



הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים (ע"ר)  
THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS (R.A.)

May 16, 2016

Thorbjørn Jagland  
Secretary-General  
Council of Europe

Dear Mr. Secretary-General:

The International Association of Jewish Lawyers and Jurists (IAJLJ), a UN-accredited NGO, was founded in 1969 to combat antisemitism, Holocaust denial, and racism, and to promote human rights worldwide.

I write to you to express our views regarding the debate on antisemitism held at the Council of Europe's recent Parliamentary Assembly. A member of our Board of Governors, Richard Horowitz, attended PACE and was present during this debate (Mr. Horowitz was a panelist at the Council's 2015 World Forum for Democracy on the issue of combating terrorism).

I am gratified to write that we found this debate to be a serious attempt at dealing with the problem of antisemitism in Europe and that we felt the speakers expressed candid and strong views in their analysis and condemnation of this problem. Many speakers expressed concern and anger that this situation exists in Europe after the Holocaust, some saying specifically that it is shameful that there are Jews who live in Europe who are afraid of being Jewish. Some spoke of criticism of Israel that crossed the line from legitimate policy critique to an expression of antisemitism. One speaker said that in France, for example, 1% of the population is Jewish yet 51% of racist attacks in France target Jews.

I would also like to note two relevant documents from PACE's debate on the issue in order to focus our concern regarding enforcement of European measures to combat antisemitism.

First, from the April 19, 2016 report of the Parliamentary Assembly's Committee on Political Affairs and Democracy, written by its rapporteur, Titus Corlățean:

I very much agree with the statement made by the European Commissioner, Mr. Frans Timmermans, who said that "we see age-old naked antisemitism at the far right, we see antisemitism that often hides behind anti-Zionism on the far left of the political spectrum and sometimes, sadly, even among anti-racism movements, and we see the deadly antisemitism of religious extremism, in particular from Islamism extremists. But as we saw in the terrorist attacks in Paris in November – it starts always with the Jews, but it never stops there". He also stressed that criminal law punishing serious manifestations of racism and xenophobia is still not enforced everywhere in Europe. Finally, he pointed out that only 13 out of 28 EU member States have criminalized Holocaust denial.



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Second, from the explanatory memorandum of the Parliamentary Assembly's Committee on Equality and Non-Discrimination report of April 24, 2016, written by its rapporteur, Boriss Cilvevics:

30. No antisemitic incidents were reported between 2007 and 2014 in Cyprus, "the former Yugoslav Republic of Macedonia" and Montenegro. Data on antisemitic incidents is not collected by the police or any other body in Albania, Estonia, Georgia, Iceland, Lithuania, Serbia, the Slovak Republic (the police only keeps a summary on criminal offences of extremism and criminal offences with a racial motivation), Slovenia and Turkey.

31. These figures need to be considered with precaution since there is in general a low level of victim reporting and a lack of trust in law enforcement. Results of the FRA survey indicated that 76% of respondents who had experienced antisemitic harassment in the past five years did not report the most serious incident to the police or to any other organization

While we note with appreciation the content and sincerity of the debate on the antisemitism resolution at PACE, our concern is with the efficacy of enforcement measures to combat such measures that are now in place or that may arise based on the recent PACE resolution. As such, we urge the Council of Europe to focus on the enforcement of these measures as well as their development. We therefore suggest, in light of PACE's antisemitism resolution, and, domestic laws of various Council of Europe member states, that the Council of Europe and PACE review the enforcement of laws and measures prohibiting antisemitism at future PACE meetings and at relevant Council of Europe departments.

We would be most interested in knowing your views on our suggestion.

Sincerely,

Adv. Irit Kohn  
President