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**TESTIMONY OF ELISA MASSIMINO  
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HUMAN RIGHTS FIRST**

**BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON  
AFRICA, GLOBAL HEALTH, HUMAN RIGHTS, AND INTERNATIONAL  
ORGANIZATIONS**

**“ANTISEMITISM: A GROWING THREAT TO ALL FAITHS”  
FEBRUARY 27, 2013**

**Introduction**

Chairman Smith, Ranking Member Bass, and Members of the Subcommittee, thank you for convening this hearing to examine the growing threat of antisemitism. I appreciate the opportunity to be here today 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 you, Mr. Chairman, for your leadership on combating antisemitism and to the Subcommittee for the important role it plays in keeping key human rights issues front and center in the Congress. We look forward to continuing to work with you and to assist in these efforts.

Mr. Chairman, as you well know, antisemitism is a human rights issue. The failure of governments to confront it – to punish those who commit violence targeting Jews and Jewish communities and to condemn and counteract virulent antisemitic hate speech – creates an environment that endangers not only Jews but the rights and security of adherents of other religious faiths and members of other minority groups. A healthy civil society simply cannot flourish in the face of unchecked hatred. Indeed, we see time and again that hate does not exist in neat compartments, but creates an enabling environment where violence can occur targeting immigrants, members of religious minorities, Roma, people of African or Asian origin and LGBTI persons.

Human Rights First has been working since 2002 to both monitor and combat antisemitic violence and press for stronger government action. Our advocacy has been based on documentation in regular reports of the problem and recommendations for action.<sup>1</sup> Additionally, since 2009 we have partnered with the Anti-Defamation League in producing annual reports on the implementation by the 57 participating States of the

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<sup>1</sup> *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); *Antisemitic Violence—Annex* (2008).

Organization for Security and Cooperation in Europe (OSCE) of their commitments to combat antisemitic and other hate crimes.

Although antisemitism is a global problem, my testimony today will focus on antisemitic violence in Europe and the former Soviet Union. The translation of sentiment against Israel or the policies of its government into anti-Jewish antipathy has for more than a decade generated new and unique patterns of antisemitic violence in Europe that have fluctuated in relation to events in the Middle East. At the same time, age-old manifestations of antisemitism persist and are often deeply intertwined with the prejudices that fuel hatred against people because of their religion, ethnicity, sexual orientation and other characteristics.

Antisemitism remains at the core of organized racial supremacist groups in Western Europe and of broad nationalist movements in eastern and Central Europe that target Roma, immigrants, LGBT persons, and religious minorities among others. In a telling example, Moscow's Darchei Shalom synagogue was firebombed in 2011 in retaliation for the high-profile sentencing of key members of a skinhead gang responsible for dozens of terrorist acts and hate crime murders, mostly on non-Slavs living and working in Moscow. The supporters of the jailed murderers chose to attack a synagogue to send a sharp message to the authorities and the Russian public: that antisemitism remains at the core of the multilayered orb of prejudices that fuel racist and xenophobic violence. It is thus important that individuals and leaders from faith and other communities come together to condemn antisemitism and other forms of hate violence and intolerance. This hearing is an important effort to reflect on the common threats facing multiple communities.

At the same time, Human Rights First has long maintained that antisemitic violence, as well as other forms of hate crime, should not be seen simply as the problems of individual victims or their communities. Hate crime must be viewed and responded to as a serious violation of human rights. Governments have an obligation to confront these abuses, and there is much more they can be doing. These threats to fundamental rights must be challenged, not just by victims' groups or those who represent communities of targeted individuals, but by all of us 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 and related forms of hate crime persist, and the political will to reverse that trend remains sorely lacking in much of the OSCE region.

I would like to make four 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 at disturbingly high levels since the early 2000's.
- With a few notable 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.

- The failure to confront antisemitic hatred corrodes the rights and security of all persons. Along with antisemitic violence, the targeting of individuals because of their race, religion, national origin, sexual orientation, and other similar factors, has been on the rise in recent years in many countries. Strategies for combating antisemitic violence through a human rights framework are effective and necessary to confront these scourges as well.
- The United States must continue to play a catalytic role to confront antisemitism globally, and we conclude with several recommendations for U.S. policy.

## **ANTISEMITIC VIOLENCE TODAY**

The level of antisemitic violence in Europe and North America remains at disturbingly high levels, following a significant increase beginning in 2000 and peaking in many countries in 2009. Although the number of incidents in the last decade has fluctuated from year-to-year and from country-to-country, monitoring has shown that synagogues, Jewish homes, and Jewish-owned businesses have been targeted in arson attacks and subjected to widespread vandalism, and students and employees in Jewish schools 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.

In the “newer” 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 partly responsible for both ongoing high levels of antisemitic violence and periodic surges in hate crime attacks. In the past, “trigger events” in the Middle East have been followed by sharp increases in attacks on Jewish institutions and on ordinary Jews living in Europe and North America. In 2009, for example, the conflict in Gaza was followed by a wave of attacks against Jews in Europe.

The link to the policies in the Middle East is, however, only part of today’s antisemitism. Contemporary antisemitism is multi-faceted and deeply rooted. It should not 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. This age-old antisemitic hatred is continuing to provoke violence across the OSCE region.

Among representative incidents of antisemitic violence are the following:

A Jewish cemetery near Wroclaw, Poland, and a Holocaust memorial site outside Kazan, Russia, were defaced in anti-Semitic attacks in February 2013. Unknown perpetrators spray-painted antisemitic slogans on a cemetery in Kalisz, and the vandals in Russia smashed a memorial and a menorah inaugurated for the 2011 international festival of Jewish culture in Ulyanovsk.

On October 5, 2012, the president of a Jewish congregation in the South Pest district of Budapest, Hungary, was attacked by two young men who kicked the victim in the stomach and made verbal threats. The victim did not require medical treatment for the injuries. Police arrested the two alleged attackers, one of whom was convicted of the crime and sentenced to two years in prison.

On September 28, 2012, an explosive device was detonated at a Jewish communal building in the early morning hours in Malmo, Sweden. No one was injured, but damage was caused to the building. A series of antisemitic attacks in Malmo, including acts of vandalism and firebombings, prompted a demonstration of support of the Jewish community by local residents.

On September 28, 2012, an arson attack took place at a Jewish boys' school in Stamford Hill, UK. In July, a Jewish man was beaten by four unknown perpetrators in the same Jewish Orthodox neighborhood.

On April 8, 2012, unknown assailants beat a 25-year-old Jewish man in Kyiv, Ukraine. The victim was wearing a kippah after attending a Pesakh celebration at the Brodsky synagogue earlier that evening. He was hospitalized and remained in critical condition for several days.

On February 23, 2011, three youths verbally harassed and punched a rabbi at the Lausanne Synagogue in Switzerland. The attack took place as the victim was leaving the synagogue.

The U.S. State Department's 2011 Religious Freedom report cites cases of personal violence, vandalism, and desecration in 20 countries in Europe.

Beyond the cases that make the headlines, the data that is available from the few government and NGO monitors also corroborates the steady levels of violence in recent years. Some telling statistics from the past few years:

- **Canada:** B'nai Brith's League for Human Rights found a "negligible decrease" of 0.7 percent in antisemitic activity in the country in 2011. A total of 1,297 incidents were reported, including 916 cases of harassment, 362 involved vandalism; and 19 cases of violence.
- **France:** Antisemitic violence in France rose sharply in the first years of the decade, reaching a peak in 2004. By 2008, the number of incidents had stabilized, although at levels some 10 times higher than those recorded in 1999. The National Consultative Commission on Human Rights in France reported 389 antisemitic actions and threats in 2011, a decline from 466 in 2010 and 815 in 2009. Early reports from 2012 suggest another sharp increase. Although the annual CNCDDH report has yet to be released, the Representative Council of Jewish Institutions in France reported on a 58 percent increase in acts of antisemitic violence in 2012 over 2011.
- **Germany:** The number of politically motivated crimes with an antisemitic motive recorded by the German police has decreased from 1,691 in 2001 to 1,239 in 2011 (29 cases in 2011 involved violence). The peak of incidents was recorded in 2006 (1,809).

- **Russia:** Jews have been among the victims of a sharp rise in hate crime committed by neo-Nazis, but a significant reduction in violence followed the peak of murders recorded in 2009. In 2011, the SOVA Center for Information and Analysis reported one assault and 13 cases of damage to property, and one case of arson motivated by antisemitism.
- **Sweden:** The police recorded a sharp increase in antisemitic crimes in 2008-2009 (250 in 2009), after which the figure stabilized (194 incidents in 2011, 161 in 2010). According to the police, most of these incidents are crimes against the person.
- **Ukraine:** Attacks on synagogues, memorials, and Jewish institutions continue to occur, although the number of personal assaults remains low, with no more than 3 attacks recorded in one year since 2008. The reductions come following a period from 2006-2008 in which antisemitic attacks were a part of a sharp rise in overall hate crime incidents.
- **United Kingdom:** Data presented by the Community Security Trust identified 2009 as the worst year on record for antisemitic incidents, while marking a significant decrease in 2010. 640 antisemitic incidents were recorded by CST in 2012, a slight increase from the 608 antisemitic incidents recorded in 2011. Official data cite 438 incidents for 2011, a slight decrease from 488 in 2010, although a significant decline from the 703 cases recorded in 2009.
- In the **United States**, antisemitic hate crimes are still the majority of all recorded antireligious incidents (62 percent of 1,318 in 2009).

In addition to the importance of responding to antisemitic attacks through a hate crime framework, the security of Jewish individuals and institutions must also be viewed in the context of combating domestic and global terrorism, as demonstrated by two high-profile terrorist attacks in 2012.

- In March 2012, a series of three terrorist attacks targeting Jewish civilians and French soldiers in the French cities of Montauban and Toulouse was carried out by Merah, a 23-year-old man of Algerian descent. In total, seven people were killed, and five others were injured, including four Jews who were murdered at the Ozar Hatorah Jewish school in Toulouse, including a Rabbi and his two children, aged six and three. The perpetrator was shot and killed by the police after a long siege, and the French government alleged that Merah had trained with al Qaeda in Pakistan's Waziristan region, bordering Afghanistan, and also spent time in Afghanistan.
- At least seven people were killed and some 30 others were injured on July 18, 2012, in a terrorist attack on a bus carrying Israeli tourists in Burgas, some 400 kilometers east of the Bulgarian capital of Sofia. In February 2013, the Bulgarian government reported the results of an official investigation, indicating that Hezbollah's so-called military wing was responsible for the planning and carrying out the attack. The Bulgarian minister of the interior said that there was reliable, well-founded information linking at least two of the three Burgas attackers to Hezbollah.

## ANTISEMITIC HATE SPEECH

Violent crime is antisemitism's sharp edge, but these crimes often occur in the context of virulent hate speech. In some countries, established political and religious leaders engage in persistent antisemitic discourse, 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.

The presence of representatives of political parties in local and national government that openly espouse racist and antisemitic views and policies is a disturbing dimension of antisemitism's continuing presence and a formidable obstacle in the path of efforts to confront it. Political parties that espouse antisemitic among other racist, xenophobic and homophobic views have come to power through elections in several countries in recent years.

- Members of Hungary's Movement for a Better Hungary (Jobbik), a radical nationalist political party, are often denounced for neo-fascist, racist, antisemitic, anti-Roma, and homophobic pronouncements. Jobbik won 47 (12 percent) seats in the 2010 Parliamentary elections, building on the success of their 2009 campaign for the European Parliament seats, in which Jobbik members won 3 seats.
- The All-Ukrainian Union Svoboda won its first seats in the Verkhovna Rada in 2012, taking 10 percent of the popular vote that gave the party 38 mandates in the 450-member parliament. The far-right Union is commonly accused of racist and antisemitic positions.
- Greece's right-wing People's Association—Golden Dawn – rejects the neo-Nazi and fascist labeling, though its representatives use Nazi symbols, have praised German Nazi leaders in the past, and have engaged in deeply xenophobic rhetoric in an environment in which immigrants in Greece have been the overwhelming victims of a sharp rise in hate crime attacks that have gone largely unpunished. Golden Dawn members hold 18 seats (7 percent) in the Greek Parliament.

When hate speech involves direct and immediate threats of violence to particular individuals or institutions, governments must hold perpetrators responsible under criminal law. But government leaders should also recognize the limits of criminal law to address what is often more a political and social problem, rather than a legal one. There are ample cases, particularly in countries like the Russian Federation where rule of law is poorly developed, in which hate speech statutes are misused to prosecute dissenting voices and civil society activists, including those who are speaking out against hatred and working to advance tolerance.

As noted above, all too often public officials and religious and other community leaders are the ones responsible for statements advocating or inciting anti-Jewish hatred, which can create an enabling environment for violence. It is important to approach this challenge in a thoughtful manner; confronting hate speech must not impinge on free expression. Such hate speech needs to be countered by clear public statements from a cross-section of political and civil society leaders, to condemn prejudice and hatred and

to affirm the dignity and rights of all. These voices are needed to confront the growing wave of populist parties – such as Jobbik, Svoboda, and Golden Dawn – developing constituencies across Europe.

Recently, in Hungary, Marton Gyongyosi of Jobbik stated that it was time to determine “how many people of Jewish origin there are here, especially in the Hungarian parliament and the Hungarian government, who represent a certain national security risk.” The comments outraged much of the Hungarian population and led to a rally, organized by Jewish and civic groups. More than 10,000 people attended the protest outside the parliament building. The rally was led by politicians from both the government and opposition parties. Parliamentary faction leader of the governing Fidesz party Antal Rogan addressed the crowd. “I came because in this situation I cannot stay quiet,” Rogan said. “Hungary defends its citizens.” The American ambassador also attended the rally. The U.S. embassy said in a statement that “the recurrence of antisemitic and other racist statements in the Hungarian parliament demonstrates the need to further empower voices of tolerance and peaceful coexistence in Hungary.”

Sadly, this example is rare. Effective and consistent strategies for marginalizing these voices of intolerance are still sorely lacking across Europe and in many other parts of the world. Counterspeech at the political level and from a broader base of the social and religious and civil society groups than just the individual targeted communities is a key strategy for marginalizing those who voice antisemitic sentiments and for diminishing the impact of such hateful speech on the target community.

The United States has a long history of using counterspeech—rather than hate speech laws—to address hateful views in political discourse. It could play a role globally by encouraging embassy officials to more frequently speak out publicly and to encourage influential political leaders in the country in question to do the same. When political leaders from across party lines speak out against antisemitism and related forms of intolerance, it sends an important signal to communities. This is a practice that is sorely needed, but one that is lacking in many countries. The United States, with leadership from key members of Congress, can set an important example of the effectiveness of this important strategy to combat hatred, while respecting freedom of expression.

## **GOVERNMENT RESPONSES TO ANTISEMITIC VIOLENCE: THE DATA DEFICIT**

Violent hate crime is always harmful to society but is particularly destructive when there is either no response or an inadequate response by State institutions. Governments are obliged under national legislation and international human rights law to protect individuals—citizens and noncitizens, regardless of their legal status—from discrimination by addressing antisemitic and other forms of hate crime. Too often, though, the reality is that there is inadequate justice in these cases. An expectation of impunity can contribute to an escalation of such attacks.

Since 2009, Human Rights First worked with the Anti-Defamation League to produce an annual review of the OSCE Office for Democratic Institutions and Human Rights’ (ODIHR) hate crime report. Our joint analysis points to the inadequate response to

antisemitic and other violence by most OSCE participating States, and we also advance recommendations for what States can do to improve both their record on hate crimes as well as the reporting process that allows governments and nongovernmental organizations (NGOs) to track progress.

Human Rights First has advocated a comprehensive program of action for governments to combat antisemitic and other forms of bias-motivated violence (see Human Rights First's attached Ten-Point Plan). Monitoring and public reporting has been at the heart of those recommendations.

An effective government response to violent hate crimes is difficult, if not impossible, without a clear picture of the extent of the problem. Without adequate monitoring, it is difficult to identify accurately emerging trends or hate crime hotspots, develop strategies for prevention and protection, and determine which groups are most frequently the victims of violent hate crimes. Understanding the profile of perpetrators of violent hate crime is also important, yet assumptions and generalizations – for example with regard to the incidence of antisemitic attacks committed by Muslims – can be damaging if not based on scrupulously collected data. . Without public reporting on the criminal justice response to hate crimes, it is difficult to ensure that adequate legal tools and resources are in place to investigate and prosecute such crimes. This reporting on actions taken is also essential to reassure the public that effective efforts are being made to provide protection from violence.

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. Ten years later, the findings of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) latest annual report—“Hate Crimes in the OSCE Region” Report for 2011—point to the lack of progress of most States to fulfill commitments to combat antisemitic and other hate crimes. Human Rights First's analysis of systems of monitoring reveals a serious data collection deficit, with only 17 of the 57 participating States of the OSCE fulfilling their basic commitments to monitor hate crimes. The others collect and publish either nothing at all or extremely limited information on the incidence of antisemitic or other hate crimes. According to OSCE/ODIHR's latest Hate Crime Report, although 21 countries claim to collect data on antisemitic offenses, only 5 States actually submit data to ODIHR (Germany, Ireland, Italy, Sweden, and the United Kingdom).

## **THE SHARED BURDEN OF UNCHECKED ANTISEMITISM AND RELATED INTOLERANCE**

A shared problem requires a shared solution. Hate crime laws and government policies to confront all forms of bias-motivated violence offer equal protection. Advocacy to advance a broad hate crime framework offers a unique chance for communities to join forces.

The situation in Ukraine offers a good example of the effectiveness of joint responses to manifestations of intolerance that affect multiple groups, including religious communities. Beginning in 2005, NGOs in Ukraine began documenting a dramatic rise in

violent hate crimes against a range of visible minorities, including Jews, with a six-fold increase in documented cases between 2006 and 2008. Civil society groups responded by forming the “Diversity Initiative”—a coalition of dozens of entities, including domestic and international NGOs and agencies—that was launched to coordinate efforts to raise awareness of the problem, provide assistance to victims, and advocate a more robust government response. After 2008, following pressure from domestic and international actors, the authorities in Ukraine publicly signaled that racist violence was unacceptable, formed an interministerial commission to combat xenophobia, and began to address hate crimes in a more systematic way. The number of recorded hate crime attacks decreased markedly in 2009 and 2010.

Our global monitoring shows that no religious community is immune to harassment, vandalism, and personal attacks motivated by prejudice and hatred. We are often reminded by these commonalities through the disturbing examples in which vigilante militias patrol Jewish and Roma neighborhoods, or skinhead gangs roam the streets looking to attack Jews, Muslim immigrants, and homosexuals. While the government has a responsibility to ensure that all such cases are investigated and prosecuted, civil society groups have a leading role in driving the public conscience according to our shared values in ensuring the fundamental human rights of all people.

Hate crime violence affects a variety of individuals and communities around the world: refugees and migrants, persons of all faiths, ethnic minorities, lesbian, gay, bisexual, and transgender (LGBT) persons, and many others. Beyond antisemitism, there are multiple biases that fuel the hate crimes that occur across the globe, among them:

- **Racist and xenophobic violence** have been on the rise in many places, particularly in the face of the global economic downturn. Sometimes these crimes are triggered by racist sentiments; in other religious differences or economic factors spark crimes of intolerance. The common thread is that the targets of xenophobic violence are usually marginalized communities that are often viewed as foreign, while the perpetrators of such violence often escape with relative impunity. Refugees, asylum seekers, and migrants are among the principal targets of racially and religiously motivated violence as they are often easily distinguished by their appearance, language, religion and customs. Often times, groups and individuals that target foreigners espouse antisemitism as well as hatred of Muslims, LGBTI individuals, and Roma.
- Attacks motivated by **religious hatred** continue, creating an atmosphere of fear and anxiety and obstructing individual rights to freedom of religion and belief. Religious communities can be subject to acts of vandalism and other serious property damage, such as the December 2012 arson attack on three churches in Amstetten, Austria, or the 2011 destruction of graves at the Muslim cemetery of Pospos, Greece. Individuals associated with religious groups have also been targeted for violence.
- **Roma and Sinti** face violent hate crimes and a myriad of other forms of public and private discrimination throughout Europe. A pattern of violence is directed at causing immediate harm to Roma and physically eradicating their presence in towns and communities in Europe. Racist violence against Roma remains gravely

- underreported. Roma routinely suffer racist assaults in city streets and other public places as they travel to and from homes, workplaces, and markets.
- Continuing violence based on **sexual orientation and gender identity** bias, though still largely unseen, is an intimidating day-to-day reality for LGBT individuals, as well as others who do not conform to stereotypes of gender identity or simply advocate for LGBT rights. Gay pride parades and events in a number of countries have resulted in hateful diatribes from political leaders, inadequate police protection, and acts of harassment and violence against the participants. LGBT individuals are particularly vulnerable in countries where same-sex relations are criminalized. Consensual same-sex relations are criminalized in two OSCE countries (Uzbekistan and Turkmenistan) and in 78 globally.

### **THE UNITED STATES IS A GLOBAL LEADER IN COMBATING ANTISEMITISM AND OTHER HATE CRIME**

The United States has been a leader in recognizing and documenting the global problem of antisemitic and other hate crime and placing it on the international human rights agenda. In order to continue this global leadership role, the United States must continue to look to the situation here at home, where antisemitic and other hate crime remain a serious problem. A strong response at home makes the U.S. credible when it advocates for responses from governments around the world to similar problems. The rising tide of violent hate crime across the globe makes U.S. global leadership on this issue important. Human Rights First welcomed the enactment of the 2009 Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act, which was championed by American LGBTI, Jewish, and civil and human rights organizations. The law has given renewed tools and vigor to the efforts to combat antisemitic and other bias-motivated violence in this country. The newly adopted legislation and its active implementation reaffirms the U.S. government's commitment to developing a comprehensive response to domestic hate crime 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 constructively in international efforts to confront antisemitism. 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. We commend the work of Hannah Rosenthal, the Special Envoy until October 2012. She was an energetic and outspoken voice, traveling to numerous countries to raise U.S. concerns about and condemn antisemitism. She was actively involved in training foreign service officers. Ms. Rosenthal and the Special Representative to Muslim Communities, Farah Pandith, demonstrated the interconnectedness of their issues at a high-level conference on combating intolerance in Astana, Kazakhstan in 2010. At the meeting, Rosenthal presented the U.S. delegation's official intervention on combating anti-Muslim intolerance, while Pandith delivered the intervention on combating antisemitism. In 2010, Rosenthal also spearheaded and led a visit of several Imams to Auschwitz to bear witness to the horrors of the past and to build partnerships in combating antisemitism and intolerance against Muslims.

The United States, with the active leadership of Chairmen Chris Smith and Ben Cardin, as well as other members of the Commission for Security and Cooperation in Europe, has played a leading role in establishing and supporting the OSCE Personal Representative on Combating Antisemitism in the OSCE region. One of the individuals testifying in the second panel of this hearing—Andrew Baker—currently holds that mandate. We have welcomed his commitment and the opportunity to work closely with him. 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.

There is, however, much more work to be done by the Administration and the Congress to confront the growing threats of antisemitism in Europe and elsewhere. Human Rights First recommends that the U.S. government:

1. ***Elevate the importance of religious freedom in U.S. foreign policy*** by developing a national security strategy that promotes international religious freedom, combats antisemitic and related violence and confronts hate speech while protecting freedom of expression. To this end:
  - Secretary of State John Kerry should articulate early in his tenure his strategy to leverage U.S. leadership to combat antisemitic and other violent hate crime around the globe.
  - The Administration should immediately fill the position of Special Envoy to Monitor and Combat Antisemitism. The Special Envoy should have a deep commitment to and experience in identifying and combating antisemitism. The Envoy should have a track record of success in coalition building with diverse communities and in interfaith engagement.
  - Through reporting and public diplomacy, the Special Envoy should work to advance efforts to confront antisemitism as an integral part of the State Department’s focus on human rights, rule of law, and democracy around the world.
  - The Special Envoy should lead efforts to institutionalize training of State Department personnel on identifying and responding to different manifestations of antisemitism, including increasing the instruction on antisemitism and related issues in the basic training of foreign service officers.
  - The Special Envoy should conduct regular country visits, alone as well as part of larger delegations, including with Members of Congress, to raise concerns directly with political, religious, and civil leaders in country.
  - Congress should continue to conduct periodic hearings and otherwise invite the Special Envoy and other representatives of the State Department to outline the Administration’s strategy and report on progress in combating antisemitism.
  - Members of Congress should use the opportunity of their participation in interparliamentary institutions and in international travel to engage their parliamentary counterparts and representatives of foreign governments in combating antisemitism. Members of Congress have a particular role to play in pressing their counterparts to speak out publicly and regularly to

marginalize those voices that foster antisemitism and other forms of intolerance.

**2. *Establish an interagency mechanism to deploy strategically the resources and programs from across the different U.S. government agencies to combat hate crime globally.*** To this end:

- The Administration should create an Interagency Policy Committee (IPC) or other interagency mechanism, to facilitate systematic and regular information-sharing and collaboration among the Department of State, Department of Justice, and related agencies that are equipped to take action to combat antisemitic and other bias-motivated violence globally.
- The Department of Justice should expand international efforts of its International Criminal Investigative Training Assistance Program (ICITAP) and Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) programming to include hate crime-tailored training initiatives for foreign law enforcement and criminal justice personnel and civil society.
- The State Department should include in its International Law Enforcement Academies specific training courses on combating all forms of hate crime.

**3. *Make combating antisemitism an important component of Bilateral Engagement through an interagency effort to:***

- Raise incidents and patterns of hate crime violence with representatives of foreign governments and encourage vigorous responses. Share concrete recommendations, such as those articulated in Human Rights First's Ten-Point plan for combating hate crime, and offer support to implement them. Remind government leaders of their commitments through the OSCE and elsewhere to combat hate crime.
- Maintain strong and inclusive Department of State monitoring and public reporting on antisemitic, racist and xenophobic, anti-Muslim, homophobic, anti-Roma, and other bias-motivated violence.
- Offer appropriate technical assistance and other forms of cooperation, including training of police and prosecutors to investigate, record, report, and prosecute violent hate crimes, and organize international visitors programs to the U.S. for representatives of law enforcement, victims' communities and legal advocates.
- Support civil society groups working to combat bias-motivated violence, by facilitating access to existing U.S. funding programs and by directing Embassy and Department of State representatives to meet with such civil society groups and members of affected communities on a regular basis.

**4. *Maintain the international leadership of the United States in multilateral forums, particularly the OSCE.***

Congress should support the State Department to demonstrate international leadership by:

- Providing political and financial support to the Organization for Security and Cooperation in Europe (OSCE) to increase practical work on xenophobic, racist, and other hate crime.

- Elevating the issue of antisemitism by supporting the efforts of the Personal Representative on Combating Antisemitism's to convene in 2013 a meeting on enhancing the security of Jewish institutions.
- Strengthening the Organization for Security and Cooperation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR) to:
  - press member states to comply with OSCE commitments on tolerance and nondiscrimination, in particular with the 2009 Decision on Combating Hate Crime;
  - maintain strong support for the organization's hate crime technical assistance programs; and
  - support an active role for the Justice Department's Civil Rights Division as the designated Hate Crime Point of Contact for the OSCE.

## **CONCLUSION**

The failure to confront antisemitic hatred corrodes the rights and security of all persons. Along with antisemitic violence, the targeting of individuals because of their race, religion, national origin, sexual orientation, and other similar factors, is on the rise in many countries. Strategies for combating antisemitic violence through a human rights framework are effective and necessary to confront all forms of hate crime violence, the solutions to which have much in common. The United States must continue to play a catalytic role in confronting antisemitic violence, and in doing so address all forms of global hate crime.

## 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.

## **Confronting Hatred While Respecting Freedom of Expression**

Rather than create new international norms restricting freedom of expression, Human Rights First recommends the following steps that governments, political leaders and public officials should take to:

- Combat bias-motivated violence and other forms of public and private discrimination;
- Condemn and counteract speech that incites violence against or promotes acts that curtail the enjoyment of rights by particular individuals and groups on account of their religion, race, national origin, etc.;
- Reduce fear among targeted individuals and communities and diffuse community tensions;
- Promote communication among affected communities, law enforcement, political leadership and civil society; and
- Advance intercultural and interreligious understanding.

These recommendations are based on the work that Human Rights First has done for the past several years to combat racist, antisemitic, xenophobic, anti-Muslim, homophobic and related violence, primarily in North America, Europe and the former Soviet Union.

### **Guidelines to Confront Hatred**

#### **1. Speak Out Against Hatred**

*A. Political leaders, government and other officials serving in public office should:*

- Pledge to refrain from using rhetoric that incites violence or promotes acts that curtail the enjoyment of rights by others.
- Speak out publicly and consistently to condemn such speech when it occurs; build political consensus—reaching out across political party lines—to encourage speaking out.

*B. Governments should:*

- Establish guidelines and best practices for public officials at all levels to prevent statements that incite violence or promote acts that would curtail the enjoyment of rights by others.

#### **2. Counteract the Impact of Hatred**

*A. Governments and all officials serving in public office should:*

- Provide adequate security to individuals, communities and religious or other institutions that face threats of violence.
- Establish specialized bodies or empower the appropriate existing bodies to diffuse community tensions as well as foster collaborative approaches and improve lines of communication between local government, local law enforcement, civil society groups, and community leaders to ensure effective responses to violence and hateful public discourse.
- Train civil servants—particularly those that engage routinely with the public—on promoting respect for the rights of others, dealing with incidents of hate-motivated violence and combating negative stereotypes of, and discrimination against, individuals and groups.

- Enact laws prohibiting both public and private discrimination that are in line with international standards and ensure proper oversight and public accountability of their enforcement.
- Build public trust in government institutions by ensuring accountability for human rights violations by everyone including government officials—such as racial profiling and police abuse of victims of bias-motivated violence.
- Ensure adherence to international treaty commitments guaranteeing freedom of expression, freedom of association and assembly, freedom of religion and belief and other human rights.

*B. All officials serving in public office should:*

- Use every opportunity to affirm common bonds of humanity and to guarantee equal protection under the law without discrimination for all individuals—citizens and noncitizens—in their jurisdiction. Leaders should take advantage of their positions to promote interreligious and intercultural understanding as well as policies and practices of nondiscrimination.

### **3. Combat Violent Hate Crime**

Governments are required to fulfill their international legal obligations to combat discrimination. When discrimination is manifested in hate crimes, States must transform the principles of nondiscrimination and equal protection into practical action.

*A. Governments should:*

- **Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent hate crimes will be investigated thoroughly and prosecuted to the full extent of the law.
- **Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law, that the prosecution of hate crimes against anyone regardless of their legal status in the country is a priority for the criminal justice system.
- **Monitor and report on violent 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, including against refugees and asylum seekers.
- **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.

### **5. Strengthen the Capacity of Intergovernmental Bodies**

*A. Governments should:*

- Comply with international norms and cooperate with international human rights bodies and mechanisms that regularly review States' fulfillment of human rights commitments—including treaty bodies, the United Nations High Commissioner for Human Rights, and the special procedures of the Human Rights Council concerning freedom of expression, religion and belief, and combating racism.

- Support and strengthen the mandates of regional intergovernmental organizations and mechanisms that are addressing discrimination, such as the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, the Organization of American States and others.
- Encourage the active participation of civil society groups and representatives of targeted communities in relevant international bodies and mechanisms.