur on freedom of religion or belief, I am mandated by the UN Human Rights Council to identify existing and emerging obstacles to the enjoyment of this right and to examine incidents and governmental actions that are incompatible with the provisions articulated by the international legal framework for its protection; including the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Consequently, four months ago (October 2019), I presented my report to the United Nations General Assembly (UNGA) on the global phenomenon of antisemitism and its impact on the right to freedom of religion or belief of Jewish persons worldwide — the first UN report dedicated to examining this issue. Information for the 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 Argentina; Canada; France; Austria; Hungary; Norway; The Netherlands; The United States; and the United Kingdom 28 March to 27 June 2019. In this regard, monitors, academics, researchers and victims spoke to the challenges presented by what appears to be a resurgence of classic antisemitism in online chatter and offline activity being advanced by right-wing supremacist groups and radical Islamists; expressed alarm about what appears to be an increasing use of antisemitic tropes by prominent political figures across political spectrums, along with the politicization of these incidents that only serve to inflame tensions.

The report was meant to raise alarm among decisionmakers about the frequency of antisemitic incidents and the pervasiveness of antisemitic attitudes which appear to be increasing in magnitude and perniciousness in several countries where monitors attempt to document it, including online. The report noted that the prevalence of antisemitic attitudes and the risk of violence against Jewish individuals and sites appears to be significant everywhere, including in countries with little or no Jewish population. These incidents have created a climate of fear, impairing the right of Jews to manifest their religion or belief and, which, if left unchecked by governments, poses risks not only to Jews, but also to members of other minority communities.

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

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 that year.¹ And some countries are imposing formal

¹ See <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>.

barriers to the enjoyment of freedom of religion or belief by Jewish persons, including measures that prohibit the donning of religious attire or impose, though not necessarily for antisemitic motivations, limits on the religious rite of male circumcision and restrictions on ritual slaughter practices. Studies also demonstrate that anxiety is high among Jewish communities in numerous jurisdictions. One survey found that 85 percent of respondents felt antisemitism was a serious problem in their country, 34 percent reported that they avoided visiting Jewish events or sites because of safety concerns, and 38 percent had considered emigrating because they did not feel safe as a Jew.²

I therefore underscore the importance of taking urgent action, nationally and internationally, to combat antisemitism and of doing so within a wider human rights framework. Such an approach acknowledges the specificities of different forms of intolerance and takes comprehensive steps to addressing cross-cutting issues through legislation, law enforcement, data collection, the monitoring of hate crimes. This also includes implementing measures which foster the development of democratic societies that are resilient to extremist ideologies, including antisemitic propaganda, by fostering critical thinking, empathy, and human rights literacy among self-reflective citizens with the requisite proficiency and confidence to peacefully and collectively reject antisemitism and other forms of intolerance and discrimination. And this also requires investments in education and training to enhance society-wide literacy about the different ways in which antisemitism manifests itself. Bearing this in mind, I'd also like to note that the upcoming 75th anniversary of the liberation of Auschwitz is an important opportunity to examine and inform our broader understandings of mass atrocities; a chance to highlight the value of promoting human rights, ethics, and civic engagement that bolsters human solidarity and a unique moment to reflect on the total experience of Jewish life rather than painting Jews as victims.

In my report I recognize that the “Working Definition of Antisemitism” adopted by the International Holocaust Remembrance Alliance (IHRA) can offer valuable guidance for identifying antisemitism in its various forms, and therefore for use in education, awareness-raising and for monitoring and responding to manifestations of antisemitism. I therefore have recommended its use as a critical non-legal tool for non-regulatory purposes in line with approaches to hate speech taken by the UN Human Rights Committee, the Rabat Plan of Action and General Recommendation No. 35 of the Committee on the Elimination of Racial Discrimination.

The primary responsibility for addressing acts of intolerance and discrimination rests with States, including their political representatives. As such states must also foster freedom of religion or belief and pluralism by promoting the ability of members of all religious communities to manifest their right to freedom of religion or belief, and to contribute openly, on an equal footing, to society. 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. And political parties should adopt and enforce ethical guidelines in relation to the conduct of their representatives, particularly with respect to public speech.³

Civil society organizations, which can play a crucial role in combatting antisemitism, should also take a multi-stakeholder, multidisciplinary, human rights-based approach to combatting antisemitism. Academic experts and researchers can support governments by providing independent expert advice and insights on the prevalence and manifestations of antisemitism, as well as on effective ways to counter it. They can play an important role in raising awareness about the various ways in which antisemitism can be manifested

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

³ Rabat Plan of Action, para 57. https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf

along with the impact of prejudiced messages faced by Jews and Jewish communities on human rights and society at large. And they can also support government efforts to raise awareness within Jewish communities as to where and how to report antisemitic incidents.

Moreover, social media companies should take reports about cyberhate seriously, enforce terms of service and community rules that do not allow for the dissemination of hate messages, provide more transparency of their efforts to combat cyberhate, and to offer user-friendly mechanisms and procedures for reporting and addressing hateful content. They should also report criminal antisemitic behavior online to relevant local law enforcement agencies, including expression that constitutes incitement to discrimination, hostility or violence.

Lastly, in October, I noted that the UN Secretary General should consider appointing a senior-level focal point in the Office of the UN Secretary-General with responsibility for engaging with the Jewish communities worldwide, as well as monitoring antisemitism and the response of the UN thereto. And recommended that various entities of the United Nations system, including OHCHR, United Nations Alliance of Civilizations, and the Office of the Special Advisor on the Prevention of Genocide, enhance their cooperation with relevant human rights treaty bodies and special procedures mandate holders order to stimulate joint action on antisemitism and other forms of hate. For my part, I will continue to use my mandate to raise awareness and to advocate for the recommendations presented to this Committee today.