

May 27, 2020

Submission from B'nai B'rith International to Dr. Ahmed Shaheed, United Nations Special Rapporteur on Freedom of Religion or Belief, for inclusion in the report to the General Assembly on religious discrimination:

B'nai B'rith International is the world's oldest Jewish humanitarian, advocacy and social action organization, with a grassroots presence around the world. B'nai B'rith has been active at the UN since the founding of the world body in San Francisco in 1945. The organization has had ECOSOC accreditation since 1947 as lead agency of the Coordinating Board of Jewish Organizations (CBJO), and has an engaged presence in New York at UN Headquarters, Geneva at the Human Rights Council and Paris at UNESCO, amongst other UN duty stations.

We are pleased to offer the following submission on issues facing the global Jewish community for the upcoming report of the Special Rapporteur on Freedom of Religion or Belief.

Iran's policies are of profoundly grave concern. The country, which is led by a radical clerical regime bent on the destruction of Israel, has within its borders a remnant Jewish population. Iranian Jewish history goes back to the time of King Cyrus in the 6th century BCE, but sadly the great majority of this Jewish community has been forced to leave Iran in modern times. Most Persian Jews fled to Israel or the United States. Those that remain live under a regime that openly uses genocidal rhetoric towards Israel, the nation-state of the Jewish people, often employing anti-Semitic tropes. The regime engages repeatedly, and appallingly, in Holocaust denial or trivialization. Supreme Leader Ayatollah Khamanei only recently posted in Twitter a poster envisioning a "Final Solution" (the Nazi euphemism for the wholesale destruction of world Jewry) in Israel.

This year, an Iranian Revolutionary Guard Corps (IRGC) Basij commander threatened to destroy the Tomb of Esther and Mordechai (the heroes of the Jewish festival of Purim, which celebrates Persian Jews' rescue from the threat of extermination) and create a Palestinian diplomatic representation in its place. A few months later, the holy site was set on fire. The Iranian regime has created a hostile environment for the local Jewish community.

Throughout the Middle East, historical Jewish communities—similar to those in Iran—have either been greatly diminished or ceased to exist entirely. Some of the Jews in those communities chose to return to the Jewish ancestral homeland of Israel during the years before the state's re-establishment, but many more were forced to flee due to anti-Semitism in broader society and hostile Arab governments after Israel's independence.

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These approximately 850,000 Jews fled as refugees to Israel, Europe and North America. Despite the fact that—in many of these Arab states—there is no longer a Jewish community, the rates of anti-Semitism within societies are alarmingly high. The rest of this submission will focus on other regions where there are larger Jewish populations and there are legal issues of discrimination, but we must underscore that the region where Jews are the most under threat is the Middle East.

In regards to countries where laws and policies restrict the freedom of religion of members of the Jewish faith, the sad reality is that this is an issue that continues to affect Europe. Jewish communities in Europe have endured centuries of discriminatory policies, communal violence and state-sponsored violence, culminating in the horrors of the Holocaust. Seventy-five years after the end of the Holocaust, many European countries have still not fully come to terms with culpability for past atrocities, let alone learned lessons from this catastrophe about the importance of tolerance and acceptance of religious minorities.

B'nai B'rith has concerns about laws being passed throughout Europe that ban kosher slaughter outright, restrict it, or even ban the importation of kosher meat. These laws, which require that animals be stunned before slaughter, are incompatible with rules for kosher slaughter [*shechita* in Hebrew], and often also for halal regulations for Muslim communities. Though often presented merely as legislation with humanitarian concerns about animal welfare, xenophobic parties and politicians have used the issue to advance their own agenda of making religious minorities feel unwelcome in European societies.

Shechita is required by Jewish law to lessen the pain to the animals, not to inflict unnecessary pain. The very discussion that calls stunning before slaughter “humane” in opposition to kosher/halal methods of slaughter demonizes the observant Jewish and Muslim communities. Jewish communities in Europe must be able to have access to food that meets with the religious requirements of the observant community. Governments cannot profess to want a diverse and tolerant Europe while also passing regulations that alienate religious minority communities. As a resource, we are attaching to our submission a report by the Library of Congress on the various bans in Europe on religious slaughter.

While the ability for a community to have kosher meat available is important, it is not the only threat in the legal sphere to Jewish communities in Europe. One threat that is similar to the ban on kosher meat in some ways is discussion about banning circumcision [or *brit mila* in Hebrew] for males. The threat is actually an existential one for the Jewish community. *Brit mila* is an important ceremony in the Jewish faith that ties newborn (mandated—with limited exceptions—for eight days after birth) Jewish males to their Jewish heritage and tradition. It is a symbol of the covenant between God and the Jewish people, going back to Abraham and Isaac. The *brit* is one of the Jewish life cycle events, similar to bar/bat mitzvah and wedding ceremonies. To put the *brit* ceremony in jeopardy puts the long-term viability of a Jewish community at risk.

Though no country in Europe has banned male circumcision as of yet, there is a growing movement in support of it in some countries on the continent, with the support of political parties. The state to come the closest to try to ban male circumcision in the last few years was Iceland, which introduced a bill to ban the religious practice in 2018. Eventually, following an outcry from many around the world, the bill was shelved and has not been brought up again, but there is a concern that in a Europe moving further away from religion and toward humanism coupled with rising xenophobic attitudes, this may not be an outlier, but a harbinger of battles still to come.

The push for a ban is—similarly to the religious slaughter issue—couched as a strictly humanitarian concern, while either again ignoring or actively dismissing the religious liberty of minority religious communities. (Muslim communities also practice male circumcision, although with different regulations). There is no evidence that male circumcision performed by qualified personnel poses any risk to boys, and it in fact can have positive health effects (see the enclosed statement from the American Academy of Pediatrics for more information). In many parts of the world, circumcision is practiced routinely, and the Jewish and Muslim communities across the globe have done so for many generations. Once again, the very terms of the debate demean and demonize the religious minority communities.

We also have concerns about regulations on wearing religious garb in the Quebec region of Canada. Quebec has passed a law banning religious garments for public sector employees (including teachers, police officers and prosecutors). As B'nai Brith Canada wrote in a submission in opposition to Quebec's Bill 21 (which created the ban), "the state cannot on the one hand recognize the principles regarding the equality of all citizens, as well as freedom of conscience and freedom of religion, and yet on the other hand deny those same basic rights to those employed in the public sector because they choose to adhere to their religious convictions." We have added in the enclosures to this submission more information from B'nai Brith Canada on Bill 21. The banning of religious garb in Quebec is a clear instance of discrimination against religious minorities, affecting the employment prospects of Jews, Muslims, Sikhs and others.

Under the section of the rapporteur's upcoming report on "good practices" (specifically, the item looking at measures to address past injustices), B'nai B'rith would encourage an examination of the state of restitution of Holocaust era assets for Holocaust victims and their heirs, and Jewish communities in Europe. Seventy-five years after the end of the Holocaust, there is a moral imperative to give a small measure of justice to the survivors who still remain alive. And yet, in Eastern Europe, thirty years after the communist governments fell and the newly formed democracies started negotiations on Holocaust restitution, the response to this imperative has been a legal patchwork.

Some states have handled this better than others, but none have done a perfect job. Negotiations continue in order to ensure that for all affected countries in the region

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there is an adequate procedure to address both private property stolen from individual Jewish citizens and communal property (synagogues, cemeteries, hospitals, etc.) stolen from Jewish communities, as well as property rendered heirless by the murder of entire families. In some countries, there are laws in place on restitution, but a limit is placed that excludes non-citizens from making claims, which effectively excludes nearly all claimants since most of the survivors of the Holocaust would have fled during the war or its aftermath. We have attached a report by a partner organization, the World Jewish Restitution Organization (WJRO), for more information on specifics. The WJRO document was written for a report on the rule of law to the European Union, but is also very relevant to this discussion.

Finally, we wish to underscore that our concerns go beyond the legal issues facing the Jewish communities in Europe and the threat to Jews in the Middle East. In Latin America, for instance, the open hostility of the Venezuelan regime to the Jewish community has been one of the primary factors leading to a mass exodus of Jews from the country. While Venezuela does not have laws on the books that discriminate against Jews, the anti-Semitic pronouncements by government leaders have incited violence and created an environment where the Jewish community has long felt fearful. In the years before Hugo Chavez took power, there were upwards of 25,000 Jews living in Venezuela. Currently there are less than 5,000 Jews who remain in the country.

Overall, the Jewish communities throughout the world now live in countries that officially respect the right to practice their faith freely, with the exceptions of some countries like those mentioned above. However, while there are few places where legislation or openly hostile governments endanger the safety of the Jewish community and officially put religious freedom in doubt, there has been a noticeable trend of increasing anti-Semitism throughout the world that poses the greatest long-term threat to the ability of Jews to live their lives and practice their religion in peace and equality. We thank the Special Rapporteur for devoting his previous report to the scourge of global anti-Semitism.

Enclosures:

The Law Library of Congress, Global Legal Research Center, "Legal Restrictions on Religious Slaughter in Europe"

American Academy of Pediatrics, "Circumcision Policy Statement"

World Jewish Restitution Organization "Response to the European Commission Communication: A Union that strives for more"

B'nai Brith Canada Information on Bill 21