

## **FREEDOM OF EXPRESSION VERSUS HATE PROPAGANDA: WHERE DO WE DRAW THE LINE?**

*[Text of an article written by Susan O'Donnell for publication in Cultures West the newsletter of the Affiliation of Multicultural Societies And Services Agencies of BC. An edited version was published in Volume 16 Number 1 – Spring 1998]*

In May, 1997, B. C. saw the longest human rights Tribunal in its history. The issue seemed simple at first. Did an article that appeared in the North Shore News violate the *British Columbia Human Rights Code*? The Canadian Jewish Congress alleged that the article, "Hollywood Propaganda" written in March, 1994, was likely to expose Jews to hatred and contempt. Throughout the process of this human rights complaint, the B. C. Human Rights Coalition stood with the Canadian Jewish Congress, both of us hoping that this complaint could be mediated and settled within the B. C. Human Rights Commission by reasonable parties seeking a reasonable solution. The remedy sought was an apology, and a future commitment not to discriminate against people purely because of their religious belief and ancestry. But this was not to be. The North Shore News declined to offer an apology, declined mediation, and even declined an expedited hearing. The Commission had no choice but to refer the matter to the B. C. Human Rights Tribunal.

Shortly after the Tribunal was announced, the goal of the North Shore News, and indeed the Press Council of British Columbia became clear. It was to put the human rights legislation on trial in the courts, because as with anyone else in the public sphere, the law requires the press to refrain from the promotion of hatred in its day to day publishing activities. No defense was offered to the initial complaint, and the issue was redefined as "Freedom of Speech on Trial". With a few exceptions, the wheels of the press began to spin the story of censorship and control designed by a provincial government and policed by our Human Rights Commission. Our simple issue was lost, and our societal responsibilities flowing from the Canadian Charter of Rights and Freedoms, and Canada's international commitments were completely obfuscated. The Deputy Chief Commissioner of Human Rights and the Attorney General of British Columbia were forced to intervene as parties to the complaint to protect the constitutionality of the legislation. Of the six parties to the complaint, the Canadian Jewish Congress stood alone in the defense of the initial allegations, at a cost of over \$100,000.00.

On November 19, 1997, Tribunal Chair, Nitya Iyer, delivered her decision in *Canadian Jewish Congress vs. North Shore News*.