



**NATIONAL
COUNCIL
OF CANADIAN
MUSLIMS**

Your Voice. Your Future.

**CONSEIL
NATIONAL
DES MUSULMANS
CANADIENS**

Votre voix. Votre avenir.

NCCM 2022 QUEBEC ELECTIONS POLICY GUIDE

SEPTEMBER 2022

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ABOUT NCCM

The National Council of Canadian Muslims (NCCM) is an independent, non-partisan and non-profit organization that protects Canadian human rights and civil liberties, challenges discrimination and Islamophobia, builds mutual understanding, and advocates for the public concerns of Canadian Muslims.



INTRODUCTION

Over the past years, being a Muslim living in Quebec has been increasingly difficult. State-sanctioned discrimination, such as Bill 21 and racist immigration policies need to end. The sense of safety and belonging after vicious attacks, such as what we experienced at the Quebec City mosque, need to be reinstated.

We need to take action. NCCM recommends that these actions focus on issues that represent deeply concerning violations of human rights and threaten the civil liberties and security of all Quebecers.

The NCCM calls on all political parties to take action on six key issues.

- Bill 21, which bars several civil servants from wearing religious symbols at work
- Code of conduct during elections
- Community safety and protection against hate
- Recognition of systemic racism
- Systemic discrimination in employment
- Immigration

RECOMMENDATIONS

We are asking all parties to commit to all of the following recommendations:

Recommendation 1: Abrogate the *State Laïcité Act*.

Recommendation 2: Adopt a model code of conduct that would be adopted by the legislature in a statute preventing the use of hate speech during elections.

Recommendation 3: Implement a rebate-based SIP program, where mosques and community organizations under threat can make the relevant security upgrades needed, and then retroactively receive a rebate for the upfitting under a two-step process;

Recommendation 4: SIP should allow institutions to receive a significant proportion of eligible expenditures for risk assessments, securitization projects, and broader community building safety initiatives.

Recommendation 5: Institute a third-party provincial Hate Crimes Accountability Unit in Quebec;

Recommendation 6: Make Hate Crimes Accountability Unit responsible for providing guidance on appropriate penalties for police officers or officers who discourage reporting;

Recommendation 7: Through the Hate Crimes Accountability Unit, develop methodologies for third party reporting;

RECOMMENDATIONS

Recommendation 8: Provide funding to support local special units like Montréal's Modules des incidents et des crimes haineux (MICH) to continue their work in educating those at risk on what a hate crime may consist of.

Recommendation 9: Pass legislation that prohibits violent white supremacist rallies on provincial property, while paying careful attention to ensure that the legislation is not overbroad and does not limit freedom to dissent.

Recommendation 10: To unequivocally recognize the existence of systemic racism and address it, in order to mitigate future acts of profiling and discrimination.

Recommendation 11: Adopt a Quebec-specific policy to fight systemic racism and discrimination as a lasting and sustainable solution.

Recommendation 12: Ensuring BIPOC and Muslim representation in agencies, boards and commissions. Actively recruit Muslims and other minority groups into provincial ABCs.

Recommendation 13: Make Foreign Qualification or Credentials Recognition improvement a central mandate requirement for the Ministry of Higher Education and Ministry of Immigration, Francization and Integration.

A. STATE LAÏCITÉ ACT (BILL 21)

Context

Bill 21 has been in place since 2019, and it has come in the way of the careers of many Quebecers wearing a kippah, a turban, or a hijab. Currently, many public sector workers, such as teachers, judges, police officers, in Quebec are not allowed to wear religious symbols while on the job. This includes kippahs, hijabs, turbans, and crucifixes. This ban strips Quebecers of their fundamental right to religious expression and freedom. It also disproportionately affects minorities – many of whom are Muslim – by forcing them to choose between making a living and leaving their faith at the door.

Justice Marc-André Blanchard, in a Quebec Superior Court decision, points out, “the evidence undoubtedly shows that the effects of Law 21 will be felt negatively above all by Muslim women...On the one hand by violating their religious freedom, and on the other hand by also violating their freedom of expression, because clothing is both expression, pure and simple, and can also constitute a manifestation of religious belief.”

There is no doubt that Bill 21 allows for the legalized discrimination of religious minorities. This goes against enshrined fundamental human rights from both the Canadian and Quebec charters.

Although it sets out to be neutral, Bill 21 hinders gender equality. The bill disproportionately affects Quebec's religious minorities, in particular visibly Muslim women. Impacts of the Bill go beyond the scope of the law and have permeated Quebec's social fabric. It has led to increasing safety and security concerns, especially for visibly Muslim women. In fact, according to a recent study conducted by the Association of Canadian Studies (ACS), 73% of Muslim women have said feeling less safe in public spaces since the passing of the law.[1] It also helps perpetuate the idea that Islam, Muslims, and open religious expression in general, have no place in Quebec. The same ACS study highlights that over 80% of Muslim women reported a deterioration in the hope they had for their children's future in Quebec.

Bill 21 was adopted on June 16th, 2019. The very next day, the NCCM, alongside the Canadian Civil Liberties Association and an aspiring visibly Muslim teacher, Ichrak Nourel Hak, filed a constitutional challenge to the law and asked that its operation be suspended. In 2019, the matter reached the Quebec Court of Appeal, but the Court refused to suspend the bill, while waiting for the substantive judgment. In 2020, the Superior Court of Quebec removed part of the law. The English School Boards are not subject to the bill, along with members of the National Assembly. In 2021, the NCCM alongside the other groups submitted their memorandum to appeal the Superior Court's decision and to abrogate the bill. The Court of Appeal will hear the legal challenge this fall.

1. ACS Metropolis. (2022). "Law 21 – Discourse, Perceptions & Impacts." <https://acs-metropolis.ca/product/law-21-discourse-perceptions-impacts/?fbclid=IwAR3I7e6nSlc4w_JrWeUCt1CkKTvD_nAeUURNEKxeDvRVklax2mob4np-j_o>

RECOMMENDATIONS

Recommendations

We are asking all political parties to commit to the following:

Recommendation 1: Abrogate the *State Laïcité Act*.

B. CODE OF CONDUCT DURING ELECTIONS

Overview

Quebec Muslims are tired of being used as political punching bags during elections. Last year, during the municipal election, a candidate in Quebec City compared Islam to a cancer.[2] These kinds of hateful statements eat away at principles of democracy and civic engagement. The Muslim community or any minority group should not be cannon fodder to advance political agendas. In cases of hate speech, Elections Quebec should investigate and address violations of the Code of Conduct.

Everyone can agree that the divisive politics of hate and intolerance shouldn't have a place in our elections. Currently, there is a lack of regulation when it comes to hate speech during elections in Quebec. We are calling for the legislature to adopt a code of conduct in a statute preventing the use of hate speech during elections. Both the Election Act and the Act respecting elections and referendums in municipalities should be amended to refer to the Code of Conduct, which would be a separate legislative document.

2. Marie-Pier Bouchard. "Un parti politique municipal de Québec compare l'islam à un cancer," Radio-Canada. October 2nd, 2021
<https://www.cbc.ca/news/canada/montreal/man-arrested-quebec-city-mosque-assault-1.5150323>

1. A code would supplement and complement the more detailed, prescriptive rules contained in the Elections Act that rely on quasi-criminal offences, punitive sanctions and the prospect of facing court proceedings to deter violations and to achieve compliance with the rules.
2. A code could fill gaps in the scope of the Act and provide for a wider range of remedies for actions or inactions that do not rise to the level of criminality but involve bending the rules and/or violating the spirit of the law.
3. A code would rely to a significant extent on potential reputational costs for parties, leaders and supporters who engage in unethical behaviour.
4. Adoption of a code might forestall demands for more regulation of party affairs.
5. A code could mitigate the relatively low levels of public trust and confidence in political parties and fulfill the heightened legal and ethical standards to which voters hold parties and candidates accountable.
6. A code could be another positive inducement to parties to be aware of their legal and ethical obligations and to behave appropriately. A code would remind parties of the duty of public trust that they owe to Quebecers.

RECOMMENDATIONS

Recommendations

We are asking all political parties to commit to the following:

Recommendation 2: Adopt a model code of conduct that would be adopted by the legislature in a statute preventing the use of hate speech during elections.

C. SAFETY

SECURITY INFRASTRUCTURE PROGRAM

Overview

The attack on the Quebec City Mosque on January 29th, 2017 shook the sense of safety and security of Quebec Muslims in their places of worship. While there have been efforts to rebuild within the community, we continue to see incidents of hate, vandalism, and intimidation in many places of worship in Quebec. To name a few, there was an incident where a masked man was firing an air gun at the windows of Centre Communautaire Islamique Assahaba in Montreal,[3] as well as a case of animal carcass's being found outside of a mosque in Vaudreuil.[4]

These incidents of intimidation should not be happening. A Security Infrastructure Program (SIP) would aim to make the province safer for all Quebecers, by improving the security of those at risk of hate-motivated crimes and ensuring that all forms of preventative measures that are needed are put in place.

3. Selena Ross. "Man caught on video shooting at Montreal mosque; windows damaged, no injuries," CTV News. April 6, 2021.

4. Shuyee Lee. "Animal carcass found outside Vaudreuil-Dorion mosque," CBC News. Dec 12, 2021.

Preventative measures at places of worship mean more than just the installation of fences and cameras. It means that a security risk assessment is done and implemented. It also means strong and positive engagement with surrounding communities. Many Canadian Muslims believe that their long-term safety needs require strong relationships with their neighbours. Increasing the capacity of communities to engage positively with their neighbours is critical.

We recognize the current Federal Security Infrastructure program that allows Canadians to apply for grants. However, there are several flaws in the system, including barriers in the application process. Since the current program is oversubscribed, there are several mosques who have given specifics of being at risk in their application but have only received minimal funding or no funding at all. Those affected most have called for funds from all levels of government to be geared towards a more holistic approach towards prevention. Muslim organizations, aided by their elected officials, law enforcement partners, or another trusted third party, should be able to apply and secure funding for safety reasons to prevent the worst from happening.

NCCM is calling for a provincial Security Infrastructure Program in Quebec following the model of Alberta to help better protect all places of worship against hate, including Mosques, Synagogues, Churches, and Gurdwara's.
<https://www.alberta.ca/alberta-security-infrastructure-program-grant.aspx#:~:text=Contact-,Overview,bias%2Dmotivated%20crimes%20or%20incidents>.

RECOMMENDATIONS

Recommendations

We are asking all political parties to commit to the following:

Recommendation 3: Implement a rebate-based SIP program, where mosques and community organizations under threat can make the relevant security upgrades needed, and then retroactively receive a rebate for the upfitting under a two-step process;

Recommendation 4: SIP should allow institutions to receive a significant proportion of eligible expenditures for risk assessments, securitization projects, and broader community building safety initiatives .

HATE CRIMES ACCOUNTABILITY UNIT

Overview

A 2015 report by the Department of Justice observed that it is “likely that hate crimes are among the most underreported forms of criminality.” A key reason for this underreporting is that when many Muslims bring forward their complaints about hate crimes, cases are often dropped or charges are never laid. This discourages Muslims from lodging formal complaints with police in the first place.

According to the most recent report of Police Reported Hate Crimes by Statistics Canada, Quebec saw a slight increase of 86 more incidents from the previous year.[5] Many community organizations and advocates have correctly pointed out the inaccuracies that exist within these reports. Firstly, these statistics do not show the number of incidents that were reported but not charged as offences, and secondly, they miss out on the large number of folks who just don’t feel comfortable enough in making their complaints, for many reasons.

Hate Crime Accountability Units can help change that by investigating breakdowns in the reporting process, advising on penalties for officials acting as barriers to reporting, and promoting third-party reporting.

Many in our community want Hate Crime Accountability Units in each province, established under the provincial Ministries of the Attorney General.

5. Statistics Canada. “Police-reported hate crime in Canada, 2020”. March 17, 2022. (statcan.gc.ca)

We recognize the formation of a special unit that investigates hate crimes and hate incidents in Montréal, the Modules des incidents et des crimes haineux (MICH), alongside the local police, Service de Police de la Ville de Montréal (SPVM). Since 2016 the unit has also regularly met with groups that may be at risk of hate-motivated crimes to help better explain what consists of a hate crime.

However, we are calling for a measure to ensure that special units like the MICH are held accountable at the provincial level. In the instance that a local police agency elects to not pursue an investigation of a hate-motivated incident, a complainant could report directly to the provincial Hate Crime Accountability Unit, which would have powers to investigate what happened in the process.

These units can also gather hate crime unit data and keep the information they collect to help coordinate services between jurisdictions and share intelligence about potential perpetrators.

The Hate Crimes Accountability Unit could also advise on penalties to be imposed on police officers or liaisons who unfairly discourage reporting of incidents by telling complainants not to move forward with their complaints, or who unreasonably refuse to move forward with an investigation.

Finally, a Hate Crimes Accountability Unit could build out methodologies for third-party reporting, where those who are uncomfortable to directly report to police could report through a social services agency, a law firm, or through a civil liberties group.

RECOMMENDATIONS

Recommendations

We are asking all political parties to commit to the following:

Recommendation 5: Institute a third-party provincial Hate Crimes Accountability Unit in Quebec;

Recommendation 6: Make Hate Crimes Accountability Unit responsible for providing guidance on appropriate penalties for police officers or officers who discourage reporting;

Recommendation 7: Through the Hate Crimes Accountability Unit, develop methodologies for third party reporting;

Recommendation 8: Provide funding to support local special units like Montréal's Modules des incidents et des crimes haineux (MICH) to continue their work in educating those at risk on what a hate crime may consist of.

BAN INTIMIDATION OF WORSHIPPERS

Overview

Minorities report a very significant fear in Quebec, and that is the fear of belonging to socio-demographic categories that are more often targeted by hate, suggests a year-end report by the Centre for the Prevention of Radicalization Leading to Violence.

Over the last two years, we had seen a radical takeover of Capitol Hill in Washington D.C., along with several white supremacist flags and symbols waved across Parliament Hill in the name of a Freedom Convoy. The reality is that hateful white supremacist rallies, often targeted at the Muslim community, have been a consistent part of the Canadian Muslim experience over the last decade. The very recent case of carcasses left outside of a Vaudreuil mosque, linked to a notorious Quebec neo-Nazi group, showcases that the province of Quebec is not far from the issue. Change is needed to prevent white supremacist rallies that undermine public safety.

NCCM suggests changes that religious institutions be designated as “safe zones” where white supremacist protests cannot be held, for two reasons:

- a) Prevent white supremacist groups from incorporating; and
- b) Prevent white supremacist groups from engaging in acts of criminal intimidation within 50 meters of any synagogue, masjid, gurdwara, church, temple or other religious institution.

RECOMMENDATIONS

Recommendations

We are asking all political parties to commit to the following:

Recommendation 9: Pass legislation that prohibits violent white supremacist rallies on provincial property, while paying careful attention to ensure that the legislation is not overbroad and does not limit freedom to dissent.

D. RECOGNITION OF SYSTEMIC RACISM

Context

It's simple. Systemic racism does exist and is prevalent in the province of Quebec. Systemic racism, also known as institutional racism, is deeply rooted in every system of this country, let alone province.

A 2021 report by the Commission des droits de la personne et des droits de la jeunesse rightfully noted that in order to truly recognize systemic racism in our social fabric, it is important to first understand where the notion is rooted. Systemic racism is a social challenge for racialized communities in Canada, where white superiority has become embedded in policies and processes of our institutions, resulting in a system that advantages white people and disadvantages minorities. Bill 21, a law that unjustly targets minority religious groups, is a mere example of this notion and promotes second-class citizenship for Quebecers.

Further to that, a report by three independent researchers concluded that those from visible minority groups with no infractions, including the Black, East Asian, Indigenous, and South Asian communities, are more likely to get stopped by the Montreal police, than white people, clearly showcasing systemic biases in street checks.

On June 17, 2020, the Government of Quebec announced the creation of the “Groupe d’action contre le racisme”, composed of members of the government and co-chaired by the Minister of Health and Social Services and the Minister of International Relations and Francophonie and of Immigration, Francization and Integration. But this group has yet to declare the systemic aspect of racism. The systemic dimension of the phenomenon is not named and is not recognized from the outset in this mandate. So, although the existence of racism in Quebec is generally acknowledged, it is often reduced to isolated or exceptional manifestations. Thus, recent cases that are potentially systemic in nature have not been deemed as such. We can think of the death of Joyce Echaquan or Mamadi Camara’s arrest and imprisonment.

Statistics show that Quebecers from minority religious groups have felt a loss in their sense of security in the province over the last three years. Several voices in the community have suggested that this is one of the many reasons that have led to the feeling of distrust in our institutions, which further lead to an underreporting of hate crimes.

In order to regain the trust of Quebec's Muslim community and ensure equality for all, it is critical that Quebec accepts and recognizes the existence of systemic racism in the province.

RECOMMENDATIONS

Recommendations

We are asking all political parties to commit to the following:

Recommendation 10: To unequivocally recognize the existence of systemic racism and address it, in order to mitigate future acts of profiling and discrimination.

Recommendation 11: Adopt a Quebec-specific policy to fight systemic racism and discrimination as a lasting and sustainable solution.

E. SYSTEMIC DISCRIMINATION IN EMPLOYMENT

Context

Agencies, boards and commissions (ABCs) across different sectors affect people daily in very intimate ways.

Unfortunately, leadership positions among ABCs do not represent the diversity of Canada. One recent study by the Toronto Metropolitan University's Diversity Institute of different types of boards encompassing almost 10,000 individuals across eight cities revealed that Black and racialized people make up just 10% of board positions despite being over 28% of the population in these cities.

This has serious effects on our community, which has long called for more diversity and better representation of entities that define much of our everyday lives. While some progress has been made to promote gender diversity, more work is needed from a racial equity approach in order to more effectively practice inclusion through active recruitment of Muslims and other BIPOC groups into provincial ABCs.

In its most recent report (2016-2019)[6] on the implementation of the law that guarantees equal employment in the public sector in Quebec, the Human Rights Commission notes that Indigenous peoples, visible minorities and ethnic minorities occupy about half the number of public sector jobs that should be theirs, relative to the percentage they represent in the population.

Currently, what we have in Quebec is a hiring system that is guaranteed to produce provable and measurable discriminatory results against Indigenous peoples, visible minorities and ethnic minorities (as well as people with disabilities and women at senior levels.).

6. Commission des droits de la personne et des droits de la jeunesse. "Loi sur l'accès à l'égalité en emploi dans des organismes publics". 17 avril 2020.

RECOMMENDATIONS

Recommendations

We are asking all political parties to commit to the following:

Recommendation 12: Ensuring BIPOC and Muslim representation in agencies, boards and commissions. Actively recruit Muslims and other minority groups into provincial ABCs.

E. IMMIGRATION

Context

It is understood that the mission of the Ministère de l'Immigration, de la Francisation et de l'intégration is to promote the integration and the contribution to Quebec's society, but how can that happen if they are refused to invest their knowledge and skills into Quebec?

So many talented, often highly educated members in our community come to Quebec, especially for its Francophone value. They come seeking a better life but have to toil for years due to this province not accepting their credentials and qualifications. A 2019 report found that Canadian Muslims were consistently over-educated and under-employed. This gap is most highlighted when it comes to Canadian Muslim women. In Quebec, 48% of Muslim men and 41% of Muslim women have a university degree. The unemployment rate for Muslims in Montreal is 18%, and 11% in Quebec City, compared to 7.8% for the general population (Source: Statistique Canada, 2011).

Quebec, like Canada, selects for permanent immigration individuals practicing a regulated profession in Quebec, but once in the province, these professionals have difficulty obtaining a license to practice their profession. They must go through several steps which, for many of them, represent difficult obstacles to overcome. Indeed, many immigrants arrive in Quebec believing that they can easily find a job with their education and experience, but they find that the road to getting there is longer than they anticipated. When a person immigrates to Quebec and struggles to find a job that matches his or her skills, he or she does not feel recognized for his or her true worth and gradually struggles to find their place in Quebec society. So, they end up getting a job where they are overqualified.

Over-qualification is a source of demotivation, frustration and departure from companies. They are also paid less than their peers who have the same level of education. We must also consider the fact that overqualification leads to a waste of intellectual resources and a loss of productivity of individuals, caused by a mismatch between their level of education and their level of employment, which may cause stress, depression and other health concerns.

Minister Danielle McCann announced at the beginning of her mandate that "There is much to be done [with respect to professional bodies], including the recognition of foreign credentials of immigrants [to] deploy the skills of all." But nothing has been brought forth.

If we do not succeed in using the human capital and skills of immigrants to their full potential, we will not make much progress towards achieving the common goals of economic growth and collective well-being. Integrating immigrants into the labour market in a way that is consistent with their level of qualification is not only beneficial for immigrants, but also for Quebec society as a whole.

We need a better allocation of public resources for the implementation of concrete and sustainable solutions for the rapid and effective recognition of the professional qualifications of immigrants who choose Quebec as their home. In other words, there needs to be more flexible and rapid mechanisms for the recognition of diplomas and qualifications acquired elsewhere.

RECOMMENDATIONS

Recommendations

We are asking all political parties to commit to the following:

Recommendation 13: Make Foreign Qualification or Credentials Recognition improvement a central mandate requirement for the Ministry of Higher Education and Ministry of Immigration, Francization and Integration

CONCLUSION

At the end of the day, our Quebec is one that is for all of us.

We have to work hard to keep it that way.

Our policy positions set out clear and common-sense recommendations that we think the majority of Quebecers will agree with, and that we urge all parties to adopt.



