
13 October 2019

Re: PHROC Concerns on Special Rapporteur's Adoption of IHRA Definition of Anti-Semitism

Dear Mr. Ahmed Shaheed, Special Rapporteur on Freedom of Religion or Belief,

The Palestinian Human Rights Organizations Council (PHROC) wish to express deep concern in relation to your speech addressing the UN General Assembly (GA) on 26 June 2019.¹ In particular, PHROC is concerned that your statement endorses the International Holocaust Remembrance Alliance (IHRA) definition of Anti-Semitism,² which is currently being used to silence human rights defenders speaking out against government policies of repression in territories under effective military control, such as the Occupied Palestinian Territory (OPT). The adoption of the IHRA definition is likely to further limit the already shrinking space for civil society around the world and limit the rights to freedom of expression, opinion and association.

The full IHRA definition is outlined with select accompanied examples as follows:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits."

The IHRA definition of anti-Semitism is supplemented by examples that suggest that "targeting the State of Israel, conceived as a Jewish collectivity"³ and "claiming that the existence of a State of Israel is a

¹ Ahmed Shaheed (Special Rapporteur) on Combating Anti-Semitism and Other Forms of Racism and Hate, Mr. Ahmed Shaheed, (26 June 2019) <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-/watch/ahmed-shaheed-special-rapporteur-on-combating-anti-semitism-and-other-forms-of-racism-and-hate/6052532845001/?term=&page=20>, accessed 11 October 2019.

² "Working Definition of Antisemitism" International Holocaust Remembrance Alliance, (26 May 2016) <https://www.holocaustremembrance.com/working-definition-antisemitism>, accessed 11 October 2019.

³ Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used

racist endeavor”⁴ are anti-Semitic.⁵ PHROC are concerned that many of the presented examples also capture a wide range of legitimate criticism of Israel and its prolonged military occupation of Palestinian territory, encompassing systemic human rights abuses and grave breaches of international humanitarian law which may amount to war crimes and crimes against humanity, as well as its discriminatory treatment of its Palestinian citizens.

As human rights organizations, we resolutely oppose all forms of racism and hate speech, including anti-Semitism. We take seriously the surge in anti-Semitism around the globe, including amongst many of the dominant populist parties therein.⁶ However, rightful resistance to anti-Semitism must not be allowed to stop legitimate criticism of Israel over its gross human rights abuses; or to undermine the protected rights to freedom of speech, expression, and association; or to erode and compromise the narrative and struggle of the Palestinian people.

The IHRA definition of anti-Semitism, has been used as part of a broad campaign against individuals and organizations that seek to promote and advocate for the rights of Palestinians, including the non-violent Boycott, Divestment and Sanctions (BDS) movement, which calls on citizens of the world to implement BDS activities until Israel abides by its international law obligations. Regardless, the Israeli Government, along with other groups, has led organised lobbying efforts targeting the BDS movement and other civil society. The Israeli Ministry of Strategic Affairs and Public Diplomacy has a specific mandate “to act against the delegitimization and boycott campaigns against the State of Israel.”⁷ Israel has also passed laws prohibiting entry and residence into Israel to persons who have participated in BDS activities. This has been used to restrict and threaten the work of human rights defenders, including Human Rights Watch’s Israel and Palestine Director.⁸ The Ministry has also carried out campaigns to smear Palestinian

to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

⁴ 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.

⁵ “Working definition of antisemitism” International Holocaust Remembrance Association, <<https://www.holocaustremembrance.com/working-definition-antisemitism>>, accessed 15 July 2019.

⁶ Eva Cosse “The Alarming Rise of Anti-Semitism in Europe” Human Rights Watch (4 June 2019), <https://www.hrw.org/news/2019/06/04/alarming-rise-anti-semitism-europe>, accessed 15 July 2019.

⁷ See “Prime Minister’s Office: Ministry of Strategic Affairs and Public Diplomacy” Israeli Government Services, https://www.gov.il/en/departments/units/ministry_of_strategic_affairs_and_information, accessed 15 July 2019. See also Uri Blau “Inside the Clandestine World of Israel’s ‘BDS-busting’ Ministry” Haaretz (26 March 2017), <https://www.haaretz.com/israel-news/MAGAZINE-inside-the-clandestine-world-of-israels-bds-busting-ministry-1.5453212>, accessed 15 July 2019.

⁸ “Israel: Human Rights Watch Official’s Deportation Reinstated” Human Rights Watch (16 April 2019), <https://www.hrw.org/news/2019/04/16/israel-human-rights-watch-officials-deportation-reinstated>, accessed 15 July 2019.

human rights organisations, framing them as anti-Semitic and “terrorists” for calling for Israel to account for its violation of international human rights and international humanitarian law in the OPT.⁹

One country where the negative impact of the IHRA definition has been observed is Germany. On 17 May 2019 the German Bundestag adopted a motion co-signed by four German political parties (CDU/CSU, SPD, FDP, and the Alliance90/Greens), which references the IHRA definition.¹⁰ In doing so, the resolution declaring the BDS movement anti-Semitic, dangerously conflated anti-Semitism and the legitimate criticism of the State of Israel.¹¹ Since the adoption of the motion PHROC have observed several instances where advocates for the rights of the Palestinian people have been denied access to festivals, concerts, town halls and others. Two such examples are the cases of Talib Qweli¹² and Jewish Voice for Peace Germany¹³.

- Talib Qweli is a musician who was scheduled to preform at the Open Source Festival in Dusseldorf. Following the adoption of the motion he was asked by the festival organizers to denounce BDS or risk being disinvited to the festival. Having refused the festival organizers cancelled his performance, subsequently leading to the cancellation of his German tour.
- Jewish Voice for Peace Germany (JVP) has long been subject to a smear campaign due to its criticism of Israeli policies and its support of BDS. This campaign included pressuring the Bank for Social Economy (Sozial Bank; BSE) to close the account of JVP. Initially the bank refused citing the right to freedom of speech.¹⁴ However, following the adoption of the resolution and an intensification of the campaign against the bank, BSE shifted its position. On 26 June 2019, BSE

⁹ “Israeli Ministry of Strategic Affairs Campaign of Institutionalised Harassment Continues with the Alleged Closure of Palestinian NGOs’ Financial Accounts” Al-Haq (19 June 2019), <http://www.alhaq.org/advocacy/topics/human-rights-defenders/1420--qq->, accessed 15 July 2019.

¹⁰ “Beschlusssfassung FDP-Bundestagsfraktion” Der Bundestag (09 April 2019), https://fmuller-rosentritt.abgeordnete.fdpbt.de/sites/default/files/2019-04/20190409_Kein%20Platz%20f%C3%BCr%20Antisemitismus%20-%20Beschluss%20FDP-Fraktion.pdf, accessed 11 October 2019.

¹¹ “Palestinian Civil Society Statement in Response to the German Bundestag: Anti-BDS Resolution Violates Principles of International Law, Stands against Palestinian Civil Society and Aspirations for Freedom, Justice, and Dignity” Al-Haq (23 May 2019), https://www.alhaq.org/advocacy/6045.html#_ftn1, accessed 11 October 2019.

¹² “Talib Kweli’s removal from festival lineup is part of anti-Palestinian censorship trend” The Guardian (2 July 2019), <https://www.theguardian.com/world/2019/jul/02/talib-kweli-removal-from-festival-lineup-is-part-of-anti-palestinian-censorship-trend>, accessed 11 October 2019.

¹³ “Statement of the Bank für Sozialwirtschaft AG on its role as a politically neutral financial institute for the social economy”, Bank für Sozialwirtschaft (20 June 2019), <https://www.sozialbank.de/ueber-uns/presse/presseinformationen/detail/news/detail/News/statement-of-the-bank-fuer-sozialwirtschaft-ag-on-its-role-as-a-politically-neutral-financial-institu-1.html?print=544&cHash=467113e9e2ee715b833a557ee3b069e8>, accessed 11 October 2019.

¹⁴ “Statement on The Jerusalem Post’s recent coverage on the Bank für Sozialwirtschaft and the BDS campaign”, Bank für Sozialwirtschaft, (05.03.2018), <https://www.sozialbank.de/ueber-uns/presse/presseinformationen/detail/news/detail/News/statement-on-the-jerusalem-posts-recent-coverage-on-the-bank-fuer-sozialwirtschaft-and-the-bds-campa.html?print=544&cHash=dd5a8b65ba9cfaa3e45e8a78b62388ff>, accessed 11 October 2019.

released a statement on: *“its role as a politically neutral financial institute for the social economy”* announcing its decision to close the JVP account.¹⁵ The first part of the statement recalls BSE’s principles which include:

- 3) *The BFS is guided by the ethical principles of the Jewish-Christian tradition of values and supports tolerant cooperation of the major world religions;*
- 4) *The BFS is committed to the reconciliation between Germany and the people of Jewish faith. This includes the recognition of the right of the state of Israel to exist.”* (emphasis added)

The second part describes the reputational damage that BSE allegedly faced due to JVP political position since: *“the bank has become the permanent site of a political campaign due to the support of the BDS Campaign by the JVP.”* BSE concludes declaring the definitive termination of JVP’s account due to their refusal to distance themselves from the BDS movement.¹⁶

The negative impact of the IHRA definition has not only been observed in Germany, but also in the UK. For example, Professor Rebecca Ruth Gould of the University of Birmingham lists three examples highlighting negative impacts that the IHRA definition has already had in the UK, following the endorsement of the non-legally binding definition by the UK government.¹⁷ First, due to pressure of the Israeli embassy, two presentations on the Israeli Apartheid Week at the University of Manchester had to be renamed, since the title was allegedly antisemitic. Second, an event at University of Central Lancashire was cancelled because the COO of the university considered the endorsement of the definition new *“legal obligations”* to consider. In the eyes of the COO the Israel-critical event would have been unlawful and was therefore cancelled. Third, Professor Gould’s position at the University of Bristol (her employer at the time) had been called into question because some of her previous work had criticized the employment of the holocaust for political gain. The organization that filed the complaint called for an investigation into Professor Gould and that her position at the university be reconsidered. . The scrutiny had been unsuccessful and no evidence against professor had been found. However, the impact, stemming from the silencing of Israel critique is still present.¹⁸ All the examples illustrate how the not legally binding definition has affected and impaired freedom of speech in the UK, Germany and beyond.

¹⁵ “Statement of the Bank für Sozialwirtschaft AG on its role as a politically neutral financial institute for the social economy”, Bank für Sozialwirtschaft (20 June 2019), <https://www.sozialbank.de/ueber-uns/presse/presseinformationen/detail/news/detail/News/statement-of-the-bank-fuer-sozialwirtschaft-ag-on-its-role-as-a-politically-neutral-financial-institu-1.html?print=544&cHash=467113e9e2ee715b833a557ee3b069e8>, accessed 11 October 2019.

¹⁶ Ibid

¹⁷ Rebecca Ruth, ‘Legal Form and Legal Legitimacy: The IHRA Definition of Antisemitism as a Case Study in Censored Speech’ (University of Birmingham, 2018) *Law, Culture and the Humanities* 2. P. 21-22.

¹⁸ Ibid.

Addameer Prisoners' Support and Human Rights Association
Al-Haq – Defending Human Rights
Defense for Children International – Palestine Section
Jerusalem Center for Legal Aid and Human Rights
BADIL Resource Center for Palestinian Residency and
Refugee Rights



Aldameer Association for Human Rights
AL-Mezan Center for Human Rights
Ramallah Center for Human Rights Studies
The Palestinian Center for Human Rights
Huryyat-Center for Defense of Liberties and Civil Rights
Independent Commission for Human Rights (Observer)

Given the shrinking of space for activists and civil society internationally to conduct legitimate work and advocacy, there is a need for extreme caution in adopting the IHRA definition. PHROC urges extreme caution in how anti-semitism is defined and urges that the Special Rapporteur on Religion or Belief, to refrain from adopting this definition in the forthcoming reports, which to date has been interpreted by examples that do not comply with basic human rights norms, thereby preventing the rights of civil society to work toward ensuring fundamental rights, freedom, justice, and dignity worldwide.

Any resolution or promotion of the definition which fails to do so would further put at risk the work of human rights defenders, and the legitimate discussion and criticism of Israeli policies which target Palestinians- in violation of their duties under international law. The ability to criticise Israel, as a political entity comprising its government, military forces and agents, is protected by international law. For this reason, PHROC calls on the Special Rapporteur to refrain from adopting the IHRA definition of ant-Semitism in forthcoming reports.

Yours sincerely,

The Palestinian Human Rights Organizations Council

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Palestinian Human Rights Organizations Council comprising:



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