

50th ANNIVERSARY: Universal Declaration of Human Rights

1948 - 1998
50th ANNIVERSARY YEAR
A TIME FOR REFLECTION

On December 10, 1948, the United Nations passed the *Universal Declaration of Human Rights*. This historic document was developed, in part, because of the genocide perpetrated by Hitler in Nazi Germany. Part of the Declaration's preamble reads:

"Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,"

In 1997, a B.C. Human Rights Tribunal attempted to reconcile the contradictions between our right to free speech and our right to live free from fear and discrimination. The decision in *Canadian Jewish Congress v. North Shore News* generated considerable debate. The Congress is to be commended for having committed a substantial amount of time and financial resources to clarify a human rights issue which is important to all British Columbians.

The Tribunal found that the anti-hate provisions of the *B.C. Human Rights Code* do not violate the Canadian *Constitution* and are in harmony with *the Universal Declaration*. It also determined that the column complained about was "nasty", "deliberately provocative", "insulting", "anti-Semitic" and would "make it more acceptable for others to express hatred and contempt against Jewish People". Although this finding supported the CJC's complaint, the Tribunal went on to determine that the column's "tone" did not "capture the degree of calumny, detestation or vilification signified by "hatred or contempt" as the phrase is used in the *Code*.

This decision was reached even though the North Shore News did not provide any defence to the column's content. The CJC provided ample evidence to support its position. The Tribunal applied the constitutional test and gave little weight to evidence presented by the victims of anti-Semitism. The B.C. Human Rights Coalition has concerns about future complaints if it is not necessary to defend them. The decision focused on the types of words which purveyors of hate should avoid using.

The B.C. Human Rights Coalition is dismayed by the fact that those who wave the banner of untrammelled free speech continue to advance the argument that the *B.C. Human Rights Code* represents a threat to it. These arguments are being made after a

Tribunal has determined that speech which is discriminatory in nature and incites others to hate does not violate the *Code*. Given the narrowness of the decision, we wonder what form of speech some civil libertarians seek to protect.

During the 50th year of the *Universal Declaration of Human Rights*, the B.C. Human Rights Coalition hopes all British Columbians will reflect upon the human tragedy which gave rise to it and resolve to combat intolerance in all its forms.

THIS AD HAS BEEN PLACED BY THE B.C. HUMAN RIGHTS COALITION WHICH IS A CHARITABLE NON-PROFIT SOCIETY REGISTERED AS THE VANCOUVER AREA HUMAN RIGHTS COALITION

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