

*Presidency of the Council of Ministers*

Technical working Group for the recognition of the definition of antisemitism  
approved by the IHRA

(International Holocaust Remembrance Alliance)

Final report

**NATIONAL STRATEGY FOR COMBATING ANTISEMITISM**

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**I. INTRODUCTION**

*1. The technical working Group at the Presidency of the Council of Ministers*

The final report of the **technical working Group for the recognition of the definition of antisemitism approved by the IHRA** (International Holocaust Remembrance Alliance) at the Presidency of the Council of Ministers presents guidance and recommendations to institutions and society for the adoption of this definition in Italy, ten years after the conclusion of the Report of the Antisemitism Survey Committee of the Italian Chamber of Deputies which identified a resurgence of this phenomenon. This Report, prepared by the Group, aims to propose a **National strategy against antisemitism** in implementation of the requirements of the Council of the European Union set forth in Declaration no. 13637/20 of 2 December 2020, which asks Member States to integrate the fight against antisemitism transversally across policy areas.  
<https://www.consilium.europa.eu/media/47065/st13637-en20.pdf>

On 17 January 2020, the Italian Council of Ministers, in line with the resolution on combating antisemitism adopted by the European Parliament on 1 June 2017 and the conclusions of the European Council of 13-14 December 2018, endorsed the following definition of antisemitism: “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”. Furthermore, on that date the Council of Ministers appointed Professor Milena Santerini as National Coordinator for the fight against antisemitism.

On 27 January, during International Holocaust Remembrance Day, the Council of Ministers reaffirmed the commitment to promoting and reinforcing remembrance of the Shoah (Holocaust) and combating all forms of antisemitism. To this end, the Italian government has endorsed the entire IHRA document on antisemitism, including the examples, making reference to it to embark upon a path of identifying the expressions and behaviours of antisemitism, in order to adopt the definition in various social and institutional contexts.

To this end, the **Technical working Group for the recognition of the definition of antisemitism approved by the IHRA** was established by Prime Ministerial Decree of 16 June 2020, with the participation of institutional representatives, several Ministries and Jewish organisations, as well as experts, chaired by the National Coordinator for the fight against antisemitism (the Group's members are listed in annex no. 1). After holding 14 hearings in addition to meetings reserved to members, the Group delivered its Final report in January 2021.

To address such a complex and disparate phenomenon, which is expressed in a broad range of forms, such a Strategy must be formulated in a holistic and integrated manner, on various operating levels, as required by the Council of the European Union in the *Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe* of 6.12.18, to act on the fronts of prevention, culture and collective conduct in addition to combating and repressing discriminatory phenomena.

The Strategy presented in this Report is part of the *EU Strategy on combating antisemitism and fostering Jewish life (2021-2030)*, using also the *Handbook on the practical use of the IHRA definition of antisemitism*. Furthermore, it is based on the experience, observations and actions carried out over the years in Italy on remembrance of the Shoah (Holocaust) as documented in the Country Report on Italy presented by the Italian delegation to IHRA in December 2020. Lastly, it falls within the scope of the new *EU Action Plan on Integration and Inclusion 2021-2027*.

At national level, the key elements of the Strategy are the coordination and promotion of a concrete collaboration between the institutions concerned, Jewish communities, the world of culture, universities, schools, instruction, the social sphere, sports, media and politics. In particular, the intention is to enact a collaboration with the *Extraordinary commission for combating phenomena of intolerance, racism, antisemitism and incitement of hatred and violence*, created in the Senate with Motion no. 136 proposed by Senator for Life Liliana Segre and approved on 29 October 2019.

The National Strategy proposed here, based on the definition and examples identified by the IHRA as a reliable and shared point of departure, is broken down into a process consisting of a number of steps:

- knowledge/understanding of the historical roots and characterisation of the phenomenon;
- assessment and measurement of the phenomenon (antisemitic prejudice and hate crimes);
- background/understanding of the problem within the Italian context;

- application of policies to combat it, and their periodic updating ([https://anendoantisemitism.univie.ac.at/fileadmin/user\\_upload/p\\_anendoantisemitism/PDF/Catalogue\\_FINAL\\_webversion\\_complete.pdf](https://anendoantisemitism.univie.ac.at/fileadmin/user_upload/p_anendoantisemitism/PDF/Catalogue_FINAL_webversion_complete.pdf))

### About the IHRA

*The International Holocaust Remembrance Alliance (IHRA)* is an intergovernmental forum founded in 1998 which unites governments and experts to strengthen, advance and promote Shoah (Holocaust) education, research and remembrance all over the world and to uphold the commitments to the 2000 Stockholm Declaration. Until January 2013, the organisation was known as the *Task Force for International Cooperation on Holocaust Education, Remembrance and Research*.

It currently has 34 member countries (Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, United Kingdom, Romania, Serbia, Slovakia, Slovenia, Spain, United States, Sweden, Switzerland and Hungary). There are also seven observer countries (Albania, Bosnia, El Salvador, Moldova, Monaco, Turkey and Uruguay) and other countries are currently in the process of becoming members.

The Presidency is assumed based on an annual rotation (in 2020 Germany, in 2019 Luxembourg and in 2018 Italy). Its partners include the UN, UNESCO, the Council of Europe and the EU.

The members of the IHRA have committed to the Declaration of the Stockholm International Forum on the Holocaust approved in 2000.

On 1 June 2017, the European Parliament approved a resolution on combating antisemitism ([2017/2692\(RSP\)](#)) which invites European Union Member States and their institutions to adopt and apply the working definition of antisemitism proposed by the IHRA (p. 2) and appoint national coordinators for the fight against antisemitism (p. 5).

There are three active Working Groups in the IHRA (Academic, Education, and Memorials and Museums) and three Committees (Antisemitism and Holocaust Denial; Holocaust, Genocide, and Crimes Against Humanity; Genocide of the Roma).

### 2. The IHRA's Working Definition of Antisemitism

The IHRA's Committee for Antisemitism and Holocaust Denial worked on the **non-legally binding Working Definition of Antisemitism**, which was then adopted during the Plenary on 26 May 2016 in Bucharest, as an operational tool for Member States to combat hatred and discrimination at national level.

Like all IHRA documents, the non-legally binding **Working Definition of Antisemitism** is the result of compromises between the political sensibilities of the various Member States in the Alliance as well as the scientific expertise of the scholars taking part in the National Delegations. The current one was preceded by other versions drafted by the EUMC (European Monitoring Centre on Racism and Xenophobia) and others are currently being drafted by international institutions.

It is a useful tool due to its concrete language and its examples, which illustrate the concept of antisemitism and the way an antisemitic attitude is concretely enacted, using typical and recurring

phenomena. Due to its very nature, a “working definition” indicates an operational working tool which is useful to recognise, monitor and combat expressions of a phenomenon - antisemitism - that is continuously evolving and transforming.

The document contains guidelines for understanding expressions of antisemitism and a *practical guide* for identifying it, classifying and gathering data and promoting the implementation of regulations against the phenomenon.

As mentioned above, the Italian government adopted the WDA and entrusted the National Coordinator for the fight against antisemitism with the duty of surveying expressions and behaviours of antisemitism to identify possible actions for its implementation.

Using the entire WDA as a point of reference and departure, Italy places its national action for combating antisemitism within a broader context of multilateral cooperation, which is situated first and foremost within the European Union and the Council of Europe, and then extends to the UN, UNESCO, the OSCE and the FRA, partner organisations that actively interact with the IHRA on an ongoing basis. A number of countries have adopted the WDA so far, with various methods and practical implementations.

### 3. International and European references

The following international documents constitute points of reference with regard to the fight against antisemitism:

#### **EU Strategy on combating antisemitism and fostering Jewish life (2021-2030)**

#### **Council Declaration on mainstreaming the fight against antisemitism across policy areas 13637/20 of 2 December 2020**

<https://www.consilium.europa.eu/media/47065/st13637-en20.pdf>

#### **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.**

<https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:32008F0913&from=EN#:~:text=Gli%20Stati%20membri%20ri%20conoscono%20che,gravi%20mediante%20il%20diritto%20penale.>

#### **European Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe of 6 December 2018**

<https://data.consilium.europa.eu/doc/document/ST-15213-2018-INIT/en/pdf>

#### **Declaration of the Stockholm International Forum on the Holocaust of 2000**

<https://www.holocaustremembrance.com/it/about-us/stockholm-declaration>

**EU Anti-racism Action Plan 2020-2025**

[https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en)

**Budapest Convention on Cybercrime of 23 November 2001**

<https://www.coe.int/it/web/conventions/full-list/-/conventions/treaty/185>

**II. ANTISEMITISM IN ITALY**

1. *Why fight against antisemitism*

- Combating antisemitism - prejudice and/or hatred towards Jews because they are Jews - should not be seen, as some believe, mistakenly or due to prejudice, as a “privilege” afforded to Jews with respect to other social, ethnic or religious groups. Due to its specific historical, political, religious and cultural characteristics with respect to other forms of discrimination, and due to the immense tragedy that arose from it, the fight against antisemitism represents a necessary effort in the general interest of the entire country, and an indispensable duty for the democratic stability, social cohesion and peaceful coexistence of our society.
- Grappling with the topic of antisemitism in Italy requires a clear acceptance of accountability for the adoption of the racist, antisemitic laws of 1938 which marked a turning point in our country’s history. As affirmed by President of the Republic Sergio Mattarella, fascism was “a regime with no merit, in which the expulsion of the Jews was not at all an aberration, but rather inherent in the violent and intolerant nature of that system”.
- In Italy, the history of antisemitism spans multiple centuries, involving segregation in ghettos, daily humiliations and the disdain that lingers in certain expressions used in popular language (“rabbino” (“Rabbi”) meaning “cheapskate”, or “fariseo” (“Pharisee”) meaning “hypocritical”), despite the right to equality conquered with emancipation. This phenomenon has had devastating consequences for Jewish life (exclusion, deportation and then extermination) and due to the human, civil and moral impoverishment it brought about for the entire Italian society.
- Antisemitic acts - which also symbolically affect all Jews as a group and not only the individuals involved - represent a threat not only towards certain citizens, but also against social coexistence, stability and security. Many acts of antisemitism are often not reported (phenomenon of under-reporting).
- To understand and combat the phenomenon, it is necessary to consider the subjective perception and the perspective from the Jewish point of view, and systematic collaboration must be established with Jewish communities and their institutions.
- Antisemitism may be enacted with expressions of hostility and threats against Jews in public spaces, graffiti and vandalism on buildings, the desecration of Jewish cemeteries, antisemitism in the digital space and in social media, antisemitism in political life, Shoah (Holocaust) denialism, revisionism, reductionism and distortion, offences, insults and derision in stadiums, cultural revisionism in education and in publications and in many other ways.
- Antisemitic hostility is manifested at different levels: through veritable racism-based crimes (hate crimes) such as attacks on the physical integrity or property of Jews and Jewish institutions, but also verbal or written statements, or through discriminatory acts, or lastly

beliefs, prejudices or stereotypes that denigrate Jews, or a language of hatred, disdain, allusions or derisions which tends to be mainstreamed, even if it does not rise to the level of a crime. The distinction between these three different levels is crucial for fighting against it.

- The Shoah (Holocaust) shook the very foundations of civilisation, and is a point of no return in the human conscience. As affirmed by the 2000 Stockholm Declaration, the unprecedented nature of the Shoah (Holocaust) will never cease to have a universal significance. It represents the most extreme example of antisemitism in history.
- Although it is a historical event like others, explainable and comparable with other historical events, and although there is no hierarchy of suffering between victims of genocide, the Shoah (Holocaust) stands out due to the singularity of a global project for the total destruction of the Jews which united antisemitism, racist ideology and modern technologies. However, it is precisely this unprecedented event which requires those who approach it to open themselves up to universality and to solidarity with all other victims in history. Through the Shoah (Holocaust), we recognise the pain of all victims of persecution and discrimination. With a view to building a shared culture, studying and learning about the Shoah (Holocaust) should stimulate and reinforce feelings of empathy and the sense of a borderless, shared citizenship.
- Although antisemitism has several characteristics in common with other forms of hatred or racism, it is a specific and distinct phenomenon from the historical, political and psychosocial perspective, due to its deep rootedness and continuity throughout history, as well as its demonological and persecutory characteristics. However, the fight against antisemitism should not be detached from the fight against all other forms of hatred and intolerance. These processes should reinforce and fuel each other. Policies against antisemitism may represent a potential model for combating all phenomena of intolerance, racism and discrimination, also with a view to intersectionality.
- Antisemitism is spread through various means, increasingly - particularly in Italy - online and in new social media. Hate speech and the banalisation/denial/distortion of the Shoah (Holocaust) online require a new specific effort on the part of society.
- The incitement to hatred present in antisemitic language is often not condemned in defence of a misunderstood freedom of expression, particularly on the artistic or presumed satirical level. Article 21 of the Constitution cannot be invoked to legitimise behaviours which in fact strike at constitutionally protected values and rights.
- Antisemitism can be considered a Manichean and primitive understanding of the world in which hatred for the Jews arises as a “great explanatory myth” (J.P. Sartre). It is a *mise en scène of fear* which, like the conspiracy, *re-mesmerises the world*.
- Antisemitism undergoes continuous metamorphoses and evolves over time. Its mutations are often linked to moments of economic crisis and the objective of making Jews the target and scapegoat of social ills.

- Antisemitism can also take on the form of political terrorism. In this case, the locations of Jewish religious and cultural institutions become potential targets of bloody attacks (in Italy, the worst was the attack on the Great Synagogue of Rome in October 1982 by armed Palestinian terrorists).
- In its pre-conciliar forms, antisemitism persists within certain areas of Catholic culture that have not adequately assimilated post-conciliar teachings, and in other religious denominations.
- Today, aside from in the traditional forms of Christian Anti-Judaism and biological racism, it emerges in cultural form, also connected to the different way of adopting remembrance of the Shoah (Holocaust) on the part of new generations.
- The growth in anti-Jewish hostility in the Islamic world is the result of a dangerous combination of ancient religious prejudice and a political interpretation promoted by Islamic radicalism hinging on the idea of a deep-seated conflict with Western culture (also implying the demonization of Jews and Israel).
- Nazi-fascist antisemitism re-emerges in current extreme right groups which commit hate crimes using the typical elements, symbols, gestures and images of Nazi propaganda and directly or indirectly defend fascism, due to ideology or for commercial reasons. Nazi-fascist racist and supremacist theories are still present and dangerous, although they are often hidden, within politically and socially active groups on the extreme right.
- Amongst new forms of antisemitism, hatred of Israel, its demonization and its depiction as equivalent to Nazism are widespread. Especially certain Arab-Muslim or Islamist or pro-Palestinian or extreme left groups deny the legitimacy of the State of Israel and its right to exist, and demonstrate hostility against the Jew as such. Explanations continue to be given which attribute all of humanity's misfortunes to a central player: yesterday, the "Jew", today "Israel". Incitement to political, economic, academic or cultural boycotts is used by these groups for antisemitic ends.
- The myth of the global Jewish conspiracy and its financial/economic/media power is still quite well-rooted in Italian society and in certain left-wing fringes, associated with anti-globalism and the myth of the wandering Jew, fuelled by the web.
- Antisemitic hatred can also arise in the form of ethnic and xenophobic identity reinforcement, as it contrasts mythical purity with the mixing of groups brought about by immigration and the Jews as "foreigners".
- During collective traumas, like the Covid-19 pandemic, ancient conspiracies re-emerge, such as accusations that the Jews are *spreaders of the virus* (like the poisoning of the wells in the

Middle Ages) or *blood libel* (the claim that Jews use Christian blood for their rituals), today transposed into online legends (such as QAnon).

- Although remembrance of the Shoah (Holocaust) represents an antidote to manifestations of Anti-Jewish hatred, decades after the end of World War II the weakening of the moral dam and the progressive disappearance of witnesses have contributed to the re-emergence of antisemitism, inverting the terms of the discussion and transforming victims into culprits.
- Anti-Jewish hatred and the delegitimization of the existence of Israel can be falsely cast as “anti-racism” and “anti-colonialism” by assigning to Jews and Israel, as such, the role of rich and powerful oppressors. Even anti-racist movements, which support just civil causes based on equality and respect for rights, can in certain cases include aspects of antisemitism when they rely on ancient stereotypes and conspiratorial views.
- Antisemitic stereotypes and prejudice can be expressed and solidified throughout the collective imagination. Hatred and aversion originating from prejudice as well as subjective perceptions are expressed not only rationally, but also at the emotional and subliminal level.

## 2. Data regarding antisemitism in Italy

This section refers to several sources of data and statistics on antisemitism in Italy. Annex no. 2 provides the complete report by the CDEC – Jewish Contemporary Documentation Centre.

**It should be noted that, although the various investigations are accurate, they are not capable of providing an exhaustive snapshot of the phenomenon, especially due to the lack of adequate and coordinated reporting mechanisms. It is therefore necessary to improve antisemitism reporting systems at various levels (from hate speech to crimes).**

In 2019, the **CDEC’s Observatory on Antisemitism** registered 251 episodes of antisemitism, a number significantly higher than in 2018 (197) and 2017 (130).

In general, it can be claimed that the phenomenon of antisemitism has increased, as has its visibility. The peak of intolerance was reached in the period when threats were received by Senator Liliana Segre and she was assigned a police guard in 2019.

Although violent actions of anti-Jewish hostility are the hallmark of extreme political groups (left, right and Islamist), the sharing of stereotypes and prejudice takes place across sociocultural, political and ideological groups.

A survey by the **European Commission’s Eurobarometer** on the perception of antisemitism conducted in January 2019 on people in 12 countries where 96% of European Jews live showed that 58% of Italians believe that the issue of antisemitism is *very* (16%) or *fairly* important (42%).

According to **FRA (Fundamental Rights Agency)** data from 2018 on the perception of antisemitism in 12 European Union countries (16,000 Jewish citizens interviewed), there is a **sense of danger** and

widespread anxiety due to antisemitism which is more severe than in the first survey conducted in 2012-13. The previous survey already revealed a significant feeling of being threatened, including in Italy, not so much by physical violence as by verbal hostility. Overall, nine interviewees out of 10 (89%) in the 2018 survey believed that antisemitism had increased in their countries in the five years prior to the survey; more than eight out of 10 (85%) considered it to be a serious problem. Italy is above average as regards the perception that antisemitism online and in the media is a “*very or fairly big problem*”

The FRA Report *Overview of antisemitic incidents recorded in the European Union 2009-2019* includes data and actions for Italy until December 2019 (therefore, it does not include subsequent actions such as the adoption of the IHRA definition and the appointment of the Coordinator, in January 2020).

**Euromedia Research**, in collaboration with the Solomon Observatory on Discrimination, conducted the 2019 study “*Antisemitism, the perception of Italians*” on a representative sample of the Italian population of 1,000 cases. 16.1% declare that they are “*not very/not at all favourable*” to the Jewish religion, and 11.6% believe that Jews have too much international economic/financial power. The broad range of prejudice demonstrates that the percentage who declare themselves to be openly antisemitic (6.1%) is lower than that of unaware, latent and hidden antisemites.

**The 2017 IPSOS survey for the CDEC** demonstrates the permanence of a vast area of prejudice 10 years after the CDEC’s demoscopic survey on a sample of the population conducted in 2007. The stability of the responses demonstrates that stereotypes are ingrained and very difficult to dismantle and that Jews “*immutably represent in the collective imagination: power, wealth, cohesion and intra-group solidarity*”.

In general, there is little direct or indirect knowledge of Jews. Their numbers are not known to the majority of interviewees, but especially 36% overestimate their presence in Italy, often a sign of prejudice or relative hostility; nearly 20% think that there are from 500,000 to more than one million, while there are actually fewer than 35,000.

Roughly 60% fully or partially agree with statements relating to economic power; a good 33% believe that they influence global finance to their benefit and 25% that they are profiting from the Nazi extermination to justify the State of Israel’s policies; half of interviewees believe that the Shoah (Holocaust) was a great tragedy but that there have also been others that are not as commonly discussed.

On the topic of Remembrance, **the SWG survey “*Italians and Holocaust Remembrance Day*” of 2020 and 2021** brought to light growth in phenomena of intolerance and denialism, which led the government to appoint a Coordinator for the fight against antisemitism, but also recorded an increase in the sensitivity of Italians with respect to certain political trends in the perception of antisemitism and Holocaust Remembrance Day.

One of the most relevant phenomena in recent years, i.e. the increase in the spread of hate speech online, is monitored by the CDEC’s Observatory on Antisemitism. In 2019, of the 251 episodes of antisemitism reported to the Observatory on Antisemitism, 173 were online.

In its survey “*The Map of Intolerance Year 5*” *Vox – Italian Observatory on Rights* highlights that out of 104,345 negative tweets from March to May 2020, 18.4 related to antisemitism, with peaks around 25 April or the birthday of Liliana Segre. “*The Map of Intolerance 4*” of November-December 2019 showed growth in the number and also the degree of aggressiveness of insults against Jews, a figure aligned with the general trend of hate speech on Twitter. Antisemitism increased compared to the previous survey in 2018. There were a total of 63,724 tweets regarding Jews, compared to roughly 19,000 in previous months; of these, there were 44,448 tweets with negative polarity, against roughly 15,000 in the March-May period. In percentage, out of all negative tweets, we are at 24.81% compared to 10.01% in the previous months.

A survey by **Mediavox, Observatory on Online Hate at the Sacred Heart Catholic University of Milan** on tweets containing keywords relating to the Jewish world and the coronavirus between March and May 2020 revealed 16% with hate content, 95% of which attribute responsibility to Jews and/or Israel for spreading the virus worldwide.

According to an **Eurispes** survey contained in the *2020 Italy Report*, 15.6% of interviewees deny the Shoah (Holocaust), a figure that has been on the rise over the last 15 years. The survey also highlights an increase in conspiracy theories and the spread of language based on hatred and racism.

### III. THE IHRA’S DEFINITION OF ANTISEMITISM

The NATIONAL STRATEGY FOR COMBATING ANTISEMITISM is based on the full text of the IHRA’s Working Definition of Antisemitism, as set forth on the IHRA website.

**“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 levelled 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.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- 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.
- 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.
- 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).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- 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.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.

- Holding Jews collectively responsible for actions of the state of Israel.

**Antisemitic acts are criminal** when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

**Criminal acts are antisemitic** when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

**Antisemitic discrimination** is the denial to Jews of opportunities or services available to others and is illegal in many countries.

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The WDA is in the first place a working and orientation document, made necessary due to the intensification of expressions of antisemitism at international level. The list of countries which have in various ways adopted the definition is continuously updated and may be consulted at the link <https://www.holocaustremembrance.com/working-definition-antisemitism?focus=antisemitismandholocaustdenial>.

The WDA, which is not legally binding, is a practical, working definition (Mark Weitzman, *Simon Wiesenthal Center*), developed with objectives primarily of educational, political and cultural orientation (Robert Williams, *WG Antisemitism Chair, IHRA*), a point of departure to identify its applicability in the Italian reality (Gadi Luzzatto, *CDEC*).

In its Declaration of 2 December 2020, the European Council of Ministers affirms:

*Consistent use of the non-legally binding working definition of antisemitism employed by the International Holocaust Remembrance Alliance (IHRA) to identify bias indicators can help government agencies and non-governmental organisations alike to respond more sensitively and identify and address antisemitism more reliably.*

*We welcome the fact that 18 Member States have already followed up on the Council declaration of 6 December 2018 by endorsing the IHRA working definition as a useful guidance tool in education and training. Member States that have not yet done so are invited to join the other Member States and endorse the IHRA working definition as soon as possible.*

Although many countries have endorsed it, currently not all countries that have adopted it have enacted concrete measures (Henri Nickels, *European Union Agency for Fundamental Rights*), while the ECRI (*European Commission against Racism and Intolerance*) - the entity which is part of the Antidiscrimination Department and the Directorate of Antidiscrimination in the Council of Europe's Directorate General of Democracy (DG II) - believes that it is necessary to consider different approaches alongside it as well. The WDA can and should be at the basis of the adoption of national strategies (Katharina von Schnurbein, *European Commission Coordinator on combating Antisemitism*).

In January 2021, the European Commission published a **Handbook for the practical use of the IHRA Working Definition of Antisemitism**.

According to the Handbook, “*The non-legally binding International Holocaust Remembrance Alliance working definition of antisemitism [...] has become a widely used definition of antisemitism across the world. Since its adoption by the International Holocaust Remembrance Alliance in 2016 to guide the IHRA in its work, dozens of countries, cities, government institutions, universities, civil society organisations and sport clubs have used the definition as a resource in projects that seek to educate on the ways that antisemitism appears, as well as for initiatives focused on recognising and countering manifestations of antisemitism*”.

The Handbook also clarifies the possible uses of the “guiding examples”:

*“To provide a better understanding of antisemitism, the IHRA Working Definition of Antisemitism includes eleven examples of how antisemitism can manifest itself. Such manifestations can emerge in various contexts, including in public life, the media, schools, the workplace and the religious sphere. This is why it is important to bear in mind the context in which antisemitism might appear.*

*The IHRA Working Definition notes that “overall context” must be “taken into account” and that antisemitism is “not limited” to the examples given. It furthermore states that the “examples may serve as illustrations” to “guide IHRA in its work,” and points to the practical utility of the definition”.*

### 1. Classification on the basis of the IHRA’s definition of antisemitism

In order to guarantee the effective adoption and implementation of the WDA in Italian society at regulatory, institutional, political, cultural and educational level, a possible classification is presented which systematically aggregates the IHRA guiding examples cited above (in line with the examples of the “broad spectrum” of manifestations of antisemitism provided in the *Handbook for the practical use of the IHRA Working Definition of Antisemitism*).

This classification can act as a non-exclusive **research** tool for surveys, analyses and monitoring of phenomena of antisemitism, to identify and recognise its manifestations within **instructional, cultural and educational activities**, as well as for **judicial and legal orientations**. (Please see the analogous proposed categorisation on the basis of the IHRA definition of antisemitism of the CRIF – *Conseil représentatif des institutions juives de France*)

[http://www.crif.org/sites/default/fichiers/images/documents/crif\\_-\\_observatoire\\_de\\_lantisemitisme\\_sur\\_internet\\_0.pdf](http://www.crif.org/sites/default/fichiers/images/documents/crif_-_observatoire_de_lantisemitisme_sur_internet_0.pdf)

#### ○ **TRADITIONAL ANTI-JUDAISM**

Christian anti-Judaism is rooted in the teaching of anti-Jewish disdain and demonization which acted as the backdrop of the pre-conciliar theology of the replacement of the “Old Israel” with the “New Israel”, represented by the Church. As a result of an alleged “divine condemnation”, the Jewish

population bore witness, with its “fall” and “errant” condition, to the triumph of the new faith over the old one. In modern times, pre-conciliar and Marcionist antisemitism has fuelled modern “racial” antisemitism, providing a reservoir of negative and demoniacal images and contributing towards establishing a negative reputation, of disdain, of otherness and of dangerousness for the rest of the population.

The turning point of the Second Vatican Council represented a radical break with a representation that was the source of tragedies and persecutions, opening the way to the development of dialogue and friendship with Jewish institutions which has solidified and strengthened over the years. From “perfidious” (incorrect translation of the Latin *perfideles*), the Jews became “big brothers”, particularly “dear” to God, for whom the Church should be grateful and with whom it should make amends. Anti-Jewish rejection in the Christian realm continues in certain environments that object to this change and the teachings of the Church Magisterium, which has become the messenger of a constant dialogue with Judaism and a serious revision of its way of seeing Judaism and Jews.

Today, it is possible to speak of this as a form of antisemitism which can draw on ancient accusations of ritual homicide, desecration of the host, poisoning of wells and contamination. One example of this is the false “blood libel” (use of blood for Jewish rituals), even in antisemitic depictions on the “cult” of Simon of Trent (abolished by the Church in 1965). Therefore, this form of antisemitism can consist of accusing Jews of deicide (killing Jesus), committing ritual homicide, idolatry and sacrilege. This group of indicators may include attacks on typical Jewish religious practices or customs as a result of antisemitic prejudice.

- **NEO-NAZI/NEO-FASCIST ANTISEMITISM AND DENIAL OF THE SHOAH (HOLOCAUST)**

In Nazi Germany, racist theories, based on which humanity can be divided into superior races (substantially the white “Caucasians”) and inferior races, were fused with antisemitism. The Aryan myth saw the Jews as an inferior, degenerate race. This racist theory became part of a project for a new world order dominated by the so-called “Aryan race”, in which the Jews were sent for extermination in concentration camps.

This group of indicators includes considering Jews to be an inferior “race”, demonising them and dehumanising them (for example comparing them to animals).

This form of antisemitism which justifies the persecution and elimination of the Jews is expressed through denialism, revisionism, reductionism, banalisation, derision and distortion of the Shoah (Holocaust) (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)).

This form of antisemitism also manifests itself through the exaltation of Nazi and fascist symbols (figures of Hitler or Mussolini, swastikas) and the denigration of victims (such as Anne Frank). Jews as a people or Israel are frequently accused of having invented or exaggerated the Shoah (Holocaust).

- **HATRED AGAINST THE STATE OF ISRAEL**

Antisemitic prejudice makes a false and arbitrary equivalence when it identifies Jews (Italian citizens like any others) with Israel, as a State or nation, and considers them *collectively responsible for its actions*.

This acts as the backdrop of a process of identification and assignment of guilt to Jewish communities all over the world in relation to the conflict in the Middle East. One example of this prejudice was the coffin placed in front of the Synagogue of Rome during a union event in 1982 and repeated threats against the Jewish community in relation to developments of the situation in the Middle East.

We can therefore speak of a “new antisemitism” in which Israel is identified with the collective Jew and the negative images which once surrounded Jews and Judaism are thus transferred to the Jewish State, at times equated with Nazism. The images, archetypes and symbols are the same.

The demonization of Israel and the delegitimization of its existence underlie this new antisemitism, with the false representation of yesterday’s victims as today’s “oppressors”, as well as the subjection of Israel to a double standard of judgement. In this sense, antisemitism can masquerade as anti-Zionism when it objects to the full existence of Israel as a free nation.

Manifestations of this form of antisemitism therefore include demonising and delegitimising the State of Israel as such, with forms and content equivalent to denying its right to existence and self-determination, for example claiming that the very existence of the State of Israel is an expression of racism; unjustifiably accusing Jewish citizens of being more loyal to the interests of the State of Israel or alleged priorities of Jews worldwide than the interests of their nation; economically and culturally boycotting Israel (and its representatives) as they are identified with the collective Jew; using symbols and images associated with classic antisemitism (for example, the accusation of deicide or blood libel) to characterise Israel or Israelis.

The right/duty to criticise individual Israeli governments and their policies is not up for debate, but it is necessary to prevent these criticisms from having effects on all Jews, as also takes place in the case of boycotts, divestment and sanctions (BDS) on Israeli institutions, universities or products. The criticism is instead legitimate when made in a well-argued manner and refers to specific charges against the Israeli government, without fusing with antisemitic prejudice.

## ○ JEWISH POWER ON THE ECONOMY AND FINANCE

The accusation against the Jews that they are plotting for world domination specifically dates back to Nazi propaganda, which was also inspired by falsehoods like the “Protocols of the Elders of Zion”. Today, an “anti-global” antisemitism has re-emerged, which accuses Jews of plotting against the oppressed. Yesterday, the *Rothschild* family and today *George Soros* become symbols of this power, imagined as *total* control over the world. This antisemitism, drawn from ancient mythologies, is fuelled by the conspiratorial mentality which tends to blame Jews for all of the world’s ills, including the Covid-19 pandemic. Ancient blood libel accusations are also exhumed (as in the QAnon sect which mixes antisemitic topics with attacks against political adversaries).

According to this form of antisemitism, the Jews, either individually or collectively, are accused of controlling global finance, the media, banks, the economy, the government or other institutions. One typical manifestation of this is the accusation of a global Jewish conspiracy and the denigration of figures such as George Soros as part of a capitalist Jewish conspiracy. It can be expressed through

memes based on antisemitic prejudice (such as the image of the “happy merchant”) associated with current politics. Often, this antisemitic vision considers Jews as globalists who conspire to replace the citizens of a country with immigrants. In addition, Jews are at times even considered to be “spreaders” of viruses or propagators of pandemics (or harmful vaccines) for economic profit.

#### ○ **HATRED OF JEWS BECAUSE THEY ARE JEWS**

This form of antisemitism calls for, aids or justifies the killing or harming of Jews (or buildings, objects or holy places) for the most part in the name of a radical ideology or an extremist view of religion. In this manner, violence and/or discrimination is called for against Jews or people qualified as Jewish, who are hated due to the very fact of their being Jews.

Jews are accused 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. Direct policies or measures may be developed against the Jews with the purpose or the effect of destroying or compromising the enjoyment or exercise in conditions of equality of human rights and fundamental freedoms in the political, economic and social and cultural realm and in every other sphere of public life.

Study and research activities can also be oriented based on assumptions linked to prejudice against Jews. Organisations or associations can be established with a view to carrying out or promoting antisemitic acts or attitudes, both offline and online.

## **IV. GUIDANCE AND RECOMMENDATIONS FOR INSTITUTIONS**

The IHRA definition is a significant point of departure for guaranteeing consistent and well-coordinated action at European and international level as well. To prevent and stem the phenomenon of antisemitic hatred aside from mere declarations of intent, some concrete guidance/recommendations are presented here, which constitute the National Strategy for combating antisemitism.

In order to implement these lines of action, the following duties are proposed for the National Coordinator for the fight against antisemitism:

**Carrying out constant monitoring of the phenomenon and periodically updating the National Strategy for combating antisemitism.**

**Managing relationships with Jewish Communities.**

**Managing relationships with the coordinators at EU level that have the same role - in concert and with the collaboration of the Ministry of Foreign Affairs and International Cooperation pursuant to art. 1 of Italian Presidential Decree no. 18 of 1967 - with international organisations**

**like the UN, the Council of Europe, UNESCO and the OSCE, thus contributing to multilaterally promoting what Italy does to protect human rights and fight against antisemitism.**

**Collaborating with UNAR (Italian National Office against Racial Discrimination), as well as with public and private social institutions, Universities and associations, to facilitate the reporting of acts of antisemitism, the collection of data on the phenomenon in Italy and on the training of the Public Administration and the entities concerned by the phenomenon. Contributing to coordinating and reinforcing channels and mechanisms for reporting acts of antisemitism and hate crimes.**

**Supporting the participation of the Italian Delegation to the IHRA.**

### **1. Guidance for the government/Parliament on regulatory aspects**

The guidance proposed here is intended to provide autonomous legal significance to the phenomenon of antisemitism, due to its specific historical nature, the specific manners in which it takes place and the threat it represents for democracy.

#### **1.1 Criminal realm**

Based on **European Council Framework Decision 2008/913/JHA, art. 1, § 1 lett. c)**, *“Each Member State shall take the measures necessary to ensure that the following intentional conduct is punishable: publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes..., directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group”*.

From the legal perspective, there have been numerous regulatory instruments in Italy - on the basis of the above-mentioned Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law and Directive 2012/29/EU of the European Parliament and of the Council on victims of crime - which make it possible to strike at offences committed on the basis of prejudice, discrimination or “hatred” (see Annex no. 3 of the Ministry of Justice on proceedings and convictions from 2016 to 2019).

1. Art. 2 of the Constitution - The Republic recognises and guarantees the inviolable rights of the person, both as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled.
2. Art. 3 of the Constitution - All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.
3. Law no. 645 of 20 June 1952 - Implementing provisions of transitional and final provision XII (first paragraph) of the Constitution (“Scelba Law”).
4. Law no. 962 of 9 October 1967 - Prevention and repression of the crime of genocide.
5. Law no. 654 of 13 October 1975 - Ratification and execution of the international convention on the elimination of all forms of racial discrimination, opened for signature in New York on 7 March 1966;
6. Law no. 104 of 5 February 1992 - Framework law for the assistance, social integration and rights of people with disabilities. Art. 36 establishes an aggravation of criminal sanctions.
7. Law Decree no. 122 of 26 April 1993, coordinated with conversion law no. 205 of 25 June 1993, on: “Urgent measures on racial, ethnic and religious discrimination”. (“Mancino Law”).
8. Law no. 482 of 15 December 1999 “Rules on the protection of historical linguistic minorities” (art. 18 bis - introduced by art. 23 of Law no. 38 of 23 February 2001 - establishes that the provisions pursuant to article 3 of Law no. 654 of 13 October 1975, as amended, and Law-Decree no. 122 of 26 April 1993, converted, with amendments, by Law no. 205 of 25 June 1993, also apply for the purpose of preventing and repressing phenomena of intolerance and violence with respect to those belonging to linguistic minorities).
9. Law no. 115 of 16 June 2016 amends article 3 of Law no. 654 of 13 October 1975, on combating and repressing crimes of genocide, crimes against humanity and war crimes, as defined by articles 6, 7 and 8 of the statute of the International Criminal Court.
10. Articles of the Criminal Code:
  - art. 403 (Insults against a religious denomination through vilification of people);
  - art. 404 (Insults against a religious denomination through vilification or damage of property);
  - art. 408 (Desecration of tombs).
11. Measures on the topic of racism, prejudice and hatred, including those which are anti-religious, amended multiple times over the years, are currently contained (pursuant to Legislative Decree 21/2018) in art. 604 bis of the Criminal Code (“Propaganda and instigation to commit a crime for reasons of racial ethnic and religious discrimination”), and in art. 604 ter as regards aggravating factors.

**A. Defence of fascism**

GUIDANCE:

**Expand the scope of the criminal implications of and sanctions applied to conduct defending fascism.**

**Sanction both direct active propaganda of fascist or Nazi Socialist parties (production, distribution, dissemination or sale of propagandistic materials, images, objects, gadgets or symbols) and public conduct (symbols and gestures).**

The admissibility of a regulatory intervention on the matter is also based on the consideration that the freedom of expression is limited by respect for people's dignity and liberty, the protection of secrecy and the need to prevent any instigation to commit crimes, which constitute offences against public order. The propaganda of fascist party ideas, based on racial superiority and anti-Jewish hatred and expressive of the repudiation of democratic forms of government, may be assumed to be harmful to human dignity and equality. Today, even without the goal of reconstituting the fascist party, conduct which may constitute incitement to hatred can still be sanctioned in that it is in and of itself harmful for the foundations of social coexistence.

Moreover this may be deemed compliant with the interpretation of art. 10 of the European Convention on Human Rights given by the Grand Chamber of the European Court of Human Rights in its ruling in the *Perinçek v. Switzerland* case (case No. 27510/08, 15 October 2015). This rule of the Convention includes the following limits which may be imposed on the freedom of expression: national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence; provided in any case that this provision respects the principle of legality/determinacy of the specific case. Please also note that the same European Court of Human Rights handed down a ruling on the *Dieudonné* case (Fifth Section, *Dieudonné M'Bala M'Bala v. France*, case 25239/13) which excluded the protection afforded by art. 10 to the freedom of expression, identifying an abuse of that freedom linked to art. 17 of the ECHR, as it was a show which could be categorised, based on the overall context, as “a demonstration of hatred and anti-Semitism, disguised as an artistic production and as dangerous as a fully-fledged and immediate attack”.

***B. Reference to antisemitism in antidiscrimination regulations in force***

GUIDANCE:

**Evaluate the possible expansion of the rules of the Criminal Code, which currently do not adequately cover the reasons or purposes of antisemitic discrimination or hatred or antisemitic prejudice.**

**Furthermore, with the conviction that, in the case at hand, they perform a more effective educational prevention/deterrent function than criminal provisions, it is considered appropriate to introduce an integrated system of administrative offences. Aside from the establishment of fixed sanctions, it would be appropriate to evaluate the adoption of**

**proportional, individualised sanctions commensurate with the actual seriousness of the offence, as well as the personal and financial conditions of the subject.**

**It is deemed particularly effective, in light of the purposes programmatically pursued, to establish voluntary obligations with jointly reparative and conformational content, adequate to the concrete case.**

**To identify, describe and concretely circumscribe the offences relating to antisemitic prejudice, reference can be made to the proposed indicators, as well as the “contextual signs” proposed by the OSCE for the identification of such indicators.**

This guidance proposed to provide legal significance to antisemitism due to its specific historical characteristics and due to the particular ways in which it has evolved over time.

The purposes of “ethnic, racial, religious discrimination / hatred” do not fully express the reality of antisemitism, even though they should include it. Indeed, the Jewish world subject to this hatred cannot be characterised either as a “race” (which is a scientifically baseless concept) or ethnicity (uniform cultural community) or nationality (Jews may be of various nationalities) or religion (Jews are targeted because they are Jews and not due to the religion professed - moreover not by all of them).

These amendments, aside from combating attacks on the collective dignity of citizens of Jewish origin or religion and the danger for public order of the acts considered, would also have the “symbolic” effect of reaffirming the adoption of values of equality and non-discrimination which underpin our society and strengthening and preserving the memory of historical events that have profoundly marked our Italian and European identity. Indeed, against “symbolic” crimes like those based on prejudice, it is appropriate to impose a *criminal* sanction of “symbolic” value (or an aggravation of the criminal sanction, however it is configured), in order to reaffirm the values of equality and solidarity.

Note that the symbolic component of the criminal response could be matched with the equally symbolic nature of the sanctions imposed for these acts, for example by requiring specific reparations (alternative to the traditional punishments of detention or fines), to be understood as commitments on the part of the accused party to work effectively, as much as possible, to eliminate or attenuate the damaging or dangerous consequences of the crime.

For the purposes of this article, the contextual elements [signs] which confirm the presence of indicators of “antisemitic prejudice” - understood as the attribution of negative qualities to individuals, groups or institutions perceived as Jewish only on the basis of that characteristic - may be the characteristics of the victim, and the material object of the acts; the characteristics, conduct and any criminal and judicial precedents of the perpetrator; the circumstances of time and place of the acts; the absence of other justifications for the acts. See *OSCE Document Prosecuting hate crimes. A Practical Guide*, pp. 53-54.

### **C. Combating hate speech online**

GUIDANCE:

**Approve parliamentary proposals that favour changes in social media platform policies in order to guarantee a uniform and efficient system for reporting and removing hate speech (also establishing administrative fines for operators that do not comply with these requirements).**

This change is justified by the constant increase in hate speech online, including antisemitic hate speech. Online, the border between the legal and illegal tends to fade, and conduct that would be sanctioned in the real world is often not sanctioned when it is enacted online. Furthermore, the hate content posted on social media platforms risks going viral and acquiring unprecedented persistence. Alongside soft law tools like the “Code of Conduct to prevent and counter the spread of illegal hate speech online”, adopted in 2016 by the European Commission along with several important platform operators, a regulatory intervention is required to limit the spread of hate speech. On the model of the German Law (NetzDG, Network Enforcement Act), it is therefore recommended to require social media platform operators to remove hate content (posts, videos, images), i.e. such so as to amount to the cases set forth in art. 604-bis and 604-ter of the Criminal Code, within a specific period of time from when it is reported by users.

**D. *Ratification of the Additional Protocol to the Council of Europe’s Convention on Cybercrime***

GUIDANCE:

**Ratify the Additional Protocol to the Council of Europe’s Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, opened for signature in Strasbourg, within the Council of Europe, on 28 January 2003, which entered into force at international level on 1 March 2006.**

The Protocol entails an extension of the Convention on Cybercrime, aiming to include in it crimes linked to racist and xenophobic propaganda, thus enabling the Parties to be able to use the international cooperation instruments established in the Convention for combating those crimes as well. The increasing spread of hate speech online makes it desirable to approve the Protocol, which defines as a crime the spread or other forms of distribution to the general public of racist or xenophobic materials or which denies or trivialises acts of genocide or crimes against humanity *through computer systems as well*.

## **2. *Institutional realm***

Institutions concerned (Presidency of the Council of Ministers, UNAR, OSCAD (Observatory for Security against Acts of Discrimination), UCEI (Union of Italian Jewish Communities), CDEC and others)

GUIDANCE:

**Create a single point for the collection of data on acts of antisemitism, as regards hate crimes as well as in relation to antisemitic incidents, in order to obtain a more complete view of the phenomenon in Italy and coordinated monitoring between the bodies that currently perform this duty.**

Currently, the duty of monitoring and reporting acts of antisemitism is performed primarily by UNAR, the Ministry of the Interior - OCSAD, UCEI and CDEC. Coordinating these procedures, with respect for the autonomy of the individual entities, in collaboration with the Presidency of the Council of Ministers - Coordinator for the fight against antisemitism, would make it possible to rely on a single data collection centre and therefore perform a more complete analysis of the phenomenon of antisemitism, in terms of crimes (hate crimes) as well as acts and incidents that do not rise to the level of crimes. In this manner, it would be possible to resolve the issue of the inadequate recording of hate crimes and under-reporting, also identified by the European Union Agency for Fundamental Rights - FRA for the majority of European countries.

### ***2.1 Ministry of the Public Administration***

GUIDANCE:

**Adopt/utilise the IHRA definition of antisemitism and the proposed examples/indicators, within Public Administration codes of conduct (particularly the Code of conduct of public employees pursuant to Italian Presidential Decree no. 62/2013, which defines the obligations of diligence, fairness, impartiality and good conduct that public employees are required to meet).**

One of the various points in which a reference to antisemitism could be inserted is art. 3, paragraph 5, currently formulated as follows:

“In relations with recipients of administrative action, the employee ensures fully equal treatment under equal conditions, moreover refraining from arbitrary actions which have negative effects on the recipients of administrative action or which entail discrimination based on sex, nationality, ethnic origin, genetic characteristics, language, religion or creed, personal or political beliefs, membership in a national minority, disability, social or health conditions, age and sexual orientation or other different factors”.

Analogous updates could be made to the codes of ethics and organisation and management models of companies. Please also recall that even now these models must take into account the inclusion of art. 604bis (herein 2.4) amongst the predicate offences of criminal-administrative liability of entities pursuant to Italian Legislative Decree no. 23, as a result of the new at. 25-terdecies 23.

## **2.2 Regions, Local Authorities, Institutions, Political Groups and Parties**

GUIDANCE:

**To guarantee that the fight against antisemitism takes place across all administrative levels (national, regional and local), it is recommended that Local Administrations adopt/concretely use the IHRA definition of antisemitism with the examples and indicators presented in the Report as criteria for identifying expressions of it.**

## **3. World of education and training**

### **3.1 Ministry of Education, schools, training institutions, instructional services**

GUIDANCE:

**Develop dedicated Guidelines on antisemitism on the basis of the IHRA definition and the proposed examples/indicators, intended for instructors and scholastic personnel of all types and levels.**

**Enact a large-scale plan for training teachers and educators on the basis of the IHRA definition and the examples/indicators, in connection with initiatives already ongoing on remembrance of the Shoah (Holocaust), providing tools to confront the banalisation and distortion of the Shoah (Holocaust). Integrate the training of teachers and educators with theoretical/practical knowledge surrounding prejudice and stereotypes, especially implicit, and conspiratorial tendencies.**

**Modify and integrate the National Guidance by promoting the Jewish history, culture and presence in our country and the Jewish contribution to the development of society. Improve knowledge of the Jewish culture, history and identity and the Jewish religion in school curricula.**

**In collaboration with the Italian Publishers' Association, revise textbooks to promote the topics of Jewish culture and history, provide space for the history of the Shoah (Holocaust) and eliminate all types of stereotypes and prejudice, also in relation to clichés about the conflict in the Middle East.**

**Highlight intercultural education and respect for differences, to combat stereotypes and prejudice, within the civics educational curriculum and in school life.**

**If episodes of antisemitism occur in school, supervise to ensure that school principals, teachers and other staff members are adequately trained to effectively react to these problems, including by setting up listening and counselling services.**

The sources that can be used at educational and instructional level include:

<https://www.holocaustremembrance.com/sites/default/files/inline-files/IHRA-Recommendations-Teaching-and-Learning-about-Holocaust.pdf>

<https://en.unesco.org/preventing-violent-extremism/education/antisemitism>

[www.scuolaememoria.it](http://www.scuolaememoria.it)

### **3.2 Ministry of University and Research**

GUIDANCE:

**Adopt/use the IHRA definition and the proposed examples/indicators by inserting them into the codes of ethics of university and other instructors, with respect for freedom in teaching and research, but linking that freedom to respect for principles of non-discrimination.**

**Develop educational courses specifically devoted to antisemitism in university curricula and in university public and social engagement initiatives**

**Enact surveillance on any limitations on the freedom of expression in academic and university debate for reasons of antisemitic prejudice**

**Carry out a periodic survey on the opinions of students, technical administrative staff (“PTA”) and teaching staff in several universities to identify the presence or development of discriminatory mentalities.**

**4. Ministry of Justice/CSM (High Council of the Judiciary)**

GUIDANCE:

**Adopt/use the IHRA definition and the proposed examples/indicators in the training of judicial and forensic professionals, in particular magistrates and managers of judicial offices by the School for the Judiciary and the National Forensic Council.**

**Activate monitoring of judicial measures regarding this type of crime (antisemitism, denialism, hate speech, racism) and the organisational practices of the offices; activate continuous surveys of criminal proceedings regarding hate crimes, also for more effective dissemination of the relative data.**

**Monitor and enact surveillance on any acts or episodes of antisemitism in the carceral system**

The flow of proceedings for “hate crimes” (art. 604 bis and 604 ter of the Criminal Code and other cases established by special laws) in the various stages of proceedings shows a numerically significant and rather constant trend in “hate crimes” in the 2017-2019 period, with regard to the number of cases defined with a request for committal to trial or dismissal (as the outcome of investigations launched and concluded). There has also been an increase in convictions in the first instance in proceedings containing at least one of the typical hate crimes or specific aggravating factors.

The set of data collected also shows that resolutions with convictions in the preliminary hearing phase (as a result of alternative proceedings) have increased, that the number of proceedings resolved with dismissal has increased and that overall the total number of proceedings processed in this phase has risen.

In general terms, the overall figure shows that proceedings for hate crimes are held especially in hearings. These statistical data are important, because they reflect the work load of judicial offices and the development of investigations on this type of crime.

Many factors impact the emergence and assessment of crimes driven by racial hatred and Nazi-fascist tendencies. These also include greater knowledge of the phenomenon, awareness-raising campaigns, inter-institutional working groups against all forms of online and offline hatred, as well as specialisation in investigations of this type by law enforcement (particularly the Postal Police) and the judiciary.

Training therefore constitutes an aspect of central importance to culturally and juridically examine the phenomenon. Certainly the spread of the IHRA definition cannot but facilitate the development of knowledge and professionalism in this area. As is known, magistrates must participate in continuing professional development, also by taking courses organised by the School for the Judiciary.

Indeed, magistrates can choose to take specific training on hate crimes (in 2020, a course is planned - only at central level - on freedom of expression and hate speech and another course on anti-discrimination law; in 2018, at the suggestion of the Ministry, a special course dedicated to criminal provisions on Neo-fascism, denialism and hate crimes was established).

## 5. Ministry of the Interior

GUIDANCE:

**Adopt/use the IHRA definition and the proposed examples/indicators in training law enforcement.**

**Develop training initiatives for law enforcement personnel which include a specific focus on antisemitism in which the WDA and the aggregate examples/indicators presented in the Report are used, alongside the prejudice indicators based on the OSCE definition<sup>1</sup> to support the law enforcement official in identifying the antisemitic nature of a crime, also on the basis of the OSCAD publication “When hate becomes a crime” (on preventing and combating hate crimes) and the “Brief guide to Judaism for law enforcement officials” (created by OSCAD and UCEI).**

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<sup>1</sup> “Objective facts, circumstances, or patterns attending a criminal act(s), which, standing alone or in conjunction with other facts or circumstances, suggest that the offender’s actions were motivated, in whole or in part, by any form of bias.”

**Produce a periodic report on the monitoring and combating of antisemitism which, in view of an overall improvement of statistics on this phenomenon, will be further reinforced, through actions intended to obtain:**

- **the breakdown “by areas” of data on hate crimes and, therefore, specific evidence of cases with the presence of antisemitic discriminatory purposes;**
- **the continuation of interforce data collection already initiated by OSCAD in 2019 on the basis of OSCE indicators, in order to set up over time a single system for the registration of antisemitic crimes;**
- **the optimisation of systems for exchanging data between OSCAD, UCEI, CDEC and Jewish communities active since 2019, in order to share not only cases constituting crimes, but also episodes (relating to both the real and the virtual world) which, although they do not rise to the level of crimes, require close monitoring due to the concrete risk of escalation to more serious acts, or “hate incidents”.**

Current regulatory and structural limits make it impossible to extract official data on antisemitic crimes. Furthermore, discrepancies between data collection methods make it difficult to identify hate crime trends and compare them with other countries. The cataloguing of antisemitic crimes has as its prerequisite specific law enforcement training and a modification of the computer system for entering them to identify elements that are often not easy to determine

However, OSCAD has already started to implement best practices<sup>2</sup> which have made it possible to provide interforce data, broken down by crime type<sup>3</sup>, evidently improving data quality with respect to those provided to the FRA<sup>4</sup> in previous years. See FRA *Overview of antisemitic incidents recorded in the European Union 2009-2019*. In order to improve the capacity of law enforcement officials to recognise the antisemitic nature of a crime, it is also possible to use the online module on antisemitic bias indicators created as part of the long-term project “Facing All the Facts”<sup>5</sup> (2016-2019) – funded by the EU, in which OSCAD was a partner.

Furthermore, the use of the examples/indicators of the WDA definition, alongside the OSCE ones, already initiated in the OSCAD-UCEI tailoring process, will contribute to making actions and practices more systematic and consistent throughout the country.

## **6. World of media and culture**

### **6.1 Social network platforms** (Facebook, Twitter, Google, Instagram, YouTube, Tik Tok etc.)

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<sup>2</sup><https://www.interno.gov.it/it/ministero/osservatori/osservatorio-sicurezza-contro-atti-discriminatori-oscad> .

<sup>3</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-antisemitism-overview-2009-2019\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-antisemitism-overview-2009-2019_en.pdf) .

<sup>4</sup> EU Fundamental Rights Agency.

<sup>5</sup> <https://www.facingfacts.eu/connecting-on-hate-crime/>.

GUIDANCE:

**Adopt/use the IHRA definition and the proposed examples/indicators as criteria for identifying expressions of antisemitism and hate speech online and as an instrument of knowledge to be spread online to combat the phenomenon.**

**Add to the initial conditions that users need to accept to register on the platform the commitment to avoiding all forms of antisemitic discrimination, including denial or trivialisation of the Shoah, raising awareness with respect to the criminal and other consequences of such conduct.**

*6.2 Italian Communications Authority (AGCOM)*

GUIDANCE:

**Supervise the communication system to prevent and combat all forms of antisemitism in light of the IHRA definition of antisemitism.**

*6.3 Italian National Press Federation and National Order of Journalists*

GUIDANCE:

**Organise regular, periodic training activities for communicators/journalists on the topics of antisemitism and methods of communication inspired by the examples/indicators contained in the IHRA definition and this document and by pertinent studies and research.**

**Adopt Recommendations analogous to the “International Federation of Journalists Guidelines for Reporting on Violence Against Women” also for information on episodes of antisemitism and the Shoah.**

#### 6.4 *Public and private radio/television system*

GUIDANCE:

**Adopt/use the definition of antisemitism and the examples/indicators as criteria to identify expressions of antisemitism and ensure non-discrimination and fight against expressions of hate in all forms of communications**

**Modify the TUSMAR (*Italian Legislative Decree no. 177 of 31 July 2005 - “Consolidated Radio and Television Law”*) to include an explicit reference to antisemitism and strengthen the Authority’s action in terms of imposing penalties.**

Proposed amendments:

#### **Art. 3 (Fundamental principles)**

1. The fundamental principles of the radio/television system are guaranteeing freedom and pluralism in means of radio/television communication, protecting the freedom of expression of every individual, including freedom of opinion and that of receiving or communicating information or ideas with no limits of borders, objectivity, comprehensiveness, fairness and impartiality of information, opening to various opinions and political tendencies **and various social, cultural and religious identities as well as** safeguarding ethnic diversity and cultural, artistic and environmental heritage, at national and local level, **the civic historical memory of the country in combating antisemitism and expressions of hate towards groups subject to discrimination and their members**, with respect for freedom and rights, in particular personal dignity, the promotion and protection of well-being, the health and harmonious physical, mental and moral development of minors, guaranteed by the Constitution, by EU law and by international regulations in force in the Italian legal system as well as state and regional laws.

#### **Art. 10 (Responsibilities on radio/television of the Italian Communications Authority)**

1. In exercising the duties assigned to it by law, the Authority ensures respect for the fundamental rights of individuals **and, through a dedicated Regulation, combats expressions of hate or those which are in any event harmful to personal dignity** in the communications sector, including on radio and television, **as defined in agreement with the Order of Journalists.**

2. On radio and television, the Authority exercises the responsibilities referred to in the terms of this

consolidated law, as well as those included within the functions and duties assigned by regulations in force, even if not transposed in the consolidated law and, in particular, the responsibilities pursuant to Law no. 223 of 6 August 1990, Law no. 481 of 14 November 1995 and Law no. 249 of 31 July 1997.

#### **Art. 45 (Definition of duties of the general public radio/television service)**

1. The general public radio/television service is assigned under concession to a joint stock company which, in compliance with the principles pursuant to article 7, provides it on the basis of a national service agreement entered into with the Ministry and regional service agreements and, for the autonomous provinces of Trento and Bolzano, provincial service agreements, which identify the rights and obligations of the assignee. These agreements are renewed every three years.

2. The general public radio/television service, pursuant to article 7, paragraph 4, in any event guarantees:

- a) the broadcasting of all public service radio and television transmissions of the assignee company with full coverage of the entire country, insofar as is permitted by current science and technology;
- b) an adequate number of hours of radio and television broadcasts devoted to education, information, instruction and cultural promotion, particularly with regard to the promotion of theatrical, cinematographic, television, including in original language, and musical works recognised as meeting high artistic standards or as highly innovative; this number of hours is defined every three years by resolution of the Authority; entertainment broadcasts for minors are excluded from this calculation of hours;
- c) an adequate number of hours of radio and television broadcasts devoted to education, information, instruction and cultural promotion in relation to the promotion of the civic historical memory of the country, combating antisemitism and, in general, expressions of hatred addressed to discriminated groups and their members or in any event detrimental to personal dignity.**

#### **Art. 51 (Sanctions under the responsibility of the Authority)**

1. According to procedures laid out in its own regulation, the Authority imposes sanctions due to the breach of obligations on radio/television programming, advertising and content, and in particular those set forth in:

**xxx) the regulation relating to combating expressions of hatred or in any event harmful or detrimental to personal dignity pursuant to art. 3 and art. 10;**

- a) provisions for the issue of concessions for private television broadcasting on terrestrial frequencies adopted by the Authority by its own regulation, including the programming commitments assumed with the concession request;
- b) the regulation relating to digital terrestrial broadcasting, approved by Authority resolution no. 435/01/CONS, relating to content providers;

c) the provisions on advertising, sponsorships and television sales pursuant to articles 4, paragraph 1, letters c) and d), 37, 38, 39 and 40 of Ministerial Decree no. 581 of 9 December 1993 of the Ministry of Post Offices and Telecommunications, and the regulations of the Authority;

d) article 20, paragraphs 4 and 5 of Law no. 223 of 6 August 1990, as well as the regulations of the Authority, relating to the recording of programmes;

e) the provision relating to the failure to meet the obligation of broadcasting public communication messages, pursuant to article 33;

GUIDANCE:

**Regularly involve the Order of Journalists and the Italian National Press Federation in permanent training initiatives on the fight against antisemitism and all forms of hate speech, also based on the sector's 'Charter of Assisi'.**

**Develop institutional communication campaigns on the topic based on public service radio/television channels.**

#### **7. Ministry of Cultural Heritage and Activities and Tourism**

GUIDANCE:

**Promote places of culture and remembrance in Italy and knowledge of the Jewish culture in the Italian museum system in order to fight against antisemitism.**

#### **8. World of religions**

GUIDANCE:

**Develop increasingly intense dialogue between religions and faiths, like that which was already initiated between Catholics and Jews after the Second Vatican Council, to combat all forms of intolerance and rejection and understand the valuable reciprocal contributions.**

**Support dialogue and friendship between groups, associations and communities that work for better knowledge and exchange between Jews and Christians and with other religions.**

**Foster cultural relationships between ecclesiastic cultural centres, universities and faculties, non-denominational universities and cultural centres and Jewish institutions on knowledge of Judaism.**

**Support the actions of the CEI - Episcopal Conference of Italy to revise the texts used to teach the Catholic religion in primary and secondary schools.**

The textbooks used for teaching the Catholic religion need to be revised to remove interpretations, especially Biblical as well as historical, which contain elements that lead to anti-Judaism, based on the actions already carried out by the CEI Conference of Bishops for ecumenism and inter-religious dialogue.

#### **10. Associations, professional orders, world of sports and NGOs**

GUIDANCE:

**Adopt/use the IHRA definition and the examples/indicators as criteria for identifying expressions of antisemitism, particularly in training and in association activities.**

**Include the IHRA definition in the Regulations and codes of ethics of the Italian Olympic Committee and the Italian Football Federation and sports federations, also as part of the activities of the UNAR National Observatory against discrimination in sport. Promote occasions for training and knowledge of the phenomenon of antisemitism.**