



NATIONAL
COUNCIL
OF CANADIAN
MUSLIMS

Your Voice. Your Future.

CONSEIL
NATIONAL
DES MUSULMANS
CANADIENS

Votre voix. Votre avenir.



JULY 19
2021

**NCCM RECOMMENDATIONS
NATIONAL SUMMIT ON ISLAMOPHOBIA**



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ABOUT US

The National Council of Canadian Muslims (NCCM) is an independent, non-partisan and non-profit organization that protects Canadian human rights and civil liberties, challenges discrimination and Islamophobia, builds mutual understanding, and advocates for the public concerns of Canadian Muslims.

We recognize that the NCCM's work takes place on the traditional territories and ancestral lands of Indigenous peoples occupied by Canada. We recognize the experiences and the contributions that First Nations, Métis, Inuit, and other Indigenous peoples have made and continue to make in strengthening our communities, provinces and country as a whole. As we work to challenge the discrimination Canadian Muslims face, we recognize that our work is interconnected with Indigenous struggles, past and present.

INTRODUCTION

More Muslims have been killed in targeted hate-attacks in Canada than any other G-7 country in the past 5 years because of Islamophobia.

This fact was in the air outside the London Muslim Mosque on June 8 of this year, when thousands of Londoners gathered in the aftermath of the terror attack that took the lives of four members of the Canadian Muslim community in an unthinkable act of Islamophobic violence.

The thousands that gathered that day were there to show their solidarity, pray, and stand with members of their community, as representatives of the London Muslim Mosque called for more than words from the politicians in attendance.

The reality is that Muslims in Canada have been here too many times.

- The Quebec City Mosque Attack.
- The killing of Mohamed-Aslim Zafis at the IMO mosque in Toronto.
- Violent attacks on racialized women wearing hijabs.
- Hateful rallies in front of mosques.
- The targeting of our communities by governments across Canada.

The list goes on.

Of course, there are many Canadians of all backgrounds who have been abiding allies of Canadian Muslim communities, and diverse communities in general. This is clear in the outpouring of support after Islamophobic incidents through messages of condolences and hope, human shields around mosques at prayer times, lawn signs to provide comfort as families go for walks, and solidarity in demanding change. Thus, while there is no doubt that we have a problem with Islamophobia in Canada, there is also no doubt that we as Canadians also have the collective will to do something about it.

While we have heard many words from politicians condemning Islamophobia and standing in solidarity with Muslims in Canada, action to tackle Islamophobia has been slow and piecemeal. It has been three years since the 2018 report by the Standing Committee on Canadian Heritage on combatting Islamophobia, and many of the recommendations have still not been implemented.

Five lives have been taken since then by Islamophobic violence in clear and vicious attacks, and numerous others have been shattered by the scourge of Islamophobia.

We cannot stand by and see any more lives lost.

Islamophobia is lethal and we need to see action now.

And action was what was called for at the vigil outside the London Muslim Mosque.

Bilal Rahall and Nusaybah Al-Azem, representing the London Muslim Mosque, called for all three levels of government to take action in solving the challenge of Islamophobia. They called for the creation of an Emergency National Action Summit on Islamophobia, bringing together all levels of government to ensure that binding policy change is brought forward.

This call was thereafter echoed by NCCM and hundreds of other organizations in Canada.



Photo credit to Dario Ayala/Reuters

A man with dark hair and glasses, wearing a dark jacket, stands at a podium outdoors. He is speaking into a microphone. The background shows trees and a building.

On June 11, 2021, a unanimous consent motion passed in the House of Commons that stated the following:

That, given that,

(i) Canada has been devastated over the last decade by repeated acts of violent Islamophobia, including but not exclusive to the Quebec City Mosque Attack, the IMO Mosque Attack, and the London Terror Attack,

(ii) Canada has been deeply affected by Islamophobia at a federal, provincial, territorial, and municipal level,

(iii) All political leaders at every level in government in Canada need to urgently change policy to prevent another attack targeting Canadian Muslims,

the House call on the government to convene an Emergency National Action Summit on Islamophobia to take place before the end of July 2021.

What follows are the policy recommendations we at NCCM are making to the federal government, provincial governments, and municipal governments across Canada to tackle violent and systemic forms of Islamophobia.

Islamophobia takes distinct shape at various intersections. For instance, many Muslim women experience distinctly gendered forms of Islamophobia that may stem from pre-conceived notions that Muslim women are oppressed or from seeing visible symbols of Islam such as the hijab as foreign or a menace. In a similar vein, Black Muslims experience distinct forms of Islamophobia that intersect with anti-Black racism.

With this in mind, our policy recommendations were generated after hosting consultation sessions over the past few weeks with mosques, community organizations and collectives from British Columbia to the Atlantic provinces, representing a diverse intersection of Muslims in Canada. The recommendations below represent, as closely as possible, recurring themes and submissions coming from organizations that collectively represent hundreds of thousands of Canadian Muslims, including from diverse sects within the Canadian Muslim community. The recommendations further take into account the ideas within the hundreds of submissions sent by those not affiliated with any institution, as per the Appendix.

However, we recognize that Canadian Muslims are not a monolithic body. Therefore, there may be Canadian Muslims with alternative viewpoints who will bring other recommendations forward. These voices are important – and we urge policymakers to listen to those who have alternate perspectives as well.

We have attached an Appendix with a full list of submissions and consultation notes that have informed our recommendations.

The recommendations are not numbered in order of priority because the reality is that we need a holistic approach to solving Islamophobia - from challenging Bill 21 (Recommendation 29) to creating an Office of the Special Envoy on Islamophobia (Recommendation 19) to building anti-Islamophobia strategies provincially in education (Recommendation 43) to public awareness campaigns in our cities (Recommendation 58). All are important, and we need to see action on all items.

Lastly, and most importantly, for political leaders participating in the Summit, please note the following carefully: The only metric of success for this Summit will be whether action is taken as per the recommendations laid out below and by other members of the diverse Muslim community.

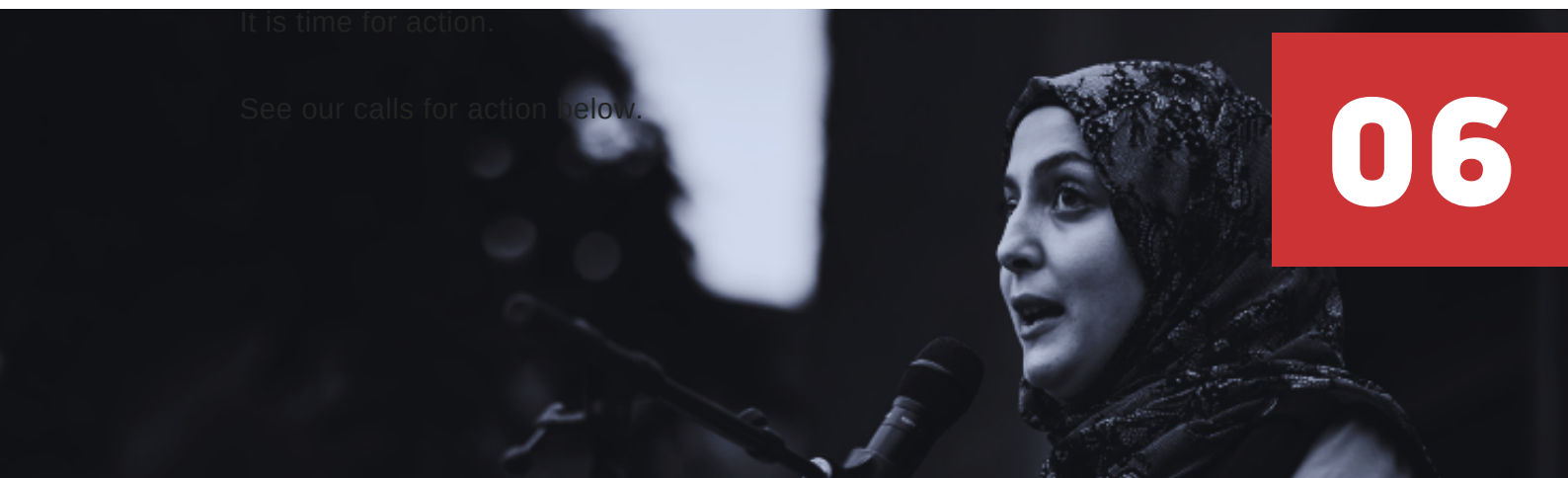
We will track that metric of success by issuing:

1. A public document immediately after the Summit, highlighting initial action committed to by every level of government.
2. A joint report 60 days after the close of the Summit, highlighting which recommendations were accepted by various levels of government, and a commitment of timelines to making those recommendations pass into policy.

It is time for action.

See our calls for action below.

06





ABBREVIATED LIST OF **RECOMMENDATIONS**



FEDERAL RECOMMENDATIONS

- 01** 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 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** 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.
- 03** 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.
- 04** 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;

FEDERAL 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;

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

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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.

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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;

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

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

FEDERAL 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 |

FEDERAL 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 |

FEDERAL 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. |

FEDERAL 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. |

PROVINCIAL RECOMMENDATIONS

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| 36 | Institute a provincial Hate Crimes Accountability Unit in all provinces; |
| 37 | Make Hate Crimes Accountability Units responsible for providing guidance on appropriate penalties for police officers or officers who discourage reporting; and |
| 38 | Through Hate Crimes Accountability Units, build out methodologies for third-party reporting. |
| 39 | Legislative change to empower relevant registrars to prevent white supremacist groups from registering as a society. |
| 40 | Review existing legislation, and pass legislation that prohibits violent white supremacist rallies on provincial property, while paying careful attention to ensure that the legislation is not overbroad and does not limit freedom to dissent. |

PROVINCIAL RECOMMENDATIONS

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| 41 | Provinces mandate municipalities to pass bylaws to combat and deter street harassment; and |
| 42 | Periodic review of bylaw enforcement, including stakeholder consultation, to ensure that the municipal bylaws are effective in addressing street harassment and to not do further damage to vulnerable communities. |
| 43 | <p>Anti-Islamophobia strategy in education: Ministries of Education should work with school boards, in consultation with local Muslim communities, to develop anti-Islamophobia strategies that are responsive to local contexts and speak to broader issues of Islamophobia. Such strategies should be based on quantitative and qualitative data on student voice and representation in staffing, and should include consideration of the following:</p> <ul style="list-style-type: none">a. Review and reform of curriculum that relates to Islam and Muslims;b. Development of curriculum, resources and programs that affirm Muslim identities and include nuanced representations of Islam and Muslims;c. Audits of adequacy of religious accommodations for Muslim students and staff and recommendations for change where necessary;d. Anti-Islamophobia trainings and educational opportunities (such as the Green Square campaign and the National Day of Remembrance of the Quebec City Mosque Attack and Action Against Islamophobia) for students, educators and staff;e. Clear, accessible and effective complaints mechanism, including mitigation strategies for fears of reprisal, for students and staff who have experienced Islamophobia and racism; andf. Culturally-responsive resource development for student well-being that addresses mental health needs and trauma supports for Muslim students. |
| 44 | All provinces should adopt the recommendations of the Tulloch Report during reviews of policing acts. |
| 45 | Establish (as needed) and ensure provincial Anti-Racism Directorates are well-funded and well-resourced in consultation with local communities. |
| 46 | Establish anti-racism councils or panels across provinces that represent a diverse intersection of community voices, including Muslims, to tackle some of the most immediate challenges communities are facing in tackling racism locally. |

PROVINCIAL RECOMMENDATIONS

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| 47 | Make Foreign Qualification Recognition/Foreign Credential Recognition a central mandate requirement for Ministries of Labour to achieve across provinces. |
| 48 | Recruit minorities, including Muslims, into Agencies, Boards, and Commissions. |
| 49 | Allocate funding to ensure that human rights commissions can decrease wait times, increase access, and provide needed education; and |
| 50 | Extend limitation periods for human rights complaints to 5 years (to take into account the trauma victims face), while allowing a claimant to seek an extension to the limitation period if the claimant has extenuating circumstances reasonably demonstrating why they were unable to file a formal human rights complaint within the 5-year limitation period. |
| 51 | Provinces should conduct regular polls to determine the state of racism and Islamophobia in their particular province, and to determine the relevant aspects of Islamophobic sentiment. |
| 52 | Ensure that settlement services are appropriately funded so that newcomers have the necessary opportunities to succeed in Canada; and |
| 53 | Ensure that social services agencies are mandated to provide regular training on anti-racism and anti-Islamophobia for frontline staff. |
| 54 | Provide funding to organizations supporting racialized youth navigating turbulent times through education and other forms of support. |

MUNICIPAL RECOMMENDATIONS

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| 55 | Pass municipal street harassment bylaws that are proportional and constitutional, such as the approach now being adopted in Edmonton after an NCCM initiative. Bylaws should also address clearly hateful verbal assaults and give authorities the ability to ticket and fine when necessary. |
| 56 | Municipalities provide dedicated funding for local community-based anti-Islamophobia initiatives. |
| 57 | Mayors should build Anti-Islamophobia Advisory Councils/Circles while ensuring that there is appropriate representation of diverse local Muslim communities. |
| 58 | Municipalities dedicate specific funding for anti-Islamophobia public awareness campaigns. |
| 59 | Invest in celebrating the history of local Canadian Muslims and initiatives through a concrete program that brings these figures and names to the forefront of local-level recognition. Municipalities should fund events and spaces where their accomplishments are celebrated in a way that clearly shows that Muslims have made real contributions to Canadian society and are far from the violent caricatures that constantly make the news. |
| 60 | Redirect funding towards alternative measures to policing in municipal budgets. |
| 61 | Develop models for training young Muslim leaders for the future such as the Youth Fellowship program in Toronto. |
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FEDERAL GOVERNMENT

VIOLENT ISLAMOPHOBIA

- 18 Online Hate
- 20 National Victims of Hate Support Fund
- 21 New Legislation on Listing White Supremacist Groups
- 22 Study of the Failure of National Security Agencies to Deal with White Supremacist Groups
- 24 Amendments to the Criminal Code to more effectively deal with White Supremacist Groups
- 26 Changing the Security Infrastructure Program

SYSTEMIC ISLAMOPHOBIA

- 28 Release an Islamophobic Strategy by End of 2021
- 29 Legislative Review of Canadian Human Rights Act to Improve the Functioning of the Commission
- 31 Review and Revise Canada's Approach to Countering Violent Extremism (CVE) and Counter-Terrorism Tactics
- 33 CRA Reform
- 35 New Oversight Bill for the Canada Border Services Agency
- 37 Establish an Office of the Special Envoy on Islamophobia
- 38 Empowering Canadian Muslims to Tell Their Own Stories
- 39 Allocate Funding for Research on Islamophobia
- 40 Enshrine Zero Tolerance for Islamophobia Across Government Departments
- 41 Going Beyond GBA+ in the Federal Public Service
- 43 Bill 21
- 44 Require Anti-Racism Training for Judges
- 45 New Legislation Penalizing CSIS for Misleading Public Institutions
- 46 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).

CENTURY PARK

4:50
Wed, Feb 24

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.

ENSHRINE ZERO TOLERANCE FOR ISLAMOPHOBIA ACROSS GOVERNMENT DEPARTMENTS

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.

PROVINCIAL GOVERNMENTS

VIOLENT ISLAMOPHOBIA

- 49 Hate Crimes Accountability Unit Across All Provinces
- 51 Provisions that Ban White Supremacist Groups from Incorporating
- 52 Legislation Barring Hateful Rallies on Public Property
- 53 Give Municipalities Authority to Develop Street Harrassment Bylaws

SYSTEMIC ISLAMOPHOBIA

- 54 Addressing Islamophobia in Education
- 56 Ensure All Police Acts Reflect Recommendations from Ontario's Tulloch Report
- 57 Funding ARDs with a Clear Anti-Islamophobia Mandate
- 58 Developing Provincial Anti-Racism Councils wiht Muslim Representation
- 59 Creating and/or Furthering Plans for Clear FQR/FCR
- 60 Ensure BIPOC and Muslim Representation in Agencies, Boards, and Commissions
- 61 Funding for and Access to Provincial Human Rights Commissions and Increasing Limitations Human Rights Complaints
- 62 Regular Attitudinal Surveys by Provinces to Gauge Different Forms of Xenophobia
- 63 Funding and Training for Resettlement Social Services
- 64 Support Healing and Educational Programs for Communities

HATE CRIMES ACCOUNTABILITY UNIT ACROSS ALL PROVINCES

Many of our community members who experience the traumas of hateful assaults often opt to move on with their lives without reporting the incident. A 2015 [report](#) by the Department of Justice noted that it is “likely that hate crimes are among the most under-reported forms of criminality.”

There are many causes of this under-reporting. One of the most pressing reasons is that when many Muslims bring forward their complaints about hate crimes, cases are often dropped or charges are never laid. For example, the newly-banned group the Three Percenters [surveilled mosques in Alberta](#). To the best of our knowledge, although these issues were reported to law enforcement, no charges were ever laid despite the incidents being reported. In [another incident](#), a man on an LRT station made a noose, held it up in front of a woman wearing hijab in Edmonton, told her that the noose was for her, and sang the national anthem. The police did nothing on the premise that the man was performing a magic trick. In another instance, the Wolves of Odin [trespassed and illegally entered the Al-Rashid mosque – the oldest mosque](#) in Canada. No charges were ever laid.

These stories – of reporting, but where no charges are laid – are commonplace.

Many in our community want Hate Crimes Accountability Units in each province, established under the provincial Ministries of the Attorney General. In the instance that a local police agency elects to not pursue an investigation of a hate-motivated incident, a complainant could report directly to the provincial Hate Crime Accountability Unit, which would have powers to investigate what happened in the process.

These units can also gather hate crime unit data and keep the information they collect to help coordinate services between jurisdictions and share intelligence about potential perpetrators.

The Hate Crimes Accountability Unit could also advise on penalties to be imposed on police officers or liaisons who unfairly discourage reporting of incidents by telling complainants not to move forward with their complaints, or who unreasonably refuse to move forward with an investigation.

Finally, a Hate Crimes Accountability Unit could build out methodologies for third-party reporting, where those who are uncomfortable to directly report to police could report through a social service agency, a law firm, or through a civil liberties group.

RECOMMENDATION

36. Institute a provincial Hate Crimes Accountability Unit in all provinces;

37. Make Hate Crimes Accountability Units responsible for providing guidance on appropriate penalties for police officers or officers who discourage reporting; and

38. Through Hate Crimes Accountability Units, develop methodologies for third-party reporting.

PROVISIONS THAT BAN WHITE SUPREMACIST GROUPS FROM INCORPORATING

Think about this: the [Canada Nationalist Party \(CNP\)](#), for example, run by a notorious anti-Semite, succeeded in [registering](#) as a political party to run in federal elections. This enabled the CNP to theoretically have access to voter lists.

This is concerning. It is important to prevent organizations with white supremacist ideologies or ties to be officially recognized or incorporated in any way. In Alberta, for instance, the [KKK was a registered society until 2003](#). Simply put, that is unacceptable.

In Alberta, Bill 206, or the Societies (Preventing the Promotion of Hate) Amendment Act, 2018 put forward by then MLA Craig Coolahan, set forward draft provincial legislation that would give the registrar the power to look at whether a registering society has a purpose affiliated with hate. We suggest that provincial Registrars be empowered to strike down groups with white supremacist ties, but to also ensure that there are safeguards for appeal in the case of over-reach by the Registrar.

RECOMMENDATION

39. Legislative change to empower relevant registrars to prevent white supremacist groups from registering as a society.

LEGISLATION BARRING HATEFUL RALLIES ON PUBLIC PROPERTY

We all saw the violence on the Capitol in Washington earlier this year where organizations like the Proud Boys and the Three Percenters attacked and stormed the Capitol.

The reality is that hateful white supremacist rallies, often targeted at the Muslim community, have been a consistent part of the Canadian Muslim experience over the last decade.

After the 2017 mass murder of six Muslims in Quebec City, alt-right groups held [rallies](#) in downtown Toronto. These alt-right groups argued that motion M-103 was a “gateway drug for the Muslim Brotherhood.” [Similar rallies](#) across the country [popped up](#), often sparking violent confrontations involving protestors tied to [groups](#) like the Soldiers of Odin.

The Proud Boys, the Three Percenters, the Soldiers of Odin, La Meute, and many other groups of concern have organized rallies across the country. While some of these groups are now banned, legislators need to do more in relation to white supremacist rallies and gatherings.

Most recently, the conflation of anti-vaxxers and white supremacist rallies has been of particular concern. In Edmonton, in February 2021, an anti-masker rally was held in Edmonton, attended by prominent Islamophobes and white supremacist groups, where attendees carried torches – in an homage to [Charlottesville](#) where white nationalists marched with torches – while shouting racist and hateful messages.

Lawmakers across each province must make sure that this does not play itself out again. The freedom to gather is a fundamental right of Canadians. However, we propose that provinces explore constitutionally valid methods to curtail white supremacist rallies.

Provinces need to review their existing laws regarding public gatherings and clarify their application processes by defining what is and is not allowed in legislation.

RECOMMENDATION

40. Pass legislation that prohibits violent white supremacist rallies on provincial property, while paying careful attention to ensure that the legislation is not overbroad and does not limit freedom to dissent.

GIVE MUNICIPALITIES AUTHORITY TO DEVELOP STREET HARASSMENT BYLAWS

Be it the [attacks](#) on Black Muslim women in Alberta over the course of recent months, or violent [confrontations](#) at a park in Quebec, street-harassment forms a major bulk of anti-Muslim hate-motivated incidents in Canada. These incidents often come at the intersection of gendered Islamophobia as Muslim women wearing hijabs are frequent targets. These incidents upend the sense of safety in public spaces for Muslims in Canada and have led to fear and trepidation that greatly impacts everyday life. These concerns with safety in public spaces dovetail with the those raised by

other groups, including organizations advocating against gender-based violence.

Municipalities can introduce by-laws to keep our public spaces safe. Bylaws addressing street harassment have already been introduced in [some municipalities](#) and [motions](#) have been passed in others to consider bylaws on street harassment. Some of these bylaws include penalties such as tickets and fines for individuals engaging in targeted harassment in public spaces.

RECOMMENDATION

41. Provinces mandate municipalities to pass bylaws to combat and deter street harassment; and
42. Periodic review of bylaw enforcement, including stakeholder consultation, to ensure that the municipal bylaws effectively address street harassment.

ADDRESSING ISLAMOPHOBIA IN EDUCATION

Schools are far too often the site of some of the most scarring lived experiences of Islamophobia in Canada for children who are Muslim and those who are perceived to be Muslim. However, schools are also sites that hold great potential for transformative social change.

Studies and reports of the [lived experiences](#) of Muslim children in Canadian school systems tell us that Islamophobia takes many forms in educational contexts. This includes

- 1) experiences of [bullying and alienation](#) by peers,
- 2) [lack of understanding and supports](#) for Muslim students, including those who have been through an Islamophobic experience,
- 3) Islamophobic content in curriculum,
- 4) absence of nuanced and affirming representations of Islam and Muslims,
- 5) resistance to or [lack of religious accommodations](#) for Muslim students,

6) normalized or unchecked Islamophobic discourse. These experiences are further shaped by various forms of gendered and racialized Islamophobia.

While the Muslim community is one of the most educated communities within Canada, they are still overrepresented in [unemployment and under employment rates](#). With this context in mind, Muslim student success and Muslim excellence are key areas that need to be prioritized in anti-Islamophobia work in education.

Beyond the student experience, Muslim parents, educators, and administrators often face Islamophobia. This includes parents being unreasonably dismissed for their concerns, discrimination in employment and promotions for teachers and administrators, harassment, and toxic spaces.

In our consultations, education was consistently identified as a long-term solution towards eradicating all forms of xenophobia, and towards ending the violence faced by Canadian Muslims today.

RECOMMENDATION

43. Ministries of Education should work with school boards, in consultation with local Muslim communities in particular districts, to develop anti-Islamophobia strategies that are responsive to local contexts and speak to broader issues of Islamophobia. Such strategies should be based on student voice data, student success, and representation in staffing within the context of districts' commitments to human rights and equity. The anti-Islamophobia strategies in education should include consideration of the following:

- a. Review and reform of curriculum that relates to Islam and Muslims;
- b. Development of curriculum, resources and programs that affirm Muslim identities, contribute to Muslim student success and excellence, and include nuanced representations of Islam and Muslims;
- c. Audits of adequacy of religious accommodations for Muslim students and staff and recommendations for change where necessary;
- d. Anti-Islamophobia trainings and educational opportunities (such as the [Green Square](#) campaign and the National Day of Remembrance of the Quebec City Mosque Attack and Action Against Islamophobia) for students, educators and staff;
- e. Clear, accessible and effective complaints mechanism, including mitigation strategies for fears of reprisal, for students and staff who have experienced Islamophobia and racism; and
- f. Culturally-responsive resource development for student well-being that addresses mental health needs and trauma supports for Muslim students.

ENSURE ALL POLICE ACTS REFLECT RECOMMENDATIONS FROM ONTARIO'S TULLOCH REPORT

Abdirahman Abdi. Ejaz Choudry. Soleiman Faqiri. The names of Canadian Muslims who lost their lives at the hands of agents of the state are seared into our collective conscience. Their names are part of a longer list of Indigenous and Black victims, amongst other vulnerable communities, who have suffered at the hands of the police.

We cannot presume to expect that we can work towards the eradication of violence from our streets when police brutality, and failed systems of police accountability, continue to be major concerns for our communities. Things must change.

Incidents like the [shooting death](#) of 62-year-old Ejaz Choudry, who struggled with mental illness, last summer in his Malton, Ontario home represents a good case of why community members do not trust police officers to always show the best judgement, even if it is a matter of life and death.

This suspicion then extends to oversight committees that usually [clear](#) the officers in question, as they did in the case of Choudry.

Justice Michael Tulloch released his [major report](#) in 2017 after conducting an independent review of Ontario's three civilian oversight bodies: the Special Investigations Unit (SIU), the Office of the Independent Police Review Director (OIPRD), and the Ontario Civilian Police Commission (OCPC). His conclusions include an lengthy list of dozens of recommendations, from instituting separate legislation for all civilian police oversight bodies, to hiring more diverse investigators with various cultural competencies, to expanding and clarifying mandates (via legislation), to releasing reports of investigations and names of officers in question, to limiting the length of certain investigations, and so on.

The recommendations of the Tulloch Report should be taken seriously by lawmakers not just in Ontario, but across the country.

RECOMMENDATION

44. All provinces should adopt the recommendations of the Tulloch Report.

FUNDING ARDS WITH A CLEAR ANTI-ISLAMOPHOBIA MANDATE

Anti-Racism Directorates (ARDs) study and respond to systemic racism within Canada. With that in mind, ARDs and similar bodies across the country must incorporate Islamophobia as a distinct segment of their mandates, and work to develop provincial anti-Islamophobia plans in accordance to the respective circumstances in each province.

These bodies also need much more funding, particularly in a post-COVID era and the concomitant rise of racism and xenophobia.

RECOMMENDATION

45. Establish (as needed, in consultation with local communities) and fund provincial ARDs.

DEVELOPING PROVINCIAL ANTI-RACISM COUNCILS WITH MUSLIM REPRESENTATION

There is a pressing need to ensure that action against Islamophobia and racism cannot simply be a commitment of words and must involve action. That requires continued stakeholder conversations and consultations.

Hearing from community members in meaningful and sustained ways is integral to developing appropriate and effective policies and programs to combat Islamophobia and other forms of hate.

RECOMMENDATION

46. Establish anti-racism councils or panels across provinces that represent a diverse intersection of community voices, including Muslims, to tackle some of the most immediate challenges communities are facing in tackling racism locally.

CREATING AND/OR FURTHERING PLANS FOR CLEAR FQR/FCR

So many talented, often highly educated members in our community come to Canada seeking a better life but have to toil for years due to this country not accepting their credentials and qualifications. A 2019 report found that [Canadian Muslims were consistently over-educated and under-employed](#). This gap is most highlighted when it comes to Canadian Muslim women.

A failure to provide better paths to foreign credential assessments and qualification processes exacerbates social conditions and existing challenges for new Canadians.

Remedying this reality needs to include bold steps towards improving Foreign Qualification or Credentials Recognition (FQR/FCR) in each province.

Fairness-to-newcomers programs thus need to be put in place so as to guarantee fair access for all skilled newcomers to employment opportunities, and to empower them to leverage their learning and competencies to contribute to their provinces. This will not just benefit newcomers, but will also empower and enrich the cities and provinces that they reside in.

RECOMMENDATION

47. Make FQR/FCR improvement a central mandate requirement for Ministries of Labour.

ENSURE BIPOC AND MUSLIM REPRESENTATION IN AGENCIES, BOARDS AND COMMISSIONS

Provinces are often made up of hundreds of agencies, boards, and commissions (ABCs) that span dozens of different sectors, from agriculture to public works to community affairs. These entities affect people on a daily basis in very intimate ways.

Unfortunately, leadership positions among these ABCs do not represent the diversity of Canada. One recent [study](#) of almost 10,000 individuals across eight cities revealed that Black and racialized people make up just 10% of board positions despite being over 28% of the population in these cities.

This has serious effects on our community, which has long called for more diversity and better representation on entities that define much of our everyday lives. We welcome the federal government's Gender Based Analysis Plus (GBA+) approach to ensure more gender diversity in leadership positions. However, a distinct racial equity approach is needed as well, as noted above.

We call for a more intersectional approach where racism and Islamophobia are not relegated below other considerations, but are taken together in distinct analysis in order to improve representation in leadership positions across all government entities, and particularly ABCs.

RECOMMENDATION

48. Actively recruit Muslims and other minority groups into provincial ABCs.

FUNDING FOR AND ACCESS TO PROVINCIAL HUMAN RIGHTS COMMISSIONS AND INCREASING LIMITATION PERIODS FOR HUMAN RIGHTS COMPLAINTS

Canadians are encouraged to bring their human rights complaints to commissions that are directly tasked with promoting and enhancing these rights in respective provinces.

These bodies are at the centre of how provinces inquire into issues of systemic discrimination, including racism and Islamophobia. It is also where people can bring complaints forward when they believe their individual rights, which are protected by the law, have been violated.

In a time of social polarization and increased hate crimes, these commissions must be armed with the proper resources to protect victims of abuse. Provincial governments must increase funding in this respect to help the commissions do their jobs and assist as many people as possible.

There are also currently limits on how much time passes after an incident for it to be reported and considered by the commissions. Depending on the nature of the alleged violation and the province, limitations vary up to several months or a year. This does not take into consideration how many people need encouragement to report a traumatic incident of racism or Islamophobia. This can take years to happen.

In 2017, the Alberta legislature amended the limitations period for survivors of sexual misconduct. Ontario also passed Bill 132, Sexual Violence and Harassment Action Plan Act, which likewise abolished time limits for suing for sexual assault, domestic violence, or child abuse. The above precedents establish that in particular circumstances, there can be appropriate legislative change to limitation periods given what we have learned about the difficulties victims of hate face in filing complaints.

RECOMMENDATION

49. Allocate funding to ensure that human rights commissions can decrease wait times, increase access, and provide needed education; and

50. Extend limitation periods for human rights complaints to 5 years (to take into account the trauma victims face), while allowing a claimant to seek an extension to the limitation period if the claimant has extenuating circumstances reasonably demonstrating why they were unable to file a formal human rights complaint within the 5-year limitation period.

REGULAR ATTITUDINAL SURVEYS BY PROVINCES TO GAUGE DIFFERENT FORMS OF XENOPHOBIA

Violent Islamophobia and its accompanying attitudes have become a serious challenge to Canadian society. The disturbing rate of violent and sometimes deadly attacks are buoyed by wider suspicions and attitudes about Islam and Muslims that have been pushed by certain segments of mass media, and certain politicians, over the last two decades.

Diagnosing these trends requires surveys that focus on different aspects of Islamophobic sentiment, including Islamophobia at multiple intersections, such as gendered and anti-Black Islamophobia. This could include studying aversions to the hijab or inter-religious marriages with Muslims.

Previous surveys have included these aspects but have been few and far between. [One](#) was conducted in 2018 with over 1,000 Canadians and found that the Canadians surveyed were “more than twice as likely to be uncomfortable with a prime minister who wears a hijab (44%), than with a prime minister who wears a cross (21%),” for instance, and “31% were uncomfortable with a family member getting engaged to a Muslim.”

Provinces should fund and conduct them regularly to locate trends or changes in attitudes, which will help inform appropriate responses to negative sentiments.

RECOMMENDATION

51. Provinces should conduct regular polls to determine the state of racism and Islamophobia in their province and to determine the relevant aspects of Islamophobic sentiment.

FUNDING AND TRAINING FOR RESETTLEMENT SOCIAL SERVICES

Resettlement services and programs across Canada have suffered precipitous cuts to their capacities for helping newcomers in this country.

This has long had a serious effect on Muslims who come to Canada for a better life and face often unforeseen social challenges, be it housing, work, or healthcare. Those who struggle need help with their language skills, job search skills, and various other issues that arise in the course of trying to get on one's feet, a process that this country needs to have more respect for.

Canada has a checkered history, with moments of honour but also moments of shame, in resettling refugees and other newcomers. However, coming to Canada as a refugee itself is not the end of the process. If anything, it is the beginning. Those who come start their lives as refugees in Canada are often left to their own devices. They are left to start over in a country with which they have little familiarity.

Settlement services should help fill this gap, but [dozens](#) of organizations across Ontario alone have reported cuts to their budgets. This is unhelpful in an era of [increasing](#) displacement around the world.

RECOMMENDATION

52. Appropriately fund settlement services to ensure that newcomers have the necessary opportunities to succeed in Canada; and

53. Ensure that social services agencies are mandated to provide regular training on anti-racism and anti-Islamophobia for frontline staff.

SUPPORT HEALING AND EDUCATIONAL PROGRAMS FOR RELIGIOUS COMMUNITIES

The recent rise in Islamophobia and antisemitism has highlighted how discrimination based on religious identity has made its way to the forefront of social violence in Canada today. Other religious groups that include Sikh Canadians often experience Islamophobia as well by hateful actors who mistake them for Muslims.

Sadly, many of the most vulnerable individuals who receive this hate are children or youth who confront these issues at school and elsewhere. These experiences often take distinct shape depending on the intersectional identities of survivors of trauma. Provinces have to make it a priority for these respective communities to assemble resources and strategies to help their young people both heal from and respond to the trauma of hate.

RECOMMENDATION

54. Fund programs and organizations supporting youth navigating turbulent times through education, mental health supports, community spaces and other forms of support.

MUNICIPAL GOVERNMENTS

VIOLENT ISLAMOPHOBIA

- 66 Pass Street Harassment Bylaws with Ticketing Authority

SYSTEMIC ISLAMOPHOBIA

- 67 Community Funding for Local Anti-Islamophobia Initiatives
- 68 Build Anti-Islamophobia Mayoral Advisory Circles/Councils
- 69 Public Education Campaigns to Confront Islamophobia
- 70 Celebrating the History of Canadian Muslims
- 71 Invest in Alternative Measures to Policing
- 72 Increase Opportunities for Young Canadian Muslims in City Decision Making

PASS STREET HARASSMENT BYLAWS WITH TICKETING AUTHORITY

Not all forms of Islamophobic or hateful acts or crimes take the shape of violently fatal attacks that make the news. Many happen regularly on the streets where perpetrators can easily flee after spewing a hateful verbal assault.

For example, if an individual walks up to another individual on public transit, and screams “terrorist” and the n-word in their face (as has happened to a survivor who NCCM is assisting), in the absence of a direct threat or actual assault, there are limited tools by which to hold the offender accountable.

Charging offenders with criminal harassment in the Criminal Code is rarely exercised by police officers for a single-instance of harassment.

This issue with street harassment has obviously gender-related impacts, with thousands of Canadian women dealing with the issue of “cat-calling” while on the street. That is why the [2017 Taking Action to End Violence Against Young Women and Girls in Canada](#) report recommended that the Government of Canada strengthen the harassment offence provisions in the Criminal Code. However, no implementation has occurred to-date and municipalities are left to fill this gap.

This is a perennial problem that our community members across the country have voiced for years, but to little effect. It has taken a huge spike of incidents of harassment for this to be taken seriously.

RECOMMENDATION

55. Pass municipal street harassment bylaws that are proportional and constitutional, such as the approach now being adopted in Edmonton after an NCCM initiative. Bylaws should also address clearly hateful verbal assaults and give authorities the ability to ticket and fine when necessary.



COMMUNITY FUNDING FOR LOCAL ANTI-ISLAMOPHOBIA INITIATIVES

Local communities often have the most nuanced grasp of the issues they face in relation to Islamophobia and other forms of hate. Communities who face these problems often have the most productive ideas on how to address and resolve them. Municipalities therefore need to aid local community initiatives in the fight against Islamophobia.

More funding is needed for local groups, including religious institutions, advocacy organizations, or education programs, to both educate their constituents of the problems of Islamophobia and to brainstorm the best solutions for local communities, neighbourhoods, and individuals.

RECOMMENDATION

56. Municipalities provide dedicated funding for local community-based anti-Islamophobia initiatives.

BUILD ANTI-ISLAMOPHOBIA MAYORAL ADVISORY CIRCLES/COUNCILS

Circles or councils made up of a diverse set of Muslim voices should be formed by cities as direct advisors to mayors and other decision makers. They should meet regularly and sustain a consistent conversation around Islamophobia and how to combat it, which would then be presented to the broader public.

These meetings should develop a concrete plan to help mayors strategize against the rise and spread of Islamophobia. The councils should be comprised of representatives who come from every corner of the community, with specific attention paid to ensure that the diversity of the local Muslim population is appropriately represented.

RECOMMENDATION

57. Mayors should build Anti-Islamophobia Advisory Councils/Circles while ensuring that there is appropriate representation of diverse local Muslim communities.

PUBLIC EDUCATION CAMPAIGNS TO CONFRONT ISLAMOPHOBIA

Now, more than ever, there is a clear need for municipalities to build locally driven public awareness campaigns that confront Islamophobic attitudes and perspectives.

For example, in 2017, the Ontario Council of Agencies Serving Immigrants (OCASI), the Canadian Arab Institute (CAI), NCCM and the Ontario Human Rights Commission (OHRC) collaborated with media studio

Mass Minority on a range of public education strategies. These included public service announcements and a social media campaign called #BreaktheBehaviour. Similar public service awareness campaigns that confront Islamophobic attitudes and perspectives, with local faces and with local context, is critically important.

RECOMMENDATION

58. Municipalities dedicate specific funding for anti-Islamophobia public awareness campaigns.

CELEBRATING THE HISTORY OF CANADIAN MUSLIMS

In addition, to addressing to violent and systemic discrimination against Muslims today, it is important to commemorate and build public awareness of the historical experiences and contributions that Muslims have made to our hometowns in Canada.

Sadly, the image of Muslims as foreign outsiders who do not fit into Canadian society has suppressed and marginalized Muslim Canadians who have contributed to Canadian society and culture.

The recognition of Hodan Nalayeh, a Somali-Canadian journalist who once resided in Vaughan, in the renaming of the Vaughan Secondary-School provides an important example of celebrating the history of Canadian Muslims. Nalayeh made immeasurable and immense contributions to the Canadian community, and told the stories of our communities that are often doubly-marginalized – stories of Black Muslims in Canada, and stories of how communities flourished.

RECOMMENDATION

59. Invest in celebrating the history of local Canadian Muslims and initiatives through a concrete program that brings these figures and names to the forefront of local-level recognition. Municipalities should fund events and spaces where their accomplishments are celebrated in a way that clearly shows that Muslims have made real contributions to Canadian society and are far from the violent caricatures that constantly make the news.

INVEST IN ALTERNATIVE MEASURES TO POLICING

Problems with policing and over-policing have been felt by many Muslim community in Canada, not least of which because our community members often [find themselves](#) on the fatal end of police violence. The gradual [increase](#) in police budgets, now in the billions, have corresponded with a post-9/11 era where surveillance, infiltration, and policing of racialized communities have often been used as justifications for such budget increases.

Various communities have called for redeployment of funds and resources from post-9/11 surveillance, weaponry, and over-policing towards alternative forms of community safety and investigations that do not rely solely on our current, overused pool of officers.

RECOMMENDATION

60. Redirect funding towards alternative measures to policing in municipal budgets.

INCREASE OPPORTUNITIES FOR YOUNG CANADIAN MUSLIMS IN CITY DECISION MAKING

Our community has long voiced concerns over the exclusions of Muslims from various spaces. This is especially true for Muslim youth who feel that their identity simply is not accepted in decision-making circles that otherwise purport to be accepting and tolerant. This gap plays a major role in fostering mistrust between various minority communities and official decision-making bodies.

The Youth Fellowship in Toronto provides an important example of what positive opportunities for young Canadian

Muslims can look like. The Youth Fellowship is a leadership development program building the next generation of Muslim, Tamil, Filipino, and Black public servants. The fellowship program consists of a training course developing civic engagement skills and a paid part-time placement in a Toronto city councillor's office.

We recommend that other municipalities adopt similar measures to train a next generation of diverse leaders.

RECOMMENDATION

61. Develop models for training young Muslim leaders for the future such as the Youth Fellowship program in Toronto.



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