



Deputation to Toronto City Council Executive Committee

Re: City's Anti-Discrimination Policy

April 23, 2013

Mayor Ford, honourable members of the Executive Committee, City Councillors:

Thank you for the opportunity to address you today. I am here representing Canadians for Justice and Peace in the Middle East, a secular, non-partisan pan-Canadian grass-roots organization with about 43,000 supporters from all walks of life across Canada, of whom about 4,000 are in the GTA.

We strongly believe that the City should not be involved in efforts to restrict the expression of opinions about foreign governments, including Israel's, for the following reasons:

1. Although you may disagree with what some individuals critical of Israel say, I would hope that you would uphold Torontonians' right to say what they think and hear what others think. Canada's hate speech laws already offer Canadians excellent protection from hate speech. It is wrong for Toronto City Council to engage in "censorship by administrative hassle" or to try to broaden the definition of hate speech in order to silence those whose opinions may upset members of certain groups.
2. Criticism, even sharp criticism, of Israel cannot be equated with anti-Semitism. Mainstream organizations hosting events about Middle East issues do not give the podium to anti-Semitic speakers. In fact, often the speakers are Jewish Israelis who dissent with their government. (For example, they may oppose the demolition of Palestinian homes to make way for illegal colonies in the Occupied Palestinian territories, or oppose the blockade of Gaza, or the Wall.)
3. The proper purpose of the Anti-Discrimination Policy is to prevent disadvantaged and vulnerable segments of Toronto's population from being denied services and fair treatment by the city. The policy should not be used to shield foreign governments from criticism, especially when there is ample evidence that the criticism is warranted, as is so in Israel's case.
4. Many of the criticisms of the Israeli government's conduct that arouse wild accusations of anti-Semitism here in Toronto are frequently publicly expressed within Israel. For example, the Israeli newspaper *Haaretz's* columnists Gideon Levy, Amira Hass and Carlo Strenger have all criticized Israel's conduct for the same reasons many Toronto organizations do. Thousands of Israelis regularly demonstrate to protest their government's treatment of the Palestinians. At a recent ceremony in Israel marking the Holocaust, Chavka Fulman-Raban, one of the last survivors of the Warsaw Ghetto, urged people to resist the Occupation of Palestine, saying the following: "Rebel against the Occupation. ... It is forbidden for us to rule over another people, to oppress another [people]." Why can such opinions not be expressed here in Toronto without those voicing them being accused of being "divisive" or "anti-Semitic"?
5. The City Council last year passed a motion claiming that the use of the term *Israeli apartheid* "diminishes the suffering experienced by individuals during the apartheid regime in South Africa," *when such is not the case.* Please note the following:

- a. Black South Africans who have visited Israel and the occupied Palestinian territories have commented that what they witnessed there rivals or exceeds the apartheid endured in South Africa:
 - i. In 2002, Archbishop Desmond Tutu published a detailed description of what he witnessed in Israel and the Palestinian territories, entitled “Apartheid in the Holy Land.”
 - ii. In 2008, 34 leading South Africans, most of them black, published an open letter at their own expense in the *Ottawa Citizen*, saying: “We, South Africans who faced the might of unjust and brutal apartheid machinery in South Africa and fought against it with all our strength, ... and vowed not to allow it to happen again, cannot allow Israel to continue perpetrating apartheid ... and occupation against the indigenous people of Palestine.”
 - iii. In 2011, the Southern African Christian churches stated, “for South Africans, the similarities between the situation faced by Palestinians and the situation faced by us under apartheid are clear, striking and extremely painful.”
 - iv. In October 2012, the African National Congress Chairperson Baleka Mbete, who has been to the Palestinian territories herself, said that the situation Israel imposes is not only comparable but “far worse than Apartheid South Africa.” Ms Mbete was Deputy President of the Republic of South Africa from 2008-2009 and is a former Speaker of the National Assembly.

- b. White South Africans who witnessed and opposed South African apartheid also consider Israel’s treatment of Palestinians to constitute apartheid:
 - i. Long time anti-apartheid activist Ronnie Kasrils, who is Jewish and now a South African MP, noted, “With the illegal Jewish Israeli settlements, security road network, and construction of the monstrous wall around the militarily occupied West Bank, the remaining Palestinians are ghettoized within 12% of their original territory. This dispossession is reminiscent of Apartheid and its 13% of Bantustan homelands. For many this is the fundamental cause of the conflict.”
 - ii. John Dugard—South African professor of international law, Judge on the International Court of Justice, later UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories—commented in his 2007 report to the UN, “Can it seriously be denied that the purpose of such action is to establish and maintain domination by one racial group [Jews] over another racial group [Palestinians] ...? Israel denies that this is its intention or purpose. But such an intention or purpose may be inferred from the actions described in this report.”

- c. Israeli human rights organizations have made comments in a similar vein: For example, the Israeli human rights organization B’Tselem has commented, “Israel has created in the Occupied Territories a regime of separation based on discrimination, applying two separate systems of law in the same area and basing the rights of individuals on their nationality. This regime is the only one of its kind in the world, and is reminiscent of distasteful regimes from the past, such as the Apartheid regime in South Africa.”

- d. Other credible, moderate and neutral international observers who have been to Israel and the occupied Palestinian territories (oPt) consider that the situation there constitutes “apartheid”: For example, former U.S. President and Nobel Peace Prize winner Jimmy Carter noted, “When Israel does occupy this territory deep within the West Bank, and connects the 200-or-so settlements with each other, with a road, and then prohibits the Palestinians from using that road, or in many cases even crossing the road, this perpetrates even worse instances of apartness, or apartheid, than we witnessed even in South Africa.”

I would hope that the Executive Committee and City Council as a whole recognizes that none of the above-mentioned people are idiots or anti-Semites.

I realize that Toronto councillors may have hoped that the ill-thought out “compromise” motion last year would lay the issue to rest. It has not. Given the inaccuracy of the assumption motivating the motion—the assumption that the term “Israeli apartheid” diminishes the suffering experienced by individuals during the apartheid regime in South Africa—Toronto City Council should now rescind that motion.

6. Jewish Torontonians are not responsible for the Israeli government’s conduct, therefore have no reason to feel insulted or hurt by criticism of that conduct. Nor are there grounds to allege that such criticism should be prohibited because it is “divisive.” Were that so, there could be no criticism in Toronto of any foreign government (e.g. Iran’s, Syria’s, Russia’s), in case doing so might offend Canadians with emotional or ancestral ties to a particular country.
7. City councils in many countries have taken far bolder initiatives to uphold international law. Many are refusing to receive bids for municipal contracts from companies that have facilitated or benefited from Israel’s illegal construction of “settlements” in the Palestinian territories or from the occupation. What I and others are asking today of City Council is far less: simply that Council resist the calls to squelch public criticism of Israel in Toronto merely because the Israeli government and its allies in Canada find criticism of Israel’s conduct inconvenient and embarrassing.
8. We wish to remind Toronto City Council that the Hamilton Jewish Federation in 2011 backed the Hamilton YWCA’s decision to allow a public lecture critical of Israel to be given there, despite pressures from a local fringe group to cancel the booking. As the Federation said, “free speech trumps other concerns.”
9. It is not coincidental that Pride Week has been the target of specific attempts to restrict what can and cannot be said in public spaces. Toronto City councillors should be particularly sceptical of attempts to divide already vulnerable communities (such as the gay community) by threatening to withhold funding for which they would normally be eligible if they do not censor or exclude the segments of their community that are critical of Israel’s conduct.

For all of the above reasons, I hope that you will resist pressures to interfere with Torontonians’ right to express or hear in public spaces opinions about the conduct of any foreign government, including Israel’s.

Thank you very much.

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Toronto