

**OSCE CONFERENCE ON COMBATING DISCRIMINATION AND PROMOTING
MUTUAL RESPECT AND UNDERSTANDING**

**Follow-up to the Cordoba Conference on anti-Semitism and Other Forms of Intolerance
Bucharest, 7 and 8 June 2007**

Plenary Session 6: Addressing racist, xenophobic and discriminatory public discourse spread through, inter alia, the media, \internet, satellite TV and textbooks, while respecting freedom of expression.

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My name is Len Rudner. I represent the Canadian Jewish Congress, a Canadian Non-Governmental Organization, where I am the National Director of Community Relations. The views I express today are those of my organization.

In King Lear, Shakespeare foreshadows the destruction of the Kingdom by referring to the dissolution of the cords that bind together the constituent elements of the State. These cords, “too intrinsic to untie” are what ensure the proper working of the State and the protection of its citizens. Today, we see these cords being eaten away by the gnawing actions of those who seek to establish their own world view, one that is based on intolerance, racism and hate. Technology is one tool they employ, primarily the internet.

In times past the hate-mongers stood on street corners and distributed their mimeographed or photocopied sheets to populations that were more likely to crumple and toss their offerings rather than to read and see the light (or perhaps we should say, “see the dark”). But now, through the internet and spurred by user-friendly technology and plummeting costs, the electronic street-corner has become a high-volume enterprise. As thousands and tens of thousands of hits are registered on websites, the number of converts stands a good chance of increasing. And as chat rooms, instant messaging tools and discussion boards proliferate, the opportunity to create a self-sustaining “community of haters” increases as well.

Antisemitism is a regular item on the internet’s menu of intolerance, but it is not the only selection that can be made. In the last month I have had calls from members of various communities who have found anti-Muslim websites that offer for sale toilet paper inscribed with verses from the Koran and others which focus on First Nations peoples, portraying them as primitive people without rights, culture or accomplishment. Gays and Lesbians are portrayed as a cursed blight upon humanity for whom AIDS is a just and deserved judgment from God while feminism is presented as a perversion of the natural order.

Jews are described in terms that are reminiscent of Nazi ideologist Alfred Rosenberg's *Der Sturmer* – as Christ-killers, as pornographers and as a cancer within society. The religion of Judaism is described as a faith of deceit and immorality and, adopting the language of science, is described as an evolutionary strategy through which Jews are programmed via natural selection to control and ultimately destroy the societies in which they live.

Such conversations, if I may call them that, are destructive of the public square and are unworthy of the protection that it seeks and often gains under the guise of freedom of speech.

Freedom of speech, a precious commodity in all democratic societies, was never intended to be an absolute right. This is made clear, for example, in Canada's *Charter of Rights and Freedoms*, where the rights and freedoms set out in it are subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

Hate speech rises to the level of a threat against the core values of a democratic society.

We take it as axiomatic that evil speech leads to evil deeds. While the rise of Nazism is perhaps the best example of this continuum it is hardly an isolated example. Indeed it may be more instructive for us to consider that the institution of slavery was seen as being reasonable and well founded by its practitioners despite the best efforts of abolitionists, whose arguments for the elimination of this foul practice could gain traction only with agonizing slowness in a societal construct that, prepared by the long indoctrination of discriminatory speech, saw nothing wrong with the idea that the colour of a person's skin could make them deserving of domination or subjugation. Language, for better or worse, forms our view of the world and bends us to good and to evil.

It is therefore the responsibility of all those who participate in the workings of a civil society to work to limit and eliminate the impact that hateful speech can have on that society. Specifically:

- Recommend the development of laws which recognize the corrosive effect of hate speech on the wider society and ensure that such laws, through the establishment of appropriate criteria, respect speech that is supportive of the democratic enterprise without offering safe haven to purveyors of hate. In Canada this is accomplished through statutes which make it unlawful to advocate genocide, incite violence or engage in willful promotion of hatred. There is growing case law in Canada that shows the effectiveness of the application of the prohibition against willful promotion of hatred against the content of internet websites.
- Development of legislation that provides human rights agencies with the legal scope to accept complaints based on internet content. This has been accomplished in Canada through the extension of section 13 of the *Canadian Human Rights Act*

to cover the content of websites that are either hosted in Canada or operated by a resident of Canada.

- Recommend the implementation of national and international standards, based on the work that has already been done in the fight against child pornography and child exploitation to block the transmission of illegal internet content to prevent it from entering jurisdictions where such content would be deemed to be illegal if it originated from such jurisdictions.
- Recommend that industry associations of internet service providers work with their membership to make more effective use of their own acceptable use policies to ensure that their services are not used as platforms from which hateful messages can be launched.
- Recommend that advocacy organizations develop models for cooperation so that instances of racist discourse can be brought to the attention of service providers in a way that frames the occurrence as an affront to the wider society rather than the grievance of a single isolated community.