

**RECOMMENDATIONS OF
THE SEMINAR ON HUMAN RIGHTS AND ANTISEMITISM , CONVENED BY
THE JACOB BLAUSTEIN INSTITUTE FOR THE
ADVANCEMENT OF HUMAN RIGHTS**

ADDRESSED TO THE OSCE CONFERENCE ON ANTISEMITISM

JUNE 19-20, 2003, VIENNA

Concerned with the prevalence of a virulent contemporary form of antisemitism, often disguised as anti-Zionism, which has led to firebombing of synagogues, assaults and abusive behavior against Jews, incitement to hatred, violence and killing of Jews, we, the participants in the Jacob Blaustein Institute seminar on human rights and antisemitism, view these incidents as serious forms of human rights violations, and call upon OSCE Participating States to undertake the following measures:

1. Reaffirm the commitments in paragraph 40 of the Copenhagen Concluding Document which condemns, inter alia, antisemitism and calls upon states to take effective measures to combat it.
2. Establish a mechanism for ongoing monitoring, reporting and follow up by states in implementing the commitments contained in paragraph 40 of the Copenhagen Concluding Document with particular regard to antisemitism. (See Annex 1 for the full text of paragraph 40).
3. Endorse the Berlin Declaration of the OSCE Parliamentary Assembly, adopted on July 10, 2002, and in particular, its paragraph 11 which declares that "violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace." (see Annex 2 for the full text of the Berlin Declaration).
4. Condemn unequivocally, at the highest levels, all manifestations of antisemitism, and make clear that expressions of antisemitic hatred and intolerance are unacceptable and will be severely punished.
5. Ensure that their national legal systems provide effective protection against all forms of antisemitism in conformity with international and regional antidiscrimination and human rights standards.
6. Ensure swift and thorough investigations into incidents of antisemitic attacks and discrimination and combat impunity, making sure that those found responsible are brought to justice.
7. Develop a system for monitoring and registering antisemitic incidents according to well-defined categories, building on international human rights standards. In so doing, (a)

ensure that any official can recognize antisemitic elements in any politically motivated crime and will incorporate them into national statistics; (b) promptly analyze and publish statistics on such crimes; (c) maintain statistics on racially and religiously motivated crimes (hate crimes), with antisemitic acts separately identified; (d) distinguish between various forms of antisemitic acts, such as violence, threatening behavior, and incitement, and develop transparent procedures for recording and acting upon this information; and (e) promote the means for effective police cooperation requiring them to collect and disseminate data on antisemitic offenses.

8. Undertake measures to ensure effective implementation of legislation prohibiting *discrimination and incitement to hatred* and that action is taken against institutions and individuals responsible for violating these norms.

9. Ensure in all fields of life, including in school, the workplace, and public spaces, a safe environment and protection from antisemitic discrimination, harassment, and violence, so that Jews may fully enjoy their human rights on an equal basis, in security and dignity.

10. Encourage media to address antisemitism and subjects relating to contemporary Jewish issues objectively and sensitively and, where necessary and appropriate, introduce systems of complaints and appeals to refute erroneous comments in this respect. Promote in this context a code which defines responsible and ethical conduct by internet providers.

11. Undertake awareness-raising campaigns and educational programs on human rights and non-discrimination for the general public, particularly young people, and other specific target groups, such as law enforcement officials, teachers, media professionals.

12. Actively pursue efforts to combat antisemitism through other existing regional and international mechanisms and institutions, including the Council of Europe, the European Union, and the United Nations.

ANNEX 1

Excerpt from Copenhagen Concluding Document 1990

40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma. They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

(40.1) - take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) - commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;

(40.3) - take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;

(40.4) - endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;

(40.5) - recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;

(40.6) - consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;

(40.7) - consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.

ANNEX 2

BERLIN DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY

BERLIN, 10 JULY 2002

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to “unequivocally condemn” anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE’s “comprehensive approach” to security, calls for “improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms”, and urges participating States to address “acute problems”, such as anti-Semitism;
4. Reaffirming the 1999 Charter for European Security, committing participating States to “counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism”;
5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;

9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks region wide;
11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;
14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and
15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

SEMINAR ON HUMAN RIGHTS AND ANTISEMITISM

June 17 – 18, 2003

Preceding the official OSCE Conference on Antisemitism

Convened by the
JACOB BLAUSTEIN INSTITUTE
FOR THE ADVANCEMENT OF HUMAN RIGHTS

List of Participants

1. Mr. Sami Asil AJI, Jewish Community, Turkey
2. Mrs. Renata Juana AJI, Jewish Community, Turkey
3. Ms. Sonia BISERKO, Helsinki Committee for Human Rights, Serbia
4. Ms. Suzette BRONKHORST, International Network Against Cyber Hate, Magenta Foundation, Netherlands
5. Mr. Ronald EISSENS, Magenta Foundation Complaints Bureau for Discrimination in the Internet, Netherlands
6. Mr. Irwin COTLER, Jacob Blaustein Institute for the Advancement of Human Rights Administrative Council, Canada
7. Mr. Panayote DIMITRAS, Greek Helsinki Monitor, Greece
8. Mr. Jakob FINCI, Jewish Community, Bosnia-Herzegovina
9. Ms. Felice D. GAER, Jacob Blaustein Institute for the Advancement of Human Rights, U.S.
10. Mr. Konstanty GEBERT, Publisher Midrasz Magazine, Poland
11. Mr. Ivo GOLDSTEIN, University of Zagreb, Jewish Community, Croatia
12. Ms. Veronika Leila Szente GOLDSTON, Human Rights Watch, U.S.
13. Ms. Anetta KAHANE, Amadeu Antonio Foundation, Germany
14. Ms. Sybil KESSLER, Jacob Blaustein Institute for the Advancement of Human Rights, U.S.
15. Mr. Alexey KOROTAEV, International League for Human Rights, Switzerland
16. Mr. Tomas KRAUS, Federation of Jewish Communities, Czech Republic
17. Dr. Samuel LASTER, Baltic News Watch, Austria and Germany
18. Mr. David MATAS, Senior Counsel, Canada
19. Mr. Michael MCCLINTOCK, Lawyers Committee for Human Rights, U.S.
20. Mr. Viktor MELAMED, Federation of Jewish Zionists, Bulgaria
21. Mr. Boris PUSTYNTSEV, Citizen's Watch, Russia
22. Mr. Josh RUBENSTEIN, Amnesty International, U.S.
23. Ms. Deniz Baler SAPORTA, Jewish Community, Turkey
24. Ms. Jolanta SKUBISZEWSKA, Never Again Foundation, Poland
25. Mr. Ralph WALDEN, Consultative Council of Jewish Organizations, United Kingdom
26. Mr. Michael WHINE, European Jewish Congress, Board of Deputies of British Jews, United Kingdom
27. Ms. Laurie WISEBERG, United Nations Office of the High Commissioner for Human Rights

This list is intended only to identify those attending the seminar.