

SPEAKING NOTES
FOR THE SENATE STANDING COMMITTEE ON HUMAN
RIGHTS
STUDY ON ANTISEMITISM

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On October 7, 2023, life irrevocably changed for Canadian Jews. Of course, right-minded Canadians, not just Jews, deplored what Hamas had done. But almost immediately, and before a single Israeli soldier set foot in Gaza, protestors in Canada celebrated Hamas's barbarities. Those murdered included Israeli-Canadian Vivian Silver, a peace activist and founder of Women Wage Peace and the Arab-Jewish Center for Equality, Empowerment and Cooperation. She was involved, among other things, in ferrying children from Gaza to Israeli hospitals. Later in the conflict, we saw protesters in Canada cheer on Iran, the world's leading sponsor of terror, when it launched its unprecedented rocket and drone attack on Israel. And we heard demonstrators chant "make us proud Yemen" when the Houthis attacked Red Sea shipping. The Houthis ostensibly making those demonstrators proud are guilty of some of the worst human rights abuses against children and women, and wage war under a slogan that reads, "God is the Greatest. Death to America. Death to Israel. Curse be Upon the Jews. Victory to Islam."

Regardless of one's political views on the Middle East conflict, what perversity of ideology, human behaviour and appalling ignorance explains the glorification and martyrdom of those like Yahya Sinwar², the deceased leader of Hamas, a designated terrorist group, whose members tortured, beheaded, and burn Jews alive. And bragged about how many Jews they killed.

In an article entitled, "Confronting the Celebration of Barbarity", I describe the impact that the celebration of barbarity in Canada has had on me and the vast majority of the Jewish community. The Middle East conflict has been brought to our shores. Our cities. Our schools. Our streets. This celebration has been accompanied in Canada by the all-too-frequent demonizing of Canadian Jews, regardless of their personal politics, and the demonizing of Jews (and their allies) who are Zionists, of all Israelis and of the State of Israel itself.³

I am a Zionist. So are 91% of Canadian Jews. A Zionist supports the existence of a single Jewish state in our ancestral lands. Zionism is not incompatible with Palestinian self-determination, including an ultimate two-state solution which the majority of Jews and Zionists support.

When demonstrators chant "Death to all Zionists", "All Zionists are evil, racist, genocidal", without distinction, they are speaking about me and the vast majority of Jews. All Canadians are entitled to criticize Israel's government, policies, conduct, or extremism in the same way as other countries are criticized. Some of Israel's harshest critics are Israelis. Jews. Zionists. But no one is entitled to demonize and delegitimize Israel's very existence, and all those who support its existence. That is antisemitism.

I respectfully suggest that at the outset of your work, the Committee should understand the relationship between antisemitism and anti-Zionism. The Prime Minister said that Zionism is not a dirty word or something anyone should be targeted for agreeing with." Nonetheless, on university campuses, in public schools and on our streets, that is precisely what is happening. Why is this so?

² A Vigil for Hate: Is Honouring a Terrorist Leader Now Normalized Behaviour? - <https://www.alcca.ca/post/a-vigil-for-hate-is-honouring-a-terrorist-leader-now-normalized-behaviour>

³ <https://www.linkedin.com/pulse/confronting-celebration-evil-mark-sandler-jlrtc/?trackingId=LpEOkdP2qeb2wr0QNLReqA%3D%3Dhttps://www.linkedin.com/pulse/confronting-celebration-evil-mark-sandler-jlrtc/?trackingId=LpEOkdP2qeb2wr0QNLReqA%3D%3D>

In part, because we allow hatemongers to distort the meaning of freedom of speech and assembly (freedoms I also cherish) to immunize themselves from accountability. In this regard, it is untrue that the International Holocaust Remembrance Association's (IHRA) working definition of antisemitism, adopted by 43 countries including Canada after decades of study, suppresses pro-Palestinian speech. It does precisely the opposite: it explicitly recognizes mere criticism of Israel as protected speech. Contrast this with:

- Calling for the death of all Zionists (especially when 91% of Canadian Jews are Zionists),
- Labelling all Zionists without distinction as racist, genocidal and evil,
- Chanting "from Water to Water, Palestine shall be Arab,"
- Calling for the violent destruction of the State of Israel and its supporters,
- Intimidating Canadian Jews through deliberate choices of protest venues in proximity to Jewish community centres, places of worship, businesses or neighbourhoods, or blocking roads or access to publicly accessible spaces to convey hateful messages
- Chanting support for designated terrorist organizations and their terrorist leaders,
- Calling for global intifada through armed resistance or "by any means necessary" when the context makes it clear that the call is for the destruction of the entire state of Israel.

These activities often represent criminal hate speech. Criminal intimidation. Incitement to hatred. Mischief. Unlawful assembly. It is time for all Canadians of good will to say it. And act upon it.

Jews are being targeted in Canada at unprecedented levels because they are Jewish. They are being targeted because they will not disavow their support for Israel's existence. In some cities and on some campuses, they are no longer safe going to school or walking in religious garb or while wearing a Star of David. Their schools and places of worship are vandalized and shot at. Shamelessly, professors and educators indoctrinate students in a narrative that demonizes all Zionists. They produce maps that no longer show Israel's existence.⁴ On a daily basis, Jews' core identities based on their special relationship to the land of Israel are attacked. Jews are told that Hitler should have finished the job. Israeli-Canadians are told to go back to Europe, although many of them are descendants of the 750,000 individuals (usually people of colour) who fled persecution in surrounding Middle East countries. In a bizarre twist of logic, Jews and Israelis are also described as white privileged, and all too often, excluded from the benefits of Diversity, Equity and Inclusion – particularly troubling when Jews now represent, by a large margin, the religious group most targeted for criminal and non-criminal hate activities and in need of protection.

Zionists are told that Israel is an apartheid state, although over 20% of Israeli citizens are Arab, have proportionate representation in Israeli universities, fully serve in professions such as medicine and

⁴ Indeed, coupled with this indoctrination is a denial of Canada's legitimacy as a country, and a recent protest where Canada's flag was burned, and demonstrators chanted, "Death to Canada." The Canadian Indigenous experience is drawn upon, ostensibly in support of these protests. Compare: Honouring Truth and Reconciliation While Addressing Misuse of Indigenous Experiences - <https://www.alcca.ca/post/honoring-truth-and-reconciliation-while-addressing-misuse-of-indigenous-experiences>

law, and in the army, are represented by political parties and in the Supreme Court of Israel. Israelis are called colonizers, although Jews have lived in what is now Israel for thousands of years.

I am speaking to you both as someone who has combatted antisemitism and other forms of hate, including anti-Muslim hate, for 40 years and as the Chair of the Alliance of Canadians Combatting Antisemitism (“ALCCA”).⁵ This Alliance of 48 community organizations fights antisemitism and hate through advocacy, education and training, and respectful dialogue.

Today, I wish to address the staggering, unprecedented overt antisemitism that too frequently poisons the Canadian landscape. In my speaking notes, I have provided you with 10 reasons why this hatred is so pervasive across Canada. I have written about many of these reasons and have enclosed links to some of those articles.

1.The active involvement of **extremists and extremist organizations** in Canada, some student-based, who operate largely with impunity in Canada. They recruit both the malevolent and the ignorant to their cause. Recently, I wrote about the foiled assassination plot by the Iranian regime against human rights advocate and former Attorney General and Minister of Justice Irwin Cotler, and the Iranian regime’s extremist influence in Canada and the United States.⁶

2.Foreign money infused into Canada, and the use of Canada as a **major hub for extremist financing and money laundering worldwide.**

3.The **misuse of social media** by circulating misinformation, antisemitic tropes and historical distortions. This misuse is also orchestrated by extremists and foreign governments. Perhaps the most toxic platform is TikTok, a major or sole source for young people in North America of the news.

4.Radicalized faculty members who seek to **indoctrinate** students to uncritically accept the demonization of Zionism and Zionists and to reject the legitimacy of the very existence of Israel as a Jewish democratic state. This results in the marginalization of Jewish students who do not renounce their Zionism and normalizes antisemitic behaviour on and off campuses.

5.Related to the above, **the absence, in many classrooms of a culture that promotes respectful dialogue** on controversial issues and that encourages critical thinking and “active listening.”

6.The confusion, and often deliberate **obfuscation, of the distinction between protected speech and hate speech**, so as to immunize those who engage in hate speech or hate activities from accountability.⁷

⁵ ALCCA’s members represent Jewish and non-Jewish professors, public and high school educators, parents, doctors, lawyers, psychologists, dentists, places of worship and interfaith groups, women, Indigenous leaders, Iranian, Muslim, Catholic, Hindu Canadians, on-campus support groups, NGOs large and small, experts in criminal and immigration law, national security, human rights, and education, and many others.

⁶ A Wake Up Call for Canadians – The Plot to Assassinate Irwin Cotler - <https://www.alcca.ca/post/a-wake-up-call-for-canadians-the-plot-to-assassinate-irwin-cotler>

⁷ Hatred, Protected Speech, and Dialogue - <https://www.alcca.ca/post/hatred-protected-speech-and-dialogue>

7. The **underuse and inconsistent use by law enforcement and prosecution services of existing criminal law tools** to address hate. This underuse emboldens hatemongers and their followers. Frequently, there appears to be a lack of common understanding among and between officers and prosecutors as to the applicability of these criminal tools, compounded by an imperfect understanding of antisemitism and the significance of certain activities, language or symbols.^{8 9}

8. The **failure by many school administrations to enforce their own codes of conduct** to protect students from harm. They also fail to utilize non-criminal legal tools to address those people or activities that create a poisoned environment for students, faculty and staff.

9. The use of **slogans that incite violence, promote hatred, and mirror unequivocal jihadist language and activities.**¹⁰

10. Mainstream media stories that (a) minimize or ignore pro-Israel perspectives; (b) subject Hamas's assertions to a lower level of scrutiny than Israeli assertions (c) treat unsupported assertions as fact; (d) repeatedly fail to correct or give appropriate attention to the disproof or undermining of inflammatory assertions about Israel.

RECOMMENDATIONS OF MEASURES THAT COULD BE DIRECTLY TAKEN BY THE FEDERAL GOVERNMENT OR THAT THE FEDERAL GOVERNMENT COULD OTHERWISE PROMOTE OR SUPPORT: (1) Promote respectful dialogue initiatives within governments, on campuses and in professions.¹¹ Promote the placement of conditions on educational funding to incentivize the development of respectful dialogue strategies and support the withdrawal of funding for institutions that fail to create safe spaces for all students and faculties.

(2) Develop, through a national law enforcement task force, consistent, informed policies and frameworks respecting the use of the criminal law to combat hate. Some modest criminal law amendments may be desirable. But law enforcement agencies already have the criminal law tools necessary to address most hate activities. Those tools are underutilized in some key jurisdictions.

(3) Develop a robust coordinated strategy (involving multiple ministries and agencies) to urgently address the presence of extremists and extremist organizations in Canada and the use of Canada as a hub for extremist funding/money laundering. Do not overlook the Federal Investment Review Board's jurisdiction to evaluate whether foreign investment undermines national security.

(4) Create "bubble legislation" (modelled on existing legislation to protect hospital sites) to address the safety of targeted communities. Such legislation may be created at all levels of government.

⁸ October 7 and Beyond: A Canadian Call to Action - <https://www.alcca.ca/post/october-7-and-beyond-a-canadian-call-to-action>

⁹ <https://www.alcca.ca/post/alcca-submission-toronto-police-service-board>

¹⁰ From the River to the Sea: Slogans that Contribute to Pervasive Antisemitism - <https://www.alcca.ca/post/from-the-river-to-the-sea-slogans-that-contribute-to-pervasive-antisemitism>

¹¹ <https://www.linkedin.com/pulse/open-letter-from-canadas-law-community-promoting-dialogue-sandler-8ogvc/?trackingId=hSpO%2F5AjcGi2xJ089gkVew%3D%3D>

(5) Ensure that organizations designated by the Federal Government as terrorist groups under the Criminal Code are appropriately shut down, and the sources and recipients of their funds fully investigated.¹²

(6) Utilize, at all levels of government, the IHRA working definition of antisemitism as a guide to the development of policies, education and training, and anti-racism strategies. Police services, human rights commissions, educational institutions and analogous entities should make similar commitments.¹³ This includes education and training of prosecutors and police officers on the distinction between protected and hate speech.

(7) Ensure that diversity, equity and inclusion programs under federal jurisdiction not exclude Jews, and encourage programs under other jurisdictions to follow the same model.

(8) Ensure or promote the prosecution of allegations of hate crimes in major cities by designated teams of prosecutors, with appropriate training on antisemitism and other forms of hatred.

(9) Reinforce that educational institutions are entitled to codify the appropriate “time and place” for protests, consistent with constitutional values, and with the obligation to create and maintain a safe space for all students. Also reinforce the right of educational institutions to terminate or otherwise sanction a faculty member for creating a poisoned environment for students in or outside the classroom¹⁴ and the obligation to remove signage on campus that may endanger students.¹⁵

(10) Reject BDS (Boycott, Divestment and Sanctions) initiatives, such as the capitulation to protester/occupiers at the University of Windsor that now prevents partnerships with Israeli educational institutions. These initiatives undermine academic freedom, institutional neutrality and research integrity.¹⁶ Moreover, they are counterproductive when Israeli educational institutions are at the forefront of peaceful co-existence, with student bodies consisting of Jews, Muslims, Arabs, Druze, Bedouins studying and working together.

¹² Samidoun – A Call to the Authorities for Further Action - <https://www.alcca.ca/post/samidoun-a-call-to-the-authorities-for-further-action>

¹³ A Milestone in Combatting Antisemitism: Canada Releases the IHRA Working Definition Handbook - <https://www.alcca.ca/post/a-milestone-in-combatting-antisemitism-canada-releases-the-ihra-working-definition-handbook>

¹⁴ *Ross v. New Brunswick School District No. 15*, 1996 CanLII 237 (SCC), [1996] 1 SCR 825

¹⁵ *SAIA v. Carleton University*, 2013 HRTO 112

¹⁶ Academic Freedom Under Siege: The University of Windsor's Concession to Intolerance - <https://www.alcca.ca/post/academic-freedom-under-siege-uwindsor>

Letter to the University of Windsor's Board of Governors: Petition Against Campus Agreements and Threats to Academic Freedom - <https://www.alcca.ca/post/letter-to-the-university-of-windsor-board-of-governors-petition-against-campus-agreements>

