

image and interests. Have we indeed become blind, as Russia is blind in Chechnya, as Israel is blind in the Occupied Territories, to our own advice, that overwhelming military power is not the answer to terrorism? After the shambles of post-war Iraq joins the shambles in Grozny and Ramallah, it will be a brave foreigner who forms ranks with Micronesia to follow where we lead.

We have a coalition still, a good one. The loyalty of many of our friends is impressive, a tribute to American moral capital built up over a century. But our closest allies are persuaded less that war is justified than that it would be perilous to allow the U.S. to drift into complete solipsism. Loyalty should be reciprocal. Why does our President condone the swaggering and contemptuous approach to our friends and allies this Administration is fostering, including among its most senior officials? Has "oderint dum metuant" really become our motto?

I urge you to listen to America's friends around the world. Even here in Greece, purported hotbed of European anti-Americanism, we have more and closer friends than the American newspaper reader can possibly imagine. Even when they complain about American arrogance, Greeks know that the world is a difficult and dangerous place, and they want a strong international system, with the U.S. and EU in close partnership. When our friends are afraid of us rather than for us, it is time to worry. And now they are afraid. Who will tell them convincingly that the United States is as it was, a beacon of liberty, security, and justice for the planet?

Mr. Secretary, I have enormous respect for your character and ability. You have preserved more international credibility for us than our policy deserves, and salvaged something positive from the excesses of an ideological and self-serving Administration. But your loyalty to the President goes too far. We are straining beyond its limits an international system we built with such toil and treasure, a web of laws, treaties, organizations, and shared values that sets limits on our foes far more effectively than it ever constrained America's ability to defend its interests.

I am resigning because I have tried and failed to reconcile my conscience with my ability to represent the current U.S. Administration. I have confidence that our democratic process is ultimately self-correcting, and hope that in a small way our democratic process is ultimately self-correcting, and hope that in a small way I can contribute from outside to shaping policies that better serve the security and prosperity of the American people and the world we share.

LAWYERS COMMITTEE FOR
HUMAN RIGHTS ISSUES REPORT
ON THE RISE OF ANTISEMITISM
IN EUROPE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2003

Mr. BERMAN. Mr. Speaker, I rise to commend the Lawyers Committee for Human Rights for producing the report entitled "Fire and Broken Glass: The Rise of Antisemitism in Europe," which underscores the commitment of the Lawyers Committee to speak up against human rights abuses wherever they occur, and whatever form they take.

In the report, the Lawyers Committee states forthrightly that "antisemitism is racism.

Antisemitic acts need to be confronted more forcefully and treated as serious violations of international human rights." The Lawyers Committee observes that the responsibility of reporting and confronting antisemitism should not be shouldered by Jewish organizations alone; "their involvement does not relieve governments, the United Nations . . . or private human rights groups of their obligations to address antisemitism as an integral part of their work."

In pointed remarks concerning the failure of European governments to address the problem, executive director Michael Posner writes, "Too often European leaders have downplayed antisemitic acts as inevitable side-effects of the current crisis in the Middle East. We reject this reasoning as an abdication of responsibility. Criticism of Israeli policies and practices is not inherently antisemitic. But when such criticisms and related actions take the form of broadside attacks against 'Jews' or the 'Jewish State,' they become racist."

The report cites recent instances of antisemitism in Europe, laments the failure of European governments to accurately report and engage in action to combat these hate crimes, and makes a series of recommendations for steps the European governments should take. The text of the report follows.

FOREWORD

A year ago the United Nations convened the third World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, in Durban, South Africa. The conference was intended to highlight particularly serious patterns of racism and racial discrimination around the world and to shape appropriate global responses. The meeting succeeded in raising public attention with respect to some particularly egregious situations—not least the plight of 250 million victims of caste discrimination (among them the Dalits of India—the so-called "broken people," or "untouchables").

Further, the conference provided a long overdue acknowledgment of the criminal nature of slavery ("that slavery and the slave trade are a crime against humanity and should always have been") and recommendations for the repair of its lasting consequences for people of African descent around the globe.

The conference also made clear that racism and racial discrimination need to be placed more squarely on the international human rights agenda. But what was positive in the conference process was seriously undermined when the World Conference itself became the setting for a series of antisemitic attacks. Directed primarily against representatives of Jewish groups, these attacks were fueled by the heated debates at the meeting concerning Israeli practices in the West Bank and Gaza Strip. But the racist anti-Jewish animus displayed represented considerably more than criticism of Israeli policies and practices.

Most of the offensive behavior occurred during meetings of nongovernmental organizations (NGOs) and individual participants in a forum that paralleled the intergovernmental conference. Throughout the five-day NGO forum, antisemitic cartoons and materials were distributed widely and on display, tolerated by the forums's nongovernmental organizers. Representatives from Jewish organizations were denied access to some meetings—either physically excluded or shouted down and attacked when they were present and tried to speak. Efforts to put antisemitism on the nongovernmental agenda were roundly defeated by an assembly of

representatives and individual participants in procedures that were neither democratic nor principled.

Rather than serving as a forum for correcting racial and religious intolerance and hate, the public meetings and exhibition halls of the Durban conference became a place where pernicious racism was practiced and tolerated. Important recommendations adopted by the conference despite this environment, with a real potential to advance the fight against antisemitism—and other forms of racism—have as a consequence received inadequate attention. Some of these recommendations, concerning government monitoring and reporting on racist violence, are discussed here.

The outbursts at Durban reflect a growing trend toward antisemitic expression and violence in many parts of the world. As this report makes clear, there is an alarming rise in antisemitic violence in Europe: but it is on the rise in other parts of the world as well. Unfortunately, with the notable exception of Jewish organizations and a number of other human rights and antiracist groups and institutions, the world community—governments, intergovernmental organizations, and nongovernmental organizations alike—has not responded adequately to this growing problem. Antisemitism is racism. Antisemitic acts need to be confronted more forcefully and treated as serious violations of international human rights.

This report highlights the inadequacy of efforts by European governments to systematically monitor and report on antisemitic threats and violence—and to develop effective measures to stop it. We define antisemitism as hatred or hostility toward or discrimination against Jews as a religious, ethnic or racial group. Governments and intergovernmental organizations need to routinely incorporate facts about antisemitic assaults, arson, vandalism, desecration of cemeteries, and the proliferation of antisemitic materials on the internet into a wide range of existing human rights reporting mechanisms. Though some Jewish organizations, like the Anti-Defamation League and the American Jewish Committee, are doing excellent reporting on these issues, their involvement does not relieve governments, the United Nations and its regional organizations, or private human rights groups of their obligations to address antisemitism as an integral part of their work.

In the pages that follow, we outline the scope of antisemitism, in Europe and examine some of the efforts by European governments and institutions to monitor and confront the problem. In our view these efforts are insufficient. Too often European leaders have downplayed antisemitic acts as inevitable side-effects of the current crisis in the Middle East. We reject this reasoning as an abdication of responsibility. Criticism of Israeli policies and practices is not inherently antisemitic. But when such criticisms and related actions take the form of broadside attacks against "Jews" or the "Jewish State," they become racist.

In this report we make a series of recommendations as to how these abuses can better be investigated and reported in the future. These recommendations are intended as a starting point for a much larger discussion about how anti-semitism and other forms of racism can better be addressed as a more central element of the global human rights debate. At the end of last year's Durban meeting, we wrote that "[t]he subjects of this conference are the human rights issues of the 21st century. Racism, racial discrimination, xenophobia and intolerance affect each of us in our own communities. All of us—governments, the UN, NGOs—must

find constructive way to discuss and combat these problems."

Events of the last year only underscore the continuing importance of meeting that challenge, and, with regards to antisemitism, history emphasizes the urgency of doing so with force and with vigor. Michael Posner, Executive Director, August 2002.

FIRE AND BROKEN GLASS—THE RISE OF ANTISEMITISM IN EUROPE

On July 12, the online wire of the Associated Press included a story out of the Welsh city of Swansea, where a synagogue had been vandalized the night before. According to the story, which was not picked up by any major American newspaper, a group of youths broke into the synagogue, destroyed one of the temple's Torah scrolls, drew a swastika on the wall, and attempted to burn the building down before fleeing.

The Swansea break-in, the second such vandalism of a British synagogue in three months, is being investigated by local authorities as a hate crime—a crime driven by anti-Jewish animus. This desecration of synagogues occurred within a broader pattern of anti-Jewish attacks in Britain and across Europe. In April 2002 alone the Jewish community in Britain reported fifty-one incidents nationwide, most of them assaults on individuals.

Elsewhere in Europe firebombs and gunfire were directed at Jewish targets. At around midnight on March 31, two firebombs were thrown into a synagogue in the Anderlecht district of Brussels, Belgium's capital and the seat of the European Union. The interior of the synagogue was badly damaged. In the previous month, a rash of graffiti had appeared on Jewish owned shops in Brussels declaring "Death to the Jews." On April 22, up to eighteen gunshots were fired at another synagogue, this one in Charleroi.

As gasoline bombs were thrown in Brussels late on Sunday night, March 31, fires still smoldered from a series of attacks across France that weekend. In Strasbourg, the seat of the Council of Europe, the doors to a synagogue were set alight that Saturday; while in Lyon, an estimated fifteen attackers wearing hoods crashed two cars through the main gate of a synagogue earlier the same day and set fires there.

On March 31 alone, a pregnant Jewish woman and her husband were attacked in a Lyon suburb, requiring her hospitalization; a Jewish school in a Paris suburb was badly damaged by vandals; and in Toulouse, shots were fired into a kosher butcher shop. That night, a synagogue in Nice was attacked with a firebomb, and in Marseille attackers set alight and burned to the ground the Or Aviv synagogue. Despite the deployment of police to centers of the Jewish community, the violence in Marseille continued. A week after the synagogue attack, the Gan-Pardess school was set on fire, its windows broken with stones, and its walls daubed with anti-Jewish graffiti.

Anti-Jewish attacks have continued at a high level in France since late 2000, when attacks were reported on forty-three synagogues and three Jewish cemeteries in the last three months of the year alone. A synagogue in the Paris suburb Trappes was burned to the ground, while synagogues were damaged by fire in Villepinte, Clichy, Creil, Les Lilas, and the synagogue in Les Ulis was attacked on three occasions. Then, as now, officials downplayed the racist, antisemitic nature of the attacks, suggesting they were an inevitable side-effect of the crisis in the Middle East, where protests and violence had broken out in what became known as the second intifada.

A surge of anti-Jewish violence in Russia was also a part of the mosaic of racist vio-

lence across Europe in 2002. In the incident most widely reported in Western news media, Tatyana Sapunova was badly injured on May 27 by a rigged explosive charge, when attempting to take down a roadside sign near Moscow that declared "Death to Jews." Other booby-trapped signs bearing similar messages were reported elsewhere in the country. In a welcome and unprecedented gesture, Russian president Vladimir Putin honored Tatyana Sapunova for her civic courage in a July 11 ceremony, and condemned racial and religious intolerance.

The incidents in Swansea, Brussels, Strasbourg, Marseille, Moscow, and other European towns and cities earlier this year occurred as a number of organizations worldwide—most prominently the Anti-Defamation League (ADL) in the United States—have drawn increasing attention, both here and abroad, to the rise of antisemitism in Europe, a problem that appears to be intensifying.

HATE CRIMES—THE INFORMATION DEFICIT

The emphasis of this report is on the proliferation of violence against persons and property in Europe that is driven by anti-Jewish animus—and the failure of governments to accurately report and effectively engage in concerted action to combat this racist violence. In both east and west, European governments have done too little to monitor, report, and act on the many levels required. The failure of some governments in Western Europe to do even basic reporting on hate crimes targeting the Jewish community (and other minorities) is a principal focus of this report. Yet timely, accurate, and public information on racist violence is essential for effective action to suppress such violence.

By addressing only the information deficit that clouds the real scope and nature of antisemitic violence in Europe, the Lawyers Committee for Human Rights does not want to understate the broader issues arising in the fight against antisemitism and other racist intolerance. Yet the educational and other programs required to address antisemitism in the long term can be effective only if accompanied by immediate action to acknowledge and to combat violent criminal acts motivated by anti-Jewish hatred.

Similarly, while this report is about anti-Jewish violence in Europe, its recommendations apply to the broader plague of racist violence that affects many of Europe's minority communities. Racist violence against minorities such as the Roma, and in particular against Europeans and immigrants of North African, Middle Eastern, and South Asian origin, also requires urgent attention by European governments, nongovernmental organizations, and the international community. Accessible disaggregated data is required in order to report accurately on racist violence, to identify particularly vulnerable groups, and to generate effective antiracism measures. The fight against racism should not itself be balkanized, as if in a competition between advocates for each of the groups bloodied by racism. Nor should particularly egregious forms of racism be overlooked.

Europe's extreme nationalist groups show a frightening fervor and consistency—and a disturbing unity—in their promotion of violent antisemitism. The same racist extremists who attack synagogues may also attack Turkish immigrants in Berlin, French citizens of North African origin in Paris, or South Asians in Britain's towns and cities. A similar unity is required of the antiracist effort in Europe to combat this. The rise in violence against Jewish communities across Europe is part of a broader pattern of racist violence—but the severity, pan-European

scope, and historical roots of this violence requires particularly urgent attention as a part of this larger effort to combat racism. In view of the calamitous record of antisemitism in Europe, every effort must be made to ensure that this scourge is not permitted to gather momentum again.

The increasing incidence of racially-motivated attacks against Jews and Jewish institutions across Europe has been well-documented by nongovernmental bodies, most notably the ADL, along with the American Jewish Committee (AJC), the Simon Wiesenthal Center (SWC), and the Stephen Roth Institute for the Study of Contemporary Anti-Semitism and Racism at Tel Aviv University. Similarly, the U.S. government has taken notice, with the Helsinki Commission—the American government's liaison agency with the Organization for Security and Cooperation in Europe (OSCE)—holding a high-profile hearing on May 22 to address the issue, and with both the House of Representatives and the Senate subsequently passing unanimous resolutions echoing the Commission's concerns.

Yet, whereas nongovernmental organizations have released a considerable amount of material on the increasing incidence of attacks, many European governments have been less forthcoming in documenting the upsurge in antisemitic violence. The French government, which, for much of early 2002, made few public statements about the rising tide of anti-Jewish violence, has yet to release official statistics on such incidents in 2002. In a June 2002 statement, a French spokesman acknowledged that "A series of inexcusable assaults—physical, material and symbolic—has been committed in France against Jews over the past 20 months," while suggesting this was simply a spill-over of the Middle East conflict into Europe (most of the incidents were laid to "poorly integrated youths of Muslim origin who would like to bring the Mideast conflict to France"). The involvement of extremist nationalist groups in anti-Jewish violence, a longstanding source of antisemitism in France and elsewhere in Europe, has found little reflection in these public statements.

Similarly, the governments of Belgium, Germany, the United Kingdom, and Russia, where a majority of the other attacks have been concentrated, have made public statements condemning the upsurge in violence. But these governments have released little detailed documentation of anti-Jewish violence, and have, according to nongovernmental observers, done too little to abate the rising tide.

Systems for collection, analysis, and reporting information from European capitals differ widely. While most governments release limited information on antisemitic acts, what statistical data is available generally allows only the identification of broad trends. Statistics on registered incidents appear to vastly underestimate the extent of the problem—with some exceptions.

The criteria applied in data collection and statistical analysis and reporting by NGOs also vary widely. In some cases, reporting on antisemitism—and other manifestations of racism—blur criminal acts of violence with incidents of hate speech, a tendency that is echoed in the news media. This notwithstanding human rights organizations and the independent media in Western Europe often report on violent anti-Jewish incidents. Their reporting points clearly to a severe and pernicious rise in this violence that cannot be attributed to any one factor.

Governments, despite periodically adhering to multilateral pledges to combat racism and antisemitism, and acknowledging treaty

obligations to do so, find little tangible pressure to undertake close monitoring and reporting. The reality is that public information is required in order to generate the political will to address the problem and to inform decisions on how best to do so.

A PATTERN OF INTIMIDATION AND VIOLENCE

The Swansea incident and others in many parts of Europe are part of a prolonged surge of violent threats and attacks on individuals and community institutions solely because they are Jewish. This racist violence has included physical assaults on individuals—and fire-bombings, gunfire, window smashing, and vandalism of Jewish homes, schools, synagogues and other community institutions. Vandals have desecrated scores of Jewish cemeteries across the region, daubing anti-Jewish slogans, threats, and Nazi symbols on walls and monuments, while toppling and shattering tombstones.

Jews and people presumed to be Jewish have been assaulted in and around centers of the Jewish community, in attacks on Jewish homes, and in more random street violence. Attackers shouting racist slogans have thrown stones at children leaving Hebrew-language schools and worshippers leaving religious services. In street violence attackers shouting racist slogans have severely injured people solely because they were thought to have a Jewish appearance.

How are anti-Jewish, antisemitic acts distinguished from random violence in a violent world? Sometimes the nature of the target alone is sufficient reason to conclude that an arson attack, stone throwing, or other violence is motivated by discriminatory animus (a synagogue or a kosher shop, for example, is set alight; a Jewish cemetery is desecrated). In many cases, even when the target of an attack is less clearly singled out because of a real or imputed Jewish identity, the self-identification of the attackers with neo-Nazi extremist groups, assailants' statements at the time of an attack, expressly anti-Jewish graffiti, or other elements give reason to believe them antisemitic. Such acts are manifestations of both racist violence and religious intolerance, directed at the Jewish people as a whole.

Hate speech—spoken, broadcast and published—provides a motor and a backdrop to anti-Jewish violence. In Europe, this is particularly chilling, as hate speech often involves immediate incitement to racist violence while openly harking back to the racist terror of the Holocaust. Extremist political groups openly endorse the past horrors of the Holocaust or implicitly do so by denying its reality, even where European law makes such statements punishable as crimes.

Threatening racist speech often also provides the immediate context of physical acts of violence. Racist speech may provide evidence of motivation by which some acts of vandalism or related violence can be distinguished from random acts. Thugs who both break windows and daub swastikas on walls make their anti-Jewish animus explicit. Public officials and senior political leaders have themselves made racist anti-Jewish statements, disparaging the Jewish religion and members of this faith as a people. Other public officials remain silent concerning attacks on Jews and symbols of the Jewish community, or attribute racist violence and threats to common crime or political protest.

The resulting environment, particularly where anti-Jewish attacks occur with relative impunity, is a climate of fear and encouragement for further hatred and violence.

Even where public security agencies act promptly to halt and punish anti-Jewish violence—and other violent racist attacks on

minorities—they may address this violence as just one aspect of a larger pattern of racist violence and xenophobia. Shamefully, anti-Jewish attacks are too often left largely to the Jewish community itself to document and protest.

THE REGIONAL MONITORING BODIES

Most European governments publish little official information on anti-Jewish and other racist violence, while monitoring and reporting norms vary significantly from country to country. Across the region, there is a paucity of official information concerning individual attacks on the Jewish minority and there is little meaningful statistical data. With some exceptions, detailed statistical information is either not compiled or is compiled without differentiating between attacks on distinct minorities.

In some cases, monitoring and reporting blurs racist violence and offensive speech into a single category. This practice is not limited to European institutions: the Department of State's annual Country Reports on Human Rights Practices often does the same in reporting on antisemitic and other racist "incidents." Considerably more is published by official bodies in the E.U. on racist and intolerant speech, in turn, than on the detail of antisemitic attacks on persons and property.

Concern for improved data collection has frequently been expressed as a necessary step toward the identification of discrimination in public policy, in particular as concerns criminal justice and the equitable provision of public services. Such data is also required to identify government failings to fulfill obligations to protect minority groups against discriminatory action, and in particular violence, by private citizens. The posture of the state toward racist violence against a particular group can be put in the spotlight by disaggregated data on the full spectrum of violent crime—showing in some situations that police condone or encourage private violence against minorities. Impunity for attacks on certain minorities, in turn, can be a factor in the generation of further such violence. Data accurately reflecting the reality of racist violence, by public officials or others, provide crucial benchmarks by which to independently assess the need for remedial action.

Several European intergovernmental institutions were created expressly to monitor and combat racism, and are available to assist governments in the region in the implementation of legislative, criminal justice, educational, and other antiracism measures.

The Council of Europe's European Commission on Racial Intolerance, ECRI, provides a range of ambitious programs intended to make European anti-discrimination norms a reality, including express measures to monitor and combat antisemitic speech and violence. ECRI has one member appointed by each member state, serving in an individual capacity. Its stated aim is "to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights," and it is an effective voice to this end. But it cannot alone compensate for the failings of its member governments.

In its annual report covering the calendar year 2001, ECRI identified racial discrimination—including antisemitism—as a blight on Europe. Of particular concern was "the problem of racist violence which has erupted on several occasions in a number of countries"—a considerable understatement. ECRI stressed "[a] rise in the spread of antisemitic ideas," while deploring a trend in which "[a]cts of violence and intimidation against the members and institutions of the Jewish communities and the dissemination of

antisemitic material are increasing in a number of countries." ECRI has not, however, issued a general recommendation on antisemitism.

ECRI's country by country reporting is based on a procedure in which draft reports are submitted on a confidential basis to member governments for discussion and reviewed in the light of this dialogue. The statistical reflection of racist incidents in the country reports is limited by the systems for data collection and dissemination of each of the member governments—even when generally critical conclusions may be drawn. In its March 2000 report on Belgium, for example, ECRI highlighted the absence of official reporting on incidents and complaints of discrimination, while giving little alternative information on the extent of antisemitism—and other forms of racism—resulting in acts of violence in the country:

"The scarce use made of antiracist laws and civil remedies in cases of racial discrimination [is] reflected in the current lack of detailed information on complaints of racist and xenophobic acts, the number of complaints of racial discrimination filed with the courts, the results of the proceedings instituted in these cases and the compensation granted, where appropriate, to the victims of discrimination. ECRI expresses its concern at this situation, since accurate and comprehensive statistics constitute indispensable tools to plan policies and strategies in the fields of combating racism and intolerance and to monitor their effectiveness. It therefore encourages the authorities to develop an adequate system of statistical data to cover the above mentioned areas."

Notwithstanding the noncompliance by Belgian authorities with ECRI's recommendations, unofficial sources reported some 2,000 antisemitic incidents in Belgium in the nine months since the September 11 attacks on the United States (the reports did not distinguish violent crimes from other incidents). As a corollary, there was no reference whatsoever to antisemitism in the Department of State's report on Belgium.

In addition to the failure of governments to report on antisemitic and other racist violence, ECRI has identified the absence of common criteria with which to monitor and report attacks against members of particular minorities as an obstacle to its antiracism work in many parts of the region.

In 1997 the European Union created a new institution, the European Monitoring Centre on Racism and Xenophobia (EUMC), to combat racism, xenophobia and antisemitism in Europe. EUMC, like the Council of Europe's ECRI, has pressed for better data collection, transparency, and analysis of incidents of racist violence by European governments. EUMC has also published comparative surveys of anti-discrimination legislation in member states, prepared by independent experts. In its 1999 annual report, echoing ECRI, it called for special action in the area of information collection, analysis, and dissemination:

"The various reports in Europe on racism in 1999, whether the subject of the national media, the official authorities or NGOs, reveals that no country of the European Union is immune from it. To gain an accurate and comprehensive picture, however, requires a certain degree of uniformity and/or common definition among the Member States on the subject of racial/ethnic minorities and the methods of data collection. At present this does not exist. The EUMC is still therefore lacking a complete set of tools to monitor racism effectively.

"Another important area hampering reporting is that criteria used to draw up statistics differ in the EU Member States."

In its 1999 recommendations, EUMC also stressed the importance of "collecting and

publishing accurate data on the number and nature of racist and xenophobic incidents or offenses, the number of cases prosecuted or the reasons for not prosecuting, and the outcome of prosecutions." In gathering data at the European level, EUMC encouraged governments to draw upon both their own resources and those of nongovernmental organizations, research bodies, and international organizations. "Statistical, documentary or technical information," in turn, was to be collated in a form facilitating effective courses of action.

In its most recent annual report, published on December 18, 2001, EUMC expressed concern at the continuing crisis of racism in Europe and found that little progress had been made toward systems of consistent and comprehensive monitoring and reporting. Systems of recording racially motivated crimes in police statistics still varied widely between member countries, and under-reporting of violence appeared to be the norm.

In commenting on trends in 2000, EUMC's 2002 report observed that "extensive increases in racial violence," including antisemitic attacks, were reported in France, Germany, Spain, Sweden and the UK. In contrast, "racist crimes" were simply not identified separately in crime statistics from Belgium, Greece, Ireland and Portugal. Statistics reported, in turn, were "challenged by human rights organizations" in some countries, notably in Italy, Spain, and Germany, where police records "are minimal in comparison with statistics collected by NGOs":

"Italian NGOs recorded 259 racist murders between 1995 and 2000, whereas the Italian police authorities recorded not a single case. For statistics on racist attacks, the Italian NGO records show more than ten times as many crimes as the official figures. In Germany the NGOs recorded five times as many racist murders as the police. Racist propaganda or 'incitement to hatred towards ethnic minorities' is well documented by the police authorities in some of the Member States."

As a step to meet the information challenge, EUMC acted to create its own network of monitoring and reporting in member states, with the acronym RAXEN—*Reseau européen d'information sur le racisme et la xénophobie* (European information network on racism and xenophobia), which began its work in 2000. RAXEN was tasked with defining common criteria for data collection, to be proposed to member governments. But its efforts to this end, and to improve collection, are still at an early stage.

Both ECRI and EUMC, the preeminent European agencies combating racism, have addressed the rise of antisemitism intensively since the year 2000, and addressed some of the difficulties of monitoring and combating these and other racist trends in the region. The sister agencies have made extraordinary efforts toward public education to counter racism and to promote effective measures to criminalize and punish racist acts through the justice system. Harmonization of data collection and dissemination concerning racist acts has been central to the recommendations of both organizations.

The reports published by ECRI and EUMC on racism in member states illustrate the disparities of national reporting on racism in general and on antisemitic expression and violent crime in particular countries. Reporting by the United States government on human rights practices and on religious intolerance around the world, in turn, echoes these failings, often repeating almost verbatim European reports limited largely to generalities, and tending to emphasize often illusory improvement.

Reporting on antisemitism and other forms of racism prepared by nongovern-

mental organizations often provides detailed information on specific acts of violence and instances of racist expression which serve as a check on government failings. This information, however, is often difficult to interpret on a comparative basis, as the criteria applied to reporting on incidents of different kinds are not always clear or consistent.

The annual reports of EUMC since 1999 have included capsule descriptions of racism and xenophobia in member countries, while stressing the inadequacy of the government reporting on which the system depends. In the 1999 report, detailed references to anti-Jewish violence were uneven, closely reflecting the strengths and weaknesses of member governments' reporting regimes. A section on the United Kingdom, for example, made no reference to antisemitism. In coverage of Germany, in contrast, EUMC reported the desecration of forty-seven Jewish cemeteries in 1999—while stressing that this was an improvement, a decline from the toll a year before. No other reference to expressly antisemitic acts in Germany appeared—as victimized groups were not distinguished clearly in the statistics provided on racist violence.

In its 2002 report, on the year 2000, EUMC provided further detail on antisemitic acts in Germany, noting that the system of data collection there "is broader and more detailed than in many other EU Member States." Police reports on violent crimes "with right-wing extremist motives" totaled 939, "out of which 874 were assaults, 48 arson or bomb attacks, 2 were cases of murder and 15 attempted murders." Twenty-nine violent antisemitic crimes were recorded, including an arson attack on a synagogue in Erfurt, and the desecration of fifty-six graves in Jewish cemeteries.

ECRI addressed antisemitism in the United Kingdom only briefly in its second country report, providing no detail apart from an expression of concern at "the occurrence of antisemitic incidents and the circulation of antisemitic literature . . ." The Department of State's 2002 country report on the United Kingdom, in turn, cited no official sources on antisemitism there. It said only that, the Board of Deputies of British Jews, a nongovernmental organization, had reported 310 "anti-Semitic incidents in 2001, in contrast to 405 in 2000," while stressing that public expressions of antisemitism "are confined largely to the political or religious fringes." No further detail was provided. (The country report was equally vague about attacks on Muslims in the wake of September 11, referring to "isolated attacks . . . throughout the country.")

France has been the object of particular criticism for its response to antisemitism. Some observers have protested that the government responded slowly to the rise of attacks in late 2000, initially advising the Jewish community "to remain quiet and inconspicuous." As noted, antisemitic attacks increased dramatically there, particularly in Paris and its suburbs, with a high level of violence sustained throughout 2001 and into 2002.

Although France was last the object of an ECRI country report in June 2000, ECRI's findings on monitoring and reporting there reflect continuing obstacles to effective antiracism action to counter anti-Jewish attacks. The ECRI report, produced in consultation with the French government, at that time placed antisemitism firmly within a larger milieu of racist intolerance propagated by far right political groups, while stressing that reports of antisemitic violence and harassment had decreased. Citing the findings of the official human rights commission, however, it found that almost half of the total number of acts of intimidation recorded were of an antisemitic character.

The ECRI report did not refer expressly to acts of violence in its breakdown of acts of intimidation. But ECRI highlighted the difficulties posed for monitors in France, where government agencies by law do not distinguish between ethnic or racial groups in their records:

"As noted in ECRI's first report, due to the French Republican egalitarian approach, there is officially no categorization of ethnic or racial groups in statistics. The main categories used are therefore "foreigners" and "citizens", while ethnic monitoring is contrary to the Constitution and expressly prohibited by the Criminal Code. ECRI emphasizes that, given the consequent difficulties to the collection of accurate data on the incidence of racial discrimination as well as on social indicators concerning parts of the French population, a reconsideration of this approach would be beneficial."

EUMC's 1999 reporting on France, in turn, cited only broad statistics from the report of the official National Consultative Commission on Human Rights (Commission Nationale Consultative des Droits de l'Homme, CNCDH), on a rise of "racist and anti-Semitic violence," from 27 incidents in 1998 to 36 in 1999. It said four people were "injured as a result of anti-Semitism." In its annual report for 2000, the EUMC continued to highlight the inadequacies of government reporting. The CNCDH's annual report for 2001 provided statistics as well as detail on some individual cases of antisemitic violence. The commission noted that its statistical findings are based on Ministry of Interior information, which distinguishes "antisemitism from other forms of racism," and that particular attention has been given to antisemitism in particular since the dramatic rise in incidents in late 2000. The statistics, however, are clearly based on only a small set of the most extreme cases of violence during the year.

In the most recent annual report of the CNCDH, released in March 2002 and covering 2001, the commission stressed the gravity of antisemitic violence in France, while apparently reflecting the weakness of the Ministry of Interior's data collection. The report documents just twenty-nine such incidents—all high profile cases, and most involving dramatic attacks on Jewish schools and synagogues. These included fifteen assaults on synagogues and other places of prayer—most involving firebombs—and arson attacks on four Jewish schools. Three incidents of stone throwing at worshippers leaving synagogues were also registered in the chronology included in the report. Just two incidents cited involved physical assaults on individuals. In contrast, nongovernmental organizations reported hundreds of incidents.

Recent actions of the French government, particularly the new interior minister, Nicolas Sarkozy, give some cause for hope. Minister Sarkozy, who met in mid-July with Rabbi Abraham Cooper and Dr. Shimon Samuels of the Simon Wiesenthal Center, vowed that he would do everything necessary to stop criminal attacks against the Jewish community in France, adding that these antisemitic attacks have all been hate crimes. Sarkozy has also vowed to change the culture of the police and has instructed them to deal with these attacks as hate crimes. As part of these measures, his office has reportedly promised to release monthly statistics on all criminal acts in France.

INTERNATIONAL STANDARDS AND IMPLEMENTATION

The building blocks of international human rights law were shaped in the wreckage of World War II and the searing reality of Europe's death camps and racist ideologies. "[D]isregard and contempt for

human rights have resulted in barbarous acts which have outraged the conscience of mankind," declares the preamble of the Universal Declaration of Human Rights (1948), in introducing its common understanding of the rights and freedoms to be enjoyed by all people. The Universal Declaration has as its bedrock principle the equality of all human beings—and the entitlement of all to fundamental rights and freedoms without discrimination of any kind.

From these foundations the international community crafted tools through which to put into practice the principles of equality and non-discrimination, notably the treaties by which governments accept binding obligations. The International Covenant on Civil and Political Rights, ICCPR (1966) transformed the anti-discrimination principles of the Universal Declaration into treaty law. Article 2 of the ICCPR requires each state party:

"To respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

The treaty, to which 148 states are now party, requires governments to report on the measures adopted to give effect to the rights recognized, and established the Human Rights Committee to review these reports. The committee, known as treaty body, issues comments and recommendations on government reports and also issues general comments interpreting the provisions of the covenant. The first Optional Protocol to the ICCPR (with 102 states party) recognizes the competence of the committee to receive and consider individual complaints of violations of rights protected by the covenant by states party to the protocol.

A companion treaty to the ICCPR addresses racial discrimination alone. The International Convention on the Elimination of All Forms of Racial Discrimination, CERD (1996), defines racial discrimination broadly—in consonance with modern questioning of the very concept of race. Racial discrimination:

"Shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equally footing, of human rights and fundamental freedom in the political, economic, social, cultural or any other field of public life."

The convention, to which 162 states are party, obliges governments "to nullify any law or practice which has the effect of creating or perpetuating racial discrimination." To this end, it obliges governments to condemn and eliminate racial discrimination by both public officials and private individuals, and to oppose discriminatory practices even in the absence of discriminatory intent.

The interpretation and implementation of the convention lie with the Committee on the Elimination of Racial Discrimination, which receives periodic reports from governments on their implementation of the treaty. General recommendations issued by the committee concerning articles of the convention have provided essential guidance for measures to combat discrimination. Government action as well as inaction can violate obligations under the convention—there is no excuse for complacency or indifference by a government toward either public or private discrimination, particularly when this involves violence.

The provisions of international treaty law barring racial discrimination are further

buttressed in Europe by regional human rights instruments, notably the European Convention on Human Rights (1953), and strong European institutions for the protection and promotion of human rights. European commitment to combating discrimination was further reinforced by the adoption of Protocol No. 12 to the European Convention on Human Rights, which was opened for signature on November 4, 2000. There is no lack of a legal foundation for strong governmental measures to halt and deter anti-Jewish violence and violence against Europe's other minorities. European governments and intergovernmental bodies have acknowledged, however, that further national and regional initiatives are required to impel stronger protections in practice.

European nations made a strong commitment to the improvement of national and international efforts to document and respond to patterns of racist violence and expression in the regional conference held in Strasbourg in October 2000 in preparation for the World Conference Against Racism, Xenophobia, and Related Intolerance. The commitments made in the European Conference against Racism highlighted the link between effective measures to combat antisemitism—and other forms of racism—and comprehensive monitoring and reporting of racist incidents.

The European Conference, for example, recommended the collection and publication of data on the number and nature of racist, xenophobic, or related incidents or offenses or suspected "bias crimes" as a building block of measures to combat racism. It further called for data to be collected and published on the number of cases prosecuted, and the outcome—or the reasons for not prosecuting. The Strasbourg forum also stressed the need for data to be broken down to include information on the race, ethnicity, or descent (and gender) of the persons reported harmed. The information required, in turn, was to be collected in accordance with human rights principles, and protected against abuse through data protection and privacy guarantees.

The European Conference also highlighted the scourge to antisemitism as meriting particular attention, stating in its conclusions:

"The European Conference, convinced that combating antisemitism is integral and intrinsic to opposing all forms of racism, stresses the necessity of effective measures to address the issue of antisemitism in Europe today in order to counter all manifestations of this phenomenon."

The Council of Europe's Commissioner for Human Rights, Alvaro Gil-Robles, also declared solemnly in the General Report of the European Conference that "racism, xenophobia, antisemitism, and intolerance pose a mortal danger to human rights," and singled out the advocates of discrimination as a particular concern. The statement observed that the "very dangerous game" of "seeking out and pinpointing scapegoats," and fueling the "hatred of difference" finds particular expression in antisemitism:

"[T]here are those who use antisemitic prejudice, whether implicitly or openly, to further their political interests. We are all aware of the destructive effects of anti-Semitism on democracy. We cannot divorce the fight against anti-Semitism from the fight against all forms of racism, for it is one and the same struggle."

Many of the Strasbourg meeting's recommendations were ratified and elaborated upon in the program of action agreed upon at the World Conference in Durban—a slate of useful recommendations that emerged despite the acrimony of the final stage of the conference process. Recommendations for action at the national level to combat racist

violence, for example, included: "Enhancing data collection regarding violence motivated by racism, racial discrimination, xenophobia and related intolerance." The means to this end were elaborated at length in a section on "data collection and disaggregation, research and study," in which the conference urged governments:

"To collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance;"

The full text of this section of the World Conference program of action is included as an appendix to this report.

The Durban action document also reminded governments of their reporting requirements at the international level—as parties to the Convention on the Elimination of All Forms of Racial Discrimination. This included both periodic reporting to the committee, and reporting on progress made to respond to the recommendations of the committee. To this end, governments were encouraged "to consider setting up appropriate national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on [the commission's] observations and recommendations."

The impact of the practical recommendations made in Strasbourg and in the final documents of the World Conference itself has been severely undermined by the backwash of post-Durban recriminations. To a large extent they remain unread outside small circles of relevant technical staff in United Nations and regional antiracism programs. Yet their relevance in the fight against antisemitism and other forms of racism may ultimately be shown at the national level, as important contributions to public policy development.

ADDRESSING THE INFORMATION DEFICIT

The Lawyers Committee for Human Rights has identified several important steps to improve the recognition and reporting of anti-Jewish violence, and recommends that governments:

Acknowledge at the highest level the extraordinary dangers posed by antisemitic violence in the European context;

Establish clear criteria for registering and reporting crimes motivated by racial animus, sometimes described as bias crimes or hate crimes;

Make public reports of racially motivated crimes through regular and accessible reports;

Distinguish clearly in reporting between acts of violence, threatening behavior, and offensive speech;

Make transparent government norms and procedures for registering and acting upon racially motivated crimes and offenses;

Cooperate fully with Europe's regional inter-governmental organizations charged with combating racism, xenophobia, and antisemitism, and with the human rights mechanisms of the United Nations; Cooperate fully with nongovernmental organizations concerned with monitoring and taking action against racist violence and intimidation.

The Lawyers Committee believes there is an important role for the United States to play in encouraging its European allies of the Council of Europe, the European Union, and the member countries of the Organization for Security and Cooperation in Europe to improve their monitoring and public reporting of antisemitic acts and other forms of racist violence.

In pursuing this goal, the United States should also improve its own reporting and

action on racist violence world-wide. To this end, the standards of the Department of State's annual Country Reports on Human Rights Practices, and in particular the Annual Report on Religious Freedom should be raised in order to report more accurately and comprehensively on antisemitism in Europe and on government actions and omissions in addressing this scourge. These reports should

not simply accept that a lack of official government information on antisemitic violence is the whole story; nor should they reflect clearly misleading reporting from official sources without balancing this with reports from nongovernmental organizations. Particular care should be taken not to emphasize only vague improvement when the basis for such an analysis can not be quantified.

To this end, Congress should insist that staffing and resources be reinforced in the Department of State's Bureau of Democracy, Human Rights, and Labor, and that the Bureau's guidelines for preparing these reports require an accurate reflection of the nature and patterns of racist violence and of government actions to combat them.