



Policy Recommendations for Canada

- A. Canada must support the freedom of expression. The Charter of Rights and Freedoms states that everyone has the freedom of thought, belief, opinion and expression. Recent attempts to ban Israeli Apartheid Week (IAW) or to label it as anti-Semitic run contrary to the principles of the Charter. IAW's use of the term apartheid does not incite hatred against Jews or any other group. In fact, many legal scholars and experts agree that Israeli policies toward the Palestinians amount to what is legally defined as apartheid. Canada must not compromise its democratic tradition of allowing strong and sharply-worded criticism of foreign governments.
- B. MPs must not condemn IAW for political expediency. Certain MPs have, without providing evidence, condemned the use of the term "Israeli apartheid" as being anti-Semitic and accused IAW of being so. This is either a sign that certain MPs are ill-informed regarding the legal definition of apartheid and the history of Israeli policies toward the Palestinians, or that MPs are acting out of self-interest. IAW is an annual series of international conferences featuring lectures, film screenings, cultural activities and demonstrations, aimed at raising awareness about Israel's apartheid policies toward Palestinians and building support for non-violent actions.
- C. Canadian politicians must not equate criticism of Israel with anti-Semitism. The Canadian government itself has criticized the Israeli occupation of East Jerusalem, Gaza and the West Bank, and many other aspects of Israeli government policy that grassroots Canadian critics of Israel often criticize, especially during IAW. There is no legal basis in Canada for equating such criticisms with public incitement of hatred or with anti-Semitism.
- D. Canada must recognize that some aspects of apartheid do exist in Israel. Apartheid exists both in Israel and in the Palestinian Territories controlled by Israel. Apartheid is quite overt in the Palestinian territories occupied by Israel since 1967. In the West Bank and East Jerusalem, apartheid manifests itself in various obvious forms: Jewish-only roads; Jewish-only housing (i.e. colonies); the application of two different systems of law: military on Palestinians, and Israeli civil on Jewish colonists in the territories; the racially-defined course of the Wall; and selective policing, to mention a few.

A: Canada must support the freedom of expression

1. Canada must protect its own citizens' freedom of expression. The "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication" are considered "fundamental freedoms" that everyone has in Canada under Section 2(b) of the Charter of Rights and Freedoms. The rights and freedoms of the Charter are "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Therefore, Canadians should be able to voice any opinions unless it can be demonstrated that these opinions pose a threat to society, such as in the case of public incitement of hatred.
2. The government should welcome all opinions in Canada. CJPME is concerned by recent events which suggest that the current government has sought to restrict the expression of opinions opposed to its own foreign policy. Examples of this include the defunding of groups critical of Israel such as KAIROS and Alternatives, as well as the refusal of entry or questionable treatment by the authorities of foreign personalities critical of the government's policies toward the Middle East, such as British Member of Parliament George Galloway, American progressive journalist Amy Goodman, co-founder of the women's anti-war group Code Pink Medea Benjamin, and retired U.S. Army colonel and U.S. State Department official Ann Wright.
3. Canada must fight for the freedom of expression of all peoples. While many in government criticize the organizers of IAW, and the government condemns restrictions on the freedom of expression

abroad in places such as China and Iran, Israel denies this freedom to many Palestinians and even Israelis. During its 2008-2009 assault on Gaza, Israel prevented the media from entering the Gaza Strip. Israel often bans intellectuals or activists critical of the occupation, such as Norman Finkelstein and Noam Chomsky. The international non-governmental organization Reporters Without Borders ranked Israel 93 in its 2009 Press Freedom Index, while Canada's own rating fell from 13 to 19. Reuven Rivlin, the speaker of the Knesset, Israel's parliament, said recently he was worried by the erosion of Israel's democratic tradition after a parliamentary committee voted to withdraw the privileges of an Arab member of parliament who was among the activists arrested for attempting to bring humanitarian supplies to Gaza.

B: MPs must not condemn IAW for political expediency

1. MPs must not seek to silence those with whom they disagree. IAW is a grassroots initiative whose goal is to inform the public about Israeli policies vis-à-vis the Palestinians and to advocate for non-violent means of pressuring the Israeli government. MPs do not have the right to try to silence a grassroots movement because they disagree with its premise. They should, instead, encourage the free flow of ideas and debate.
2. MPs must defend Canada's interests before their own. MPs that have put forward resolutions to condemn the use of certain terms such as "Israeli apartheid" have done so out of personal support for Israel or to appeal to their constituents. They have not demonstrated that IAW is either wrong or anti-Semitic. Unless MPs can prove that the use of a certain term amounts to what is commonly referred to as "hate speech" they should not try to condemn the beliefs or opinions of others.

C: Canadian politicians must not equate criticism of Israel with anti-Semitism

1. Canada should be a place where debate and criticism are encouraged. Canada's official position regarding the Israeli-Palestinian conflict is that the Israeli occupation of Palestinian territories must end. Therefore, it is hypocritical for politicians to want to label criticism of Israel – as the occupier – as being anti-Semitic.
2. Canada must not trivialize hate speech or anti-Semitism. Hate speech is sometimes described as written or oral communication perceived to disparage a person or group of people based on their social or ethnic group. Mainstream IAW literature and programs clearly do not constitute hate speech. It is also clear that criticism of Israeli policies or criticism of Israeli treatment of Palestinians do not constitute hate speech. Anti-Semitism is a problem in many parts of the world. Yet to label criticism of Israel as anti-Semitic, and by extension critics as anti-Semites, only trivializes the term.
3. MPs and Canadian political parties should disassociate themselves from the CPCCA. The founding premises of the Canadian Parliamentary Coalition to Combat Antisemitism (CPCCA) argue that criticism of Israel is a "new form" of anti-Semitism. Many in Canada see the CPCCA as working to ultimately criminalize criticism of Israel in Canada. As such, MPs and political parties that actively contribute to the Coalition work to undermine Canadian values of free speech. The Bloc Québécois MPs participating in the CPCCA dropped out because they found the Coalition to be biased and partisan.
4. Canada must not give special treatment to Israel. Canada has become one of Israel's most ardent supporters, shielding it as much as possible from international criticism. This is an affront to Canada's traditional position of even-handedness, and harms its image as a moderate, middle power on the world stage. It also devalues and undermines Canadian condemnation of other oppressive regimes.

D: Canada must recognize that some aspects of apartheid do exist in Israel.

1. Canada must recognize that apartheid exists in Israel. Apartheid, defined as a crime against humanity by the UN, applies to "acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing

them.” Apartheid exists in the Palestinian territories, and it also exists in Israel itself, though its institutions are more subtle. The following are cogent examples of apartheid in Israel:

- Confiscation of Palestinian Land for Exclusive Jewish Use
- Discriminatory Family Reunification Law
- Discriminatory Funding of Municipal Development
- Racially-based approval of Building Permits
- Israeli Non-recognition of long-existing Palestinian Villages
- Systemic Inequalities for Palestinian citizens of Israel
- Discriminatory Policing of Palestinian citizens of Israel
- Denial of equal benefits, services and opportunities to Palestinian Arab citizens of Israel

In May, 2009, the South African Human Sciences Research Council (HSRC) issued a report entitled: “Occupation, Colonialism, Apartheid: A re-assessment of Israel’s practices in the occupied Palestinian territories under international law.” The report states explicitly, “this study concludes that Israel has introduced a system of apartheid in the OPT [occupied Palestinian territory].” The detailed legal analysis was assembled by South African legal experts in conjunction with Israeli and other international lawyers.

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