

Chamber of Local Authorities

28th SESSION

Strasbourg, 24-26 March 2015

CPL/2015(28)2FINAL

26 March 2015

Jewish cemeteries, the responsibility of local authorities

Current Affairs Committee

Rapporteur:¹ John WARMISHAM, United Kingdom (L, SOC)

Resolution 379 (2015)	2
Explanatory memorandum	4

Summary

The explanatory memorandum refers to the holy nature of Jewish cemeteries as part of the European cultural heritage and condemns the desecration of graves and holy sites including those of other religions. It underlines that they should not be left uncared for and gives examples of good practice in this sphere, which can serve as the basis of policies and activities for local and regional authorities.

Taking into consideration the Parliamentary Assembly of the Council of Europe's Resolution 1883 (2012) on Jewish cemeteries which invites the Congress to promote co-operation between local and regional authorities which are generally responsible for cemeteries, it confirms that the right to freedom of religion and religious expression entails the protection of human dignity and the preservation of the deceased in a manner compatible with their religion. It encourages local authorities to take account of cemeteries and mass graves as part of our heritage and to take the necessary steps within their responsibilities to protect and preserve them over the longer term.

1 L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

JEWISH CEMETERIES, THE RESPONSIBILITY OF LOCAL AUTHORITIES

RESOLUTION 379 (2015)²

The Congress of Local and Regional Authorities of the Council of Europe,

1. Referring to Report 12930 of the Parliamentary Assembly of the Council of Europe³ (PACE) on Jewish cemeteries, which highlights the latter's holy nature as part of the European cultural heritage, condemns the desecration of graves and holy sites including those of other religions, underlines that they should not be left uncared for and gives examples of good practice in this sphere, on some of which local and regional authorities could base their policies and activities;
2. Considering Parliamentary Assembly Resolution 1883 (2012)⁴ on Jewish cemeteries which invites the Congress to take account of its resolution and to promote co-operation between local and regional authorities, which are generally responsible for cemeteries;
3. Bearing in mind the right to freedom of religion and religious expression, which should entail the protection of human dignity and the preservation of the deceased in a manner compatible with their religion;
4. Emphasising that this resolution, adopted in response to PACE Resolution 1883 (2012) on Jewish cemeteries, could apply, *mutatis mutandis*, to other religious communities;
5. Resolves that :
 - a. Jewish cemeteries should be considered to be part of our common European cultural heritage as their preservation provides useful evidence of our history, whether or not there are currently Jewish populations living nearby;
 - b. local and regional authorities have a role to play in the protection, preservation, enhancement, management and maintenance of these burial sites as they are part of local history,
 - c. local authorities should be encouraged to take the necessary steps within their responsibilities for their protection and preservation over the long term.
6. In the light of the above, the Congress invites the local authorities of Council of Europe member States to:
 - a. promote the protection and preservation of holy Jewish burial sites, for example by ensuring that urban planning and development projects are supervised in order to avoid the violation or deterioration of those sites, and also by creating, when possible, protection areas around these sites;
 - b. engage in dialogue with the representatives of Jewish communities so as to be able to understand their expectations where the protection of holy Jewish sites is concerned;
 - c. set up partnerships or co-operation projects with interested Jewish organisations and/or heritage preservation associations in order to carry out projects and programmes as listed in paragraph 9.4 of Parliamentary Assembly Resolution 1883 (2012);
 - d. draw on the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199, the "Faro Convention") to define and introduce policies to "enhance the value of the cultural heritage through its identification, study, interpretation, protection, conservation and presentation" (Article 5b);

² Debated and approved by the Chamber of Local Authorities on 25 March 2015 and adopted by the Congress on 26 March 2015, 3rd sitting (see Document CPL/2015(28)2FIN, explanatory memorandum), rapporteur : John WARMISHAM, United Kingdom (L, SOC).

³ Adopted on 24 April 2012; <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=18710&Language=en>

⁴ Adopted on 24 April 2012; <http://www.assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=18723&lang=EN>

e. encourage their national authorities to accede to the Council of Europe's Enlarged Partial Agreement on Cultural Routes⁵ so as to enable local and regional authorities to get involved therein, *inter alia* through the opportunity to participate in the European Route of Jewish Heritage.

7. The Congress considers that these provisions apply under the same terms to the cemeteries of all other religious communities.

⁵ <http://conventions.coe.int/Treaty/EN/PartialAgr/Html/CulturalRoutesStatute.htm>

JEWISH CEMETERIES, THE RESPONSIBILITY OF LOCAL AUTHORITIES

EXPLANATORY MEMORANDUM

1. Parliamentary Assembly Resolution 1883 (2012) on Jewish cemeteries invites Council of Europe member States to pay particular attention to this subject. It highlights the holy nature of Jewish cemeteries and says that they, like Jewish mass graves, both of which are parts of the European cultural heritage, should not be left uncared for. It also condemns the desecration of graves and holy sites, including those of other religions, and points to freedom of religion and religious expression, which should entail the protection of human dignity and the preservation of the deceased in a manner compatible with their religion.
2. For that reason, the resolution invites States to:
 - a. ratify the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199, the “Faro Convention”), which affirms the existence of a “collective responsibility towards cultural heritage” in Europe;
 - b. accede to the Council of Europe’s Enlarged Partial Agreement on Cultural Routes and participate in its European Route of Jewish Heritage;
 - c. take into account the protection of those sites during the preparation of urban development or spatial planning projects;
 - d. start initiatives with a view to improving the management, maintenance, preservation and restoration of Jewish burial sites.
3. Finally the Parliamentary Assembly invites the Congress of Local and Regional Authorities to take account of its resolution and to promote co-operation between local and regional authorities, which are generally responsible for cemeteries.
4. The Congress resolution, having been written in response to the Parliamentary Assembly’s invitation to the Congress to consider possible activities in respect of those cemeteries, does not cover the issue of acts of hatred directed against other religions. However, as is the case of PACE Resolution 1883 (2012), the resolution of the Congress could apply, *mutatis mutandis*, to other religious communities.
5. According to the laws of the Halakha, cemeteries, and any other Jewish burial site, enjoy a holy status even higher than that of synagogues. And in the spirit of that faith, even if the gravestones have been removed, the site retains its holiness and inviolability. Mass graves have to be treated in the same way as cemeteries.
6. Over the course of history (diaspora, exclusion and persecution), the Jewish people has been dispersed across the world, often obliged to abandon its cemeteries. Once the Jews had left, it was impossible to continue the preservation and protection of Jewish holy sites, which were under threat from unauthorised urban development, vandalism or, quite simply, the erosion that time brings.
7. The Parliamentary Assembly report on Jewish cemeteries, Document 12930, highlights some examples of good practice in this sphere, on some of which local and regional authorities could base their policies and activities. One example is that of a steering group set up by the Association for the preservation of the French and European Jewish heritage (SPJFE) in partnership with a mayor and other representatives of local authorities, which has enabled a project to be organised for the enhancement of a Jewish cemetery in France.
8. Another example of co-operation involves a local authority and a Jewish association, the former having restored a cemetery which it is now maintaining, while the latter (*inter alia*) has made a financial contribution towards fencing and the erection of a monument. Another example is of co-operation between local and regional authorities and individuals of the Jewish faith to restore a cemetery.

9. Unfortunately, restoration work on cemeteries and mass graves is often done far more slowly, not being regarded as urgent by the public authorities. These sites are abandoned and neglected, prey to vandalism and to natural deterioration. What is more, local authorities do not involve themselves greatly in the promotion of sites (for example omitting to put in place commemorative plaques).

10. Local authorities may be encouraged to take account of cemeteries and mass graves as part of the heritage and to take the necessary steps within their responsibilities to protect and preserve them over the longer term, for example by creating European routes which can include these heritage elements and help to preserve them. The setting up of such routes also helps people to acquire knowledge of the faith and religious practices, thanks to which believers will show greater respect for sites.