

2021

FEDERAL ELECTION GUIDE

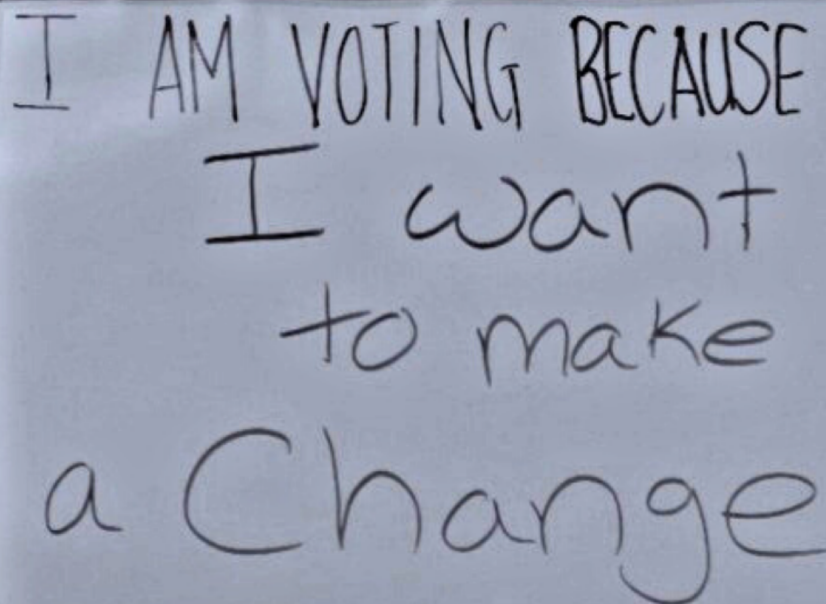


NATIONAL
COUNCIL
OF CANADIAN
MUSLIMS

Your Voice. Your Future.

CONSEIL
NATIONAL
DES MUSULMANS
CANADIENS

Votre voix. Votre avenir.

A pair of hands holds a white sign with black text. The sign reads: "I AM VOTING BECAUSE I want to make a Change". The background of the entire page features a faint, stylized map of Canada in light grey.

I AM VOTING BECAUSE
I want
to make
a Change

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#ELXN44





CONTENTS

02 INTRODUCTION

04 ABBREVIATED LIST OF
RECOMMENDATIONS

05 DOMESTIC RECOMMENDATIONS

10 FOREIGN POLICY

RECOMMENDATIONS

12 DOMESTIC
RECOMMENDATIONS

43 FOREIGN POLICY
RECOMMENDATIONS

INTRODUCTION

The last two years have been a challenging time for our community since the 2019 federal election.

Many members of the community are caught somewhere between exhaustion and trepidation, as we reel from the suffering we have seen since 2019. Our hearts have been broken again and again between COVID-19, Bill 21, the London Attack, the killing of Mohamed-Aslim Zafis, the killing of George Floyd, Palestine, Beirut, the crisis in Afghanistan...

But we cannot deny the question of the hour.



INTRODUCTION

As we have heard politicians of every political stripe say many words about Islamophobia, about London, about Quebec City, about the IMO, we cannot help but ask the question – **what actions are federal leaders going to commit to this election period to end the most egregious forms of violent and systemic Islamophobia?**

This question must be answered during this election period.

Simultaneously, we ask clearly: will Canada stand for international human rights in China, Afghanistan, and Palestine?

At a time like this, when so many are tired and exhausted, it is critical now more than ever that we come together as a community so that we can ensure that all leaders answer these questions.

Because we need to see change.

Photo credit to Alexandre Tétreault



ABBREVIATED LIST OF **RECOMMENDATIONS**

DOMESTIC RECOMMENDATIONS

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| 01 | <p>Legislative review of the Canadian Human Rights Act (CHRA): As legislation is now being introduced to provide a civil remedy within the CHRA, there must be a comprehensive legislative review of the CHRA as part of an overall renewal of how Canada deals with modern forms of Islamophobia and hate, particularly in the digital space, while ensuring and protecting Canadians' freedoms to legitimately criticize various ideologies, state actions, and religious praxis.</p> <ul style="list-style-type: none">a. A review is especially important in order to update how the Canadian Human Rights Commission functions, and to ensure that ordinary Canadians without a legal background can take advantage of newly introduced remedies to online hate.b. Commit to introducing a social media regulator with a special focus on ensuring that civil liberties are protected. |
| 02 | <p>Designated funding for a National Support Fund for Survivors of Hate-Motivated Crimes: The funding program should cover expenses incurred by survivors as a result of the hate-motivated incident or attack. The funding must include eligible expenses such as paramedical services (physiotherapy etc.), medical treatment and equipment, mental health treatment and supports, as well as loss of earnings. Applications for funds or their release should be readily available in the immediate aftermath of an attack when survivors need it most. Funding should not be contingent on a final criminal sentence being rendered.</p> |
| 03 | <p>Legislation should be introduced to implement provisions that place any entity that finances, facilitates, or participates in violent white supremacist and/or neo-Nazi activities on a list of white supremacist groups, which is separate and distinct from the terror-listing provisions. We note that this option has been endorsed by at least one of the major federal parties.</p> |
| 04 | <p>Study of the failure of national security agencies to deal with white supremacist groups: Such a study should include:</p> <ul style="list-style-type: none">a. An investigation into whether national security agencies have unduly deprioritized the study of white supremacist groups. Specifically, such a study could point towards disparities in resources and funding have been put towards surveilling Indigenous, Black, and Muslim communities in contrast to white supremacist groups in Canada; |
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DOMESTIC RECOMMENDATIONS

- b. A study of the degree of white supremacist permeation of our national security agencies. Even as the proliferation of banned white supremacist groups into our armed forces has become common knowledge, we need to examine the degree to which CSIS, CSE, and the RCMP themselves have been permeated by white supremacists. This is especially germane given numerous allegations and lawsuits of disturbing racist, xenophobic, and Islamophobic practices being tolerated at CSIS; and
- c. An analysis of why national security agencies do not release disaggregated data about how many of those surveilled belong to racialized communities.

05

Criminal Code Amendments: Introduce free-standing provisions in the Criminal Code around hate-motivated assault, murder, threats, and mischief that include specific penalties corresponding to each infraction respectively, and with an eye to potential diversionary measures;

06

Establish dedicated prosecutorial units for prosecuting hate-motivated crimes; and

07

Remove requirement for Attorney General's consent: The Attorney General's consent is currently required to begin any prosecution for the willful promotion of hatred and genocide. This is a uniquely high bar that should be abolished. The same should go for any future free-standing provision(s) around hate-motivated crimes.

08

The Security Infrastructure Program (SIP) Reform: The SIP should become rebate based, where mosques and community organizations under threat can make the relevant security upgrades needed, and then retroactively receive a rebate for the upfitting under a two-step process;

09

SIP should allow for institutions to receive up to 90% of eligible expenditures, up to a maximum of \$80 000, for securitization projects; and

10

SIP should also be broadened to allow for mosques to host broader community-building safety initiatives.

DOMESTIC RECOMMENDATIONS

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| 11 | A federal Anti-Islamophobia Strategy by year end, including: <ul style="list-style-type: none">a. A clear definition of Islamophobia, informed by robust community consultations, to be adopted across government;b. Funding anti-Islamophobia work including research, programs, and education;c. Develop anti-Islamophobia public education campaigns to drive down Islamophobic sentiments in Canada; andd. Committing to the recommendations brought forward at the National Summit on Islamophobia with added consideration to implementing the previous recommendations brought forward by the Heritage Committee. |
| 12 | Commit to a full legislative review of the CHRA, with a specific focus on: <ul style="list-style-type: none">a. Access to the Commission for complainants;b. The role of the Commission in studying the impact of hate as proliferated across conventional media and social media;c. The potential introduction of a public-interest based defamation fund for Canadians who are smeared on the basis of hate; andd. Protecting the right of Canadians to engage in critique of foreign governments. |
| 13 | CVE Reform: Until there is a coherent set of policies enshrined to prevent the profiling and mass surveillance of our communities, pause the mandated “Countering Violent Extremism” programs at the federal level, and require Public Safety Canada to develop out a new program in consultation with racialized communities for broader public safety. |
| 14 | CRA Reform: Suspend the Canada Revenue Agency’s (CRA) Review and Analysis Division (RAD) pending review of Canada’s Risk-Based Assessment model and its National Strategy to combat extremism and radicalization; |
| 15 | Suspend discretionary use of revocation power where anti-terrorism financing or counter-radicalization policies inform the audit; |
| 16 | Enhance transparency between the CRA’s Charities Directorate and charities audited under suspicion of terrorism financing and/or radicalization; and |
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DOMESTIC RECOMMENDATIONS

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| 17 | Provide anti-bias training and greater guidance to government officers and regularly assess whether their discretionary decisions are biased based on race or religious affiliation. |
| 18 | Establish a new oversight body specifically for the CBSA, which includes: <ul style="list-style-type: none">a. Routine and comprehensive diversity, equity and inclusion reviews of the CBSA. These reviews must be conducted by the oversight body and include recommendations for improvement and timelines for implementation;b. In addition to addressing complaints about on-duty CBSA officers, ensure that CBSA officers who engage in misconduct in an off-duty capacity can be investigated by the oversight body;c. As complainants may be afraid to file complaints to the oversight body, ensure civil society organizations have standing to make complaints;d. Ensure that the oversight body can hear complaints regarding CBSA policies and procedures, including detention;e. Require the CBSA to implement the recommendations made by the oversight body;f. Clarify the remedies and penalties available; andg. Include language in the Act on zero tolerance for racial discrimination at the CBSA. Currently, while there is a policy active against racial discrimination at the CBSA, there exists no "zero tolerance" provision in legislation. |
| 19 | Immediately fund the creation of an appropriately funded Office of the Special Envoy on Islamophobia. |
| 20 | Media Representation: Incentivize production of Muslim stories, told by Canadian Muslims, through designated funding in the Canada Media Fund, Telefilm, the National Film Board, and provincial and municipal grants for arts and media; |
| 21 | Allocate a multi-million-dollar fund through the Anti-Racism Secretariat or the Ministry of Heritage for Canadian Muslim artists and community organizations to facilitate grassroots storytelling, visual and oral history projects, and building community archives; and |

DOMESTIC RECOMMENDATIONS

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| 22 | Commit to robust consultation with Canadian Muslim storytellers, artists, filmmakers and content creators to guide the allocation of funds and build capacity. |
| 23 | Allocate dedicated funding, in consultation with Muslim communities, for the study of Islamophobia through the Social Sciences and Humanities Research Council including creating related funding for: <ul style="list-style-type: none">a. Tier 2 Canada Research Chairs;b. Post-doctoral fellowships; andc. Research grants. |
| 24 | Arising from the Treasury Board Secretariat (TBS) review, a zero-tolerance rule for Islamophobic practices be enshrined across government; and |
| 25 | Commit to changes in the Access to Information and Privacy (ATIP) regime as per concerns raised about scope of secrecy and timeliness of the process. |
| 26 | GBA+ Reform: Review and provide an update as to how many self-identifying Canadian Muslims are employed in the federal public service, and whether they are in low-level jobs or higher executive positions; |
| 27 | Review as to whether the GBA+ lens has appropriately balanced an intersectional approach in integrating members of diverse communities, including members of Canada's Muslim community, into the workforce; and |
| 28 | Adopt Recommendation 12 & 13 of the Heritage Committee Report so as to ensure that policies, programs and initiatives in the federal public sector are approached from an intersectional lens. |
| 29 | Bill 21: Attorney General intervention in all future cases challenging Bill 21 before the courts; and |
| 30 | Create a fund to help those affected by Bill 21 have a degree of financial security until the legislation is struck down. This is not a transition-plan fund; for no Quebecer should have to change their chosen vocation because of discrimination. This federal fund is to provide assistance while the court challenge is pending. |

DOMESTIC RECOMMENDATIONS

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| 31 | Mandate in regulation that anti-Islamophobia training becomes mandatory continuing education for all judges. |
| 32 | New directives should be brought forward to make clear that the intentional violation of the duty of candour has, at minimum, consequences for the Director of Canadian Security Intelligence Service (CSIS). The Minister of Public Safety should require the resignation of the Director of CSIS for any violations of the duty of candour. |
| 33 | Global Affairs Canada commits to challenging Islamophobia globally; |
| 34 | Provide direction to all agencies to cease the usage of biased and inherently fallacious sources produced by the Islamophobia industry; and |
| 35 | Through the Special Envoy, or through another body, conduct audits across agencies like the CBSA and CSIS to determine whether biased, Islamophobic, or other fallacious guides are utilized in decision-making processes. |

FOREIGN POLICY RECOMMENDATIONS

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| F1 | Canada must stand up for international human rights law and for an independent investigation into what has been happening in Israel and Palestine. Therefore, Canada must recognize the jurisdiction of the International Criminal Court over atrocities taking place in Israel and Palestine. |
| F2 | Canada must continue its unequivocal stance against illegal Israeli settlements. |
| F3 | Canada, in line with international allies, must not adopt the Trumpian policy of recognizing Jerusalem as the capital of Israel. |
| F4 | Investing in diplomatic relationships with the people of Palestine |

FOREIGN POLICY RECOMMENDATIONS

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| F5 | Humanitarian assistance to the people of Gaza |
| F6 | Ban imports that have been produced using enslaved Uyghur labour |
| F7 | Impose Magnitsky sanctions on China's worst human rights offenders |
| F8 | Appoint a Special Envoy on human rights abuses in China, including to free Husseyin Celil and other imprisoned Canadians |
| F9 | Take action against domestic intimidation by China state-agents of Canadian Uyghur Muslims |
| F10 | Commit to increased humanitarian funding |
| F11 | Work with international allies to open a humanitarian corridor and to increase numbers of refugees leaving through other countries |
| F12 | Consult with Afghan Canadians on a response |
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DOMESTIC RECOMMENDATIONS

VIOLENT ISLAMOPHOBIA

- 13 Online Hate
- 15 National Victims of Hate Support Fund
- 16 New Legislation on Listing White Supremacist Groups
- 17 Study of the Failure of National Security Agencies to Deal with White Supremacist Groups
- 19 Amendments to the Criminal Code to more effectively deal with White Supremacist Groups
- 21 Changing the Security Infrastructure Program

SYSTEMIC ISLAMOPHOBIA

- 23 Release an Islamophobic Strategy by End of 2021
- 24 Legislative Review of Canadian Human Rights Act to Improve the Functioning of the Commission
- 26 Review and Revise Canada's Approach to Countering Violent Extremism (CVE) and Counter-Terrorism Tactics
- 28 CRA Reform
- 30 New Oversight Bill for the Canada Border Services Agency
- 32 Establish an Office of the Special Envoy on Islamophobia
- 33 Empowering Canadian Muslims to Tell Their Own Stories
- 34 Allocate Funding for Research on Islamophobia
- 35 Enshrine Zero Tolerance for Islamophobia Across Government Departments
- 36 Going Beyond GBA+ in the Federal Public Service
- 38 Bill 21
- 39 Require Anti-Racism Training for Judges
- 40 New Legislation Penalizing CSIS for Misleading Public Institutions
- 41 Further to the Christchurch Declaration, the Government of Canada Must Champion an International Anti-Islamophobia Strategy



ONLINE HATE

During the sentencing of Alexandre Bissonnette who killed six Muslim worshippers in Quebec City in 2017, Justice Francois Huot [indicated](#) that the convicted mass murderer consulted multiple anti-Muslim online sources before the attack. Bissonnette accessed racist content on YouTube, Facebook, and he was consulting #MuslimBan on Twitter before the attack. There is no clearer evidence of the existential threat presented by the dangers of online hate to the Canadian Muslim community and to Canadians in general.

In 2016, media research company Cision [documented](#) a 600% rise in the amount of intolerant and hate speech in social media postings between November 2015 and November 2016. Their study focused on the usage of hashtags like #banmuslims and #siegeheil. According to a 2019 survey by Leger Marketing, 60% of Canadians report having seen hate speech on social media, and 62% of Quebecers stated that they had seen hateful or racist speech on the internet/social media in relation to Muslims.

There is far more empirical data demonstrating this point than can be adequately condensed into these recommendations.

Recent research on how Canadian hate groups utilize online platforms, including social media platforms, demonstrates that white supremacist and online hate groups use online platforms to create an “enabling environment”. Groups like the Soldiers of Odin (founded by a neo-Nazi), Pegida Canada, and other organizations routinely used Twitter and Facebook as organizing tools and to spread misinformation and hate about Canadian Muslims.

Examples abound relating to the continued and real-life impact of online hate against local Muslim communities. The Fort McMurray Mosque, for instance, has faced numerous threats online for years, including most recently after the 2019 Christchurch mosque massacres in New Zealand. Some Facebook users called for the Fort McMurray Mosque to be [burned down and blown up](#).

To our knowledge, while the RCMP did investigate these clear instances of online hate speech, potentially breaching the Criminal Code, no charges were laid.

A recent [report](#) estimates that more than 6,600 far-right extremist social media pages, groups, and accounts based in Canada reached approximately 11 million users worldwide from 2017-19. According to the study, such anti-Muslim rhetoric spiked during and in the immediate aftermath of the Christchurch-mosque massacres.

Given the status quo, we need to look for deep and meaningful changes that are attuned to the modern contours of hate in Canada and ensure that our legislative frameworks are equipped to keep up with a quickly evolving digital landscape.

We are mindful that the federal government has already committed to introducing new legislation that will bring in a social media regulator, and that [new legislation has already been introduced](#) that will bring back a civil remedy for those who suffer online hate. These are important commitments. As the social media regulator is being introduced, it is critical to ensure that regulatory changes being brought forward are balanced, respectful of civil liberties, and protect freedom of expression – including the freedom to critique any country’s foreign policy, for example.

Furthermore, any changes must be premised on principles of ensuring access for complainants, and of a balanced approach that weeds out vexatious complaints and protects civil liberties.

RECOMMENDATION

1. Legislative review of the Canadian Human Rights Act (CHRA): As legislation is now being introduced to provide a civil remedy within the CHRA, there must be a comprehensive legislative review of the CHRA as part of an overall renewal of how Canada deals with modern forms of Islamophobia and hate, particularly in the digital space, while ensuring and protecting Canadians’ freedoms to legitimately criticize various ideologies, state actions, and religious praxis.
 - a. A review is especially important to update how the Canadian Human Rights Commission functions, and to ensure that ordinary Canadians without a legal background can access newly introduced remedies to online hate.
 - b. Commit to introducing a social media regulator with a special focus on ensuring that civil liberties are protected.



NATIONAL VICTIMS OF HATE SUPPORT FUND

Hate-motivated crimes have spiked in Canada over the past decade. Sadly, victims of hate-motivated crimes – whether from Asian, Muslim, Indigenous, LGBTQ2S+, Black, or Jewish communities - face significant financial burdens related to accessing mental health treatment, physiotherapy, medical treatment, and other services after enduring traumatic events. Alongside coping with both physical and psychological trauma, survivors of hate-motivated crimes often find themselves facing significant financial expenses on the path to recovery. For many, this means that they are unable to afford taking steps to recovery at all.

We have heard from many community leaders that there is a major gap; victims of hate are further made to bear financial burdens related to rehabilitation and recovery.

Provincial supports for victims of crime vary widely and are often inaccessible and oversubscribed. This is why, for instance, a [report](#) by the Ontario Hate Crimes Community Working Group found that the services provided by Ontario Victims Services, “are inadequate to meet the specific needs of communities and victims in regard to hate crimes and hate incidents.”

Given the challenges faced by communities today, we need to see a federal program that harmonizes existing provincial supports and provides a specialized fund that offers widespread coverage. This funding must support and expand provincial victim support programs that already exist, and in some provinces (like Alberta) no longer exist at all. The fund should exist as a modality to help make survivors of hate-motivated crimes whole again.

RECOMMENDATION

2. Designated funding in the Federal Budget for a National Support Fund for Survivors of Hate-Motivated Crimes: The funding program should cover expenses incurred by survivors as a result of a hate-motivated incident or attack. The funding must include eligible expenses such as paramedical services (physiotherapy etc.), medical treatment and equipment, mental health treatment and supports, as well as loss of earnings. Applications for funds or their release should be readily available in the immediate aftermath of an attack when survivors need it most. Funding should not be contingent on a final criminal sentence being rendered.



NEW LEGISLATION ON LISTING VIOLENT WHITE SUPREMACIST GROUPS

We welcome the recent listing of violent white supremacist extremist groups on Canada's official list of terrorist organizations and entities such as Combat 18, the Proud Boys, The Base, Russian Imperial Movement, Atomwaffen Division, Aryan Strikeforce and the Three Percenters. The banning of these groups degrades their abilities to organize to incite and commit acts of violence.

However, there are several groups that appear not to meet the threshold of a terrorist entity but are key actors in facilitating and participating in violent white supremacist or neo-Nazi activities in Canada that pose a threat to racialized communities.

Groups like the Soldiers of Odin – which was founded by a neo-Nazi – may not currently meet the threshold of being listed as a terrorist entity, but endanger communities by patrolling and surveilling mosques, or assaulting anti-racism protestors at rallies.

We do not recommend expanding the reach of anti-terrorism legislation.

Rather, a new methodology where government can clearly track, label, and dismantle white supremacist groups is necessary and urgent for public safety.

RECOMMENDATION

3. Legislation should be introduced to implement provisions that place any entity that finances, facilitates, or participates in violent white supremacist and/or neo-Nazi activities on a list of violent white supremacist groups, which is separate and distinct from the terror-listing provisions. We note that this option has been endorsed by [at least one of the major federal parties](#).



STUDY OF THE FAILURE OF NATIONAL SECURITY AGENCIES TO DEAL WITH WHITE SUPREMACIST GROUPS

As suggested by leading experts, white supremacist hate groups have recently expanded and [proliferated](#) throughout Canada, growing from about 100 groups in 2015 to roughly 300 groups by 2021.

The deadly escalation in Islamophobic attacks in recent years deserves closer scrutiny, particularly when it comes to whether our security agencies have been able to effectively deal with white supremacist hate groups – all while disproportionately profiling Canadian Muslims.

That Canada is now the site of two of North America's worst anti-Muslim mass murders – the London terror attack and the Quebec City Mosque massacre – suggests that there have been system failures to prevent violent Islamophobic attacks.

In other words, we suggest that Canada's national security agencies have been more preoccupied with profiling Canadian

Muslims than those who are harming and killing them. Director David Vigneault [acknowledged](#) that the Canadian Security Intelligence Service (CSIS) has major problems with systemic racism and harassment, stating, "Yes, systemic racism does exist here, and yes there is a level of harassment and fear of reprisal within the organization." An ex-CSIS operative further argued that "CSIS should have seen Alexandre Bissonette coming...He was online. He was contributing to discussions with far-right organizations." There have also been various reports of Muslim CSIS employees formally raising disturbing cases of overt discrimination and Islamophobia against them.

Beyond CSIS, there have been reports of white supremacist and Islamophobic incidents in other federal agencies, such as the Canadian Armed Forces, who are charged with the responsibility of keeping Canadians safe. An internal report at the Canadian Armed Forces revealed that several members of the armed forces were

associated with white supremacist and neo-Nazi groups such as the Proud Boys and Atomwaffen – groups that have recently been listed as terrorist entities.

Muslim communities across the country have shouldered the consequences of public safety failures and are calling for a parliamentary study that investigates and identifies shortcomings in our current public safety approach.

RECOMMENDATION

4. Study of the failure of national security agencies to deal with white supremacist groups. Such a study should include:

a. An investigation into whether national security agencies have unduly deprioritized the study of white supremacist groups. Specifically, such a study could point towards disparities in resources and funding have been put towards surveilling Indigenous, Black, and Muslim communities in contrast to white supremacist groups in Canada;

b. A study of the degree of white supremacist permeation of our national security agencies. Even as the proliferation of banned white supremacist groups into our armed forces has become common knowledge, we need to examine the degree to which CSIS, the Communications Security Establishment (CSE), and the Royal Canadian Mounted Police (RCMP) themselves have been permeated by white supremacists. This is especially germane given numerous allegations and lawsuits of disturbing racist, xenophobic, and Islamophobic practices being tolerated at CSIS; and

c. An analysis of why national security agencies do not release disaggregated data about how many of those surveilled belong to racialized communities.

AMENDMENTS TO THE CRIMINAL CODE TO MORE EFFECTIVELY DEAL WITH HATE-MOTIVATED CRIMES

(Edmonton Southgate Mall – the site of an [attack](#) in December 2020. A mother and daughter who identify as Black Muslim women who wear hijab, were viciously beaten by two individuals who also smashed the windows of their vehicles).

Since 2015, there has been an [upward trend](#) in police-reported hate crimes. Canada went from 1,362 hate crimes reported in 2015 to 1,946 in 2019. While Canadian Muslims account for 3% of Canada's population, they account for an average of 11.6% of victims of police-reported hate crimes over the five-year period. Statistics Canada further notes that hate-motivated crimes are significantly under-reported – nearly two thirds of hate-motivated crimes go unreported. Despite under-reporting, police-reported hate crimes [spiked](#) by 47% in 2017 and kept growing for at least two years, including an increase in anti-Muslim hate crimes by an alarming 151% in 2017, the year of the Quebec City mosque massacre.

Hate-motivated crimes have particularly devastating effects. They make entire communities feel unsafe. [Research](#) suggests that survivors of hate-motivated crimes suffer psychological injuries that survivors of non-hate-motivated crimes do not. Additionally, hate-motivated crimes are becoming a growing public health crisis with an increase in attacks on Muslim, Asian, Black, Indigenous, and other minority communities.

Amending the Criminal Code by introducing a free-standing provision around hate-crimes is critical to fill several gaps.

Most Canadians do not realize that there is no specific legal provision that deals with what many colloquially call a “hate crime.” That means that if an individual walks up to another person on the street and assaults them while yelling racial epithets, and it is determined that the attack was indeed hate-motivated, there is no specific “hate crime” section of the Criminal Code that the offender would be charged with as such.

As the courts [have noted](#), the phrase “hate crimes” leaves the impression that the law criminalizes acts motivated by hate or the outright expression of racist hate. It does neither.

Rather, hate is generally looked at in sentencing under section 718.2(a)(i) of [the Criminal Code](#), which notes that it would be a potentially aggravating factor if the offence was motivated by, “bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, or on any other similar factor.”

There are also hate speech provisions of the Criminal Code, but these clearly do not canvass the kind of scenario laid out above.

First, we suggest that through the creation of free-standing provisions, hate-motivated crimes could be treated as indictable offenses, in the same way that aggravated assault is an indictable offense. Therefore, stronger penalties could be invoked. Secondly, charging individuals under hate-motivated provisions sends a strong signal that encourages denunciation and deterrence, but that also provides new tools and approaches.

In contrast to the existing Canadian approach to hate crimes and to Parliament's codification of it, other [jurisdictions](#) take a stronger approach in dealing with hate crimes. In Wisconsin, for example, The Wisconsin Hate Crimes Act mandates a penalty enhancement provision for hate-motivated crimes. This provision has [survived constitutional scrutiny](#) in the United States.

Furthermore, beyond penalty-enhancing provisions at sentencing, by 1991, over [28 states had passed legislation](#) akin to an offence of hate-motivated intimidation, which relates to specific charges.

We must be cautious, of course, to assume that strengthening our Criminal Code will eliminate hate crimes. It will not. We must also be cognizant that criminalization can often have disproportionate effects on racialized communities. We encourage policymakers to also take seriously the concern that many in our communities have around the general utility of criminalization and carceral institutions in response to hate. Therefore, we also suggest that a new provision on hate crimes should premise within it a commitment to a diversionary system that allows for alternate restorative justice models for offenders and a commitment to review and study to ensure that the system works in a fair and just manner.

A new standing provision is, however, an important tool to consider that allows for those who commit hate-motivated offences to be adequately charged and prosecuted.

RECOMMENDATION

5. Introduce free-standing provisions in the Criminal Code around hate-motivated assault, murder, threats, and mischief that include specific penalties corresponding to each infraction respectively, and with an eye to potential diversionary measures;
6. Establish dedicated prosecutorial units for prosecuting hate-motivated crimes; and
7. Remove requirement for Attorney General's consent: The Attorney General's consent is currently required to begin any prosecution for the willful promotion of hatred and genocide. This is a uniquely high bar that should be abolished. The same should go for any future free-standing provision(s) around hate-motivated crimes.

CHANGING THE SECURITY INFRASTRUCTURE PROGRAM

The spike in mosque attacks and vandalism throughout Canada in recent years have triggered calls for funding programs to help prevent acts of violence being visited upon Muslim places of gathering, businesses, and community spaces. The Security Infrastructure Program (SIP) has generally been a positive initiative to this end. While it should not be needed, SIP is an important measure that allows religious communities to protect themselves. NCCM was also pleased to advocate successfully for the list of eligible expenditures under SIP to be expanded to include basic training for staff to respond to hate-motivated incidents.

However, changes need to be brought in to make it easier for mosques to apply for SIP funding, and for mosques to be able to apply prophylactically before something bad happens.

Right now, programs in place allow Muslim organizations to apply for funding to shore up their security measures. However, applicants must demonstrate that they, “are at risk of being victimized by hate-motivated crime.” Typically, given that there are more applicants than there is funding, applicants demonstrate that



(April 5, 2021 - Montreal mosque, the Centre Communautaire Islamique Assahaba, targeted by a mask man firing an air gun at the windows of the masjid)

risk by showing how they have already been attacked before. In addition, SIP application processes are long and arduous, typically requiring multiple letters of support, multiple security quotes, floor plans, and much more. Once the application process is complete, applicants still must wait for months before being approved.

What that means practically is that communities that need funding urgently for protection often cannot get access to the program that is meant to protect them.

Another significant challenge is that communities under siege do not receive full funding under SIP – rather, approved projects may receive up to 50% of the total project. We were told in consultations that

the institutions that often receive the most threats are sometimes the least able to secure the other 50% required. We recommend that the coverage of SIP is expanded.

Lastly, security for local communities means more than building fences. This was recognized in recent changes that allowed for volunteers to be trained, for example, in responding to active-shooter drills. We are recommending that SIP be further expanded to allow for communities under siege to host bystander-intervention trainings, community meetings, and gatherings with their neighbours.

Good fences do not necessarily make good neighbors; and many Canadian Muslims believe that their long-term safety needs require strong relationships with their neighbors. Increasing the capacity of communities to engage positively with their neighbours is critical.

A broad-based set of voices have called for funds from all levels of government to be geared more towards a more holistic approach to prevention. Muslim organizations, aided by their elected officials, law enforcement partners, or another trusted third party, should be able to apply and secure funding for safety reasons to prevent the worst from happening.

RECOMMENDATION

8. The SIP program should become rebate based, where mosques and community organizations under threat can make the relevant security upgrades needed, and then retroactively receive a rebate for the upfitting under a two-step process;

9. SIP should allow for institutions to receive up to 90% of eligible expenditures, up to a maximum of \$80 000, for securitization projects; and

10. SIP should also be broadened to allow for mosques to host broader community-building safety initiatives.

RELEASE AN ISLAMOPHOBIA STRATEGY BY END OF 2021

The federal Anti-Racism Strategy is set to expire this year. Our community members have long felt that a dedicated strategy focused on Islamophobia is needed.

This is even more urgent given that Canada is now, as mentioned, the site of North America's two worst Islamophobic mass murders. This is a deeply confronting fact that also represents the culmination of a long-standing trend of pervasive Islamophobia not only on the fringes but mainstream public discourse as well.

Combatting this pervasive discourse requires a multi-pronged strategy focused on reducing Islamophobic attitudes in Canada. The federal government's [campaign against tobacco usage](#), which aims to reduce tobacco usage from 15% to 5% by 2035, is an example of how federal campaigns in the public interest can be structured in holistic ways.

It is time to develop and publicly release a federal Anti-Islamophobia Strategy that puts forward a roadmap for ending violent and systemic Islamophobia.

Such a strategy must also take into account how Islamophobia manifests at various intersections of gender, race, and socio-economic stratifications.

RECOMMENDATION

11. A federal Anti-Islamophobia Strategy by year end, including:

- a. A clear definition of Islamophobia, informed by robust community consultations, to be adopted across government;
- b. Funding anti-Islamophobia work including research, programs, and education;
- c. Develop anti-Islamophobia public education campaigns to drive down Islamophobic sentiments in Canada; and
- d. Committing to the recommendations brought forward at the National Summit on Islamophobia with added consideration to implementing the previous recommendations brought forward by the Heritage Committee.



LEGISLATIVE REVIEW OF THE CANADIAN HUMAN RIGHTS ACT TO IMPROVE THE FUNCTIONING OF THE COMMISSION

In relation to our aforementioned recommendations regarding a legislative review of the CHRA, the review should also consider how to improve the Canadian Human Rights Commission in order to aid claimants and issue penalties.

So much has changed in Canada over the last twenty years since the CHRA was last reviewed – especially in our approach to human rights and in our understanding of the complex web of remedies and approaches in challenging human rights violations domestically. For this reason alone, it is important to update Canada's guiding human rights statute and modernize it appropriately.

We believe this is especially necessary to ensure that the Commission is fulfilling its mandate of study, education and access, which remain a challenge for the Commission.

In updating the CHRA to keep up with the changing world of online hate and various forms of Islamophobia, racism, and far-right extremism, the Commission should have

resources allocated to conduct regular studies into the spread of hate in Canada.

Furthermore, those affected by human rights violations need to be better served by the Commission as claimants, as the Commission has historically suffered from long delays and backlogs.

In the same way that the Court Challenges Program provides financial support to individuals and groups in Canada to bring cases of national significance related to certain constitutional and quasi-constitutional official language and human rights before the courts, we suggest that the Commission sets forward a new fund where victims of hate-motivated defamation could apply to seek financial support in cases that have significant public-interest. A major challenge faced by Canadian Muslims, slandered by Islamophobes (see, for example, the case of *Paramount v Kevin J Johnston*, 2019 ONSC 2910) is the lack of funding to challenge such hate through a court proceeding. We believe that should be changed.

Lastly, even as a civil remedy to combat hatred was proposed in new legislation, a review of the CHRA must provide clarity on protecting the rights of Canadians to critique foreign governments and policies. NGOs, charities, and relief organizations play an important role in humanitarian assistance throughout conflict zones around the world. This has put many of them into the paths of dictatorial and authoritarian regimes that try very hard to hide their conduct, often by maligning or silencing dissenting entities.

Relief organizations on the ground in some of these countries often speak out against the brutality and violations they witness against civilians. This puts them in the crosshairs of regimes that do not want this sort of critical scrutiny, exposure, and attention. Recently, foreign states have retaliated against some well-respected global charities by [designating](#) them as terrorist entities.

A revised CHRA can provide guidance and protection to ensure that Canadians who have bona fide critiques of foreign policy issues are not tarnished by allegations of hate.

RECOMMENDATION

12. Commit to a full legislative review of the CHRA, with a specific focus on:

- a. Access to the Commission for complainants;
- b. The role of the Commission in studying the impact of hate as proliferated across conventional media and social media;
- c. The potential introduction of a public-interest based defamation fund for Canadians who are smeared on the basis of hate; and
- d. Protecting the right of Canadians to engage in critique of foreign governments.

REVIEW AND REVISE CANADA'S APPROACH TO COUNTERING VIOLENT EXTREMISM (CVE) AND COUNTER- TERRORISM TACTICS

Counter-terrorism measures by various national security agencies have created a lack of trust between these agencies and Muslim communities.

One of the perennial concerns of many Muslims across Canada is that entire communities are put under a microscope, as if they aid, abet, or condone the violent acts of a few extremists.

Yet Muslims everywhere, from mosques to university student associations, continue to report [visits](#) by CSIS agents that amount to “fishing expeditions” in search of possible terrorists within mainstream community spaces. This happened so much in Canadian universities that the Institute of Islamic Studies at the University of Toronto, alongside the NCCM and Canadian Muslim Lawyers Association, set up a hotline for Muslim students to call when CSIS comes knocking.

This overall practice of conflating our main community spaces and organs with extremism both mirrors and perpetuates ideas and stereotypes that every Muslim has proximity to potentially violent ideologies.

It is a problematic direction that, according to a broad range of voices we have heard from across the community, must be reversed.

Our community is calling for a stop to CSIS “fishing expeditions,” including mass surveillance of our mosques and community spaces, be it through the usage of undercover informants or other means. Entrapping mentally ill Canadians into terrorism plots, as occurred in the case of the Nuttall family (see *R. v. Nuttall*, 2018 BCCA 479), needs to end.

The Canadian government, rather than spending time to fix the core problems at the heart of our national security agencies, has endorsed the strategic policy direction of “Countering Violent Extremism” (CVE), a methodology that attempts to prevent terrorist attacks by pre-emptively targeting the motivating ideology. While this may sound like a good idea, CVE methodologies, when employed by ill-informed government and broken national security agencies, have unintended consequences. The Prevent program in the UK is a well-known example of the disastrous impact of CVE policies.

[For example](#), under the Prevent program, a four-year-old child was threatened with detention and to be taken to a deradicalization program after drawing a picture of a cucumber.

We have no reason to trust that the CVE experience in Canada would be any different, given the existing stance of national security agencies in profiling Muslim communities, schools, and students.

RECOMMENDATION

13. Until there is a coherent set of policies enshrined to prevent the profiling and mass surveillance of our communities, the federal government should pause the mandated “Countering Violent Extremism” programs at the federal level, and require Public Safety Canada to develop a new program in close consultation with racialized communities.



CRA REFORM

Recently, major reports by [academics](#) and [civil society groups](#), including NCCM and the University of Toronto, have shed light on potential biases in Canada Revenue Agency (CRA) audit practices that unfairly target registered Muslim-led charities across the country. These audits often take place within the context of whole-of-government approaches to anti-terrorism financing and counter-radicalization, without any indication to the charity that these considerations are part of the audit. This ill-conceived approach has resulted in the revocation of charitable status, which has left community organizations hollowed out and no longer able to provide much-needed services and spaces for the marginalized communities they serve. Yet none have been charged with anything related to financing terrorism.

Canada's approach to anti-terrorism financing is structured by its international commitments to the Financial Action Task Force (FATF). As part of its commitments to the FATF, Canada identifies organizations

that pose the greatest risk of terrorist financing through its risk-based assessment model. In its [2015 risk assessment](#), Canada indicated a "Canadian nexus" of several entities that allegedly pose the threat of financing terrorist activities. This determination was made without the citation of any corroborating evidence. 100% of the groups identified in the assessment are racialized, and 80% are related to Islam or Muslims.

This risk-based assessment model integrates a structural bias that puts Muslim-led organizations in Canada in the crosshairs of CRA audits related to anti-terrorism financing. These audits are conducted by a special division at the CRA known as the Review and Analysis Division (RAD), which is ostensibly structured around the biased risk assessment protocol mentioned above. The RAD is responsible for identifying and preventing terrorist financing threats in Canada.

In addition to anti-terrorism financing, Muslim-led charities are also unfairly treated in relation to Canada's approach to counter-radicalization. This involves identifying and penalizing charities that promote "extreme ideas." However, with little guidance as to what constitutes an extreme idea as well as discretionary

decision-making authority given to auditors, the potential result of this approach is an inconsistent application of counter-radicalization principles informed by unconscious (or even conscious) biases about racialized and religious communities.

RECOMMENDATION

14. Suspend the Review and Analysis Division (RAD) pending review of Canada's Risk-Based Assessment model and its National Strategy to combat extremism and radicalization;

15. Suspend discretionary use of revocation power where anti-terrorism financing or counter-radicalization policies inform the audit;

16. Enhance transparency between the CRA's Charities Directorate and charities audited under suspicion of terrorism financing and/or radicalization; and

17. Provide anti-bias training and greater guidance to government officers and regularly assess whether their discretionary decisions are biased based on race or religious affiliation.



NEW OVERSIGHT BILL FOR THE CANADA BORDER SERVICES AGENCY

A recent CBC access-to-information request [revealed](#) over 500 allegations of misconduct by Canada Border Services Agency (CBSA) officers filed between 2018-19, many of which back the broader allegation that the agency engages in racial profiling that disproportionately targets Muslims. This revelation aligns with the [lived experiences](#) of Canadian Muslims who have for decades raised the issue of Islamophobic [profiling](#) and discrimination while travelling. Moreover, the 2019 Fall Report of the Auditor General of Canada to the Parliament of Canada confirms widespread systemic issues with organizational culture at the CBSA in terms of discrimination and harassment, as does the Diversity Equity and Inclusion Audit of the CBSA that was tabled to Parliament in March 2020. There is no independent oversight of the conduct of CBSA officers and agents.

As such, there is little recourse to address discrimination at our borders, or even within the CBSA. This includes a lack of accountability for extreme measures such as indefinite detention, which, according to a recent report by international human rights advocates, has considerable and unjustifiable mental health impacts on detainees.

Before it died on the order papers, [Bill C-3](#), An Act to amend the Royal Canadian Mounted Police Act and the Canada Border Services Agency Act, was introduced in Parliament and included recommendations to extend the RCMP oversight body to include oversight of the CBSA. Given recent concerns around the ability of the RCMP oversight body to provide effective oversight over the RCMP, we suggest a new and specific oversight body for the CBSA.

RECOMMENDATION

18. Establish a new oversight body specifically for the CBSA, which includes:
- a. Routine and comprehensive diversity, equity and inclusion reviews of the CBSA. These reviews must be conducted by the oversight body and include recommendations for improvement and timelines for implementation;
 - b. In addition to addressing complaints about on-duty CBSA officers, ensure that off-duty CBSA officers who engage in misconduct can be investigated by the oversight body;
 - c. As complainants may be afraid to file complaints to the oversight body, ensure civil society organizations have standing to make complaints;
 - d. Ensure that the oversight body can hear complaints regarding CBSA policies and procedures, including detention;
 - e. Require the CBSA to implement the recommendations made by the oversight body;
 - f. Clarify available remedies and penalties; and
 - g. Include language in the Act around zero tolerance for racial discrimination at the CBSA. Currently, while there is a policy active against racial discrimination at the CBSA, there exists no "zero tolerance" provision in legislation.

ESTABLISH AN OFFICE OF THE SPECIAL ENVOY ON ISLAMOPHOBIA

We propose that the Government of Canada immediately funds the creation of the Office of the Special Envoy on Islamophobia, and subsequently appoints a Special Envoy.

This position needs to work with various ministries to inform policy, programming and financing of efforts that impact Canadian Muslims. The Envoy should have the powers of a commissioner to investigate different issues relating to Islamophobia in Canada, and to conduct third-party reviews across all sectors of the federal government relating to concerns of Islamophobia. For example, a Special Envoy, could conduct a particular review of the security certificate process and its relationship to Islamophobia. Under [security certificates](#), individuals under suspicion can be removed from Canada, without accessing evidence assembled against them by the Crown. Many argue that this is an infringement on Canadian civil liberties that Canadian Muslims have long opposed.

The Envoy should also have an international scope given how different forms and motivations for Islamophobia

are not limited by national borders. That the [Christchurch shooter had the Quebec City Mosque shooter's name](#) on his rifle illustrates this fact with gruesome reality.

An Islamophobia envoy would ideally travel to various countries to explore different approaches to solving the challenges of Islamophobia and how threat environments abroad might import or export different elements of narratives of Islamophobia.

Therefore, we stress that the Office of the Special Envoy must be well funded and resourced so as to better carry out a domestic and international mandate.

RECOMMENDATION

19. Immediately fund the creation of an Office of the Special Envoy on Islamophobia.

EMPOWERING CANADIAN MUSLIMS TO TELL THEIR OWN STORIES

Opposing the extensive and entrenched narratives of fear, suspicion, and hatred toward Muslims in Canada requires counter-narratives of humanization. This is no longer simply the niche interest of a small minority community of content creators. Nor is it simply in the interest of over a million Muslims who are part of Canada's social fabric. In light of three separate lethal Islamophobic attacks on Canadian soil, empowering Muslims in this country to tell their own stories is now a matter of national concern.

A recent study from the [University of Southern California](#) maps both the underrepresentation of Muslims in popular films globally as well as the disproportionate representation of Muslim characters as linked to violence or subservience. Muslim women are largely invisible or represented in harmful and reductive stereotypes. The study claims that their findings suggest a bias in content creation that renders Muslims invisible or maligned in popular film. There is ample academic research that establishes the role of harmful stereotypes in popular culture in begetting hostility and violence against racialized communities.

The shortcomings of the film industry are coupled with a news media landscape that has transformed in the digital age where Islamophobic and racist content circulates with impunity. When Canadian news outlets trot out dangerous [Islamophobic](#) tropes on a regular basis and [disinformation networks in Canada](#) produce fake news that target Muslims, it is imperative that Canadian Muslims be empowered to counter these harmful narratives with resources and programming that challenges xenophobic, Islamophobic, and bigoted narratives and humanizes their image and heals their pain.

RECOMMENDATION

20. Incentivize production of Muslim stories, told by Canadian Muslims, that counter Islamophobic narratives through designated funding in the Canada Media Fund, Telefilm, the National Film Board, and provincial and municipal grants for arts and media;
21. Allocate a multi-million-dollar fund through the Anti-Racism Secretariat or the Ministry of Heritage for Canadian Muslim artists and community organizations to facilitate grassroots storytelling, visual and oral history projects, and building community archives on experiences of and resistance to Islamophobia; and
22. Commit to robust consultation with Canadian Muslim storytellers, artists, filmmakers and content creators to guide the allocation of funds and build capacity.

ALLOCATE FUNDING FOR RESEARCH ON ISLAMOPHOBIA

Serious academic study of how to tackle Islamophobia in Canada has not kept pace with the exponential rise of the phenomenon of Islamophobia, particularly in recent years.

Civil society groups that study Islamophobia often do so on a shoestring budget as they witness the spike of anti-Muslim incidents around them. Few scholars in Canada have a research agenda that primarily focuses on the sources and growth of Islamophobia or its potential remedies.

Universities need to dedicate resources to encourage this research to create a rich knowledge base on Islamophobia in Canada. Furthermore, such research can often be a springboard for informing and encouraging discussions, policy changes and appropriate learning to tackle Islamophobia.

The federal government should support universities to establish dedicated research infrastructure to enable the study of Islamophobia and anti-Islamophobia approaches in Canada.

RECOMMENDATION

23. Allocate dedicated funding for the study of Islamophobia through the Social Sciences and Humanities Research Council including creating related funding for:

- a. Tier 2 Canada Research Chairs;
- b. Post-doctoral fellowships; and
- c. Research grants.

ENSHRINE ZERO TOLERANCE FOR ISLAMOPHOBIA ACROSS GOVERNMENT DEPARTMENTS

Canada's Treasury Board Secretariat is currently exploring measures and strategies to challenge systemic racism and a lack of diversity in the public service. This broad approach is welcomed as systemic barriers continue to exist for Black, Indigenous and other racialized communities to enter and rise within the service. However, we know that discrimination, racism, and other forms of xenophobia exist in the federal public service.

To that end, we recommend that a zero-tolerance policy should thus be instituted against Islamophobia in the federal public services.

In order for accountability measures to be effective, we also recommend that the Access to Information and Privacy (ATIP) process be refined and improved. In June 2019, the Government passed Bill C-58, which brought forward significant amendments to the Access to Information Act. The Government also committed to begin a full review of the access to information process within one year of Bill C-58 coming into force. This process is currently ongoing.

During our consultation process, a number of academics and critics suggested that a significant gap in assessing the government's commitment to eliminating Islamophobia has been deficiencies in the ATIP process. The World Press Freedom Canada, an advocacy group for journalists, recently [noted](#) in its submission to the Treasury Board review, "[t]he numerous flaws in Canada's access-to-information regime can be reduced to just two: the law provides far too many reasons to keep information secret; and releasing information takes far too long." This should be changed.

RECOMMENDATION

24. Arising from the TBS review, a zero-tolerance rule for Islamophobic practices be enshrined across government agencies; and

25. Commit to changes in the ATIP regime as per concerns raised about scope of secrecy and timeliness of the process.

GOING BEYOND GBA+ IN THE FEDERAL PUBLIC SERVICE

Canada's new Impact Assessment Act (2019) requires attention to "the intersection of sex and gender with other identity factors" as a mandatory consideration in impact assessments. The provision was the culmination of the GBA+ (Gender-based Analysis Plus) approach that has been operational in government (in various forms) since 1995. According to the Government of Canada, "GBA+ is an analytical process that provides a rigorous method for the assessment of systemic inequalities, as well as a means to assess how diverse groups of women, men, and gender diverse people may experience policies, programs and initiatives." In the introductory section of Budget 2018, then-Finance Minister Bill Morneau's noted that every single budget decision was vetted through the GBA+.

It is clear, at both the policy level and at the level of hiring in the federal public service, that an intersectional approach that accounts for the needs of diverse Canadians was not always prioritized. These were precisely the concerns highlighted in [Recommendations 12 & 13](#) of the Heritage Committee.

Unfortunately, GBA+ has often been instrumentalized through what many call "white feminism," resulting in the reality where public service jobs are disproportionately staffed by white women. In [2016](#), for instance, while women comprised 55.1% of the federal public service, only 16% of the federal public service was made up of visible minorities (whereas visible minorities represented at the time close to 23% of Canada's population).

The numbers get worse when we look at levels of executive representation in the core public administration in 2016: [Only 9% of executive jobs](#) were staffed by members of a visible minority. Even though a significant number of Muslims now work in the public sector, they are not represented in executive and senior management roles.

Canada's public service is run by and for all Canadians. As such, it should reflect the diversity of the Canadian population. We do not suggest that having a proportionate number of Canadian Muslims in federal public service jobs will in and of itself eliminate racism and Islamophobia. However, it is still important that equity and fairness be core principles on which the Canadian public service operates.

RECOMMENDATION

26. Review and provide an update as to how many self-identifying Canadian Muslims are employed in the federal public service, and whether they are in low-level jobs or higher executive positions;

27. Review as to whether the GBA+ lens has appropriately balanced an intersectional approach in integrating members of diverse communities, including members of Canada's Muslim community, into the workforce; and

28. Adopt Recommendation 12 & 13 of the Heritage Committee Report to ensure that policies, programs and initiatives in the federal public sector are approached from a truly intersectional lens.



BILL 21

Canada cannot seriously commit to supporting the right to religious freedom, and to standing against systemic racism, while Bill 21 remains on the books in Quebec.

Currently, many public sector workers in Quebec are not allowed to wear religious symbols. This includes kippahs, hijabs, turbans, and crucifixes. This ban strips Quebecers of their fundamental right to religious expression and freedom. It also disproportionately affects minorities – many of whom are Muslim – by forcing them to choose between making a living and leaving their faith at the door.

RECOMMENDATION

29. Attorney General intervene in all future cases challenging Bill 21 before the courts; and

30. Create a fund to help those affected by Bill 21 have a degree of financial security until the legislation is struck down. This is not a transition-plan fund; for no Quebecer should have to change their chosen vocations because of discrimination. This federal fund is to provide assistance while the court challenge is pending.

As a recent court [decision](#) pointed out, “the evidence undoubtedly shows that the effects of Law 21 will be felt negatively above all by Muslim women...On the one hand by violating their religious freedom, and on the other hand by also violating their freedom of expression, because clothing is both expression, pure and simple, and can also constitute a manifestation of religious belief.”

Our community has long viewed the Laicity Act, or Bill 21, as a way to create second-class citizenship in Quebec that punishes many minorities by suppressing their identities. It is a fundamentally discriminatory law that has been criticized internationally for violating basic human rights. It also helps perpetuate the idea that Islam, Muslims, and open religious expression in general, have no place in Quebec.

NCCM is [challenging](#) this law along with a host of other civil liberties groups and we call on the Attorney General to commit to being an official intervenor in the court battle. Those who are barred from getting a public sector job in Quebec—because they refuse to make the absurd choice between religious freedom and job security—should be supported by a federal fund that helps them stay afloat financially and otherwise until the legislation is struck down.

REQUIRE ANTI-RACISM TRAINING FOR JUDGES

It is vital that the realities of systemic racism and Islamophobia are made aware to the very people adjudicating the cases resulting from incidents of such violence. Recently, an investigation was launched into a judge allegedly [mocking](#) an expert who testified in court because of his accent. In the case of [Rania El-Alloul](#), NCCM and others were involved in reviewing the conduct of a Quebec judge who removed Ms. El-Alloul from a courtroom for wearing a hijab. Similarly, Canada's Chief Justice of the Supreme Court publicly called for more diversity in the judicial system while citing numerous instances of judges pushing racist bias and stereotypes.

In 2020, the government introduced proposed changes to the Judges Act and the Criminal Code in the House of Commons. Those changes have now received royal assent. We are glad to see [legislation](#) passed this session mandating that judges undergo training around sexual assault.

While this legislation also mentions racial and systemic discrimination in relation to sexual violence in the continuing education for judges, there also need to be regulations to ensure that judges all receive distinct anti-racism and anti-Islamophobia training that is delivered by diverse facilitators.

All Canadians deserve to see themselves reflected in the system that upholds justice in their country.

RECOMMENDATION

31. Mandate anti-Islamophobia training for all judges.

CSIS AND DUTY OF CANDOUR

Recent federal court decisions have listed how the Canadian Security Intelligence Service (CSIS) failed to live up to a commitment of honesty and integrity by misleading judges and the courts to get what they want.

One instance concerned [getting warrants](#) to wire-tap Canadians; another has to do with [illegally](#) obtaining intelligence while withholding evidence against an alleged terrorist recruiter.

These decisions suggest a systemic pattern of behaviour where CSIS regularly obfuscates, fails to disclose, or misleads courts. CSIS has been complicit in this pattern for over a decade. Federal court decisions have consistently provided scathing rebukes of CSIS for violating the “duty of candour” towards the court. For example, the Federal Court of Appeal upheld Justice Mosley’s decision in 2014 that CSIS had made “[a deliberate decision to keep the court in the dark](#)

RECOMMENDATION

32. New directives should be brought forward to make clear that the intentional violation of the duty of candour has, at minimum, consequences for the Director of CSIS. The Minister of Public Safety should require the resignation of the Director of CSIS for any violations of the duty of candour.

[about the scope and extent of the foreign collection efforts.](#)”

How do we trust an agency that consistently and unabashedly misleads the courts? This is spelled out most explicitly by Justice Patrick Gleeson in a 2020 [decision](#), where he also observed a “pattern of abuse” by CSIS in its conduct relating to a failure to live up to the duty of candour. In response to Justice Gleeson’s decision, CSIS Director David Vigneault [stated](#) that “...we have taken a significant number of concrete actions to address the Court’s concerns over our lack of candour.” The federal government then subsequently [appealed](#) Justice Gleeson’s decision. The CSIS Director’s cavalier response to scathing decisions, and the decision to refuse to accept accountability by appealing, points to the need for much more significant accountability measures.

At minimum, CSIS agents should be punished for misleading courts. Such acts need to be punished by new provisions that clearly sends the message that Canada’s domestic spies are not above Canada’s legal processes. This is not an issue of a few bad apples but, as Justice Gleeson observed, a “cavalier institutional approach” that needs to be addressed.

FURTHER TO THE CHRISTCHURCH DECLARATION, THE GOVERNMENT OF CANADA MUST CHAMPION AN INTERNATIONAL ANTI-ISLAMOPHOBIA STRATEGY

Having signed the “[Christchurch Declaration](#)” in the aftermath of the mass murder of over 50 Muslim worshippers in Christchurch, New Zealand, the Government of Canada now must champion and help build a global strategy to dismantle Islamophobia.

Canada cannot hope to fulfil its commitments as a signatory without pushing for a global end to the ideological premise of the Christchurch attack: Islamophobia. As Canada has also continued to suffer at the hands of Islamophobes, Canada must step up to join with allies in confronting the rising tide of Islamophobia globally. This must also include utilizing diplomatic channels to confront nations and allies who proliferate and export Islamophobia globally.

Unfortunately, the prolonged climate of Islamophobia throughout North America, Europe, and beyond has given rise to numerous voices and organizations that profit from the marginalization of Muslims in public life. Extensive studies and analysis of these entities have generally concluded that such Islamophobic voices have evolved into transnational networks that amount to an industry.

Numerous reports have detailed the extent to which this phenomenon of online Islamophobia has portrayed Islam as an inherently violent, sexist belief system that cannot fit into Western societies. Relevant organs in government must familiarize themselves with these entities, reject them, and draw a clear line between fair criticism of religious praxis versus Islamophobic attempts to foment hatred among constituencies.

For example, reports prepared by foreign dictatorships or well-known Islamophobes are often utilized by Canadian agencies. In *Kablawi v. Canada (Citizenship and Immigration)*, 2010 FC 888, for example, the adjudicating officer relied on the writings of Daniel Pipes. Daniel Pipes is an American academic and founder of the right-wing think-tank, Middle East Forum. It has been argued that Pipes supports racial profiling and the surveillance of Muslim communities and believes Muslims in the United States seek to infiltrate and overthrow the country. It has been further argued that Pipes has spent decades promoting anti-Muslim tropes and has financed numerous activists and organizations that spread misinformation about Muslims and Islam. Canadian agencies should never be relying on such suspect or biased sources.

RECOMMENDATION

33. A commitment by Global Affairs Canada to combat Islamophobia globally;
34. Provide direction to all federal government agencies to cease the usage of biased and inherently fallacious sources produced by the Islamophobia industry; and
35. Through the Special Envoy, or through another body, conduct audits across agencies like the CBSA and CSIS to determine whether biased, dictatorship-produced, or other fallacious materials are utilized in decision-making and policymaking processes.

FOREIGN POLICY RECOMMENDATIONS

PALESTINE

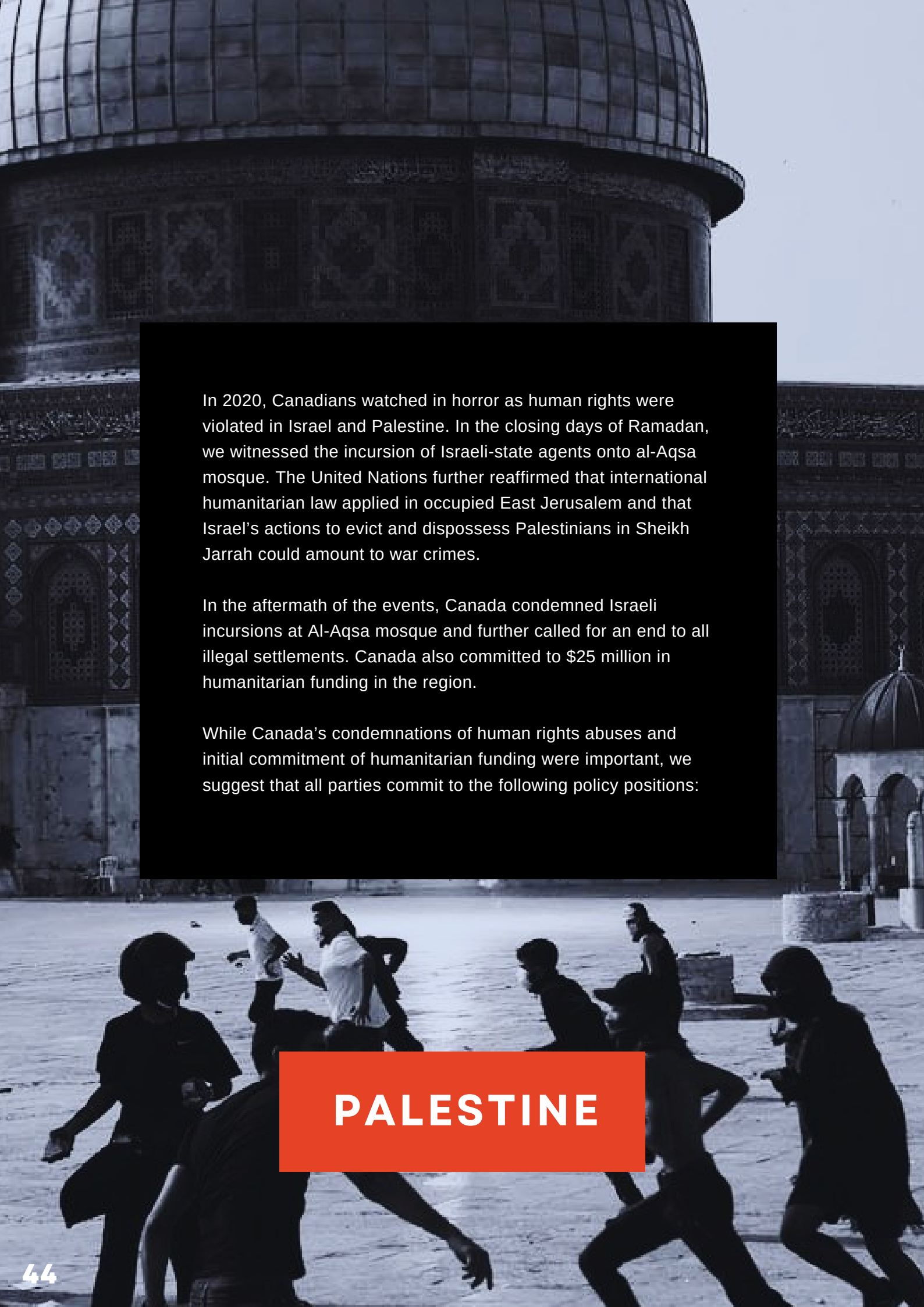
- 45. International Human Rights Law
- 46. Illegal Israeli Settlements
Reject Jerusalem as capital of Israel
- 47. Diplomatic relationships with the people of Palestine
Humanitarian assistance to the people of Gaza

UYGHUR

- 49. Ban imports that have been produced using enslaved
Impose Magnitsky sanctions on China's worst human rights offenders
- 50. Appoint a Special Envoy on human rights abuses in China, including to free Husseyin Celil and other imprisoned Canadians
- 51. Take action against domestic intimidation by China state-agents of Canadian Uyghur Muslims

AFGHANISTAN

- 53. Commit to increased humanitarian funding
Work with international allies to open a humanitarian corridor and to increase numbers of refugees leaving through other countries
Consult with Afghan Canadians on a response



In 2020, Canadians watched in horror as human rights were violated in Israel and Palestine. In the closing days of Ramadan, we witnessed the incursion of Israeli-state agents onto al-Aqsa mosque. The United Nations further reaffirmed that international humanitarian law applied in occupied East Jerusalem and that Israel's actions to evict and dispossess Palestinians in Sheikh Jarrah could amount to war crimes.

In the aftermath of the events, Canada condemned Israeli incursions at Al-Aqsa mosque and further called for an end to all illegal settlements. Canada also committed to \$25 million in humanitarian funding in the region.

While Canada's condemnations of human rights abuses and initial commitment of humanitarian funding were important, we suggest that all parties commit to the following policy positions:



PALESTINE

TO PROVIDE AN INDEPENDANT THIRD-PARTY THAT IS THE APPROPRIATE FORUM FOR DEALING WITH ALLEGATIONS OF ATROCITIES

Justice is a key prerequisite for lasting peace. International justice can contribute to long-term peace, stability and equitable development in post-conflict societies. These elements are foundational for building a future free of violence.

The ICC is an independent judicial institution empowered to investigate and prosecute war crimes, crimes against humanity, genocide, and the crime of aggression. Its establishment in 2002 signaled the commitment of many countries to fight impunity for the worst international crimes. Currently, 123 countries are ICC members, giving the [ICC authority](#), under its founding treaty, the Rome Statute, to investigate and prosecute crimes committed by their nationals or by anyone on their territory.

Canada is a long-standing signatory to the Rome Statute.

In February 2021, the [majority decision of the ICC](#) found that ICC jurisdiction extended to Palestine. Rather than respecting this decision, arrived to by jurists of a court that Canada has recognized, Canada has [publicly stated](#) that we will not respect the decision of the ICC in this regard.

This is particularly problematic because in the context of Israel and Palestine, Canadians hear competing and often oppositional versions of what is occurring in the region. Advocates on both sides of the issue accuse the other side of exaggerating or minimizing certain aspects of the conflict for ostensibly political reasons. This is precisely why the International Criminal Court exists; to provide an independent third-party that is the appropriate forum for dealing with allegations of atrocity crimes.

Canada must continue to speak out against human rights atrocities regardless of who committed them – including by Israeli state agents.

RECOMMENDATION

F1. Canada must stand up for international human rights law and for an independent investigation into what has been happening in Israel and Palestine. Therefore, Canada must recognize the jurisdiction of the International Criminal Court over atrocities taking place in Israel and Palestine.

STANCE ON ILLEGAL SETTLEMENTS AND JERUSALEM

In May 2021, Canada's Foreign Affairs Minister Marc Garneau told his Israeli counterparts that evictions, demolitions and the building of settlements in East Jerusalem should cease to ease tensions and prevent another round of violence in the region.

The United Nations has also urged for an end to illegal settlements and forced displacement of Palestinians from their homes.

Canada must continue to oppose illegal settlements – and if Israel persists in building what Canada considers to be a violation of international human rights law, Canada must consider policy options to send a strong message of disagreement with settlement operations.

RECOMMENDATION

F2. Canada must continue its unequivocal stance against illegal Israeli settlements.

RECOMMENDATION

F3. Canada, in line with international allies, must not adopt the Trumpian policy of recognizing Jerusalem as the capital of Israel.

In 2017, US President Donald Trump [recognized Jerusalem as Israel's capital](#) and subsequently relocated the US embassy there, going against decades of US foreign policy, inflaming tensions in the region and disrupting the prospects for peace.

While Canada has not adopted the Trumpian position, it is critical that all political parties reject what is internationally viewed as [failed policy](#).

Canada, in fact, considered the position of moving the capital of Israel to Jerusalem under [Prime Minister Joe Clark](#). A significant reason for Prime Minister Clark reversing his perspective on moving the capital of Israel to Jerusalem was how such a decision would be viewed on the international stage. As the vast majority of the international community opposed the Trumpian piece of foreign policy, it is fundamentally poor policy to consider.

RELATIONSHIPS WITH THE PEOPLE OF PALESTINE AND HUMANITARIAN ASSISTANCE TO GAZA

Canada needs to further invest in the Representative Office of Canada in the West Bank. If we are truly committed, as a middle power, in playing a positive role towards peace and diplomacy, Canada must increase our number of staffers in the Representative Office of Canada in the West Bank. Officials in the West Bank must dialogue with everyday Palestinians who can provide their perspective on what coherent peace-building strategies must look like.

RECOMMENDATION

F4. Investing in diplomatic relationships with the people of Palestine

The blockade of Gaza has cut off civilians from essential medical and economic resources required for health, dignity, and basic necessities of life. The entire population is suffering from a resource-depleted medical system that fails to provide basic medical care. As a result of recent attacks perpetrated by Israeli state actors the healthcare system in Gaza has collapsed. Canada, as an international leader needs to step up and do its part. While Canada has committed to \$25 million in additional funding, we must see an increase to \$90 million by the end of 2021 in order to assist in the reconstruction of Gaza.


Furthermore, we are urging all parties to commit to the Heal 100 Kids initiative. Heal100Kids aims to bring 100 children to Canada from Gaza for medical treatment for life altering injuries sustained due to ongoing violence in the region. In 2017 alone, 15 Palestinian children were killed and 1,160 injured according to a [UNICEF report](#).

Most of these injuries have resulted in permanent limb damage and require pediatric specialists in general surgery, orthopedic surgery, vascular surgery, rehabilitation etc. In its current state Gaza does not have the medical infrastructure required to support these children in their recovery.

We ask the Canadian government to support this initiative so that 100 kids receive the medical treatment they need to pursue a full and fulfilling life. Leaders in government, federally and provincially, previously also conveyed their support for the project, including current Prime Minister Trudeau. However, this commitment has not been fulfilled.

RECOMMENDATION

F5. Humanitarian assistance to the people of Gaza



In February 2021, Canada's House of Commons [voted](#) overwhelmingly to declare China's treatment of its Uyghur minority population a genocide. The non-binding motion - which passed 266 to 0 – was brought forward by Conservative MPs, supported by all opposition parties, and a number of Liberal MPs.

Now that the House of Commons has voted to declare China's treatment of the Uyghur Muslim people as a genocide, Canada must take further action to respond.

UYGHUR

BAN IMPORTS PRODUCED BY ENSLAVED UYGHUR LABOUR AND MAGNITSKY SANCTIONS

Canada must immediately ban all imports that have been produced using enslaved Uyghur labour. This is also in line with Recommendation 4 of the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development in studying abuses of the Uyghur people.

Recommendation 4 states that Global Affairs Canada should “enhance its import control mechanisms to ensure products made with forced labour are not entering the Canadian market. This should include strong punitive measures for individuals and companies that benefit from the use of forced labour”.

We call on all political parties to endorse this option.

RECOMMENDATION

F6. Ban imports that have been produced using enslaved Uyghur labour

RECOMMENDATION

F7. Impose Magnitsky sanctions on China’s worst human rights offenders

Under the Justice for Victims of Corrupt Foreign Officials Act, Canada can impose what are commonly known as Magnitsky sanctions. Magnitsky sanctions can be used against foreign individuals who have committed human rights abuses or been involved in significant corruption.

The main benefit of using the regime is that its sanctions are targeted, thus limiting collateral damage. Therefore targeted sanctions affect the perpetrators of violations of human rights while avoiding impact upon the broader Chinese population.

The imposition of Magnitsky sanctions was also recommended in Recommendation 15 of the Standing Committee that the Government of Canada should “apply targeted sanctions under the Justice for Victims of Corrupt Foreign Officials Act against officials responsible for committing gross violations of human rights against Uyghurs and other Turkic Muslims in Xinjiang.”

APPOINT A SPECIAL ENVOY ON HUMAN RIGHTS ABUSES IN CHINA

Mr. Celil is a Canadian citizen, and was first detained in Uzbekistan on March 26, 2006, only to be later deported and imprisoned in China in June of 2006. Mr. Celil's sister has stated that her brother is currently being held in a prison for political prisoners after being sentenced for 15 years. China does not recognize his Canadian citizenship.

Celil is a known and vocal human rights advocate in defence of the Uyghur minority in the Xinjiang region of northwest China. According to Amnesty International Canada, the Uyghur people have been subject to numerous and well-documented human rights violations at the hands of the Chinese government.

NCCM advocated on the need for the release and repatriation of Mr. Celil as early as 2006.

Mr. Celil was convicted on vague terrorism charges in a trial that Canada denounced. He was sentenced to life in a Chinese prison, where he has been languishing for nearly 13 years without access to a lawyer. China has refused to acknowledge his Canadian citizenship or grant him access to consular services since his arrest.

Since then, the family of Mr. Celil has expressed their fear that the Government of Canada has given up repatriating Mr. Celil.

Several Canadians and permanent residents remain detained or imprisoned unjustly abroad, including Raif Badawi in Saudi Arabia, Michael Kovrig and Michael Spavor in China, among others.

At NCCM, we receive calls from people detained by dictatorships and authoritarian regimes. It is very disheartening for the families of those being held abroad to wait day after day for any sign that their loved one will finally be returned. They turn to the government for answers and support – and the support of government matters. We saw that quite recently in NCCM's recent advocacy alongside the Albaz family for the release of Mr. Yasser Albaz who was detained in Egypt, and was recently released after the Government of Canada intervened.

We believe that the appointment of a Special Envoy, in the same vein of the recent appointment of a Special Envoy on the situation of Rohingya Muslims, to ensure the repatriation of Mr. Celil, is appropriate in this context. Therefore, we urge this committee to recommend that the Prime Minister appoint a Special Envoy, who will be tasked, in part, with brokering the release and repatriation of Mr. Celil.

This is also in line with Recommendation 10 of the Standing Committee.

RECOMMENDATION

F8. Appoint a Special Envoy on human rights abuses in China, including to free Husseyin Celil and other imprisoned Canadians

TAKE ACTION AGAINST DOMESTIC INTIMIDATION BY CHINA STATE-AGENTS OF CANADIAN UYGHUR MUSLIMS

We suggest, in line with Recommendation 8 of the Standing Committee, that Public Safety Canada systematically track cases of harassment, by Chinese authorities, of Uyghur Muslims living in Canada, as well as individuals and groups advocating on their behalf.

We are not the first to observe that members of the Uyghur community in Canada have “publicly raised allegations of harassment and intimidation by Chinese authorities”. These allegations were also detailed in a report by the Canadian Coalition for Human Rights in China that was publicly released in May 2020. A report by Amnesty International further drew attention to the continued surveillance of Canadian Muslim Uyghurs by Chinese authorities and agents.

Specifically, we draw attention to the fact that in or around December 2019, we have reason to believe that Chinese agents surveilled the Reviving the Islamic Spirit (RIS) Conference in Toronto. Reviving the Islamic Spirit (RIS) is an annual Islamic conference typically held during the winter holiday season in Toronto. The first conference was held in 2001, and has since become one of North America's largest Islamic conferences, alongside the ISNA convention in the United States. The conference has grown from 3,500 attendees in its first year to over 20,000 in 2011, making it the largest Islamic conference in Canada.

In December 2019, Uyghur Muslim groups attended the conference to raise awareness about the situation in China and Xinjiang. Complaints were made to NCCM by those activists. According to the activists, they were tailed, photographed, and surveilled throughout the event by individuals who appeared to be Chinese operatives and who refused to identify themselves or to delete the photographs when requested.

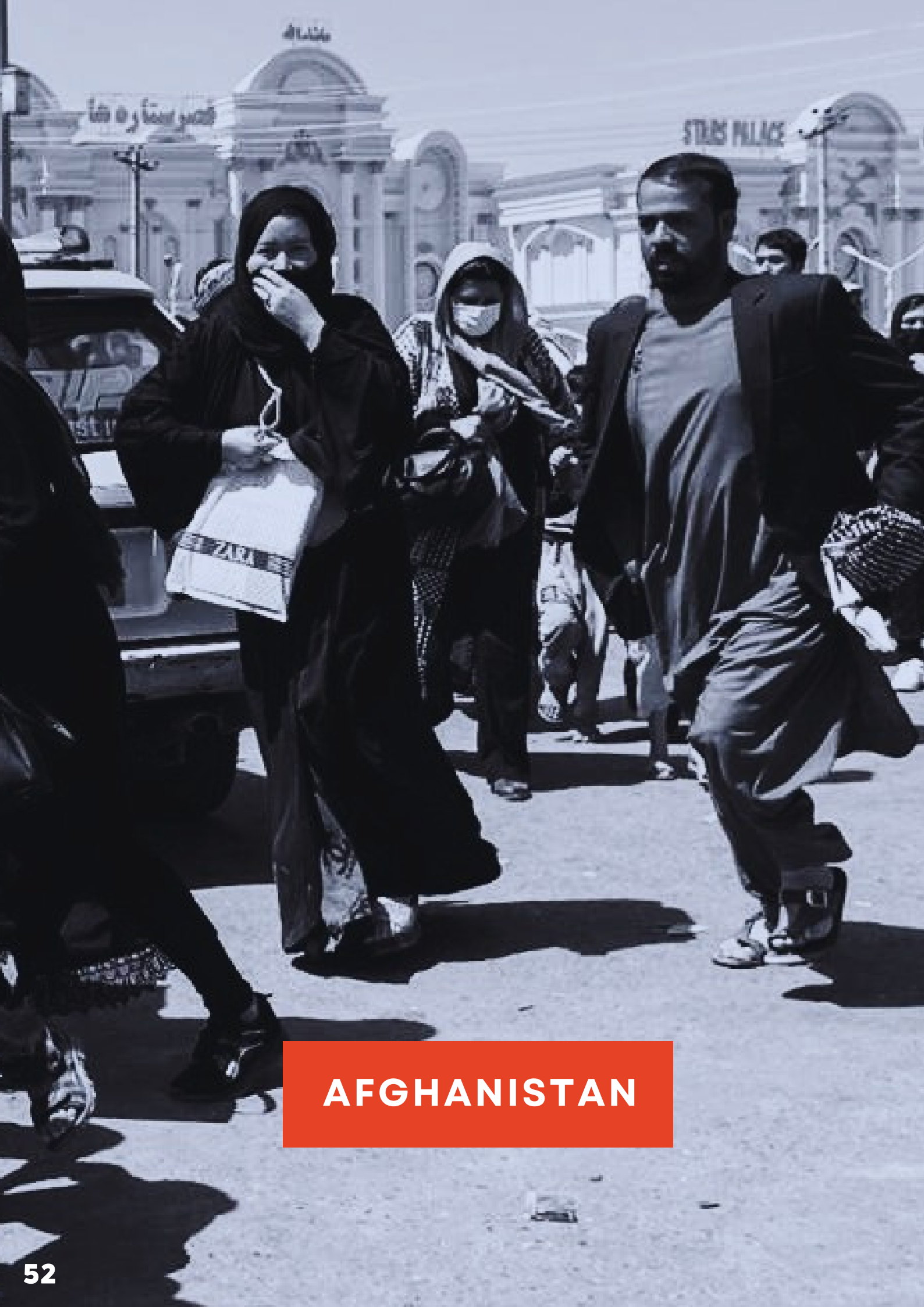
Those activists made specific reference to concern around the photographs. China's sophisticated face-recognition technology makes photographs, and the ability to link Uyghur family members in China to Canadian citizens, extremely concerning.

It is hard to express how these seeming attempts at intimidation send chills through Canadians who peacefully assemble and attend conventions. RIS serves, for thousands of Canadian Muslims, as a place to peacefully gather, meet friends and family, listen to scholars, and learn about pressing issues. To suddenly have that conference come under watch by the Chinese government poses serious concerns around safety for our community.

While we respect that issues of foreign surveillance must be dealt with in ways that are inherently classified and highly confidential, we would like to see a report from Public Safety Canada that deals with concerns raised by organizations like Amnesty Canada International about domestic surveillance of Canadian Muslim organizations by the Chinese government. We believe that this is critical and a pressing concern. All Canadians deserve to feel safe.

RECOMMENDATION

F9. Take action against domestic intimidation by China state-agents of Canadians Uyghur Muslims



AFGHANISTAN

HUMANITARIAN FUNDING, HUMANITARIAN CORRIDOR, AND CONSULTATION

RECOMMENDATION

F10. Commit to increased humanitarian funding

Committing to a minimum of \$45 million in domestic resettlement funding for refugees coming to Canada that is specifically directed towards Afghan-led organizations

RECOMMENDATION

F11. Work with international allies to open a humanitarian corridor and to increase numbers of refugees leaving through other countries

We are calling for Canada to commit to 95 000 government sponsored refugees. This number must exclude those already in processing. Furthermore, this number must not simply be for Afghans who had a connection to Canadian operations in Afghanistan; rather, we expect that government sponsored refugees will instead focus on those most at risk – including minority communities, like Sikh or Hazara communities - in Afghanistan today.

We specifically note that it would be fundamentally problematic for the government to impose the burden of bringing refugees onto non-profits and charities by creating streams through private refugee sponsorships. As the government bears a level of responsibility for the ongoing humanitarian crisis, the government too must bear the onus of mitigating the harms of the disaster today. We must work with international allies to open a humanitarian corridor so that aid can flow into Afghanistan, and refugees can safely exit and come to Canada.

RECOMMENDATION

F12. Consult with Afghan Canadians on a response

We further urge that the Canadian government continues to consult, on an emergency basis, Afghan-Canadians on principled policy positions in responding to the crisis. The situation in Afghanistan is rapidly evolving; and Canada must ensure that our response is built on a commitment to principle and a well-thought through plan on ensuring that our response makes things better, not worse.



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