



**Contribution to the OSCE/ODIHR  
Roundtable on Combating Antisemitism:  
Current Trends and Challenges in the OSCE Region**

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Human Rights First fights discrimination by seeking to reverse the tide of racist, antisemitic, anti-immigrant, anti-Muslim, homophobic and other violent hate crimes across North America, Europe and the former Soviet Union. In our efforts to encourage a robust government response to hate crimes, we have long supported the efforts of the OSCE to address issues of tolerance and nondiscrimination through the appointment of special representatives, periodic high-level meetings, and the creation of a tolerance and non-discrimination unit within the ODIHR, among other initiatives.

- When we discuss antisemitism today, it is unfortunately **unavoidable to raise the question of the recent wave of incidents of antisemitic violence** in a number of European countries, targeting Jews and Jewish property in apparent backlash to Israeli military action in Gaza. Human Rights First is deeply concerned about this. In a statement we released on January 23, 2009, we urged European governments to speak out against any acts of bias-motivated violence targeting Jewish and other communities, conduct thorough investigations, and hold the perpetrators accountable. We also called on governments to reach out to targeted communities to better ensure the security of individuals and property and to encourage victims to report incidents. **International events are never a justification for violence targeting individuals or property on account of race, ethnicity, religion, or other similar factors.**
- In September 2008, we released our *2008 Hate Crime Survey*, which documented a rise in hate crimes across many parts of Europe and North

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America. The Survey contained a separate section on Antisemitic Violence. While our reporting looks broadly across the OSCE region, we also included separate sections on hate crime in the Russian Federation, Ukraine and the United States. Those sections contain specific recommendations to those governments.

- One key finding is that **antisemitic violence continued to rise across** many parts of Europe and North America in 2007, despite improvements in some countries where there nevertheless remain historically high levels of violence motivated by anti-Jewish prejudice. In 2007, overall levels of violent anti-Semitic attacks against persons increased in **Canada, Germany, the Russian Federation, Ukraine, and the United Kingdom** according to official statistics and reports of nongovernmental monitors.
- There are undoubtedly a number of other European countries where anti-Semitic violence is also problematic, but where **information on attacks**—either from official or unofficial sources—is **much less readily available**.

How do governments respond? That varies considerably across the 56 OSCE countries. While several governments have responded in significant ways to hate crime, every government can do more.

- Firstly, the OSCE states have committed on numerous occasions to collect data. Yet, within the European Union, the Fundamental Rights Agency (FRA), the EU's antiracism and human rights body has determined that **only 11 of the 27 member states have criminal justice data collection systems that are "good" or "comprehensive"** in their coverage of hate crimes.
- Outside of the EU, only Canada and the United States have well-developed reporting systems. Thus, **only 13 of the 56** participating states of the OSCE are fulfilling their basic commitments to monitor hate crimes: **Austria, Canada, the Czech Republic, Denmark, Germany, Finland, France, Ireland, Poland, Slovakia, Sweden, the United Kingdom, and the United States**.
- In its 2008 annual report (for the year 2007) the Fundamental Rights Agency reported that **only five countries—Austria, France, Germany, Sweden, and the United Kingdom—collect data on antisemitic crime** in such a way that allows for a trend analysis over time. Of those that do, **France, Sweden, and the United Kingdom** experienced a general upward trend in recorded anti-Semitic crime between 2001—2006.
- OSCE states have committed to developing adequate legislation to respond to hate crime. A growing number of the 56 countries in the OSCE are adopting criminal laws to expressly address violent hate crimes, largely in the form of penalty enhancement provisions. **At present, there are over 30 countries** in which legislation treats at least some bias-motivated violent crime as a separate crime or in which one or more forms of bias is regarded as an aggravating circumstance that can result in enhanced penalties.
- However, **23 OSCE countries** still have no express provisions defining bias as an aggravating circumstance in the commission of a range of violent crimes against persons. They are: **Albania, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Luxembourg, Lithuania, Macedonia, Monaco, Montenegro, the Netherlands, Poland, San Marino, Serbia, Slovenia, Switzerland, and Turkey**.

Finally, I would also like to make a few recommendations as to how the OSCE can do more to combat antisemitic and other violent hate crimes.

- Ensure the regular review of commitments taken to combat antisemitic and other violent hate crimes (e.g. responding to incidents, collecting data, developing appropriate legislative frameworks) by discussing implementation at such meetings as the Permanent Council, the HDIM, and other meetings of participating states.
- The OSCE Chairmanship should encourage its personal representative on combating antisemitism to make regular country visits to investigate the problem of hate crime and the government response. The findings of these visits should be made public.
- Encourage governments to make their monitoring and reporting on violent hate crimes public.
- Follow-up on cases is desperately needed to ensure an adequate political and criminal justice response.
- With regard to the ODIHR's Tolerance and Non-Discrimination (TnD) Unit, encourage efforts to ensure:
  - that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that participating states are taking part in this program.
  - The active participation of relevant law enforcement and criminal justice officials from participating states in meetings of the National Points of Contact on Combating Hate Crimes.
  - Wide dissemination of the ODIHR's guidelines on hate crime laws.
  - Support for the program to train civil society representatives in documenting and combating hate crime.