

ECRI

European Commission against Racism and Intolerance
Commission européenne contre le racisme et l'intolérance

ECRI GENERAL POLICY RECOMMENDATION No. 9

ON THE FIGHT AGAINST ANTISEMITISM

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THE COUNCIL OF EUROPE

The Council of Europe is a political organisation which was founded on 5 May 1949 by ten European countries in order to promote greater unity between its members. It now numbers 45 European States.¹

The main aims of the Organisation are to promote democracy, human rights and the rule of law, and to develop common responses to political, social, cultural and legal challenges in its member States. Since 1989 it has integrated most of the countries of central and eastern Europe and supported them in their efforts to implement and consolidate their political, legal and administrative reforms.

The Council of Europe has its permanent headquarters in Strasbourg (France). By Statute, it has two constituent organs: the Committee of Ministers and the Parliamentary Assembly. The Congress of Local and Regional Authorities of Europe represents the entities of local and regional self-government within the member States.

The European Court of Human Rights is the judicial body competent to adjudicate complaints brought against a State by individuals, associations or other contracting States on grounds of violation of the European Convention on Human Rights.

¹ *Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the Former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.*

EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE

The European Commission against Racism and Intolerance (ECRI) is a monitoring body established by the first Summit of Heads of State and Government of the member States of the Council of Europe. The decision to establish ECRI is contained in the Vienna Declaration adopted by the first Summit on 9 October 1993. The European Conference against Racism, held in Strasbourg in October 2000, called for the strengthening of ECRI's action. On 13 June 2002, the Committee of Ministers adopted a new Statute for ECRI, consolidating its role as an independent human rights monitoring body on issues related to racism and racial discrimination.

The members of ECRI serve in their individual capacity and are independent. The task of ECRI is to combat racism, xenophobia, antisemitism and intolerance at the level of greater Europe and from the perspective of the protection of human rights. ECRI's action covers all necessary measures to combat violence, discrimination and prejudice faced by persons or groups of persons, notably on grounds of race, colour, language, religion, nationality and national or ethnic origin.

ECRI's programme of activities comprises three aspects: country-by-country approach; work on general themes; activities in relation with civil society.

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The European Commission against Racism and Intolerance (ECRI):

Having regard to Article 14 of the European Convention on Human Rights;

Having regard to Protocol No. 12 to the European Convention on Human Rights which contains a general clause prohibiting discrimination;

Having regard to the case-law of the European Court of Human Rights and recalling that the Court held that disputing the existence of crimes against humanity committed under the National-Socialist regime was one of the most severe forms of racial defamation and of incitement to hatred of Jews and that the denial of such crimes against humanity and the justification of a pro-Nazi policy could not be allowed to enjoy the protection afforded by Article 10 of the European Convention on Human Rights;

Having regard to the Additional Protocol to the Convention on Cybercrime concerning criminalisation of acts of a racist or xenophobic nature committed through computer systems;

Recalling ECRI's General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance and ECRI's General Policy Recommendation No. 2 on specialised bodies to combat ra-

cism, xenophobia, antisemitism and intolerance at national level;

Recalling also ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, which contains the key elements of appropriate legal measures in combating racism and racial discrimination effectively;

Bearing in mind the Declaration of Concern and Intent on "Antisemitism in Europe today" adopted on 27 March 2000 by the participants in the Strasbourg "Consultation on Antisemitism in Europe today", convened by the Secretary General of the Council of Europe;

Having regard to Recommendation (2001) 15 of the Committee of Ministers to member States on history teaching in twenty-first century Europe, which was confirmed by Ministers of Education at the ministerial seminar held in Strasbourg in October 2002;

Recalling the principles contained in the Charter of European political parties for a non-racist society;

Taking note of the conclusions of the OSCE Conferences on Antisemitism held in Vienna on 19-20 June 2003 and in Berlin on 28-29 April 2004;

Recalling the work of the European Union in combating racism and discrimination and taking note of the conclusions of the seminar on "Europe against

antisemitism, for a Union of Diversity" organised in Brussels on 19 February 2004;

Recalling that the legacy of Europe's history is a duty to remember the past by remaining vigilant and actively opposing any manifestations of racism, xenophobia, antisemitism and intolerance;

Paying homage to the memory of the victims of the systematic persecution and extermination of Jews in the Shoah, as well as of the other victims of policies of racist persecution and extermination during the Second World War;

Paying homage to the Jewish victims of killings and systematic persecution under totalitarian regimes following the Second World War, as well as other victims of these policies;

Stressing in this respect that the Council of Europe was precisely founded in order to defend and promote common and just values – in particular the protection and promotion of human rights – around which Europe was rebuilt after the horrors of the Second World War;

Recalling that combating racism, xenophobia, antisemitism and intolerance is rooted in and forms part of the protection and promotion of human rights;

Profoundly convinced that combating antisemitism, while requiring actions taking into account its speci-

ficities, is an integral and intrinsic component of the fight against racism;

Stressing that antisemitism has persisted for centuries across Europe;

Observing the current increase of antisemitism in many European countries, and stressing that this increase is also characterised by new manifestations of antisemitism;

Noting that these manifestations have often closely followed contemporary world developments such as the situation in the Middle East;

Underlining that these manifestations are not exclusively the actions of marginal or radical groups, but are often mainstream phenomena, including in schools, that are becoming increasingly perceived as commonplace occurrences;

Observing the frequent use of symbols from the Nazi era and references to the Shoah in current manifestations of antisemitism;

Stressing that these manifestations originate in different social groups and different sectors of society;

Observing that the victims of racism and exclusion in some European societies, themselves sometimes become perpetrators of antisemitism;

Noting that in a number of countries, antisemitism, including in its new forms, continues to be promoted, openly or in a coded manner, by some political parties and leaders, including not only extremist parties, but also certain mainstream parties;

Believing that an adequate response to these phenomena can only be developed through the concerted efforts of all relevant actors in European societies, including representatives of different communities, religious leaders, civil society organisations and other key institutions;

Stressing that efforts to counter antisemitism should include the thorough implementation of legal provisions against racism and racial discrimination in respect of all perpetrators and for the benefit of all victims, with special emphasis on the provisions against incitement to racial violence, hatred and discrimination;

Convinced furthermore that these efforts should also include the promotion of dialogue and cooperation between the different segments of society on the local and national levels, including dialogue and cooperation between different cultural, ethnic and religious communities;

Emphasising strongly the role of education in the promotion of tolerance and respect for human rights, thereby against antisemitism;

Recommends that the governments of the member States:

- give a high priority to the fight against antisemitism, taking all necessary measures to combat all of its manifestations, regardless of their origin;
- ensure that actions aimed at countering antisemitism are consistently given their due place amongst actions aimed at countering racism;
- ensure that the fight against antisemitism is carried out at all administrative levels (national, regional, local) and facilitate the involvement of a wide range of actors from different sectors of society (political, legal, economic, social, religious, educational) in these efforts;
- enact legislation aimed at combating antisemitism taking into account ECRI's suggestions in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination;
- ensure that the law provides that, for all criminal offences, racist motivation constitutes an aggra-

vating circumstance, and that such motivation covers antisemitic motivation;

- ensure that criminal law in the field of combating racism covers antisemitism and penalises the following antisemitic acts when committed intentionally:
 - a. public incitement to violence, hatred or discrimination against a person or a grouping of persons on the grounds of their Jewish identity or origin;
 - b. public insults and defamation of a person or a grouping of persons on the grounds of their actual or presumed Jewish identity or origin;
 - c. threats against a person or a grouping of persons on the grounds of their actual or presumed Jewish identity or origin;
 - d. the public expression, with an antisemitic aim, of an ideology which depreciates or denigrates a grouping of persons on the grounds of their Jewish identity or origin;
 - e. the public denial, trivialisation, justification or condoning of the Shoah;

- f. the public denial, trivialisation, justification or condoning, with an antisemitic aim, of crimes of genocide, crimes against humanity or war crimes committed against persons on the grounds of their Jewish identity or origin;
 - g. the public dissemination or public distribution, or the production or storage aimed at public dissemination or public distribution, with an antisemitic aim, of written, pictorial or other material containing manifestations covered by points a), b), c), d), e), f) above;
 - h. desecration and profanation, with an antisemitic aim, of Jewish property and monuments;
 - i. the creation or the leadership of a group which promotes antisemitism; support for such a group (such as providing financing to the group, providing for other material needs, producing or obtaining documents); participation in its activities with the intention of contributing to the offences covered by points a), b), c), d), e), f), g), h) above;
- ensure that criminal legislation covers antisemitic crimes committed via the internet, satellite television and other modern means of information and communication;

- ensure that the law provides for an obligation to suppress public financing of organisations which promote antisemitism, including political parties;
- ensure that the law provides for the possibility of disbanding organisations that promote antisemitism;
- take the appropriate measures to ensure that legislation aimed at preventing and sanctioning antisemitism is effectively implemented;
- offer targeted training to persons involved at all levels of the criminal justice system – police, prosecutors, judges – with a view to increasing knowledge about antisemitic crimes and how such acts can be effectively prosecuted;
- take steps to encourage victims of antisemitic acts to come forward with complaints of antisemitic acts, and put in place an effective system of data collection to thoroughly monitor the follow-up given to such complaints;
- establish and support the functioning of an independent specialised body along the lines set out in ECRI's General Policy Recommendation No. 2 on Specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level, and ensure that the actions carried out by this organ cover all forms of antisemitism;

- introduce anti-racist education into the school curriculum at all levels and in an integrated manner, including content that builds awareness about antisemitism, its occurrences through centuries and the importance of combating its various manifestations, ensuring that teachers are provided with the necessary training;
- promote learning about Jewish history as well as about the positive contribution of Jewish persons, communities and culture to European societies;
- promote learning about the Shoah, and the developments leading up to it, within schools and ensure that teachers are adequately trained in order to address this issue in a manner whereby children also reflect upon current dangers and how the recurrence of such an event can be prevented;
- promote learning and research into the killings and systematic persecution of Jewish and other persons under totalitarian regimes following the Second World War;
- where antisemitic acts take place in a school context, ensure that, through targeted training and materials, school directors, teachers and other personnel are adequately prepared to effectively address this problem;

- encourage debate within the media professions on their role in fighting antisemitism, and on the particular responsibility of media professionals to seek to, in this connection, report on all world events in a manner that avoids perpetuating prejudices;
- support the positive role the media can play in promoting mutual respect and countering antisemitic stereotypes and prejudices;
- support and encourage research projects and independent monitoring of manifestations of antisemitism;
- support the activities of non-governmental organisations, which play an important role in fighting antisemitism, promoting appreciation of diversity, and developing dialogue and common anti-racist actions between different cultural, ethnic and religious communities;
- take the necessary measures to ensure that the freedom of religion is fully guaranteed, and that public institutions make provision in their everyday practice for the reasonable accommodation of cultural and other requirements;
- support dialogue between different religious communities at local and national levels in order to counter racist stereotypes and prejudices,

including through providing financing and establishing institutional fora for multifaith dialogue;

- ensure that religious leaders at all levels avoid fueling antisemitism, and encourage religious leaders to take responsibility for the teachings spread at the grassroots level;
- encourage political actors and opinion leaders to take a firm public stand against antisemitism, regularly speaking out against its various manifestations, including all its contemporary forms, and making clear that antisemitism will not be tolerated.