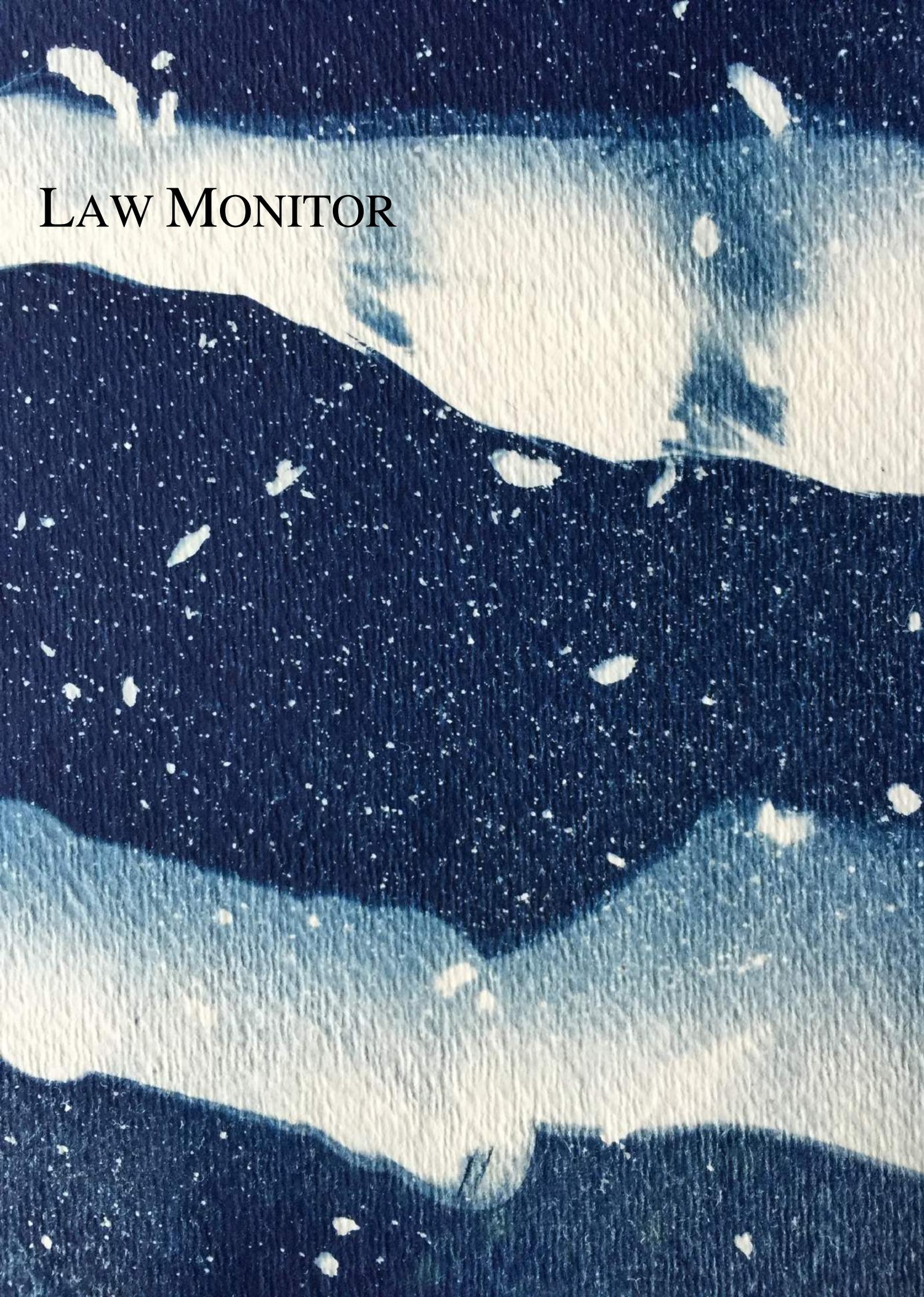


oxford monitor of forced migration  
Volume 5, Issue 2, December 2015





LAW MONITOR

## **The wrong end of the wedge: migrants and Islamophobia in the 2015 Canadian federal election**

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*The 2015 Canadian election highlighted considerable anti-Islamic sentiment. While the strongest undercurrents were ultimately resisted, it would be a mistake to suggest that the hostile narrative was an anomaly. Canadians must better understand their social anxieties and the sources of discord in an open and constructive way to resist the temptation of passing counter-productive laws. Canadians need to address what it specifically means to be Canadian.*

Canada's new government promised in its recent election campaign to receive 25,000 Syrian and Iraqi refugees by the end of January 2016 through immediate and direct sponsorship by the government of Canada. It also vowed to work with private sponsors in order to increase that intake further (O'Shea 2015). This is in contrast to the previous federal Conservative government, which although had promised to take in thousands of refugees, effectuated an intake of only 2,374 individuals and possibly halted the process for some time behind the scenes (Canadian Association of Refugee Lawyers 2015; Freisen 2015). The Conservative government's record on the intake of Syrians is consistent with a plethora of recent refugee legislation that has made the lives of refugees difficult in Canada.

For instance, the government withdrew health care services from some asylum seekers, restricting provisions in accordance with an array of factors unrelated to their medical needs, including which country an asylum seeker hailed from (Diab and Dhand: 356-7). Part of the government's stated rationale was to deter so-called "bogus" refugees (Showler 2014). The Canadian Federal Court struck these changes for being unconstitutional, referring to them as "cruel and unusual" (*Canadian Doctors for Refugee Care v. Canada (Attorney General)*, 2014 FC 651). The incoming Liberals recently withdrew the appeal.

In 2014, the Federal government instituted a "Designated Country of Origin List" which permitted the Minister to declare certain countries as "safe". Refugees arriving from these countries, irrespective of the merits of their individual claims, would be hurried through the refugee claim process and deprived of vital procedural protections (Canadian Association of Refugee Lawyers 2015).

The tense debate in Canada around migrants reached its peak with the case of Zunera Ishaq. Ishaq, a 29 year old migrant from Pakistan was on track to become a Canadian citizen when she encountered a new policy banning niqabs during the public recitation of the citizenship oath. She challenged this policy and won at the Federal Court and the Federal Court of Appeal. The Federal government then sought permission to appeal the case to the Supreme Court of Canada. While this request was still pending, the government made an emergency

request that the Federal Court deny Ishaq the right to partake in her citizenship oath ceremony unveiled. The Conservatives made this request even though Ishaq agreed to identify herself prior to the oath and confirm in writing that she had recited the oath following the ceremony. The debate around the niqab became a central issue of the election.

In Canada, in the run-up to the 2015 election, targeting minorities was the Conservative strategy of choice to galvanize electoral support. Some argued that the leader of the Conservative government was “sow(ing) fear of Muslims in pursuit of votes” (Kutty 2015). Government officials at various levels across Canada protested. The provincial legislature of Quebec, for instance, adopted a motion condemning Islamophobia. The Mayor of Calgary, Naheed Nenshi, publicly criticized the Federal government for “deliberately creating fear of Muslims and then positioning the Conservatives as the only party capable of taking on the threat” (Guardian 2015; Steward 2015).

In the case of the 2015 election, the Conservative party significantly miscalculated what Canadians wanted. For many Canadians, the legislative reforms, string of litigation and xenophobic rhetoric leading up to the election were reflective of their own values and galvanized Canadians to vote to end the Conservative regime. Unlike many other western liberal democracies, Canada has a *Charter of Rights and Freedom (Charter)* which provides that laws must comply with individual rights to freedom of expression, including freedom of religion. The *Charter* also prohibits discrimination based on “race, national or ethnic origin, colour, religion” and guarantees each individual “liberty and security of the person” in accordance with principles of fundamental justice. Further, the Canadian *Charter* also contains a proviso that it “shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.” Indeed, in numerous cases for the past several years, Canadian courts have struck down immigration and refugee legislation introduced by the Conservatives for being unconstitutional. Further, in the case of the 2015 election, many Canadians resisted the Conservative strategy and instead engaged in what can be described as ‘*jurisgenerative politics*’ – namely, they reappropriated and reinterpreted institutions in accordance with the norms and values they felt committed to as Canadians (Benhabib 2004: 181).

The 2015 Canadian election highlighted anti-Islamic sentiment. It is a mistake to think of sentiment as an anomaly. Many Canadians in Ontario, for instance, displayed similar sentiment following a 2004 report by the former Attorney General of Ontario, recommending that Muslim faith-based tribunals be allowed in Ontario, as Christian and Jewish tribunals had been since the 1990s (Sturcke, 2008). Muslim tribunals were ultimately not permitted, in large part, due to this public outcry. An analysis of 108 news articles from major Canadian sources shows that public dialogue surrounding Muslim faith-based arbitration overwhelmingly included representations of “(1) the imperiled Muslim women, (2) the barbaric Muslim men and (3) the civilized (Western) Europeans” (Razack 2007: 5).

Canadians need to address these sentiments in a clear and thoughtful way for a number of reasons. First, it is important to recognize that there is anxiety amongst the Canadian public about the influx of Muslim migrants. The underlying concern may be that Muslim minorities are not making efforts to embrace the Canadian identity – the niqab symbolizing a desire to remain distinct. Leading up to the elections, the Conservative government poll ordered by Harper found strong support for niqab ban at citizenship ceremonies, at 82 percent overall and support ranking as high as 93% in the province of Quebec (CBC 2015). It is notable, however, that the attitudes attributed to Muslims often do not correlate with actual Muslim

attitudes and it is important to bridge the communications between Muslims and non-Muslims. Muslims may actually feel a strong sense of belonging to their new country of residence (Benton and Nielsen 2013, Open Society Foundation 2009).

Second, there is public anxiety about national security. The flurry of successful and foiled terrorist attacks launched in the name of Islam lead some Canadians to support a closer scrutiny of a country's Muslim population. These anxieties must be addressed, but in an open and constructive way and not by passing ill-founded laws. In the end, Canadians will need to address what it means to be Canadian.

Third, policies arising from the mistrust and which are directed at minorities can exacerbate the social exclusion of already marginalized individuals or otherwise well-integrated Muslims who suddenly feeling unwelcomed at home. In the case of Ishaq, for instance, she wondered what further bans in the public sector might mean for her, a woman with an aspiring career as a teacher (CBC 2015).

Third, legislating on the basis of mistrust reinforces a narrative which extremists seek to create and manipulate – namely one about “the victimization of Muslims by the West” (Benton and Nielsen 2013). Given the recent promises to accept significant numbers of Syrian refugees, many of whom are Muslim, it is especially important to create reception conditions which preserve the integrity of these refugees and the comfort of the receiving population. An environment in which unexamined anti-Muslim sentiments are prevalent and manipulated is unhelpful.

Finally, implied in a nation's right to self-determination is the ability of its citizens to define their nation's distinct character (Walzer: 20). How much accommodation ought we to provide to minority beliefs at odds with the majority? On the one hand, Canadians have signified that they wish to create a society where personal autonomy is an important value. Given this context it is hard to justify a policy that denies a person who freely chooses to wear a niqab the right to do so. On the other hand, a country's right to self-determination also means that Canadian citizens are well within their rights to decide that there are certain practices which will not be allowed in the country, subject of course to the limits. It is unwise to leave these anti-Muslim sentiments unexamined, and open to exploitation at the whim of opportunistic politicians seizing on wedge issues for an electorate advantage.

Grappling with these issues in an intelligent fashion will be essential as global migration continues to increase and global conflicts become protracted, producing a steady stream of refugees.

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