

Executive Decision Report

Formal adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of anti-semitism

Decision to be taken by: City Mayor

Decision to be taken on: 29th August 2017

Lead director: Miranda Cannon



City Mayor

Useful information

- Ward(s) affected:
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- Report version number: 2

1. Summary

The purpose of this report is to provide information about the International Holocaust Remembrance Alliance (IHRA) and the working definition used by the IHRA of anti-semitism, with the recommendation that Leicester City Council formally adopts the definition.

2. Recommendations

It is recommended that the decision maker, having considered the possible implications, agree that the IHRA definition of anti-semitism as follows;
“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.” is formally adopted by Leicester City Council.

3. Supporting information including options considered:

The International Holocaust Remembrance Alliance (IHRA) is an intergovernmental body. The IHRA's aim is to gain political and social leaders' support for the need for Holocaust remembrance, education and research.

IHRA (which was formerly known as the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, or ITF) was first instigated by the former Swedish Prime Minister Göran Persson, in 1998. His aim was to establish an international organization that would expand Holocaust education worldwide and to hold an international forum of governments interested in discussing Holocaust education. The Forum, which took place in January 2000, was attended by the representatives of 46 governments. The Declaration of the Stockholm International Forum on the Holocaust, a declaration which seeks to recognise the magnitude of impact that the Holocaust had and which contains pledges to strengthen efforts to promote remembrance, education and research, was the outcome of the Forum's discussions and is the foundation of the International Holocaust Remembrance Alliance.

IHRA has 31 member countries, of which the United Kingdom is one. There are also eleven observer countries and seven Permanent International Partners. Any democratic country is able to become a member. Members must be committed to the

Stockholm Declaration and to the application of national policies and programs in support of Holocaust education, remembrance, and research.

On 26 May 2016, the IHRA decided to adopt a non-legally binding working definition of antisemitism during their plenary meetings in Bucharest. The IHRA working definition is as follows:

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

To guide the IHRA in its work, a number of examples were collated to serve as illustrations. The press release from the Romanian Chairmanship 2016, which includes these examples, is attached as Appendix A.

The UK government has adopted the working definition of the IHRA which has subsequently been adopted by Jeremy Corbyn and the Labour Party, the London Assembly, the Greater Manchester Combined Authority and local authorities including Harrow, Hertsmere, Camden and Barnet.

The Community Security Trust, a Jewish security charity which runs an incident hotline, recorded 1,168 anti-Semitic incidents against Britain’s 291,000 Jews in 2014, against 535 in 2013 and 25% up on the previous record in 2009. The benefits of adopting a working definition of anti-Semitism are that it sets an example of responsible conduct and allows complaints and reports of hate crime to be handled uniformly, objectively and accountably. In addition, the absence of adoption of an accepted definition of antisemitism means that there is a possibility that public funding could be wasted on dealing with complaints from the general public which, if a definition were available, might not have been submitted. It may be seen as a tool to support the aim of tackling antisemitism, through coordinated international political action.

The IHRA definition is supported by the major representative bodies of the Jewish Community, including the Board of Deputies of British Jews, the Jewish Leadership Council and the European Jewish Congress.

4. Details of Scrutiny

N/A

5. Financial, legal and other implications

5.1 Financial implications

No significant financial implications are expected to arise from this report

Colin Sharpe, Head of Finance, ext. 37 4081

5.2 Legal implications

It is not unlawful for the City Council to adopt the IHRA working definition. The following points are however worthy of note:

- The working definition does not purport to be a legal definition. It is too imprecise to achieve such a purpose. It is therefore right to say that conduct which falls within the definition does not, without more, comprise illegal activity.
- Insofar as the Council 'adopts' the definition it is important to interpret it in a manner which is consistent with (binding) legal duties, most notably not to interfere with the Article 10 right to freedom of expression enshrined in the European Convention on Human Rights. Article 10 does not permit the prohibition or sanctioning of speech save for in limited circumstances.

Kamal Adatia, City Barrister, extn 1401

5.3 Climate Change and Carbon Reduction implications

There are no climate change implications arising from the recommendation in this report.

5.4 Equalities Implications

The Community Security Trust, a Jewish security charity which runs an incident hotline, recorded 1,168 anti-Semitic incidents against Britain's 291,000 Jews in 2014, against 535 in 2013 and 25% up on the previous record in 2009. The benefits of adopting a working definition of anti-Semitism are that it sets an example of responsible conduct and allows complaints and reports of hate crime to be handled uniformly, objectively and accountably, **meeting the general aim of the Public Sector Equality Duty to eliminate discrimination**. In the context of reporting and recording hate crime, the main benefit is that it helps professionals understand the nature of anti-Semitism, however operationally there would be no need to align the definition to that of the police (in order to ensure consistency), as broader definitions of racially or religiously motivated hate crime are used by the police. Leicestershire Police agree sub regional definitions at the LLR (Leicester, Leicestershire and Rutland) hate/ prevent delivery group.

The College of Policing Hate Crime Operational Guidance p.36 (Guidance attached as Appendix B) provides the European Monitoring Centre on Racism and Xenophobia (EUMC), now the European Union Agency for Fundamental Rights (FRA) definition of anti-semitism as guidance. Upon comparison, the definition used by European Union Agency for Fundamental Rights (FRA) is the same as the IHRA definition. The College of Policing guidance states that the definition of anti-Semitism does not replace the definition of hate crime, contained within their guidance.

The Public Sector Equality Duty includes a responsibility by local authorities to foster good relations, between people who share a protected characteristic and those who do not. Whilst adopting the definition is unlikely to disproportionately disadvantage any

protected characteristic, and does not directly prevent the promotion of understanding between different groups, there are a number of groups, such as Free Speech on Israel, Independent Jewish Voices, Jews for Justice for Palestinians and the Palestine Solidarity Campaign, who have raised concerns about the adoption of the definition. The opposition is namely in relation to the meaning and effect of the IHRA definition and its compatibility with the obligations of public authorities under the Human Rights Act, 1988. As noted in Section 5.2 of this report (which covers the legal implications of the decision) whilst not unlawful for the City Council to adopt the IHRA working definition, it is important to ensure it does not interfere with the Article 10 right to freedom of expression in practise.

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

6. Background information and other papers:

None

7. Summary of appendices:

Appendix A – IHRA working definition guidance

Appendix B – National Hate Crime Operational Guidance, 2014 (see page 36)

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

No

10. If a key decision please explain reason

N/A