Thank you for the opportunity to provide this submission. I am writing this letter to you as a lawyer, as well as a member of the Jewish community in Toronto, and a child of Holocaust survivors. Both my parents lost most of their families in the Holocaust. Growing up in Toronto, I thought “Never Again” meant something, as I had never personally experienced antisemitism. Yet, since October 7th, I find myself constantly bombarded by antisemitism, ostensibly related to a war in the Middle East, almost 10,000 km away. While I recognize the right of Canadians to peaceful protest, the constant pro-Hamas demonstrations and encampments have been anything but peaceful and are not protected by the Charter.

It pains me that multiculturalism and diversity only seem to apply if you have a different skin colour or ethnicity. For the small minority of Jews in Toronto who are predominantly white, diversity and tolerance don’t seem to apply. Not a day goes by since October 7th, where I am not sickened by what is happening in Toronto and reminded that Jews are the targets of these hateful demonstrators and extremists.

The police hate crime statistics bear this out. There has been a 93% increase in hate crimes in the city since October 7th, with the majority, approximately 56%, being antisemitic and targeting the Jewish community, despite the fact, that Jews represent only a small percentage of the population. The police chief has also noted that Toronto has seen more protests since October 7 than any other city in Canada, and those demonstrations have escalated. And while I write this submission, an 88-year-old Jewish man (a crossing guard) was assaulted by Hamas supporters and sent to hospital, now seriously traumatized, for supporting Israel by holding an Israeli flag in a primarily Jewish area.

**LAW AND ORDER MUST PREVAIL**

Canada has clear laws against hate speech and other forms of civil disobedience. What has happened to law and order in Toronto? What has happened to the once peaceful city I grew up in and where I have lived all my life? Pro-Hamas demonstrators chant hateful messages, obstruct traffic, and threaten (and harm) those who disagree with them and yet few, if any, charges are laid, despite repeated breaches of the law. By contrast, pro-Israel demonstrations have been entirely peaceful.

**RESPONSIBILITY OF POLITICIANS AND THE POLICE**

The politicians of this country, from the Prime Minister to the Premier of Ontario, and especially, Ms. Chow, the Mayor of Toronto, have let city residents down (both Jewish and non-Jewish) by not taking action to curtail these hateful demonstrations and other acts of antisemitism. A cynical perspective would be that their collective failure may be influenced by political considerations and not by the democratic values that were once so important in a multi-cultural and diverse country like Canada. We know that Jews in Toronto and throughout Canada are not a significant voting sector in pure numbers when compared to the larger numbers of Muslims in their various constituencies.

I would certainly not be surprised to learn that the police in Toronto have been directed or influenced by the Mayor to NOT take action, for the above reasons. I sincerely believe that if these demonstrators were targeting other minority groups, such as African Canadians or Asians, such demonstrations would not be tolerated, and law and order would prevail. Surely, Jews deserve the same protection as any other group.

Mayor Chow’s silence is deafening when it comes to these acts of hate. She has done very little to support the Jewish residents in Toronto and to make them feel safe. To quote Elie Wiesel, a leading spokesperson on the Holocaust, “We must take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.”

**Ms. Chow and the Toronto Police Services Board (TPSB) must NOW send the police a clear message that the laws in this country WILL be enforced and hate crimes and illegal activity at demonstrations will no longer be tolerated. There must be consequences for breaking the law and CHARGES MUST BE LAID.**

**MANY OF THESE PROTESTS ARE UNLAWFUL AND DO NOT WARRANT CHARTER PROTECTION**

While the right to peaceful assembly and freedom of expression are protected rights under the Canadian Charter of Rights and Freedoms, those rights have limitations and many of the anti-Israel and anti-Jewish protests in Toronto have crossed the line into violence, threats of violence or other unlawful acts which are **not** protected by the Charter.

If people have a dispute with what is going on in the Middle East, the appropriate place for such protests is in front of consulates or embassies, or the legislature or city hall. That is their right. But they DO NOT have the right to target Jews in their communities or express their anger at Jewish people in Toronto because they are angry about something that is happening in Gaza. Breaking windows and setting fires at synagogues and intimidating Jews has absolutely nothing to do with protesting the war in the Middle East.

I understand that criminal charges have been laid in connection with mischief and vandalism against businesses that are owned by Jews or support Jewish causes, including Indigo and Starbucks. But just as important is the enforcement of the Criminal Code hate laws during anti-Jewish demonstrations, including laws against public incitement of hatred, wilful promotion of hatred and wilful promotion of antisemitism.

For example, under section 319(1), “Everyone who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty” of an indictable offence punishable by up to two years’ imprisonment, or a summary conviction offence.

Unfortunately, it seems to me that the protestors are most often charged when their violence is directed at police, rather than at the Jewish community. Or ironically, in a very few cases, Jewish bystanders or counter-protestors are charged after being provoked by the unruly demonstrators and finally lose control, while the provocateurs walk away freely.

It is very worrisome that the police are using the Charter as an excuse not to charge law breakers, because they apparently fear that enforcing the law will lead to violators becoming even more violent. While public safety is important, if charges are not laid, and there are no consequences for these extremists, they become emboldened, and the protests increase as does the attendant hate and violence. This is why the hateful demonstrations and violence in Toronto have escalated so much, compared to other cities.

While some of the protestors may genuinely be protesting the war and are concerned about the people of Gaza, there are many who are simply supporting terrorist groups, visibly based on what they say, do and what they wear. Reportedly, some of the demonstrators are even being paid to protest by non-profit Canadian charities associated with terrorist groups.

As a result, there are regular examples of pro-Hamas protestors targeting Jews with hate speech at these demonstrations in Toronto, and yet no one seems to be charged for the dissemination of hate, despite the police holding news conferences indicating that demonstrators will be charged if they break the law.

Many of these demonstrations also constitute an “unlawful assembly” and “riot” which are illegal under sections 65-66 of the Criminal Code. These sections also prohibit any person who participates in an unlawful assembly or riot to conceal their identity by mask or other disguise, “without lawful excuse.” But at many of these protests, most of the demonstrators are masked to conceal their identities and to intimidate. How are police to enforce the law and charge violators if they don’t know who the perpetrators are? Police have often indicated that they will charge the perpetrators later (ostensibly to avoid further turmoil and do some investigation). But there is no “lawful excuse” for the demonstrators to wear masks, aside from avoiding arrest. If police do not charge law breakers while they are committing offences, they will not be able to charge them later because it will be impossible to identify them. This is a serious issue and should be included in the TPSB new policy. **Masking needs to be stopped when illegal activity is happening and that includes the dissemination of hate speech. Charges must be laid during the protests.**

Other criminal laws not being enforced at these demonstrations, include causing a disturbance, interfering with transportation facilities, and blocking or disrupting a highway, to name a few, as well as other provincial laws and municipal by-laws. **The laws are there, but they are just not being enforced. The police MUST act to charge the violators so violent protests and antisemitism in Toronto can stop.**

**CITY INFRASTRUCTURE MUST BE PROTECTED**

Since October 7, police have allowed demonstrators to close down major highways and streets, requiring drivers and even buses to be diverted, while demonstrators are clearly breaking the law by standing on bridges spewing hate. And from a public safety perspective, these protests were clearly distracting to the drivers below. It is a miracle that no accidents, injuries or death have resulted (at least to the best of my knowledge.) Is that what it will take for police to ultimately curtail protests that infringe upon the city infrastructure? Police know that demonstrations that block critical infrastructure such as highways and bridges are not legal. They have said so in news conferences and promised to charge the violators.

The significant protests at Avenue Road and the 401 not only inconvenienced Toronto residents and drivers but were clearly targeted at nearby Jewish communities. It took weeks for the demonstrations at that location to finally be shut down by the police. Yet it appears that these unlawful protests on overpasses still occur at other locations, risking public safety.

More recently, demonstrators were allowed to shut down the Dundas and Yonge corridor for almost 40 minutes, to hold a prayer session at the end of their protest, while drivers, cyclists and buses/streetcars were prevented from going about their business. Police reportedly called this simply an “inconvenience” to the public, that was protected by the Charter. This is simply not true. Religious observance is, of course, protected by the Charter. But public mischief is not. Are the police and the mayor going to allow every religious group to sit down and block a major public throughfare to pray whenever they would like and designate this as freedom of expression or freedom of religion? Google estimates that there are at least 100 masjids in the GTA where Muslims are free to pray. The Yonge-Dundas square and Nathan Phillips square were also close by and could have been used for this purpose. **Our infrastructure should never be held hostage at the whim of these demonstrators and their organizers who seem to come up with new and more troubling tactics to create havoc in our city and disrupt our civil society.**

When the Freedom convoys in Ottawa were protesting government Covid-19 measures and blocking roads, the government invoked the Emergency Act, removed demonstrators and their vehicles, and laid charges. And yet, while we are dealing with a much more persistent and serious situation across Toronto vis a vis infrastructure, unlawful activity is allowed to continue and is even supported by the police, who choose to close roads and highways, ostensibly to ensure public safety, rather than charging the angry protestors who hold highway overpasses and City infrastructure hostage.

Police are likely aware of the leadership of some of the groups that are taking responsibility for these demonstrations. They need to be told that they can no longer continue to do so with impunity. The laws of our country must be enforced, and charges must be laid in accordance with a law-abiding, democratic society.

**FUTURE VIOLENCE MUST BE STOPPED & PROACTIVE STEPS MUST BE TAKEN**

The Jewish community is grateful to the Toronto Police Service for their efforts in working to keep the Jewish residents safe. I participated in the UJA Walk with Israel this year and was very impressed with their efforts. Nevertheless, it saddens me that so many police resources were required. I was still nervous walking with my family and was still confronted by hate speech displayed by protestors at points along the route. Subsequently, I learned of attempts by a mob of protestors trying to infiltrate the centre where the walkers met after the walk that was thankfully thwarted by the police.

But more MUST be done. Violent protests beget actual violence, and that violence is escalating in Toronto. There are too many incidents where Jewish businesses and institutions have been firebombed, targeted with arson, smashed windows, hate-filled graffiti and regular vandalism. Some synagogues have been repeatedly targeted, yet charges are infrequent.

These gangs of protestors must not be allowed to continue targeting Jewish communities to spread fear, harass and intimidate. The perpetrators must be charged, or these unlawful and hateful acts will continue. Peaceful protests should only be permitted in public spaces, away from Jewish communities and institutions and city infrastructure.

Mayor Steven Del Duca and the City of Vaughan council should be congratulated for initiating a by-law (also supported by York Regional Police Chief) to prohibit demonstrations that intimidate or incite hatred violence or intolerance within 100 metres of “vulnerable social infrastructure” including schools, hospitals, places of worship and childcare facilities.

Why is it that Mayor Chow, the Deputy Mayor, and other Toronto city councillors, when given a similar opportunity, voted against a request to the Province of Ontario to pass safety zones.

Ironically, a much earlier motion passed unanimously by Toronto city councillors in October 2023 (just after Hamas committed unprecedented violence in Israel) entitled “Keeping Toronto Safe from Hate”, included a request to the Toronto Police Services Board to create “community safety zones … inclusive of areas surrounding places of worship and cultural and religious daycares and schools recognized as a potential target for hate.” **It is imperative that safety zones similar to what the City of Vaughan proposed, be created immediately to protect ALL Toronto residents.**

Furthermore, police need to be deployed in Jewish neighborhoods and around Jewish businesses and institutions. A strong police presence is very important to discourage future illegal acts and the spread of fear, intimation and harassment (and possible violence) towards Jewish residents.

**POLICE NEED TO HAVE THE NECESSARY RESOURCES AND TRAINING TO STOP HATE CRIMES AND THESE HATEFUL DEMONSTRATIONS**

The police have argued that they were stretched thin even before Oct 7. And now limited police resources are being diverted regularly to these unlawful protests, numbered at more than 1,000 protests in less than one year. $12M has already been spent policing these demonstrations, including $5M in overtime. Would it not make sense to be more diligent about charging those involved in criminal activity in order to curtail these activities?

Police must also have the necessary financial resources to allow them to serve and protect ALL residents. The Jewish community, like other communities in the city, must be allowed to feel safe and secure in Toronto. Right now, that is not the case.

If police officers are having issues identifying hate crimes, there are many resources available to provide them with the necessary training. Some of the speeches at these demonstrations are in Arabic but when translated into English, there is no question that it is hate speech. Expressions of support for organizations designated as terrorist entities by the Canadian government (such as Hamas and Hezbollah) must surely be considered hate speech. Slogans in support of those organizations, such as “From the River to the Sea” which essentially calls for the destruction of Israel and all Jewish people, are clearly hate speech.

As I’ve noted several times, hate crimes and hate speech are illegal under Canada’s Criminal Code, yet little has been done to enforce these laws. If nothing is done to stem the tide of this ongoing and overt antisemitism, our elected officials are complicit as is the TPS.

We are asking the TPSB to ensure that the police do their jobs by enforcing the laws of the land and charging law breakers. This is especially important given that these protests are funded and organized by outside interests which do not align with the democratic principles we cherish in Canada. We are hoping to see a very dramatic change in how the police respond to these protests, given that Jewish residents are constantly under siege.