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Title: **“European Court of Human Rights Confronted with Anti-Semitism and Nazi Past”**

Panel: Jurisprudence

Undoubtedly, the European Court of Human Rights in Strasbourg displays a great deal of sensitivity when dealing with the Holocaust, with the Nazi or Fascist past, as well as with the neo-Nazi activities and various manifestations of anti-Semitism. It is to a large extent because the historical pedigree of the Council of Europe (which includes also the European Court), goes back to a reaction against Fascism and Nazism, contrasted to the principles of democracy, the rule of law and human rights. The Council of Europe was set up as their guarantor. When speaking at the conference on anti-Semitism and xenophobia held in Strasbourg in 2000 by International Association of Jewish Lawyers and Jurists under the auspices of the CoE, the Deputy Secretary General of the CoE said: *„Your presence reminds us of our raison d’être, our origins and our hopes. Indeed, the very notion of the Council of Europe would never have emerged without the cataclysm of World War Two, without the lesson jointly learnt from the Shoah and from the racist, totalitarian wave which swept over Europe (...)”*.

The presentation will show how references and comparisons to Holocaust and Nazism are perceived and evaluated by the Strasbourg Court. Individual cases addressing references to Holocaust and Nazism, as well as dissemination of anti-Semitic materials which the Court has examined so far, will be discussed against the background of a broader jurisprudence of the Court in the area of the standards applied to the protection of freedom of speech. At the same time the question of „competing” genocides, and in particular the question of the inconsistent attitude of the Court towards Holocaust denial and the denial of other genocides, will be addressed. It will be argued that the Strasbourg Court serves today as the most stable and determined protector of the victims of pro-Nazi and anti-Semitic attitudes and publications.