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Hearing on

“COMBATING ANTISEMITISM: PROTECTING HUMAN RIGHTS”

**UNITED STATES HOUSE COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
HUMAN RIGHTS, AND OVERSIGHT**

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INTRODUCTION

Chairman Carnahan and Members of the Subcommittee, thank you for convening this hearing to examine antisemitism as a human rights concern. I appreciate the opportunity to be here this afternoon to share Human Rights First's findings and recommendations on this important matter and to discuss ways that we can work together with you to advance human rights protections. We are grateful to the Subcommittee for the important role it plays in keeping key human rights issues front and center in the Congress, and we look forward to continuing to work with you to assist in these efforts.

Human Rights First (HRF) has been working since 2002 to both monitor antisemitic violence and press for stronger government action to combat it. Our advocacy has been based on documentation of the problem in regular reports:

- Fire and Broken Glass: The Rise of Antisemitism in Europe (2002);
- Antisemitism in Europe (2004);
- Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America (2005);
- 2007 Hate Crime Survey: Antisemitism (2007);
- 2008 Hate Crime Survey: Antisemitic Violence (2008).

Our focus has been—and the focus of my testimony today will be—on the rise of antisemitic violence in many parts of Europe, North America, and the former Soviet Union (countries that comprise the Organization for Security and Cooperation in Europe (OSCE)) and on practical steps that governments and others can take to more effectively combat this problem.

Human Rights First has long maintained that antisemitic violence, as well as other forms of hate crime, must be viewed and responded to as a serious violation of human rights and that governments can and must do more to confront these abuses. Likewise, we believe it is important that these violations be challenged, not just by victims' groups or those who represent communities of targeted individuals, but by all those who seek to advance universal rights and freedoms. Although some progress has been made in the last decade to draw greater attention to the issue—to a large extent in response to efforts led by the United States—high levels of antisemitic violence persist, and the political will to reverse that trend remains lacking in much of the OSCE region.

I would like to make three key points today.

- Antisemitism is a unique and potent form of racism and religious intolerance and the extent of violence motivated by anti-Jewish animus throughout much of the OSCE region remains alarming.
- With a few exceptions, governments have not responded adequately to this rising tide of violence, and there is an urgent need to adopt comprehensive strategies to combat it.

- Related forms of violent hate crime, motivated by race, religion, national origin, sexual orientation, and other similar factors, have been on the rise in many countries. Strategies for combating antisemitic violence are effective and necessary to confront these scourges as well.

Finally, Human Rights First has several recommendations to strengthen the leadership role that the United States has taken to combat antisemitism, along with other forms of bias motivated violence, working both bilaterally and multilaterally.

ANTISEMITIC VIOLENCE TODAY

Antisemitic violence in Europe and North America remains at high levels, following a significant increase beginning in 2000. Indeed, violence in some countries is several times higher than that of the end of the 1990s. Although the number of incidents in the last decade has fluctuated from year-to-year and from country-to-country, our findings show that, with alarming frequency, synagogues, Jewish homes, and Jewish-owned businesses have been targeted in arson attacks and subjected to widespread vandalism, and ordinary people have been harassed, beaten, stabbed, or shot because they were Jewish.

Antisemitism—like other forms of racism and religious intolerance—is an obstacle to participation in public life fully and free of fear. As such, it can take the form of an assault on identity itself. Violent incidents have involved individuals who are identified as Jewish by their religious dress or appearance when traveling on public transport or walking in the street. Some people have been targeted because of their leadership positions in the Jewish community. In many other incidents, Jews have been targeted while going to or from their place of worship or from schools. In others, attacks have targeted Jewish community institutions, from synagogues and community centers to secondary schools and kindergartens.

As we reported in *Everyday Fears*, in the face of the daily reality of harassment and risk of violence, some Jewish Europeans have acknowledged that they no longer openly wear pendants of the Jewish star; that yarmulkes are worn in public only under baseball caps or other concealing headgear; and that they think carefully before acknowledging their identity to strangers.

Among the representative incidents that we have documented, epithets and threats were shouted from passing cars, and Jews walking home from schools or synagogues were pelted with eggs, trash, or noxious liquids. Threatening graffiti was daubed on homes and shops. Windows were broken, sometimes with accompanying graffiti making clear that this was done because of hatred of Jews. Individuals faced everyday threats of physical violence, from pushing and shoving on the sidewalk to full scale assaults; from stone throwing to attacks with fists, clubs, knives, or guns.

Frequently, attacks have been directed at synagogues. These incidents ranged from graffiti and acts of desecration to gunfire and attacks with explosives and Molotov cocktails. The realities

of everyday violence were often exacerbated by periodic explosions of extraordinary violence, including murder.

The translation of sentiment against Israel or the policies of its government into anti-Jewish antipathy has since 2000 generated new patterns of antisemitic violence that have fluctuated in relation to events in the Middle East. In this “new” form of antisemitism, Jews around the world have increasingly been targeted for violence and vilification as if collectively responsible for wrongs attributed to the state of Israel. This new antisemitism combines the ancient roots and forms of antisemitism with new political elements, and may be largely responsible for both ongoing high levels of antisemitic violence and periodic surges in attacks.

Over the past decade, several principal “trigger events” in the Middle East were followed by sharp increases in attacks on Jewish institutions and on ordinary Jews living in Europe and North America. Most recently, Israeli military action in Gaza triggered a wave of backlash attacks against Jews in Europe and contributed to sharp rises in the number of incidents for the whole of 2009. For example, in the United Kingdom, the Community Security Trust’s incident reports for 2009 showed it to have been the worst year on record since monitoring began in 1984. Record numbers were also reported by B’nai Brith Canada, which overall noted a five-fold increase in antisemitic incidents over the past decade. The 2009 annual report by the French Jewish Community Protection Service (SPCJ) noted a 75 percent increase in antisemitic incidents in 2009 over the previous year.

Some examples from January 2009 show the virulence of antisemitic violence which swept Europe during that time, and underscore the potential for recurring surges of violence:

- In **Belgium**, attackers threw a firebomb into a Brussels synagogue; broke windows in another, in Charleroi; and attempted to burn down a Jewish family home in Antwerp.
- In **France**, attackers rammed a burning car into a synagogue’s gates in Toulouse; damaged kosher shops in Bordeaux; and threw Molotov cocktails at a community center in St. Denis, outside Paris, which houses a synagogue and a center for autistic children.
- In the **Netherlands**, attackers set a synagogue and a house alight in Amsterdam; and there was an attempted arson attack at a synagogue in Arnhem.
- In the **United Kingdom**, arsonists attacked a North West London synagogue; attackers dragged a man from his car and beat him; and vandals damaged Jewish property in numerous incidents.

The Middle East is, however, only part of today’s antisemitism. Contemporary antisemitism is multi-faceted and deeply rooted. It cannot be viewed solely as a transitory side-effect of the conflict in the Middle East. Antisemitic incitement and violence predate the Middle East conflict and continue to be based in large part on centuries-old hatred and prejudice. The branding of Jews as scapegoats for both ancient and modern ills remains a powerful

underlying factor in the antisemitic hatred and violence that continues to manifest itself today. Less than a year ago, we received a startling reminder of this old hatred when James von Brunn, a self-avowed white supremacist and antisemite, gunned down and killed a security guard at the entrance to the Holocaust Museum in Washington, DC. Prosecutors were pursuing hate crime charges when Mr. von Brunn died in January 2010.

This age-old antisemitic hatred is continuing to erupt into violence across the OSCE region. Just last month:

- Two 23-year-old women and a 25-year-old man were asked if they were Jewish and then beaten and insulted with antisemitic slurs on a subway train in Berlin, **Germany**;
- The home of a Chabad rabbi in Budapest, **Hungary**, was pelted with rocks as a number of people gathered there for the second Passover Seder;
- Holocaust memorials at a former Nazi concentration camp near Krakow, **Poland**, were desecrated with antisemitic graffiti and swastikas a day before a planned march marking the 67th anniversary of the liquidation of Krakow's ghetto.

Violent crime is antisemitism's sharp edge, but it is important to note that these crimes often occur in the context of virulent hate speech. In some countries, established political and religious leaders engage in persistent antisemitic discourse. This discourse often reflects longstanding antisemitic themes, attacking Jews through stereotypes, slanders, and scapegoating. In addition, Jews as a people are vilified in the context of attacks on Israel or Israeli policies. While criticism of Israeli government—or any government's—policies is certainly legitimate, criticism of Israel or the Zionist movement crosses the line to become antisemitism when it disparages or demonizes Jews as a people.

When hate speech involves direct and immediate threats of violence to particular individuals or institutions, governments must hold those responsible under criminal law. Short of this, the hate speech dimension of antisemitism still deserves our attention, in particular when public officials and community leaders are the ones responsible for statements advocating or inciting anti-Jewish hatred, which can contribute to a climate in which violence takes place. But confronting hate speech must not impinge on free expression. Indeed, when applied consistently and comprehensively, political and educational tools can be effective in responding to antisemitic and other forms of hate speech without restricting speech.

GOVERNMENT RESPONSES TO ANTISEMITIC VIOLENCE

Government authorities have an obligation under national legislation and international human rights law to respond to antisemitic, as well as other violent hate crimes. National governments must take proactive measures to deter and prosecute actions motivated by anti-Jewish hatred.

Human Rights First has advocated a comprehensive program of action for governments to combat antisemitic and other forms of bias-motivated violence (see HRF’s attached 10-point plan). In response, we have seen some limited progress in the last several years. There has been some improvement in public recognition of the problem; in monitoring and reporting; in the enactment of effective hate crime laws; in law enforcement; and in the priority given the fight against antisemitism in public policy. But high levels of antisemitic violence persist and the political will to address them is still lacking in much of the region.

In our first report on the problem, in 2002, we pointed to a “data deficit” on antisemitic offenses, with most governments failing even to monitor and report upon these crimes. Almost ten years later, most European governments still fall short of their commitments to monitor antisemitic offences—an essential building block for comprehensive responses to the problem. The failure of many governments to act in the areas of monitoring and reporting, legislation, and effective law enforcement also reflects a leadership shortfall: a reluctance to speak out and take a stand at the national and regional levels.

For example, in the area of data collection, only 14 of the 56 participating states of the OSCE are fulfilling their basic commitments to monitor hate crimes.¹ The others collect and publish either nothing at all or extremely limited information on the incidence of antisemitic or other hate crimes.

As concerns monitoring and reporting specifically on antisemitic hate crime, the European Union’s Fundamental Rights Agency reports that only six (of 27) EU countries collect sufficiently robust criminal justice data on antisemitic hate crime to allow for trend analysis over time about the incidence of such crime.²

Likewise, while OSCE states have made political commitments to adopt and implement hate crime laws, including those addressing antisemitic violence, 22 OSCE countries still have no express provisions defining bias as an aggravating circumstance in the commission of violent crimes against persons.³ Even among countries that have adopted such laws, effective enforcement is often hindered by inadequate training among law enforcement and criminal justice officials and a lack of political will to ensure accountability.

¹ Austria, Belgium, Canada, the Czech Republic, Denmark, Germany, Finland, France, Ireland, Poland, Slovakia, Sweden, the United Kingdom, and the United States.

² Austria, France, Germany, the Netherlands, Sweden, and the United Kingdom.

³ Albania, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, Germany, Holy See, Hungary, Iceland, Ireland, Luxembourg, Lithuania, Macedonia, Monaco, Montenegro, the Netherlands, Poland, San Marino, Serbia, Slovenia, Switzerland, and Turkey.

THE SHARED NATURE OF BIAS-MOTIVATED VIOLENCE

The threats facing the Jewish community today are deeply-rooted and uniquely potent, but also should be seen as part of a rising tide of hate-motivated violence across Europe. We have reported since 2005 that bias-motivated violence is increasing in the region, perpetrated against members of a range of communities because of their ethnicity, religion, sexual orientation, or other similar factors.

Many of the OSCE states experience levels of violent hate crimes that are a cause for concern. In these, violence motivated by racism and xenophobia, often exacerbated by religious bias, threatens communities distinguished by ethnic or national origin, including both national minorities and people of immigrant origin, citizens and noncitizens, longtime residents, and newcomers.

In addition to antisemitic violence:

- Roma and Sinti face violent hate crimes and a myriad of other forms of public and private discrimination throughout Europe. Violence is employed in many parts of Europe to cause immediate harm to Roma families and to physically expel Roma from towns and villages;
- Bias-motivated violence against Muslims has become increasingly pervasive and extreme in western and central Europe, taking the form of personal assaults on the streets and attacks on places of worship and on immigrant-run businesses.
- In the former Soviet Union in particular, violent expressions of religious hatred toward “nontraditional” religions—including Baptists, Catholics, and the Jehovah’s Witnesses—prevent entire communities from freely practicing their religions. Cemeteries, churches, and religious schools are subjected to vandalism and arson attacks. In some cases, official government policies create a hostile atmosphere that encourages private acts of violence motivated by religious hatred.
- Continuing violence based on sexual orientation and gender identity bias, though still largely unseen, is an intimidating day-to-day reality for lesbian, gay, bisexual, and transgender (LGBT) individuals, as well as others who are targeted because they do not conform to stereotypes of gender identity or simply advocate for LGBT rights.

The shared nature of the problem of bias-motivated violence underscores the need for governments to adopt comprehensive approaches to the full range of forms of hate crime. Strong government responses that show hate crimes will be prosecuted to the full extent of the law send an unequivocal signal that such incidents will not be tolerated by society. They also reassure members of communities under threat that their right to security is guaranteed and non-negotiable.

Likewise in the non-governmental sphere, the shared nature of the problem calls for a coordinated response. The promise of work towards common solutions is perhaps best illustrated by the cross-community cooperation that has emerged in recent years among civil

society groups, both in the United States and abroad. In the United States, the Leadership Conference on Civil and Human Rights, of which Human Rights First is a proud member, is perhaps the best expression of this unified effort. Working together has enormously strengthened our capacity to raise awareness both within the United States and internationally of the threat posed by antisemitic and other hate crimes and to work with governments for change. Unfortunately, this type of cooperation is sorely lacking in many countries where bias motivated violence persists, where government action to combat it has been weak, and where communities are working in isolation from one another.

THE ROLE OF INTERGOVERNMENTAL ORGANIZATIONS

Intergovernmental bodies have an important role to play in providing oversight of the fulfillment of state commitments to combat antisemitic and other hate crimes. They can also provide technical assistance to states and other nongovernmental actors to help them meet this challenge. The record of responses by intergovernmental bodies to antisemitism, however, has also been uneven.

The OSCE has led the field: adopting commitments on hate crime, establishing mechanisms to monitor implementation of those commitments, engaging in activities to raise political and public awareness, and developing programs to train police and civil society groups in dealing with hate crime. The OSCE's special programs to deal with antisemitism have led the way in its broader work to combat hate violence.

Most recently, in December 2009, foreign ministers of the 56 states of the OSCE adopted a special decision on hate crime. Governments made commitments to combat hate crime by enacting laws that acknowledge hate crimes as particularly serious crimes; establishing systems for the collection of reliable statistics on incidents, investigations, and prosecutions; training law enforcement and criminal justice officials; and conducting awareness raising campaigns. This is an important reaffirmation of past commitments and must be followed by effective action for implementation within the OSCE region.

Yet, many states are demonstrating a certain “fatigue” with OSCE commitments to combat hate crimes and antisemitism in particular. In order to ensure the important work of the OSCE continues, the United States needs to reinforce its political support for the implementation of commitments to combat antisemitism and other hate crimes.

THE UNITED STATES GOVERNMENT'S ROLE

The strong global role for the United States in combating antisemitism starts at home, where antisemitic and other hate crime remain a serious problem. Accordingly, Human Rights First welcomed the enactment of the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act, which has given renewed vigor to the efforts to combat antisemitic and other bias-motivated violence in this country. The newly adopted legislation reaffirms the U.S.

government's commitment to developing a comprehensive response to domestic hate crime violence, and offers an opportunity for the United States to demonstrate leadership in both bilateral and multilateral efforts to combat the scourge of hate crime globally.

The United States has long been engaged in international efforts to confront antisemitism. In fact, two individuals testifying at this hearing—Hannah Rosenthal and Andrew Baker—hold mandates that reflect the importance that the United States has attached to this issue, and we welcome their commitment and the opportunity to work closely with them. The Global Antisemitism Review Act's establishment of a Special Envoy to Monitor and Combat Antisemitism is an important position through which to strengthen U.S. advocacy of policies to address the problem around the world. Similarly, the United States, including with the active involvement of the Commission for Security and Cooperation in Europe in particular, also played a leading role in the efforts to establish and subsequently support the OSCE Personal Representative on Combating Antisemitism in the OSCE region. Many aspects of the OSCE's work on this issue are models for other international structures, and the U.S. contributed substantial efforts to creating and sustaining that model.

Below we detail three principal ways in which the executive and legislative branches of the United States government can build on past success and advance a vigorous human rights response to antisemitic and other violent hate crime.

First, the United States should demonstrate international leadership in the OSCE by providing extrabudgetary contributions to specific initiatives to combat antisemitism and racism and by encouraging the implementation of commitments.

Second, the United States should advance efforts to combat antisemitism in bilateral relations by ensuring that the need to confront this problem is a part of regular discussions with other governments, and by offering technical assistance and other forms of cooperation, as appropriate.

Finally, the United States should positively contribute to the strength of civil society actors on the ground—a key factor in promoting a vigorous government response—by ensuring that human rights defenders advancing this cause in their countries have access to the funds and training resources they need to succeed.

Demonstrate International Leadership at the OSCE

- Encourage the implementation by participating states of tolerance and nondiscrimination commitments, including the recently adopted Decision No 9/09 on Combating Hate Crimes, in particular the commitments to collect hate crime data, to report that data to the Office for Democratic Institutions and Human Rights (OSCE/ODIHR), and to enact tailored legislation to combat hate crimes.
- Lead efforts to ensure the effective organization of the proposed Conference on Tolerance and Nondiscrimination in June 2010. The United States should work to ensure:

- The adoption of an agenda that focuses on the states' implementation of their commitments to combat hate crime and other forms of intolerance, as well as best practices for addressing these concerns. The agenda should include targeted discussions focusing on the unique problem of antisemitism.
- A high-level of participation from states by individuals directly involved in the implementation of tolerance and non-discrimination commitments, including those adopted in December 2009 to combat hate crime. High-level participation by U.S. officials from the Department of Justice and other relevant agencies would support this effort.
- The organization of a civil society preparatory meeting that would result in recommendations to be presented to the conference participants. This would require sufficient logistical support, including by ODIHR as appropriate, to ensure full participation by civil society organizations.
- An active role for civil society representatives in the conference itself.
- Providing for extrabudgetary contributions, secondment of personnel, and other in-kind support for OSCE programs to combat violent hate crimes, including by making available its law enforcement expertise.

Advocate in Bilateral Relationships and Offer Technical Assistance

Promote stronger government responses to antisemitic and other violent hate crime through U.S. human rights reporting as well as through bilateral relationships of the United States, by:

- Maintaining strong and inclusive State Department monitoring and public reporting on antisemitic, racist and xenophobic, anti-Muslim, homophobic, anti-Roma, and other bias-motivated violence. In doing so, the government should consult with civil society groups while providing appropriate training for human rights officers and other relevant mission staff abroad.
- Raising incidents of antisemitic violence with representatives of foreign governments and encouraging vigorous responses. Share concrete recommendations, such as those articulated in HRF's Ten-Point plan for combating hate crime (attached below).
- Offering appropriate technical assistance and other forms of cooperation, including training of police and prosecutors in investigating, recording, reporting, and prosecuting violent hate crimes as well as translation of Department of Justice and Federal Bureau of Investigation (FBI) materials on hate crimes. Moreover, the FBI's International Law Enforcement Academy should include a hate crime component in its training of law enforcement personnel in emerging democracies of Eastern Europe and the former Soviet Union.
- Organizing International Visitors Programs on combating bias-motivated violence for representatives of law enforcement, victim communities, human rights groups, and legal advocates.

Support Civil Society Organizations

Expand funding and other support to build the capacity of civil society groups in the OSCE region to combat antisemitic and other forms of violent hate crimes, by:

- Providing extrabudgetary support to expand OSCE's civil society training program on combating hate crimes.
- Ensuring that groups working to combat all forms of violent hate crime have access to support under existing U.S. funding programs, including the Human Rights and Democracy Fund and programs for human rights defenders.
- Congressional establishment of a long-term funding program at the State Department, USAID or an outside agency to provide financial support for civil society groups to monitor and report on violent hate crime, to advocate more effective laws and policies and stronger official responses to hate crime incidents, to provide services to victims, and to develop and implement programs to prevent and respond to hate crime.

Human Rights First's Ten-Point Plan for Combating Hate Crimes

- 1) **Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law.
- 2) **Enact laws that expressly address hate crimes.** Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
- 3) **Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
- 4) **Provide adequate instructions and resources to law enforcement bodies.** Governments should ensure that police and investigators—as the first responders in cases of violent crime—are specifically instructed and have the necessary procedures, resources and training to identify, investigate and register bias motives before the courts, and that prosecutors have been trained to bring evidence of bias motivations and apply the legal measures required to prosecute hate crimes.
- 5) **Undertake parliamentary, interagency or other special inquiries into the problem of hate crimes.** Such public, official inquiries should encourage public debate, investigate ways to better respond to hate crimes, and seek creative ways to address the roots of intolerance and discrimination through education and other means.
- 6) **Monitor and report on hate crimes. Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes.** Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions. Governments should consider establishing third party complaint procedures to encourage greater reporting of hate

crimes and conducting periodic hate crime victimization surveys to monitor underreporting by victims and under recording by police.

- 7) **Create and strengthen antidiscrimination bodies.** Official antidiscrimination and human rights bodies should have the authority to address hate crimes through monitoring, reporting, and assistance to victims.
- 8) **Reach out to community groups.** Governments should conduct outreach and education efforts to communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
- 9) **Speak out against official intolerance and bigotry.** Freedom of speech allows considerable latitude for offensive and hateful speech, but public figures should be held to a higher standard. Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities.
- 10) **Encourage international cooperation on hate crimes.** Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, and the Fundamental Rights Agency—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes. Governments should also provide a detailed accounting on the incidence and nature of hate crimes to these bodies in accordance with relevant commitments.