

# ACROSS THE WORLD: NATIONAL PLANS AGAINST ANTISEMITISM

In last year's For a Righteous Cause Report, we noted the emerging consensus among governments and intergovernmental organizations regarding the essentiality of confronting antisemitism, preserving the memory of the Holocaust and conserving and developing Jewish heritage and life. One of the important tools offering a framework to mobilize resources, monitor progress, and raise awareness in the fight against antisemitism is developing and implementing national action plans. Such plans have the potential to constitute an important step and proactive response to antisemitism and emphasize a commitment to reducing its manifestations.

In 2023, several more countries published detailed national action plans to combat antisemitism, including the United States, France, Spain, Luxembourg and Latvia, and began working to implement them. Plans are tailored to the needs of each country but share several common foundational objectives, from increasing awareness, education, and understanding of antisemitism to improving safety and security for Jewish communities.

The success of national plans, however, lies in moving from expressing intentions to combat antisemitism to implementing those intentions and translating them into tangible achievements. Indeed, there are a number of challenges and factors that can limit the efficacy of such plans, including lack of political will, inadequate resource allocation, inadequate monitoring and evaluation, lack of legal changes, and changing political landscapes.

In May 2023, the United States released its first comprehensive national strategy to combat antisemitism, outlining actions to be taken by the executive branch, calling for Congress to act, and calling for action by state and local governments and civil society groups and organizations.<sup>1</sup> The new national strategy is based on four pillars: (a) increase awareness of antisemitism and American Jewish heritage; (b) improve safety and security of Jewish communities; (c) reverse the normalization of antisemitism; and (d) build coalitions to fight hate.

The Biden administration's national strategy is the latest effort by the US government to address rising antisemitism, prior to which the Trump, Obama, and Bush administrations and US Congress had developed and advanced a number of federal initiatives. In 2004, for example, President George W. Bush signed the Global Antisemitism Review Act. It established an office of a special envoy to combat antisemitism abroad.<sup>2</sup> The Biden administration elevated this position to an "Ambassador-at-Large" classification in 2021. In 2006, the Bush administration's Department of Education (DOE) issued a guidance under Title VI of the 1964 Civil Rights Act, which prohibits discrimination based on race, color, or national origin in federally-funded

<sup>1</sup> "The US National Strategy to Counter Antisemitism: Key Actions by Pillar," The White House, June 2, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/02/the-u-s-national-strategy-to-counter-antisemitism-key-actions-by-pillar-2/>.

<sup>2</sup> Public Law 108-332, "Global Antisemitism Review Act of 2004," October 16, 2004, <https://www.congress.gov/108/plaws/publ332/PLAW-108publ332.pdf>.

programs, to protect Jewish students from discrimination unless that discrimination was based on religious faith rather than race.<sup>3</sup>

Directives issued under the Obama and Trump administrations, particularly President Trump's 2019 Executive Order 13899 on Combatting Antisemitism, reaffirmed and strengthened the 2006 guidance to enforce with the same vigor Title VI against discrimination rooted in antisemitism as with other forms of discrimination covered by the Act.<sup>4</sup> In recent years, the DOE's Office of Civil Rights (OCR) has opened discrimination investigations at several universities, including the University of Vermont, the University of California-Berkley and the University of Southern California.

Beyond calling on Congress and its members to regularly speak out against antisemitism, the strategy only encourages, but cannot compel, the legislative branch to act in two concrete ways:

- (A) Passing the 2024 budget to fully fund education initiatives (73 million Dollars) and the Department of Homeland Security's Nonprofit Security Grant Program (360 million Dollars), as well as to increase the DOE's OCR budget to 177.6 million Dollars to fund primary and secondary education and to counter antisemitism and discrimination.
- (B) Demanding Congress pass legislation reforming Section 230 of the Communications Decency Act to remove immunity from online platforms and hold social media companies accountable for the content on their platforms. However, at the time the Report went to print, Congress had not yet approved the 2024 budget, only passing a stopgap funding measure to avert a government shutdown. Nor has it passed legislation reforming Section 230 at the time of this writing.<sup>5</sup>

The onus of implementing the strategy largely fell on the executive branch with its numerous agencies, offices, and departments, requiring it to take a number of actions before the end of 2023. Following the publication of the national plan, the DOE launched its "Antisemitism Awareness Campaign," issuing a "Dear Colleague" letter reminding institutions of their obligations under Title VI.<sup>6</sup> The National Science Foundation (NSF), Department of Homeland Security, and National Endowment for the Humanities (NEH) were required to expand resources for education on Jewish history and research on antisemitism. The NEH has thus far issued several calls for applications to fund research on antisemitism.<sup>7</sup>

<sup>3</sup> Kenneth L. Marcus, "Anti-Zionism as Racism: Campus Anti-Semitism and the Civil Rights Act of 1964," *William & Mary Bill of Rights Journal* 15, no. 3 (2007): 837-891.

<sup>4</sup> White House, "Executive Order on Combatting Antisemitism," Trump White House – National Archives, December 11, 2019, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-anti-semitism/>.

<sup>5</sup> "Biden Signs Stopgap Spending Bill to Avert Government Shutdown – White House," *Reuters*, November 17, 2023, <https://www.reuters.com/world/us/uss-biden-signs-stopgap-spending-bill-white-house-says-2023-11-17/>.

<sup>6</sup> Department of Education, "U.S. Department of Education Launches Antisemitism Awareness Campaign," May 25, 2023, <https://www.ed.gov/news/press-releases/us-department-education-launches-antisemitism-awareness-campaign>.

<sup>7</sup> See Collaborative Research Funding Opportunity Number: 20231129-RZ (August 2023) and Funding Opportunity Number: 20231011-DOI-DOC, "Dangers and Opportunities of Technology: Perspectives from the Humanities" (October 2023).

The most significant implementation of the plan was the Biden administration’s extension of the protections of the 1964 Civil Rights Act to include also victims of antisemitism and other religious bigotry to eight other executive departments beyond the Department of Education. Under the instructions, the Departments of Agriculture, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, Treasury, and Transportation will ensure federally funded programs in housing, food programs, and other areas do not discriminate on the basis of religion.<sup>8</sup>

The Biden-led national plan, however, has some weaknesses, especially its failure to adopt a clear definition of antisemitism. While the plan recognizes the IHRA Working Definition of Antisemitism as the “most prominent” definition of antisemitism, it does not officially adopt it as THE definition. It currently acknowledges the merit of others, particularly the Nexus Definition. To be sure, the Trump administration’s 2019 executive order instructing all executive departments and agencies to use the IHRA working definition remains in force. Nevertheless, the failure to affirm its adoption in the national plan, or select another definition to use for that matter, has implications for policy and enforcement, because an operable definition is needed to guide its investigation, assessment, and enforcement of violations.

The French government unveiled in January 2023 its new plan to fight racism, antisemitism and discrimination, building upon the previous plan that was in effect between 2018 and 2020, but failed.<sup>9</sup>

The plan proposed 80 measures based on five pillars:

- (A) Identifying antisemitism and racism.
- (B) Measuring the phenomenon.
- (C) Improving education and training.
- (D) Strengthening penalties for perpetrators.
- (E) Supporting victims.

The plan includes indicators to assess whether it is working and adds important measures, including training teachers and school staff about antisemitism, training police using the IHRA Working Definition of Antisemitism to improve reporting of hate crimes, and making the country’s criminal code for antisemitic and racist offenses more severe.<sup>10</sup>

In the fall of 2023, two members of the French National Assembly proposed a law addressing the latter measure to strengthen the legal response to racist and antisemitic offenses. According to the proposed law, No. 1727, a non-public racist insult will constitute a 5th-class infraction

<sup>8</sup> Ron Kampeas, “Biden Expands Civil Rights Act Protections at 8 Cabinet Departments to Include Antisemitism,” *Jewish Telegraphic Agency*, September 28, 2023, <https://www.jta.org/2023/09/28/politics/biden-tasks-eight-cabinet-departments-with-extending-civil-rights-protections-to-victims-of-antisemitism>.

<sup>9</sup> Robin Richardot, “The Government Presents Its New Plan to Combat Racism and Antisemitism [French],” *Le Monde*, January 29, 2023, [https://www.lemonde.fr/societe/article/2023/01/29/le-gouvernement-presente-son-nouveau-plan-de-lutte-contre-le-racisme-et-l-antisemitisme\\_6159787\\_3224.html](https://www.lemonde.fr/societe/article/2023/01/29/le-gouvernement-presente-son-nouveau-plan-de-lutte-contre-le-racisme-et-l-antisemitisme_6159787_3224.html).

<sup>10</sup> “National Plan Against Racism, Antisemitism, and Discrimination Linked to Origin [French],” French Government, January 30, 2023, <https://www.gouvernement.fr/dossier-de-presse/plan-national-contre-le-racisme-lantisemitisme-et-les-discriminations-liees-a-lorigine>.

entailing a maximum 1,500 Euro fine, while the same public racist insult will be an offense punishable by up to one year in prison and a 45,000 Euro fine.<sup>11</sup> At the time this Report went to print, the law had yet to pass.

In January 2023, Spain's Council of Ministers adopted a seven-year action plan to implement the European Union's (EU) strategy to combat antisemitism.<sup>12</sup> The plan, developed in consultation with Spain's Jewish community, builds upon the integration of aspects of the EU's strategy in the country's legal and administrative systems to better accommodate discrimination against the country's Jewish population.

It aims to provide a more robust response to prevent and combat all forms of antisemitism by increasing resources and improving existing laws on equality and discrimination, promoting Jewish life in the country, and expanding the pedagogy, research, and memory of the Holocaust to combat denialism, distortion, and trivialization. The plan called for the establishment of a working group that would be responsible for its implementation, as well as the establishment of a special commission to monitor that progress is indeed being made.

To date, the effectiveness of Spain's national action plan is debatable. Initially praised by the Spanish Jewish community for its active engagement in formulating the plan, Jewish leaders in the country have expressed their disappointment in the lack of public support for the Jewish community amid the rise in antisemitic incidents in Spain following the October 7 Hamas attack. Moreover, the Spanish government has yet to establish the special commission to monitor the plan's implementation.<sup>13</sup>

Latvia and Luxembourg also adopted national action plans to combat antisemitism based on EU guidance in 2023. Manifestations of antisemitism in Latvia are low and mainly occur online. A key component of the plan there focuses on commemoration and remembrance, particularly of the Holocaust and the role of Latvians in perpetrating it with the Nazis. This is as well as adopting the IHRA working definition as a working tool at the national level.<sup>14</sup> Luxembourg's national action plan, adopted in September 2023, shares the common objectives of enhancing security, fostering Jewish life and countering hate speech. How it will be implemented remains

<sup>11</sup> Shaya Baldassari, "Racist and Antisemitic Comments: A Bill Tabled to Guarantee Prison [French]," *Le Figaro*, September 14, 2023, <https://www.lefigaro.fr/politique/propos-racistes-et-antisemites-une-proposition-de-loi-deposee-pour-garantir-la-prison-20230914>, and French National Assembly, "Proposed Law No. 1727 – 16<sup>th</sup> Legislature [French]," October 12, 2023, [https://www.assemblee-nationale.fr/dyn/16/textes/l16b1727\\_proposition-loi](https://www.assemblee-nationale.fr/dyn/16/textes/l16b1727_proposition-loi).

<sup>12</sup> "The Government Approves the Plan Against Antisemitism with a Protocol to Deal with Hate Crimes Against Jews [Spanish]," *rtve.es*, January 31, 2023, <https://www.rtve.es/noticias/20230131/gobierno-aprueba-plan-lucha-antisemitismo/2419253.shtml>. To read the plan: "Plan Nacional para Implemenar la Estrategia Europea de Lucha contra el Antisemitismo para 2023-2030," Government of Spain, January 2023, <https://www.mpr.gob.es/prencom/notas/Documents/2023/310123-PlanNacionalAntisemitismo.pdf>.

<sup>13</sup> Alberto D. Prieto, "Jewish Communities Feel Abandoned by Pedro Sánchez: 'He Needs the Votes of Antisemitites' [Spanish]," *El Español*, October 12, 2023, [https://www.elespanol.com/espana/politica/20231012/comunidades-judias-sienten-abandonadas-pedro-sanchez-necesita-votos-antisemitas/801170064\\_0.html](https://www.elespanol.com/espana/politica/20231012/comunidades-judias-sienten-abandonadas-pedro-sanchez-necesita-votos-antisemitas/801170064_0.html).

<sup>14</sup> "Action Plan for the Reduction of Racism and Antisemtism for 2023," Cabinet, Regulation No. 209, April 13, 2023, <https://www.km.gov.lv/en/media/33024/download?attachment>.

to be seen.<sup>15</sup> Luxembourg was only the 11th EU member state to develop a national action plan, meaning less than half of EU member states have adopted such a plan despite the EU calling on its members to do so by 2023.

## Policy Recommendations

1. **Develop National Action Plans.** The majority of EU member states have yet to adopt national action plans. The EU Commission should encourage remaining states to adopt and implement plans without delay, learning from the best practices and effective solutions of others.
2. **Set Objectives.** The obvious should be stated: The objective of combatting antisemitism is that there is less of it. National action plans must include clear, transparent, measurable and attainable goals for the reduction of antisemitic attacks of all kinds.
3. **Invest.** While benchmarks for success and monitoring are necessary, so too is securing the funding required to implement the actions called for. Priorities include enhancing security, training and education on antisemitism, Jewish history, and the Holocaust.

– *Dr. Carl Yonker*

<sup>15</sup> Government of Luxembourg, “Xavier Bettel Presents the National Action Plan to Combat Antisemitism,” Government. lu, September 27, 2023, [https://gouvernement.lu/en/actualites/toutes\\_actualites/communiqués/2023/09-septembre/27-bettel-schnurbein.html](https://gouvernement.lu/en/actualites/toutes_actualites/communiqués/2023/09-septembre/27-bettel-schnurbein.html).