

1                   **PROPOSED RESOLUTION ON INTERNATIONAL HUMAN RIGHTS**

2  
3                   Submitted by the Commission on Social Action of Reform Judaism  
4                   to the 69<sup>th</sup> Union for Reform Judaism General Assembly

5  
6                   **BACKGROUND**

7  
8                   As Jews, we are intimately acquainted with what happens when otherwise good people are silent  
9                   in the face of political oppression and violence. Our tradition teaches us that human life is sacred  
10                  because all of humanity is created *b'tselem elohim*, in the image of God (Gen 1:26). Further, the  
11                  Torah makes clear that we have an obligation to preserve the sanctity of life by speaking out in  
12                  response to oppression and brutality in our world. In the Holiness Code, we are told that we  
13                  “may not stand idly by when [our] neighbor's blood is being shed" (Leviticus 19:16). As the  
14                  Babylonian Talmud states:

15  
16                  Whoever is able to protest against the transgressions of his own family and does  
17                  not do so is punished for the transgressions of his family. Whoever is able to  
18                  protest against the transgressions of the people of his community and does not do  
19                  so is punished for the transgressions of his community. Whoever is able to protest  
20                  against the transgressions of the entire world and does not do so is punished for  
21                  the transgressions of the entire world. (Babylonian Talmud, Shabbat 54b)

22  
23                  The Reform Jewish Movement is committed to fulfilling this obligation by raising awareness of,  
24                  and speaking out against, human rights abuses wherever they exist.

25  
26                  In a 1939 resolution, the Union for Reform Judaism (then the UAHC) established our  
27                  commitment to human rights, maintaining that “every human being is entitled to live unmolested  
28                  and to enjoy inalienable rights in the land in which he was born or in which he has dwelt  
29                  lawfully.”

30  
31                  Since then, we have also spoken out against Apartheid (1979), Sweatshops and Child Labor  
32                  (1997), the Crisis in Sudan (2004), Global Poverty (2005), and Torture (2005) and worked to  
33                  promote The Genocide Convention (1979), Human Rights In Cuba (2003), International  
34                  Religious Freedom (2003), and Workers’ Rights in the United States (2005). Most  
35                  comprehensively, our 1999 Commitment to Africa resolution resolves to promote “basic  
36                  international human rights, including, but not limited to political organization, free assembly,  
37                  free speech, health care, family planning and reproductive freedom, education, a healthy  
38                  environment, women’s rights and labor rights, and the elimination of hunger and poverty.”

39  
40                  Since the post-World War II emergence of modern international human rights laws and treaties,  
41                  there have been scores of international agreements enacted establishing the standards by which  
42                  nations must abide. After the creation of the United Nations and the drafting of the Universal  
43                  Declaration of Human Rights in 1948, treaties were established to protect the rights of women,  
44                  children, and migrant workers, to end racial discrimination, and to outlaw torture. These became  
45                  the foundation of international human rights law, a set of international rules on the basis of  
46                  which individuals and groups can claim rights that are to be protected by governments. Human

47 rights are inherent entitlements which belong to every human being. The UN has adopted over  
48 twenty treaties on human rights including, among others:

- 49 • The International Covenants on Civil and Political Rights and on Economic, Social,  
50 and Cultural Rights (1966);
- 51 • Convention on the Prevention and Punishment of the Crime of Genocide (1948);
- 52 • Convention relating to the Status of Refugees (1950);
- 53 • International Convention on the Elimination of All Forms of Racial Discrimination  
54 (1965);
- 55 • The International Covenant on Economic, Social, and Cultural Rights (1976) —  
56 signed but not yet ratified by the U.S.;
- 57 • Convention on the Elimination of All Forms of Discrimination Against Women  
58 (1979)—signed but not yet ratified by the U.S.;
- 59 • Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or  
60 Punishment (1984);
- 61 • Convention on the Rights of the Child (1989)—signed but not yet ratified by the U.S.;
- 62 and
- 63 • Convention on the Rights of Persons with Disabilities (2007) —neither signed nor  
64 ratified by the U.S and signed but not yet ratified by Canada.

65  
66 In addition to these human rights laws, there is another body of international law known as  
67 international humanitarian law, which refers to a set of international rules established by treaty or  
68 custom that protect human rights during armed conflicts. Humanitarian law ensures that the  
69 rights of all persons who may be affected by armed conflict are protected, and limits the means  
70 that parties can use during war. International humanitarian law includes the four Geneva  
71 Conventions of 1949 and their two Additional Protocols of 1977.

72  
73 Governments have the primary obligation to protect human rights in their sovereign territory. In  
74 the absence of a national response, the international community has responded to human rights  
75 and humanitarian law violations through a variety of legal and political means: the Nuremburg  
76 and Tokyo trials, international ad hoc tribunals in Yugoslavia and Rwanda, truth commissions in  
77 Chile and South Africa, and courts of mixed jurisdiction in Sierra Leone and Cambodia.  
78 Additionally, there are several regional human rights bodies around the world, such as the  
79 European Court on Human Rights and the Inter-American Court of Human Rights, which  
80 interpret and apply regional human rights documents. The International Court of Justice in The  
81 Hague (ICJ), created in 1945, tries countries, rather than individuals, for war crimes. All UN  
82 member states are automatically parties to the court. Despite accepting compulsory jurisdiction  
83 by the ICJ in 1946, the United States withdrew in 1986 and now accepts the Court's jurisdiction  
84 only on a case-by-case basis.

85  
86 In 2002, the International Criminal Court (ICC) was created as the first permanent international  
87 court to try individuals for crimes against humanity.<sup>1</sup> The ICC, which hears cases upon referral  
88 from the UN Security Council or upon acceptance of the Court's jurisdiction by a State Party or  
89 a State, is able to bring to justice perpetrators of crimes against humanity who would otherwise

---

<sup>1</sup> In contrast to the International Court of Justice (ICJ), which tries countries, the International Criminal Court (ICC) holds individuals accountable for gross human rights abuses.

90 go unpunished. Currently, the ICC is formally investigating human rights atrocities committed in  
91 Uganda and those responsible for the genocide in Darfur, Sudan. The Court announced in  
92 January 2007 that it was ready to proceed with its first trial against warlord Thomas Lubanga  
93 Dyilo of the Democratic Republic of Congo. Cases likely to be considered in the near future  
94 concern individuals involved in atrocities in the Central African Republic and the Ivory Coast.  
95

96 The Rome Statute is the international provision that sets the legal basis for the International  
97 Criminal Court. Canada has already ratified the Rome Statute, but the United States has not yet  
98 ratified it on the grounds that it would curtail U.S. sovereignty and put U.S. soldiers deployed in  
99 conflicts or as peacekeepers across the globe at risk of prosecution. Supporters respond that the  
100 United States had a major role in the establishment of the legal precedents of the ICC, including  
101 the Nuremberg and Tokyo trials; they also point to the success of the existing safeguards, such as  
102 the doctrine of “complimentarity” through which the ICC defers to national courts in countries  
103 that are willing and able to investigate and prosecute war crimes committed by their own  
104 citizens. They also point to the limited jurisdiction of the Court and its record of rejecting  
105 inappropriate cases, such as the dismissal of all cases against UK soldiers in Iraq.  
106

107 Human rights groups have been particularly troubled by U.S. threats to cut aid to nations  
108 cooperating with the ICC and to otherwise attempt to obstruct the ICC’s functioning. We  
109 acknowledge and are concerned by the political posturing of international bodies that have  
110 disproportionately and inaccurately singled out Israel for criticism. However, we believe that the  
111 wisest way to protect the United States and Israel’s interests, and to advance the cause of  
112 international justice, is to maintain U.S. engagement with the International Criminal Court and to  
113 work cooperatively with other governments to ensure that the ICC remains a court of integrity  
114 and fairness.  
115

116 Despite an increasingly sophisticated international legal system, human rights abuses continue  
117 around the world. Today we are faced with genocide in Sudan; trafficking of men, women and  
118 children; abusive labor conditions; discrimination based on gender, race, sexual orientation, and  
119 political opinion; and approximately 150 countries that still practice torture or ill-treatment of  
120 captives.<sup>2</sup> Although the United Nations has attempted to confront these challenges, the UN  
121 Human Rights Council, established in April 2006 to replace the failed Human Rights  
122 Commission, continues to fail to act decisively on severe human rights abuses such as those in  
123 Darfur, while condemning Israel on multiple occasions. In addition to its unbalanced approach, a  
124 number of member states on the Council have very poor human rights records.  
125

126 As North American Jews, we enjoy unparalleled religious, political, and social freedom. Our  
127 Jewish values and history teach us that our privilege must not blind us to the millions of people  
128 around the world who are denied fundamental human rights. For these reasons, a comprehensive  
129 declaration of our commitment to international human rights and the tools used to achieve and  
130 protect such rights is necessary.  
131

132 **THEREFORE**, the Union for Reform Judaism resolves to:

- 133  
134 1. Call upon the United States, Canada, and all the governments of the world to:

---

<sup>2</sup> Amnesty International. <http://www.amnestyusa.org/stoptorture/about.html>.

- 135 a. End all human rights abuses;
- 136 b. Ratify international treaties, conventions and declarations (“international human
- 137 rights agreements”) that promote human rights;
- 138 c. Ensure that the content, interpretation and enforcement of all such international
- 139 human rights agreements treat all countries fairly and do not inappropriately
- 140 single out Israel or any other country;
- 141 d. Hold themselves and each other to commitments arising from their ratification of
- 142 international agreements as they apply to human rights;
- 143 2. Call upon the United States and Canadian governments to:
- 144 a. Abide by the human rights principles of the international human rights
- 145 agreements to which they are signatories;
- 146 b. Abide by international humanitarian law; and
- 147 c. Support the enforcement of human rights and international humanitarian law
- 148 around the world;
- 149 3. Call upon the United States government to ratify the international human rights
- 150 agreements it has signed, including the International Covenant on Economic, Social, and
- 151 Cultural Rights; the Convention to Eliminate all Forms of Discrimination Against
- 152 Women; and the Convention on the Rights of the Child, and to sign and ratify the
- 153 Convention on the Rights of Persons with Disabilities;
- 154 4. Call upon the Canadian government to ratify the Convention on the Rights of Persons
- 155 with Disabilities;
- 156 5. Support appropriate actions to protect human rights by the International Court of Justice,
- 157 ad hoc tribunals, truth commissions, mixed courts, or other regionally appropriate bodies;
- 158 6. Support the International Criminal Court and call for the United States to ratify the Rome
- 159 Statute; and
- 160 7. Promote appropriate actions to implement and enforce international human rights law and
- 161 international humanitarian law such as targeted sanctions, arms embargoes, deployment
- 162 of peacekeeping forces, humanitarian assistance, and socially responsible business and
- 163 investment practices that will create a sustainable peace in conflict areas and eliminate
- 164 the circumstances that allow human rights abuses to occur.