

National Action Plan to Combat Antisemitism

Luxembourg, September 2023



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG

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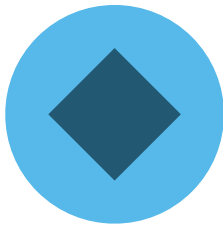
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General introduction

Over the past few years, the news has shown that antisemitism is re-emerging in almost all European societies. Some of these antisemitic incidents are far from being mere headlines, but they are sometimes extremely serious, whether they involve desecration of graves, attacks on the physical integrity of individuals or even openly claimed attacks.

Far from being relegated to a period of the past, antisemitism is still very much alive in contemporary society, often in a latent form. Indeed, antisemitism is constantly being reinvented. It takes many different shapes and forms, ranging from religious to racial, economic, cultural, social, political and even geopolitical.

At a time of increasing tensions in the world, the search for a scapegoat remains a very tempting process for some people: the widespread dissemination of 'conspiracy' theories targeting Jewish communities in particular, as in the case of the COVID-19 epidemic, is unfortunately striking evidence of that phenomenon.

In this context, on 25 January 2020, the Government endorsed the non-legally binding definition of antisemitism drawn up by the International Holocaust Remembrance Alliance - (IHRA), following the motion of the Chamber of Deputies of 10 July 2019, namely: *'antisemitism is a certain perception of Jews that can manifest itself in hatred towards them. The rhetorical and physical manifestations of antisemitism are directed against Jewish or non-Jewish individuals and/or their property, community institutions and place of worship.'*

In Luxembourg, antisemitic acts remain for the most part limited to manifestations of hate speech, such as antisemitic graffiti on election posters or antisemitic comments on social networks. Although a number of convictions have been handed down by the courts (two final convictions were pronounced in 2022, one in Luxembourg and the other in Diekirch, for downplaying the Holocaust in the context of the state's vaccination policy during the COVID-19 epidemic), there have been no reported acts of physical violence against members of the Jewish community in recent years. This seemingly reassuring observation should not lead to the conclusion that there is no need for action in this area.

Indeed, one only has to observe the increase in antisemitic statements and acts during the confinement period to see how permeable part of Luxembourg society is to 'conspiracy' and 'Holocaust denial' movements, which led the Public Prosecutor's Office to refer the most obvious cases to the courts.

Based on surveys of the populations concerned in neighbouring countries, it seems plausible to assume that the phenomenon is also systematically underestimated in Luxembourg.

The specificity of antisemitism compared to other forms of racism lies in the persistence of the stigmatisation and accusation of the same community throughout history, as well as in its constant reinvention according to time. This phenomenon has persisted through the ages, even if the Shoah during the Second World War was its most tragic and inhuman expression. On 9 June 2015, the Government apologised to the Jewish community in Luxembourg 'for the suffering it has endured and for the injustices committed against it', while acknowledging the responsibility of certain representatives of the public authorities for the immeasurable acts committed.

On this occasion, the Prime Minister said that these events were an invitation to learn from the lessons of history and to remain vigilant against antisemitism, Holocaust denial and discrimination in general.

¹ European Agency for Fundamental Rights, *Antisemitism – overview of anti-Semitic incidents recorded in the European Union 2011-2021*.

Antisemitism is a scourge that every democratic society has a duty to eradicate, because it is a matter of the fundamental right to protection of fellow citizens of the Jewish faith, who have participated in national life for centuries, and, more generally, of respect for the fundamental values that define a democratic society respecting the rule of law. The exclusion, rejection or discrimination of any group of people is absolutely incompatible with these values.

Given the specific nature of antisemitism and the stakes involved, the Government has decided that a separate and distinct action plan, the National Action Plan to Combat Antisemitism (PANAS), is required. The aim is not to establish any kind of hierarchy between the different forms of racism, xenophobia and exclusion, all of which must be combated with the same determination and commitment, but to recognise the unique nature of antisemitism. It should be noted that, in parallel with the PANAS, the Government continues to develop other strategies to combat racism.

By tackling the root of the problem and making the fight against antisemitism a social issue through the implementation of a PANAS, the coordinated action of the State aims to improve the effectiveness of the actions put in place to counteract any development of antisemitic facts and ideas. Implementing the actions announced in the PANAS will require a constant effort in line with the political priority that the fight against antisemitism represents for the Government.

גדול יהיה כבוד הבית הזה האחרון מן הראשון
אמר " צבאות ובמקום הזה אתו שלום



The PANAS

The PANAS in the national and European context

PANAS is not only the expression of a strong political will, but also the result of a commitment at both national and European level.

Firstly, at national level, it is one of the actions included in the agreement signed on 27 January 2021 between the Government and the 'Consistoire israélite' of Luxembourg on unresolved issues related to the spoliation of Jewish property linked to the Shoah. It should be noted that the strategy presented below has been developed in close consultation with the Consistoire israélite, which represents the Jewish communities established in Luxembourg.

Secondly, the actions taken by the government are part of a mobilisation process led by the European Union (EU). In response to the sharp rise in antisemitic acts in the EU, the European Commission presented on 5 October 2021 a first-ever strategy² to combat antisemitism and support Jewish life. This strategy sets out actions focusing on:

- 1) Preventing and combating all forms of antisemitism;**
- 2) Protecting and fostering Jewish life in the EU; and**
- 3) Education, research and Holocaust remembrance.**

² https://france.representation.ec.europa.eu/informations/la-commission-presente-la-toute-premiere-strategie-europeenne-de-lutte-contre-lantisemitisme-2021-10-05_fr

These actions are complemented by the international efforts of the EU to combat antisemitism worldwide.

On 4 March 2022, the Council of the EU adopted conclusions on the fight against racism and antisemitism. While deploring the alarming increase in the number of racist and antisemitic incidents in the EU Member States, the Council of the EU invites the Member States to draw up action plans and strategies to implement the EU Anti-racism Action Plan (2020)³ and the EU Strategy on combating antisemitism (2021)⁴.

Finally, it is worth mentioning the action taken against antisemitism in other European or international institutions: the European Agency for Fundamental Rights, the Council of Europe, the United Nations (UN), the Organisation for Security and Co-operation in Europe (OSCE) and the *International Holocaust Remembrance Alliance* (IHRA).

The National Action Plan to Combat Antisemitism therefore responds in particular to the General Policy Recommendation on Preventing and Combating Antisemitism formulated by the *European Commission against Racism and Intolerance* - ECR⁵ of the Council of Europe.

³ <https://www.eesc.europa.eu/fr/our-work/opinions-information-reports/opinions/une-union-de-legalite-plan-daction-de-lue-contre-le-racisme-2020-2025>

⁴ https://ec.europa.eu/commission/presscorner/detail/fr/ip_21_4990

⁵ <https://www.coe.int/fr/web/european-commission-against-racism-and-intolerance/recommendation-no.9>

Objectives

An improved legal and regulatory framework to combat hate crime and hate speech

The law of 28 March 2023 introduced Article 80 of the Criminal Code, which establishes a general aggravating circumstance for all felonies, misdemeanours and certain infringements resulting from a motive based on one or more of the elements referred to in Article 454 of the Criminal Code.

Under this amendment to the Criminal Code, felonies and misdemeanours are now punishable by a doubling of both the prison sentence and the fine incurred, and a doubling of the fine for a misdemeanour if they are committed on the basis of one or more of the characteristics listed in Article 454 of the Criminal Code, i.e. a distinction between individuals on the grounds of their origin, skin colour, gender, sexual orientation, gender reassignment, gender identity, age, state of health, disability, sexual orientation, political or philosophical opinions, trade union activities, membership or non-membership actual or presumed, of a particular ethnic group, nation, race or religion.

This strengthening of the range of repressive actions, which also covers antisemitic motives, is entirely in line with the recommendations made by the European Commission in its European Strategy for Combating antisemitism and supporting Jewish Life to prosecute antisemitic hate crimes more severely.

Luxembourg is also responding to the ECRI recommendation of the Council of Europe to adapt its criminal law by treating racist, antisemitic and homophobic/transphobic motivation as an aggravating circumstance for all ordinary offences.

On the other hand, the European Union's Digital Services Act (DSA) of 19 October 2022⁶ represents a decisive moment for the regulation of digital services in Europe.

Based on the principle that what is illegal offline is also illegal online, it establishes a mechanism to prevent the distribution of illegal or harmful content or products. Online platforms will have to provide a tool that makes it easy to report illegal content in order to remove or disable access to it. They will give priority to working with 'trusted reporters', a status granted in each country to entities or organisations for their expertise and competence in this area.

The regulation, which will apply from February 2024, requires a number of adjustments at the national level, such as appointing a digital services coordinator - the national authority responsible for monitoring platforms based in Luxembourg. Informal coordination will also be set up at national level to bring together the various sectoral authorities responsible for combating the distribution of illegal content on the Internet.

The introduction of the draft law implementing the Digital Services Regulation is due to be presented before autumn 2023. This is an essential step in the regulation of illegal online content and therefore a key instrument in the fight against the dissemination of antisemitic speech and ideas.

⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act)

Among the instruments already in place to combat hate speech, the central role of the government's '*BEE SECURE Stopline*' initiative should be mentioned, which allows any citizen to anonymously report illegal content found online, including racism and antisemitism. After analysis, reports are forwarded to the judicial or relevant authorities.

In order to encourage adults and young people alike to use this tool to combat hate speech in all its forms, regular awareness-raising campaigns will be organised. These efforts will continue unabated in both the public and the private spheres.

It is also worth mentioning the role of the non- profit organisation 'Respect.Lu', which has launched the '*Dialogue plutôt que haïr*' programme (dialogue rather than hate) aimed at authors of racist, revisionist or discriminatory comments. They are encouraged to continue the programme in order to avoid legal proceedings.



Actions

- a stronger criminal framework to combat antisemitic hate crimes and hate speech by increasing the severity of penalties;
- implementation of the Digital Services Act in Luxembourg to combat illegal content online;
- increased promotion of existing and future opportunities for reporting antisemitic hate speech online through BEE SECURE awareness campaigns aimed at the general public.



A better understanding of the phenomenon of antisemitism in all its aspects

Measuring antisemitic incidents is particularly complex. First of all, many of them do not cross a critical threshold that would lead to legal proceedings. Second, antisemitism takes forms that are difficult to define (indirect references or coded language) and finally, a certain number of antisemitic acts are not brought to court because, for various reasons, the victims simply do not report them.

Surveys published by the European Union Agency for Fundamental Rights show a systematic under-reporting of antisemitic incidents. However, collecting and analysing the most exhaustive data possible is essential if we are to combat this phenomenon effectively and in a targeted manner.

In this context, it should be noted that Luxembourg is a signatory of the Vienna Declaration of 18 May 2022⁷ on enhanced co-operation in the fight against antisemitism, in which it has undertaken, in particular, to collect data on antisemitic facts and incidents in accordance with a methodology to be developed with the other signatory countries.

This is a constant objective of the EU in order to ensure comparability of situations between Member States and to allow the most accurate assessment possible within the framework of a common strategy.

In parallel with the other government strategies currently under development, a mechanism will be set up with the relevant institutions and bodies (judiciary, police, Centre for Equal Treatment, *BEE-SECURE*, Research and Information on Antisemitism in Luxembourg) to collect as much data as possible on antisemitic or racist incidents.

⁷ Vienna Declaration on enhancing cooperation in fighting antisemitism and encouraging reporting of antisemitic incidents, Vienna, 18 May 2022.

The Centre for Equal Treatment (CET) will centralise and analyse the data. In accordance with Luxembourg's commitment, these objective data may be transmitted to European bodies, in particular the European Agency for Fundamental Rights and the European Commission, in order to compare the situation in the various Member States. They will also be subject to qualitative analysis by a group of experts specifically dedicated to this issue.



Actions

- a more comprehensive data collection on antisemitism in Luxembourg through quantitative data and qualitative analysis;
- a stronger and redefined role of the CET (Centre pour l'égalité du traitement); and
- an analysis of the data and an annual presentation of the results.

Greater protection for victims and security for Jewish places of worship

The attacks on synagogues in Europe have highlighted the weaknesses in the security systems of the places of worship targeted and the urgent need for action in this area. It is therefore logical that the security aspect should occupy an important place in the strategy developed by the European Commission.

The Luxembourg Constitution guarantees every citizen freedom of worship and freedom to practise their religion in public. It is therefore essential for the Jewish community to be able to practise its religion in peace and security. While the threat level of Jewish places of worship in Luxembourg, namely the synagogues in Luxembourg City and Esch-sur-Alzette, is constantly assessed by the Grand-Ducal Police in order to adapt their security arrangements accordingly, it is appropriate as part of this plan to consider an overview of the overall security and in particular the physical security of the main places of worship, whether synagogues or cemeteries. A regular exchange between representatives of the two synagogues and the state authorities will be set up in order to simplify the discussions and to take the necessary security actions, including, if necessary, proposing more extensive work.

A non-judicial contact point for non-violent antisemitic incidents of medium or even minor significance will be set up for the protection of victims. This action will provide victims with access to specialised counselling and even assistance in filing a complaint with the police or judicial authorities.



Actions

- creation of a dedicated group for security issues in places of worship (synagogues and cemeteries);
- providing technical assistance and financial support to
- secure synagogues in collaboration with municipalities; and
- creation of a non-judicial contact point for victims of antisemitism.



קד'ש
ליהודים שגורצחו בידי הנאצים
בין השנים 1940-1945
ת.נ.צ.ב.ה

Monument à la mémoire des victimes de la Shoah © SIP / Jean-Christophe Verhaegen

Continuing to support the memory of the Shoah, education and research

At a time when the last direct witnesses of the Shoah are disappearing, the 'duty to remember' is more important than ever. As part of the fight against antisemitism, this involves preserving the memory of the Shoah as a tribute to the victims and passing it on accurately to future generations in order to ensure their civic education. In recent years, the government has therefore increased the number of initiatives aimed at keeping the memory of past events alive and has made remembrance policy one of its priorities.

With the support of the Jewish community, cultural institutions, associations and civil society, the Government will continue to organise and take part in commemorative ceremonies, such as the '*Journée de commémoration nationale*' (National Commemoration Day), which includes a part dedicated to the memory of the victims of the Jewish community during the Second World War, or other special ceremonies such as the 'International Day of Commemoration in Memory of the Victims of the Holocaust'.

In June 2018, the Government and the *Consistoire israélite* of Luxembourg created the '*Fondation luxembourgeoise pour la mémoire de la Shoah*' (Luxembourg foundation for the memory of the Shoah), which perfectly embodies the Government's desire to ensure that Luxembourg has the means to perpetuate the memory of the Shoah. Recently, the Foundation's statutes have been extended enabling it to support even more diverse initiatives and projects. At the same time, as part of the agreement of 27 January 2021 between the State of the Grand Duchy of Luxembourg and the *Consistoire israélite* of Luxembourg on unresolved issues relating to the expropriation of Jewish property in connection with the Shoah, the State has agreed to make an annual payment to the Foundation's budget for a period of thirty years, which will provide the Foundation with additional resources to finance projects in the coming years.

One of these projects, which was launched in October 2022 with the aim of building a bridge between the living and the disappeared, in collaboration with the *Luxembourg Centre for Contemporary and Digital History (C²DH)* of the University of Luxembourg, is the creation of a digital memorial for the approximately 5,000 people who lived in Luxembourg and were persecuted for racial reasons during the Second World War.

Education and independent scientific research contribute to a better understanding and knowledge of the history of the Shoah in its entirety and complexity. They also make it possible to combat more effectively the denial, distortion and minimisation of the Shoah.

The agreement of 27 January 2021 includes, among other things, the acquisition by the Luxembourg State of the former monastery of *Cinqfontaines* - where some 300 Jews were interned before being deported to concentration camps during the Second World War - and its conversion into an educational and commemorative centre. Since 2022, the '*Centre Cinqfontaines*' has been organising educational activities to commemorate the victims of the Shoah, raise awareness of antisemitism and racism, and defend democracy and human rights. The public, whether young or adult, is also introduced to the history of the site, and more specifically to the persecution of Jewish population of Luxembourg.

The centre is run jointly by the National Youth Service (*Service national de la jeunesse* - SNJ) of the Ministry of Education, Children and Youth (MENJE) and the Centre for Political Education (*Zentrum fir politesch Bildung* - ZpB). Major development work on the site is currently underway. Regular discussions on the programme are held with the Jewish community.

It is also worth highlighting the dynamism and vitality of associations and civil society, which play an important role in the public authorities' remembrance policy.



Actions

- maintaining public efforts to commemorate the Shoah with the Jewish community and civil society;
- providing ongoing support for education, research and public awareness of the Shoah, with a particular focus on young people;
- continuation of the programme to transform the monastery of *Cinqfontaines* into an educational and commemorative centre and of the educational activities on the site.

Emphasis on the contribution of Judaism to our history and contemporary society

Misunderstandings and even ignorance can sometimes mask basic facts, for instance that Judaism is one of the foundations of our 'Judeo-Christian' civilisation⁸ and our Western way of thinking. Linguistically, for example, the letters of the modern Latin alphabet are nearly all derived from Hebrew, and many of the words⁹ in our vocabulary can be traced back to the same language. In other words, a better understanding of the Jewish world and a demystification of stereotypes is the best defence against the spread of antisemitism.

In addition to the synagogues in Luxembourg City and Esch-sur-Alzette, Luxembourg has a rich but relatively unknown Jewish heritage. This religious, industrial and cultural heritage illustrates the important role played by the Jewish minority, emancipated since 1795, in the development of Luxembourg society.

Thanks to associations and private initiatives, the synagogues of Ettelbruck and Mondorf-les-Bains have been restored and used for cultural events. A project for a museum of Judaism in Luxembourg is currently taking shape. Thanks to the European Association for the Preservation and Promotion of Jewish Culture and Heritage, an itinerary of the Jewish heritage of Luxembourg City has been created. Sites such as the Clausen and Belle-vue cemeteries and the industrial site of the Godchaux brothers in Luxembourg-Schleifmuhl are also of particular historical interest.

The role of Jewish personalities in the economic development of Luxembourg, such as Gabriel Lippmann, Edmond Israël and the Godchaux business dynasty, is also worth mentioning. On the cultural level, Guido Oppenheim is a key figure in the history of Luxembourgish painting.

⁸ See for example, *L'héritage judéo-chrétien, mythe ou réalité ? Cités 2008/2 (n° 34)*, Presses universitaires de France.

⁹ « We all write Hebrew without knowing it, because the twenty-six letters of our alphabet are practically all derived from it, or, if you prefer, from its twin brother, Phoenician », Patrick Jean-Baptiste, *Dictionnaire des mots français venant de l'hébreu*, Seuil, Paris, 2010.

These efforts to preserve and promote the heritage of the Jewish community need to be further developed in order to highlight a common heritage of civilisation. Collaborations with partners from civil society will be set up to this end. Initiatives such as the Jewish Culture Day, which enables the general public to learn about the Jewish religion and culture, should also be relaunched.



Actions

- coordination of public and private initiatives to enhance the tangible and intangible heritage of Jewish culture;
- creating and programming cultural events
- involving civil society.



פ' כ'
איש ידע ספר החסידים
מרבית ידו ידא העושה
צדקה בכל עת וכלמלא
מבנה בית תבונה כדק
עטעל בבלה יום עליה
יערוב יודה לשרא
הנה תושב ל יחוו
כר מאל
הנה ידע ספר החסידים
מרבית ידו ידא העושה
צדקה בכל עת וכלמלא
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הנה תושב ל יחוו
כר מאל

Working to build resilience in society, especially among young people and public officials, through education information, and raising awareness of the need to combat antisemitism

While a historian working on antisemitism in Luxembourg¹⁰ highlighted the fact that many antisemitic stereotypes are passed down from generation to generation, education plays an essential role in countering prejudice against fellow citizens of the Jewish faith.

In cooperation with the *Zentrum für politisch Bildung* (Centre for Political Education) and the presidents of the national curriculum committees, the teaching programme concerning the Shoah has been improved in terms of the materials and tools available. Currently, the subject of antisemitism is covered in history classes, through the reading of works in language programmes and as part of the 'Life and Society' branch. An evaluation will be carried out to determine whether changes to the programmes are necessary.

Specific educational projects are of particular value, as visits to places of remembrance such as Auschwitz or Cinqfontaines, exhibitions, commemorations and meetings with survivors leave a lasting impression on the pupils and students who take part.

These efforts should be encouraged, as should the willingness of teachers to benefit from the range of training opportunities, which has increased considerably in recent years. In 2022 (following the COVID-19 health crisis), the agreement signed by the Minister of Education, Childhood and Youth with the Israeli Yad Vashem memorial on 4 June 2019 will finally be implemented with the organisation of a training seminar in Jerusalem for Luxembourgish educators and teachers. The National Institute for Educational Training also offers specific seminars on antisemitism, including a Shoah Memorial Trail for pupils.

¹⁰ Renée Wagener, *Emanzipation und Antisemitismus. Die jüdische Minderheit in Luxemburg vom 19. bis zum beginnenden 21. Jahrhundert*, Metropol, 2022.

Moreover, recent legislative developments in the field of hate speech and hate crimes, such as the law of 28 March 2023, the implementation of the Digital Services Regulation and, more generally, the complexity and diversity of antisemitism, call for additional efforts in awareness-raising and training for actors involved in antisemitic incidents, whether they are judicial or police authorities, educators or actors in the public or private sector. The European Union, like other international organisations, already offers a catalogue of training courses on antisemitism, which should be used for the benefit of the target groups.



Actions

- encouraging the education community to make better use of existing teaching tools and materials;
- evaluating and adapting educational programmes;
- specific training for public officials on combating antisemitism.

Establishing permanent structures to combat antisemitism more effectively

While the National Action Plan to Combat Antisemitism concerns society as a whole, it must first and foremost address the concerns of those primarily affected. Only a constant and organised dialogue between the public authorities and the Jewish community can ensure its necessary effectiveness.

The appointment of an interministerial delegate for the fight against racism, antisemitism and anti-LGBTIQ+ hatred on 1 June 2022 will ensure a permanent presence at government administration level. He will be responsible for facilitating communication between the various ministerial departments on the issue of antisemitism in order to optimise synergies between them. As Luxembourg's delegate, he participates in the work of the EU '*working group on the implementation of the EU strategy on combating antisemitism and fostering Jewish life*'. He is also the main contact for the *Consistoire Israélite* in its area of responsibility. Finally, he will head the committee monitoring the implementation of the plan.

The PANAS inter-ministerial monitoring committee brings together delegates from the ministries and members of civil society, namely the *Consistoire israélite*, which represents the Jewish communities established in Luxembourg, the '*Fondation luxembourgeoise pour la mémoire de la Shoah*' and the '*Fondation du judaïsme*'. Reduced in size to ensure a certain degree of responsiveness, it will be responsible for supporting and coordinating the implementation of the actions announced. It will meet according to the agenda and the subjects addressed, with guests and external experts. It will report regularly to the Prime Minister on its activities.

The 'Human Rights' Ambassador is also in charge of representing Luxembourg and participating in international forums related to the fight against antisemitism, in particular the *International Holocaust Remembrance Alliance* (IHRA).



Actions

- appointment of the Interministerial Delegate for Combating racism, antisemitism and anti-LGBTIQ+ hatred in the Luxembourg institutional landscape;
- creation of the PANAS Monitoring Committee.



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