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Are Muslims discriminated against in Canada Since September 2001? ¹

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Abstract

Following the terrorist acts in the United States in September 2001, hostility towards Muslims increased in North America and Europe. This article describes the different forms of discrimination suffered by Muslims in Canada inasmuch as the data gathered during and before the last two years allow it. It also attempts to describe the main factors underlying the hostility towards Muslims in Canada and how these factors could be peculiar to the Canadian society, where the State proclaims itself to be the only multicultural State in the West and one of the most respectful of immigrants and cultural minorities' rights.

Résumé

À la suite des attentats terroristes aux États-Unis en septembre 2001, les actes hostiles se sont multipliés à l'égard des personnes de confession musulmane dans les sociétés occidentales. Cet article retrace les diverses formes de discrimination subies par les musulmans au Canada autant que le permettent les données compilées avant et après les événements de septembre 2001. Il tente aussi de repérer les fondements de cette discrimination qui s'avèreraient propres au Canada, un pays dont l'État se proclame le seul État multiculturel au monde et parmi les plus respectueux des droits des immigrés et de leurs descendants.

Introduction

According to the Multiculturalism Act (1988), “The Government of Canada recognizes the diversity of Canadians as regards race, national or ethnic origin, colour and religion as a fundamental characteristic of Canadian society and is committed to a policy of multiculturalism”. Therefore discrimination against Muslims is a subject of interest in Canada since the September 11th 2001 terrorist attacks in the United States. Islam is a new phenomenon in Canada, it became part of the public debates during the 1990’s. In 1994, students wearing the hijab were expelled from some schools in Quebec, and since 1996 data have been published which showed the growth of the Muslim population. According to the 2001 census data, the Muslim population numbered 579,000 persons, from 253,000 in 1991. The majority live in the Toronto area where people of Pakistani origin form the largest group, and Montreal is the second largest place of concentration. 120,000 Muslims live there, mostly from Arab origin.

This article has four objectives : to describe the discrimination suffered by Muslims in Canada, to assess any increase since September 2001, to define the reasons of this hostility, and to determine its eventual specificity. The fulfillment of these objectives requires the specification of the definitions of discrimination including those provided in Canadian legislation.

1. Discrimination and the right to equality

The Canadian Charter of Rights and Freedoms (1982) and other provincial Charters of Rights and Freedoms² protect fundamental freedoms (of conscience, religion, thought, opinion, expression, peaceful assembly, association, defense) and basic human rights (to life, security, privacy, dignity, non-harassment, presumption of innocence). They prohibit discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental and physical disability. The right to equality protected by these documents is fourfold : equality before the law, equality in the application of the law, equality of protection by the law and equal benefit of the law. The concept of equal benefit of the law aims at countering a formal conception of equality as an identical treatment of all by the law can cause a serious inequality. It is a Canadian principle that the respect of true equality often requires that distinctions be made (Crépeau, 1994).

In its 1989 unprecedented judgment³, the Supreme Court defined discrimination as “distinction, whether intentional or not, based on motives related to the personal characteristics of an individual or a group of individuals, which impose on this individual or group burdens, obligations or disadvantages not imposed on others, or prevent or restrict the access to the possibilities, benefits and advantages offered to other members of society”. Discrimination is defined as the denial of equality based on an unlawful criterion of distinction, and can be either direct or indirect.

Direct discrimination occurs when one or more of personal characteristics based on an unlawful criterion are explicitly applied to deny a right or a freedom. Indirect discrimination occurs when a measure produces an uneven effect for a group or a person identified by a similar unlawful criterion (physical characteristics, cultural origin, age, gender, religion, handicap), although the measure’s author did not explicitly aim for this effect (Bosset, 1989; Ledoyen, 1992). The example that is cited most often is the weight or size requirement to become a police officer or a fireman. In practice, these requirements exclude members of groups generally lacking the required weight and size.

One also speaks of systemic discrimination when inequalities between groups of people are not ascribable to an identifiable factor but seem to be linked to a number of factors, present and/or past. Such is the under representation of groups of people in certain occupations compared to the members of charter groups, such as the Canadians of British or French Canadian ancestry. This fact raises some questions. Is it due to discriminatory, voluntary or involuntary, practices, or to characteristics recognized as sources of economic differentiation (schooling level, work experience, knowledge of the official languages)? In Canada, the under representation of members of “visible minorities” in public office was recognized as part of past and present discriminatory practices, and the Employment Equity Act was passed in 1986.

Discrimination can also be distinguished according to its source. Institutionalized discrimination occurs when public laws and measures intentionally exclude some people from the enjoyment of a right recognized to others. This denial of rights or freedoms, for example, existed from 1908 till the 1960’s when quotas for immigrants from Middle-Eastern and “Asian” countries were applied.

Lastly, we can speak of veiled (Kunz, Milan et Schetagne, 2001), usual (Ledoyen, 1992) or voluntary discrimination (McAndrew et Potvin, 1996) to refer to attitudes or private practices which, based on an unlawful criterion, lead to the exclusion of people from spheres of daily social life. These practices are difficult to prove, poorly documented and quantified, and seldom result in complaints. Nevertheless, their effects are manifested in different ways such as the under representation of members of certain ethno-cultural groups in particular neighbourhoods, associations, clubs and social networks of other groups (networks of colleagues, neighbours, friends; intermarriages).

In the case of people of Muslim heritage, these various forms of discrimination can be demonstrated in some fields but are difficult to prove in others.

2. Direct discrimination: denial of basic rights and freedoms

2.1. By individuals

2.1.1. Hate Crimes

Hostile acts against an individual or a group based on a personal attribute, such as public insults, incitement for hatred, physical violence, and attack on property are infringements of the rights to dignity, safety, integrity and the peaceful enjoyment of property⁴. This form of discrimination was little documented during the 1991 Gulf War (Abu-Laban and Abu-Laban, 1991 : 124-126) and after. After September 11th 2001 ethnic and human rights organizations started to monitor it more systematically as hate crimes multiplied, and as fear and dejection led to a number of emergency calls to these organizations by people anxious to know how to ensure their personal security. Muslims feared to be attacked because of their religious and cultural practices (clothing, beard, headers), their attending Muslim worship places and schools, or their taking leaves of absence during religious holidays.

The Canadian Islamic Congress (CIC) figures indicate a 1600 % increase in hate crimes against Muslim individuals or places from September 2001 to September 2002 (Media release, March 10, 2003). The Congress had received 11 complaints related to such crimes the year preceding the September 2001 attacks, but this figure increased to 173 the following year. In the United States, the 2001 Federal Bureau of Investigation (FBI) report indicates the same 1600 % increase

in hate crimes against people perceived as Muslims : 28 in 2000, and 481 in 2001 including 3 murders and 35 arson cases (Abdelkarim, 2003 : 51). The Toronto Police Service Hate Crime Unit (2001 : 8, 11, 13, 22) noted a 66 % increase in hostile acts in 2001, 90 % of the increase related to the terrorist attacks against the United States, (that is 121 of the 338 hate crimes committed during the year, mainly between September and October 2001). Of these 121 acts, 57 targeted specifically Muslims or Islam⁵. In comparison, in 2001, 58 hate crimes were counted against people from Jewish origin, 53 against “Blacks” and 24 against homosexuals. And only one hate crime towards a person identified as Muslim had been recorded, in 2000. The police departments of three other Canadian cities also reported an outbreak of hate crimes from September till the end of December 2001, all connected to the terrorist attacks : 40 in Montreal, 24 in Calgary and 44 in Ottawa (Hussain, 2002 : 23). Moreover, if reports had been rare before September 2001, between September 11 and November 15, 2001, the Canadian chapter of the Council on American Islamic Relations was advised of 110 incidents, including 10 death threats, 10 hate messages, 33 verbal aggressions and 13 assault and battery incidents (CAIR-CAN, Press release, November 20th 2001).

However, the statistics related to verbal harassment, death threats, physical attacks and hate crimes remain vague for several reasons. These acts seldom lead to complaints by the victims or reports by their witnesses. This fact is known. According to the latest investigation on this matter, carried out in 2002 in France, only 48 % of the French polled declared they were ready to report a racist behavior to the police (Zappi, 2003). In the United States, whereas the FBI reports 481 hate crimes against Muslims in 2001, 1,700 were reported to the CAIR-U.S. chapter from September 2001 to February 2002 (Abdelkarim, 2003). During discussion groups organized by the Canadian Council of Muslim Women and attended by 181 women, participants reported 40 cases of threatening or insulting phone calls, insults on the street, vandalism, assault and battery, of which 2 were reported to the police (Hussain, 2002 : 23). In Montreal, between September 11 and 20, 2001, police recorded a dozen complaints for verbal harassment and 83 hate events between September 2001 and September 2002 (Taillefer, 2002), whereas, according to testimonies gathered by community organizations, Muslims or Middle Eastern immigrants suffered more insults in public venues such as the street, public transit or the work place. Besides Canadian Muslims not complaining to the authorities, one factor plays its role. Muslim

community consolidation is still weak in spite of the multitude of religious and secular associations of various vocations, and the two pan-Canadian organizations that document the infringements of Muslims' rights and freedoms, CAIR-CAN and the Canadian Islamic Congress, have little means. Another factor explains the inaccuracy of the statistics. Some Canadian police services do not record hate crimes (Halifax), or do not record the ethno-cultural origin of the victims (Windsor) or their religion (Hamilton⁶, Calgary, Waterloo, Edmonton). The categories used to identify the victims or to classify the hate crimes also vary. For example, the Toronto Police Hate Crime Unit which exists since 1993, jointly uses the categories of Muslim, Pakistani, Middle Easterner, Somali, Arab and East Indian. This makes it difficult to know if religion, national or cultural origin, or physical characteristics are the bases of hate crimes. The same unit does not include insults in the street as hate crimes, whereas Muslim organizations and the Jewish B'nai Brith (*The Gazette*, 2003) include them.

Attacks against places of Muslim worship, which did not exist before, increased also sharply after September 11th. According to CAIR-CAN, 12 such attacks occurred across Canada from September 11 to November 15, 2001 (Hussain, 2002 : 14), and according to testimonies of 181 women living in various Canadian cities, at least an attack took place against a place of worship in each Canadian city between September 2001 and June 2002 (Hussain, 2002 : 15); 16 were bomb attacks. A police presence was assured for only a few days or weeks after the attacks in front of the important Muslim places of worship in the country for Friday prayers, as well as in front of Muslim schools.

In Canada as in Western European countries (Diène, 2003: 3), hate crimes towards people of Muslim heritage decreased in 2002 and thereafter. The Toronto Police Hate Crime Unit (2002 : 10 and 13) recorded only 10 such crimes in 2002 against "Muslims", to which 15 crimes against "Pakistani", "Afghan", "Palestinian", "Middle-Easterners" and "Arab" could be added. However, attacks against worship places continued.

According to Canadian social workers in the field of immigration, the decrease in hostile acts in 2002 and after is explained by the experience of the Canadian municipal, school and police authorities in the management of inter-ethnic conflicts along with the network of relations existing between these authorities, public organizations and NGO's in the field of ethnic

relations. Examples of this practice are often cited. In the major Canadian cities, police authorities have a crisis management unit composed of representatives from different ethnic backgrounds. This bond proved to be useful at times of violent incidents. For example, when a Muslim adolescent was physically assaulted by young people in September 2001 in Ottawa, municipal bodies and community organizations condemned the attack and rallied public opinion, stopping, it is believed, any replication of such acts. In contrast, when a Sikh temple, apparently mistaken for a mosque, was totally burned in Hamilton (Ontario), relations between ethnic groups and the authorities deteriorated because of the lack of experience in inter-ethnic conflicts and of contacts between police authorities and ethnic communities. A hate crimes unit was established.

One can observe that, in Canada, hostile acts targeting Muslims took more the form of insults, threats and attacks of places of worship than of assault and battery or physical aggressions. Two aggressions were violent : one against a Pakistani immigrant family beaten in a Montreal park in the spring of 2002, and the very brutal incident against a teenager who was severely wounded in Ottawa in September 2001. In both cases, youth of European origin were involved.

According to the United Nations' special report (Diène, 2003: 2, 4), hostility against Arabs and Muslims took different forms in different countries. There took more the form of attacks against people in the United Kingdom and Germany, particularly against women wearing the hijab, of an escalation of conflicts on various issues between "Muslims" and the rest of the population in Denmark, of attacks against worship places in the Netherlands (90 from September 11 till October 2, 2001 according to the Association of Anti-discrimination Centers) and in Australia, of acts of malice in France (169 declared in a 2002 of which a third were in the north and in Île-de-France, Zappi, 2003), and of verbal harassment and physical attacks against Muslim individuals in the United States.

2.1.2. Labour market and working place

No extensive national data on any rise in the discrimination suffered at work by people of Muslim heritage since September 2001 are available. No past or present study distinguishes the Middle Eastern and South Asian groups (notably the Pakistani group) in its presentation of data

on discrimination at work. According to the Ethnic Diversity Survey, 64 % of the members of visible minorities report discrimination or unfair treatment at work, but no data according to ethnic origin or religion is yet available. Nevertheless, investigations in Quebec described the obstacles and disadvantages suffered by people of Muslim heritage in the province.

In the spring of 2001, questionnaires on discrimination in hiring visible minorities were sent to 197 employers in Quebec city, yet only 19 responded⁷ and a third (35 %) declared that they refused to employ an « Arab » or a person from the Maghreb (Lubuto Mutoo, 2001). After September 2001, some Quebec NGOs committed to the integration of minorities in the labour market received calls from employers asking them not to refer « Arabs » (Bouchard *et al.*, 2002 : 10), and, significantly perhaps, the *Directeur de l'État civil* in Québec mentioned a « phenomenal » increase in « requests by Muslims » to change their names as of September 2001 (*idem*). According to another recent study (Tadlaoui, 2002 : 20), three categories of people experience particular difficulties finding jobs : « Blacks, people of Arab origin and 'visible' Muslims ». Discrimination takes the form of refusal to take into consideration the résumés of people from Arab origin or Islamic faith under the pretext that they do not take part in the life of the company and that their habits are too distant from those considered Quebec ones. Some job applicants were also excluded because of their French accent, « bad attitudes » during the interview, a « badly written » C.V. or a negative perception of their cultural or racial group by customers in the case of sales departments. Another handicap for Muslims and members of other visible minorities to gain employment is more difficult to grasp, yet it is real. They do not belong to employment networks. This is significant given the fact that approximately 80 % of jobs are not posted for the general public. Employers' practice of recruiting within the networks they know is described as "cloning" (Luboto Mutoo, 2001). This practice is often due to the preoccupation of saving time and money which ethnocentrism, racism or xenophobia accentuate. In addition, discrimination at work manifested itself in the form of threats and offensive comments against signs related to Islam (hijab, clothing, beard), of dismissals for expressing a political opinion (generally on a question relating to the Middle-East) or refusing to remove a clothing item (hijab) and of unfounded allegations on the part of colleagues (Lubuto Mutoo, 2001). These forms of discrimination are substantiated by Muslim immigrants' testimonies in other Canadian cities (Bel Hassen, 2002 : 12; Toronto Star, 2002⁸).

Nevertheless, these data do not allow for any conclusion about a rise of direct discrimination against Canadian Muslims on the labor market or at work. But, it should be recalled that little documentation exists about similar cases of discrimination. Complaints on the matter are rare, and the reasons given for a refusal to hire or a dismissal of members of cultural or racial minority groups are generally covered with other pretexts so that one can only guess the true reasons. Another denial of an economic right has been noted since September 2001. People named Osama had their banking accounts unjustly frozen or some of their colleagues try to get them dismissed. A documentary in production details these experiences. Entitled “Being Osama”, it is financed in part by a public Québec organization (SODEC) and should be broadcast by the main Canadian TV networks, CBC, CTV, Global, and by Al Jazeera (Montgomery, 2003).

2.1.3. School

Prior to September 2001, the most numerous incidents concerning the status of Islam at school occurred in Quebec. In 1988, a parents’ committee in a Montreal school rejected an Arabic class as-a-second language course, despite the existence of a program by the Ministry of Education of Quebec for this purpose. Fifty-two hundred pupils were benefiting from it at the time. The arguments used by opponents revealed the prevalence of an Arab stereotype which was becoming a Muslim one: “The teaching of Arabic is only the first step of a broader strategy, then it will be the Koran”; “The boys are already *macho* as it is, what will one teach in this course?”; “Arabs should remain in their homeland, we must defend our quality of life, our values vis-à-vis them”. The fact that the Arabic-speaking parents who requested the course were largely Christians and educated mothers, was ignored by the parents’ committee or else was seen as a strategy in order to hide real intentions (“They hide behind Christians and women, but one should not be misled”) (McAndrew, 2002 : 137). The school administration created the course.

A similar incident occurred in another Montreal school in March 1991, when Muslim parents asked for the teaching of Muslim morals as allowed by article 5 of the 1988 Law on Public Education and article 41 of the Quebec Charter of Rights. In this case, there was no solution because of the opposition of parents from other faiths (Proulx, 1994). In 1994-95, twelve pupils wearing the headscarf made newspaper headlines. Once again, “slippages and stereotyped

presentations of the Muslim community abounded, in particular in the discourse originating from the civil society (letters and phone-in programs, positions of teachers' groups, and grass-roots feminists or nationalists)" (McAndrew, 2002 : 134; our translation). Islam and often the Quebec Muslim community were presented as a threat to democracy and equality of men and women, and Islam was implicitly, if not openly, compared to fundamentalism and terrorism (McAndrew, 2001 : 139). After six months of public controversy by feminist⁹, nationalist (Lenk, 2000) and *pro-laïcité* (Ciceri, 1999) movements, the Commission des droits et libertés de la personne gave an opinion in 1995 : similar use must be allowed for fear of infringing on the rights of the girls, and the public dispute ended.

Contrary to expectations, racist incidents between pupils or between pupils and school personnel were rare following September 2001 attacks and were quickly controlled. Measures were taken as of the week of the attacks and during the following weeks. In Montreal, the police established contacts with representatives of Muslim organizations and presentations about the "Arab community" were made to the municipal police, to the ethnic-community specialists at schools and to school directors. Post-traumatic stress management teams were also made available to the Montreal-area schools, and spaces open in these schools and some universities for pupils and professors involved in incidents (Duchesne, 2001). Similar measures and their impact remain to be documented in other Canadian schools.

2.2. By government organizations and their agents

2.2.1. Ethnic profiling and attacks on freedoms

An anti-terrorism law¹⁰ (C-36) was adopted on December 7, 2001 by the Canadian Parliament. It is interesting to note that Canadians have since then expressed little concern about terrorism. According to a survey by Environics Research Group between September 26 and October 11, 2002, 18 % identified war as their major concern, 16 % environment, 11 % famine in the world and 9 % terrorism.

Law C-36 led to the modification of 22 existing Canadian laws (Jézéquel, 2002) including the criminal code, the protection of personal information, access to information and the request of evidence (which no longer obliges the Crown to provide all elements). It also created criminal

offenses : facilitating and inciting terrorist acts¹¹, affiliation with organizations suspected of being involved in similar acts, financial support of a terrorist entity leading to the seizure of property and goods suspected of being used for terrorist activities. The term “facilitating” is criticized by the Canadian Bar Association because the facilitation of terrorist activities is said criminal even in the absence of any knowledge of these activities by the accused. Moreover, any person (lawyer of the accused) and any organization whose some members could be accused of facilitation, could be charged with the same crime. Besides, Law C-16 (Charities Registration Act) includes the cancellation of the status of charitable organization of any group that finances or is suspected of financing terrorist activities¹².

The law also erodes the protection of freedoms by increasing the powers of the police. The police was given the rights to conduct secret searches, to expand the six-month period of electronic eavesdropping and to listen to a person’s overseas communications on a simple decision by the Minister of National Defense and without judicial oversight. The law also gives the police the right to hold people in custody for 72 hours without charge, to conduct inquiries without obligatory warrant and to oblige detainees to undergo interrogation in front of a judge under the penalty of a year’s imprisonment, and it allows for the tracking of the air travels of Canadians and for the keeping of the record for six years. The measures pertaining to evidence and custody are to be reviewed after five years. The others are permanent.

Law C-36 erodes the freedoms of all Canadians through procedures that undermine the rights of an accused to remain silent and to know the charges against him/her. But, in fact, it targets directly people of Muslim heritage and has two particular consequences for them. The first is their profiling by the security forces, especially at the borders (Hurst, 2001; Makin, 2003). The second is the Canadian Security Intelligence Service (CSIS) and RCMP attempts to collect intelligence from people who are active within the Muslim community or from Muslims who have precarious immigration status (foreign students, asylum seekers whose files are under examination by the authorities). These attempts are justified by the need for intelligence on the possible existence of Islamist networks in Canada, and are extremely harmful for Muslims. They create suspicion in people’s minds about an important presence of Islamist extremists in Canada and the Muslim population’s failure to report their existence to the authorities. Law C-36 is the

most serious infringement on the rights of Canadian Muslims, and is highly criticized by their representatives.

3. Indirect discrimination

3.1. Systemic discrimination

Systemic discrimination against members of ethno-cultural minority groups feeds on various unjust practices : refusal to hire, requirement of higher qualifications or lower salaries for similar qualifications. On average, immigrants are paid lower wages than natives with the same level of schooling¹³. According to the 2001 census, in 2000, immigrant males obtained on average an wage of 63.1 cents compared to 1\$ for natives with a similar level of schooling. In 1980, the ratio was 71.6 cents for males who immigrated that year. Moreover, male immigrants who have been in Canada for ten years received on average 79.8 cents compared to 1\$ by the natives of similar level of schooling. In 1980, the pay rate was equal (1\$ for all). Up to that period, immigrants overcame in ten years the handicap of lacking Canadian work experience, an argument used throughout Canada in order to underpay them. In the case of women, the ratio was and still remains even more unfavourable. So, immigrants who have arrived since the 1980s, between them a significant number from Muslim countries suffer from a structural disadvantage.

A study (Pendakur, 2000) shows also that, for same levels of age and schooling, people from non-European origins experience a clear disadvantage on the Canadian job market; on average their income is lower by 8 % compared to people of European origin. Besides, census data show that the percentage of members of visible minorities with a post-secondary diploma is higher than that of other Canadians, but this fact is not reflected in the distribution of occupations. Only the business and engineering sectors show similar rates of employment between natives and immigrants (Kunz, Milan et Schetagne, 2001) and the sectors of computer sciences and advanced technologies are the only real cultural mosaics in term of the personnel composition.

However, these data do not allow us to know how people of Muslim heritage experience then and now these disadvantages in the absence of statistical analyses¹⁴ taking into account religion. One cannot either speak about a more or less strong systemic discrimination in their access to jobs in the public sector. All recent immigration groups are under-represented in this sector.

According to the 1996 census, 5.9 % of federal public office jobs were held by members of “visible minorities” (Working Group, 2000). But the precise situation of people of Muslim heritage in this regard is unknown. The same observation holds in another field where systemic discrimination exist, the housing market.

3.2. Reasonable accommodation

In a 1985 judgment (Ontario Human Rights Commission vs. Simpson Sears Ltd., 1985, 2R.C.S. 536), the Supreme Court defined indirect discrimination as “discrimination through prejudicial effect” and created the obligation of accommodation to counter this effect. The case concerned a Seventh-day Adventist demanding the right to observe the Sabbath without giving up her full-time job at Simpsons Sears Ltd., which had refused her request. The Supreme Court ruled that a compromise had to reduce the discrimination suffered by the employee because of her faith and specified that the solution had to be reasonable, i.e. no undue hardship imposed on the employer, such as an exaggerated financial cost, significant disadvantages, the reduction of safety requirements, a denial of other employees’ rights or of collective agreements. In this case, the work schedule could be adjusted.

The spirit of this judgment can apply to other working regulations as well as to other fields, such as regulations related to the offer of services and goods be they private or public. The cases of conflict of cultural norms within a society are indeed frequent. They can relate to the diet of in-patients or prisoners and children placed in foster homes, the provision of worship spaces for minorities in the work place and in schools, medical practices, burial mode, or child punishment which brings into play youth protection and parental authority laws.

The notion of reasonable accommodation imposes itself in Canada under the terms of the legislative text which calls for the promotion of a pluralist and equitable society (Multiculturalism Act, 1988) and of article 27 of the Canadian Charter which states that “The Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.” Contrary to other Western countries, this notion represents a legal obligation and implies two principles. One is paramount : no cultural arrangement can jeopardize a person’s rights and freedoms and fundamental laws. The respect of cultural

differences can never contravene the basic principle of Canada's legal and political systems, which is the respect for individual rights. No collective cultural right is granted to the ethnic minorities that would enable them to create closed communities, such as the right to separate judicial courts. Cultural relativism is allowed in as much as this fundamental principle is applied. The second principle requires that the accommodations maintain a balance between the rights of the parties, which ones must contribute to updating and applying them. The spirit of any reasonable arrangement is to avoid litigation and reduce cultural inequalities through negotiation. Many religious accommodations have been adopted during the 1980's and 1990's because as the Supreme Court put it in its 1985 judgment: "A tiny inconvenience is the price to pay for freedom of religion in a multicultural society". Here are some Quebec examples which spirit have been followed in other provinces and notably in Toronto. At the Montreal Children Hospital, parents of minority confessions are allowed to bring meals to their hospitalized children, and a manually-opened door has been installed to allow Hassidic Jews to visit patients on the Sabbath; in public schools a flexible pedagogical day is scheduled so that Orthodox, Coptic and Catholic children could celebrate Easter on their respective dates; at the Polytechnic school, examinations are held during weekdays for the students of Judaic confession (Conseil des relations interculturelles et de l'immigration, 1993). But other requests gave rise to trials, the most publicized of which were the demand by a Hassidim group to put erouv wire in one district (granted by Québec Superior Court judgment, June 2001), and a student's demand to carry a Kirpan in public schools (ruled out but the same court, 2004).

In the case of the Muslim population, before the 1980's, an agreement was reached between the City of Montreal and two Muslim organizations for the opening of a Muslim space in two cemeteries and, one of these organizations (Al Islam) was also given the right to celebrate and record marriages. During the 1980' and 1990's, Muslim girls were given the right to wear a more modest uniform during physical education courses and Muslim pupils granted a two-hour period in order to observe Friday congregational prayer. In certain Canadien National units, the work schedule was adjusted to create three free periods per day to allow Muslim employees to pray. In the municipal swimming pools, a three-hour period has been reserved to young Muslims and divided between boys and girls, and in three universities Muslim students given spaces for prayers. But some requests were not granted, such as creating Muslim sections in the cemeteries of cities other than Montreal, the refusal of an employee of the Quebec Provincial Police to

translate the recording of a conversation collected through eavesdropping because his religion prohibits denunciation or the refusal of an employee of the Montreal police to give parking tickets for reasons of conscience in name it was repression. And Muslims appear to be more targeted in terms of the frequency and extent of the conflicts around accommodations. As McAndrew (2002 : 138) stated: "The religious prescriptions of Jehovah's Witnesses are more questionable at the level of pupils'success and psycho-social integration and contrary to the school's function of critical education, but they never get the same publicity as those of Muslims" (our translation).

Since September 2001, the situation is characterized in Quebec as in all Canada not as much by a higher number of requests, refusals or acceptances of religious accommodations in favor of Muslims as much as by one new fact, the coverage of these cases by the media. *The presence of Islam would seem to be a fact that is recognized by Canadian journalists, but what about its representation by the media and the Canadian population?*

4. "Usual" discrimination

"Usual" discrimination always remains difficult to prove because of the lack of proof of the denial of freedoms or basic rights, but facts lead to assume it plays a definitive role.

4.1. Attitudes

One survey conducted across Canada (Angus Reid,1991) show that the persons of Muslim heritage were victims of unfavourable perceptions before September 2001. Almost all respondents said they feel more comfortable with natives rather than with immigrants, and even less comfortable with the Indo-Pakistani, Sikh, Black, West-Indian, Arab and Muslim groups. In the fall of 2001 (IPSOS-Reid), 82 % of Canadians feared that Arabs and Muslims would become the target of prejudices but almost one year after, in July 2002, according to a CROP survey on the religious belief of persons 16 to 35 years old, 76 % of Quebec respondents and 55 % of other Canadian respondents thought that religions are causes of conflict between peoples, and 17 % of the former and 13 % of the latter thought that Islam promotes confrontational relations (*Le Devoir*, July 22, 2002). In August 2002, according to another IPSOS-Reid survey, 45 % of Quebecers, 37 % of Albertans, 33 % of Ontarians and 22 % of British Columbia residents agreed

with the statement : “The September 11 attacks made me more mistrustful of Arabs or Muslims coming from the Middle-East” (people of Middle Eastern origin are mostly established in Quebec and Ontario). In fact, according to a survey conducted by Leger Marketing in September 2002, 33 % of Canadian respondents declared they had heard racist comments against Muslims and Arabs.

The September 11 terrorist acts and the measures adopted by the government to control the borders had also a notable effect on the attitudes of Canadians towards immigration. According to a survey by the Association for Canadian Studies in August 2002, 43 % of respondents indicated that Canada accepted too many immigrants from Arab countries, 40 % from Asian countries, 24 % from Africa, 21 % from Latin America and 16 % from Europe. When respondents feared a future terrorist attack in North America, the percentages increased : 49 % wanted a reduction of Arab immigration and 47 % of Asian immigration. In November 2002, another survey by *Maclean's* magazine, *Global TV* and *The Citizen* indicated the same trend : 44 % of Canadians wanted a reduction of immigration from Muslim countries. The highest percentage was in Quebec : 48 % versus 45 % in Ontario, 42 % in Saskatchewan and Manitoba, 43% in the Maritimes, 39% in British Columbia and 35% in Alberta. The average percentage in favor a reduction of the immigration from Arab countries was 49 % a year earlier.

By mid-March 2003, the week the Anglo-American war on Iraq began, a war not favoured by the Canadian government, 70 % of 2002 Canadians polled by the Association for Canadian Studies and Environics Research Group “see intolerance towards immigrants and ethnic groups as a serious problem in Canada and 68 % harbour concerns over anti-Arab sentiment, 54 % worry about anti-Semitism and 55 % about an anti-black sentiment. But still 30 % felt Arabs project a negative image while 38 % felt the same about Aboriginals, 13 % about Blacks and 11 % about Jews (Jayoush, 2003). Concerning this image of people of Arab origin, no significant difference was notable between provinces.

The “Muslim” negative stereotype appears strong within at least one third of the Canadian public opinion and no significant change from the 1990's or between September 2001 and March 2003 could be asserted. Some Canadian media fed that negative perception, particularly since 2001.

4.2. Media coverage

The increase over the past 20 years of violent events in Muslim countries or involving individuals of Muslim faith gave rise to an abundant media coverage intended for a Western general audience. This is particularly true for the Israeli-Palestinian conflict, the wars in Lebanon, Bosnia, Kosovo, the Gulf (1991), the Caucasus, Afghanistan, Iraq, the September 2001 attacks and others before or thereafter. Like every other coverage of current events, this coverage tends to omit past and present socio-political analysis of the conflicts (Helly, 2002). Moreover, the coverage reproduces more frequently the Orientalist archetype (Said) of an insurmountable gap between Islam and other monotheist religions, and between the evolution of Western and Islamic cultures and countries.

Canadian media coverage of events concerning or implying countries or people of Muslim heritage since September 2001 constitutes one of the most significant subjects of criticism by Canadian Muslim organizations. The main critique is the constant reference to Islam to qualify positions and political actions. We hear about “Muslim extremists” or “Islamic militants” whereas any religious qualification is omitted when similar positions or actions by people of other religions are treated. In one interview (Weld, 2003), Wahida Valiante, vice-president of the Canadian Islamic Congress, explained: "We never refer to those involved in the Northern Ireland conflict as Catholic terrorists. In dealing with Bosnia and Kosovo, there were Christian and Orthodox terrorists, but they were never called that, though there was much discussion of Muslim Bosnian terrorists".

According to a CAIR-CAN investigation involving 296 Canadian Muslims in 2001, 56 % said that Canadian media coverage had become more biased with regard to Islam and Muslims after September 2001 while 13 % declared it had improved. In the view of the first group, *CBC*, *The Toronto Star* and *The Globe and Mail* were the most objective media while *The National Post*, *Global Television*, *The Ottawa Citizen* were the most hostile to Islam (Press release, May 9, 2002; *Alternative Perspective*, September 2002). Also, the 181 participants in the discussion groups on the condition of the “Canadian-Muslim women” (Hussain, 2002 : 28) agreed that *CBC* had presented a balanced information during the events of September 11, 2001, especially through its programs *The National* and *The Passionate Eye*.

Since 1998, the Canadian Islamic Congress publishes *Anti-Islam in the Media*, an annual study of the coverage of eight Canadian newspapers (*The Globe and Mail*, *La Presse*, *The National Post*, *The Ottawa Citizen*, *The Gazette*, *The Toronto Star*, *The Toronto Sun*, *The Winnipeg Free Press*). Each study counts the articles containing biased or offensive presentations or terms with regard to Muslims and allots a rating of these terms according to two criteria: 1- their appearance in titles, on the front page and their repetition in the same article; 2- the newspaper's circulation (CIC, 2002 : 10). On March 23, 2003, the Canadian Race Relations Foundation, a public organization, awarded the Canadian Islamic Congress the prize for excellence for its *Anti-Islam in the Media 2002 report*.

While in 1999 *The National Post* was classified as the least-biased newspaper and *The Globe and Mail* as the most biased¹⁵, since 2000 *The National Post* is rated as the most hostile daily newspaper towards Islam and Muslims. A renewal of anti-Muslim stereotypes was notable from September 12 through November 28, 2001 in a number of publications: "Negative or biased information on Islam" was found to be 10 times more present than over the previous months in *The Toronto Star*, 18 times more in *The Globe and Mail* and 22 times more in *The National Post* (CIC, 2001). A similar conclusion was drawn from the study of *The Vancouver Sun* (Enns, 2002). But in the 2002 CIC report, *The Globe and Mail*, which appeared to eliminate the biased terms over the months, found itself, together with *The Winnipeg Free Press*, among the least condemned publications by the organization.

The position of *The National Post* results from its control by a media conglomerate (CanWest Global) whose owners use their editorial authority to post their anti-Muslim positions and support for the Sharon government in Israel. Their newspapers, *The Ottawa Citizen*, *The Gazette* and *The National Post*, hold since 2000 the first three ranks of the most unfavorable newspapers to Muslims and focus more on the rise of anti-Semitism than on the discrimination against Muslims (CIC, 2002 : 13). Nevertheless, *The Gazette* covered these two subjects in a series of articles in September 2002. As examples of bias or malevolent inconsistency by *The National Post*, an article on August 15, 2002: "Attacking Infidels: Terrorists Target the West for only one reason: its religious values", supports its thesis by describing the assassination of 400 people in Algeria during the period of fasting in 2001, and sentences written by George Jonas, the first in

September 2001, the second in March 2002: “From the beginning, Western attempts to draw a distinction between Islamist terrorists and Islam resulted in a lop-sided effort”; “The terrorist enemy has no armies to send against us; it has to penetrate our perimeter through fifth columnists” (Elmasry, 2002).

In 2002, the CIC and the Islamic Society of North America (ISNA) carried out a pilot study on the evening news of three television networks, *CTV*, *Global* and *CBC*, over a period of 60 days. *CBC* was rated as the network having presented the most negative references to Islam. The coverage by radio stations is not studied yet but some of them do develop anti-Islam stereotypes. On July 8, 2002, Mr. Green declared on CFRA 580 AM, an Ottawa-based station: “North America -democracy- the Christian faith is under attack - not just in North America, but elsewhere around the world” and the threat “comes most exclusively from Muslim men”. A complaint was filed with the CRTC by CAIR-CAN.

Researchers (Piché et Djerrahian, 2002) sought to know if the attacks of September 2001 had led Quebec French-speaking journalists to favor a link between terrorism and immigration. They analyzed 78 articles published in *La Presse* and *Le Devoir* between September 11 and October 31, 2001 and concluded that, if “the consensus on immigration has been broken after September 11¹⁶, the majority of publications remain on the side of moderation” and they did not deem it obligatory that the fight against terrorism leads to a re-examination of immigration law (p. 82, our translation) because of a counter-argument was often presented, that is the pressure exerted by the United States to conduct such a review. According to Pietrantonio analysis of articles published on September 12, 13, and 15, 2001 in *La Presse* and *Le Devoir* (and *Libération* as an “echo newspaper”) (2002), the attacks were described like as a quasi inevitable consequence of unequal power relationships. In addition, *Radio-Canada* and *RDI* networks had a balanced coverage of events in Muslim countries. The coverage by Francophone media seems less offensive and ambiguous than by some Anglophone media which publish data on hate crimes against Muslim as well as articles biased against Muslims or favourable to ethnic profiling.

4.3. Education

School is a place where ideas and representations are transmitted to younger generations, but no extensive study allows to draw conclusions about discrimination against Muslims, except in the case of an analysis of textbooks written during the second half of the 1970's in Quebec (McAndrew, 1985). These Quebec textbooks were produced by private publishers and some chosen by public school boards. Mc Andrew pointed out how they encapsulate the "last legitimate racism". Whereas they spoke about solidarity with Third-world and Black Americans' struggles and portrayed very positively Malcolm X, Allende, Mao Tse Tung and Castro, Arab emancipation struggles were denounced as "radicalism", "anti-Westernism" and even "fanaticism". This discourse was influenced by the 1973 oil crisis and confrontations with Kadhafi. Moreover, Quebec's long-established Arab population was not mentioned and the stereotype of the "TV Arab" prevailed (Shaheen, 1984, 2001) through such images as the rich sheik, dangerous terrorist, uneducated peasant and noble Touareg. This negative image had apparently its effect on some 200 French-speaking CEGEP students who evaluated more positively Anglophones or anglophile ethnic groups (Jews, Germans) and clearly placed Blacks and Arabs at the bottom of their list. Arabs were said to be dishonest, sly, cruel and complaining (McAndrew, 2002 : 135). During the 1980s and thereafter, the textbooks were reformed but the presentation of Muslim did not change much. This situation remains to be documented, as well as in the other provinces school systems.

4.4. Conflicts around places of worship

The request for a space of Muslim worship was not the subject of conflict during the 1970-80's when many places of worship were opened by Muslim immigrants arriving from the Middle East and Asia. In contrast, during the 1990's, conflicts appeared in Toronto and Montreal and some are still unresolved. In Toronto, a highly publicized conflict took place around the opening of a place for worship in East York in 1995 and, in 1998-99, the construction of a dome above a Pakistani mosque provoked debates and disputes (Isin and Siemiatycki, 2002). To illustrate these conflicts, particular cases in Montreal are presentend.

Since 1995, an insidious conflict has taken place in Dollard-des-Ormeaux, a well-to-do English-speaking former municipality in the residential areas West of the island. The municipality was and is still particularly hostile to the opening of a mosque. The Azzahra International

Foundation, a multiethnic Shiite organization, wanted to build a mosque and a cultural centre in 1995. In spite of the favourable opinion of the city's Planning Service, the City Council changed the zoning in 1997 in order to prevent its construction. The project was finally abandoned in 1998. In 1999, the same organization bought a vacant synagogue in the city and opened a cultural and religious centre. It did not obtain a licence from the municipality even though the site is zoned for religious worship and the municipality was aware of the center's existence and activities (Daher, 2002). In 2001, because of the financial difficulties resulting from mostly people's fears about donating to Muslim organizations following the September 2001 attacks, the Azzahra International Foundation sold the building to a Sunnite organization, the Canadian Islamic Center. The new center has still not received legal authorization to operate from the municipality.

The conflict has been more abrupt in the case of the creation of an Ismaeli cultural and religious centre (Jammat Khana). With a capacity to host from 800 to 1000 worshippers, this space would have been built on a piece of land in the center of the former municipality of Brossard (south of Montreal Island). The project was blocked in August 2002 under pressure from 506 residents. They signed a petition opposing a zoning change proposal and asking for the creation of a public park. The zoning change meant that taxes on 40 percent of the land would be imposed. The zoning in effect for the past 40 years has never been modified and allowed for 100 % tax exemption. Here are some of the arguments and counter-arguments that were put forward (*La Presse*, Forum, Monday August 12, 2002): "I do not like to live with different people. That does not make me a monster, nor a cretinous: only a different person"; "I oppose this mosque project: the site does not lend itself to it. In my opinion, its commercial value is too high to be used for religious purposes, whether the religion is Muslim, Catholic, Buddhist, etc."; "According to opponents, the land must have a neutral projection and must not be used for religious purposes. Why? Could it be because of the image such a center would give to Brossard which is nevertheless a largely multiethnic city? The argument does not make any sense". Because of the misunderstanding between residents and the City Council on the technicalities of zoning changes and the harsh public debate that took place, the Council issued a three-month moratorium on the question. The purchase option of the land by the Muslim association expired before the end of the moratorium, and the seller refused to extend it. The association abandoned the project. There was no follow-up on the idea of building a public park. Let us recall that the Ismaili association

has established religious centers in other municipalities, without opposition for twenty years (Mount-Royal, Laval, Sherbrooke, Granby, Quebec) during the 1990's.

Additionally, although an extension project submitted in 1999 by Makka Al Mukarramah was approved by the advisory City Planning Council in Pierrefonds, it has not yet received the permit by the City Council which now argues about traffic problems caused by the arrival of some more 250 worshippers. Another extension project, that of the mosque Al-Islam in the city of St. Lawrence, is under way but since it was conceived in 1988, it was authorized several years ago. These cases show a new opposition to the opening of Muslim places of worship since the mid 1990's but not obviously related to the September 11 2001 events. This trend remains to be examined in the cases of other Canadian cities.

5. The Foundation of negative stereotypes

Several dynamics explain the predominance of anti-Muslim stereotypes in Canada including three that are specific to this country. The first one is similar in other countries. It emerges from the negative images spread in the West about Islam, which are obvious in Canadian media, in cases of conflicts about religious accommodations and in opinion polls, that is the assimilation of Islam to terrorism, the view of Islam as an intolerant, even violent, religion that is a source of conflicts and women oppression. In this respect, Canadian media coverage of Islam remains deficient and no progress is perceptible since the 1990s if we take into consideration the studies conducted by B. Abu-Laban and K.Karim.

Karim (2000) described how Canadian media reporting of terrorist actions carried out by Muslims during the years 1980-90 reinforced negative stereotypes, and Abu-Laban and Abu-Laban (1991) concluded the same about the coverage of the 1991 Gulf War.

A second dynamic results from the history of the Muslim population, which is very different from that of people of European origin and other important immigrant minorities in Canada. The recent arrival of the majority of Muslims during the 1990s explains their quasi-absence from the political arena and among the media personnel as well as their weak political pressure. These are facts that allow the development of a stereotype of Canadian Muslims as being insular, poor, indifferent to Canadian society and more concerned with life in their country of origin. Ethnic,

national and religious fragmentation combined with the absence of federal programmes to support Muslim associations during the 1990s also explain the weak community structure and political mobilization. These deficiencies prevent this population from benefiting, as a community, from favourable dispositions to religious minorities, such as the legal obligation of reasonable accommodations, the permanent invocation of the merits of multiculturalism policy by the political authorities and the recourse to tribunals in cases of discrimination. Another peculiar dynamic characterizes Québec society where more than a fourth of Muslims are concentrated. Public debates on Islam are more present because of several factors that feed frictions.

A militant secular movement adheres to the anti-religious French interpretation of *laïcité* and considers religiosity as an archaic cultural trait. Thus, the principle of *laïcité*¹⁷ was recently invoked to justify the refusal to grant a prayer room for Muslim students at *École de Technologie Supérieure* (MontrealMuslimNews.net, March 11, 2003). *An ethno-nationalist movement sees in Islam and any marked minority difference a threat to Québec national identity rooted in the Christian religion. There are also influential feminist movements which are hostile to Islam.* In 1997, Law 118 proposed courses of “culture of the religions of the world” beginning at the elementary level. The Catholic Movement and evangelical groups strongly mobilized against this proposal under the guise of the need to teach pupils “their religion”, that is to say the Christian religion, before presenting other religions to them. They won their battle to some extent : the courses will be offered only at high school level IV in September 2005. Besides, let us not forget that despite the secularization of the school boards in 1997, the Law on Public Education continues to make provisions for teaching Catholic and Protestant religions in public schools.

Furthermore, public opinion in Québec generally recognizes Palestinians’ right to a State and three populations concerned with the debate on Islam are strongly present: Arabs, including people from the Maghreb, Pakistanis and Jews¹⁸. The tensions between activists from these groups are high and led to confrontations in the premises of Concordia University¹⁹ about the conflict between Israel and the Palestinians. As a result of these facts or traits, the debate on the Middle East situation and Islam is more present in the public sphere in Québec than elsewhere in

Canada. In English Canada, the debate on Islam has rather given free reign to proponents of the reduction of the number of immigrants and refugees' control. Also, polemics surrounding Islam put face to face journalists, media owners and members of the Jewish community. The latter have for instance blamed the CBC, the national television network, for calling the members of Hamas as extremist militants and not as terrorists and also for ignoring the recrudescence of anti-Semitism in Canada and elsewhere in the West (Schlesinger, 2002; The Gazette, 2003; Block, 2002; Spector, 2003).

The majority of the Jewish community views the Palestinian struggle as a deadly threat to Israel and equate Islam with terrorism. Also, for the Canadian Jewish Congress, the Jewish identity and the State of Israel are one.

Finally, a fourth dynamic, a crucial one in our view, is the geographical proximity of the United States, the number one political, military and economic ally²⁰. On the one hand, the US is the source for much Canadian media, in particular the anglophone media (Karim, 1996, 2000), of news on the events in the Middle East and the fight against terrorism (Maybee, 1980; Karim, 2000 : 14). On the other hand, since September 2001, the United States has exerted pressure on Canada so that its policies regarding immigration control, political asylum and security, as well as international positions, fall in line with American ones. They particularly insist on border control, the surveillance of asylum seekers, refugees and the Muslim population. They accuse Canada of not doing enough in this regard. Besides, the federal government tends to remain silent on any issue related to this population. The importance of not stigmatizing Muslims was publicly declared by politicians of all levels of government shortly after the attacks of September 2001 but since then there has been little out-reach by the federal government towards associations representing Canadians of Muslim heritage and the government has paid little attention to the disclosure of the discrimination against Muslims. The Prime Minister of Canada visited an Ottawa mosque on September 21st 2001 “to reaffirm that Islam has nothing to do with the massacre prepared and executed by the terrorists”, and on November 15th, 2001, he declared in Parliament that it was necessary to devote effort to fighting discrimination as much as, if not more than, terrorism. Since then, like other members of the government, he has remained silent

on this question, except for raising a controversy in the fall of 2002 by declaring that the policies of humiliating Arab countries could be the cause of the terrorist attacks in September 2001.

The 296 respondents in a CAIR-CAN survey during the summer of 2002 expressed their appreciation of the Prime Minister's messages as well as the similar ones by the Minister of Citizenship and Immigration and Secretary of State, but they also criticized the Prime Minister for "his lack of clear actions against the wave of Anti-Muslim hate." About three quarters rated his interaction with the Muslim community as poor or below average (Press release CAIR-CAN, September 5, 2002). Examples of indifference by public authorities were described by the R. Khouri president of the Canadian-Arab Federation :

Why did the Justice department, after agreeing to work with us on 11 specific concerns, then walk away? Why did the solicitor-general, after expressing empathy with our plight, then refuse to help us monitor abuses of the Anti - Terrorism Act by law enforcement agencies? Why did the minister of foreign affairs lift the travel advisory to the U.S. when Arab and Muslim Canadians traveling there continue to face humiliation and are subjected to treatment normally reserved for charged criminals? Why did the Ontario public safety minister condone the racial profiling taking place at the U.S. border against his own citizens? Why is it that the mayor of Canada's largest city, whose logo is "Diversity is Our Strength," never spoke out against the victimization of Arabs and Muslims post-Sept. 11? (Khouri at the Conference "Policing In A Multicultural Society", Ottawa, 2003).

Khouri then concluded:

By and large, Arab and Muslim Canadians were left on their own, having to explain themselves and prove their loyalty; defend their religion and demonstrate its goodness; and at times hide their ethnicity and deny their heritage in a bid to escape scrutiny.

Conclusion

During the weeks following September 11, 2001, hate crimes against Muslims increased in Canada to subside in 2002 and after, as in any other Western country except the United States. Hate crimes took mostly the form of insults and violent attacks against persons were rare in Canada, contrary to other Western countries. Then, ethnic profiling by police and intelligence authorities, negative cover by some of the influential anglophone media, and negative attitudes by 30 % to 45 % of the Canadian population (depending on the questions raised by the polls) result in a high level of harm and fear for the Muslim population. And unfavourable conditions

of access to the labor market add their effects in the case of Muslim newcomers to Canada. Positive facts must also be pointed. The passing of the Anti-terrorist Act gave way to a public debate, measures aimed at establishing or reactivating bonds between the Muslim communities and municipal authorities were adopted in a number of cities, and the majority of Canadians did not share negative stereotypes of Muslims. Moreover, no Canadian political party called for the ostracism of Muslims, nor demanded, contrary to a segment of public opinion, a limit to immigration from Muslim countries, and the New Democratic Party (NDP) took issue with discrimination against Muslims, in particular federal MPs Joe Comartin (Windsor) and Svend Robinson (Burnaby-Douglas).

But, if these facts were reassuring, they were not tangible enough to counter the strong disillusionment which has settled among people of Muslim heritage regarding their status within the Canadian society since September 2001. For example, 61 % of the respondents to CAIR-CAN 2002 survey said “they experienced kindness or support from friends or colleagues of other faiths” and 60 % said “they experienced bias or discrimination since the 9/11 terrorist attacks”. But 33 % said that their lives changed for the worst, felt disliked by fellow Canadians and were concerned about the safety of themselves and of their families (CAIR-CAN release, September 5, 2002). In another poll in the spring of 2002, 41 % of the 253 respondents of Arab origin indicated that Canadians “do not like Muslims” and that 84.6 % that Canadians think Muslims are violent (Canadian Arab Federation, 2002 : 11).

These findings call into question the Canadian principle of respect and promotion of cultural pluralism. If an ethno-cultural group becomes the clear target of discriminatory practices and relatively widespread hostile attitudes and these policies prove ineffective in reducing these discriminatory acts, then what is the reality of this message and its goal of equity and equality for all, especially in a country said to be the hearcore of multiculturalism? These findings also raise questions about the way discrimination is treated by public organizations. If no public policy can erase racism, ethnocentrism and xenophobia, it could mitigate their effects not only by strong symbolics gestures but also by empowering the victimized groups and persons, helping them to defend themselves, to organize coalitions, to learn about their rights and access to judicial bodies, and by building relationships with their representative organizations. None of this has

been done extensively in the case of the Muslim population since 2001. The government could also pay attention to the ignorance of Islam and of other minority religions as to the extent of negative stereotypes of Muslims among Canadians. During the 1980's, through the Multiculturalism program, it launched numerous initiatives to educate the Canadian population about the new cultural diversity created by immigration from non-European countries, several of which were directed towards the media personnel. It also launched multiple researches on specific cultural communities. No initiative of such an importance has been launched in the case of Islam despite the increase of the Muslim population in Canada.

Notes

¹. This text is part of a report submitted in May 2003 to partners in the study funded by the Sciences and Humanities Research Council (*CRSH-IDR- 2003-2005*): The challenges facing the integration of Muslims in Canada and Québec.

². Canadian Charter governs relations between private individuals and the governments but not those between private individuals. Civil law remains a provincial jurisdiction according to the 1867 Constitutional Law and private relations are governed by the provincial charters of human rights. The Canadian Human Rights Act applies to the relations between private individuals in the fields of federal jurisdiction (government enterprises, Crown companies) and treats discrimination.

³. *Andrews vs Law Society of British Columbia* [1989] R.C.S. 143.

⁴. Three categories of hate crimes are defined in the section of the Criminal code on hate propaganda: inciting genocide (art.318), public incitement for hatred (art. 319, par. 1) and the voluntary fomenting of hatred other than in a private conversation. Hate propaganda has been criminalized since 1971.

⁵. The other 64 hate crimes targeted people for their cultural origin which most often attaches them to the Islamic culture: Pakistani, Somali, Afghan, Middle-Eastern, Arab, etc.

⁶. A hate crime unit was created after September 11, 2001.

⁷. This fact must incite us to interpret the results with caution.

⁸. In Ottawa, women wearing the hijab were refused jobs.

⁹. Not all feminist movements protested the Commission's opinion : the Council of the Status of Women, for instance, shared the view of the Commission.

¹⁰. In some respects, this law is similar to the American Patriot Act passed in October 2001 and to the British Crime and Security Act passed in December 2001.

¹¹. A terrorist activity is defined by Bill C-36 as an act made "in the name of a goal, an objective or a cause of a political, religious or ideological nature" and which "seriously compromises the health or the safety of the whole population or part of it".

¹². This clause raised fears of having the properties of people of Islamic culture seized without evidence and of a drop in donations to places of worship and other organizations for fear of seeing the funds diverted to activities prohibited by the law.

¹³. 40 % of immigrants aged 25 to 54 years, and arrived in the 1990s held a university diploma compared to 23 % natives of the same age.

¹⁴. These are possible but very expensive because they require special orders of census data from Statistics Canada.

¹⁵. Without taking account of the circulation factor, *La Presse* was the most biased newspaper in 1999. In 1998, the most biased daily newspapers were *The Toronto Star*, followed by *The Globe and Mail*.

¹⁶. A poll in Montreal during the fall of 2001 indicated that 83 % of Montrealers wished for a tightening of immigration laws and 77 % wanted an increase in border control (p. 83).

¹⁷. This argument has no basis because the Canadian State is not *laïque*. Furthermore, it grants privileges to the Catholic and Protestant churches.

¹⁸. According to a Compas Inc. poll, 26 % of Québécois and 10 % of other Canadians think that Jews have too much power in Canada and 15 % of Canadians (including 26 % of Francophones and 39 % of those with high school or lower education levels) that «the persecution suffered by Jews before and during WWII was in part or mostly their fault », *The Gazette*, September 25th 2002.

¹⁹. 10 % of the 30.000 students at Concordia are Muslims.

²⁰. 84 % of Canadian exports go to the U.S. and manufacturers and industrial pressure groups that have stakes in this market have their say in the debates on Islam and the control of Canadian borders.

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