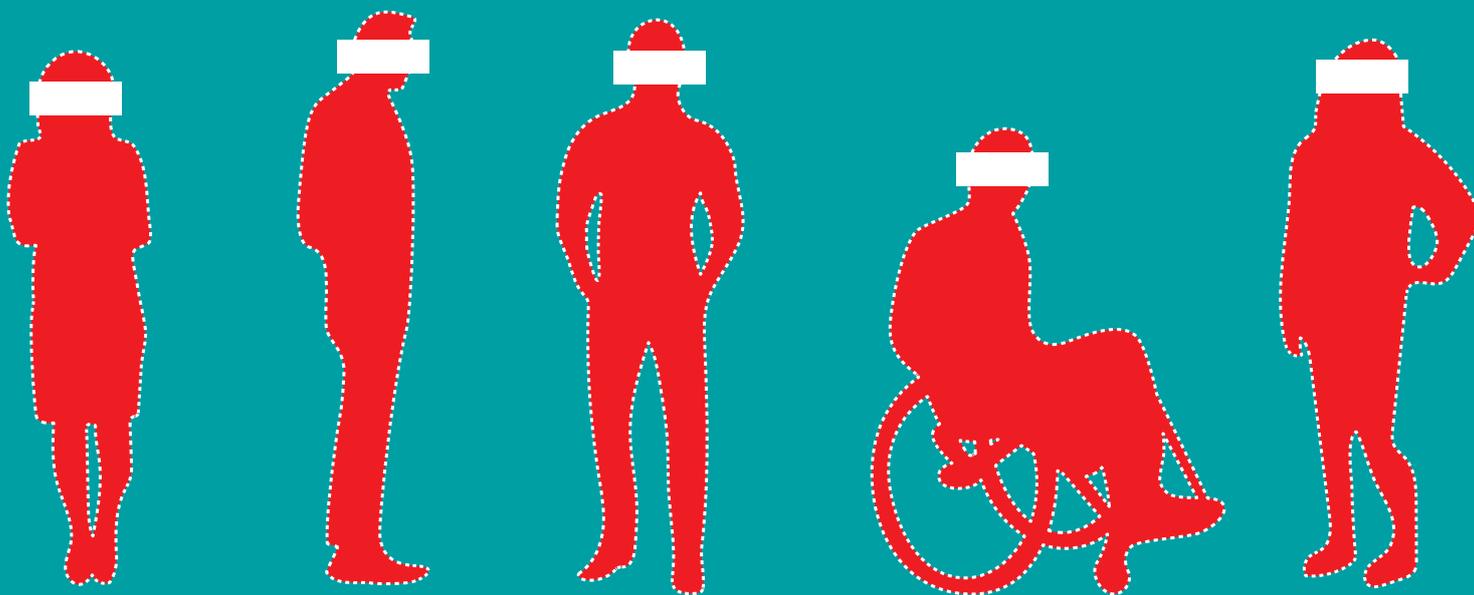


Anti-Semitic Hate Crimes



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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 lesson of this horrific event, anti-Semitism continues to plague Jewish communities to this day, from conspiracy theories to violent attacks. Too often, this intolerance can morph into hate crimes against Jews. The impact of these crimes can be that Jewish individuals fear attending worship services, wearing religious attire or symbols, or abstain from identifying publicly as Jews either culturally or in religious identity. Anti-Semitism affects not only Jews, but society as a whole. Its existence underscores wider trends of intolerance towards other groups, and everyone has a role to play in countering this and all forms of intolerance.

What is hate crime?

Criminal Offence + Bias Motivation = Hate crime

- Hate crimes comprise two elements: a criminal offence and a bias motivation. Hate crimes require a base offence to have occurred. In other words, the act committed must constitute an offence under ordinary 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 motive, based on a "bias". The presence of a bias motive is what differentiates hate crimes from ordinary crimes.
- A hate crime has taken place when a perpetrator has intentionally targeted an individual or property because of a protected characteristic or expressed hostility towards the victim's protected characteristic during the crime.

Hate crimes send a message to victims and their communities. These crimes require strong responses.

What is anti-Semitic hate crime?

Attacking or threatening people because of their actual or perceived Jewish identity, or targeting property associated with Jewish people or communities constitute anti-Semitic hate crime. 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 expressing hostility towards Jewish people, or people perceived to be Jewish.

How to recognize anti-Semitic hate crimes?

A number of indicators identify an anti-Semitic bias in a crime. It is very important to correctly identify bias indicators for hate crimes, as they can help authorities decide whether the case should be investigated



ODIHR reports on anti-Semitic incidents, including graffiti, from across the OSCE region on hatecrime.osce.org. (Flickr/public domain)



An ODIHR-organized interfaith dinner against discrimination at the European Jewish Community Centre in Brussels, 30 May 2017. (OSCE/Iris Felicia Haidau)

as a possible anti-Semitic hate crime, enabling a tailored response. Data on anti-Semitic hate crimes should be disaggregated by gender to show how hate crimes affect Jewish men and women differently. Many incidents can include one or more of the following elements.

Examples of questions to help identify anti-Semitic hate crimes are:

- Do the victims or witnesses perceive the incident to have been motivated by bias towards Jews?
- Were there comments, written statements, gestures or graffiti that indicate bias? These can include accusations typical of anti-Semitic tropes, such as blaming all Jewish people for the policies of the government of Israel, blood libel, accusing Jews of killing Jesus or claims of Jewish plots to control the world.
- Was the targeted property a place of religious or cultural significance, such as a synagogue, Jewish cemetery, school or property privately owned by Jews?
- Was the property previously targeted in an anti-Semitic incident?
- What was the nature of the attack against property? Was an object or symbol left at the scene that can 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 person's head?
- Does the suspect belong to a hate group that targets Jews? These could include different far-right or Neo-Nazi groups, groups advocating intolerance against Jews or other religious groups. Does the suspect's background or criminal record show that they have committed similar incidents in the past?
- Was the victim visibly identifiable as Jewish, for example, a person wearing a kippah, a person wearing traditional clothing or Hebrew language inscriptions on their clothing or jewellery?
- Was the victim a Jewish community leader or a human rights defender dealing with the protection and safety of Jews?
- Did the suspect indicate that they were blaming the victim for the actions of the government of Israel simply because they were Jewish?¹
- Did the incident take place on some 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? Lack of other motives is also a reason to consider a bias motivation.

Anti-Semitic hate crime should be monitored as a separate category of crime and recorded in a manner that allows for disaggregation by gender.

Reporting anti-Semitic hate crimes

The underreporting of anti-Semitic hate crime has a significant effect on the hate crime figures reported to ODIHR. This can be due to many reasons: the victims' potential isolation or proximity to the perpetrator, or the lack of trust in the authorities, due to fears that their claim will not be taken seriously or that police officers will victimize them again.

Access to justice remains a critical challenge, and one that participating States need to overcome. Governments have a central role to play in ensuring access to justice, from the initial assessment of victims' needs by police officers, to support mechanisms for victims through governmental or nongovernmental institutions.

Developing effective police responses to counter these crimes is possible when they can collect reliable data on them. Increased awareness of hate crime, reporting of it by victims and recording it by states will help reveal the full magnitude of the problem and enable policy-makers to identify appropriate responses.

Examples of Anti-Semitic Hate Crime

- A young Jewish family was attacked in their home. The young man was tied up, the young 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 visibly identifiable Jewish man was physically assaulted and subjected to anti-Semitic insults by a group.
- A swastika was scratched on a plaque dedicating a school to Anne Frank.
- A prayer pavilion in a Jewish cemetery was the target of an arson attack. The same cemetery had been targeted three times in the previous six months.

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."

Declaration on Enhancing Efforts To Combat Anti-Semitism, Basel 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 organisations play central roles 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:

- Contact the equality body closest to you. You can find a non-exhaustive list here: www.equineteurope.org
- The International Ombudsman Institute (IOI): www.theioi.org
- The European Network of National Human Rights Institutions (ENNHRI): www.ennhri.org

ODIHR guides on hate crime

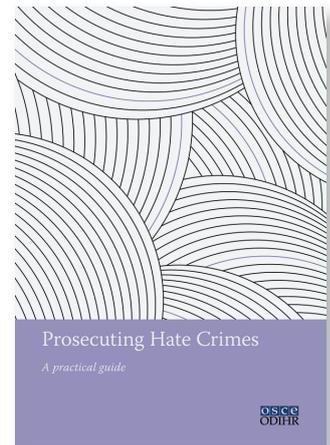
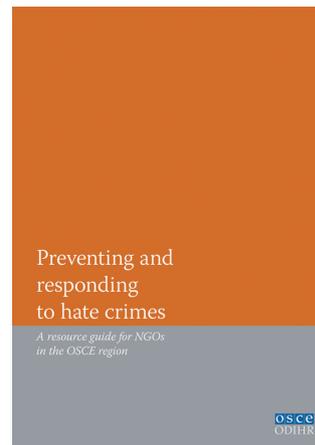
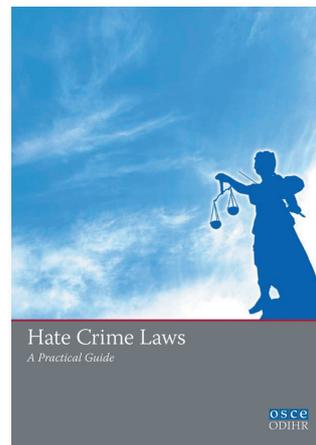
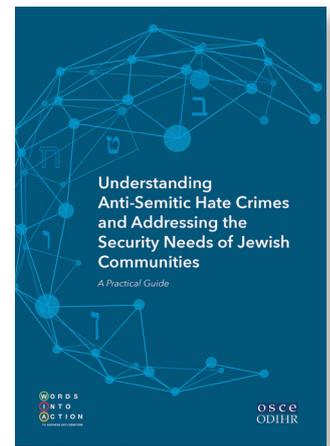
ODIHR has compiled good practices from OSCE

participating States for addressing hate crime and has shared these in a number of publications. These publications are available on our website at:

www.osce.org/odihr/124602

Visit ODIHR's dedicated hate crime reporting website at: www.hatecrime.osce.org.

Visit ODIHR's Tolerance and Non-Discrimination Information System (TANDIS) at: www.tandis.odihr.pl



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

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