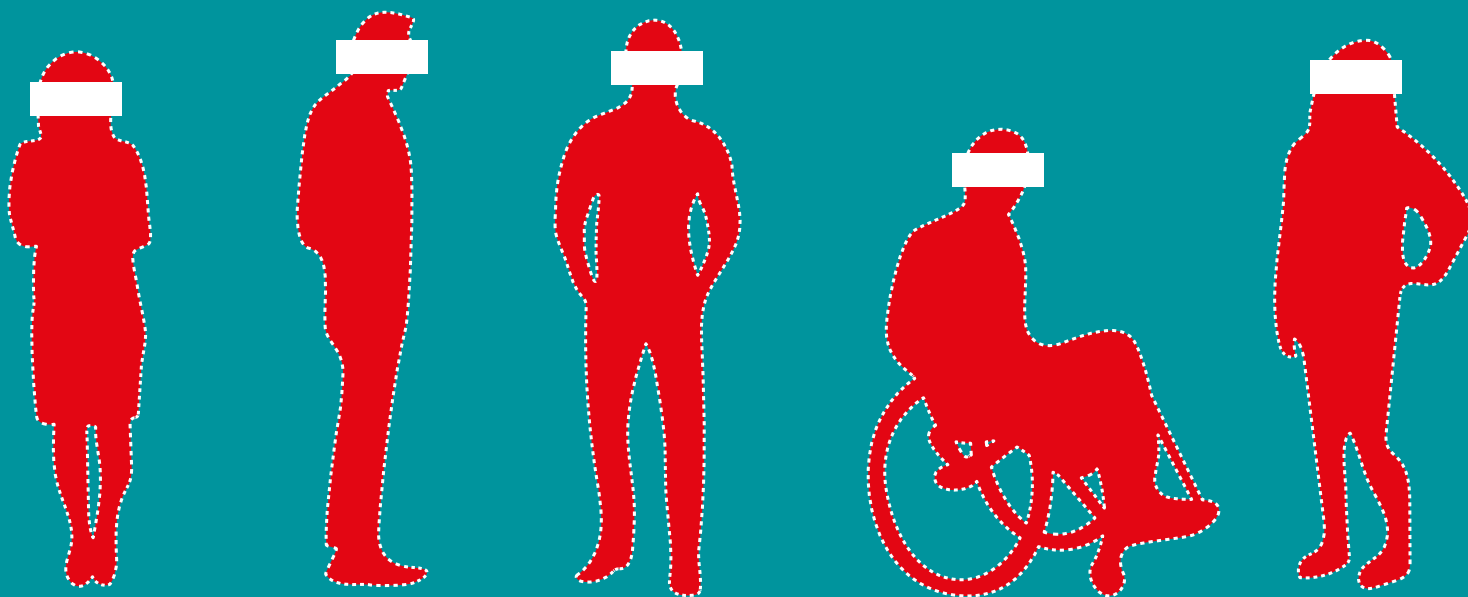


Anti-Semitic Hate Crime



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Anti-Semitism has affected Jewish communities for millennia, and found its most brutal expression in the Holocaust, during which millions of Jews were murdered. Despite the lessons to be learned from this horrific event, anti-Semitism continues to plague Jewish communities to this day, in forms from conspiracy theories to intolerant discourse. Too often, this intolerance can morph into anti-Semitic hate crimes, including violent attacks against Jews. The impact of these crimes can be that Jewish individuals fear attending worship services, wearing religious attire or symbols, or that they abstain from identifying publicly as Jewish either culturally or in religious identity. The threat posed by anti-Semitic hate crimes can even force Jewish people to emigrate. Anti-Semitism affects not only Jews, but society as a whole. Its existence also underscores wider trends of intolerance towards other groups, and everyone has a role to play in countering this and all forms of intolerance.



Vigil In Memory of Pittsburgh Synagogue Victims, 28 October 2018, Washington, DC.

What Is Hate Crime?

Criminal Offence + Bias Motivation = Hate Crime

- Hate crimes comprise two elements: a criminal offence and a bias motivation.
- First, hate crimes require a base offence to have occurred. In other words, the act committed must constitute an offence under criminal law. If there is no underlying crime, there is no hate crime.
- The second element of a hate crime is that the perpetrator must commit the criminal act with a particular bias motive or motives (such as a bias against a victim's disability, religion, ethnicity, colour and/or their gender). The presence of a bias motive is what differentiates hate crimes from other crimes.
- A hate crime has taken place when a perpetrator has intentionally targeted an individual or property because of one or more protected characteristics, or expressed hostility towards the protected characteristic(s) during the crime.

What Are Anti-Semitic Hate Crimes?

Attacks or threats against people because of their actual or perceived Jewish identity, or targeting persons or property associated with Jewish people or communities, constitute anti-Semitic hate crimes. The prejudice manifests itself either in the selection of the target (such as a Jewish cemetery, synagogue, school or monument commemorating victims of the Holocaust), or in expressions of anti-Semitism during the crime.

Anti-Semitic hate crimes take place across the OSCE region. ODIHR's reporting demonstrates that anti-Semitic hate incidents involve attacks against Jews both on religious and on ethnic grounds. Such crimes may occur on or around Jewish religious holidays and days of historical significance, including Holocaust memorial days. The perpetrators of such crimes often make use of harmful stereotypes, narratives and conspiracy theories about Jewish people, and employ historical symbols (such as swastikas) to threaten victims and their communities.



A panel discussion organized by ODIHR at the POLIN Museum in Warsaw focusing on education's role in countering anti-Semitism and other forms of intolerance, 28 September 2016. (OSCE/ODIHR)

How to Recognize Anti-Semitic Hate Crimes

There are a number of indicators that can help to identify an anti-Semitic bias in a potential hate crime. Such indicators, known as "bias indicators," can prompt the authorities to investigate a crime as an anti-Semitic hate crime, enabling a tailored response.

The following questions can help identify anti-Semitic hate crimes:

- Do the victims or witnesses perceive the incident to have been motivated by bias against Jews?
- Were there comments, written statements, gestures or graffiti that indicate bias? These can include allegations typical of anti-Semitic tropes, such as accusing Jews of killing Christ or the ritual murder of non-Jews (the blood libel), citing conspiracy theories about Jewish plots to control the world, or blaming all Jewish people for the policies of the government of Israel.¹
- Was the targeted property a place of significance to the community, such as a synagogue, Jewish cemetery, school or private property owned by Jews?
- Was the property previously targeted in an anti-Semitic incident?
- In case of an attack against property, was an object or symbol left at the scene that could be perceived as offensive or threatening, such as a Nazi symbol? Was a religiously important item, such as a Torah scroll, desecrated?
- What was the nature of the violence? Were symbols representing Judaism targeted? For example, was a kippah (a skullcap) removed from a man's head?
- Does the suspect belong to a hate group that targets Jews? These could include different far-right groups or groups advocating intolerance against Jews. Does the suspect's background or criminal record show that they have committed similar acts in the past, including against other groups?
- Is the suspect a member of a different religious group to that of the victim?
- Was the victim visibly identifiable as Jewish, for example, a man wearing a prayer shawl, a person wearing traditional clothing, or Hebrew language inscriptions on their clothing or jewellery?
- Was the victim a Jewish community leader, a human rights defender working with Jewish communities or a person providing protection and safety to Jews?
- Did the incident take place on a date of significance for either the perpetrator or Jewish communities (e.g., International Holocaust Memorial Day, the anniversary of a terrorist attack or a Jewish holiday)?
- Is there any other clear motive? The lack of other motives is also a reason to consider a bias motivation.

Anti-Semitic hate crimes should be monitored and recorded as a separate category of crimes. Where a crime is committed with multiple bias motives, each

of these biases must be recorded and addressed during investigation and prosecution. Data on anti-Semitic hate crimes should be disaggregated by gender, to better understand the extent to which Jewish women and men are affected by such crimes, and to identify appropriate measures to counter anti-Semitic hate crimes. When investigating and addressing anti-Semitic hate crimes, it is important to consider the possible multiple identities of the victim (such as religion and ethnicity or gender), as this can have significant ramifications for individual victims.

Reporting Anti-Semitic Hate Crimes

Anti-Semitic hate crimes, like all hate crimes, are under-reported, and this can be for a variety of reasons. Victims may lack trust in the authorities, may expect that their claim will not be taken seriously or may fear further victimization by police officers.

Effective access to justice remains a critical challenge

for victims, and one that participating States need to address. Governments have a central role to play in ensuring access to justice, from the initial assessment of victims' needs by police officers to developing support mechanisms for victims.

Many Jewish civil society groups have recognized the importance of hate crime monitoring, including as an advocacy tool, and are developing their monitoring capacities through outreach and online reporting.

To be effective, police responses and government policies to counter anti-Semitic hate crimes must be evidence-based and draw on official hate crime data, as well as on reports from civil society and international organizations. Increased public awareness of hate crime, hate crime recording by states, measures to encourage reporting by victims, and civil society monitoring and reporting will all help reveal the scope of the problem in more detail, enabling policymakers to identify appropriate responses.

Examples of Anti-Semitic Hate Crimes

- Eleven worshippers at a synagogue were shot dead during a Sabbath morning service. Six people, including four police officers, were injured. During the attack, the congregation was subjected to anti-Semitic insults and death threats.
- Four people were murdered and 25 held hostage in a kosher supermarket.
- A Jewish family were attacked in their home. The man was tied up, the woman was raped, and the apartment was burglarized. The attackers made remarks such as "you Jews, you have money" and "you Jews, you keep the money at home, not in the bank."
- An 85-year-old Holocaust survivor was stabbed to death in her home before her apartment was set on fire by two perpetrators, who perceived the victim as rich because she was Jewish.
- Six identifiably Jewish schoolchildren were subjected to anti-Semitic slurs and assaulted.
- A swastika was scratched on a plaque dedicating a school to Anne Frank.

¹ The OSCE participating States have "declare[d] unambiguously that international developments, including with regard to the situation in the Middle East, never justify anti-Semitism." OSCE Ministerial Council, *Declaration on Enhancing Efforts to Combat Anti-Semitism*, Basel, 5 December 2014 [MC.DOC/8/14], <https://www.osce.org/cio/130556?download=true>

What Can You Do?

There are a number of organizations that assist victims of hate crimes. Equality bodies, ombuds institutions addressing discrimination, civil society organizations and local Jewish organizations play a central role in countering hate crimes. They serve as vital links between victims, communities and local authorities. You can contact these organizations, your local support association or ombuds institution to find out more about anti-Semitic hate crimes:

- World Jewish Congress:
<https://www.worldjewishcongress.org/en>
- European Jewish Congress:
<https://eurojewcong.org/>
- Anti-Defamation League – Anti-Semitism:
<https://www.adl.org/anti-semitism>
- Equinet – the European Network of Equality Bodies:
<http://www.equineteurope.org/>
- The International Ombudsman Institute (IOI):
www.theioi.org
- The European Network of National Human Rights Institutions (ENNHRI): <http://ennhri.org/>

ODIHR Guides on Hate Crime

ODIHR has compiled good practices from OSCE participating States on addressing hate crime, and has shared these in a number of publications, available on our website at:

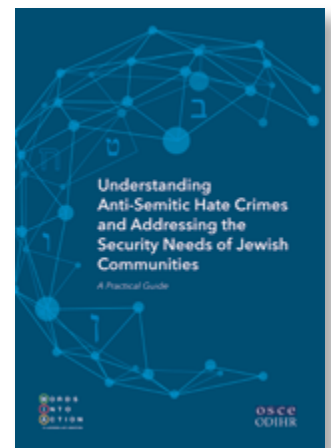
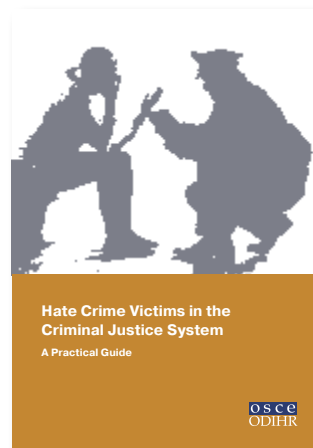
www.osce.org/odihr/124602

ODIHR has also published a practical guide on *Understanding Anti-Semitic Hate Crimes, Addressing the Security Needs of Jewish Communities*, available at:

www.osce.org/odihr/317166

Find out more about anti-Semitic hate crimes and how civil society organizations can report incidents to ODIHR by visiting our dedicated Hate Crime Reporting Website, at:

www.hatecrime.osce.org



More information:

For detailed information about ODIHR's hate crime initiatives and to view its full range of resources and publications, please visit:

www.osce.org/odihr/tolerance

OSCE Office for Democratic Institutions and Human Rights

ul. Miodowa 10
00-251 Warsaw
Poland

Tel.: +48 22 520 0600
Fax: +48 22 520 0605
E-mail: tndinfo@odihr.pl

