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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
Subject:	Council Declaration on fostering Jewish life and combating antisemitism - Council Declaration (15 October 2024)

Delegations will find in the annex the Council Declaration on fostering Jewish life and combating antisemitism, adopted by the Council at its 4053th meeting held on 15 October 2024.

Council Declaration on fostering Jewish life and combating antisemitism

The Council of the European Union,

- a) HAVING REGARD to the Treaty on the European Union, and in particular Articles 2, 3 and 6 thereof;
- b) HAVING REGARD to the Treaty on the Functioning of the European Union, and in particular Articles 10 and 19 thereof;
- c) HAVING REGARD to the Charter of Fundamental Rights of the European Union, and in particular Articles 1, 2, 3, 6, 7 10, 20, 21, 22, 51 and 52 thereof;
- d) HAVING REGARD to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;
- e) HAVING REGARD to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law;
- f) HAVING REGARD to Regulation (EU) 2021/784 on addressing the dissemination of terrorist content online;
- g) HAVING REGARD to Regulation (EU) 2022/2065 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act);
- h) HAVING REGARD to Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime;
- i) RECALLING the Council Declaration of 6 December 2018 on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe, the Council Declaration of 2 December 2020 on mainstreaming the fight against antisemitism across policy areas and the Council conclusions of 4 March 2022 on combating racism and antisemitism;
- j) HAVING REGARD to the regular exchanges of views within the Council, both at the political and technical levels, on common challenges and best practices to combat antisemitism and racism, serving as coordination of the work of the Council in this regard;
- k) HAVING REGARD to the Convention for the Protection of Human Rights and Fundamental Freedoms and the case-law of the European Court of Human Rights;
- l) HAVING REGARD to the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199);
- m) HAVING REGARD to the EU Code of conduct on countering illegal hate speech online;

- n) HAVING REGARD to data collected by the European Union Agency for Fundamental Rights (FRA) on the lived experience of antisemitism among Jews in the EU and, its annual overview of antisemitic incidents and hate crimes recorded in the EU;
- o) HAVING REGARD to Eurobarometer 484, Perceptions of Antisemitism, 2019;
- p) CONSIDERING the work carried out by the Council of Europe's European Commission against Racism and Intolerance (ECRI), in particular General Policy Recommendation No 1 on combating racism, xenophobia, antisemitism and intolerance adopted on 4 October 1996, and General Policy Recommendation No. 9 on preventing and combating antisemitism adopted on 25 June 2004 and revised on 1 July 2021;
- q) RECALLING the EU Strategy on combating antisemitism and fostering Jewish life presented by the Commission on 5 October 2021;
- r) RECALLING the European Council conclusions of 21 and 22 October 2021 welcoming the EU Strategy on combating antisemitism and fostering Jewish life and noting that the Malmö International Forum on Holocaust Remembrance and Combating Antisemitism on 13 October 2021 is a reminder that no effort must be spared in fighting all forms of antisemitism, racism and xenophobia;
- s) WELCOMING the work of the Commission, including the regular organisation of the Working Group on the implementation of the EU Strategy on combating antisemitism and fostering Jewish life, the sixth meeting of which was held in Budapest on 24-25 September 2024;
- t) WELCOMING initiatives aiming at fighting antisemitism, such as the European Conference on Antisemitism based on the Vienna Declaration on enhancing cooperation in fighting antisemitism and encouraging reporting of antisemitic incidents of 18 May 2022, as well as projects like the Networks Overcoming Antisemitism (NOA) and the European Network on Monitoring Antisemitism and the Referral Action Day by the European Union Agency for Law Enforcement Cooperation;
- u) TAKING NOTE of the Global Guidelines for Countering Antisemitism of 17 July 2024 that highlight a set of best practices, which at the global level have proven to be effective guidelines in formulating public policy on countering antisemitism;
- v) RECALLING that the European Council has on several occasions drawn attention to the importance of combating antisemitism, hate, intolerance, racism and xenophobia, including anti-Muslim hatred, most recently in its conclusions of 27 June 2024;
- w) RECALLING the Commission Communication 'No place for hate: Europe united against hatred' of 6 December 2023.

I. Fight against antisemitism

Rise of Antisemitism in the EU

1. Antisemitism has been present in Europe for centuries, manifesting itself in different forms and culminating in the Holocaust, which erased Jewish life and heritage in many parts of the continent. Moreover, according to the EU Strategy on combating antisemitism and fostering Jewish life (2021-2030)¹ of the Commission, contemporary antisemitism can be found in radical and fringe groups espousing right-wing, left-wing or Islamist extremism, it can hide behind anti-Zionism, but it can also be found in the centre of society. Antisemitism is incompatible with the EU's values and aims. It represents a threat to Jewish people and to Jewish life, as well as to open and diverse societies and the very fabric of the European way of life. The EU stands unequivocally against all forms of antisemitism, racism, hatred and discrimination. These phenomena are to be vigorously combatted and the Council calls in the strongest possible terms for further action in this regard.
2. For years we have observed alarmingly high levels of antisemitism across the EU, as shown, inter alia, by data gathered in the first half of 2023 by FRA.² The recent rise is characterised by contemporary forms of antisemitism, such as holding Jews collectively responsible for the actions of the state of Israel³ or for example by spreading antisemitic hatred, disinformation and terrorist content online through algorithms.
3. We regret to note that antisemitic incidents and hate crimes against Jews and Jewish institutions have dramatically increased leading to an exceptionally high level of antisemitism across the EU, following the brutal terrorist attacks conducted by Hamas and other terrorist groups against Israel on 7 October 2023 and the war that ensued in Gaza.
4. Antisemitic incidents violate fundamental rights, including the right to equal treatment and non-discrimination, human dignity and the freedom of thought, conscience and religion, and respect for cultural and religious diversity enshrined in Article 6 TEU and in the EU Charter of Fundamental Rights. While fundamental rights - such as freedom of expression and freedom of association and assembly - are to be upheld, radicalisation and violent extremism endanger not only the Jewish people but erodes European democracy and security, and the values on which the EU is founded.

¹ ST 12598/21

² As indicated in the relevant FRA survey - Jewish People's Experiences and Perceptions of Antisemitism – EU Survey of Jewish People - 96% of the Jews who participated in the survey faced antisemitism in the last year and 80% of them feel that antisemitism increased in recent years. Half of the Jewish people who took part in the survey say they worry about their safety and the safety of their family, and over 70% even hide their Jewish identity occasionally. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-experiences-perceptions-antisemitism-survey_en.pdf

³ It is recalled that already five years ago, on average one in two Europeans (54%) acknowledged in Eurobarometer 484 that the Middle East conflict affected their view of Jews in their country.

5. In this respect, we deem it crucial to go beyond merely responding to antisemitism alone; we should continue our efforts, and step up action to actively prevent and combat it in all its forms and to ensure that Jewish life continues to thrive in an inclusive and diverse EU. The fight against antisemitism therefore needs to be mainstreamed across all relevant policy areas, ensuring the full enjoyment of fundamental rights for all and preventing radicalisation, extremism, and terrorism. A whole-of-society approach is needed to fight antisemitism, bringing together institutions and organisations to seek effective ways to work towards achieving an EU free from antisemitism and other forms of hatred.

Fight against antisemitic hate speech

6. Antisemitic hate speech, including Holocaust denial, condoning and gross trivialisation are criminal offences under Article 1 of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law. The recent rise in Holocaust distortion in particular through inversion of victim and perpetrator, which may not necessarily be illegal, can be harmful and toxic and needs to be appropriately addressed. These phenomena are often used to fuel hatred against Jewish people and Jewish communities. We stress that their harmful effects for collective historic memory and for the resilience, cohesion and security of European democratic societies should not be underestimated and need to be confronted.
7. Antisemitic hate speech, including Holocaust denial, trivialisation and distortion are increasingly wide-spread online and are shared often without consequences for those who produce and/or disseminate them. Crimes committed online should be adequately prosecuted as crimes committed offline in accordance with the relevant legal framework. Illegal hate speech and terrorist content online should promptly and consistently be removed by internet service providers in accordance with the relevant legal framework. National authorities should prosecute illegal antisemitic hate speech and hate crime in line with EU and national legislation. In addition, very large online platforms and search engines should identify and adequately mitigate risks related to the dissemination of illegal content, such as antisemitic hate speech, in accordance with their obligations under the Digital Services Act and taking into account the Code of conduct on countering illegal hate speech online.
8. We welcome efforts to raise awareness and counter Holocaust distortion, in particular the global campaign 'Protect The Facts' by the International Holocaust Remembrance Alliance (IHRA), UNESCO, OSCE, the Council of Europe, the Commission and the United Nations.

II. Fostering Jewish life

Remembrance, culture and education

9. The Holocaust is a defining legacy of European history, during which six million Jews were murdered, as were many other victims, including hundreds of thousands of Roma. Education and research concerning Jewish life, antisemitism and the Holocaust are of paramount importance in preventing antisemitic prejudices. While fully respecting national competences in this matter, this task requires freedom of research, adequate curricula and education and training about the Holocaust and antisemitism for professionals working in academia, including teachers and administrators and people working in the field of security and justice.
10. We underline the importance of the testimonies of all survivors who for many decades have served the public and strengthened European democracy by fighting against antisemitism but also racism and other forms of discrimination. It is essential that all the victims are honoured and the survivors can live in dignity. In the future, it will be paramount to find new ways of remembering the Holocaust ensuring that the lessons learnt prompt action in reaction to present-day challenges.
11. Jewish people can express their Jewish identities in different ways, such as through specific traditional, religious and cultural practices, recalling their history and teaching lessons for future generations. Jewish people, as an integral part of Europe's identity and societies, have enriched Europe's cultural, intellectual and religious heritage, and contribute considerably to its social, political, economic, scientific and cultural development. The Council remains committed to fostering Jewish life, in order for Jewish people to prosper and remain an inherent part of Europe now and in the future.
12. We recognise the role of cultural heritage as an important tool for peace and democracy through the promotion of tolerance, mutual understanding and inter-cultural and inter-faith dialogue. We emphasise the need for Jewish cultural heritage, which forms an integral part of the shared cultural heritage of Europe, to receive an appropriate level of protection, preservation, maintenance and resources, especially in the case of those heritage sites that are most at risk, in order to promote respect for religious and cultural diversity, thereby contributing to preventing violent extremism and combating disinformation.
13. Educational settings should be safe and inclusive places for everyone, both Jews and non-Jews alike. We emphasise the need for governments to proactively address antisemitism through education, ensuring that education systems build the resilience of the public, especially students, and universities, to antisemitism and other forms of prejudice, and respond effectively to instances of antisemitism in educational settings. In line with the principle of academic freedom, universities play an important role as arenas for knowledge and dialogue, while ensuring the safety of all students and staff, including Jewish students and staff that should not have to hide their identity, should not be attacked or feel unsafe.
14. An adequate response to antisemitism should be given through the joint efforts of all relevant actors in European societies, including religious authorities and/or representatives, civil society organisations and other institutions, notably those in the cultural, educational, scientific and political arenas.

Safety and security

15. Member States should give priority to ensuring the safety and security of every person, regardless of their religious beliefs and associated institutions. This is particularly important in ensuring a vibrant Jewish life. This requires continuous dialogue with those affected with a view to ensuring appropriate levels of security awareness, specific training for security staff, the exchange of best practices, and thorough implementation of appropriate measures to ensure the safety and security of Jewish institutions.
16. Furthermore, judicial and law enforcement authorities should be adequately equipped and trained to recognise and take action against such hate crimes, including by conducting criminal investigations and providing victim support. We highlight the relevance of the European Union Agency for Law Enforcement Training (CEPOL) in this regard.
17. Victims of all forms of antisemitism, racism and all other forms of hatred should be supported in line with existing legal instruments, by offering guidance and establishing good practices such as developing a victim-centred approach and ensuring that victims of hate crime are treated sensitively and receive appropriate support. We note that it is also relevant to ensure that victims of antisemitic acts are aware of their rights to redress through civil, administrative and criminal proceedings under national law and are not prevented from exercising those through fear, insufficient knowledge, physical or emotional obstacles or lack of means.
18. We highlight that raising awareness about victims' rights and promoting a better understanding thereof is an important element for creating a safer environment for them, together with training activities specifically targeted at actors who are in contact with victims. When victims do not report incidents, they risk not receiving information about assistance they are entitled to under Directive 2012/29/EU. It is therefore crucial to empower victims of crime to report those crimes, participate in criminal proceedings, claim compensation and ultimately recover from the consequences of being a victim of crime.

The Council of the European Union, bearing in mind the principles of subsidiarity and proportionality, invites the Member States to:

- ADOPT and IMPLEMENT, as soon as possible, national strategies for combating antisemitism, or distinct actions as part of national action plans on preventing racism;
- UPDATE – if necessary – existing strategies and action plans in order to take into account the rise of antisemitism in the aftermath of 7 October 2023;
- CONSIDER APPOINTING a special envoy or coordinator responsible for the fight against antisemitism;
- USE the non-legally binding working definitions of antisemitism and Holocaust denial and distortion adopted by the International Holocaust Remembrance Alliance as useful guidance for education and training purposes, including for law enforcement and judicial authorities;
- STRENGTHEN efforts, including coordination mechanisms, to foster Jewish life aiming to improve conditions for Jewish life to prosper throughout Europe;
- PROMOTE educational programmes that reflect the rich history of Europe and incorporate the role of remembrance in combating antisemitism, racism and xenophobia, and PROVIDE young people with opportunities for human rights education including on the topic of antisemitism;
- SUPPORT and PROTECT Jewish students facing antisemitism in educational spaces, fully guaranteeing their right to education;

- SAFEGUARD, MAINTAIN and PRESERVE Jewish cultural heritage, giving special consideration to those heritage sites that are most at risk;
- PROMOTE and FACILITATE open and transparent intercultural, interfaith and interreligious dialogue, cooperation and partnerships;
- RAISE AWARENESS among the general public of Jewish history in order to combat antisemitic stereotypes and prejudice;
- ENSURE the safety of Jewish people and adequate resources for the security of Jewish premises and institutions;
- CONTINUE TO PROVIDE training related to safety, security, education and research, in order to tackle antisemitism and provide support for victims, and to create an environment favourable to fostering Jewish life;
- IMPROVE the recording of antisemitic incidents and, as appropriate, conduct periodic, national or regional surveys on antisemitism, drawing on robust and reliable survey methodologies concerning hard-to-reach population groups, such as those methodologies developed by FRA, while respecting Member States' autonomy in determining the specific modalities for data collection.

The Council of the European Union invites the Commission to:

- CONTINUE to implement the EU Strategy on combating antisemitism and fostering Jewish life;
- KEEP THE FIGHT against all forms of antisemitism, racism and violent extremism as priorities of the EU and support Member States in their efforts at national level;
- CONTINUE to raise awareness regarding antisemitism and Jewish life, culture and heritage in the EU;
- CONTINUE to support research into antisemitism, Jewish life and the Holocaust and continue to work towards the creation of a European research hub on contemporary antisemitism and Jewish life and culture fostering multidisciplinary research across Europe;
- DEVELOP the network of sites 'where the Holocaust happened' and a map of all of the European sites of Holocaust Remembrance.

The Council of the European Union invites:

- FRA to continue collecting data on antisemitism and also assist Member States in developing their own data collection methodologies on the fight against antisemitism and the fostering of Jewish life, for example through periodic, national surveys;
- CEPOL to continue to develop, implement and coordinate training for law enforcement officials with a view to combating antisemitism and violent extremism.