



THE INTERNATIONAL
LEGAL FORUM

A pair of hands is shown holding a small globe of the Earth. The hands are positioned at the bottom of the globe, with fingers slightly curled. The globe shows blue oceans and green landmasses. The background is a soft, out-of-focus gradient of colors, including yellow, orange, and red. The text 'FROM WORDS TO ACTION' is overlaid across the center of the image in a large, bold, white font. The word 'WORDS' is slightly larger and more prominent than the other words.

FROM WORDS TO ACTION

IHRA's Working definition of Antisemitism



1930s GERMANY



Today

2019

The New York Times

How 2 Drifters Brought
Anti-Semitic Terror to
Jersey City

2019

**THE
NEW YORKER**

A TERRORIST ATTACK
ON YOM KIPPUR IN
HALLE, GERMANY

2018

AP

PITTSBURGH
SYNAGOGUE MASSACRE



2019

The New York Times

One Dead in
Synagogue Shooting
Near San Diego;
Officials Call It Hate
Crime

2019

DW

Jews abused, spat on
in Munich
anti-Semitic attacks



THIS IS TODAY – ALL OVER THE WORLD



The International Holocaust Remembrance Alliance (IHRA) unites governments and experts to strengthen, advance and promote Holocaust education, research and remembrance and to uphold the commitments to the 2000 Stockholm Declaration.

**On 26 May 2016,
the Plenary decided
to: adopt the
following working
definition of
antisemitism:**

THE LANGUAGE OF IHRA :



JUSTIFYING HARM

Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.

DEMONIZING STEREOTYPIZATION

Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

COLLECTIVE BLAME

Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.

HOLOCAUST DENIAL

Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).

THE LANGUAGE OF IHRA :



HOLOCAUST AS A JEWISH CONSPIRACY

Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.

ACCUSATIONS OF DUAL LOYALTY

Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.

JEWISH RIGHT OF SELF-DETERMINATION

Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.

DOUBLE STANDARDS FOR ISRAEL

Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.

FROM THE JEWISH PEOPLE TO THE JEWISH STATE

Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.

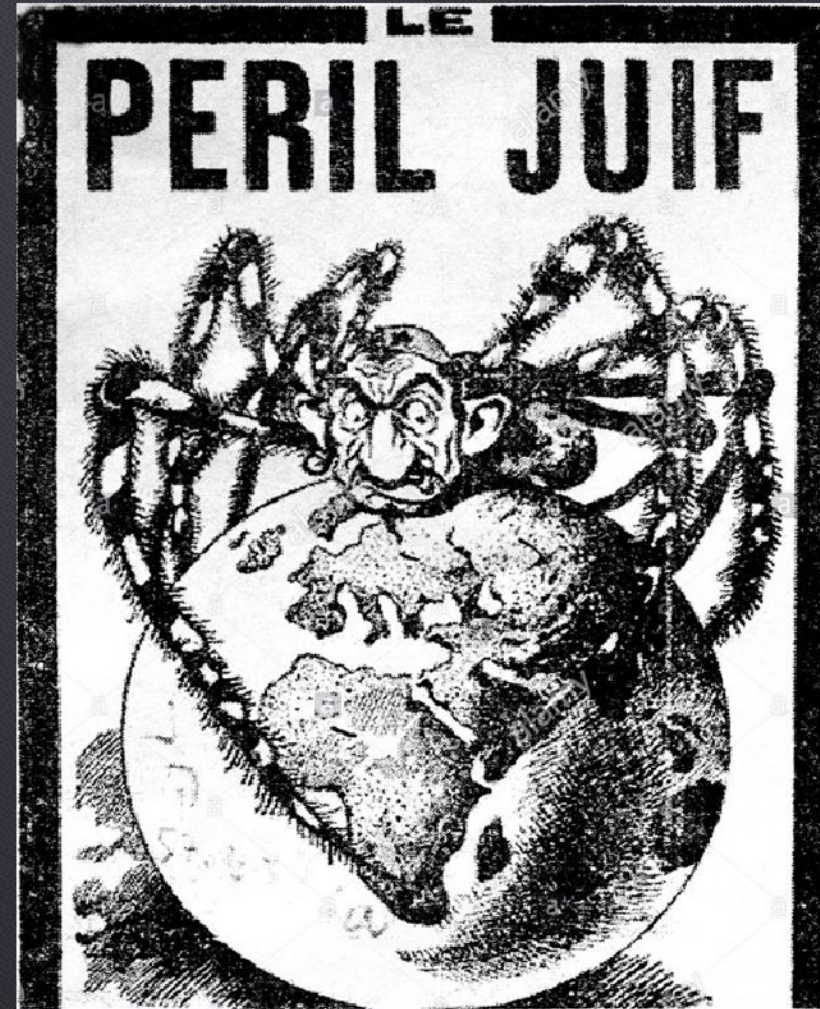
**IS THIS
ANTISEMITIC?**



CLASSIC “OLDE-TYME” ANTISEMITISM

Making mendacious, dehumanizing,
demonizing,
or stereotypical allegations about Jews...

Accusing Jews as a people of being
responsible for real or imagined
wrongdoing...



From jacket of French edition of
Protocol of the Elder of Zion

IS THIS ANTISEMITIC?



Cartoon by Umayya Juha/Published by *al-Raya* (Qatar)

CLASSIC “OLDE-TYME” ANTISEMITISM

Making mendacious, dehumanizing,
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Cartoon by Umayya Juha/Published by al-Raya (Qatar)

Al-Raya, 2017, by Umayya Juha

?IS THIS ANTISEMITISM



Ali Abunimah, Twitter, February, 2019



Jenny Tonge, Facebook, April 2019

?IS THIS ANTISEMITISM

FROM THE JEWISH PEOPLE TO THE JEWISH STATE

Using the symbols and images associated with classic Antisemitism

CLASSIC ANTISEMITISM

Accusing Jews as a people of being responsible for real or imagined wrongdoing

DEMONIZING STEREOTYPZATION

Making dehumanizing, demonizing or stereotypical allegations



?IS THIS ANTISEMITISM



Updates

Land Grab: Israel's Settlement Policy in the West Bank

Videos

B'tselem website, May
2002

?IS THIS ANTISEMITISM

“Criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.”



HOW DO YOU FEEL ABOUT THIS?

“The Nazis and Zionists are two sides of the same coin.”



HOLOCAUST INVERSION

HOLOCAUST INVERSION

Drawing comparisons of contemporary Israeli policy to that of the Nazis.

CLASSIC ANTISEMITISM

Accusing Jews as a people of being responsible for real or imagined wrongdoing



Saadia Falastinya", Facebook 2014

?IS THIS ANTISEMITISM



?IS THIS ANTISEMITISM

JEWISH RIGHT OF SELF-DETERMINATION

Denying the Jewish right of self-determination,
the State of Israel is a racist endeavor



?IS THIS ANTISEMITISM



?IS THIS ANTISEMITISM

“Criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.”



ANTISEMITISM?



IAADIL website, 2010

ANTISEMITISM?

CLASSIC ANTISEMITISM

Making dehumanizing, demonizing, or stereotypical allegations about Jews or the power of Jews as collective...
Accusing Jews as a people of being responsible for real or imagined wrongdoing...

FROM THE JEWISH PEOPLE TO THE JEWISH STATE

Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.

...symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.

HOLOCAUST INVERSION

Drawing comparisons of contemporary Israeli policy to that of the Nazis.



BADIL website, 2010

HOW CAN IHRA BE APPLIED IN YOUR DOMESTIC LAW?

EVICITION NOTICE

We regret to inform you that your suite is scheduled for demolition in three days.

If you do not vacate the premises by midnight on April 5th 2019, we reserve the right to destroy all remaining belongings. We cannot be held responsible for property or persons remaining inside the premises. Charges for demolition will be applied to your student accounts.

Eviction notices are routinely given to Palestinian families living under Israeli occupation for no other reason than their ethnicity. Forced evictions are arbitrary, racist, humiliating, and in violation of Article 53 of the Fourth Geneva Convention.

Palestinian homes are destroyed as part of the state of Israel's ongoing attempts to ethnically cleanse the region of its Arab inhabitants and maintain an exclusively "Jewish" character of the state. By destroying Palestinian homes, the state makes room for illegal Israeli settlements. The Israeli government itself describes this process as "Judaization."

THE BLOGS
David Schoen

FEATURED POST

'Eviction notices' at Emory University: The threat to Jewish students

Times of Israel, April 2019

HOW CAN IHRA BE APPLIED IN YOUR DOMESTIC LAW?

Executive Order on Combating Anti-Semitism

Section 1. Policy. My Administration is committed to combating the rise of anti-Semitism and anti-Semitic incidents in the United States and around the world. Anti-Semitic incidents have increased since 2013, and students, in particular, continue to face anti Semitic harassment in schools and on university and college campuses.

December 2019

HOW CAN IHRA BE APPLIED IN YOUR DOMESTIC LAW?

Executive Order on Combating Anti-Semitism

Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d et seq., prohibits discrimination... Discrimination against Jews may give rise to a Title VI violation when the discrimination is .based on an individual's race, color, or national origin

- (i) the non-legally binding working definition of anti-Semitism (IHRA)...
- (ii) the “Contemporary Examples of Anti-Semitism” identified by the IHRA, to the extent that any examples might be useful as evidence of discriminatory **intent**.

HOW CAN IHRA BE APPLIED IN YOUR DOMESTIC LAW?

Discrimination:

Similar laws exist in many countries in Europe as well as in other democracies

Netherlands - Equal Treatment Act

Sec. 1 - discrimination on the grounds of religion, belief, political orientation opinion, nationality, race, sex, heterosexual or homosexual ";or civil status

:French - Criminal Code

penalties incurred for a felony or a misdemeanor are increased when due to membership in protected class

HOW CAN IHRA BE APPLIED IN YOUR DOMESTIC LAW?

Hate Speech

Canada – Criminal Code, Advocating Genocide

advocating genocide against any identifiable group" is an indictable" offence and it carries a maximum sentence of five years' imprisonment



HOW CAN IHRA BE APPLIED IN YOUR DOMESTIC LAW?

Racial Hatred:

Similar laws exist in many countries in Europe as well as in other democracies

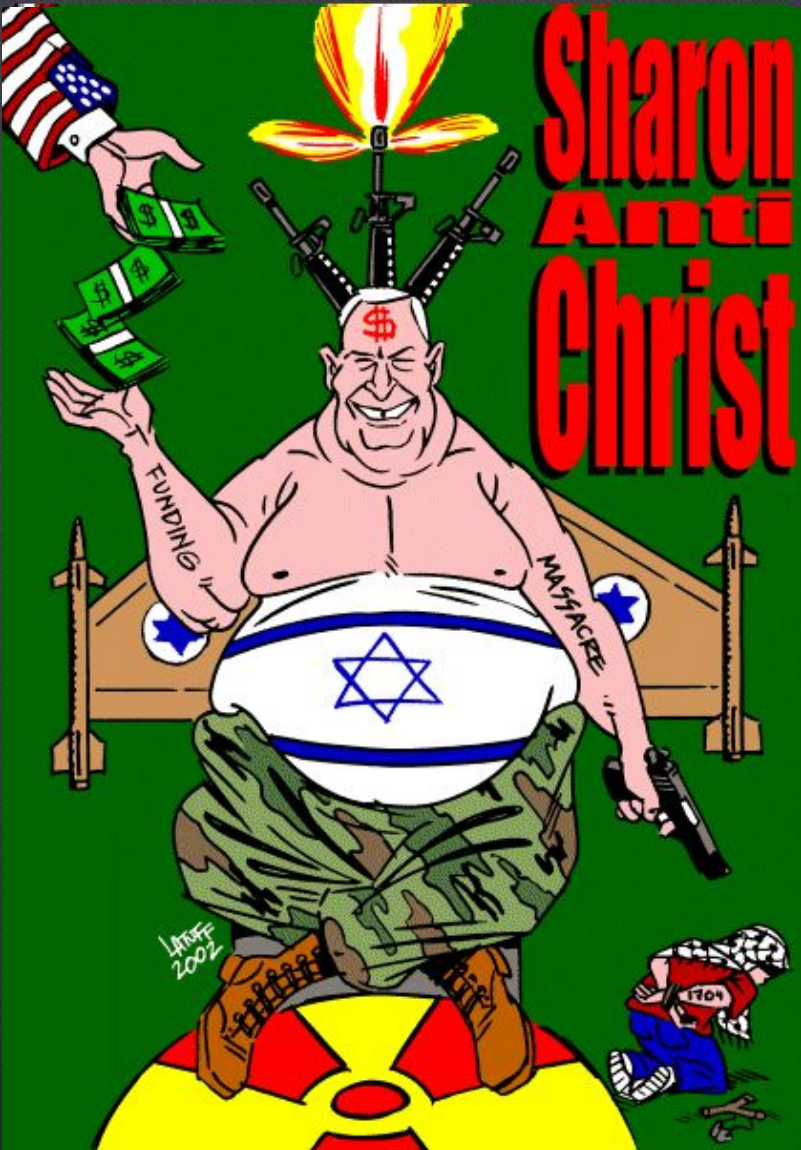
UK Public Order Act, 1986

:Sec. 17 - Prohibition on stirring up racial hatred

"“racial hatred” means hatred against a group of persons. . . defined by reference to color, race, nationality (including citizenship) or ethnic or national origins."

Sec 18 - Use of words or behavior or display of written material.

IS THIS ANTISEMITIC?



BDS activist
Boycott-Israel.org

:THE PROCESS

:Identifying Antisemitism and defying why by using IHRA .1

Demonizing Stereotypzation

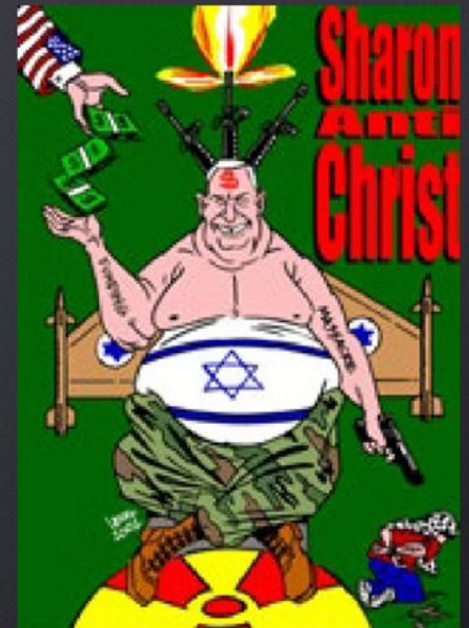
Classic Antisemitism

Recognizing the relevant law .2

Hate Speech

Racial Hatred

3. Analyzing the intent of the “act” through the use of IHRA as an Interpretational Tool



BDS activist Carlos Latuff,
Boycot-Israil.org and Artintifada, 2002

**WHAT DO YOU
THINK ABOUT
THIS ONE?**



HOW CAN IHRA BE APPLIED IN YOUR DOMESTIC LAW?

Indirect Discrimination Claim:

ECJ - *Commission for Protection against Discrimination (Bulgaria)*

Where a neutral practice causes a particular disadvantage to members of an ethnic group, anyone who is similarly disadvantaged may bring an indirect discrimination claim even if they are not themselves a member of the group that is particularly disadvantaged.