



The Committee for Justice in Canada  
**B'NAI BRITH CANADA**  
Le comité pour la justice au Canada

## **Submission to the Standing Senate Committee on Human Rights for its Study of Islamophobia in Canada February 13, 2023**

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B'nai Brith Canada is Canada's oldest grassroots Jewish community organization dedicated to eradicating racism, antisemitism and hatred in all its forms, championing the rights of the marginalized, while providing basic human needs for members of the Jewish community.

### **EXECUTIVE SUMMARY**

No Canadian should be persecuted or oppressed because of their race, gender, sexual orientation, physical or psychological limitations, ideology, and/or religious beliefs. The development, by the federal government of a Canadian definition of hatred towards Muslims will enable the creation of both proactive and remedial policies that will have the capacity to effectively contribute to the mitigation of instances of hatred towards Muslims.

This committee has heard from various community stakeholders about how it can best understand the scope of anti-Muslim hatred in Canada and what is the most effective means through which to confront hate directed at Muslims. The submissions received thus far have utilized the term Islamophobia to describe the undue persecution of members of the Islamic faith. However, the term Islamophobia refers to an irrational fear of Islam and of its adherents. Its many definitions and understandings cause confusion to the public, and the term is regularly used overbroadly, beyond a hatred towards Muslim persons. Not only is the term used with overbreadth, but its meaning is too narrow to encapsulate all forms of anti-Muslim hatred.

Our federal government should formally develop a Canadian term and definition that correctly encapsulates anti-Muslim hatred. Doing so will enable instances of hatred versus Muslim persons to be more readily identified and ensure that our society can proactively confront its occurrence. However, a definition that is overly broad and based upon the concept of Islamophobia has the potential to do a disservice to the Muslim community in Canada, to endanger members of minority cohorts in Canada, and to be contrary to the jurisprudence established in consideration of the *Charter of Rights and Freedoms* and prevailing provincial human rights legislation.

The purpose of our submission is to provide the committee with an opinion that considers the best interests of all minority persons in Canada, including those who continue to face a worsening climate of antisemitism across the country. These written submissions will detail why it is the opinion of B'nai Brith Canada that the unduly broad use of the term Islamophobia, based on the valid concerns enumerated above, is not the most tactical way to define anti-Muslim hatred. Additionally, there is the potential for serious harm to many

vulnerable cohorts within Canadian society that will emerge as a result of the use of an overly broad definition. B'nai Brith Canada proposes the following recommendations to ensure that a Canadian definition of anti-Muslim hatred is as beneficial as possible to Canada's Muslim community, and by extension to all Canadians:

1. Advocate for the construction of an accurate definition that clarifies what constitutes hatred against Muslim individuals in Canada.
2. Ensure that the definition meets the needs of the progressive and expanding democratic Muslim community in Canada by narrowing the focus of the definition to protecting Muslim persons and not the entire Islamic faith.
3. Ensure that the definition does not endanger the security and viability of minority communities in Canadian society by preventing them from duly confronting Islamic extremism.
4. Ensure that the definition aligns with the precedential interpretation of the *Charter* and the prevailing human rights jurisprudence by balancing the need to protect members of Canada's Muslim minority from hate, while still enabling the free expression of *bona fide* criticisms of extreme manifestations of the Islamic faith, thus complying with our societal obligation to protect religious freedom.

## **A MADE IN CANADA DEFINITION MUST PRIORITIZE PROTECTING MUSLIM PERSONS**

### **Introduction: The Focus Must be on the Individual**

In her June 20<sup>th</sup>, 2022, submissions before this committee, Professor Jasmine Zine suggested that there was a pressing need to defend against Islamophobia in Canada and that Canadians needed to understand Islamophobia to be a system of oppression. Professor Zine's assessment is problematic, as she suggests that the scope of our understanding should include the notion that, "Islamophobia is best captured as a fear or hatred of Islam and Muslims and those perceived to be Muslims, because we know Islamophobia has affected people who are misidentified as Muslims."<sup>1</sup> Zine has provided the definition of an overly broad concept. She is describing a phobia, an irrational fear. In this instance, the fear of Muslims and/or their faith. What she has failed to do is to define what constitutes hatred toward Muslims.

The aim of constructing a Canadian definition of anti-Muslim hate must be to protect Muslim Canadians by denouncing all harmful speech and actions that target or injure Canadian Muslims. The *Charter* sanctifies the right of every person in Canada to freely embody and engage in their own religious beliefs. Further, it upholds the separation of church and state, which requires that religion be a private matter that each person is entitled to embrace should they choose to.<sup>2</sup> The focus of any definition intended to protect a member of a vulnerable religious group must be on the protection of that individual. In Canada, our jurisprudence is clear, no faith is protected from criticism under the *Charter*.

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<sup>1</sup> Canada. Parliament. Senate. Standing Committee on Human Rights. Minutes of Proceedings. (Meeting No. 13, June 20, 2022) 44th Parliament, 1st Session. (Online). available at [Standing Senate Committee on Human Rights \(44th Parliament, 1st Session\) \(sencanada.ca\)](https://www.sencanada.ca/standing-committee-on-human-rights/44th-parliament-1st-session).

<sup>2</sup> See *R. v. Big M Drug Mart Ltd.* [1985] 1 SCR 295. Available at <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/43/index.do>. At paragraph 123, Chief Justice Dickson, writing for the majority, describes the purpose of section 2(a) of the *Charter*, "Viewed in this context, the purpose of freedom of conscience and religion becomes clear. The values that underlie our political and philosophic traditions demand that every individual be free to hold and to manifest whatever beliefs and opinions his or her conscience dictates, provided inter alia only that such manifestations do not injure his or her neighbours or their parallel rights to hold and manifest beliefs and opinions of their own."

It is only Muslim persons that are vulnerable to the consequences of anti-Muslim hate in this country. While Muslims remain a small minority within the Canadian population, as was reported by Statistics Canada in 2022, at a time when other religions are in decline, the Muslim population in Canada more than doubled between 2001 and 2021.<sup>3</sup> The Islamic faith is, based on the most recent census data, thriving in this country, and is forecasted to grow at increasing rates through 2030. Therefore, the notion that the Islamic religion in Canada needs to be protected is contradicted by the 2021 Census data. Rather, what needs to be ensured is that the growing number of Canadian Muslims are protected from all forms of discrimination.

Unfortunately, some of the literature and testimony presented to this committee has strayed from this objective. For instance, in her previously referenced submissions, Professor Zine referred to her 2022 study *The Canadian Islamophobia Industry: Mapping Islamophobia's Ecosystem in the Great White North*. The misguided focus of her study was not to delineate what constitutes anti-Muslim hate, but rather to unfoundedly suggest that there is an industry in Canada devoted to profiting from Islamophobia. In doing so, she unfairly targeted groups that defend human rights and represent other vulnerable minorities, principally those that advocate for the rights of Jewish persons in Canada. Simply by including them in her report, she accuses these organizations of generating hatred against Muslims to further their own furtive Zionist intent, which Zine suggests is to lobby support for Israel.

What is ironic about this smear campaign is that it demonstrates exactly why a Canadian definition of hatred against Muslims must be restricted to one that solely prevents discrimination against Muslim individuals. Professor Zine has taken umbrage with the Zionist expressions of some Jewish human rights groups. Zionism is a core tenant of the Jewish faith.<sup>4</sup> Zine finds this Jewish belief to be problematic and has dedicated chapters in her report to condemning the Zionist expressions of certain Jewish Canadian groups. She questions the authenticity of these religious beliefs by falsely insinuating that the aim of the Zionist expressions of Canadian Jewry is to impose an apartheid style regime over the Israeli state.

The Jewish community, which is the most targeted group for religious motivated hate in Canada, does not and has never sought to insulate its own faith, Judaism, from public criticism or debate. Instead, the community focuses its energies on protecting individuals who are hated because of their Jewish identity. Hypocritically, if the definition of Islamophobia endorsed by Professor Zine were to be accepted, there would be no ability for academics or other advocates to undertake research and author reports about aspects of the Islamic faith that in their learned opinion requires scholarly examination.

### **The Separation of "Church and State" a Cornerstone of Canada's Democracy**

The separation of Church and State, or in this instance, Mosque and State, is quintessential to the sanctity of Canada's democracy. It is what ensures that Canada remain a secular country open equally to all persons regardless of their religious creed. It enables the Canadian state to aspire to foster an environment where equal respect and consideration is given to all the practitioners of all the religions practiced within its territorial realm.

The need for such a separation is reflected in Section 2 of the *Charter*, which declares that everyone has the right to, "freedom of conscience and religion."<sup>5</sup> It is our submission that the drafters of the *Charter* and

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<sup>3</sup> Statistics Canada. 2022. " The Canadian census: A rich portrait of the country's religious and ethnocultural diversity." *The Daily*. October 26. Statistics Canada Catalogue no. 11-001-X. p 13. Available at <http://www.statcan.ca/Daily/English/040728/d040728a.html>.

<sup>4</sup> Isaac Hershkowitz."Early Religious Zionism and Erudition Concerning the Temple and Sacrifices" *Religions* 13, no. 4 (2002): 310. Available at <https://doi.org/10.3390/re113040310>.

<sup>5</sup> *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11, s 2(a).

those who have interpreted it since its inception have protected individuals and not the infallibility of any particular religion. The promotion or provision of unwarranted special treatment to one religion, or even a suggested dogmatic interpretation of one religion, would be diminishing the barriers erected, through the course of the maturation of Canadian democracy, to separate the metaphorical church from the state. Doing so risks upsetting the balance that allows our nation to exist as a multicultural and multiethnic domain. Such multiplicity can only remain if we continue to adhere to positions that respect the separation of religion and state by focusing on protecting the rights of individual persons and not in promoting the infallible sanctity of specific faiths.

### ***A Definition That Enables the Due Criticism of Islam Protects Muslim Canadians***

We must also not lose sight, in our efforts to protect all Canadians from undue harm, of the merits of ensuring that our society remains one where criticism of certain religious beliefs and practices remains permissible. We cannot outlaw the due condemnation of religious practices or beliefs to prevent undue discrimination of individuals on religious grounds. Canada is a secular democracy, there are fundamentalist and extreme interpretations of religious texts that are not permissible under our laws. The means to ensure that religious practice does not unreasonably compromise the values and ethics of our society, as they have been codified over time through our legislation, must continue to exist. This requires the ability to discuss, refute, condemn, and when required prosecute certain actions that might otherwise be justified as stemming from a genuine religious belief.

For example, in the most orthodox interpretation of Judaism, a divorce is complete once a man issues a document called a *Gett* to his wife and she accepts it. However, in Canada, given the potential ramifications of an unjust and or unequitable divorce, for a divorce to be considered legitimate, it must be endorsed by a Canadian court and follow the provisions of the *Divorce Act*. The obtaining of a *Gett* is not sufficient to render a couple legally divorced, as this would be contrary to the values of our society as they have been enumerated in the relevant legislation pertaining to divorce. The Canadian definition of antisemitism has not prohibited condemnation of religious practices, rather it is designed to protect Jewish persons from undue discrimination. As a result, it has not prevented Canadian courts from being critical of the traditional *Gett* system and intervening to nullify unfair consequences of its use in Canada.<sup>6</sup>

The Canadian Council of Muslim Women has put together a helpful guide for Canadian women that embodies this concept. It is entitled *Marriage and Divorce: All Women. One Family Law. Know your Rights*.<sup>7</sup> It ensures women who are facing limitations to re-marrying and/or getting divorced because of the decision of a religious court that they have recourses available to them under Canadian law. The usage of the term Islamophobia, which is generally perceived to restrict the critical assessment of Islam and its religious jurisprudence, would hamper the ability for feminist organizations like the Canadian Council of Muslim Women to promote legal remedies to women being unfairly burdened by the ruling of an Islamic court or tribunal, and may complicate a Canadian court's ability to grant a relief.

Another example of why the term Islamophobia is problematic when used to define anti-Muslim hatred is the various forms of punishment permitted by certain interpretations of the *Sharia* law that would violate

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<sup>6</sup> See the case of *Bruker v. Marcovitz*. In this case the majority of the Supreme Court of Canada opted to intervene to force a husband to grant his aggrieved wife a religious divorce. *Bruker v. Marcovitz*, [2007] 3 S.C.R. 607, 2007 SCC 54. Available at <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2397/index.do>.

<sup>7</sup> Family Law Education Network. *Marriage and Divorce: All Women. One Law. Know your Rights*. Canadian Council of Muslim Women. Available at: [https://onefamilylaw.ca/wpcontent/uploads/2017/11/FLEW\\_CCMW\\_MD\\_EN.pdf](https://onefamilylaw.ca/wpcontent/uploads/2017/11/FLEW_CCMW_MD_EN.pdf).

Canada's criminal laws.<sup>8</sup> Canadian courts have permitted the usage of *Sharia* law in civil cases on consent of both parties. As well, legislatures in this country have explored incorporating certain *Sharia* values into their family law regimes.<sup>9,10</sup> As the referenced studies of Chotalia and Emon demonstrate, there is room in our progressive and diverse society to incorporate aspects of religious theology and jurisprudence that accord with the rights and freedoms enshrined in the *Charter*.

The usage of the term Islamophobia would prevent fair criticism of Islamic beliefs and confound the prosecution of those who act extra judicially in a manner justified by an extreme interpretation of Islamic scripture but that is contrary to Canadian law. There is nothing in the Quran or the Hadiths that justifies the murder of women through the concept of "Honour Killings", but certain Muslim extremists attempt to justify these acts using scripture. However, some interpretations of the Quran do allow corporeal punishment against women who, for example, engage in premarital sex or commit adultery.<sup>11</sup> Therefore, the utilization in Canada of a definition of anti-Muslim hatred that prevents due criticism of the Islamic faith would do a disservice to the Muslim community itself. It would make Muslim women vulnerable to those who use a radical manifestation of the Islamic religion to justify committing acts of violence and abuse. It would also stymie the positive attempts undertaken to date by Canada's courts to incorporate aspects of religious and ethno-cultural jurisprudence into Canada's legal system, which has endeavoured to strike a balance between accommodating cultural differences and protecting individual freedoms.<sup>12</sup>

Not only will an overbroad definition endanger vulnerable members of the Muslim community, it has the capacity to unfairly foster negative sentiments about the Muslim cohort in Canada as a collective whole. Islam is a beautiful faith, but like all religions it has fundamentalist believers whose extreme views do not accord with Canadian values. These radical views do not respect the opinions of the vast majority of Canadian Muslims, many of whom identify as proud Canadians with a deep attachment to the nation's values.<sup>13</sup>

Canadian pluralism, which enables our functional multiculturalism, relies on perceived cultural similarities to predicate social inclusion and cohesion.<sup>14</sup> Acts of violence committed in the name of a perverse interpretation of Islam and the proselytizing of radical Islamic beliefs facilitate the opposite effect. They foster a rush to moral judgement where public, political, and media dialogues insinuate inaccurately that

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<sup>8</sup> See the following article as an example of a criminal offence committed in Canada where the committers of the crime justified their actions as being permissible under *Sharia* law. Michael Frisciolanti. "Inside the Shafia killings that shocked a nation". *Maclean's*. March 3, 2016. Available at <https://www.macleans.ca/news/canada/inside-the-shafia-killings-that-shocked-a-nation/>.

<sup>9</sup> Shirish P Chotalia. "Arbitration Using Sharia Law in Canada: A Constitutional and Human Rights Perspective" *Constitutional Forum* 15, no.2 (2006): 63-78.

<sup>10</sup> Anver Emon, "Islamic Law and the Canadian Mosaic: Politics, Jurisprudence, and Multicultural Accommodation" (2009) 87:2 *Canadian Bar Review* 87, no. 2. 391.

<sup>11</sup> Government of Canada. "Preliminary Examination of so-called 'Honour Killings' in Canada". December 2021. Available at <https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/hk-ch/toc-tdm.html>.

<sup>12</sup> Marion Boyd. "Dispute Resolution in Family Law: Protection Choice, Promoting Inclusion". December 2004. 89-92. Available at <http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/boyd/>.

<sup>13</sup> See the CBC article highlighting the results of a 2015-2016 Environics Institute study which indicate that 83% of Canadian Muslims reported being "very proud" to be Canadian and that 94% suggested that their sense of belonging was "strong". Eric Grenier. "Muslim Canadians Increasingly Proud of and Attached to Canada, Survey Suggests". *CBC News*. April 27 2016. Available at <https://www.cbc.ca/news/politics/grenier-muslim-canadians-environics-1.3551591>.

<sup>14</sup> Hajra Tahir and Saba Safdar. "Cultural similarity predicts social inclusion of Muslims in Canada: A vignette-based experimental survey". *Front Psychol.* 13:973603. (2022). Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9724625/pdf/fpsyg-13-973603.pdf>.





destructive policies.”<sup>20</sup> She also recommends that, “UN bodies, such as UNICEF and UNESCO must engage in dialogue with the Taliban authorities and ensure Muslim scholars from Afghanistan and other countries are present in the dialogues to make the Taliban understand the importance of girls' education in Islam.”<sup>21</sup>

Canada’s interest in continuing to ensure the well being of Afghanistan, especially its women and children, is undeniable. In fact, Recommendation 5 of this committee’s December 2022 *Interim Report on Canada’s Restrictions on Humanitarian Aid to Afghanistan* calls for the federal government to, “Urgently increase its humanitarian assistance to Afghanistan and neighbouring countries, and continue to ensure that reasonable steps are taken to minimize the accrual of benefits to the Taliban.”<sup>22</sup> Such a recommendation would be thwarted by Canada’s usage of the term Islamophobia, particularly when accompanied with the troubling definition used by several witnesses to this committee. It would prevent Canadian Islamic scholars and federal bureaucrats from advocating against the Taliban’s usage of the Islamic faith to oppress Afghan women and girls in the manner suggested by experts like Ahmadi, which would require the denunciation of the Taliban’s conceptualization of Islamic scripture.

Recently, thanks to the efforts of a coalition led by B’nai Brith Canada and several Iranian Canadian human rights groups, the portion of Metcalfe Street in Ottawa that runs adjacent to the former embassy of the Islamic Republic of Iran was ceremonially renamed in honour of Mahsa Amini.<sup>23</sup> Amini was a Kurdish Iranian citizen who was tragically murdered by the Guidance Patrol of the Law Enforcement Command of the Islamic Republic of Iran after she was arrested for not wearing a *hijab*. The Guidance Patrol is a morality police tasked with regulating the population in accordance with the Islamic Republic of Iran’s interpretation of Islamic standards.

On October 3<sup>rd</sup> 2022, Canada’s Minister of Foreign Affairs, announced new economic sanctions against the regime of the Islamic Republic of Iran due to, “gross human rights violations that have been committed in Iran, including its systematic persecution of women and in particular, the egregious actions committed by Iran’s so-called ‘Morality Police’.”<sup>24</sup> The Guidance Patrol and the integrity of its conceptualization of the *Sharia* has been deliberated, “The interpretation of the Islamic doctrine to ‘enjoin good and forbid wrong’ is a controversial one in Iran. Some conservatives have attempted to legalize this doctrine, in effect creating vigilante groups that could enforce what they deem to be Islamic in society. Critics have argued this allows police and other security groups unprecedented interference in people’s daily lives.”<sup>25</sup> A Canadian definition of anti-Muslim hatred centered on the concept of Islamophobia would prevent criticism of the usage of extreme interpretations of the Islamic faith by foreign governments and would thwart the efforts of all Canadians of good conscience to stand against the most egregious of human rights violations.

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<sup>20</sup> *Ibid*

<sup>21</sup> *Ibid*

<sup>22</sup> Canada. Parliament, House of Commons. Standing Senate Committee on Human Rights. *Interim Report on Canada’s Restrictions on Humanitarian Aid to Afghanistan*. 44<sup>th</sup> Parl, 1st Sess. 5<sup>th</sup> Report. Chair: Salma Ataullahjan. Page 10. Available at [https://sencanada.ca/content/sen/committee/441/RIDR/reports/2022-12-14\\_RIDR\\_Report\\_FINAL\\_e.pdf](https://sencanada.ca/content/sen/committee/441/RIDR/reports/2022-12-14_RIDR_Report_FINAL_e.pdf).

<sup>23</sup> Jonathan Bradley. “Ottawa Renames Street Near Former Iranian Embassy After Mahsa Amini”. *Western Standard*. January 26 2023. Available at [https://www.westernstandard.news/news/ottawa-renames-street-near-former-iranian-embassy-after-mahsa-amini/article\\_495444d0-9dbb-11ed-bcc4-bb2eca667759.html](https://www.westernstandard.news/news/ottawa-renames-street-near-former-iranian-embassy-after-mahsa-amini/article_495444d0-9dbb-11ed-bcc4-bb2eca667759.html).

<sup>24</sup> Canada. Global Affairs Canada. Statement From Foreign Ministers on Taliban Decision to Ban Women From Universities. Ottawa: December 21 2022. Available at <https://www.canada.ca/en/global-affairs/news/2022/12/statement-from-foreign-ministers-on-taliban-decision-to-ban-women-from-universities.html>.

<sup>25</sup> Arash Karami. “Rouhani: Police Should Not Enforce Islam”. *Al-Monitor*. April 27 2015. Available at <https://www.al-monitor.com/originals/2015/04/iran-police-enforce-islam-rouhani.html>.

In Qatar, homosexual acts are illegal and carry the death penalty for Muslims convicted in the country's *Sharia* courts. This is because, in Qatar, same sex couples cannot get married and the country has outlawed all extramarital fornication based on its conceptualization of the concept of *Zina*. *Zina* is an Islamic legal term that refers to unlawful sexual intimacy. However, modern Islamic jurists are increasingly questioning whether non-heterosexual coitus is expressly forbidden by Islamic scripture.

Shafiqa Ahmadi, a professor at the University of Southern California, whose research focuses on legal, secular, and religious perspectives of marriage suggests that, "Given that the Qur'an does not specifically address homosexuality, that there is an ambiguity with *Shari'a* and its interpretation of the Qur'an and hadith, and that *Shari'a* adapts to community standards yielding to the political tides of a community, it is imperative that the global Muslim community openly address the status of homosexuality in Islam."<sup>26</sup> Qatar's hosting of the 2022 FIFA World Cup brought its persecution of LGBTQ persons into the global spotlight. Canadian leaders seized this opportunity and openly condemned the problematic treatment of LGBTQ community members in Qatar.<sup>27</sup> Such condemnations are a critical step towards reversing the political tides referenced by Ahmadi. However, if Canada reverts to utilizing the confusing term Islamophobia to define anti-Muslim hate, it would not be outside the realm of possibility that Canadians would be discouraged or prevented from speaking out critically against draconian understandings of Islamic theology that are contrary to the advancement of human rights worldwide and from advocating for LGBTQ rights in Muslim countries.

## A DEFINITION THAT DOES NOT SILENCE VULNERABLE CANADIANS

The utilisation of extreme renderings of the *Sharia* to call for the persecution of members of the LGBTQ community also occur within the confines of Canada's borders. Younus Kathrada, an imam for the Muslim Youth Victoria in British Columbia, in a June 24, 2022 sermon posted to YouTube, implored his followers to, "Look to the Quran, when Allah speaks of what these people did, and they engaged in homosexual acts, in sodomy, Allah deemed this to be a *fahisha*, an abomination, an immorality, an indecency, a shameful deed. This is what Allah refers to it as. And we learn from the Quran that Allah punished them with a severe punishment."<sup>28</sup> The teachings of Kathrada, which suggest that being a homosexual is immoral and makes one worthy of severe persecution, contrast directly with the present position of Canada's federal government.

In August of 2022, the Prime Minister's office launched Canada's first ever federal LGBTQ focused action plan. The government clearly stated its position, "No matter who you are or who you love, you should have every opportunity to succeed in Canada. The Government of Canada has taken historic action in recent years to build a better, more inclusive future for Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex, and additional sexually and gender diverse people (2SLGBTQI+), and we know there is more to be done."<sup>29</sup> A Canadian definition of anti-Muslim hate that nullifies the ability to chastise those

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<sup>26</sup> Shafiqa Ahmadi. "Islam and Homosexuality: Religious Dogma, Colonial Rule, and the Quest for Belonging". *Journal of Civil Rights and Economic Development*, 26 no. 3 (2012). Page 562. Available at <https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1709&context=jcred>.

<sup>27</sup> Abbas Rana. "Sport Minister St-Onge Refused to go to Qatar for FIFA World Cup to Show Solidarity With LGBTQ Community and Migrant Workers, say Liberal Sources". *The Hill Times*. December 4 2022. Available at <https://www.hilltimes.com/story/2022/12/04/sport-minister-st-onge-refused-to-go-to-qatar-for-fifa-world-cup-to-show-solidarity-with-the-lgbtq-community-and-migrant-workers-say-liberal-sources/357797/>.

<sup>28</sup> MEMRI TV Videos. "Canadian Imam: Homosexuality Is an Abomination; Oh Allah, Bring Annihilation Upon the Criminal Jews!". YouTube Video. June 30 2022. Available at <https://www.youtube.com/watch?v=u1x33BYv3uU>.

<sup>29</sup> Prime Minister of Canada. "Prime Minister Launches Canada's First Federal 2SLGBTQI+ Action Plan to Continue Building a More Inclusive Future, With Pride". August 28 2022. Available at



who preach intolerance, like Younus Kathrada, negatively impact our government's commitment to ensuring that Canada continues to develop into a more inclusive country and a safe space for all its citizens.

Younus Kathrada also uses his perverse interpretation of Islamic scripture to justify calling for the destruction of the Jewish people from his Canadian-based pulpit. In the above referenced sermon Kathrada implored god to, "Bring annihilation upon the plundering Jews. Oh Allah, bring annihilation upon the criminal Jews. Oh Allah, bring annihilation upon the Jews, who attacked your abode, the Al-Aqsa Mosque."<sup>30</sup> Kathrada's dangerous rhetoric has been denounced by B'nai Brith and other organizations in Canada, including some Muslim organizations.<sup>31</sup> This includes fellow Victoria based Imam Ismail Nur of the Masjid Al-Iman mosque. In 2019, Nur stated that Kathrada's teachings, "Do not represent the view of the Muslim youth in Victoria nor the view of the mosque. Our aim is to highlight and focus on the things we have in common to help foster a more healthy community for all."<sup>32</sup> The capacity for representative human rights organizations like B'nai Brith and for theologians like Nur to rebuke the validity of Kathrada's harmful preaching would be thwarted by a definition of anti-Muslim hate that prevents the Jewish community and its allies from standing against antisemitism emanating from a particular faith.

Though the vast majority of Canadian Muslims are upstanding and valued members of our society, as is the case with all religions, there are some members of the Islamic faith who harbour problematically radical beliefs. A recent example of this are Canadian Muslims who became indoctrinated by the radical Salafist beliefs of the Islamic State of Iraq and the Levant (ISIL). Extreme conceptions of Salafism promote the belief that Muslims should establish a global caliphate through physical conquest. The House of Commons, in response to a 2015 report by the Standing Committee on Foreign Affairs and International Development on Canada's response to ISIL, assessed that, "Terrorist attacks in Canada, Australia, France, Denmark and the United States by individuals inspired by ISIS and other jihadist propaganda, demonstrate that what is happening abroad can be brought home...In addition, the threat of foreign fighters continues to grow as individuals, including Canadians, join ISIS, receive training or become radicalized to the point of violence, and travel to other regions."<sup>33</sup> It is clear that such radical beliefs do not align with the liberal values of the Canadian democracy.

The standing committee recommended, and the government concurred that, in order to combat against this developing threat, "That the Government of Canada work with international partners, community and religious leaders, and civil society to counter ISIL's extremist ideology online and to expose ISIL's violent and intolerant nature, objectives and actions."<sup>34</sup> A Canadian definition of anti-Muslim hate should enable the refutation of the Salafist views promoted by ISIL and facilitate interventions undertaken by the federal government.

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<https://pm.gc.ca/en/news/news-releases/2022/08/28/prime-minister-launches-canadas-first-federal-2slgbtqi-action-plan>.

<sup>30</sup> Supra, Note 27.

<sup>31</sup> B'nai Brith Canada. "BC Imam Prays for the Annihilation of "Criminal, Plundering Jews". June 17 2022. Available at <https://www.bnaibrith.ca/bc-imam-prays-for-the-annihilation-of-criminal-plundering-jews-2/>.

<sup>32</sup> Cindy E. Harnett. "Imam Says Views in Video Don't Represent Victoria Muslims". *Victoria Times Colonist*. Jan 8 2019. Available at <https://www.timescolonist.com/local-news/imam-says-views-in-video-dont-represent-victoria-muslims-4668865>.

<sup>33</sup> House of Commons Canada. "Government Response to the Eight Report of the Standing House Committee on Foreign Affairs and International Development Entitled: 'Canada's Response to the Islamic State of Iraq and the Levant (ISIL)'" 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session. 2015. Available at <https://www.ourcommons.ca/DocumentViewer/en/41-2/FAAE/report-8/response-8512-412-203>.

<sup>34</sup> *Ibid*.

## RECOMMENDATIONS

As described above, there is a need for the demarcating of what constitutes anti-Muslim hatred. However, any Canadian definition must be crafted in a way that ensures that it is a beneficial tool and conforms with Canadian values and legal precedence. The definition must not be reactionary. The rising levels of religious intolerance in this country require stringent responses. However, in formulating our responses to various forms of hatred we cannot abandon the principles of universal human rights values, and must ensure the rights of all Canadians, the safety and security of every citizen, and enable Canada to remain a global leader in the proliferation and protection of human rights. B'nai Brith Canada therefore recommends that the Standing Senate Committee on Human Rights:

- I. *Advocate for the construction of an accurate definition that clarifies what constitutes hatred against Muslim individuals in Canada.*
- II. *Ensure that the definition meets the needs of the progressive and expanding democratic Muslim community in Canada by narrowing the focus of the definition to protecting Muslim persons and not the entire Islamic faith.*
- III. *Ensure that the definition does not endanger the security and viability of minority communities in Canadian society by preventing them from duly confronting Islamic extremism.*
- IV. *Ensure that the definition aligns with the precedential interpretation of the Charter and the prevailing human rights jurisprudence by balancing the need to protect members of Canada's Muslim minority from hate, while still enabling the free expression of bona fide criticisms of extreme manifestations of the Islamic faith, thus complying with our societal obligation to protect religious freedom.*