

# Victim Support Europe Contribution

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STRATEGY ON COMBATING ANTISEMITISM AND  
FOSTERING JEWISH LIFE IN THE EU



## About Victim Support Europe

Victim Support Europe (VSE) is the leading European umbrella organization advocating on behalf of all victims of crime, no matter what the crime, no matter who the victim is. VSE represents 61 national member organisations, providing support and information services to more than 2 million people affected by crime every year in 31 countries.

Founded in 1990, VSE has been working for almost 30 years for a Europe, and a world, where all victims have strong victims' rights and services, whether they report the crime or not. We work towards this mission through advocacy to improve EU and international laws, through research and knowledge development and through capacity building at the national and local level.

## Introduction

More than seventy years after the end of World War II, anti-Semitism is still alive in Europe, in forms from conspiracy theories to discrimination, hate crime and terrorism. Since the late 1990s, high numbers of anti-Semitic incidents have been recorded: Jewish and non-Jewish individuals, their property and religious institutions have been targeted all across Europe<sup>1</sup>. According to the FRA survey from 2018 on experiences and perception of anti-Semitism, 9 in 10 respondents felt that anti-Semitism increased in their country in the five years before the survey; more than 8 in 10 considered it to be a serious problem<sup>2</sup>.

**The Jewish community is particularly victim of hate crime and terrorist extremism.** Anti-Semitic incidents and hate crimes violate fundamental rights, especially the right to human dignity, the right to equality of treatment and the freedom of thought, conscience and religion. The **very low reporting and recording rates of discrimination, hate crimes and violence against the Jewish community**, combined with their apparent normalisation, highlight the need for the EU and Member States to act now.

Every victim of crime is different and is affected differently. There are many factors that can influence the impact of victimisation, including: the type of incident, a person's previous experience with crime, the existence of social support circles, and the level of resilience. Anti-Semitic crimes can also affect the broader community and can therefore experience fear and feel at risk of future attacks<sup>3</sup>.

The specific impacts of anti-Semitism crimes result in common types of needs among hate crime victims: recognition and respectful treatment, support, protection and access to justice. **Addressing and understanding these needs is critical to correctly responding to anti-Semitism crime and countering their damaging impact for victims.**

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<sup>1</sup> Addressing Anti-Semitism: Why and How? A Guide for Educators, December 2007, OSCE/ODHIR, available online: <https://www.jewishedproject.org/sites/default/files/2017-01/Addressing%20Anti-Semitism%20-%20Guide%20for%20Educators.pdf>

<sup>2</sup> Experiences and perceptions of antisemitism, Second survey on discrimination and hate crime against Jews in the EU, 2018, FRA, available online: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf)

<sup>3</sup> Understanding the Needs of Hate Crime Victims, OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2017, available online: <https://www.osce.org/files/f/documents/0/5/463011.pdf>

VSE welcomes the adoption of the first-ever EU Strategy on combating anti-Semitism and fostering Jewish life in the EU. **It is crucial that this Strategy includes in its priorities support to victims of anti-Semitism and access to justice.**

Antisemitism is a complex phenomenon and needs a holistic response across policy areas. The Strategy should be developed in conjunction with the recently adopted Victims' Rights Strategy, the Gender Equality Strategy and other relevant EU Strategies and legislations related to victims of crime. The **diversity of culture, background and social networks within the Jewish community** must also be taken into account in the Strategy.

VSE has identified the following elements as **priorities** to be taken into account when developing the upcoming strategy:

- Ensure the **effective implementation and enforcement of existing laws and mechanisms** (e.g. 2008 Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law and the 2012 Victims' Rights Directive);
- **Increase prevention activities** by developing innovative education and awareness raising programmes for both children and adults,
- **Encourage and assist victims to come forward** by developing multiple and innovative channels to report crime and reach victim support services (e.g. online, anonymous) and ensuring regular and **effective training** of professionals in contact with victims;
- Improve the **collection of disaggregated data** related to hate crime and anti-Semitism;
- Ensure **access to support**, including by the creation of a specific EU funding programme for the establishment and funding of 116 006 helplines in EU Member States;
- Ensure **safe access to justice** and participation in criminal proceedings;
- Ensure **victims are protected** against secondary victimisation and that security protocols are in place to protect the Jewish community and buildings;
- **Ensure remembrance** of victims and victims-centered organisation of memorials for victims of anti-Semitic terrorist attacks.

## I. Full and effective implementation of EU legislations

Anti-Semitism and hate crime have a significant impact on thousands of victims in Europe. The EU has acknowledged this and has adopted a number of EU laws relevant to victims' rights<sup>4</sup>. Despite wide ranging legislation, **many of these rights are not operational or are far from accessible and well-functioning**. It is therefore critical that **the existing laws are fully and effectively implemented**, in particular the Framework Decision on combating racism and xenophobia by means of criminal law and the Victims' Rights Directive. While specific EU and national actions are needed to combat anti-Semitism and support

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<sup>4</sup> In particular: Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, Council Directive 2004/80/EC relating to compensation to crime victims, Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin prohibits ethnic discrimination, Directive (EU) 2017/541 on combating terrorism, ...

its victims, **policies that combine actions for all victims and specialised responses should also be prioritised.**

This first priority is critical to ensure victims' access to their rights under EU law. An important step is to **assess the legal transposition and practical implementation of EU legislation related to victims and identify actions to reduce gaps and improve implementation.** To be successful, this also requires setting out best practices and determining where legislation is not sufficiently clear to achieve objectives and how such legislation needs to be amended.

Importantly, implementation must also be examined from the perspective of specific groups of victims. In this case, the **Anti-Semitism Strategy should establish as a priority an analysis of how EU Victims laws are implemented having in mind the situation of victims of anti-Semitism,** how such implementation should be adapted to address their needs and whether the current legislation sufficient reflects and addresses such needs.

**VSE recommendations:**

- VSE calls on the European Commission to ensure that all Member States fully transpose the Victims' Rights Directive having in mind the specific situation of victims of anti-Semitism, and enforce the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law;
- VSE calls on the European Commission to continue action against States still infringing on the transposition of EU obligations;
- VSE calls on the European Commission to carry out a thorough assessment of the implementation of the Victims' Rights Directive, having in mind the specific situation of victims of anti-Semitism, to determine which States are in practice compliant with legislation and which ones are not.

## II. Mainstreaming victims' issues in the EU Strategy on combating anti-Semitism and fostering Jewish life in the EU

VSE notes that the current objectives established in the Roadmap do not provide an adequate recognition of the **importance of responding to the impacts of anti-Semitism.** The response to anti-Semitism is not sufficient or comprehensive if the focus is solely on prevention, combating and law enforcement action. It is essential that any Strategy responding to any form of hate, discrimination or crime should clearly articulate as a priority **assistance to victims, care of victims and their recovery.**

The mainstreaming of victims' needs and issues in all EU policy areas is paramount in ensuring that **all victims of all crimes,** including victims of anti-Semitism, **are recognised, respected, protected, receive the appropriate support, and safely access justice and compensation.** Support to victims needs to be an integral part of the European and national response to anti-Semitism, and of the upcoming EU Strategy on combating anti-Semitism and fostering Jewish life in the EU.

## A. Recognition as a victim and respectful treatment

**Anti-Semitic crimes have a very low level of reporting<sup>5</sup>. This is due to a variety of reasons** such as lack of trust in authorities, an expectation that nothing will happen or the report won't be taken seriously, or they may fear further victimisation by the offender or even police officers. Victims are therefore not and have less opportunity to reach support services. Underreporting also has consequences for the data recording of hate crime and anti-Semitic crimes.

There is a significant **lack of victim relevant statistics in the EU**. For too long the absence of data has been used to argue that no action is necessary. Data are crucial to understand where the gaps are and whether the actions taken are effective or not. Whilst such data collection is the responsibility of the Member States, **the EU should explore ways to encourage comparable data collection in the field including through Eurostat mechanisms**. The EU should also explore the extent to which **EU agencies such as the FRA and EIGE can gather data on anti-Semitism and the experience of victims**, as well as ensuring funding priorities for research and data collection.

In addition, the **absence of an agreed definition of anti-Semitism by all countries in Europe and around the world greatly inhibits a coherent response to its fight**. The working definition of anti-Semitism of the International Holocaust Remembrance Alliance (IHRA) is well recognised at the international level. VSE encourages the European Commission to start discussions to agree on a single definition of anti-Semitism using the IHRA working definition as a starting point.

In order to better recognise victims and allow them to safely report the crime, an **enabling environment for people to speak out is needed**. Reporting an anti-Semitic crime should be facilitated by the possibility of reporting the crime anonymously, online or by third parties for example. Authorities need to ensure that they treat anyone who's coming in to report a crime with respect by listening to their story and avoiding any biased discourse. The creation of specialised police units or liaison officers can be good practices to put in place to maximise the outreach and reporting rate. Victims may also first turn to support organisations run by civil society or their community to be assisted to report a crime, this is why secure channels of communication and referral between these services and law enforcement should be facilitated.

For those who report the crime, **many face secondary victimisation both inside and outside the justice system, and by society itself** – due to lack of knowledge and understanding, lack of protection, poor treatment, and lack of co-ordinated efforts. A fundamental shift in attitudes particularly amongst law enforcement and justice officials but also across society as a whole is therefore required. All professionals that might enter in contact with victims should receive **appropriate training that include core skills equally applicable to all victims of crime**, to enable them to recognise signs of victimisation, understand

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<sup>5</sup> “only half (49 %) of the respondents who were victims of anti-Semitic physical violence in the five years preceding the survey reported this to the police or any other organisation. The great majority (79 %) of victims of anti-Semitic harassment never reported the most serious incident to the police or any other organisation. Meanwhile, 7 % of victims of harassment reported the most serious incident to the police, 9 % reported it to other organisations, and a further 4 % reported the case both to the police and to another organisation Experiences and perceptions of antisemitism”, Second survey on discrimination and hate crime against Jews in the EU, 2018, FRA, <https://fra.europa.eu/en/publication/2018/experiences-and-perceptions-antisemitism-second-survey-discrimination-and-hate>

victims' needs, the impact of crime and trauma and learn basic empathy skills and victim sensitive communication. In addition, a **specialist training focusing on anti-Semitism acts** should be provided, focusing on understanding the vulnerability and specific needs of these victims, understanding the different forms of violence and the means and methods used by offenders, as well as specific gender-sensitive and children-sensitive communication skills.

As of today, a **cultural change is still needed** in order to improve the government and societal response to anti-Semitism as well as to improve the ability of victims to cope and become part of resilient societies. This can in part be addressed through **education programmes and awareness-raising activities**, both for children and adults. In schools, it is fundamental that the EU supports the further development of education programmes that sensitise children on hate issues, dignity and respect. This mean not only learning about equality, diversity and more but also learning about engaging in discussions in non-violent, respectful ways – recognising that different people do and can have different opinions in a democracy.

To improve understanding and empathy towards victims and what to do in such situation, education should also cover issues such as **risks of victimisation, its impact, where and how to get help and support, how to help others and how develop resilience in the face of trauma and victimisation.**

#### **VSE Recommendations:**

- The Strategy needs to reflect the EU Strategy on victims' rights 2020-2025 and ensure that victims of anti-Semitic acts are recognised and treated as a vulnerable group with specific needs.
- The Strategy should prioritise actions to improve the identification of victims of anti-Semitism, facilitate the reporting of crime and the fully disaggregated recording of incidents and reports.
- The Strategy should prioritise the collection of data on the scale of anti-Semitic incidents as well as criminal proceedings data such as the rate of investigation, prosecution, convictions and on the enjoyment of victims' rights within proceedings e.g. the extent to which victims of A-S are informed of their rights, offered protection measures as vulnerable victims, appeal decisions to not prosecute.
- The Strategy should promote and encourage awareness raising activities and education programmes about victimisation and its impact and victim support;
- The Strategy should encourage the EU to develop a harmonised definition of anti-Semitism
- The Strategy should ensure all professionals in contact with victims of anti-Semitism receive appropriate training on victimisation and specific needs of these victims.

## **B. Generic and specialised support**

For those who are identified as victims and require support, in many EU countries **generic and specialised victim support services do not exist or are insufficient, are not accessible or are not of a high quality.** In many instances, victims are not aware of the existence of victim support structures and the services they provide. The consequence being that many victims are not able to cope and recover from the trauma.

Member States should work together with civil society organisations to **establish generic and specialist victim support services in all EU Member States**. A broad geographical coverage of the service, if not national, is crucial to ensure that as much victims as possible can access the service.

The services should also be **available via different channels** such as face to face, online (chat, emails, text messages), and helplines. In particular, the 116 006 helplines supporting victims of all crimes should be supported in all Member States, and the **establishment and funding of the 116 006 helplines** should be a priority under the Strategy. While Member States should ensure that sufficient funding is available for the establishment of the helplines, the running and the publicity of the services, the EU must create specific funding to support Member States to that end.

Support mechanisms should be **adapted to the needs of different groups**, and in particular the Jewish community. This means taking into account cultural and religious needs. It is important that professionals in contact with victims receive the appropriate **training about the specificities of anti-Semitic acts and how to best support victims**. Specialist support should be combined with generic services to take into account the specific needs of victims of anti-Semitism. Where appropriate, separate **specialised support services should also exist specifically for victims of anti-Semitism** or the most common crimes they face including effective response after terrorist attacks.

Acknowledging the **cultural and religious diversity within the Jewish community** it is also important to enable a collaborative working environment between the Jewish community and victim support organisations. Member States need to ensure that Jewish victims can reach out to support services, build resilience in their community, and help victim support organisations better understand the particular needs of the Jewish community.

**Cooperation between State authorities and civil society to deliver services in unison should be developed and improved**. While there are some needs of victims which can only be delivered by the State (e.g. justice or protection), there is a range of other needs that can be better catered through a collaboration between different actors for the benefit of all victims. Given their expertise on victimization, the impact of crime and trauma and their flexibility, civil society that is closer to the Jewish community tend to be better placed than governmental bodies to deliver a high quality of service for victims, refer them to the right services and coordinate with other stakeholders.

Ensuring that victims receive a high quality support also means putting in place **efficient referral mechanisms** between police and victim support organisations and **improve cooperation and networking between different actors**: This system must ensure that all services from all sectors, such as the justice and private sectors, the societal services (social services, medical care...) and law enforcement are included in a network of victim support services and integrate victim-centred policies and priorities. Victims must receive the appropriate information to decide what the best option is for them (e.g. to report the crime).

**VSE recommendations:**

- The Strategy should ensure that all EU Member States have available and accessible victim support services for all victims, including victims of anti-Semitic acts;
- The Strategy should prioritise the implementation and funding, at the EU and national level, of 116 006 helplines in all EU Member States;

- The Strategy should encourage actions to develop referral mechanisms between police and victim support services;
- The Strategy should encourage cooperation and networking between different actors (justice, law enforcement, societal services, support services, Jewish community...)
- The Strategy should prioritise actions to build resilient society, such as awareness raising activities, engagement and discussion with the Jewish community, etc.

### C. Protection and participation in criminal proceedings

Accessing justice remains a core issue for victims of crime. An important number of victims of crime are still denied access to justice, and when they do, their experience can be traumatic, leading to secondary victimisation and increasing the length or intensity of the trauma. **Individual needs assessment and taking into account the personal characteristics and situations** of the victims of anti-Semitic crime are crucial to ensure that victims' dignity and respectful treatment are guaranteed at each stages of the proceedings. It also requires that the specificities of the crime and needs of Jewish victims are taken into account – including for example their ability to attend interviews or hearings on religious holidays. The differences within the Jewish community itself needs to be taken into account and acknowledged, such as the fact that someone cannot be in the same room as a person of the opposite sex. In some cases, the role of the community leader or spiritual leader is crucial to interact with members of the community

Good practices such as timely and personalised communication, appropriate training of professionals in contact with victims, access to support and protection measures need to be in place to ensure **victims of anti-Semitism benefit from a safe access to justice**.

In addition, the use of **new technologies and innovative practices should be supported to** better support the implementation of victims' rights and specific needs. The actions and work of the Security and Crisis Center by EJC is a good example of the use of new technology to combat anti-Semitism acts and assist Jewish community in Europe<sup>6</sup>.

#### **VSE recommendations:**

- The Strategy should prioritise actions to improve Member States' justice systems in a victim-centric manner
- The Strategy should engage research focusing on victims' experience within criminal proceedings, the causes of secondary victimisation and adopt measures to tackle the identified causes.

### D. Fight against online hate speech

Research show that online hate speech continues to increase<sup>7</sup>. For example, a study of French and German online content comparing the first two months of 2020 with the first two of 2021, show an increase in

<sup>6</sup> <https://sacc-ejc.org/about-us/>

<sup>7</sup> A Eurobarometer conducted in 2016 showed that almost half of the people that participate in online discussions hesitate to engage in online debates because of hate and threats: <https://ec.europa.eu/digital-single-market/en/news/media-pluralism-and-democracy-special-eurobarometer-452>



anti-Semitic content on Twitter, Facebook and Telegram<sup>8</sup>. The easy access of social media and the rapid spread of disinformation combined with the failure of social media platforms to quickly address and take down illegal content make the fight against online hate speech even harder to combat; and to support its victims.

**Better cooperation with IT companies and social media platforms** should be prioritised to ensure a timely review and if necessary remove of illegal hate speech content. Social media platform should facilitate the **flagging and reporting of illegal content by its users**. From an early age, children should learn about the risks linked to internet and online platforms to avoid any risk of victimisation, and encourage them to report any illegal content.

In addition, **the role of Artificial Intelligence in countering anti-Semitism online should be fully recognised** in the Strategy with solutions explored to address the fact that algorithms create echo chambers for extremists, taking people on a path of ever more extreme content. At the same time, innovative solutions using Artificial Intelligence and other technologies should be supported through EU priorities and funding, to help counter racist narratives, bring down inappropriate content and promote positive messages.

VSE Recommendations:

- Cooperation with IT companies and social media platform to review and remove illegal online content in a timely manner;
- Any actions should be aligned with the White Paper on artificial intelligence and ensure that artificial intelligence does not reinforce biases and is effectively used to detect among others, anti-Semitic content, both in text and images

#### E. Remembrance and memorial of victims of anti-Semitic terrorist attacks

Recent terror attacks in Halle (Germany), Jewish Museum in Brussels (Belgium), Hyper Casher (Paris) reflect the increasing hate and violence against the Jewish community. **Victims of these terrorist acts have specific rights and needs** that should be addressed by the authorities, including the need for respect and recognition.

In the days after an attack, governments, communities and organisations are involved with the immediate needs of those affected. Spontaneous memorials, usually in the form of flowers and messages, often take place as people feel the need to come together in solidarity and recognition of the victims. However, plans to organise formal commemoration of the attack and its victims should soon be developed involving different stakeholders with converging needs<sup>9</sup>.

**The wishes of victims and family members should be at the centre of any memorial event;** political, financial and practical arguments should be secondary to the victims' ideas, wishes and concerns. The memorial event can be very difficult and emotional for victims: it is therefore important to ensure it is

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<sup>8</sup> The rise of antisemitism online during the pandemic, A study of French and German content, 2021, Institute for Strategic Dialogue, available online: <https://op.europa.eu/en/publication-detail/-/publication/d73c833f-c34c-11eb-a925-01aa75ed71a1/language-en>

<sup>9</sup> Remembering victims of terrorism : a guidance document, 2019, Victim Support Europe, available online: [https://victim-support.eu/wp-content/files\\_mf/1553332194Guidancedocumentmemorials.pdf](https://victim-support.eu/wp-content/files_mf/1553332194Guidancedocumentmemorials.pdf)

victim-sensitive and honours victims in a respectful way. It is essential that there is **genuine consultation of and participation by victims and family members in the organisation of memorials events.**

**VSE Recommendations:**

- The Strategy should ensure that the organisation of memorial and remembrance events take into account victims and families’ needs and choices and that they are part of the decision making process

### III. Better incorporate and reflect victims’ issues in other EU policies

Ensuring appropriate mainstreaming of victims’ rights policy, including anti-Semitism, into all other victims’ related policies is crucial. **Many different aspects of the life of the individual will be impacted after a victimisation.** It is insufficient to only improve the way in which victims are supported in the justice system, all sectors of life should be addressed such as the health system, the education system, the work place, etc.

Not only is such an approach critical to achieving specific victim objectives, but those same actions are fundamental to achieving broader social welfare and economic objectives as set out under the Sustainable Development Goals. Notably there are at **least 7 SDGs which prima facie would benefit from victim focused interventions:**

SDGs	Relation to victims’ field
<b>SDG 1 - No poverty</b>	Better recovery improves work and life results. Individuals with low incomes are amongst the most vulnerable to crime and to its impacts
<b>SDG 3 - Health</b>	Addressing the psychological impact of crime on victims (direct and indirect) will improve health outcomes. Direct action on resilience and recovery is relevant for the health of society in general.
<b>SDG 4 - Quality education</b>	Victimisation has a significant impact on education outcomes. Education offers opportunities to address crime and its impacts and should be consider from primary school through to lifelong learning.
<b>SDG 5 - Gender equality</b>	Core aspect of Gender based violence, also individualised responses which reflect gender issues e.g. different needs of female victims in court
<b>SDG 8 - Decent work and economic growth</b>	Private sector has a critical role in developing solutions to help victims, including safety in the work place – harassment etc., victim oriented work place (identifying if staff are victims and responding correctly), private sector identifying criminality (e.g. hotels trained to identify trafficking)
<b>SDG 10 - Reduced Inequality</b>	Different impacts of crime on different communities, ensuring inclusive responses
<b>SDG 16 - Peace, justice and strong institutions</b>	Formal and informal justice for victims, building communities, improving victim focused institutions

Such mainstreaming will require that each policy area actively considers **how victim's issues should be reflected and explicitly named in policy actions, laws, and funding programmes**. To support this, officials working in those fields should receive relevant training to understand better the victims' field.

In addition, the Victim Rights' Strategy highlighted a commitment to the **EU's global leadership role in promoting high international standards for victims' rights**. International engagement on victim's issues should include priorities related to hate crime and discrimination in particular with respect to anti-Semitism – with a view to improving the general and specific way that countries assist victims of crime and discrimination.

VSE Recommendations:

- The Strategy should encourage the mainstreaming of victims' issues and the fight against anti-Semitism in all EU policies
- The Strategy should include priorities around hate crime and discrimination in the relation of the EU with third countries