

## SW06 The IHRA Antisemitism Definition - A Threat to Charter Rights

Origin: Palestine Network Shining Waters Region

### 1. What is the issue? Why is it important?

Many United Church people are concerned about what is happening under Israel's military occupation of Palestine. Yet they take no action over fear that they will be or be accused of being antisemitic.

The widespread promotion of the [International Holocaust Remembrance Alliance](#) (IHRA) working definition of antisemitism likely contributes to this fear. It lists 11 of what it identifies as illustrative examples of antisemitism, 7 of which refer to criticism of the State of Israel. Many scholars have criticized this focus on Israel, and a more recent definition has been developed without this focus. This [Jerusalem Declaration on Antisemitism](#) (JDA) is endorsed by a growing list of scholars in the fields of Holocaust history, Jewish studies, and Middle East studies.

Unfortunately, last Fall the Canadian government posted a [Canadian Handbook on the IHRA Working Definition of Antisemitism](#) (IHRA Handbook) on its website. It includes suggestions on how to use the IHRA definition in various fields, including law enforcement, to fight antisemitism.

The IHRA working definition and its use in the manner recommended by the IHRA Handbook is part of a widespread movement to silence criticism of the State of Israel.

The United Church of Canada should endorse the JDA. The United Church should also develop resources and strategies to help its people understand what is and what is not antisemitism, and how to work for peace based on justice and equal rights for all people in Israel and Palestine.

### 2. What is happening now?

On 22<sup>nd</sup> December 2023 the CBC published a report entitled ['Chilling effect': People expressing pro-Palestinian views censured, suspended from work and school](#). It sets out numerous examples of employees and students who have 'faced firings, suspensions or calls for them to not be hired based on their publicly stated political stance on the Israel-Hamas war.'

More recently, on 9<sup>th</sup> October 2024, the CBC [reported](#) that a British Columbia government Health director was fired for expressing pro-Palestinian views. And on 29 November 2023 CTV [reported](#) on Ontario medical doctors who were disciplined for speaking out at Israel-Gaza protests.

Even employees employed by the media reporting these stories suffer the same fate. Here's a story of a [firing](#) at CTV; here's one at [Global News](#).

Reports like these can seriously inhibit individuals who might otherwise criticize Israel over its ongoing human rights violations or worse in Gaza and the West Bank and East Jerusalem. And those of us advocating within the United Church for Palestinian rights know that the fear of being labelled antisemitic restrains many United Church people from speaking out on Palestine.

Even actions by the Canadian government, including its recent publication of the IHRA Handbook, can have the effect of undermining the constitutionally protected freedom of expression of people

### 3. What is the recommendation?

It is recommended that General Council take the following actions:

1. Formally endorse the [Jerusalem Declaration on Antisemitism](#) (JDA) definition of antisemitism in preference to the [International Holocaust Remembrance Alliance](#) (IHRA) working definition of antisemitism.
2. Direct the General Secretary to,
  - (a) communicate this endorsement of the JDA definition in preference to the IHRA definition to governments and government agencies in Canada that have adopted the IHRA working definition of antisemitism; and
  - (b) communicate with the Canadian government, and urge that the IHRA Handbook and IHRA working definition not be promoted for use in law enforcement, the legal system, education and educational institutions, government programming, work places and civil society, in the manner recommended in the Handbook, because the IHRA working definition does not sufficiently respect the rights of Canadians guaranteed by the *Canadian Charter of Rights and Freedoms*.
3. Direct the General Secretary to work with the United Network for Justice and Peace in Palestine and Israel (UNJPPI), the Justice for Palestine Network, and other partners and allies to,
  - (a) develop educational resources concerning what is and is not antisemitic, with a particular focus on advocacy on issues related to Palestine and Israel; and
  - (b) develop strategies for using the educational resources together with other tools and resources to increase the understanding of United Church people and their efforts to help end the Israeli military occupation of Palestine and to bring equal rights and justice for all people living between the Jordan River and the Mediterranean Sea.

### 4. Background information:

#### *Principles Based Approach to the Justice Work of the United Church*

On 19 October 2024, General Council decided that the principles-based approach it approved for justice work in 2023 applies equally to justice work regarding Palestine-Israel. At that time, it also affirmed that those approved principles allow for,

- the adoption of Boycott, Divestment and Sanctions (BDS) strategies,
- the joining of the Apartheid Free Communities Movement, and
- joining in the consensus of the international human rights community in rejecting Israel's apartheid system of laws and legal procedures affecting the Palestinian peoples.

We understand that an objective of the principles-based approach is to enable the General Council Office to promptly respond in an effective way to justice issues as they arise. On issues related to Israel and Palestine, frequently the United Church's action takes the form of a letter to the Canadian government. Often these are shared through the United Church website, with the suggestion that readers take similar action. The actions are often also shared by UNJPPI, on its website and through its newsletters.

Despite these and other efforts, our experience is that many United Church people are reluctant to support actions critical of the State of Israel. There may be different reasons for this. However, with Israel being self-defined as a homeland or state for the Jewish people many United Church people may equate criticism of the State of Israel with antisemitism. This is exactly what the International Holocaust Remembrance Alliance (IHRA) working definition promotes. As explained below, there is growing criticism of the IHRA definition for that very reason. The State of Israel is subject to the same international law requirements as any other country. A person's desire not to be antisemitic should not shield Israel from criticism when it violates international law requirements.

This suggests that there is a real need for education within the United Church on what is and is not antisemitic

### *Competing Definitions of Antisemitism*

The [FAQs document](#) issued by the GCO after the October 2024 General Council meeting references two competing non-binding definitions of antisemitism – the IHRA and JDA definitions. The FAQs states that the United Church uses the JDA rather than the IHRA when considering antisemitism. However, there is no indication that the General Council ever formally endorsed the JDA. For the reasons set out below, GC45 should formally endorse the JDA.

### *Significant Differences between the IHRA Contemporary Examples and the JDA Guidelines*

The actual definitions of antisemitism set out in the IHRA and JDA documents are both very short. They are each only one sentence long. Neither specifically refers to Israel. It is what follows the one sentence definitions that makes clear why the JDA document is to be preferred. In the IHRA document, what follows the definition are called 'Contemporary examples.' In the JDA they are called "Guidelines".

### *International Holocaust Remembrance Alliance (IHRA)*

Critics of the IHRA document point out that 7 of its 11 IHRA Contemporary Examples specifically refer to the State of Israel. The 7<sup>th</sup> contemporary is example perhaps the one that best illustrates the problems. It states that one example of antisemitism is:

- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.

Based on what is now well documented, can it any longer be denied that from its very creation in 1947-1948, the State of Israel has been a racist endeavour? The events around its creation are well-established. The Jewish population in the new State of Israel became a majority at that time

by the expulsion of 750,000 Palestinians. Those Palestinians and their descendants have never been permitted to return. This is in violation of the right internationally recognized for all refugees. Also, there are [more than 65 Israeli laws](#) that discriminate against Palestinians in Israel and the Occupied Palestinian Territory and deny them equal rights to Jewish Israelis. In addition, now there are over 800,000 Jewish Israelis living in illegal settlements or colonies in the Occupied Palestinian Territory with full rights of citizenship and Jewish nationality while Palestinians living there have no such rights. With these differences in rights, why is it antisemitic to claim Israel is a racist endeavour? When black South Africans had substantially fewer rights than white South Africans, there was no difficulty naming South Africa as a racist endeavour. Why the difficulty with respect to Israel?

[Amnesty International](#), [Human Rights Watch](#) and United Church of Canada partner [B'Tselem](#) have now followed many Palestinian organizations in naming Israel as an Apartheid State.

Effectively, that is calling the State of Israel a racist endeavour. The websites of each of the three noted organizations named here includes a short video or graphic that explains why they reached their conclusions. They are well worth watching.

#### *Jerusalem Declaration on Antisemitism (JDA)*

Turning to the JDA, as the heading to that document indicates, it “was developed by a group of scholars in the fields of Holocaust history, Jewish studies, and Middle East studies to meet what has become a growing challenge: providing clear guidance to identify and fight antisemitism while protecting free expression.” It has now been signed by 370 scholars.

Section B of the JDA definition document sets out 5 guideline examples that on the face of them are antisemitic. Section C sets out 5 guideline examples that on the face of them are not antisemitic.

The guideline examples in Section C address the concerns that have been raised with respect to the IHRA. They make clear that the following are not antisemitic:

- Supporting the Palestinian demand for justice and political, national, and human rights
- Criticizing or opposing Zionism as a form of nationalism, or arguing for a variety of constitutional arrangements for Jews and Palestinians
- Evidence-based criticism of Israel as a state, including of its policies and practices, domestic and abroad, such as the conduct of Israel in the West Bank and Gaza, and comparing Israel with other historical cases, including settler-colonialism or apartheid.
- Boycott, divestment and sanctions
- Criticism that some may see as excessive or contentious, or as reflecting a “double standard,” is not, in and of itself, antisemitic.

#### *Problems with the IHRA Document Amplified by Recent Canadian Government Action*

Last Fall the Government of Canada published the IHRA Handbook and posted it on its website. While acknowledging that the IHRA definition and document do not amend Canadian law, the uses the Handbook proposes for the definition seriously risk undermining the rights guaranteed to all people in Canada by the *Canadian Charter of Rights and Freedoms*. It is part of the Canadian

constitution, and it guarantees the freedom of opinion and expression, freedom of peaceful assembly and freedom of association, subject only to reasonable limits *prescribed by law* that “can be demonstrably justified in a free and democratic society.”

In the Handbook section with the heading “Practical Uses of the IHRA Definition in the Canadian Context”, the Handbook provides guidance on how the definition might be used in each of the following fields: (a) law enforcement, (b) the legal system, (c) education and educational institutions, (d) government programming, (e) workplaces, and (f) civil society. Looking at the suggestions there set out, it is easy to see how they would help suppress criticism of the State of Israel. The result would likely be more examples like those set out in Section 2 of this Proposal, or even worse.

The United Church needs to speak out in support of the Canadian *Charter* rights and against the suppression of those rights in the manner suggested by the IHRA Handbook.

#### *Some Who Have Adopted, Rejected or Opposed the IHRA Definition*

Some governments in Canada have adopted the IHRA working definition of antisemitism. This includes the Government of Canada. Very few if any, however, have adopted the definition by statute or law. Instead, the definition has been adopted by resolution, motion or policy. Perhaps this is to decrease the likelihood of a court challenge to the law for violating Charter rights. Unfortunately, however, even without being embodied in a statute or by-law, it can still have serious consequences for peoples’ rights.

Recognizing the serious risks to free speech and related rights, a number of groups have spoken out against the IHRA definition’s adoption. What follows is a small sample.

Canadian universities and their faculty associations have almost universally opposed the adoption of the IHRA, over concerns of the impact on academic freedom. Examples:

Feb 27, 2020 Open Letter from 650+ Canadian Academics Opposing the IHRA Definition of Antisemitism. The Open Letter was prepared by Independent Jewish Voices Canada See - <https://www.ijvcanada.org/open-letter-from-canadian-academics-opposing-the-ihra-definition-of-antisemitism/>

Dec 9, 2021 - the Jewish Faculty Network held a press conference to launch the new group and to celebrate the recent Canadian Association of University Teachers’ motion challenging the IHRA Definition of Antisemitism. See <https://jewishfaculty.ca/>

At the United Nations:

April 4, 2023 Joint Letter – strongly urges the UN not to endorse IHRA definition – signatories include Amnesty International, United Church of Canada partner B’Tselem, Canadian Friends Service Committee, Canadians for Justice and Peace in the Middle East (CJPME), Catholics for Justice and Peace in the Holy Land (CJPHL), United Church partner Defense for Children

International – Palestine, Global Ministries of the Christian Church (Disciples of Christ) and United Church of Christ, Global Ministries of the United Methodist Church, Human Rights Watch, Independent Jewish Voices Canada, Mennonite Church Canada Palestine-Israel Network, UNJPPI, <https://www.hrw.org/news/2023/04/04/human-rights-and-other-civil-society-groups-urge-united-nations-respect-human>

**For the body transmitting this proposal to the General Council:**

Please select the appropriate option and provide the key discussion points for items being forwarded to the General Council:

- ☒ Agree
- ☐ Disagree without forwarding to the General Council
- ☐ Disagree and forwarding to the General Council

Comments \_\_\_\_\_  
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If you have questions regarding this proposal, please send them to: [GCinfo@united-church.ca](mailto:GCinfo@united-church.ca)

**Who will present (by prerecorded video) this proposal on behalf of the transmitting body?**

Email contact:

If you have questions regarding this proposal, please send them to: [GC45@united-church.ca](mailto:GC45@united-church.ca)