

December 18, 2023

Hon. Nikki Sharma
Attorney-General
Parliament Buildings
Victoria, BC
V8V 1X4

Dear Attorney-General Sharma,

Subject: Addressing the unprecedented levels of antisemitism and hate in B.C.

I am writing to you about the urgent and pressing need to address the unprecedented levels of antisemitism and hate that we continue to see rise in British Columbia, including on our streets, shopping malls, transit lines, schools, and university and college campuses.

Since the heinous and barbaric attack by Hamas terrorists on October 7, we have seen antisemitic incidents in our province such as: hate-filled protests and rallies, including one where a Langara College instructor referred to the terror attacks as “amazing” and “brilliant,”; antisemitic signs, including calls for the genocide of the Jewish people, being carried out in the open on our streets, on campuses, and in shopping malls; a Jewish man being physically assaulted on the SkyTrain, and two women being threatened and harassed on the Canada Line; two Jewish women being followed to their car, harassed and threatened with sexual violence; Jewish students being targeted on university campuses; Jewish high school students being victims of harassment and intimidation; Jewish-owned businesses being targeted with calls of boycott and harassment; the private home of a Rabbi in White Rock (which is also a synagogue) being defaced with hateful antisemitic graffiti; and other Jewish homes in Kitsilano being targeted.

These are just some of the examples of hate incidents targeting Jewish people, and why so many members of the Jewish community are feeling targeted, harassed, scared, and isolated. We have also seen antisemitic and hateful communications spread through prolific graffiti and social media. I understand that the Vancouver Police Department alone is investigating 18 reported hate incidents targeting Jewish people in Vancouver that took place just in October. Comparatively, October of last year saw four antisemitic incidents reported, indicating a 350% increase in 2023.



Sadly, despite this alarming rise of antisemitism and hate in our province, and condemnation from all political parties, we have not seen a single charge and prosecution. There needs to be serious consequences for these acts, because without them antisemitism and hate will continue to fester and grow in British Columbia. Our communities deserve action. Sections 318, 319, 320, and 430 of the Criminal Code of Canada, which respectively deal with advocating genocide, public incitement of hatred, wilful promotion of hatred, wilful promotion of antisemitism, hate propaganda and hate-motivated mischief relating to religious property, educational institutions, etc., must be enforced.

Given all the concerns over public safety stemming from all of these types, and the increased frequency of antisemitic and hate incidents, I am writing to request your consideration of the following actions which you could take:

- Update HAT 1 Crown Counsel Policy dealing with Hate Crimes dated January 15, 2021, to incorporate Section 319(2.1) of the Criminal Code alongside Sections 318, 319(1) and 319(2) as addressed currently under HAT 1.
- Direct Crown Counsel through amendment of HAT 1 to utilize the IHRA definition of antisemitism when reviewing whether an offence under Section 319(2.1) has occurred.

The International Holocaust Remembrance Alliance (IHRA) definition of antisemitism, as you are likely aware, includes illustrative examples such as “denying the Jewish people their right of self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour,” and “calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.” With Canada’s adoption of the IHRA definition of antisemitism in 2019, it should be made clear that for matters relating to the application of the Criminal Code of Canada, this definition should be applied.

Also, pursuant to Section 6 of the Crown Counsel Act, I am asking you to consider, with respect to the Criminal Justice Branch policy on the approval or conduct of prosecutions for Hate Crimes under HAT 1, providing a directive to Crown Counsel to provide your consent to the prosecution of charge re: violations of Sections 318, 319, 320, and 430 for any acts of hate involving antisemitism as defined under IHRA. The IHRA definition of antisemitism should be utilized in the application of these Criminal Code provisions.

By doing so, it would be a clear indication of the priority that the government and the Attorney-General are attaching to this area of law enforcement and public safety. It would also send a powerful message to the Jewish community that our province is a place where antisemitic hate is not merely condemned, but also prosecuted to the full extent of the law. For that reason, I believe examining this approach and making that priority clear to the Crown prosecutors around the province would help address the elevated incidents of antisemitism and hate, particularly as we have seen no charges and prosecutions to date.



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

I urge you to review the concerns raised in this letter and take immediate action to address the rise of antisemitism and hate on our streets to ensure that members of the Jewish community feel safe and protected against all forms of antisemitism, including threats, taunts, harassment, incitement, and other acts of hate.

Thank you for your prompt attention to this matter. I anticipate a positive response and a clear plan to address this pressing issue so that children, families, and seniors can once again feel safe in our communities.

Sincerely,

Michael Lee
MLA, Vancouver-Langara
Shadow Minister for Indigenous Relations and Reconciliation

CC:

Hon. David Eby
MLA, Vancouver-Point Grey
Premier of British Columbia

Kevin Falcon
MLA, Vancouver-Quilchena
Leader of the Official Opposition

Mike de Jong
MLA, Abbotsford West
Shadow Minister for Attorney-General