

# Islamophobia in Canada

## Submission to the UN Special Rapporteur on Freedom of Religion or Belief

November 30, 2020

**Submitted by: International Civil Liberties Monitoring Group, Islamic Social Services Association, and Noor Cultural Centre**

The International Civil Liberties Monitoring Group is a national coalition of 46 Canadian civil society organizations that was established after the adoption of the Anti-Terrorism Act of 2001 in order to protect and promote human rights and civil liberties in the context of the so-called “war on terror.”

The Islamic Social Services Association is a not-for-profit organization committed to anti-racism and anti-Islamophobia advocacy through victim supports and education.

Noor Cultural Centre is a Toronto-based Islamic academic, cultural, and religious institution dedicated to advancing gender, racial, economic, and environmental justice.

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## Introduction

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

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.<sup>1</sup>

*Islamophobia is gendered*, meaning that it operates according to gendered stereotypes about Muslim men (as violent terrorists and patriarchs) and Muslim women (as subjugated victims and dangerous cultural vectors).

*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.<sup>2</sup>

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

<sup>2</sup> 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->

The following sections of this report address: 1) perceptions of Islam and Muslims in Canada; 2) Islamophobia in media; 3) the prevalence of Islamophobic hate incidents; 4) Islamophobia in national security laws, policies, and practices; and 5) the impact of Islamophobic laws on Muslim women.

## Public Perceptions of Islam and Muslims

According to survey findings:

- 46% of Canadians have an unfavourable view of Islam – more than for any other religious tradition<sup>3</sup>;
- fewer than half of Canadians would find it “acceptable” for one of their children to marry a Muslim – lower than for any other religious group<sup>4</sup>;
- 56% of Canadians believe that Islam suppresses women’s rights<sup>5</sup>;
- more than half of people living in Ontario feel mainstream Muslim doctrines promote violence<sup>6</sup>;
- 52% of Canadians feel that Muslims can only be trusted “a little” or “not at all”<sup>7</sup>;
- 42% of Canadians think discrimination against Muslims is “mainly their fault”<sup>8</sup>;
- 47% of Canadians support banning headscarves in public (compared with 30% of Americans)<sup>9</sup>;
- 51% support government surveillance of mosques (as compared to 46% of Americans)<sup>10</sup>;

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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>.

<sup>3</sup> 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/>.

<sup>4</sup> *Ibid.*

<sup>5</sup> 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>.

<sup>6</sup> 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>.

<sup>7</sup> 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](https://www.washingtonpost.com/national/on-faith/survey-finds-deep-mistrust-for-muslims-in-canada/2012/03/26/gIQAjDCMcS_story.html?utm_term=.86d3e80b7e56).

<sup>8</sup> *Ibid.*

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

<sup>10</sup> *Ibid.*

- 31% of Canadians approve of American President Donald Trump’s restrictions on travellers from Muslim-majority countries<sup>11</sup>;
- 55% of Canadians think the problem of Islamophobia is “overblown” by politicians and media, and only 29% supported a non-binding parliamentary motion (M-103) to condemn and study Islamophobia.<sup>12</sup>

## Media

Multiple analyses of Canadian and US media have concluded that Islam and Muslims receive disproportionately negative coverage – both quantitatively (in terms of amounts of coverage) and qualitatively (Muslim perpetrators are more likely to be defined as “terrorists,” represented as having more violent motives, linked in media reports to larger terror networks and broader patterns of ideological violence, and labelled by their religious and ethno-racial identities).<sup>13</sup>

For example, a study of the *Globe and Mail* by communication studies professor Yasmin Jiwani found sixty-six articles on the Shafia femicide 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.<sup>14</sup>

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 commentary.

## Hate Incidents

There were 349 police-report hate crimes against Muslims in 2017 and 173 in 2018, according to the most recent Statistics Canada data available.<sup>15</sup> The number of anti-Muslim hate crimes more than tripled between 2012 to 2015, even as the overall incidence of hate crimes

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<sup>11</sup> 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>.

<sup>12</sup> Angus Reid, “M-103: If Canadians, Not MPs, Voted in the House, the Motion Condemning Islamophobia Would be Defeated,” March 2017, <http://angusreid.org/wp-content/uploads/2017/03/2017.03.20-M103.pdf>.

<sup>13</sup> For example, Erin M Kearns, Allison E Betus and Anthony F Lemieux, “Why Do Some Terrorist Attacks Receive More Media Attention Than Others?” (2019) 36:6 *Justice Quarterly* 985; Institute for Social Policy and Understanding, “Equal Treatment? Measuring the Legal and Media Responses to Ideologically Motivated Violence in the United States,” 2018, <https://www.imv-report.org/>; Kimberly A Powell, “Framing Islam: An Analysis of US Media Coverage of Terrorism Since 9/11,” 62:1 *Communication Studies* 90; Azeezah Kanji, “Framing Muslims in the ‘War on Terror’: Representations of Ideological Violence in Canadian National News Media,” (2019) *Religions*.

<sup>14</sup> Yasmin Jiwani, “A Clash of Discourses: Femicides or Honour Killings?” in M Eid and K Karim, eds. *Re-Imagining the Other: Culture, Media, and Wester-Muslim Intersections* (Springer, 2014), 122.

<sup>15</sup> Statistics Canada, “Police-Reported Hate Crime in Canada, 2018,” 26 February 2020, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.htm>.

declined.<sup>16</sup> As compared to other groups targeted by hate, Muslims (and Indigenous peoples) had the highest percentage of women victims (45%) between 2010 and 2018.<sup>17</sup>

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.<sup>18</sup>

In September 2020, a volunteer was killed outside a Toronto mosque, by a man with social media connections to White supremacist groups.<sup>19</sup> And on January 29, 2017, six Muslims were killed and five were critically injured in a shooting attack on the Islamic Cultural Centre of Quebec; at the time that it occurred, it was 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.<sup>20</sup> And it was repeatedly targeted again after the January 29 attack.<sup>21</sup>

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

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<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> National Council of Canadian Muslims, “Submission to the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD): 93<sup>rd</sup> Session, July 31 – August 25, 2017,” [https://www.nccm.ca/wp-content/uploads/2017/08/NCCM\\_Submission\\_to\\_CERD\\_August32017\\_93rd\\_Treaty\\_Bodies\\_Session\\_CANADA-1.pdf](https://www.nccm.ca/wp-content/uploads/2017/08/NCCM_Submission_to_CERD_August32017_93rd_Treaty_Bodies_Session_CANADA-1.pdf).

<sup>19</sup> Catherine McDonald, “Suspect in Fatal Stabbing at Toronto Mosque Connected to White Supremacist Group, Expert Says,” 22 September 2020, *Global News*, <https://globalnews.ca/news/7351511/mohamed-aslim-zafis-murder-suspect-white-supremacy-social-media/>.

<sup>20</sup> 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>.

<sup>21</sup> “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.<sup>22</sup> Sikh communities have also been targeted by Islamophobic hate incidents.<sup>23</sup>

Islamophobic hate has also been directed against Palestine solidarity activists (Muslim and non-Muslim). For example, since July 2020 a pro-Palestine restaurant in Toronto, Foodbenders, has been barraged with an ongoing campaign of violently anti-Muslim and anti-Palestinian messages, including “Allah is Satan” graffitied on the sidewalk outside (which is also in front of a mosque).<sup>24</sup>

## **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.<sup>25</sup>

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* and the *National Security Act, 2017*<sup>26</sup>) therefore disproportionately threaten the fundamental rights and freedoms of Muslims – including the rights to privacy and a fair trial, and freedoms of expression, religion, and assembly.

### ***Racial Profiling in Defining the “Terrorist Threat”***

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<sup>22</sup> “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>.

<sup>23</sup> “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>.

<sup>24</sup> Cheryl Gaster and Azeezah Kanji, “Anti-Foodbenders Campaign Shows Political Double Standard on Hate,” 12 August 2020, *Passage*, <https://readpassage.com/anti-foodbenders-campaign-shows-political-double-standard-on-hate/>.

<sup>25</sup> 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>>.

<sup>26</sup> Many of the problems with the *Anti-Terrorism Act, 2015*, are not adequately addressed by the *National Security Act, 2017* (popularly known as 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/>.

Government reports on national security by Public Safety Canada and the Canadian Security Intelligence Service (CSIS) focus predominantly on Muslim individuals and organizations as the primary source of terrorism.<sup>27</sup> A comprehensive 2019 study of all terrorism prosecutions in Canada since 2001 found that 98% were against Muslims or defendants linked to Muslim groups; the vast majority did not involve any executed act of violence.<sup>28</sup> Pre-criminal measures imposing behavioural restrictions, such as “terrorism peace bonds,” have also been overwhelmingly applied against Muslims.<sup>29</sup>

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<sup>30</sup>; the number of hate groups active in Canada has tripled since 2015 to 300.<sup>31</sup> For example, anti-Islam groups like the III% have been conducting live-fire paramilitary training exercises and surveilling mosques.<sup>32</sup>

According to the Ontario Human Rights Commission’s 2017 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.<sup>33</sup> Muslim university students, refugee

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<sup>27</sup> 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-c-gnst-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>.

<sup>28</sup> Michael Nesbitt, “An Empirical Study of Terrorism Charges and Terrorism Trials in Canada between September 2001 and September 2018” (2019) *Criminal Law Quarterly*, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3325956](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3325956).

<sup>29</sup> Fahad Ahmad and Jeffrey Monaghan, “From Probabilities to Possibilities: Terrorism Peace Bonds, Pre-emptive Security, and Modulations of Criminal Law” (2020) 74 *Crime, Law, and Social Change* 341.

<sup>30</sup> 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>.

<sup>31</sup> Christopher Reynolds, “Singh Calls on Government to Counter Hate Groups, Which Have Tripled Since 2015,” 10 November 2020, *The Globe and Mail*, <https://www.theglobeandmail.com/canada/article-singh-calls-on-government-to-counter-hate-groups-which-have-tripled/>.

<sup>32</sup> 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](https://www.vice.com/en_ca/article/new9wd/the-birth-of-canadas-armed-anti-islamic-patriot-group); see also 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>.

<sup>33</sup> 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>.

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.<sup>34</sup>

### ***Complaints Against CSIS***

A 2017 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.<sup>35</sup>

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.”<sup>36</sup>

CSIS settled the lawsuit, so the allegations were not ultimately 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 official 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).<sup>37</sup>

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<sup>34</sup> Khalid Elgazzar, Presentation and 18<sup>th</sup> National Metropolis Conference, March 2016, Westin Harbor Castle Hotel, Toronto.

<sup>35</sup> 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](https://www.scribd.com/document/353767258/CSIS-harassment-lawsuit-statement-of-claim#fullscreen&from_embed).

<sup>36</sup> *Ibid.*

<sup>37</sup> 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](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.

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.<sup>38</sup>

### ***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 and apologies after many years of advocacy, the UN Committee Against Torture has condemned Canada for continuing to obstruct justice for other victims, particularly Abousfian Abdelrazik.<sup>39</sup> The full extent of Canadian complicity in the United States' international torture program is still unknown; complainants have continued to emerge.<sup>40</sup>

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 implemented.<sup>41</sup>

Muslim refugee Mohamed Harkat is currently facing deportation to risk of torture in Algeria under Canada's security certificate regime.<sup>42</sup>

### ***Border Crossings***

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<sup>38</sup> 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>.

<sup>39</sup> UN Committee Against Torture, "Concluding Observations on the Seventh Periodic Report of Canada," 21 December 2018, CAT/C/CAN/CO/7; Jolson Lim, "Feds Spent Over \$2M in Last Year to Fight Abdelrazik Torture Lawsuit," 24 June 2019, <https://ipolitics.ca/2019/06/24/feds-spent-over-2m-in-last-year-to-fight-abdelrazik-torture-lawsuit/>.

<sup>40</sup> 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>.

<sup>41</sup> 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](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](http://www.sirc-csars.gc.ca/pdfs/cm_arar_bgv1-eng.pdf).

<sup>42</sup> 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>.



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.<sup>43</sup>

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.”<sup>44</sup>

The *Preclearance Act, 2016* (Bill C-23) – which accorded 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.<sup>45</sup>

### ***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 Centre for Community Engagement and Prevention of Violence (originally called the Office of Community Outreach and Counter-Radicalization) was established in 2017. 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, neither the empirical bases for these programs nor data tracking their targets and effects have 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.<sup>46</sup> A summary of “selected findings” on “mobilization to violence” released by CSIS appears to be based entirely on Muslim subjects, and includes no control groups.<sup>47</sup>

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<sup>43</sup> 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>.

<sup>44</sup> 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>.

<sup>45</sup> 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>.

<sup>46</sup> 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>.

<sup>47</sup> Canadian Security Intelligence Service, “Mobilization to Violence (Terrorism) Research: Key Findings,” [https://www.canada.ca/content/dam/isis-scrs/documents/publications/IMV\\_-\\_Terrorism-Research-Key-findings-eng.pdf](https://www.canada.ca/content/dam/isis-scrs/documents/publications/IMV_-_Terrorism-Research-Key-findings-eng.pdf).

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.”<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup>



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

## Laws Targeting Muslim 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.<sup>51</sup>

<sup>48</sup> Jeffrey Monaghan and Adam Molnar, “Radicalisation Theories, Policing Practices, and ‘The Future of Terrorism?’” (2016) 9:3 *Critical Studies on Terrorism* at 12.

<sup>49</sup> *Ibid* at 11.

<sup>50</sup> *Ibid* at 16.

<sup>51</sup> 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

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.”<sup>52</sup>

The 2015 federal *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 purports to be protecting. Indeed, it will probably have the opposite effect, by discouraging reporting by women who fear criminalization of their family members.<sup>53</sup> SALCO has objected that the government “deliberately misused the data from SALCO’s recent study on Forced Marriages in Canada” to justify criminalization.

In Quebec, the *Laicity Act* (known popularly as Bill 21), passed in June 2019, precludes public sector employees from wearing visible religious symbols: the culmination of a long series of efforts by provincial lawmakers to prohibit Muslim women’s coverings such as hijab and/or niqab.<sup>54</sup>

Such laws and policies claiming to “save” Muslim women have extensive negative impacts on Muslim women and their families – including social exclusion, economic marginalization, and psychological effects such as anxiety, fear, depression, and frustration.

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June 2016, *Global News*, <https://globalnews.ca/news/2781841/muslim-woman-speaks-out-following-attack-at-grocery-store-in-london-ont/>.

<sup>52</sup> 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](http://ccmw.com/wp-content/uploads/2013/07/EN-VAW_web.pdf), 5.

<sup>53</sup> 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>.

<sup>54</sup> Jonathan Monpetit, “Historic Case in the Making as Quebec’s Religious Symbols Ban Heads to Court,” 10 November 2020, *CBC News*, <https://www.cbc.ca/news/canada/montreal/bill-21-quebec-secular-law-court-challenge-1.5784727>; Pascale Fournier and Erica See, “The ‘Naked Face’ of Secular Exclusion: Bill 94 and the Privatization of Belief” (2012) 30:1 *Windsor Yearbook of Access to Justice*, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2165853](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2165853); Jake Flanagan, “The Dangerous Logic of Quebec’s ‘Charter of Values,’” 23 January 2014, *The Atlantic*, <https://www.theatlantic.com/international/archive/2014/01/the-dangerous-logic-of-quebecs-charter-of-values/283272/>.