




JUNE 21, 2024

SUBMISSIONS TO JUSTICE COMMITTEE
ON ISLAMOPHOBIA

ARAB CANADIAN LAWYERS ASSOCIATION

DANIA MAJID
CANARABLAW.ORG
info@canarablaws.org



Introduction

Anti-Palestinian racism (APR) is a pervasive form of racism that has reached unprecedented levels in our society – as acknowledged in Canada’s Anti-Racism Strategy. The Arab Canadian Lawyers Association (“ACLA”) provides these submissions to assist members of the Justice Committee to understand anti-Palestinian racism so they are better positioned to assess how APR manifests systemically. Without the recognition of APR, Palestinians and allies remain vulnerable to discrimination and reprisals from the chilling effect on open discourse, peaceful assembly, and the expression of views in support of Palestinian human rights.

The anti-Palestinian racism framework

In 2022, the ACLA released *Anti-Palestinian Racism: Naming, Framing and Manifestations* (see attached). This landmark publication was the first to provide an in-depth analysis of anti-Palestinian racism (“APR”), how it manifests, and its effects on those who are impacted. This framework was developed through extensive consultation with community members and experts in Canada and abroad. The report describes APR as follows:

Anti-Palestinian racism is a form of anti-Arab racism that silences, excludes, erases, stereotypes, defames or dehumanizes Palestinians or their narratives. Anti-Palestinian racism takes various forms including: denying the Nakba and justifying violence against Palestinians; failing to acknowledge Palestinians as an Indigenous people with a collective identity, belonging and rights in relation to occupied and historic Palestine; erasing the human rights and equal dignity and worth of Palestinians; excluding or pressuring others to exclude Palestinian perspectives, Palestinians and their allies; defaming Palestinians and their allies with slander such as being inherently antisemitic, a terrorist threat/sympathizer or opposed to democratic values.¹

Anti-Palestinian racism can be implicit, overt, or systemic, and often serves to discredit calls for Palestinian rights and equality; or those critical of Israel’s mistreatment of Palestinians. APR often occurs through the weaponization of allegations of antisemitism² to ostracize and dehumanize proponents of Palestinian human rights for criticizing the Israeli state.

APR affects both Palestinians and non-Palestinians. Consultations for the ACLA APR report noted that Palestinians felt personally targeted when a non-Palestinian advocate experienced reprisals because it was a Palestinian narrative that was being silenced to uphold settler-colonialism on Palestinian lands. Given the broad support for Palestinian human rights in Canada, a significant proportion of the population may be impacted by APR.

Anti-Palestinian racism is distinct from Islamophobia

Institutions regularly conflate APR with Islamophobia to avoid acknowledging Palestinians and their experiences. Misframing the “conflict” as one between Muslims and Jews is not only Islamophobic and antisemitic, it further perpetuates APR.

APR is a distinct form of racism that has been pervasive in society for decades.³ Islamophobia, broadly defined, is the fear and hatred of the Islamic faith and Muslim people. APR targets those who are Palestinian or advocates of Palestinian rights to suppress any criticism of Israel's decades-long apartheid and occupation of Palestinian land and people. It can and often manifests without any religious connotation.⁴

APR's distinct nature does not negate that there may be intersectionalities between anti-Palestinian racism and other forms of racism and discrimination, including Islamophobia.⁵ However, conflating APR with Islamophobia falsely suggests that oppression and violence in Palestine-Israel is rooted in religion rather than in settler-colonialism. Recognizing APR allows individuals and communities to process the APR experienced and enables them to develop strategies to challenge its systemic manifestation within institutions, government, and the media.⁶

Context and prevalence of anti-Palestinian racism in Canada

APR in Canada has been a longstanding concern for the Palestinian community. However, since the commencement of Israel's military operations in Gaza in October 2023, the groundswell of public support for Palestinians by Canadians has been accompanied by an unprecedented spike in publicly reported cases of APR⁷ perpetuated by different levels of government, elected officials, public institutions including universities, the media and in the private sector. The ACLA has received countless requests for support from students, employees, protesters, legal and medical professionals and academics, parents and organizations.

Many reported instances of APR involved those in leadership roles, including elected officials, delivering one-sided statements in support of Israel that erased Palestinians or the context of occupation; making⁸ baseless accusations of protesters as violent and antisemitic, and erasing the dignity and worth of Palestinians and their allies calling for an end to the plausible case of genocide in Gaza.⁹ Dehumanizing beliefs about Palestinians were used to justify punitive treatment of individuals or the community including creating or using existing laws or policies that over-scrutinize, silence or exclude Palestinians.¹⁰ Instances of policing and national security surveillance, racially profiling and criminalizing the Palestinian community, were also prevalent. Arrests of protesters under the guise of "hate crimes" has ruined reputations and impacted livelihoods before the charges are quietly dropped.¹¹

ACLA has seen how the phrase "From the river to the sea, Palestine will be free" has been repeatedly characterized as being "hateful and violent", and in Calgary led to an arrest. Similar to the phrase "intifada", for Palestinians this phrase is a call for equality for Palestinians on ancestral land that is deemed to be under apartheid by numerous international human rights bodies.¹²

The harmful rhetoric or practices perpetuated by elected officials, government institutions, police, media have then created a pretence for employers to investigate, discipline, suspend, or terminate their employees who exercised their expression in support for Palestinians outside of the office.¹³ ACLA has received many inquiries from individuals who have experienced workplace reprisals for showing even the simplest support for Palestine – for instance, a

“Ceasefire Now” post on Instagram. Federal employees themselves have expressed to ACLA how they feel threatened or isolated in their workplace. They also reported that their ability to do their work was curtailed by having opportunities or security clearance denied. They felt excluded from equity and anti-racism policies. The chilling effect from the reprisals impacted employees’ well-being, and most questioned their belonging in the public sector.

In one publicized example, the Director of Public Prosecutions Kathleen Roussel sent out threatening emails to employees that they faced investigation and possibly discipline for signing one of two letters in support of Palestine connected to Toronto Metropolitan University law school because she deemed them to be antisemitic and in support of terror.¹⁴ A TMU investigation into these letters by retired Justice MacDonald found that neither letter was antisemitic. He called on the faculty to address anti-Palestinian racism, and admonished members of the legal profession for their hostile conduct towards the students.¹⁵

Organizations are starting to collect data on APR incidents. In 2022, Canadians for Justice and Peace in the Middle East (CJPME) published *Anti-Palestinian Racism in Canada: CJPME’s 2022 Report*. It analyzed 507 documented instances of APR, and noted that “the smear against Palestinians as antisemitic was one of the most prevalent forms of APR observed in the analysis – found in 58 percent of the examples.” It determined that this data was predictable given the push in Canada to adopt the IHRA definition of antisemitism”, which defines criticism of Israeli practices as antisemitic.¹⁶

The use of APR to smear, dehumanize, and silence Palestinian expression is a global concern. In November, a group of United Nations Special Rapporteurs released a statement and “expressed alarm at the worldwide wave of attacks, reprisals, criminalisation and sanctions against those who publicly express solidarity with the victims of the ongoing conflict between Israel and Palestine.”¹⁷ The time is now for Canada to recognize anti-Palestinian racism, understand its role in perpetuating APR, and commit itself to combatting APR, along with all forms of racism.

Recommendations:

- Recognize anti-Palestinian racism in government policies, laws, strategies, funding etc aimed at combatting racism and discrimination
- In light of the omission of APR in the Canada Anti-Racism Strategy, and systemic APR in government laws, policies and statements, and within the federal workforce, the government should commit itself to addressing APR in the federal government.
- Government should not play politics on issues impacting the human rights and dignity of any people. Committee studies and consultations must be evidence-based and meaningful to ensure the best outcomes for all Canadians.
- The committee must uphold Canada’s obligations under international law to end the government’s complicity in the ongoing genocide in Gaza and occupation of Palestine.
- The committee should recognize the real harm to Palestinians and allied Canadians from the weaponization of IHRA working definition of antisemitism, and address antisemitism in a way that does not subject others to racism and hate.
- The committee should ensure that its work recognizes and upholds the civil liberties and Charter rights of Canadians, including free expression.

The ACLA is available to further discuss anti-Palestinian racism with the committee.

¹ Dania Majid, [Anti-Palestinian Racism: Naming, Framing and Manifestations](#), Arab Canadian Lawyers Association, 2022 CanLIIDocs 4618, at pg. 14.

² [Presumptively Antisemitic: Islamophobic Tropes in the Palestine-Israel Discourse](#), Rutgers University Law School Center for Security, Race and Rights, November 2023, at pg. 48.

³ Moustafa Bayoumi, [“Decades of spying and repression: the anti-Palestinian origins of American Islamophobia”](#), *The Guardian*, 23 May 2024.

⁴ *Supra* note 1, at pg. 20.

⁵ [Combating Anti-Palestinian Racism and Antisemitism: An Intersectional Approach to Canada's Anti-Racism Strategy](#), ACLA, CJPME, CMPAC, and IJV, 15 April 2024.

⁶ See for example, Abdallah Fayyad, [“It’s not Islamophobia, it’s anti-Palestinian racism”](#), *Vox*, 5 June 2024.

⁷ [Changing Systems, Transforming Lives: Canada's Anti-Racism Strategy 2024-2028](#), Government of Canada, 8 June 2024.

⁹ *Supra* note 3, at pg. 19.

¹⁰ For example, Canada’s Immigration process for refugees from Gaza, legislative changes to Criminal Code from Bills related to foreign interference and online hate; injunctions and proposed by-laws to prevent protest in certain public spaces. Over-reach of the Criminal Code to stack charges against protesters for example the Indigo Bookstore case.

¹¹ Martin Lukacs, [“Inside the ‘shocking’ police operation targeting pro-Palestine activists in Toronto,”](#) *The Breach*, 17 June 2024.

¹² Esmat Elhalaby, Anver M. Emon, Alejandro Paz, Kent Roach and Jillian Rogin, [From the River to the Sea: Palestine Will Be Free](#), Hearing Palestine (University of Toronto), 2023.

¹³ *Supra* note 3, at pg. 4, 34, and 39.

¹⁴ Jeremy Appel, [“Canada’s director of public prosecutions threatens to discipline employees, including students, who signed pro-Palestine letters,”](#) *The Orchard*, 23 May, 2024.

¹⁵ The Honourable J. Michael MacDonald, [Strengthening the Pillars – Report of the TMU External Review](#), 23 May 2024.

¹⁶ [Anti-Palestinian Racism in Canada: CJPME’s 2022 Report](#), CJPME, December 2023, at pp. 29 to 31.

¹⁷ United Nations - Human Rights Office of the High Commissioner, [Speaking out on Gaza / Israel must be allowed: UN experts](#), 23 November 2023.