



Antisemitism

Summary overview of the situation in the
European Union 2001-2010

Working paper

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Introduction

This report is the 7th update of the report *Manifestations of antisemitism in the EU* published in 2004 by the predecessor of the Fundamental Rights Agency of the European Union (FRA), the European Union Monitoring Centre on Racism and Xenophobia. It contains the latest available governmental and non-governmental statistical data covering the years 2001 to 2009, and, in addition, selected incidents identified through non-governmental organisations (NGOs) and media reports.

The Agency's data collection work over recent years shows that few European Union (EU) Member States have official data and statistics on antisemitic incidents. Even where data exist, they are not comparable, since they are collected using different definitions and methodologies.

Furthermore, in many EU Member States Jewish organisations or other civil society organisations do not collect data on antisemitic incidents in a systematic way, as there is no complaints mechanism in place to receive and investigate allegations. Where such data exists, usually as lists of cases, they are collected ad hoc by civil society organisations or are based on media reports with varying degrees of validity and reliability.

Across most EU Member States, as the FRA has repeatedly noted, there is a serious problem of underreporting, particularly in reference to official systems of data collection that are based on police records and criminal justice data, because not all officially registered antisemitic incidents are categorised under the heading 'antisemitism', and/or because not all antisemitic incidents are reported to an official body by victims or witnesses.

In unofficial data collection or when the methodology applied is insufficiently robust the same incident may be recorded twice under different categories, for example, under both 'defamation' and under 'property damage'.

In view of the lack of robust and comparable data showing the extent to which Jews in the EU are subject to discrimination, hate crime and hate speech, the FRA decided in 2011 to launch a major survey on the Jewish population in EU Member States. The issues to be covered will include experiences and perceptions of discrimination (direct, indirect and harassment) in key areas of social life, such as education, housing, health and employment, as well as experiences and perceptions of hate crime and hate speech, and, in addition, awareness of available legal remedies.¹ The survey design will be developed in close consultation with key

¹ A similar survey to address the lack of comparable official data was carried out by the FRA in 2008. The EU-Minorities and Discrimination Survey (EU-MIDIS) examined immigrants' and ethnic minorities' experiences of discrimination and racist crime delivering valuable data on a random sample of difficult-to-sample population groups. The study was the first of its kind systematically surveying vulnerable minority groups using the same questionnaire instrument in all Member States.

stakeholders, including representatives of Jewish communities in the European Union.

Historical background

In Europe, antisemitism is a very old and deeply rooted cultural tradition that has found a specific political expression since the 19th century initially in the context of the development of racist ideology and later in the context of national socialist ideology. In the Arab and Muslim world, however, the political conflict with Israel played an important role in the development of antisemitism. There is some research evidence that European antisemitic stereotypes have in recent decades gradually been adopted by sections of Muslim communities around the world and have to some extent acquired a presence independent of underlying national conflicts.

Major aspects of post-1945 antisemitism are the emergence of so-called 'secondary antisemitism' and the transformation of antisemitic discourse and expressions through the existence of the Israeli State. 'Open antisemitism', in the sense of the often self-declared pre-World War II antisemitism, became, after 1945, associated with 'Auschwitz', the main metaphor for the genocide against the European Jews, and was censored. Antisemitic statements, therefore, had to be rephrased so as to avoid being labelled as such, particularly in Germany, Austria and France. This transformation meant that post-1945 antisemitism could be characterised as 'antisemitism without antisemites'. However, antisemitism after 1945 was also characterised by 'secondary antisemitism', which, broadly defined, is any form of antisemitism that reflects the taboo of 'open antisemitism'. The notion is most commonly used to describe antisemitism in Austria and Germany, where secondary antisemitism is usually considered a reaction to the debates on national identity and National Socialism. Drawing on older antisemitic stereotypes, a typical claim of secondary antisemitism is, for example, that Jews are 'manipulating' Germans or Austrians by exploiting feelings of guilt. Characteristic of all forms of 'secondary antisemitism' is that they relate directly to the Holocaust and that they allow speakers to avoid expressing open antisemitism.

While the impact of left-wing anti-Zionism remains unclear, both secondary antisemitism and the use of anti-Zionism as a way of circumventing the antisemitism taboo are prevalent among the extreme and populist far right in Europe. Holocaust denial or 'revisionism', particularly, has become a central part of the propagandistic repertoire of parties and organisations on the right fringe of the political spectrum throughout Europe. Although 'revisionism' is not restricted to the right, it has become a central unifying feature of different right-wing extremist movements – both among the often-divided domestic groups and in the formation and cross-border cooperation of regional or international groups.

Data update by country

Austria

In Austria, antisemitic incidents are recorded officially through the monitoring of extreme right-wing activities. Extremist offences under Austria's *Prohibition Statute*² may encompass Holocaust denial, as well as the revitalisation of Nazi ideology. The NGOs Forum against Antisemitism (*Forum gegen Antisemitismus*)³ and ZARA⁴ also record incidents.

According to the official statistics, the number of antisemitic incidents decreased from 23 incidents in 2008 to 12 incidents in 2009. The drop follows a peak in the statistics in 2008, when the highest number of incidents in the period from 2001 to 2009 was recorded. However, as the number of officially recorded incidents is small, it is not possible to draw firm conclusions on the trends in the incident statistics. The peak in the number of antisemitic incidents in 2008 was part of an overall increase between 2007 and 2008 in the number of generally right-wing extremist and xenophobic incidents, including agitation against a group, display of forbidden symbols and other relevant crimes.

By contrast, the Forum against antisemitism's unofficial statistics showed a marked increase in the number of cases in 2009, following a decreasing trend from 2005 to 2008. In 2009, the Forum recorded increases across various incident types, from antisemitic smears and abusive calls/letters to assaults. ZARA also recorded an increase in the amount of antisemitic graffiti in 2009, while the share of antisemitic graffiti out of the total amount of racist graffiti fell to 48% from 52% in 2008.⁵

Official statistics: recorded criminal offences								
2001	2002	2003	2004	2005	2006	2007	2008	2009
3	20	9	17	8	8	15	23	12
Source: Security Report 2002-2004 (Sicherheitsbericht 2002-2004); Federal Agency for State Protection and Counter Terrorism, State Protection Report 2006-2009 (Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, Verfassungsschutzbericht 2006-2009)								

Unofficial statistics: incidents								
2001	2002	2003	2004	2005	2006	2007	2008	2009
incomplete data*	incomplete data*	134	122	143	125	62	46	200
Source: Forum against antisemitism								
Unofficial statistics: Graffiti								
2001	2002	2003	2004	2005	2006	2007	2008	2009
no data	no data	18	17	10	9	60	33	86
Source: ZARA, Racism Reports 2004-2009								

* Monitoring covers only a few months

² *Verbotsgesetz*, Austria / BGBl 127/1945 last amendment by BGBl 148/1992 (19.03.1992)

³ See www.fga-wien.at (all hyperlinks referenced in this FRA Working paper were accessed on 15 June 2011).

⁴ See www.zara.or.at

⁵ ZARA, *Racism Report 2009 – Einzelfall-Bericht über rassistische Übergriffe und Strukturen in Österreich*, p. 28, available at: www.zara.or.at/index.php/racismus-report/racismus-report-2009

Recent examples of antisemitic acts in Austria

In June 2010, the media reported that the Vienna Jewish Community (*Israelische Kultusgemeinde Wien*) had filed a complaint with the public prosecutor's office regarding incitement to hatred against the organisers of two demonstrations on 1 and 4 June 2010 against Israel's military action (*Gaza Flotilla*) in Vienna, it argued that several posters displayed antisemitic messages such as equating the star of David with the swastika and a poster reading "Wake up, Hitler".⁶

⁶ Online edition of *Der Standard*, 16 June 2010, available at <http://derstandard.at/1276413228384/Anti-Israel-Demo-Israelitische-Kultusgemeinde-zeigt-Demo-Organisatoren-an> and Online *Wiener Zeitung*, <http://www.wienerzeitung.at/DesktopDefault.aspx?TabID=3941&Alias=wzo&cob=501187>.

Belgium

The federal national equality body, the Centre for Equal Opportunities and Opposition to Racism⁷ (CEOOR) collects and investigates reports of antisemitism and compiles statistics. The police do not record antisemitic incidents separately; instead, they are coded under various categories relating to racist and xenophobic offences. However, since 2006, the police have established separate registration codes for some incidents which may be linked to antisemitic sentiment. The Federal police statistics for 2009 show four incidents of 'genocide denial' and seven incidents of 'approval or justification of the genocide committed by the Nazis during the Second World War'.

The number of antisemitic complaints recorded by the CEOOR increased from 66 in 2008 to 108 in 2009. The increase follows a relatively steady level in the period from 2004 to 2008, after an increase between 2003 and 2004. In the first eight months of 2010, CEOOR recorded 41 complaints.

Unofficial statistics by the NGO Executive Office of Community Surveillance (*Bureau Exécutif de Surveillance Communautaire*, BESC⁸) revealed a level of antisemitic acts from 2004 to 2009 close to that reported by CEOOR. From 2001 to 2004, the number of antisemitic acts fluctuated between 28 and 62, then reached a plateau at the higher level of 60 to 73 from 2004 to 2008, before peaking at 109 in 2009. In an analysis of the incidents recorded in Belgium at the time of Israel's 'Cast Lead' military operation during the winter of 2008-2009, the BESC reported 40 antisemitic acts in January 2009 alone.⁹ From January through August 2010, BESC recorded 32 antisemitic incidents.

Official statistics: complaints of antisemitism								
2001	2002	2003	2004	2005	2006	2007	2008	2009
No data	30	30	69	58	64	67	66	108
Source: CEOOR								
Official statistics: antisemitism related complaints by category								
Category	2004	2005	2006	2007	2008	2009		
Verbal aggression	23	18	14	17	16	24		
Letters, articles	14	9	16	8	3	1		
Media	5	2	1	3	0	1		
Internet	10	11	21	25	26	35		
Violence	9	6	3	0	5	10		
Vandalism	3	6	3	9	7	18		
Genocide denial	3	6	3	1	8	11		
Other	2	-	3	4	1	8		
Total	69	58	64	67	66	108		
Source: CEOOR								

⁷ See www.diversite.be

⁸ See www.antisemitisme.be

⁹ See Antisemitisme en Belgique – Conséquences de l'opération « Plomb durci », available at www.antisemitisme.be/site/downloadFile.asp?language=FR&attId=97&catId=41&eventId=920

Unofficial statistics: -Recorded antisemitic acts								
2001	2002	2003	2004	2005	2006	2007	2008	2009
30	62	28	46	60	66	69	73	109

Source: BESC

Recent examples of antisemitic acts in Belgium

On 2 February 2010, the judge's chamber of Veurne decided to refer three members of the Blood & Honour organisation to court due to alleged violations of Article 22 of the Anti-racism law. The charge is based on undercover police investigations and on the work of a German TV reporter who filmed a Blood & Honour concert in Bellegem with a hidden camera in October 2008, documenting antisemitic hate speech and Nazi salutes. This is the first trial against organizers of Blood & Honour concerts in Belgium. CEOOR has long pleaded for a general injunction on Blood & Honour concerts such as those in place in neighbouring countries and has taken action as a civil party.¹⁰

On 15 January 2010, a Molotov cocktail was thrown at the main door of the Bouwmeester synagogue in Antwerp. The wall beside the front door was burned and broken glass was found on the ground.¹¹

¹⁰ See www.diversite.be/?action=artikel_detail&artikel=336

¹¹ See www.antisemitisme.be/site/event_detail.asp?eventId=1039&catId=44&language=FR

Czech Republic

The Ministry of Interior set up in 2005 a system of recording and categorising various incidents against the Jewish community, Jewish individuals, buildings and cemeteries. In 2009, 48 incidents were recorded, the highest number since data collection was started in 2005. The peak follows a rising trend since 2006.

The NGO Forum against Antisemitism (*Fórum proti Antisemitismu*) also reports on antisemitic attacks. The organisation operates under the Federation of Jewish Communities and receives reports from them on all antisemitic attacks. It also collects other data on its own, particularly on Internet harassment. In contrast with the official statistics, the number of cases recorded by the Forum against Antisemitism decreased from 44 cases in 2008 to 28 cases in 2009.

Official statistics: recorded criminal offences								
2001	2002	2003	2004	2005	2006	2007	2008	2009
no data	no data	no data	no data	23	14	18	27	48

Source: Czech Republic, Ministry of the Interior, Extremism in the Czech Republic in 2006, Strategie boje proti extremismu, 2009

Unofficial statistics: reports on antisemitic attacks								
2001	2002	2003	2004	2005	2006	2007	2008	2009
no data	no data	no data	no data	19	34	26	44	28

Source: Fórum proti Antisemitismu/Federation of Jewish Communities

Recent examples of antisemitic acts in the Czech Republic

Jewish organisations and the press reported several desecrations of synagogues and cemeteries in the Czech Republic in 2010:

On 31 August, a Swastika was spray-painted on the façade of the Jerusalemska synagogue in Prague.¹²

On 27 April, 80 tombstones at a Jewish cemetery in Pristoupim were knocked over and damaged.¹³

On 24 January, the Jewish historical cemetery in Stribro was desecrated. Nazi symbols were found on the door and windows of a mausoleum at the Jewish cemetery and two tombstones were destroyed.¹⁴

On 20 January, the Holocaust memorial at Olomouc cemetery was desecrated.¹⁵

¹² <http://antisemitism.org.il/article/14325/czech-republic---swastika-was-spray-painted-front-synagogue>

¹³ <http://antisemitism.org.il/article/16048/czech-republic-80-tombstones-jewish-cemetery-vandalized>

¹⁴ <http://antisemitism.org.il/article/14787/czech-republic-jewish-historical-cemetery-desecrated>

¹⁵ <http://antisemitism.org.il/article/17415/czech-republic-holocaust-memorial-was-desecrated>

Denmark

The Danish Security Intelligence Service (PET) handles official monitoring of racist incidents, but does not distinguish between antisemitic and other incidents. Unofficially, the Jewish Community in Denmark organisation (*Det Mosaiske Trossamfund, MT*)¹⁶ also records antisemitic incidents. Its data show a decline from 40 antisemitic incidents in 2006 to four incidents in 2008 followed by an increase to 22 incidents in 2009. The NGO Documentation and Advisory Centre on Racial Discrimination¹⁷ (DACoRD) also registers incidents. While the number of antisemitic incidents it registered remained low from 2003 to 2008, 21 incidents were recorded in 2009.

Unofficial statistics: all incidents								
2001	2002	2003	2004	2005	2006	2007	2008	2009
No data	No data	1	6	3	4	1	3	21
Source: DACoRD								
Unofficial statistics: all incidents								
2001	2002	2003	2004	2005	2006	2007	2008	2009
No data	No data	29	37	37	40	10	4	22
Source: MT								

Recent examples of antisemitic acts in Denmark

On 15 June 2010, gravestones in the Jewish cemetery in Copenhagen were desecrated.¹⁸

On 6 April 2010, the Holocaust memorial sign at the entrance of the Copenhagen synagogue was desecrated.¹⁹

¹⁶ See www.mosaiske.dk

¹⁷ See www.drcenter.dk

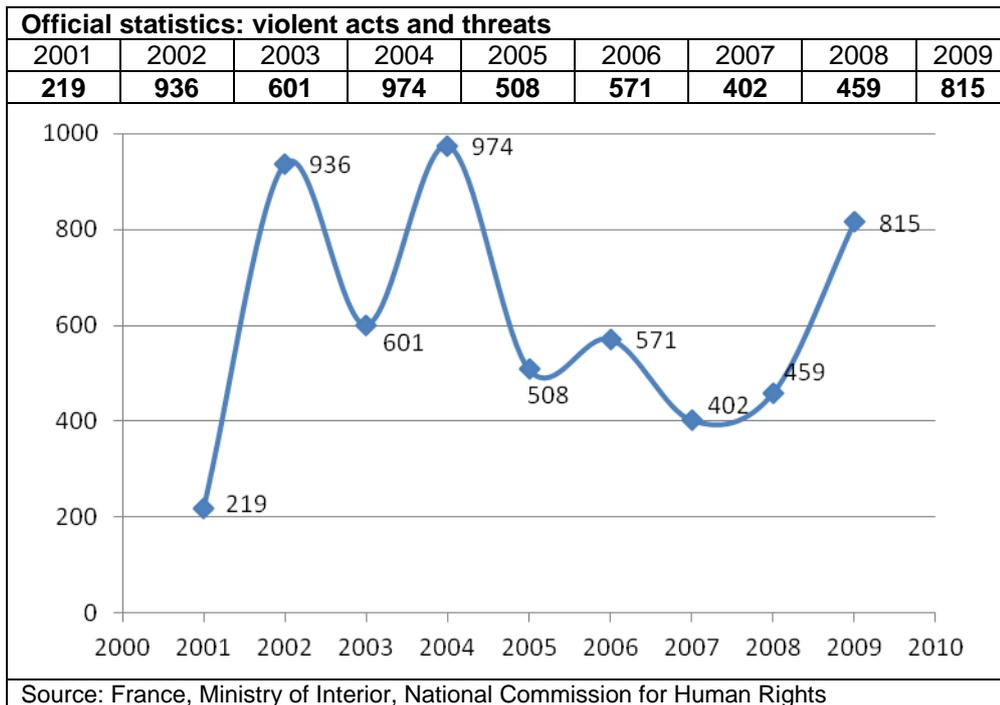
¹⁸ See <http://antisemitism.org.il/article/15284/denmark-jewish-cemetery-vandalized>

¹⁹ See <http://antisemitism.org.il/article/15653/denmark-holocaust-memorial-desecrated>

France

The Ministry of Interior collects official data and compiles statistics. The Service for the Protection of the Jewish Community²⁰ (*Service de Protection de la Communauté Juive*, SPCJ) also records complaints, provides unofficial statistics and cooperates with the Ministry of Interior in an effort to paint an accurate picture of the extent of antisemitism in France. Official data show high levels of antisemitic acts of violence and threats in 2002 and 2004, with lower rates for 2001, 2003, and from 2005 to 2008. The number of cases Prosecution Services registered between 2008 and 2009 showed only a small increase in the number of cases observed.

Both official and unofficial data displayed indicate a sharp increase in the number of antisemitic incidents in 2009. According to the Ministry of Interior's statistics, the 815 incidents recorded in 2009 were surpassed only by those recorded in 2002 and 2004. The number of officially recorded incidents remained relatively stable from 2005 to 2008 before returning to a higher level in 2009.



²⁰ "The SPCJ was born from a common decision by the Representative Council of the Jewish Institutions in France (CRIF), the United Jewish Social Fund (Fonds Social Juif Unifié, FSJU, the main Jewish charity), and Jewish Consistories, the bodies in charge of the religious needs of the Jewish community to protect the entire Jewish community." SPCJ, *Annual report on anti-Semitism in France 2010*, p. 2.

Official data: Cases registered by the Prosecution Services												
	Dignity		Property		Persons		Discrimination		Insults and defamation		TOTAL	
	Number of cases	Perpetrators identified	Number of cases	Perpetrators identified	Number of cases	Perpetrators identified						
2006	12	6	165	18	67	27	11	10	217	139	472	200
2007	2	1	85	10	66	32	23	19	129	89	305	151
2008	2	1	69	10	33	26	13	11	154	93	271	141
2009	0	0	102	9	54	30	4	3	123	64	283	106
Explanation of offences: - 'damage to dignity' refers to desecration of graves and damage to the integrity of a corpse - 'damage to persons' refers to murders, wilful acts of violence and threats directed at individuals - 'damage to property' refers to destruction, deterioration, theft, extortion, and threats directed at property - 'discrimination' refers to discrimination in hiring or dismissing an employee, or in supplying goods or services (Articles 225-1 to 225-4 and 432-7 of the Penal Code) - 'insults abuse and defamation' refers to verbal abuse, defamation, incitement to discrimination, hatred and racial violence (Freedom of the Press Act).												
Source: Criminal Affairs and Pardon Board (<i>Direction des affaires criminelles et des grâces</i> , DACG) Ministry of Home Affairs, National Commission for Human Rights												

The SPCJ recorded 832 incidents in 2009, the highest during the period from 2002 to 2009. According to the SPCJ report, this increase is for the most part attributable to the incidents recorded in January 2009. However, even excluding January 2009, a comparison of the rest of the year with the comparable 2008 period still shows an increase of 10% in the number of incidents.²¹ While the number of antisemitic acts increased from 150 to 174 between 2008 and 2009, the number of threats more than doubled from 324 to 658. The SPCJ statistics for 2010 indicate 466 antisemitic acts, which would suggest a return to the level of 2007 and 2008 after the 2009 peak.

Unofficial statistics: various incidents and registered complaints									
2001	2002	2003	2004	2005	2006	2007	2008	2009	
No data available	516	503	590	300	371	473	474	832	
Source: Service for the Protection of the Jewish Community									

The International League against Racism and Antisemitism (*Ligue internationale contre le racisme et l'antisémitisme*, LICRA) collects

²¹ See Rapport sur l'antisémitisme en France 2009.

notifications of racist and antisemitic content on the Internet. LICRA recorded a total of 687 notifications of racist and antisemitic content in 2009 and 454 notifications for the period from 20 January to November 2008. In 2009, of these 687 notifications, 147 concerned comments on web sites, 93 on blogs, 278 in forums, 64 on social networks and 105 referred to racist video content. In 2008, 44% of the notifications were of antisemitic content and 33% of xenophobic content.²²

Recent examples of antisemitic acts in France

Jewish organisations and press reported several attacks on kosher shops, synagogues and Jewish cemeteries in France in 2010:

On 13 September, a synagogue in a suburb of Toulouse was broken into and the ark housing the Torahs was desecrated with the smear “dirty Jews”. The same evening, swastikas were painted on the walls of a Jewish cemetery in Haguenau.²³

On 24 August, a letter containing bullets and death threats to Jews was sent to the synagogue in Drancy, a suburb of Paris. According to reports the letter also bore a swastika.²⁴

On 29 July, swastikas were spray-painted on several kosher shops in the centre of Paris.²⁵

On 20 July, twenty-seven graves were desecrated at a Jewish cemetery in Wolfisheim, near Strasbourg.²⁶

The Journal for the Study of Antisemitism reported²⁷ the following incidents for the first half of 2010:

On 13 June, in Nice, a group of young men of North African descent threw rocks at a Chabad rabbi while shouting “Jew murderers.”

On 4 June, five students were subjected to antisemitic threats at a subway station in the Paris suburb of Brunoy. Two men threatened them, one of whom brandished a knife and made a sign of throat cutting.

On 30 April, three men described as being of Arab descent assaulted an 80-year-old Jewish man with tear gas in front of the synagogue in Nimes.

²² Ligue internationale contre le racisme et l'antisémitisme, *Rapport d'activités, 2009* and *Rapport d'activités, 2008*.

²³ Profanations antisémites à Toulouse et à Haguenau, www.chiourim.com/mots_cles/antis%C3%A9mitisme/une_synagogue_et_un_cimetiere_pris_pour_cibles.html.

²⁴ France24, French synagogue receives death threats, see www.france24.com/en/20100825-french-synagogue-receives-death-threats

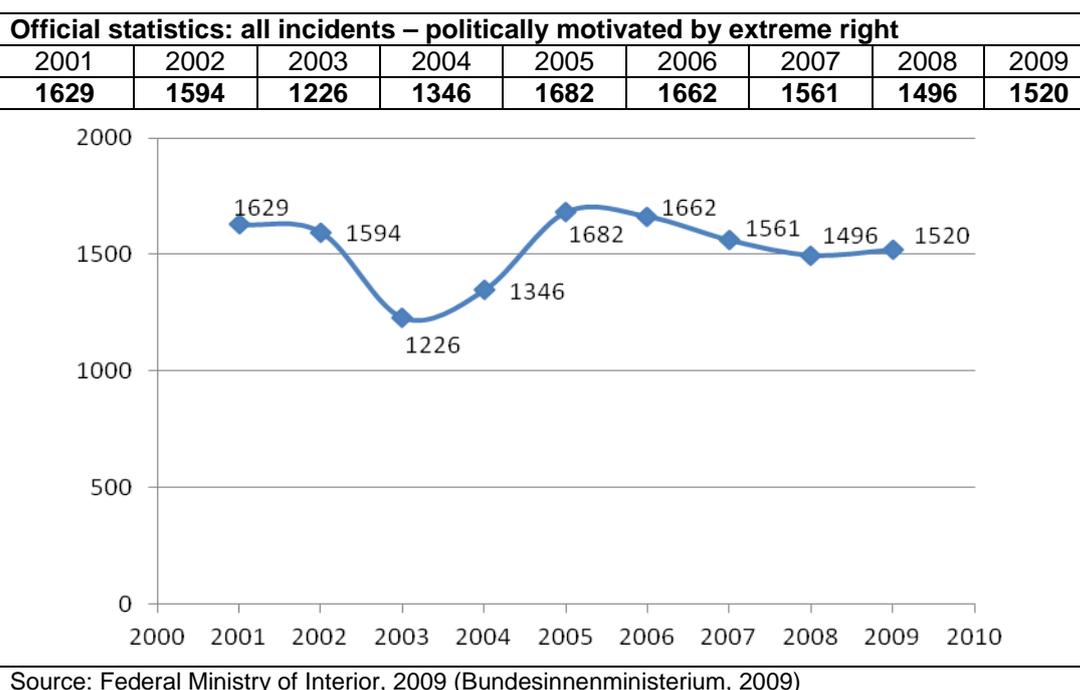
²⁵ Service de Protection de la Communauté Juive, Rapport sur l'antisémitisme en France 2010, p. 19, available at www.spci.org/RAPPORT_SPCJ_2010.pdf

²⁶ Service de Protection de la Communauté Juive, Rapport sur l'antisémitisme en France 2010, p. 15, available at www.spci.org/RAPPORT_SPCJ_2010.pdf

²⁷ Journal for the Study of Antisemitism, Volume 2, Issue #1, 2010, available at www.jsantisemitism.org/pdf/jsa_2-1.pdf

Germany

Officially the police record only 'right-wing politically motivated criminality with an antisemitic background'. Official statistical data are collected by the Federal Criminal Police Office (*Bundeskriminalamt*) – and published annually by the Federal Office for the Protection of the Constitution (*Bundesamt für Verfassungsschutz*). The number of incidents in 2009 – 1,520 – is slightly more than the 1,496 incidents recorded in 2008, but the increase is small in relation to the total number of incidents. The number of violent incidents decreased from 44 in 2008 to 31 in 2009.



Recent examples of antisemitic acts in Germany

Jewish organisations and press reported several attacks on synagogues and Jewish cemeteries in Germany in 2010:

On 29 August, an arson attack damaged the door of a building at the new Jewish cemetery in Dresden.²⁸

On 28 July, 10 gravestones were desecrated at a Jewish cemetery in Bocholt, painted with swastikas and antisemitic slogans.²⁹

On 7 June, police reported that swastikas were spray-painted on five tombstones and a wall in the Jewish cemetery in Babenhausen.³⁰

On 16 May, a synagogue in Worms was doused with flammable liquid and set on fire during the night. A Molotov cocktail was thrown into a window.³¹

²⁸ See www.jta.org/news/article/2010/08/30/2740715/arson-targets-dresden-jewish-cemetery

²⁹ See www.westfaelische-nachrichten.de/lokales/kreis_borken/region_bocholt/1360529_Zehn_Graeber_auf_dem_juedischen_Friedhof_geschaendet.html

³⁰ www.nh24.de/index.php/polizei/33222-juedischer-friedhof-mit-hakenkreuzen-beschmiert

³¹ www.wormser-zeitung.de/region/worms/meldungen/8909122.htm

The Netherlands

The National Discrimination Expertise Centre (*Landelijk Expertise Centrum Discriminatie*, LECD) — publishes a report on discriminatory incidents recorded by the Dutch police. These data have become available following the introduction of a national uniform registration system of discriminatory incidents, as reported to the police. According to the latest available data, the Dutch police services recorded 209 discriminatory incidents with antisemitic motive in 2009, compared with 141 incidents in 2008. The Public Prosecution Service identified 67 discriminatory incidents as antisemitic. Between 2001 and 2009 the number of antisemitic incidents fluctuated between 41 and 67 incidents, with the notable exception of 2006, when 108 such incidents were recorded.

Official statistics: discriminatory offences (criminal acts) involving antisemitism, registered by the Public Prosecution Service								
2001	2002	2003	2004	2005	2006	2007	2008	2009
41	60	50	58	65	108	50	49	67
Source: LECD								

Official statistics: discriminatory offences (criminal acts) involving antisemitism, registered by the Public Prosecution Service				
Field	2006*	2007*	2008	2009
Streets and public places	55	24	15	37
Internet	5	16	13	17
Sport/educational institutions	11	0	6	8
Directed to criminal investigation officers	3	2	5	2
Housing environment	24	1	4	2
Other	6	6	4	1
Labour market	4	1	2	0
Total	108	50	49	67
Source: LECD				

* The categories for incidents in 2006 and 2007 have been regrouped to match the classification used in 2008 statistics.

Data collected by the NGO Information and Documentation Centre Israel (*Centrum Informatie en Documentatie Israël*, CIDI) show that the number of incidents increased from 108 in 2008 to 167 in 2009 following a smaller increase between 2007 and 2008. In its trend analysis of antisemitic incidents from 2001 to 2008, CIDI argues that the higher level of incidents between 2002 and 2004 and in 2006 coincided with periods of heightened tensions in the Middle East. The CIDI report notes that during the 'Cast Lead' operation 98 incidents were recorded.³²

³² See www.cidi.nl/Monitor-incidenten/Jaaroverzicht-2008-en-verslag-van-de-Gazaperiode-27-dec-2008--23-jan-2009.html

Unofficial statistics : all incidents								
2001	2002	2003	2004	2005	2006	2007	2008	2009
168	359	334	327	159	261	81	108	167*

Source: CIDI, Monitor antisemitische incidenten in Nederland

* In contrast to previous years, the number of incidents in 2009 does not include incidents reported to the police and to some anti-discrimination agencies, because these data were not available.

The Anne Frank House, through its Monitor Racism & Extremism project³³, also studies manifestations of racism and antisemitism and reports on relevant trends and developments. The data provided suggest that in 2009 the number of violent antisemitic incidents has increased, although it remains lower than in the period from 2002 to 2007.

Unofficial statistics : racial violence								
2001	2002	2003	2004	2005	2006	2007	2008	2009
18	46	39	Not available	40	35	21	14	18

Source: Reports from Racism & Extremism Monitor

The NGO Dutch Complaints Bureau for Discrimination on the Internet (*Meldpunt Discriminatie Internet*, MDI)³⁴ deals with Internet-related complaints. In 2009, it recorded 399 complaints on antisemitism on the Internet³⁵ compared with 344 in 2008.

Unofficial statistics: Internet-related complaints								
2001	2002	2003	2004	2005	2006	2007	2008	2009
197	533	477	531	302	463	371	344	399

Source: MDI Jaarverslag, 2001-2009

Art.1³⁶, is a national association of local and regional anti-discrimination agencies and the former National Bureau against Discrimination. It has published the following statistics on complaints related to antisemitic incidents showing a significant increase from 2007 to 2008 and in 2009 – however, this may at least in part be due to changes in recording practice.

Unofficial statistics : all incidents								
2001	2002	2003	2004	2005	2006	2007	2008*	2009
154	184	139	119	94	132	72	123	129

Source: Art. 1 Kerncijfers 2009. Landelijk overzicht van discriminatieklachten geregistreerd bij antidiscriminatiebureaus en medpunten in Nederland

* From 2008 onwards it has been possible to identify more than one ground of discrimination when recording an incident.

³³ See www.annefrank.org/content.asp?pid=28&lid=2

³⁴ More information at www.meldpunt.nl

³⁵ Meldpunt Discriminatie Internet (2010) Jaarverslag 2009, Amsterdam: Stichting Magenta

³⁶ More information available at www.art1.nl

Recent examples of antisemitic acts in the Netherlands

On 8 June 2010, a house next to the Utrecht synagogue and formerly part of the synagogue was desecrated with red paint.³⁷

On 2 June 2010, red paint was thrown, by unknown perpetrators, on the doors of the Amersfoort synagogue.³⁸

On 25 April 2010, during the Dutch football cup final, 71 fans of the Feyenoord football club were arrested in a bar in Rotterdam city centre after causing trouble and chanting antisemitic slogans.³⁹

On 28 February 2010, the Amsterdam police sent some 700 supporters of FC Utrecht home by train before the football game against Ajax because they failed to heed police warnings and, instead, continued chanting antisemitic slogans.⁴⁰

On 11 January 2010, a 18-year-old Dutch person from Utrecht was ordered to perform 16 hours of community service in the Anne Frank House for insulting Jews. In an interview on the website GeenStijl, he had said that Jews should be exterminated.⁴¹

³⁷ See www.rtvutrecht.nl/nieuws/242278

³⁸ See www.rtvutrecht.nl/nieuws/241527

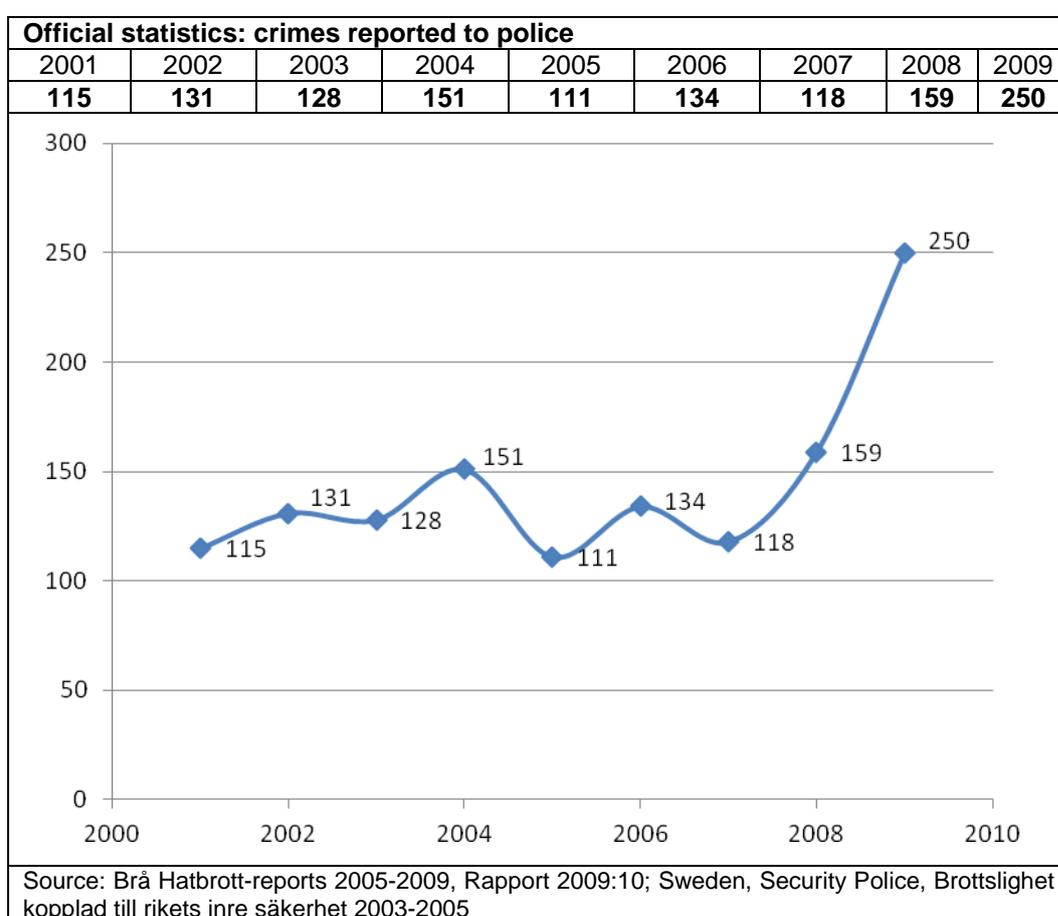
³⁹ See <http://antisemitism.org.il/article/16085/holland---antisemitic-slurs-during-dutch-cup-final>

⁴⁰ See www.telegraaf.nl/telesport/voetbal/6163507/Politie_stuurt_fans_Utrecht_terug_.html

⁴¹ See www.dutchnews.nl/news/archives/2011/01/insulting_jews_gets_community.php

Sweden

Since 2005 data regarding hate crimes have been published by the National Council for Crime Prevention (*Brottsförebyggande rådet*, Brå), a governmental agency charged with producing official crime statistics, as well as conducting research on crime and crime prevention. Before 2005 data regarding antisemitic crimes were collected by the Protection of the Constitution Section of the Swedish Security Police. Due to changes in data collection methodology when the responsibility for producing the hate crime statistics was transferred to Brå, statistical data before and after 2005 is not directly comparable.



In 2009, Brå statistics on hate crimes included 250 crimes with an antisemitic motive – the highest number recorded since 2001. Although the definition of hate crimes was changed in 2008, according to Brå this does not affect the counting of antisemitic crimes.⁴² The total for 2009 includes 130 crimes against a person compared with 97 in 2008, but the largest increase in absolute terms referred to the category ‘agitation against a national or ethnic group’. Although the events in the Skåne

⁴² See p. 33 in Hatbrott 2009 – Teknisk rapport, Brå 2010
www.bra.se/extra/faq/?module_instance=2&action=question_show&id=560&category_id=0

region received the most media attention in 2009, increases in antisemitic incidents were also recorded in other regions in the country, which may be explained by an actual increase in the number of incidents but possibly also by a greater willingness to report incidents to the police.⁴³

Recent examples of antisemitic acts in Sweden

On 16 February 2011, a year after claims about an exodus of Jews from Malmö made global headlines, it was reported that many Jewish residents still didn't feel safe in southern Sweden. In an interview, Fredrik Sieradzki, the spokesperson for the Jewish Community of Malmö (Judiska Församlingen i Malmö), expressed his concerns, saying "People wonder if there will even be a Jewish community here in 10 years".⁴⁴

In October 2010, a group of about 20 teenagers attacked Malmö's Jewish community's residential education centre during a youth retreat.⁴⁵

On 2 June 2010, a bomb threat was made to the Jewish community centre in Stockholm. An unidentified caller said, "The Jewish centre will blow up today."⁴⁶

⁴³ See p. 43 in Hattbrott 2009, Brå 2010, available at www.bra.se/extra/faq/?module_instance=2&action=question_show&id=559&category_id=1

⁴⁴ www.thelocal.se/32094/20110216/

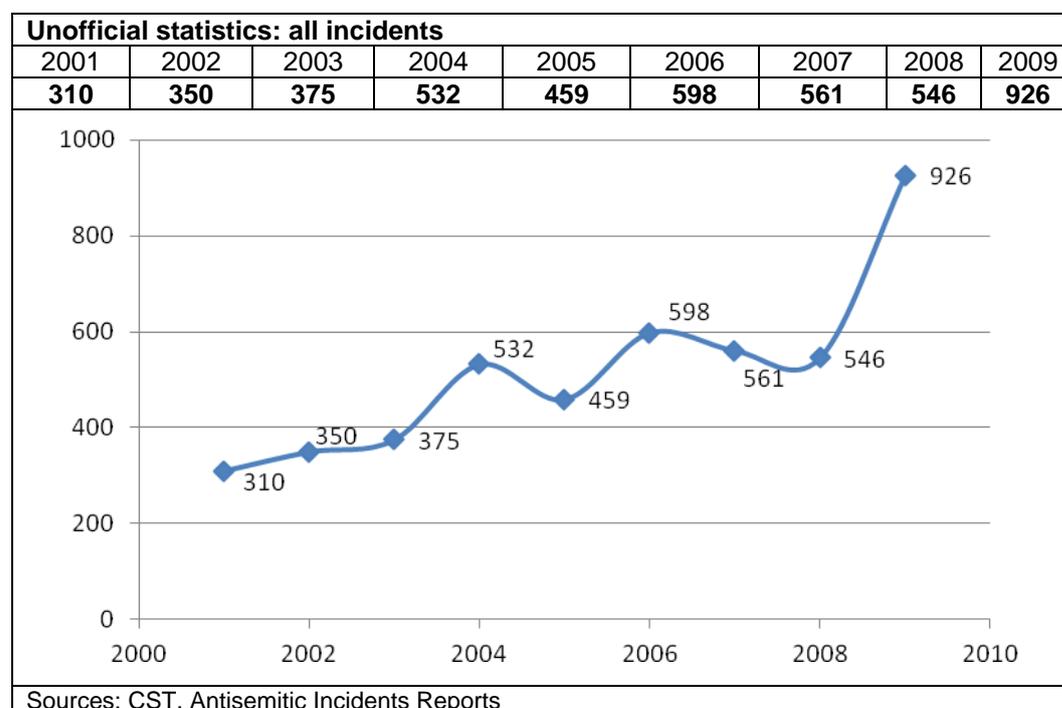
⁴⁵ www.thelocal.se/32094/20110216/

⁴⁶ Journal for the Study of Antisemitism, Volume 2, Issue #1, 2010, available at www.jsantisemitism.org/pdf/jsa_2-1.pdf

United Kingdom

The Community Security Trust (CST), established in 1994, provides security and defence advice for the Jewish community throughout the United Kingdom (UK), and gives assistance to those who are affected by antisemitism. The CST records and publishes a yearly report in relation to antisemitic incidents in the UK collecting relevant data in collaboration with the police. Regional police forces have also collected data since 2004.

In 2009, the CST recorded 926 incidents, which it said is the highest number of incidents since 1984 when data collection was started.⁴⁷ The information on antisemitic incidents in 2010 indicates a drop to 639 incidents. Compared with 2008 and 2010, the increase in antisemitic incidents in 2009 occurred primarily in the first three months of the year, reflecting the period of the Gaza conflict.⁴⁸ Out of the total 926 incidents in 2009, 402 incidents were recorded from January to February 2009 alone. In particular, abusive behaviour incidents almost doubled from 2008 to 2009.



Unofficial statistics: incidents by category					
	2005	2006	2007	2008	2009
Extreme violence	2	4	1	1	3
Assault	79	110	116	87	121
Damage & Desecration	48	70	65	76	89
Threats	25	28	24	28	45
Abusive behaviour	278	366	336	317	606
Literature	27	20	19	37	62
Total	459	598	561	546	926

Sources: CST, Antisemitic Incidents Report 2010

47 See www.thecst.org.uk/docs/CST-incidents-report-09-for-web.pdf

48 See www.thecst.org.uk/docs/Incidents%20Report%202010.pdf

Recent examples of antisemitic acts in the United Kingdom

The CST⁴⁹ reported the following assaults in its Antisemitic Incidents Report 2010:

In Manchester in January 2010, two white men assaulted a visibly Jewish man in Manchester. They ripped the yarmulke (skullcap) off his head, punched him to the ground and knocked him out. Both offenders were arrested and prosecuted for common assault.

In London in May 2010, a rabbi and his two sons were attacked by three white men and one white woman. The assaulters verbally abused them, threw bottles at them and punched the rabbi to the ground.

In Manchester in August 2010, a visibly Jewish man was assaulted by a group of 15-to-20 white men who knocked his hat off his head, head-butted him in the face and punched him to the ground. The attack happened while he was walking to synagogue.

In South-east England in October 2010, a Jewish school received a bomb threat in the post. The typed letter in English and Arabic read, "On October 18 we are going to blow up your school to prove to the Israeli army and we will not surrender".

⁴⁹ Community Security Trust, Antisemitic Incidents Report 2010, available at www.thecst.org.uk/docs/Incidents%20Report%202010.pdf

Additional selected country information

Bulgaria

In January 2009, B'nai B'rith published the report *Antisemitism in Contemporary Bulgaria*⁵⁰ (Антисемитизмът в днешна България) on its website. The report defines the types of manifestation of antisemitism, giving a brief historical overview of the attitude towards Jews in Bulgaria and considering examples of such incidents in the present. Among examples of antisemitic incidents are the attacks against Jewish facilities (such as schools, buildings and graveyards), the more frequent use of antisemitic speech among political leaders of different parties, the availability of antisemitic messages in print and electronic media and on the Internet.

On 13 July 2009, an online news agency reported that the building of the organisation of the Jews in Bulgaria Shalom, in the city of Burgas, was burned.⁵¹

Finland

Since 2003, the Finnish Police College has analysed crime reports submitted by the police and reports annually on racist crime. Following a review of the monitoring process, new categories were introduced in 2009, including a category for crimes based on the victim's religion. At this time, the new racist crime categories were also applied to data from previous years. While an analysis of 2007 crime reports did not find any incidents that could have been characterised as antisemitic, the 2008 crime reports included one such incident, and in 2009 a total of 10 antisemitic incidents were recorded⁵².

Greece

According to the 2010 US Department of State Report on International Religious Freedom⁵³, in June 2010 a student was arrested for spraying antisemitic graffiti on a Jewish tombstone. In May 2010, the Jewish cemetery in Thessaloniki was vandalised and three suspects were arrested.

In April 2011, Greek police announced the arrest of two British and one Greek⁵⁴ citizen in connection with the January 2010 arson attacks against

⁵⁰ B'nai B'rith (2009) *Антисемитизмът в днешна България*, available at: bcarmel.org/wp-content/uploads/doklad.pdf

⁵¹ Подпалиха Синагогата в Бургас', in: *News.bg*, available at: news.ibox.bg/news/id_1260862393.

⁵² See Poliisin tietoon tullut viharikollisuus Suomessa 2009. Police college, 2010. ([www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/Raportteja88_web/\\$file/Raportteja88_web.pdf](http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/Raportteja88_web/$file/Raportteja88_web.pdf))

⁵³ See www.state.gov/g/drl/rls/irf/2010/148940.htm

⁵⁴ See www.enet.gr/?i=news.el.article&id=124031

the Etz-Hayyim synagogue of Chania in Crete, when 1,800 books and religious items and the synagogue's roof were destroyed. The government strongly condemned these crimes, with media commentators joining in the condemnations. The government is funding the reconstruction of the historical synagogue.

On 15 July 2010, the Supreme Court rejected a cassation in favour of the law against a 2009 appeal court decision acquitting the newspaper Eleftheros Kosmos and a political party candidate for inciting racism and antisemitism in the book *The Jew - The Whole Truth*.⁵⁵

On 29 January 2010, a Misdemeanours Court of Athens convicted the publisher of the magazine *Apollonio Fos* for violating the anti-racism Law 927/79 by distributing antisemitic leaflets in 2007.⁵⁶ The publisher was sentenced to seven months imprisonment with a three-year suspension, and the sentence was suspended pending a possible appeal.

Ireland

The Central Statistics Office Ireland publishes statistics on crime based on the information provided by the police (An Garda Síochána). In 2009, the police recorded five incidents with an antisemitic motive, compared to seven incidents in 2008, two incidents in 2007 and one incident in 2006.

Italy

According to information reported by the Italian authorities to the Organization for Security and Co-operation in Europe (OSCE), the Ministry of Interior recorded 47 offences from January to September 2009.⁵⁷ The Ministry does not disclose the methodology for recording these antisemitic offences and to our knowledge the data are not publicly available.

The Observatory of modern anti-Jewish prejudice⁵⁸ (*L'Osservatorio sul pregiudizio antiebraico contemporaneo*), of the Centre of Contemporary Jewish Documentation, publishes incidents mostly collected through the media and the Internet. In 2010, there were more than 40 antisemitic web sites and social networks.

On 17 March 2010, a 75-year-old rabbi of Moroccan origin was insulted on a bus in Milan by a group yelling, "Jews go away, we will kill you all."

On 28 March 2010, commemorative stones in memory of a family that was deported to Auschwitz were vandalised in Rome.

⁵⁵ See www.amnesty.org.gr/greece-concerns-about-the-trial-of-human-rights-defenders

⁵⁶ See http://cm.greekhelsinki.gr/uploads/2010_files/ghm1263_katadiki_apolloneio_fos_english.doc

⁵⁷ See www.osce.org/odihr/73636

⁵⁸ See www.osservatorioantisemitismo.it/

On 28 January 2010, antisemitic graffiti slogans containing threats against the president of Rome's Jewish community appeared in Rome. Other antisemitic graffiti incidents occurred in various cities throughout the year, including Rome and Milan.

On 21 May 2010, police searched the homes of four members of the fascist group Militia that were organizing a summit with other radical associations to create a national network. They were suspected of hate crimes and vandalism, including antisemitic graffiti committed in Rome and other cities.

Lithuania

The Lithuanian State Security Department (*Valstybės saugumo departamentas*) recorded two antisemitic incidents in 2009 and one incident between January and July 2010. Overall, in the period from 2005 to 2009 the State Security Department recorded two-to-seven antisemitic incidents per year. The Prosecutor General's Office reports on pre-trial investigations initiated under Article 170 of the criminal code (incitement against any national, racial, religious or other group); in 2006, 12 cases in this category were motivated by antisemitism, followed by 18 cases in 2007 and 12 in 2008. In 2009, 20% of pre-trial investigations under Article 170 involved an antisemitic motive, but the report does not provide the number of cases.⁵⁹

Poland

The Monitoring Team on Racism and Xenophobia (Zespół Monitorowania Rasizmu i Ksenofobii),⁶⁰ a special unit within the Ministry of Interior and Administration, collects data on racist incidents which are brought to its attention. The Monitoring Team recorded seven incidents related to antisemitism in 2005, two in 2006, 14 in 2007, 13 in 2008 and 16 in 2009. From January to July 2010, a total of 24 incidents were reported to the Team.

Spain

In June 2010, the Ministry of Foreign Affairs and Co-operation strongly condemned⁶¹ a violent attack by around 200 university students on an Israeli businessman.

In April 2009, five university lecturers were insulted with the words: "Jews, go home", by students during a conference held in Madrid. This incident was reported by a new online Observatory on Antisemitism (*Observatorio*

⁵⁹ See www.prokuraturos.lt/nbspnbspNusikalimai%C5%BEmoni%C5%A1kumui/tabid/221/Default.aspx

⁶⁰ See www.mswia.gov.pl/portal/pl/99/204/Dzialalnosc.html

⁶¹ See www.maec.es/es/MenuPpal/Actualidad/Comunicados/Paginas/42comunicado20100607.aspx

de Antisemitismo en España) jointly launched in November 2009 by the Federation of Spanish Jewish Communities (*Federación de Comunidades Judías de España*, FCJE) and the Movement Against Intolerance.⁶²

⁶² <http://observatorioantisemitismo.fcje.org>

Antisemitism in sports

In December 2010 the FRA published its report on “Racism, ethnic discrimination and exclusion of migrants and minorities in sport: A comparative overview of the situation in the European Union”.⁶³ The research revealed that antisemitic incidents are registered in many EU Member States in relation to sports, in particular both amateur and professional football.

For example, players in Jewish teams have been subjected to antisemitic slander and threats by players of other teams or spectators in Austria, Belgium, Denmark and Germany. Antisemitic slanders and chants were directed at the fans and players for clubs that have or once had a Jewish background or roots in the Jewish community such as Ajax Amsterdam in the Netherlands; FK Austria Vienna or Tottenham Hotspur in England.

There were also references to the Holocaust in graffiti, chants or banners directed at fans and players of opposing teams, in Poland and Slovakia for example, or antisemitic slanders and remarks expressed by neo-Nazis. There were also antisemitic references to the Palestine conflict.

The report also presents some evidence of worrying antisemitic incidents at children’s and youth sporting events, for example in Denmark and Belgium, where a Jewish youth team was harassed by its opponents who gave the Hitler salute shouting, “Heil Hitler”. In Germany, 13-to-15-year-old spectators chanted antisemitic and xenophobic insults during a match.

⁶³ The report is available at http://fra.europa.eu/fraWebsite/attachments/Report-racism-sport_EN.pdf

Survey research

Earlier summary overview reports have presented the results of surveys on antisemitic attitudes. These have included the general population surveys in 14 countries by the Pew Global Attitudes Project, conducted in 2009, findings of the 'European Conditions – study on group focused enmity in Europe', coordinated by the University of Bielefeld in eight EU Member States, and a survey by the Anti-Defamation League carried out between December 2008 and January 2009. Surveys on antisemitic attitudes were also conducted in 2010 in individual Member States, but it has not been possible to identify new multi-country survey research in 2010 which would allow for a comparative analysis of EU Member States.

New FRA survey: Experiences of discrimination, hate speech and hate crime of Jews in selected EU Member States

The Agency's reports have consistently highlighted the lack of data on racism and antisemitism as a key problem. Currently, only six Member States collect sufficiently robust official data to examine trends in antisemitic crime; however, even these are based on a variety of recording practices and are thus not comparable. Moreover, as suggested by the FRA's EU-Minorities and Discrimination survey (EU-MIDIS), official statistics present just the tip of the iceberg of incidents experienced by members of minorities. Serious incidents are more likely to be reported than incidents of lesser impact, which introduces a further bias to the official statistics as an indicator of the extent of the severity of hate crime.

The Eurobarometer included the topic of antisemitism in a survey in 1990, asking respondents in then EU-12 which EU Member State they considered to be particularly antisemitic. The Eurobarometer has also asked on several occasions about respondents' religion with 'Jewish' as one of the responses, for example in the 2009 survey on discrimination (Special Eurobarometer 317). However, due to the small number of respondents with Jewish background randomly selected among the general population Eurobarometer and other general population surveys are not suited to explore the experiences of minorities.⁶⁴

The participating States of the OSCE have consistently highlighted the importance of statistics on antisemitic incidents.⁶⁵ However, 48 OSCE

⁶⁴ Among the 26,240 respondents interviewed in the EU-27 there were 31 persons who considered themselves Jewish (or 0.1% of the total sample).

⁶⁵ For example, in the Permanent Council Decision No. 607 on combating antisemitism the OSCE participating States committed to '[c]ollect and maintain reliable information and statistics about antisemitic crimes, and other hate crimes, committed within their territory, report such information periodically to the OSCE Office for Democratic Institutions and Human Rights (ODIHR), and make this information available to the public'. Despite this commitment, the 2009 OSCE/ODIHR annual report on hate crimes in the OSCE region is able to provide official data for eight countries only, all of which are EU Member States.

participating States, among them 19 EU Member States, did not submit data to the OSCE for its latest report on hate crime.⁶⁶

The FRA decided, therefore, to survey a randomly selected sample of Jews living in selected EU Member States on their experiences of hate speech, hate crime, discrimination and rights awareness in order to provide robust and comparable data. The survey will be based on the approach developed for the FRA's EU-MIDIS, where randomly selected respondents from the target population were interviewed using a standardised questionnaire concerning their experiences of discrimination, hate crime, hate speech and rights awareness. Sampling methods and contingency approaches will be determined during the preparatory phase based on expert consultation. The specific issues to be examined will be selected after consultation with key stakeholders.

The Agency will conduct the survey in EU Member States selected on the basis of a combination of factors reflecting feedback and consultation with stakeholders, practical feasibility of carrying out the survey and the data needs, availability of population data, the size of the Jewish population in the country, its proportion of the total population and geographical spread.

⁶⁶ *Hate Crimes in the OSCE Region – Incidents and Response: Annual Report for 2009*, OSCE/ODIHR 2010.

EU legislation

Criminal law

On 28 November 2008, the Council of the EU adopted an important legal instrument for the EU-wide condemnation of racist and xenophobic crime, the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.

Its objective is to define a common EU-wide criminal-law approach to this phenomenon to ensure that the same behaviour constitutes an offence in all EU Member States and that effective, proportionate and dissuasive penalties are provided for natural and legal persons having committed or liable for such offences.

The Decision requires EU Member States to take measures to punish public incitement to violence or hatred directed against a person or persons belonging to a group defined by reference to race, colour, religion, descent or national or ethnic origin and the commission of such acts by public dissemination or distribution of tracts, pictures or other material.

Furthermore, the Decision requires EU Member States to take measures to punish publicly any conduct condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court against a person or persons defined by reference to race, colour, religion, descent or national or ethnic origin, when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group.

The Decision also requires EU Member States to take measures to punish publicly condoning, denying or grossly trivialising crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945 against a person or persons defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group.

EU Member States are required to take the necessary measures to ensure that such conduct is punishable by effective, proportionate and dissuasive criminal penalties, of a maximum of at least between one and three years of imprisonment. Instigating, aiding and abetting in the commission of such conduct, as described above, is also punishable. In regard to legal persons, penalties shall include criminal or non-criminal fines and may also include other penalties, such as: exclusion from entitlement to public benefits or aid; temporary or permanent disqualification from the practice of commercial activities; placement under judicial supervision; a judicial winding-up order.

For other criminal offences, racist and xenophobic motivation is to be considered an aggravating circumstance, or, alternatively, may be taken into consideration by the courts in the determination of the penalties.

EU Member States were required to comply with this Framework Decision by 28 November 2010. On the basis of a Council and a Commission report, the Council shall, by 28 November 2013, assess the extent to which Member States have complied with the provisions of this Framework Decision.

Other EU action

Under its programme Fundamental Rights and Citizenship (2007-2013), the European Commission addresses racism, xenophobia, antisemitism and other related intolerance, such as Islamophobia and anti-Roma racism. The programme provides funding for transnational projects aimed at fighting traditional and new stereotypes whose persistence or diffusion are at the root of racist attitudes and speech, discriminatory action and violent incidents. It will particularly encourage initiatives aiming at countering such stereotypes and their divulgation, as well as initiatives aiming at fostering mutual understanding.

Under this programme a substantial grant was provided recently to a two-year project, Facing Facts!, implemented by a consortium of NGOs⁶⁷ to improve monitoring and recording of hate crimes and incidents throughout the EU by helping civil society organisations to produce data on hate crimes which affect their own community, and work with local authorities to improve government and police monitoring of hate crimes. The project will produce, based on the organisations' expertise and that of outside experts, a training manual to help 'train the trainers' in monitoring and recording hate crimes.

⁶⁷ See <http://thecst.org.uk/blog/?p=2421>

Concluding remarks

The available official data indicate an increase in antisemitic activity in 2009. Sufficient and comparable data are not available to calculate an overall trend in EU antisemitic activity for the period from 2001 to 2009.

Austria, France, Germany and Sweden collect sufficient official criminal justice data allowing for a trend analysis of recorded antisemitic crimes. The number of antisemitic crimes increased substantially in France and Sweden, and a small increase was also recorded in Germany. While the number of antisemitic crimes in Austria decreased from 2008 to 2009, the total number of incidents remains too small to allow for a reliable assessment of trends. Between 2001 and 2009, the number of antisemitic crimes in France fluctuated from year to year, and it is difficult to identify a clear trend. In Germany, the overall trend indicates a fairly stable level of antisemitic crime. In Sweden, after a relatively stable period from 2001 to 2008, the number of antisemitic crimes peaked in 2009, and it remains to be seen whether this reflects a long-term trend.

Trends in recorded antisemitic crime

	2001	2002	2003	2004	2005	2006	2007	2008	2009	% change 2008-09	% change 2001-09
Austria	3	20	9	17	8	8	15	23	12	-47.8%	+9.1%
France	219	936	601	974	508	571	402	459	815	+77.6%	+0.4%
Germany	1,629	1,594	1,226	1,346	1,682	1,662	1,561	1,496	1,520	+1.6%	+0.3%
Sweden	115	131	128	151	111	134	118	159	250	+57.2%	+10.3%

Pitfalls of good data collection

There is a certain contradiction inherent in hate crime data collection: Given the huge variation in the degree to which EU Member States collect data and the means they use to do it, there is always the danger that those with the best data collection systems are portrayed as those with the greatest problems.

For example, France is the only EU country with a comprehensive data collection system of antisemitic incidents in schools, including a new software tool for recording incidents of violence. Yet this appears to have generated the possibility that schools which have collected data most efficiently may be (mis)labelled as the 'most violent' schools. There is a heightened risk that some may judge, superficially and erroneously, that those countries with the best systems have the worst problem. Instead, whilst high figures in a Member State do indicate that a serious problem exists, they also indicate that this Member State is taking the problem seriously.

A clear distinction should be made between antisemitism in political and media discourse and incidents on the ground directed against Jews. There is no systematic research so far showing a relationship between these two elements. Therefore, the motivation of perpetrators and the relationship between their acts and antisemitic attitudes and ideology remain under-researched and unclear. Further national and transnational comparative research is necessary in order to establish causal links between the formation of antisemitic attitudes and related antisemitic behavioural patterns by specific population groups.

Perpetrators of antisemitic acts

Given the wide variety in the reliability and detail of information on perpetrators of antisemitic acts, one must be careful about the generalisations that can safely be drawn from them. In the course of recent years, there has been a shift in media and NGO reports and in the public perception of the 'typical' antisemitic offender from the 'extreme right skinhead' to the 'disaffected young Muslim', 'person of North African origin', or 'immigrant' and member of the 'anti-globalisation' left. However, this shift, although widely reported, is difficult to substantiate on the basis of the currently available evidence.

Annex II: Holocaust education

Recognising the importance of combating antisemitism, the Agency has carried out a range of related activities promoting Holocaust education.

Since 2005, in cooperation with Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority, the FRA has developed a number of joint projects, for example, virtual meetings through video conference between Austrian school pupils and Holocaust survivors. In 2008, the Agency and Yad Vashem launched a four-year pilot project on the Holocaust and Human Rights Education scheduled to run from 2008 to 2012. The objective of this project is to empower a network of teachers teaching about the Holocaust, share knowledge about and improve methodologies in Holocaust and Human Rights education. While the teachers have been implementing teaching projects on the Holocaust and Human Rights Education in schools across the EU, the Agency has been working on a Toolkit on the Holocaust and Human Rights Education. The work will continue with a networking meeting, as well as the production of a Toolkit on Holocaust and Human Rights Education.

The FRA also publishes every year its 'S'cool Agenda', a calendar aimed at raising young people's awareness of fundamental rights and combating prejudice and discrimination, including awareness of antisemitism and of the Holocaust. The dedicated content on Holocaust education and antisemitism was developed in partnership with Yad Vashem, Memorial de la Shoah and other relevant organizations.

On 27 January 2010, the FRA published a report on the role of historical sites and museums in teaching about the Holocaust and human rights.⁶⁸ The study found that Holocaust education, and in particular linking education about the Holocaust and education about human rights, remains a challenge for memorial sites, as well as for schools. Based on the findings of this research, the FRA published in November 2010 a handbook for teachers, *Excursion to the past - teaching for the future*, on how to make best use of visits to Holocaust-related sites and support material for those working at memorial sites.⁶⁹

⁶⁸FRA (2010), *Main Results Report: Discover the Past for the Future, Study on the role of historical sites and museums in Holocaust education and human rights education in the EU*, The report is available at <http://fra.europa.eu/fraWebsite/attachments/Main-Results-Discover-the-Past-for-the-Future.pdf>

⁶⁹FRA (2010), *Excursion to the Past – teaching for the future: Handbook for teachers*, The Handbook is available at http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/2010/holocaust-humanrights-handbook_en.htm

Annex IV

Council Framework Decision 2008/913/JHA of 28 November 2008⁷⁰

On combating certain forms and expressions of racism and xenophobia by means of criminal law

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 29, 31 and 34(2)(b) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament [1],

Whereas:

(1) Racism and xenophobia are direct violations of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles upon which the European Union is founded and which are common to the Member States.

(2) The Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice [2], the Conclusions of the Tampere European Council of 15 and 16 October 1999, the Resolution of the European Parliament of 20 September 2000 on the European Union's position at the World Conference Against Racism and the current situation in the Union [3] and the Communication from the Commission to the Council and the European Parliament on the biannual update of the Scoreboard to review progress on the creation of an area of "freedom, security and justice" in the European Union (second half of 2000) call for action in this field. In the Hague Programme of 4 and 5 November 2004, the Council recalls its firm commitment to oppose any form of racism, antisemitism and xenophobia as already expressed by the European Council in December 2003.

(3) Council Joint Action 96/443/JHA of 15 July 1996 concerning action to combat racism and xenophobia [4] should be followed by further legislative action addressing the need for further approximation of law and regulations of Member States and for overcoming obstacles for efficient judicial cooperation which are mainly based on the divergence of legal approaches in the Member States.

(4) According to the evaluation of Joint Action 96/443/JHA and work carried out in other international fora, such as the Council of Europe, some difficulties have still been experienced regarding judicial cooperation and therefore there is a need for further approximation of Member States' criminal laws in order to ensure the effective implementation of comprehensive and clear legislation to combat racism and xenophobia.

⁷⁰ Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008F0913:EN:NOT>

(5) Racism and xenophobia constitute a threat against groups of persons which are the target of such behaviour. It is necessary to define a common criminal-law approach in the European Union to this phenomenon in order to ensure that the same behaviour constitutes an offence in all Member States and that effective, proportionate and dissuasive penalties are provided for natural and legal persons having committed or being liable for such offences.

(6) Member States acknowledge that combating racism and xenophobia requires various kinds of measures in a comprehensive framework and may not be limited to criminal matters. This Framework Decision is limited to combating particularly serious forms of racism and xenophobia by means of criminal law. Since the Member States' cultural and legal traditions are, to some extent, different, particularly in this field, full harmonisation of criminal laws is currently not possible.

(7) In this Framework Decision "descent" should be understood as referring mainly to persons or groups of persons who descend from persons who could be identified by certain characteristics (such as race or colour), but not necessarily all of these characteristics still exist. In spite of that, because of their descent, such persons or groups of persons may be subject to hatred or violence.

(8) "Religion" should be understood as broadly referring to persons defined by reference to their religious convictions or beliefs.

(9) "Hatred" should be understood as referring to hatred based on race, colour, religion, descent or national or ethnic origin.

(10) This Framework Decision does not prevent a Member State from adopting provisions in national law which extend Article 1(1)(c) and (d) to crimes directed against a group of persons defined by other criteria than race, colour, religion, descent or national or ethnic origin, such as social status or political convictions.

(11) It should be ensured that investigations and prosecutions of offences involving racism and xenophobia are not dependent on reports or accusations made by victims, who are often particularly vulnerable and reluctant to initiate legal proceedings.

(12) Approximation of criminal law should lead to combating racist and xenophobic offences more effectively, by promoting a full and effective judicial cooperation between Member States. The difficulties which may exist in this field should be taken into account by the Council when reviewing this Framework Decision with a view to considering whether further steps in this area are necessary.

(13) Since the objective of this Framework Decision, namely ensuring that racist and xenophobic offences are sanctioned in all Member States by at least a minimum level of effective, proportionate and dissuasive criminal penalties, cannot be sufficiently achieved by the Member States individually, since such rules have to be common and compatible and since this objective can therefore be better achieved at the level of the European Union, the Union may adopt measures, in accordance with the principle of subsidiarity as referred to in Article

2 of the Treaty on European Union and as set out in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in the latter Article, this Framework Decision does not go beyond what is necessary in order to achieve that objective.

(14) This Framework Decision respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Articles 10 and 11 thereof, and reflected in the Charter of Fundamental Rights of the European Union, and notably Chapters II and VI thereof.

(15) Considerations relating to freedom of association and freedom of expression, in particular freedom of the press and freedom of expression in other media have led in many Member States to procedural guarantees and to special rules in national law as to the determination or limitation of liability.

(16) Joint Action 96/443/JHA should be repealed since, with the entry into force of the Treaty of Amsterdam, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin [5] and this Framework Decision, it becomes obsolete,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Offences concerning racism and xenophobia

1. Each Member State shall take the measures necessary to ensure that the following intentional conduct is punishable:

(a) publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin;

(b) the commission of an act referred to in point (a) by public dissemination or distribution of tracts, pictures or other material;

(c) publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group;

(d) publicly condoning, denying or grossly trivialising the crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group.

2. For the purpose of paragraph 1, Member States may choose to punish only conduct which is either carried out in a manner likely to disturb public order or which is threatening, abusive or insulting.

3. For the purpose of paragraph 1, the reference to religion is intended to cover, at least, conduct which is a pretext for directing acts against a group of persons or a member of such a group defined by reference to race, colour, descent, or national or ethnic origin.

4. Any Member State may, on adoption of this Framework Decision or later, make a statement that it will make punishable the act of denying or grossly trivialising the crimes referred to in paragraph 1(c) and/or (d) only if the crimes referred to in these paragraphs have been established by a final decision of a national court of this Member State and/or an international court, or by a final decision of an international court only.

Article 2

Instigation, aiding and abetting

1. Each Member State shall take the measures necessary to ensure that instigating the conduct referred to in Article 1(1)(c) and (d) is punishable.

2. Each Member State shall take the measures necessary to ensure that aiding and abetting in the commission of the conduct referred to in Article 1 is punishable.

Article 3

Criminal penalties

1. Each Member State shall take the necessary measures to ensure that the conduct referred to in Articles 1 and 2 is punishable by effective, proportionate and dissuasive criminal penalties.

2. Each Member State shall take the necessary measures to ensure that the conduct referred to in Article 1 is punishable by criminal penalties of a maximum of at least between 1 and 3 years of imprisonment.

Article 4

Racist and xenophobic motivation

For offences other than those referred to in Articles 1 and 2, Member States shall take the necessary measures to ensure that racist and xenophobic motivation is considered an aggravating circumstance, or, alternatively that such motivation may be taken into consideration by the courts in the determination of the penalties.

Article 5

Liability of legal persons

1. Each Member State shall take the necessary measures to ensure that a legal person can be held liable for the conduct referred to in Articles 1 and 2, committed for its benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- (a) a power of representation of the legal person;
- (b) an authority to take decisions on behalf of the legal person; or
- (c) an authority to exercise control within the legal person.

2. Apart from the cases provided for in paragraph 1 of this Article, each Member State shall take the necessary measures to ensure that a legal person can be held liable where the lack of supervision or control by a person referred to in paragraph 1 of this Article has made possible the commission of the conduct referred to in Articles 1 and 2 for the benefit of that legal person by a person under its authority.

3. Liability of a legal person under paragraphs 1 and 2 of this Article shall not exclude criminal proceedings against natural persons who are perpetrators or accessories in the conduct referred to in Articles 1 and 2.

4. "Legal person" means any entity having such status under the applicable national law, with the exception of States or other public bodies in the exercise of State authority and public international organisations.

Article 6

Penalties for legal persons

1. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 5(1) is punishable by effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines and may include other penalties, such as:

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of commercial activities;
- (c) placing under judicial supervision;
- (d) a judicial winding-up order.

2. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 5(2) is punishable by effective, proportionate and dissuasive penalties or measures.

Article 7

Constitutional rules and fundamental principles

1. This Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles, including

freedom of expression and association, as enshrined in Article 6 of the Treaty on European Union.

2. This Framework Decision shall not have the effect of requiring Member States to take measures in contradiction to fundamental principles relating to freedom of association and freedom of expression, in particular freedom of the press and the freedom of expression in other media as they result from constitutional traditions or rules governing the rights and responsibilities of, and the procedural guarantees for, the press or other media where these rules relate to the determination or limitation of liability.

Article 8

Initiation of investigation or prosecution

Each Member State shall take the necessary measures to ensure that investigations into or prosecution of the conduct referred to in Articles 1 and 2 shall not be dependent on a report or an accusation made by a victim of the conduct, at least in the most serious cases where the conduct has been committed in its territory.

Article 9

Jurisdiction

1. Each Member State shall take the necessary measures to establish its jurisdiction with regard to the conduct referred to in Articles 1 and 2 where the conduct has been committed:

- (a) in whole or in part within its territory;
- (b) by one of its nationals; or
- (c) for the benefit of a legal person that has its head office in the territory of that Member State.

2. When establishing jurisdiction in accordance with paragraph 1(a), each Member State shall take the necessary measures to ensure that its jurisdiction extends to cases where the conduct is committed through an information system and:

- (a) the offender commits the conduct when physically present in its territory, whether or not the conduct involves material hosted on an information system in its territory;
- (b) the conduct involves material hosted on an information system in its territory, whether or not the offender commits the conduct when physically present in its territory.

3. A Member State may decide not to apply, or to apply only in specific cases or circumstances, the jurisdiction rule set out in paragraphs 1(b) and (c).

Article 10

Implementation and review

1. Member States shall take the necessary measures to comply with the provisions of this Framework Decision by 28 November 2010.
2. By the same date Member States shall transmit to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision. On the basis of a report established using this information by the Council and a written report from the Commission, the Council shall, by 28 November 2013, assess the extent to which Member States have complied with the provisions of this Framework Decision.
3. Before 28 November 2013, the Council shall review this Framework Decision. For the preparation of this review, the Council shall ask Member States whether they have experienced difficulties in judicial cooperation with regard to the conduct under Article 1(1). In addition, the Council may request Eurojust to submit a report, on whether differences between national legislations have resulted in any problems regarding judicial cooperation between the Member States in this area.

Article 11

Repeal of Joint Action 96/443/JHA

Joint Action 96/443/JHA is hereby repealed.

Article 12

Territorial application

This Framework Decision shall apply to Gibraltar.

Article 13

Entry into force

This Framework Decision shall enter into force on the day of its publication in the Official Journal of the European Union.

Done at Brussels, 28 November 2008.