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By letter and email to taoiseach@taoiseach.gov.ie

RE: International Holocaust Remembrance Alliance's ('IHRA') definition of antisemitism

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A Thaoisigh, a chara,

On 16 January last, you announced Ireland's endorsement of the International Holocaust Remembrance Alliance's ('IHRA') non-legally binding working definition of antisemitism.

As you know, the IHRA adopted its definition in 2016 and published it alongside a set of examples, some of which relate to Israel.

The IHRA definition is now contested and, in April 2023, over 100 international civil society organisations - including Human Rights Watch (HRW), Amnesty International and the American Civil Liberties Union - wrote to the United Nations urging against its adoption.¹ They and others, including here in Ireland², argue that the IHRA definition is often used to wrongly label criticism of Israel as antisemitic and is therefore used to stifle public debate on Israel's actions against Palestinians.

For example, last December the Israeli Foreign Minister, Gideon Sa'ar, accused the then Taoiseach, Simon Harris TD, of anti-Semitism, citing Ireland's support for what he called "politicised" proceedings against Israeli leaders by the International Criminal Court as well as Irish support for an action at the International Court of Justice accusing Israel of genocide over its campaign in Gaza.³

¹ <https://www.hrw.org/news/2023/04/04/human-rights-and-other-civil-society-groups-urge-united-nations-respect-human>

² See, for example, <https://www.irishtimes.com/opinion/2025/02/05/ireland-is-signing-up-to-a-definition-of-anti-semitism-that-has-been-used-against-irish-politicians/>

³ <https://www.rte.ie/news/2024/1216/1486678-israeli-embassy/>



In a statement to the American Bar Association in 2022, Ken Stern, the main drafter of the IHRA definition expressed concerns about its use, saying⁴:

“The text which became IHRA was drafted primarily with data collectors in mind. Bean counters in different European countries preparing reports on antisemitism didn’t have a common idea of what to count. The goal was to give them concrete examples of what to include or exclude, so levels of antisemitism could be compared across time and borders. There were examples about Israel because there was a correlation, as opposed to causation, about certain types of speech about Israel and attacks on Jews. The purpose was to take a temperature, not to create a blunt instrument to label anyone an antisemite.

Sadly, the definition hasn’t been used in the ways intended. Around 2010 groups on the pro-Israel right started marrying Title VI of the Civil Rights Act of 1964 with the definition, bringing cases alleging a civil rights violation predicated, in part, on things like what Israel-related texts a professor assigned, what speakers were coming to campus, what films were shown.

The major use of the definition has been to go after pro-Palestinian speech. As a Zionist I don’t agree with some of the speech complained about, but it is political speech, and should be answered, not suppressed or chilled by law. The chilling effect worries me more than the actual cases – administrators and faculty rightly worry about outside groups hunting for what they perceive as IHRA violations to threaten, or bring, legal action”.

Earlier this month you described the latest decision of the Israeli Government to withhold aid from civilians in Gaza as a “war crime”.⁵ Last December, Ireland formally intervened at the International Court of Justice in support of South Africa’s case against Israel under the Genocide Convention.

These are examples of the Irish Government playing a leadership role in naming the scale and extent of the human rights violations being committed by the Israeli military and government in Gaza. In doing so, the Government is reflecting the overwhelming view of the Irish people that we, as a peaceful nation committed to the principles of self-determination, human rights and equality, cannot stand by in the face of these continuing atrocities.

Antisemitism is a most pernicious form of racism, which must be tackled and challenged at every opportunity. It is apparent that the IHRA definition - which, in Ken Stern’s words, is now

⁴ Statement of Kenneth S. Stern to the ABA International Law Section Council, December 15, 2022.

⁵ <https://www.irishtimes.com/politics/2025/05/06/taoiseach-micheal-martin-accuses-israel-of-war-crime-over-blocking-of-aid-entering-gaza/>



being misused as “*a blunt instrument to label anyone an antisemite*” – is not helping in this endeavour.

We believe that there is now a dissonance between the Irish Government’s adoption of the IHRA definition and its laudable actions in calling out human rights violations by the Israeli government. In light of developments since the start of the year, the Irish Human Rights and Equality Commission, as Ireland’s National Human Rights Institution and National Equality Body, would welcome clarity on whether it is the Government’s intention to continue to endorse the use of the IHRA definition, and clarity on which contexts the Government intends this definition to be applied.

In line with our publications policy, this letter will be published on our website. This policy only pertains to IHREC-issued communications, and not to correspondence received by us.

We look forward to hearing from you.

Is mise, le meas,

Liam Herrick

Chief Commissioner

Irish Human Rights & Equality Commission