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Chair

The Honourable Hedy Fry

Standing Committee on Canadian Heritage

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● (1540)

[*English*]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): The meeting is called to order. Pursuant to Standing Order 108(2), this committee is studying systemic racism and religious discrimination.

We have a group of witnesses scheduled in our first hour, which is from 3:30 to 4:30. This means, because we started late, that we may have to go a little beyond 4:30 with the first group. We have, as an individual, Raymond J. de Souza; the International Christian Voice, Peter Bhatti, chairman; and the Justice Centre for Constitutional Freedoms, Jay Cameron, barrister and solicitor. Welcome.

Here is how the protocol goes. You will have 10 minutes each to present. Then there will be a round of questions, and we will be able to have a seven-minute round. In this one I don't think we will have time for two rounds; it's just simple math.

I will ask you to begin, starting with Father de Souza for 10 minutes. I'll give you a two-minute warning.

Father Raymond de Souza (As an Individual): Thank you, Madam Chairman.

Thank you for the invitation to address this committee regarding motion number M-103. There are several issues addressed by the motion, and the language is, at least to my ear, sufficiently bureaucratic to make it difficult to understand what exactly is being contemplated. It is difficult therefore to respond with any great degree of specificity, but permit me to make four points that I think are related to the motion.

The first one is that racism and religious discrimination are different things, although this motion appears to treat them as alike. Race, of course, involves characteristics inherited at birth. Religion is a matter of faith and practice, which can change. For example, a Pakistani who decides to become Christian changes not his race or nationality but his religion.

I am honoured today to be in the presence of Peter Bhatti, brother of the martyr Shahbaz Bhatti, who was killed out of hatred for his Catholic faith by people who shared the same race but were of the Islamic faith.

Religions, of course, include many different races. For example, my church, the Catholic church, is by far the most multiracial institution on earth, yet every day Catholics endure persecution, even martyrdom, and it is not because of their race. Anti-racism efforts do not, therefore, address the problem of religious discrimination.

The second point is that the motion condemns all forms of religious discrimination and calls upon the government to advance initiatives to better reflect the Charter of Rights and Freedoms. I note that freedom of religion and conscience is the first fundamental freedom enumerated in our charter. I welcome a robust embrace of religious freedom, but note that it is often the government, through legislation and regulation, that impinges upon religious freedom. That is true for Jews and Christians as well as for Muslims. To focus therefore on one particular religion would be, I think, unwise.

A renewed culture of religious freedom is to be welcomed, especially in a political culture in which often all religious belief and practice is accorded second-class status. Christians, Muslims, Jews, and other religious believers encounter a sort of secular fundamentalism that is incompatible with Canada's heritage of religious freedom, pluralism, and tolerance. If this motion were to lead to a renewed culture of religious freedom, that would be praiseworthy.

Point three, Islamophobia is a term, I suppose, that is meant to capture hatred of Muslims, which is rather straightforward to deplore. The question is whether Islamophobia includes a critical evaluation of Islamic doctrine in practice. For example, Christians and Muslims have quite different understandings of God. One sees this made clear, for example, in the inscriptions on the Dome of the Rock in Jerusalem that quote passages of the Quran that deny the doctrine of the Trinity, the foundational doctrine of Christianity.

Doctrinal and moral disagreements can be engaged as we live together with our differences. I don't imagine that the Government of Canada wishes to engage in theological matters, which are outside its competence, but neither should it seek to discourage theological exchange, even critical theological exchange.

My fourth point is that honest and respectful theological exchange is all the more important in the face of religiously inspired violence, regardless of what group it's directed against. I quote, for example, from former president Bill Clinton on the question he was addressing of radical Islamist violence. He asks, “How shall we respond?” and says:

> We can try to kill and capture them, but we can't get them all. We can try to persuade them to abandon violence, but if our arguments have no basis in their own experience, we can't fully succeed. Our best chance is to work cooperatively with those in the Muslim world who are trying to reach the same minds as the radicals by preaching a more complete Islam, not a distorted, jagged shard.

That's from Bill Clinton's introduction to a book on religion in foreign policy by Madeleine Albright, his secretary of state. It is extraordinary to hear a statesman speak about the need for better preaching—in this case, of Islam—which is the task of theologians and clergy primarily, not of governments.

However, President Clinton acknowledges what we all know, namely that this better preaching is an urgent task. Canada is perhaps well-situated for this necessary dialogue and exchange to take place, which is primarily theological. We have here in our country an Islamic community that is able to speak freely and to carry out respectful dialogue with other religions. That is not the case everywhere in the Islamic world. Such theological work will be challenging and even provocative, but we have a tradition in Canada that will enable us to undertake it with respect and tolerance. Therefore, concerns about Islamophobia, however understood, ought not prevent that necessary work and that challenging and even provocative dialogue from being done.

Thank you for granting me the opportunity to address you. I pray God's blessings upon your work.

● (1545)

The Chair: Thank you very much, Father de Souza.

We now go to Peter Bhatti, who is the chairman of the International Christian Voice, for 10 minutes, please.

Mr. Peter Bhatti (Chairman, International Christian Voice): Honourable Chair, members of the committee, I would like to thank the heritage committee for giving me the opportunity to address the fears and concerns of my community of Pakistani heritage regarding motion 103.

I come here today as a concerned Canadian citizen and as chairman of the International Christian Voice. My brother, Shahbaz Bhatti, Minister of Minority Affairs, was assassinated in Pakistan in 2011 for protecting the rights of persecuted religious minorities.

Canadians of Pakistani origin have chosen to call Canada their new home because of the religious liberty, freedoms, and democratic system they can enjoy here, which allow them to thrive and prosper. We left our homes to live in a country where we are free to voice our opinions and concerns without fear or hesitation, whether they are religious, social, political, or otherwise. I believe this is an essential part of the framework of our free society in Canada.

M-103 has created great concern regarding the impact it will have on religious freedom and freedom of expression for us, our children, our grandchildren, and the generations to follow. Our main concern lies within the definition of the term “Islamophobia”, which is an unclear and confusing term. We all believe that the discrimination and prejudice against any individual based on their Muslim faith is intolerable and unacceptable. However, the ill-defined precept of Islamophobia can also be used to take away the fundamental freedoms of all Canadians to lawfully and respectfully criticize any Islamic religious idea. The potential result that the motion imposes is the cause of growing anxiety within my community and communities across Canada.

The fears of Pakistani Christian immigrants living in Canada are not imaginary. The consequences of being labelled under M-103 under the garb of Islamophobia can have an indirect effect on our relatives and friends who are still living in Pakistan, a country in which blasphemy laws hold a sentence of life in prison, or death. The blasphemy laws have been misused to settle personal, economic, and political disputes, and have resulted in the assassination or murders of members of my family, friends, and prominent members of our community.

We fear that M-103 will foster similar conditions of suffocation and oppression, while cultivating an environment of division and disharmony in our communities. These are the same situations we came to Canada to escape and avoid forever. I fear that an unclear definition of Islamophobia can be used as a tool by vested Islamist activists to manipulate Canadian law to restrict free speech and criminalize non-Muslims for expressing, celebrating, and defending their respective faiths.

In our community's humble opinion, there was no need to table M-103, singling out Islamophobia. Will it really change attitudes for the better? Why a special focus on one religion? Are the existing laws not sufficient to protect religious freedoms? If not, then why not table a motion restricting prejudice against all religions?

● (1550)

Our community's concern is that the motion will, in some manner, stop valid criticism of Islamist terror and will prevent our children from standing up to defend criticism of their own faith.

My family, friends, and community very strongly believe and urge that Canadian laws should not be diluted to accept regulations imposed on us through international influence. To cite an example, one only has to look at England where the government gave in to the Muslim population who demanded and got a change from the historical common law to sharia law in some of their cities. This has had a devastating effect on the original British inhabitants who have moved out.

In 2011, Britain's Muslims began demanding that sharia replace British common law and it became the only law in towns with large Muslim populations, including Manchester, Liverpool, and several other towns. In one such east London enclave, their streets are plastered with posters declaring that you are entering a sharia-controlled zone. Islamic rules enforced, and Muslim imams now issue death threats to women who refuse to wear the hijab.

Over 100 sharia law courts have been established across the U.K. and these sharia courts have been issuing rulings that contradict British common law. In 2011 British Prime Minister David Cameron said that multiculturalism has been a failure and has promoted Islamic extremism across Europe.

If M-103 is not opposed or altered to include all religious groups in Canada, we feel that this push toward exclusive individual treatment will not stop here. Instead of creating peace and harmony among different faith communities, this motion only moves us in the direction of division and separation.

We, in our community, do not want to see our next generations being led back into what we have faced and escaped from. As a Christian community, we will stand and continue to voice our fears and our concerns so that our children and grandchildren will never again have to go through what their parents and grandparents have been through. We will stand on guard for Canada.

Once again, thank you so much for giving me this opportunity. God bless Canada.

The Chair: Thank you very much, Mr. Bhatti.

Our third witness in this session is Mr. Jay Cameron, barrister and solicitor from the Justice Centre for Constitutional Freedoms.

Mr. Jay Cameron (Barrister and Solicitor, Justice Centre for Constitutional Freedoms): Honourable members of Parliament, thank you for having me here today.

I'm here on behalf of the Justice Centre for Constitutional Freedoms. It's a registered charity, non-partisan and non-religious, and it receives no government funding. It's dedicated to upholding the charter freedoms of Canadians, particularly those in section 2.

I'm going to discuss four things today in brief. First will be a brief refresher on the importance of freedom of thought and expression in our democratic society. Second, I'm going to talk about the threatening, inapt, and vague language of the motion itself. Third, I'm going to talk about vagueness and its terms in the motion, particularly in regard to Islamophobia. Fourth, if I have time, I'm going to talk about some of the threatening and alarming talk from witnesses.

The Supreme Court of Canada has stated, “The very lifeblood of democracy is the free exchange of ideas and opinions.” In the case of the *Edmonton Journal* v. Alberta, Justice Cory stated:

> It is difficult to imagine a...right more important to a democratic society than freedom of expression. Indeed a democracy cannot exist without that freedom to express new ideas and put forward opinions about the functioning of public institutions.

The courts have repeatedly held that freedom of expression should only be limited in the clearest of cases. Freedom of expression, however, does not just protect speakers. It also protects listeners. This point is especially relevant because of comments you heard last Wednesday from one of your witnesses in regard to “trash radio”. In Canada, people can have opinions about trash radio and can call it trash radio. It's a free country and you can say that. In Canada, citizens of this country get to determine what is trash, not the government.

In Harper v. Canada, the majority of the court noted, “The right of the people to discuss and debate [new] ideas forms the very foundation of democracy”. In speaking specifically of the need for citizens to hear, the majority of the court stated, “Freedom of expression protects not only the individual who speaks the message, but also the recipient.”, i.e., the recipients of so-called trash radio.

I'll pause to note that calling something “trash” of course dismisses any content of value that it may have. It's just like me referring to a witness before this committee as a trash witness. The appropriate thing to do is to contradict the thoughts that he had and rebut them with more constitutional and more enlightened thoughts.

Freedom of expression and hearing is not a Canadian idiosyncrasy. It is the right to receive information that is enshrined both in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights. Canada is a signatory to both. American case law, which has been referenced as just as relevant in Canada as it is in the United States, has said, “The freedom to speak and the freedom to hear are inseparable; they are two sides of the same coin.” But the coin itself is the process of thought and discussion.

The motion before you states that there is a rising “public climate of hate and fear” in this country which the government needs to “quell”. I don't know how the word “quell” got past the House of Commons, but I can tell you right now that the word “quell” is a concerning word. It is defined as “to thoroughly overwhelm and reduce to submission or passivity” and “to put down forcibly and suppress”. It is language that is frequently used in the context of riots, not in the upholding of constitutional freedoms of Canadians.

The word “quell” in the motion only serves to increase concerns about motion 103. It hints at compulsion, with an implied use of force.

This committee should be exceedingly wary of assuming that there is a rising “public climate of hate and fear” in this country. According to the 2017 global peace index, which was presented at the United Nations this year, Canada is the eighth-safest country out of 163 nations globally. The largely peaceful day-to-day coexistence of millions of people from various races, cultures, and religions in Canada contradicts the assertion that there is a rising climate of hate and fear in this country that requires a forceful legislative response.

Existing laws already place careful limits on conduct between Canadians. I'm referring to the criminal law, human rights laws, tort laws, and defamation laws. Mr. John Stuart Mill noted, “The third, and most cogent, reason for restricting the interference of government, is the great evil of adding unnecessarily to its power.”

It is not the government's role to make everyone love each other. Government's role is to uphold constitutional freedoms.

● (1555)

That brings me to Motion No. 103 and the term “Islamophobia”. The word is not defined in the motion. This committee has been asked to study and put forward its recommendations in regard to the elimination of Islamophobia. I don't know what it is, but, worse, neither do you.

Worst of all, you've been asked to craft a legislative response to it. MP Iqra Khalid proposed that Islamophobia is the irrational fear of Islam. This definition raises more problems than answers, not the least of which is whether Parliament can constitutionally legislate against an irrational fear. If there is an irrational fear of Islam, does that mean that there may be rational fears or concerns that are not Islamophobic? Where would you draw the line between the two?

Canada is one of the safest countries in the world, but other people who live in other nations are not so fortunate. The Middle East and North Africa are ranked by the GPI as the least peaceful nations in the world for the fifth successive year this year. Political instability is rife there. There are wars and internal fighting, and they are fundamentally less safe than this country.

Is it Islamophobic for Canadians to be concerned about how the immigration of persons from these nations may impact the safety of Canada? Is it Islamophobic to conclude that the nations that are ruled by a combination of mosque and state are far less safe than Canada and are repeatedly and consistently ranked among the most dangerous countries in the world? Should it be illegal to express such concerns?

Wadi is a non-government organization operating in the Middle East. The word “wadi” is Arabic for valley. It focuses on women's issues. After gaining the trust of local women in the Kurdistan region of Iraq, they learned that female genital mutilation in that part of the country was common, and that the procedure was reportedly performed with unsterilized instruments or even broken glass, and without anaesthesia, on girls four to 12 years old, with the extent of the mutilation dependent on the experience of the midwife and the luck of the girl.

The cutting of the clitoris is performed according to the sunnat excision, the excision according to the tradition of the prophet. The locals reported that the wound is then treated with ash or mud, with the girls then forced to sit in a bucket of iced water. Many Kurdish girls die, and others suffer chronic pain, infection, and infertility.

In subsequent studies, it was found that 60% of the women in that part of Iraq, which adheres to a variety of Islam, have undergone female genital mutilation. Despite the fact that the United Nations has attempted for decades to stamp out the practice, it is expanding. The clitoris is considered dirty, haram, and women fear they cannot find husbands for their daughters if they have not been mutilated. Many believe that men prefer sex with a mutilated wife.

● (1600)

The Chair: You have two more minutes, Mr. Cameron.

Mr. Jay Cameron: Thank you.

Interestingly, when the widespread use of female genital mutilation by Iraqi Kurds was reported, some members of influential Islamic and Arabic organizations in the diaspora scandalized the findings. They accused Wadi of trying to insult Islam and spread anti-Islamic propaganda. Members of the Initiative of Muslim Austrians called the data part of an Islamophobic campaign and declared that no female genital mutilation exists in Iraq. They declared it part of an Islamophobic campaign. That is the word that you are tasked with legislating the elimination of. Think about that.

Is it Islamophobic to voice concerns about the safety and security of Muslim women? Is it irrational for a Canadian to be concerned about child female genital mutilation and its continued occurrence in some communities here in Canada, or that there has never been a conviction for female genital mutilation in Canada?

This government is always saying that it stands for women's rights. A customs and border patrol report was released this summer to the federal government that said the practice is occurring here in Canada and that people are coming in to perform it. It is happening here to Canadians, and according to the resources in my paper, Canadians, who have constitutional rights under section 7, have been mutilated against their will. Is it Islamophobic to condemn such a practice?

Saudi Arabia just said that it's going to allow women to drive. Is it Islamophobic to condemn the fact that it took them this long to decide to do that?

Is Mr. Fatah an Islamophobe because he thinks it's repugnant for women to be compelled to wear a burka? He is a Muslim, and he has said that there is a reformation of kind going on in the Islamic faith where he is fighting against these kinds of popes who pretend to infallibility—

The Chair: Thank you, Mr. Cameron. I think you have gone over time now.

Mr. Jay Cameron: Thank you.

The Chair: You may be able to put the rest of that into a response when people ask you questions.

Now we will begin the round of questions. The first round is going to be a seven-minute round, and that includes questions and answers, so I'm going to ask everybody to be very concise. Thank you.

We begin with Julie Dzerowicz, from the Liberals, for seven minutes, please.

● (1605)

Ms. Julie Dzerowicz (Davenport, Lib.): Thank you so much, Madam Chair. Thanks so much to the three speakers for your presentations today. I very much appreciate your taking the time to be here and making the time to be part of our deliberations.

I'm new to the committee, and I want to make sure that I am very clear with what our objectives are here today, so I think your comments are very relevant. I'm going to start off by reiterating what we're trying to do here in this committee. The part of the motion that we're focused on right now is the part where it says, “(c) request that the Standing Committee on Canadian Heritage undertake a study”, so not legislation, “on how the government could (i) develop a whole-of-government approach to reducing or eliminating systemic racism and religious discrimination including Islamophobia, in Canada, while ensuring a community-centred focus with a holistic response through evidence-based policy-making”. The second part is, “(ii) collect data to contextualize hate crime reports and to conduct needs assessments for impacted communities”. Then there's a timeline, in which it asks us to do this work and to present it to the House.

I feel it's important for us to reiterate that, just because my questions are going to be very much focused on that. I'm someone who's focused on trying to get to solutions. What we are asked to do, another way of saying it is, how can the Canadian government develop a plan to combat systemic discrimination and racism in Canada? How can we engage community groups in Canada in this plan? How can we ensure that this plan is based on evidence and on data?

When we're talking about the collection of data, how can we collect the data in a way that will allow us to understand the hate crimes that are actually taking place? Once we have this data, how is it that we can conduct a needs assessment on those impacted communities?

Based on what we are trying to do—I've just stated what we're trying to do—I would be very grateful if I can hear from each of you your recommendations. If we were to develop a plan to combat systemic racism and discrimination in Canada, what would be your specific recommendations for that?

Perhaps, Father de Souza, I could start with you, and we can go down the line. Thank you so much.

Father Raymond de Souza: Thank you for your kind words of welcome. I'm also new to this environment.

I would say, first of all, separate the two. Racism and anti-religious discrimination are not the same thing. There are people of minority racial groups who belong to majority religious groups, and vice versa, so it's not the same thing. That would be my first suggestion.

It worries me because the language of the motion seems to throw many things together, which indicates that perhaps the motion wasn't very clear about what specifically the danger is to be counteracted. What I fear is that when you have an ambiguous problem to solve, you get very wide-ranging solutions that can go in search of a problem. The problem that concerns me most is that the kind of theological and religious exchange, which can take place in Canada but can't in other countries, might be chilled if an environment where one religion—in this case Islam—were thought to be out of bounds for that kind of discussion.

Actually, my concrete advice is that I think the government should probably not do too much to encourage theological and religious exchanges between various Canadian groups because it's not the competence of the government to get involved in matters which are really not its own competence.

I would separate the two. I think that to the extent that there are attacks on, in this case, Muslims, we can cover them with existing laws, but we ought to encourage exchanges that take place in Canada very commonly—I'm involved in some of them myself—between Muslims and Christians, Christians and Jews, Jews and Muslims, plus all the other religions.

The Chair: Two and half minutes are left for everyone.

Father Raymond de Souza: Oh, sorry. I'll stop there. Oh, the whole thing is seven minutes.

Ms. Julie Dzerowicz: Thank you, Father de Souza. I want to give Mr. Bhatti and Mr. Cameron a chance to respond.

Father de Souza was kind to give me a very specific recommendation: separate both the plan for discrimination versus racism. If you could, kindly give me your specific recommendations, Mr. Bhatti.

● (1610)

Mr. Peter Bhatti: My recommendation to you is that we don't need extra regulations or motions to combat racism or to protect one religion or another. First of all, we have enough in the charter of human rights to protect all these kinds of things. But if there needs to be more, it needs to be about protecting interfaith harmony and other objectives where we put all the religions together, through seminars and conferences, to chill the hatred of one for the other.

That's my personal suggestion.

Ms. Julie Dzerowicz: I appreciate that.

Mr. Cameron.

Mr. Jay Cameron: Racism is something you can't legislate against, per se, because it begins in the mind. It exists in the mind. In a multicultural society, where you have a lot of different people, a lot of different religions, and a lot of different perspectives, everybody thinks they are right about what they believe in their own world view.

You can't constitutionally legislate against racism, because it's—

Ms. Julie Dzerowicz: Mr. Cameron, I'm sorry to interrupt, but right now we are doing a study. From everything you've said, you would not recommend legislation. But if we were to come up with a plan that would combat systemic racism and religious discrimination in Canada, what would you recommend?

Mr. Jay Cameron: Uphold the rights of the citizens. What is in the best interests of this country is more freedom, not more laws.

Ms. Julie Dzerowicz: And how would we do that? Would that be through an education program? Would that be through setting some priorities? How would we do that?

Mr. Jay Cameron: My understanding is that witnesses last week presented in front of the committee about state-funded initiatives to promote multiculturalism in the Jewish and Islamic faith and in the Christian faith. So the government is abundantly making efforts to ensure that people respect each other in the constitution of this nation. The charter specifically is founded on a recognition already of those rights.

What's being proposed is additional legislation to “quell”, so I respectfully take issue with your definition of what the motion is asking you to do.

The Chair: Thank you very much, Mr. Cameron.

The second set of questions will come from David Sweet from the Conservatives.

David, you have seven minutes.

Mr. David Sweet (Flamborough—Glanbrook, CPC): Thank you, Chair, and thank you very much for the opportunity.

I want to thank the witnesses. I often talk about full disclosure, so I want to disclose something else as well.

I've had the great honour, for almost the past dozen years, to serve on the Subcommittee on International Human Rights. One of the most compelling and most tragic memories I have is this. We had Shahbaz Bhatti give testimony before our committee, and I had lunch with him shortly after that. He said to me, in these exact words, “David, I will probably pay for this with my blood.” Unfortunately, three weeks later he was gunned down in his driveway in front of his mother's house.

He was your brother, Peter. His photograph is beside my desk to continually remind me that what we do here is extremely important, and people's lives depend on it.

So the seriousness of my questions cannot be doubted by the witnesses.

First, Father de Souza, I agree with you totally that the government has very little competence in regard to religious debate and in regard to legislating in that arena. We did have a forum here until this session. I hope it's picked up by somebody else. I chaired it for five years. We had the all-party interfaith friendship group, and we had Zoroastrians, Sikhs, Baha'is, Muslims, Christians, Jews—just everyone who would participate in trying to create a forum. As I said, I agree with you on the competence, but we were trying to create a forum where we could have that kind of dialogue.

I want to say to you, Mr. Cameron, that it appeared to me that you had a lot more to say, and that you didn't have the capability.

Chair, I would like to be able to get an agreement from the committee that the rest of Mr. Cameron's testimony, even though it's in writing, could be submitted for evidence. Would that be okay?

The Chair: I will have to get the sense that there is unanimous agreement from the committee. If I don't get that, we will have to move as per procedure.

Mr. David Sweet: Okay.

The Chair: Is there anyone who wishes to disagree?

Mr. David Sweet: Okay. I will just continue, then, if that's okay.

I have a number of concerns coming out of your testimony, but I want to ask specifically about Islamophobia. You know, the only term I know of for religious persecution is “anti-Semitism”. Anti-Semitism has been around for over 150 years. Would it be a stretch to say....? I'm really asking you to judge my words in the House, whether they're right or wrong. But I think anti-Semitism has had 150 years to stand the test of time of public debate, of academic rigour, and of being pushed and prodded in the public square, and that's why it's generally accepted.

Do you think “Islamophobia” has had that same test upon it, so that it would be an acceptable term to describe, exclusively, only hatred towards Muslims?

Father, maybe I'll start with you.

● (1615)

Father Raymond de Souza: Thank you, Mr. Sweet.

Anti-Semitism is a very interesting term, because anti-Semitism is not the same as anti-Judaism. The Semitic races, strictly speaking, include both Jews and Arabs, and Muslims and Jews, but it is true that over quite a long time, the term has acquired a conventional meaning that is widely understood. People don't use “anti-Semitism” to talk about anyone other than Jews, if that is the direction of the offending behaviour.

Islamophobia is a relatively new term. In fact the term—referring to an irrational fear or phobia—already discredits anything that might be negatively construed, or proposes that there might be rational fears, so it is a problematic term.

It could be that 150 years from now everybody will know what it means, in the same way as anti-Semitism is understood. At the moment it's not; therefore, both my fellow witnesses here suggest that it could be misunderstood.

Mr. David Sweet: You mentioned secular fundamentalism. I'm wondering if you might want to comment on the dangers of a hyper-secular fundamentalism as it concerns broader religious freedom in the context of every legitimate religion that's practised in Canada.

Father Raymond de Souza: Secular fundamentalism—and it's not my term; it's been used by others—says there's an approach to the public square that says anything that's tainted, to use that view, by religious belief should be driven out. Instead of a robust public square where religious freedoms are exercised by all, you have a preference for a secular fundamentalist view.

Where these things can come together is that if people perceive from one religious group—and in this case we're discussing Islamophobia—something that is troublesome, they might resort to secularist arguments to try to suppress all religious expression. We've seen that in different contexts in different parts of our country.

A reality that is alive in the public debate in Canada is this kind of secularism, or let's call it secular fundamentalism to distinguish it from a healthy pluralism. It's not a far step from somebody saying, “We have a religious problem, or a problem with some religious people, so it would be better if all religious people were somehow pushed to the margins.” That's the danger that could arise.

Mr. David Sweet: Thank you, Father.

Finally, Mr. Bhatti, you were actually on the advisory council for the Office of Religious Freedom. Although you made some comments in regard to your grave concerns about Islamophobia, you actually did lots of work with the broader faith communities of really every stripe while you were on that advisory committee.

Would that be a fair statement? Go ahead and expand on that.

Mr. Peter Bhatti: I just want to add a bit more about our concern about Islamophobia.

When Pakistan was created, the Christians and other religious minorities were told they would be treated equally. But 15 years after it was created, it became the Islamic Republic of Pakistan instead of the Democratic Republic of Pakistan. Then slowly, slowly, all the sharia law and other laws were integrated into the constitution of Pakistan.

Our fear is about the way it is going in other parts of the world, and in our country. We have a continued fear that if we sow the seed here, and with what we are seeing in Europe, it will be more dangerous for all of us. It's not what we're facing. We are more concerned about our children and grandchildren, and what they will face when nobody can say anything against violence.

● (1620)

The Chair: Thank you, Mr. Bhatti. We've gone well over time on this one.

The next person is Ms. Jenny Kwan from the NDP.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Madam Chair.

I'd like to thank all three of the witnesses for their presentations.

Mr. Bhatti, let me acknowledge the loss of your brother. I think that under no circumstances is it acceptable that violence be invoked because of a disagreement. I'd like to express my condolences to your family for your loss.

I do want to get to the meat of this motion before us. There is a lot of language around it and from all three witnesses, we're hearing that the way in which the motion was put together, and perhaps the choice of words, is not the best. I think it is fair enough to say that this is not the most elegant motion before us.

I'm an ESL student, so I'm not an expert on any language for that matter, English most definitely, as it's my second language. With that said, I think what we need to get at is the thrust behind it, what the intentions are of the person who moved this motion, what it is she wants to achieve, and therefore, the work of this committee. I think that is critically important.

At the time of debate, since the issue centred around a disagreement around the meaning of the word Islamophobia, it was disappointing to me that the efforts in the House—and I participated in those efforts—failed to bring the government members and the Conservative members to some agreement where we could unanimously support this motion to come together to send a strong message against discrimination of all forms, racism, religious discrimination, and so on, and all stand united with respect to that. Unfortunately, that was not to be, so we are here. It also saddens me that as a result of this situation, we have an environment whereby some people are using this motion to spread more fear, and more hate, and sometimes false information as well. I think that's not really what any of us want to see materialize. Now we're here before us with the work of this committee.

In the spirit in which the MP who moved the motion.... Part of the issue with why Islamophobia was raised was, to my understanding and I think committee members could correct me if they like, the increase of incidents that had been experienced by people from the Muslim community. In fact, we had a presentation from the assistant deputy minister from the Department of Canadian Heritage who cited a recent police hate crime statistics report that there was:

> ...a 5% increase in reported incidents from 2014 to 2015. While hate crimes targeting black and Jewish populations remain the most common types of hate crimes related to race or ethnicity and religion, hate crimes against those of the Muslim faith increased by 61%, from 99 in 2014 to 159 in 2015.

Those are official statistics. Unofficially, the lived experiences of discrimination and hate for many people are happening in our communities. In fact, I was at an event where that had occurred in Vancouver East, which was extremely disappointing to me, but those things occur.

Within that context and recognizing that this is happening, we need to do something about it. Of course, we also know what happened in Quebec, the terrible incident that had occurred. On the question of trying to de-escalate the fear, and the hate, and the things that we don't want to see materialize in Canada, I want to ask this question about the definition of Islamophobia.

● (1625)

This is from the Ontario Human Rights Commission, and they put forward this definition. In their policy, they define Islamophobia as “racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general.” I wonder if I can get some comments from you around this definition, which the Ontario Human Rights Commission uses as a definition to address human rights violations in this regard.

Perhaps I could start with Father de Souza.

Father Raymond de Souza: Thank you.

First of all, even if English is your mother tongue, this motion is both inelegant and confusing. It's just a problem with the motion. I would challenge the definition because it begins with “racism”. Islam is not a race; it's a religion. You have to treat it as a religion if there's a problem of religious bigotry. That's my initial comment.

I would say more broadly to your comments that sometimes when government gets into a delicate matter it actually makes things worse when it stirs things up. Mr. Bhatti was referring to his own work. I was the chairman of that commission that Mr. Sweet referred to, the advisory panel. There's a lot of very good work going on in Canada among members of different religious traditions. It doesn't necessarily need a government charter or plan or program to promote it. It's already going on. I do think that sometimes when you insert a delicate matter like this into a partisan environment, which the House of Commons is, you actually can risk making things worse rather than supporting the work already going on.

Ms. Jenny Kwan: Thank you for that.

I think there are moments. Maybe because I am fairly new to the political arena in terms of federal politics, I come to this table with the hope in my heart that there are some things that we can rise above, and that on the issue around partisan politics, even though we're from different parties and different perspectives, the House of Commons doesn't always have to go down that road. On something around fighting hate and discrimination of all forms, we need to rise above it.

From that perspective, in terms of moving towards recommendations, you suggested that racism and religious discrimination need to be separated. I'm hearing from you that maybe government doesn't need to do anything about that. But in the face of increased hate crimes and incidences of lived experiences, where people are experiencing discrimination, whether it be based on religion or race or another form, shouldn't the government be doing something to address that on the whole?

The Chair: I'm sorry, your time is up, Ms. Kwan. Seven minutes is not a long time when you think about it. I am sorry about that.

Now we go to Dan Vandal, from the Liberals, for seven minutes, please.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): Thank you very much. I'm going to be sharing my time with Arif Virani.

Getting away from definitions, I think there is nobody who can question the fact that hate crimes are on the rise for the Muslim community. From 2015 to 2016, they increased by 61%. For the black community, indigenous community, first nations, Métis, Jewish, hate crimes are on the rise. What do we do as government leaders?

I'll go to Mr. Cameron.

Mr. Jay Cameron: Thank you, sir.

It is no more possible to legislate against hate than it is to legislate for love. Nobody can compel another person to love. Nobody can compel another person not to hate. It's not the role of government. The role of government is to uphold constitutional freedoms to the best of its abilities and create a climate. You can entreat the populace. You can assert—

Mr. Dan Vandal: Thank you, Mr. Cameron. We don't have a lot of time, and there are lots of questions.

Mr. Bhatti, do you want to address that for a few seconds?

Mr. Peter Bhatti: Yes. I personally believe that increasing racism or hate against Muslims, or Islamophobia.... We are limited—

Mr. Dan Vandal: Or the black or the Jewish community or the indigenous community....

Mr. Peter Bhatti: Yes.

As I mentioned before, we don't need another regulation or amendment or motion. We need to strengthen our Canadian charter of human rights. Why is it increasing? In my personal opinion, it's because all over the world, wherever terrorism is taking place, unfortunately an Islamic person is involved, which is having an impact all over. That's why that has increased, but we should take a strong step to stop that. Nobody can hate another.

● (1630)

Mr. Dan Vandal: Thank you, Mr. Bhatti.

The question was, what do we do as leaders?

Mr. Peter Bhatti: We have to put everybody together.

Mr. Dan Vandal: Mr. de Souza, go ahead.

Father Raymond de Souza: I would say that there is an enormous amount that the Government of Canada already does, through its various departments, to promote multicultural relations and anti-racism education. It's not that, without this motion, nothing is being done. A lot is being done. We have the entire human rights apparatus that was quoted earlier.

The problem with this motion, it seems to me, is that, in its ambiguities, it could quell—to use the word of the motion—some of the necessary dialogue, which has to be frank, honest, and respectful, that already is going on in the country. It's not a question of the government doing nothing. The government does an awful lot already on this file.

Mr. Dan Vandal: Am I right to say that you are saying we should not be doing any more than what we are doing now? There's nothing more to do.

Father Raymond de Souza: It's not that there is nothing that could be done, but what this motion points towards could be a chill around discussing difficult questions regarding Islam, and those need to take place. They take place within the Muslim community in Canada—you are going to hear from witnesses, or you already have, in that regard—and they take place between the different faith communities in the country. However the motion finally comes out, it should not have a negative impact on those discussions.

Mr. Dan Vandal: Thank you.

I'll turn it over to Mr. Virani.

The Chair: I will turn it over to Mr. Virani.

Mr. Virani, you have two minutes.

Mr. Arif Virani (Parkdale—High Park, Lib.): Thank you, Madam Chair.

I want to focus my questions primarily on Mr. Cameron.

I'll confess that, as somebody who has practised constitutional law for 15 years, I found some of your submissions a bit surprising. I am going to put to you a few propositions, and I am going to ask you to comment on them.

You said that it's the role of the citizens, not the government, to determine what is trash radio. I would say to you that the Supreme Court has clearly stated in its jurisprudence that there are different types of speech, and when speech crosses the line of inciting hatred, it is the role of the government to weigh in, and that's the role of the police and the Attorney General.

I would also ask if you could tell us why we should prefer your testimony on the point of the impact of radio stations in Quebec in fomenting hatred, as opposed to the testimony that we heard from a CSIS officer in Quebec who has been on the ground studying this very issue.

You said that we should be “wary of assuming” rising intolerance. I would ask you to comment specifically on the statistics put to you by Ms. Kwan as to the rise of hate crimes against Jews and Muslims in this country.

I would ask you to specifically tell us where in this motion, in its language.... You keep reiterating that it's asking us to legislate, which it is not. Where does the actual text of the motion indicate to us that we should be legislating, that we should be criminalizing speech, or somehow permitting female genital mutilation?

The last point I want to state.... You said that we can't “constitutionally legislate” to eradicate racism. I would say to you that this undercuts the entire foundation of the federal Multiculturalism Act and all human rights codes in this country, in every province, including the Canadian Human Rights Act. Basically, what you are saying is that the Ontario Anti-Racism Act, which is dedicated to reducing racism, is somehow unconstitutional from your perspective.

What are your comments, please, sir?

Mr. Jay Cameron: I am not sure exactly how long I have.

The Chair: You have one minute, Mr. Cameron. I'm so sorry.

Mr. Jay Cameron: I'll do my best.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): I have a point of order, Madam Chair. I'd like to seek the unanimous consent of the committee—

The Chair: I'm sorry, Mr. Genuis. You are not a member of the committee at this point in time. There are three Conservatives already here.

Mr. Garnett Genuis: Okay.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Were you going to extend his time?

Mr. Garnett Genuis: I wanted to seek the unanimous consent of the committee to give him an additional three minutes.

The Chair: You cannot, because you are not a member of this committee.

Mr. Garnett Genuis: Maybe another member might want to do that.

Mr. Scott Reid: On a point of order, then, Madam Chair, I am a member of this committee. I am sworn in. I would like to seek the unanimous consent of this committee to give Mr. Cameron three minutes of additional time. He was asked, I think, five separate questions.

The Chair: I would say to the committee, however, that we have a timeline and we have another group waiting to be here at a certain time. I have extended the committee for 10 minutes. We cannot keep going on and on, because we will not be able to give the next group —

Mr. Scott Reid: Could you put the question to the committee, Madam Chair?

The Chair: Please, Mr. Reid.

Mr. Scott Reid: Madam Chair, why don't you follow the rules of order and ask—

The Chair: I am following the rules.

● (1635)

Mr. Scott Reid: No, you're not. You are inventing them as you go along.

The Chair: Mr. Reid, you asked for a point of order. I am responding to your point of order as chair. As a point of order, we cannot go outside of our time limits because we infringe—

Mr. Scott Reid: You cannot deny people the right to say yes or no.

The Chair: We infringe on the rights of the other groups who are coming here to speak. We did that last time and nobody was happy about it, so we are not doing it again.

Having said that, I will ask the committee to decide if they wish to extend Mr. Cameron's time.

An hon. member: No.

The Chair: I have no from the committee. Thank you very much. We will move on.

Mr. Jay Cameron: Do I still have a minute?

The Chair: No, you've ended your time, but we cut into 30 seconds of it, so I'll give you the 30 seconds. I'm sorry.

Mr. Jay Cameron: That's wonderful.

I'll say this. There's a difference between trash and hate. I could say that the testimony of the witness from CSIS was trash, and that would basically say it was garbage, I disagreed with all of it, and there was nothing of value in it. That's what he's saying about these radio stations. The question is whether or not they have a right to raise concerns about certain aspects of public governance. They have.

The second thing is that there are limits to what can be legislated. That's why you have a charter. The charter places a check on the exercise of government power. I don't like racism. I think it's an ugly thing, but that's my opinion. I can't compel somebody with the power of government to form different opinions. You have to educate, you have to have programs for multiculturalism, and you have to entreat. You cannot do it with legislation.

You asked me where in the motion it calls for a legislative response.

The Chair: I am sorry, Mr. Cameron.

Mr. Jay Cameron: Oh....

The answer is in my paper, sir.

The Chair: Good. Thank you very much.

We do not have time for a second round of questioning. I will thank Father de Souza, Mr. Bhatti, and Mr. Cameron for coming and for putting up with a fair amount of—

Mr. David Sweet: Chair, just before we shift, although I know there was an agreement, can we get quick agreement that Mr. Cameron can at least submit his answers in writing afterwards?

The Chair: We have a submission from Mr. Cameron. It's not—

Mr. David Sweet: I meant to Mr. Virani's....

The Chair: Absolutely.

Mr. Cameron, you can submit it in writing.

Mr. David Sweet: Thank you.

The Chair: Submit it to the clerk and we will send it out to people in two official languages. We couldn't give the members of the committee your submission, because it was only in English, and that is one of the rules. I'm sorry. Everybody, however, will be able to get your submission.

Send us whatever you need. We're always ready to read it.

Mr. Jay Cameron: Thank you.

The Chair: Thank you, Mr. Sweet, for that suggestion.

We will suspend for about a minute to go to the next round.

● (1635)

(Pause)

● (1635)

The Chair: I will call the meeting to order.

Pursuant to Standing Order 108(2), the committee on heritage is studying systemic racism and religious discrimination.

We have one witness, because our second witness, for the information of the committee, at the last minute couldn't make it. I think the person was ill. We thus only have one person on this panel. Ms. Raza will speak for 10 minutes, and then we will probably, if we do it well, have the ability to take two rounds.

We begin with Ms. Raza, please, for 10 minutes. I will give you a two-minute warning.

Thank you.

● (1640)

Ms. Raheel Raza (President, Council for Muslims Facing Tomorrow): Madam Chair, members of the committee, ladies and gentlemen, thank you for this opportunity to address this committee.

My name, as you know, is Raheel Raza. I am president of the Council for Muslims Facing Tomorrow.

My family and I will have been in Canada for 30 years next year. Like most immigrants, we came here to embrace democracy, gender equality, and freedom of speech. I can say with conviction that Canada is the best country in the world, with a role to play in terms of leadership. I thank God for being a Canadian citizen to share in its values.

Today we are here to discuss motion 103. Let me make it abundantly clear that bigotry, hate, and racism have to be condemned in the strongest terms. Sadly, they have always been an integral part of human civilization. However, human dignity depends on our unequivocal condemnation of these ugly values and we must speak out against them.

Having said this, we are entrapped by the use of the term “Islamophobia”, which is not clearly defined. As I read and reread the text of motion 103, I can agree with the overall intent but without use of this term, because Islamophobia can and has been used to confuse the masses and stifle free speech.

I've just returned from attending the 36th session of the United Nations Human Rights Council in Geneva, and I have seen how the Organisation of Islamic Cooperation has for years been working towards stemming any critique of religion. Critique of religion, by the way, is not critique of people. If there are aspects of any faith that are veering towards human rights infractions, they must be discussed and debated. Religion is an idea, and ideas don't have rights; people do. Canada should therefore be concerned about the rights of all its peoples and not allow itself to fall into the traps laid out by vested agendas.

Right now the world is screaming for an Islamic reform to welcome Muslims into the 21st century with a fresh wave of ideas through the lens of modernity and free thinking, keeping human rights in the forefront.

This is not entirely a new phenomenon. In the ninth century there was a large community of Muslims, known as free thinkers, who would debate and discuss all aspects of the faith to come to a logical conclusion. The ruling elite found this to be a threat, and over a period of time one by one they were eliminated. This silencing of all debate and discussion in Islam has put us Muslims in a ridiculous position. It also puts a target on the backs on those who want change.

Reform has taken place in other faiths, as well. Christians will celebrate 500 years of their reform this year. How does reform happen? It takes place through reflection using reason and logic—and yes, a healthy critique. Without constructive criticism, no faith can grow and develop.

As a practising, observant Muslim, I don't believe I have to be the caretaker or defender of my faith. However, the word most synonymous with Muslims these days is “terrorism”. Do I want to leave this as a legacy for my children and grandchildren? Absolutely not. As such, Muslim communities have to do most of the heavy lifting in shunning or abandoning negative practices that have crept into our faith and culture, such as—as you have heard—female genital mutilation, forced and underage marriage, slavery, polygamy, armed violence against civilians disguised as jihad, forceful imposition of sharia laws, and the preaching of hate and intolerance towards minorities.

It's through this reform that major changes have already taken place in Muslim communities. We just heard yesterday that Saudi Arabia has allowed its women to drive. In India, the Supreme Court has banned a centuries-old Islamic tradition of a man saying, “I divorce you” thrice and divorce was automatically granted.

● (1645)

Women in Morocco have helped change the polygamy laws. In Tunisia, a landmark decision was made allowing Muslim women to marry non-Muslim men, which according to sharia laws is not acceptable. Bangladesh has altered its constitution from Islamic to secular, and the House of Lords in the United Kingdom is debating and challenging certain practices of the sharia courts.

My point is that Canada, with its thriving Muslim population, should be a leading voice in encouraging such reforms rather than encouraging them to hide behind a motion to curtail free speech. As well, in a secular country, which we hope to strive for, the state should have no business in religious matters.

M-103, as it stands, with usage of the term “Islamophobia” has divided Canadians into us and them. By singling out one faith community in this motion, it seems that Islam and Muslims are exclusive and demand special attention when in fact, statistics show us that hate crimes against the Jews, the black community, and the LGBTQ communities are the highest. Polls also show that more than 70% of Canadians don't agree with motion-103.

As for Muslims, let's see how badly they're really treated. There are over 100 mosques and 50 Islamic organizations just in the greater Toronto area, where I live. There are 11 Muslim MPs in our government and Muslim prayers are taking place in some public schools. This doesn't look like systemic racism to me. However, there are cases of bigotry and racism so I encourage this committee to strengthen the laws to curb hatred and discrimination against all Canadians, not just one section of Canadians.

Thank you.

The Chair: Thank you very much, Ms. Raza.

You were very efficient.

Ms. Raheel Raza: Thank you.

The Chair: We're going to begin our seven-minute round with Julie Dabrusin for the Liberals.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you, and I would like to thank you for your presentation. It was interesting, and I appreciated hearing your thoughts.

Reflecting on what we heard with the first panel and then again now, however, had me asking what we are doing. What are we doing with this study? What's the purpose? It got me thinking of looking back at Motion 103 and at the wording, in a kind of flipping back and forth.

As everyone here knows, it started as a private member's motion. It was brought by MP Iqra Khalid, who's the MP for Mississauga—Erin Mills. It was read and was debated in the House of Commons, and then it was agreed to on March 23 this year.

In fact, then, that motion has already been agreed to in the House of Commons, and no law was created as a result of it. The reason I'm picking on that piece is that you mentioned concerns about laws and free speech, which came up in the last panel. I want it to be clear that this motion was adopted and there was no legislation created at that point, because it was a motion. The result was, I believe, if I look at the wording, a recognition of “the need to quell the increasing public climate of hate and fear”, a condemnation of “Islamophobia and all forms of systemic racism and religious discrimination”, and an admonition that the government “take note of House of Commons' petition e-411 and the issues raised by it”.

That's what happened there. Then there was a request for this committee to do a study, which wasn't a requirement; it was a request.

I wanted, however, to flag the part, just because I've heard these concerns, about free speech and the impact of a condemnation of Islamophobia. In fact, though, the House of Commons had already passed a motion doing that in October of 2016 as well, which again led to no legislation, no curbing of free speech.

That had me taking a bit of a closer look at what we're doing today. Today we're sitting here in an independent parliamentary committee. It's made up of members of all of the recognized parties. You have here Liberal members, Conservative members, members from the NDP. We've all come together to do this study. We came together to agree to terms for the study. We came to talk together about how we would go about it—the process, the witnesses who would be called. Now we're working together, all members from all three parties, to gather evidence for the study that we're doing.

When the study is complete, we're going to be drafting a report, and that report can have recommendations. What we cannot do, however—and I want to make it clear, because there seems to be a misunderstanding that has come out—is legislate. This is an area in which we're not going to create any laws out of this committee. What we can do is create recommendations in a report, and once a majority of the committee has agreed to a final version of the report, we're going to table it in the House of Commons through the chair.

The tabling of that report will still not create any legislation. It's just going to be the tabling of a report showing what the findings were from our study. At that point, there may be a response from the government.

That brings me to here, today. I was interested in what you talked about—about laws preventing racism against all groups. That was one of your recommendations, and I'm going to pick up on it. As we examine witnesses and gather evidence for this study, I'm thankful for it.

I want to make sure that it's clear that the terms are that we:

> ...undertake a study on how the government could...develop a whole-of-government approach to reducing or eliminating systemic racism and religious discrimination including Islamophobia, in Canada, while ensuring a community-centered focus with a holistic response through evidence-based policy-making.

Then there's a second part about hate crimes data. That does involve eliminating systemic racism—there's no halt on that—and religious discrimination, including Islamophobia, but it isn't focused on one group.

● (1650)

This is just a preamble, to give a sense of what I came to when I was looking at this.

One of the really important pieces that we were presented with last week, and I thought it was really helpful to undergird where we're going to be going with the study, was the International Convention on the Elimination of All Forms of Racial Discrimination findings from the United Nations. They made a series of recommendations. I was going to put them to you as an idea of what we could adopt as as committee, because that's what we're looking for.

The Chair: You have two minutes, Ms. Dabrusin.

Ms. Julie Dabrusin: Okay.

Some of the recommendations were that we collect disaggregated data in all the relevant ministries and departments to improve monitoring and evaluation of the implementation and impact of policies to eliminate racial discrimination and inequality. They welcomed Ontario's first provincial anti-racism strategy, and then they recommended that we develop and launch a new national action plan against racism.

Then, they recommended that we take steps to prevent racist hate crimes against all ethnic and minority groups and indigenous peoples, facilitate reporting by victims, systematically track and maintain data on the number of reported racist hate crimes, investigate and address the reasons for the 61% increase in racist hate crimes reported against Muslims and the rise of Islamophobia.

I'm wondering, when I'm listing through these recommendations —and there were many more—whether there are any in there that you think would be useful for us to adopt, taking into context everything we are doing as a committee here.

The Chair: You have 30 seconds, Ms. Raza.

Ms. Raheel Raza: Thank you so much for the clarification.

I believe it's important to focus on the word "all", and I would appreciate it if, included in all the recommendations, we had "all ethnic communities," "all minorities," and "all sorts of racism". It is the focus on the word "Islamophobia" that has me concerned, because many of you may not be aware that Islamophobia is a word that was created after 9/11 to stem any kind of critique, discussion, or debate about Islam and Muslims.

My organization is at the forefront of fighting radical Jihadist ideology, so we have to talk about these issues. If Islamophobia comes into the terminology, already people are afraid to speak out. You said there have been no curbs on freedom of speech since the motion was passed. I'm afraid to tell you that there have been curbs on freedom of speech, because people are afraid to use the terms "Muslim" or "Islam", even when asking a question like whether it was the radicals who did the bombing in London, England. They're afraid to speak out, because this motion has got them worried that they'll be called racist—

● (1655)

The Chair: Sorry.

May I suggest, Ms. Raza, that when other witnesses come up, you might have an opportunity to finish what you're saying or to expand on what you're saying, but that's up to the individual member as they move further.

Ms. Raheel Raza: Thank you.

The Chair: Next is Mr. Anderson for the Conservatives.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Thank you, Madam.

I want to make a point that it's actually a little distressing to see some of my colleagues here basically filibustering their time to keep our witness today from being able to answer questions, or having no interest in asking questions. I guess that hasn't been unusual in this debate. With so much of this issue, it seems they've been more interested in hearing their own voices than anyone else's.

I want to thank you for being here today, and I'm going to give you some opportunity to answer some questions.

You've talked about reform. It has been important to you. As it takes place, we want to avoid the excesses that have happened in other countries. You mentioned the sharia courts and practices, and some of the councils that have been set up. Some of us, outside of committee this week, had a chance to sit with Baroness Cox, and to talk with her. She has taken up the cause of young women, and you've taken up that cause as well.

Can you tell us a little bit about the consequences in young women's lives of the courts, how they developed, who manages them, and what we can do to avoid some of the problems in the future that other countries are facing on some of these issues?

Ms. Raheel Raza: Thank you for that very important question. I work closely with Baroness Cox, and in fact, I have travelled across the Atlantic to give testimony to the House of Lords in England on the exact same issue. As you may be aware, there are over 85 sharia courts operating in the United Kingdom, and these were established with the blessing of the British government until the problems started arising.

When I had gone there last year, there were witnesses who came forward with many stories of Muslim women who were left in limbo because these sharia courts are practising marriage, divorce, and custody of children with no accountability. The marriages they're performing are not recorded in the civil courts by the government, so if a man says "I divorce you" three times, as was the practice, the woman has absolutely no recourse to go for any kind of custody of her children or financial benefit.

We brought in the victims, and finally the House of Lords started hearing the stories, and they understood that the lack of accountability of the sharia courts was a problem. They also wanted to hear from me about our experience in Ontario when there was a move to have sharia courts. We actually lobbied for over a year and we got the law changed, which allowed for arbitration and mediation. In the meantime, my recommendation to them was that these courts should be accountable. They have heard hundreds and thousands of stories of the victims of these sharia courts, who are 99.9% women. They are rethinking this issue, and I'm working with Baroness Cox again to try to get it moving.

Mr. David Anderson: We can't deny there's been anti-Muslim sentiment in Canada and episodes of bigotry and hatred. I think you've said you don't believe that's systemic. What are the solutions to that problem? We have some problems in this country. What are your suggestions? You've talked about reform, but what other recommendations would you have for us?

Ms. Raheel Raza: My recommendation is that the communities themselves should be empowered to bring about change. This is work that should be taken over by the thriving Muslim communities here. We have a large Muslim population. I don't see this happening. I don't see round-table conferences in mosques or in Islamic organizations in which this issue is being discussed, regarding the concerns or the way that we can deal with it.

One of the recommendations was interfaith dialogue, which is an important component. I'm very involved in that as well, where the communities talk to each other. We need to speak with those communities that have faced racism and discrimination before us.

Every immigrant community that has come into Canada—the Italians, the Jewish community, the Irish community—faced its own sets of challenges. We need to sit with them and figure out how they dealt with it. There were no laws in place. There were no motions in place to help them.

I don't believe that a government motion or any kind of a study is going to help this. I believe we have to take responsibility as Muslim communities to discuss and debate this problem, to find the solutions from within, and then ask the government how they can help us.

● (1700)

Mr. David Anderson: Who do you see taking the leadership? Is there leadership in the community to do that or does it come back to this committee and this motion to say some of these things need to take place and the government needs to be involved?

Ms. Raheel Raza: I believe this is what Islamic organizations and the mosques are there for. There is leadership there. They should take the responsibility. Unfortunately, some of the wrong organizations are taking the leadership. We have been approached by the legal department and by the police department who ask, who should we go to? Sometimes the go-to people are not the right people because they are the ones who are involved in the hate messaging, so we need to be cognizant of that.

The people who need to do this are grassroots people and grassroots organizations. Certainly, the government can give recommendations and perhaps help with funding to set up groups that can arrange for what I call a safe space between the mosque and morgue for our youth, so that they can learn about radicalization and would not become victims of the kind of hate messaging that is taking place.

First of all, we have to have an open and honest discussion about these issues.

Mr. David Anderson: I'm running out of time as well.

We've had some witnesses who've come forward to encourage us to put restrictions on freedom of speech. Should we be considering any further restrictions on freedom of speech, beyond what the Supreme Court has laid out?

Ms. Raheel Raza: Absolutely not. I'm fighting tooth and nail for freedom of speech. There should be no restrictions on freedom of speech. Every Canadian citizen should have a right to ask any question and to criticize those practices that are against human rights.

Mr. David Anderson: You worked with female-led, mixed-gender, interfaith prayer groups. How has that worked? Have you faced persecution or criticism because of your involvement in those activities?

Ms. Raheel Raza: I've had my share of threats and hate mail. It's terrible to have a hate mail folder on your computer, but I do. However, it has worked well because now there are five mosques across the world that are run by women. The culture of the mosques here has been so misogynist and patriarchal that women decided that they were going to open their own mosques. Yes, it has been controversial, but every change starts with the first step and it has been taken up. Today, women in Saudi Arabia can drive. This is how change comes, by someone standing up to say that there needs to be gender equality or there needs to be equal human rights.

Mr. David Anderson: How is that working in Canada?

Ms. Raheel Raza: Very well.

The Chair: Thank you, Ms. Raza.

Next, we have Jenny Kwan, for the NDP.

Ms. Jenny Kwan: Thank you very much, Madam Chair.

Thank you, Ms. Raza, for your presentation.

I am particularly interested in the point that you made around the need for interfaith dialogue. I think from the previous panel, we heard one of the witnesses say something to the effect that you can't legislate the feeling of hate or love for that matter. I think that is true. Although it's fair enough for us to acknowledge that hate is a learned behaviour. Therefore, from that perspective, where we can address these issues and where I think government can have a role is perhaps to facilitate dialogue around this. You talked about the need for that dialogue.

In terms of recommendations, since that's where we need to focus as well, should the government be facilitating with NGOs and others to engage in this dialogue, so that we have cross-cultural understanding and interfaith understanding and awareness among different peoples and different groups? I wonder if you would comment on that and then I have something else to add to that.

Ms. Raheel Raza: Thank you. Yes, I do believe it's important to have a dialogue between communities, not just faith communities but between all communities and to learn from each other.

I want to pick up very quickly on what you said that's extremely important in this discussion, which is that hate is a learned behaviour. Hate is taught. No one is born hating. They are taught to do it.

Now we have certain religious institutions here that have been giving messages of hate. I think this is where the government should be involved. There should be an accountability of these organizations and institutions, and there are specifics of certain mosques in Toronto and in Quebec where hate...and even the Quebec imam asking for the Jews to be killed. This is not something that we should have happening in Canada, because that is where the hate comes from.

No one is born a terrorist. They are radicalized. We have to go to the heart of where the radicalization is taking place, and those hate messages, if the government is aware of them, should be stemmed at the core because this Canada is not a place where we want messages of hate.

● (1705)

Ms. Jenny Kwan: Thank you.

Actually this ties very nicely into the next item that I want to bring to your attention and ask you a question on.

In the motion, it actually references a petition, petition e-411, which was brought to the House of Commons by way of a motion and it was supported unanimously. I think it's important actually to put this on the record because all this stuff needs to be put in context of what we're talking about. Petition e-411 actually says this:

> Whereas:
>
> Islam is a religion of over 1.5 billion people worldwide. Since its founding more than 1400 years ago, Muslims have contributed, and continue to contribute, to the positive development of human civilization. This encompasses all areas of human endeavors including the arts, culture, science, medicine, literature, and much more;

> Recently an infinitesimally small number of extremist individuals have conducted terrorist activities while claiming to speak for the religion of Islam. Their actions have been used as a pretext for a notable rise of anti-Muslim sentiments in Canada; and
>
> These violent individuals do not reflect in any way the values or the teachings of the religion of Islam. In fact, they misrepresent the religion. We categorically reject all their activities. They in no way represent the religion, the beliefs and the desire of Muslims to co-exist in peace with all peoples of the world.
>
> We, the undersigned, Citizens and residents of Canada, call upon the House of Commons to join us in recognizing that extremist individuals do not represent the religion of Islam, and in condemning all forms of Islamophobia.

I want to tie all these pieces together, and you're absolutely right, where there is promotion of hate anywhere that is not I think the Canada we want to see.

To that end, in terms of a recommendation from the government, it was also suggested that we should separate out recommendations or actions from government on anti-racism as well as religious discrimination. Would you agree with that?

Ms. Raheel Raza: I think of what Father de Souza said, that racism is a separate issue. Yes, the government can have recommendations or motions about racism, but as far as religious discrimination is concerned, I think that the communities have to wake up and they have to start working on this themselves. What you read out to me, warm fuzzy stuff like this is wonderful, but it does not reflect the reality and is an actual deflection from the rise in terrorism and radicalization that is taking place across the Muslim world.

Ms. Jenny Kwan: On the question around radicalization, government officials came to the committee and listed some items of what they've been doing. From that perspective, do you have specific recommendations that you think the government should embark on to address the issue of radicalization? How do we actually do that?

Ms. Raheel Raza: Yes, absolutely. My organization works on what we call the “three Es”, which are expose the problem, educate the masses, and then try to eliminate the problem. The clergy should be part of the solution, so we need to empower the clergy to work with youth and have programs in which these issues can be discussed. But then, of course, if you have a motion about Islamophobia, then you can't have open and honest discussion about these issues. So first of all—

Ms. Jenny Kwan: Sorry, I'm just going to pause there, because the motion is not just about Islamophobia. I think it's really important that we not just say that this is about Islamophobia. In the motion, it says “condemn Islamophobia and all forms of systemic racism and religious discrimination”.

Ms. Raheel Raza: True.

Ms. Jenny Kwan: So it's all forms. Islamophobia is one form, but it's not all the different forms. Also, on the issue around systemic discrimination, because in your presentation you talked about it in the context of, I think, Islamophobia, but from my perspective when we talk about systemic discrimination, a big focus for me is also the indigenous peoples and the systemic discrimination they have experienced. That's all to come, I hope, in the work ahead.

I just want to put that on the record, so there is not this continuing confusion around this, because the more we do that, the less we serve the goal we're trying to achieve, which is the common goal of needing to fight against discrimination in all forms, for everybody.

The Chair: Thank you, Ms. Kwan. Sorry, I think the time is up, Ms. Raza, but you will have opportunities to answer.

Mr. Vandal for the Liberals, you have seven minutes, please.

● (1710)

Mr. Dan Vandal: Thank you very much for your presentation.

I would like to follow up on what Jenny Kwan was saying. I just want to make sure you understand, because I want a response from you. The motion reads:

> (a) recognize the need to quell the increasing public climate of hate and fear;
>
> (b) condemn Islamophobia and all forms of systemic racism and religious discrimination and take note of the House of Commons' petition e-411 and the issues raised by it....

You are aware that we're not just talking about hatred against Islam and Muslims. We're talking about all forms of hate. Indigenous, black, Jewish, ethnic—we are going to address all of it. Are you understanding that?

Ms. Raheel Raza: I'm aware of that, but the motion does not mention the other communities by name. Why is only the Muslim community mentioned by name? That is my question and that, I think, is the entire focus here. It's not mentioned that we are going to look at racism against the Jewish, the LGBTQ, or the black communities. In the list of hatred against communities, there is also the white man, if you look at the statistics. It doesn't mention any of them by name.

Why are only Muslims mentioned by name? Are they the only community in Canada? Are they a special community? Are they a specific community? Are they an exclusive community? Is the racism against them any different from the racism against other communities? That is my question about the motion.

Mr. Dan Vandal: I'm trying hard to understand. Because Islamophobia is in the motion, you think the entire motion is no longer valid and, in fact, you think the motion is dangerous and could curtail free speech. Is that what you're...?

Ms. Raheel Raza: I did not say the entire motion is invalid. I believe, though, that using the word “Islamophobia”—let me be very clear—in the motion will curtail free speech, because no other ethnic community or religious community is mentioned by name in the motion except Islamophobia. Who does Islamophobia deal with? Not Christians but Muslims. It's Islamophobia. It is first of all a coined term. The very term is problematic and challenging for me. Secondly, it's just that one community. That is my objection to the motion.

Mr. Dan Vandal: I understand. In a recent StatsCan report on police-reported hate crimes in Canada for 2016, one of the key findings is that police-reported crimes motivated by hate against Muslims increased by 61% from 2014 to 2015. That to me is alarming and continues a trend of an increasing number of anti-Muslim incidents that speaks to a broader problem of hate. I'm from Winnipeg. We have problems with hate involving indigenous groups in Winnipeg, first nation, Métis. There are problems of hate crimes against the black community in other parts of Canada, and I can go on and on.

What do we do, as leaders of the federal government embarking on this study, to try to stop the hate that's out there? What can we do to better address this issue?

Ms. Raheel Raza: As we have heard before, the idea of hate is an ideology, and it's a very difficult thing to either monitor or have laws against it. What it needs is better education, better interaction of communities, and better understanding of each other. I'm afraid the Muslim communities have not reached out the way they should have, because I'm part of that community and there needs to be a better dialogue.

I've just returned, by the way, yesterday, from Winnipeg. I know about the problems with the first nations there. I have addressed the Manitoba Teachers' Society and I have seen that these problems are huge, so why isn't the first nations issue mentioned? It's a huge challenge. Why isn't that mentioned in this motion?

We come back to M-103. If it says we must study discrimination and racism against all communities, we welcome that. But this is the issue, that it's not just Islamophobia or Muslims. It has to be a study of all kinds of discrimination.

Mr. Dan Vandal: I want to make sure you understand that the 61% increase is against the Muslim community.

● (1715)

Ms. Raheel Raza: I do understand that.

Mr. Dan Vandal: The Muslim community are the victims here.

Ms. Raheel Raza: Yes, and the Muslim community needs to also stand up and take charge of their own issues and look at the problem and decide what they need to do. They should reach out to the government for help, if they need to set up. They have not been awake at the wheel in dealing with this issue.

It's not the government's responsibility to babysit just one community. They need to have their own responsibilities.

Mr. Dan Vandal: Do you equate protecting groups against hate with babysitting?

Ms. Raheel Raza: No, but motion 103, with just one faith mentioned in it, is babysitting.

Mr. Dan Vandal: It is babysitting.

Ms. Raheel Raza: Yes.

Mr. Dan Vandal: Do you have that opinion concerning indigenous people?

Ms. Raheel Raza: No. I believe that every community is lumped together. If all of Canada says that in Canada we as Canadians take up an issue against hate, racism, and bigotry against every community, then it makes sense to me. When it says "Islamophobia", then there is a question there.

Mr. Dan Vandal: I have one minute left.

People have been calling my office about motion 103. They're worried about their freedom of speech being in peril. They're worried about sharia law coming into Canada. People have been calling the mover of the motion and threatening her life.

Hate—where is that all coming from?

Ms. Raheel Raza: We have hate laws in Canada, and it's a terrible thing, if people call and threaten someone. I know that because I have also received threats, so I understand.

Mr. Dan Vandal: But my question is where is that all coming from? Why are people so concerned about this?

Ms. Raheel Raza: I can't answer where it is coming from. I don't have a response to where it is coming from, but wherever it's coming from, it's not right and that has to be also dealt with. Obviously, as I said, racism and bigotry coming from anywhere should be looked at and should be taken care of. It's not specific to just one community.

The Chair: Thank you, Ms. Raza.

We are at the end of this session. We're going to go to another round of five minutes, and I have people's names on the list.

I just as the chair want to take the opportunity, because I was here when we agreed, as you heard from Ms. Dabrusin.... This motion from the House was not sent with an order of reference. In other words, it did not say that we have to do everything there.

On a motion, this committee could have said we're not going to study it because we are not bound to, but this committee, made up of three political parties—I just want to put it in context—agreed to do it. We sat down, we looked at what we were going to do, and we set up the terms of reference and the themes. Everyone around here agreed to those themes.

The themes were clearly based on religious discrimination and all forms of systemic racism. Those were what we were dealing with. Collecting data was another one we are dealing with.

Basically, I really would like to see that you understand what we're actually studying. We're not following the motion word for word. We have defined as a committee what we're going to study and how we're going to study it, and we're not having to slavishly follow anything in this motion. I just wanted to point that out. We decided as a committee of three different political parties, one of which did not vote for the motion in the House, but we all felt that there was a need to talk about this and that we needed to look at how we deal with it.

I want to point out one last piece of the motion that nobody has mentioned. It says, "the Committee should make recommendations that the government may use to better reflect the enshrined rights and freedoms in the Constitution Acts, including the Canadian Charter of Rights and Freedoms." That means section 2, which is religious freedoms, and section 15, which is hate or discrimination against minorities, etc.

I think we set these terms and that they're clear. I don't know that we are discussing one thing, which seems to be a focus here. We're talking about all forms. We clearly set those terms of reference. I just want to put the terms of reference of what this committee is studying on the table, so that when you have questions later on you may put them into that context, that we're not slavishly following the motion that was passed. I wanted you to know that.

Ms. Raheel Raza: I appreciate that. I don't know the protocol here, but am I allowed to ask a question?

The Chair: No. I'm sorry. You're on the hot seat, Ms. Raza, and that's that.

Ms. Raheel Raza: I'm used to it.

The Chair: We're moving into the second round. It's a five-minute round, with five minutes for questions and answers.

We will start with the Conservatives.

Mr. Sweet.

Mr. David Sweet: Thank you, Chair.

I honour your words, but I must add that there are two things that are fundamental to that description. One is that we did vote against it. We negotiated with the mover of the motion to remove the word "Islamophobia", because we felt it was endemically problematic, and replace it with "hatred towards Muslims". The mover of that motion said she would not do that.

Second, we're involved in this because the motion passed the House, because of the majority in the House, and we wanted to make sure that we are part of the process, because we felt it very important. That's why we're here.

If you had a question to ask and you could ask it, what would it be?

● (1720)

The Chair: That's just changing the rules, Mr. Sweet, but go ahead. I will allow it. I will take the chair's discretion and allow it.

Ms. Raheel Raza: Thank you, Madam Chair.

If I were allowed to ask a question, I guess what I would say is, what is the point, then, of bringing people in for testimony if it has already been accepted and agreed upon? You are going to go ahead with the study. As a Canadian citizen, I am here because I am concerned about the long-term ramifications of this motion. Yes, it is not a bill at the moment, but indeed it could become a bill. It could become legislation. That would be very dangerous for the Constitution and for the people, in terms of freedom of expression.

I come from a theocracy, so I appreciate the freedom of expression, the freedom of choice, the freedom of being able to express an opinion, even if it is critical. This is something that I stand up for and constantly argue for.

Mr. David Sweet: Ms. Raza, how long have you been on the forefront of religious freedom, particularly in the Muslim community, as well as women's rights? Would it be at least a couple of decades?

Ms. Raheel Raza: Yes—more. I date myself, but at least three decades.

Mr. David Sweet: How many countries and communities around the world have come to you for your expertise?

Ms. Raheel Raza: I have given advice to the Swedish government. I have spoken to the British Parliament. I have spoken in the United States, and here in Canada as well. Of course, electronically, I have given advice to government people in other European countries as well.

Mr. David Sweet: I would hope, for my colleagues, that the Biblical phrase would not be true here, that the prophet would be honoured in her own land.

I want to ask you something specifically, because we've kind of danced around it. What is the problem with "Islamophobia"?

Ms. Raheel Raza: First of all, the meaning is vague. Second, as I have mentioned, the term "Islamophobia" was coined after 9/11—you don't have to take my word for it; it's all electronically available—by an operative of the Muslim Brotherhood, who actually said, and is quoted as having said, that they would throw this term out there so that there is no questioning, criticism, or any kind of discussion about Islam and Muslims.

I believe that, to a great extent, they have succeeded. It's a new term. It didn't exist 30 years ago. I had never heard of it until 9/11, and it was put out there to effectively stem any kind of critical debate or discussion.

Mr. David Sweet: You are saying that debate is a healthy thing, and this term is designed to quell debate.

Ms. Raheel Raza: Yes, debate is a healthy thing, especially in the climate we are living in today, as far as Muslims are concerned. The term "Islamophobia" obviously deals with Muslims. We are living in very turbulent times, when there needs to be discussion and debate, which is where the Muslim community is coming into the picture as well.

This irrational fear.... I'll give you an example. I've been teaching courses at Ryerson University for the last five years, and my course is on Islamism and radicalization. They have to ask the question, "Is that Islamophobia?" No, it isn't. There are some very critical discussions that take place, because they are authentic. They are valid. They are talking about real issues.

The Chair: Thank you, Mr. Sweet. You have 30 seconds, so if you think you can fit a question in, go right ahead.

Mr. David Sweet: I think you would confirm, then, what Father de Souza said, that there is an abundance of healthy theological exchange happening. It's making a positive difference, and this would quell that debate.

Ms. Raheel Raza: Yes.

Mr. David Sweet: Thank you.

The Chair: Now we're going to Ms. Dhillon for the Liberals, for five minutes.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you for coming here today.

We've heard a lot about what "Islamophobia" means. It doesn't mean curbing freedom of speech, all that stuff. I would like you, please, if you can, to refrain from all that and give us concrete, positive solutions as to how the government can reduce or eliminate systemic racism and religious discrimination for all communities in Canada. What can be done?

● (1725)

Ms. Raheel Raza: Public service messaging is a great idea. It happens in many countries. I've seen it in Europe and in the United Kingdom. This is public service messaging, in various languages, that speaks about tolerance and understanding and diversity.

We already have a thriving acceptance of diversity in this country. I am involved in travelling to educational institutions and law enforcement agencies to speak about diversity and the beauty of diversity, which is a very important component in educating the masses. I don't believe that Canadians at large really understand the difference between, let's say—I speak as a Muslim—Islam and a political ideology. It's important to have those conversations.

The media needs to play a more thriving role not just in upholding one faith community but in talking about issues of diversity. How do we interact with each other? How do we relate to each other? What are the challenges our youth are facing in educational institutions? Perhaps the government could stick their head in and see what is happening there. Are there youth of various ethnic backgrounds who are being targeted, and if so, why?

These are the places in which we begin. We begin with youth at a very young age, because that is where hate is taught. If hate is not taught, then they will grow up to be very tolerant and very accepting citizens of this country.

The Canadian Charter of Rights and Canadian values need to be taught to new immigrants coming into the country. It's all part of a process, and it can be done at various levels and in various ways. I do it in a very small way, but if it's taken over by the government, they can have a very healthy dialogue.

Ms. Anju Dhillon: You spoke about the media. Have you ever approached them and asked them to be more objective in their reporting, for example?

Ms. Raheel Raza: I have, many times. They hate my guts.

Some hon. members: Oh, oh!

Ms. Anju Dhillon: We're talking about systemic racial discrimination, for example, stopping and frisking black people on the street. What are your views on that?

Ms. Raheel Raza: I think any kind of racial discrimination needs to be discussed at the level at which it's happening, with the forces that are doing it. They need to have a better understanding. I believe that the Canadian law enforcement agencies are really handicapped, because they are dealing with such diverse communities but don't really have the in-depth knowledge. There needs to be better interaction.

Again I can only speak for myself. They have come to us and asked for some sort of training and insight into the diverse Muslim communities, of which there are almost 60 different nationalities and cultures existing here. It is up to the individual communities to reach out. This is not a one-way street. If we want a better life and better understanding of the issues, the communities also have to play an important role in working with the institutions. Communities, individuals, and organizations need to work with institutions, perhaps under the umbrella of the government.

Ms. Anju Dhillon: May I ask what kind of training you have provided to law enforcement agencies?

Ms. Raheel Raza: We've provided training on the diversity of the Muslim communities, a better understanding of the culture, of the ethnicity, and of how to deal with them when it comes to issues of law enforcement.

Ms. Anju Dhillon: Did the training make a difference to the problem?

Ms. Raheel Raza: Absolutely it did. They would like us to do more. We are just stretched too thin.

Ms. Anju Dhillon: You're stretched too thin. Thank you so much.

That's it for me.

The Chair: Thanks, Anju.

Now we go to Scott Reid for the Conservatives for five minutes.

Mr. Scott Reid: I want to ask this question regarding the motion, M-103, as it's written, and whether this is a fundamental structural problem with the motion.

I won't read the whole thing, but the motion talks about "the need to quell the increasing public climate of hate and fear". That's a direct quote from one part of it. Elsewhere it talks about developing "a whole-of-government approach to reducing or eliminating systemic racism and religious discrimination".

It appears to me that two things are conflated. One is the random or individual acts of hatred, of racism, including the murderous racism and hatred we saw acted out in January in Quebec City. On the other hand, systemic racism, or institutional racism, is a concept that deals with things such as the differential treatment of, say, aboriginal prisoners in our penal system. They are, I would submit, two utterly different things, but they are conflated here, I think very unnaturally.

I'm giving you an editorial. Do you agree that this is a problem with this motion?

● (1730)

Ms. Raheel Raza: I do believe that this is a problem. It gives the impression that Canadians are inherently extremely racist people and, as far as the usage of the term "Islamophobia", that Muslims are being stoned in the streets of Toronto and there is systemic racism.

Racism exists—I have said that from the very beginning—in varying forms and at various levels. We have to deal with that directly. To position Canada as a country that is inherently systemically racist, that's not my experience or my belief. My family and I have been here, as I've said, for 30 years. I think that's over-exaggerating it.

The Chair: Mr. Reid, I am sorry.

The lights are going. The bells are going. We have votes. We will have to end this.

I'm sorry.

Mr. Scott Reid: May I just take a moment to say thank you?

The Chair: Go right ahead.

Mr. Scott Reid: I just wanted to say thank you very much. Your testimony was very interesting.

The Chair: Thank you, Ms. Raza.

I think we have to go because we have a vote. We've been called. There's a light behind you that's flashing.

Ms. Raheel Raza: Thank you.

The Chair: The meeting is adjourned.

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Justice Centre
for Constitutional Freedoms
JCCF.CA

A Threat to Democracy: Government control over Canadians' thoughts, beliefs and opinions

Submissions on Motion 103

Brief to the Standing Committee on Canadian Heritage

September 27, 2017

Jay Cameron, B.A., L.L.B., and John Carpay, B.A., L.L.B.
Justice Centre for Constitutional Freedoms

About the Justice Centre

Founded in 2010 as a voice for freedom in Canada's courtrooms, the Justice Centre for Constitutional Freedoms defends the constitutional freedoms of Canadians through litigation and education.

The Justice Centre's vision is for a Canada where:

- each and every Canadian is treated equally by governments and by the courts, regardless of race, ancestry, ethnicity, age, gender, beliefs, or other personal characteristics
- all Canadians are free to express peacefully their thoughts, opinions and beliefs without fear of persecution or oppression
- every person has the knowledge and the perseverance to control his or her own destiny as a free and responsible member of our society
- every Canadian has the understanding and determination to recognize, protect and preserve their human rights and constitutional freedoms
- people can enjoy individual freedom as responsible members of a free society.

About the Authors

Jay Cameron – Jay Cameron earned a Bachelor of Arts in English from Burman University, and an LLB from the University of New Brunswick. After articling at a large national law firm and being called to the bar in 2008, Jay worked for the Attorney General of British Columbia as a provincial Crown Prosecutor. His practice included bail hearings, *Charter* Applications, and prosecuting various offences. He returned to Alberta and civil litigation in 2012, and has since appeared at every level of court in four provinces, as well as the Ontario Court of Appeal. In addition to criminal law, Jay's extensive and varied litigation practice has included construction, oil and gas, child protection, administrative law, real estate, family, insurance, land development, personal injury, defamation and constitutional law. Jay joined the Justice Centre in early 2015.

John Carpay – John Carpay was born in the Netherlands, and grew up in British Columbia. He earned his B.A. in Political Science at Laval University in Quebec City, and his LL.B. from the University of Calgary. Fluent in English, French, and Dutch, John served the Canadian Taxpayers Federation as Alberta Director from 2001 to 2005, advocating for lower taxes, less waste, and accountable government. Called to the Bar in 1999, he has been an advocate for freedom and the rule of law in constitutional cases across Canada. As the founder and president of the Justice Centre for Constitutional Freedoms, John has devoted his legal career to defending constitutional freedoms through litigation and education. He considers it a privilege to advocate for courageous and principled clients who take great risks – and make tremendous personal sacrifices – by resisting the unjust demands of intolerant government authorities. In 2010, John received the Pyramid Award for Ideas and Public Policy in recognition of his work in constitutional advocacy, and his success in building up and managing a non-profit organization to defend citizens' freedoms. He serves on the Board of Advisors of iJustice, an initiative of the Centre for Civil Society, India.

Introduction

On March 23rd 2017, the Canadian House of Commons passed M-103 (the "Motion"), a non-binding Motion that condemns "Islamophobia", racism and religious discrimination. The text of the Motion states:

> *That, in the opinion of the House, the government should: (a) recognize the need to quell the increasing public climate of hate and fear; (b) condemn Islamophobia and all forms of systemic racism and religious discrimination and take note of House of Commons' petition e-411 and the issues raised by it; and (c) request that the Standing Committee on Canadian Heritage undertake a study on how the government could (i) develop a whole-of-government approach to reducing or eliminating systemic racism and religious discrimination including Islamophobia, in Canada, while ensuring a community-centered focus with a holistic response through evidence-based policy-making, (ii) collect data to contextualize hate crime reports and to conduct needs assessments for impacted communities, and that the Committee should present its findings and recommendations to the House no later than 240 calendar days from the adoption of this motion, provided that in its report, the Committee should make recommendations that the government may use to better reflect the enshrined rights and freedoms in the Constitution Acts, including the Canadian Charter of Rights and Freedoms*.[1] [emphasis added]

The Motion presupposes as fact that there is a "rising public climate of hate and fear" in this country which the government needs to quell. To "quell" is to "thoroughly overwhelm and reduce to submission or passivity"[2], "to stop something, especially by using force"[3], "to put down forcibly; suppress".[4] Canadians are concerned about the Motion and the potential infringement of their constitutional freedoms. The word "quell" only serves to increase concerns – it is a harbinger of compulsion, with an implied use of force.

The contention that there is a "rising public climate of hate and fear" in Canada is foundational to the Motion. This Committee should be exceedingly wary of presupposing this statement as representative of reality. No evidence has been produced of the existence, scope or severity of the supposed "rising climate of hate and fear" in this nation, or its nature or character. It remains

[1] M-103, *Systemic Racism and Religious Discrimination*, 1st Sess, 42nd Parl, 2017.
[2] [https://www.merriam-webster.com/dictionary/quell]
[3] [http://dictionary.cambridge.org/dictionary/english/quell]
[4] [http://www.thefreedictionary.com/quell]

entirely unclear what this "rising climate of hate and fear" refers to, or what facts form its basis. Laws should target specific problems or injustices. A vague and ill-defined problem cannot lead to the creation of just laws. It would be irresponsible as a Committee to take the existence of this alleged state of affairs at face value in its study of the Motion. Suppositions of unestablished and undefined facts make for bad recommendations of law.

The reality of a peaceful, harmonious Canada

According to the 2017 Global Peace Index[5] presented at the United Nations on June 21, 2017,[6] Canada is the eighth safest country out of 163 nations globally, a figure which improved slightly in 2016.[7] Canada scored particularly well in regard to the absence of internal conflicts, violent crime and political instability.[8] On a yearly basis, Canada is repeatedly voted one of the most desirable countries in which to live.[9] The largely peaceful day-to-day co-existence of millions of people from various races, cultures and religions in Canada contradicts the assertion that there is a "rising climate of hate and fear" in Canada that requires a new and forceful legislative response.

Current laws address real problems, while respecting fundamental *Charter* freedoms

There are legitimate concerns that any legislative action resulting from M-103 would unjustifiably infringe the *Charter*[10] freedoms of Canadians. Existing *Criminal Code* provisions against violence and hate speech, human rights legislation (provincial and federal), the law of defamation, and various other torts (e.g. personal injury, negligence) provide abundant means to address real problems that actually arise in the lives of citizens. These laws place carefully tailored limits on lawful conduct between Canadians while respecting *Charter* freedoms. As John Stuart Mill noted: "[t]he third, and most cogent reason for restricting the interference of government, is the great evil of adding unnecessarily to its power."[11] In the absence of a specific problem that is clearly defined, along with an explanation as to how and why current laws fail to address it, it is neither desirable nor possible to legislate as proposed by M-103 in a manner consistent with the Constitution.

[5][http://visionofhumanity.org/app/uploads/2017/06/GPI-2017-Report-1.pdf]
[6] [http://economicsandpeace.org/events/2017-global-peace-index-release-at-the-united-nations/]
[7] Global Peace Index, p. 2
[8] Global Peace Index, pp.
[9] [https://globalnews.ca/news/3293192/canada-2nd-best-country-2017-world-rankings-survey/];
[10] *The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK),* 1982, c 11 (the "*Charter*")
[11] [http://www.econlib.org/library/Mill/mlLbty5.html]

Attempting to do so would be a transformative and critical step across a line that no government which respects the freedoms of its citizens may cross.

Attempting to "completely eliminate racism and religious discrimination including Islamophobia" in Canada's multicultural society would require a despotic government oppression and control of not only speech and expression, but thought itself. **In proposing to eliminate racism, discrimination and Islamophobia, the government necessarily makes itself the sole arbiter of what constitutes those things, and tasks itself with their elimination.** If M-103 is legislatively codified, the unconstitutional infringement of freedom of thought, belief, expression, conscience and religion is inevitable.

The *Charter* Protects Freedom of Thought, Belief and Expression

Section 2(b) of the *Charter* states:

> Everyone has the following fundamental freedoms:
>
> (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.

The Supreme Court of Canada has stated that "the very lifeblood of democracy is the free exchange of ideas and opinions".[12] Cory J., writing for the majority of the Supreme Court in *Edmonton Journal v. Alberta (Attorney General),*[13] stated:

> It is difficult to imagine a guaranteed right more important to a democratic society than freedom of expression. Indeed a democracy cannot exist without that freedom to express new ideas and to put forward opinions about the functioning of public institutions. The concept of free and uninhibited speech permeates all truly democratic societies and institutions. The vital importance of the concept cannot be over-emphasized… It seems that the rights enshrined in s. 2(b) should therefore only be restricted in the clearest of circumstances.[14]

Speech begins in the mind; it is a reflection of the workings of the inward person. The *Charter* protects freedom of expression "so as to ensure that everyone can manifest their thoughts, opinions, beliefs, indeed all expressions of the heart and mind, however unpopular, distasteful or

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[12] *Committee for the Commonwealth of Canada v. Canada*, [1991] 1 SCR 139 [*Commonwealth*], p. 182, citing *R. v. Kopyto*, 1987 CanLII 176 (ON CA), p. 89.
[13] [1989] 2 S.C.R. 1326 [*Edmonton Journal*]
[14] *Ibid*, para. 2

contrary to the mainstream".[15] Speaking for a unanimous Supreme Court in *Sierra Club of Canada v. Canada (Minister of Finance)*,[16] Iacobucci J. stated:

> Underlying freedom of expression are the core values of (1) seeking the truth and the common good; (2) promoting self-fulfilment of individuals by allowing them to develop thoughts and ideas as they see fit; and (3) ensuring that participation in the political process is open to all persons: *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927, at p. 976; *R. v. Keegstra*, [1990] 3 S.C.R. 697, at pp. 762-64, *per* Dickson C.J. *Charter* jurisprudence has established that the closer the speech in question lies to these core values, the harder it will be to justify a s. 2(*b*) infringement of that speech under s. 1 of the *Charter*: *Keegstra*, at pp. 760-61.

Focus on behaviour or on thoughts?

Criminal racist and discriminatory actions, including those directed against Muslims, are already illegal in Canada.

Enforcing some kind of unspecified ban on racism that goes beyond prohibiting behaviour that is already unlawful would require the government to police personal sentiments based on government definitions of what constitutes racism. Thought control by government, whether achieved or merely attempted, is antithetical to a free society. It is not government's role to compel everyone to like or love each other, or each others' religions and ideologies, nor does government have ability to bring this about. The role of civil government is to provide a framework of order in which people can practice and exercise their freedom of conscience, religion, expression, association, and freedom of peaceful assembly. Requiring citizens to adhere to "correct" or "approved" opinions, or to pretend to do so, is one of the features of totalitarian states.

The criminal law, for example, makes a distinction between *mens rea* (the required mental state) and *actus reus* (the action of committing a crime), and requires both to be established beyond a reasonable doubt to result in a conviction. There is no such thing as a crime where the *mens rea* alone is sufficient to convict. A person cannot be punished for merely intending to steal because the prohibited act has not been committed. In similar fashion, racist or bigoted thoughts should not be punished.

[15] *Saskatchewan (Human Rights Commission) v Whatcott*, 2013 SCC 11, at para 50.
[16] [2002] 2 SCR 522 at para. 75.

In a free society, thoughts about other people should not be punishable. Since racism and discrimination are fundamentally a state of mind, the "quelling" of racism and discrimination requires government interference in the very thoughts of the citizen.

Unacceptably vague terms

Compounding the unconstitutionality of such state interference with personhood is the vagueness and subjectivity of what constitutes "racism and discrimination", not to mention the undefined term "Islamophobia". Without any definition, it will be the responsibility of the Committee to define "Islamophobia" as it considers appropriate. A main concern with the word "Islamophobia" is that it may encompass critique or satire of the religious tenets of Islam.[17]

What is "Islamophobia"?

Words matter, especially in the crafting of laws. M-103 is a direction from the House for this Committee to make recommendations for the purposes of further government action; presumably the creation of new legislation.

The crafting of laws requires certainty. As the Supreme Court of Canada noted in *Greater Vancouver Transportation Authority v. Canadian Federation of Students — British Columbia Component*,[18] the "prescribed by law" requirement in section 1 of the *Charter* exists to protect the public from arbitrary state limitations on *Charter* rights.[19] The Supreme Court of Canada quoted constitutional law professor Peter W. Hogg in regard to the protection against arbitrary state action:

> The requirement that any limit on rights be prescribed by law reflects two values that are basic to constitutionalism or the rule of law. First, in order to preclude arbitrary and discriminatory action by government officials, all official action in derogation of rights must be authorized by law. Secondly, citizens must have a reasonable opportunity to know what is prohibited so that they can act accordingly. Both these values are satisfied by a law that fulfils two requirements: (1) the law must be adequately accessible to the public, and (2) **the law must be formulated with sufficient precision to enable people to regulate**

[17] Barbara Kay, "How Long Until my Honest Criticism of Islamism Constitutes a Speech Crime in Canada?" *National Post*, (7 Feb 2017), see online: [http://nationalpost.com/opinion/barbara-kay-how-long-until-my-honest-criticism-of-islamism-constitutes-a-speech-crime-in-canada/wcm/7b02b5c0-e409-480d-b30a-78fd98681d9e]; Rex Murphy, "M-103 Has Passed. And What Today Has Changed for the Better?" National Post, (24 March 2017), online: [http://nationalpost.com/opinion/rex-murphy-m-103-has-passed-and-what-today-has-changed-for-the-better]
[18] [2009] 2 SCR 295 [*Translink*]
[19] *Translink*, para. 51

> **their conduct by it, and to provide guidance to those who apply the law.**[20] [emphasis added]

Constitutionalism and the Rule of Law are key values to Canada's liberal democracy. Both require certainty in regard to the use of state power and precision in the crafting of laws.

Motion M-103 does not define the term "Islamophobia." Yet "Islamophobia" is a key component of the Motion, because MP Iqra Khalid, who tabled M-103, refused to remove it from the proposed wording.[21] The word remains undefined in the Motion. Presumably, in order to study how to eliminate "Islamophobia" (and provide legislative recommendations), the Committee needs to know what "Islamophobia" is. The Committee cannot make recommendations to quell "Islamophobia" without specifically defining it.

Ms. Khalid proposed to this Committee that "Islamophobia" is the "irrational fear of Islam."[22] This definition creates several problems, not the least of which is whether Parliament can constitutionally legislate against an irrational fear. Laws can and do prohibit bad actions. But irrational fears cannot be outlawed. Should it be against the law in Canada to be irrational? Or fearful? About anything? And if there is an irrational fear of Islam, does that mean that there may be rational fears or concerns that are not "Islamophobic"? Where would the line between the two propositions be?

<u>Section 2(b) Protects Listeners Also</u>

Section 2(b) of the *Charter* protects not only the speaker's right to speak, but also the listener's right to hear. The Supreme Court of Canada has held repeatedly that the public, the intended recipients of the expression, have the right to receive and access information.[23] This right of listeners is as important as the right of the expressing party.[24]

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[20] *Translink*, para. 50
[21] https://openparliament.ca/debates/2017/2/15/iqra-khalid-2/
[22] [http://parlvu.parl.gc.ca/XRender/en/PowerBrowser/PowerBrowserV2/20170918/-1/27847?Language=English&Stream=Video&useragent=Mozilla/5.0]
[23] See, for example, *Ford v. Quebec (Attorney General),* [1988] 2 S.C.R. 712 [*Ford v. Quebec*]; *Harper v. Canada (Attorney General),* [2004] 1 SCR 827 [*Harper v. Canada*]; *Edmonton Journal.*
[24] *Canadian Broadcasting Corp. v. New Brunswick (Attorney General),* [1996] 3 S.C.R. 480 [*Canada Broadcasting Corp*.], at para. 23. See also *Ruby v. Canada (Solicitor General),* [2002] 4 SCR 3 at para. 53.

In *Harper v. Canada (Attorney General),* the majority of the Court noted "the right of the people to discuss and debate ideas forms the very foundation of democracy".[25] In speaking specifically of the need for citizens to hear, the majority of the Court stated:

> Freedom of expression protects not only the individual who speaks the message, but also the recipient. Members of the public — as viewers, listeners and readers — have a right to information on public governance, absent which they cannot cast an informed vote; see Edmonton Journal, supra, at pp. 1339-40. Thus the *Charter* protects listeners as well as speakers; see Ford v. Quebec (Attorney General), 1988 CanLII 19 (SCC), [1988] 2 S.C.R. 712, at pp. 766-67.
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> This is not a Canadian idiosyncrasy. The right to receive information is enshrined in both the Universal Declaration of Human Rights, G.A. Res. 217 A (III), U.N. Doc. A/810, at 71 (1948), and the International Covenant on Civil and Political Rights, Can. T.S. 1976 No. 47. Canada is a signatory to both. American listeners enjoy the same right; see Red Lion Broadcasting Co. v. Federal Communications Commission, 395 U.S. 367 (1969), at p. 390; Martin v. City of Struthers, 319 U.S. 141 (1943), at p. 143. The words of Marshall J., dissenting, in Kleindienst v. Mandel, 408 U.S. 753 (1972), at p. 775, ring as true in this country as they do in our neighbour to the south:
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>> [T]he right to speak and hear — including the right to inform others and to be informed about public issues — are inextricably part of [the First Amendment]. The freedom to speak and the freedom to hear are inseparable; they are two sides of the same coin. But the coin itself is the process of thought and discussion. The activity of speakers becoming listeners and listeners becoming speakers in the vital interchange of thought is the means indispensable to the discovery and spread of political truth. [Citations omitted.]
>> …
>> It is clear that the right here at issue is of vital importance to Canadian democracy… The ability to speak in one's own home or on a remote street corner does not fulfill the objective of the guarantee of freedom of expression, which is that each citizen be afforded the opportunity to present her views for public consumption and attempt to persuade her fellow citizens. Pell J.'s observation could not be more apt: "[s]peech without effective communication is not speech but an idle monologue in the wilderness"; see United States v. Dellinger, 472 F.2d 340 (7th Cir. 1972), at p. 415.[26]

[25] *Harper v. Canada*, at para. 12.
[26] *Harper v. Canada*, paras. 17-20.

The prosecution of ideas that are expressed peacefully by citizens

Michel Juneau-Katsuya appeared as a witness before this Committee on Wednesday, September 20, 2017, and illustrated why so many Canadians are deeply concerned about M-103. Mr. Juneau-Katsuya, formerly of CSIS and the RCMP, currently operates in the realm of private security. His testimony was concerning. He minimized the constitutional rights of Canadians both to speak and to hear, and advocated for the removal of broadcast licenses of radio stations that aired concerns about immigration and Islam, calling such stations "trash radio" to justify censorship (i.e. such stations have nothing legitimate to say, in his opinion, so they should be censored). He stated that there is "too much shyness and political correctness when it comes to the prosecuting process, letting it go under the blanket of free speech and letting things go too far."[27] It is apparent that Mr. Juneau-Katsuya thinks the government should be far more involved in policing the expressions (and therefore the thoughts) of Canadians, and that the *Charter* is an inconvenient barrier to this end. Mr. Juneau-Katsuya could advance arguments as to why some radio programs are "trash," but in a free society this determination is made by individual radio listeners, not by government.

In a multicultural, multi-religious society such as Canada, the ideas of its citizens are as diverse as its people. Many of these ideas necessarily conflict with each other in regard to culture, morality and spirituality, social structure and philosophy. People adhere to a diversity of religions or worldviews (including non-theistic belief systems such as materialism, relativism, and atheism). Each individual believes that her or his worldview offers a superior, or more correct, interpretation of the world. Each person, in turn, has the right to share her or his beliefs with each other and with the public.[28] The stifling of this expression, as advocated by Mr. Juneau-Katsuya, would criminalize lawful conduct that is necessary for Canada's liberal democracy.

<u>Is having or voicing concerns about some Islamists "Islamophobia"</u>

As detailed by Global Peace Index, Canada is the eighth safest country in the world. Much of the world's population is not so fortunate.

[27] http://parlvu.parl.gc.ca/XRender/en/PowerBrowser/PowerBrowserV2/20170920/-1/27874?useragent=Mozilla/5.0
[28] *R. v. Big M Drug Mart Ltd.,* [1985] 1 SCR 295,paras. 94-96.

The Middle East and North Africa ("MENA") is ranked by the Institute for Economics and Peace[29] as the least peaceful region in the world for the fifth successive year. Saudi Arabia, followed by Libya, recorded the largest deteriorations in the region. Both Saudi Arabia and Libya are countries where Islam is the predominant religion. According to the Global Peace Index, "Saudi Arabia fell in the rankings because of its involvement in the Syrian and Yemen conflicts and increased terrorist activity, mainly conducted by ISIL and its affiliates, while the fall for Libya was due to its increased level of internal conflict."[30]

For the year 2016, the domain[31] that deteriorated the most over the ten-year period was Safety and Security, with 61 per cent of MENA countries recording a deterioration. The major declines in this domain occurred in the sub-Saharan Africa region "due to increases in terrorism impact and political instability."[32] In 2016, 94% of the world's peace keeping forces were deployed to Middle East North Africa and Sub-Saharan Africa.[33] The countries these peacekeeping forces are deployed to are predominantly Islamic.

Is it "Islamophobic" for Canadians to be concerned about how the immigration of persons from these nations may impact the safety of Canada? Is it "Islamophobic" to conclude that the nations which are ruled by a combination of "mosque and state" are far less safe than Canada, and are repeatedly and consistently ranked among the most dangerous countries in the world? Should it be illegal to express such concerns?

WADI (Arabic for "Valley") is an NGO operating in the Middle East and focused on women's issues, that started working in Iraqi Kurdistan (Iraqi Kurds are typically Sunni Muslims[34]) in 2003. After gaining the trust of the local women through medical work their patients revealed that female genital mutilation ("FGM") was common.[35] The procedure was reported to be performed with unsterilized instruments or even broken glass and without anesthesia on girls four to twelve years

[29] The Institute for Economics and Peace produces the Global Peace Index, considered the world's leading benchmark for measuring the peacefulness of nations, is used by many leading organisations and presented yearly to the United Nations.
[30] Global Peace Index, p. 2
[31] One of the criterion used to calculate the Global Peace Index
[32] Global Peace Index, p. 3
[33] Global Peace Index, p. 51, table 2.26
[34] [http://www.pewresearch.org/fact-tank/2014/08/20/who-are-the-iraqi-kurds/]
[35] [http://www.meforum.org/1629/is-female-genital-mutilation-an-islamic-problem] See Appendix "A" for full article.

old, with the extent of the mutilation "dependent on the experience of the midwife and the luck of the girl." The cutting of the clitoris is performed according to the "sunnat excision", i.e. the excision according to the tradition of the prophet.[36] The locals reported that the wound is then treated with ash or mud with the girls then forced to sit in a bucket of iced water. Many Kurdish girls die, and others suffer chronic pain, infection, and infertility."[37]

In subsequent studies in the area it was determined that approximately 60% of the women in the area had undergone FGM, stated it was "normal" and that it was both a tradition and religious obligation.[38] Despite the fact that the United Nations has made the prevention of female genital mutilation a priority for three decades, the practice is expanding.[39] The clitoris is considered dirty (haram), and "women fear that they cannot find husbands for their daughters if they have not been mutilated; many believe men prefer sex with a mutilated wife."[40]

Interestingly, when the widespread use of female genital mutilation by Iraqi Kurds was reported, "some members of influential Islamic and Arabic organizations in the diaspora scandalized the findings, accusing WADI of trying to insult Islam and spread anti-Islamic propaganda."[41] Members of the "Initiative of Muslim Austrians called the data part of an "**Islamophobic campaign**" and declared no FGM exists in Iraq."[42]

Is it "Islamophobia" to voice concerns about the safety and security of Muslim women? Is it irrational for a Canadian to be concerned about child female genital mutilation, and its continued occurrence in some Canadian Islamic communities,[43] or that there has never been a conviction for female genital mutilation in Canada?[44] Is it rational, or irrational, to believe that the Constitution of Canada protects a little girl's right not to have her genitals mutilated? Is it rational or irrational

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[36] [https://wadi-online.org/2017/03/06/the-campaign-against-female-genital-mutilation/] See Appendix "A" for full article.
[37] *Ibid.*
[38] *Ibid.*
[39] *Ibid.*
[40] *Ibid.*
[41] *Ibid.*
[42] *Ibid*. And see Julia M. Masterson and Julie Hanson Swanson, Female Genital Cutting: Breaking the Silence, Enabling Change (Washington, D.C.: International Center for Research on Women and the Center for Development and Population Activities, 2000), p. 5.
[43] [http://www.metronews.ca/news/canada/2017/08/21/women-in-ismaili-muslim-sect-say-they-have-had-fgm-in-canada.html] See Appendix "A" to this report for full article.
[44] [http://www.metronews.ca/news/ottawa/2017/07/18/ottawa-says-no-commitment-on-tracking-cases-female-genital-mutil.html]

to be concerned about the safety and autonomy of Canadian women who may be compelled to wear a burka, hijab or niqab against their wills, in a society that respects the equality, opinions and rights of women? Is it rational or irrational to be concerned about suicide bombers and terrorism? Is it racist to express concerns about these issues? Is it discriminatory? Is it "Islamophobic"?

Further, there are different beliefs and factions within Islam, and these ideological conflicts are sometimes expressed by violence.[45] Is a Shiite "Islamophobic" for expressing strong disagreement with Sunni teachings or practices? Can a Muslim be "Islamophobic" if he criticizes the practice of female genital mutilation? Tarek Fatah, a Muslim, testified before this Committee on Wednesday, September 20th, 2017, and stated that "so-called" experts in Islam (whom he likened to Islamic popes who pretend to infallibility), who are in favour of jihad and burkahs and female genital mutilation, must be challenged.

Is Mr. Fatah an "Islamophobe" because he thinks that it is repugnant for women to be compelled to wear a burkah? Should his ability to think or say this be quelled? Does the Committee know the answers to any of these questions? Should it pretend to?

Islam is not a single, united, coherent and uniform whole. Instead, there are different factions, movements and ideologies within Islam. Which one of those factions are Canadians free to be concerned about? Canadian Muslims have the constitutional right to criticize the positions of those within their own religion, with whom they disagree. Likewise, non-Muslims also have the constitutional freedom to criticize Islam. All Canadians enjoy the freedom to criticize all religions (including worldviews and belief systems such as atheism, agnosticism and other "isms"). The Supreme Court of Canada has ruled that the state is not to make itself the arbiter of religious dogma.[46] The myriad questions are proof of the wisdom of the *Charter* and the Supreme Court of Canada's holding that the state is to be neutral in regard to debates about religion.

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[45] [http://www.bbc.com/news/world-middle-east-16047709]

[46] *Syndicat Northcrest v. Amselem*, [2004] 2 SCR 551, para. 50: "In my view, the State is in no position to be, nor should it become, the arbiter of religious dogma. Accordingly, courts should avoid judicially interpreting and thus determining, either explicitly or implicitly, the content of a subjective understanding of religious requirement, "obligation", precept, "commandment", custom or ritual. Secular judicial determinations of theological or religious disputes, or of contentious matters of religious doctrine, unjustifiably entangle the court in the affairs of religion."

Conclusion

When a Parliamentary Committee is asked by the House of Commons to study something, the Committee should know what that "something" is. So should Canadians. There are three main problems with M-103. First, the Motion is vague and lacks the certainty for proper legislative recommendations. Second, the state has no business in attempting to control the minds and thoughts of its citizens, as is implicitly proposed by the Motion; the *Charter* stands as a guardian between the citizen and oppressive state action. Third, "Islamophobia" is not capable of constitutional legislative prevention for the reasons set out herein.