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The Use of the UNHRC's Universal Periodic Review in **Fighting Antisemitism and Preserving the Memory of the Holocaust**

Abstract

One of the UN Human Rights Council's mechanisms, the Universal Periodic Review (UPR) is a cyclical review and reporting mechanism to assess and give recommendations on how to improve the human rights situation in UN Member States. The present report looks into the recommendations given on the occasion of states' UPRs and examines how much the process has been utilized in order to highlight specific issues around antisemitism and Holocaust remembrance.

The report's findings are deeply worrying

During the existence of the UPR process, less than 0,08% of all recommendations made have addressed the topics of antisemitism, Holocaust remembrance and fostering Jewish life. Given that the UPR mechanism allows for a direct contact on the UN level between Member States, the World Jewish Congress regrets the disregard for the issue of antisemitism and encourages UN Member States to employ the UPR process strategically in order to combat this scourge.



Foreword

Antisemitism is deep-seated, pervasive and on the rise. It is toxic to democracy and reflects a deep dysfunction in our societies. Often the canary in the mineshaft of hatred, in spaces where antisemitism goes unchallenged, antisemitic hatred can escalate to lethal levels and mobilise other forms of bigotry as well. Whether it manifests on its own or allied with other forms of intolerance, antisemitism must never be tolerated.

In recent years, as a result of increasing incidents of antisemitic hatred, some countries have intensified their efforts to combat antisemitism and have identified a range of measures that have proven useful. Likewise, some parts of the United Nations system, such as United Nations Educational Scientific and Cultural Organisation and the Office of the Special Adviser on Genocide Prevention have made important contributions as has the United Nations General Assembly. The leadership of the UN Secretary-General Antonio Guterres has played a particularly key role in sharpening the institutional focus at the UN on combating antisemitism and on related issues such as Holocaust denial and distortion. In addition to the work of the UN Outreach Program on the Holocaust, the appointment, in his office, of a High-Level Focal Point in 2020 to combat antisemitism, reflects the Secretary-General's growing concern with antisemitic hatred.

The Human Rights Council must claim ownership and leadership of the vision that animated the drafters of the Universal Declaration of Human Rights in 1948 in their determination to prevent the recurrence of the 'barbarous acts' which had, in their own generation, 'outraged the conscience of mankind'. The UDHR calls on 'every organ of society' to deliver on that vision. This is echoed in the appeal by UN's Strategy and Plan of Action on Hate Speech of 2019 to pursue a 'whole-of-society' approach to combat hatred. Such an inclusive modus operandi is also needed for the UN system itself. As the premier organ of the international society to safeguard human rights, the Human Rights Council, can and must make a vital contribution to mainstreaming combating antisemitism.

The Universal Periodic Review presents one of many opportunities for the Human Rights Council to advance such an integrated approach to the fight against hatred including antisemitic hatred. It is a unique forum to recognise challenges, share good practices, identify opportunities for collaboration, advance mutual learning, and reflect on progress. The UPR's inclusivity of all states must be matched by the inclusion of all peoples, on the basis of equal concern and equal respect.

I commend the World Jewish Congress for having undertaken this pioneering Review of how the UPR has engaged with combating antisemitism. It highlights a number of missed opportunities for mobilising action as well as some good practices. Moreover, it identifies a set of recommendations for consideration by states during the UPR processes moving forward. These are simple steps, but their impacts can be quite significant.

The alarming levels of antisemitism, the complexity of challenges posed by emerging technologies, and the threat to democracy that antisemitism and other forms of hatred poses, demand that we pay urgent attention to responding to these. Yet, the ask in this Review by the WJC is not to focus on combating antisemitism to the exclusion of other forms of hatred or other important issues. Far from it. This is a plea for inclusion grounded in the clear obligation on all states to combat antisemitism and to ensure freedom from fear for all. It is a call to recognise that shaping an effective response to antisemitism requires identifying the specificity of the phenomenon. Moreover, it is an affirmation that what is required is a human rights approach to combating this global and lethal scourge.

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1. Introduction

The World Jewish Congress (WJC), representing Jewish Communities and institutions in more than 100 countries, has advocated for the need to safeguard Jewish life, counter antisemitism and protect the memory of the Holocaust since its establishment in Geneva in 1936. Having been granted consultative status with the United Nations in 1947, the WJC has been strongly advocating in support of freedom of religion, protection of minorities, the right to education and the fight against racism, contributing important language that is now part of the Universal Declaration of Human Rights¹ or the basic International Human Rights Covenants and Declarations.²

The fight against antisemitism has become an increased focus of the international community. UN Secretary General Antonio Guterres has said that “Antisemitism – the oldest form of hate and prejudice – is resurgent yet again. Almost every day brings new reports of verbal assaults and physical attacks; of cemeteries desecrated and synagogues vandalized.”³ He also appointed Miguel Moratinos, High Representative for the Alliance of Civilizations, as the UN “focal point” on antisemitism, in February 2020, to “monitor antisemitism and enhance a system-wide-response.”⁴

In Geneva, Ambassador Federico Villegas, President of the 2022 UN Human Rights Council, noted that one should keep in mind that antisemitism and the history of the Holocaust “is a common past, not only a Jewish past,” during a side event to launch the 8-point action plan for advancing the fight against antisemitism of the UN Special Rapporteur on Freedom of Religion or Belief, Dr Ahmed Shaheed.⁵

In its 2021 report, the Fundamental Rights Agency of the European Union (FRA) has included a chapter on how European states use the mechanisms of the United Nations to combat antisemitism. The report includes also a reference to the Universal Periodic Review (UPR), a UN process which reviews the human rights records of all UN member states.⁶ For 2020, the report only made mention of 5 examples of recommendations and observations made to EU Member States by UN Member States through the UPR mechanism related to combating antisemitism. They related to only two states, Sweden (4) and Bulgaria (1). This finding can already provide an initial hint as to how the process is being used with respect to issues pertaining to the Jewish community. In its 2022 report, FRA noted that observations and recommendations referencing “Jews” and/or “antisemitism” were published in 2021 for Austria, Belgium, Hungary, Ireland and the Netherlands.⁷

The present report looks into the Universal Periodic Review, a mechanism of the UN Human Rights Council and examines how much states utilize this process in order to highlight specific issues around antisemitism and Holocaust remembrance. After providing some background information and discussing the methodology, the report presents its findings and proposes recommendations to UN member states on how to better use this process to promote the human rights of Jewish individuals and communities worldwide.

¹ Gerhart M. Riegner, *Never Despair: Sixty Years in the Service of the Jewish People and the Cause of Human Rights*, 180.

² Ibid. 186-188.

³ <https://news.un.org/en/story/2022/01/1110542>

⁴ <https://www.un.org/sg/en/content/profiles/miguel-moratinos-cuyaubé>

⁵ <https://www.worldjewishcongress.org/en/events/the-uns-action-plan-to-combat-antisemitism>

⁶ Antisemitism: Overview of antisemitic incidents recorded in the European Union 2010-2020, European Fundamental Rights Agency, 9 November 2021, 14-15.

⁷ Antisemitism: Overview of antisemitic incidents recorded in the European Union 2011-2021, European Fundamental Rights Agency, 3 November 2022, 23.

2. Key Findings

- The report clearly demonstrates that UN Member States have failed to use the UPR process to raise concerns around issues concerning the Jewish community and have not prioritized them in the vast majority of cases.
- Of the 90,938 recommendations made during the UPR process between April 2008 and the end of July 2021, only 70 directly refer to specific concerns around the fight against antisemitism and preserving the memory of the Holocaust, that is less than 0,08%.
- 38 states made recommendations on the fight against antisemitism and preserving the memory of the Holocaust, directed to 28 states. Among the 193 UN member states, around 24% of the members considered the issue to be important and they directed them to even a smaller number, 16%.
- EU countries received the majority of the recommendations, 59 in total. Non-EU Western countries, such as Andorra, Canada, Norway and Switzerland received 6 recommendations. 5 recommendations were made to other states such as Iran, Turkey, Venezuela and Yemen. It is interesting that no recommendations were made to countries with big Jewish communities such as the United Kingdom or the United States.
- Non-EU countries have made 61 recommendations which are mostly directed to EU countries as seen above. 14 recommendations out of these 61 were made by Western Non-EU countries, namely Canada, United Kingdom and the United States, while the 47 remaining were made by other States such as the Russian Federation, Israel, Belarus and Bahrain. EU countries made a total of 9 recommendations.
- Recommendations towards Iran, a state which promotes antisemitic propaganda and has hostile attitudes, are greatly inadequate and represent a missed opportunity. Only 2 recommendations were made to Iran, by the Netherlands and Israel.
- No recommendations were made with regards to issues of restrictions of the freedom of religious practice, such as “ritual slaughter,” an important element in Judaism but also in Islam—and currently under severe strains in several countries.
- Out of the 70 recommendations, 60 were accepted by the receiving state. Of the remainder, 10 were noted and none were denied.
- In a positive development, recommendations concerning the fight against antisemitism and preserving the memory of the Holocaust show an increase between the different cycles of the UPR.

3. Background on the Universal Periodic Review

The Universal Periodic Review (UPR) is an important mechanism of the United Nations Human Rights Council (UNHRC). Established in 2008, its objective is, among others, the support for cooperation in the promotion and protection of human rights and the improvement of the human rights situation on the ground.⁸ Created as a collaborative mechanism and a means to reduce politicization at the UNHRC, the UPR has been praised as the “most universal non-confrontational approach to human rights implementation.”⁹

During the UPR, UN member states make general observations about the human rights record and practices of the state under review and propose recommendations aimed at improving human rights protection. At the end of the two-and-a-half-hours session a report is produced, summarizing the discussion and listing all the recommendations in chronological order. Each State must then accept, note, or reject the recommendations addressed to it.

All UN member states are evaluated during one session every four-and-a-half-years. At the end of this fixed rotation, a new cycle commences. During the following review cycle, particular attention is given to analyzing the measures adopted by each State to implement the recommendations it has accepted. The fourth cycle of the UPR started in November 2022 and is ongoing.

⁸ Human Rights Council resolution 5/1.

⁹ Domínguez-Redondo, Elvira, The Universal Periodic Review – Is There Life Beyond Naming and Shaming in Human Rights Implementation?, New Zealand Law Review, Volume 2012, Number 4, December 2012, 673-706.

4. Methodology

This report aims at compiling data on recommendations made and received by UN Member States during of the Universal Periodic Review mechanism, from its establishment in April 2008 until 2 August 2021. UPR Info, a NGO dedicated to provide information on the UPR mechanism, compiles all the recommendations from the UN reports in an easily searchable database which is available for consultation online.¹⁰

Several states issue recommendations and highlight concerns on broad topics of freedom of religion or protecting the rights of minorities, under which, of course, concerns of Jewish individuals are also included. This research searched for specific recommendations concerning the fight against antisemitism and preserving the memory of the Holocaust, which included at least one of the following key words: antisemitism, anti-semitism, anti-semitic, antisemitic, Holocaust, Jews, Jewish, ritual slaughter and/or synagogue. Some recommendations can also contain several keywords. No recommendations containing the words “synagogue,” “ritual slaughter,” or “antisemitic” were found. A detailed chart with all these recommendations can be found in Appendix 1.

From the beginning of the first UPR cycle in 2008 until 2 August 2021, no less than 90,938 recommendations were issued.¹¹ Of this total, this research found only 70 recommendations containing keywords such as “Jews,” “Antisemitism,” or “Holocaust.”

During the research, we identified 11 recommendations that related to the State of Israel. Israel is, of course, the sole Jewish state in the world and the recommendations directed towards it often include the keywords of this study. As its population primarily consists of Jewish people, the vast array of recommendations including the keywords of this study were not linked to combating antisemitism and promoting Holocaust remembrance but pertaining to broad minority issues in the country. For the purposes of this study, we have not included these 11 recommendations in our analysis.

The research only looked into recommendations made during the formal exchange and not made as “advanced questions.”¹²

¹⁰ <https://upr-info-database.uwazi.io/>

¹¹ <https://www.upr-info.org/>

¹² <http://modelupr.com/prepareformmeeting-3/?ckattempt=1>

5. Analysis

The results of this study show that out of the 90,938 recommendations made during the UPR process between 2008 and 2 August 2021, only 70 relate to issues concerning the fight against antisemitism and preserving the memory of the Holocaust, that is less than 0,08%.

38 states made a total of 70 recommendations during the UPR process, which were directed to 28 states. Out of these 70 recommendations, 60 or 85,7% were supported by the receiving states while 10 or 14,3% were noted and none rejected.

The analysis shows that the three states that have received most of the recommendations are France, Sweden and Lithuania. France received 12 recommendations, Sweden received 8 and Lithuania has received 6 recommendations.

11 out of the 12 recommendations France had received concerned racial discrimination. Regarding Sweden, 7 out of 8 recommendations related to freedom of religion and belief. Lithuania has received 5 out of 6 recommendations on racial discrimination.

Finally, with respect to states that have made recommendations, Israel has made a total of 11 recommendations, followed by the United States with a total of 10 recommendations made to mostly EU Member States. Russia is the third state having made 6 recommendations.

Israel is mainly asking EU Member States, such as Italy, Sweden and Lithuania, to continue their efforts in combating antisemitism and preserve the memory of the Holocaust. The United States is especially asking States to strengthen their efforts to combat antisemitism through further implementation of anti-discrimination laws and law enforcement trainings.

As for Russia, 5 out of 6 recommendations concerned racial discrimination. The Russian Federation is mainly recommending states to continue their work to prevent incidents of antisemitic nature and to ensure the collection of statistical data on incidents of antisemitism.

Recommendations related to antisemitic issues were presented stand alone in 9 instances, or 19,5% of the cases. In the vast majority, 46 of these recommendations came together with more broader terms such as xenophobia and racism, or other forms of prejudice, such as islamophobia, and hatred directed at other religious minorities.

The Holocaust has been mentioned only once during the first cycle of the UPR, 3 in the second cycle, while being mentioned 5 times during the last cycle. These 10 recommendations aim at asking states to strengthen their legislations on Holocaust denial, in particular through education. This indicates a possible trend in higher recognition of the responsibility to talk about the importance of Holocaust remembrance and the role education must play in it.

Some countries such as Israel and Austria are also urging others States to implement the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism.

Finally, it must be pointed out that there is no recommendation including the keyword “ritual slaughter” which, although being an important element in several religions—and currently under severe strains—does not seem to attract enough interest by the UN Member States who otherwise express their intention to protect freedom of religion. The UPR process could be a useful tool to raise awareness and safeguard this freedom.








5. Analysis continued

While conducting the research, we noticed a growth in recommendations containing the keywords between cycles. In the first cycle (2008-2012) there was a total number of 11 recommendations made, in the second cycle (2012-2016), there were 31 and in the third cycle we examined 28 recommendations (2017- 2 August 2021). This means an increase of 2.5 times between the first and second cycles, while we expect a further increase in the third cycle once completed.

Because of time constraints, the UPR process only allows for very short statements, and states need to carefully prioritize the items they include in their observations and recommendations. We acknowledge that, in some cases, other considerations may deem to be more important for some states with regards to their recommendations and issues around the fight against antisemitism and Holocaust remembrance may not be featured as their top priorities. However, with regards to a large group of states, issues around combatting antisemitism and preserving the memory of the Holocaust should be addressed and their absence is perplexing, provided that these topics have been elevated as national priorities by many states.

6. Content of recommendations

The following table gives some examples of recommendations that States have received, their responses and also include the recommending States

Date	Stand alone	State under review	Recommendations	Recommending State	Response
12 October 2011	● Yes	 Venezuela	Direct officials to cease anti-semitic commentary and condemn any such statements	 United States	● Noted
12 October 2011	● No	 Lithuania	Develop public awareness campaigns to combat manifestations of discrimination and racism, including xenophobia, homophobia, anti-semitism, and other forms of intolerance in order to further protect and strengthen the rights of members of minority groups, including Lesbian, Gay, Bisexual, and Transgender individuals and the Roma community	 United States	● Supported
15 January 2013	● No	 France	Step up its efforts to combat racist, anti-Semitic and extremist expressions and actions	 Russian Federation	● Supported
15 January 2013	● Yes	 Romania	Include accurate holocaust information in all public school lesson plans	 United States	● Noted
21 January 2015	● No	 Sweden	Guarantee effective protection, in law and practice, of the rights of national and religious minorities, firstly Muslims, Jews as well as the Sami	 Russian Federation	● Supported

7. Illustrations

Figure 1: States that have received recommendations including the keywords during the Universal Period Review between 2008 and 2nd of August 2021

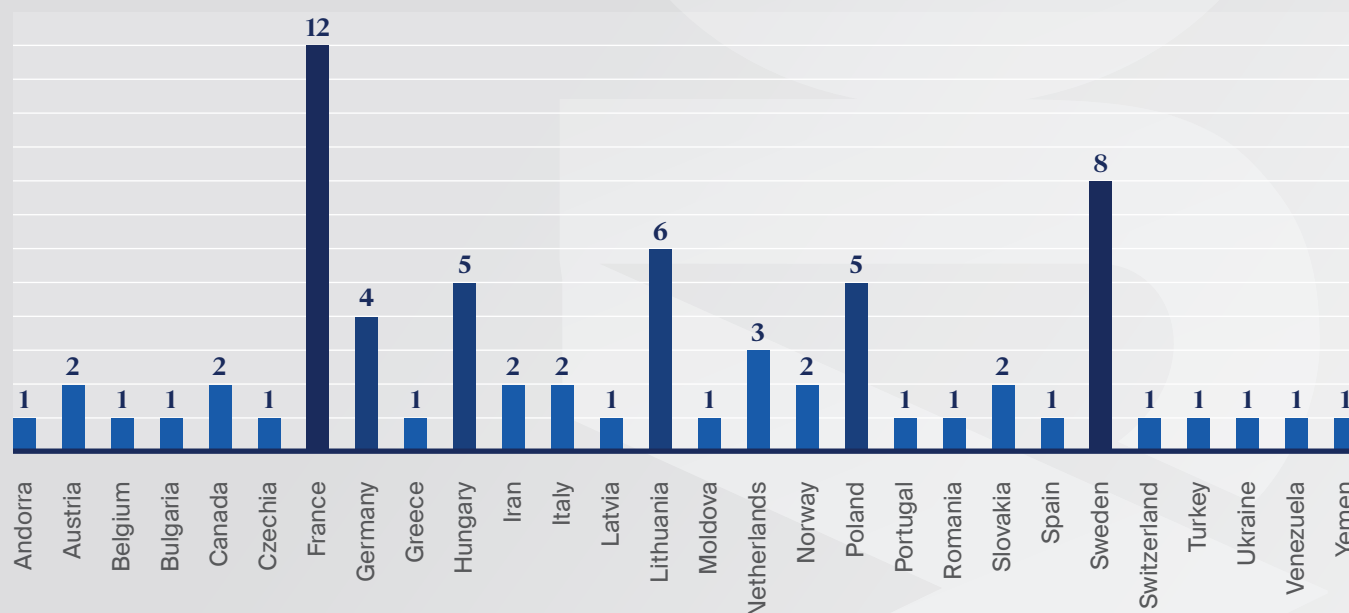
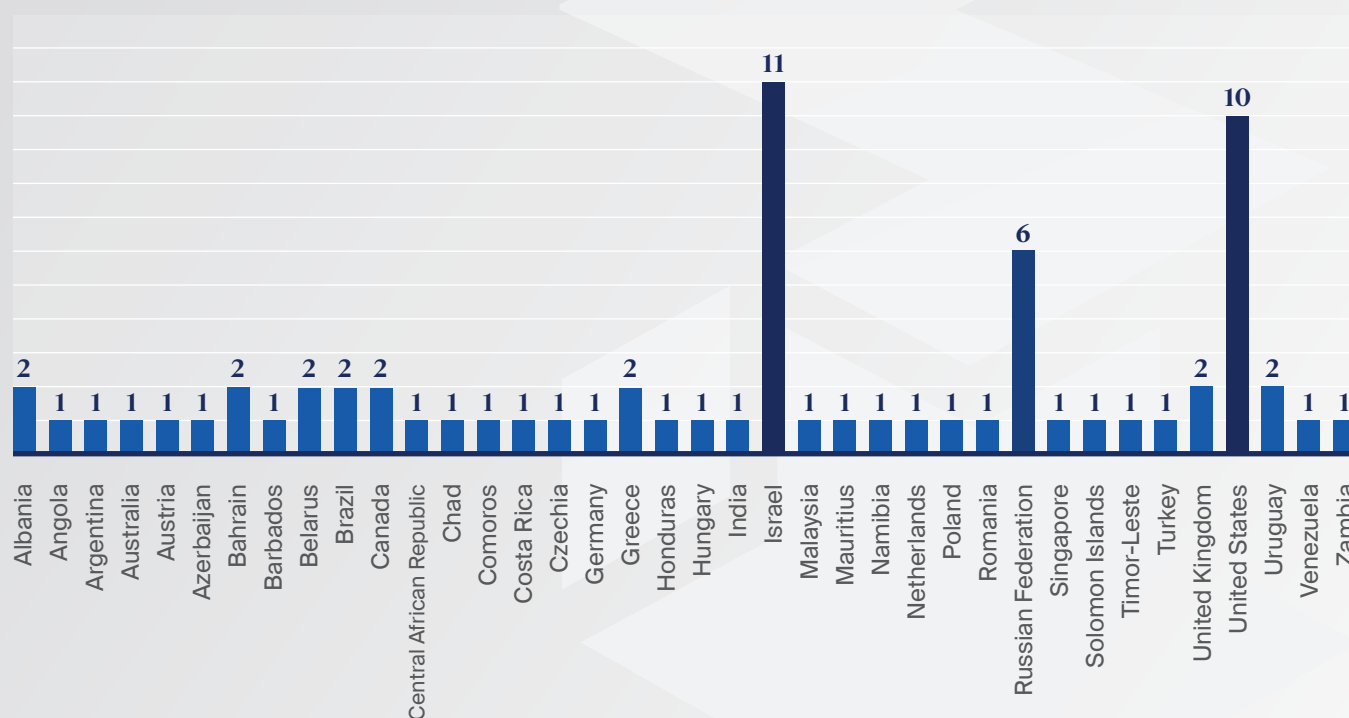


Figure 2: States that have received recommendations including the keywords during the Universal Period Review between 2008 and 2nd of August 2021



7. Illustrations continued

Figure 3: Total of number of recommendations including key words shared during the two first cycles and the ongoing third cycle of the Universal Periodic Review.

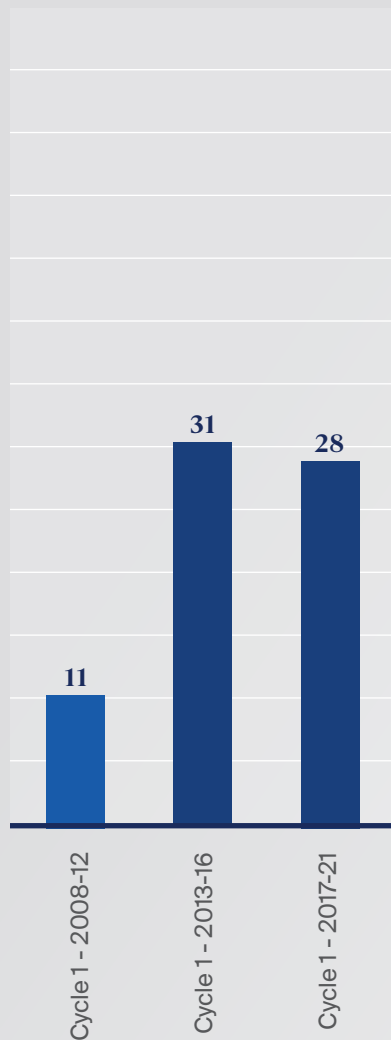


Figure 4: Share of recommendations that were supported, noted, or not supported by HRC Member States during the Universal Period Review between 2008 and 2 August 2021.

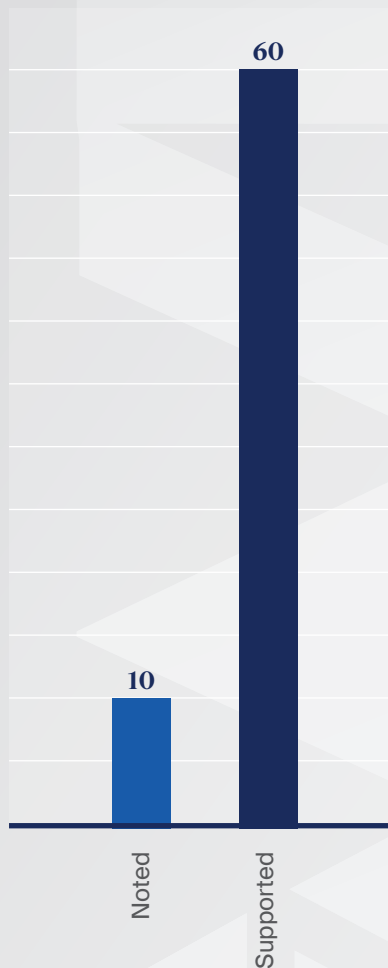
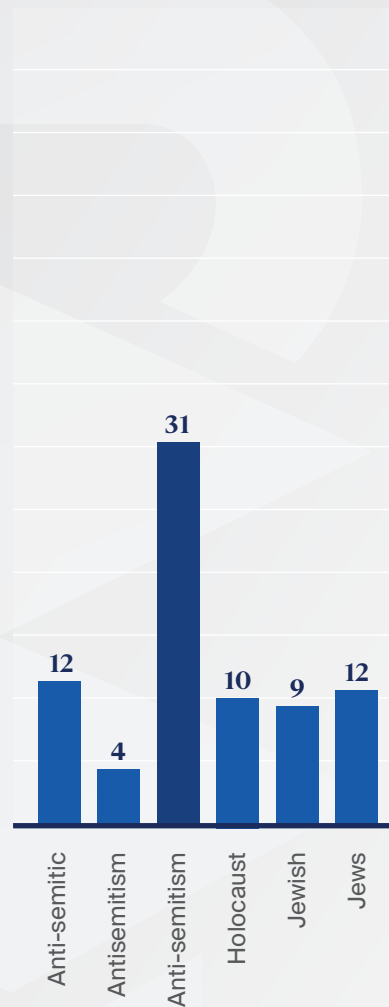


Figure 5: Share of recommendations that contained the keywords of the study during the Universal Period Review between 2008 and 2 August 2021.



8. Conclusion

The World Jewish Congress laments the fact that UN member states do not prioritize the fight against antisemitism and preservation of the memory of the Holocaust in their UPR recommendations and stresses the importance of all states to use the UPR process as an opportunity to ask questions and provide effective recommendations on combatting antisemitism and preserving the memory of the Holocaust.

Antisemitism is a serious obstacle to the exercise of freedom of religion or belief, but also to the prosperity of diverse and tolerant societies. The United Nations is the primary international body mandated to protect and promote the human rights of all and should play a world leadership role in combating any discrimination, xenophobia and prejudice that runs counter to modern society and values. Countries have made international commitments to fight antisemitism and Holocaust denial, in the UN and regional levels. In that sense, UN Member States are aware about the universal importance of countering the rise of antisemitism and Holocaust denial and distortion and should make more use of this helpful tool.

The European framework of combatting antisemitism and preserving the memory of the Holocaust is the most developed one, with international instruments being developed at the OSCE, Council of Europe and European Union level. Regrettably, the respect of these commitments does not trickle down to the UPR process by UN member states.

To that extent, the World Jewish Congress commends the fact that states which received many of the above recommendations concerning racial discrimination and freedom of religion or belief, such as France and Sweden, have accepted and declared they would implement them in their totality.

9. Recommendations

In light of the findings of the report, the World Jewish Congress calls on UN Member States to use the UPR process to raise specific concerns around the fight against antisemitism and Holocaust remembrance directed to other states.

Below is an array of suggestions which can be adapted as necessary.

States should:

- Condemn antisemitic incidents and bring perpetrators to justice
- Endorse/adopt the IHRA Working Definition of Antisemitism, by the Head of State, Cabinet or Parliament, as a practical tool to identify and combat antisemitism
- Appoint a state commissioner/coordinator on combating antisemitism
- Create a national action plan for combatting antisemitism
- Integrate Holocaust education and education against antisemitism in state educational curricula, with relevant training for teachers and educators
- Evaluate educational materials to ensure they do not include negative depictions of Jews or any other minorities
- Put into place hate crime legislation and legislation against antisemitism
- Keep data and provide regular, holistic reporting on hate crimes, including antisemitic incidents
- Develop efficient tools to monitor and combat hate speech and antisemitism online
- Refer to restrictions in the freedom of religious practice of Jewish communities around the world.
- Organize commemorations of the Holocaust, with an educational approach, as a way to safeguard the memory of the victims and promote its universal lessons
- Oppose efforts to glorify Nazism, rehabilitate Nazi war criminals or their collaborators
- Provide training for law enforcement on combating antisemitism
- Support victims of antisemitism
- Establish a control mechanism to avoid funding for antisemitic groups and projects either domestically or internationally
- Provide state funding for programs against antisemitism, including support for academic research on antisemitism
- Regularly engage with relevant civil society organizations, including Jewish community institutions or museums dealing with the Holocaust or Jewish history
- Preserve and promote local Jewish history and culture as a way to counter ignorance, build resilience and fight antisemitism

Thank you