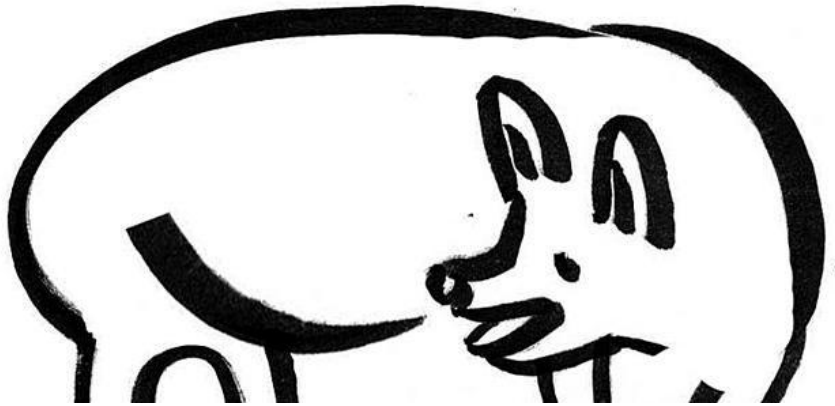


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### Rights commissions? Wrong

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Just over a month ago, we devoted this space to questioning the prosecution of Maclean's columnist Mark Steyn before human rights commissions because of an essay he wrote about Islam ("Questions of Freedom and Religion," Dec. 13).

It may bear clarifying here that the Steyn piece in question is many things — boring, convoluted and full of non sequitur punchlines, to name three — but it is not remotely hateful and would be offensive only to someone (or some group, in the case of the Canadian Islamic Congress, who lodged the complaints with various human rights commissions against Maclean's) who is shocked and hurt by simple disagreement.

But, unfortunately, as Steyn recently pointed out in Maclean's, "offensiveness is in the eye of the offended," and human rights commissions in Canada traffic in serving the offended. Which raises a different and troubling issue about human rights commissions in Canada: why do we have a quasi-judicial tribunal system acting as a censor board?

Ezra Levant, Conservative writer and until recently publisher of the Western Standard magazine, found himself testifying before the Alberta Human Rights Commission last week, in response to a complaint by another Islamic group. His alleged offence was republishing the famous Danish cartoons that depicted the Muslim prophet Mohammed. (Ironically, he published the cartoons not as a commentary on Islam, but as an assertion of the human right to freedom of speech.)

His opening statement to the tribunal is worth quoting at length: "I am here at this government interrogation under protest. It is my position that the government has no legal or moral authority to interrogate me or anyone else for publishing these words and pictures. That is a violation of my ancient and inalienable freedoms: freedom of speech, freedom of the press and, in this case, religious freedom and the separation of mosque and state.

"It is especially perverted that a bureaucracy calling itself the Alberta Human Rights Commission would be the government agency violating my human rights..."

"As Alan Borovoy, Canada's leading civil libertarian, a man who helped form these commissions in the '60s and '70s, wrote, in specific reference to our magazine, being a censor is 'hardly the role we had envisioned for human rights commissions. There should be no question of the right to publish the impugned cartoons.'..."

"For a government bureaucrat to call any publisher or anyone else to an interrogation to be quizzed about his political or religious expression is a violation of 800 years of common law, a [United Nations] Universal Declaration of Rights, a bill of rights and a [Canadian] Charter of Rights..."

"It is also deeply procedurally one-sided and unjust. The complainant ... doesn't have to pay a penny; Alberta taxpayers pay for the prosecution of the complaint against me. The victims of the complaints ... have to pay for

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their own lawyers from their own pockets. Even if we win, we lose — the process has become the punishment.

“Unlike real courts, there is no way to apply for a dismissal of nuisance lawsuits. Common law rules of evidence don’t apply ... It is a system that is part Kafka and part Stalin.”

We are unused to finding ourselves nodding in agreement when we read Ezra Levant’s arguments. He tends to advocate things — prohibition of abortion, abolishing public healthcare — we disagree with. But there are things on which civilized people from across the political spectrum agree, basic assumptions that are necessary prerequisites to the functioning of a democracy: that only open debate and the airing of conflicting opinions produces progress, and that everyone is entitled to due process before the court system. The things that keep us safe from totalitarianism are free speech and due process. That the human rights commissions of BC, Alberta and the federal government are even hearing these complaints endangers both.

We have laws, both criminal (dealing with hate speech) and civil (dealing with defamation) and a constitutional Charter that proscribe the limits of free speech. These are interpreted and applied by the courts. We have no need for tribunals of non-judges to go about trashing fundamental Canadian freedoms whenever someone’s feelings are hurt.

Human Rights Commissions, who may still serve some purpose as an informal way for victims of employment and housing discrimination to find redress, need to be reined in. They should have no jurisdiction to restrict or stand in judgment of freedom of speech and of the press.

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