

The Human Rights Revolution and Counter-Revolution: Dance of the Dialectic

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It is a distinct privilege to be here this evening and to participate in the common cause which brings us together - the inspired memory of Bernie Vigod; the integrity of his person; the principles of his scholarship; the legacy of his vision - a vision and legacy of human rights and human dignity.

As Madame Justice Rosalie Abella put it so well in the Inaugural Bernie Vigod Memorial Lecture in Human Rights: "This lecture is about human rights because Bernie Vigod was. And it speaks to its legacy because that's what Bernie Vigod's legacy was. Born in the shadow of the Holocaust, as many of us were, he could not help but be shaped by its legacy. And having been shaped by it he devoted his life to shaping a new legacy".

I first met Bernie some twenty years ago - and then many times thereafter - as convergence of interests and involvements kept bringing us together. We first met in the mid-70s when I was President of the Canadian Professors for Peace in the Middle East and Bernie was Vice-President for the Atlantic region. Indeed, to paraphrase Thomas Kuttner in another correction, Bernie was Canadian Professors for Peace in the Middle East in Atlantic Canada - as Thomas Kuttner elsewhere put it - he was the League for Human Rights in Atlantic Canada.

And it was with Bernie's passionate commitment to peace - to politics anchored in human rights and human dignity and to a vision of what the Middle East might yet come - that we fashioned the fundamental principles that were to guide Canadian Professors for Peace in the Middle East throughout its existence. These principles that seemed so remote from acceptance - let alone implementation - twenty years ago, now underpin the peace process in the Middle East today. They are the following:

- i) There can be no resolution of the Arab-Israeli conflict that does not include the right of Israel to exist within secure and recognized boundaries, free from any threats or acts of force;
- ii) There can be no resolution of the Arab-Israeli conflict that does not include recognition of the Palestinians as a people, with legitimate rights, including the right to self-expression and self-determination;
- iii) the parties to the conflict must be parties to the peace.

The second area of involvement which we shared was the struggle for human rights and against racism - racism being the ultimate assault on human dignity, of anti-Semitism the most enduring of race hatreds, and Holocaust denial as the cutting edge of anti-Semitism, old and new.

A third area where our interests and involvements naturally converged was education. For Bernie, the importance of education meant not only being an historian - a scholar of history - but learning from history and acting upon it. History, then, was not just an academic discipline, it was a looking-glass into the meaning of life itself; and it dovetailed, if not underlay, Bernie's abiding passions; that education be a means not only for understanding the Arab-Israeli conflict but bringing about its resolution: that education be an instrument for equity and fairness - as in Bernie's commitment to bilingualism, biculturalism and multiculturalism long before "education equity" and "minority language rights in education" became buzzwords or passwords; and that education be a bulwark against racism through the teaching of tolerance as antidote against intolerance.

It is this vision and legacy of human rights that bears recalling and reaffirming this evening. For we meet tonight at a rather critical, historical juncture in the struggle for human rights and human dignity. There has been an explosion of human rights, where human rights have emerged, as it were, as the organizing idiom of our political culture - as the "new secular religion of our times". Indeed, things thought impossible as recently as five years ago have not only happened, but have already been forgotten - or are in danger of being forgotten. Consider the following snapshot of the human rights universe since 1989, the year of the "velvet revolution" as Václav Havel put it at the time.

Hundreds of millions of people now enjoy the franchise in the former Soviet Union and Eastern Europe, people who would have been imprisoned or exiled had they sought even to advocate, let alone exercise, that franchise some five or ten years ago. Democracy is on the march from Central America to Central Asia. The reunification of Germany, unthinkable just five years ago, is now a reality. Namibia has been liberated from South Africa; Mandela has been liberated from a South African prison; and South Africa has been liberated from apartheid. Captive nations, the metaphor for the Baltic nations, and closed borders, the condition of that people, have been turned on their heads. The notion of "women's rights as human rights" became the clarion call in Vienna in June 1993 for the first United Nations Human Rights Conference in twenty-five years, and energized the whole human rights movement.

Moreover, this explosion in human rights has been inspired by an explosion in human rights law, in international human rights standard-setting as representative of the common language of humanity. For example, the dramatic increase in human rights treaties combatting torture, prohibiting racial discrimination, defining the rights of

women, or protecting the rights of children, indigenous people, minorities, victims of enforced disappearances and the like, the emergence of international humanitarian law, or international law respecting the protection of human rights in situations of armed conflict, and which bespeak not only a right, but a duty to intervene in situations which exhibit "a consistent pattern of gross violations of human rights"; the increasing use of international human rights norms by domestic courts, or by governments in designing foreign policy; the internationalization of human rights and the humanization of international law - the individual as subject, not object, of international law - thereby confirming Father Robert Drinan's dictum that "the elevation of human rights into an international juridical norm is the most dramatic development in the history of contemporary international law".

What is true of the human rights revolution internationally is also paralleled by the human rights revolution domestically. In 1982, then Minister of Justice and now Judge of the Federal Court of Appeal, Mark MacGuigan, spoke of the advent of the Canadian Charter of Rights and Freedoms as the "most significant legal development in Canada in the twentieth century". In 1987, Madame Justice Claire L'Heureux-Dubé of the Supreme Court of Canada spoke of Canada stretching the chords of liberty more in five years than the US Supreme Court had done in 200 years. And in 1992, on the tenth anniversary of the Charter, Chief Justice of the Supreme Court, Antonio Lamer, spoke of the Charter's revolutionary impact and compared it to the discoveries of Louis Pasteur in science.

I suspect that as I give this snapshot of the human rights revolution, some of you may well have been thinking to yourselves: "if everything is so good, why does everything appear to be so bad?" Indeed, we are witnessing a human rights "dance of the dialectic". For at the same time as we have been witnessing this human rights revolution, we have also witnessed a counter-revolution, where the violations of human rights not only continue unabated, but have in fact intensified. The homeless of America, the hungry of Africa, the imprisoned of the Middle East, the female victims of gender apartheid globally, can be forgiven if they think that the human rights revolution has passed them by; the silent tragedy of the Kurds, the ethnic cleansing in the Balkans, the horror of Sarajevo, the agony of Angola and Rwanda are literally part of the assault upon, and abandonment of, human rights in our time providing further evidence of the counter-revolution against human rights.

As well the dialectics of glasnost and democracy in the former Soviet Union have unleashed the repressed demons of racism and anti-Semitism. The new extremist Russian right blames the Jews for bringing about Communism, and the old extremist Communist left blames the Jews for the downfall of Communism. Either way, the Jew is caught in the classic pincer situation while the political uses of anti-Semitism resonate in the former Soviet Union.

In a unified Germany, neo-Nazis stalk the streets in search of "l'étranger" - a new xenophobia has begun to spread across Europe. An opening of the gates of emigration has been met by a closing of the doors of asylum. The mass rape of women in Bosnia-Herzegovina has not only been a consequence of war, though that would be tragic enough, but has emerged as a strategy of ethnic cleansing, an actual purpose of the war.

Democracy has been on the march, but the war on poverty has not. 35,000 children die each day in the developing world from preventable diseases. Enfranchisement of the citizen has not been met by the empowerment of the disadvantaged. The emergence of new nations has not resulted in the recognition of First Nations.

It is not surprising, therefore, that the rhetoric of the human rights revolution may yet invite the not uncynical rejoinder that, to paraphrase Bentham that human rights law is so much "nonsense on stilts", that it is rights without writs, rhetoric without remedy, semantics without sanctions.

As if this were not enough, one can be blindsided by one's 15 year-old child, as reflected in my daughter's comments upon hearing that I would be speaking on the human rights agenda. "Face it daddy, you're an anachronism. Your human rights agenda is over. Prisoners of conscience? They have all been released (and no thanks to you anyway). Captive nations - Soviet Jews - they are all free to emigrate. Demonstrations against South Africa (you've been taking me to them since I was born) for the release of Nelson Mandela - well, he's been released - and the President of South Africa. Apartheid? It's been dismantled. Nazi war criminals - it's too late. Face it daddy, it's all over. You have nothing to do".

But as I said to her, and wish to share with you this evening, we ignore the human rights revolution at our peril. For it would be wrong to assume that the human rights revolution has been won as it would be to assume that it can never be won. Moreover, the human rights ideas that empowered a human rights revolution - that all people everywhere are entitled to fundamental rights, that states have an obligation to protect the rights of their people, that other states, NGOs, and people have a right and responsibility to protest and intervene against such human rights violations - these ideas are themselves under attack. Indeed, the problem today lies not only in the dichotomy or dissonance between human rights norms and human rights violations - which is disturbing enough - but it now extends even to the questioning of human rights norms themselves. For while the Vienna Declaration of Human Rights is anchored in the universality of human rights, of human rights norms as the "common language of humanity", that very universality was challenged in Vienna by a host of states seeking exemption or immunity from it on grounds of "cultural relativism", on the grounds of particularity of faith, culture or ideology.

Accordingly, and in regard to the above, may I share with you an agenda for human rights that would take us towards the year 2000. This agenda is more illustrative than exhaustive, more for purposes of animation than example. You can fill in not only the details but the priorities as you yourself deem appropriate. I am only going to share with you some of the priorities that I believe should be associated with such a human rights agenda.

The importance of human rights education (sensibiliser, as the French would put it). The task here is to develop a culture of human rights, a human rights sensibility. In other words, as human rights activists have described it, what is needed is "conscientization", a constituency of conscience on behalf of human rights that affirms the universality and indivisibility of human rights. While we respect cultural and religious pluralism, we must oppose the attempt to use or abuse culture or religion as a cover for human rights violations.

The bedrock principles that must inspire this human rights education, this culture of human rights, include:

- i) Universality of human rights - the common language of humanity expressed by the International Bill of Rights.
- ii) All religions, all cultures, all people lay claim to ideas of justice, equality and human dignity.
- iii) Certain universal norms that oblige us all; that neither murder, nor rape, nor racism, nor ethnic cleansing can be respected by any faith, culture or people that respects humanity.
- iv) Human rights are as indivisible as they are interdependent.
- v) If development is essential to respect, respect for human rights is essential for development.
- vi) The importance of national or domestic institutions of human rights. as Max Yalden, the Chairman of the Canadian Human Rights Commission has pointed out, respect for, and implementation of, international human rights is bound up with the existence of a national infrastructure for the promotion and protection of human rights. Such national infrastructure can help.
- vii) Developing a culture of human rights that is both universalist and pluralist - that promotes bedrock universal norms within the national culture, as it educates respecting pluralist norms within the universal culture.

viii) Implementing international universal human rights norms within the national or domestic culture through the enactment of domestic measures implementative of international treaty obligations; and help incorporate human rights norms within the domestic political, juridical, institutional, educational, and cultural institutions of the country including: the executive and legislative branches of government, the judiciary, political and security forces, the education system, the media, the knowledge industry. As well, the domestic infrastructure can monitor, investigate, expose and remedy human rights abuses, thereby promoting respect for, as well as application of human rights and the rule of law.

ix) Combatting racial incitement.

One of the more disturbing and dangerous contemporary phenomena, both in Canada and around the globe, is the proliferation of racist hate speech. As the Canadian Supreme Court has put it, these corrosive, catastrophic effects of racism are the "chilling stuff of history". What is needed to combat it is a strategy of commitment involving education, elite group condemnation, and the invocation and application of the panoply of legal remedies available to us, including administrative, civil, criminal and human rights avenues. Such a strategy must be anchored in, if not inspired by, fidelity to a number of fundamental principles as enunciated by the Canadian Supreme Court itself in the Keegstra case including the inherent dignity of the human person, the equal dignity of all persons, the right of minorities to protection against group-vilifying speech, the underlying values of a free and democratic society such as respect for group identity and cultural pluralism, the preservation and enhancement of our multicultural heritage which, as the Supreme Court put it, is itself under assault from racist hate speech, and adherence to our international law obligations which call upon us to enact domestic measures to combat racial incitement. We must remember that in this, as in everything else, the test of our civilization will be the way we treat and protect our minorities.

But while domestic courts in Canada have invoked international human rights norms against racist incitement, the international community has not enforced these human rights norms against state-sanctioned racial incitement, perhaps the most dangerous and explosive threat to both human rights and international peace and security. What we have been witnessing in the Balkans with the Kurds, in Nagorno-Karabach and in Rwanda is state-sponsored ethnic cleansing organized around the demonizing of the other and, in the case of Rwanda, state-sponsored incitement to genocide.

What is as appalling and horrific is not only that there is evidence of state-sponsored, state-orchestrated genocide as in Rwanda, but that this state-sponsored genocide was known and preventable. Indeed, if preventive diplomacy is now the buzzword for both international protection of human rights and the international protection of peace and

security by the United Nations, then the UN has failed miserably in Bosnia, in Rwanda, and in Nagorno-Karabach.

What is so disturbing and frightening is that, as we meet here, renewed killing is once again threatening Rwanda. The same armed perpetrators are regrouping in Zairean refugee camps. Discipline among Tutsi troops in Rwanda is breaking down. Burundi stands poised once again to join the killing fields, while impunity for past killings remains and hatred is spewed over the government-controlled media. Yet, despite all this, there have been advances in the development of international monitoring, jamming of racist broadcasting as a form of "electronic peacekeeping", demobilizing and quarantine of the armed perpetrators, the building of a visible justice system and the protective dispersal of humanitarian assistance.

xii) Bringing war criminals to justice.

One of the more encouraging developments this past year has been the steps taken to build an international justice system to ensure that those responsible for war crimes against humanity, and genocide be brought to justice. I am referring to two developments: the appointment of a distinguished Chief Prosecutor for the International tribunal of Inquiry into war crimes in the former Yugoslavia; and the extension of the jurisdiction of the Yugoslavian Tribunal to Rwanda.

But if war crimes justice is to be secured, certain principles and recommendations should be borne in mind, if not acted upon. An international criminal court must be established. Until such an international criminal court is established, member states and their national courts must be "agents of international law" and enforcers of human rights. The necessary resources must be advanced to the International Tribunal of Inquiry respecting war crimes in the former Yugoslavia. We must eschew peace agreements that provide immunity or amnesty for the perpetrators of war crimes, for we shall have neither peace nor justice. War criminals - whatever "killing field" they are in - must be put on notice that they will be held accountable for their crimes.

xiii) Enforcing International Humanitarian Law.

Some of the most horrific of human rights violations today take place today against civilians in situations of armed conflict. Civilians are not so much caught up in the conflict "par hasard" as they are intentionally targeted by it. In a word, the bombardment of civilian encampments, ethnic cleansing, mass rape and the like are not tragic consequences of war as they are the instruments for waging it. While international humanitarian law has developed an elaborate code of conduct for the protection of civilians in armed conflict, it sometimes appears as if military action, be it in Bosnia, Somalia, Angola, Liberia, Sudan, Nagorno-Karabach or Guatemala, has been intent not only of defeating the opposing army but on "cleansing" it of its civilians.

xiv) The right to food.

It is a case study of the Dickensian character of the human rights universe that we have over 100 international instruments that purport to promote and protect the right to food, yet this internationally guaranteed rights has meant little to the hungry. It shields neither the famine victim, nor the victim of armed conflict, nor the welfare mother from the calamity of food shortages. It continues to lie dormant in unimplemented treaties and unread or unused legal doctrine. It thus becomes our legal responsibility to make the elimination of hunger and the right to food the focal point for both our domestic and international justice agendas, the message and the metaphor of the human rights revolution of the 1990s. In the words of the 1980 US Commission on Hunger: "Whether one speaks of human rights or basic human needs, the right to food is the most basic of all. Unless that right is first fulfilled, the protection of all other human rights becomes a mockery for those who must spend all their energy merely to maintain life itself. The correct moral and ethical position on hunger is beyond debate. The world's major religious and philosophical systems share two universal values: respect for human dignity and a sense of social justice. Hunger is the ultimate affront to both.

xv) The rights of children.

If the right to food is a fundamental and overriding right, the rights of children must have first call on our resources. Yet the dissonance is compellingly clear. On the one hand, more nations ratified the International Convention on the Rights of the Child more quickly than any other treaty. On the other, many of the same 170 state parties to the covenant continue to violate the basic rights of children. As a result, a significant number of children find themselves in alarming situations and they are as much hostages as they are victims. Consider the fact that fourteen million children under the age of five die every year from hunger, sickness, conventional wars, or inhumane treatment suffered at the hands of adults; five million children are injured or handicapped by war; children make up more than half of the world's nineteen million refugees; 200 million children under the age of thirteen are forced to work; 100 million children roam the street, one-fifth of that number is in so called "developed" countries; 800,000 child prostitutes "work" in Thailand, 500,000 in Brazil, 400,000 in India; millions of children the world over are subjected to arbitrary detention, torture, cruel, inhumane and degrading treatment, and execution; "child soldiers" as young as seven are being trained and incited to rob, terrorize and sometimes even kill civilians; 35,000 children die of preventable diseases every day.

Redirecting the revenues spent on tobacco advertising in the United States alone could redress this entire situation.

xvi) International women's rights.

The struggle for international women's rights must be a priority on the justice agenda. The notion that women's rights are human rights must not only be a statement of principle but an instrument of policy. As UNICEF recently reported "discrimination against women is an injustice greater than South Africa's Apartheid". Charlotte Bunch dramatically summed up this particular priority and principle: "significant numbers of the world's population are routinely subject to torture, starvation, terrorism, humiliation, mutilation and even murder simply because they are female".

May I put forth a six-point expose of some of the more urgent instances of systemic discrimination and violence against women that must be addressed and redressed:

1. Political Participation: Women are excluded from, or severely underrepresented in political, social and economic decision-making processes. For example, women make up fewer than 5 percent of the world's head of state, heads of major corporations and top positions in international organizations such as the United Nations. Only 11 percent of the world's parliamentarians are women. More than 80 percent of government middle-management positions are occupied by men even though there are larger numbers of women at the lower administrative levels.

2. Social and Economic Rights of Women: In developing countries, women have limited access to land, employment, credit, food and family resources, particularly concerning health and education. The work of women internationally is undervalued and underpaid compared with that of men. For example, women in many developing countries work an average of 69 to 90 hours a week. In Africa, Asia, and the Pacific, women work an average of twelve to thirteen hours a week more than men and are often unpaid or paid considerably less for it. Women worldwide get 30 to 40 percent less pay than men for the same work. It is estimated that if women's unpaid work was counted as productive in national accounts, measures of global output would increase 20 to 30 percent. In virtually all countries, most illiterate people are female. 180 million women are illiterate in India alone. Or, as the report of the World Health Organization put it: "In many countries girls are fed less, breast fed for shorter periods of time, taken to doctors less frequently, and die or physically and mentally maimed by malnutrition at higher rates than boys".

3. War Crimes Against Women in Conflict: Crimes of violence against women are under-reported in peace time and even more so during war and other situations of conflict. Atrocities against women by government security forces or other armed groups often occur on a massive scale and include single or gang rape, sexual torture and forced impregnation, both inside zones of conflict and in detention. In spite of the fact that the Geneva Convention offers women special protection against rape, enforced

prostitution and indecent assault, no such crimes have ever been prosecuted. The data from contemporary conflicts is chilling: 80% of the world's twenty million refugees are women and children. In Bosnia-Herzegovina the US State Department has accused Bosnia Serb forces of using "massive systematic rape... as an extension of 'ethnic cleansing' to terrify the population". Estimates of the incidence of rape range from 20,000 to 60,000 cases.

4. Abuses Against Women in the Family: Violence against women is common inside the family but has tended to be hidden, denied or condoned by legal systems and traditions which give women no protection or recourse. The most serious cases involve: wife-burning, dowry deaths, the killing of female fetuses or infants (because males are considered more desirable), death from aggravated beatings, and murder. Other statistics include: one third to one half of women in developing countries report being beaten by their partners; in Cochabamba, Bolivia 7% of child prostitutes questioned said that they had run away from violent homes where male relatives had beaten and raped them; in Europe and North America, wife abuse is reported to be the leading cause of injury among women ages 15 to 40; in parts of Canada, eight out of ten Native women reported being beaten by their spouses.

5. Women's Bodily Integrity: Women lack the authority and autonomy to control their own bodies. Violations of women's integrity vary from one region to another but include female genital mutilations, forced pregnancies or forced sterilizations, sexually transmitted diseases such as AIDS, compulsory dress codes and discrimination in the allocation of food. For example: Female genital mutilation continues to be performed in approximately 40 countries, mostly in east and West Africa and parts of the Arabian peninsula, and in some countries in Europe and North America because of migration. Between 80 and 100 million women alive today have been subjected to the practice; 25% of the world's women have access to abortion only if their lives are endangered. The UN report says 200,000 women die every year in botched abortions where safe, sanitary procedures are illegal. This is the leading cause of death for Latin American women ages 15 to 30.

6. Violence against Women: This global phenomenon has been long marginalized by international human rights bodies. In addition to the violations of human rights that equally affect men and women, women face specific violent abuses that are often ignored by the human rights community: forced childbirth and forced sterilization, sexual slavery, rape, genital mutilation, female infanticide, domestic violence and sexual harassment. For example, each year more than one million female children die in Bangladesh, India and Pakistan "simply because they are born female"; a recent study indicates that based on expected sex ratios, the world's population is short by about 60 million women, apparently because of the selective abortion of female fetuses, female

infanticide, the withholding of medical care and food from girls and women, and from beating and wife murder.

Indeed, a review of the random international statistics of violence against women reveals that such international violence against women is as shocking as it is staggering. But one should not assume that discrimination against women in general, or violence against women in particular, or the violations of rights of children, can be regarded, smugly or condescendingly, as a "Third World Phenomenon". As if, assuming that the claims were true, it would be grounds enough to ignore or be indifferent to the problem. For here in the First World, in the US and Canada, the facts are horrifying enough.

In the US battery is the leading cause of injury to adult women, and a rape is committed every six minutes: in Canada one of every four women will be sexually assaulted during her life, three sex assaults are reported every hour in Canada, 56% of women are afraid to walk in their own neighbourhoods after dark (as compared to 18% of men); one statistic, one set of numbers in particular speaks volumes. The Canadian Panel on Violence against Women has recently noted that, on average, women who are beaten by their husbands do not report the incidence until the thirty-fifth episode. As a Gazette editorial recently wrote, "Think about it! That's an average". It is no wonder then that Pat Marshall, panel member, said that they "were hearing about levels of victimization in women's lives that are staggering".

xvii) The plight of indigenous peoples.

If there is a case that has historic and continuing assault on our human rights sensibilities as Canadians, a case that has yet to be significantly touched by the human rights revolution, it is that of indigenous peoples. For the fourth straight year, the Canadian Human Rights Commission, in its annual report, singled out the plight of Aboriginal Peoples as the single most important human rights issue confronting Canada today. Indeed, it echoed the reports of governments in Manitoba, Nova Scotia and Alberta, and the reports of non-governmental organizations, that the condition of Aboriginal Peoples is a "national disgrace". One chilling fact among many which bears as much on the issue of children's rights and women's rights as it bears on the question of Aboriginal rights, and which dramatizes the pain and anguish of Aboriginal peoples, is that 80% of women on native reserves in Ontario have been abused or assaulted. Accordingly what is needed here is a new cultural sensitivity, a politics and policy of inclusion. What is required is, as Ovide Mercredi put it "a recognition of Aboriginal peoples' right to self-government, a recognition of their unique status by reason of their historic presence as First Nations, a generous rather than a grudging or recriminatory respect for their Aboriginal Treaty Rights and Land Rights". There is a need for the improvement of economic and social conditions on reserves and the reform of the

Canadian justice system to accommodate the distinctiveness and the sensibilities of Aboriginal cultures.

In conclusion, may I summarize the lessons of history, the hopes of the human rights revolution and the action to be taken. As Aldous Huxley put it: "Life must be lived forward but can only be understood backwards". Herewith some of the existential truths - the understandings of history - as we meet on the eve of the fiftieth anniversary of the liberation of the death camps, the establishment of the United Nations, and the holding of the Nuremberg trials.

First, that Nazism almost succeeded, not only because of the ideology of hate and the technology of terror, but because of the crime of indifference, the conspiracy of silence. Indeed, we are witnessing an appalling indifference in our day to the unthinkable - ethnic cleansing - to the unspeakable - genocide - and worst of all to the preventable genocide in Rwanda. It is our responsibility, then, to break the walls of indifference, to shatter the silence wherever it may be. As Nobel Laureate Elie Wiesel put it, "neutrality always means coming down on the side of the victimizer, never on the side of the victim".

Second, as history has taught us only too well, while it may begin with the victimization of Blacks, Aboriginals or Jews, it does not end with them. The struggle against racism, anti-Semitism and the like therefore must not be seen as simply a Black issue, an Aboriginal issue or a Jewish issue, but as a profound injustice of the first import. The words of the German Protestant theologian, Martin Niemöler, which I am sure are very familiar to you, bear not only recall this evening, but acting beyond this evening: "They first came for the Catholics, but I wasn't a Catholic so I did nothing. Then they came for the Communist, but I wasn't a Communist so I did nothing. Then they came for the trade unionists, but I wasn't a trade unionists so I did nothing. Then they came for the Jews, but I wasn't a Jew so I did nothing. Then they came for me, and there was nobody left".

Third, as a corollary, and as the Ontario Court of Appeal recognized in upholding the constitutionality of anti-hate legislation, "the holocaust did not begin in the gas chambers, it began with words". or as survivors of Sarajevo, be they Croatians, Muslims or Serbs said at a conference recently, "they are killing us with words". Indeed, this teaching of contempt, this demonizing of the other - this is where it all begins.

Fourth, the Holocaust denial movement, the cutting edge of anti-Semitism old and new as Bernie would put it, is not just an assault on Jewish memory and human dignity in its accusations that the Holocaust is a hoax, but it is an international criminal conspiracy to cover up the worst crimes in history. Here is the most tragic, bitter, and ironic historiography of the Holocaust, a historiography in its ultimate Orwellian inversion. For we move from the genocide of the Jewish people to a denial that the genocide ever took

place: then, in a classic Orwellian cover-up of an international conspiracy, the Holocaust denial movement whitewashes the crimes of the Nazis, as it excoriates the crimes of the Jews. It not only holds that the Holocaust was a hoax, but maligns the Jews for fabricating the hoax.

Fifth, the presence of Nazi war criminals amongst us - 50 years after the Holocaust - is a moral, juridical obscenity, an affront to conscience, a betrayal of everything that people in this country fought and died for. Indeed, the expression "war criminal" is itself somewhat of a misnomer. For we are not only talking about the killing of the combatants in the course of the prosecutions of a war, but the murder of innocents in the course of the persecution of a race.

Sixth - and this is something that Bernie understood only too well - the question of bringing Nazi war criminals to justice is inextricably bound up with the struggle against Holocaust denial. As Holocaust denier Ernst Zundel put it, "As we all know, the so-called Holocaust is nothing else but a hoax, a gigantic fraud... and if there were no crimes, that must mean there are no criminals. There are no so-called Nazi war criminals to be brought to justice". And so, if we do not bring Nazi war criminals to justice there may be those who will say ten or twenty years from now, "you see there were no criminals, therefore there were no crimes". Let there be no mistake about it, every time we bring a Nazi war criminal to justice, we strike a blow against the Holocaust denial movement.

Seventh, a world unsafe for democracy and human rights, will be unsafe for women, for minorities, for the disabled and disadvantaged, whomever they may be, and so we have a responsibility for the promotion of democracy and the protection of human rights. But a world unsafe for minorities, women, disabled, or disadvantaged, will be unsafe for democracy and human rights, and so we have a responsibility for the promotion and protection of their rights.

Finally, as I learned from the Helsinki monitors and imprisoned prisoners of conscience, we are each, wherever we are, the guarantors of each other's destiny. Each one of us, as Bernie showed by word and deed, can and does make a difference. And if you ever feel tired and cynical wondering what one person can do to confront this assault on human rights, then let us remember: that one Swedish non-Jew by the name of Raoul Wallenberg saved more people in the Second World War than any single government. It is a staggering figure, but true; that one Andrei Sakharov stood up against the whole Soviet Union and prevailed; that one person, Nelson Mandela, nurtured the dream of a democratic, non-racial South Africa while languishing for twenty-eight years in a South African prison, and not only lived, but is presiding over the dismantling of apartheid as President of South Africa; that one movement, the women's movement energized, mobilized, ignited the whole human rights movement: that one community - the Black

Jews of Ethiopia - "Falashas" as they have been called in the pejorative. "Beta Israel" or the House of Israel, as they prefer to call themselves - cut off from 2000 years of human history in general, and Jewish history in particular, nurtured the dream, and came home to Israel in the largest humanitarian airlift in history.

This then must be our task. To speak on behalf of those who cannot be heard, to bear witness on behalf of those who cannot testify, to act on behalf of those who are not only putting their livelihood but, indeed, their lives on the line. At times such as these, as the French put it, "qui s'excuse, s'accuse" - whoever remains indifferent indicts himself or herself.