**Introduction**

The Canadian Union of Jewish Students (CUJS) writes in support of two important recommendations from the Alliance of Canadians Combating Antisemitism (ALCCA). As Jewish students, we believe the Toronto Police should adopt the NYU standard on anti-zionism, and we are deeply concerned about amnesty deals for trespassing protesters and their effect on the rule of law. We agree with ALCCA that police are not obliged to abide by the terms of such deals, and urge the police to hold those who commit trespassing - especially in cases where Zionists are prohibited from accessing certain areas of campus - legally accountable for their illegal acts. We also wanted to share an additional concern relating to the downplaying of the Holocaust.  
  
As an organization that is deeply concerned about the safety of Jewish students on campus, we routinely urge legal bodies to be fully cognizant of the issue of antisemitism and take proactive measures to address it.  
  
**1. Discrimination against Zionists is illegal**

Discrimination against Zionists amounts to religious discrimination. In our brief to the Justice and Human Rights Committee of the House of Commons, we addressed this issue head on.

There is abundant evidence suggesting that Israel is essential to Judaism. For many Jews, anti-Zionism is contrary to their religion… we view discrimination and hatred against Jewish Zionists as antisemitic. Rather than being merely “fear or distress based on a difference of political views,” we see such discrimination as similar to the hatred Jewish people faced for their religious beliefs in Canada previously that was expressed through signs saying “sabbath observers not welcome” while claiming not to target Jews directly. A sign saying “Zionists not welcome” is akin to saying that Jews who follow Judaism’s teachings are unwelcome. It is unacceptable that such discrimination is occurring in our society. Jews should not have to choose between their religion and civil and social liberties.[[1]](#footnote-0)

In our brief, we cited numerous religious sources in support of our proposition. Far from being mere footnotes, these sources demonstrating the importance of Israel to Judaism are included in the most important rituals of Jewish life including weddings, holidays, and even days of mourning and fasting.[[2]](#footnote-1) Discrimination against Jews for being Zionists, therefore, should be deemed to be no less of an affront to religious liberty and civil rights than to discrimination against Jews for other religious-based reasons.  
  
**2. The Police should not grant amnesty to trespassers who set up encampments which discriminate against Jews based on their religious beliefs.**

Encampments across Canada had a policy (whether implicit or explicit) which closed off public space to Zionists. Often the encampment was lined with barricades and ‘guards’ who enforced entry and exit restrictions against Zionists despite the fact that they had no legal right to do so (often these guards use quasi-official means to intimidate people such as wearing high-visibility jackets and communicating via walkie-talkies). In line with our first submission, this is discrimination on the basis of religion. We are deeply concerned about the impunity of those who engaged in these actions, and the fact that antisemitism of this nature continues to go unpunished.

The lack of repercussions for trespassing on university campuses endangers Jewish students. In our statement regarding the University of Windsor deal to end the encampment (offering students amnesty while also caving to many of their pernicious and discriminatory demands), we noted that the University of Windsor’s policy “could lead to an environment where antisemitic behaviour is tolerated marginalizing Jewish students.”[[3]](#footnote-2)   
  
We agree with ALCCA’s recommendation on this front that “police are entitled, and

in some instances, may be obligated to take law enforcement measures to terminate or

prevent criminal offences, whether taking place on private or public property and whether

the lawful owner requests that such measures are taken.”[[4]](#footnote-3) We submit that religious discrimination, especially in the context of the awful rise in antisemitism recently, form pressing reasons for police to take action to protect the safety of Jewish students from those who seek to illegally take over parts of campus and bar them from accessing it. When universities are not doing enough to make sure Jewish students are safe, the police must step in.

**Additional Concern: Downplaying the Holocaust**  
In our Justice Committee brief we noted that “We are further concerned by the recycling of old antisemitic tropes where the word “Jew” is simply substituted for “Zionist.” Examples of this include blood-libel tropes, Holocaust distortions and denials, and portrayals of Israel/specific Israelis that use antisemitic imagery.[[5]](#footnote-4)“  
  
Of specific importance for the police is the issue of Holocaust distortion and denial, as it may be contrary to the *Criminal Code* which states:

**319 (2.1)** Everyone who, by communicating statements, other than in private conversation, wilfully promotes antisemitism by condoning, denying or downplaying the Holocaust

* **(a)** is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
* **(b)** is guilty of an offence punishable on summary conviction.

We have witnessed anti-Israel groups using language which can be seen as minimizing the Holocaust, but often this is done implicitly. Nevertheless, this remains a pernicious form of downplaying the Holocaust which, where warranted, should have legal repercussions.  
  
For example, on November 14, 2023 McMaster SPHR posted a caption saying that the war in Gaza (then only 38 days old) was “the most documented genocide in history.”[[6]](#footnote-5) At one of their events, a man held up a sign saying “one Holocaust is enough.” These expressions seek to downplay and condone the Holocaust respectively. Even if McMaster SPHR did not explicitly mention the Holocaust, we believe that this is not a sufficient defence for engaging in conduct which so clearly seeks to downplay the evidence for the Holocaust as well as the extent of the atrocities Jews faced during the Holocaust and the trauma Jews face when confronted with Holocaust distortions. While we note that McMaster SPHR is not within TPS jurisdiction, we bring this example primarily to shed light on the problem and hope that TPS can develop a strategy to properly act against those who commit the crime of Holocaust distortion when such events take place in Toronto.

**Conclusion**

CUJS supports the above listed recommendations of the ALCCA, and notes their great importance to Jewish students. Students on campus have faced an unacceptable amount of antisemitism and the police must ensure that campus remains a safe place for Jewish students, and one where they do not have to abandon their religious beliefs to enter part of campus. When it comes to trespassing, the police must set out the clear expectation that nobody is above the law. It should not matter if someone is a wealthy university student, a professor, or even a department chair. The ruling in *University of Toronto (Governing Council) v. Doe et al., 2024 ONSC 3755* made this clear and the police should make sure that violators are held accountable. Amnesty provided by universities should not prevent police from pursuing those who specifically prevent Jews from accessing parts of campus due to their religious beliefs as amnesty deals provided by universities do not override the police’s duty to ensure the civil rights of Jewish students are protected.

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Respectfully Submitted,  
Canadian Union of Jewish Students

1. The Canadian Union of Jewish Students, May 22, 2024, Submission to the Standing Committee of Justice and Human Rights, https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR13153995/br-external/CanadianUnionOfJewishStudents-e.pdf. [↑](#footnote-ref-0)
2. Genesis 12, Numbers 13 and the associated commentary in Sotah 34b-35a, Jeremiah 31:16, II Chronicles 36:23, Psalm 126, Psalm 137, Nathan Goldberg Passover Haggadah p. 43, Yom Kippur Artscroll Machzor p. 764. [↑](#footnote-ref-1)
3. Canadian Union of Jewish Students, *Statement on the University of Windsor Encampment Agreement*, July 16, 2024 <https://www.instagram.com/p/C9fBi1_RU67/?igsh=bXJoeHlldXRtNDVp> [↑](#footnote-ref-2)
4. ALCCA Brief, Page 7. [↑](#footnote-ref-3)
5. Supra 1. [↑](#footnote-ref-4)
6. McMaster SPHR *Walkout For Palestine,* November 14, 2023, caption text <https://www.instagram.com/p/CzpuAEzLL5U/?igsh=MTVuZTFmbTh1MzIx> [↑](#footnote-ref-5)