

This is the contribution of the EU institutions, to the questionnaire of the UN Special Rapporteur on Freedom of Religion or Belief, ahead of his new report on antisemitism.

As several of the measures specified in the questionnaire, are rather competences of EU Member States, the EU contribution highlights a few general initiatives taken over the last years by the European Commission and the EU Agency for Fundamental Rights.

The submission is structured in two sections:

I. Measures/Policy Initiatives

II. Studies/Data collection

I. Measures/Policy Initiatives

March 2019: Working Group on Antisemitism

Based on the principles of the Declaration and on the results of the survey, in January 2019 Vera Jourova, the European Commissioner for Justice and Consumers announced the creation of a working group on the “Implementation of Council Declaration on antisemitism” as part of the high-level Member States Expert Group on Racism and Xenophobia. The working group will have 4 meetings covering the following topics:

- Security of Jewish premises;
- Education;
- IHRA working definition of antisemitism and data collection;
- Adoption of national strategies to fight antisemitism;

Coordinated by the European Commission, the working group will facilitate the exchange of the best practices and allow for monitoring progress in a systematic way between EU Member States, international organisations and Jewish community representatives. The aim of the working group is to deliver a positive change on the ground as to the experience and perception of antisemitism by the Jewish community.

To that end, the working group shall support Member States to adopt national strategies to combat antisemitism within the wider context of their strategies against racism and xenophobia.

November 2018: EU as Permanent International Partner to the International Holocaust Remembrance Alliance

On 29 November 2018, The European Union acquired permanent international partner status with the International Holocaust Remembrance Alliance (IHRA). The participation of the EU to this international body will allow for closer cooperation on combating Holocaust denial and preventing racism, xenophobia and antisemitism. The EU is represented in IHRA by the European Commission through the Office of the European Coordinator on Combating Antisemitism.

On 6 December 2018, the Council adopted the Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe. The Declaration invites the Member States to adopt and implement a holistic strategy to prevent and fight all forms of antisemitism as part of their strategies on preventing racism, xenophobia, radicalisation and violent extremism.

January 2017: IHRA working definition on antisemitism

In January 2017, Commissioner Vera Jourova endorsed the IHRA working definition as a basis for work of the Commission on countering antisemitism. The definition outlines the wide variety of ways in which antisemitism is expressed today: from traditional racist ideology, to conspiracy theories, left, right and centre, to antisemitism coming from within the Muslim community or hiding behind anti-Zionism. The FRA survey confirms that these examples are congruent with what the vast majority of respondents see as antisemitic.

June 2017: European Parliament resolution on combatting antisemitism

In the context of the rising number of antisemitic incidents, the European Parliament adopted the Resolution on combating antisemitism on 1 June 2017. The reports of the Organisation for Security and Cooperation in Europe and the EU Agency on Fundamental Rights had a major contribution to the adoption of this resolution.

Besides welcoming the appointment of the Commission Coordinator on Combating Antisemitism, the resolution calls on the member states to appoint national coordinators on combating antisemitism. Similarly, the Resolution calls on the member states to “take all necessary steps to actively contribute to ensuring the security of their Jewish citizens and Jewish religious, educational and cultural premises, in close consultation and dialogue with Jewish communities, civil society organisations, and anti-discrimination NGO’s”¹.

Additionally, it appeals to the member states, Union institutions and agencies to adopt and apply the working definition of antisemitism employed by the IHRA as it is necessary in supporting the national authorities in identifying and prosecuting antisemitic attacks more efficiently and effectively. Holocaust Remembrance is an essential aspect of the Resolution it encourages the member states to support and promote the teaching about the Holocaust in schools and to ensure that “teachers are adequately trained for this task and equipped to address diversity in the classroom”². Review of the school textbooks is a significant part of the education on Holocaust, while they should present the Jewish life in a comprehensive and balanced way, while they contribute to avoid any form of antisemitism.

May 2016: Code of Conduct to remove illegal hate speech online

On 31 May Facebook, the European Commission together with Twitter, YouTube and Microsoft unveiled an EU code of conduct to tackle online hate speech within 24 hours in Europe.

“As part of the pledge agreed with the European Commission, the companies will review the majority of valid requests for removal of illegal hate speech in less than 24 hours and remove or disable access to the content if necessary. They will also strengthen their cooperation with civil society organizations who help flag hateful content when it goes online and promote “counter-narratives” to hate speech”.

“Illegal Hate speech is defined in EU law (1) as the public incitement to violence or hatred on the basis of certain characteristics, including race, colour, religion, descent and national or ethnic origin. While the Framework Decision on combatting racism and xenophobia covers only racist and xenophobic speech, the majority of Member States have extended their national laws to other grounds such as sexual orientation, gender identity and disability”.

December 2015: Appointment of European Commission Coordinator on Combatting Antisemitism

On 17 March 2015, the European Council adopted the Paris Declaration on Promoting Citizenship and the Common Values of Freedom, Tolerance and Non-Discrimination Through Education. The Declaration was a reaction to the terrorist attacks earlier in 2015 in Denmark and France. It also calls

¹ http://www.europarl.europa.eu/doceo/document/TA-8-2017-0243_EN.html?redirect

² http://www.europarl.europa.eu/doceo/document/TA-8-2017-0243_EN.html?redirect

for renewed efforts to reinforce the teaching and acceptance of the common fundamental values and laying the foundations for more inclusive societies through education - starting from an early age.

Following rising antisemitism and fear among Jewish communities in Europe, First-Vice President Timmermans and Commissioner for Justice Jourova appointed in December 2015 a coordinator in charge of fighting antisemitism. The key task is to bring to the attention of the First Vice-President and the Commissioner the specific concerns of the communities. The coordinator acts as contact points for these communities and relevant organisations while contributing to the development of the European Commission's overarching strategy to prevent and combat racism, intolerance and discrimination. The coordinator liaises with the Member States, the European Parliament, other institutions, relevant civil society organisations and academia with a view to strengthening policy responses designed to address antisemitism and anti-Muslim hatred.

II. Studies/Data Collection

The European Union Agency for Fundamental Rights (FRA) and the European Commission have produced several reports that are relevant to the consultation as whole, as outlined below.

January 2019: [Special Eurobarometer 484 on the Perceptions of Antisemitism in Europe](#)

In January 2019, the Special Eurobarometer 484 on the Perceptions of Antisemitism in Europe was published. The survey presents a snapshot of the way Europeans perceive antisemitism. One of the most striking findings from the Eurobarometer is that perceptions among Europeans on antisemitism are very divided. Every other European considers antisemitism as a problem in their country. However, likewise 4 in 10 Europeans consider it not to be an issue in their country.

We see that typically those with Jewish friends and acquaintances are more likely to be aware of the issues, as well as those who belong to a minority themselves. Half of Europeans consider that antisemitism has stayed the same or decreased over the past five years. Only slightly over a third perceive an increase. The share of answers “don’t know” outweigh that of answers “decreased”.

Only 3% of Europeans feel ‘very well informed’ about Jewish history, customs and practices. 68% say they are ‘not informed’. The majority of Europeans (61%) are aware of national legislation criminalising incitement to violence or hatred against Jewish people. Holocaust denial is perceived as being a problem in their country by half of Europeans (53%). On average, only 4 in 10 Europeans think the Holocaust is sufficiently taught in schools.

On average 54% of respondents say they see the Jewish people in their country through the glasses of the Middle East conflict.

December 2018: [Experiences and perceptions of antisemitism - Second survey on discrimination and hate crime against Jews in the EU.](#)

This report presents the main findings of FRA’s second survey on Jewish people’s experiences and perceptions of hate crime, discrimination and antisemitism. It analyses data from the responses of 16,395 self-identified Jewish people (aged 16 or over) in **12 EU Member States – Austria, Belgium, Denmark, France, Germany, Hungary, Italy, the Netherlands, Poland, Spain, Sweden** and the **United Kingdom**. These Member States are home to over 96 % of the EU’s estimated Jewish

population. The survey – the biggest survey of Jewish people ever conducted worldwide – was open to individuals aged 16 years and over who consider themselves Jewish – based on religion, culture, upbringing, ethnicity, parentage or any other reason – and who, at the time of the survey, were living in one of the survey countries.

The survey asked respondents about their opinions on trends in antisemitism, antisemitism as a problem in everyday life, personal experiences of antisemitic incidents, witnessing antisemitic incidents and worries about becoming a victim of an antisemitic attack. The survey provides data on the extent to which respondents consider antisemitic acts against the Jewish community – such as vandalism of Jewish sites or antisemitic messages in the broadcast media or on the internet – to be a problem in the countries.

The survey collected data on the effects of antisemitism on respondents' daily behaviour and their feelings of safety, and about any actions they take due to security fears. The questions about personal experiences of specific forms of harassment or physical violence were followed up with questions concerning the details of such incidents, including their frequency, the number and characteristics of perpetrators, and the reporting of the incident to any organisation or institution. The survey collected data about personal experiences of feeling discriminated against on different grounds and in various areas of everyday life – for example, at work, school, or when using specific services. The survey followed up on respondents' discrimination experiences with questions concerning the reporting of incidents and the reasons for non-reporting. The survey also explored the level of rights awareness regarding antidiscrimination legislation, victim support organisations and knowledge of any legislation concerning the trivialisation or denial of the Holocaust.

The key findings of the report are as follows:

- Antisemitism pervades everyday life: antisemitism pervades the public sphere, reproducing and engraining negative stereotypes about Jews. Some Member States responded by appointing coordinators on combating antisemitism, while others adopted or endorsed a non-legally binding, working definition of antisemitism agreed on in May 2016 by the International Holocaust Remembrance Alliance (IHRA) and welcomed by the European Commission as a useful initiative aiming to prevent and combat antisemitism.
- Pervasive antisemitism undermines Jews' feelings of safety and security: Many Jews across the EU cannot live a life free of worry for their own safety and that of their family members and other individuals to whom they are close. This is due to a risk of becoming targets of antisemitic harassment and attacks.
- Antisemitic harassment is so common that it becomes normalised: People face so much antisemitic abuse that some of the incidents they experience appear trivial to them. The normalisation of antisemitism is also evidenced by the wide range of perpetrators, which spans the entire social and political spectrum.
- Antisemitic discrimination in key areas of life remains invisible: The very low reporting rate for antisemitic discrimination, combined with the apparent normalisation of incidents, prevent the true extent of antisemitic discrimination from coming to the attention of relevant authorities, equality bodies or community organisations.

November 2018: [Antisemitism - Overview of data available in the European Union 2007–2017](#).

Antisemitic incidents and hate crime violate fundamental rights, including the right to human dignity, the right to equality of treatment and the freedom of thought, conscience and religion. Antisemitism can be expressed in the form of verbal and physical attacks, threats, harassment, discrimination and unequal treatment, property damage and graffiti or other forms of speech or text, including on the internet. The present report provides an overview of data on antisemitism as

recorded by international organisations and by official and unofficial sources **in the 28 EU Member States**, based on their own definitions and categorisations of antisemitism.

Official data' are understood here as those collected by law enforcement agencies, other authorities that are part of criminal justice systems and relevant state ministries at the national level. 'Unofficial data' refers to data collected by civil society organisations.

This annual overview provides an update of the most recent figures on antisemitic incidents, covering the period 1 January 2007–31 December 2017, across the EU Member States, where data are available. In addition, it includes a section that presents evidence from international organisations.

No official data on reported antisemitic incidents in 2017 were available for five Member States by the time this report was compiled in September 2018. This is the 14th edition of FRA and FRA's predecessor, the European Monitoring Centre on Racism and Xenophobia, report on the data on manifestations of antisemitism in the EU. The next update will be released in November 2019.

As already indicated in FRA's 2017 overview on data on antisemitism, evidence collected by FRA consistently shows that few EU Member States record antisemitic incidents in a way that allows them to collect adequate official data. This is true despite the serious negative consequences of antisemitism for Jewish populations in particular, as a FRA survey showed,² as well as for society at large.

The inadequate recording of hate crime incidents, including those of antisemitic nature, coupled with victims' hesitance to report incidents to the authorities, contributes to the gross under-reporting of the extent, nature and characteristics of the antisemitic incidents that occur in the EU. It also limits the ability of policymakers and other relevant stakeholders at national and international levels to take measures and implement courses of action to combat antisemitism effectively and decisively, and to assess the effectiveness of existing policies. Incidents that are not reported are not investigated or prosecuted, allowing offenders to think that they can carry out such attacks with relative impunity. Victims who do not report their experiences to authorities may also not receive relevant information about assistance that might be available to them.

The data that do exist are generally not comparable, not least because they are collected using different methodologies and from different sources across EU Member States. Furthermore, although official data collection systems are generally based on police records and/or criminal justice data, authorities do not always categorise incidents motivated by antisemitism under that heading.

The phenomenon of antisemitism remains a concern that needs to be tackled through concerted efforts by government and civil society at all levels. To tackle antisemitism effectively, relevant stakeholders need to be able to rely on robust data on antisemitic incidents to enable the more efficient targeting of interventions. This report shows that there are large gaps in data collection on antisemitism in the EU, and that Member States collect different types of data. This prevents the meaningful comparison of officially collected data between Member States, and increases the relevance of, and need for, surveys on perceptions and experiences of antisemitism among self-identified Jews, such as those conducted by FRA.

Another issue of concern is that, in many EU Member States, the number of officially recorded incidents is so low that it is difficult to assess the long-term trends. Low numbers of recorded incidents should not, however, be taken as an indication that antisemitism is not an issue of concern in these EU Member States.

Likewise, it cannot be assumed that antisemitism is necessarily more of a problem in Member States where the highest numbers of incidents are recorded than in those where relatively few incidents are recorded. In addition to the size of the Jewish population in any given Member State, a number of other factors affect how many incidents are recorded, including the willingness and ability of victims and witnesses to report such incidents, and to trust that the authorities can deal with such incidents accordingly. Not only do victims and witnesses need to be encouraged to report antisemitic incidents, but the authorities need to have systems in place that enable the recording of such incidents.

If data on the characteristics of incidents, victims and perpetrators are missing, policy responses can often only be very general. More comprehensive and accurate data on the victims of antisemitic incidents, but also on perpetrators would allow interventions to be targeted at those who hold antisemitic views or have undertaken antisemitic acts.

June 2018: [Hate crime recording and data collection practice across the EU.](#)

Across the European Union, people face hatred because of their skin colour, ethnicity, religion, gender or sexuality. In response, the EU and its Member States have introduced laws against hate crime and support services for victims. But these will only fulfil their potential if victims report hate-motivated harassment and violence to the police, and if police officers record such incidents as hate crimes.

This report provides rich and detailed information on hate crime recording and data collection systems in the **28 EU Member States**, including any systemic cooperation with civil society. The report is also directly relevant to hate crime motivated by antisemitism. The information presented in this report brings together and builds upon work in the field carried out by the EU, its Member States and FRA, as well as by intergovernmental organisations. This includes:

- outcomes of the Subgroup on methodologies for recording and collecting data on hate crime;
- outcomes of the Working party on improving reporting and recording of hate crime in the EU, established by FRA in response to Council Conclusions on combating hate crime in the EU;
- findings of country monitoring work done by the United Nations and the Council of Europe;
- technical assistance programmes designed and implemented by the Office for Democratic Institutions and Human Rights (ODIHR)

Laws against hate crime are in place, imposing increased penalties for bias motivation, and diverse services are available for victims. But are these measures enough? There are two major catches. Only a fraction of victims report hate-motivated harassment and violence to the police. Moreover, even when they do, police officers do not always flag them as hate crimes. Some may not recognise certain incidents as stemming from prejudice. Others may simply lack the necessary practical tools, such as incident reporting forms, that allow racist motivation to be noted – or the inclination to provide information not always deemed obligatory. This means these hate crimes remain unidentified or unrecorded – and thus un-investigated, unprosecuted, uncounted and, ultimately, invisible.

Statistics and other information for each EU Member State are needed to provide a more complete and accurate picture of the situation on the ground. This can be aided by a growing awareness among legislators, policymakers and law enforcement agencies that improving the recording of hate

crime, as well as collecting robust and reliable data on the phenomenon, is essential if they are to meet obligations and commitments they have made towards combating prejudice and fostering inclusive societies. This includes acknowledging that active cooperation between law enforcement agencies and civil society organisations in the field can lead to better support for victims of hate crime.

It is important to keep in mind that any hate crime recording and data collection system is only as good as the information it receives. With FRA surveys consistently highlighting high levels of underreporting, it is no surprise that annual official figures at the national level do not reflect the actual prevalence of hate crime.

The proper recording of hate crime by law enforcement authorities can lead to a better understanding of the nature and prevalence of the phenomenon, and of its impact on victims and their communities. This, in turn, can assist the authorities in developing and monitoring policies and measures they put in place to combat prejudice and to offer support to victims of hate crime. The present report therefore provides:

- a description of how EU Member States apply key guiding principles on improving the recording of hate crime by law enforcement authorities, identified by practitioners in the framework of the Subgroup on methodologies for recording and collecting data on hate crime;
- a source of information to assist law enforcement agencies in the EU in their efforts to improve how they record hate crime and related data collection systems;
- a resource providing contextual information to the EU and intergovernmental organisations, which they can use in preparing capacity-building activities to prevent and counter hate crime.

EU Member States take different approaches to recording and publishing data pertaining to hate crime. Rather than comparing published hate crime data in different countries, this report uses a comparative method based on key guiding principles on recording hate crime to assess accomplishments and gaps in hate crime recording and data collection across the 28 EU Member States. This approach allows for comparative information across the EU to be presented while respecting different national approaches to hate crime recording and data collection.

As a whole, this report reveals significant differences in how law enforcement agencies in EU Member States record, collect and publish data on hate crime, as well as in how they cooperate with civil society organisations in this regard. As such, the report can provide guidance to the EU and its Member States as to where they could focus their efforts to improve recording and collecting data on hate crime, with a view to ensuring better access to justice for victims of hate crime.

How to use this report: this report aims to assist police investigators, managers, hate crime officers and policymakers working on hate crime by providing rich and detailed information on hate crime recording and data collection practices in the EU. It can serve as a resource to law enforcement agencies in their efforts to improve hate crime recording and data collection systems by helping to identify gaps and inconsistencies, and by illustrating practices from other Member States. A detailed look at the practices, including step-by-step descriptions, provides insights to help identify which elements could be adapted for use in national contexts. FRA and ODIHR workshops in EU Member States can also support national authorities when conducting these assessments. The report also provides contextual and EU-wide comparative information to the EU and intergovernmental organisations for use in policymaking and when developing capacity-building.

In addition, FRA and ODIHR work together to help states improve their ability to record and collect hate crime data – and therefore also data on antisemitism – through national workshops. Improving the way hate crimes are recorded needs to start with an assessment of current practices. National law enforcement and criminal justice bodies are best placed to identify gaps and inconsistencies in their own practices. FRA and ODIHR provide practical assistance and expertise through tailor-made workshops in local languages. The workshops rely on the key guiding principles to:

- raise awareness among law enforcement and criminal justice bodies of the need to properly record hate crimes;
- better understand gaps in existing hate crime recording and data collection practices; and
- discuss ways to improve these practices through practical steps and concrete operational measures that can be applied in the specific national context.

November 2016: Incitement in media content and political discourse in Member States of the European Union.

Media content and political discourse in EU Member States, whether online or offline, show incitement to discrimination, hatred or violence on different grounds – including antisemitism – as evidence collected by FRA reveals. The growing reliance on the internet as the main source of information for many enables the fast spread of often unverified statements that could also incite to hatred. This FRA contribution to the second Annual Colloquium on Fundamental Rights provides a snapshot of manifestations of incitement in media content and political discourse against different groups in EU Member States.

The paper outlines the European and international legal framework governing such cases, substantiated by relevant case law examples. Highlighting that members of minority groups perceive the prevailing social climate as condoning racism, xenophobia and intolerance, this FRA paper underlines the need for EU institutions and Member States to address the effect incitement can have on the population groups it targets.

This paper also provides a snapshot of manifestations of incitement in media content and political discourse in the **28 EU Member States**, on the basis of a request the European Commission made to the FRA. The multidisciplinary research network of the agency collected the information, which covers the period 1 January 2014 – 1 September 2016.

February 2015: Reactions to the Paris attacks in the EU: fundamental rights considerations.

The events that took place in France and Belgium in January 2015 had tremendous impact across the European Union (EU) and beyond. In the immediate aftermath of the events in Paris, FRA collected responses across the **28 EU Member States**, focusing on **Jewish and Muslim community organisations**, political leaders, civil society and the media. The current paper provides an overview of this material and should be regarded as a snapshot of a rapidly changing situation.

The attack on the Charlie Hebdo offices on 7 January 2015 that left 12 people dead framed the initial debate on the necessity of protecting the right to freedom of expression. However, the subsequent murder of four Jewish people in a kosher supermarket and the deadly shooting of a police officer in Paris, as well as the suspected attack on police in Belgium added other dimensions to political, media and civilian responses across the EU.

All of these events nonetheless had one aspect in common, which led to a reframing of the interpretation of the issues at stake: the perpetrators were young, Muslim, EU citizens with an

immigrant background, who have been radicalised at home. The main focus of attention therefore shifted from issues of freedom of expression to preventing violent radicalisation and countering terrorism, as demonstrated by the raft of measures proposed in France on 21 January, with other EU Member States following suit. It is in this context that a discussion of fundamental rights, which are among the EU's founding values, becomes particularly relevant.