



Islamophobia Abroad—Canadian Policy on International Contexts

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About Us

Justice For All Canada is a non-profit Canadian human rights organization with Consultative Status at the United Nations (DPI). Our work advocates on behalf of vulnerable minorities facing oppression, crimes against humanity, and genocide. Justice for All Canada has been instrumental in shaping the discourse around the genocide debate in Canada.

Major advocacy campaigns by Justice for All Canada include Burma Task Force, Save Uighur, Free Kashmir, Save India, Sri Lanka Task Force, and Indigenous Peoples Solidarity.



Introduction

In this analysis, **Islamophobia is defined as the unfounded fear and/or hatred of Muslims, or people perceived to be Muslim, leading to violence and discrimination at both interpersonal and structural levels.**

Islamophobia is a transnational phenomenon – permeating Canada’s domestic and foreign policies, and linking policies and practices between states, underpinned by common Islamophobic stereotypes and tropes. For example, **Israel, India, China, Myanmar, and Saudi Arabia all draw on representations of the Muslim “terrorist” threat** – circulated globally through the US-led “war on terror” – **to rationalize projects of persecution, colonization, and severe rights violations against Palestinians, Indian Muslims and Kashmiris, Uyghurs, Rohingya, and Yemenis.**

Canadian practices enabling violence and rights violations against Muslim populations internationally include:

1. Arms sales to regimes committing atrocities;
2. Operation of Canadian mining companies in areas of anti-Muslim persecution;
3. Lax controls on importing products manufactured with forced labour;
4. Trade with and investment in entities implicated in gross violations of international law;
5. Complicity in torture;
6. Inadequate protections for Canadian subjects of extradition and detention abroad;
7. Discriminatory regulation of charities;
8. Diplomatic support for impunity; and
9. Repression of solidarity activism within Canada.



Arms Trade

As Project Ploughshares has observed in reviewing Canada’s military good exports, “most Canadian arms went to countries engaged in violent conflicts in the Middle East and North Africa, even though these customers were repeatedly implicated in serious violations of international humanitarian law.”¹

76% of disclosed weapons sales in 2019, for example, were to Saudi Arabia – implicated in widespread and gross violations of international human rights and humanitarian law, likely amounting to war crimes, in its military assault on Yemen.² Despite photographic and other evidence of Canadian-made arms being used in Yemen³, however, a Canadian government review concluded there was “no substantial risk” that weapons exported to Saudi Arabia would be used in serious violations of international law⁴ – illuminating the enduring weakness in Canada’s implementation of the Arms Trade

¹“Analyzing Canada’s 2019 Exports of Military Goods Report.” Project Ploughshares, ploughshares.ca/pl_publications/analyzing-canadas-2019-exports-of-military-goods-report/. Accessed 22 July 2021.

² “Human Rights Council Forty-Second Session Agenda Item 2 Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014 Report of the Detailed Findings of the Group of Eminent International and Regional Experts on Yemen**.” 2019.

https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/A_HRC_42_CRP_1.PDF; Human Rights Watch. 2019. “World Report 2020: Rights Trends in Yemen.” Human Rights Watch. December 12, 2019. <https://www.hrw.org/world-report/2020/country-chapters/yemen>;

“Amnesty International.” 2019. Amnesty.org. 2019.

<https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>;

³International, Radio Canada. 2019. “Footage of Canadian LAVs in Yemen Raises New Questions about Saudi Arms Deal.” RCI | English. October 3, 2019.

<https://www.rcinet.ca/en/2019/10/03/footage-canadian-lav-yemen-saudi-arabia-arms/>;

News, Martin Lukacs, and Politics November 30th 2018. 2018. “Is Saudi Arabia Deploying Canadian-Made Weapons in Yemen?” National Observer. November 30, 2018.

<https://www.nationalobserver.com/2018/11/30/news/experts-say-theres-proof-canadian-made-weapons-are-being-used-saudi-war-yemen>.

⁴Canada, Global Affairs. 2020. “Final Report: Review of Export Permits to Saudi Arabia.” GAC. March 6, 2020.

<https://www.international.gc.ca/trade-commerce/controls-controles/memo/annex-a-ksa.aspx?lang=eng>,

Treaty.⁵ In September 2020, the UN Group of Eminent Experts on Yemen castigated Canada as one of the states “helping to perpetuate the conflict” with arms transfers.⁶

Other regimes conducting significant weapons trade with Canada include Israel and India⁷ – both engaged in multidecade-long military occupations, characterized by well-documented and pervasive patterns of atrocity (including extrajudicial killing, torture, and sexual violence), in Palestine and Kashmir respectively.⁸ Last year, the Canadian government announced the purchase of a surveillance drone from Israeli arms manufacturer Elbit Systems, which advertises its products as “combat-tested” on Palestinians.⁹

⁵ “Canada’s Regulation of Weapons Exports: ‘Under-Implementation’ of the Arms Trade Treaty | Global Justice Journal.” n.d. Globaljustice.queenslaw.ca. Accessed July 22, 2021. <https://globaljustice.queenslaw.ca/news/canadas-regulation-of-weapons-exports-under-implementation-of-the-arms-trade-treaty/>.

⁶ The Globe and Mail. n.d. “Canada Is Fuelling War in Yemen with Arms Sales, UN Report Says.” <https://www.theglobeandmail.com/politics/article-un-experts-report-on-yemen-war-names-canada-as-one-of-arms-suppliers/>;

“Human Rights Council Forty-Fifth Session Agenda Item 2 Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014 Report of the Group of Eminent International and Regional Experts on Yemen.” 2020. <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2020-09-09-report.pdf>.

⁷ “Canada – DIMSE.” n.d. Accessed July 22, 2021. https://www.dimse.info/canada/#_ftn10;

International, Radio Canada. 2017. “Canada Wants a Bigger Share of India’s Defence Procurement Market.” RCI | English. April 21, 2017. <https://www.rcinet.ca/en/2017/04/21/canada-wants-a-bigger-share-of-indias-defence-procurement-market/>

⁸ On Palestine: Human Rights Watch. 2020. “World Report 2021: Rights Trends in Israel and Palestine.” Human Rights Watch. December 15, 2020.

<https://www.hrw.org/world-report/2021/country-chapters/israel/palestine>.

On Kashmir: “Office of the United Nations High Commissioner for Human Rights Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan.” n.d.

https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf;

Watch, Asia. n.d. “RAPE in KASHMIR a Crime of War Asia Watch & Physicians for Human Rights a Division of Human Rights Watch.” Vol. 5.

<https://www.hrw.org/sites/default/files/reports/INDIA935.PDF>.; BBC News. 2017.

“Kashmir ‘Mass Rape’ Survivors Fight for Justice,” October 6, 2017, sec. Asia.

<https://www.bbc.com/news/world-asia-41268906>.

⁹ International, Radio Canada. 2021. “Canadian NGO Calls on Ottawa to Cancel Purchase of Israeli Drone.” RCI, English. February 16, 2021.

<https://www.rcinet.ca/en/2021/02/16/canadian-ngo-calls-on-ottawa-to-cancel-purchase-of-israeli-drone/>.; Sevunts, Levon, and Radio Canada International. 2020.

“Canada Buys Israeli Drone for Arctic Maritime Surveillance.” Eye on the Arctic. December 22, 2020.

<https://www.rcinet.ca/eye-on-the-arctic/2020/12/22/canada-buys-israeli-drone-for-arctic-maritime-surveillance/>.

Indirect arms transfers via third-party sales may also result in the prospect of Canadian-manufactured weapons components being used against civilian populations. This danger is highlighted by the planned sale of two Jordanian Air Force planes, containing Canadian-made components, to Myanmar¹⁰ – whose decades-long campaign against the Rohingya minority has been recognized by Canada as genocide, and is currently before both the International Criminal Court (ICC) and International Court of Justice (ICJ). Y-12 transport aircraft with Canadian-manufactured engines have also reportedly been transferred by China to the Myanmar military in the past.¹¹

¹⁰ McLaughlin, Jared Ferrie and Timothy. n.d. “From Jordanian Planes to German Software, Myanmar’s ‘Genocidal’ Military Stocks Up.” OCCRP. Accessed July 22, 2021. McLaughlin, Jared Ferrie and Timothy. n.d. “From Jordanian Planes to German Software, Myanmar’s ‘Genocidal’ Military Stocks Up.” OCCRP. Accessed July 22, 2021. <https://www.occrp.org/en/investigations/from-jordanian-planes-to-german-software-myanmars-genocidal-military-stocks-up>.

¹¹“Canadian Engines Power Chinese Military Aircraft.” n.d. Project Ploughshares. Accessed July 22, 2021. https://ploughshares.ca/pl_publications/canadian-engines-power-chinese-military-aircraft/.



Mining

Reports by academics and human rights NGOs have repeatedly documented the Canadian mining sector's involvement and complicity in human rights violations abroad – including torture, killings, sexual violence, and criminalization of environmental defenders – abetted by a lack of Canadian government oversight.¹²

In 2019, Canadian company AsiaBaseMetals announced its entry into lithium mining in Myanmar – with mining in general constituting a primary revenue source for the Myanmar military.¹³

At least two Canadian mining companies – Dynasty Gold Corp and GobiMin Inc – continue to operate in East Turkestan/Xinjiang Uyghur Autonomous Region (XUAR), site of the Chinese government's anti-Uyghur genocide, as recognized by Canada.¹⁴ Overall, mining and energy investments make Canada one of the top five foreign investors in XUAR.¹⁵

¹² For example: Imai, Shin, Leah Gardner, and Sarah Weinberger. 2017. “The ‘Canada Brand’: Violence and Canadian Mining Companies in Latin America.” Papers.ssrn.com. Rochester, NY. December 1, 2017. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2886584;

“Myanmar: Canadian Mining Company Colluding in Serious Abuses and Illegality.” 2015. Amnesty International Canada. February 9, 2015.

<https://www.amnesty.ca/news/news-releases/myanmar-canadian-mining-company-colluding-in-serious-abuses-and-illegality>;

“Myanmar: Canadian Mining Company Colluding in Serious Abuses and Illegality.” 2015. Amnesty International Canada. February 9, 2015.

<https://www.amnesty.ca/news/news-releases/myanmar-canadian-mining-company-colluding-in-serious-abuses-and-illegality>.

¹³ “Canadian Company to Pursue Lithium Exploration in Myanmar.” 2019. The Myanmar Times. February 21, 2019.

<https://www.mmtimes.com/news/canadian-company-pursue-lithium-exploration-myanmar.html>;

“Document.” n.d. Www.amnesty.org. Accessed July 22, 2021.

<https://www.amnesty.org/en/documents/asa16/2969/2020/en/>.

¹⁴ The Globe and Mail. n.d. “Canadian Firms Operate in China’s Xinjiang Region.” Accessed July 22, 2021. <https://www.theglobeandmail.com/world/article-canadian-firms-operate-in-chinas-xinjiang-region/>.

¹⁵ Ibid.



Forced Labour

The operation of Canadian companies in regions such as XUAR also raises serious concerns about the possible utilization of forced labour. According to an official Chinese “white paper,” more than one million people from XUAR have been placed in “vocational training” centres or relocated as “surplus labour” – in reality, forced labour programs, according to regional specialists.¹⁶ Despite the Canadian government’s introduction of measures avowedly intended to prevent import of forced labour-produced goods from XUAR, such import appears to continue unchecked.¹⁷

¹⁶ Davidson, Helen. 2020. Review of Clues to Scale of Xinjiang Labour Operation Emerge as China Defends Camps. Guardian. September 18, 2020.
<https://www.theguardian.com/world/2020/sep/18/clues-to-scale-of-xinjiang-labour-operation-emerge-as-china-defends-camps>;

“China’s White Paper on Forced Labour Suggests Unease at Western Pressure.” 2020. The Guardian. September 18, 2020.

<https://www.theguardian.com/world/2020/sep/18/china-white-paper-forced-labour-xinjiang-uyghurs>.

¹⁷ “CREATING CONSEQUENCES Canada’s Moment to Act on Slavery in Global Supply Chains.” 2021.
<https://aboveground.ngo/wp-content/uploads/2021/06/Above-Ground-forced-labour-report-June-2021.pdf>

;

The Star. 2021. “Was Your Fridge Made with Forced Labour? These Canadian Companies Are Importing Goods from Chinese Factories Accused of Serious Human Rights Abuses,” January 22, 2021.

<https://www.thestar.com/news/investigations/2021/01/22/was-your-fridge-made-with-forced-labour-these-canadian-companies-are-importing-goods-from-chinese-factories-accused-of-serious-human-rights-abuses.html>;

“Refugee Group Hopes to Push Canada to Ban Goods from Xinjiang.” 2021. Thestar.com. June 13, 2021.

<https://www.thestar.com/news/canada/2021/06/13/refugee-group-hopes-to-push-canada-to-ban-goods-from-xinjiang.html>;

The Globe and Mail. n.d. “Canadians Can Buy Xinjiang Cotton Products despite Ottawa’s Vow to Stop Forced Labour Imports.” Accessed July 22, 2021.

<https://www.theglobeandmail.com/politics/article-canadians-can-buy-xinjiang-cotton-products-despite-ottawas-vow-to-stop/>;

“Solar Power Supply Chain Could Be Tainted with Uyghur Forced Labour, Report Says - National, Globalnews.ca.” n.d. Global News. Accessed July 22, 2021.

<https://globalnews.ca/news/7872990/feds-concerned-report-uyghur-forced-labour-solar-power-supply/>.

Trade and Investments

The Canada-Israel Free Trade Agreement (CIFTA) permits goods manufactured in illegal Israeli settlements in the Occupied Palestinian Territories to be labelled as products of Israel.¹⁸ This is in violation of UN Security Council Resolution 2334 calling on all states “to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967” – an expression of the general prohibition against treating any situation created by a gross violation of international law as legitimate.¹⁹

Despite Canadian sanctions on dealings with Myanmar military entities, Montreal-based company Ross Video provided audiovisual equipment to a TV station managed by the military-controlled Myanmar Directorate of Psychological Warfare and Public Relations – a deal openly advertised by Ross Video in trade publications. Other Canadian corporations have sold decryption technology to the Myanmar government,²⁰ and lease properties in Myanmar enriching the military.²¹ Such cases expose serious gaps in Canada’s sanctions regime and its enforcement.

The Canada Pension Plan is invested in eight companies listed in the UN’s database of corporations involved in Israel’s illegal settlements.²² Various Canadian pension plans are also invested in several companies named by the UN Independent International

¹⁸ Lynk, Michael. n.d. “Canada’s Updated Trade Agreement with Israel Violates International Law.” The Conversation. Accessed July 22, 2021. <https://theconversation.com/canadas-updated-trade-agreement-with-israel-violates-international-law-117547>.

¹⁹ Valerie.justin. 2016. “Resolution 2334 (2016).” <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>; “Israel’s Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms | Meetings Coverage and Press Releases.” 2016. Un.org. 2016. <https://www.un.org/press/en/2016/sc12657.doc.htm>.

²⁰ The Globe and Mail. n.d. “Two Canadian Companies Sold Myanmar Powerful Tools Capable of Extracting Phone Data.” Accessed July 22, 2021. <https://www.theglobeandmail.com/world/article-two-canadian-companies-sold-myanmar-powerful-tools-to-extract-phone/>.

²¹ The Globe and Mail. n.d. “Local Affiliate of Toronto-Based Colliers Involved in Complex Built on Myanmar Military Land.” Accessed July 22, 2021. <https://www.theglobeandmail.com/world/article-local-arm-of-colliers-international-involved-in-complex-built-on-land/>.

²² Mar 24, 2021, and 1 Reaction. n.d. “CJPME Urges Parliament to Support Bill C-231 and Divest the CPP from Illegal Israeli Settlements.” CJPME - English. Accessed July 22, 2021. https://www.cjpme.org/pr_2021_03_24_c231; Medjool. 2021. “CPPIB Urged to Divest from Israeli War Crimes.” Just Peace Advocates. March 10, 2021. <https://www.justpeaceadvocates.ca/cppib-urged-to-divest-from-israeli-war-crimes/>.

Fact-Finding Mission on Myanmar for economic ties to the genocidal Myanmar military – including Adani Ports, Aviation Industry Corporation of China (AVIC), Infosys, Kirin, POSCO, and LaFarge Holcim.²³

²³ The Globe and Mail. n.d. “Canadian Pension Funds Investing in Multinational Companies with Ties to Myanmar’s Military.” Accessed July 22, 2021.
<https://www.theglobeandmail.com/world/article-canadian-pension-funds-investing-in-multinational-companies-with-ties/>;
“Human Rights Council Forty-Second Session the Economic Interests of the Myanmar Military Independent International Fact-Finding Mission on Myanmar.” n.d.
https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/EconomicInterestsMyanmarMilitary/A_HRC_42_CRP_3.pdf.



Complicity in Torture

Successive Conservative and Liberal governments have refused to hold an independent inquiry into the Canadian military's complicity in torture during its mission in Afghanistan.²⁴ According to an estimate by the Afghanistan Independent Human Rights Commission in 2006, one in three Afghan prisoners handed over by Canadian soldiers were subsequently tortured or beaten; forms of abuse included electrocution, whipping, and exposure to extreme cold.²⁵

The government's thwarting of accountability for these detainee transfers – possible war crimes under the Rome Statute of the ICC – is particularly troubling, given more recently-exposed reports of apparent complicity in torture by the Canadian military in Iraq.²⁶

Moreover, Canadian courts have repeatedly held that non-Canadians tortured with Canadian complicity outside Canada – including the Afghan detainees and former Guantanamo Bay captive Mohamedou Ould Slahi²⁷ – cannot sue Canadian authorities

²⁴ “No Need for Inquiry into Afghan Detainee Torture, Liberals Say.” 2016. CBC. June 18, 2016. <https://www.cbc.ca/news/politics/afghan-canada-prisoners-1.3640411>.; Scott, Craig, and Osgoode Hall. 2017. “BRIEF on the INVESTIGATION of CANADIAN NATIONALS for WAR CRIMES and CRIMES against HUMANITY in AFGHANISTAN the Prosecutor of the International Criminal Court.” <https://nathanson.osgoode.yorku.ca/wp-content/uploads/2017/11/BRIEF-TO-ICC-PROSECUTOR-BENS-OUA-C-Scott.pdf>.

²⁵ Review of War Crimes and the Transfer of Detainees from Canadian Custody in Afghanistan. 2007. Cease Fire Inside. Liu Institute For Global Issues. April 25, 2007. <https://ceasefireinsider.files.wordpress.com/2007/05/byers-schabas-letter-to-icc-25-april-2007.pdf>.

²⁶ Brewster, Murray. 2021. “Canadian Trainers Being Questioned by Military Police about Witnessing Possible Iraqi War Crimes.” CBC. June 6, 2021. <https://www.cbc.ca/news/politics/iraq-security-training-atrocity-eyre-1.6054419>.; Berthiaume, Lee. 2021. “Feds Face Calls for Inquiry into Military's Handling of Iraq War Crime Reports.” CTVNews. June 11, 2021. <https://www.ctvnews.ca/politics/feds-face-calls-for-inquiry-into-military-s-handling-of-iraq-war-crime-reports-1.5466062>.

²⁷ Ho, Jason, and Adrienne Arsenault. 2021. “The Mauritanian's Canadian Connection: What the New Film about Guantanamo Detainee Left Out.” CBC. March 2, 2021. <https://www.cbc.ca/news/world/mauritanian-salahi-canada-1.5929296>.

under the Charter of Rights and Freedoms.²⁸ This has precluded the possibility of accountability and redress through domestic judicial avenues.

²⁸ Roach, Kent. n.d. “‘The Supreme Court at the Bar of Politics’: The Afghan Detainee and Omar Khadr Cases.” Accessed July 22, 2021.
https://www.law.utoronto.ca/utfl_file/count/users/cox/The%20Supreme%20Court%20at%20the%20Bar%20of%20Politics.pdf

Extraditions/Detainees Abroad

The effort to extradite Canadian academic Hassan Diab to France, yet again – for a synagogue bombing that evidence indicates he could not have committed, and after a French court already dismissed the case against him for lacking enough evidence to even charge him with any crime – highlights the serious flaws in Canada’s extradition system, and the problematically low threshold of evidence upon which it depends.²⁹ Diab was previously held for three years without charge in France, largely under conditions of solitary confinement – a violation of the UN Convention Against Torture.³⁰ Yet Canada has so far failed to commit to protecting Diab from a second extradition.

Canadian Uyghur advocate Huseyin Celil has been imprisoned in China for more than 15 years – and held incommunicado for the last four – on spurious terrorism charges.³¹ His case has notably failed to attract the governmental and public attention and advocacy accorded other Canadians detained in China; Canada’s current Ambassador to China even inaccurately asserted that he could not visit Celil in prison since Celil was not actually a Canadian citizen (later retracted).³²

The 2008 Iacobucci Inquiry report found disturbing deficiencies in Canadian consular officials’ actions with respect to three Muslim Canadian men – Ahmad El-Maati, Abdullah Almalki, and Muayyed Nureddin – detained abroad, tortured, and interrogated with Canadian complicity. Instead of calling attention to their mistreatment and

²⁹ Currie, Robert. 2020. “Wrongful Extradition: Reforming the Committal Phase of Canada’s Wrongful Extradition: Reforming the Committal Phase of Canada’s Extradition Law Extradition Law.” https://digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=1498&context=scholarly_works.

³⁰ CBC. n.d. “Canada Helped France Dig up Evidence to Extradite Ottawa Man Later Freed on Terror Charges | CBC News.”

<https://www.cbc.ca/news/politics/hassan-diab-france-terrorism-investigation-1.4614855>;

“ANALYSIS: Diab Case Exposes Dangerous Flaws in Canada’s Extradition Process | Globalnews.ca.” n.d. Global News. Accessed July 22, 2021.

<https://globalnews.ca/news/7879668/analysis-hassan-diab-case-flaws-canada-extradition-process/>.

³¹ “China Tries Canadian on Terrorism Charges.” 2006. CBC. August 10, 2006.

<https://www.cbc.ca/news/world/china-tries-canadian-on-terrorism-charges-1.604476>;

“Huseyin Celil.” 2015. Amnesty International Canada. April 27, 2015.

<https://www.amnesty.ca/our-work/individuals-at-risk/huseyin-celil>.

³² “Opinion | Huseyin Celil Is the Forgotten Canadian Detained in China.” 2021. Thestar.com. March 15, 2021.

<https://www.thestar.com/opinion/contributors/2021/03/15/huseyin-celil-is-the-forgotten-canadian-detained-in-china.html>.

protecting their human rights, consular officials effectively acted as agents for CSIS and RCMP.



Charity Regulation

As documented by two recent, independent reports, the Canada Revenue Agency has discriminatorily targeted Muslim charities for audits and revocation in the name of countering “terrorist financing” – including for donations to humanitarian projects in the Gaza Strip and Kashmir.³³

Conversely, charities implicated in rights violations and/or hate against Muslims and Palestinians have been spared similar treatment – for example, the Jewish National Fund of Canada (which constructed its flagship Canada Park project on ethnically cleansed and illegally occupied Palestinian land)³⁴, Canada Charity Partners (which forwards donations for “lone soldiers” in the Israel Defense Forces)³⁵, and the Hindu Swayamsevak Sangh (the international branch of Hindutva nationalist organization Rashtriya Swayamsevak Sangh).³⁶

³³ “The CRA’s Prejudiced Audits Counter-Terrorism and the Targeting of Muslim Charities in Canada.” n.d. Accessed July 22, 2021.

<https://iclmg.ca/wp-content/uploads/2021/06/Prejudiced-Audits-ICLMG-2021.pdf>

³⁴ Review of Concerns Regarding Registered Status of Jewish National Fund of Canada. 2017. Stop the JNF. Jewish National Fund of Canada (JNF Canada). October 17, 2017.

http://www.stopthejnf.ca/uploads/1/1/7/6/117664426/formal_complaint_re_jnf_oct_17_2017_final-links2.pdf

³⁵ “Secured Online Donating.” n.d. Secured.israelgives.org. Accessed July 22, 2021.

<https://secured.israelgives.org/donate/makedonation?MakeDonation=1&AmutaGovId=580520104>.

³⁶ Damle, Walter K. Andersen, Shridhar D. n.d. “How the Hindu Nationalist RSS Woos Indian-Americans.” Quartz. Accessed July 22, 2021.

<https://qz.com/india/1350285/rss-and-the-spread-of-hindu-nationalism-in-us/>.

Impeding Accountability

The Canadian government officially opposes the current ICC investigation into Israel's atrocity crimes³⁷ – despite the copious documentation of such crimes by international human rights organizations and UN bodies and experts.³⁸ Canada continues to vote against United Nations resolutions upholding Palestinians' rights,³⁹ and government representatives persist in rejecting the conclusion of multiple human rights organizations (including Yesh Din, B'Tselem, and Human Rights Watch⁴⁰) that Israel's practices constitute the international crime of apartheid.⁴¹

³⁷ Canada, Global Affairs. 2021. "Statement by Minister of Foreign Affairs on International Criminal Court's Decision Regarding Its Jurisdiction over West Bank and Gaza." Government of Canada. February 7, 2021. <https://www.canada.ca/en/global-affairs/news/2021/02/statement-by-minister-of-foreign-affairs-on-international-criminal-courts-decision-regarding-its-jurisdiction-over-west-bank-and-gaza.html>.

³⁸ For example:

"OHCHR Occupied Palestinian Territory: Israeli Settlements Should Be Classified as War Crimes, Says UN Expert." n.d. Wwww.ohchr.org. Accessed July 22, 2021.

[https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27291&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27291&LangID=E;);

"UN Rights Chief: Israeli Strikes in Gaza May Be War Crimes." 2021. AP NEWS. May 27, 2021.

<https://apnews.com/article/united-nations-israel-middle-east-war-crimes-36772c5e5cee9bd7eacb4f851b08cbef>;

"Israel: Apparent War Crimes in Gaza." 2018. Human Rights Watch. June 19, 2018.

<https://www.hrw.org/news/2018/06/13/israel-apparent-war-crimes-gaza>;

"Israeli Attacks on Family Homes in Gaza." n.d. Wwww.amnesty.org.

<https://www.amnesty.org/en/latest/news/2021/05/israelopt-pattern-of-israeli-attacks-on-residential-homes-in-gaza-must-be-investigated-as-war-crimes/>.

³⁹ "UN Dashboard." n.d. CJPME - English. Accessed July 22, 2021.

https://www.cjpme.org/un_dashboard.

⁴⁰ "The Occupation of the West Bank and the Crime of Apartheid: Legal Opinion." 2020. Yesh Din. July 9, 2020.

<https://www.yesh-din.org/en/the-occupation-of-the-west-bank-and-the-crime-of-apartheid-legal-opinion/>;

"Apartheid." n.d. B'Tselem. Accessed July 22, 2021. <https://www.btselem.org/topic/apartheid>;

"A Threshold Crossed." 2021. Human Rights Watch. April 27, 2021.

<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

⁴¹ "Former Green MP Jenica Atwin Adjusts Position on Israel after Joining Liberal Caucus." 2021. CBC. June 16, 2021. <https://www.cbc.ca/news/politics/jenica-atwin-green-israel-policy-change-1.6065520>.

The Canadian government has also remained silent in the face of the intensifying repression inflicted by the Indian government on Kashmir,⁴² following the abrogation of Kashmir's semi-autonomous status in August 2019. Last year, a Canadian envoy participated in a publicity tour of Kashmir staged by the Indian government to showcase the region's "normalcy."⁴³

While Canada officially supports the ICJ case against Myanmar for the Rohingya genocide,⁴⁴ the government has failed to pursue the most robust form of participation in the proceedings: an intervention under Article 62 of the ICJ Statute.

⁴² March 18, Karen Rodman, and 2021. n.d. "Why Is Canada Still Silent on India's Colonization of Kashmir?" Canadiandimension.com. Accessed July 22, 2021.

<https://canadiandimension.com/articles/view/why-is-canada-still-silent-on-indias-colonization-of-kashmir>

⁴³ "India Takes Foreign Envoys to Disputed Kashmir | Voice of America - English." n.d. Accessed July 22, 2021. <https://www.voanews.com/south-central-asia/india-takes-foreign-envoys-disputed-kashmir>

⁴⁴ Canada, Global Affairs. 2020. "Joint Statement of Canada and the Kingdom of the Netherlands Regarding Intention to Intervene in the Gambia v. Myanmar Case at the International Court of Justice." Canada.ca. September 2, 2020.

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Repression of Protest and Activism in Canada

Canadian politicians, including Prime Minister Justin Trudeau, have repeatedly engaged in demonizing the Boycott, Divestment, and Sanctions movement⁴⁵ – despite this being one of the few avenues of non-violent action available for pressuring Israel to comply with international law against its persistent recalcitrance.⁴⁶

Last year, University of Toronto’s Faculty of Law rescinded an employment offer to noted human rights scholar Dr Valentina Azarova, after a sitting judge complained about her research on Israel’s occupation policies: a manifestation of the pervasive climate of suppression of Palestine solidarity.⁴⁷ This suppression would be exacerbated by governmental adoption of the International Holocaust Remembrance Alliance definition of antisemitism – widely critiqued and opposed by Jewish, Palestinian, human rights, and

⁴⁵ “Trudeau Says He Will ‘Continue to Condemn’ BDS Movement against Israel.” 2019. HuffPost Canada. January 16, 2019.

https://www.huffingtonpost.ca/2019/01/16/trudeau-bds-movement_a_23644306/

⁴⁶ Lynk, S. Michael. 2019. Review of Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967. October 21, 2019.

https://www.ohchr.org/EN/newyork/Documents/A_74_48057_AUV.docx.

⁴⁷ Majid, Azeezah Kanji, David Palumbo-Liu, Dania. n.d. “Repression of Speech and Scholarship on Palestine Needs to End.” Wwww.aljazeera.com. Accessed July 22, 2021.

<https://www.aljazeera.com/opinions/2020/10/1/repression-of-speech-and-scholarship-on-palestine-needs-to-end>.

civil liberties organizations and scholars for conflating criticisms of Israel with antisemitism.⁴⁸

⁴⁸ “Open Letter from 650+ Canadian Academics Opposing the IHRA Definition of Antisemitism.” n.d. Independent Jewish Voices Canada. Accessed July 22, 2021.
<https://www.ijvcanada.org/open-letter-from-canadian-academics-opposing-the-ihra-definition-of-antisemitism/>;

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<https://www.versobooks.com/blogs/4513-a-call-from-jewish-academics-to-french-mps>;

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https://www.dropbox.com/s/czj7y5cahe4ombq/Joint%20letter%20of%2056%20scholars%20to%20Facebook%20-%20Don%27t%20adopt%20IHRA%20definition%20of%20antisemitism.pdf?dl=0&fbclid=IwAR28q7UqrP_Uk6m64i4EW4NMTGO_ySGMcqSa-lThrtBWcM-XMw5ibtI6tb0;

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<https://www.haaretz.com/israel-news/.premium-israeli-professors-warn-against-equating-anti-zionism-with-anti-semitism-1.6674309>;

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Academics and activists challenging India's and China's policies against Muslims and other marginalized groups have encountered a rising tide of hate, repression, and threats in Canada.⁴⁹

⁴⁹“We’re Coming to Get You’: China’s Critics Facing Threats, Retaliation for Activism in Canada - National, Globalnews.ca.” n.d. Global News. Accessed July 22, 2021.

<https://globalnews.ca/news/7734158/china-pressure-activists-canada-uyghur-hong-kong-tibet-spying/>.; Global News. 2020.

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Recommendations

1. Rectify the existing gaps between the Arms Trade Treaty and Canada's implementing legislation – including an absolute prohibition on arms exports if there is serious risk they will be used to commit war crimes or crimes against humanity.
2. End arms exports to Saudi Arabia and Israel.
3. Cancel the Elbit drone purchase.
4. Ensure no Canadian mining companies are complicit in abuses in XUAR and Myanmar; and ensure the Canadian Ombudsperson for Responsible Enterprise has adequate powers to provide effective oversight and accountability, including in the mining sector.
5. Enforce existing measures to prevent forced-labour imports from XUAR; legislate robust due-diligence requirements for corporations to eradicate forced labour from supply chains; and improve information transparency on imports.
6. Revise the Canada-Israel Free Trade Agreement to preclude settlement goods being labelled and treated as products of Israel, in accordance with UN Security Council Resolution 2334.
7. Improve enforcement of sanctions against Myanmar, and ensure that all current economic interests of the military regime are captured.
8. Divest all public pension funds from entities implicated in serious violations of international law, including in Israel and Myanmar.
9. Hold a full and independent investigation into Canadian military complicity in torture, and adhere to the UN Convention Against Torture by providing redress for all victims – Canadian and non-Canadian – tortured with Canadian complicity.
10. Commit to protecting Hassan Diab from extradition, and evaluate Canada's extradition regime to ensure adequate protection of human rights.

11. Guarantee robust assistance and human rights advocacy for all Canadians detained abroad, including Huseyin Celil.
12. Put an end to the prejudiced and targeted audits of Muslim charities under the guise of combatting terrorist financing in the charitable sector, and investigate charities implicated in rights abuses against Muslims.
13. Support the International Criminal Court's investigation into war crimes committed on Palestinian territory; and provide robust support for international accountability measures including with respect to Kashmir and the Rohingyas.
14. End the demonization and repression of Palestine solidarity, commit to upholding expressive and academic freedoms, and reject the IHRA definition of antisemitism.
15. Consult with human rights defenders under threat in Canada about measures required to ensure their safety and freedom.