



Disclosure ref: 16 sent 10/8

### Freedom of Information Act 2000 Request

**Has the CPS has adopted the International Holocaust Remembrance Alliance anti-semitism definition including the definitions?**

#### Request

*I want to know if the CPS has adopted the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism in full, including the examples listed with the definition. The Jewish Chronicle on 11 July 2018 reported that the CPS had adopted this definition. Please could you let me know if this is the case and, if so, where I can find the full text of the IHRA definition of antisemitism on the CPS website and details of when and how this was adopted by the CPS as well as the scope of its implementation.*

#### Response

The UK Government adopted the IHRA definition in December 2016. As a consequence, it was adopted by all government departments including the Crown Prosecution Service (CPS). We have circulated it to all CPS Area specialist prosecutors as a useful tool for understanding anti-Semitism.

IHRA describes its own definition as a 'non-legally binding working definition'.

There is no specific offence or definition of 'anti-Semitism' in the law of England and Wales. Instead, offences involving anti-Semitic hostility are prosecuted within the framework of the legislation dealing with racially or religiously aggravated hate crime. (Case law has decided that Jews are members of a racial group and a religious group).

The CPS's approach to hate crime, as with all offences, is based on the relevant statutory framework and associated prosecution guidance.

CPS prosecutors are also guided on the principles of prosecution as set out in the Code for Crown Prosecutors:

*Prosecutors must also have regard to whether the offence was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or the suspect demonstrated hostility towards the victim based on any of*



*those characteristics. The presence of any such motivation or hostility will mean that it is more likely that prosecution is required.*

The legal framework for hate crime is contained primarily in the Crime and Disorder Act (CDA) 1998 and the Criminal Justice Act (CJA) 2003. The relevant provisions within the CJA 2003 and CDA 1998 use the same terminology in setting out aggravation:

*1. At the time of committing the offence or immediately before or after doing so, the offender demonstrated towards the victim hostility based on the victim's disability or presumed disability; sexual orientation or presumed sexual orientation or being transgender or presumed to be transgender; membership (or presumed membership) of a racial or religious group, **OR***

*2. The offence was motivated (wholly or partly) by hostility towards persons who have a disability; who are of a particular sexual orientation or who are transgender; who are members of a racial or religious group.*

These are broad definitions capable of being applied in a wide variety of circumstances. As such, the current framework provides greater latitude for the consideration of all the facts and circumstances in cases which might successfully support arguments in relation to anti-Semitism.

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