



**NATIONAL COUNCIL  
OF CANADIAN MUSLIMS**

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**ORAL SUBMISSION ON BILL C-305:  
AN ACT TO AMEND THE CRIMINAL CODE (MISCHIEF)**

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**The Standing Committee on Justice and Human Rights**  
House of Commons | February 23, 2017

## Statement by NCCM Executive Director Ihsaan Gardee

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On behalf of the National Council of Canadian Muslims (NCCM), I am pleased to have this opportunity to offer the committee our organization's perspective on Bill C-305.

Briefly, the NCCM is an independent, non-partisan, and non-profit grassroots Canadian Muslim advocacy organization. Our mandate is to protect human rights and civil liberties, challenge discrimination and Islamophobia, build mutual understanding between Canadians, and promote the public interests of Canadian Muslim communities. For over 16 years, we have strived to achieve this mission through our work in community education & outreach, media engagement, anti-discrimination action, public advocacy and coalition building.

The NCCM has participated in major public inquiries, appeared before the Supreme Court of Canada on issues of national importance, and provided advice to security agencies on engaging communities and promoting safety.

Today, I would like to offer the NCCM's broad observations on the importance of Bill C-305 and speak from the context of our organization's constituents – that is, Canadian Muslims – who have experienced hate crimes against community institutions.

### **Importance of Sacred Spaces**

Sacred spaces are places that many people look towards for inner peace and to (re)establish a sense of connection with their concept of the divine, with their community, and with the larger fellowship of humanity. Whether these are manifested as formal buildings, such as churches, temples, synagogues, mosques, or gurdwaras, what makes them special is not simply their location, history, holiness, or physical beauty but their centrality in the hearts, minds and cosmology of the people in whom they inspire such awe and reverence.

Unfortunately, we must recognize and confront the reality that there are those who would seek to attack, violate, and desecrate these and other places with criminal or hateful intent. It is NCCM's position that there can be no valid reason to justify these types of acts. We stand united with all Canadians of conscience in unequivocally condemning such acts in the strongest possible terms.

As part of its commitment to the very Canadian principles of acceptance, respect and inclusivity that helped shape the Canadian Constitution and the Charter of Rights and Freedoms and which are echoed within Islamic ethics, NCCM will continue to highlight bigoted and Islamophobic actions. We further pledge to continue to reach out and support other faith communities that similarly find themselves and their community institutions the targets of hate.

### **Application of Bill C-305 to religious structures and places of gathering**

We believe that Bill C-305 helps address the very important issue of mischief motivated by bias, prejudice or hate based on religion, race, colour, national or ethnic origin, gender identity or sexual orientation and protects the values that are integral to Canadian identity. It will protect not only places of worship, but also places of gathering where inclusivity should be championed such as schools, universities, daycare centers and senior homes. Furthermore, Bill C-305 will provide a form of deterrence for those considering perpetuating crimes motivated by these biases. This deterrence would further help promote greater inclusivity and acceptance for all Canadians.

### **Troubling Rise in Anti-Muslim Incidents**

At the NCCM we've seen a significant rise in both human rights complaints, which includes alleged hate crimes and incidents, and cases of alleged discrimination. Most recently, just yesterday a report came out about a high school in London, Ontario that was tagged with Islamophobic and anti-LGBTQ hate messages.

The number of alleged hate incidents and hate crimes alone, when tabulated, also indicate a troubling and concerning trend. Statistics Canada's most recent hate crime data from

2014 shows over a doubling of hate crimes perpetrated against Muslims over a three year period. This represents the most significant increase against any identifiable group in Canada.

The national hate crime data available through Statistics Canada is only published two years after hate crime occurrences; the most recent published report is from 2014. To help address this gap in timing between when this data is available and when these occurrences happen the NCCM keeps and maintains a dynamic online hate crimes & incidents map which includes the geographical location and brief description of alleged incidents.

According to a 2016 Environics Research, report 1 in 3 Canadian Muslims report experiencing discrimination or unfair treatment in the past five years; 62% of Canadian Muslims are worried about discrimination.

It is also critical to note that up to two-thirds of hate crimes are unreported according to Statistics Canada (the General Social Survey (GSS) on Victimization). NCCM has found that community members and institutional representatives are often reluctant to report incidents for a variety of reasons including for example a fear of further marginalization, fear of retaliation and feelings that their reporting won't make a difference. Justice Canada says that hate crimes are one of the most under-reported crimes in the country.

### **Politics and Extremism**

We also must give some thought to what are the social and or political contexts that can contribute to an increase in hate crimes. Aside from legislation, it is equally important for us to give some time thinking about what is and should be, where we invest our time, energy and resources in order to have the greatest possible impact in trying to at best, avert what we are seeing in the United States and other places - populist appeals to nativist sentiments - and at the very least find ways to mitigate the impact of this phenomenon.

While the temptation may be there to smugly criticize what has happened in the U.S. and the vulgar politics and rhetoric that has targeted numerous groups including, most

recently, the Executive Order banning people from seven Muslim majority countries, we should remember that the public discourse surrounding Muslims in Canada has also been at times quite negative.

While many in Canada have objected to nativist and identity politics, we are not saying that we shouldn't have a robust, even passionate, debate about how we best manage our growing diversity nor that we should not be vigilant about and vociferously defend our cherished rights to free expression.

At the same time, however, the worry here is that the ongoing problematic political discourse that uses inflammatory messaging and platforms could be used as a rallying cry for those who fear anything that is different or unfamiliar. Right now, what is most unfamiliar and different, I would respectfully argue are Muslims and Islam.

In the last few months Canada has witnessed an increase in xenophobic and racist attacks culminating in the horrific tragedy in Quebec City. This is the first time, to our knowledge, that a terrorist act of this kind has been perpetrated against a house of worship in Canada. Canadian Muslim communities have been deeply frightened and they have been deeply shaken.

A recent study at California State University's Center for the Study of Hate and Extremism shows that political rhetoric can influence behaviour and may actually have been a factor in the rising number of hate crimes reported in 2015 against American Muslims, coinciding with the rise of Donald Trump. In other words, what our elected representatives say, or don't say, matters. We at NCCM have noted a similar pattern that whenever Islam or Muslims are subjected to unfair and negative discourse in the media and elsewhere, we see an increase in the number of reports of hate crimes & incidents.

Ultimately, words matter. We saw this recognized by Quebec politicians and officials of all backgrounds in the aftermath of the terror attack on the Islamic Cultural Centre of Quebec.

At the end of January of this year, the results of a recent analysis of Canada's online behaviour commissioned by CBC's *Marketplace* suggests a 600 per cent jump in the past year in how often Canadians use language online that's racist, Islamophobic, sexist or otherwise intolerant. That's a dramatic increase in the number of people feeling comfortable to make those comments.

Media marketing company Cision scanned social media, blogs and comments threads between November 2015 and November 2016 for slurs and intolerant phrases like "ban Muslims," "sieg heil" or "white genocide." They found that terms related to white supremacy jumped 300 per cent, while terms related to Islamophobia increased 200 per cent.

What this suggests that those who promote intolerant and bigoted views feel more emboldened. And maybe that's at least in part due to the larger racist sentiments that are coming out of the United States and elsewhere.

The Ontario Human Rights Commission has recognized that anti-Muslim discrimination is "a leading form of contemporary creed-based discrimination in Ontario. Stereotypes of Muslims as a threat to Canadian security and Canadian values have been particularly pronounced..."

These worrying trends are confirmed in Dec 8 poll from Forum research which found that, 4-in-10 Canadian adults express some level of bias, or unfavourable feelings, against identifiable racial groups and the one group most likely to be a target is Muslims. After Muslims, the groups most likely to suffer bias in ascending order are First Nations, South Asians, Asians, Jewish people and, finally, Black Canadians.

According to another recent poll from December by Abacus Data had similar findings including that the large majority (79%) of Canadians say that there is "some" or "a lot" of discrimination towards Muslims in Canada, and two thirds (67%) say the same thing about discrimination towards Indigenous people.

While the majority of Islamophobic sentiment can be attributed to a lack of knowledge or fear of the unknown, it should also be clear that there is also an entire extremely well funded and organized “Islamophobia Industry” whose sole purpose is vilifying, marginalizing and targeting Muslims here in Canada, in the U.S. and around the world. In the United States alone, over \$40 million has been spent to perpetuate stereotypes and to spread misinformation of Islam and Muslims between 2001 and 2009, according to a report titled “Fear Inc.” by the Center for American Progress. More recent studies indicate that the numbers now is over \$200 million. This means our struggle to stand up for the human rights and freedoms of Muslim communities is made all the harder when there are real efforts to poison minds about their presence.

## Conclusions

About one month ago I was in New York City attending the United Nations High-Level Forum on Combating anti-Muslim discrimination and Islamophobia convened by the Permanent Missions of Canada, the United States, the OIC and the European Union. At this meeting a three-prong approach was identified to tackle this growing phenomenon which, in no particular order, includes:

First: Civil society coalitions – both traditional and unorthodox to help build and protect societal resilience against prejudice and intolerance.

Second: positive narratives to promote the importance of pluralism and inclusion and the important role played by media in framing social understanding of Muslims and minority groups in general. There’s an African proverb that says “Until the lion learns to write, every story will glorify the hunter.” The NCCM has been very active in both of those areas and I am happy in the Q&A to give you some concrete examples of programs and resources that NCCM, along with its partners, have developed.

The final area that was discussed was the role of government policy and programs to combat Islamophobia and all forms of systemic discrimination and racism.

While we cannot legislate tolerance, we need government to take the lead in examining, studying and then developing and creating policies to explicitly combat Islamophobia & anti-Muslim discrimination and to build upon existing diversity, equity and inclusion policies and programs that take into consideration our growing country's changing demographics. Muslims are experiencing increased targeting today; tomorrow it will be someone else.

The safety, well-being and sense of belonging of any faith or minority community are linked to their ability to participate in their communities and institutions. It is for these reasons that we are calling for all parties to support Bill C-305.