EUROPEAN COMMISSION

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International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism – A practical tool for recognising, monitoring and countering antisemitism

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Honourable Chair **Ms. Marouda**
Members of the European Commission against Racism and Intolerance,

Fighting antisemitism is a priority for the European Commission. The President of the Commission, in her recent State of the Union speech, pointed out that it is a responsibility for authorities and society at large to fight it.

And you can't fight it, if you can't define it.

I will present the approach of the European Commission towards the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism.

I would like to thank Katrin Meyer and Robert Williams for presenting the IHRA position and the genesis of this non-legally binding working definition and Prof. Klug for his critique and historical background. We agree that academic research on this topic is essential and we have been working closely with academia on addressing antisemitism. At the same time, we are acutely aware that antisemitism, is not an academic discipline for Jewish Europeans, but rather a **question of daily choices and decisions**. It is about whether to send one's children to a Jewish school behind security checkpoints or to a public school where the chance of harassment has significantly increased, it is about wearing kippa or the star of David necklace in public or not. It is about the question whether in case of an antisemitic incident, the state, the police and wider society will side with the victim or not.

Beyond the daily experiences, antisemitism is increasingly turning into violence. Jews are being killed in today's Europe for being Jewish. It is not only the terrorist threat like in the cases of Hyper-cacher or the Halle synagogue, but antisemitic hate crime like the murder of Mireille Knoll and Sarah Halimi or the attack against the head of the Jewish community in Graz most recently.

The trials show that antisemitism is not just another form of hatred – it is a worldview. A model to explain what is presumably going wrong in society or individual lives. The road from this worldview to hate crime is short. Identifying and acknowledging all forms of antisemitism is thus not l'art pour l'art – it can save lives.

There are **three challenges** to an effective policy against antisemitism where the IHRA definition is a key tool in overcoming them.

1. Improving reporting and recording of antisemitic acts
2. Recognition of the Jewish perspective by state authorities and general population
3. Unmasking also coded expressions of antisemitism.

1. **Improving reporting and recording of antisemitic acts by using the IHRA definition as a bias indicator**

Policy-making should be based on evidence that includes data recording of hate crime and incidents.

In 2019 **over 4.000 antisemitic hate crimes** across the EU where directed against the Jewish community. That makes over 10 hate crimes per day against a group of only 1,5 million members, so 0,015% of the European population. Among racist hate crimes, antisemitism ranks at the top, in relative and absolute terms, e.g. in France 47% of racist hate crimes are antisemitic.

We only see and record the tip of the iceberg. Almost 80% of Jewish victims of antisemitism do not report even the most severe incident. Current statistics on antisemitism capture only **every fifth incident**. The EU's Fundamental Rights Agency latest antisemitism overview reveals that still **large gaps in collecting data remain**.

Some EU Member States do not collect **any official data** at all and existing data are generally not comparable across EU Member States. This is because they use different methods to collect the data and draw data from different sources. Even if countries record hate crimes, it is almost impossible to disaggregate the data regarding the perpetrator. Some countries categorize all incidents where the perpetrator is unknown as right-wing extremists, some place Israel-related antisemitism automatically into the category of political acts.

Uncovering the bias motivation behind a crime or incident, is essential to improve data collection of hate crime and incidents. We are encouraged by the action of some Member States which decided that hate crimes with a suspected bias motivation, such as an antisemitic bias, will not be closed without investigation. In this regard, we see one central value of the working definition of antisemitism in particular its illustrative examples. It helps us to discover a possible bias before, during or after an incident to correctly record it and support the victim.

The IHRA definition is a bias indicator, not a law and it does not change the law. Not all of the examples are illegal, but all of them are seen as antisemitic by Jewish communities and impact Jewish life in Europe. Hate crime statistics can only be an approximation for antisemitism. We must establish that antisemitic incident, even below the threshold of a crime, have severe impacts on the daily lives of Jewish Europeans and create a hostile atmosphere that Jews questions their future in Europe.

Jewish demographics speak a clear voice. When Jews have turned their back on Europe, it's never been good for Europe. Recognising the perspective of the affected community is key. If we want to know how sexism manifest itself in daily lives we include the perspective of women. If we want to know how racism manifest itself, we ask people of colour.

2. Recognition of the Jewish perspective by state authorities and general population

The EU can draw from the largest ever data set on the experience of European Jews with antisemitism covering 12 countries, home to 95% of European Jews. Nine in 10 (89 %) consider that antisemitism has increased in their country. However only half of the general population think that antisemitism is a problem in their country. It reveals a widening gulf between public perceptions of antisemitism and those of the Jewish community.

The definition is a **bridge between general population and Jewish communities**. For this reason its adoption and application is a powerful signal to Jewish communities that their perspective is taken into account.

The IHRA definition is often accused of silencing critics of Israel.

Let me point out that the IHRA definition clearly states, "criticism of the State of Israel similar to that levelled against any other country cannot be considered antisemitic". Criticizing the politics and policies of the Israeli government cannot be considered antisemitic, and the IHRA definition has not changed the European Union's position concerning Israeli government policies. It is essential to recognise that, as racism and antisemitism is generally ostracised in mainstream society, antisemitism appears in coded language and hides also behind anti-Zionism. Rather than referring to "Jews having too much power", an antisemitic remark might refer to "Zios", "Zionists" or "Israelis" having too much power.

The wording changes, but the prejudice remains the same.

Blurring the line between criticism of the government of Israel and antisemitism can have concrete consequences: In 2015, a German court ruled that Molotov cocktails thrown by three young Palestinians against the synagogue of Wuppertal is a crime, however, not an antisemitic one as it was an expression of the political views of the perpetrators, stated by the court.

Would we allow a justification to the situation in Myanmar if a Buddhist temple was attacked? What is the link of the Wuppertal Jewish community to the Middle East conflict?

54% of Europeans admit that they see the Jewish community in their country through the lens of the Middle East conflict, in some countries up to 85%. Antisemitic conspiracy myths such as "The Zionist-occupied government" or "the great replacement theory" operate completely without mentioning the word Jew or Judaism. Antisemitism has adapted its language to the 21st century.

The **Fundamental Rights Agency survey on antisemitism** shows that examples of the definition overlap with the view of the majority of Jewish Europeans. According to the respondents, **Israel-related antisemitism is the most common form they encounter** (81% "Israel behaves like Nazis", 74% "world would be a better place without Israel"). This is followed by conspiracies about Jewish dominance and control (76% "Jews have too much power"), racial antisemitism (59% "interest of Jews differ from the rest"). It is for that reason that an alteration of the definition document, including its examples, is being seen by Jewish communities as dismissing part of their experience.

Using the IHRA definition as a bias indicator and guiding our response is fully compatible with the victim-centred approach applied to any other form of discrimination or hatred. This victim-centred approach is crucial also with regards to other groups.

In 2017, the European Parliament adopted a definition on anti-Roma hatred. The Commission hosted a workshop in December 2019 with the aim to create a platform for discussion on a working definition of anti-Muslim hatred. We are looking forward to receive further feedback from within the Muslim community on it. You can't fight it if you can't define it!

The IHRA definition as a useful tool for state authorities and civil society alike

Following adoption of the antisemitism definition by the International Holocaust Remembrance Alliance, the **European Commission endorsed it in 2017** as a useful tool and made it the basis for its work on all forms of antisemitism.

The definition also builds the foundation for our internal training efforts for staff of the European Union and for the funding of projects to tackle antisemitism. In 2017, the European Parliament adopted the definition with a two thirds majority. In 2018, Member States adopted a Declaration by unanimity. Its 17 actions sets-out the most comprehensive framework on responding to antisemitism ever adopted. It calls on Member States "that have not done so yet to endorse" the definition "as a useful guidance tool in education and training, including for law enforcement authorities in their efforts to identify and investigate antisemitic attacks more efficiently and effectively".

Overall, **18 EU Member States have adopted the definition in the last three years.** Also several non-EU Council of Europe member such as Moldova, North Macedonia and Serbia and outside Europe Canada, the US, Israel, Argentina and Uruguay have adopted it. We are pleased that the report of the UN special rapporteur on freedom of religion and belief has recommended the use of the IHRA definition also to the UN.

Education on antisemitism must build on the IHRA definition. Several universities in Germany, Austria and the UK have adopted the definition to make Jews feel again safe and welcome on campus.

It is also a useful tool for civil society and other minorities: last year the Islamic Religious Authority in Austria adopted the definition in an attempt to build coalitions with Jewish communities.

The biggest umbrella of European youth organisation, the European Youth Forum, adopted the definition and recommended it to its over 100 member organisations. Cities like Vienna, Munich, Berlin adopted resolutions on antisemitism based on the IHRA definition.

Thanks to the German Presidency of the EU, the push for a coherent approach, including the use of the IHRA definition, is at the top of our agenda. We expect that all EU Member States currently working on national strategies on antisemitism include the definition in their plans.

3. Unmasking coded expressions of antisemitism while preserving freedom of speech

Freedom of expression is a value for which Europe and other regions of the world have fought hard. It needs to be cherished and defended.

Freedom of expressions is a right enshrined in the EU Charter of Fundamental Rights and guided by the case-law of the European Court for Human Rights that stipulates that freedom of expression is also protected for speech that "disturbs, shocks or offends the state or a sector of the population". If Member States attempted to limit this right, as guardians of the treaties, the European Commission would have to take action against these countries.

The limits to freedom of expression are set by European law, namely speech **inciting to hatred or violence** against individuals and groups based on certain characteristics. **The IHRA definition has not changed this. It is a tool, not a law.** In fact the IHRA definition itself states, "Antisemitic acts are criminal when they are so defined by law" and European legislation and its transposition in national legislation is the only legal basis.

The IHRA definition is a training tool for state authorities, law enforcement agencies, such as state prosecutors, police, judges, as well as teachers, but also NGOs, sport clubs, the media, the general public to know what the majority of Jewish Europeans regard as antisemitic.

To support EU Member States in the use the IHRA definition, the Commission together with IHRA is currently developing a manual on best-practice examples for using the definition. In several countries law enforcement agencies and police academies already work with the IHRA definition to train police and law enforcement possible bias-indicators for antisemitic crimes.

Ladies and Gentlemen,

Antisemitism is a structural problem deeply engrained in Europe's history. Our success will be measured by the trust of the community in the state when they are under pressure. The IHRA definition on antisemitism is a first step to better recognise, record and report antisemitism and to mobilize state actors as well as general society to stand up against it.

I look forward to the debate!

Thank you!