

Islamophobia in Canada

The following report on ‘Islamophobia in Canada’ was submitted to the Standing Committee on Canadian Heritage, as part of its study on systemic racism and religious discrimination in Canada. This study was mandated by the passage of M-103 in the Canadian House of Commons – a non-binding motion to condemn and investigate Islamophobia and other forms of racism.

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Introduction

In this analysis, Islamophobia is defined as: *unfounded or irrational fear and/or hatred of Islam or Muslims (or people perceived to be Muslim), leading to violence and systemic discrimination.*

Rational and proportionate criticism of Islam or Muslims based on factual evidence *is not intrinsically Islamophobia*, just as criticism of the tenets or followers of other religions or ethnic groups does not necessarily indicate bigotry or prejudice.¹

Islamophobia intersects with other systems of racism. Black Muslims, Indigenous Muslims, and Black Indigenous Muslims experience the compounding effects of anti-Black racism, anti-Indigenous racism, and Islamophobia; for example, they are more likely to suffer the negative effects of information-sharing agreements between police and national security agencies, since Black and Indigenous communities are disproportionately targeted by police information-gathering practices like carding.²

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¹ Georgetown University Bridge Initiative, “What Is Islamophobia?” <http://bridge.georgetown.edu/about/>.

² Jim Rankin and Wendy Gillis, “Ontario Police Forces Share Carding Data with Mounties, CSIS,” 23 April 2017, *Toronto Star*, <https://www.thestar.com/news/canada/2017/04/23/ontario-police-forces-share-carding-data-with-mounties-csis.html>. On racial discrimination in carding see, for example, San Grewal, “Blacks Three Times More Likely to be Carded by Peel Police Than Whites,” 24 September 2015, *Toronto Star*, <https://www.thestar.com/news/gta/2015/09/24/blacks-three-times-more-likely-to-be-carded-by-peel-police-than-whites.html>; Andrea Huncar, “Indigenous Women Nearly 10 Times More Likely to be Street Checked by Edmonton Police, New Data Shows,” 27 June 2017, *CBC News*, <http://www.cbc.ca/news/canada/edmonton/street-checks-edmonton-police-aboriginal-black-carding-1.4178843>.

Public Perceptions of Islam and Muslims

According to recent survey findings:

- 46% of Canadians have an unfavourable view of Islam – more than for any other religious tradition³;
- fewer than half of Canadians would find it “acceptable” for one of their children to marry a Muslim – lower than for any other religious group⁴;
- 56% of Canadians believe that Islam suppresses women’s rights⁵;
- more than half of people living in Ontario feel mainstream Muslim doctrines promote violence⁶;
- 52% of Canadians feel that Muslims can only be trusted “a little” or “not at all”⁷;
- 42% of Canadians think discrimination against Muslims is “mainly their fault”⁸;
- 47% of Canadians support banning headscarves in public (compared with 30% of Americans)⁹;
- 51% support government surveillance of mosques (as compared to 46% of Americans)¹⁰;
- 31% of Canadians approve of American President Donald Trump’s restrictions on travellers from Muslim-majority countries.¹¹

³ Angus Reid Institute, “Religious Trends: Led by Quebec, Number of Canadians Holding Favourable Views of Various Religions Increases,” 4 April 2017, <http://angusreid.org/religious-trends-2017/>.

⁴ *Ibid.*

⁵ Bill Graveland, “‘Fear is the Greatest Factor’: Survey Finds Canadians Worry About Rise of Racism,” 16 September 2017, *Toronto Star*, <https://www.thestar.com/news/canada/2017/09/16/fear-is-the-greatest-factor-survey-finds-canadians-worry-about-rise-of-racism.html>.

⁶ Nicholas Keung, “Ontario Facing ‘Epidemic of Islamophobia,’ Survey Finds,” 4 July 2016, *Toronto Star*, <https://www.thestar.com/news/immigration/2016/07/04/ontario-facing-epidemic-of-islamophobia-survey-finds.html>.

⁷ Ron Csillag, “Survey Finds Deep Mistrust for Muslims in Canada,” 26 March 2012, *Washington Post*, https://www.washingtonpost.com/national/on-faith/survey-finds-deep-mistrust-for-muslims-in-canada/2012/03/26/gIQAjDCMcS_story.html?utm_term=.86d3e80b7e56.

⁸ *Ibid.*

⁹ John Geddes, “On One Issue, Canadians Are A Lot Less Tolerant Than Americans,” 9 February 2017, *Macleans’s*, <http://www.macleans.ca/politics/ottawa/on-one-issue-canadians-are-a-lot-less-tolerant-than-americans/>.

¹⁰ *Ibid.*

¹¹ Daniel Dale, “Under Trump, a Majority of Canadians Dislike the US for the First Time in 35 Years, Likely Much Longer,” 26 June 2017, *Toronto Star*, <https://www.thestar.com/news/world/2017/06/26/a-majority-of-canadians-dislike-the-us-for-the-first-time-in-35-years-likely-much-longer.html>.

Media

Multiple analyses of Canadian and American media have concluded that Islam and Muslims receive disproportionately negative coverage.

A study of the *Globe and Mail* by communication studies professor Yasmin Jiwani found sixty-six articles on the Shafia case alone (which was widely represented as an “honour killing”), but only fifty-nine on the “murder of women and domestic violence” in general from 2005 to 2012.¹²

A 2017 study from Stanford University of the *New York Times* and *Washington Post* determined that “journalists are more likely to report on women living in Middle Eastern countries if their rights are violated, but will report on women in other societies when their rights are respected” and “stories about Muslim women emphasize the theme of women’s rights violations and gender inequality, even for countries with relatively good records of women’s rights [while] stories about non-Muslim women ... emphasize other topics.” This “propagate[s] the perception that Muslims are distinctly sexist.”¹³

American media watchdog organization Fairness and Accuracy in Reporting (FAIR) found that the 2017 Quebec mosque shooting received six times *less* coverage in American media than the 2014 Parliament Hill attack by Michael Zehaf-Bibeau, a convert to Islam – even though the mosque shooting involved six times *more* deaths.¹⁴

A 2017 study from the University of Georgia found that “attacks by Muslim perpetrators [in the United States] received, on average, 449% more coverage [in American media] than other attacks.”¹⁵ For example, the 2013 Boston Marathon bombing (which killed three people, other than the attacker) garnered five times more coverage than Wade Michael Page’s 2012 attack on a Sikh gurdwara in Wisconsin (which killed six), and more than two-and-a-half times more coverage than Dylann Roof’s 2016 shooting in a Black Church in Charleston (which killed nine).¹⁶

Similarly comprehensive analysis of media coverage is not available for Canada. However, disparities in coverage of individual incidents on particular networks are evident. For example, the Quebec mosque shooting (January 2017) received approximately five minutes of airtime on CBC’s flagship news program, *The National*, the night that it occurred – while the London Borough attacks in the UK (June 2017) received several hours of live reportage and

¹² Yasmin Jiwani, “A Clash of Discourses: Femicides or Honour Killings?” in M Eid and K Karim, eds. *Re-Imagining the Other: Culture, Media, and West-Muslim Intersections* (Springer, 2014), 122.

¹³ Rochelle Terman, “Islamophobia and Media Portrayals of Muslim Women: A Computational Text Analysis of US News Coverage,” (2017) forthcoming in *International Studies Quarterly*, <http://rochelleterman.com/wp-content/uploads/2014/08/Manuscript.pdf>.

¹⁴ Jim Naureckas, “A Lesson Media Missed About the Dangers of Scapegoating,” 4 February 2017, <http://fair.org/home/a-lesson-media-missed-about-the-dangers-of-scapegoating/>.

¹⁵ Erin M Kearns, Allison Betus, and Anthony Lemieux, “Why Do Some Terrorist Attacks Receive More Media Attention than Others?” (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2928138.

¹⁶ *Ibid.*

commentary. Searches for terms related to the Quebec mosque shooting on the websites of the CBC, the *Globe and Mail*, and the *Toronto Star* yielded 194 relevant results, in contrast to 768 for the Boston Marathon bombing – even though the Quebec mosque shooting occurred in Canada, and was more fatal.

There are qualitative disparities in addition to quantitative ones. The following are contrasting examples of coverage in Canadian news media of incidents of political or ideological violence, demonstrating differences in the treatment of Islamophobic incidents of violence versus Muslim-perpetrated incidents of violence:

Extent/Nature of Coverage	
<p>EG) Muslim-perpetrated act of violence</p> 	<p>EG) Islamophobic violence</p> 
<p>April 16, 2013: Front page of the <i>Globe & Mail</i> the day after the deadly bombing at the Boston Marathon</p>	<p>January 30, 2017: Front page of the <i>Globe & Mail</i> the day after the deadly shooting at the Islamic Cultural Centre of Quebec City</p>
<p>Disparity: The act of Islamophobic violence received only side-page coverage, even though it happened in Canada (and was the largest terrorist attack in Canada since 1989) and was twice as deadly. Further, the headline “Terror in Boston” is clearly meant to elicit fear and a sense of danger; as compared to the less evocative and vague “Several dead after mosque shooting in Quebec City.”</p>	

Contextualization of Violence	
<p>EG) Muslim-perpetrated acts of violence</p> <div data-bbox="261 302 841 489" style="border: 1px solid black; padding: 5px;"> <p>Friday May 26, 2017 AUDIO Why the terrorist attacks on are your mind 28 Coptic Christians in Egypt are dead after gunmen opened fire on a bus, just days after a suicide bomber killed 22 in Manchester, England. ▶ Listen 51:38</p> </div> <p>Friday May 26, 2017: Description for CBC Radio’s Ontario Today Show, reading “Why the terrorist attacks are on your mind. 28 Coptic Christians in Egypt are dead after gunmen opened fire on a bus, just days after a suicide bomber killed 22 in Manchester, England”</p>	<p>EG) Islamophobic act of violence</p> <p>June 23, 2017: Security Expert (Michel Juneau-Katsuya) on CBC Television after a van intentionally plowed into Finsbury Mosque Park, killing one and injuring 8: “an attack like that is unlikely to happen here [in Canada]”</p>
<p>Disparity: Acts of violence committed by Muslims are over-connected (the attacks by Muslims in England and Egypt have nothing in common except that they were committed by Muslims), and given excessive attention (the CBC radio show failed to include in their debrief on global violence any mention of a US air strike in Syria that same week, which killed 106). On the contrary, acts of Islamophobic violence are never considered within the broader context of anti-Muslim hate – making it possible for this security expert to suggest that an Islamophobic attack is unlikely to happen in Canada, even though in January of that same year, 6 Muslims were killed in the Quebec mosque shooting.</p>	
Explanation for Violence	
<p>EG) Muslim-perpetrated act of violence</p> <div data-bbox="253 1163 824 1507" style="border: 1px solid black; padding: 5px;"> <p>Salman Abedi likely part of a network, Manchester police say Brothers of the man ID'd as Manchester suicide bomber have been detained</p>  </div> <p>May 24, 2017: CBC.ca’s description of the perpetrator of the Manchester Concert Arena attack</p>	<p>EG) Islamophobic violence</p> <div data-bbox="862 1163 1336 1518" style="border: 1px solid black; padding: 5px;"> <p>Alleged London mosque attacker a heavy-drinker unemployed lout, neighbours say Neighbour says he called police after finding man drunk in rental van, hours before the attack</p>  </div> <p>June 20, 2017: CBC.ca’s description of the perpetrator of the Finsbury Park Mosque attack</p>
<p>Disparity: Muslim perpetrators of violence are generally depicted as calculated members of broader Islamist violent movements, while acts of Islamophobic violence are individualized (i.e. understood as the product of ‘mental illness’)</p>	

Hate Incidents

There were 159 police-reported hate crimes against Muslims in 2015, according to the most recent Statistics Canada data available.¹⁷ The number of anti-Muslim hate crimes more than tripled between 2012 to 2015, even as the overall incidence of hate crimes declined.¹⁸ As compared to other groups targeted by hate, Muslims had the highest percentage of women victims (53%).¹⁹

It should be noted that these official statistics on anti-Muslim hate in Canada are incomplete: first, because only a small proportion (approximately one-third) of hateful acts are reported; and second, because hateful incidents not deemed to qualify as hate crimes are not systematically recorded and tracked. Muslims have reported being discouraged by police from reporting hateful incidents – for example, by being warned about the time-consuming process for making a complaint, or by police discounting the hateful nature of acts like leaving pig parts at a mosque.²⁰

On January 29, 2017, six Muslims were killed and five were critically injured in a shooting attack on the Islamic Cultural Centre of Quebec: the most fatal act of ideology-linked violence in Canada since 1989. The mosque had previously been the target of other hateful incidents; for example, a severed pig’s head was left outside the mosque in June 2016.²¹ And it has been targeted again since the attack in January: a defaced Qur’an and hateful note were sent to the mosque six months after the shooting, and one month after that the mosque president’s car was set on fire, in addition to a steady stream of hateful messages.²²

Individuals and groups inaccurately *perceived* to be Muslim have also experienced Islamophobic attacks. For example, a Hindu temple in Hamilton, Ontario was destroyed by arson

¹⁷ Statistics Canada, “Police-Reported Hate Crime in Canada, 2015,” 13 June 2017, <https://www.statcan.gc.ca/pub/85-002-x/2017001/article/14832-eng.htm>.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ National Council of Canadian Muslims, “Submission to the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD): 93rd Session, July 31 – August 25, 2017,” https://www.nccm.ca/wp-content/uploads/2017/08/NCCM_Submission_to_CERD_August2017_93rd_Treaty_Bodies_Session_CANADA-1.pdf.

²¹ Benjamin Shingler, “Pig’s Head Left on Front Steps of Quebec City Mosque Last Year,” 30 January 2017, *CBC News*, <http://www.cbc.ca/news/canada/montreal/quebec-city-centre-culturel-islamique-de-quebec-1.3957875>.

²² “Defaced Qur’an, Hateful Note Sent to Quebec City Mosque Where January Shootings Occurred,” 19 July 2017, *CBC News*, <http://www.cbc.ca/news/canada/montreal/quebec-city-mosque-hate-package-1.4211778>; “Quebec City Mosque Says President’s Car Deliberately Set on Fire,” 30 August 2017, <http://www.ctvnews.ca/canada/quebec-city-mosque-says-president-s-car-deliberately-set-on-fire-1.3568718>.

four days after 9/11.²³ Sikh communities have also been targeted by Islamophobic hate incidents.²⁴

²³ “Arrests in Post 9/11 ‘Hate’ Attack on Hamilton Hindu Temple,” 27 November 2013, *CBC News*, <http://www.cbc.ca/news/canada/hamilton/news/arrests-in-post-9-11-hate-attack-on-hamilton-hindu-temple-1.2442098>. <http://www.cbc.ca/news/canada/hamilton/news/arrests-in-post-9-11-hate-attack-on-hamilton-hindu-temple-1.2442098>.

²⁴ “Confused Americans Are Still Attacking Sikhs Because They Think They’re Muslims,” 29 December 2015, *National Post*, <http://nationalpost.com/news/world/people-see-a-sikh-and-construe-them-as-the-enemy-why-americans-still-confuse-sikhs-with-muslims>.

National Security

National security agencies have refused to heed the Canadian Human Rights Commission's call to collect and analyze race-disaggregated data on their operations, so that the impacts of security practices and policies on particular communities can be assessed. "Not only is there no accountability framework in place, national security organizations are not required to collect and report data on human rights performance in practice," the Commission observes.²⁵

Even without comprehensive data disclosure from agencies, however, studies by academics and civil rights organizations have repeatedly documented the disproportionate impact of national security measures on Muslim communities. Laws that expand state national security powers without adequate transparency and oversight (like the *Anti-Terrorism Act, 2015*²⁶) disproportionately threaten the fundamental rights and freedoms of Muslims – including the right to a fair trial, and freedoms of expression, religion, and assembly.

Racial Profiling in Defining the "Terrorist Threat"

Government reports on national security by Public Safety Canada and the Canadian Security Intelligence Service (CSIS) focus almost exclusively on Muslim individuals and organizations as the source of terrorism²⁷ – ignoring the more than 100 extreme right-wing and White supremacist groups active across Canada.²⁸ This disproportionate focus persists despite the fact that extreme right-wing and White supremacist groups have been linked to many times *more* incidents of violence than individuals and groups connected to Islam.²⁹ Recently, anti-Islam groups like the III% have been conducting live-fire paramilitary training exercises and surveilling mosques; the Canadian branch of PEGIDA (Patriotic Europeans Against the

²⁵ Canadian Human Rights Commission, "Human Rights Accountability in National Security Practices: A Special Report to Parliament," (November 2011), online: <<http://www.chrc-ccdp.gc.ca/sites/default/files/chrc-specialreport-28112011.pdf>>.

²⁶ Many of the problems with the *Anti-Terrorism Act, 2015*, are not adequately addressed by Bill C-59. See International Civil Liberties Monitoring Group, "Open Letter to the Federal Government on C-59: New National Security Bill Fails to Reverse C-51 and Introduces Serious New Problems," 19 September 2017, <http://iclmg.ca/open-letter-to-the-federal-government-on-c-59-new-national-security-bill-fails-to-reverse-c-51-and-introduces-serious-new-problems/>.

²⁷ See, for example, Public Safety Canada, "Building Resilience Against Terrorism: Canada's Counter-Terrorism Strategy," (2012), <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsln-cnst-trrrsm/index-en.aspx>; Public Safety Canada, "2013 Public Report on the Terrorist Threat to Canada," (2013), <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/trrrst-thrt-cnd/index-en.aspx>; Public Safety Canada, "2014 Public Report on the Terrorist Threat to Canada," (2014), <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2014-pblc-rpr-trrrst-thrt/index-en.aspx>; Public Safety Canada, "2016 Public Report on the Terrorist Threat to Canada," (2016), <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2016-pblc-rpr-trrrst-thrt/index-en.aspx>.

²⁸ Barbara Perry and Ryan Scrivens, "Uneasy Alliances: A Look at the Right-Wing Extremist Movement in Canada" (2016) 39:9 *Studies in Conflict and Terrorism* 819.

²⁹ Canadian Network for Research on Terrorism, Security and Society, "Canadian Incident Database," <http://extremism.ca/>; Catherine Solyom, "The Trump Effect and the Normalization of Hate in Quebec," 15 November 2016, *Montreal Gazette*, <http://montrealgazette.com/news/quebec/the-trump-effect-and-the-normalization-of-hate>.

Islamisation of the West) and other White nationalist groups have been holding marches and rallies across Canada.³⁰

According to the Ontario Human Rights Commission's recent report on racial profiling, young Muslims have been targeted for monitoring by CSIS or police intelligence because of participation in activism for causes like Palestinian rights.³¹ Muslim university students, refugee claimants, and other vulnerable demographics have reported being aggressively recruited by security agencies to become informants.

There have also been several reported cases of Muslims being denied security clearance by CSIS for employment purposes, for apparently discriminatory reasons. For example, participation in paintball – described by CSIS as “a form of *jihad* for Sunni Muslims” – has been cited as a reason for denial, according to lawyer Khalid Elgazzar.³²

Complaints Against CSIS

A recent lawsuit filed against CSIS by five intelligence officers and analysts depicts a culture of institutionalized Islamophobia and discrimination, alleging that “racist, sexist, homophobic and discriminatory behaviour has become the accepted culture and norm” at the agency.³³

For instance, a gay employee received an email from a manager warning he should be “careful your Muslim in-laws don’t behead you in your sleep for being homo,” and was told repeatedly that “All Muslims are terrorists.” A Muslim analyst was regularly called names like “Muslim Brotherhood” and “Imam” by management, and told to “complain to Allah.” A Muslim intelligence officer was subjected to polygraph examination about her religious practices and clothing, restricted from associating with Muslim community organizations under threat of revocation of her security clearance, and told by a supervisor that “Muslim women are inferior.” A poster displayed in the office depicted the burning World Trade Centre towers, with the words “Ninety-Nine Names of Allah.”³⁴

³⁰ Mack Lamoureux, “The Birth of Canada’s Armed, Anti-Islamic ‘Patriot’ Group,” 14 June 2017, https://www.vice.com/en_ca/article/new9wd/the-birth-of-canadas-armed-anti-islamic-patriot-group; Alan Woods, “Islam Needs to Reform or Leave, Says Canadian Leader of PEGIDA Movement,” 24 March 2015, <https://www.thestar.com/news/canada/2015/03/24/islam-needs-to-reform-or-leave-says-canadian-leader-of-pegida-movement.html>; Jeff Lagerquist, “Anti-Islam and Anti-Hate Groups Clash in Ontario, 2 Arrested,” 26 August 2017, <http://www.ctvnews.ca/canada/anti-islam-and-anti-hate-groups-clash-in-ontario-2-arrested-1.3563195>.

³¹ Ontario Human Rights Commission, “Under Suspicion: Research and Consultation Report on Racial Profiling in Ontario” (2017), <http://ohrc.on.ca/en/under-suspicion-research-and-consultation-report-racial-profiling-ontario>.

³² Khalid Elgazzar, Presentation and 18th National Metropolis Conference, March 2016, Westin Harbor Castle Hotel, Toronto.

³³ Plaintiff’s Statement of Claim, *John Doe #1, Jane Doe #1, John Doe #2, John Doe #3 and Jane Doe #2 v Her Majesty the Queen in Right of Canada* (Federal Court of Canada), https://www.scribd.com/document/353767258/CSIS-harassment-lawsuit-statement-of-claim#fullscreen&from_embed.

³⁴ *Ibid.*

These allegations have not yet been proven in court. However, previous studies and inquiries have documented Canadian security agencies' problematic relationships with Muslim communities and attitudes towards Islam.

For example, according to the 2008 report of the Iacobucci Inquiry on the imprisonment and torture of three Muslim Canadian men – Ahmad El-Maati, Abdullah Almalki, and Muayyed Nureddin – CSIS insisted on interpreting a will drawn up by El-Maati before embarking on Hajj (a common Muslim practice) as a “martyrdom certificate” indicating intent to commit a terrorist attack. El-Maati was tortured in Egypt on the basis of this misinterpretation (see section on Complicity with Torture below).³⁵

A 2005 study by the Canadian Council on American-Islamic Relations (now the National Council of Canadian Muslims) on the treatment of Canadian Muslims during national security interviews described security officials discouraging legal representation, engaging in aggressive and threatening behaviour towards interviewees, using threats of arrest to compel individuals to be interviewed, asking intrusive and inappropriate questions, giving improper identification, and soliciting informants through intimidation.³⁶

Complicity with Torture

Canadian government agencies were complicit in the indefinite detention and torture of several Muslim men after 9/11, including the notorious cases of Maher Arar, Ahmad El-Maati, Abdullah Almalki, Muayyed Nureddin, Omar Khadr, Benamar Benatta, and Abousfian Abdelrazik. While several have received compensation after many years of advocacy, other torture victims, such as Abdelrazik, have not yet received compensation or apology. The full extent of Canadian complicity in the United States' torture program is still unknown; complainants continue to emerge.³⁷

Moreover, none of the Canadian security and foreign affairs officials implicated in torture have been prosecuted – as required by the UN Convention Against Torture – and the recommendations of two official inquiries into the Arar, El-Maati, Almalki, and Nureddin cases (the Iacobucci and O'Connor Inquiries) for preventing future abuses have largely not been

³⁵ Frank Iacobucci, “Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin” (2008), http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/internal_inquiry/2010-03-09/www.iacobucciinquiry.ca/pdfs/documents/final-report-copy-en.pdf, 141-142, 291.

³⁶ Canadian Council on American-Islamic Relations, “Presumption of Guilt: A National Survey on Security Visitations of Canadian Muslims,” (2005) <http://www.cair.com/press-center/press-releases/1335-cair-can-releases-results-of-security-survey.html>.

³⁷ Colin Perkel, “Ex-Guantanamo Detainee to Sue Canada for \$50M For Alleged Complicity in Torture,” 5 November 2017, *Toronto Star*, <https://www.thestar.com/news/canada/2017/11/05/ex-guantanamo-detainee-to-sue-canada-for-50m-for-alleged-complicity-in-torture.html>.

implemented.³⁸ New directives issued in September by the Minister of Public Safety permit the government to continue making use of information obtained through torture.³⁹

Mohamed Harkat is currently facing deportation to possible torture in Algeria under Canada's security certificate regime.⁴⁰

Border Crossings

Muslim, South Asian, Arab, and Black travellers have reported experiencing racial profiling at airports and border crossings, including: being stopped; being followed by air marshals; being placed on no-fly lists; having their names flagged; being selected for "random" screening; being subjected to intrusive body and/or luggage searches; and being questioned about religious beliefs.⁴¹

The National Council of Canadian Muslims notes that 15% of the human rights complaints it received in 2014 were from Muslims who were "turned away from border crossings without any explanations."⁴²

The proposed *Preclearance Act* (Bill C-23) – which will give US border guards new powers to question, search, and detain in pre-clearance areas on Canadian territory – threatens to exacerbate Muslims' and other racialized travellers' experiences of discriminatory securitization.⁴³

Counter-Radicalization Programs

Counter-radicalization programs attempting to prevent "radicalization" to violence have been operating at a municipal level in Calgary, Toronto, and Montreal, and a federal Office of

³⁸ Frank Iacobucci, "Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin" (2008), http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/internal_inquiry/2010-03-09/www.iacobucciinquiry.ca/pdfs/documents/final-report-copy-en.pdf; Dennis O'Connor, "Report of the Events Relating to Maher Arar" (2006), http://www.sirc-csars.gc.ca/pdfs/cm_arar_bgv1-eng.pdf.

³⁹ Jim Bronskill, "New Directives Limit, But Allow, use of Torture-Tainted Info By Federal Agencies," 25 September 2017, *Globe and Mail*, <https://sec.theglobeandmail.com/news/politics/directives-allow-federal-agencies-to-use-torture-tainted-info-to-help-stop-attack/article36384615/?reqid=8b9a76de-9a17-4172-8bd1-a24215ebefa4>.

⁴⁰ Debra Black, "Mohamed Harkat Girds Himself for Another Fight to Stay," 2 August 2016, *Toronto Star*, <https://www.thestar.com/news/immigration/2016/08/02/mohamed-harkat-girds-himself-for-another-fight-to-stay.html>.

⁴¹ Baljit Nagra and Paula Maurutto, "Crossing Borders and Managing Racialized Identities: Experiences of Security and Surveillance Among Young Canadian Muslims" (2016) 41:2 *Canadian Journal of Sociology* 165; International Civil Liberties Monitoring Group, "Report of the Information Clearinghouse on Border Controls and Infringements to Travellers' Rights" (2014), <http://iclmg.ca/wp-content/uploads/sites/37/2014/03/R-Clearinghouse-border-controls.pdf>.

⁴² Ontario Human Rights Commission, "Under Suspicion: Research and Consultation Report on Racial Profiling in Ontario" (2017), <http://ohrc.on.ca/en/under-suspicion-research-and-consultation-report-racial-profiling-ontario>.

⁴³ Aurangzeb Qureshi, "This Bill Will Make it Even Riskier for Muslims to Cross the Border to the US" *CBC News*, 8 March 2017, <http://www.cbc.ca/news/opinion/bill-c-23-1.4014113>.

Community Outreach and Counter-Radicalization is under development. Experiences with counter-radicalization in other countries, particularly the United States and the United Kingdom, produce serious cause for concern about the Islamophobic formulations and impacts of such programs.

While Muslim organizations in Canada are regularly approached by security agencies about cooperating in counter-radicalization programs, the empirical bases for these programs (studies undergirding the agencies' understanding of how radicalization to violent extremism occurs, and data on the incidence of radicalization in Canada) have not been disclosed. This is of particular concern because counter-radicalization programs in the US and UK have been based on very problematic and partial studies.⁴⁴

In Canada, materials produced by the RCMP for police training on radicalization, obtained by academics Jeffrey Monaghan and Adam Molnar through Access to Information requests, betray a Muslim-centric focus – even though “Canada is at far greater risk of right-wing political violence.”⁴⁵ Training modules on Islam “are not intended to demonstrate a nuanced understanding of Islam, but instead represent menacing and threatening aspects of Islam as a violent enemy of the West,” according to Monaghan and Molnar.⁴⁶ One slide in a workshop presentation, titled “The future of terrorism?,” contains nothing but an image of a young girl dressed in what appears to be a hijab, with no explanatory text:⁴⁷

⁴⁴ See, for example, Faiza Patel, “Rethinking Radicalization,” Brennan Center for Justice at New York University School of Law (2011), <https://www.brennancenter.org/publication/rethinking-radicalization>.

⁴⁵ Jeffrey Monaghan and Adam Molnar, “Radicalisation Theories, Policing Practices, and ‘The Future of Terrorism?’” (2016) 9:3 *Critical Studies on Terrorism* at 12.

⁴⁶ *Ibid* at 11.

⁴⁷ *Ibid* at 16.

The future of terrorism?



V6

Figure 5. “The future of terrorism?”. Source: RCMP (2013, 721).

As the UN Special Rapporteur on Human Rights and Terrorism determined in a February 2016 review of counter-radicalization programs, “Many programmes directed at radicalisation are based on a simplistic understanding of the process as a fixed trajectory to violent extremism with identifiable markers along the way ... States have tended to focus on those that are most appealing to them, shying away from the more complex issues, including political issues such as foreign policy and transnational conflicts. Commentators have noted that there can be too much focus on religious ideology as the driver of terrorism and extremism.”⁴⁸

Data from the UK’s Prevent counter-radicalization program demonstrate that Muslims, including schoolchildren, have been disproportionately targeted for surveillance and referral – even while 80% of referrals to Prevent between 2006 and 2013 were subsequently determined to be unfounded.⁴⁹

As three American civil liberties organizations (the American Civil Liberties Union, Article 19, and the Brennan Center for Justice at New York University School of Law) wrote in a 2015 letter to the UN, “[counter-radicalization] initiatives in the United States and Europe focus

⁴⁸ “Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism,” A/HRC/31/65, 22 February 2016, para 15.

⁴⁹ Open Society Justice Initiative, “Eroding Trust: The UK’s PREVENT Counter-Extremism Strategy in Health and Education” (2016), <https://www.opensocietyfoundations.org/sites/default/files/eroding-trust-executive-summary-20161017.pdf>.

overwhelmingly on Muslim communities, with the discriminatory impact of stigmatizing them as inherently suspicious and in need of special monitoring. They transform the relationship between Muslims and schools and social service providers into security-based engagements, and bring law enforcement scrutiny to bear on the exercise of freedoms of speech, association, expression, and religious observance, and the right to education.”⁵⁰

⁵⁰ American Civil Liberties Union, Article 19, and Brennan Center for Justice at New York University School of Law, Letter to the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, 24 December 2015, <https://www.brennancenter.org/sites/default/files/Final%20122415%20Letter%20Re%20CVE%20to%20SR.pdf>.

Violence Against Women

As noted in the section above on Hate Incidents, Muslim women are disproportionately victimized by Islamophobic attacks. Muslim women have reported being physically and verbally assaulted.⁵¹

However, state initiatives to address violence against Muslim women have problematically fixated on Muslim culture, not societal racism, as the primary concern – even though, as eminent feminist lawyer Pamela Cross pointed out in a 2013 report for the Canadian Council of Muslim Women, “[r]esearch does not indicate there is any greater risk of [familial] violence for Muslim women than for women in other communities who are similarly socially located.”⁵²

The 2015 *Zero Tolerance for Barbaric Cultural Practices Act*, for example, specifically targets polygamy, forced marriages, and “honour killings.” The description of the targeted forms of violence against women – strongly linked in the popular imagination with Muslim, Arab, and South Asian communities – as “barbaric cultural practices” reinforces stigmatizing stereotypes about these communities.

Moreover, as organizations like the South Asian Legal Clinic of Ontario (SALCO) and the Metropolitan Action Committee on Violence Against Women and Children (METRAC) have argued, the *Barbaric Cultural Practices Act* is unlikely to increase the safety of the women it claims to be protecting – and indeed, will probably have the opposite effect.⁵³

SALCO has objected that the government “deliberately misused the data from SALCO’s recent study on Forced Marriages in Canada” to justify the criminalization of forced marriage. “Forced marriage survivors have indicated they would be hesitant to seek any outside assistance if this would result in criminal and subsequent immigration consequences for family members,” SALCO stated in its response to the *Barbaric Cultural Practices Act*.⁵⁴

⁵¹ See, for example, National Council of Canadian Muslims, “2016 Organization for the Security and Cooperation in Europe Hate Crime Report,” <https://www.nccm.ca/nccm-2016-hate-crime-report-odihr/>; Andrew Russell, “Muslim Woman Speaks Out Following Attack at Grocery Store in London, Ont.,” 23 June 2016, *Global News*, <https://globalnews.ca/news/2781841/muslim-woman-speaks-out-following-attack-at-grocery-store-in-london-ont/>.

⁵² Pamela Cross, “Violence Against Women: Health and Justice for Canadian Muslim Women,” Canadian Council of Muslim Women (2013), http://ccmw.com/wp-content/uploads/2013/07/EN-VAW_web.pdf, 5.

⁵³ Metropolitan Action Committee on Violence Against Women and Children, “Statement on Bill S-7,” <http://owjn.org/wp-content/uploads/2016/12/Statement-on-Bill-S-7-Zero-Tolerance-for-Barbaric-Cultural-Practices-Act.pdf>; South Asian Legal Clinic of Ontario, “Perpetuating Myths, Denying Justice: ‘Zero Tolerance for Barbaric Cultural Practices Act,’” <http://www.salc.on.ca/FINALBILLS7STATEMENT%20updated%20nov%2018.pdf>.

⁵⁴ South Asian Legal Clinic of Ontario, “Perpetuating Myths, Denying Justice: ‘Zero Tolerance for Barbaric Cultural Practices Act,’” <http://www.salc.on.ca/FINALBILLS7STATEMENT%20updated%20nov%2018.pdf>, 3.

Courts and Human Rights Tribunals

Muslim human rights claimants often fail to obtain full remedy in their rights claims before human rights tribunals, even where their claims arise out of disturbing facts. For example, in British Columbia, a Muslim man, Ghassan Asad, was subjected to intense workplace speculation about whether he had links to terrorism, and reported as a 9/11 suspect by his co-worker to the RCMP. The police took the allegations seriously and interviewed him at work about his associations and political and religious views. The employer dismissed Asad's complaints with the observation that he looked like the September 11 terrorists, so it made sense that someone would report him.⁵⁵ Asad was eventually dismissed from his employment. However, a British Columbia human rights tribunal determined that he had been dismissed for non-discriminatory reasons.

In cases where tribunals *have* ruled in favour of Muslim claimants, courts have proven willing to interfere with their decisions. In *Quebec v Bombardier*, the Supreme Court dismissed a finding by a Quebec human rights tribunal that Bombardier Aerospace Training Center had discriminated against Captain Javed Latif by denying him pilot refresher training.⁵⁶ The Court did not even acknowledge that Muslims are stereotyped as terrorists, notwithstanding the significant evidence that it had before it on that point. Various commentators have suggested that the Supreme Court's analysis was lacking and noted that the Court did not adequately address the systemic discrimination that Muslims collectively face in Canada as a result of stereotyping and racial profiling.⁵⁷

⁵⁵ *Asad v. Kinexus Bioinformatics*, 2008 BCHRT 293 (CanLII), <<http://canlii.ca/t/1zt6b>>, retrieved on 2017-11-06 at para 31. This decision was affirmed by The Supreme Court of British Columbia in *Kinexus Bioinformatics Corporation v. Asad*, 2010 BCSC 33 (CanLII), <<http://canlii.ca/t/27f91>>, retrieved on 2017-11-06.

⁵⁶ *Québec (Commission des droits de la personne et des droits de la jeunesse) v Bombardier Aerospace Training Center*, 2015 SCC 39, [2015] 2 SCR 789 [*Québec v Bombardier*]. Professor Bahdi served as expert witness in this case before the tribunal and her report was the subject of analysis by the Supreme Court.

⁵⁷ See for example Reem Bahdi, *Narrating Dignity: Racial Profiling, National Security and a Muslim Pilot Before The Supreme Court of Canada*, Osgoode Hall Law Journal (55.1), Forthcoming, Osgoode Legal Studies Research Paper No. 60/2017 available at https://papers.ssrn.com/sol3/Papers.cfm?abstract_id=3054143; Paul Daly, *Discrimination, Deference and Pluralism: Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39 available at <http://www.administrativelawmatters.com/blog/2015/07/24/discrimination-deference-and-pluralism-quebec-commission-des-droits-de-la-personne-et-des-droits-de-la-jeunesse-v-bombardier-inc-bombardier-aerospace-training-center-2015-scc-39/>.