



CANADIAN MUSLIM PUBLIC AFFAIRS COUNCIL

Testimony to the Senate Standing Committee on Human Rights

TORONTO, Thursday, September 22, 2022

The Standing Senate Committee on Human Rights met this day at 9:06 a.m. [ET] to examine such issues as may arise from time to time relating to human rights generally.

Senator Salma Ataullahjan (*Chair*) in the chair.

[*English*]

The Chair: Honourable senators, I am Salma Ataullahjan, senator from Toronto, and chair of this committee. Today, we're conducting a meeting of the Standing Senate Committee on Human Rights, and I would like to introduce members of the committee who are participating in this meeting. We have, to my right, Senator Arnot from Saskatchewan, Senator Gerba from Quebec, and Senator Oh from Ontario.

Having held two meetings in June in Ottawa, today we continue our study on Islamophobia in Canada, under our general order of reference. Our study will cover, amongst other matters, the role of Islamophobia with respect to online and offline violence against Muslims, general discrimination and discrimination in employment, including Islamophobia in the federal public service. Our study will also examine the sources of Islamophobia; its impact on individuals, including mental health and physical safety; and possible solutions and government responses.

We are pleased to be here in Toronto and to hear from witnesses about Islamophobia in this part of the country. This is the fourth of our public hearings outside of Ottawa. Two weeks ago, we were in Vancouver and Edmonton, and earlier this week we were in Quebec City. Let me provide some details about our meeting today. This morning, we shall have three one-hour panels with a number of witnesses who have been invited. In each panel, we shall hear from the witnesses and then the senators will have a question-and-answer session. There will be a short break around 11:00 a.m.

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And we also have, from the Canadian Muslim Public Affairs Council, Khaled Al-Qazzaz, who is the senior adviser.

Gentlemen, I welcome you.

Khaled Al-Qazzaz, Senior Adviser Canadian, Muslim Public Affairs Council: I will start by apologizing. I tested negative, but I just have a bit of a lingering cold, so I'm taking some distance and wearing a mask. I will put it back on after I finish.

Salaam alaikum. Peace be with all of you. Thank you for inviting me to testify before the Senate committee today. I also want to acknowledge the efforts of Senator Ataullahjan and her respected colleagues in leading this study to better understand Islamophobia in Canada and its various dimensions and manifestations.

I am an advocacy advisor to the Canadian Muslim Public Affairs Council. I am also the director of the Institute for Religious and Socio-Political Studies, which has conducted significant research on this topic. I co-founded an organization that empowers vulnerable communities and refugees, and another for democracy defenders in exile. Finally, I am a sitting member of the International Justice Circle of Human Rights Watch.

With regards to Islamophobia, we often think of Islamophobia in Canada as hate crimes or incidents. We think of it when a Muslim family is told to "go home to where you came from," the Quebec mosque massacre or the London, Ontario family killing. However, violence represents only the apex of Islamophobia. Islamophobia is more nefarious and reaches far deeper into the personal lives of many, many Canadian citizens. Islamophobia is experienced personally by most Muslims one way or another.

Islamophobes have targeted me personally and several family members online and in right-wing media with lies, misinformation and hate. Some of my family members sued for defamation, while others continue to suffer from these attacks. Muslim Canadians face many types of Islamophobia, such as transnational Islamophobia, institutional and structural Islamophobia and Canada's Islamophobia network, which are examples that I will focus on.

With regards to transnational Islamophobia, we are witnessing transnational Islamophobia funded and driven by foreign states in the form of persecution, as well as state-sponsored campaigns directed against Muslims and Muslim organizations in North America. This is done through PR firms, lobbyists and think tanks to influence elected officials, impact public opinion and change the nature of conversations about Muslims here in Canada and abroad. It's also implemented through the misuse of security mechanisms like state terrorism lists, no-fly lists or international bodies like the Financial Action Task Force — or FATF — international policing like Interpol and risk databases like World-Check. All have had concerns and negative consequences they have studied.

Counterterrorism tools have been used by states essentially to target Muslims disproportionately and with bias — also known as the securitization of Muslims. My wife and I have been subjected to this when our names were placed on Egypt's asset-freezing list and a travel ban as reprisal for our

support for democracy and human rights in Egypt. To date, Islamophobes have used the unlawful actions of the Egyptian regime to discredit us and allege wrongdoing.

In Canada, with regards to institutional Islamophobia, examples such as our anti-terrorism legislation and national risk assessment contain institutionalized Islamophobia that threatens Muslim Canadians' civil and constitutional rights. It affects how we live and how freely we can practice our faith.

Agencies also practice institutional Islamophobia. The Canada Border Services Agency — CBSA — has discriminated against Muslims for years, whether through the no-fly list or profiling. But more recently, we have seen the CBSA targeting Muslim refugees, whether they are coming from Egypt, Bangladesh, Afghanistan or other Muslim majority countries. The commonality is these refugees are seeking asylum for their efforts to fight for democracy and freedoms in their own countries.

The CRA has also been accused of targeting and revoking Muslim charities as an approach of policing the Islamic faith and ensuring a limited practice of Islam in our mosques and institutions. Auditors are using their biases to demonstrate that the teachings of Islam do not meet the public benefit test. They also believe that Islamic religious practices are not in fact religious. This is currently being challenged in the Ontario Superior Court by the Muslim Association of Canada.

We have also seen Islamophobia present in parliamentary hearings like these under the previous Conservative government. For instance, the Senate Standing Committee on National Security, Defence and Veterans Affairs in November 2014 invited Lorenzo Vidino, who is connected to numerous anti-Muslim think tanks and has been published in various anti-Muslim outlets. The Senate also invited Thomas Quiggin, a well-known Islamophobe who uses fear tactics to drive anti-Muslim hate. Recently, he was part of the leadership of the "Freedom Convoy" and is deeply connected to Canada's Islamophobia network. Both were afforded the ability to spread misinformation about Muslims while protected by parliamentary immunity.

Finally, I will conclude my remarks with these recommendations. The Government of Canada has a responsibility to eliminate Islamophobia from its institutions. These issues will not be solved relying only on diversity and equity efforts, anti-racism training or ombudsman reviews. A more serious approach to tackling Islamophobia is needed that holds government agencies accountable and drives reforms. Some suggestions include investigations and inquiries into Islamophobic practices of government agencies, particularly CBSA and the CRA; instituting comprehensive oversight on these agencies; and, finally, including Muslim community representatives in this oversight process.

I would like to conclude by stating that, most importantly, there needs to be a serious effort to change the culture within the security agencies and parts of the government bureaucracy that views Muslims and the Muslim community only through a security lens, and treats them as outsiders rather than equal citizens. This can only be accomplished through genuine engagement and partnership with the Muslim community at all levels. Thank you.

The Chair: Thank you very much, and I will now turn to the senators for questions.

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Senator Arnot: Thank you very much. I'd like to ask Mr. Al-Qazzaz a question. You've pointed out institutional bias in the CRA and the Canada Border Services Agency. You've given some examples. I'd like you to amplify your recommendations. You're trying to change the culture in those two organizations in some way to be much more open and non-discriminatory. Is there anything you'd like to add in terms of how you would implement those recommendations, or best recommend how government do that?

Mr. Al-Qazzaz: Thank you for this important question. The engagement, particularly with the CRA within the Muslim community level, has actually been at its peak the past couple of years. There were a couple of reports that came out, one from the University of Toronto and the other from the International Civil Liberties Monitoring group, basically outlining the Islamophobic practices of the CRA with Muslim organizations. The bottom line is that the practice, unfortunately, is different when it comes to Muslim organizations versus everybody else, and they're not giving the benefit of the education-first approach that they use. They rely on Islamophobic resources and references and they tried to take an extra step to limit the growth and vitality of Muslim organizations through means that are given to them through legislation.

The challenges are basically the CRA in this situation is the prosecutor and the judge, and they make all the rules. They give you instructions and guidelines that are vague. These are quotations from our professional lawyers – tax lawyers and charity tax lawyers in the top firms – basically that they're big enough that any organization can be shut down or heavily penalized for not following the regulations.

There are so many international models. The U.K. charity legislation is one of the very good examples that are very clear and there is an attitude to educate and get organizations on track by following these regulations. So, one is on the education side and clarifying the regulations. And to follow what they have outlined, which is basically an education and an engagement approach, in that capacity, unfortunately, this is not what is given to Muslim organizations.

The second is that the CRA, unfortunately, does not hold themselves to the same standards that legal court proceedings do. They do not need to have clear, solid evidence to take a decision. Similarly, with the CBSA officers, it is not about having enough doubt in the organizations or the individuals to attempt to take action and impact the results, and that in itself is problematic. This is where legislation can come in place to limit that infinite authority that is given to the CRA and CBSA at the same level.

The third is that there is almost no oversight. There is an official appeal mechanism that everybody knows in the charity sector that does not work. It really is taken as a step to counter a negative or

difficult decision that was done. And I'm not talking here about the specific organization or a specific practice, because within different organizations, there's a whole scale of rule-abiding organizations and organizations that do not really follow the regulations and the guidelines. I'm talking about in general and as it compares to everybody else in the charity sector or at least in the faith-based charity sector.

Finally, there is a cultural situation that has prevailed for a long time in terms of why these organizations were set up. This is the culture change that I believe my colleagues were referring to in terms of practices that all of us as Canadians involved in different spaces need to counter – cultures that do not see these microaggressions, do not see the structural issues and cultures that basically are okay with these discriminatory approaches that they follow.

So, there is also a cultural approach that can be resolved with oversight and continuous training and education, and I believe there is good intention in the government, but there is no substantial action that is taken to investigate these practices and to take bold corrective actions that, unfortunately, some of the bureaucracy or the security agencies would resist. It really requires some political stamina and strength to correct what is wrong out there, and an engaging process between different stakeholders would be a good starting point. Thank you.

[*Translation*]

Senator Gerba: I must congratulate you on this initiative. I think it should be repeated in other places because it shows that Islam is an open religion; it is a religion of tolerance, a religion that accepts others.

Your experience is quite touching because it shows how much of Islamophobia is internal. We have to start fighting Islamophobia among ourselves, among Muslims. So yours is a noble undertaking.

I would like to know: what do you really expect from us?

[*English*]

What do you need? What are you really expecting from this committee?

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Mr. Al-Qazzaz: I always had the intention to learn more French, but have never gotten to it, so I'm doing my best.

So, as the chair is aware, the complexities within the Muslim community are not a monolith, it's not one uniform community that we can deal with in the exact same way. Islamophobes do not distinguish between a practising Muslim, a non-practising Muslim or a Muslim with this lifestyle or

that lifestyle, et cetera. Anything in the space that relates you to Islam, even your skin colour — even though there are White Muslims — you would suffer from a relatively similar attack.

What we hope from the committee, especially with the presence of all these experiences, is to also add this additional complexity or nuance, appreciating and understanding the diversity within the Muslim community. I really appreciate the efforts here to try to bring different voices from within the broad and wide Muslim community, but also, in a slightly sophisticated way, it's not just bringing everybody different into the same room. Advising action is one direction, but also understanding that we're fortunate to live in a country that respects this diversity and action through a pluralistic society and our understanding of Islam — I'm talking about myself here — appreciates that aspect and notion of diversity and pluralism, even within the wider circle of humanity with people of diverse faiths and diverse relationships and spirituality.

However, what makes life in Canada special, as well — and Senator Ataullahjan knows that I survived political persecution in other places — is that Canada allows you to practice your faith and allows you to live the lifestyle that you choose for yourself without any force or imposition in any shape or form.

In our attempt to resolve this issue of Islamophobia, to simplify the problem, we cannot just say, well, these are Muslims, these are the challenges and they have one solution that fits all of them. It doesn't work this way, because there are different lifestyles. Muslims cannot just be confined to one specific lifestyle and one specific way of doing things, and this is what everybody has to accept. We would like to abide by the same principles that exist in this society that allow everybody to do what they want without being pressured into one way or another, and that's seen within the Muslim community and outside the Muslim community as well.

So, we need to add that little bit of complexity of that diversity and allowing for different lifestyles by Muslims, even if people do not agree about these lifestyles. I hope this makes sense.

Senator Gerba: Okay. You just mentioned during your testimony a Senate committee that brought Islamophobes as witnesses. Are they on a list?

Mr. Al-Qazzaz: So, this was in November 2014, and it was the Standing Committee on National Security and Defence. They invited a couple of people including Lorenzo Vidino and Thomas Quiggin. Here is an unfortunate example of how this is affecting people's lives.

Thomas Quiggin in particular created a report that is full of misinformation and lies, and trying to connect, basically, Canadian Muslims and Muslim organizations to terrorism and extremism, and he is using shady resources. He was sued and he had to declare bankruptcy. Unfortunately, that hearing became a document that entities like the CRA, for example, would rely on. That report is being used by some of the security agencies, which makes people's lives more difficult in applying

for visas, or inviting family members, or any of these things. So, really, giving Islamophobes more legitimate ground to document their lies is actually a problematic practice, unfortunately.

Senator Gerba: I just wanted to clarify if there is any list where people are listed as Islamophobes, but are you saying that was from a study?

Mr. Al-Qazzaz: I get your question. We don't want to fall into the problem of others where basically somebody gives themselves the right to classify people as this or that because you have an opinion. Everybody is entitled to their opinions, unless it goes to an extent where it is criminalized by law in cases of defamation or others, or in cases of instigating violence or instigating action against individuals. Some of those individuals who have taken this as part of their jobs and responsibilities have actually taken this to the public platform and caused harm to many people, including myself and several of my family members.

There are some studies that I can share with the committee that documents these attacks and these networks. The most recent is by Dr. Jasmin Zine where she collected more evidence on an Islamophobia network in North America.

Senator Oh: You mentioned a 2014 Senate committee, and you said — correct me if I'm wrong — you said Senator Vidino?

Mr. Al-Qazzaz: No, Mr. Vidino was the guest. He was a witness. He's not a senator.

Senator Oh: Oh, he is not a senator.

Mr. Al-Qazzaz: No, not a senator.

Senator Oh: Yes, because they said Senator Vidino, but he retired some time ago.

Mr. Al-Qazzaz: No.

Senator Oh: Is he the same one?

Mr. Al-Qazzaz: No, he's not a senator. He's an online blogger.

The Chair: Just to clarify, was this the Defence Committee?

Mr. Al-Qazzaz: Yes.

The Chair: Do you remember who the chair was?

Mr. Al-Qazzaz: I can give you all the details.

The Chair: Okay. So, he's saying that the Defence Committee called two known Islamophobic witnesses.

Senator Oh: Yes.

The Chair: To clarify, we have the Senate Human Rights Committee, which is only dealing with Muslims, and we're calling out Islamophobes. So, it speaks to the diversity of the Senate and what we represent, but I didn't know about that. Otherwise, if it was an issue, I would have raised it, and I think I know who the chair was – anyway, I can't say this. We're in a public meeting, so I can't say anything, but I will have a conversation with you.

...

Senator Oh: What is the key thing, the most important thing in your mind? You were worried that the committee is only listening and no action is taken. What is the key thing for you that we should keep to the point?

Mr. Al-Qazzaz: I have two specific suggestions. The first is that I hope that the work of this committee can translate into more of a parliamentary inquiry or investigation on structural Islamophobia within the government and security agencies. I think a true deep inquiry that engages some of the civil society in it would be a very good starting point in that capacity.

The second one is actually something that can be done directly by the committee, and that is a public message that some of the Senate members here can do. That is to really not look at the Muslim community as a security threat and from a security lens. I spoke to a public safety minister earlier who was previously the chief of the Toronto Police Service at the most difficult times post-9/11, and I asked him to confirm that the Muslim community since September 11 has been seen from a security lens first and then everything else.

If we can publicly speak out against that outlook, I think it would be an important step that some of you and others can take part in. Thank you.

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The Chair: Mr. El-Qazzaz, you raised an issue that we're probably looking at the role of the CRA in targeting Muslim charities. It was raised very briefly yesterday when I was at ISNA, and I know that some of us senators have been working on this issue. We've had private meetings with the CRA, and they said this is all blind and they don't know what charity they're dealing with and what was happening.

I don't want to talk too much about this, because this is an angle we will be exploring later on in the study, but I was told that it's all blind, and my response was that out of eight charities that they looked at and audited, six were Muslim. I couldn't understand how that was blind. What we're hearing is that some Muslim charities are intentionally being targeted.

Mr. Al-Qazzaz: I will, for the benefit of the time, share the summaries of the two reports by U of T and ICLMG, because they clearly outline the problematic areas in the CRA practice. It is a complex situation because the challenge is not only at the CRA level; it is also at Canada's national risk

assessment level, as well as their international commitment to entities such as the FATF that I mentioned earlier.

The problem is the way they articulated and designed this national risk assessment. It places Muslim charities and Muslim groups as the number one threat. I think at least 95% of the organizations — I won't use the exact number, but this will be in the report that I share with you — that are considered to be terrorist entities listed by the government are Muslim or have some Muslim ties, which shifted the entire outlook of the organization and of the establishment to target Muslim organizations. And the challenge is that it is not only about penalizing and revoking charity status, but it's actually more about practices called de-risking and defunding.

The idea is it became a target to put a limit on Muslim charities without doing the due diligence of their connections, their ties and their problems. Some of these practices are used on charities that have no international connections. They don't collect money; they don't distribute things. Unfortunately, this allowed anyone with more Islamophobic tendencies or cultural practices to use these authorities to target Muslims because they disagree with how they view their faith or their religion.

The CRA came and told one of the organizations that I work with that doing Eid celebrations for the poor is considered non-charitable, and this doesn't make sense, because they consider this as a social event, not a religious event, which means they are attempting to define what their faith means and how they practice it. At our church, my son goes to volleyball and his entire private practices are mostly in rented church spaces for volleyball practice. Most Muslims are looked at differently and their holding of youth activities is considered non-charitable.

This shows you practically how the CRA is attempting — or some within the CRA are attempting — to define what Islam is for Muslim organizations and Muslim charities. It's a problem at multiple levels.

The Chair: Thank you. You've raised an important issue that we will indeed look into further.

Witnesses, I want to take this opportunity to thank you for taking the time to be here and enlightening us. Mr. Jackson, we are actually talking to people, we're not talking at them. The Senate works quite differently, and if you look at some of the work that the Senate committees do, we don't have to worry about being elected. We do the work we do because we feel it in our hearts, and we feel it's the right thing to represent Canadians of all colours and all stripes.

We are truly trying to do our best, and I have to share with you that it's been a difficult journey. Senators will tell you that every evening we have very heavy hearts, and sometimes it's almost like I feel it because of what we've heard. So, I want to thank you for taking the time to be here, as this will help greatly as we go forward with our study.

(The committee adjourned.)