

Submission to the Office of the United Nations High Commissioner for Human Rights

In response to the call for input pursuant to UN General Assembly Resolution 80/193

Submitted by the International Association of Jewish Lawyers and Jurists

I. Introduction and Scope

The International Association of Jewish Lawyers and Jurists ('IJL')¹ respectfully submits this contribution to the Office of the United Nations High Commissioner for Human Rights in response to the call for input informing the report of the Secretary-General pursuant to UN General Assembly Resolution 80/193 "A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

IJL is a UN-ECOSOC accredited international NGO with consultative status, comprised of legal professionals dedicated to the promotion of human rights, the rule of law, and the combatting of antisemitism through strategic litigation. This submission addresses antisemitism within the framework of international human rights law and critically evaluates the implementation of the Durban Declaration and Programme of Action ('DDPA').

Although the DDPA was intended to operate as a universal anti-racism framework, it failed to adequately address the evolving nature of antisemitism. Its normative ambiguity enabled selective interpretations of antisemitism within international human rights discourse, undermining the consistent application of anti-racism norms and highlighting the need for a clear and operational

¹ The International Association of Jewish Lawyers and Jurists (IJL) was founded in 1969 to promote human rights and international cooperation based on the rule of law. The IJL comprises judges, lawyers, and academic jurists from across the globe, and is widely recognized as a leading international organization in the fields of human rights and international law.

Further information on the organization and its activities is available on: <https://www.ijl.org>



definition of antisemitism, together with more coherent legal and normative responses within domestic and international law.

This submission proposes legal and institutional changes aimed at strengthening clarity, accountability, and coherence within the international anti-racism regime.²

This submission is grounded in the fact that legitimate criticism of Israel as a form of political expression evolved through the Durban process into forms of anti-Zionism that were subsequently weaponised under the umbrella of human rights and anti-racism discourse to facilitate and legitimise antisemitic rhetoric, thereby becoming one of the most damaging and far-reaching outcomes of the Durban process.³

II. Historical Background and Normative Framework

The World Conference against Racism (WCAR), convened under the auspices of the United Nations in 2001, was intended to advance the international framework for combating racism, racial discrimination, xenophobia, and related intolerance. The Durban process operated through two parallel tracks: an intergovernmental conference, which negotiated the Durban Declaration and Programme of Action (DDPA), and an NGO Forum, which functioned as a civil society platform and produced its own declaration and programme of action.

However, a clear divergence emerged between these tracks. While the intergovernmental process produced a negotiated outcome that avoided the most contentious formulations, the NGO Forum adopted language widely criticised as discriminatory and exclusionary.⁴ Notably, elements within the Forum sought to revive narratives associated with United Nations General Assembly Resolution 3379, despite its repeal in 1991.⁵ Further, the DDPA contains highly politicised language

² Ibid

³ David Hirsh, *Anti-Zionism and Antisemitism: Cosmopolitan Reflections* (Working Paper No 1, Yale Initiative for the Interdisciplinary Study of Antisemitism, 2007) 1.

⁴ Mary Robinson, 'The World Conference against Racism: Through a Wider Lens' (2002) 26(2) *Fletcher Forum of World Affairs* 127, 136.

⁵ United Nations General Assembly, *Elimination of All Forms of Racial Discrimination*, GA Res 3379 (XXX), 2400th plen mtg, Agenda Item 72, UN Doc A/RES/3379 (10 November 1975); repealed by *Elimination of Racism and Racial Discrimination*, GA Res 46/86, UN GAOR, 46th sess, 74th plen mtg, Agenda Item 110, UN Doc A/RES/46/86 (16 December 1991).



that specifically singles out the Israeli–Palestinian conflict in the introductory section,⁶ paragraph 63 of the Declaration,⁷ and paragraph 151 of the Programme of Action.⁸ The inclusion of such conflict-specific language departs from universality and reflects the politicisation of the DDPA, entrenching double standards in the application of anti-racism norms.

This divergence between the formal outcome of the Conference and its wider discursive environment had enduring normative consequences. Although the most explicit anti-Zionist language emerged from the NGO Forum rather than the intergovernmental declaration itself, the broader Durban process contributed to the normalisation of discourse that increasingly framed Israel as a paradigmatic example of racism within international anti-racism debates. Rather than operating as a neutral framework for the protection of rights, this discourse was selectively deployed to advance political objectives, including through forms of anti-Zionist rhetoric that, in substance, reflected antisemitic hostility toward Jewish self-determination under the guise of human rights and anti-racism discourse. These dynamics have become particularly evident in the period following the 7 October 2023 massacre, which saw a significant global rise in antisemitic incidents, including harassment, violence, and threats to life,⁹ which in some cases have materialized.¹⁰

⁶ World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Durban Declaration and Programme of Action* (United Nations, 2001) 2. Quoting: Concerning the Middle East and related issues, the Conference expressed concern about the plight of the Palestinian people under foreign occupation and recognised the inalienable right of the Palestinian people to self-determination and the right to an independent state. The Conference also recognised the right to security for all States in the region, including Israel, and called upon all States to support the peace process and bring it to an early conclusion.

⁷ Ibid para 63, quoting: 63. We are concerned about the plight of the Palestinian people under foreign occupation. We recognize the inalienable right of the Palestinian people to self-determination and to the establishment of an independent State and we recognize the right to security for all States in the region, including Israel, and call upon all States to support the peace process and bring it to an early conclusion.

⁸ Ibid para 151, quoting: 151. As for the situation in the Middle East, calls for the end of violence and the swift resumption of negotiations, respect for international human rights and humanitarian law, respect for the principle of self-determination and the end of all suffering, thus allowing Israel and the Palestinians to resume the peace process, and to develop and prosper in security and freedom.

⁹ United Nations, *United Nations Action Plan to Enhance Monitoring and Response to Antisemitism* (Report, 17 January 2025) 4.

¹⁰ For example: The Bondi Beach attack in Sydney during Hannukah, the attack on Heaton Park, UK on Yom Kippur.



III. Normative Ambiguity: The DDPA's Failure to Articulate Antisemitism Language

While the final text of the Durban Declaration and Programme of Action (DDPA) stops short of adopting the most explicit and politicised formulations advanced during the preparatory process, it nevertheless fails to articulate a clear, autonomous, and operational definition of antisemitism. Rather than recognising antisemitism as a distinct and historically grounded form of racism, the DDPA subsumes it within broader and indeterminate categories such as xenophobia and “related intolerance.” This approach dissolves a uniquely persistent and evolving form of discrimination into an undifferentiated normative framework, thereby diminishing its specific characteristics, modalities, and contemporary manifestations.

This omission has significant legal implications. The principle of legal certainty, recognised as a foundational element of both domestic and international legal systems, requires that legal norms be formulated with sufficient clarity, precision, and foreseeability to enable consistent interpretation and application. In the absence of a determinate definition of antisemitism, the DDPA lacks the necessary normative precision to function as an effective interpretive and policy-guiding instrument. This indeterminacy permits divergent and, at times, selective interpretations of what constitutes antisemitic conduct, thereby undermining the consistent application of anti-racism norms.

Moreover, the absence of an operational definition inhibits the development of coherent legal and policy responses at both the national and international levels. Unless States are proactive in adopting appropriate frameworks to address antisemitism, they might be left without a clear benchmark against which to assess conduct, design legislative frameworks, or implement preventative and educational measures. International mechanisms, including United Nations bodies tasked with monitoring racism and discrimination, are therefore deprived of a consistent analytical framework. The result is a normative void that not only diminishes accountability but also risks entrenching precisely the forms of discrimination that the DDPA was intended to address. The need for an operational definition is particularly acute in the case of antisemitism, whose coded and context-dependent manifestations make consistent identification difficult without clear guidance.



IV. Weaponisation of Human Rights Language

The definitional indeterminacy of the DDPA has facilitated a further and more consequential development: the weaponisation of human rights language. In the absence of clear and operational boundaries, human rights norms have been invoked in a manner that departs from their foundational principles of universality, equality, and non-discrimination. This dynamic was evident in the broader context of the World Conference against Racism. As noted in the literature, the Conference became “a forum for racism,” in which human rights discourse was used in a manner “antithetical to human rights protection.”¹¹ This assessment demonstrates that, without clear standards, human rights mechanisms are susceptible to politicisation. The divergence between intergovernmental and civil society outputs at Durban illustrates this vulnerability. The NGO Forum called for the reintroduction of United Nations General Assembly Resolution 3379, despite its repeal in 1991, and included it in its declaration, although it was excluded from the intergovernmental outcome, thereby highlighting how, in the absence of clear definitions, human rights discourse can be used to revive discredited ideas under the guise of anti-racism.¹² In this respect, the DDPA’s failure to articulate a clear definition of antisemitism creates the conditions under which human rights frameworks may be distorted in ways that undermine their integrity and effectiveness.

V. Contemporary Implications: The Global Rise of Antisemitism

Antisemitism is a persistent, pervasive and abject form of hatred.¹³ It occupies a distinctive position within the broader landscape of racism by virtue of its scope and scale across time. Often described in scholarship as “the oldest hatred”,¹⁴ it has demonstrated a unique capacity to adapt across historical periods, political ideologies, and geographic contexts. Unlike many forms of discrimination that are rooted in identifiable social, economic, or territorial dynamics, antisemitism has manifested simultaneously as religious prejudice, racial pseudoscience, economic conspiracy, and political accusation, frequently portraying Jews not only as a vulnerable minority but paradoxically as a powerful and malign force. This dual character has enabled antisemitism to

¹¹ Anne Bayefsky, ‘The UN World Conference Against Racism: A Racist Anti-Racism Conference’ (2002) 16(2) *American University International Law Review* 65.

¹² Batsheva Neuer, ‘A Tale of Two Documents: How Zionism as Racism Resurfaced at the World Conference against Racism (WCAR)’ (2025) 8(1) *Journal of Contemporary Antisemitism*.

¹³ United Nations, *United Nations Action Plan to Enhance Monitoring and Response to Antisemitism* (17 January 2025) 5.

¹⁴ Robert S Wistrich, *Antisemitism: The Longest Hatred* (Pantheon Books, 1991).



endure and regenerate across historical periods, embedding itself within dominant political and social narratives, with core motifs recurring across contexts. The discovery of copies of Hitler's *Mein Kampf* in Gaza following the 7 October 2023 massacre¹⁵ illustrates a continuing ideological thread between historical antisemitic doctrines and contemporary forms of anti-Jewish hatred, demonstrating that such violence cannot be understood solely as a geopolitical or ethno-national conflict, but also as rooted in enduring antisemitic ideology.¹⁶ Its contemporary forms continue this pattern, appearing in political discourse, legal argumentation, and digital spaces, often cloaked in the language of human rights or anti-racism. The scale of its impact, both historically and in present-day manifestations, underscores that antisemitism is not confined to the memory of the holocaust, but remains a systemic and evolving form of hatred with profound implications for the safety, rights, and inclusion of Jewish individuals and communities worldwide.

A defining feature of contemporary antisemitism is its infiltration into political and social discourse surrounding Israel and Zionism, where hostility toward Jewish identity and Jewish self-determination is increasingly reframed as legitimate political critique under the guise of human rights discourse, thereby blurring the distinction between political expression and discriminatory conduct. This dynamic became particularly evident in the immediate aftermath of the 7 October 2023 massacre, which was followed by widespread antisemitic celebrations, riots, and threats worldwide.¹⁷ The timing – few days after the attack – and nature of these reactions indicate that such expressions were not merely responses to subsequent developments in Gaza but reflected underlying and pre-existing antisemitic sentiment. This was illustrated at public demonstrations in Europe, including a protest in Warsaw, shortly after the Hamas-led massacre where a participant displayed a sign depicting a Star of David in a garbage can alongside the phrase “keep the world clean”. Such incidents demonstrate how antisemitism can manifest within political discourse while

¹⁵ Israel Defense Forces. (n.d.). *Soldiers discover Mein Kampf in Gaza*. <https://www.idf.il/en/mini-sites/intelligence-resources/hamas-intelligence-resources-articles/additional/soldiers-discover-mein-kampf-in-gaza/>; Prime Minister's Office. (2024, January 27). *Statement by PM Netanyahu*. <https://www.gov.il/en/pages/statement-by-pm-netanyahu-27-jan-2024>; Prime Minister's Office. (2024, April 13). *Press statement*. <https://www.gov.il/en/pages/spoke-press130424>

¹⁶ Ofir Winter and Niv Shaiovich, “‘The Struggle Has a Dimension Not Previously Understood’: Retrospective on the Novel by the Orchestrator of the October 7 Massacre’ (2025) 28(2) *Strategic Assessment*

¹⁷ International Holocaust Remembrance Alliance, *Antisemitism: Overview of Antisemitic Incidents Recorded in 2023*(Report, 2024).



retaining its discriminatory character.¹⁸ This trend is evidenced by a series of widely reported incidents since 2023.¹⁹

On campuses worldwide, this distortion has translated into environments where Jewish students are excluded, intimidated, and forced to conceal their identity, demonstrating how the language of human rights is being weaponized to deny those very rights to Jews.

The work of the International Association of Jewish Lawyers and Jurists (IJL) provides concrete evidence of these challenges in practice.²⁰ Through its litigation across multiple jurisdictions, IJL has engaged in cases involving antisemitic incitement, discriminatory speech, and failures of institutional accountability.²¹ These cases illustrate how the absence of clear definitional standards can result in legal challenges that create tangible barriers to the effective realisation of justice.

VI. Recommendations - IHRA Definition and strengthening of UN institutional accountability mechanisms

Recent institutional developments, including the United Nations' 2025 system-wide action plan to combat antisemitism, reflect growing recognition of the challenges identified above. However, their effective implementation requires clearer normative standards, strengthened institutional accountability mechanisms, and sustained engagement with civil society actors.²²

¹⁸ International Association of Jewish Lawyers and Jurists, 'Lawsuit against Marie Andersen in Poland' (Web Page, 2025) <https://www.ijl.org/combating-antisemitism/lawsuit-against-marie-andersen-in-poland/>.

¹⁹ Reports of antisemitic attacks included shootings outside synagogues in Los Angeles, attempted attacks on synagogues in Berlin, the marking of Jewish homes in Paris, the Bondi Beach attack in Sydney, and a broader rise in assaults, threats, harassment, and campus-related incidents across the United States: Anti-Defamation League, *Audit of Antisemitic Incidents 2023* (Report, 2024); New South Wales Government, 'Bondi Beach Attack' (Web Page, 14 December 2025) <https://www.nsw.gov.au/nsw-government/bondi-beach-attack>.

²⁰ International Association of Jewish Lawyers and Jurists, 'Combating Antisemitism: Legal Cases' (Web Page, 2024) <https://www.ijl.org/combating-antisemitism/>. IJL-supported cases in jurisdictions including Germany, Poland, Latvia, and Italy have highlighted the difficulty of addressing antisemitic expression within existing legal frameworks, particularly where such conduct is framed as protected speech.

²¹ Ibid.

²² United Nations, 'UN Announces Action Plan to Combat Antisemitism amid Rising Global Concern' (Web Page, 4 April 2025) <https://news.un.org/en/story/2025/04/1161896>.



A. Adoption of a Clear Operational Definition

In this context, the growing adoption of the IHRA Working Definition of Antisemitism represents a significant and constructive development. While non-binding, the IHRA definition provides a practical and operational framework for identifying contemporary manifestations of antisemitism, including where hostility toward Israel functions as a proxy for hostility toward Jewish identity.²³ Its recognition that certain forms of anti-Zionism may constitute antisemitism, particularly where they deny Jewish self-determination, demonise Israel, or apply discriminatory double standards.²⁴ Incorporating the IHRA definition within relevant United Nations and domestic legal and policy frameworks would promote greater consistency in identifying antisemitic conduct and strengthen the implementation of emerging institutional initiatives.²⁵

B. Institutional Accountability and Implementation

Greater emphasis must also be placed on the consistent and principled application of anti-racism norms across United Nations mechanisms, consistent with the principles of universality, equality, and non-discrimination reflected in the Charter of the United Nations.²⁶ Strengthening monitoring, transparency, and institutional accountability mechanisms, including within the Office of Internal Oversight Services (OIOS), is essential to ensuring that antisemitism is neither minimised, subsumed, nor excluded from broader anti-racism frameworks. While the United Nations' 2025 action plan represents an important step toward coordinated implementation, further accountability safeguards and oversight measures remain necessary.²⁷ Improved data collection and monitoring of antisemitic incidents at both the national and international levels is also required. Cooperation with civil society organisations, including the International Association of Jewish Lawyers and Jurists (IJL), can assist in addressing existing data gaps, strengthening legal analysis, and identifying systemic deficiencies through comparative litigation and institutional engagement.²⁸ Finally, continued investment in education and awareness initiatives is necessary to address the evolving

²³ International Holocaust Remembrance Alliance, *Working Definition of Antisemitism* (Adopted 26 May 2016).

²⁴ Ibid.

²⁵ Ibid.

²⁶ Charter of the United Nations arts 1(3), 55(c).

²⁷ United Nations, 'UN Announces Action Plan to Combat Antisemitism amid Rising Global Concern' (Web Page, 4 April 2025) <https://news.un.org/en/story/2025/04/1161896>.

²⁸ International Association of Jewish Lawyers and Jurists, 'Combating Antisemitism: Legal Cases' (Web Page, 2024) <https://www.ijl.org/combating-antisemitism/>.



manifestations of antisemitism, including within political and digital discourse. Such initiatives should promote not only historical understanding, but also recognition of the contemporary forms through which antisemitism may emerge and adapt. These measures would contribute to a more coherent, effective, and principled international response to antisemitism, aligned with the broader objectives of the international anti-racism framework.

IX. Conclusion

Although the Durban Declaration remains a foundational instrument in the global framework against racism, the Durban process has not only failed to contribute meaningfully to the fight against antisemitism; it has, in practice, been instrumentalized in ways that legitimize and perpetuate antisemitism. This is not merely a conceptual concern. The distortion of human rights and anti-racism frameworks has contributed to a climate in which the sharp rise in antisemitic incidents is inadequately addressed, resulting in serious violations of the fundamental rights of Jews, including the rights to express their identity, to move freely and safely, and, in some cases, even to life itself. In this context, human rights organizations must assume a leading role in safeguarding the rights of Jewish communities and in speaking out clearly against antisemitism, including when it is justified under the guise of political criticism of Israel. It is therefore essential to recognize that anti-Zionism, when it manifests as the denial of the Jewish people's right to self-determination, constitutes a form of antisemitism. The failure to confront these dynamics risks repeating historical patterns in which rising antisemitism was minimized or ignored until it was too late – a lesson that must inform the international community's response today.

This submission proceeds on the basis that antisemitism must be addressed with greater rigour, seriousness, and steadfast commitment within anti-racism frameworks, and confronted with resolve in all its contemporary manifestations. It calls for a more precise and context-sensitive legal approach that reflects its evolving and increasingly complex forms, particularly considering developments in global discourse since 2023. A more nuanced and analytically rigorous understanding of antisemitism is necessary to capture the ways in which it manifests across



political, institutional, and social contexts. Greater definitional clarity and consistency are therefore essential to ensuring that international norms are applied in a principled and non-selective manner.

In this context, the International Association of Jewish Lawyers and Jurists reaffirms its commitment to supporting the development of robust and coherent legal standards. It stands ready to engage constructively with the United Nations and Member States to strengthen the implementation of international anti-racism frameworks and to ensure that they are capable of effectively addressing antisemitism in all its forms.



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