



EUROPEAN MARCH OF THE LIVING NETWORK

EUROPEAN AND NATIONAL 2019 ANNUAL MAPPING

Current Realities and Challenges in Identification, Mitigation and Countering of Anti-Semitism, Xenophobia and Racism

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Introduction

The European March of the Living network (EMOTL) mapping project has been commissioned to present an overview of the current realities and challenges regarding anti-Semitism, xenophobia, racism and intolerance across EU member states, integrating the analysis and contribution of EMOTL partners.

The EMOTL network partners contributed information regarding the realities and challenges in their respective countries. Testimonies and clarifications by EMOTL partners have been further substantiated by secondary research from reputable organizations, including the Anti-Defamation League (ADL), Organization for Security and Cooperation in Europe (OSCE), the European Commission against Racism and Intolerance (ECRI), the Coordination Forum for Countering Antisemitism (CFCA), the European Agency for Fundamental Rights (FRA), and additional state and civil society organizations.

Data on anti-Semitism, racism and xenophobia across EU countries are generally not comparable, as they are collected using different methodologies and from different sources in each state. Although official data collection systems are generally based on police records and/or criminal justice data, authorities do not always categorise incidents motivated by anti-Semitism, racism or xenophobia under that heading.¹

Forward

The threat of anti-Semitism, racism, xenophobia and intolerance are significant issues in a number of EU countries. **40% of Europeans agree that Jewish people are threatened with violence in their country, while one in ten Europeans is a self-identifying anti-Semite.**²

Anti-Semitic beliefs are widespread. A growing lack of Holocaust awareness in younger members of society is matched by denial, revisionism, and equivocation. **32% of Europeans subscribe to the view that Jewish people use the Holocaust to advance their position or to achieve certain goals.**³

Ignorance of the past links to current dissonances. Ideas of Jewish power are still prevalent, with significant segments of different populations believing in the sentiment that Jews influence finance, business, and the media. Similarly, many believe there to be a significant global Jewish population. A quarter of Hungarians estimated that the world is more than 20% Jewish, while one in five of British and Polish respondents said so.⁴

¹ EUFRA, *Antisemitism - Overview of data available in the European Union 2007–2017*

² FRA, *Experiences and perceptions of antisemitism 2018*

³ <https://www.timesofisrael.com/cnn-poll-over-20-of-europeans-say-jews-have-too-much-influence-worldwide/>

⁴ <https://edition.cnn.com/interactive/2018/11/europe/antisemitism-poll-2018-intl/>

Discrimination and the spectre of violence does not begin or end with the small Jewish communities across the continent, with **36% of surveyed Europeans self-identifying as having negative perspectives of Muslims.**⁵

Driving these trends is an increasing political volatility across much of the continent, with far-right and far-left political parties and organizations expanding their influence, entering coalitions, and entrenching their power. The result is an increasingly threatening environment for Jews, Muslims, Roma, ethnic minorities and immigrants among other vulnerable groups.

While most countries exhibit these issues in distinct manners, the polarization of societies in conjunction with external pressures such as mass immigration or geopolitical upheaval is exacerbating majority-minority and minority-minority relations across much of the continent.

The under-reporting, under-recording and under-prosecuting of hate crimes only helps to isolate and endanger at risk populations, and must be an area of focus for all countries.

A growing trend of Holocaust revisionism, coupled with a common sentiment that there is too much focus on the Holocaust, is a dangerous development for Jews, Roma, and the future of human rights.

European Union Overview

This mapping is a synthesis of many European Union driven insights and commentary, alongside supporting sources and EMOTL partner testimonies. The EU has continuously reiterated its commitment and resolve to tackle anti-Semitism. This document is intended in part as a resource to underpin and bolster future European policy as well as pay recognition to progress as a result of EU and regional interventions.

Data from the Eurobarometer survey in 2018 highlights that six in 10 Europeans consider anti-Semitism to be a problem in their country.⁶ The European Commission noted this and other worrying trends in the fact sheet released on the back of this survey. It referenced measures aimed at tackling anti-Semitism including but not limited to; appointing the first European Commission Coordinator on combating Antisemitism, agreeing the code of conduct on illegal online hate speech and launching the High Level Group on combating Racism, Xenophobia and other forms of Intolerance to step up cooperation and coordination, to better prevent and combat hate crime and hate speech.⁷

These methods to fight anti-Semitism are similarly expounded by the European Council in its 2018 declaration inviting member states to 'adopt and implement a holistic strategy to

⁵ FRA, *Second European Union Minorities and Discrimination Survey - Muslims – Selected findings 2017*

⁶ European Commission, *Special Eurobarometer 484 2018*

⁷ https://ec.europa.eu/commission/presscorner/detail/en/MEMO_19_542

prevent and fight all forms of antisemitism’, and ‘increase their efforts to ensure security for Jewish communities, institutions and citizens.’⁸

Time and time again European institutions reiterate their commitment and unifying strategy to fight anti-Semitism, reinforced by survey after survey elaborating on the pervasive regression in European attitudes towards Jews.

European Commission Vice President for Values and Transparency Věra Jourová in 2019 during the meeting of the working group on anti-Semitism outlined its mission alongside member states was to, ‘counter the rise of anti-Semitism.’⁹

The Council Declaration on the fight against anti-Semitism puts forward key requests of member states, among which include; promoting education on the Holocaust as well as on education on the role of Jewish institutions, communities, and citizens in today’s Europe; introduce training about all forms of intolerance, racism and hate crime, in particular anti-Semitic prejudices and hate crime into school curricula; strengthen support for intercultural and interfaith work involving Jewish communities and institutions and to emphasise the importance of Holocaust remembrance and education for all.¹⁰

Referring to the findings of the FRA’s ‘Young Jews in contemporary Europe’ 2019 report, EU Commissioner for Justice, Consumers and Gender Equality, Věra Jourová commented that, ‘*Antisemitism is a threat to our European values. This is why we made fighting it a priority and work closely with Member States to ensure they are fully part of our Union.*’ While FRA Director, Michael O’Flaherty emphasised that, “*Antisemitism in Europe remains a stubborn stain that refuses to go away.*”¹¹ These comments come six months after the FRA’s survey on experiences and perception on anti-Semitism, where Michael O’Flaherty again warned that, ‘Decades after the Holocaust, shocking and mounting levels of antisemitism continue to plague the EU.’¹²

There has been reassuring progress made through successful EU initiatives; compelling regional and national actors to work together and challenge anti-Semitism.

The EU High Level Group on combating racism, xenophobia and other forms of intolerance targeted two priority areas in March 2019; countering hate speech online, including through the implementation of a Code of Conduct on countering illegal hate speech online, agreed by the prominent social media platforms and improving methodologies for recording and collecting data on hate crime.¹³ Assessing the Code of Conduct on Hate Speech online

⁸ <https://data.consilium.europa.eu/doc/document/ST-15213-2018-INIT/en/pdf>

⁹ <https://www.europeaninterest.eu/article/commissioner-jourova-opens-first-meeting-working-group-antisemitism/>

¹⁰ <https://data.consilium.europa.eu/doc/document/ST-15213-2018-INIT/en/pdf>

¹¹ <https://fra.europa.eu/en/news/2019/young-jews-face-harassment-europe-nevertheless-express-their-jewish-identity>

¹² <https://fra.europa.eu/en/news/2018/persistent-antisemitism-hangs-over-eu>

¹³ https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51025

revealed for instance that it has led to ‘the swift review and removal of hate speech content (28% of content removed in 2016 vs. 72% in 2019).’¹⁴

The 2018 guidance note on the practical application of the Council framework decision on combating racism and xenophobia again cautions that member states have not fully or consistently transposed the offences covered by the Framework Decision into law. Likewise, gaps remain in terms of ensuring that instances of hate speech are promptly detected, investigated and prosecuted. It then puts forward recommendations on how to improve the transposition of the framework into law. This includes better understanding by police, prosecutors and courts of the profile, attitudes and motivation of racist and xenophobic hate speech and hate crime offenders, prompt identification and investigation of hate crime leading to stronger reporting, better cooperation between law enforcement and judicial authorities to obtain evidence and minimum standards agreed for sentencing criminals.¹⁵

European anti-Semitism as well as the EU initiatives developed to tackle it inform this mapping exercise, which itself is designed to illuminate the regional European challenges and the opportunities for improvements. It acts as a compendium of the current European attitudes towards anti-Semitism and the areas of priority to address – whether that be in law, schools, online or in the community.

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https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/assessment_of_the_code_of_conduct_on_hate_speech_on_line_-_state_of_play__0.pdf

¹⁵ file:///C:/Users/Admin/Downloads/GuidanceonFrameworkDecision2008_913_JHA_finalpdf.pdf

Austria

Realities

The number of anti-Semitic incidents in Austria has been rising over the past decade, according to studies compiled by Israel's Diaspora Affairs Ministry published in January 2018¹⁶.

The annual report of the FGA (Forum Gegen Antisemitismus – Forum Against Antisemitism) states that in 2017, 503 antisemitic incidents were reported in Austria (compared to 477 reported in 2016). 62% of the incidents had an unspecified motive, 24% had a right-wing or extreme right-wing antisemitic motive, 10% were driven by Muslim anti-Semitism and 3% had a radical left-wing antisemitic motive.

In 2017, almost 10% of the verbal and physical incidents against Jews occurred in schools.

Along with the FGA, Civil Courage and AntiRacism (ZARA) monitors anti-Semitism as a right-wing phenomenon, while the Documentation Center of Austrian Resistance (DÖW) reports sporadically on anti-Semitism in all its manifestations, including Islamic and left-wing Israel-related anti-Semitism. Stoppt die Rechten ("Stop the Right"), an online project which was funded by the Green Party had to close down directly after the election after the Green Party did not meet the 4% threshold and was cut off from funding.

However, the Austrian government's reporting on hate crimes to the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE indicates a reduction in hate crime numbers, with the most recent police report in 2017 detailing 302 hate crimes concerning all populations, down from 425 in 2016.¹⁷

Austria has an overall anti-Semitism index score of 28% according to the ADL Global 100 survey¹⁸, a relatively high figure for Western Europe indicating that 28% of surveyed adults responded "probably true" to at least six out of 11 anti-Semitic statements.

Anti-Semitic views were found to be especially prevalent among Austria's older population (50+) compared to the youngest respondents (18-34).

The statement which received the most anti-Semitic responses was "Jews still talk too much about what happened to them in the Holocaust", with an overall 52% agreement rating across demographics, including 41% of the younger generation.

Research published by the FRA in 2018 found more than 7 in 10 people (73 %) in Austria considered anti-Semitism a 'big' or 'very big' problem and 75% of the respondents consider that anti-Semitism has increased over the past five years.

The same proportion believes that the Austrian government's efforts to combat anti-Semitism are not effective. Meanwhile, nearly two thirds (64 %) positively assess the government's efforts to ensure their security needs.

¹⁶ <http://antisemitism.mda.gov.il/media/1547/%D7%93%D7%95%D7%97-%D7%A1%D7%99%D7%9B%D7%95%D7%9D-%D7%91%D7%90%D7%A0%D7%92%D7%9C%D7%99%D7%AA-%D7%9E%D7%A2%D7%95%D7%93%D7%9B%D7%9F-15042018.pdf>

¹⁷ <http://hatecrime.osce.org/austria>

¹⁸ ADL, <http://global100.adl.org/#country/austria/2014>

Two thirds of Austrian Jews (67 %) who might sometimes wear, carry or display items that could identify them as Jewish now choose to avoid doing so.¹⁹

According to the latest Eurobarometer survey, almost half (47%) of all Austrians believe anti-Semitism to be a problem in their country and in fact 33% believe it to have increased in the last five years.

In politics, the last Kurz government included the Austrian Freedom Party (FPÖ). The FPÖ is linked to many anti-Semitic and racist incidents. The focus of Austrian politics on issues of immigration had already developed prior to the so-called “refugee crisis” of 2015, which intensified racism within Austrian political discourse and served as further legitimization of the social and political exclusion of migrants. Since discussions about Islam and Islamism had become an important issue within European politics, the FPÖ under the leadership of Strache started to modernize their xenophobe agenda by focusing on Muslims.²⁰

In the first six months since the current government was formed there were "not less than 30 anti-Semitic incidents" involving FPÖ lawmakers according to Oskar Deutsch, president of the Jewish communities of Austria.²¹

One such incident was a candidate of the FPÖ glorifying the Holocaust and Nazi war crimes.²²

Since the national election 2017, 18 of the party’s 51 MPs are members of right-wing fraternities, including five of its six chairmen. This includes openly pan-German fraternities like the Olympia as well as FPÖ members with entanglements to the neo-Nazi movement.²³

The coming election at the end of September 2019 could change this reality, however the FPÖ remains a significant political force and in too many cases purveyed anti-Semitism as well as broader racism and xenophobia.

According to the Kantor Center’s review of anti-Semitism, the FPÖ was “not the only political party linked to antisemitic incidents during the election campaign and that the articulated anti-Semitism either showed a new and worryingly blatant level of open anti-Jewish hate speech, or referenced to classical conspiracy-theoretical antisemitic tropes such as bringing forward a hidden and disintegrating political agenda, and being given too much power and political influence.”²⁴

Despite this, the party has made grand attempts to re-establish a relationship with the Jewish community, and reconcile relations between the party and Israel. David Lasar, a

¹⁹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

²⁰ Kantor Centre for the Study of Contemporary European Jewry at Tel Aviv University, *Antisemitism Worldwide 2017 Report*

²¹ <https://www.i24news.tv/en/news/international/europe/176884-180611-kurz-understands-boycott-of-far-right-ministers-austria-jewish-community-head>

²² <https://antisemitism.org.il/120140>

²³ Kantor Centre for the Study of Contemporary European Jewry at Tel Aviv University, *Antisemitism Worldwide 2017 Report*

²⁴ Kantor Centre for the Study of Contemporary European Jewry at Tel Aviv University, *Antisemitism Worldwide 2017 Report*

Jewish MP with the party has set his stall out, claiming; “We are fighting tirelessly against anti-Semitism, especially anti-Semitism imported through immigration.”²⁵

This follows the 2015 national report by the European Commission against Racism and Intolerance, which affirmed that there is no reliable recourse for racist or xenophobic statements made by politicians and called for an increase in vigilance, especially surrounding election campaigns.²⁶

During his last term, Chancellor Sebastian Kurz made overtures towards both the Jewish community and Israel, receiving support from Deutsch²⁷ and Prime Minister Benjamin Netanyahu.²⁸ A memorial to the 66,000 Austrian Jews who perished in the Holocaust was consecrated in Vienna, and a conference to combat anti-Semitism and anti-Zionism was held in November with Prime Minister Netanyahu’s support²⁹.

Additionally, “An End to Antisemitism!” – a conference organised by the Chancellor of Austria, the European Jewish Congress (EJC), Vienna University, Tel Aviv University and New York University, was held in Vienna in February 2018. Chancellor Kurz commented that, ‘As Austrians, we have to be honest when we look back at our past as Austria was not only a victim but also a perpetrator.’ Among the key recommendations outlined at the conference were:

- The adoption and implementation of the IHRA Working Definition of Antisemitism by all countries, institutions and businesses;
- Governments and intergovernmental organizations should condemn the blatant state-sanctioned antisemitism that exist in a number of countries, such as Iran;
- All countries should appoint an envoy for combatting antisemitism;
- Every country should commit to a percentage of its GDP, annually, to fund the fight against antisemitism;
- Creating new legal frameworks to combat antisemitism effectively and strengthening existing ones;
- People who express or hold anti-Semitic views should not be allowed to be members of political parties or occupy a position of power;
- Companies should be advise not to do business with countries or organizations that support antisemitism in any way;
- Governments should commit financial and operational resources to ensure the security of Jewish communities;
- Internet companies should be liable for anti-Semitic content on their platforms.³⁰

²⁵ Times of Israel, <https://www.timesofisrael.com/austrias-jews-wary-of-far-right-charm-offensive/>

²⁶ <https://rm.coe.int/fifth-report-on-austria/16808b5563>

²⁷ ibid

²⁸ <https://www.haaretz.com/israel-news/.premium-netanyahu-commends-austrian-chancellor-s-speech-against-anti-semitism-1.5910487>

²⁹ <https://www.timesofisrael.com/netanyahu-to-visit-vienna-a-first-for-an-israeli-premier-in-20-years/>

³⁰ <https://moshekantor.com/events/european-jewish-congress/6285/>

Chancellor Kurz's social media accounts were especially active around the 80th anniversary of the November pogroms, and in an interview with the Jewish Chronicle of London on this subject, he stated that "Austria has looked away far too long and fulfilled its historical responsibility too late."³¹

Nevertheless, the Kurz government has pursued anti-migration and "political Islam" policies, introducing migrant caps and moving to reduce the influence of foreign Muslim clerics. Anti-Semitic policies have also appeared in this time. A local politician in Wien sought to create a "permit list" of Jews who wish to purchase kosher meat and similar measures targeting Muslims observing Halal, in what was compared by the Jewish community and the American Jewish Coalition to acts by the Nazis.³²

Further anti-Semitism in Austrian society comes from Muslim youth - with an estimated 50% of this population holding anti-Semitic views.³³

A 2018 Austrian report on anti-Semitism analysed "Imported anti-Semitic narratives." Written throughout is the common thread of Muslim residents consistently agreeing with anti-Semitic statements more than the general Austrian population. About 65% of them agreed "If the state of Israel no longer exists, then peace prevails in the Middle East." One in three respondents (34%) agreed with the statement "The Israelis treat the Palestinians on the ground not unlike the Germans in World War II did to the Jews too."³⁴

Asked whether they agree with a statement blaming anti-Semitic persecution of Jews on their own behaviour, 19% of non-Muslims agreed. In the Muslim group, 45% of the respondents endorsed the statement. 10% of non-Muslims agreed with the statement that "a lot is exaggerated in news about concentration camps" from the Holocaust. That figure was 41% among Turks and 35% among Arabs.

On a positive note, the statement: "because of the persecution of the Jews during the Second World War we have today a moral obligation to assist the Jews in Austria" has with time received a significant uptick in agreement: in 1973 there were 20% who agreed, however by 2018 it had more than doubled to 41%.³⁵ Also compelling is the results from the 2018 Eurobarometer, where 49% of Austrians viewed Holocaust denial as an issue their country, with 69% knowing that there is a law criminalising it, the highest percentage out of responding countries.³⁶

Nevertheless, a separate study concluded that the majority of Austrian adults do not know that 6 million Jews were killed during the Holocaust, with 42% of young Austrians believing that 2 million or fewer Jews were killed.

Alongside anti-Semitism, according to the FRA's Second EU Minorities Discrimination Survey (EU-MIDIS II), 45% of the Sub Saharan (SSAFR) minority population have experienced

³¹ <https://www.thejc.com/news/news-features/austria-chancellor-sebastian-kurz-on-kristallnacht-for-too-long-we-looked-away-from-the-horrors-1.472162>

³² <https://antisemitism.org.il/129491>

³³ <https://antisemitism.org.il/115480>

³⁴ https://www.antisemitismus2018.at/wp-content/uploads/Antisemitismus-in-%C3%96sterreich-2018_Ergebnisanalyse-im-%C3%9Cberblick.pdf

³⁵ *ibid*

³⁶ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

discrimination based on their skin colour in the preceding five years, particularly affecting men, and stands as the second highest rate reported in the countries studied in the survey and well above the average of 27%. Comparatively, 29% of Turkish responders reported racial discrimination over the previous year, with discrimination based on religious preference affecting women in greater rates than men.

Alongside government efforts to oppose racism, the organization Zivilcourage und Anti-Rassismus-Arbeit (ZARA) is an example of a civil society group³⁷ providing anti-racism support, counselling, legal advice and training courses.

Since 1997, Austria has marked May 5th as National Day against Violence and Racism in Memoriam of the Victims of National Socialism, commemorating Jewish, Roma and Sinti victims.

On 27 January and 10 November each year, commemorative activities are organized to mark International Holocaust Remembrance Day and the Day of Remembrance of the Victims of the November Pogroms, respectively. Commemorative initiatives take place in Parliament, at government offices and memorial sites, as well as at universities, schools, theatres, concert halls and public spaces.

The Holocaust, the extermination and persecution of Roma and Sinti and crimes committed against other victim groups are taught at all levels of the education system in Austria, from primary school to university.

These subjects are a mandatory part of the curricula for grades 7 to 8 and 11 to 12 and are covered in textbooks.³⁸

Legislation

The government pledges that the principle of equal treatment is established in the Austrian Constitution and **is strengthened by a comprehensive anti-discrimination legislation consisting of 35 laws.**³⁹

A national telephone hotline for victims has been in use since 2014, and yearly meetings are held by anti-discrimination bodies at all levels.

Section 33 paragraph 1 subparagraph 5 of the Austrian Criminal Code (CC) sets out an aggravating circumstance that applies when the perpetrator acts out of racist, xenophobic or other motives considered especially condemnable. This is particularly the case if acting against one of the groups or members thereof defined by race, colour, language, religion or belief, nationality, descent or national or ethnic origin, explicitly on account of the belonging to such a group. Section 283 of the CC criminalises incitement to violence or hatred against a church or religious denomination or any other group of persons defined by criteria of race, colour of skin, language, religion or ideology, nationality, descent or national or ethnic origin, explicitly on account of belonging to such a group.

³⁷ <https://zara.or.at/index.php/multilingual/about-zara>

³⁸ <https://www.osce.org/odihr/hmd2018?download=true>

³⁹ <https://www.bmeia.gv.at/en/european-foreign-policy/human-rights/priorities-of-austrian-human-rights-policy/fight-against-racism/>

The so-called Prohibition Act bans any activity linked to the Nazi Party or reengagement in national-socialist activities and provides for aggravated penalties when murder, arson, robbery or bodily harm are instrumental within the context of these activities. It further makes it a criminal offence to deny, belittle, condone or try to justify the Nazi genocide or other Nazi crimes against humanity.⁴⁰

Austria has yet to ratify the Additional Protocol to the Convention on Cybercrime, concerning online abuse, however progress is expected on this matter.

A major and persisting criticism by the ECRI is the non-ratified state of Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms – the General Prohibition of Discrimination. The ECRI contests that Austrian laws are ineffective due to their complexity and under-implementation, and that the core anti-discrimination laws do not proscribe all forms of discrimination purported for out of all motives.

Austria is one of the six countries which has ratified the IHRA working definition of anti-Semitism. This definition will help educate societies and law enforcement on the multifaceted character of anti-Semitism.

Challenges

The 2018 ECRI report notes that the Austrian local (Länder) and federal levels have not progressed towards implementing the recommendation that anti-discrimination acts and institutions merge to improve protection for minorities, among a situation of general overcomplexity in the legal and civil systems in place to combat diverse forms of discrimination.

There were improvements in other areas, such as the Federal Ombud for Equal Treatment covers ethnic and religious discrimination among other kinds of intolerance as of 2018.⁴¹ However, the Ombud does not have the mandate to represent victims in court.

The EU's FRA online "Clarity" tool to streamline services to victims is supposed to include Austria, however options relating to religious freedom did not provide actionable results.⁴²

There is also a lack of detailed digital archiving and processing of hate crimes and other forms of discrimination.

On anti-Semitism statistics, there is wide discrepancies between official and unofficial data. While FGA figures quoted above portray a significant quantitative anti-Semitism problem, official data collected represented approximately 10% of these figures.

In 2017 the Austrian government reported 39 anti-Semitic crimes,⁴³ compared to the FGA's 503.

Whether anti-Semitism is being whitewashed at the official level or simply not reported are both significant issues in combating hate crimes against the Jewish community.

⁴⁰ FRA (2018)

⁴¹ <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/16808b78b2>

⁴² <https://fra.europa.eu/clarity/en/tool>

⁴³ EUFRA, *Antisemitism - Overview of data available in the European Union 2007–2017*

Regarding the Roma community, the 2015 ECRI report notes that problems with goals and funding have limited the impact of advancing the equality and protection of Roma peoples in Austria.⁴⁴

⁴⁴ ECRI, Report on Austria (fifth monitoring cycle)

Belgium

Realities

The ADL 2015 study for Belgium found that 21% of the adult population had consistently anti-Semitic views.⁴⁵ As with Austria, most anti-Semitic statements were thought to be true by a higher proportion of older responders compared to their youngest compatriots.

According to the Kantor Centre report on global anti-Semitism, apart from in France, “Jews do not experience anywhere [else] in the EU as much hostility on the streets as they do in Belgium.”⁴⁶

An FRA report titled Experiences and perceptions of anti-Semitism – Second survey on discrimination and hate crime against Jews in the EU, published in 2018, focused on the experiences of Jews in Belgium among other member countries comprising of 96% of the EU’s Jewish population.

The FRA study aligns itself to the theory of there being high and rising anti-Semitism in Belgium, as the percentage of respondents indicating that anti-Semitism increased during the past five years is especially high (90%) in Belgium. Similar numbers were found when assessing the trajectory of internet based anti-Semitism and the amount of incidents prevalent in the media.

The 2018 Eurobarometer demonstrates that half (50%) of Belgians see anti-Semitism as a problem in their country.⁴⁷

Results likewise show Belgium has some of the highest levels of anti-Semitic incidents that affect respondents indirectly, either as witnesses (28%) or through their circle of family members and close friends (28%). In addition, 65% worried that a family member or other close person might be subjected to insult or harassment and 54% worried that they might be physically attacked. Between 40% - 44% of respondents indicate that they have considered emigrating in the past five years because they did not feel safe there as Jews. This is often coupled to the experience of Jews regularly facing anti-Semitic comments related to the Middle East, and direct comparisons to Israel and Nazi Germany.⁴⁸

This data is illustrated poignantly through a series of notable incidents. The 2019 ‘Sabbatjoor’ (“Sabbath year”) float in the renowned Aalst Carnival depicted Jews in a stereotypical fashion with hat, ringlets, a hooked nose and golden teeth.⁴⁹ This was supplemented by a De Morgen article where journalist Dimitri Verhulst remarked that, ““Being Jewish is not a religion, no God would give creatures such an ugly nose.”⁵⁰ In response the European Jewish Association and other European organisations collectively

⁴⁵ ADL, <http://global100.adl.org/#country/belgium/2015>

⁴⁶ Guardian, <https://www.theguardian.com/world/2019/may/09/nazi-rhetoric-and-holocaust-denial-belgiums-alarming-rise-in-antisemitism>

⁴⁷ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁴⁸ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

⁴⁹ <https://www.brusselstimes.com/belgium/74650/carnival-of-aalst-to-make-fun-of-jews-and-unesco-after-accusations-of-anti-semitism/>

⁵⁰ <https://ejassociation.eu/hot-topics/furor-grows-over-belgian-journalists-antisemitic-article/>

asked the editor 'to retract the article immediately and issue an official apology to the Jewish community and to your readers.'⁵¹

OSCE reporting on hate crimes in the country does not delineate between anti-Semitic, anti-Muslim or any other type of racism or xenophobia, or the sources of the aforementioned crimes.

The Belgian government-backed Centre for Equal Opportunities said it had handled 101 cases of anti-Semitism in 2018, up from 56 the previous year. There is also an overall steady number of recorded hate crimes between 2015-2017, as published by the OSCE.

Unofficial data collected by Anti-Semitism.be had previously shown a 50% decline in anti-Semitic crimes from 2016 to 2017, possibly due in part to the government's zero tolerance policy⁵², as announced by Prime Minister Michel, in addition to visible protection of Jewish sites by the police and the army. However whatever progress had been made seems to have been undone in the years since.

Indeed, the Belgian League Against Antisemitism has documented multiple incidents that it said were rapidly making Belgian public schools "Jew-free," where schools are actively covering up anti-Semitic abuse.⁵³

According to the Eurobarometer, 52% of respondents think "anti-Semitism in schools and universities" is a problem in the country.⁵⁴

Additionally, a major youth movement has been revealed to be a disturbing source of anti-Semitism and racism in the Flemish community.⁵⁵

Islamist anti-Semitism is also a significant issue, with Jewish community leaders warning of growing anti-Semitism and claiming that most perpetrators of anti-Semitic crimes have been young people of Muslim origin.⁵⁶

Additionally, a number of Muslim institutions in Belgium using extreme manuals containing antisemitic passages to train imams.

The country's threat assessment body (OCAM) has warned of jihadist elements in Belgium's Muslim community, and the Saudi-funded materials available in places such as the Grand Mosque are both anti-Semitic and homophobic.⁵⁷

In addition to International Holocaust Memorial Day, Belgium marks 8 May as Commemoration of the day of victory for democracy and remembrance of the Nazi-German genocide. Official commemorative activities are organized in parliament and at memorial sites, where speeches are given. These events are attended by members of the government, parliament and the judiciary. Victims' and survivors' associations, the Jewish community,

⁵¹ https://www.wiesenthal-europe.com/images/De_Morgen_letter.pdf

⁵² <https://www.jta.org/2015/09/03/news-opinion/world/zero-tolerance-policy-on-anti-semitism-belgian-pm-vows>

⁵³ Jewish Telegraphic Agency (2016), <https://www.jta.org/2016/08/23/news-opinion/world/how-paris-public-schools-became-no-go-zones-for-jews>

⁵⁴ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁵⁵ <https://antisemitism.org.il/132442>

⁵⁶ Israeli Ministry of Diaspora Affairs (2018), *Anti-Semitism in 2017*

⁵⁷ <https://antisemitism.org.il/121499>

religious groups, civil society and academic and research institutions are involved in developing commemorative activities and actively participate in them.

Beyond these official activities, other commemorative activities take place on International Holocaust Memorial Day.

These include the following:

- visits to the former camp at Auschwitz-Birkenau for young students, with the support of the Defence Ministry and the War Heritage Institute;
- special commemorative events organized by the Wallonia-Brussels Federation, which in 2017 included a study day on genocide;
- an essay competition organized by the Auschwitz Foundation, followed by a visit to Auschwitz-Birkenau;
- a commemorative event organized by the German-speaking community;
- and a memorial event at the Kazerne Dossin: Memorial, Museum and Documentation Center on Holocaust and Human Rights.

The Holocaust, the extermination and persecution of Roma and Sinti and crimes against other victim groups are taught at the secondary and upper secondary levels and covered in school textbooks.

57% of Belgians surveyed for the 2018 Eurobarometer confirm the statement; “people denying the genocide of the Jewish people, the Holocaust” as a problem in the country.⁵⁸

In the EU-MIDIS II survey, Turkish and North African minorities reported ethnicity-based discrimination rates of 24% and 32% respectively over the previous five years, which was around the average of countries included in the survey.⁵⁹

Legislative

The Belgian Criminal Code (CC) establishes enhanced penalties for a number of substantive criminal offences when motivated by hatred, contempt or hostility towards a person based on her or his presumed race; skin colour; ascendance; national or ethnic origin; nationality; sex; sexual orientation; civil status; birth; age; wealth; religious or philosophical convictions or beliefs; actual or future state of health; disability; language; political convictions; trade union convictions; physical or genetic characteristics; or social origin.

These substantive offences are: voyeurism, indecent assault and rape (Article 377 bis of the CC), reclusion (Article 438 bis of the CC), harassment (Article 442 of the CC), offences against the honour of a person (Article 453 bis of the CC), arson (Article 514 bis of the CC), destruction of constructions, machinery and telegraphic posts (Articles 521 to 525 of the CC) and destruction or deterioration of goods, merchandise and property (Articles 528 to 532 of the CC).

Article 405 quarter of the CC sets out a second group of offences leading to enhanced penalties when motivated by the grounds listed in the first paragraph, and adds a new protected ground to the list: a person’s change of sex.

⁵⁸<https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁵⁹ EUFRA, EU-MIDIS II

The offences that fall under the enhanced penalties of Article 405 quarter of the CC are homicide (Article 393 of the CC), assault (Articles 398 to 401 of the CC) and poisoning (Articles 402 to 405 of the CC).

Article 20 of the Law on combating certain acts motivated by racism and xenophobia criminalises public incitement to hatred or violence on the grounds of nationality, presumed race, skin colour, ascendance, or national or ethnic origin.

Article 22 of the Law on combating certain types of discrimination criminalises public incitement to hatred or violence on any of the protected grounds included in the anti-discrimination law: age, sexual orientation, civil status, birth, wealth, religious or philosophical beliefs, political conviction, trade union conviction, language, current or future state of health, disability, physical or genetic characteristics, or social origin.

Article 27 of the Law on combating discrimination between women and men criminalises public incitement to hatred or violence on the ground of sex.

In addition, Article 2 of the Law on combating sexism in the public sphere criminalises the public expression of sexism.⁶⁰

Legislation at the federal and federated entities' level is now mostly in line with ECRI's recommendations on national legislation to combat racism and racial discrimination.

The 2014 ECRI reports other encouraging trends, such as media self-regulatory combating the dissemination of hate speech through the media.⁶¹

Protocols of co-operation signed between the inter-federal, independent organization Centre for Equal Opportunities and Opposition to Racism (UNIA) and federated entities allow UNIA to participate in the combating of racism and xenophobia.

UNIA is responsible for fighting racism, among other priorities at an inter-federal level.

The centre is active in prevention through training and advice to lawmakers, as well as in combating discrimination through legal advice and the mandate to go to court. It has been involved with the civil lawsuit against three suspects regarding the fatal attack at the Jewish Museum on 24th May, 2014.

Legislative weaknesses in Belgium's work against racism and xenophobia include the fact that the country has yet to ratify Protocol No. 12 of the European Convention on Human Rights regarding online abuse.

Challenges

Data collected on xenophobia and racism is too generalized to give a clear picture of the situation in the country as regards to any particular phenomenon.

Additionally, the ODIHR has observed that Belgium has not periodically reported reliable information and statistics on hate crimes to ODIHR.⁶²

⁶⁰ FRA (2018)

⁶¹ ECRI, <https://rm.coe.int/16805c6ab7>

⁶² <http://hatecrime.osce.org/belgium>

Anti-Semitism statistics are particularly affected by the fact that incidents against the ultra-Orthodox community in Antwerp go under-reported as a result of members of the community not filing complaints to the authorities.⁶³

The government's anti-racism, xenophobia and ethnic discrimination plan only encompasses the French speaking population.

According to the 2014 ECRI, ethnic and religious groups, in particular the Muslim community, continue to face in general many disadvantages, including discrimination in key fields of life.⁶⁴

Bulgaria

Realities

Bulgaria's anti-Semitism problem was quantified as 44% of Bulgarians holding anti-Semitic views.⁶⁵

Statements with agreement rates of over 50% of respondents included questions regarding Jewish power in the business and financial worlds, as well as the question of whether respondents thought Jews talk too much about the Holocaust.

It is also notable that the younger segment of respondents was often as predisposed to anti-Semitic attitudes as their parents' and grandparents' generations.

The Eurobarometer survey indicates that only 10% of people in Bulgaria think so – according to the 2018 Eurobarometer. When asked if anti-Semitism had increased in the country over the last five years, only 2% answered in the affirmative – quite staggering when compared to other EU states such as Sweden (73%) or Germany (61%). Bulgaria is joint lowest when reviewing whether anti-Semitism was a problem on the internet – only 12% thought it was.⁶⁶

Nevertheless, there are still observers who think 'it is clear that Bulgaria has much to do in the fight against anti-Semitism.' The Neo-Nazi Lukov March still takes place, Nazi memorabilia continues to be found at souvenir stalls, hate speech endures on social networks and in some sections of the media. Both the incumbent and probable future Prosecutors-General have stated commitments to effectively prosecuting anti-Semitism, while action by the legislature to toughen the laws and penalties is still awaited.⁶⁷

The Bulgarian government informed FRA that between 2009 and 2011 three persons were convicted on charges that concerned spreading anti-Semitism and National Socialism.

⁶³ Israeli Ministry of Diaspora Affairs (2018), *Anti-Semitism in 2017*

⁶⁴ <https://rm.coe.int/fifth-report-on-belgium/16808b55ab>

⁶⁵ <http://global100.adl.org/#country/bulgaria/2014>

⁶⁶ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁶⁷ Sofia Globe, <https://sofiaglobe.com/2019/08/18/infighting-mars-battle-in-bulgaria-against-antisemitism/>

No data were available for the period 2012–2014, there have been no documented cases of anti-Semitism for the years 2015 and 2016, and no civil society organizations collect data about anti-Semitism.

Bulgaria regularly reports hate crime data to ODIHR, however the data reported do not present separately cases of hate crime, incitement to hatred and discrimination, and in 2017 only 22 hate crimes were reported, down from 704 two years previously.⁶⁸

Bulgaria's Holocaust Memorial Day is held on March 10. Commemorative activities are held in parliament and at memorial sites, religious and academic institutions and schools. Commemorations involve a wreath-laying ceremony with speeches, prayers and a minute's silence.

On 8 April – International Roma Day – activities are organized to celebrate Romani culture, discuss the challenges faced by the Roma and Sinti community and commemorate the Roma and Sinti genocide. Activities take place at government offices, memorial sites, academic and religious institutions and schools.⁶⁹

Anti-Roma violence increased in Bulgaria in 2017, however out of all surveyed communities as part of the EU-MIDIS II study, Roma communities feel least discriminated against in Bulgaria (14%).⁷⁰

The Holocaust, the extermination and persecution of Roma and Sinti and crimes against other victim groups are all subjects of education in Bulgaria and are also covered in education textbooks.

These topics are taught at secondary, upper secondary, college and university levels. Holocaust education is part of the mandatory national education curriculum.⁷¹

Bulgaria is planning a tourist route of its main Jewish landmarks as part of a campaign to promote its Jewish heritage. The idea is the brainchild of the tourism ministry and "Shalom", the Organisation of Jews in Bulgaria.⁷²

Legislative

In the Bulgarian Criminal Code (CC), racist or xenophobic motivation is considered a specific aggravating circumstance in connection with two criminal offences: homicide (Article 116.1.11 of the CC) and infliction of bodily harm (Art. 131.1.12 of the CC).

The CC further establishes a number of substantive offences that include bias motivation as a constitutive element, referred to as crimes against the equality of all citizens and crimes against religious denominations.

Crimes against the equality of all citizens are: incitement to hatred, violence and discrimination on grounds of race, ethnicity or nationality through speech, press or other means of mass information, electronic information systems or in any other way (Article 162.1. of the CC); use of violence against people or against property on grounds of

⁶⁸ <http://hatecrime.osce.org/bulgaria>

⁶⁹ <https://www.osce.org/odihr/hmd2018?download=true>

⁷⁰ EUFRA, *EU-MIDIS II*

⁷¹ <https://www.osce.org/odihr/hmd2018?download=true>

⁷² BBC News, <https://www.bbc.co.uk/news/blogs-news-from-elsewhere-48451978>

race, ethnicity, nationality, religion or political convictions (Article 162.2 of the CC); leading or participation in a group, with the aim of committing any of these two offences (Article 162.3 of the CC); and taking part in a crowd rallied to attack groups of the population, individual citizens or their property in connection with their national, ethnic or racial affiliation (Article 163 of the CC).

Crimes against religious denominations are: incitement to discrimination, violence or hatred on grounds of religion (Article 164.1 of the CC); desecration, destruction or damage to places of worship (Article 164.2 of the CC); and use of force or threats to hinder the right to freely practice one's faith or to compel another to take part in religious rituals and services (Article 165 of the CC).⁷³

Bulgaria is one of the nations that has ratified the IHRA working definition on anti-Semitism. However, following the adoption of the IHRA definition, the Bulgarian authorities appointed Deputy Foreign Minister Georg Georgiev as a national coordinator on combatting anti-Semitism.⁷⁴

Deputy Foreign Minister Georg Georgiev has been effective in responding to complaints of anti-Semitic incidents and imagery such as Nazi graffiti and the sale of Nazi memorabilia.⁷⁵

The Deputy Foreign Minister headed a delegation of Bulgarian officials who participated in the 2019 march for tolerance and unity in face of neo-Nazis.⁷⁶

Improvements have been made in some areas in line with ECRI recommendations, including intensive trainings of magistrates for the purpose of proper enforcement of antidiscrimination law, integration of Roma children into mainstream schools and review of policies to combat discrimination and intolerance against LGBT persons.⁷⁷

Since the adoption of ECRI's fourth report on Bulgaria on 20 June 2008, progress has been made in a number of fields. Amendments to the Criminal Code have been introduced enhancing penalties for murder and causing bodily harm committed with racist or xenophobic motives.⁷⁸

However, this has not been extended as a criminal motive for all crimes.

Hate speech is also not recognized as a criminal offense.⁷⁹

Challenges

Bulgarian Roma have a low trust in the authorities, ranking at 4.6 out of 10.⁸⁰ However, a national plan to promote Roma integration was passed in 2012 to significantly improve

⁷³ FRA (2018)

⁷⁴ Kantor Centre for the Study of Contemporary European Jewry at Tel Aviv University, *Antisemitism Worldwide 2017 Report*

⁷⁵ Sofia Globe, <https://sofiaglobe.com/2019/08/18/infighting-mars-battle-in-bulgaria-against-antisemitism/>

⁷⁶ <https://www.worldjewishcongress.org/en/news/more-than-1500-rally-in-bulgarias-first-ever-march-for-tolerance-and-unity-in-face-of-neo-nazis-3-0-2019>

⁷⁷ <https://rm.coe.int/government-comments-on-the-fifth-report-on-bulgaria/16808b55e8>

⁷⁸ <https://rm.coe.int/fifth-report-on-bulgaria/16808b55d8>

⁷⁹ ECRI, 2014 Report on Bulgaria

⁸⁰ EUFRA, *EU-MIDIS II*

conditions for Roma by 2020. One such measure retroactively legalized homes built illegally by the Roma.⁸¹ Similar programs have been adopted for migrants.

The United Nations Committee on the Elimination of Racial Discrimination (CERD) stated in a 2017 report that it was deeply concerned at the increase in incidents of hate speech and hate crime targeting minority groups such as Turks, Roma, Muslims, Jews, people of African descent, migrants, refugees and asylum seekers.

In particular, the Committee wrote that it was concerned that racist discourse is evident during election campaigns and that political parties and candidates frequently use slurs against minority groups and individuals. Moreover, the Committee noted with concern that the Council for Electronic Media has not successfully minimized racism online.⁸²

In its "Concluding observations on the combined twentieth to twenty-second periodic reports of Bulgaria," the United Nations Committee on the Elimination of Racial Discrimination (CERD) recommended the appointment of specialized hate crime prosecutors.⁸³

Additionally, there is a dearth of reporting on anti-Semitism conducted by the state and submitted to the FRA, leading to difficulties diagnosing and combating anti-Semitism in the country.

This is added to by the lack of legislation against hate speech and recognition of racism and anti-Semitism as motivations in most crimes, and very often hooliganism is invoked by the authorities in place of racism, xenophobia or anti-Semitism.

Racial discrimination in the exercise of a public office is also not currently criminalised⁸⁴

Weaknesses in anti-Semitism reporting are highlighted by media reports of neo-Nazi marches in Sofia, and the open display of Nazi symbols in soccer matches.⁸⁵

It has been speculated that Bulgaria's decision not to charge Hezbollah with involvement in the 2012 Burgas bombing could indicate a lack of commitment in combating international agents of anti-Semitism – whether due to ideological reasons or fear of retaliation.⁸⁶

⁸¹ ECRI, 2014 Report on Bulgaria

⁸² Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined twentieth to twenty-second periodic reports of Bulgaria*

⁸³ <http://hatecrime.osce.org/bulgaria>

⁸⁴ ECRI, 2014 Report on Bulgaria

⁸⁵ https://news.vice.com/en_us/article/3k4z4b/children-sofia-bulgaria-anti-semitism-soccer

⁸⁶ <https://www.jpost.com/middle-east/hezbollah-role-unmentioned-in-charges-for-2012-bulgaria-terrorist-attack-540367>

Croatia

Realities

A third of Croatia's population has been rated as holding consistently anti-Semitic views.

While younger populations were slightly less likely to have firm anti-Semitic views, there was a significant difference in the percentage scores of male and female respondents, with males almost twice as likely to be scored as anti-Semitic.⁸⁷

According to the FRA, the Ministry of the Interior of the Republic of Croatia recorded two criminal offences motivated by anti-Semitism in 2016, and none in 2017.

Both antisemitic motivated criminal offences registered by the Ministry of the Interior in 2016 were committed by the same offender and the incidents involved the writing of anti-Semitic graffiti.

In total, 25 racist or xenophobic crimes were recorded by the authorities in 2017, the latest in a consistently low number of identified and prosecuted cases.⁸⁸

As with Bulgaria, the Croatian government and civil society are not proficient in collecting data on anti-Semitism or other forms of racism and xenophobia.

This is highlighted by the work of the FARE network, which records racism in soccer stadiums around the world. Over two seasons covering 2015-2017, FARE recorded 29 instances of discrimination and ultra-nationalism in Croatia, the fourth highest total in the countries observed.⁸⁹

The ODIHR also observes that Croatia has not reported hate crime data disaggregated by bias motivation.⁹⁰

In the EU-MIDIS II survey, Croatian Roma reported an ethnic-based discrimination rate of 42% in the preceding five years, the second-highest figure in the EU for Roma peoples.

Croatia falls below the European average in terms of how anti-Semitism is perceived – 28% of people in Croatia see anti-Semitism as a problem by comparison with an EU average of 50%, as demonstrated in the 2018 Eurobarometer survey. In fact, 19% of Croatians think anti-Semitism has decreased during the last five years. When asked about whether they see Holocaust denial, anti-Semitism in schools, desecration of cemeteries or expressions of hostility towards Jews, the general consensus was they were less cause for concern in contrast with other European nations.⁹¹

Legislative

⁸⁷ <http://global100.adl.org/#country/croatia/2014>

⁸⁸ <http://hatecrime.osce.org/croatia>

⁸⁹ Washington Post (2018), https://www.washingtonpost.com/news/early-lead/wp/2018/01/27/international-soccers-fight-against-racism-anti-semitism-and-homophobia-in-four-charts/?utm_term=.abe3797fe7c0

⁹⁰ <http://hatecrime.osce.org/croatia>

⁹¹ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

Croatian authorities have improved protection against hate crime, introducing a provision criminalizing violent conduct in public places and punishing the creation of or leading a group which promotes racism.

However, Croatia's legal system has not been brought fully into line with EU policy recommendations.

Article 87 of Croatia's Criminal Code (CC) includes a statutory definition of hate crime and at the same time provides for bias motivation to be considered a general aggravating circumstance.

The CC sets out a number of offences with enhanced penalties if they are motivated by hatred, of which the relevant articles are: aggravated murder (Article 111 of the CC); bodily harm (Article 117 of the CC); serious bodily harm (Article 118 of the CC); particularly serious bodily harm (Article 119 of the CC); coercion (Article 138 of the CC); threat (Article 139 of the CC); and incitement to riots (Article 324 of the CC).

Article 325 of the CC criminalises public incitement to violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent, colour, or any other characteristics.

In *Škorjanec v. Croatia*, Strasbourg's Court of Human Rights ordered Croatia to pay € 12,500 for non-pecuniary damage after Croatia refused to recognise the victim of hate speech who was targeted as a relation to her partner of Roma background who himself was the victim of a physical assault.⁹² Croatia has since updated its procedures to fall into line with EU standards.⁹³

Hate crime data are collected by the Ministry of Interior, the Prosecutor's Office, the Ministry of Justice and the Office for Human Rights and Rights of National Minorities.

Data on hate crime are regularly published by the Government's Office for Human Rights and Rights of National Minorities.

Similar to Bulgaria, Croatia has seen some improvement in the status of Roma as a result of the implementation of a national plan in 2012, along with another plan for integrating internationally protected persons. However, the ECRI report compiled in 2018 notes that both plans have not been fully implemented or funded.⁹⁴

Challenges

Croatia marks International Holocaust Memorial Day, the Day of Remembrance of the Breakout of Prisoners from Jasenovac Concentration Camp (1945) on 22nd April and the Anti-Fascist Struggle Day on 22nd June.

The Holocaust is studied in primary and secondary schools, as well as part of various programs in higher education.⁹⁵

⁹² ECtHR, *Škorjanec v. Croatia*, No. 25536/14, 28 June 2017

⁹³ EUFRA, Fundamental Rights Report 2018 – Chapter 4 – Racism, xenophobia and related intolerance

⁹⁴ ECRI, 2018 Report on Croatia

⁹⁵ IHRA (2015) <https://2015.holocaustremembrance.com/member-countries/holocaust-education-remembrance-and-research-croatia>

However, the Croatian Jewish community along with Serbian and anti-Fascist groups have boycotted the official event at the Jasenovac Concentration Camp for the past three years, organising their own commemorations instead. This is due to a worrying trend inside the Croatian government and society that promotes Holocaust revisionism, downplaying crimes committed by the Croatian WWII fascist Ustaša movement, which ran the Jasenovac camp.⁹⁶

To substantiate this further, the 2019 Holocaust Revisionist Report, published by the Holocaust Remembrance Project, examines how individual European Union states deal with the legacy of WWII crimes, lists Croatia as one of the most problematic countries in Europe in terms of historical revisionism. “Little restitution has been made to the Jewish community. No Holocaust museums exist. Croatia suffers from a lack of consensus about the country’s main wartime concentration camp at Jasenovac,” the report says.⁹⁷

The 2018 ECRI report on Croatia highlighted that racist and intolerant hate speech has been increasing in public discourse in line with growing nationalism in politics, which routinely targets Serbs and Roma as two ethnic minorities in particular.

The report states that the responses of the Croatian authorities to these incidents “cannot be considered fully adequate”.⁹⁸

The Commissioner for Human Rights of the Council of Europe urged Croatian authorities to improve the hate crime recording system and to train law enforcement and legal professionals.⁹⁹

ECRI recommends that the authorities further refine their national data collection system for hate speech incidents, by revising the way data are collected on the criminal offence of incitement to violence and hatred as well as on the application of provisions related to misdemeanours.

ECRI also recommends that a racist motivation in cases of violent incidents is made an integral part of investigations, particularly through providing clear guidelines between the police and State Attorney’s Office, as well as judicial proceedings from their very beginning.

ECRI also recommends that the authorities continue training to police, judges and prosecutors on the application of Article 87 (21) of the Criminal Code.¹⁰⁰

Migrants also face a particular problem with racism and xenophobia, however Croatia among other states have made “a comprehensive set of commitments to address racism, xenophobia, intolerance and discrimination,” according to Tena Šimonović Einwalter, Deputy Ombudswoman of Croatia.

⁹⁶ Balkan Insight (2018), <http://www.balkaninsight.com/en/article/again-multiple-commemorations-at-jasenovac-concentration-camp-site-04-19-2018>

⁹⁷ https://docs.wixstatic.com/ugd/c1aa54_d6fdacf05b6845a3a2cacbf80ed6720c.pdf

⁹⁸ ECRI (2018), Fifth Report on Croatia

⁹⁹ <http://hatecrime.osce.org/croatia>

¹⁰⁰ FRA (2018)

Cyprus

Realities

In the European Commission's 2019 special barometer's survey on the Perceptions of Antisemitism, 32% of Cypriot respondents answered that they "don't know" if anti-Semitism has increased.

A pattern emerged within subsequent questions on the fundamental lack of awareness of Jewish culture and history. On responding to how uninformed the people in the country are about the history, customs and practices of Jewish people, 86% said fellow Cypriots were 'not well informed', the joint highest, (along with Spain) across the 28 EU member states. Over half (51%) say they are not all informed.

Only 5% of people in Cyprus believe there is a law criminalising Holocaust denial in their country, the lowest proportions in the EU.¹⁰¹

A United States Department of State human rights report in 2019 referred to verbal harassment of members of the Jewish community, including two incidents in 2018 in which Muslim men reportedly used anti-Semitic slurs and made death threats against Jews in Larnaca. The victims had not filed complaints with police at year's end.¹⁰²

Similarly, Cyprus has not reported hate crime statistics to the ODIHR since 2012.

Speaking in January 2018 at the International Conference on the Responsibility of States, Institutions and Individuals in the Fight against Anti-Semitism in the OSCE Area, Permanent Secretary of the Ministry of Foreign Affairs, Ambassador Alexandros Zenon insisted Cyprus is against any form of anti-Semitism and supports the EU and OSCE initiatives, as well as those of other countries, in their efforts to combat this scourge. Zenon recalled that Cyprus was a sanctuary for over 50,000 survivors of the Holocaust travelling to Israel.¹⁰³

Legislative

Since the adoption of ECRI's fourth report on Cyprus on 23 March 2011 and the fifth report in June 2016, progress has been made in a number of fields. The law now expressly states that racist and xenophobic motivation for any offence constitutes an aggravating circumstance.

However, Cypriot criminal law does not appear to criminalise the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a group of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin, as recommended in GPR No. 7 § 18 d.¹⁰⁴

Measures to address the educational needs of Roma pupils have been put in place, including remedial teaching for learning Greek during and after school hours, financial support for

¹⁰¹ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

¹⁰² United States Department of State, <https://www.state.gov/wp-content/uploads/2019/03/CYPRUS-2018-HUMAN-RIGHTS-REPORT.pdf>

¹⁰³ Cyprus News Agency, <http://www.cna.org.cy/WebNews-en.aspx?a=f33a9aa7f0ff41f997d2ef5e6ff52acd>

¹⁰⁴ <https://rm.coe.int/fifth-report-on-cyprus/16808b563b>

books, transport, uniforms and other school items, and breakfast and lunch free of charge for Roma pupils attending state primary schools.

The Ministry of Education and Culture reported that students learn about the Holocaust at the ages of 15-18, through the subjects of history, literature, and civics. A maximum of four hours is allocated to teaching about the Holocaust. The state has not instituted a distinctive Holocaust Memorial Day or a Holocaust museum.

ECRI strongly recommended that the Commissioner for Administration and Human Rights in Cyprus should be allocated an adequate budget, which as of 2016 had only been partially implemented. ECRI also recommended developing a new integration plan for non-nationals; this recommendation had not yet been implemented in 2016.¹⁰⁵

Challenges

There is a distinct lack of recent hate crime data collection and analysis. Cyprus last reported hate crime data to ODIHR in 2012 in which there were only 12 reported cases without any further breakdown based on cause.

Despite the progress achieved, some issues give rise to concern. The Commissioner for Administration and Human Rights still cannot appoint her own staff and has inadequate resources. She also has no right to initiate and participate in court proceedings.

Racist statements in the public sphere continue to be a common phenomenon. Migrants, particularly Muslims, are frequently presented in the media in a negative light and associated with problems such as rising unemployment and criminality. There has also been a rise in racist violence against migrants.

The 2011 Law on Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law has not been applied in any case so far. There is no known conviction where the court took into account racial or xenophobic motivation during sentencing.

Cyprus has not developed a proper strategy for the inclusion of its Roma population in all areas of life. School enrolment and attendance among Roma children are low, and drop-out rates, especially in the transition between primary and secondary school, are high.¹⁰⁶

¹⁰⁵ <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/-/council-of-europe-s-anti-racism-commission-publishes-conclusions-on-azerbaijan-cyprus-italy-lithuania-north-macedonia-turkey-and-the-united-kingdom>

¹⁰⁶ <https://rm.coe.int/fifth-report-on-cyprus/16808b563b>

Czech Republic

Realities

Czech citizens appear to have a more favourable attitude towards Jews than most their European counterparts with only 13% of people agreeing with most of the prescribed anti-Semitic statements.¹⁰⁷

The Ministry of the Interior and the Security Policy Department report on hate crime alongside non-governmental reporting mechanisms in civil society. Hate crime data is published annually by the Government. In 2017 there were 27 criminal offences motivated by anti-Semitism recorded by the Ministry of the Interior, 20 less from two years earlier.¹⁰⁸ In 2017 also there were 27 offences committed against the Roma community.¹⁰⁹

In 2018, the Federation of Jewish Communities in the Czech Republic registered 347 anti-Semitic incidents. Such incidents, mainly the violent ones, are not always reported by their victims so the real number of anti-Semitic attacks can be in fact higher.

Regardless, violent anti-Semitic incidents continue to be rare in the Czech Republic. In 2018, there were two cases of physical aggression with an anti-Semitic motive recorded.

The rise in anti-Semitic sentiments is mainly evident in the Czech media and social media, where the number of published anti-Semitic articles, posts, and anonymous comments has been increasing for a long time.¹¹⁰

A survey conducted by the Center for Public Opinions Surveys in March 2018 showed that 44% of respondents expressed neutral or indifferent attitudes to Jews. The low level of anti-Semitism is also characterized by general condemnation of episodes that gain public exposure and judicial response to anti-Semitic hate speech.

Another survey, performed by the Institute for the Study of Totalitarian Regimes in 2018 found a converse trend depicting growing negative attitudes against the Jews among younger people and also among citizens of large cities, such as Prague.¹¹¹ The Kantor Center also comments that conspiratorial language, including (but not limited to) anti-Semitic conspiracy theories, is still used by some of the national political and cultural elites for pragmatic purposes.¹¹²

In early November 2017 Jaroslav Stanik, a secretary of Tomio Okamura's Freedom and Direct Democracy (SPD), a Junior Coalition Party in Government, shouted "Jews, homosexuals and gypsies should go to gas" at Michaela Marksová-Tominová, Labour and Social Affairs Minister of the Czech Republic.¹¹³

¹⁰⁷ <https://global100.adl.org/#country/czech-republic/2014>

¹⁰⁸ FRA, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-antisemitism-update-2007-2017_en.pdf

¹⁰⁹ <http://hatecrime.osce.org/czech-republic?year=2017>

¹¹⁰ <https://www.fzo.cz/en/wp-content/uploads/Annual-Report-on-Manifestations-of-Antisemitism-in-the-Czech-Republic-2018.pdf>

¹¹¹ <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>

¹¹² <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>

¹¹³ <http://www.kantorcenter.tau.ac.il/antisemitic-and-racist-insult-jaroslav-stanik>

Roma and immigrants are the most common targets of hate speech and Muslims have recently become victims of increased Islamophobia. Right-wing extremist groups organised a series of 26 anti-Roma demonstrations and protests throughout 2013.¹¹⁴

Much of the previous public intolerant speech came from the leader of a right-wing populist party, Dawn of Direct Democracy. In the 2013 parliamentary electoral campaign, Dawn was noted for its appeal to anti-Roma sentiments, with its leader calling for the Roma to leave the Czech Republic and found their own state or, ideally, “return to India.”¹¹⁵

Czech authorities have attempted to usurp any spikes in hate crimes. The government-run and Norwegian funded Campaign Against Racism and Hate Violence for instance has produced several methodological guidance documents for police on identification of and response to hate crimes and dealing with victims of hate crimes. Furthermore, the campaign has trained 257 police officers, spokespersons and municipal police officers on hate crimes by the civil society group In IUSTITIA.¹¹⁶

ECRI recommended in 2015 that the Campaign should focus primarily on the Roma, and Roma people and Roma organisations should be fully involved in its conception, planning and implementation.¹¹⁷

The site in Lety of the former World War II Roma internment and hard labour camp caused a public stir due to it being situated next to a large privately-owned pig farm. Roma activists were campaigning since 1998 and have repeatedly asked the authorities to relocate the farm.¹¹⁸ Czech Culture Minister, Daniel Herman announced last year that the farm had been acquired by the government with a timeline for demolition and the building of a memorial to take place over the next four years.¹¹⁹

Czech football is replete with racist chanting, noticeably towards Jews as one of the leading Prague clubs has tentative Jewish roots. A Czech documentary maker is challenging the trend by creating ‘A Century of Fouls’; examining the sport’s relationship with fascism when the country was under Nazi occupation. The exhibition aims to counter prejudice by recalling the involvement of Jewish players, coaches and administrators in Czech football’s development.¹²⁰

One in five (21%) are aware that Holocaust denial is a crime in their country.¹²¹

Legislative

The Anti-Discrimination Act was enacted in 2009. The Public Defender of Rights was designated as the Czech Republic’s equal treatment and anti-discrimination body. However, the Public Defender of Rights has no investigation powers, no right to initiate and participate

¹¹⁴ <https://rm.coe.int/fifth-report-on-the-czech-republic/16808b5664>

¹¹⁵ <https://rm.coe.int/fifth-report-on-the-czech-republic/16808b5664>

¹¹⁶ <http://hatecrime.osce.org/czech-republic?year=2017>

¹¹⁷ <https://rm.coe.int/fifth-report-on-the-czech-republic/16808b5664>

¹¹⁸ <https://rm.coe.int/fifth-report-on-the-czech-republic/16808b5664>

¹¹⁹ <https://www.radio.cz/en/section/cultura/culture-minister-sale-of-lety-pig-farm-is-done-deal>

¹²⁰ <https://eurojewcong.org/news/communities-news/czech-republic/racist-football-fans-get-jewish-history-lesson-as-rival-prague-teams-clash/>

¹²¹ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

in court proceedings, and no right to monitor legislation and advise legislative and executive authorities. A Strategy for Combating Extremism has been drawn up.

Section 356 of the Criminal Code (incitement to hatred) punishes with up to two years imprisonment anyone who publicly incites hatred against any “nation, race, ethnicity, religion, class or other group of persons”.

ECRI follow up conclusions in 2018 notes that amendments to the Schools Act in January 2017 introduced a compulsory and free of charge final year of preschool education for all children who have reached the age of 5 years. The Public Defender of Rights has described this development as a big step in the exercise of the right to education, especially for Roma children. However, it is too soon to evaluate the impact of the change.¹²²

A bill passed by the lower house of the Czech parliament would cost the country’s small Jewish community more than \$2 million in taxes on properties returned to it. The measure, which was submitted by Communist Party lawmakers, passed by a large majority in early 2019. It proposed to tax the compensation that the country’s churches and its Jewish community receive for property seized by the former communist regime, and in some cases also by the Nazi occupation that preceded it. To pass, the bill needs to be approved by the Czech Senate. A Senate vote has yet to be scheduled.¹²³

Extremists are currently less radical and less visible. The extreme right Worker’s Party was dissolved by the Supreme Administrative Court in 2010.¹²⁴

In January 2019, the Czech Parliament adopted a resolution that recognises the IHRA working definition of anti-Semitism.¹²⁵

Challenges

Despite the overall low amount of recorded anti-Semitic manifestations, a unique and alarming characteristic of Czech anti-Semitism is that there is an apparent emergence of ‘self-confident’ anti-Semitism online, whereby perpetrators feel no shame peppering social media with hate-fuelled comments in their own name. The Kantor Center also remarks that there is no clear correlation between attitudes to Israel and anti-Semitism. Parties and politicians who claim to be “friends of Israel” often equally endorse anti-Semites, cooperate with anti-Semites, or express anti-Semitic rhetoric themselves.¹²⁶

Online anti-Semitism is seen as on the rise in the Czech Republic – an increase of 200% since 2015. Hate primarily manifests itself on ‘far-right, anti-liberal and pro-Russian media sites.’¹²⁷

The Concept for Roma Integration and Strategy for Combating Social Exclusion have had little effect. Many “Roma-only” schools continue to exist providing a reduced curriculum and

¹²² <https://rm.coe.int/interim-follow-up-conclusions-on-the-czech-republic-5th-monitoring-cyc/16808b566d>

¹²³ JTA, <https://www.jta.org/quick-reads/bill-taxing-restitution-money-would-strip-tiny-czech-jewish-community-of-2-million>

¹²⁴ <https://rm.coe.int/fifth-report-on-the-czech-republic/16808b5664>

¹²⁵ <https://eurojewcong.org/news/communities-news/czech-republic/czech-parliament-adopts-ihra-definition-of-antisemitism/>

¹²⁶ <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>

¹²⁷ Times of Israel, <https://www.timesofisrael.com/anti-semitism-most-of-it-online-on-rise-in-czech-republic-report/>

lower-quality education. Discrimination and prejudice are still the key factors hindering labour market integration of Roma. Discrimination in housing has led to Roma having to rent accommodation in private hostels or dormitories at extremely high prices.

Denmark

Realities

With a low ADL index score of 9%, Denmark is one of the more tolerant nations in Europe according to anti-Semitic proclivity.¹²⁸ Most respondents to the FRA's second survey on anti-Semitism in Denmark consider intolerance towards Muslims to be the most pressing issue (60% of respondents said this is 'a very big' or 'a fairly big problem').¹²⁹

This survey reflects the ADL's findings also – that anti-Semitism rarely features in political life and isn't seen as a pertinent issue in society by comparison to the other nations polled.

Interestingly, when asked about precautions taken to ensure personal safety, 49% of Danish Jews said they would avoid certain places or events as a Jew, the joint highest out of the 12 countries responding. This seems to correspond to rising anti-Israel feeling, often directed towards the Jewish community.

Over half (53%) of Danish Jews do not wear visible signs which would help others identify them as Jewish and half of all Danes think anti-Semitism has increased over the last five years.¹³⁰ This compares with 85% of Danish Jews who feel that anti-Semitism has grown as a problem in the last five years.¹³¹

In 2017 Denmark recorded 446 hate crimes, 38 of which were of an anti-Semitic nature. Hate crime data is collected by the Danish National Police and the Office of the Director of Public Prosecutions.¹³² Danish Jews worry most about anti-Semitism in the media, on the internet and attacks in public.

The FRA report showed that 25% of Danish Jews have witnessed an anti-Semitic assault within the last twelve months and that 34% of perpetrators were Muslims.¹³³

Police reported 142 religiously motivated crimes in 2017, 61 percent more than in 2016. There were 67 incidents, including assault and a death threat, against Muslims, and 38 against Jews. Separately, the Jewish community in Copenhagen reported 30 anti-Semitic acts in that city in 2017, including aggravated harassment, threats, and hate speech. Jewish and Muslim community leaders stated most victims did not report incidents because they believed police would not follow up.¹³⁴

Denmark has been the target of terrorist incidents in recent years. The attack in Copenhagen in February 2015 led to the murder of a member of the Jewish community outside a synagogue. The day before an imam called for a war against Jews in his sermon delivered in one of the city's mosques. On another occasion, a 17-year-old girl was arrested after a plan

¹²⁸ <https://global100.adl.org/#country/denmark/2014>

¹²⁹ FRA, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

¹³⁰ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

¹³¹ <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>

¹³² <http://hatecrime.osce.org/denmark?year=2017>

¹³³ FRA, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

¹³⁴ United States Department of State <https://www.state.gov/wp-content/uploads/2019/05/DENMARK-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

to bomb a Jewish school was uncovered. She was 'inspired' by the 2015 bomber, Omar El-Hussein.¹³⁵ Likewise a Syrian man, with intentions to detonate a bomb in Copenhagen was arrested in 2019.¹³⁶ Danish authorities now provide police protection to Jewish community institutions in Copenhagen.

In 2015, the UN Committee on the Elimination of Racial Discrimination (CERD) noted an increase in xenophobia and political statements targeting non-citizens, especially before general elections. In 2014 for example, a politician and former MP from the far-right Danish People's Party posted this comment on Twitter: "On the situation of the Jews in Europe: Muslims continue where Hitler ended. Only the treatment Hitler got will change the situation."¹³⁷

An historic issue in Denmark has been the integration of migrant families. This led to the development of 'Baba' an organisation which seeks to educate fathers in migrant families in order to improve their ability to interact more effectively with local authorities and to participate as active citizens and thereby help others to do the same. The project is inspired by a similar activity, Neighbourhood Mothers, which focused on women.¹³⁸

Legislative

The Danish Institute for Human Rights (DIHR) has been designated as a specialised body for the promotion of equal treatment and effective protection against discrimination. The role of the DIHR as an independent institution was further clarified by law in 2012. The DIHR assists victims of discrimination by processing their complaints and investigating alleged cases of discrimination. It also conducts surveys concerning discrimination, publishes reports on differential treatment and makes recommendations on how to improve the fight against discrimination.¹³⁹

The Danish National Police has initiated a dialogue regarding hate crimes with a number of significant stakeholders to establish a closer and ongoing cooperation - ultimately to aid the compilation of a more comprehensive data collection system on hate speech.¹⁴⁰

The criminal code in Denmark does not contain a provision to criminalise the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes. The 2017 ECRI report had already reiterated its recommendation that the public denial, trivialisation or condoning of the Holocaust as well as the production, publication and dissemination of Nazi memorabilia and Holocaust denial and revisionism material be forbidden.¹⁴¹

The Government responded to a rise in radicalisation by initiating a new national strategy on the prevention of radicalisation and extremism, which was launched in September 2014. In

¹³⁵ <https://eurojewcong.org/news/communities-news/denmark/danish-teen-convicted-of-planning-to-bomb-jewish-school/>

¹³⁶ <https://www.haaretz.com/world-news/europe/syrian-man-stands-trial-in-denmark-over-foiled-terrorist-attack-1.6867639>

¹³⁷ Copenhagen Post, <http://cphpost.dk/news/muslims-should-be-treated-the-same-as-hitler-dfer-says.html>

¹³⁸ <https://rm.coe.int/interim-follow-up-conclusions-on-denmark-4th-monitoring-cycle/16808b56b1>

¹³⁹ <https://rm.coe.int/government-comments-on-the-fifth-report-on-denmark/16808b56ad>

¹⁴⁰ <https://rm.coe.int/government-comments-on-the-fifth-report-on-denmark/16808b56ad>

¹⁴¹ <https://rm.coe.int/government-comments-on-the-fifth-report-on-denmark/16808b56ad>

October 2016, it was followed-up by a new national action plan on preventing and countering extremism and radicalisation.¹⁴²

Amid growing anti-Israel sentiment, Denmark announced the ground-breaking step to halt funding to organizations that have ties to terrorists, engage in attempts to boycott Israel or question its right to exist. Foreign Minister Anders Samuelsen announced the new policy in late 2018 after public discontent over politicization and abuse of Danish aid funds.¹⁴³

Challenges

Under-reporting of hate speech remains a problem, especially as racist hate speech, directed against Muslims in particular, continues to rise.¹⁴⁴ ECRI does note in 2017 that in some municipalities, police forces have started working more closely with local civil society organisations to address the problem of under-reporting of racist hate speech.¹⁴⁵

The high level of extra-European immigration has strengthened the populist extreme right in Denmark. In the 2015 elections the Danish People's Party emerged as the second largest in parliament and it continues to garner strong support.¹⁴⁶

Danish parliament is considering a ban on circumcision, which would inevitably affect the very existence of Jewish and Muslim communities. The initial petition reached the 50,000 signatures required to force parliament to take up the issue.¹⁴⁷

¹⁴² <https://rm.coe.int/fifth-report-on-denmark/16808b56a4>

¹⁴³ JTA, <https://www.jta.org/2018/10/29/global/denmark-wont-fund-groups-promote-bds-question-israels-legitimacy-fm-says>

¹⁴⁴ <https://rm.coe.int/fifth-report-on-denmark/16808b56a4>

¹⁴⁵ <https://rm.coe.int/fifth-report-on-denmark/16808b56a4>

¹⁴⁶ Times of Israel, <https://www.timesofisrael.com/as-denmark-considers-a-ban-on-circumcision-some-jews-consider-leaving/>

¹⁴⁷ <https://www.thelocal.dk/20180927/danish-parliament-to-consider-ban-on-circumcision-in-october-report>

Estonia

Realities

There appears to be scant evidence of anti-Semitic incidents in Estonia, as confirmed by multiple surveys and in-country recording mechanisms. **Most issues relating to anti-Semitism in Estonia seem reflect the country's contentious World War II legacy and a historical perspective that differs significantly from the Western European, North American, or Russian outlook.**¹⁴⁸ The Estonian government informed FRA that there have been no reported anti-Semitic incidents or crimes in 2017, 2016 and 2015.¹⁴⁹

In spite of the low incident rate, over one fifth (22%) harbour anti-Semitic attitudes according to the ADL's anti-Semitic index.¹⁵⁰

This is substantiated by collective views on anti-Semitism in the country published by the latest Eurobarometer survey. Only 6% of people think anti-Semitism is a problem and only 9% think denying the Holocaust is a national issue, while 60% posit that the levels of anti-Semitism haven't changed in the last five years. Equally low are the views that physical attacks against Jews are prevalent, with only 5% agreeing.¹⁵¹

Over half (55%) of all Estonians assert that Jews talk about what happened to them during the Holocaust too much. Almost one third (30%) believe Jews don't care about anyone but their own kind.

Estonia does not suffer from a specific problem of hate speech but the prevalence of racist remarks on internet news portals and the failure to take action in response to homo/transphobic speech by politicians has been observed by ECRI in 2015.¹⁵²

To educate the public on Roma culture, in 2013 a major project entitled "We, the Roma", was launched by the National Museum of Estonia, the Ministry of Culture and Roma civil society. The exhibition shed light on the uniqueness of this ethnic group and sought to dispel myths and stereotypes about the Roma.¹⁵³

Roma, who number fewer than 1,000, reportedly still face discrimination in several areas, including employment. The government took steps to emphasize the importance of education for Romani children, but their school dropout rate remains high.¹⁵⁴

There have been well documented, albeit rare cases of anti-Semitism in Estonia. In 2011 for example the Ministry of Culture instructed the Museum of Estonian History to remove the part of an exhibition which focused on influential Nazi, Alfred Rosenberg. The Prime Minister subsequently confirmed the Estonian authorities' opposition to all expressions of racism and anti-Semitism.

¹⁴⁸ <http://www.ncsej.org/media/59bfe9569255a.pdf>

¹⁴⁹ FRA, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-antisemitism-update-2006-2016_en.pdf

¹⁵⁰ <https://global100.adl.org/#country/estonia/2014>

¹⁵¹ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

¹⁵² <https://www.kul.ee/en/galleries/we-roma>

¹⁵³ <https://www.kul.ee/en/galleries/we-roma>

¹⁵⁴ United States Department of State <https://www.state.gov/wp-content/uploads/2019/03/ESTONIA-2018-HUMAN-RIGHTS-REPORT.pdf>

In August 2018, a Holocaust memorial was desecrated in Kalevi-Liiva. Swastikas, the word "Juden" and a Nazi slogan were sprayed on it. Law enforcement agencies started an investigation.¹⁵⁵ Only one violent anti-Semitic incident was recorded in 2018.¹⁵⁶ In 2019 a headstone was smashed at a Jewish cemetery.¹⁵⁷

The emergence of the far-right in Estonia is of concern. A leading EKRE candidate, Georg Kirsberg who was in 2017 running for a seat in Estonia's elections vowed to legalise Holocaust denial; "We will decriminalise Holocaust denial and enter a correct teaching of the history of the Third Reich," Kirsberg said.¹⁵⁸

Jaak Madison, the only member of the far-right Estonian Conservative People's Party (EKRE) at the European Parliament posted an article on his Facebook page in August 2019 about a murder committed by a Syrian immigrant in Stuttgart, Germany, and added a comment: "New Europe and new Germany – one day an Eritrean pushes little boys and their mothers in front of a train, the other day a Syrian cuts a Kazakh with a sword. Let's be tolerant and open, right? Die endgültige Lösung ist erforderlich." ("the final solution is required").¹⁵⁹

It is important to note the work the Estonian government has done with the Jewish community. In early 2018 an annual memorial event was held on Holocaust Remembrance Day at the Rahumae Jewish Cemetery in Tallinn. Schools participated in commemorative activities throughout the country. Also in cooperation with the Estonian Memory Institute, foundation Unitas, the Estonian NATO Association, the Jewish community, and other organizations a seminar on Jewish history and culture for history was delivered.¹⁶⁰

Until a decade ago, Estonia was one of the only countries in Europe without a synagogue. In 2007, 65 years after Estonia was declared "Juden-Frei" by the Nazis, Estonia inaugurated its first synagogue since the Holocaust, a sign of hope for the fledgling Jewish community.¹⁶¹

Legislative

With regard to specialised bodies, there are two national institutions with specific responsibility for combating racism, xenophobia, anti-Semitism and intolerance and racial discrimination. However, only the Chancellor of Justice can be considered to be an independent institution.

Following recommendations by the ECRI in 2015, the Estonian Ministry of Justice proposed an amendment to the Criminal Code that would remove or ease the condition restricting the scope of the articles making incitement to racial hatred and violence and racial discrimination a criminal offence to cases where the victim's health, life or property are at stake; add citizenship and gender identity to the characteristics of victims of racist conduct

¹⁵⁵ Times of Israel, <https://www.timesofisrael.com/holocaust-memorials-in-estonia-torched-vandalized-with-swastika/>

¹⁵⁶ <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>

¹⁵⁷ Times of Israel, <https://jewishnews.timesofisrael.com/headstone-smashed-at-jewish-cemetery-in-estonia/>

¹⁵⁸ <https://eurojewcong.org/news/communities-news/estonia/far-right-estonian-politician-promises-to-legalise-holocaust-denial/>

¹⁵⁹ <https://eurojewcong.org/news/communities-news/estonia/estonian-mep-calls-for-final-solution-for-immigrants-in-europe/>

¹⁶⁰ United States Department of State <https://www.state.gov/wp-content/uploads/2019/03/ESTONIA-2018-HUMAN-RIGHTS-REPORT.pdf>

¹⁶¹ JTA, <https://www.jta.org/2017/05/26/global/estonian-jewry-celebrates-revival-75-years-after-nazis-declared-it-extinct>

classified as criminal offences and make racist motivation an aggravating circumstance in all ordinary offences.¹⁶²

ECRI notes that, despite its recommendation, the Criminal Code contains no specific provision making it a criminal offence to create or lead a group which promotes racism, support for such a group or participation in its activities. ECRI also notes that the Criminal Code does not specifically criminalise racial discrimination in the exercise of one's public office or occupation.

In relation to Holocaust revisionism or denial, there is lack of clarity in Estonian law on what is prohibited. ECRI recommended the Criminal Code is reviewed with a sharper focus on criminalising racist offences such as: public insults or defamation; public expression of an ideology which claims the superiority of a grouping of persons; the public denial, justification or condoning of crimes of genocide.¹⁶³

ECRI points out that since the end of 2016, the police is able to register reported cases on the basis of "hate motive" that are available in different classifications such as bias against race, religion and origin. Once registered, all reported crimes are kept in an electronic system called E-File that is used by several databases including the Criminal Case Management Register, which is a database for prosecutors and investigative bodies. In addition, the Ministry of Justice has started to regularly publish data on hate crimes as part of its annual report on crime in Estonia.¹⁶⁴

Challenges

Irrespective of the perceived lack of anti-Semitic incidents or hate crimes, ECRI in 2015 found that there is an issue of under-reporting of cases of racial and homophobic hatred and violence which raises the question of the lack of training activities for the police and members of the judiciary.¹⁶⁵

In 2019 Estonia's anti-EU far-right party EKRE struck a coalition deal with the Centre party of PM Jüri Ratas in a controversial bid to block the liberal Reform party from forming a government. EKRE leader Mart Helme has publicly expressed xenophobic, sexist and homophobic views, and the members of his party have included people convicted of violent crimes and Nazi sympathizers.¹⁶⁶

¹⁶² <https://www.refworld.org/country,,COECRI,,EST,,56685f7d4,0.html>

¹⁶³ <https://www.refworld.org/country,,COECRI,,EST,,56685f7d4,0.html>

¹⁶⁴ <https://rm.coe.int/interim-follow-up-conclusions-on-estonia-5th-monitoring-cycle/16808b5705>

¹⁶⁵ <https://fra.europa.eu/en/databases/anti-muslim-hatred/node/1880>

¹⁶⁶ <https://eurojewcong.org/news/communities-news/estonia/estonian-far-right-to-join-government/>

Finland

Realities

Finland is perhaps the only European country where Jews have had uninterrupted safety since the beginning of their settlement there. The country has seen no physical assault against a Jew in decades and anti-Semitic hate speech is also rare. Neo-Nazism is a fringe phenomenon without a common street presence and jihadism isn't considered a major issue.¹⁶⁷

This is the backdrop to a country where the Jewish community also reported that although there is no organised anti-Semitism, occasional and marginal instances do occur. They added that few anti-Semitic acts are committed, but members of the Jewish community do receive verbal threats, of which the authorities are aware. Representatives of the Jewish community also stated that the police send officers to ensure their safety during major festivities.¹⁶⁸

With a 15% anti-Semitic index score, Finland is on the low end in European terms of anti-Semitic attitudes, but higher when comparing to other Scandinavian nations. The 35-49 age category is the age group most likely to harbour anti-Semitic sympathies.¹⁶⁹

Anti-Israel instances are rare but have attracted media attention. Most prominent has been the repeated vandalism of the Israeli embassy in Finland, targeted by neo-Nazi and far-right extremists for at least the 15th time in the last year and a half. The glass front door of the embassy in Helsinki was shattered and images of swastikas and Adolf Hitler were hung in the entrance to the building. In a statement, Israel's Foreign Ministry called the attack "another link in the chain of anti-Semitic attacks targeting the embassy."¹⁷⁰

Writing in the Jerusalem Post (August 2019) in response, Finland's Ambassador Kirsikka Lehto-Asikainen said, "Finland is committed to combating anti-Semitism as a part of its activities to fight discrimination and racism in order to guarantee the right of freedom of religion and opinion."¹⁷¹

Every year, the Police College of Finland publishes a report on suspected hate crimes. Since 2008, the report has covered religiously motivated hate crimes, including those with an anti-Semitic motive. 10 anti-Semitic incidents, mostly constituting verbal assaults, were reported in 2016 - the highest since 2013.¹⁷²

The latest Eurobarometer survey found that over one third of Finish people think anti-Semitism has increased in Finland during the last five years. Only 9% think it an issue in

¹⁶⁷ JTA, <https://www.jta.org/2018/07/12/global/ahead-trump-putin-summit-5-things-probably-didnt-know-finland-jews>

¹⁶⁸ <https://www.refworld.org/country,,COECRI,,FIN,,51dd50124,0.html>

¹⁶⁹ <https://global100.adl.org/#country/finland/2014>

¹⁷⁰ <https://eurojewcong.org/news/communities-news/finland/israeli-embassy-in-finland-attacked-for-15th-time-in-18-months/>

¹⁷¹ Jerusalem Post, <https://www.jpost.com/Diaspora/In-letter-to-Post-Finland-vows-to-fight-antisemitism-and-racism-598627>

¹⁷² FRA, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-antisemitism-update-2007-2017_en.pdf

schools and universities. 56% of people in Finland thought the Holocaust is taught sufficiently.¹⁷³

Widening the scope to hate-crimes, police recorded 1497 cases in 2017, over 150 more than the previous year but still 200 less than in 2015. The vast majority of 2017's hate-crimes were underpinned by racist and xenophobic motives while 47 targeted Roma and 9 were anti-Semitic. Finland also conducts regular victimization surveys to measure unreported hate crime.¹⁷⁴

Civil society actors report that some media in Finland do not have much respect for minorities in general, and that racism, anti-Semitism and xenophobia are expressed openly by them. In 2013, representatives of the Muslim community have indicated to ECRI that the media have a tendency to equate Islam with terrorism. ECRI also received information indicating that certain media stir up prejudice against Somalis. In addition, it has been noted that the presence of Roma beggars on the streets of Helsinki has sparked virulent debate over the past three years, some of the comments and articles published in the media being of a racist character.¹⁷⁵

Roma continue to suffer discrimination and racism in various fields, including education, employment and housing. Somalis are the least well-integrated group in the country and are the victims of racism, including racist violence, and of discrimination.

ECRI notes with concern information provided by the Finnish authorities that racist acts in schools against Roma children are continuing, especially in primary schools, the most serious problem being racist insults. Harassment (together with other factors such as illness and family events) contributes to a higher level of absenteeism among these children.¹⁷⁶

Based on a Memorandum of Understanding with ODIHR, the Finnish police have been implementing the Training Against Hate Crimes for Law Enforcement (TAHCLE) programme. Around 900 officers have received training on hate crimes to date. Training events have contributed to a measured increase in identification of hate motive (24% in 2016 compared with 39% in 2017).

The Ministry of Interior increased funding to address hate crime, which was identified as a priority area in the Police Strategy in 2016. The funding was used, among other things, to appoint 25 hate crime specialists to Helsinki Police Department.¹⁷⁷

Legislative

Since December 2017, the Ministry of Justice has been co-ordinating an EU-funded project called Against Hate. One of the main objectives of the project is to further develop the national reporting mechanisms, especially regarding statistics on prosecution and sentencing of hate crime. The project also aims at enhancing the capacity of the police,

¹⁷³ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

¹⁷⁴ <http://hatecrime.osce.org/finland?year=2017>

¹⁷⁵ <https://www.refworld.org/country,,COECRI,,FIN,,51dd50124,0.html>

¹⁷⁶ <https://www.refworld.org/country,,COECRI,,FIN,,51dd50124,0.html>

¹⁷⁷ <http://hatecrime.osce.org/finland?year=2017>

prosecutors and judges to act against hate crime and hate speech, and to develop support services for victims of hate crime.¹⁷⁸

In 2008, the Ministry of the Interior established a Discrimination Monitoring Group to gather information on the efforts to combat discrimination against various population groups.¹⁷⁹

At the time of the ECRI report in 2013, the Aliens' Act contained discriminatory provisions, in particular Section 130 which provides that, at the request of the police or any other authority processing a matter concerning a foreigner, he or she must present his or her document or prove his or her identity in some other reliable manner. This provision considerably increases the risk of racial profiling of visible minorities.¹⁸⁰

The 2013 recommendations to the Finnish authorities from ECRI included implementing the national policy on Roma without delay and allocate the necessary human and financial resources. Furthermore ECRI recommends that the authorities take steps to combat prejudice against Roma, among others things by conducting awareness-raising campaigns concerning the contribution by this minority to Finnish society¹⁸¹

Regarding teaching of the Holocaust, authorities reported that education about the Holocaust was added to the national education curriculum in 2010. Representatives of the Jewish community indicated to ECRI in 2013 that pupils receive education about the Holocaust and that it is mentioned in textbooks but with very few details. In some schools, teachers spend much time on the subject, which includes arranging visits to former concentration camps.

Finland is one of the countries which commemorates the Holocaust on 27 January. The event is called "Day for the commemoration of the victims of persecution" in Finnish.

An ECRI delegation visited Finland from 10 - 14 September 2018 as the first step in the preparation of a monitoring report. Published in 2019 it makes a fresh set of recommendations on measures to be taken by the authorities to address racism, racial discrimination, xenophobia, anti-Semitism, and intolerance in the country. In particular, it advises;

- the criminal and civil and administrative legislation be brought in line with ECRI's
- the authorities should, as a matter of priority, empower the National Non-Discrimination and Equality Tribunal to deal with complaints of discrimination in employment on all prohibited grounds
- the authorities should set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and homo/transphobic hate speech and hate crime
- the authorities should reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and homo-/transphobic hate speech¹⁸²

¹⁷⁸ <http://hatecrime.osce.org/finland?year=2017>

¹⁷⁹ <https://www.refworld.org/country,,COECRI,,FIN,,51dd50124,0.html>

¹⁸⁰ <https://www.refworld.org/country,,COECRI,,FIN,,51dd50124,0.html>

¹⁸¹ https://finlandabroad.fi/web/oecd/foreign-ministry-s-press-releases/-/asset_publisher/kyaK4Ry9kbQ0/content/euroopan-rasimin-ja-suvaitsemattomuuden-vastainen-komissio-antoi-suosituksia-suomelle/35732

¹⁸² <https://rm.coe.int/fifth-report-on-finland/1680972fa7>

In 2017 A court in Finland banned a neo-Nazi group on the grounds of spreading hatred and advocating violence as self-defence. The ruling came in a lawsuit Finland's national police filed that sought to dissolve the right-wing Nordic Resistance Movement. The suit argued the group was violent and openly racist. Senior police officer Seppo Kolehmainen said the decision issued on Thursday is "a clear message" that hatred "has no place in the Finnish society."¹⁸³

Challenges

Roma representatives have indicated to ECRI in 2013 that members of their community, in particular women, are discriminated against in public places such as shops. The Ombudsman for Minorities has also mentioned cases of security guards constantly following members of groups of concern to ECRI as they shopped.

Civil society actors further indicate that Roma and immigrants, including Muslims, are discriminated against in access to bars and nightclubs, but that they tend not to file complaints as it is difficult to prove the discriminatory motive for the refusals they encounter. According to civil society actors, the problem of racial discrimination in access to public places is not taken sufficiently seriously, leading to a degree of impunity in this area.¹⁸⁴

As of 2013, the police does not have the necessary resources to solve the problem of hate-crime online. The police itself has informed ECRI about the difficulty of combating this phenomenon given its scale.¹⁸⁵

The Jewish community in Helsinki started a campaign to raise funds for security measures. The community hopes to raise 90,000 Euros. Yaron Nadbornik, chairman of the community says that in 2008, the cost for security measures was about 80,000 Euros. Today, it has risen to 200,000. Unlike the other Scandinavian countries, the Finnish government doesn't contribute anything to the surveillance or security at Jewish sites.¹⁸⁶

¹⁸³ <https://eurojewcong.org/news/communities-news/finland/finland-bans-neo-nazi-group/>

¹⁸⁴ <https://www.refworld.org/country,,COECRI,,FIN,,51dd50124,0.html>

¹⁸⁵ <https://www.refworld.org/country,,COECRI,,FIN,,51dd50124,0.html>

¹⁸⁶ <http://www.kantorcenter.tau.ac.il/jews-finland-campaign-raise-funds-security>

France

Realities

Nearly 40 percent of violent acts classified as racially or religiously motivated in France were committed against Jews in 2017, though Jews make up less than 1 percent of the population.¹⁸⁷

Anti-Semitism had been decreasing in recent years. In 2017, 311 antisemitic actions and threats were recorded by the Commission nationale consultative des droits de l'homme (CNCDH) out of a total of 950 racist or xenophobic crimes. This represents a small decrease overall, which masks a rise in violent anti-Semitic acts, which went up to 97 from 77 in 2016.¹⁸⁸ Overall, these figures represent a lower frequency of anti-Semitism from the highs of 2014-2015, which saw almost three times the number of incidents.¹⁸⁹

However, French authorities recorded an extraordinary 74% rise in anti-Semitic incidents from 2017 to 2018 - with 541 incidents in 2018, up from 311 incidents in 2017 and the figures for the first half of 2019 are "just as high."¹⁹⁰ Before official figures were released for the entire year, on the 80th anniversary of Kristallnacht, Prime Minister Édouard Philippe stated that anti-Semitic acts had risen in France by 69% in the first nine months of 2018.¹⁹¹

The 2015 ADL survey of anti-Semitic beliefs in France resulted in a 17% index score.

While this was under half the recorded 2014 index score, it must be noted that both the 2014 and 2015 surveys reported a higher prevalence of anti-Semitism in Millennials and Generation X, a reverse of the common trend that generally sees anti-Semitism decreasing among younger people.

Additionally, France's Muslim community was attributed an anti-Semitism index score of 49%.¹⁹²

This reflects upon the changing nature of the refugee crisis in Europe, where populations who were at first inwardly focused are beginning to express their latent anti-Semitism learned from their immersion in Arab countries.

Radical Islamic terrorism has been the sole motive for anti-Semitic murder in France, such as those of Holocaust survivor Mireille Knoll and Sarah Halami.

Islamic terror has been behind numerous other murders, attempted murders, and acts of extreme violence since the turn of the century.

¹⁸⁷ France 24 (2018), <https://www.france24.com/en/20181109-france-anti-semitic-edouard-philippe-mireille-knoll-nazi-kristallnacht>

¹⁸⁸ Kantor

¹⁸⁹ EUFRA (2018), Antisemitism - Overview of data available in the European Union 2007–2017

¹⁹⁰ Telegraph, <https://www.telegraph.co.uk/news/2019/08/08/rise-anti-semitism-europe-jewish-pupils-pushed-french-state/>

¹⁹¹ France 24 (2018), <https://www.france24.com/en/20181109-france-anti-semitic-edouard-philippe-mireille-knoll-nazi-kristallnacht>

¹⁹² ADL (2015), <http://global100.adl.org/#country/france/2015>

Overall, there have been at least 11 anti-Semitic murders since 2000, Jewish children have been repeatedly targeted with physical violence,¹⁹³ stores have been set on fire,¹⁹⁴ and families assaulted at home.¹⁹⁵

This prolonged environment of extreme victimization has motivated a high rate of Jewish emigration. According to Jewish community estimates, several tens of thousands, have changed their location inside France - an "internal Exodus".¹⁹⁶ Polled in the FRA 2018 survey, 44% of French Jews said they would consider emigrating because they didn't feel safe as Jews in France – the highest proportion out of countries surveyed.¹⁹⁷ In reality, if the years between 1995-2012 are assessed, the actual numbers of Jews taking this step annually fluctuated between 1,000 - 2,500 - constituting only 1.4 % of the total Jewish population of the country in a given year at their peak, meaning the overwhelming majority didn't make this move. According to the FRA's 2019 Young Jewish European survey, 2% of 16-34 year olds in the EU have emigrated, out of security concerns for being Jewish and then subsequently returned – a higher average than those who have left France on an annual basis.¹⁹⁸

Aliyah to Israel has doubled since the turn of the century,¹⁹⁹ while Jewish emigration to the United Kingdom was thought to number roughly 5,000 between 2014-2016 alone.²⁰⁰

Despite the problems of the past 15 years, in mainstream society French Jews enjoy social and political acceptance, with 91% of those surveyed by the CNC DH in 2017 replying that Jews are like all other groups in France, a record high. This was 9% more than the response regarding Muslims, and 27% higher than the perception of the Roma community.²⁰¹

This contrasts with FRA findings in their perceptions of anti-Semitism survey in 2018. A hefty 95% of respondents saw anti-Semitism as 'a very big' or 'a fairly big problem' and 80% consider anti-Semitism in the media to be a problem.

France also had the greatest share of respondents (out of the 12 countries surveyed) who worried about anti-Semitic verbal insults and harassment (60%) and about anti-Semitic physical attacks (58 %). Some 62% of French Jews say they would not wear anything which might appear as outwardly Jewish.²⁰²

¹⁹³ The Local (2018), <https://www.thelocal.fr/20180131/french-boy-aged-8-beaten-up-for-wearing-kippa-in-anti-semitic-attack>

¹⁹⁴ The Local (2018), <https://www.thelocal.fr/20180109/kosher-store-near-paris-set-on-fire-on-anniversary-of-terror-attack>

¹⁹⁵ The Local (2017), <https://www.thelocal.fr/20171202/five-charged-in-france-for-attacking-jewish-family>

¹⁹⁶ Kantor Centre for the Study of Contemporary European Jewry at Tel Aviv University (2018), *Antisemitism Worldwide 2017 Report*

¹⁹⁷ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

¹⁹⁸ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-young-jewish-europeans_en.pdf

¹⁹⁹ Israeli Central Bureau of Statistics, Annual Data 2018, Table 4.2

²⁰⁰ The New York Times (2016), <https://www.nytimes.com/2016/04/23/world/europe/london-france-jews-terrorism-anti-semitism.html>

²⁰¹ CNC DH (2018), Les Essentiels of the report on the fight against racism 2017

²⁰² https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

More than 300 French signatories including former prime ministers and other elected officials signed a manifesto denouncing the “new anti-Semitism” in France in April 2018.²⁰³ The declaration stated that French Jews were undergoing a “quiet ethnic purging” driven by rising Islamist radicalism, using phraseology which itself was criticized for lacking nuance and sympathy to the Muslim community.

The latest Eurobarometer details this broader feeling; confirming 72% of people in France believing anti-Semitism to be a problem in the country and over half (51%) think it has increased during the last five years. Most alarmingly, four fifths of French people think that “expressions of hostility and threats towards Jewish people in the street or other public places” are a problem in their country and 83% think physical attacks against Jews are a similar problem.²⁰⁴

Despite the actions of the centre, in the political arena there are multiple forces which amplify, justify or encourage anti-Semitism. On the far-right, Marine Le Pen’s Front National continues to pose a threat to the Jewish and other minority communities, which is exacerbated by a strategy of dividing minority groups.

While Le Pen tries to put a new face on her party, a study by BuzzFeed News found that almost 100 candidates of the Front National party who were running in the 2016 French parliamentary elections had published, shared or “liked” antisemitic, homophobic, anti-Muslim or racist content on various social networks.²⁰⁵

In that election, Marine le Pen doubled the party’s power compared to her father’s results in 2002. At the same time, Le Pen has denied that her country had any responsibility for the deportation of the Jews from Paris to the Nazi death camps.²⁰⁶

The Far-Right now has the wind in its sails in France as Marine Le Pen’s National Rally, or RN, came first in European Parliament elections in May.²⁰⁷

From the far-left, the anti-Zionism of Jean-Luc Mélenchon has long crossed the line into anti-Semitism in the eyes of French Jews. CRIF, the umbrella group of French Jewish communities, has equated Mélenchon with Le Pen. CRIF President Francis Kalifat has said “they both traffic in hatred, and they are both a danger to democracy.”²⁰⁸

After the murder of Sarah Halami, CRIF asked Le Pen and Mélenchon not to join a silent march in solidarity with the Jewish community. Both joined the march but left early after they were booed.

²⁰³ Le Parisien (2018), <http://m.leparisien.fr/societe/manifeste-contre-le-nouvel-antisemitisme-21-04-2018-7676787.php>

²⁰⁴ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

²⁰⁵ BuzzFeed News (2017), <https://www.buzzfeednews.com/article/davidperrotin/enquete-fn-legislatives-1#.lhj6veE47x>

²⁰⁶ The Guardian (2017), <https://www.theguardian.com/world/2017/apr/09/marine-le-pen-denies-french-role-wartime-roundup-paris-jews>

²⁰⁷ Telegraph, <https://www.telegraph.co.uk/news/2019/08/08/rise-anti-semitism-europe-jewish-pupils-pushed-french-state/>

²⁰⁸ Times of Israel (2017), <https://www.timesofisrael.com/french-jews-put-off-by-le-pen-now-worry-about-another-presidential-candidate/>

Historically, the French media, justice officials, politicians and even representatives of French Jewry maintained have from the years 2000-2002 maintained a “virtual blackout” on more than 500 cases of anti-Semitic violence” directed by Muslims at Jews, allegedly as payback for Israel’s actions. The silence was lifted but it has always been a precarious area for officials to adjudicate.

The Halimi murder was for critics an exemplar of how to mishandle an anti-Semitic case. Mainstream media didn’t even refer to it as anti-Semitic crime for weeks. The final straw was the unusual decision in May 2019 by the judge presiding over the murder case to order a third psychiatric evaluation of the man who confessed to killing Halimi. Sammy Ghozlan who heads up the National Bureau for Vigilance Against Anti-Semitism, said it was the first time he had seen a judge order an evaluation independently of the defence and that “there have been a series of failures” in police and the judiciary’s handling of the case.²⁰⁹

France observes its National Day of Remembrance of the Victims of Racist and Anti-Semitic Crimes on the Sunday closest to 16 July, the day when the round-up of Jews in the Vélodrome d’Hiver began in 1942.

Educating the Holocaust is mandatory in the French curriculum, and the Holocaust is commemorated on numerous other occasions related to historical events, such as the Warsaw Ghetto Uprising commemorated during Yom HaShoah and International Holocaust Memorial Day.

However, no specific day has been set for the commemoration of the Roma and Sinti genocide. Instead, there is a general Remembrance Day for the victims of national socialism on the last Sunday of April.

The Roma communities of France are experiencing an improvement of their conditions, according to the latest report by the CNCDH, linked to an increase in acceptance by society.²¹⁰ However, the acceptance of Muslims and Roma are still behind the levels enjoyed by black and Jewish French citizens.

Legislative

France has improved its judicial approach to hate crimes by adopting a law generalising aggravating sanctions in cases of racism, homophobia and sexism to all crimes and offences punished by imprisonment.

Actions taken by the French government against anti-Semitism include the Sentinel operation, in which 10,000 soldiers and 4700 police officers have been deployed to protect synagogues and Jewish schools from terror attacks.

In 2015 the French government launched the €100 million National Plan against Racism and Anti-Semitism, which is directed towards education and law enforcement, including the establishment of a unit “to protect internet users against the spread of anti-Semitism”.

²⁰⁹ JTA, <https://www.jta.org/2019/05/01/global/french-jews-say-officials-are-reluctant-to-call-out-anti-semitism-by-muslims>

²¹⁰ CNCDH, Les Essentiels of the report on the fight against racism 2017

The unit is linked to the PHAROS platform, in which citizens can report troubling content to the police.²¹¹

With regard to action against hate crimes, ECRI noted in its 2015 report that perpetrators have been prosecuted and convicted, and that representatives of the law enforcement agencies and the courts are updated and reminded about legal provisions. Nevertheless, the report called for regulations on the wearing of veils during school outings being clarified, and that assistance measures for Roma when illegal camps are deconstructed should be made systematic countrywide.

An additional recommendation stated that France should also propose legislative provisions on the collection of data on equality, as well as ratify Protocol No. 12 to the European Convention on Human Rights, which France has informed ECRI it has no intention to do.²¹²

Another recommendation noted that there is currently no provision criminalising the public expression with a racist aim of an ideology that claims racial or prohibited forms of superiority, nor for the formation or leadership of a group which espouses or supports these views. Also noted was that currently racist motivation does not constitute an aggravating circumstance in every ordinary offence.

Article 132-76 of the French Criminal Code (CC), modified by the law of 27 January 2017 on equality and citizenship, establishes an aggravating circumstance leading to enhanced penalties for criminal offences motivated by another person's or a group of persons' real or presumed race, ethnicity, nationality or religion.

These enhanced penalties apply when the offence is preceded, accompanied or followed by written or spoken words, images, objects or actions of whatever nature which allow establishing that the crime has been committed on these grounds or when the offence is preceded, accompanied or followed by written or spoken words, images, objects or actions of whatever nature which damage the honour or the reputation of the victim, or a group of persons to which the victim belongs, on account of their actual or presumed membership or non-membership of these groups.

Article 225-1 of the CC, in conjunction with Article 225- 2, sets out the offence of discrimination in the areas of access to goods and services, economic activity and employment on grounds of origin, as well as ethnic, national or language differences. There are further anti-discrimination laws that prescribe imprisonment or a fine of up to \$50,000 for parties that "incite discrimination, hatred or violence towards a person or group of people on grounds of their origin, their belonging or their not belonging to an ethnic group, a nation, a race or a certain religion." The left-leaning Israeli newspaper called it "among the world's most potent legislative tools to fight BDS."²¹³

Article 432-7 of the CC enhances the penalty set out in Article 225-1 when the discrimination is committed by a person invested with public authority or carrying out a public service and

²¹¹ Israeli Ministry of Diaspora Affairs (2018)

²¹² ECRI (2015), France: Fifth Monitoring Cycle

²¹³ <https://www.france24.com/en/20160120-france-boycott-israel-bds-law-free-speech-antisemitism>

consists of denying the benefits of a right provided for by the law or of hindering the normal development of any economic activity.

Article R625-7 of the CC criminalises non-public incitement to discrimination, hatred or violence against a person or a group of persons because of their real or presumed ethnicity, nationality or supposed race.

Article 24 of the Law of 29 July 1881 on the Liberty of the Press, last modified in 2017,⁷³ sets out the criminal offence of direct public incitement to discrimination, hatred or violence against a person or group of persons on grounds of origin or belonging or not belonging to a certain ethnic group, nation, race or religion.

Article 24 bis further criminalises the denial or trivialisation of crimes against humanity. Article 32 criminalises public libel against persons because of their real or presumed ethnicity, nationality or supposed race.

Article 33 criminalises public slander against persons because of their real or presumed ethnicity, nationality or supposed race.

Holocaust denial is an offence in French law, with the high court in 2016 upholding it as a crime on its own.²¹⁴ The Gayssot Law makes it an offense to question the existence of “crimes against humanity” as they are defined in the Nuremberg Charter.²¹⁵

Challenges

The Service for the Protection of the Jewish Community (Service de Protection de la Communauté Juive, SPCJ) cooperates with the Ministry of the Interior in collection and reporting of anti-Semitism in France.²¹⁶

However, in 2011, the French government stopped categorizing those deemed responsible for anti-Semitic acts, making it more difficult to trace the origins.

Before 2011, Muslims had been the largest group identified as perpetrators.²¹⁷ This is strengthened by the independent research of CNCDDH in its 2017 report on racism, xenophobia and anti-Semitism, which found that the majority of anti-Semitic attacks come from Muslim and left-wing backgrounds.²¹⁸

The work of the CNCDDH competently surveys the public’s opinions regarding Israel, highlighting the importance of this motive for anti-Semitic activity, and has called for renewed state research into the motives and background of perpetrators of racist and anti-Semitic acts.

The fight against racism and anti-Semitism is hindered when the state will not publish findings which will assist in diagnosing and countering the problem.

²¹⁴ <https://apnews.com/article/9dc79d4da2d2477490d680f97c143dbb>

²¹⁵ <https://www.yadvashem.org/holocaust/holocaust-antisemitism/holocaust-denial-laws.html>

²¹⁶ EUFRA (2018), *Antisemitism - Overview of data available in the European Union 2007–2017*

²¹⁷ The New York Times (2018), <https://www.nytimes.com/2018/07/27/world/europe/france-new-anti-semitism.html>

²¹⁸ Rapport 2017 sur la lutte contre le racisme, l'antisémitisme et la xénophobie

The CNCDH has also recommended that training for public servants be prioritized, funding for public awareness campaigns against racism, and consolidation carried out to improve reporting and action against hate crimes.

A competition set by the minister for culture in October 2018 to design a project to combat anti-Semitism might be considered a step towards fulfilling the public awareness campaign recommendation.²¹⁹

The ECRI in 2015 noted the rise in hate speech and crimes, in particular anti-Semitic hatred, including online.²²⁰

Over two thirds of French Jews (70 %) believe the French government does not combat anti-Semitism effectively.²²¹

²¹⁹ <https://antisemitism.org.il/133299>

²²⁰ ECRI (2015), France: Fifth Monitoring Cycle

²²¹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

Germany

Realities

The Criminal Police Notification Service – Politically Motivated Crimes (Kriminalpolizeilicher Meldedienst – Politisch motivierte Kriminalität) collect anti-Semitism data.

They have reported that overall there is a slightly decreasing trend in anti-Semitic crimes and violence over the previous decade. 1,504 incidents (including incitement) and 34 acts of violence were recorded in 2017.²²²

Contrastingly, the Amadeu Antonio Foundation collects data on anti-Semitic incidents from the German press.

They recorded the highest number of such incidents in 2017 since monitoring began in 2002, with 260 incidents in one year, an increase of over 30% over 2016, which itself was previously the record-breaking year.²²³ Anti-Semitic acts rose by 10% in the first half of the year compared to the corresponding period in 2017.²²⁴

This record was broken again the next year, with official figures showing that 1,646 hate crimes against Jews were committed in 2018 - an increase of 10% on the previous year. Physical attacks against Jews in Germany also rose in the same period, with 62 violent incidents recorded, up from 37 in 2017.²²⁵

The German government increased state benefits for the Central Council of Jews in Germany for the first time since 2011, noting “the rise in anti-Semitism in our society.”

Days later, 40 Jewish organizations in Germany signed an open letter calling on the government to confront anti-Semitism.²²⁶

Numbers alone distort the picture of the rising antisemitic atmosphere - on the ground as well as in cyberspace, where anti-Semitic posts on social media, in public places and in letters to the editor have almost tripled during the last decade.²²⁷

The 2018 Eurobarometer reflects this feeling with 67% of German respondents believing “anti-Semitism on the internet, including online social networks” is a problem in the country.²²⁸

As a corollary to the confirmed rise in anti-Semitic incidents, over 80% of respondents to the FRA survey in 2018 agreed anti-Semitism is a ‘very big’ or ‘fairly big’ problem in Germany and 90% assert that it has increased in the last five years.²²⁹

²²² EUFRA, *Antisemitism - Overview of data available in the European Union 2007–2017*

²²³ EUFRA, *Antisemitism - Overview of data available in the European Union 2007–2017*

²²⁴ JTA (2018), <https://www.jta.org/2018/08/09/top-headlines/anti-semitic-crimes-dramatically-increase-germany>

²²⁵ BBC News, <https://www.bbc.co.uk/news/world-europe-48411735>

²²⁶ <https://jfda.de/blog/2018/07/09/grundsatzerklaerung/>

²²⁷ Kantor Centre

²²⁸ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

²²⁹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

When comparing the findings of the 2018 and 2012 FRA survey, no differences are observed in the opinions about the anti-Semitic nature of the selected statements - the same shares of respondents said they have heard or seen these statements regularly (all the time or frequently) in the countries surveyed. All except for Germany, where higher proportions of respondents are more regularly confronted with some of these statements in 2018 than in 2012.²³⁰

Germany had the second greatest share of respondents who worried about anti-Semitic verbal insults and harassment (59%) and anti-Semitic physical attacks (47%). The survey also asked respondents if they ever wear, carry or display items in public that could identify them as Jewish and then whether they would avoid doing so in public – 75% of respondents in Germany confirmed they try to avoid overt signs of Judaism.²³¹ The German government's anti-Semitism commissioner supports this precautionary move; urging Jews to avoid wearing skullcaps in public in certain parts of the country following a rise in anti-Semitism.²³²

When examining the responses of young Jews it's clear they have a tendency to avoid certain places or locations in their local area or neighbourhood because they don't feel safe there as a Jew – with 17% of 16-34 year olds avoiding somewhere all the time or frequently, compared with 12% of the next cohort – 35-59 year olds. Geographical 'clustering' of Jewish people can help bolster security and while it is particularly common in the United Kingdom for example, Jews in Germany are much more thinly dispersed across the country.²³³

Islamic anti-Semitism is the most significant motive behind anti-Semitism in Germany.

Out of 1200 cases regarded as terror against Jews in Germany in 2017, 1000 were attributed to Muslim perpetrators. Islamic anti-Semitism is both motivated by anti-Zionism and classical religious anti-Semitism, and a survey conducted by the AJC in Germany showed that the religious dimension is on the rise even in schools.²³⁴

The German Agency for Domestic Security published a report in 2019 on Muslim anti-Semitism in the country. The report makes clear that Muslim anti-Semitism is a major problem in Germany. The authors state that Islamist anti-Semitic opinions are even more far-reaching. Religious, territorial, and political motives combine into an anti-Semitic worldview. All Islamist groups have as a central pillar a picture of Judaism as the enemy.

This was exemplified by a protest outside the Brandenburg Gate in 2017 and triggered a national discussion thereafter. Signs held by protestors included those which called for the outright elimination of Israel and chants of, among others, "Khaybar, Khaybar, hey Jews, Muhammad's army's coming back for you!" The report notes that of particular concern was the fact that these "outrageous acts were by people who had not previously had any discernible relationship to an Islamist organization."²³⁵

²³⁰ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

²³¹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

²³² BBC News, <https://www.bbc.co.uk/news/world-europe-48411735>

²³³ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-young-jewish-europeans_en.pdf

²³⁴ Kantor Centre

²³⁵ <https://s3.amazonaws.com/media.hudson.org/Anti-Semitism%20Among%20Islamists%20in%20Germany%20FINAL.pdf>

The zealous nature of the protest is mirrored in survey results by the FRA which stated that 63% of German respondents regularly face the statement “Israelis behave ‘like Nazis’ towards the Palestinians.”²³⁶

After the arrival between 2014-2017 of more than one million Muslims from North Africa and the Middle East - where anti-Semitism is part of the fabric of society, it comes as little surprise there has been a proliferation of vocal and belligerent anti-Semitic and anti-Israel behaviour in Germany. The study concludes that the more than 100 anti-Semitic incidents officially caused by Muslims in 2017 are most likely only the tip of the iceberg.²³⁷

At the annual Al Quds day march vicious anti-Israel protests are always threaded throughout. Curiously though, independent watchdog groups have discovered that some of the incidents documented at the 2019 Al Quds Day march in Berlin were classified by authorities as forms of far-right anti-Semitism. Critics say these mislabelled incidents are facilitating attempts to politicize anti-Semitism.²³⁸

In a Berlin school in 2017, a 14-year-old Jewish student suffered a brutal attack after four months of verbal and physical harassment by students of Arab and Turkish backgrounds. The boy’s parents had contacted an organization that brings Jews and Muslims into public schools, and the father’s Holocaust survivor parents had met with pupils at the school to no effect.²³⁹

After anti-Semitic riots in Germany after the U.S. decision to move their embassy to Jerusalem, German president Frank-Walter Steinmeier said he was “horrified and ashamed that anti-Semitism has not been overcome, also not in our country, and it raises its evil head in many different guises: in extreme actions such as the burning of the Israeli flag and ignorant slogans of hatred and violence; but also in habits which are less obvious and the spreading of prejudices against all things Jewish... no exceptions be made for immigrants. It is non-negotiable – for all who live in Germany and want to live here!”²⁴⁰

The Alternative für Deutschland party, which won 12.6% in the last election, has a deep and visible problem with anti-Semitism.

After incidents such as politician Björn Höcke calling the national Holocaust Memorial a “monument of shame”, the rise of the AfD raises the spectre of renewed right-wing anti-Semitism.

The Party lost its leader Frauke Petry just after the elections, following the struggle between the moderate stream which she represented and the more nationalist stream.

²³⁶ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

²³⁷ ibid

²³⁸ JTA, <https://www.jta.org/2019/06/14/global/germany-is-accused-of-downplaying-anti-semitic-attacks-by-muslims>

²³⁹ <https://www.jta.org/2017/04/03/news-opinion/world/jewish-parents-pull-son-from-berlin-school-over-anti-semitic-harassment>

²⁴⁰ Facebook page of Israel in Deutschland (2017), <https://www.facebook.com/IsraelinGermany/videos/1525017624220846/>

Alexander Gauland, who was elected to serve as Chairman in Petry's place, is of the opinion that people "should stop focusing on Germany's Nazi past," and that Germans have the right "to be proud of German soldiers in both world wars."²⁴¹

At the party's November 2017 conference resolutions were passed concerning anti-Semitism and Israel, calling on the party to strongly condemn anti-Semitism but excluding subjects such as distorting the memory of the Holocaust and calls to stop criticizing Germany's Nazi past.

Outside of the AfD, institutional action against all forms of anti-Semitism are strong in Germany, highlighted by the federal government's adoption of the IHRA working definition of anti-Semitism.

For example, President Steinmeier condemned the anti-Semitic and anti-Israel demonstrations that followed the U.S. Jerusalem Embassy move, which included calls to kill Jews, and was largely populated by refugees and immigrants from Muslim countries. The president said that he was shocked by the burning of Israeli flags in public squares, and that there was no place for anti-Semitism in Germany, whether loud or quiet, old or new. Condemnation was also heard from Chancellor Angela Merkel and other ministers and members of Parliament.

Outside of right wing and Islamic anti-Semitism, mainstream and left-wing anti-Semitism also has some traction. This is highlighted by isolated incidents such as that of Mekan Kolasinac, the chairman of the German Left party in the town of Saarlouis in the state of Saarland, who on his Facebook page called the head of the Federal party, Bernd Riexinger, a "sneaky Jew", before apologizing.

Prof. Anders Zick, of the Institute for Interdisciplinary Conflict and Violence Research of the University of Bielefeld, presented research on xenophobia and anti-Semitism that included the statistic that 20-25% of the German population holds anti-Semitic views when it comes to criticizing Israeli politics.

This is concretized by the findings of the ADL in 2015, which gave Germany an anti-Semitism index score of 16%, which notably includes an oversample of Muslim respondents in a year where migration from the Middle East and North Africa was still at a high point.

Muslim respondents were indexed at 56%, compared to 14% for Christians and 20% for classified as atheist/no religion.

In the ADL survey, two statements stood out as the most agreed with. 51% of those surveyed responding "probably true" to the statement "Jews still talk too much about what happened to them in the Holocaust".

This was a consistently high figure across all ages, genders and religious backgrounds. 49% agreed with the statement "Jews are more loyal to Israel than to [Germany/to the countries they live in]". Again, this statement had remarkably high agreement rates across all segments of the population, and a particularly high agreement rate from Muslim respondents.²⁴²

²⁴¹ The Guardian (2017), <https://www.theguardian.com/world/2017/sep/14/afd-co-founder-alexander-gauland-says-germany-needs-to-reclaim-its-history>

²⁴² ADL (2015), <http://global100.adl.org/#country/germany/2015>

In an independent expert group for studying anti-Semitism of the German Ministry of Interior released a study in cooperation with academics, classical anti-Semitism regarding conspiracies surrounding power and influence is a more marginal issue compared to Israel-related anti-Semitism, which is indexed at 40% of the population.

However, in a study commissioned on Muslim immigrants in Bavaria, results showed that classical anti-Semitism tropes are common in this population, with 50% of immigrants in the region expressing anti-Semitic views.²⁴³

In general, xenophobia is increasingly problematic in Germany society. The most recent Leipzig Authoritarianism Study, released in November 2018, shows that almost 50% of eastern Germans and 33% of western Germans agree with certain xenophobic statements, for example that foreigners are exploiting the welfare state.²⁴⁴

Germany commemorates the Holocaust on 27 January. The day was established in 1996 by President Roman Herzog and commemorates all victims of the crimes committed under National Socialism, including Jewish victims of the Holocaust and the extermination and persecution of Roma and Sinti.

Initiatives to commemorate the Jewish victims of the Holocaust are also held across Germany on 9 November, the anniversary of the 1938 Kristallnacht pogrom.

The specific memorial for Roma and Sinti victims of genocide takes place on 2 August at the Memorial to the Sinti and Roma Victims of National Socialism in Berlin.

The Holocaust, the extermination and persecution of Roma and Sinti and crimes against other victim groups are also taught in schools at the secondary and upper secondary level, and at the college and university level. These three topics are also covered in textbooks. There is no nation-wide education curriculum in Germany, but the subjects of National Socialism and the Holocaust form a significant part of the curricula of all federal states.²⁴⁵

The EU-MIDIS II survey found that 37% of SSAFR faced discrimination in the preceding five years.

Legislative

Germany has also passed the Network Enforcement Act (NetzDG), fining internet companies who do not delete offensive content within 24 hours.

Other criminal content must generally be taken down or blocked within 7 days of receiving a complaint. The measure has attracted a lot of criticism and has played into the hands of the far right who frame the controversy as censorship of their beliefs rather than the protection of minorities.

Germany has not ratified Protocol No. 12 to the European Convention on Human Rights, however the state's opinion is that it would not strengthen hate crime legislation.

²⁴³ Kantor Center

²⁴⁴ <https://antisemitism.org.il/135063>

²⁴⁵ <https://www.osce.org/odihr/hmd2018?download=true>

Germany's criminal code contains a sentencing provision applicable to any crime in the code.²⁴⁶

However, racist motivation for an ordinary offence does not expressly constitute an aggravating circumstance, and there are additional provisos which prohibit this provision from being enacted.

The ECRI in 2014 also recommends that Germany introduce into the law an obligation to discontinue public financing of organisations, including political parties, which promote racism.²⁴⁷

Section 46 of the German Criminal Code (CC) states explicitly that when weighing the seriousness of the offence, courts shall give particular consideration to the motives and aims of the offender, particularly where they are of a racist or xenophobic nature or where they otherwise show contempt for human dignity.

In addition, Section 130 of the CC sets out the offence of incitement to hatred, which is committed by whoever, in a manner capable of disturbing the public peace, incites hatred against a national, racial, religious group or a group defined by its ethnic origins, against segments of the population or individuals because of their belonging to one of the aforementioned groups or segments of the population, or calls for violent or arbitrary measures against them; and also by whoever assaults the human dignity of others by insulting, maliciously maligning an aforementioned group, segments of the population or individuals because of their belonging to one of the aforementioned groups or segments of the population, or by defaming segments of the population.²⁴⁸

Germany has ratified the IHRA working definition of anti-Semitism in 2017, and its local and regional bodies have often been at the forefront of anti-BDS measures.

In a number of Germany's major cities, such as Frankfurt, Berlin and Munich, it has been said that BDS uses language from the Nazi era: The deputy mayor of Frankfurt, Uwe Becker, said in August 2017: "The BDS campaign with its messages uses the same language as the National Socialists once used to express... It is deeply antisemitic and should have no place in Frankfurt."²⁴⁹

In January 2018, the Bundestag created a commission to deal with anti-Semitism through liaising with Jewish groups and the coordination of government actions. In tandem, the office of Federal Government Commissioner for Jewish Life in Germany and the Fight against Anti-Semitism was created in 2018, Dr Felix Klein was appointed as the first holder of this office from May 2018.

The Commissioner has an independent circle of advisers, consisting of Jewish and non-Jewish experts from academia, education and civil society.

As commissioner for the fight against anti-Semitism, Dr Klein's task is to coordinate the relevant measures taken by all the federal ministries. He will also serve as contact person for

²⁴⁶ ODIHR (2018)

²⁴⁷ ECRI Fifth Monitoring Report, Germany (2014)

²⁴⁸ FRA (2018)

²⁴⁹ Kantor Centre

Jewish groups and organizations, and as a liaison for federal, state and civil society measures to combat anti-Semitism.²⁵⁰

Challenges

Anti-Semitic statistics do not always reflect the ideological balance of the motives due to Germany's classification process. For example, calls for "Judens Raus" is automatically classified as right-wing anti-Semitism due to the Nazi connotations, however other non-right groups such as Islamists have co-opted this call in Germany.

Therefore, if an anti-Semitic incident of this nature is recorded it may not reflect on the true nature of the problem.

Germany also does not report the numbers of prosecuted and/or information on sentenced hate crime cases to ODIHR.

While some areas of law enforcement and judicial practises have improved, per the 2017 ECRI, it has been noted by multiple organizations including CERD that the state lacks adequate recording of racist crimes.²⁵¹

The under-assessment of hate crimes is corroborated by an FRA study from 2013, when it was reported that only 28% of the victims of serious anti-Semitic attacks in Germany reported them to the police or to other organizations.²⁵²

Institutional action against anti-Semitism does have some weaknesses when it comes to Israel, despite the strong rhetorical and legislative positions that have been taken against forms of anti-Semitism cloaked in anti-Zionism.

In 2017, a regional court in Wuppertal confirmed a decision of a lower court that an attempt to set fire to a synagogue in the city by three Palestinians residing in Germany in 2014 was in fact a legitimate expression of criticism of Israeli policy. Such positions undermine the safety of Jewish communities and the work of other areas of government and civil society to fight anti-Semitism.

Petra Pau of the Die Linke socialist party has warned that "while antisemitic crimes continue to be committed by right-wing extremists, it is by no means a marginal phenomenon, solely by Nazis or Islamists." Pau called for permanent financing of civil society prevention and education projects in order to combat anti-Semitism and protect democratic norms.

In the report on its mission to Germany, the United Nations Human Rights Council's Working Group of Experts on People of African Descent expressed concerns over the state's failure to protect people of African descent from hate crimes.

The working group recommended the adoption of a comprehensive training strategy for police officers to end the racial profiling of people of African descent and specialized training for prosecutors and judges on identifying hate crimes.²⁵³

²⁵⁰ <https://www.bmi.bund.de/EN/ministry/commissioners/anti-semitism/anti-semitism-node.html>

²⁵¹ ECRI (2017), Conclusions on the implementations of recommendations: Germany

²⁵² EUFRA (2013), Diskriminierung und Hasskriminalitet gegenüber Juden in den EU Mitgliedsstaaten: Erfahrungen und Wahrnehmungen im Zusammenhang mit Antisemitismus

²⁵³ ODIHR (2018)

Additionally, the UNHCR noted in 2018 that the acceptance of migration and the protection of refugees within society in Germany has been continuously decreasing and that there is an increasing right-wing discourse in public debate.²⁵⁴

²⁵⁴ EUFRA, (2018) Periodic data collection on the migration situation in the EU, September Highlights

Greece

Realities

Although the number of Greeks Jews is, according to the Greek Census, very low (5000, i.e. 0.05% of the population) the number of anti-Semitic incidents, both verbal and physical, are disproportionately high.

Greek authorities recorded four incidents motivated by anti-Semitism in 2017, after three in 2016. These figures cover online incidents. In the same year, the UN-formed coalition group Racist Violence Recording Network (RVRN) recorded 12 anti-Semitic incidents in Greece.

Events that were more frequent than violent attacks included vandalism and the spreading of stereotypes and conspiracy theories both online as well as in the media. Jews are featured as ruling the world politics and finance.

The Protocols of the Elders of Zion is widely distributed online and was even quoted by Metropolitan Bishop of Piraeus Seraphim in 2017 in an online statement.²⁵⁵

This is reinforced by data from the ADL global studies in 2014-2015, which reported that Greek society has a measured anti-Semitism index score of 69% or 67%, referring to 2014 and 2015 respectively. This is the highest score in Europe.

Anti-Semitic stereotype statements regarding Jewish power in the financial, political and business spheres had widespread or near-total agreement rates, while over 70% of surveyed people agreed that Jews talk too much about the Holocaust.

As with many countries studied, there is a decrease in anti-Semitic index figures for younger generations, however this still stands at 60% across the 18-35 cohort.²⁵⁶

These findings are corroborated by research undertaken by the Central Board of Jewish Communities in Greece, which in 2017 found similarly pervasive attitudes towards Jews. One sample question from the survey required participants to score trust of Jews out of ten, with ten indicating high trust. Over a third scored their trust of Jews at 0, and a majority scored it as under 5. Almost 27% of our sample would like the Holocaust "to be forgotten."²⁵⁷

Anti-Israel rhetoric is often the cover for anti-Semitism, and according to research conducted in Greece, 65% of society agrees with the statement "Israel treats the Palestinian exactly as the Nazis treated the Jews." Reacting to these opinions, then-Foreign Minister Nikos Kotzias said "when I hear them equate Israel with the Nazi crimes, I do not hear 'normal' criticism. What I hear is an ex post attempt to acquit those who committed the crime of the Holocaust."²⁵⁸

The 2018 Eurobarometer on perceptions of anti-Semitism, showed that 68% of the population believed anti-Semitism was "not a problem," compared to 24% who said it

²⁵⁵ Kantor Centre

²⁵⁶ ADL (2015), <http://global100.adl.org/#country/greece/2015>

²⁵⁷ Central Board of Jewish Communities in Greece (2017), Antisemitism in Greece today: Aspects, causes and tackling the phenomenon, 2017

²⁵⁸ <http://www.worldjewishcongress.org/en/news/at-wjc-reception-greek-fm-kotzias-decries-comparison-of-israel-to-nazis-and-defends-right-of-israel-to-exist-9-2-2017>

was. In the EU as a whole, 43% responded that anti-Semitism was “not a problem” and 50% that it was “a problem.”

Other survey questions revealed that 79% of Greeks think their compatriots are not well informed about Jewish history, customs and practices. Half think the Holocaust is not taught sufficiently well in Greek schools. Almost 40% of Greeks think conflicts in the Middle East have an influence on how Jews are perceived in Greece.²⁵⁹

A January 2018 opinion survey showed that only 39% of Greeks had a positive connotation in association with Jews, down from 44% in December 2016. The 2018 survey also showed that 38% of Greeks had a negative connotation associated with Jews.²⁶⁰

Recent strategic cooperation between Greece and Israel has added to the Greek government’s determination to combat anti-Semitism. Many Greek government agencies, educational institutions and media outlets have increased their efforts, working side-by-side with the Greek Jewish community.²⁶¹

Golden Dawn is a political party which represents a sustained far-right presence in national politics, after winning 18 members of parliament in 2015 in a campaign accompanied by racist and anti-Semitic statements, which sometimes climaxed in acts of violence against Jews and immigrants.²⁶²

This is despite that the entire party has been under criminal investigation for over three years, including all its members of parliament. Public funds can be cancelled if a party’s leaders, or 10% of its members of parliament, are convicted of involvement in a "criminal organisation" or "acts of terrorism".²⁶³ Throughout this process, and despite losing members of parliament in its faction along the way, the party remains steady in the polls.²⁶⁴ Unlike some other far-right populist parties in Europe, Golden Dawn has been committed to public anti-Semitic rhetoric. One example of many can be seen in 2012 when a Golden Dawn lawmaker read out in Parliament a passage from the Protocols of the Elders of Zion about prosecuting Jews for their abominable and filthy crimes.²⁶⁵

In the snap general election held in Greece in July 2019, Golden Dawn failed to pass the 3% electoral threshold and crashed out of parliament. At the same time, the conservative New Democracy party led by Kyriakos Mitsotakis comfortably won an outright majority and formed a new government. Meanwhile, another far-right populist party, Greek Solution, has just made it into the parliament, led by Kyriakos Velopoulos. His party’s policies include building a 200km wall along the Turkish border to keep migrants out.²⁶⁶

²⁵⁹ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

²⁶⁰ <https://www.adl.org/resources/reports/anti-semitism-in-greece-a-country-report#anti-semitic-attitudes-data-from-opinion-surveys>

²⁶¹ <https://www.adl.org/resources/reports/anti-semitism-in-greece-a-country-report>

²⁶² Israeli Ministry of Diaspora Affairs (2017)

²⁶³ ECRI, Fifth monitoring report: Greece (2015)

²⁶⁴ Marc/Proto Thema poll October 2018, <https://www.protothema.gr/politics/article/833427/dimoskopisi-marc-gia-to-proto-thema-autodunamia-nd-me-160-edres/>

²⁶⁵ <https://www.adl.org/news/article/global-anti-semitism-old-hatred-new-threats>

²⁶⁶ Haaretz, <https://www.haaretz.com/world-news/europe/.premium-how-ultranationalists-infiltrated-greece-s-new-ruling-party-1.7485494>

The Racist Violence Recording Network primarily collects information as it pertains to the victimization of migrants, releasing an annual report which in 2017 documented over 100 acts of racism.²⁶⁷ 2017 saw some significant incidents of violence specifically against migrants: for example, a group of masked teenagers used iron bars and knives to beat and stab two migrant workers in a field, while yelling racist insults.²⁶⁸

Anti-Roma violence increased around Athens in 2017, and 20% of Roma reported in the EU-MIDIS II survey of experiencing discrimination in the workplace or in finding employment. There were significant clashes between Roma and non-Roma residents in the Menidi district of Athens.²⁶⁹

Greece commemorates the Holocaust on 27 January. The National Day of Remembrance of Greek Jewish Martyrs and Heroes of the Holocaust was established in 2004 by parliament and affirmed by a presidential decree. The day commemorates the Jewish victims of the Holocaust, and in particular the annihilation of the Greek Jewish community. The day is used to raise awareness – especially among young people – about intolerance, xenophobia, racism and anti-Semitism.

The Holocaust and crimes committed against other victim groups are studied in schools at primary, secondary and upper secondary, and college and university levels, and are also covered in textbooks.

The teaching of the extermination and persecution of Roma also forms part of studies about the Holocaust, and students are encouraged to use online sources to learn more.²⁷⁰

Legislative

Anti-Zionism is not considered to be within the bounds of the law covering anti-Semitism (Law 4285/2014), and therefore anti-Zionism cannot be considered a criminal offence.²⁷¹ This is used by both far-right and far-left groups who delegitimize Israel, and mask anti-Semitic epithets in the language of anti-Zionism.²⁷²

Greece has also not ratified Protocol No. 12 to the European Convention on Human Rights.

Article 81 A of the Criminal Code (CC) sets out a general aggravating circumstance for crimes or misdemeanours committed out of hatred on the grounds of race, colour, religion, descent, national or ethnic origin. Law No. 927/1979 on punishing acts or activities aiming at racial discrimination sets out in Article 1 the offence of Incitement to violence or hatred, which is committed by anyone who publicly incites, provokes, or stirs, either orally or through the press, the Internet, or any other means, acts of violence or hatred against a person or group of persons or a member of such a group defined by reference to race,

²⁶⁷ http://rvrn.org/wp-content/uploads/2019/04/RVRN_report_2018en.pdf

²⁶⁸ EUFRA (2018)

²⁶⁹ European Roma Right Centre (ERRC) (2017), 'Athens: This is not a protest. This as a pogrom'

²⁷⁰ <https://www.osce.org/odihr/hmd2018?download=true>

²⁷¹ Kantor Center (2016), http://kantorcenter.tau.ac.il/sites/default/files/Doch_full_2016_170717.pdf

²⁷² The Central Board of Jewish Communities in Greece (KIS), *KIS Condemns 'New Antisemitism'* (2018), https://kis.gr/en/index.php?option=com_content&view=article&id=714:kis-condemns-new-antisemitism&catid=49:2009-05-11-09-28-23.

colour, religion, descent or national or ethnic origin, in a manner that endangers the public order and puts the life, physical integrity or freedom of these persons at risk.

Law 4356 of 2015 (Articles 15-19) established the National Council against Racism and Intolerance, an inter-ministerial body tasked with the development of policies on preventing and combatting racism and intolerance with the cooperation and coordination of the relevant stakeholders in this field, including civil society actors. The National Council met for the first time in April 2016 and has held regular meetings since then, with a view to carrying out a national plan.²⁷³

The Ministry of Public Order and Citizen Protection created special units within the police to tackle racist violence through investigations, also ex officio, and receive anonymous complaints.

In October 2013, a Public Prosecutor for the prosecution of acts of racist violence was appointed.

The Greek authorities also have no effective strategy to end racial segregation affecting Roma children in schools.²⁷⁴

Challenges

Summarizing the challenges ahead for Greece in the fight against xenophobia and racism in March 2018, the RVRN noted that “On the one hand, the presence of groups with xenophobic ideologies and acts of organized violence against organizations of refugees, immigrants, LGBTQI and their defenders was strengthened. On the other hand, the authorities have developed clearer and faster responses.”²⁷⁵

For migrants reaching Greece, they were found as of August 2018 to be subject to sub-standard reception and detention conditions, with vulnerable groups (e.g. pregnant women and mothers with babies) lacking necessary protection.²⁷⁶

On the subject of anti-Semitism, the Jewish community has called for an increase in police surveillance around Jewish monuments and an even stronger need to prevent hate crimes, which they feel requires education and have offered to assist in this.

²⁷³ ECRI (2018), <https://rm.coe.int/interim-follow-up-conclusions-on-greece-5th-monitoring-cycle/16808b57a7>

²⁷⁴ ECRI, Fifth monitoring report: Greece (2015)

²⁷⁵ RVRN (2018), <http://rvrn.org/2018/03/rvrn-annual-report-2017/>

²⁷⁶ EUFRA (2018), Periodic data collection on the migration situation in the EU

Hungary

Realities

According to the EU's FRA 2018 report, Hungary makes no specific attempts to define or collect data on anti-Semitic crimes.²⁷⁷

In civil society, the Action and Protection Foundation (TEV) monitors and analyses anti-Semitism in Hungary through the Brussels Institute and reports to the Prime Minister's Office. In 2017, 37 anti-Semitic incidents were reported, down from 52 in 2015 and 48 in 2016, with the vast majority of incidents defined as hate speech.²⁷⁸

The Federation of Jewish Communities in Hungary (MAZSIHISZ) prepared its first annual report on anti-Semitism in Hungary in 2013. In 2015, there was a 50 % decrease in the number of recorded incidents compared to 2013.

According to official statistics there are hardly any hate crime cases in Hungary, with only 233 recorded in 2017, a jump from 33 in 2016 according to the partial data submitted to the ODIHR. The ODIHR observed that Hungary has not recorded the bias motivations of hate crimes.²⁷⁹

The government initiated a fear-mongering referendum campaign against allowing the EU "to mandate the resettlement of non-Hungarian citizens to Hungary without the approval of the National Assembly".²⁸⁰

Posters appeared featuring slogans in Hungarian as "if you come to Hungary, you cannot take away Hungarians' jobs" or "if you come to Hungary, you have to respect our culture!". As research data show, whereas in 2015 two-thirds of respondents expressed their tolerance and pro-migrant support, a year later the proportion decreased to one-third.²⁸¹

The distortion between figures and experiences is also corroborated by other studies of the Jewish community.

According to the Kantor Center, "Following a year (2009) with nine violent cases in Hungary, 90% of its Jews said anti-Semitism is a very grave problem, an answer which indicates that the so-called non-violent manifestations of anti-Semitism determine their feeling of insecurity."²⁸²

Anti-Semitic sentiment is a significant problem in Hungary - reinforced by confirmation in the FRA 2018 survey that 40% of Hungarian Jews said they had considered emigrating in the last five years due to feeling unsafe in Hungary.²⁸³

The ADL has indexed Hungarian anti-Semitism at 40%, with young people agreeing in general with fewer anti-Semitic statements compared to older people.

²⁷⁷ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-antisemitism-update-2007-2017_en.pdf

²⁷⁸ EUFRA, *Antisemitism - Overview of data available in the European Union 2007–2017*

²⁷⁹ OSCE (2018), <http://hatecrime.osce.org/hungary>

²⁸⁰ <https://www.euronews.com/2016/09/07/hungary-prepares-for-anti-refugee-referendum>

²⁸¹ BBC (2016), <http://www.bbc.com/news/world-europe-37310819>

²⁸² Kantor Center (2018)

²⁸³ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

The only exception for this trend is with the statements “Jews are responsible for most of the world’s wars” and “People hate Jews because of the way Jews behave.” In these cases, younger people were more sympathetic to anti-Semitic attitudes than their elders.²⁸⁴

Overall, the 2018 FRA findings show a slight increase in perception of anti-Semitism as a problem in most countries. Curiously and despite the notable public discriminatory behaviour towards Jews, the perception that anti-Semitism in Hungary is a problem decreased by 12% between the 2012 and 2018 surveys. Similarly, Hungary stands out as the only country surveyed with a decreased share (14%) of respondents holding the opinion that anti-Semitism is a problem on the internet.

This being said, 23% of those polled experienced at least one type of anti-Semitic harassment in the 12 months before the survey – although Hungarian Jews are also the most aware of organisations in the country that could help them if they are discriminated against.²⁸⁵

According to the FRA, 74% of respondents in Hungary consider anti-Semitism in political life to be a problem. And among the respondents who have seen or heard one or more of the negative statements about Jews in the 12 months prior to the survey, 56% indicate public spaces as the context of the statements.²⁸⁶

The 2018 Eurobarometer underscores the feelings towards anti-Semitism, with 22% surveyed believing it to have decreased within the last five years whereas 26% think it has increased. Regarding anti-Semitism on the internet, 46% think it is a problem.²⁸⁷

Hungary’s largest Jewish organisation, Mazsihisz, called on the prime minister to stop a government campaign against a Hungarian-born Jewish émigré, adding that the “poisonous messages harm the whole of Hungary.” This referred to anti-Semitic imagery and language used against migrants and globalist politics.

Before the anti-Soros campaigns began, according to an OSCE report “Hungarian Jews largely agree that FIDESZ leaders are very careful in their own public remarks and do not accuse them of espousing anti-Semitism. There are some who see in the general attacks on certain European and economic interests coded references to attacks on Jews, although this is surely open to debate.

However, there is general agreement that in the outer circles of the party or among traditional party supporters in the media more explicit anti-Semitic appeals are present, and they believe that the FIDESZ leadership turns a blind eye to this. With a worsening economic climate and the prospect that FIDESZ will need to ratchet up its populist appeals in the next election, Hungarian Jews—not a terribly optimistic people in the best of times—are quite understandably on edge.”²⁸⁸

²⁸⁴ ADL (2015), <http://global100.adl.org/#country/hungary/2015>

²⁸⁵ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

²⁸⁶ *ibid*

²⁸⁷ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

²⁸⁸ OSCE (2012), Country Visit: Hungary, Report of the Personal Representative of the OSCE Chair-in-Office on Combating Anti-Semitism

However, Orban has also tried to counter this reputation through reciprocal visits with Prime Minister Netanyahu, and by stating that Hungary would show “zero tolerance” for anti-Semitism.²⁸⁹ Orban has been reprimanded for playing a ‘double game’ – as a friend to Israel and to bigots.²⁹⁰

This has been belied by continued attempts to rewrite Hungary’s Holocaust history, with Yad Vashem publicly criticising a new Holocaust museum set to open in 2019, known as the House of Fates, which omits references to Hungary’s role in the Shoah.²⁹¹ This follows similar acts which aim to frame the Nazi-Hungarian relationship as one of occupation, rather than collaboration, as a deliberate long-term project handled by Prime Minister Orban.²⁹²

The extreme right-wing party "Jobbik" is on a journey to shake off its anti-Semitic and racist past. On one hand, a large number of right-wing websites and blogs continue to preach Holocaust denial and disseminate antisemitic messages, although websites affiliated with Jobbik recently show some restraint in the new line.²⁹³

Hungary commemorates the Hungarian Holocaust Memorial Day on 16 April. The main event is held at the Danube Shoe Memorial, which commemorates the Jewish people that were shot and thrown in the river between 1944 and 1945. Hungary also commemorates the Jewish victims of the Holocaust on other dates throughout the year, including on 18 January – the Liberation of the Budapest ghetto; 27 January – International Holocaust Remembrance Day; 4 August – Raoul Wallenberg’s Birthday; 9 November – Memorial Day of Miklós Radnóti; and 1 December – the Memorial Day of Forced Labourers. On these days, commemorative initiatives take place at memorial sites.

The Holocaust, the extermination and persecution of Roma and Sinti and crimes committed against other victim groups are taught within the Hungarian education system at primary, secondary and upper secondary, and college and university levels. These topics are also covered in textbooks.²⁹⁴

The European Commission initiated infringement proceedings against Hungary for failure to correctly implement the Racial Equality Directive (2000/43/EC), due to different situations of systemic discrimination and segregation of Roma children in schools.²⁹⁵ Similarly, Hungary has been taken to court by the Commission for criminalising activities in support of asylum seekers and opens new infringement for non-provision of food in transit zones.

Legislative

According to the ECRI in its 2015 monitoring report on the country, “Hungary’s Criminal Code provisions on incitement to hatred and violence against a community, The Act on

²⁸⁹ <https://www.reuters.com/article/us-israel-hungary-orban-netanyahu/hungarys-orban-tells-israel-that-jews-in-his-country-can-feel-safe-idUSKBN1K919F>

²⁹⁰ NY Times, <https://www.nytimes.com/2019/05/14/world/europe/orban-hungary-antisemitism.html>

²⁹¹ <https://eurojewcong.org/news/communities-news/hungary/yad-vashem-hungarian-museum-is-a-falsification-of-history/>

²⁹² <https://www.tabletmag.com/jewish-news-and-politics/227312/hungary-kirchick-end-of-europe>

²⁹³ Kantor Center (2018)

²⁹⁴ <https://www.osce.org/odihr/hmd2018?download=true>

²⁹⁵ EUFRA (2018), Fundamental Rights Report 2018, Chapter 5: Roma Integration

Equal Treatment and Promotion of Equal Opportunities, is widely considered a good instrument”.

The structure and powers of the Equal Treatment Authority are now in line with the principles set out in ECRI’s General Policy Recommendations No. 2 and No. 7.

An amendment to the Act on the National Assembly was introduced in 2013 allowing members of Parliament to be fined or excluded from proceedings for abusive language or expressions offending the dignity of any national, ethnic, racial or religious community.”²⁹⁶

Additionally, the application of criminal law provisions on incitement to hatred remains “extremely limited,” and hate speech is not restricted to extremist parties and groups but occurs across the political spectrum.

Some media publish or broadcast blatantly racist material.

Cyberhate poses a particular challenge and Hungary has still not ratified the Additional Protocol to the Convention on Cybercrime.

Racist violence against Roma is one of the most important problems in Hungary.

Paramilitary groups have been marching and organising demonstrations and illegal patrols in villages, harassing and intimidating the Roma community in their own neighbourhoods, while migrants, asylum seekers and refugees have been victims of racist violence.

The migrant crisis has brought about immense government pressure on migrant communities, and the ECRI has stated in 2015 that it is “appalled at the measures taken in response and the serious deterioration in the situation since its fifth report”.

The European Court of Human Rights found Hungary in violation of Article 5 of the ECHR (right to liberty and security) in the case of Ilias and Ahmed v. Hungary in March 2017 for unlawfully depriving migrants of their liberty for 23 days in a transit zone, which consists of barbed wire-encapsulated shipping containers, surrounded by more barbed wire.

“ECRI notes that the authorities currently only allow around five asylum seekers per working day to enter each transit zone to claim asylum. Others wait outside the border in the hope of accessing the asylum procedure in Hungary. The UNHCR has described conditions for those waiting to enter as dire; individuals and families stay in the open or in tents on muddy fields next to the border fence, with health and sanitation being major challenges”.²⁹⁷

Regarding Roma, following the “Roma murders” in 2008-2009, a specialised unit in the police now deals with hate crime, and training sessions have been organised with the help of NGOs.

ECRI reports in 2015 that “Police constantly monitor areas at risk of conflict. They now also monitor files in cases of violence and can re-qualify an offence if any hate motivation is

²⁹⁶ ECRI (2015), Fifth Monitoring Cycle, Hungary

²⁹⁷ Ilias and Ahmed v. Hungary, Application No.47287/15, 14 March 2017

suspected.”²⁹⁸ Infringement proceedings are being pursued by the European Commission against Hungary pertaining to systematic discrimination against the Roma community.

Hungary regularly reports partial hate crime data to ODIHR.

Challenges

Hate-crime and anti-Semitic recording needs improvement at a central level in Hungary.

The Hungarian police for instance does not use specific forms for recording hate crime. Hate crime is recorded on a general crime form in a text format. It is not possible to flag potential hate crimes at the moment of recording.²⁹⁹

In March 2015, the Working Group against Hate Crimes published a report that detailed the limitations in police and responses to 24 cases of hate crime. As a result, representatives from the police and prosecution service agreed that the Working Group would develop a concise list of bias indicators to help the identification of hate crimes to be used in police practice and training.³⁰⁰

Other groups have also shone a spotlight onto the reality of the situation. The Brussels Institute founded by the Hungarian organisation, Action and Protection Foundation, produces monthly reports on incidences of anti-Semitism, drawing on local and international partnerships in order to create a more detailed picture and “eliminate ignorance” around the issue of anti-Semitism in Hungary, and coordinates its data with the Prime Minister’s Office. In the August 2018 report, the latest to be published at the time of research, it was reported that the police dropped investigations into a swastika daubed at a Jewish cemetery in part because swastikas have “positive connotations in some societies”.³⁰¹ Institutional weaknesses such as these cannot be addressed if facts are not collected by law enforcement and made available to the general public.

Coordination at the highest levels has not reached proper action at the levels which encounter and act against anti-Semitism.

Hungary’s National Social Inclusion Strategy has had little impact so far, especially with regards to segregation in education against Roma, with housing and employment two additionally problematic fields for Roma integration.³⁰²

The ECRI recommendation concerning Roma required the Central Government to prohibit local authorities from causing homelessness in the Roma community. As of 2018 this situation had not improved.

According to ECRI in 2015, “Around 22% of all asylum seekers are deprived of their liberty, mostly in asylum detention facilities with very poor living conditions, harsh treatment by guards and lack of access to legal aid or assistance from civil society.”³⁰³ The ECRI

²⁹⁸ ECRI (2015)

²⁹⁹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-hate-crime-recording_en.pdf

³⁰⁰ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-hate-crime-recording_en.pdf

³⁰¹ http://tev.hu/wp-content/uploads/2018/10/TEV_Havi-2018aug_eng_72dpi.pdf

³⁰² ECRI (2015)

³⁰³ ECRI (2015)

recommended that Hungary, among other measures, open reception facilities for migrants with families.

By 2018, the situation had changed radically, and migrants are now subject to emergency laws which severely restrict their freedoms, as covered in the previous section.

Ireland

Realities

Labelled by the Jewish News Syndicate as the most “anti-Israel country in Europe,”³⁰⁴ it is no surprise to see this manifest itself in the ADL anti-Semitism index results – over half (52%) of Irish people view Jews as exhibiting more loyalty to Israel than the country they live in. **This is countered by the Eurobarometer survey which suggests one in five think anti-Semitism is a problem in Ireland – the lowest level in any Western European nation.**³⁰⁵

The ADL calculates that one fifth of Irish people have anti-Semitic attitudes, more than double the index score of its close neighbour the United Kingdom. Almost one third (27%) believe Jews think they are better than other people.³⁰⁶

A number of recent high profile moves by parliamentarians and leading organisations in Ireland helped cement its vehemently anti-Israel reputation. In July 2019, Niall Collins – Foreign Affairs spokesperson for Ireland’s opposition Fianna Fáil party, spoke to Indus News Channel about his thoughts on global efforts to suppress criticism of Israel, drawing comparison to libels of the early 20th century; “...I think at every level there’s a huge Jewish lobby who have helped to create the problem we are now discussing.”³⁰⁷

Israel’s parliament cancelled a trip to Ireland in early 2019 following an Irish Bill boycotting goods manufactured in the West Bank was passed by the Irish Lower House (Dáil). The Israeli government also threatened retaliation, including imposing tariffs on Irish goods that are sold in Israel if the Bill becomes law.³⁰⁸

The Irish Eurovision representative received ‘hundreds’ of vicious threats ahead of performing in Israel. Singer, Sarah McTernan said she knew “representing Ireland in Israel would be controversial... but didn’t know how much of a backlash there would be.”³⁰⁹ The Mayor of Dublin had previously called on Ireland to boycott Eurovision in solidarity with the Palestinians.³¹⁰

Ireland’s Trinity College Dublin Students Union has adopted pro-BDS positions and policies. Following protests in 2018 which prevented the Israeli ambassador, Ze’ev Boker from speaking on campus, Trinity College’s most senior academic ambassador, Patrick Prendergast criticised students over the move, which were in return chastised by the Students for Justice in Palestine body, with a member saying, “The provost is continuing to

³⁰⁴ <https://ejpress.org/ireland-anti-israel-country-europe/>

³⁰⁵ Irish Examiner, <https://www.irishexaminer.com/breakingnews/ireland/one-in-five-say-antisemitism-is-a-problem-in-ireland-908498.html>

³⁰⁶ <https://global100.adl.org/#country/ireland/2014>

³⁰⁷ <https://eurojewcong.org/news/communities-news/ireland/leading-irish-politician-says-jewish-lobby-in-us-silences-voices-critical-of-israel/>

³⁰⁸ <https://eurojewcong.org/news/communities-news/ireland/knesset-cancels-irish-trip-in-protest-at-goods-boycott-bill/>

³⁰⁹ Times of Israel, <https://www.timesofisrael.com/irish-eurovision-contestant-says-she-got-threats-abuse-for-performing-in-israel/>

³¹⁰ <https://eurojewcong.org/news/communities-news/ireland/dublin-mayor-calls-irish-boycott-2019-eurovision-song-contest/>

ignore the feeling on campus, absolutely. He has no regard for the moral convictions of the vast majority of students and many academics on the campus.”³¹¹

According to many sources, hate speech is not a serious problem in traditional media, even in the tabloid press, although some anti-immigrant sentiment is expressed in sections of the mainstream media. iReport, an independent racist reporting system, logged 61 reports of hate speech published by Irish newspapers (including their online editions and social media accounts) in the first six months of 2017.

Much of the social media prejudice is expressed against Irish Travellers and, more recently, Roma. A Facebook group was created to expel “gypsy criminals”, proposing to “burn the cockroaches”. The report cites comments made on Facebook advocating the “elimination of Muslims” in the same way that Hitler eliminated Jews, and suggesting that Muslim refugees would commit sexual violence in Ireland.³¹²

Between July-December 2017 there were 256 incidents recorded, 12% of which were against Jews and 15% targeted the Roma community.³¹³

Over one third (34%) of Irish people did not know there is a law criminalising incitement to violence or hatred against Jewish people in their country – according to the latest EU Barometer Survey.³¹⁴

Legislative

Under the Prohibition of Incitement to Hatred Act 1989, section 2, it is an offence to publish or distribute written material, use words, behave or display written material, or distribute, show or play a recording of visual images or sounds, if the acts are threatening, abusive or insulting and are intended or likely to stir up hatred. ECRI warn that only seven incidents falling under section 2 of the Prohibition of Incitement to Hatred Act 1989 have been recorded by police in the last five years and only two cases went on to prosecution with the outcomes still pending.

There are no provisions penalising the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a group of persons on grounds of their race, colour, language, religion, nationality or national or ethnic origin.

PULSE (Police Using Leading Systems Effectively) computer system, introduced in 1999, allows for the registration of hate motivations underlying hate crime incidents. In 2015, the five categories of hate motivation were increased to 11, and now include racism, anti-Traveller prejudice, anti-Roma hatred, Islamophobia, anti-Semitism, homophobia.

A number of steps have been made by Irish legislators to address weaknesses in counter-discrimination policies. In March 2017 the Prime Minister made a statement formally recognising Travellers as an indigenous ethnic group. The National Traveller and Roma Inclusion Strategy 2017- 2021 was launched in June 2017.

³¹¹ The Times, <https://www.thetimes.co.uk/article/tcd-provost-patrick-prendergast-causes-fury-over-israeli-diplomat-ze-ev-boker-2rkz5np90>

³¹² http://enarireland.org/wp-content/uploads/2018/01/iReport_1516_jan-jun2017.pdf

³¹³ <http://enarireland.org/wp-content/uploads/2018/08/Racism-in-Ireland-graphics.pdf>

³¹⁴ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

Irish authorities have drafted an Immigration, Residence and Protection Bill, but as of 2016 this bill has still not been adopted by the Oireachtas (the Irish Parliament).

The Workplace Relations Act established a new independent Workplace Relations Commission but does not include any changes to the current legislation with regard to cases of discrimination related to licensed premises, such as pubs, bars, nightclubs and other public venues licensed to sell alcohol. Members of the Traveller Community in particular are often affected by discrimination in the provision of goods and services in licensed premises.³¹⁵

The Control of Economic Activity (Occupied Territory) Bill 2018 seeks to criminalize business activities carried out with entities in areas deemed (illegally) occupied under international law. Such activities include importing and selling settlement goods, providing services to settlements, and extracting resources from such territories. Despite the apparent neutral language recalling the obligations under the Fourth Geneva Convention, this Bill was drafted as an anti-Israel initiative. This bill is the first legislative attempt outside the Middle East to endorse the anti-Israel boycott.³¹⁶

Challenges

The Central Statistics Office (CSO) in Ireland published the number of anti-Semitic incidents reported to the police between 2007 and 2015. No data were available for 2016 and 2017.³¹⁷

Ireland has also not renewed its National Action Plan against Racism, which ended in 2008.³¹⁸ ECRI in 2019 has also noted that the country's Prohibition of Incitement to Hatred Act 1989 is seldom used and is particularly ineffectual in combating online hate speech.³¹⁹

Ireland's Criminal Code does not contain hate crime provisions. Hate crime data are collected by the CSO and the National Police Force of Ireland. Data is not made publicly available.³²⁰

There continues to be no provisions in Irish criminal law defining common offences of a racist or homo/transphobic nature as specific offences, nor any specific or statutory provision for racist or other hate motivation to be considered as an aggravating circumstance for all criminal offences.

There is still insufficient efforts to meet the accommodation needs of Travelers which the 2019 ECRI report recommend should be increased, including by improving existing halting sites to meet decent and safe living standards, and by providing adequate, accessible, suitable and culturally-appropriate accommodation.

In addition, a national housing strategy should be developed setting out measures to generate supply of affordable housing and combat racial discrimination, with particular

³¹⁵ <https://rm.coe.int/fifth-report-on-ireland/168094c575>

³¹⁶ <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>

³¹⁷ FRA, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-antisemitism-update-2007-2017_en.pdf

³¹⁸ <http://www.justice.ie/en/JELR/Pages/Planning-for-Diversity>

³¹⁹ ECRI (2019)

³²⁰ <http://hatecrime.osce.org/ireland?year=2017>

attention paid to the needs of all vulnerable communities in the country, including Travellers, Roma, migrants and refugees.³²¹

More generally, there are claims that an undercurrent of low-level racist violence goes on without being adequately recorded or addressed.³²²

³²¹ <https://rm.coe.int/fifth-report-on-ireland/168094c575>

³²² <https://rm.coe.int/fifth-report-on-ireland/168094c575>

Italy

Realities

In 2017, Italy reported to the ODIHR that there had been 828 incidents of racism and xenophobia that year.³²³

According to The Observatory of Contemporary Anti-Jewish Prejudice, reported anti-Semitic incidents in 2017 were down to 111 from 130-140 in 2016.³²⁴

Anti-Semitic environments continue to be a feature of Lazio and Juventus, two of the largest soccer clubs in the country. Anti-Semitism in soccer reached a level that Anne Frank's diary was read in Italian stadiums before the match. This was after Lazio fans produced stickers of Frank wearing a rival team's jersey, among a long history of anti-Semitism from the club's supporters and even players. On the day of the diary reading, some Lazio fans sang fascist songs and made Nazi salutes in the stands, while some Juventus supports turned their backs.

In September 2017, a bill to ban fascist propaganda proposed by Jewish MP Emanuelle Fiano of the Democratic Party (PD) was introduced in the Italian Senate. This was followed by a wave of online anti-Semitism.³²⁵

In 2017, 2,635 posts in Italian have been shared on Facebook which include anti-Semitic slurs and links to 330 neo-Nazi or fundamentalist Catholic pages citing counterfeit stories about Jewish communities. According to a review of the "tidal wave" of anti-Semitism in the Corriere newspaper, the official number of incidents is insignificant to the reality.³²⁶

In 2015, Italy was indexed as having a prevalence of anti-Semitism in society measured at 29%. This includes 56% of the surveyed population of Muslims, which is double the score of the Christian population, which scored at 28%.

Interestingly, the only statement in which Christians displayed a higher rate of anti-Semitic beliefs than their Muslim peers was regarding dual loyalty to Israel.³²⁷

In the FRA 2018 report on perceptions of anti-Semitism, on average, across all EU Member States surveyed, most respondents consider anti-Semitism and racism to be a serious or very serious problem - except for in Italy, **the only country where anti-Semitism wasn't rated among the three most pressing social and political issues in all survey countries**. When asked if they would avoid Jewish sites or events due to feeling unsafe as Jews, responses from Italians were in the lowest proportions recorded – only 17% confirmed they would avoid places due to feeling unsafe. Parallel to this, only 31% have considered emigrating due to security concerns– the most resilient out of any nation surveyed. The vast majority (79%) believe the government responds adequately to the community's security needs.³²⁸

³²³ OSCE (2018), <http://hatecrime.osce.org/italy>

³²⁴ Observatory of Contemporary Anti-Jewish Prejudice, 2007–2017

³²⁵ Kantor Center

³²⁶ <https://antisemitism.org.il/134710>

³²⁷ ADL (2015), <http://global100.adl.org/#country/italy/2015>

³²⁸ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

A large majority of respondents in Italy (91%) indicate that a prohibition of circumcision would be a very big or fairly big problem for them. Equally, 79 % held the same position regarding prohibition on traditional slaughter.³²⁹

The 2018 Eurobarometer tells a different story – 58% of respondents think anti-Semitism is a problem in Italy and over one third (31%) believe it to have increased during the last five years. In terms of the potential for physical attacks on Jews, 56% think this is an issue.³³⁰

In another study carried out by IPSOS in cooperation with the Anti-Semitism Observatory (Osservatorio Antisemitismo) of the CDEC Foundation in 2017, 11% of Italians are anti-Semites. They found that the “typical anti-Semite” is a male, poorly educated, a resident of central or south Italy, right-wing, and expresses a similar rejection of immigrants in general and very polarized on other issues as well.

While Muslim anti-Semitism was also raised as a concern, the reality as assessed by the study was that majority population anti-Semitism was a significant problem.³³¹

While the CDEC findings identified right-wing Italians as the main source of anti-Semitic sentiment, another study by the Institute for Jewish Policy Research actually identified left-wing Italians as behind a plurality of both physical and verbal incidents of anti-Semitism as reported by the community, at significantly higher numbers than those by right-wing, Muslim or Christian motivations.³³²

According to a fact-finding mission in 2011 by the OSCE, “The Jewish Community remains vigilant at the presence of neo-fascist elements in Italian political life. Its analysts admit that they are not overtly anti-Semitic but still exhibit strong xenophobic views. They note a parallel “whitewashing” of fascist history in Italy.

Jewish Community leadership maintains good relations with both government and opposition parties and receives support for their cultural programs. They cite the new, positive attitudes of the Vatican toward Jews and the State of Israel which were part of the legacy of Pope John Paul II as providing a significant contribution to their well-being.”³³³

Italian politicians have been allies against BDS. An Italian MEP, Fulvio Martusciello, included a stance opposing boycotts in the European Report on Competition Policy for 2016.

The 2018 elections resulted in a hung parliament and a coalition leadership - whereupon Giuseppe Conte was appointed as Prime Minister – ultimately stepping down in August 2019 after an attack against coalition partner Matteo Salvini.³³⁴ Incidentally, Italian Jewish leaders criticized the Deputy Prime Minister Matteo Salvini for his disparaging comments against Roma people on the eve of the European Roma Holocaust Memorial Day. He tweeted: "Do

³²⁹ [ibid](#)

³³⁰ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

³³¹ <https://antisemitism.org.il/118763>

³³² JPR (2015), From Old and New Directions, Perceptions and experiences of anti-Semitism among Jews in Italy

³³³ OSCE (2011), Report of the Personal Representatives of the OSCE Chair-in-Office on Tolerance and Non-Discrimination Issues

³³⁴ BBC News, <https://www.bbc.co.uk/news/world-europe-49411760>

you think it's normal for a gypsy woman in Milan to say 'Salvini should be shot in the head'? Be good, wicked gypsy, be good that the bulldozers are coming soon.”³³⁵

Conte was a friend to the Jews – he visited the synagogue of Rome twice in 2019, calling anti-Semitism “suicide for the European man” on both occasions. A project to translate the Talmud into Italian has been publicly funded with several million euros. Police are stationed continuously in front of Jewish sites to protect their security.

For many Italian Jews, even for some of those who tend to identify as right-wing, a grave predicament is represented by the positions of the League’s incendiary leader and Deputy Prime Minister Matteo Salvini. On the one hand, he and his party often embody a populist, attitude that they abhor, or they are at least uncomfortable with. On the other hand, Salvini has shown steadfast support for Israel, including a very stern position toward Iran.³³⁶

As the pieces to the political puzzle are reassembled, the Jewish community will no doubt nervously await the next leader’s views and tactics to tackle the issues most pressing in Jewish hearts and minds.

Italy commemorates the Holocaust on International Holocaust Memorial Day, 27 January. The Day of Remembrance was established in law in 2000 to commemorate Jewish victims of the Holocaust, Roma and Sinti victims and all those who suffered deportation, imprisonment and death, or formed a part of the resistance. The day also allows for reflection on racial laws and the historical persecution of Jews in Italy.

The Italian President marks the Day of Remembrance by holding an award ceremony for winners of a national school competition about the Holocaust, and medals are awarded to Holocaust survivors or their family members.

Italy’s Jewish community also observes the Anniversary of the Deportation of the Jews of Rome on 16 October since the end of World War II.

The Holocaust, the extermination and persecution of Roma and Sinti and crimes committed against other victim groups are studied at the primary, secondary and upper secondary levels.

Currently, the Ministry of Education, Universities and Research, in co-operation with the Italian delegation to IHRA and the Union of the Italian Jewish Communities (UCEI), is working to create national guidelines for teaching about the Holocaust.³³⁷

In the most recent Eurobarometer 2018 survey, 61% of respondents describe “people denying the genocide of the Jewish people, the Holocaust” as a problem in Italy.³³⁸

Aside from the experiences of the Jewish community, immigrants from SSAFR report a low incidence of being harassed “all the time” in Italy compared to other EU countries, however

³³⁵ Jerusalem Post, <https://www.jpost.com/Diaspora/Italian-Jewish-leaders-criticize-deputy-PM-over-insulting-Roma-people-597611>

³³⁶ Jerusalem Post, <https://www.jpost.com/Diaspora/Italian-parties-will-use-EU-elections-to-prove-their-strength-590398>

³³⁷ <https://www.osce.org/odihr/hmd2018?download=true>

³³⁸ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

most have been the subject of discrimination more than one in the past year, according to an EUFRA study.³³⁹

The “Don’t say Roma” programme continued to research the language used in the media and its impact on racial stereotypes targeting Roma, while Rome’s municipality budgeted €1.5 million for housing solutions after a problem of evictions leading to squalid living conditions.

Legislative

Italy adopted legislation (Law No.167, 2017) that increases the penalty for intentionally denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes.

The law also introduces administrative responsibility for companies that engage in racist and xenophobic conduct.³⁴⁰

An increasing number of incidents of hate speech have given rise to legal proceedings against the authors of the offensive remarks.³⁴¹

As summarised by the FRA, “Article 604 ter of the Italian Criminal Code (CC) sets out a general aggravating circumstance for any offence punishable with a penalty other than life imprisonment if it is committed with discrimination purposes, with ethnic, national, racial or religious hatred purposes or with a view to facilitating the activities of organisations, associations, movements or groups pursuing these purposes.

Article 604 bis of the CC97 criminalises the violence and incitement to violence on racial, ethnic, national or religious grounds, the acts of discrimination or incitement to discrimination on racial, ethnic, national or religious grounds and the promotion of ideas based on racial superiority or ethnic or racist hatred.

Furthermore, it set out the criminal offence of setting up or running, participating in or supporting any organisation, association, movement or group whose purpose is the instigation of racial discrimination or hatred.”³⁴²

In addition to police collection methods, “The Observatory for Security against Acts of Discrimination (OSCAD) has a holistic approach to tackling hate crime. OSCAD was established in 2010 to assist victims and afford them protection against discrimination. It is a multi-agency body formed by the State Police and the Carabinieri, and it is housed within the Department of Public Security at the Ministry of the Interior.

OSCAD runs its own monitoring system, also concerning discrimination not included in the legislation (i.e. sexual orientation and gender identity) and prepares reports for national and international authorities and agencies.”³⁴³

³³⁹ FRA, EU-MIDIS II 2016

³⁴⁰ FRA (2018), Fundamental Rights Report, Chapter 4: Racism, xenophobia and related intolerance

³⁴¹ ECRI (2016), Country Monitoring Report: Fifth Cycle

³⁴² FRA (2015), Hate crime recording and data collection practice across the EU

³⁴³ Ibid

In 2017, an Italian MEP was found guilty for incitement to racist hatred over discriminatory statements he made against the former Minister for Integration, an Italian citizen of African origin. The ordinary Court of Milan considered in its decision Article 10 of the ECHR (freedom of expression) and its limitations when a political debate is at stake and concluded that the MEP offended the former minister on the grounds of her African origin and skin colour, fining him €1,000 and ordering that he pays € 50,000 in compensation. This result does not align with the ECRI assessment in 2016 that discrimination based on skin colour is not treated as a criminal violation.³⁴⁴

Act No. 107/ 15 “on good schooling” provides for substantial financial and HR support to schools with large numbers of foreign pupils.³⁴⁵

Challenges

The United Nations Committee for Ending Racial Discrimination (CERD) recommended in 2017 that all individuals, including politicians at all levels, are held accountable and are sanctioned for the dissemination of ideas based on racial superiority or hatred, including by lifting parliamentary immunity for racist hate speech. CERD also recommended that victims of racist hate speech are provided with effective remedies, and that a coherent data collection mechanism be built to record systematically incidents of racist hate speech, the application of relevant legislation, penalties imposed on the perpetrators and remedies provided to the victims.

Furthermore, the committee condemned “unequivocally at the highest political level the dissemination of hate speech and hateful ideas and engage in promoting a culture of tolerance and respect,” and sought to “ensure that the prohibition of racist hate speech extends to the Internet, and ratify the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.”

Among additional recommendations was the call to “use the platforms of public office to encourage the means of eliminating barriers between races and to discourage policies that tend to strengthen racial division,” as well as strengthen reporting and prosecution mechanisms of hate crimes.³⁴⁶

The need to strengthen and clarify hate crime reporting mechanisms was also expanded upon by ECRI³⁴⁷ the FRA, which in 2018 summarised that “No institution is officially in charge of collecting data on hate crimes. Hate crime data are collected by law enforcement authorities and the Ministry of Interior.”

Data are not publicly available. The main sources of data on offences related to hate speech and hate crime are the National Office against Racial Discrimination (UNAR, the equality body), OSCAD, SDI, the Ministry of Justice and the National Statistical Institute (ISTAT).

³⁴⁴ ECRI (2016)

³⁴⁵ ECRI (2016)

³⁴⁶ Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined nineteenth and twentieth periodic reports of Italy*

³⁴⁷ ECRI (2016)

Data systems used by ISTAT and the Ministry of Justice do not use the same categories and do not always distinguish between hate speech and other offences linked to racism and racial discrimination."³⁴⁸

ECRI in 2016 also notes that the implementation of the 2012 National Roma Integration Strategy has suffered considerable delays and that Roma still suffer from vast inequality.³⁴⁹

The move to deport Roma without citizenship and creation of a Roma "list" was met with "shock and concern" by the European Jewish Congress³⁵⁰ and other Jewish groups such as the Union of Italian Jewish communities, especially considering the Interior Minister's comment that "The Italian Roma, unfortunately, you have to keep in Italy."³⁵¹ This move was even more insensitive considering that it came in the 80th anniversary of Mussolini's discrimination laws of 1938 against Roma and Jews.

³⁴⁸ FRA (2018)

³⁴⁹ ECRI (2016)

³⁵⁰ <https://eurojewcong.org/ejc-in-action/statements/ejc-expresses-shock-at-proposed/>

³⁵¹ <https://www.cnn.com/2018/06/19/europe/salvini-roma-census-italy-interior-minister-intl/index.html>

Latvia

Realities

Latvia usually reports hate crime data to ODIHR, however in 2017 no submission was handed off.

However, in 2016 the Ombudsman's Office published a study on the "Issues of Investigating Hate Crimes and Hate Speech in the Republic of Latvia".

The study recommended a more strategic approach to addressing hate crimes, strengthening the implementation of criminal law and conduct prevention activities.

The study further noted that law enforcement agencies do not have a uniform understanding of the concept of hate crime and recommended the development of a methodology for recognizing, identifying and investigating hate crimes. Improvements to hate crime recording and data collection were also suggested.³⁵²

Nevertheless, the Latvian government informed FRA that no antisemitic crimes were recorded in 2017.

In 2016, one case related to desecration of Jewish graves was successfully prosecuted.³⁵³

The ADL's index score for Latvian anti-Semitism in 2015 was 28%, 8% lower than their southern neighbour Lithuania.

In Latvia there was a significant drop in the rate of anti-Semitism recorded among 18-35-year-olds compared to the 50+ population, **however regarding the Holocaust, 45% of young Latvians agreed that Jews talk too much about their victimization at the hands of the Nazis, which marks a smaller decrease compared to older Latvians than the gap seen in response to other statements.**³⁵⁴

In the 2018 FRA survey on perceptions of anti-Semitism, one in ten respondents in Latvia (12%) consider anti-Semitism to be a very big or a fairly big problem in the country.

A majority (77%) of respondents consider anti-Semitism to have stayed the same over the past five years. Most respondents (61 %) do not consider anti-Semitism on the internet as a problem and have not observed its change over the past five years, (46 % said it stayed the same and 38 % said they don't know).

Only 3% of respondents experienced at least one type of anti-Semitic harassment in the 12 months before the survey, and 6% experienced such an incident in the five years before the survey.³⁵⁵

One fifth of Latvians believe anti-Semitism to have decreased over the last five years, as outlined in the 2018 Eurobarometer. Only 11% think that "expressions of hostility and

³⁵² OSCE (2016)

³⁵³ EUFRA (2018), Antisemitism - Overview of data available in the European Union 2007–2017

³⁵⁴ ADL (2015), <http://global100.adl.org/#country/latvia/2015>

³⁵⁵ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

threats towards Jewish people in the street or other public places” are a problem in Latvia.³⁵⁶

Since 1990, Latvia has commemorated the Holocaust on 4 July. The Official Commemoration Day of Genocide against the Jews recalls the burning of the Choral Synagogue in Riga.

On 27 January, Latvia marks International Holocaust Remembrance Day, which also includes Roma and Sinti victims.

The Latvian Roma community also commemorates the Roma genocide on 8 April, on International Roma Day, and 8 May, Commemoration Day of Victims of World War II.

The Holocaust, the extermination and persecution of Roma and Sinti and crimes committed against other victim groups are studied at the primary, secondary and upper secondary, college and university levels. These topics form part of the mandatory history curriculum, approved and adopted by cabinet ministries.³⁵⁷

According to the FRA report in 2018, one in ten respondents (11%) in Latvia were aware of a law forbidding the denial or trivialisation of the Holocaust.³⁵⁸

Legislative

Latvia has lapsed in its regular reporting of hate crime data to the ODIHR.

Latvia's Criminal Code contains a combination of general and specific penalty-enhancement provisions and a substantive offence.

According to the Latvian Center for Human Rights, the 2014 Criminal Law amendments which envisage criminal liability for incitement to social hatred on grounds of an individual's characteristics expand the protection of vulnerable groups against hate crimes and hate speech. While racist motive was made aggravating circumstance already in 2006, and “national, ethnic and religious motive” was added in 2014, allegedly to bring the Latvian legislation in line with Article 4 of Framework Decision 2008/913/JH on combatting certain forms and expression of racism and xenophobia by means of criminal law, this provision has never been applied in practice.³⁵⁹

Latvia amended its legislation to prohibit associations and foundations from propagating openly Nazi, fascist or communist ideology and conducting activities aimed at inciting national, ethnic, racial and religious hatred or enmity.³⁶⁰

Similarly, Latvia has introduced in its Criminal Code a new provision criminalising the justification or public glorification or public denial of genocide, crimes against humanity, crimes against peace and war crimes and has included ethnicity as one of the grounds on which incitement to hatred is prohibited. Nevertheless, Latvia's criminal, civil and

³⁵⁶ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

³⁵⁷ <https://www.osce.org/odihr/hmd2018?download=true>

³⁵⁸ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

³⁵⁹ Latvian Centre for Human Rights (2017), Lifecycle of a Hate Crime, Country Report for Latvia

³⁶⁰ EUFRA (2018), Fundamental Rights Report 2018, Chapter 4, Racism, xenophobia and related intolerance

administrative law is not yet fully in line with ECRI's 2019 General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, in spite of previous recommendations to this effect from ECRI.³⁶¹

In a more positive step, the grounds on which discrimination is prohibited in certain laws have been broadened.

Associations and foundations whose mandate includes advocacy of human rights are now authorised under the law to represent individuals before court with their consent.

A few activities have been organised on monitoring hate speech on the Internet. Much effort has been invested in training the police on non-discrimination and combating hate crime.³⁶²

In the area of Roma integration, the reintroduction of Roma teacher assistants has aided the absorption of Roma children into society.³⁶³

Challenges

According to the Latvian Center for Human Rights, there remains very serious concern about the unwillingness of hate crime victims to report hate crimes to the law enforcement authorities.³⁶⁴

In its report, the Working Group on the Universal Periodic Review of Latvia recommended the strengthening of the hate crime provisions in criminal law and that the authorities organize training on hate crimes for police and judicial officials.

In his report following a visit to Latvia, the Commissioner for Human Rights of the Council of Europe urged the authorities to build the capacity of police, prosecutors and judges to effectively investigate, prosecute and punish all hate crimes.³⁶⁵

ECRI's latest country monitoring report, published in 2019, noted that State Police does not have a dedicated team tasked with reaching out to vulnerable groups in the context of combating hate crime. The lack of promotion of counter-speech among high-level political representatives and other public figures in response to racist and homo-/transphobic hate speech was also highlighted as a continuing issue, and have described the situation of the Roma community as of "grave concern".³⁶⁶

³⁶¹ ECRI (2019), Report on Latvia, Fifth Monitoring Cycle

³⁶² ECRI (2012), Report on Latvia, Fourth Monitoring Cycle

³⁶³ ECRI (2015), Conclusions on the Implementation of the Recommendations in Respect to Latvia

³⁶⁴ LCHR (2017), Lifecycle of a Hate Crime, Country Report for Latvia

³⁶⁵ OSCE (2016), <http://hatecrime.osce.org/latvia>

³⁶⁶ ECRI (2019), Report on Latvia, Fifth Monitoring Cycle

Lithuania

Realities

The ADL's 2014 global index for anti-Semitism classified Lithuania as having a 36% anti-Semitism score.

This translates into high agreement percentages for the dual-loyalty and Holocaust statements, at 74% and 65% respectively. It is worth noting that younger populations were not significantly less in agreement with the anti-Semitic statements compared to older generations.³⁶⁷

A 2018 Pew Research Study found that 23% of Lithuanians would not accept Jews as citizens of their country, the highest figure in Central and Eastern Europe.³⁶⁸

Kazys Skirpa, who bears responsibility for the death of 95% of Lithuania's Jewish community in the Second World War, is still venerated by society.

Others, like Jonas Noreika, have been honoured with plaques or street names, and often calls from Jewish groups to remove these honours have gone unheeded.³⁶⁹ The IHRA in particular condemned how this was dealt with, expressing their 'grave concern' about the decision of the Center for the Study of the Genocide and Resistance of Lithuania to justify the wartime actions taken by Jonas Noreika in relation to the Jews of that country, and that the text issued by the Center on 27 March, 2019, is the most recent of a series of attempts to "rehabilitate the reputation of Noreika."³⁷⁰ On the accusations against Jonas Noreika, a letter from the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania makes clear that, 'Jonas Noreika's wartime activity disqualifies him from any honor.'³⁷¹ This plaque was subsequently removed.

In 22 EU Member States, respondents to the 2018 Eurobarometer consider that anti-Semitism has remained the same in their country over the past five years, with the highest proportions observed in Lithuania (63%) – only 6% think it has increased, the joint lowest in the EU (with Romania).³⁷²

Between 2014 and 2017, three pre-trial investigations under Article 312 (2) of the Criminal Code were initiated – these concerned incidents where places of public respect had been desecrated for anti-Semitic reasons. All these pre-trial investigations were discontinued because the offenders liable for criminal offence were not identified.³⁷³ Further than this, no official data on anti-Semitism since 2011 was released to the EUFRA monitoring body.³⁷⁴

³⁶⁷ ADL (2014), <http://global100.adl.org/#country/lithuania/2014>

³⁶⁸ Pew Research Study (2018), Most Poles accept Jews as fellow citizens and neighbors, but a minority do not

³⁶⁹ Times of Israel (2018), Jewish groups in Lithuania say national hero killed Jews, should not be honoured <https://www.timesofisrael.com/jewish-groups-in-lithuania-say-national-hero-killed-jews-should-not-be-honored/>

³⁷⁰ <https://www.holocaustremembrance.com/statements/statement-center-study-genocide-and-resistance-lithuania>

³⁷¹ <https://www.komisija.lt/en/a-response-to-the-statement-of-the-genocide-and-resistance-research-centre-of-lithuania-of-27-march-2019-on-the-accusations-against-jonas-noreika-general-vetra/>

³⁷² <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

³⁷³ EUFRA (2018), Antisemitism - Overview of data available in the European Union 2007–2017

³⁷⁴ EUFRA (2017), Antisemitism - Overview of data available in the European Union 2006–2016

Lithuania reported to the OSCE that there were nine hate crimes reported in 2017. Lithuania regularly reports hate crime data to ODIHR; however, the statistics do not account for specific victim groups.³⁷⁵

The European Foundation of Human Rights (EFHR) is an organization that has been actively operating in Lithuania since 2010 and regularly monitors the country's progress and challenges in combating hate crimes. However, there is no reliable statistical information on the prevalence of anti-Semitism within Lithuania.

With Jewish history scattered across Lithuania, desecrations are sometimes of an ambiguous nature. In August 2018 it was reported that a Jewish cemetery in Siauliai was left desecrated during illegal digging for pipes.³⁷⁶ Similarly, the Palace of Concerts and Sports stadium is built over an ancient Jewish cemetery, and the government wants to expand it.

In 2011, after international criticism, the Museum of Genocide Victims added one room, in a small K.G.B. interrogation cell in the basement, devoted to the genocide of Jews. Dovid Katz, a Jewish scholar of Yiddish and a historian with Lithuanian ancestry, called the museum "a 21st-century version of Holocaust denial."³⁷⁷

The government has positioned itself as interested in solidifying ties to Jews and Israel. They have also proposed to declare 2019 "The Year of the Jew."³⁷⁸ And in 2018, the Lithuanian parliament decided to designate 2020 as "Year of the Vilna Gaon and the History of the Jews of Lithuania," marking the 300th birthday of world-famous Torah scholar Rabbi Elijah ben Solomon Zalman Kramer.³⁷⁹

Equally though, Lithuania has tolerated neo-Nazi activity - as thousands of Nazi apologists have marched in the capital city's center square on the country's Independence Day for 11 years in a row, despite international calls for its cessation. On the back of this, the World Jewish Congress CEO advised, "authorities must be vigilant in taking decisive government action to stifle the worrying growth in Holocaust revisionism and glorification of perpetrators of Nazi crimes."³⁸⁰

These events are habitually accompanied by calls against Jews, the display of swastikas, and chants of "Lithuania for Lithuanians".³⁸¹

Lithuania officially commemorates the Holocaust on 23 September, which is also referred to as the Remembrance Day for the Jewish Genocide in Lithuania. This is also commemorated on Roma Genocide Remembrance Day on 2 August. Lithuania likewise marks International Holocaust Remembrance Day on 27 January, and there are also initiatives to commemorate Yom HaShoah, and commemorative events are organized in

³⁷⁵ OSCE (2017), <http://hatecrime.osce.org/lithuania>

³⁷⁶ JTA (2018), <https://www.jta.org/2018/08/03/news-opinion/earth-bone-fragments-disappears-desecrated-jewish-cemetery-lithuania>

³⁷⁷ <https://sites.lafayette.edu/govt412-fa18/>

³⁷⁸ New York Times (2018), Where the Genocide Museum Is (Mostly) Mum on the Fate of Jews <https://www.nytimes.com/2018/03/30/world/europe/lithuania-genocide-museum-jews.html?mtrref=www.google.com>

³⁷⁹ <https://www.timesofisrael.com/graves-guilt-and-genius-inside-lithuanias-struggle-with-its-checkered-past/>

³⁸⁰ <https://www.worldjewishcongress.org/en/news/world-jewish-congress-calls-for-decisive-government-action-after-renewed-neo-nazi-marches-in-lithuania-and-latvia-3-0-2019>

³⁸¹ Defending History (2018), <http://defendinghistory.com/center-of-vilnius-again-gifted-to-far-right-neo-nazi-marchers-on-lithuanias-cherished-march-11th-independence-day/93981>

Lithuania's cities on this date. There is additionally a Day of Mourning and Hope on 14 June for victims of the Soviet Occupation and first deportations of Lithuanians.

The Holocaust and the extermination and persecution of Roma and Sinti are studied in schools at primary, secondary and upper secondary, and college and university levels in Lithuania. These topics are also covered in textbooks, as is the subject of crimes committed against other victim groups under National Socialism.³⁸²

Legislative

In 2015, Lithuania adopted the Inter-Institutional Action Plan for 2015-2020 on Non-Discrimination, which aims at assessing the current situation of relevant vulnerable groups, and at raising public awareness about their situation. This included training courses for police officers, prosecutors and judges on racist and other violence.

In 2017, the Supreme Court ruled that the right to hold beliefs and freedom of expression are not in conformity with public insult, incitement to hatred and discrimination, and incitement to violence against a group of people of a certain nationality.³⁸³

Independently of the plan, the authorities have constructed systems to combat hate speech online, through the Inspector for Journalist Ethics and district police cybercrime units.

The country adopted the IHRA working definition of anti-Semitism in 2018.

The authorities also developed the new Action Plan for Roma Integration into the Lithuanian Society 2015 – 2020 which includes measures in the areas of housing, education, employment and health. Impact is measured through yearly outputs, including indicators such as the number of Roma children in general schools, the number of Roma women involved in social activities and the number of illegal buildings in Roma ghetto

However, Lithuania has neither signed nor ratified Protocol No. 12 to the European Convention on Human Rights, and as of 2015 its criminal code does not adhere to ECRI standards regarding combatting racism. In its fifth monitoring report of the country, ECRI also called for Lithuania to improve housing standards and interaction with the Roma community, and to ensure the cessation of evictions.³⁸⁴

In ECRI's 2015 report it was summarized that Lithuania has not specified colour and citizenship, among other factors, to the list of enumerated grounds in Articles 60, 169 and 170; neither had Article 170 been amended to criminalise public defamation or threats, and the public expression, with a racist aim, of an ideology that claims superiority; similarly it was not presently a criminal offense to employ racial discrimination in the exercise public office.

Additionally, ECRI recommended that the authorities take measures to prevent or punish any public praise or association with Nazi-collaborators and persons who engaged in genocide, war crimes or crimes against humanity.

³⁸² <https://www.osce.org/odihr/hmd2018?download=true>

³⁸³ EUFRA, Fundamental Rights Report 2018, Chapter 4: Racism, xenophobia and related intolerance

³⁸⁴ ECRI (2015) Lithuania

Contextually, the report called for a project in combatting anti-Semitism in the specific area of property restitution.

There are disadvantages for national minorities in Lithuania since there is no law that can ensure their rights.

Examples of situations that represent disadvantages for them can be the following: no bilingual street names and problems for recording nationality in Lithuanian passport. Similarly, The EFHR reported in 2018 that no measures have been taken by the Lithuanian Prosecutor General's Office to protect the right to freedom of religion of national minorities, and that hate speech crime recognition is low among law enforcement.³⁸⁵

Challenges

According to the ERRC, segregationist attitudes towards Roma in Lithuania are clearly seen at work among public authorities and non-Romani citizens alike.³⁸⁶

The non-criminalization of employing racism in the exercise of public office has led to a situation in 2018 whereby Vigilijus Sadauskas, the ombudsman for academic ethics and procedures offered a cash grant for students or scholars willing to write a thesis about Jews' involvement in war crimes or murder.³⁸⁷ Sadauskas managed to withstand calls to step down, remaining emphatic in his defence, "A person steps down if he has done something wrong, negative or bad...I do not think I have insulted, harmed or humiliated anyone."³⁸⁸

³⁸⁵ EFHR (2018), Alternative report on the implementation of the FCPNM in Lithuania

³⁸⁶ Roma Rights Journal (2012), In the Dark: Segregating Roma in Lithuania

³⁸⁷ <https://lithuaniatribune.com/lithuanian-academic-ethics-guard-sacked-over-anti-semitism-claims/>

³⁸⁸ <https://lithuaniatribune.com/lithuanian-mp-starts-collecting-signatures-to-fire-academic-ethics-ombudsman/>

Luxembourg

Realities

Following the formation in 2013 of a left-leaning coalition headed by Prime Minister Bettel, there was a tangible sense of moving towards a more progressive and inclusive society.

This was boosted by a number of initiatives and assertions by the Premier - including the belated but still poignant, first apology to the local Jewish population for Luxembourg's role in the Holocaust. Bettel admitted that some officials were complicit in the killings of 1,200 Jews during the Nazi occupation in May 1940 - September 1944. The country's parliament also passed a resolution, which acknowledged the "suffering inflicted on the Jewish population, to its Luxembourgish and foreign members, during the Nazi occupation."³⁸⁹

Conversely, according to RIAL, a non-profit devoted to research and information on anti-Semitism in Luxembourg, more anti-Semitic incidences have been reported in the first half of 2019 than in all of 2018. A total of 30 incidences this year have been reported to the organisation, compared to 26 incidences reported in all of 2018. Although the incidences have not involved physical violence, they tend to involve speech centred on hatred or stereotypes, often on social networks and in response to the Israeli-Palestinian situation, according to the chamber of deputies.³⁹⁰

In 2017, the Activity Report by RIAL recorded 13 anti-Semitic incidents, consisting of revisionism, harassment, written and oral hate speech, and acts of violence.³⁹¹

According to the FRA, the Luxembourgish government informed FRA that two cases pertaining to anti-Semitism were recorded by the police in 2016, and the judgments were issued in 2017. No cases related to anti-Semitism were dealt with by the criminal justice system and no anti-Semitic incidents were recorded by the police in 2015.

In general, politicians and the media do not resort to hate speech. Very few cases of racist or homophobic/transphobic violence were brought to ECRI's attention in 2017.³⁹²

The 2018 Eurobarometer highlights that 29% (above the EU average) of Luxembourgish people think Jewish history and culture is taught sufficiently.³⁹³

Legislative

Although Luxembourg regularly completes ODIHR's questionnaire, data on hate crimes have never been submitted. Luxembourg's Criminal Code includes penalty enhancements for specific offences and a substantive offence. Data is collected by the police, the Prosecutor's Office and the Ministry of Justice.³⁹⁴

The Luxembourg Consultative Commission on Human Rights (CCDH) recently recommended that the government establish a "Human Rights House" combining several national

³⁸⁹ <http://www.kantorcenter.tau.ac.il/luxembourg-apologizes-holocaust>

³⁹⁰ <https://delano.lu/d/detail/news/antisemitism-incidences-lux-first-half-2019/206942>

³⁹¹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-antisemitism-update-2007-2017_en.pdf

³⁹² <https://rm.coe.int/fifth-report-on-luxembourg/16808b589b>

³⁹³ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

³⁹⁴ <http://hatecrime.osce.org/luxembourg?year=2017>

institutions responsible for promoting and protecting human rights, namely the CCDH, the Centre for Equal Treatment (CET), the Ombudsman Committee for Children’s Rights and the Ombudsman.³⁹⁵

The public prosecutor’s office and the courts respond firmly to hate speech and media coverage of relevant trials amplifies their preventive effect. Victims of hate speech on the internet can access a website to report hateful remarks and seek help and advice. A campaign to raise awareness of hate speech was prepared for the start of the new school year in 2016.³⁹⁶

Preschool education, which is particularly beneficial for children with migration backgrounds, is free and obligatory from the age of four. In 2015 the state signed an agreement with the Muslim community providing for it to receive funding. In March 2016, draft legislation was tabled with the aim of facilitating access for foreign residents to Luxembourg nationality.

The referendum held in 2015 on the right to vote for foreigners contributed to an assertion of national identity. Luxembourgers resoundingly rejected a proposal to let foreign residents vote in national elections, a move that would have been a first in Europe. Only 22% voted in favour.³⁹⁷

Luxembourg currently chairs the world’s foremost international Holocaust remembrance task force (IHRA) and yet Luxembourg still makes it harder than any other Western European nation for Jews to reclaim property and assets lost under the Nazis. Critics say the country’s laws make even applying for restitution impossible for most of the Jews who had lived there during World War II and their descendants. This means that Luxembourg “is the only country in Western Europe with major, unaddressed restitution issues,” according to Gideon Taylor, the chair of operations of the World Jewish Restitution Organisation.³⁹⁸

Challenges

The media regulators, especially the Press Council and the Independent Audiovisual Authority of Luxembourg (ALIA) have been found wanting. During 2015-2017, these two bodies did not issue a single opinion condemning racist or homophobic/transphobic remarks, invoking questions on their purpose. This is despite the knowledge of the publication of a considerable number of hate messages on press and broadcast media websites and at least one anti-Semitic press article.³⁹⁹

The Holocaust restitution issue mentioned above is “an ongoing injustice,” according to Karin Meyer, a member of Luxembourg’s Jewish community whose open letter last year to her government triggered a parliamentary query. It did not result in change, as the government reiterated its position against reform.

³⁹⁵ <https://rm.coe.int/interim-follow-up-conclusions-on-luxembourg-4th-monitoring-cycle/16808b58a3>

³⁹⁶ <https://rm.coe.int/fifth-report-on-luxembourg/16808b589b>

³⁹⁷ Reuters, <https://www.reuters.com/article/us-luxembourg-foreigners/luxembourg-votes-not-to-give-foreigners-national-voting-rights-idUSKBN0ON0PH20150607>

³⁹⁸ <https://eurojewcong.org/news/communities-news/luxembourg/luxembourg-is-western-europes-last-holocaust-country-to-deny-restitution/>

³⁹⁹ <https://rm.coe.int/fifth-report-on-luxembourg/16808b589b>

The amount of money stolen from Jews and absorbed into Luxembourg's national wealth is unknown "because there is no political will to find out."⁴⁰⁰

⁴⁰⁰ <https://eurojewcong.org/news/communities-news/luxembourg/luxembourg-is-western-europes-last-holocaust-country-to-deny-restitution/>

Malta

Realities

Malta is one of the least likely countries in the EU to see the nine anti-Semitic statements chosen by the EU Barometer Survey as a problem in the country. Only 13% of people think anti-Semitism online is a problem and only 4% see anti-Jewish vandalism or graffiti as a problem. In terms of physical attacks against Jews, only 5% say it's an issue. However this is tempered by a sizeable 49% of respondents who admit they are "not at all informed" about Jewish history or culture.⁴⁰¹

The National Commission for the Promotion of Equality (NCPE) is the body responsible for ensuring that Maltese society is free from any form of discrimination based on: (i) sex/gender and family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin.

The run-up to the elections of May 2017 saw a prominent rise in hate speech of a political nature, with hostility originating from party members and the public using both traditional and online media. Anecdotally, commentators noted a feeling of 'them and us,' and 'patriots and traitors.' The Finance Minister at the time lamented the Nationalist Party's 'loss of Catholic values.'⁴⁰²

Certain organisations engage in the systematic use of hate speech, notably the Maltese Patriots, a nationalist, anti-immigration and anti-Islam party with a small following (it obtained only 0.4% of the votes in the 2017 elections and has no seats in Parliament).

In 2017 the case of a Maltese European Union official accused of shouting anti-Semitic hate speech at an EU employee and assaulting her came to trial two years after the incident occurred.

EU administrator Stefan Grech allegedly beat a senior employee, an Italian woman, over the head with a plaque commemorating Italian dictator Benito Mussolini while calling her "a dirty Jew" and saying "Hitler should have finished off the Jews." In 2018 Grech was subsequently found guilty in the Belgian courts of inciting discrimination, hatred and violence against someone of the Jewish faith as well as aggravated assault motivated by racial hatred.⁴⁰³

Malta does not have a national Roma integration strategy as there are no Roma living on Maltese territory.

Legislative

The legislation which continues to govern the prohibition of racial discrimination includes the Employment and Industrial Relations Act 2002, the Equality for Men and Women Act

⁴⁰¹ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁴⁰² Malta Independent, <https://www.independent.com.mt/articles/2017-06-19/newspaper-leader/TMID-Editorial-Hate-speech-Where-is-the-serenity-6736175653>

⁴⁰³ Times of Malta, <https://timesofmalta.com/articles/view/maltese-eu-official-guilty-of-anti-semitic-insults-will-appeal.690856>

2003 and the Equal Treatment of Persons Order 2007. These acts are based on EU Council Directives.

Malta ratified Protocol No. 12 to the European Convention on Human Rights in December 2015. The National Commission for the Promotion of Equality is almost fully in line with ECRI's General Policy Recommendations No. 2 and No. 7.⁴⁰⁴

There is no legislation providing for the suppression of public financing of organisations which promote racism or the possibility of dissolution of such organisations.

As of 2018 an Equality Bill was under preparation in Parliament, aiming to present the equality legal framework in one comprehensive legislative act.

Malta signed the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, on 28 January 2003, but has not yet ratified it. Considering the level of online hate crime in Malta, the 2018 ECRI has strongly recommended its ratification.⁴⁰⁵

Challenges

There is still no systematic data collection on the number of reported incidents of racist hate crime, including hate speech, investigations carried out or prosecutions and sentencing. Malta has never submitted reliable information on hate crimes to ODIHR.⁴⁰⁶

⁴⁰⁴ <https://rm.coe.int/interim-follow-up-conclusions-on-malta-4th-monitoring-cycle/16808b5933>

⁴⁰⁵ <https://rm.coe.int/fifth-report-on-malta/16808b592b>

⁴⁰⁶ <https://hatecrime.osce.org/malta>

Netherlands

Realities

The Netherlands report hate crime data to ODIHR, which includes hate speech, and it was relayed that in 2017 there were a reported 327 incidents of racism or xenophobia in addition to 5 incidents of targeting other unspecified religious groups, 432 incidents of anti-Semitism, and 27 Islamophobic incidents.⁴⁰⁷

However, in the Netherlands there are multiple official and unofficial sources for anti-Semitism data.

According to the FRA, the main source of official data on anti-Semitic incidents in the Netherlands is the annual report on the situation of criminal discrimination by the Verwey-Jonker Institute.

Since 2012, these figures have decreased as a result of methodological changes in the way law enforcement define crime motives, and in 2017 anti-Semitic incidents constituted 8% of all hate crimes with 284 incidents.

Other authorities also record anti-Semitism, such as the Public Prosecution Service, and civil society group Information and Documentation Centre Israel (CIDI) publishes data on the number of anti-Semitic incidents reported via hotlines throughout the Netherlands.

CIDI's figures show that, unlike official authorities, the problem of anti-Semitism is in fact growing in the Netherlands, not decreasing, and that discrimination against Jews in the Netherlands nearly doubled in 2017, reaching a five-year high that accounts for 41% of all the xenophobic incidents recorded.⁴⁰⁸

Not including online crimes, in 2017 CIDI recorded 113 incidents and has reported a steadily growing number of incidents over the past decade, accounting for peaks in 2009 and 2014 in correspondence with violence in the Middle East.⁴⁰⁹

Another 236 incidents were reported online by the Dutch Internet antidiscrimination watchdog MiND, with 17% of online hatred directed towards Jews, despite that in the Netherlands they represent less than 0.3% of the population.⁴¹⁰

In its latest annual report CIDI recorded 135 anti-Semitic incidents during 2018, with a further 95 cases of anti-Semitism online – a 19% increase from the previous year. CIDI noted that many Dutch Jews are subjected to anti-Semitic abuse at work, on campus, or in school and in their neighbourhoods. "The most drastic increase was registered in incidents occurring in people's direct vicinity," the report said. "This is the highest number of anti-Semitic incidents in people's direct vicinity in 10 years."⁴¹¹

⁴⁰⁷ OSCE (2018), <http://hatecrime.osce.org/netherlands>

⁴⁰⁸ <https://antisemitism.org.il/121456>

⁴⁰⁹ EUFRA (2018),

⁴¹⁰ <https://www.cidi.nl/wp-content/uploads/2018/03/CIDI-Monitor-2017-English-summary-.pdf>

⁴¹¹ <https://www.cidi.nl/wp-content/uploads/2019/03/Monitor-English-summary.pdf>

There have been numerous significant violent and politically extreme incidents of anti-Semitism in the Netherlands in 2017 and 2018. A weekly anti-Israel protest in Amsterdam has featured songs which glorify terror attacks against civilians,⁴¹² while identifiably Jewish people including children have been targets for intimidation and abuse⁴¹³, councilmembers have indulged in anti-Semitic conspiracies⁴¹⁴, cemeteries and Holocaust monuments have been vandalised and desecrated,^{415 416 417} and even the Anne Frank House attempted to pressure a Jewish employee from refraining to wear a religious head covering, saying that it might ‘influence its work combating anti-Semitism’ – it should be noted that no further foundation or logical explanation was presented for the basis of this statement.⁴¹⁸

As illustrated by the significant spikes in anti-Semitic incidents in 2009 and 2014, incidents are often linked to the Israeli-Palestinian conflict, particularly in countries with a sizeable minority population of Muslims, however this fact must be dealt with delicately as there are significant distinctions between different subsections of Muslim migrants along many axes, and the fact that in general anti-Semitism levels are found to be driven by the majority population.⁴¹⁹

An illustration of this is the case of former Prime Minister Dries van Agt, who has been accused of anti-Semitism for 40 years, and was officially denounced by the Jewish community in 2017 as an anti-Semite. He has in the past compared Israel and Nazi Germany, shared a platform with a Hamas leader, and cited his “Aryan” roots in explaining his plan to pardon four Nazi war criminals due to health reasons.⁴²⁰

As reported by the Pears Institute study into anti-Semitism by migrants, “The Second Intifada led to the emergence of new patterns of anti-Semitism which featured Dutch youths with a migrant background. Survey data suggests that this sort of anti-Semitism may arise in response to events in the Middle East. A survey conducted in 2014–2015 found that many more young Muslims had negative attitudes towards Zionists (66%) than towards Jews (12%). Moroccan-Dutch youth and more recently Turkish-Dutch, mostly male, have been involved in harassment of Jews on the street. Dutch citizens with a Muslim background were clearly present in antisemitic incidents in the summer of 2014. During one exceptional incident Islamic State of Iraq and al-Sham (ISIS) supporters carried black flags and shouted in Arabic ‘death to the Jews.’”⁴²¹ Another explicit example of the conflict spilling over into a

⁴¹² <https://antisemitism.org.il/134879>

⁴¹³ <https://antisemitism.org.il/131725>

⁴¹⁴ <https://antisemitism.org.il/130693>

⁴¹⁵ <https://antisemitism.org.il/121500>

⁴¹⁶ <https://antisemitism.org.il/124591>

⁴¹⁷ <https://antisemitism.org.il/125576>

⁴¹⁸ <https://antisemitism.org.il/121601>

⁴¹⁹ Pears Institute for the study of Antisemitism (2018), Antisemitism and Immigration in Western Europe Today Is there a connection?

⁴²⁰ JTA (2017), Dutch Jews say former prime minister peddles anti-Semitism

<https://www.jta.org/2017/12/01/news-opinion/world/dutch-jews-say-former-prime-minister-peddles-anti-semitism>

⁴²¹ Pears Institute for the study of Antisemitism (2018), Antisemitism and Immigration in Western Europe Today Is there a connection?

diaspora setting was in December 2017, when a Palestinian holding a flag smashed the windows of a kosher restaurant in Amsterdam.⁴²²

As in all countries, not all Israel related anti-Semitism comes from the Muslim community, as anti-Semitic chants are commonplace at soccer grounds, for example, where shouts such as, “Hamas, Hamas, Jews to the Gas” and “Kill the Jews” are regularly heard from fans of teams playing against Ajax, the “Jewish team,” and the general “salon” anti-Semitism that contributes as equally to the discomfort as does antipathy from the Muslim community. However, it must be noted that Muslim anti-Semitism is identified as the primary source for verbal and physical assaults against Jews according to the Amsterdam municipal office that fields such complaints.⁴²³

In the media, anti-Semitism and extreme anti-Israel bias have been found regularly. In two recent examples, the largest Dutch newspaper in November 2018 had a two-page spread replete with anti-Semitic conspiracies around the idea that George Soros was behind initiatives to ban blackface, which is still a cultural phenomenon in the Netherlands.⁴²⁴

Just weeks previously, the Dutch public broadcaster NOS apologized for using anti-Semitic slogans when discussing Soros,⁴²⁵ after having apologised in June for delegitimizing the State of Israel.⁴²⁶ Nevertheless, NOS has denied it is institutionally anti-Semitic or biased, even though after retracting language made about Israel, grave factual errors remained in the article concerning Israeli threats to “destroy” Iran.

The 2018 FRA report finds that expressions of hostility towards Jews in the street and other public spaces is considered to be ‘a very big’ or ‘a fairly big problem’ by the large majority of respondents in the Netherlands (71%). Additionally, 43% of respondents avoid Jewish events or sites, or certain parts of their neighbourhood, because they do not feel safe there as Jews.⁴²⁷

An EenVandaag television show poll in 2019 found that nearly half of the 557 Dutch Jewish respondents said they were afraid of identifying as such – 43% said they take active steps to hide their Jewish identity, such as wear a hat over their kippah or hide Star of David pendants and 11% of respondents said they had experienced anti-Semitic violence directed against them.⁴²⁸

⁴²² JTA (2017), Man holding Palestinian flag smashes windows of Amsterdam kosher restaurant <https://www.jta.org/2017/12/07/news-opinion/world/windows-of-kosher-restaurant-in-amsterdam-smashed>

⁴²³ OSCE (2011), Country Visit: The Netherlands Report of the Personal Representative of the OSCE Chair-in-Office on Combating Anti-Semitism, Rabbi Andrew Baker

⁴²⁴ <https://twitter.com/search?f=tweets&q=soros%20newspaper%20blackface&src=typd>

⁴²⁵ <https://eurojewcong.org/news/communities-news/the-netherlands/dutch-public-broadcaster-calls-soros-a-jew-who-has-tentacles-in-us-politics/>

⁴²⁶ <https://eurojewcong.org/news/communities-news/the-netherlands/dutch-state-tv-channel-apologies-for-anti-israel-bias/>

⁴²⁷ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

⁴²⁸ Haaretz, <https://www.haaretz.com/world-news/europe/almost-half-of-dutch-jews-say-they-re-afraid-of-identifying-as-jewish-1.6696177>

Anti-Semitism in the Netherlands as measured by the ADL was indexed at 11%, with a generational difference exhibiting more anti-Semitic sentiments among the youngest and oldest segments of responders.⁴²⁹

The settlement of Eastern Europeans in the Netherlands, as well as Islam and Muslims have been portrayed by politicians and media as a threat to Dutch society, especially by the Party for Freedom (PVV) led by Geert Wilders, which is currently the second-largest in the lower chamber of parliament, and is tied for the most seats held by an opposition party in the upper chamber.

In June 2019 the Dutch government allocated \$3.35 million toward fighting anti-Semitism — the first time Holland has placed the fight on its list of national priorities. The funding, earmarked during budget talks among members of the ruling coalition, establishes the fight against anti-Semitism as a key point demanding government attention alongside education, immigrant integration and five additional issues.⁴³⁰

The Netherlands is one of a number of European countries which has taken a stance against the BDS movement. In a January 2018 meeting with Israeli President Reuven Rivlin, Dutch Foreign Minister Halbe Zijlstra said “When BDS and anti-Semitism come together, we will fight them.”⁴³¹ Other politicians, such as the Minister of Social Affairs and Employment Lodewijk Asscher and the EU commissioner Frans Timmermans, have expressed concern over anti-Semitism as well, but have resisted popular opinion in linking this to immigration from MENA which has brought the Netherlands total international migrant population (not only MENA) to 12%.

Just over half (51%) of survey respondents to the FRA in 2018 confirmed they had heard or seen the statement, ‘Israelis behave “like Nazis” towards the Palestinians.’ Likewise, 32% said the same for the statement, ‘The world would be a better place without Israel.’⁴³²

The Netherlands officially commemorates the Holocaust on 27 January. Additionally, the Netherlands marks the National Remembrance of the Dead day on 4 May, as well as the anniversary of an uprising to resist the persecution of Dutch Jews on 25 February 1941.

Legislative

According to the ECRI per 2013 the Netherlands’ Public Prosecution Service has issued instructions, providing for the improvement for hate crime systems.

However, as of the ECRI 2019 report, the Dutch anti-discrimination legislation is still recommended to be assessed so that it “provides for effective, proportionate and dissuasive sanctions.”⁴³³

⁴²⁹ ADL (2015), <http://global100.adl.org/#country/netherlands/2015>

⁴³⁰ Jerusalem Post, <https://www.jpost.com/Diaspora/The-Netherlands-makes-fighting-antisemitism-a-national-priority-591266>

⁴³¹ The Jerusalem Post (2018), Rivlin, Dutch FM Agree on Confidence-building Measures Between Israel and the Palestinians <https://www.jpost.com/Israel-News/Politics-And-Diplomacy/Rivlin-Dutch-FM-agree-on-confidence-building-measures-between-Israel-and-the-Palestinians-533561>

⁴³² https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

⁴³³ <https://rm.coe.int/government-comments-on-the-fifth-report-on-the-netherlands/168094c565>

A regional anonymous online form has been set up by the police, and awareness-raising campaigns aimed at increasing victims' willingness to report incidents on discrimination and equal rights have been run by the authorities.

Debt relief and other assistance is being provided to the Roma communities.⁴³⁴

There is no comprehensive Action Plan for Combating Racism at national level that fully meets ECRI definitions and standards, and the Netherlands has been unwilling to adjust its activities accordingly.

So too with the country's criminal law against racism and racial discrimination, where there are no provisional grounds based on citizenship and language, or explicitly establishing racist motivation as a specific aggravating circumstance in sentencing. Again, the authorities have indicated an unwillingness to align standards.⁴³⁵

There are also concerns regarding provisions encompassing hate speech including online, funds have been withdrawn from the national expertise centre and backbone of the anti-discrimination bureau network, and recruitment processes in the country are often found to be discriminatory on a xenophobic basis.

The vast majority (81% of respondents to the 2018 Eurobarometer know there is a law criminalising incitement to violence or hatred against Jewish people in the Netherlands.⁴³⁶

Barriers to migrants, including those whose families are already partially in the Netherlands, are prohibitive to those from low socioeconomic backgrounds due to cost and education demands.

In the case of far-right extremism, Geert Wilders was acquitted on multiple counts of racist insults and incitement to hatred, discrimination and violence, with the District Court stating that some of the highly controversial comments were "addressed to a religion (Islam) rather than to the people who practice it and therefore would fall out of the remit of Articles 137c and 137d of the Criminal Code and would not incite to hatred or discrimination, while others had been made in the context of a social debate, in Mr Wilders' role as a politician, which made them admissible."⁴³⁷

Challenges

ECRI has in 2013 recommended improving the response of the criminal justice system to racially motivated offences, and to abandon any bans on face coverings in public or any other legislation that may single out Muslim communities.

However, in its latest 2019 report, it paints a pessimistic picture of the situation on the ground for Muslims, Jews and other minorities.

⁴³⁴ ECRI (2013), Netherlands: Fourth Monitoring Cycle

⁴³⁵ ECRI (2016), Conclusions on the Implementations of Recommendations

⁴³⁶ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁴³⁷ ECRI (2013)

In Jewish-Muslim relations, teaching the history of the Holocaust to Muslim students has been very challenging, and efforts to equate the Holocaust with the Middle East conflict have been challenged by Jewish communities.⁴³⁸

The Ombudsman published a report concluding that local governments have to take account of the specific housing needs of Roma and Sinti and have to ensure enough locations to meet demand.⁴³⁹

⁴³⁸ ECRI (2013)

⁴³⁹ National Ombudsman (2017), Research into the reliability of the government for caravan dwellers

Poland

Realities

The current Polish government was formed solely by the nationalist populist party 'Law and Justice', which got 40 percent of the vote during the last parliamentary elections in 2015. Despite not being an ideologically anti-Semitic party, since their rise to power the most serious incident concerning Poland's relationship with the truth surrounding its people's role in the Holocaust has heralded a serious uptick in anti-Semitism, and soured what was an increasingly positive trajectory for Jewish-Polish relations.

In early 2018 both chambers of the Polish parliament adopted an Amendment to the Act on the Institute of National Remembrance, criminalizing the ascription to Poles collectively of complicity in World War II or the Holocaust, or use of the expression "Polish death camp". The law was later amended to remove the threat of criminal sanction and a joint statement with the Israeli government was made announcing an understanding on protecting Holocaust research and the freedom of speech.

Months before this action was taken, a Polish nationalist group asked prosecutors to investigate whether Israeli President Reuven Rivlin broke the law during a visit to Poland, and other Israelis and Jewish groups were coerced or pressured into changing how they educated their tour groups.

The law has sparked a crisis in Polish-Israeli relations. This crisis was worsened still after Prime Minister Morawiecki claimed that if there were Polish collaborators then there were Jewish collaborators, in a statement Israeli Prime Minister Netanyahu called "outrageous" and what can only be interpreted as clear historical revisionism and therefore a form of Holocaust denial, as well as an affront to Jewish victims of the Nazis and their collaborators. The Polish prime minister's comments came amid a wave of anti-Semitism in the media, from politicians and online.

The law has been decried as harmful to research about the Holocaust and a crude attempt to whitewash the actions of many Poles who helped Nazis kill Jews. Opposition has arisen from across the Jewish world,⁴⁴⁰ Yad Vashem,⁴⁴¹ Israel,⁴⁴² the Catholic Church,⁴⁴³ and the international community including the US.⁴⁴⁴

Anti-Semitism in Poland is prevalent, with the ADL's 2015 survey measuring societal anti-Semitism at 37%, however it is somewhat encouraging that younger people in general have a decreased adherence to anti-Semitic statements than older generations.⁴⁴⁵

Over 80% of those surveyed by the FRA in 2018 saw anti-Semitism as a serious problem in Poland – and around three quarters viewed it as a problem in political life. Concern about

⁴⁴⁰ <https://eurojewcong.org/ejc-in-action/statements/ejc-expresses-deep-concern-proposed-holocaust-law-poland/>

⁴⁴¹ <https://www.haaretz.com/israel-news/yad-vashem-condemns-new-polish-law-and-term-polish-death-camps-1.5767868>

⁴⁴² <https://www.bbc.com/news/world-middle-east-42848842>

⁴⁴³ <https://antisemitism.org.il/129387>

⁴⁴⁴ https://www.washingtonpost.com/world/europe/report-polish-officials-may-face-us-sanctions-over-holocaust-law/2018/03/07/845fd872-2224-11e8-946c-9420060cb7bd_story.html

⁴⁴⁵ <http://global100.adl.org/#country/poland/2015>

the level of anti-Semitism on the internet and social media was expressed by more than 70% in every country but was especially high in Poland, where more than nine in 10 respondents indicated it was problematic.

76% of those surveyed expressed concern about rising levels of racism, with rates especially in Poland - 74% in Poland suggested intolerance towards Muslims had “increased a lot” over the past five years.⁴⁴⁶

In most of the survey’s sample statements, Poland had the highest percentage of respondents reporting having witnessed anti-Semitism.

The 2018 Eurobarometer revealed that close to a fifth of Europeans have friends or acquaintances who are Jewish – only 5% of Poles said the same.⁴⁴⁷

In 2017, a study that was released by the Center for Research on Prejudice at Warsaw University revealed a significant rise in negative attitudes towards Jews, showing that expressions of anti-Semitic hatred had become more accepted and were popular on the internet and on Polish television, demonstrably influencing the views of young people between 2014-2016. This accompanied a general rise in racism and xenophobia.⁴⁴⁸

Adding to the problem was the debacle over the colloquially named “Holocaust Law”. An academic study by the Israel Journal of Foreign Affairs has found “a surge” in hostility to Jews and Israel in Polish media and politics (a list of governmental anti-Semitic acts and statements was compiled in a single article in Israeli news⁴⁴⁹).

“According to the study written by Dr. Rafał Pankowski, a sociology professor at Warsaw’s Collegium Civitas, there has been a ‘disturbing revival of anti-Semitism’ in Poland since the law was introduced and stirred controversy. ‘The surge of hostility to Jews and the Jewish State in the Polish media and politics in early 2018 took many observers by surprise,’ wrote Pankowski for the IJFA, a publication of the Israel Council on Foreign Relations which operates under the auspices of the World Jewish Congress.”⁴⁵⁰

Tensions have flared recently between Israel and Poland. In 2018, Warsaw amended the aforementioned law to remove the possibility of fines or a prison sentence. Last month, Israeli Foreign Minister Israel Katz drew Poland’s ire by saying “Poles suckle anti-Semitism with their mothers’ milk.”⁴⁵¹

Around 60,000 nationalists marched in a demonstration organized by extreme right-wing organizations on Polish Independence Day in 2017. The marchers expressed support for hatred of foreigners and white supremacy and called for a “pure white Europe – without Jews, without Muslims” and to “purify Poland”. Ahead of the 2018 march marking Poland’s centenary, the mayor of Warsaw attempted to ban the event. Immediately, Poland’s

⁴⁴⁶ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

⁴⁴⁷ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁴⁴⁸ <https://forward.com/news/world/360967/anti-semitism-spikes-in-poland-stoked-by-populist-surge-against-refugees/>

⁴⁴⁹ <https://www.israelnationalnews.com/Articles/Article.aspx/21728>

⁴⁵⁰ <https://antisemitism.org.il/129529>

⁴⁵¹ Times of Israel, <https://www.timesofisrael.com/polish-anti-semitism-festers-on-the-internet/>

President Duda and Prime Minister Morawiecki stepped in to ensure that the march would occur, and that they “invite all Poles to take part.”⁴⁵²

Anti-Semitism in Poland also exists in a primitive form, alongside its industrialised and religious manifestations. For example, in 2017 a group calling themselves “Conscience of the Nation” burned an effigy of a Jewish woman in Warsaw and drowned it in the Vistula River to mark the beginning of spring.⁴⁵³

Poland has officially established several Holocaust Memorial Days, including 27 January - International Holocaust Remembrance Day, 13 March - liquidation of the Krakow ghetto, 19 April - the Warsaw ghetto uprising, 14 June - National Remembrance Day for Victims of Nazi Concentration Camps, 22 July - the liquidation of the Warsaw ghetto and 2 August - Day of Remembrance of the Extermination of the Roma and Sinti and the memorial to the Treblinka death camp revolt.

Several thousand Polish nationalists rallied in Warsaw in May 2019 against a US law on the restitution of Jewish properties seized during the Holocaust. The protest took place amid a dramatic rise in anti-Semitic hate speech in public life in Poland and it appeared to be one of the largest anti-Jewish street demonstrations in recent times. Poland was a major victim of Nazi Germany during World War II and those protesting say it is not fair to ask Poland to compensate Jewish victims when Poland has never received adequate compensation from Germany. Poland is the only European Union country that hasn't passed laws regulating the compensation of looted or national property.⁴⁵⁴

Lastly, there are annually recurring unofficial initiatives in Poland to commemorate the victims of the Holocaust and other victim groups, including Roma and Sinti. These are organized by civil society organizations and educational institutions and include commemorative and awareness-raising activities.

The Holocaust, the extermination and persecution of Roma and Sinti and crimes committed against other victim groups under National Socialism are taught in schools at the primary, secondary and upper secondary levels, and are also present in textbooks. The Holocaust is taught as part of the national curriculum.⁴⁵⁵

Poland registered 886 hate crimes relating to all forms of racism, xenophobia, anti-Semitism and Islamophobia in 2017 and 1117 in 2019, including hate speech crimes.⁴⁵⁶

However, according to the Kantor Center (2018), it should be noted that measuring anti-Semitism should not be relied upon solely based on official sources, due to not all antisemitic offences being reported to the police or prosecutor's office, or simply not being made public.⁴⁵⁷

⁴⁵² <https://antisemitism.org.il/135173>

⁴⁵³ <https://www.timesofisrael.com/warsaw-residents-burn-effigy-of-jewish-woman/>

⁴⁵⁴ France 24, <https://www.france24.com/en/20190511-poland-nationalists-protest-usa-holocaust-far-right-anti-semitism>

⁴⁵⁵ <https://www.osce.org/odihr/hmd2018?download=true>

⁴⁵⁶ <https://hatecrime.osce.org/poland>

⁴⁵⁷ Kantor Center (2018)

Civil society groups such as NEVER AGAIN work to compile data and directly report to the OSCE.

Legislative

According to the FRA study on Poland's legal positions on hate crimes, "The Polish Criminal Code (CC) does not include any general or specific aggravating circumstance related to bias motivation.

Section 53 of the CC includes a general provision stating that when imposing the penalty the court shall take into account, among other elements, the motivation and the manner of conduct of the perpetrator, but it does not mention a bias motivation on specific grounds.

Similarly, Section 148 of the CC sets out an aggravated penalty when a homicide is committed out of motives deserving particular reprobation, but does not explicitly mention bias motivation.

The CC contains a number substantive hate crime offences: Section 118 of the CC criminalises committing homicide or causing serious injury to any person belonging to a national, ethnic, racial, political or religious group or a group with a different perspective of life with the aim of destroying in whole or in part such group. It further criminalises the creation of living conditions which threaten the biological destruction of such a group, as well as applying means aimed at preventing births within this group or forcibly removing children from persons belonging to this group;

Section 118a § 3 of the CC criminalises taking part in a mass attack or in one of repeated attacks against a group of people in order to implement or support the policy of a state or an organisation which either compels these people to change their lawful place of residence in violation of international law or severely persecutes a group of people for reasons recognised as inadmissible under international law, in particular for reasons of political, racial, ethnic, cultural, religious belief or lack thereof, or world view, thereby depriving them of their fundamental rights;

Section 119 of the CC criminalises violence or unlawful threats towards a person or group of persons on grounds of their national, ethnic, political or religious affiliation, or lack of religious beliefs;

Section 126a stipulates the offence of publicly inciting others to the commission or publicly commending the commission of acts described in Sections 118, 118a and 119 of the CC;

Section 256 criminalises promoting a fascist or other totalitarian system and the incitement to hatred on grounds of national, ethnic, race or religious affiliation, or lack of religious belief as well as producing, recording or importing, purchasing, storing or possessing, presenting, carrying or sending a print, recording or another object with such content for the purpose of dissemination;

and Section 257 sets out the offence of publicly insulting a group of the population or a particular person on the same grounds or breaching the personal inviolability of a person on these grounds."⁴⁵⁸

⁴⁵⁸ FRA (2018), Hate crime recording and data collection practice across the EU

Challenges

In his 2016 report, Rabbi Andrew Baker of the OSCE reported that in Poland “There is growing right-wing nationalism that has been bolstered by anti-immigrant sentiment in the EU-wide debate about accepting Syrian refugees.”⁴⁵⁹

The open political and social hostility the basis for the current situation in Poland, and any work to remedy these trends must begin at the source. The Polish government has closed its communications with the official representatives of the Jewish community, and as the President of the EJC warned in 2017, anti-Semitism, racism and xenophobia is being normalized.⁴⁶⁰

A separate, specific ODIHR-sponsored study has shown a high level of underreporting of hate incidents targeting sub-Saharan Africans, Muslims and Ukrainians in Poland. Sub-Saharan Africans were found to be the most vulnerable to hate incidents, with underreporting explained as due to a number of reasons, including fear of victimization and mistrust towards the local police.⁴⁶¹

⁴⁵⁹ OSCE (2016), Poland, Report of the Personal Representative of the OSCE Chair-in-Office on Combating Anti-Semitism

⁴⁶⁰ <https://www.jpost.com/Diaspora/Antisemitism-in-Poland-being-normalized-European-Jewish-group-warns-503992>

⁴⁶¹ <http://hatecrime.osce.org/infocus/new-study-reveals-scale-underreporting-hate-incidents-poland>

Portugal

Realities

Andrew Srulevitch, the ADL's Director of European Affairs recalls during the last 11 years in the role that there have been anti-Semitic murders in France, Belgium and Denmark; Molotov cocktails thrown at synagogues in Germany and Sweden; Jews beaten on the streets most everywhere else in Europe; and multiple acts of vandalism of Jewish sites in the rest of Europe - except Portugal. In Portugal, "you can count vandalism incidents of the past years on one hand."⁴⁶²

There are many who claim that Portugal has never been racist, even during the colonialist era, and that there is no structural racism in Portugal, a view that is increasingly challenged.⁴⁶³ Even so, racist, homophobic or transphobic comments by politicians at least, are rare and publicly condemned. To reinforce commitment to banishing racism, in April 2017 the President made a statement recognising the injustices committed during the era of slavery.⁴⁶⁴

Some observers claim very few Roma and Black people have been victims of violence motivated by hatred. In November 2017, the authorities took action following violence possibly motivated by racism outside a Lisbon discotheque.⁴⁶⁵ Another time racist comments aimed at migrants and Blacks were made by a professor of the Economics Faculty of Porto, Pedro Cosme Vieira who suggested; "sinking all the boats carrying migrants in the Mediterranean and shooting any potential survivors"⁴⁶⁶

The situation of Roma children is particularly damning; 90% of them leave school early, often at the age of 10 to 12 years. Only 52% of Roma men and 18% of Roma women work, and 17% of Roma live without running water and 25% without a toilet or a bathroom in their dwelling.⁴⁶⁷

According to the 2015 Eurobarometer, 64% of the 1,005 people questioned in Portugal thought that discrimination on grounds of ethnic origin was widespread. 19% replied that they would feel uneasy about having a Roma as a work colleague, as would 18% with a transgender or transsexual colleague, 12% with a Muslim colleague, 9% with an LGB colleague and 8% with a Black, Jewish, Buddhist or Asian colleague. Only 18% thought that measures to combat discrimination were effective in Portugal.⁴⁶⁸

In the 2018 Eurobarometer 10% of Portuguese felt anti-Semitism was a problem in their country and a mere 4% think it had increased. Only 6% of people claim to have a Jewish

⁴⁶² ADL, <https://www.adl.org/blog/portugal-a-new-safe-haven-for-jews>

⁴⁶³ <https://rm.coe.int/fifth-report-on-portugal/16808de7da>

⁴⁶⁴ <https://rm.coe.int/fifth-report-on-portugal/16808de7da>

⁴⁶⁵ The Portugal News, <https://www.theportugalnews.com/news/government-closes-popular-lisbon-nightspot-after-shocking-footage-of-bouncer-violence/43812>

⁴⁶⁶ RTP News, https://www.rtp.pt/noticias/pais/expressao-meter-um-tiro-nos-ilegais-africanos-poe-professor-da-fep-na-mira-da-pgr_n826387

⁴⁶⁷ <https://rm.coe.int/fifth-report-on-portugal/16808de7da>

⁴⁶⁸ <https://rm.coe.int/fifth-report-on-portugal/16808de7da>

friend. This is reinforced by the fact 82% “consider that people in their country are not well informed about the history, customs and practices of Jewish people.”⁴⁶⁹

Portugal has a 21% anti-Semitic index score based on the ADL’s research. Almost half (49%) of respondents agreed with the statement that Jews spoke too much about the Holocaust and 43% thought Jews have too much power in financial markets. Portugal is one of the few European countries surveyed where both male and female respondents are equally likely to exhibit anti-Semitic sentiments, with only 1% separating the gender breakdown.⁴⁷⁰

Anti-Israel action is fairly prominent in public life. One notable example was the Portuguese National Theatre director and playwright Tiago Rodrigues cancelling his scheduled participation in the Jerusalem Festival 2018 and endorsing the anti-Israel boycott campaign, comparing Israel to apartheid South Africa.⁴⁷¹

The FRA confirmed that as of 2018 no official data on anti-Semitic incidents were reported.⁴⁷² In terms of hate crimes, 48 were recorded in 2017, up from 21 in 2014, the previous year on record. The motivations behind the crimes weren’t included in the reporting.⁴⁷³

There seems to be discordance between the Portuguese authorities’ ambitions and action when it comes to supporting the Roma community. In 2015 for instance, ECRI noted [when?] there were Roma settlements surrounded by walls such as the concrete wall of around 100 metres in length around the Pedreira district in Beja separating some 400 Roma from the rest of the city. The authorities provided no information about any developments concerning this particular wall and it was left to the Roma themselves to dismantle.⁴⁷⁴

Nationalist, far-right and neo-Nazi groups help to spread hate speech, particularly on the internet. The National Renovator Party may have obtained only 0.5% of the vote in the last parliamentary elections, but there are a number of small groups which actively disseminate hate speech and intimidation.

In November 2016, the police arrested 20 people for incitement to hatred, and also attempted murder and armed robbery, who were presumed to be members of the "Hammerskin" group, accused of proclaiming the superiority of the "white race" and wanting to expel all minorities from the country.⁴⁷⁵

In 2019 Portugal’s government approved nationality to 10,000 descendants of Sephardic Jews who were expelled from Portugal and Spain in the 15th century.⁴⁷⁶ In the same spirit of encouraging Jews to return, Portugal’s secretary of state for tourism, Ana Mendes Godinho, met with Jewish leaders in February 2018 in an effort to highlight the indispensable role of Portuguese Jews in her nation’s history and heritage. Many young French Jews have made

⁴⁶⁹ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁴⁷⁰ <https://global100.adl.org/#country/portugal/2014>

⁴⁷¹ <http://www.kantorcenter.tau.ac.il/sites/default/files/Antisemitism%20Worldwide%202018.pdf>

⁴⁷² https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-antisemitism-update-2007-2017_en.pdf

⁴⁷³ <http://hatecrime.osce.org/portugal?year=2017>

⁴⁷⁴ <https://rm.coe.int/interim-follow-up-conclusions-on-portugal-4th-monitoring-cycle/16808b59cf>

⁴⁷⁵ Reuters, <https://www.reuters.com/article/us-portugal-neonazis/portugal-anti-terror-police-arrest-20-neo-nazis-over-hate-crimes-idUSKBN1332F0>

⁴⁷⁶ Times of Israel, <https://www.timesofisrael.com/portugal-grants-citizenship-to-10000-descendants-of-sephardi-jews/>

the move, relishing “the virtual absence of anti-Semitic harassment that plagues their friends and families in France.”⁴⁷⁷

Legislative

In January 2017, Portugal became the 20th Council of Europe member State to ratify Protocol No. 12 to the European Convention on Human Rights (ECHR), which comprehensively prohibits discrimination. In addition, the authorities reinforced their legislation against hate crimes in August 2017 and passed a new anti-discrimination law with progressive rules governing the burden of proof. The High Commission for Migrations (ACM) has been assigned investigative powers, and the competences of the Commission for equality and against racial discrimination (CICDR) have been substantially extended.⁴⁷⁸

There are numerous serious accusations of racist violence committed by police officers. However, no authority has systematically gathered these accusations and investigated them effectively to ascertain whether or not they are true. This has led to fear and a lack of trust in the police, particularly among people of African origin. The indictment of police officers in July 2017 (see above re discotheque violence) suggests a serious issue of institutional racism within one police unit that is tolerated by their hierarchy.

Portugal’s Criminal Code makes it a criminal offense to incite acts of violence or defame or insult an individual or group on grounds including through the condoning, denial or trivialisation of crimes of genocide, war crimes or crimes against peace and humanity.

The Portuguese Association for Victim Support (APAV) provided assistance to 310 victims of discrimination, including through hate speech, between 2011 and 2015. In 2015, only 20.9% of victims reported the incidents to the authorities. The ACM and the Commission for citizenship and gender equality (CIG) confirmed that there are many cases of hate speech that were not reported to them. According to the FRA’s MIDIS II study, only a quarter of the respondents were aware of these institutions; only 5% of Roma victims and 9% of Black victims contacted an authority following discrimination.

The Portuguese Regulatory Entity for the Media (ERC) informed ECRI of a growing number of complaints via the internet regarding hate speech towards Roma and LGBT persons. The ERC takes action on complaints over hate speech and has received 21 such complaints since 2009.⁴⁷⁹

ECRI confirms in 2018 the Portuguese authorities have developed a detailed system of integration indicators and plan to generate more specific data on the situation of disadvantaged groups during the next census in 2021.⁴⁸⁰

Challenges

It is difficult to gauge the scale of hate speech on the internet and in other media. No systematic monitoring of the internet is carried out by civil society, the media, the media regulators or the police to detect hate speech, to have it taken down and to compile reliable statistics on this subject.

⁴⁷⁷ ADL, <https://www.adl.org/blog/portugal-a-new-safe-haven-for-jews>

⁴⁷⁸ <https://rm.coe.int/fifth-report-on-portugal/16808de7da>

⁴⁷⁹ <https://rm.coe.int/fifth-report-on-portugal/16808de7da>

⁴⁸⁰ <https://rm.coe.int/fifth-report-on-portugal/16808de7da>

Furthermore, the vast majority of those exposed to hate speech and discrimination are not aware of the legislation banning such acts nor of the authorities and websites to which they can complain.⁴⁸¹

As far back as 2013 the ECRI urged the Portuguese authorities to put in place a monitoring system enabling the collection of data, either by Government agencies or by recognised academic institutions, which may indicate whether particular groups may be disadvantaged or discriminated against on the basis of “race”, ethnicity, religion or membership of Roma or other vulnerable communities.

In response Portugal created the Observatory of Roma Communities which carried out a national study of Roma communities in Portugal, in which more than 24, 000 Roma persons were contacted in half of the Portuguese municipalities. The results were published in January 2015. The ECRI say this doesn’t go far enough and the other municipalities are yet to be surveyed.⁴⁸²

Despite protestations from the Portuguese Public Security Police on the ECRI’s references and recommendations from the previous report, in 2018 the ECRI still recommended the police services intensify dialogue and cooperation with the groups at risk from racism and intolerance and an increase in human rights training.⁴⁸³

⁴⁸¹ <https://rm.coe.int/fifth-report-on-portugal/16808de7da>

⁴⁸² <https://rm.coe.int/interim-follow-up-conclusions-on-portugal-4th-monitoring-cycle/16808b59cf>

⁴⁸³ <https://rm.coe.int/fifth-report-on-portugal/16808de7da>

Romania

Realities

The ADL in 2015 measured Romania's anti-Semitism index score at 47%, the second-highest in the EU and with a 18-35 score that ranked higher than older generations.

Concerning the younger generation, there was a noticeable difference in Romania compared to other European nations that younger people were more sympathetic to the ideas that Jews were responsible for wars, and that Jews' behaviour caused anti-Semitism. Usually, these numbers were seen to be decreasing in younger populations, and that if younger populations were found to be receptive to anti-Semitic ideas these would be more aligned to ideas over Jewish control in the financial world, but this is not the case in Romania.⁴⁸⁴

Similar to Lithuania, 22% of surveyed Romanians would seek to deny Jews the right to citizenship in their country.⁴⁸⁵

Data from 2015 and 2017, found that just 39% of Romanians would accept a Jewish person as a family member.⁴⁸⁶

In a trial of Israel's new anti-Semitism online tracking software, Bucharest was found to be the source of the third-most anti-Semitic social media posts in the world.⁴⁸⁷

The 2018 Eurobarometer states that at EU level, close to one in five respondents (19%) have friends or acquaintances who are Jewish – in Romania it was only 6%. Almost one third (29%) believe anti-Semitism has decreased in Romania during the last five years and only 20% thought physical attacks against Jews were an issue in the country.⁴⁸⁸

The Kantor Center report on anti-Semitism in 2017 summarized the present environment: "The most prominent antisemitic incident in 2017 was the desecration of the Jewish cemetery Giurgiului in Bucharest, where victims of the Holocaust and Jewish soldiers are buried, where dozens of graves were desecrated on the eve of Holocaust Remembrance Day on April 24.

The Jewish cemetery in Bucharest, where victims of the Holocaust and Jewish soldiers are buried, has already seen similar attacks.

According to the police, the perpetrators were young. The Jewish community and others responded harshly, and there were even hints that the police tried to minimize the incident by claiming that it was an act of vandalism by a small group of youngsters."⁴⁸⁹

⁴⁸⁴ <http://global100.adl.org/#country/romania/2015>

⁴⁸⁵ Pew Research Study (2018), Most Poles accept Jews as fellow citizens and neighbors, but a minority do not

⁴⁸⁶ BBC News <https://www.bbc.co.uk/news/world-europe-47865369>

⁴⁸⁷ Times of Israel (2018), Diaspora Ministry unveils system for tracking online anti-Semitism

<https://www.timesofisrael.com/diaspora-ministry-unveils-system-for-tracking-online-anti-semitism/>

⁴⁸⁸ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁴⁸⁹ Kantor Center (2018)

In a similar act of desecration, vandals badly damaged 73 gravestones in the north-eastern town of Husi in April 2019.⁴⁹⁰

Anti-Semitic crimes are not wholly recorded separately under hate crime statistics in Romania, however this is currently being implemented in time for 2018 hate crime reports.

For the time being, the General Prosecutor's Office indicated that 22 antisemitic incidents were registered by the Prosecutor's office and by the police in 2017, while 41 files with the anti-Semitism "attribute" were registered at courts' level in the same year.⁴⁹¹

In 2018, Holocaust survivors and Nobel laureate Elie Wiesel's childhood home was vandalized with slurs such as "Nazi Jew lying in hell with Hitler". Romanian President Klaus Iohannis said he wondered "what secret deals" President of the Chamber of Deputies Liviu Dragnea was "making with the Jews" during his visit to Israel in May 2018. The statement was denounced and cautioned against by various community leaders as well as elected officials, however the president refrained from a public apology.⁴⁹²

Romania has officially designated several Holocaust Memorial Days: 27 January - International Holocaust Memorial Day, 2 August - European Day of Commemorating the Holocaust of the Roma Population, and 9 October - deportation of Jews from Bucovina.

According to the Holocaust Remembrance Project, Romania has set down the gauntlet for other central European nations to follow with regard to engaging with the Holocaust. "Under the leadership of Romanian-born Holocaust survivor and Nobel Prize winner Elie Wiesel, the [Romanian] government commissioned an independent committee. It discovered and publicised the fact that at least 280,000 Romanian Jews along with other groups, were massacred in Romanian-run death camps [during World War II," the report says.⁴⁹³

Prior to this, a Holocaust memorial was inaugurated in Bucharest in 2008, although five years earlier the Romanian government denied responsibility for its part in the Holocaust, which sparked outrage among the international Jewish community.⁴⁹⁴

The Holocaust and the extermination and persecution of Roma and Sinti are studied at the secondary and upper secondary, and college and university level, and are also covered in textbooks.⁴⁹⁵

Legislative

The Law on Religious Freedom and the General Regime of Denominations entered into force in 2007 and an advisory Council of the Churches and Religious Denominations was set up in order to prevent conflicts between the different religions. Racist motivation is now an aggravating circumstance for all criminal offences provided under the Criminal Code and the

⁴⁹⁰ BBC News, <https://www.bbc.co.uk/news/world-europe-47865369>

⁴⁹¹ EUFRA (2018), Antisemitism - Overview of data available in the European Union 2007–2017

⁴⁹² The Jerusalem Post (2018), Romanian President Wonders What 'Secret Deals' Dragnea Made in Israel <https://www.jpost.com/International/Romanian-president-wonders-what-secret-deals-Dragnea-made-in-Israel-552891>

⁴⁹³ https://docs.wixstatic.com/ugd/c1aa54_d6fdacf05b6845a3a2cacbf80ed6720c.pdf

⁴⁹⁴ BBC News, <https://www.bbc.co.uk/news/world-europe-47865369>

⁴⁹⁵ <https://www.osce.org/odihr/hmd2018?download=true>

principle of the sharing of the burden of proof before the courts and the National Council for Combating Discrimination has now been introduced by law.⁴⁹⁶ However, the Romanian Criminal Code is still not entirely in line with ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. Gaps also remain with regard to civil and administrative law provisions, according to ECRI.⁴⁹⁷

Article 77 h) of the Romanian Criminal Code (CC) sets out a general aggravating circumstance for offences committed for reasons related to race, nationality, ethnicity, language, or for other reasons of the same type considered by the offender to imply the inferiority of an individual to other people.

The CC further contains a number of substantive hate crime offences: torture for a reason based on any form of discrimination (Article 282.1d of the CC), abuse in office of a public servant who, while exercising professional responsibilities, limits the exercise of a right of a person or creates for the latter a situation of inferiority on grounds of race, nationality, ethnic origin, language, religion (Article 297.2 of the CC), incitement to hatred or discrimination, using any means, against a category of individuals (Article 369 of the CC), preventing the freedom to practice religion or coercing a person to perform a religious act or an act forbidden by the religion to which he or she belongs (Article 381 of the CC), desecration of places or objects of worship (Article 382 of the CC).

Furthermore, Government Emergency Ordinance No. 31 of 13 March 2002 prohibits fascist, racist and xenophobic organisations and symbols, as well as organisations and symbols that promote the cult of personalities guilty of crimes against peace and humanity.

This ordinance sets out the following criminal offences: setting up of a fascist, racist or xenophobic organisation (Article 3); dissemination, sale or manufacturing of fascist, racist or xenophobic symbols, as well as public exhibition and possession with the intent of dissemination (Article 4); promoting the cult of personalities guilty of crimes against peace and humanity, as well as publicly promoting fascist, racist or xenophobic ideology through propaganda, by any means (Article 5); publicly disavowing or denying Holocaust or the effects thereof (Article 6).⁴⁹⁸

Regarding Roma, results have been achieved after measures taken in the fight against prejudice in health and education has brought results. Refugees now have specific rights, especially unaccompanied minors. However, the implementation of the National Roma Inclusion Strategy has been partial and unaccountable at the local level.

Romania has adopted the IHRA working definition of anti-Semitism.

The Romanian Chamber of Deputies has also adopted unanimously a bill introducing criminal sanctions for anti-Semitic acts, passed in record time.⁴⁹⁹

⁴⁹⁶ ECRI (2014), Report on Romania, Fourth Monitoring Cycle

⁴⁹⁷ ECRI (2019)

⁴⁹⁸ FRA (2018)

⁴⁹⁹ European Jewish Congress (2018), New Romanian Law on antisemitism adopted unanimously <https://eurojewcong.org/news/communities-news/romania/new-romanian-law-on-antisemitism-adopted-unanimously/>

Challenges

The Human Rights Committee of the United Nations recommended in 2017 that Romania: “Should enforce the prohibition of any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; take measures to promote tolerance and an environment inclusive of persons belonging to minorities, including with respect to their linguistic and cultural rights; and remove barriers to their exercise of religious freedom.”⁵⁰⁰

Anti-Semitic - and Holocaust deniers’ sites continued to operate through 2017, according to the Kantor Center, which reported that the judicial level does not adequately implement existing legislation against incitement and racism.⁵⁰¹

There is no single institution mandated with the systematic collection of racism and xenophobia data, and the fragmented information available indicates a weak application by the judiciary of the criminal law provisions against racism, according to the 2014 ECRI.⁵⁰² In general hate crime reporting from Romania is not streamlined. Romania regularly reports hate crime data to ODIHR, however in 2017 only one hate crime was recorded with the OSCE body.⁵⁰³

Despite the official picture, racist and intolerant hate speech in public discourse as well as on the internet is a widespread problem: the main targets are Roma, the Hungarian minority, LGBT persons and the Jewish community.

Attempts to educate the public about racism legislation have been limited,⁵⁰⁴ however there is training for certain professions around the subject.

Police have been implementing the project "Integrated action for combating hate crimes, particularly against Roma communities and ensuring a high-quality standard of police service", funded by the Norwegian Financial Mechanism.⁵⁰⁵ Nevertheless, quality of life for Romania’s Roma community is encapsulated best perhaps by the fact that in 2016, 79% of Roma lived in a residence without indoor plumbing, the highest figure for any European Roma community by some margin as found by the FRA.⁵⁰⁶

⁵⁰⁰ United Nations Human Rights Committee, *Concluding observations on the fifth periodic report of Romania*

⁵⁰¹ Kantor Center (2018)

⁵⁰² ECRI (2014),

⁵⁰³ OSCE (2018), <http://hatecrime.osce.org/romania>

⁵⁰⁴ ECRI (

⁵⁰⁵ OSCE (2018), <http://hatecrime.osce.org/romania>

⁵⁰⁶ EUFRA (2018), Fundamental Rights Report 2018, Chapter 5: Roma integration

Slovakia

Realities

Slovakia regularly reports police data and data on sentencing to ODIHR.

In 2017, 34 hate crimes (including speech) were reported by the authorities, including 11 incidents of racism and xenophobia, 19 against Roma and Sinti, three counts of Islamophobia and one anti-Semitic incident.

This total is a significant increase compared to previous years; 2016 saw ten total incidents.⁵⁰⁷

According to the Slovak National Centre for Human Rights, 10% of surveyed students between 11-19 years old held negative perceptions of Jews, with negative perceptions of Muslims indexed at over 40%.⁵⁰⁸

The 2018 Eurobarometer points out that only 20% of Slovak respondents view anti-Semitism as a problem compared with an EU average of 50%. Out of the statements put forward 'people denying the Holocaust' was most likely to occur in Slovakia – with 32% believing it to be a problem.⁵⁰⁹

All forms of anti-Semitism, such as hate speech on the internet, the vandalism of Jewish buildings, physical attacks against Jews, or threats towards Jewish people in public spaces, are considered a problem by more than 50 percent of Europeans. However, only between 20 - 30% of Slovaks share the opinion in mentioned cases.⁵¹⁰

The ruling SMER party, almost ten years in power often expresses its determination to fight against racism, xenophobia and anti-Semitism. However, the rise of the neo-Nazi People's Party, in conjunction with other nationalist and explicitly anti-migrant parties are of significant concern.

While direct anti-Semitic remarks are rare, Marian Kotleba's People's Party openly praises the war-time regime of Tiso and challenges the idea that Tiso's regime bore responsibility for the country's crimes against Jews during the Holocaust. Tiso's popularity is not restricted to the fringes, in 2018 he was nominated by the national broadcasting authority in a vote to acclaim Slovakia's greatest person.

The party is openly racist against Roma and calls for the banning of the entry of Muslims in the country.⁵¹¹ Entering Parliament for the first time in 2016, 23% of the first-time young voters voted for the People's Party.

Kotleba was charged with "promoting sympathy towards a movement aimed at suppressing fundamental rights and freedoms" earlier in 2018 after publicly handing cheques with the

⁵⁰⁷ OSCE (2018), <http://hatecrime.osce.org/slovakia>

⁵⁰⁸ SNCHR (2018), Report on the Observance of Human Rights 2017

⁵⁰⁹ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁵¹⁰ ibid

⁵¹¹ Kantor Center (2018)

figure 1488 on, the combination of two Nazi-associated numbers 14 and 88. Proceedings are still ongoing.

In contrast to right wing radicals, moderate leftist opponents of Israel are challenging the legitimacy of the Jewish state in a disguised and more sophisticated manner, specifically regarding Israel's right to self-defence.⁵¹²

Recent surveys indicate that up to 25% of Slovaks would support a dictatorship, and some 35% would support leaving the EU – these numbers seemed to grow during 2016.⁵¹³

21% of Roma reported in the EU-MIDIS II survey of experiencing discrimination in the workplace or in finding employment.

Slovakia officially commemorates the Holocaust on 9 September. Slovakia also holds other annually recurring activities to commemorate the Jewish victims of the Holocaust, including International Holocaust Remembrance Day on 27 January, and the Commemoration of the Victims of the First Transport from Slovakia to the Auschwitz concentration Camp on 25 March. On 2 August, the Commemoration of the Roma Holocaust is marked.

The Holocaust, the extermination and persecution of Roma and Sinti and crimes committed against other victim groups under National Socialism are studied at primary, secondary and upper secondary, and college and university levels. The topics are also covered in education textbooks.⁵¹⁴

The Conference on Combating Anti-Semitism in the OSCE Region was organized by Slovakia as 2019 OSCE Chair, which concluded on 7 February 2019 in Bratislava. The OSCE Chairperson-in-Office, Miroslav Lajčák, Minister for Foreign and European Affairs of the Slovak Republic, highlighted the worrying trend of anti-Semitism and intolerance across the OSCE region. He particularly stressed the need for action against hate speech.⁵¹⁵

Legislative

As of 2017, infringement proceedings are being pursued by the European Commission against Slovakia pertaining to systematic discrimination against the Roma community.

The 2014 ECRI noted that there has been a failure to implement the Roma integration programme due to a lack of will and because the various programmes remain under the responsibility of individual ministries.⁵¹⁶

The public denial, doubting or approval of the Holocaust, as well as other criminal offences committed on the basis of fascist or communist ideologies that encourage the suppression of fundamental rights and freedoms or violent ideologies, are now criminal offences.

⁵¹² The three faces of antisemitism in Slovakia (2012), <https://antisemitism.org.il/73642>

⁵¹³ The Slovak Spectator (2016), Quarter of Slovaks would welcome dictatorship, <https://spectator.sme.sk/c/20410906/quarter-of-slovaks-would-welcome-dictatorship.html>

⁵¹⁴ <https://www.osce.org/odihr/hmd2018?download=true>

⁵¹⁵ <https://www.osce.org/chairmanship/410973>

⁵¹⁶ <https://rm.coe.int/fifth-report-on-slovakia/16808b5c17>

A prosecutor in each judicial district and a special police department in each police district deal with extremism. 231 police officers specialised in minorities/Roma operate at the level of regional police departments.

However, there is no general provision that racist motivation constitutes an aggravating circumstance for all criminal offences. Citizenship and language are not included among the characteristics of potential victims of racist conduct and racial discrimination, which are punishable under the Criminal Code.

The Slovak Criminal Code (CC) provides for an aggravating circumstance leading to enhanced penalties of a large list of substantive offences when they are committed out of a “specific motivation”.

One of the circumstances that qualify as specific motivation is if the crime has been committed out of hatred against a certain group of persons or an individual because of their real or perceived affiliation to any race, nation, nationality, ethnic group, or because of their actual or perceived origin, colour or religion (Section 140e of the CC).

The list of substantive offences sanctioned with enhanced penalties when committed out of a specific motivation includes, among others, murder, bodily harm, trafficking in human beings, threat, violence against a group of citizens or against an individual, deprivation of personal freedom, kidnapping, robbery, extortion, restricting the freedom of worship, breach of mailing secrets, rape and sexual violence and abuse, theft, abuse of power by a public official, false accusation, and false testimony and perjury.

In addition, Section 421 of the CC criminalises establishing, supporting or making propaganda for a group of persons or movement or ideology which aim at suppressing fundamental rights and freedoms or advocate racial, ethnic, national or religious hatred or hatred against another group or person, or promoting a group, movement or ideology which in the past was directed at suppressing fundamental rights and freedoms.

This provision is complemented by Section 422 of the CC and Sections 422a-c of the CC, banning public manifestations of support of these groups or movements or ideology as well as the manufacturing, dissemination and possession of extremist materials.

Section 423 of the CC sets out the criminal offence of publicly defaming any nation, its language, any racial or ethnic group, or any person or group of persons on grounds of their real or perceived affiliation to any race, nation, nationality, skin colour, ethnic group, political conviction, religion or lack thereof. Section 424 of the CC sets out the criminal offence of publicly inciting to violence or hatred against a group of persons or an individual because of their real or perceived affiliation to any race, nation, nationality, skin colour, ethnic group, sexual orientation, political conviction, family origin, religion or lack thereof.

Challenges

Linked to the issues surrounding government actions regarding Roma, the FRA has reported significant problems in their integration in education and employment.⁵¹⁷

⁵¹⁷ EUFRA, Fundamental Rights Report 2018, Chapter 5: Roma integration

The Slovak National Centre for Human Rights, which is UN accredited, monitors and evaluates human rights and gathers and upon request provides information on racism, xenophobia and anti-Semitism in the Slovak Republic. However, it has yet to reform itself in line with ECRI recommendations due to its under-performance.

The ODIHR reported that Slovakia could benefit from encouraging victims to report hate crimes and could consider increasing co-operation with civil society in that respect.⁵¹⁸

The Committee for the Elimination of Racial Discrimination recommended in 2013 that Slovakia: “Identify individuals or groups who incite racial hatred against minorities and foreigners, investigate and apply appropriate sanctions for hate speech by politicians, governmental officials or media professionals.”⁵¹⁹

⁵¹⁸ OSCE (2018), <http://hatecrime.osce.org/slovakia>

⁵¹⁹ Committee on the Elimination of Racial Discrimination, *Concluding observations on the ninth to the tenth periodic reports of Slovakia*

Slovenia

Realities

According to the ADL's anti-Semitic global index, 27% of Slovenians harbour anti-Semitic attitudes. With over a third of this figure coming from the 50+ age group. Dissecting the specific statements further and over half, (51%) of all surveyed thought Jews more loyal to Israel than the country they live in, while almost half (48%) think Jews talk too much about the Holocaust.⁵²⁰

After pressure from the BDS movement, Slovenia's biggest supermarket chain, Mercator took Israeli products off its shelves in 2016. The Slovenian government holds shares in the chain. This was quickly reversed with the Slovenian authorities confirming "there is no boycott of Israeli products in Slovenia."⁵²¹

Jewish community representatives reported some prejudice, ignorance, and false stereotypes of Jews propagated within society. However, there were no reports of anti-Semitic violence or overt discrimination. Vice Chair of the Jewish Community of Slovenia Igor Vojtic said; "There is a new anti-Semitism prevailing in Slovenia, one that is in fact covert because of historical experience, so it is manifested through hatred to Israel."⁵²²

Out of those polled for the EU Barometer Survey in 2019, 62% felt anti-Semitism had stayed at the same levels over the last five years. Almost half (48%) of people in Slovenia did not know there is a law criminalising incitement to violence or hatred against Jewish people in their country.⁵²³

In 2018 the World Jewish Restitution Organization (WJRO) and Ministry of Justice launched a project to establish the scope of Jewish heirless properties seized by the Nazis or their collaborators.⁵²⁴

The authorities informed the 2017 ECRI that the new National Programme of Measures for Roma for the period after 2015 is now being drafted and will include measures to improve the living conditions of the Roma community, particularly to ensure access to safe drinking water and sanitation facilities.⁵²⁵

Legislative

The police, the Prosecution Service, independent institutions and NGOs collect statistical information on hate speech. In practice, most data gathering on hate speech is carried out by civil society and academia with the financial support of the authorities.

The Protection against Discrimination Act (PADA) is designed to ensure protection against racism and racial discrimination in all fields of everyday life and provides for the

⁵²⁰ <https://global100.adl.org/#country/slovenia/2014>

⁵²¹ Times of Israel, <https://www.timesofisrael.com/bds-fruitless-as-slovenian-supermarket-brings-back-israeli-produce/>

⁵²² Total Slovenia News, <https://www.total-slovenia-news.com/lifestyle/1098-slovenian-jewish-community-looks-back-at-those-who-moved-to-israel-and-warns-of-rising-antisemitism-feature>

⁵²³ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁵²⁴ United States Department of State, <https://www.state.gov/wp-content/uploads/2019/05/SLOVENIA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

⁵²⁵ <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/16808b78bb>

establishment of an equality body, the Advocate of the Principle of Equality (the Advocate), which is in accordance with the standards recommended by ECRI.

Under the PADA, hate speech is now defined in greater detail and there is a public anonymous reporting system which since 2009 has collected data on hate speech cases.⁵²⁶

The project *spletno-oko.si* (Web Eye hotline), a public anonymous reporting system of hate speech cases and other illegal content spread via the internet, has recorded for the period 2007-2017 16,685 reports of hate speech, 541 of which were transferred to the police for possible prosecution. In 2017, the institution processed 6818 complaints of discrimination, the majority of which were related to Roma and based on ethnicity or nationality grounds.⁵²⁷

Article 297 of the Criminal Code contains a general prohibition of incitement to hatred, violence or intolerance, including the denial, trivialisation or advocating of genocide, the Holocaust, crimes against humanity and war crimes.

The law mandates Holocaust education in schools. A booklet published by the Ministry of Foreign Affairs is used as part of the Holocaust education curriculum to create awareness of the history of Jews and anti-Semitism in Europe before World War II and of the atrocities committed during the Holocaust.⁵²⁸

The Slovenian Government is planning further measures to sanction milder forms of hostile activities and the spreading of intolerance which do not qualify as criminal offences under the Criminal Code.⁵²⁹

Challenges

The Slovenian police did not record any anti-Semitic incidents with elements of an offence or a crime in 2017, 2016 or 2015. As of 2017 there was no official data available on anti-Semitic crimes. There are calls to sharpen the tools for data collection.⁵³⁰

Hate speech is rarely prosecuted in Slovenia due to an interpretation of the law by the prosecution authorities based on which cases almost never meet the conditions for the imposition of criminal responsibilities.⁵³¹

ECRI cautions that other than a general prohibition set out in Article 297 (3) (leadership of a group committing violence against people or damage to property) of the Criminal Code, there is still no specific provision against groups promoting racism.

⁵²⁶ <https://rm.coe.int/fifth-report-on-slovenia/168094cb00>

⁵²⁷ <https://rm.coe.int/fifth-report-on-slovenia/168094cb00>

⁵²⁸ United States Department of State, <https://www.state.gov/wp-content/uploads/2019/05/SLOVENIA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

⁵²⁹ <https://rm.coe.int/government-comments-on-the-fifth-report-on-slovenia/168094cb03>

⁵³⁰ FRA, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-antisemitism-update-2007-2017_en.pdf

⁵³¹ <https://rm.coe.int/fifth-report-on-slovenia/168094cb00>

Spain

Realities

In general, Spanish authorities mobilise against racism and xenophobia.

According to the 2018 ECRI monitoring report, “Hate speech is not common in the Spanish mainstream political discourse and far-right groups and parties do not have significant impact.

In 2011, the Council of Ministers adopted an anti-racism strategy and the Council for the Promotion of Equal Treatment (CERED) issued a recommendation for avoiding hate speech in election campaigns.

The authorities recently presented plans to combat bullying and violence in schools and in 2013 a new commission was set up to keep racist content out of audio-visual media.” Spain was commended for its action on migrant integration and work with the Roma community.

Unfortunately, combatting anti-Semitism in Spain is hindered by governmental funding which is transferred to non-governmental organizations active in political campaigns against Israel, some of which are linked to terrorist organizations, promoting anti-Semitism, incite violence, and organising the BDS movement.⁵³² Despite this, the EJC has entered into an agreement with the Spanish Ministry of Education, Culture and Sport in order to train teachers in Spain to combat anti-Semitism and other forms of intolerance in the classroom, as well as promoting Shoah education, Jewish history and a balanced study of the Middle East.⁵³³

The Eurobarometer study highlights that 86% of Spaniards consider that people in their country are not well informed about the history, customs and practices of Jewish people.⁵³⁴

In terms of the most serious anti-Semitic harassment incidents in the past five years, Spain has one of the lowest reporting rates out of the all the countries surveyed in the FRA 2018 report – with only 13% saying they would. When asked why, almost half (48 %) of the respondents who did not report the most serious incident to the police answered that nothing would have changed had they done so.⁵³⁵

Spain was revealed in 2015 as having a 29% anti-Semitism index score as measured by the ADL. This figure matches the study’s 2014 figure, and shows overall that the oldest cohort of society holds the most anti-Semitic opinions.⁵³⁶

⁵³² Kantor Center (2018)

⁵³³ <https://eurojewcong.org/ejc-in-action/statements/dr-moshe-kantor-welcomes-landmark-agreement-eradication-antisemitism-spain/>

⁵³⁴ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁵³⁵ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

⁵³⁶ ADL (2015), <http://global100.adl.org/#country/spain/2015>

An increase in the visibility of anti-Semitic elements in Spain on 2017 included neo-Nazi site Daily Stormer beginning to publish articles in Spanish, and extreme right-wing and neo-Nazi groups took part in demonstrations against Catalan independence.

The latest FRA survey on perceptions of anti-Semitism revealed the vast majority of the respondents in Spain (85 %) consider anti-Semitism in the media to be ‘a very big’ or ‘a fairly big’ problem in the country.⁵³⁷

Catalonian groups also broadly identify with Palestinian causes, and the left in Spain, and particularly in Catalonia, are widely open supporters of BDS. Following Valencia’s vote to boycott Israel in June 2018, the leader of Spain’s far-left, and third-largest party called Israel an “illegal country” during an interview aired by a public television broadcaster.⁵³⁸ Direct delegitimization of the Jewish people’s right to self-determination is a common theme among Spanish and European leftist anti-Semitic ideology.

A large proportion (68%) of respondents in Spain to the FRA survey regularly face the statement “Israelis behave ‘like Nazis’ towards the Palestinians” and that over half say they are blamed for the Israeli government’s actions. At least 70 % indicate that the Arab-Israeli conflict has had a notable impact on their feelings of safety as Jews.⁵³⁹

Interestingly, according to the Eurobarometer, respondents are split (44% to 44%) on whether conflicts in the Middle East influence the way Jewish people are perceived by people in their country.⁵⁴⁰

In line with a general trend which sees far-left and far-right ideologies converge in shared antipathy to Jews, in 2013 the speakers of the leftist AGE party and the nationalist BNG party in the parliament of Galicia vetoed a draft resolution commemorating the victims of the Holocaust, saying they viewed Holocaust commemoration as part of Israeli propaganda.⁵⁴¹

Anti-Semitism from influential figures continued as well, with Ramiro Grau, former senior Spanish prosecutor, claiming it could not be ruled out that the Legal Advisor to the Spanish government, Jose Manuel Maza, was murdered in Argentina by “Israel or the Jewish community”.⁵⁴²

In a move towards reconciliation with the past, Spain has made moves to open up citizenship applications for the descendants of Jews who were expelled in the Inquisition. That measure has been extended for an additional year to allow more Jews to begin the process.⁵⁴³

⁵³⁷ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

⁵³⁸ <https://eurojewcong.org/news/communities-news/spain/spains-third-largest-city-votes-boycott-israel/>

⁵³⁹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

⁵⁴⁰ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/specia/surveyky/2220>

⁵⁴¹ <https://www.timesofisrael.com/spanish-parties-call-holocaust-remembrance-propaganda/>

⁵⁴² Israeli Ministry for Diaspora Affairs (2018)

⁵⁴³ <https://eurojewcong.org/news/communities-news/spain/spain-extends-citizenship-law-sephardic-jews/>

The Spanish cabinet established January 27 as the nation's official Holocaust Remembrance Day in 2004. The day has been marked with presidential and ministerial speeches annually since January 2006. The King was present for the first time in 2015, delivering a strong condemnation of Nazism and anti-Semitism.⁵⁴⁴

18% of Roma reported in the EU-MIDIS II survey of experiencing discrimination in the workplace or in finding employment.

Legislative

According to the FRA study on hate crime legislation in Spain, “Article 22.4 of the Spanish Criminal Code (CC) sets out a general aggravating circumstance applicable to any crime committed for racist or anti-Semitic motives or another kind of discrimination concerning ideology, religion or beliefs of the victim, ethnicity, race or nation of belonging.

With regard to the offence of the disclosure of personal data, Article 197.5 of the CC provides for a specific aggravating circumstance when the data disclosed concern the ideology, religion, beliefs or racial origin of a person.

The CC also includes a number of substantive offences pertaining to hate crime: threats liable to inflict fear on an ethnic, cultural or religious group (Article 170.1 of the CC); crime against moral integrity (Article 173 of the CC); torture for reasons related to any discrimination ground (Article 174.1 of the CC); severe discrimination in employment (Article 314 of the CC); discriminatory denial of public services or of professional or business services to which someone is entitled (Articles 511 and 512 of the CC); public direct or indirect incitement to hatred, hostility, discrimination or violence for racist, anti-Semitic or other reasons regarding ideology, religion or beliefs, belonging of its members to an ethnicity, race or nation, national origin (Article 510.1a); production, distribution or sale of materials to that effect (Article 510.1b); public denial, gross trivialisation or apology of crimes of genocide, crimes against humanity and war crimes (Article 510.1c); humiliation, contempt or discredit of any of the groups mentioned, or part of it, or any person because of his/her belonging to a specific group, resulting in the violation of the dignity of persons (Article 510.2a of the CC); public apology or justification of crimes committed against any of the mentioned groups, a part of them or a person because of their belonging to this group (Article 510.2b of the CC); illegal association, which includes those promoting or directly or indirectly inciting to hate, hostility, discrimination or violence against persons, groups or associations due to the cited grounds (Article 515.4 of the CC); crimes against religious feelings (Articles 522-526 of the CC).

The Law 19/2007 against Violence, Racism, Xenophobia and Intolerance in Sports includes some hate related administrative offences, such as insulting or showing banners, symbols or other signs with insulting or intimidating messages against any person on grounds of his or her racial, ethnic, geographic or social origin, religion or harassing anyone on these grounds. The data about these administrative offences are included in the general hate crime data collection by the Ministry of Interior.⁵⁴⁵

Regarding BDS, the Regional Court in Seville issued an injunction against La Roda de Andalucía's municipality, ordering it to stop any process of boycott or of joining the BDS

⁵⁴⁴ <https://www.jpost.com/Diaspora/King-of-Spain-attends-Holocaust-Day-at-Spanish-Senate-389246>

⁵⁴⁵ FRA (2018)

movement,⁵⁴⁶ as part of a wave of defeats for BDS in Spain across a dozen court cases. Similarly, legal proceedings will be brought against organisers of a concert who banned a Jewish artist from attending, “imposing unconstitutional restrictions on the freedom to hold personal beliefs and opinions.” However, more than 65 municipalities and public authorities have joined the boycott campaign to date.

Challenges

In its fifth report on Spain in 2018 ECRI recommended that Spanish law enforcement authorities further improve the system for recording and monitoring hate crime.⁵⁴⁷

No data on hate crimes or anti-Semitism in Spain was available for 2017 at the time of this report’s compilation, however, 17 incidents were recorded by the Observatory of Anti-Semitism in Spain.⁵⁴⁸

Overall, 1,272 hate crimes were reported in 2016 by the Spanish authorities to the ODIHR, however this figure includes racism and xenophobia, and there is no disaggregation in order to study racism and xenophobia, along with anti-Semitism.⁵⁴⁹

The Movement Against Intolerance (Movimiento contra la Intolerancia), an organization responsible for the records of all incidents, stated that in fact, only 10% of the total number of actual attacks are registered.

The organization estimates that total hate-crimes could be between 4,000 and 6,000.⁵⁵⁰ Spain’s collection of hate crime statistics was similarly criticized by the ECRI report in 2018.⁵⁵¹

Spain’s Roma community are at an increased risk of poverty compared to recent years, and many have substandard housing conditions, according to the 2018 FRA report.⁵⁵²

Despite other commendations of the authority’s actions regarding the Roma community, there is still widespread discrimination found against Roma and Muslims.⁵⁵³

⁵⁴⁶ Israeli Ministry for Diaspora Affairs (2018)

⁵⁴⁷ <https://rm.coe.int/fifth-report-on-spain/16808b56c9>

⁵⁴⁸ FRA (2018), Antisemitism - Overview of data available in the European Union 2007–2017

⁵⁴⁹ OSCE (2018), <http://hatecrime.osce.org/spain>

⁵⁵⁰ <https://antisemitism.org.il/128917>

⁵⁵¹ ECRI (2018)

⁵⁵² FRA (2018), Fundamental Rights Report, Chapter 5: Roma Integration

⁵⁵³ ECRI (2018)

Sweden

Realities

Hate crimes in general appear to be on the rise in Sweden with data from 2016 highlighting 4862 cases recorded by police which included 122 with an anti-Semitic motive.⁵⁵⁴ This increased to 197 incidents in 2017.⁵⁵⁵

The ADL 2014 study for Sweden found that 4% of the adult population harboured anti-Semitic attitudes.⁵⁵⁶

Among the anti-Semitic statements held to be 'probably true' by respondents, the most prominent was the notion that Jews are more loyal to Israel than the country they live in, with 27% of respondents agreeing.

In an EU-wide survey co-ordinated by the European Commission, a vast majority (81%) of Swedish respondents think that anti-Semitism is a problem in Sweden, while 79% think people denying the Holocaust is a noticeable problem and 63% believe that "anti-Semitism in political life" is also an issue. The survey surmises that respondents in Sweden and France are generally the most likely to consider that the nine manifestations of anti-Semitism tested are a problem in their countries.⁵⁵⁷

According to the 2018 FRA report on experiences and perceptions of anti-Semitism across 12 EU member states, over 80% of Swedish respondents saw anti-Semitism as 'a very big' or 'a fairly big problem' and indicated they felt anti-Semitism has increased in the last five years. There is a 22% increase in this perception of anti-Semitism in Sweden when comparing the findings of the 2012 and 2018 FRA surveys. There is a similar perception of increased intolerance towards Muslims.⁵⁵⁸

On average, over one third of all respondents (39%) to the FRA survey experienced some form of anti-Semitic harassment in the five years prior, with the figure in Sweden placed at 30%.

According to the FRA's Young Jewish European survey, 16-34 year olds are most likely to experience an anti-Semitic incident perpetrated by someone with a Muslim extremist view (31%) or by a work/college colleague or group of teenagers (both at 24%). Swedish young Jews provided 7.5% of the respondents to the Young Jewish European survey, the largest of all the countries polled with a Jewish population of less than 30,000, indicating an engaged and mobilised group of young Jews.⁵⁵⁹

⁵⁵⁴ <http://hatecrime.osce.org/sweden?year=2016>

⁵⁵⁵ <https://www.iccl.ie/wp-content/uploads/2018/04/Life-Cycle-of-a-Hate-Crime-Country-Report-for-Sweden-English.pdf>

⁵⁵⁶ ADL, <https://global100.adl.org/#country/sweden/2014>

⁵⁵⁷ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/special/search/antisemitism/surveyKy/2220>

⁵⁵⁸ FRA https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

⁵⁵⁹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-young-jewish-europeans_en.pdf

In December 2017, when US President Donald Trump recognized Jerusalem as the capital of Israel, demonstrations broke out in Malmö. In Gothenburg, the city's synagogue was also attacked with firebombs.

An increase in North African and Middle East immigration shepherds the blame for the growing sense of trepidation in the small Jewish communities. The Jews of Malmö, a community of about 1,500 in a city of 300,000, are living through "a new form of anti-Semitism."⁵⁶⁰ Commentators imply this is part of a larger, countrywide problem of failed integration.

Animosity towards Israel is a primary cause of anti-Semitic rhetoric in Sweden. In 2017, a pro-Palestinian demonstration in Helsingborg was transformed into a platform for anti-Semitism; the latest in the line of anti-Semitic expressions within the Palestinian movement as articulated by Bassem Nasr (MP), a member of the Malmö City Council.⁵⁶¹

A Kantor Center study from 2013 showed that 51 percent of anti-Semitic incidents in Sweden were attributed to Muslim extremists.⁵⁶²

The Swedish Living History Forum, founded in 1998 (to promote efforts for democracy, tolerance, and human rights, with the Holocaust as its starting point) and now Sweden's leading institution for Holocaust commemoration, organized seminars in 1998 and 2001 on Fundamental Values and the Holocaust, which were attended by 3,500 teachers.

General elections were held in Sweden in late 2018 to elect the 349 members of the Riksdag. The incumbent minority government, consisting of the Social Democrats and the Greens and supported by the Left Party, won 144 seats, one seat more than the four-party Alliance coalition. Sweden's governing Social Democrats pledged to ban religious schools in an effort to combat segregation, as it outlines its education policy. However, Sweden's single Jewish school doesn't expect to be affected by any proposed ban.⁵⁶³

In 2019 the Swedish Prime Minister announced the Government will hold an international conference against anti-Semitism conference in Malmö on 26–27 October 2020. The aim of the conference is to counter and combat antisemitism, and pass on the memory of the Holocaust.⁵⁶⁴

Legislative

Swedish law does not specifically mention hate crimes, and only provides the possibility of restricting the freedom to provide information society services in cases where it is necessary to protect "public order and safety."⁵⁶⁵

Sweden's criminal law contains a general penalty-enhancement provision. Sweden includes defamation, hate speech and discrimination crimes in its data. Hate crime data

⁵⁶⁰ Tablet, <https://www.tabletmag.com/jewish-news-and-politics/96146/swedens-damn-jew-problem>

⁵⁶¹ Sydsvenskan, <https://www.sydsvenskan.se/2017-08-17/palestinarelsen-bor-en-gang-for-alla-gora-en-storstadning-och-vadra-ut-antisemitismen>

⁵⁶² <http://www.kantorcenter.tau.ac.il/>

⁵⁶³ <https://eurojewcong.org/news/communities-news/sweden/swedens-social-democrats-pledge-ban-religious-schools/>

⁵⁶⁴ <https://www.government.se/press-releases/2019/05/malmo-to-host-conference-on-combating-antisemitism-and-remembrance-of-the-holocaust/>

⁵⁶⁵ <http://www.kantorcenter.tau.ac.il/sites/default/files/13.%20Sweden.pdf>

are collected by the National Council for Crime Prevention and are based on information from the police and the prosecution authority.⁵⁶⁶

The Swedish Government devoted special funding in 2012, and in 2014, to increasing the safety and reducing the vulnerability of the Jewish minority, who were the object of anti-Semitic hate crimes and harassment.

The Swedish educational system is under the auspices of local authorities. The National Agency for Education has prescribed an explicit reference to the Holocaust within the history curriculum.

Sweden supplements what is officially taught within the curriculum about the Holocaust with optional or extra-curricular activities in order to deal with the Holocaust in greater depth. Although strictly formulated curricula are no longer prescribed therefore teachers have the flexibility to decide on how much time to devote to Holocaust teaching. Although these curricula adhere to nationally and locally formulated goals, they are characterized more by diversity than uniformity.⁵⁶⁷

Although Swedish criminal provisions do not include an explicit prohibition of racist organizations, they do prohibit racist activities, including activities of racist organizations.⁵⁶⁸

Challenges

The Swedish secret services are the only organization in the country that conducts separate registration of incidents described as actions committed with an anti-Semitic background.

In 2018, the Jewish Community of Umea in northern Sweden dissolved itself mainly over threats by neo-Nazis, but also in connection with harassment by radical Muslims. In unerring symmetry, Malmo's Jewish community has declined amid frequent threats and attacks, mostly by Muslims, from 1,200 several years ago to an estimated 800 or fewer members today. Anti-Semitic intimidation and violence in Sweden has become gradually more visible. Two teenagers attempted to set fire to the synagogue in Malmo in 2018 with the community installing bulletproof glass in the synagogue's library to shield itself from other potential attacks.⁵⁶⁹ There are fears it will disappear entirely unless the requisite funding provision for security measures, needed as a consequence of uncurbed anti-Semitism, be allocated as a start.⁵⁷⁰

Sweden's ECRI country report highlights the challenges of unreported crime, which is also backed up by the 2019 ODIHR report on underreporting in a number of minority communities across multiple EU countries.

⁵⁶⁶ <http://hatecrime.osce.org/sweden?year=2016>

⁵⁶⁷ <https://www.osce.org/odihr/15228?download=true>

⁵⁶⁸ <https://rm.coe.int/government-comments-on-the-fifth-report-on-sweden/16808b5c64>

⁵⁶⁹ <https://time.com/longform/anti-semitism-in-europe/>

⁵⁷⁰ <https://www.jta.org/quick-reads/security-concerns-may-end-malmo-jewish-community-by-2029>

United Kingdom

Realities

The United Kingdom is undergoing two significant political challenges which are directly linked to the fight against racism, xenophobia and anti-Semitism.

The Brexit campaign gave way to a storm of racial and xenophobic abuse, often targeting Muslims and Eastern Europeans.

The second challenge is the Labour party's existential struggle with itself over widespread anti-Semitism in the grassroots and upper echelons, with leader Jeremy Corbyn branded an anti-Semite by one of his own MPs, as well as Jewish community leaders.

Corbyn has had a long career on the fringes of British politics, and his past actions and associations are slowly being brought to light – many of which consist of associating with, praising, funding, and defending anti-Semites, including Holocaust deniers, in addition to holding stridently anti-Zionist double standards himself - which cross the line into anti-Semitism according to the IHRA definition which his party has adopted but seemingly not enforced.

Corbyn's supporters are in the midst of attempting to rid the party of opponents, and have been accused of making the party a hostile environment for Jews who do not completely reject Zionism and reflexively defend Labour members accused of anti-Semitism.

Even with thousands of cases of Labour anti-Semitism compiled by groups such as Campaign Against anti-Semitism, supporters online and in the media will accuse Jewish groups of politicizing anti-Semitism in order to attack Corbyn, and that anti-Semitism is either a smear, a fringe problem, or "mood music".

In July 2019 Corbyn's cage was rattled again – by a Panorama investigation and a letter to the Guardian from members of the House of Lords.

Former Labour Party employees spoke out publicly on the BBC's flagship investigative documentary programme, Panorama, to reveal Jeremy Corbyn's personal meddling in disciplinary cases relating to anti-Semitism. During the programme, one staffer after another described how Corbyn's agents gradually increased their interference in the disciplinary process. According to the former staffers' testimony and e-mails shown to Panorama, Corbyn's team and his ally, General Secretary Jennie Formby, intervened to reduce the punishment for anti-Semites, and even to try to alter the composition of a disciplinary panel of the Party's National Constitutional Committee.

One staffer described how a member of staff in Corbyn's office said that there was a "Jewish conspiracy" against Ken Livingstone, after Mr Livingstone said that Hitler was "supporting Zionism". Another official said that a new leader of the disciplinary team installed by allies of Corbyn claimed that there was no problem with an image shared by a Labour member from a far-right website depicting an alien parasite emblazoned with a Star of David smothering the Statue of Liberty.⁵⁷¹

⁵⁷¹ <https://antisemitism.uk/jeremy-corbyns-meddling-in-disciplinary-cases-is-further-evidence-of-his-antisemitism-and-that-he-is-unfit-for-office/>

Following Labour's response to the Panorama programme, more than 60 party members in Lords took out an advert in the Guardian attacking the Labour leader over anti-Semitism accusing him of having "failed the test of leadership" over his handling of anti-Semitism complaints within the party. Representing about a third of Labour's members in the House of Lords, the signatories told Corbyn the party was "no longer a safe place for all members" and claimed that thousands have resigned their membership "because of the toxic culture you have allowed to divide our movement".⁵⁷²

Even after the party ratified the IHRA working definition of anti-Semitism in 2018, there is an ongoing pattern of readmitting anti-Semites to the party, promoting anti-Semitism deniers to influential positions, and refusing to engage with the Jewish community in preference to promoting the voices of fringe far-left Jewish groups which only represent a small fragment of the UK's Jewish community.

The party is now under investigation by the Equality and Human Rights Commission (EHRC) due to having "unlawfully discriminated against, harassed or victimised people because they are Jewish." The only other party to have been investigated in this manner is the far-right British National Party, whose former leader Nick Griffin is a repeated supporter of Corbyn for raising anti-Semitism in British politics.

Boris Johnson was chosen in July 2019 by the Conservative Party to be the next party leader and therefore Prime Minister of the UK. Johnson is said by commentators to be an ally of the Jewish community – as Mayor of London he had 'excellent relations...with the Board of Deputies, the Community Security Trust and the London Jewish Forum.'⁵⁷³ At a time of fervent anti-Semitic discourse, facing the threat of Jeremy Corbyn, Boris is said to represent the best hope for Europe's second largest Jewish community.

In 2017, 95,552 hate crimes were recorded under the categories of racism, xenophobia, anti-Semitism and Islamophobia in England and Wales, with Scottish and Northern Irish data not undergoing the same disaggregation procedures currently.

The Police and several civil society organizations involved in monitoring hate incidents (including Community Security Trust (CST) and Tell MAMA) are on a regular basis exchanging data about the recorded incidents.

This data sharing is governed by the Information Sharing Agreements signed between the Police and each of the civil society organizations. In this way, England and Wales, and the UK as a whole, are in good standing with OSCE regulations and standards.⁵⁷⁴

According to the CST, a record 892 anti-Semitic incidents were recorded between January and June 2019, a 10 percent increase over the same period last year, and contributes to the overall increasing trend in the country over the past few years.

The CST also publishes data and descriptions of recorded incidents.

⁵⁷² Guardian, <https://www.theguardian.com/politics/2019/jul/16/tom-watson-backs-labour-motion-auto-exclude-racism>

⁵⁷³ Jewish Chronicle, <https://www.thejc.com/news/news-features/empty-gestures-or-will-boris-be-good-for-the-jews-1.486614>

⁵⁷⁴ OSCE (2018), <http://hatecrime.osce.org/united-kingdom>

The main shift is the number of incidents of antisemitic abuse on social media, which jumped by 46 percent to 323 cases and now makes up 36 percent of the total. Physical violence and targeting of synagogues have also been present.

6 antisemitic incidents in the first half of 2019 took place at schools or involved Jewish schoolchildren or teaching staff, with over 100 incidents targeting other Jewish institutions.

In 2017's CST report detailing the described perpetrators of anti-Semitism, 30% of cases identified a background profile for the perpetrator, with over 50% of those incidents perpetrated by a White-North European. Arab or North Africans constituted only 7% of recorded offenses with a background profile.⁵⁷⁵

Overall, the CST| believes that "it is likely that there is significant under-reporting of antisemitic incidents to both CST and the Police, and that the number of anti-Semitic incidents that took place is significantly higher than the number recorded."

A 2013 survey of Jewish experiences and perceptions of anti-Semitism in the EU found that 72 per cent of British Jews who had experienced antisemitic harassment over the previous five years had not reported it to the Police or to any other organisation;

57 per cent of British Jews who had experienced anti-Semitic violence, or the threat of violence had not reported it; and 46 per cent of British Jews who had suffered anti-Semitic vandalism to their home or car had not reported it (despite this, UK reporting rates were the highest of the eight countries polled)."⁵⁷⁶

In the latest FRA survey describing perceptions of anti-Semitism, 75% think anti-Semitism is a "very big" or "fairly big" problem. In 2012, less than half (48%) thought it was. This is the largest such perception increase in the countries covered by both surveys. Crucially, it is clear that most British Jews are now relatively concerned about anti-Semitism.

Almost one in three (29%) British Jews have considered emigrating due to safety concerns, 11% up on 2012. One in four (25%) suffered anti-Semitic harassment in the last year, nearly the lowest of any country. About one in three (34%) suffered such harassment in the last five years, the lowest of any country. However, when breaking it down further by age category, 45% of 16-34 year olds in the EU said they had been a victim of an anti-Semitic incident in the 12 months prior to the survey. The UK made up 26.5% of this young Jewish cohort, making this analysis even more poignant, according to the FRA's Young Jewish European Survey, an adjunct to the main report.⁵⁷⁷

Where respondents identified a political motive for the perpetrator of anti-Semitism they experienced, twice as many reported the perpetrator as "left-wing" (25%) or "Muslim extremist" (22%), than "right-wing" (11%).

Almost one in four British Jews (24%) had witnessed anti-Semitism in the last year. Almost one in five (18%) had a family member suffer anti-Semitism. These figures are similar to 2012 and are on, or very close to, the European average.

⁵⁷⁵ Ibid

⁵⁷⁶ Kantor Center (2018)

⁵⁷⁷ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-young-jewish-europeans_en.pdf

Six in ten (60%) sometimes avoid displaying or wearing Jewish items, similar to 2012. The younger age category (16-34) is the most likely to avoid openly wearing recognisable Jewish items, with 9% saying they avoid it all the time. With almost a third of European respondents in this group coming from the UK, it should act as a warning sign to the environment they reside in.⁵⁷⁸

When asked where anti-Semitism is manifest, over four-fifths (84%) of British Jews included “political life” as an answer, the highest of all countries surveyed. In 2012, only about one-third (34%) had said this, the second lowest of all countries surveyed. The major uplift could be equated to the growth in Labour Party anti-Semitism and of the leadership’s failure to take it seriously.⁵⁷⁹

According to the Eurobarometer 62% of UK respondents viewed anti-Semitism as a problem, 44% think it has increased over the last five years and 56% believe that “anti-Semitism in political life” is a problem in their country.⁵⁸⁰

Anti-Semitism attitudes in the UK were measured in 2015 by the ADL, which found that 12% of the population self-aligned with a majority of anti-Semitic statements.

While the relative percentage is low compared to most other European countries, there is a significant difference when comparing the attitudes of the Muslim population, which was polled at 56% having anti-Semitic views.⁵⁸¹

The United Kingdom commemorates Holocaust Memorial Day on January 27th with official participation of government and opposition leaders as well as civil society groups.

Legislative

The UK has ratified the IHRA definition of anti-Semitism, and is described by the 2016 ECRI monitoring report to have “generally strong legislation against racism and racial discrimination.... A new policy 2020 Vision has been developed to improve opportunity for people from ‘Black and minority ethnic’ communities.”

According to the FRA review of the United Kingdom’s legislative standards, “The national hate crime laws consist of substantive offences and general penalty-enhancement provisions.

Section 145 of the Criminal Justice Act imposes a duty upon courts to increase the sentence for any offence committed that either involves the demonstration of hostility based on the victim’s membership (or presumed membership) of a group defined by reference to race, colour, nationality (including citizenship), ethnic or national origin, religious belief or lack thereof, or is wholly or partly motivated by hostility towards the victim on these grounds.

For cases where the hostility is directed towards a characteristic not covered by Section 145, the courts may consider the targeted nature of the crime when calculating the seriousness of the offence under Section 143 of the Criminal Justice Act 2003. The Sentencing Guidelines

⁵⁷⁸ *ibid*

⁵⁷⁹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

⁵⁸⁰ <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2220>

⁵⁸¹ ADL (2015), <http://global100.adl.org/#country/united-kingdom/2015>

Council specifically includes the motivation by hostility towards a minority group, or a member or members of it among the 'factors indicating higher culpability' when calculating the seriousness of an offence.

Sections 29-32 of the Crime and Disorder Act identify a number of offences which, if motivated by hostility or where the offender demonstrates hostility, can be treated as racially or religiously aggravated and lead to enhanced penalties: assaults (Section 29), criminal damage (Section 30), public order offences (Section 31) and harassment (Section 32). In this sense, the term 'racially aggravated' includes race, colour, nationality (including citizenship) and ethnic or national origin characteristics, while the term "religiously aggravated" refers to both religious belief and lack thereof.

Parts III and 3A of the Public Order Act make it a criminal offence to stir up hatred on the grounds of colour, race, nationality (including citizenship), ethnic or national origins, religious beliefs or lack thereof or sexual orientation.

Section 3 of the Football Offences Act makes it an offence to engage or take part in chanting of an indecent or racist nature at a designated football match. According to this act, the term "of a racist nature" means consisting of, or including, matter which is threatening, abusive or insulting to a person by reason of their colour, race, nationality (including citizenship), ethnic or national origins."

Challenges

According to the UNESCO study on Holocaust education, Scotland is one of very few EU countries without the top standard (direct reference) in their education syllabus, and in Northern Ireland the Holocaust is only directly studied in History A-Level exams for 17-18-year olds,⁵⁸² a subject which a minority of students take at that level. Contrastingly, English and Welsh syllabi contain robust Holocaust education, providing a potential model for revisions in Scotland and Northern Ireland.

In Northern Ireland, there is still no equality act covering all equality grounds, and in the UK in general the specific incitement to hatred provisions are almost never applied. The significant difference between hate crime recorded by the police and offences referred for prosecution indicate that a large amount of hate crime goes unpunished, and there is no data available on the application of enhanced sentencing and the racially-motivated aspects of cases are often filtered out or dropped through the process of accepting guilty pleas.⁵⁸³

The ECRI report in 2016 also found that "there continues to be considerable intolerant political discourse focusing on immigration and contributing to an increase in xenophobic sentiments. Muslims are portrayed in a negative light by certain politicians and as a result of some policies. Their alleged lack of integration and opposition to 'fundamental British values' is a common theme adding to a climate of mistrust and fear of Muslims."⁵⁸⁴

Anti-Semitism is a significant problem in the Labour party, and despite some moves to reconcile, the current status is one where progress can only begin when sincere

⁵⁸² <http://unesdoc.unesco.org/images/0022/002287/228776e.pdf>

⁵⁸³ ECRI (2016)

⁵⁸⁴ Ibid

accountability is taken to come to terms with the anti-Semitic rhetoric and ideological positions taken by Jeremy Corbyn and his leadership team.