



Submission of B'nai Brith Canada to the United Nations Special Rapporteur on Freedom of Religion or Belief

Combating Antisemitism June 6th, 2019

B'nai Brith Canada, a national organization in existence since 1875, and its League for Human Rights, **annually prepares a fundamental report**, an [Audit of Antisemitic Incidents in Canada](#). This report is welcomed by the government as one important benchmark to evaluate the state of antisemitism. Data from the *Audit* is shared with the government's statistical agency, Statistics Canada; the OSCE Office of Democratic Institutions and Human Rights, for its [annual hate crimes report](#), and; the Kantor Centre of Tel Aviv University for its annual [assessment of worldwide antisemitism](#) (see extracts of the Canadian chapter, at Annex).

Since 2018, B'nai Brith Canada has used an ['Eight Point Plan to Tackle Antisemitism'](#) as a basis for its advocacy and action-oriented work. It captures a series of practical measures which we urge Canadian federal and provincial/territorial governments to consider. **A series of practical proposals like these, developed strategically, could be replicated by Jewish organizations in all countries, adapted to local circumstances.**

Since 2018, B'nai Brith Canada has called for a national action plan to combat antisemitism, involving three levels of government – federal, provincial/territorial and municipal – and law enforcement agencies of those jurisdictions. **The model of Norway is a good example but would require adaptation in Canada's federal context and, we expect, in the domestic context of other countries.**

The Government of **Canada encourages dialogue with representative Jewish organizations and solicits ideas and opinions** on an ongoing basis. B'nai Brith Canada participates actively on Canada's delegation to plenary meetings of the International Holocaust Remembrance Alliance (IHRA). Exchanges are facilitated with the OSCE Chairperson-in-Office's Personal Representative on Combating Antisemitism and we have an ongoing dialogue with him. His key recommendations from a visit to Canada in October, 2018, comport with our own.

B'nai Brith Canada supports the leadership role played by the government of Canada on maintenance of freedom of religion or belief. We see this role as vital to sustaining liberal democratic societies. We participate actively in the regular roundtables with civil society on freedom of religion or belief hosted by Global Affairs Canada.

For the 2018 international meeting on freedom of religion, B'nai Brith Canada sent an [*open letter to Canada's Foreign Minister Freeland*](#) on the importance of confronting antisemitism in the process of defending freedom of religion. We advanced several concrete proposals, using as a foundation a policy paper prepared for the G7 Summit in June, 2018. In our letter to the Foreign Minister, we advocated for **a number of steps governments can take to combat antisemitism in relation to promoting freedom of religion or belief. They include – and are recommended as a template for the Special Rapporteur's report:**

- A commitment to mobilize all instruments available to confront antisemitism, racism, xenophobia, homophobia and all forms of hatred and bigotry
- A commitment to support law enforcement, communities and schools to prevent and respond to antisemitism by implementing effective anti-bias education and hate crimes prevention programs.
- A commitment, with legislative backing, to support and strengthen anti-bias and hate crimes education programs to help schools and communities address antisemitism and all forms of bigotry.
- A commitment to using appropriate intergovernmental forums and international organizations to promote legislative, judicial and educational action to fight antisemitism and encourage the improvement of data collection of antisemitic hate crimes.
- A commitment by law enforcement agencies – including at the international level – to enhance training of personnel to more effectively monitor, assess and respond to antisemitism and hate crimes.
- A commitment that fighting antisemitism should be incorporated by governments into the full array of human rights and democracy programming, funding and public diplomacy efforts.

In September, 2016, Canada hosted a **High-Level Forum on Global Antisemitism at the United Nations** and has played a role in campaigns confronting antisemitism together with Israel, the United States and the European Union. We have advocated that Canada host another such meeting at the United Nations and consider doing so on a triennial basis. B'nai Brith Canada believes that [anti-Israel bias at the United Nations fosters a climate of antisemitism](#) in general and has advocated that **Canada and like-minded countries counter such bias** – for example, in the United Nations Human Rights Council, UNESCO, and the World Health Assembly.

Parliamentarians play a vital role in combating antisemitism. We believe that **greater attention should be devoted to actions within the context of the [2010 Ottawa Protocol on Combating Antisemitism](#)**. In Canada, several parliamentary committees have recently studied issues related to combating racism and hate. Such initiatives should be encouraged generally.

B'nai Brith Canada has underscored, in testimony before these committees, that **dealing with racism is not necessarily the same as dealing with hate** and that strategies to counter the latter can more clearly allow for addressing antisemitism. We have similarly made this point – to [not confuse racism with hate](#) - during the government's consultations with civil society on crafting a Canadian anti-hate strategy. Similarly, we have emphasized that **confronting antisemitism must not be considered principally a multicultural challenge; it most, first and foremost, be regarded as a threat to public safety** and the basic social cohesion of the country.

There must be **an emphasis on education** and dialogue with ministers responsible. This point features heavily in our proposals for a national action plan. We have advocated for **more consistent and mandatory education curricula dealing with antisemitism**, related to but going beyond teaching about the Holocaust and other genocides and their societal implications. This, and related ideas, were advanced in [an op-ed we authored at the time of the government apology over the 1939 tragedy of the MS St. Louis](#). – the concept that *apologizing for historical wrongs is meaningful only if combined with contemporary actions to combat antisemitism*.

During the UNESCO High-Level event ["The power of education to prevent racism and discrimination: the case of antisemitism"](#), at the 73rd session of the United Nations General Assembly, the Secretary General of the United Nations recognized the important role of education in preventing antisemitism and identified four priorities:

- First, "to recognize antisemitism as a problem to be addressed internationally";
- Second, "to develop education programmes that address antisemitism in a framework of human rights and global citizenship";

- Third, “to build the capacity of educational systems to address antisemitism, conspiracy theories and all other forms of hate speech”;
- Fourth, an increased investment in social cohesion.

B’nai Brith Canada fully subscribes to this approach. The Secretary General’s proposals relate very much to the work of the International Holocaust Remembrance Alliance (IHRA). We regularly **consult with officials on Canada’s IHRA participation and fund a member of Canada’s delegation.** We wholeheartedly **endorse the step of all countries and domestic institutions formally embracing – and committing to implement – the IHRA definition of antisemitism.**

There are various models for adoption of the IHRA definition. We favour an **explicit motion by Canada’s parliament**, along the lines of the [*European Parliament’s 2017 motion*](#), based on a current working-level support for the definition. We also endorse **enabling legislation that would, as illustrations, require federal agencies such as Statistics Canada and the Royal Canadian Mounted Police to apply the definition** in enforcing hate speech laws.

Approaches to education must **adapt tools already available** or shortly to be published, such as the UNESCO/OSCE-ODIHR ‘Guidelines for Policymakers on Addressing Antisemitism through Education’ or the pending IHRA’s ‘Key Pedagogical Principles for Teaching and Curriculum Development’. **Human Rights Commissions must also include in their mandate a public education function, including dealing with antisemitism.**

Data is fundamental to understanding the threat from antisemitism. B’nai Brith Canada engages on an ongoing basis with the Canadian Centre for Justice Statistics which prepares an annual report on hate crimes. We have recommended that a greater effort should be focused on recording **details of hate incidents that might fall short of a criminal threshold** and the construction of better online tools to facilitate the self-reporting of hate incidents. The effective channelling of effort to antisemitic data collection by national statistics agencies everywhere is imperative.

The **engagement of law enforcement in combating antisemitism is essential.** B’nai Brith Canada has a productive dialogue underway with the Canadian Association of Chiefs of Police to ensure they have a clear understanding of our concerns. Our proposals include **the creation in all major cities of dedicated hate crimes units – or, at least, clear hate crimes strategies – with appropriately trained police officers.** Training can take advantage of tools available, for example,

through the OSCE-ODIHR, particularly its 'Practical Guide on Understanding Antisemitic Hate Crimes and Addressing the Security Needs of Jewish Communities'. In parallel, **all countries should put in place security infrastructure programmes**, such as that in Canada, to address the physical security needs of Jewish community institutions and synagogues.

Currently, many countries are confronting the **challenge of radicalization to violence**. Canada's Department of Public Safety and Emergency Preparedness has put in place the Canada Centre for Community Engagement and Prevention of Violence (CCCEPV). In B'nai Brith Canada's dialogue with the CCCEPV, we have emphasized that **dealing with hate holistically is an important contribution to, ultimately, preventing radicalization to violence** and that funding programmes should address this aspect of the problem.

B'nai Brith Canada devotes priority attention to challenging the boycott, divestment and sanctions (**BDS**) **initiative as unfairly targeting Israel and stigmatizing the Jewish community at large**. Effort must be devoted to exposing how BDS contributes to antisemitism and how it must be separated from legitimate criticism of Israel.

B'nai Brith Canada has spoken out against [*contemporary extremism borne of Nazi ideology*](#) and has called for **resistance to Nazi glorification** (honouring World War II figures or governments complicit in persecution of their Jewish communities even while being considered 'heroic defenders' of the nation). Such glorification, including manifestations that honour World War II military units, embrace and encourage antisemitism.

Confronting online antisemitism must be addressed on an urgent basis. It is common sense that **an anti-hate strategy would include confronting online content that reflects antisemitism, Holocaust denial and distortion**, the key challenges faced by Canada's Jewish community members. Governments, together with civil society and affected community organizations, foundations, companies and universities must support more research to understand and respond to harmful speech, as well as disinformation. Governments can consider creation of a forum similar to the Canadian Broadcast Standards Council, to **convene social media companies, civil society, and other stakeholders – in this case, representatives of the Jewish community – to develop and implement codes of conduct to address harmful speech**.

Canada's House of Commons Standing Committee on Justice and Human Rights is currently **studying the challenge of online hate**. [*B'nai Brith Canada has testified*](#) before the Committee, with specific proposals on combating online antisemitism. Among these, we have recommended **the search for a 'successor' to the repealed Section 13 of the *Canadian Human Rights Act* which dealt with hate on the Internet**. Canada should revive the substance of Section 13 to have a civil tool to combat online hate speech. We commend consideration of whether, as a broad principle, all countries should have appropriate legislation such as that which could be re-introduced in Canada to update the *Canadian Human Rights Act*.

In terms of **useful initiatives already underway to deal with online hate**, we believe the Special Rapporteur could mention, *inter alia*:

- The work of the [*Online Hate Prevention Institute*](#);
- The [*'Tech Against Terrorism' project*](#), pursuant to the United Nations Security Council resolution 2354 (2017) and the UN Counter-Terrorism Committee Comprehensive International Framework to Counter Terrorist Narratives (S/2017/375).
- United Kingdom's recent [*Online Harms White Paper*](#) setting out guidelines to tackle content of concern. One proposal is the idea of an independent regulator to enforce the rules. The UK also now has a [*Code of Practice for Providers of Online Social Media Platforms*](#).
- The European Union's May 31, 2016, [*Code of Conduct on Illegal Online Hate Speech*](#).

Illustrative Recommendations for Governments that could be proposed by the Special Rapporteur

- Adopt and implement a **national action plan to combat antisemitism**, developed in close collaboration with representative Jewish community organizations.
- Create a position of **national coordinator to implement domestic measures to combat antisemitism**, and a special envoy to help combat antisemitism globally.
- Adopt at the political level the IHRA working definition of antisemitism and encourage its embrace at all levels of government and in institutions of higher learning, including through an implementation strategy.
- Develop clear, consistent and **mandatory national curricula to deal with Holocaust education and the contemporary challenge of antisemitism**, racism and xenophobia.
- Ensure that explanations of the IHRA definition of antisemitism, and implementation of education curricula, describe **how unfairly stigmatizing Israel as the Jewish state – for example, in the BDS movement – can foster antisemitism** in a manner harmful to society as well as the Jewish community.
- Ensure that governments **condemn Nazi glorification** as a contributing cause to antisemitism.
- Ensure that law enforcement agencies **in major cities, or cities afflicted by hate crimes, have dedicated hate crimes units and strategies**, and appropriately trained police officers.
- **Sign and ratify *The Convention on Cybercrime of the Council of Europe*** (the Budapest Convention) sign and ratify the **Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computers**.
- **Engage in international meetings supporting freedom of religion or belief** and ensure that antisemitism is seen as an important element of the dialogue.
- In the international affairs context, commit to **combating antisemitism through incorporating this fight into the full array of human rights and democracy programming, funding and public diplomacy efforts**.
- Ensure governments have **robust human rights legislation that balances freedom of speech with necessary constraints on hate speech**, including that of an online nature.
- Ensure that governments, **in addressing radicalization to violence, focus on the low end of the spectrum – countering hate speech and antisemitic narratives** – that ultimately transform into violent, extremist behaviour.
- Ensure that governments **take full advantage of existing tools and publications dealing with antisemitism**, such as those of UNESCO and the OSCE Office of Democratic Institutions and Human Rights, and current **initiatives dealing with online hate**, such as those in the UN, Australia, the EU, and the UK.

ANNEX 1

Moshe Kantor Database for the Study of Contemporary Antisemitism and Racism Antisemitism Worldwide - 2018 - General Analysis

May 1, 2019

Extract from the Chapter on Canada (pages 57-60)

It is apparent that the **elevated levels of antisemitism which characterized the trend of the past six years is continuing**. Antisemitic incidents of harassment, vandalism, and violence, as well as antisemitism proliferating on online social media and other forums continues apace, emanating—as in previous years— from promulgators across the political spectrum, ranging from the far-right to the far-left, and with significant contributions from radical Islamists and Arab nationalists as well.

Overall, we have observed **that harassment, vandalism, and violence, as well as the mainstreaming of antisemitism in public forums is an ongoing problem** requiring strong action from all levels of government, police forces, university administrators, and civil society. The examples provided here are by no means exhaustive, but are intended to be illustrative of the types of antisemitic incidents that are being experienced across Canada.

In particular, the **proliferation of online antisemitism by way of various social media platforms, including Facebook, Twitter, and other forums is the fastest growing medium for antisemitic harassment**, including threats of violence, in Canada. Social media sites often prove anonymity for individuals, making it attractive for those who traffic in antisemitic harassment and other forms of racism and bigotry. With this in mind, it is not surprising that online antisemitism accounted for 80 percent of harassment incidents in Canada.

Over a five-year period, we also see that for the past three years, **there appears to be a “new normal” in the baseline trend of antisemitism, as it has incrementally increased since the Audit first began in 1982**. While more frequent and improved rates of reporting to B’nai Brith Canada has contributed to the awareness of such incidents where in the past they may have gone unreported, there also appears to be a general increase in the actual frequency of antisemitism in Canada compared to previous years.