

## Opinion

# Another chill for the charitable sector: systemic biases exposed against Muslim-led charities

Abdul Nakua

Opinion



Back in 2012, the Harper government took aim at environmental and social justice charities by initiating Canada Revenue Agency audits of the political activities of 60 Canadian charities—what became known within the sector as the “advocacy chill.”

“Political activities” was used as a smokescreen to hide the real purpose of the audits, which was to silence opposition to political agenda. The Liberal government finally shut this program in 2017 after much hesitation and delay. This saga exposed the vulnerability of the charitable sector to government oppressive tactics.

Recently, two reports exposed how Muslim-led charities have been in the crosshairs of the government as early as 2003. One report published by the International Civil Liberties Monitoring Group (ICLMG), an Ottawa-based national coalition of Canadian civil society organizations, has ascertained that from 2008 to 2015, the CRA’s Review and Analysis Division (RAD), which was established to investigate terrorist financing in the charitable sector, completed audits of 16 charities, eight of which had their charitable status revoked, of which at least 75 per cent of those were Muslim-led charities. The report delineates how Muslim charities are at an absolute disadvantage to get fair audit decisions that occur under the shadow of Canada’s anti-terrorism financing and anti-radicalization regimes.

For example, contrary to the regular audits conducted by the CRA, the report identifies that RAD audits include law enforcement and national security agents in addition to the auditors, uses distinct practices including confiscation of electronics and files, extensive examinations, intelligence and surveillance, and digital audit of a charity’s events and programming.

The second report, titled “Under Layered Suspicion,” exposed how these expeditions of data collection and intelligence are analyzed and interpreted. By cross-examining three audit reports of six revoked charities, the report identified a number of systemic biases such as casting Muslims, and their lifestyles and activities, as inherently foreign or outsider. The CRA’s frame of reference for assessing advancement of religion, especially Islam, is rooted in Christian ideals and practices and is, therefore, biased. The authors also raised concerns about sources, methods, and modes of gathering and interpreting evidence.

These two reports bring concrete evidence to the systemic bias suspected

within the Muslim community for many years.

While RAD is not known to the public, it plays an active role in Canada’s post-9/11 anti-terrorism financing regime, among 13 other federal departments and agencies. Established in 2003, RAD is charged with investigating terrorist financing in the charitable sector. The division does not work alone, and is a partner in the national security investigations work done by the RCMP’s Anti-Terrorist Financing team, according to ICLMG, and also works with the Canadian Security Intelligence Service (CSIS). This further raises the concern that there is a lack of strong checks and balances to ensure adequate oversight in conducting those audits.

RAD’s bias is embedded in the anti-terrorism financing strategy guided by the Department of Finance’s 2015 National Risk Assessment, which included 11 entities alleged to have a nexus to Canada and as posing a terrorist financing threat. Nine of these entities were linked to extremist/militant Islamist groups and foreign fighters in Muslim countries. As correctly asserted by both reports, this unduly singles out Muslim charities for surveillance, audits, and revocation of their charitable status.

These two reports provide the impetus for strong government leadership and action to reverse course. Immediately, the national revenue minister should declare a moratorium on the targeted audit of Muslim charities by RAD. The minister should also instruct the director of the Charities Directorate to suspend the RAD.

The government’s commitment to fight Islamophobia and hold a National Action Summit on Islamophobia must include a review of its anti-terrorism laws and policies and replace them with new, fit-for-purpose alternatives that do not stigmatize the Muslim community or any other community.

A former Canadian solicitor general, Francis Fox, noted at the creation of the McDonald Commission, whose reports led to the creation of CSIS, before the House of Commons:

“In a democratic society ... it is essential that those on whom ... falls the task of enforcing the law and protecting our basic liberties, can count upon the complete support of the people. This support, in return, must be based on the faith that those protecting these rights do themselves feel bound and indeed are bound by our laws in fulfilling their duties.”

Whether for CSIS or for the CRA’s Review and Analysis Division, this unfortunately remains an open question. It is incumbent upon the federal government to reset and realign the RAD’s mandate to protect the basis civil liberties of Canadian Muslim charities.

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# Quebec’s anglophones have been cast adrift by the Trudeau government

The anglophone community in Quebec is furious with its MPs. Given a million angry English speakers are concentrated in two-dozen Quebec ridings, if I were a Liberal, I would be very, very worried.

Andrew Caddell

With All Due Respect



KAMOURASKA, QUE.—It is tough being abandoned.

On June 16, virtually the entire House of Commons dropped any historical commitment to the anglophone minority in Quebec, as it supported a Bloc Québécois motion recognizing Quebec’s “right” to unilaterally amend its provincial Constitution. This was effectively an endorsement of Quebec’s plans to enshrine French as its official language in the Constitution, and to declare itself a “nation.”

While the motion in Parliament has no effect in law, just like the 2006 motion recognizing *les Québécois* as a nation, it carries some weight, by endorsing the core of Quebec’s egregious Bill 96, which takes a size 12 boot to the groin of English-speaking Quebecers.

Bill 96 also aligns with the Trudeau government’s amendments to the Official Languages Act, Bill C-32, which emphasizes rights of francophones in the rest of Canada and Quebec over those of anglophones. C-32 applies Quebec’s language laws to federally chartered companies, many of which operate in English.

While Quebec Premier François Legault and Official Languages Minister Mélanie Joly seem to think the anglophone community is composed of rich “Westmount Rhodesians,” that worn-out cliché could not be farther from the truth. English-speaking Quebecers are now among the least privileged in Quebec society: Black, Indigenous, rural poor, the elderly, Asian immigrants. All use English as their common language, and none are rich. In fact, the average Quebec anglophone earns less than the average francophone.

For many people in those categories, dealing with the Quebec or federal governments without speaking French can be a difficult experience. Given their frailty, poverty, nationality, or distance from southern Quebec, it is a struggle to receive needed health, welfare, judicial and other services in English.

With Bill 96, many of those services will be cut: it is an omnibus bill impacting dozens of other bills. It also cuts the anglophone community in half. Legault likes to refer to the 600,000 “historic anglophones” in Québec, about eight per cent of the population. These are mostly people who had English as a mother tongue or learned it in childhood. But according to Statistics Canada, there are another 500,000 people who speak another language (Greek, Russian, Tagalog) but use English as their common language. Under Bill 96, these allophones will no longer receive services in English.

I am quite fortunate: as a fluently bilingual Quebecer, I have no problems navi-



Quebec’s Bill 96 also aligns with the Trudeau government’s amendments to the Official Languages Act, Bill C-32, which emphasizes rights of francophones in the rest of Canada and Quebec over those of anglophones, writes Andrew Caddell. Official Languages Minister Mélanie Joly, pictured in October 2020, tabled Bill C-32, which applies Quebec’s language laws to federally chartered companies, many of which operate in English, on June 15. *The Hill Times* photograph by Andrew Meade

gating government websites, negotiating contracts, or understanding a diagnosis or a traffic warning in French.

But Bill 96 affects me as well, as in “protecting” language, it contains some of the most draconian threats to civil liberties in Canada’s history. As the entire bill is wrapped in Section 33 of the Constitution—the notwithstanding clause—it is beyond the reach of the courts. So, its sections allowing arbitrary search and seizure of computers, phones, or materials in English is terrifying. Employees could be arrested for speaking English on the job. Lawyers and human rights experts say this is the worst aspect of a terrible bill.

Which brings us to the vote in the House. In his post-vote news conference, Bloc Québécois leader Yves-François Blanchet was gloating Parliament had recognized the Quebec nation, a French nation. For many Quebec francophones, any negatives of the bill are washed away by the message that it is “good for French.” In the nationalist press, Bill 96’s author, Quebec Justice Minister Simon Jolin-Barrette, was applauded for his “stroke of genius.”

With the entire Trudeau cabinet supporting the motion, and Anglo MPs abstaining (they did not have the courage to vote against), it was obvious the expected fall election was on their minds: “soft nationalist” Bloc seats in Quebec have to be won to obtain its sought-after majority.

However, the anglophone community in Quebec is furious with its MPs, and the phone lines have been blazing as community leaders organize (full disclosure: I am part of an ad hoc group fighting Bills 96 and C-32).

The next steps will more than likely be a court challenge of both bills (there may be ways around the notwithstanding clause), a submission to the United Nations, and the formation of a political party. Given a million angry English speakers are concentrated in two-dozen Quebec ridings, if I were a Liberal Party organizer or a PM obsessed with a majority, I would be very, very worried.

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