The Jewish case for human rights
Why are we talking about human rights?

Human rights are an integral part of the faith and tradition of Judaism. The beliefs that man was created in the divine image, that the human family is one, and that every person is obliged to deal justly with every other person are basic sources of the Jewish commitment to human rights.

Monsieur René Cassin, 1974 (Co-drafter of the Universal Declaration of Human Rights)

As Monsieur René Cassin put so succinctly, human rights form an essential part of Jewish identity. Human rights are born out of Jewish values and Jewish history. They form an intrinsic part of our present and, ultimately, our future. We have collected diverse stories a variety of people, from Rabbis to Jewish youth movement leaders, politicians to asylum seekers, barristers to war heroes. All these stories illustrate the importance of human rights for Jewish people today.

Yet, there is a political debate raging over the utility of current human rights legislation. As the Jewish voice for human rights, we are concerned about the implications of threats to repeal the Human Rights Act and withdraw from the European Convention on Human Rights both for the Jewish community and for other minorities.

These stories demonstrate a chronology of Jewish experience that illustrates the importance of our human rights protections and serves as a call to action for the Jewish community.
Human beings are all born with an inherent dignity and should be treated accordingly. This is the starting point for human rights, but what’s Jewish about this idea?

Torah does not specify a particular political system, but offers a set of guidelines that any government should follow. It explains that government must reflect the will of the people, pursue justice and provide for the less fortunate.

We live in a society where these values are treasured and our democratic system of governance is robust.

The devastating cost of World War II for Britain and the Jewish people, a third of whom were systematically murdered in five years, reminds us that democracy can be deceptively and dangerously fragile. The Human Rights Act and the European Convention on Human Rights, upon which the Act is based, were established to ensure the untold human suffering of World War II could never happen again.

They remind us that the laws of any free society must reflect its values, however obvious. When law provides a foggy reflection instead, when our values are implicit and not explicit, we are in trouble. The moment individuals with already distorted vision gaze into the mirror and view a less than clear image, where values of freedom and democracy are not perfectly reflected, we let history repeat itself.

So we must learn from our past. The right to life, the right to participate in free elections, freedom of expression: these reflect Jewish and British values. They might seem obvious, maybe they are, but our recent history demands that we explicitly and proactively reaffirm them all the same.

Laura Janner-Klausner, Senior Rabbi, Movement for Reform Judaism

Gabriel Pogrund, UCL student and editor of the London Tab
What we call human rights today started as a movement in 17th century Europe, but quickly gained strength and support as the world came to realise the extent of the horrors perpetrated on Jewish people and others during the Holocaust. The laws and institutions that resulted, such as the European Convention on Human Rights and the European Court of Human Rights, are designed to prevent governments acting against people in this way ever again. The Jewish experience in the Holocaust is an example of what can happen when individuals are not protected equally and fully. As such, we are extremely concerned by today’s efforts to erode the rights of some people, such as immigrants and minorities, who deserve protection as much as anyone else.

The Holocaust and lessons learnt

As a Jewish child, rescued from almost certain death at the hands of the Nazis by coming to England on the Kindertransport in 1939, I cannot protest at the rise of anti-Semitism today without protesting equally against the hatred and persecution of other minorities. We have not yet learnt from the Holocaust that all peoples are equal members of the one human race and therefore deserve the same unalienable human rights as we claim for ourselves.

Therefore, as Jews, I think we have a moral obligation ‘to be a light unto the nations’ in upholding human rights and, as activists, to challenge infringements of these precious rights that distinguish us as human.

While Roma and Traveller Gypsies, Muslims, homosexuals, disabled people and other minorities cannot all sleep safe in bed at night, nor can you and I.

Ruth Barnett, Holocaust survivor, author and activist
When I was training for the Rabbinate at the Jewish Theological Seminary in New York, I remember being sat in a European History lesson. The narratives of persecution, discrimination and the consequences of being an unwanted minority are well known. We traced dates and locations of when and where Jews were told to leave countries and followed the path of our unwanted and maligned ancestors through Europe for century upon century.

My American classmates were looking smug and mentioned something about how great it was to be in the ‘Land of the Free’ and safe from persecution.

The professor turned on my fellow student and accused him of a complete failure to understand Jewish history, an amnesia striking out memories of our own exile and persecution.

Unfortunately, this lack of temporal awareness is a recurring theme throughout our history and the Hebrew Bible. Take for example the Israelites who had only been free of their shackles a short while before they complained ‘We remember the fish we used to eat freely in Egypt; the cucumbers, and the melons, and the leeks, and the onions, and the garlic’ (Numbers 11:5).

Again, we’ve forgotten our own experience. Not just the Holocaust but also our experience in this country. As little as 40 years ago quotas existed for Jewish pupils in some UK schools, and Jews were excluded from tennis and golf clubs.

Jeremy Gordon, Rabbi, New London Synagogue

Even after the advent of the human rights movement in the wake of the Holocaust, discrimination was still rife in the UK and there was plenty of legislative work to be done.
As recently as the 1970s golf clubs, tennis clubs and even some schools in the UK put quotas on how many Jewish people they would accept as members. This anti-Semitism even affected Wimbledon Champion Angela Buxton, as Dr David Dee writes:

Discrimination against Jews, in the form of quota systems, ‘blackballing’ and outright membership bans, as well as indifference on the part of the golfing authorities, was common throughout the country in the 1960s and 70s. Most shockingly was the openness of clubs concerning their anti-Semitic policies. Hendon Golf Club, for instance, freely admitted to Jewish quotas in order to ‘keep room for ordinary people’. The Secretary of Hampstead Golf Club claimed ‘there is no discrimination here, but the Committee never elects Jews’.

Nor was hostility limited to golf, Jews interested in playing tennis, for example, regularly faced problems accessing clubs and facilities. Even Angela Buxton, British-Jewish winner of the Ladies’ Doubles at Wimbledon in 1956, was regularly debarred from membership of clubs during her career due to her ethnicity.

Dr David Dee, Academic, De Montfort University

Today, the right to freedom from discrimination on the grounds of race, religion or gender, is protected in legislation which means that such quotas are illegal in the UK. This recent history of discrimination puts Jewish people in a unique position to understand the fundamental importance of enshrining the rights of minorities in law.

Protecting minorities from the tyranny of the majority is what human rights are about: they provide a bulwark against discriminatory laws. Any erosion of these rules should concern us all, and minorities in particular.
HUMAN RIGHTS: STILL PROTECTING JEWS TODAY

Human rights are an extraordinary concept. Over the last 70 years they have revolutionised the way individuals can seek and pursue justice. Human rights are not something that should be consigned to history lessons. Today, human rights law is as important as ever – as these stories of Jews fighting injustice show.

The difference between life and death

**SARA’S STORY:**
*Sara is Iraqi, Jewish and dependent on the Human Rights Act for her safety*

Sara (not her real name) was born in Iraq in the 1950s. She endured years of brutal persecution but remained in Baghdad with her husband and three sons until 2003 when, with the help of a global Jewish rescue organisation, she managed to escape to the UK with one of her sons. Sara’s two other sons remained in Iraq: one was kidnapped in 2004 and was never heard of again; the other lives under constant threat and insecurity. Today, there are only five known Jews still living in Iraq.

In spite of the obvious risk, the British Government wants to send Sara back to Iraq. Being Jewish would mark her out as a special target for the many extreme militias that are causing terror throughout the country.

Having had her application to stay in the UK refused, Sara has only one option open to her and that is to rely on human rights law to protect her from the imminent dangers of deportation.

Human rights allow access to justice when all other remedies have been exhausted. If the Human Rights Act is repealed or if the UK left the European Convention on Human Rights, Sara would have to leave the UK.

Human rights can be the difference between life and death and are as relevant today as they were in the wake of the Holocaust.

Protecting vulnerable minorities

**JAKOB’S STORY:**
*Jakob is a Holocaust survivor, war hero, humanitarian and he is dependent on the European Convention on Human Rights (ECHR) to enjoy his full political and civil rights.*

Jakob used the European Convention on Human Rights to fight a Bosnian law that forbade minorities such as Jews from standing for high public office.

Jakob Finci comes from a Jewish family that has lived in Sarajevo for over 350 years. Born in 1943 in an Italian concentration camp, having survived the Holocaust, Jakob returned to Sarajevo where he finished elementary and secondary school and then studied to be a lawyer.
In 1991, when war returned to the Balkans, Jakob was working for Benevolencija, a Jewish charity. Under Jakob’s leadership during the Balkan wars, Benevolencija would become the only organisation delivering humanitarian relief on a non-sectarian basis. Among other things, Benevolencija provided over 320 meals a day, delivered urgently needed medicines which were unavailable anywhere else, and worked to evacuate over 2,500 children, elderly and other vulnerable people from Sarajevo. Jakob played an active role in these efforts, including using his own Jewish family’s papers to help get Muslims out of Sarajevo.

Following the war Jakob, who had always been a pillar of the Sarajevo community, became one of Bosnia’s most respected public figures with election to the national committee charged with setting up a truth and reconciliation commission, and appointment to the head of the civil service agency. However his interest in serving his country further was blocked by the country itself: the newly founded Federation of Bosnia and Herzegovina had adopted a constitution excluding members of minority groups from holding public office. Jakob, who was Jewish, fell into this category in spite of his credentials as a leader, lawyer and humanitarian.

Even though Jakob was not able to challenge this provision under Bosnian law, he had another option: take a challenge directly to the European Court of Human Rights in Strasbourg. Jakob brought a challenge to the provision under Article 14 of the European Convention on Human Rights, which prohibits discrimination on the basis of religion. In 2009, the European Court found in Jakob’s favour.

Jakob’s case illustrates the value of human rights laws in protecting minority groups. Almost by definition, minorities do not wield domestic political power and are often subject to decisions imposed on them by a stronger or majority group. If these decisions violate their fundamental rights, as they did in Jakob’s case, the only recourse is to a higher body.

Jakob’s case shows how valuable international human rights protections are: even as a respected community leader, Jakob could not rely on his government to protect his rights.

Even though Jakob won his case, the Bosnian government has failed to implement the ruling. When countries like Bosnia fail to abide by human rights standards in this way, their international reputation is damaged and along with it their prospects for trade deals, aid packages and other benefits. However, if the UK were to leave the European Human Rights system, countries like Bosnia would be able to justify their failure to comply with international human rights laws more easily, thus lessening the consequences of doing so. By leaving the European Human Rights system the UK would in effect lower the bar on what it means to respect human rights for every country in the world.

**FIVE YEARS AND £30,000:** The approximate time and cost of making a human rights claim before the UK’s Human Rights Act came into force. This was because human rights claims had to be taken to the European Court of Human Rights in Strasbourg.
THE DANGERS OF REPEALING THE HUMAN RIGHTS ACT

- **United Nations Declaration of Human Rights (1948):** Reeling from the horrors of WWII, world leaders declared the need to enshrine human rights protection in law.

- **European Convention on Human Rights (1950):** A list of fundamental rights drafted to give individuals a means to bring a claim to an international court when their rights have been violated by their own government.

- **Human Rights Act (1998):** Based on the ECHR, Parliament introduced an explicit set of human rights into British law, ensuring these fundamental principles could be upheld in our own courts.

**What do the experts say?**

Which of these rights [within the ECHR], I ask, would we wish to discard? Are any of them trivial, superfluous, unnecessary? Are any them un-British? There may be those who would like to live in a country where these rights are not protected, but I am not of their number. Human rights are not, however, protected for the likes of people like me – or most of you. They are protected for the benefit above all of society’s outcasts, those who need legal protection because they have no other voice.

*Lord Bingham, former Lord Chief Justice*

“Human rights” is not a joke. And it hasn’t “gone mad”. It’s a vital idea, it is right that it should be embodied in law, and it needs to be defended.

*Lord Daniel Finkelstein, Conservative Peer, Journalist*

Depriving people of their rights does seem to be something of an overreaction to one or two adverse rulings from the human rights court.

*Joshua Rozenberg, BBC Legal Commentator*

The plan to make European Court of Human Rights judgments “advisory” is a full frontal attack on an international treaty which we signed up to and haven’t withdrawn from.

*Adam Wagner, Barrister, One Crown Office Row*

In my view, repeal of the HRA would be a highly retrograde step. It would remove valuable protection to the most vulnerable in our society and cut off important developments in our law, such as the proper recognition of victims’ rights.

*Sir Keir Starmer QC, former Director of Public Prosecution*
POLICY RECOMMENDATIONS

1 Retain the Human Rights Act in its present form.

Any modification of the Human Rights Act should preserve and build on the rights already guaranteed through this Act. It is essential to acknowledge that all rights protected by the Act are equally important and should thus be given the same weight. If some of those rights are left out the most vulnerable people are the most likely to suffer. These rights are:

- right to life
- prohibition of torture
- prohibition of slavery and forced labour
- right to liberty and security
- right to a fair trial
- no punishment without law
- right to respect for private and family life
- freedom of thought, conscience and religion
- freedom of expression
- freedom of assembly and association
- right to marry
- prohibition of discrimination
- protection of property
- right to education;
- right to free elections
- abolition of the death penalty.

2 Remain party to the European Convention on Human Rights (ECHR).

The rights guaranteed by this convention are fundamental to a free and just democratic society. Leaving the ECHR would set a bad example for other countries. It has the potential to put the UK on similar grounds to authoritarian countries with poor human rights records such as Belarus.
WHAT YOU CAN DO

- Find out about the position of your representatives and potential MP candidates in relation to the Human Rights Act.
  Find your representative at www.theyworkforyou.com and write to them to say you support the Human Rights Act.
- Invite us to come and speak to your community about these issues in more depth.
- Join us – We are always on the lookout for volunteers, interns and trustees.
  Look at our website for opportunities and sign up to the newsletter.
  www.renecassin.org/get-involved

Inspiring young people on their Jewish journey

Jewish values of human rights and justice inspire me. They are what caused me to remonstrate against unfair disciplinary proceedings against protestors at my university (the human right to a fair trial, or “You shall do no unrighteousness in judgment” as Leviticus put it). They are what caused me to work as students’ union Returning Officer, ensuring that student leaders properly represented their community. They are what makes me proud to work for a youth movement which voted to make the elimination of mental health stigma a priority.

The recognition of innate human holiness, and therefore individual rights, transform Judaism from being a thing of tradition and recitation into something living and active. Without justice and human rights, there would be nothing to my religion but stories, prayer and lokshen pudding. Jewish practice would be cursory performance art if that. But as it is, Judaism is something that can be lived.

Gabriel Webber, Movement worker, LJY-Netzer
For the last 15 years René Cassin has led the way on securing and protecting human rights for Jews and non-Jews alike. We have:

- campaigned to save legal aid, mobilised the Jewish community to act on indefinite detention and raised awareness of genocide
- run a government award-winning interfaith project to educate on the endemic racism faced by the Gypsy, Roma and Traveller communities
- lobbied MPs and Lords on a wide range of issues
- educated young professionals through our highly-acclaimed Fellowship programme
- supplied Jewish human rights related resources for the chaggim

and much, much more...

But we are a small organisation and we need your support. You can read more about our specific activities on our website – [www.renecassin.org](http://www.renecassin.org) – where you can sign up to our newsletter to hear about upcoming events or make a donation to support our work and bring more people into this vital conversation.

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