

**INTERNAL INQUIRY INTO THE ACTIONS OF
CANADIAN OFFICIALS IN RELATION TO ABDULLAH ALMALKI,
AHMAD ABOU-ELMAATI AND MUAYYED NUREDDIN**

RESPONSE TO FINAL SUBMISSIONS

**CANADIAN ARAB FEDERATION
CANADIAN COUNCIL ON AMERICAN ISLAMIC RELATIONS
CANADIAN MUSLIM CIVIL LIBERTIES ASSOCIATION**

Dated: JUNE 26, 2008

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RESPONSE TO FINAL SUBMISSIONS

Submitted to the Internal Inquiry Into the Actions of Canadian Officials in Relation to Abdullah
Almalki, Ahmad Abou-Elmaati And Muayyed Nureddin

Prepared on Behalf of Canadian Arab Federation, Canadian Council on American Islamic
Relations, and the Canadian Muslim Civil Liberties Association

PART 1: INTRODUCTION

1. The Canadian Arab Federation (CAF), Canadian Council on American Islamic Relations (CAIR-CAN), and the Canadian Muslim Civil Liberties Association (CMCLA) support and endorse the final submissions made by the legal teams for Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin.
2. CAF, CAIR-CAN and the CMCLA also support and endorse the submissions made by the interveners Amnesty International, Human Rights Watch, International Civil Liberties Monitoring Group.
3. CAF, CAIR-CAN and the CMCLA take issue with the submissions from the Canadian Coalition for Democracies and the Department of Justice.

PART 2: RESPONSES

a) Canadian Coalition for Democracies

4. CAF, CAIR-CAN and CMCLA take deep offence to the content of the submission made by David Harris in his capacity as Counsel for Canadian Coalition for Democracies (CCD).

Rather than address the substance of the Inquiry Mr. Harris has instead taken the opportunity to attack the work of Justice O'Connor at the Arar Inquiry and claim that that Inquiry's conclusions were "largely pre-determined" (see paragraph 5 of CCD Submission).

5. In addition, Mr. Harris crusades against legitimate Muslim interests and organizations including, one of this inquiry's intervening organizations CAIR-CAN. I do not wish to respond in this submission to his unfounded attacks.

6. However, one issue raised by the submission of the CCD that should be responded to now is the CCD's campaign at the Air India Inquiry, and now in this Inquiry, to question the "concept of Islamophobia" (see paragraph 6 of CCD Submission).

7. In support of the CCD's attack on the existence of Islamophobia and the legitimacy of its use as an analytical tool the CCD presents in its Appendix a brief collection of internet and other articles that the CCD then states "do not necessarily reflect the opinions of the Canadian Coalition for Democracies, its directors, members or associated persons or organizations".

8. The handful of authors who produced the articles, including Mr. Harris himself, are well known for their habitual attacks on legitimate Arab and Muslim interests.

9. The CCD's attack on the concept of Islamophobia is the moral equivalent of an attack on the concept of Anti-Semitism. This Inquiry should not be bullied by the CCD's tactics.

10. The existence of Islamophobia is recognized both internationally and in Canada by leading institutions at all levels of Society. Examples of mainstream institutions that recognize and use the term Islamophobia include.

- a) United Nations (see Appendix 1)
(http://www.un.org/Pubs/chronicle/2004/webArticles/112204_Conference.asp)
- b) Government of Quebec: The Consultation Commission on Accommodation Practices Related to Cultural Differences (See Appendix 2)
(<http://www.accommodements.qc.ca/documentation/rapports/rapport-final-abrege-en.pdf>)
- c) Ontario Human Rights Commission (See Appendix 3)
(<http://www.ohrc.on.ca/en/resources/news/en/resources/news/statement>)
- d) Canadian Federation of Students (See Appendix 4)
(<http://www.cfsontario.ca/mediareleaselinks/TaskForce-Final.Report.pdf>)

11. The Quebec Government's Consultation Commission on Accommodation Practices Related to Cultural Differences states (see page 84 of Appendix 2)

“Muslims and, in particular, Arab Muslims, are, with Blacks, the group most affected by various forms of discrimination. We believe that vigorous soul-searching must be undertaken in this regard to avoid the very thing that a number of Quebecers fear, i.e. the marginalization and radicalization of numerous Muslims as a result of the humiliations to which they have unjustly been subjected, above all since the September 11, 2001 attacks. The way to overcome Islamophobia is to draw closer to Muslims, not to flee them.”

12. The Ontario Human Rights Commission states (See Appendix 3 “Racism and Islamophobia in the media) ,

“Islamophobia is a form of racism that includes stereotypes, bias or acts of hostility towards Muslims and the viewing of Muslims as a greater security threat on an institutional, systemic and societal level.” (and)

“The Commission is concerned that since the September 2001 attacks, Islamophobic attitudes are becoming more prevalent in society and Muslims are increasingly the target of intolerance, including an unwillingness to consider accommodating some of their religious beliefs and practices.”

13. The CCD's submission to this inquiry and its denial of Islamophobia is itself an example of Islamophobic diatribe.

b) Department of Justice

14. There is much in the Department of Justice submission that is new information and CAF, CAIR-CAN and CMCLA is not in a position to comment.

15. The Inquiry's narratives have already established the reckless use of labels such as "Islamic extremist" by the RCMP and CSIS. The consequences of labeling someone an Islamic extremist and then sending that label internationally where any control over that information is lost is fundamentally irresponsible.

16. As such it is all the more unfortunate that such terminology is being used now by the Department of Justice in its description of the Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin (see paragraphs 42-44 of DJ submission).

17. The suggestion that the failure of Syria and Egypt to participate (which was well anticipated) should negate the Commissioner's ability to find that the 3 men were tortured is without merit. Similarly, the Department of Justice complains that it had no opportunity to test the evidence by cross examination and argue that no finding on torture should be made. (see paragraphs 26-27 of DJ submission).

18. CAF, CAIR-CAN and CMCLA argue that the entire Inquiry was run on an ex parte basis. To accept the Department of Justice argument is to accept that the Commission of Inquiry's methodology is wholly lacking in credibility.

19. Indeed, the inquiry must make rulings about whether it found, as did Dr. Toope that the men were tortured, or the Inquiry will lose credibility. The issue of torture is critical to the issue of mis-treatment.

20. The Department of Justice argues that Canada must share information to get information (see paragraph 50 of DJ submission). This statement is confirmation of a partnership that existed between Canada, the United States, Syria and Egypt (among others) in the "War on Terror". The information in the narratives provided by the Inquiry confirms Canada's eventual complicity in the human rights abuses commonly used by our partners. It is all the worse when Canadian officials play a critical role in first placing the 3 men in danger of detention and then later exploiting the fact that they are detained.

PART 3: CONCLUSION

21. CAF, CAIR-CAN and CMCLA call on the Inquiry to make clear findings and strong recommendations with regard to the role that Islamophobia played within DFAIT, the RCMP and CSIS in their actions that ultimately led to the mistreatment of Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin.

22. Another matter that is critical to the work of the Inquiry, but still unseen, is for it to address the contextual issues raised in the submission of CAF, CAIR-CAN and CMCLA in the June 20, 2008 submissions about the narratives. Applying the necessary context to evidence is essential especially in an Islamophobic context.

UN Chronicle home

'Unlearning Intolerance'

Secretary-General Opens Seminar On Confronting Islamophobia

7 December 2004, United Nations Headquarters, New York

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Secretary-General Kofi Annan opened the seminar on "Confronting Islamophobia: Education for Tolerance and Understanding" at United Nations Headquarters in New York on 7 December. This seminar was the second in a series entitled "Unlearning Intolerance", organized by the Educational Outreach Section in the Outreach Division of the United Nations Department of Public Information (DPI).

The series aims to examine different manifestations of intolerance and explore ways to promote respect and understanding among peoples. As its name suggests, the "Unlearning Intolerance" series offers opportunities to discuss how intolerance, wherever it exists and for whatever reason, can be "unlearned" through education, inclusion and example.

Part of DPI's mission is to bring together voluntary organizations, educators and other components of civil society for discussions with the United Nations system on issues that are not just universal in their scope, but have a direct and palpable impact upon the lives of children, women and men everywhere. This series falls squarely within that effort. It also responds to a specific request to DPI from the Committee on Information (a committee of the United Nations General Assembly), asking the Department help disseminate information relevant to the "dialogue among civilizations" and the "culture of peace".

The seminar was held at United Nations Headquarters in Conference Room 1. After the opening statement by the Secretary-General, Seyyed Hossein Nasr, University Professor of Islamic Studies at George Washington University, delivered a keynote address. There were then panel discussions offering different perspectives on Islamophobia today, on the role of education in fostering

tolerance and understanding, and on ideas for confronting Islamophobia more effectively. Panellists included eminent writers, scholars, theologians and experts on Islamophobia and other issues relating to tolerance and education. The discussions were chaired by Shashi Tharoor, Under Secretary-General for Communications and Public Information, and allowed the audience and the panellists to make comments and pose questions. In the afternoon, the panellists joined in an overview of the day's discussions and further interacted with the audience and each other.

The day-long programme was open to the delegations of United Nations Member States, UN-affiliated non-governmental organizations, media representatives and members of the public who register in advance.

The DPI launched the "Unlearning Intolerance" series at the mid-point of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, proclaimed by the General Assembly in 1998. The first seminar, held on 21 June 2004, was on "Confronting anti-Semitism: Education for Tolerance and Understanding". Coverage of this seminar and the text of the Secretary-General's opening remarks are online at www.un.org/chronicle.

DPI's Educational Outreach Section also seeks to stimulate informed discussion on global issues, including those relating to discrimination and human rights, through the print and online editions of UN Chronicle <http://www.un.org/chronicle>. The UN Cyberschoolbus <http://www.cyberschoolbus.un.org> of the Global Learning and Teaching Project caters to online educational needs of primary and secondary schools and is currently preparing the first comprehensive multimedia web portal on the Millennium Development Goals for young people. An entire section of www.cyberschoolbus.org is also devoted to providing a general introduction to human rights. Most notably, the Global Learning and Teaching Project was involved in a large-scale project on human rights for the World Summit on Information Society which involved 880 schools from around the world.

The Section's UN Works Programme <http://www.un.org/works/>, through an innovative blend of television programming, a multi-language web site and successful global publicity/media campaigns has given educational and media outreach a person-specific thrust that

is, at once, compelling, memorable and provocative. It puts a human face on important issues such as poverty, AIDS, sustainable development, child labour, child soldiers, girl's education in its effort to educate civil society and raise awareness of the Millennium Development Goals.

The Outreach Division has partnered with Court TV to produce a programme on the International Day for Tolerance in 2003 entitled "We Are Family: Educating Our Children for a Safer World"; and its NGO Section <http://www.un.org/dpi/ngosection> arranges public briefings, including a well attended meeting in early 2004 on anti-Semitism, Islamophobia and racism.

In conjunction with the "Unlearning Intolerance" seminar on Confronting Islamophobia, a photo exhibition titled "ISLAM", by renowned Iranian photographer Abbas, will be open to the public on 7 December at the Visitors' Entrance to United Nations Headquarters at First Avenue opposite 46th Street. This exhibition of his work is arranged by DPI in collaboration with Magnum Photos.

On the day of the seminar the International Film Festival for High School Students in New York will screen the film "Journey to the Sun" at the United Nations Dag Hammarskjöld Library Auditorium at 1:30 p.m. Directed by the young cinematographer, Yesim Ustaoglu, this award-winning film chronicles the story of friendship between two people and their understanding of human suffering caused by racial and ethnic intolerance.

Agenda

- | | |
|-----------------|--|
| 8:30am - 9:30am | Registration and I.D pickup: United Nations Visitors' Lobby. Enter at First Avenue opposite 46th Street |
| 10:00am | Welcoming Remarks from Under-Secretary-General for Communications and Public Information Shashi Tharoor |
| 10:05am | Opening Address Secretary-General Kofi Annan |
| 10:15am | Keynote Address by Seyyed Hossein |

Nasr, University Professor of Islamic Studies, George Washington University (who spoke on "Islam and the West" in the Secretary-General's lecture series)

10:35am - 11:50am **Panel I — Perspectives on Islamophobia Today**

1. Ahmed Kamal Aboulmagd, Professor of Public Law, Cairo University; Judge, World Bank Administrative Tribunal; Member of the Academy of Islamic Research of Al Azhar, Cairo
2. Hany el-Banna, President, Islamic Relief, London
3. John L. Esposito, University Professor and founding director, Georgetown University Centre for Muslim-Christian Understanding
4. Asma Gull Hasan, author, "Why I Am a Muslim"; "American Muslims: The New Generation"
5. Imam Feisal Abdul Rauf, President, American Sufi Muslim Association

11:50am - 1:00pm **Panel II — Education for Tolerance and Understanding**

1. Azizah Y. al-Hibri, professor of law, The T.C. Williams School of Law, University of Richmond; President, KARAMAH: Muslim Women Lawyers for Human Rights
2. R. Scott Appleby, John M. Regan, Jr. Director of the Joan B. Kroc Institute, University of Notre Dame
3. Calvin O. Butts, III, Pastor, Abyssinian Baptist Church in the City of New York
4. Noah Feldman, Associate Professor of Law, New York University
5. Panchapakesa Jayaraman, Executive Director, Bharatiya Vidya Bhavan, USA (Institute of Indian Culture)

1:00pm - 3:00pm **Break**

3:00pm - 4:15pm **Panel III - Confronting Islamophobia**
1. Mons. György Fodor, Rector, Peter Pazmany Catholic University, Budapest
2. Amaney Jamal, Assistant Professor of Politics, Princeton University
3. Abbes Jirari, Adviser to His Majesty King Mohammed VI, King of Morocco; former Chairman, Council of Theologians of Rabat-Salé
4. Giandomenico Picco, Chief Executive Officer, GDP Associates, Inc.; Special Adviser and Personal Representative of the Secretary-General for the UN Dialogue among Civilizations
5. Rabbi David Saperstein, Director, ReligiousActionCenter of Reform Judaism

4:15pm - 5:15pm **Unlearning Intolerance**
Open Discussion between and among the day's panellists and the audience.

5:15 pm **Closing Remarks by Under-Secretary-General for Communications and Public Information Shashi Tharoor**

Information, please contact:

Please write your name and affiliation and send to:

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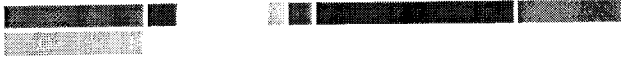
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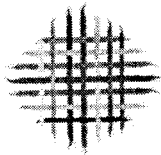
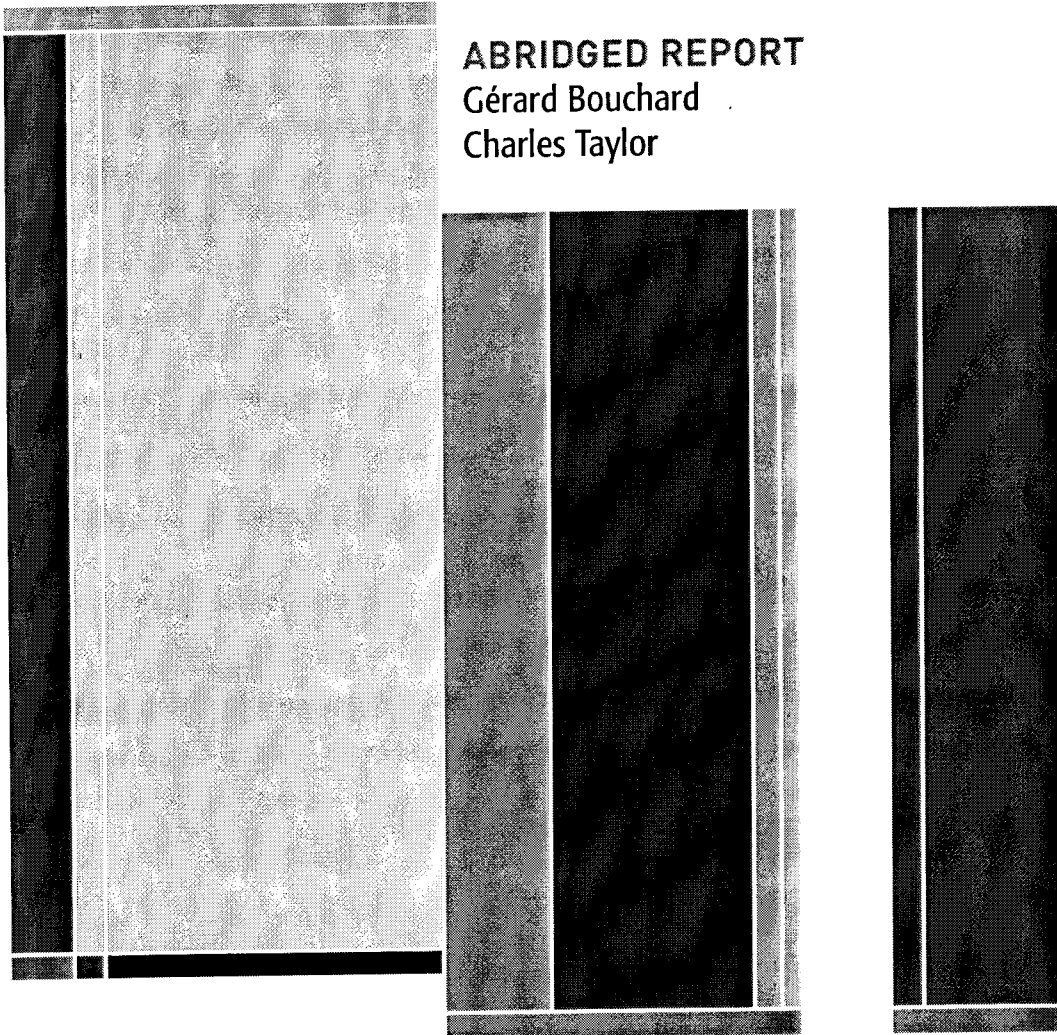
Québec 

BUILDING THE FUTURE A Time for Reconciliation

ABRIDGED REPORT

G rard Bouchard

Charles Taylor



dialogue
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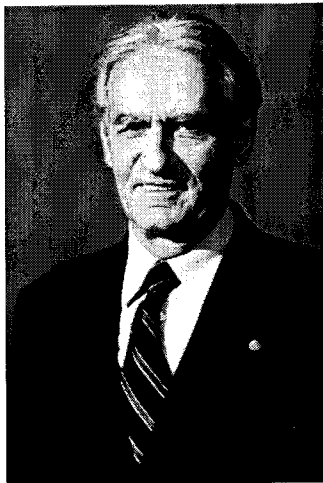
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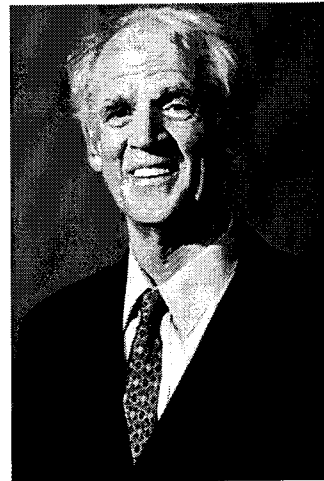


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Gérard Bouchard



Charles Taylor

Charles Taylor

ACRONYMS AND INITIALISMS

Acronym or initialism	Signification
CDPDJ	Commission des droits de la personne et des droits de la jeunesse
CEGEP	college of general and vocational education
CLSC	local community service centre
CPE	childcare centre
CSSS	health and social services centre
SAAQ	Société de l'assurance automobile du Québec
YMCA	Young Men's Christian Association

GLOSSARY

Readers who are seeking clarification of the meaning of the terms used are encouraged to refer to the glossary in Appendix C of the full report.

INTRODUCTORY NOTE

Instead of complying with the common rule concerning the generic masculine form, we have attempted to use neutral terms or expressions that refer both to women and men. This rule has been applied where possible without making the text unwieldy.

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1. It should be noted that the section numbers in the abridged report do not refer to the chapter numbers in the full report.

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INTRODUCTION

As everyone has observed over the past year, Quebecers are divided on the question of accommodation and a number of related topics. There appears to be general agreement solely in respect of the promotion of French and equality between women and men. As for secularism, which everyone proclaims or demands, it proves to be highly controversial as soon as an attempt is made to clarify the terms of the desired regime. As we have also observed, emotion has entered the picture, creating tensions that we must now resolve.

This is the key objective that we set for ourselves. Having discussed at great length what separates us, it is now time to explore the other facet of what we are and what we can become. This other facet comprises deep-seated values, the aspirations that we share and that we would like to express in policy directions, programs and unifying projects. Having clearly specified our differences, let us now examine what unites us. Let us turn to this other facet, which is vast and promising.

We cannot overemphasize what our consultations have revealed, beyond well-known hitches, i.e. openness to the Other. The vast majority of the briefs submitted and the testimony heard confirm this point. Both in the regions and in Montréal, we observed a wealth of good faith and willingness. This is the foundation on which we must rely to pursue the edification of an integrated Québec that respects its diversity.

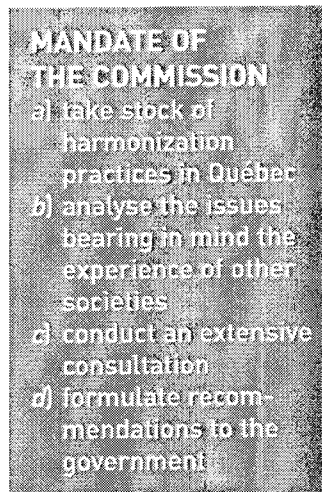
The time has come for reconciliation. This is the meaning of this report, inspired by a search for balance and fairness, in a spirit of compromise. The task has not been an easy one. We often had to carefully chart a course between contradictory positions or between competing values and ideals but we constantly sought to clarify the terms of the debate. Throughout this undertaking, the serious responsibility placed on us was uppermost in our minds, given the hopes and expectations that our commission aroused.

SECTION I THE COMMISSION

A. Mandate

On February 8, 2007, Québec Premier Jean Charest announced the establishment of the Consultation Commission on Accommodation Practices Related to Cultural Differences in response to public discontent concerning reasonable accommodation. The Order in Council establishing the Commission stipulates that it has a mandate to: *a*) take stock of accommodation practices in Québec; *b*) analyse the attendant issues bearing in mind the experience of other societies; *c*) conduct an extensive consultation on this topic; and *d*) formulate recommendations to the government to ensure that accommodation practices conform to the values of Québec society as a pluralistic, democratic, egalitarian society.

We could have broached the Commission's mandate, as defined, in two ways, i.e. in a broad sense or in a narrow sense. The narrower sense would consist in confining the Commission's deliberations to the strictly legal dimension of reasonable accommodation. This notion, which stems from jurisprudence in the realm of labour, indicates a form of arrangement or relaxation aimed at ensuring respect for the right to equality, in particular in combating so-called indirect discrimination, which, following the strict application of an institutional standard, infringes an individual's right to equality. In general language, the meaning of the concept has gone beyond this legal definition and encompasses all forms of arrangements allowed by managers in public or private institutions in respect of students, patients, customers, and so on.



The second approach to the Commission's mandate would be to perceive the debate on reasonable accommodation as the symptom of a more basic problem concerning the sociocultural integration model established in Québec since the 1970s. This perspective calls for a review of interculturalism, immigration, secularism and the theme of Québec identity. We decided to follow the second course in order to grasp the problem at its source and from all angles, with particular emphasis on its economic and social dimensions. The school-to-work transition and professional recognition, access to decent living conditions and the fight against discrimination are indeed essential conditions for the cultural integration of all citizens into Québec society. Furthermore, it is these questions that concern Quebecers and that sustained debate, as everyone observed throughout our consultations.

It is with regret that we had to remove from our mandate the aboriginal question. To assume this responsibility, we would have had to receive a proper mandate from the Québec government and the First Nations and Inuit. Pursuant to two resolutions that the Québec National Assembly adopted, aboriginal affairs must be discussed "between nations." As for the English-speaking minority, which is part of the host society and is experiencing fully ethnocultural diversity, we wish to specify that, while we did in the course of our deliberations examine Québec society's integration model, the specific status of this minority was not called into question.

B. Our investigation

The Commission had at its disposal a budget of \$5 million, which enabled it to carry out a number of activities.

To sustain our reflection, we commissioned 13 research projects conducted by specialists from different Québec universities. A number of research instruments were developed, including a typology designed to classify the arguments in the briefs submitted and the e-mails that we analysed. We organized 31 focus groups with individuals from different milieus in

Montréal and the regions. We held 59 meetings with experts and representatives of sociocultural organizations. We also set up an advisory committee comprising 15 specialists from various disciplines.

As for the public consultations, we commissioned four province-wide forums in Montréal, organized by the Institut du Nouveau Monde, in which over 800 people participated. The Commission held sessions in 15 regions, in addition to Montréal, for a total of 31 days of hearings. The public responded very generously to our appeal by submitting more than 900 briefs. We read all of these texts and discussed them with their authors during 328 individual hearings, after which we heard testimony from 241 individuals. Between August 2007 and January 2008, the Commission also operated a Website that afforded the public opportunities to engage in exchanges (over 400 000 visits).

In the centres where hearings were held, we organized 22 evening citizens' forums open without restriction to the public and broadcast live or pre-recorded by a number of television networks, which attracted a total of 3 423 participants. Each forum, which lasted for nearly three hours, afforded, on average, 40 participants from all social backgrounds to take the floor and express their opinions.

THE CONSULTATION IN A NUTSHELL

- hearings were held in 15 regions in addition to the Montréal area
- over 900 briefs were submitted
- 241 participants testified
- 22 regional forums were organized
- four province-wide forums were held
- the Commission's Website received over 400 000 visits

C. General orientations of the report

The general orientations indicated below underlie the analyses and conclusions of our report.

1. We will not propose either breaks or radical shifts. For each of the themes examined, our reflections and proposals will reflect Québec's sociocultural development in recent decades. The reason for this orientation is simple. Having taken stock of everything that we have learned and understood over the past year, we have concluded that the foundations of collective life in Québec are not in a critical situation. What we are facing, instead, is the need to adapt. Another factor makes a good case for continuity. Our society is sufficiently divided at present and we must seek to reduce splits and tensions instead of exacerbating them. The time has come for compromise, negotiation and balance.
2. We will conduct our analyses and elaborate our recommendations in respect of Québec overall rather than the Greater Montréal area, although 86.9% of the immigrant population is concentrated there. The presence of immigrants outside Montréal is growing and this trend is likely to continue in the coming years, thus reducing the gap between Montréal and the regions.
3. From the standpoint of accommodation, we will emphasize as much as possible citizen action and the responsibility of individual and community interveners to encourage deliberation, free initiative and creativity in the analysis of situations. Almost without exception, we will give priority to this type of solution rather than external solutions in the form of new legislation or new organizations. This guideline will lead us to favour the dejudicializing and decentralization of the process of handling requests for adjustment.

4. Readers should bear in mind that our reflection is delineated by the basic societal choices that Quebecers have made in recent decades. Their low birthrate and desire to sustain demographic and economic growth have led them to opt for immigration. At the same time, many Quebecers have abandoned religious practice and have distanced themselves from the French-Canadian identity in favour of the new Québec identity. They have also decided (until further notice) to belong to Canada and, consequently, to come under the jurisdiction of its institutions. They have undertaken the shift to globalization and, as the common expression would have it, "openness to the world."
5. We will also pay close attention to the suggestions and proposals that Quebecers made during our public and private consultations. However, it stands to reason that we cannot follow up on all of the suggestions and proposals, mainly because of their often incompatible nature. Indeed, there is deep disagreement on many topics related to our mandate.

GENERAL ORIENTATIONS OF THE REPORT

- a) Reflect Québec's sociocultural development in recent years.
- b) Elaborate recommendations in respect of Québec overall.
- c) Emphasize citizen action.
- d) Take into account Quebecers' basic societal choices.
- e) Pay close attention to Quebecers' suggestions and proposals.
- f) Allow for the public expression of differences.
- g) Emphasize integration in a spirit of equality and reciprocity.

6. In the realm of ethnocultural diversity, we will adopt a train of thought and proposals designed to allow for the public expression of differences such that they can be assimilated and accepted, instead of concealing, marginalizing or suppressing them for whatever reason.
7. The theme of integration in a spirit of equality and reciprocity will guide our analyses and proposals. This concern will imbue the entire debate on accommodation and all of the questions stemming from it.

SECTION II A CRISIS OF PERCEPTION

As we have just noted, after a year of research and consultation, we have come to the conclusion that the foundations of collective life in Québec are not in a critical situation. If we can speak of an "accommodation crisis," it is essentially from the standpoint of perceptions. Indeed, our deliberations did not reveal to us a striking or sudden increase in the adjustments or accommodation that public institutions allow, nor did we observe that the normal operation of our institutions would have been disrupted by such requests. We did, of course, observe occasional friction points, doubts and dissatisfaction, but nothing that confirms that the overall situation might be uncontrollable, eloquently confirmed by the very small number of accommodation cases that end up before the courts.

Since the overall situation is not critical, how can we explain that the Québec government deemed it necessary to establish a commission to examine the "problem" of accommodation? To answer this question, we must reconstruct the chain of events that led to what we are calling a crisis of perception. In this way, we can pinpoint the circumstantial causes that have encouraged a significant number of Quebecers to adopt a very negative judgment of accommodation practices, even to the extent of believing that they threaten social order and our most basic values.

A. The chronology of events

The history of public debate in Québec on the question of reasonable accommodation can be divided into four periods. The number and type of cases and the intensity of public debate are the key criteria that define the periods. The chronology that we have established comprises 73 cases or incidents and covers roughly 22 years, from December 1985 to April 2008. Readers who wish to consult the list and description of all of the cases can do so in the full version of the report. We will confine ourselves here to a number of general observations.

1. Antecedents (from December 1985 to April 2002)


During this period, we noted 13 accommodation cases reported in the media. Our first observation is that all of the cases, with one exception, involved reasonable accommodation in the literal sense. In each case, legal or quasi-legal bodies were involved, i.e. the Commission des droits de la personne et des droits de la jeunesse (CDPDJ), the Tribunal des droits de la personne du Québec, the Montréal Municipal Court, the Superior Court of Québec, the Federal Court of Appeal, and the Supreme Court of Canada. Generally speaking, the public discovered during this period the new legal obligations stemming from changes in jurisprudence and the coming into force of the charters. In 1994, the wearing of the Muslim headscarf was the focus of debate that led the CDPDJ to formulate an opinion on the question in 1995. Aside from this topic, no striking controversy emerged concerning the very validity of accommodation practices.

2. The intensification of controversy (from May 2002 to February 2006)

This second period marks a turning point in debate on accommodation. It began with the announcement of the Superior Court of Québec judgment concerning the wearing of the kirpan, which had a significant impact on public opinion. Debate surrounding the application of sharia, especially in Ontario, also largely fuelled the controversy. The events of September 11, 2001 were still very much on people's minds: a social context permeated by suspicion and insecurity developed. Certain accommodation cases led to legal escalation: the decisions of lower courts were appealed, occasionally before the Supreme Court. What began as local cases became veritable issues whose legal developments society monitored closely. Another novelty was the emergence of topics of dispute such as the debate on Christmas trees, which are not, in a literal sense, a form of reasonable accommodation.

3. A time of turmoil (from March 2006 to June 2007)

This third period is noteworthy for the proliferation of cases or affairs reported in the media. During this 15-month period alone, we noted roughly 40 cases, compared with 13 and 12 cases, respectively, during the two preceding periods. These figures reflect the much more active role that the media began to play in respect of the accommodation question. The term accommodation entered public discourse and from then on became a hackneyed expression. Debate was no



**MEDIA COVERAGE
OF ACCOMMODATION**
Of the 73 cases or affairs that we inventoried over the past 22 years, 40 occurred during what we have called "a time of turmoil," equivalent to roughly 55% of the cases for the period from March 2006 to June 2007 alone.

longer confined to the question of minority religious practices but now encompassed the much broader question of the integration of immigrants and minorities. A phenomenon that had begun to emerge during the preceding period now became fully apparent: part of the population reacted to accommodation requests as though it felt wronged by what it perceived to be "privileges." In January 2007, the leader of the ADQ released a letter in which he denounced the political leaders' submission and the "old reflex of the minority" that encourages Quebecers to "give in" and "collectively fade into the background." Hérouxville's notorious life standards were adopted shortly thereafter. The accommodation crisis reached its height in March 2007 in the weeks preceding the provincial election: accommodation had become a social issue on which politicians made almost daily pronouncements.

4. A period of calm (from July 2007 to April 2008)

The onset of summer and the beginning of the Commission's deliberations coincided with a marked change in the coverage accorded accommodation. During this period, the media reported only eight cases or affairs, four of them outside Québec. Coverage of these cases was also much more reserved. The tragic story of the young Ontario Muslim girl killed by her father, which might well have been expected to arouse passions, illustrates this restraint. The "accommodation hunt" having ended, public attention turned to the Commission's deliberations and the content of its public consultations. It appears *a posteriori* that the establishment of the Commission calmed things down.

We have drawn the following conclusions from the chronology of events:

- a) Of the 73 cases or affairs that we inventoried over the past 22 years, 40 occurred during what we have called "a time of turmoil," equivalent to roughly 55% of the cases for the period from March 2006 to June 2007 alone.
- b) This statistic reveals the exceptionally intensive nature of the media coverage accorded reasonable accommodation during this period.
- c) The explanation that the number of cases debated by the media appears to reflect the number of accommodations granted in the field is unconvincing. This would assume that the number of accommodations granted increased exponentially in the spring of 2006 and declined drastically starting in June 2007. This hypothesis does not tally with the data and testimony that we collected.

B. Facts and perceptions

During the time of turmoil, many cases or affairs led a significant number of Quebecers to adopt a very negative perception of reasonable accommodation. These cases or affairs focused usually on accommodation or adjustments perceived as being illegitimate or a form of threat to Québec society's values.

In order to clarify the situation, the Commission mandated two researchers who devoted over four months to reconstructing as rigorously as possible the facts based on a sampling of 21 cases among those that received the broadest media coverage and that fuelled most extensively the controversy. The researchers questioned the interveners and witnesses and relied on the documentation available.

Our research reveals that in 6 of the 21 cases studied, there was no apparent distortion between the facts reconstructed and the public's general perception of these cases. However, we noted striking distortions in the other 15 cases. Thus, the negative perception of reasonable accommodation that spread in the public often centred on an erroneous or partial perception of practices in the field. Here are five examples that illustrate the extent of these distortions. The full report contains an analysis of the other cases.

THE COMMISSION INVESTIGATES

Two researchers mandated by the Commission reconstructed the facts based on a sampling of 21 cases among those that received the broadest media coverage by relying on the documentation available and questioning interveners and witnesses. In 15 of the cases, our research revealed striking discrepancies between the facts and widespread public perceptions.

1. Prenatal classes at the CLSC de Parc-Extension

Widespread perception: Men who accompanied their spouses to prenatal classes offered by the CLSC de Parc-Extension were excluded from the courses at the request of Muslim women who were upset by their presence.

The reconstructed facts: During the day, the CLSC de Parc-Extension organizes support and information meetings adapted to its clientele in the neighbourhood, which is very poor and mainly comprises immigrants, who have difficulty consulting health services. Prenatal care is one of the topics broached at these meetings. This service is used, above all, by immigrant women, but men are not excluded from it. Evening prenatal courses for expectant mothers and their spouses are offered in the two other CLSCs affiliated with the Centre de santé et de services sociaux de la Montagne.

2. The “directive” from the Société de l’assurance automobile du Québec

Widespread perception: The management of the Société de l’assurance automobile du Québec (SAAQ) has ordered its female driving examiners to relinquish their place to a male colleague when Orthodox Jews take their driving test.

The reconstructed facts: An SAAQ “accommodation guide” indicates the internal directives concerning the “exemption from the wearing of headgear for religious or medical reasons when a photograph is taken.” This guide also provides an example of accommodation related to the driving test, i.e. the case of a female Muslim client who wishes to take the practical test with a female driving examiner. The guide explains that the SAAQ can respond to such requests “if a female driving examiner is available at the time.” Otherwise, “an accommodation appointment may be granted at a later date since the centre is not required to reschedule other clients or to upset the test schedule to

acquiesce *immediately* to such a request when it is not possible to do so." The guide also specifies that "reasonable accommodation does not, therefore, apply when the request contradicts another right, e.g. the right to gender equality, the infringement of public order, or the safety of the premises and individuals."

3. The Mont-Saint-Grégoire sugarhouse

Widespread perception: Muslims arrived one morning at the sugarhouse and demanded that the menu be altered to conform to their religious standard. All of the other customers were therefore obliged to consume pea soup without ham and pork-free pork and beans. In the afternoon, the same Muslims entered the crowded dance hall and interrupted the festivities to recite their prayers. The customers in the dance hall were in a manner of speaking expelled from the sugarhouse.

The reconstructed facts: One week before the outing, a representative of Astrolabe, a Muslim association, met with the sugarhouse's owners to discuss certain changes to the menu, which would apply solely to the members of the group. The modified menu excluded pork meat but included halal sausage and salami provided and paid for by Astrolabe. This arrangement having been made, the association reserved one of the four dining rooms in the sugarhouse for its exclusive use. On the appointed day, after the meal, 40-odd members of the group moved several tables and chairs in the room reserved for them for a short prayer. The management of the sugarhouse wanted to free up the room as quickly as possible (business was brisk and nearly 300 customers were waiting to be seated) and proposed to those individuals who wished to pray that they use instead the dance hall, which was almost empty at that time. The dance hall can accommodate roughly 650 people and 30 customers were then in the room, some of them waiting to be seated in the dining room. Several young girls were dancing to popular music.

The management of the sugarhouse interrupted the music so that the Muslim customers could say their prayers, which took less than 10 minutes. The music then resumed. According to the management, no one was expelled from or asked to leave the dance hall.

4. Certified kosher food

Widespread perception: In the food sector, many firms secretly modify their recipes and invest heavily to make their products conform to Orthodox Jewish religious standards, which occasions a substantial price increase that consumers assume unwittingly. In Québec, the increase is on the order of several tens of millions of dollars and perhaps more each year. The companies and the rabbis share these revenues.

The reconstructed facts: No authoritative comprehensive study currently exists on the topic. However, we do have at our disposal testimony and partial but reliable overviews that clearly establish that *a)* the interest that businesses display in kosher certification reflects marketing strategies that cover a portion of the United States; *b)* the additional costs that consumers must assume are very minimal; *c)* kosher certification may require companies to modify certain production procedures, e.g. additional washing, but not to modify the composition of their products; and *d)* rabbis do not profit by certification.

5. Home health care

Widespread perception: On the Sabbath, nurses from the CLSC Thérèse-de-Blainville must provide home health care for patients from the Boisbriand Hasidic Jewish community. They must also comply with a specific dress code when intervening in the community.

The reconstructed facts: The Boisbriand Hasidic community represents 1.7% of the population served by the CLSC de Thérèse-de-Blainville, while home health care services in this community account for 0.1% of all home health care measures. To be accepted, home health care must be medically prescribed. CLSC nurses are not subject to any dress code. The CLSC has already rejected several accommodation requests and claims that it has for several years maintained very good relations with the Hasidic community.

C. Dissatisfaction with accommodation

We have thus observed with respect to a majority of cases that aroused controversy significant distortions between facts and perceptions. Given this observation, we can only ask ourselves what form debate would have taken if the public had obtained complete, objective information. The most likely hypothesis is that an accommodation crisis would not have arisen. Two sources of distortions clearly contributed to the perception crisis: the well-known phenomenon of the rumour and the media, which participants at the forums and hearings often criticized and several representatives of which engaged in fairly harsh self-criticism. However, we cannot explain by means of these factors alone Quebecers' astonishing reaction. With the help of debate on accommodation, Quebecers have engaged in self-examination and questioned themselves as never before perhaps since the Quiet Revolution. We will return to this aspect of the problem in section VII.

To all appearances, the key signs of dissatisfaction came from Quebecers of French-Canadian origin. It is difficult to precisely quantify within this group the opponents and proponents of accommodation, but it does appear that the former were more numerous than the latter. This is the picture that emerges from letters and comments that appeared in the media and the opinions expressed by focus groups that we organized in Montréal and the regions, and the findings of several surveys. On the other hand, the English-speaking

Québec community appears to have displayed general receptiveness to accommodation, as revealed by the SOM survey conducted in September and October 2007 on behalf of a Montréal daily newspaper: 71.7% of the Quebecers whose mother tongue is French questioned found our society overly tolerant of accommodation. Among Quebecers whose mother tongue is a language other than French (including allophones), the proportion was 35.2%.

Numerous arguments revealed dissatisfaction with accommodation. Among its research initiatives, the Commission produced a typology elaborated in light of all of the objections that the public has put forward concerning accommodation. In section VI, we review the key objections and respond to them. For the time being, we will confine ourselves to pointing out that by expressing its dissatisfaction with accommodation, the public often chose the wrong target. Indeed, immigrants and members of the ethnic minorities had nothing to do with several cases such as the Christmas tree at City Hall, the pseudo-directive from the Service de police de la Ville de Montréal, voting by individuals wearing the veil, and so on, and were unfairly blamed in several other cases such as the sugarhouse, prenatal courses, kosher food or home health care.

COULD THE CRISIS HAVE BEEN AVOIDED?

The negative perception of accommodation often stemmed from an erroneous or partial perception of practices in the field. Had the public been more familiar with such practices, perhaps there would not have been an accommodation crisis.

SECTION III THE STATE OF HARMONIZATION PRACTICES

A. The rationale for reasonable accommodation

Before we examine the reasons for which reasonable accommodation was disparaged, it is a good idea to ask ourselves from whence comes the general idea of accommodation or harmonization. In any society in which two or more cultures intermingle the question of the management of diversity inevitably arises and it has ever been thus. Until recently, it was usually resolved in an authoritarian manner: one more powerful culture attempted either to dominate the others or eliminate them through assimilation. However, practices aimed at relaxation or reconciliation have always existed, even in empires. Mentalities and legislation have changed in recent decades, above all in the West. Democratic nations are displaying greater respect for diversity and are adopting methods of managing coexistence based on an ideal of intercultural harmonization. This ideal is permeating national cultures through an array of procedures and at different paces. Our investigation reveals that in Québec harmonization measures are now part of the day-to-day life of public institutions such as health establishments, schools and universities.

A new sensitivity to human rights and minorities has appeared in the West in recent decades. Democratic nations are more respectful of diversity and are adopting methods of managing coexistence based on an ideal of intercultural harmonization.

At the same time as this change, a new tradition has taken shape in the realm of law. The traditional conception of equality, based on the principle of uniform treatment, has given way to another conception that pays closer attention to differences. Little by little, the law has come to recognize that the rule of equality sometimes demands differential treatment. It is this conception

that the legal provision called reasonable accommodation reflects. Reasonable accommodation stems from the basic principle of equality and fairness and has been current for roughly 25 years. It is intended to counteract certain forms of discrimination that the courts have traditionally qualified as indirect, i.e., which, without directly or explicitly excluding a person or a group of people, nonetheless bring about discrimination in the wake of a prejudicial effect because of the rigid application of a norm.

By way of illustration, consider the rule that prohibits students from bringing syringes into the classroom. While the rule is entirely warranted, it might threaten the lives of diabetic students. In this instance, it is relevant to make provision for the relaxation of the rule. The same logic prevails with regard to the adjustment of certain regulations in the workplace, e.g.

the relaxation of a compulsory dress code in the case of pregnant workers. Reserved parking spaces and the installation of access ramps for the disabled fall under the same principle.

The adjustment of rules is thus intended to prevent individuals from being put at a disadvantage or excluded and their right to equality to thus be compromised. In these different situations, the duty of accommodation created by law does not require that a regulation or a statute be abrogated but only that its discriminatory effects be mitigated in respect of certain individuals by making provision for an exception to the rule or a specific adaptation of it. In addition to prohibiting discrimination, the courts are asking managers and employers to seek concrete measures that foster equality. In law, this type of relaxation stems both from the Québec and Canadian charters. Québec courts have explicitly recognized this provision.

REASONABLE ACCOMMODATION IS A LEGAL NOTION

This notion stems from jurisprudence in the realm of labour and indicates a form of relaxation aimed at combating discrimination caused by the strict application of a norm, which, in certain of its effects, infringes on a citizen's right to equality.

Harmonization measures for religious reasons spring from the same logic, always in keeping with the law. For example, let us mention the case of Jews or Muslims who have obtained leave to celebrate their religious holidays in the same way as Catholics, who, almost without exception, have always had permission to be absent from work on Sunday, Christmas Day and at Easter. Here, too, it is the rule of equality or fairness that prevails: what is legitimate for one faith is legitimate for the others. Similarly, to ensure freedom of religion, a secular State may fund chapels in detention centres. Nationality and sexual orientation are other grounds for discrimination that are also covered by the duty of accommodation.

Each of these cases illustrates the logic that underpins harmonization measures. Sociologically speaking, we have observed that a number of apparently neutral or universal norms in actual fact reproduce worldviews, values, and implicit norms that are those of the majority culture or population, such as restaurant, airline or cafeteria menus, which did not previously take into account vegetarians or individuals with allergies. Even if they do not exclude *a priori* any individual or group, these provisions can nonetheless lead to discrimination toward individuals because of specific traits such as a temporary or permanent physical disability, age, or religious belief. It follows that absolute rigour in the application of legislation and regulations is not always synonymous with fairness.

We can thus see that the right to equality and freedom of religion do not necessarily have as a corollary uniformity or homogeneity. According to jurists, a given right may demand adjustments in treatment that must not be equated with privileges or exemptions since they are intended to remedy a flaw in the application of a statute or a regulation. As the experts have expressed it, a treatment can be differential without being preferential.²

2. Or, as Clément Claveau stated during the hearings held in Rimouski on October 2, 2007: "Citizens are equal in their differences."

We are thus dealing here with two conceptions not of the right to equality but the procedures for its application, i.e. *a*) a formal, doctrinal, very rigid conception, or *b*) a modulated, flexible conception that is more inclusive because it is more attentive to the diversity of situations and individuals. It is this second conception that Québec, like many other nations, has decided to emphasize.

It is important to note that the duty of accommodation is not limitless. For the duty of accommodation to exist, discrimination as conceived by the charters must first be present. Section 10 of the Québec *Charter of Human Rights and Freedoms* lists 13 grounds for discrimination that may justify an accommodation request. These grounds are mainly circumstantial, such as pregnancy or marital status, or permanent traits such as sex, skin colour or a disability, or sociocultural traits such as religion, language and so on. This first criterion thus excludes from the realm of reasonable accommodation any request not based on a recognized discriminatory ground.

THE DUTY OF ACCOMMODATION IS NOT LIMITLESS

A request may be rejected if it leads to what jurists call "undue hardship," which can take different forms such as unreasonable cost, upsetting an organization's operation, infringing the rights of others, or prejudicing the maintenance of security and public order.

The realism of the request and the ability of the employer or the organization concerned to accommodate the individual are a second, highly restrictive constraint. Jurists use the expression *undue hardship* to indicate it. Indeed, according to tradition in the realm of labour law, a request may be rejected if it involves an unreasonable cost, upsets the organization's operation, infringes the rights of others or prejudices the maintenance of security and public order.

B. Harmonization practices in the field

As we have just seen, harmonization practices are not a new phenomenon but are part of a legal tradition and general philosophy going back several decades in the West. Our investigation has revealed to us that the managers of Québec establishments such as schools, Cegeps, universities, hospitals and health and social

services centres have developed broad expertise in this field. The general impression that we have drawn from practices in the field is that **the current situation is under control**. The requests for adjustment or accommodation that the managers handle are varied but their number has, by and large, remained relatively small. According to the available statistical data and the testimony that we heard, there is no indication that we might face a striking increase in requests or a so-called domino effect.

Practices in the schools and the health sector provide a clear indication of the expertise that has developed in Québec with respect to the handling of requests for accommodation or adjustment. We will review them briefly, along with practices pertaining to the granting of leave for religious holidays. The full report contains a more detailed description of these practices and those found in other establishments such as Cegeps, universities, childcare centres and health and social services centres.

THE SITUATION IS UNDER CONTROL

According to the available statistical data and the testimony heard, there is no indication that we might face a striking increase in requests or a so-called domino effect.

1. The educational milieu

a) Types of requests

The data collected by the Fleury Committee³ reveal that requests formulated in the educational milieu are of three kinds. Demands pertaining to linguistic diversity (16% of cases) focus, in particular, on the language of communication between parents and the school and the granting to students whose mastery of the language is limited of additional time to take exams. Requests related to religious diversity (78.2%) are more varied and concern absence for major religious holidays; the wearing under certain conditions of headscarves or kirpans; the reorganization of school work for children weakened by Ramadan fasting; permission for adolescent girls to wear loose clothing instead of shorts in physical education classes, and so on. These requests are often accepted, although requests that would lead to the modification of the program of study and thus violate the *Education Act* are always rejected. Prayer rooms permanently assigned to a religious group are not authorized, nor is the washing of feet in sinks. Requests pertaining to ethnocultural diversity (1.9%) focus primarily on respect for the specific customs of ethnic minorities.

We do not have precise statistics on the extent of requests in the educational milieu. However, a simple calculation reveals that such requests are infrequent. The Greater Montréal area alone has 1000 establishments serving 1 million students. If only 1% of these students formulated an adjustment request each year, this would be equivalent to an annual total of 10 000 requests. According to the data available to us, this figure assuredly exceeds by far the actual situation, even according to the broadest estimates.

3. Bergman Fleury (2007). *Inclusive Québec Schools: Dialogue, Values and Common Reference Points. Report submitted to Québec Minister of Education, Recreation and Sports Michelle Courchesne.* Québec: ministère de l'Éducation, du Loisir et du Sport, 124 pages.

b) Method of handling requests

We note in the educational milieu the emergence of a genuine philosophy that consists in integrating harmonization practices into a general **educational support** approach. In conjunction with a pedagogical approach centred on the student's development, adjustments become one of a number of factors or variables that must be taken into account. This model emphasizes the importance of a contextual approach, which, alone, makes it possible to grasp the complexity and singularity of situations (the case-by-case approach). This model, which is receptive to the intercultural dimension, avoids marginalizing the student and fosters discussion and compromise solutions that respect core values such as gender equality, freedom of conscience, fairness, and secularism.

2. The health sector

a) Types of requests

Accommodation requests in hospitals, health and social services centres and local community service centres are highly varied. Requests related to language (the need for interpreters) or customs do not usually pose a problem. Certain religious requests are normally accepted, e.g. those

focusing on dietary laws, the orientation of the bed toward Mecca for Muslim patients in the last moments of their lives, or the extension of the period that the body of a deceased Jew lies in repose.

APPROACHES CENTRED ON THE INDIVIDUAL

**In schools and hospitals,
adjustment requests fall under
a general approach that takes
into account the student's and
the patient's individuality.**

Other requests lead to compromise solutions. Depending on the availability of space, hospitals endeavour to assign men and women to separate rooms. Where possible, they try to satisfy requests from women who wish to be treated by a female obstetrician. A nurse wearing a headscarf may work in the operating area provided that her headscarf has been sterilized. Practising Jews may store kosher food in a refrigerator for which they have paid. A woman may be accompanied by her spouse at a medical examination conducted by a male caregiver provided that she answers the questions. The hospital outfits a single prayer room for all religions.

However, various demands are rejected. Parents are not allowed to leave the hospital with the body of a dead newborn child or the placenta (it is illegal to do so). Hospitals refuse to extend for up to five or six hours the period that a deceased person lies in repose immediately after death. A parturient individual is not allowed to wear her headscarf during delivery and hospitals do not allow prenatal courses from which spouses are excluded.

Managers and health-care personnel occasionally encounter difficult situations. A Jewish woman who has given birth is prepared to go home but is unable to do so since it is the beginning of the Sabbath and she may not use transportation, although the hospital is short of beds. Because of their religion, parents object to an autopsy being conducted on a deceased child. A Catholic physician does not wish to prescribe birth-control pills. A health professional refuses to perform ultrasonography. A pregnant woman refuses a caesarean, even though her refusal threatens the life of her child.

b) Method of handling requests

Few physicians complain about a lack of guidelines. Such guidelines already exist and are of two kinds, i.e. the professional code governing medical practice and the *Act respecting health services and social services*, which obliges establishments to treat patients or beneficiaries bearing in mind their cultural (in particular, religious) traits. In the realm of medical practice, requests related

to religion are but one constraint among others, such as language, the patient's physical traits, the technical conditions under which the medical procedure is performed, and so on. The notion of the **personalization of care and services** has thus become pivotal in the health sector. Harmonization practices are part of this general philosophy centred on the patient's physical, psychosocial and spiritual needs. We must add that health professionals have extensive experience of the ethical questions related to their work (the first ethics committees were established in hospitals). Similarly, they possess solid expertise in negotiating value conflicts and rights and in handling intercultural questions.

3. Religious holidays in the workplace

We will conclude our overview of harmonization practices by examining the question of religious holidays, which affects both public institutions and the business sector.

The Québec labour market is undergoing extensive change. Numerous immigrants of different ethnic origins and faiths other than Christianity are joining the ranks of an increasingly diversified labour force. In this context, our society is beginning to realize to what extent labour laws and collective agreements reflect our Catholic and Protestant heritage (statutory holidays on Christmas, Good Friday, Easter Monday and Thanksgiving). Individuals of other faiths who have lived for a long time in Québec or newcomers also wish to have recognized the right to celebrate their own religious holidays.

Religious holidays should be granted readily but also without unfairness towards other employees.

Requests for religious holidays are becoming more frequent in the workplace. Such requests came first from Protestants, practising members of the Jewish community, then other faiths such as Islam and Hinduism. They obtained a legal foundation and broader legitimacy in the wake of a 1994 Supreme Court judgment. Requests for religious holidays are nonetheless few in number but are increasing in all workplaces, especially in Montréal. According to the testimony of several union leaders, they usually rank first among accommodation requests for religious reasons.

Three types of accommodation related to requests for religious holidays are found in the workplace:

a) Paid leave with compensation

This system, found in the Québec government, is apparently the most widespread. It can take various forms, which have in common the refusal to grant any additional paid non-work day. Individuals who request a religious holiday must, for example, draw it from their banked leave, personal holidays or floating personal holidays, and from statutory holidays. They can also undertake to perform the hours of work.

b) Unpaid leave

This system appears to be found primarily in the private sector, in particular in small and medium-sized enterprises.

c) Additional paid leave

This system is in force mainly in the school boards covered by court judgments in the 1990s. We have noted that it arouses dissatisfaction among employees who are unable to take advantage of it and deem it to be unfair.

Aside from their legality confirmed by the courts, we deem accommodation practices in respect of religious holidays to be legitimate. Moreover, we believe that they should be readily granted but without unfairness toward other employees.

General conclusions

Based on this overview of harmonization practices, we can draw the conclusions indicated below.

- a) We do not have at our disposal precise, reliable statistics on the number and source of harmonization requests, in particular by ethnic group, religion, age, and sex. Some raw data are available, but since they do not relate to a denominator, i.e. basic number or population, number of service deliveries, number of medical procedures, and so on, they do not allow us to draw conclusions concerning the frequency of requests. That being the case and, as we emphasized earlier, there is no indication, in light of the testimony of interveners working in the field, that such requests might proliferate.
- b) Our deliberations allow us to conclude that managers and interveners in the field fully deserve the general public's trust. While problems do persist, they have acquired solid expertise in the realm of harmonization practices.
- c) We have noted that the approaches elaborated by institutions closely resemble each other, whether from the standpoint of the educational support offered by teachers or the personalization of care by health-care personnel.
- d) In different milieus, there exists a fear of over-regulation "from above." Intervenors need leeway that allows them to take into account the uniqueness of cases and contexts.

- e) However, the interveners hope that the principles, general framework and rules governing coexistence (the “guidelines”) will be clarified. As the Conseil interculturel de Montréal noted in its brief, “a text is sorely lacking in Québec that would serve as a reference to regulate relations and the place of religion in our institutions.” The same is true of the interculturalism model that Quebecers appear to widely support but in the absence of an official text that explicitly defines it as a model for managing intercultural relations.
- f) To summarize, we can confirm that we are facing three key tasks: formulate the key principles applicable to all workplaces; adapt these principles to the context and mission of institutions; and take the steps necessary to disseminate the experience acquired in institutions among all of the individuals concerned.

QUÉBEC SOCIETY IS NOW FACING THREE MAIN TASKS:

- a) formulate the major principles applicable to all workplaces;
b) adapt these principles to the context and mission of institutions;
c) disseminate the experience acquired in institutions among all of the individuals concerned.

SECTION IV SOCIETAL NORMS OFFER A FRAME OF REFERENCE

One of the key sources of anxiety mentioned during our consultations concerns the putative absence of guidelines to handle adjustment requests. Aside from the legal guidelines indicated in section III, Québec society has nonetheless adopted over the years an array of norms and guidelines that underpin its “common public culture.” It is thus wrong to believe that there are no guidelines governing harmonization practices. However, this does not mean, either, that some facets of the guidelines would not benefit from clarification. Our approach comprises two stages. First, we will examine the existing guidelines, then, in keeping with the wish expressed by many interveners, we will seek to clarify the integration model and the system of secularism that seem most appropriate to Québec society.

A. Existing guidelines

1. Québec’s liberal democracy

Let us begin by noting that Québec’s political system is both **democratic** and **liberal**. It is democratic insofar as political power ultimately resides with the people, who delegates such power to representatives who exercise it in the people’s name for a given period of time. Our democracy is thus representative, but it is also liberal in that individual rights and freedoms are deemed to be fundamental and are thus confirmed and protected by the State.

We often lose sight of the extent to which the legitimacy of our political system centres on the complementarity of these two facets, i.e. its democratic and liberal nature. This system is democratic since, as we noted earlier, the people are sovereign. All citizens, who are deemed to be equal, are the ultimate holders of political power. All of them may in principle

Québec is a liberal democracy. The government of the majority undertakes to respect the freedoms and basic rights of all citizens.

participate in political debate and take advantage of the right to vote. Since individuals often disagree about political questions and vote for different parties, a democracy is quite rightly subject to the rule of the majority.

Québec's democratic system is also liberal since it protects rights and freedoms from possible abuse by the majority. For example, no one would want a government, even a properly elected one, to flout the basic rights of a group of citizens in the name of the majority's interests. It is precisely to offer additional protection of the rights and freedoms guaranteed to all individuals that such rights and freedoms are enshrined in a charter, which imposes limits on the government's action and manages relations between citizens.

We cannot examine in detail here the Québec and Canadian charters. Let us simply note that both charters spell out a series of rights and freedoms from which all citizens may benefit, e.g. the right to life and equality, freedom of conscience and religion, freedom of expression and association, political rights and legal guarantees. They also prohibit several forms of discrimination, including discrimination based on sex, ethnic origin and religion. Everyone must be able to exercise these rights and freedoms since all human beings are deemed to be equal in dignity. The Preamble of the Québec Charter states that "all human beings are equal in worth and dignity, and are entitled to equal protection of the law."

It is also important to point out that the exercising of these rights and freedoms is not absolute and must respect the rights of others and the collective interest. When two rights come into conflict, the courts do not seek to determine which of the two is superior to the other, i.e. to organize rights along hierarchical lines, but endeavour to hand down a decision in which the level of

The Québec Charter spells out a series of rights and freedoms from which all citizens may benefit, including the right to life and equality, and freedom of conscience, expression and association.

infringement of the two rights is “minimal.” This approach stems from the principle whereby **basic rights are equally important**. They form, to some extent, the links in the same chain. For this reason, the 1948 *Universal Declaration of Human Rights* does not establish a hierarchy of basic rights.

2. French as the common public language

In Québec, French is the official language. The *Charter of the French language* (Bill 101), adopted in 1977, stipulates that French is “the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business.” Québec’s language policy therefore seeks to promote French as the common public language. However, Bill 101 does not cover the language that Quebecers use in the home or in their private lives. In keeping with the liberal nature of Québec society, the government has undertaken to promote French in a spirit of respect toward the linguistic minorities that live in Québec.

Through the provisions in Chapter VIII of the *Charter of the French language* covering the language of instruction, Québec French-language schools attended by students of different origins have become a hub for integration and learning to live together. The French language is the main medium that allows Quebecers of all origins to interact, get to know each other, cooperate and participate in the development of Québec society.

FRENCH, THE COMMON PUBLIC LANGUAGE

French is the official language of Québec. Québec’s language policy seeks to make French the normal, usual language of work, instruction, communication, commerce and business, in a spirit of respect for the linguistic minorities that live in its territory.

3. Québec's integration policy

It is widely acknowledged that the key directions in Québec's integration policy were defined in the *Policy Statement on Immigration and Integration* adopted in 1990. The policy statement stipulated the components of a "moral contract" that established, in a spirit of reciprocity, the respective commitments of the host society and newcomers. In particular, the policy statement stipulates that Québec is:

- a society in which French is the common language of public life;
- a democratic society that expects and encourages everyone to participate and contribute;
- pluralistic and open to outside contributions, within the limitations imposed by respect for basic democratic values and the need for intercommunity exchange.

It notes that immigration is essential to the development of Québec society. As for cultural diversity, it is perceived as an asset inasmuch as its expression is guided by the charters of human rights and freedoms and it is achieved in a spirit of interaction rather than a spirit of division. Immigrants are encouraged to learn French and contribute to Québec society's cultural, economic and political vitality. In return, the government undertakes to facilitate their integration.

QUÉBEC'S INTEGRATION POLICY
Immigrants are encouraged to learn French and participate in Québec's cultural, economic and political life. In return, the government undertakes to facilitate their integration.

Successive governments may interpret differently any of these policy directions. However, we have noted that the principles of the civil pact formulated in the policy statement have not been fundamentally altered since 1990.

The factors that we have just examined, i.e. the liberal democratic system, the charters of human rights and freedoms, the *Charter of the French language*, and the *Policy Statement on Immigration and Integration*, have made it possible to establish in Québec in recent decades a relatively harmonious group climate. However, debate on reasonable accommodation has revealed that certain aspects of the "common public culture" would benefit from broader dissemination or clarification.

B. Integration and interculturalism:
a model to be clarified

Often mentioned in academic papers, **interculturalism as an integration policy has never been fully, officially defined by the Québec government** although its key components were formulated long ago. This shortcoming should be overcome, all the more so as the Canadian multiculturalism model does not appear to be well suited to conditions in Québec, for four reasons: *a*) anxiety over language is not an important factor in English Canada; *b*) minority insecurity is not found there; *c*) there is no longer a majority ethnic group in Canada (citizens of British origin account for 34% of the population, while citizens of French-Canadian origin make up a strong majority of the population in Québec, i.e. roughly 77%); *d*) it follows that in English Canada, there is less concern for the preservation of a founding cultural tradition than for national cohesion.

Generally speaking, it is in the interests of any community to maintain a minimum of cohesion. It is through such cohesion that a community can adopt common orientations, ensure participation by citizens in public debate, create the feeling of solidarity required for an egalitarian society to function smoothly, mobilize the population in the event of a crisis, and take advantage of the enrichment that stems from ethnocultural diversity. For a small nation such as Québec, constantly concerned about its future as a cultural minority, integration also represents a condition for its development, and perhaps, for its survival.

That is why the integrative dimension is a key component of Québec interculturalism. According to the descriptions provided in scientific documentation, interculturalism seeks to reconcile ethnocultural diversity with the continuity of the French-speaking core and the preservation of the social link. It thus affords security to Quebecers of French-Canadian origin and to ethnocultural minorities and protects the rights of all in keeping with the liberal tradition. By instituting French as the common public language, it establishes a framework in society for communication and exchanges. It has the virtue of being flexible and receptive to negotiation, adaptation and innovation.

The 11 proposals below allow us to define Québec interculturalism even more precisely.

1. Québec as a nation, as recognized by all Québec political parties and the federal government, is the operational framework for interculturalism.
2. In a spirit of reciprocity, interculturalism strongly emphasizes interaction, in particular intercommunity action, with a view to overcoming stereotypes and defusing fear or rejection of the Other, taking advantage of the enrichment that stems from diversity, and benefiting from social cohesion.

3. Members of the majority ethnocultural group, i.e. Quebecers of French-Canadian origin, like the members of ethnocultural minorities, accept that their culture will be transformed sooner or later through interaction.
4. Cultural, and, in particular, religious differences need not be confined to the private domain. The following logic underpins this choice: it is healthier to display our differences and get to know those of the Other than to deny or marginalize them.
5. The principle of multiple identities is recognized, as is the right to maintain an affiliation with one's ethnic group.
6. For those citizens who so wish, it is desirable for initial affiliations to survive, since ethnic groups of origin often act as mediators between their members and society as a whole. A general phenomenon arises in this regard: almost without exception, each citizen integrates into society through a milieu or an institution that serves as a link, e.g. the family, a profession, a community group, a church, an association, and so on.
7. Multilingualism is encouraged at the same time as French as the common public language. The debate that opposes the language of identity and the common language (as a simple communication tool) is hardly promising. What is important, first and foremost, is the broadest possible dissemination of French, in whatever form.
8. To facilitate the integration of immigrants and their children, it is useful to provide them with the means to preserve their mother tongue, at least at the outset. This helps them to mitigate the shock of immigration by affording them a cultural anchor. It is also a means of preserving the enrichment that stems from cultural diversity.

9. Constant interaction between citizens of different origins leads to the development of a new identity and a new culture. This is what has been happening in Québec in recent decades without altering the cultural position of the majority group or infringing on the culture of minority groups.
10. Under a recent, highly promising orientation from the standpoint of pluralism, the groups present in Québec define themselves with reference to common, often universal, values stemming from their history rather than their ethnic traits. Québec is thus part of an international trend whereby societies choose to integrate diversity in light of shared values.
11. The civic and legal dimensions (and everything that concerns, in particular, non-discrimination) must be regarded as fundamental in interculturalism.

To summarize, we could say that Québec interculturalism *a)* institutes French as the common language of intercultural relations; *b)* cultivates a pluralistic orientation that is highly sensitive to the protection of rights; *c)* preserves the creative tension between diversity and the continuity of the French-speaking core and the social link; *d)* places special emphasis on integration; and *e)* advocates interaction.

As we noted earlier, we believe it would be useful for the Québec government to adopt an official text such as a statute, a policy statement

QUÉBEC

INTERCULTURALISM:

- a)* institutes French as the common language of intercultural relations;**
- b)* cultivates a pluralistic orientation that is highly sensitive to the protection of rights;**
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- d)* places special emphasis on integration; and**
- e)* advocates interaction.**

or a declaration that broadly defines interculturalism. This text would thus constitute a key component of the social blueprint and would serve as a frame of reference for the elaboration of policies and programs. In addition to enhancing the coherence of the government's approach, it would offer all community interveners an official reference point.

C. A secular regime for Québec

During the public consultation held in the fall of 2007, Quebecers massively espoused the concept of secularism, one of the most frequently mentioned themes, but sometimes with highly different meanings. We will first seek to clarify the meaning of this concept then will describe the type of secularism that we believe is best suited to Québec.

An initial ambiguity: the distinction between what is public and private

The argument that "religion must remain in the private sphere" was often cited by the proponents of secularism. While at first sight it seems clear, this statement is not quite as clear as we may think. Indeed, "public" can be understood in at least two separate ways. According to the first meaning, what is public relates to the State and its common institutions, i.e. "public institutions." According to the second meaning, what is public is open or accessible to everyone, i.e. "places of public use," for example, a "garden open to the public."

The first meaning concurs with the secular principle of the neutrality of the State with respect to religion. According to this first meaning, it is therefore accurate to confirm that religion must be "private." However, it does not go without saying that secularism demands of religion that it be absent from public space in the broad sense. In point of fact, religions already occupy this space and, pursuant to the charters, religious groups and the faithful have the freedom to publicly display their beliefs.

Confusion arises when these two ways of understanding the distinction between what is public and private intersect. This is true, for example, when we ask whether students and teachers may display their religious affiliation in the school. If a public institution must be neutral, are the individuals who frequent it subject to this obligation of neutrality?

A second ambiguity: State neutrality

The notion of neutrality is also more complex than it may seem. Thus, it is widely acknowledged that the secular State must be neutral in respect of all religions. To this we must add that the State must not take sides as regards religion and non-religion. It must maintain its position of neutrality when faced with all deep-seated moral convictions, whether they are religious or secular.

STATE NEUTRALITY

Under the principle of neutrality, the State may not espouse all of the worldviews and deep-seated convictions of all citizens, which are numerous and sometimes hard to reconcile. However, it can promote the values that stem from them and underpin democratic life.

However, the secular, democratic State is based on a political moral code and on certain principles that are not negotiable. This is true of democracy, human rights and the equality of all citizens. When these principles come into play, the State may not remain neutral. Ideally, all citizens must share these same principles and political moral code, although their deep-seated convictions may differ.

For example, everyone may agree on the idea that we must defend the right to life, although individuals may do so in light of markedly different justifications: a Christian may confirm that human beings are created in God's image, while a secular philosopher might claim that a human being as a

rational subject possesses a dignity that no one must infringe. Other deep-seated reasons might similarly be cited. The secular State defends certain principles but it does so without taking sides in respect of the deep-seated reasons that citizens may cite to justify their adherence.

Open secularism

Liberal democracies, including Québec, all adhere to the principle of secularism, which can nonetheless be embodied in different systems. Which system is best suited to Québec society, bearing in mind its history and the very foundations of secularism?

To answer this question, it is useful to distinguish the four principles that underpin secularism. Two of them define its final purpose:

1. the moral equality of persons; and
2. freedom of conscience and religion.

The other two principles are expressed in institutional structures that make it possible to achieve these purposes:

3. the separation of Church and State; and
4. the neutrality of the State with respect to religions and deep-seated secular convictions.

Any secular system achieves some form of balance between these four principles. Certain systems impose fairly strict limits on freedom of religious expression. France, which has just adopted restrictive legislation governing the wearing of religious signs in the schools, is deemed to have this type of system, although in reality it is much more flexible than its reputation suggests. This type of system defines State neutrality very broadly, which leads to the exclusion of certain forms of religious expression in the public sphere.

We do not think that this is the best type of system. Since freedom of conscience and religion is one of the purposes of secularism (second principle), the neutrality of the State (fourth principle) should be designed so as to foster, not hinder, its expression. If such was the case in France, it is perhaps because a certain conception of the neutrality of the State, sanctioned by a national tradition, was raised to

the level of an ultimate purpose. Recent debate in France, where secularism has often been presented as an essential component of the Republic's identity, illustrates this shift. Certain French republicans believe that the mission of secular schools must be to emancipate students from religion. Others believe that cultural and religious identities only impede social integration, which should be based on citizenship that excludes any particularism.

There are three reasons why we believe that this type of restrictive secularism is not appropriate for Québec: *a*) it does not truly link institutional structures to the purposes of secularism; *b*) the attribution to the school of an emancipatory mission directed against religion is not compatible with the principle of State neutrality in respect of religion and non-religion; *c*) the integration process in a diversified society is achieved through exchanges between citizens, who thus learn to get to know each other (that is the philosophy of Québec interculturalism), not by relegating identities to the background.

OPEN SECULARISM

Like any form of secularism, open secularism has four components:

- 1) the moral equality of persons;**
- 2) freedom of conscience and religion**
- 3) the reciprocal autonomy of Church and State; and**
- 4) the neutrality of the State.**

The first two define its final purpose and the other two are expressed in institutional structures.

Open secularism, which we are advocating, seeks to develop the final purposes of secularism (first and second principles) by defining institutional structures (third and fourth principles) in light of this objective. This is the path that Québec has followed historically, as witnessed by the Proulx report, which also promotes open secularism.⁴ Our position, once again, is in keeping with the path that Québec has followed.

The wearing by government employees of religious signs

Must a regime based on open secularism allow government employees to wear religious signs? Does the neutrality of public institutions demand the prohibition of such signs? To answer these questions, we must consider the type of neutrality that it is to be expected of the public service. We naturally hope that public servants will perform their duties loyally and impartially. Would they relinquish these qualities simply because they wear a religious sign? We do not think so.

By prohibiting the wearing in the public service of any religious sign, we would prevent the faithful from certain religions from engaging in careers in the public service, which would contravene freedom of conscience and religion (second principle) and would largely complicate the task of building a public service that reflects Québec's population, which is becoming increasingly diversified. This would also infringe the equality of citizens (first principle).

THE WEARING OF RELIGIOUS SIGNS

We do not believe that a general prohibition concerning the wearing by all government employees of religious signs is warranted, except in a certain number of functions that imply a duty of self-restraint, e.g. the President of the National Assembly, judges and police officers.

4. Groupe de travail sur la place de la religion à l'école, *Laïcité et religions: perspective nouvelle pour l'école québécoise*. Rapport du Groupe de travail sur la place de la religion à l'école. Québec: ministère de l'Éducation, 1999, 296 pages.

We do not believe that a general prohibition concerning the wearing by all government employees of religious signs is warranted. However, we acknowledge that certain duties may imply a duty of self-restraint. In the brief that it submitted to the Commission, the Bloc Québécois noted that certain functions “by their very nature embody the State and its essential neutrality.” This is true, in particular, of judges, Crown prosecutors, police officers and the President of the National Assembly. Individuals who occupy these positions could be required to relinquish their right to display their religious affiliation in order to preserve the appearance of impartiality that their function requires.

Harmonization practices for religious reasons

In the course of our consultations, several interveners requested the adoption of legislation prohibiting any religious accommodation. This radical proposal cannot be adopted under a system based on open secularism, especially as it would require the amendment of the Québec *Charter of Human Rights and Freedoms*, which protects freedom of religion. Such an amendment would put Québec in an awkward position from the standpoint of the *Universal Declaration of Human Rights* and the numerous national charters based on it.

Furthermore, this proposal is incompatible with the principle of State neutrality. Since freedom of religion cannot be dissociated from freedom of conscience, the prohibition of religious accommodation would create inextricable legal problems. For example, let us consider the following case: a penitentiary offers a meat-based diet. Two inmates request a vegetarian meal, one because he is Hindu and the other (an atheist) because he believes it is immoral to kill animals for food. Should the first request be rejected under the pretence that it is motivated by religion and the second one accepted because it is not of a religious nature? How can we refuse requests related to freedom of religion without at the same time rejecting freedom of conscience? As we saw earlier, the neutrality of the State assumes that it does not take sides in favour of religion or non-religion.

According to another argument, the accommodation granted to the disabled should not be confused with religious accommodation because the disabled do not choose their disability, while a believer may decide to relinquish such and such a practice. This distinction, while it seems convincing, minimizes the fact that certain "religious choices" are actually experienced as non-optional. To infringe these choices of conscience would be tantamount to interfering with the individual's moral integrity and would entail relegating choices stemming from deep-seated convictions to the level of simple desires or whims. To no longer make a distinction between whims and deep-seated convictions, whether of a religious or a secular nature, would be to relinquish one of the most valuable established privileges of our civilization.

Religious heritage

Catholicism has left an indelible mark on Québec's history. Traces of it are all around us. Under the principle of the neutrality of the State, religious displays linked to the functioning of public institutions should be abandoned. Thus, we do not believe that the crucifix in the National Assembly and the prayers that precede municipal council meetings have their place in a secular State. In both instances, public institutions are associated with a single religious affiliation rather than addressing themselves to all citizens.

That being the case, it would be absurd to want to extend this rule of neutrality to all historic signs that no longer fulfil an obvious religious function, e.g. the cross on Mont-Royal or the crosses on old buildings converted to secular uses. The same is true of Québec toponymy, which is largely inspired by the calendar of the saints. Quebecers' common sense will surely prevail in this respect.

SECTION V A PROPOSED POLICY RESPECTING HARMONIZATION PRACTICES

We have seen in the preceding sections that legal parameters and norms governing life together already guide harmonization practices. We have also seen that these practices stem from societal choices that Québec has made in recent decades, more specifically through the adoption of an intercultural integration model and a system centred on open secularism. Harmonization practices are in keeping with this general approach that seeks to promote purposes and collective ideals such as equality, cooperation and social cohesion, the creation of new forms of solidarity and the development of a feeling of belonging to an inclusive Québec identity.

This section is intended to: *a*) introduce the concept of concerted adjustment by defending the dejudicialization and accountability of milieus; *b*) review and clarify the guidelines pertaining to harmonization practices; *c*) clarify two controversial questions (the ranking in hierarchical order of rights and the stance adopted by the courts in respect of religion); and *d*) illustrate the application of our policy by means of a number of cases that have been widely discussed in recent months.

A. Reasonable accommodation and concerted adjustment

The field of harmonization practices is complex and there is more than one way to define and delineate it. We have decided to give priority to the framework for handling requests, which leads us to distinguish between the **legal route** and the **citizen route**. Under the legal route, requests must conform to formal codified procedures that the parties bring against each other and that ultimately determine a winner and a loser. Indeed, the courts

impose decisions most of the time. The legal route is that of **reasonable accommodation**. Requests follow a much different route under the second path, which is less formal and relies on negotiation and the search for a compromise. Its objective is to find a solution that satisfies both parties and it corresponds to **concerted adjustment**.

Generally speaking, we strongly favour recourse to the citizen route and concerted adjustment, for several reasons: *a*) it is good for citizens to learn to manage their differences and disagreements; *b*) this path avoids congesting the courts; *c*) the values underlying the citizen route (exchanges, negotiation, reciprocity, and so on) are the same ones that underpin interculturalism. In quantitative terms, we have noted, moreover, that most requests follow the citizen route and only a small number rely on the courts.

In some situations, the legal route may be the only solution, but it should be avoided as much as possible. To this end, it is in the interveners' interests to engage in negotiations that simultaneously emphasize a **contextual, deliberative** and **reflexive** approach. The contextual dimension takes into account the unique nature of individual situations. Through the deliberative dimension, the interveners engage in dialogue and the reflexive dimension allows them to engage in self-criticism and mend their ways when necessary.

Concerted adjustment follows the citizen route. It relies on negotiation and the search for compromises.

The main strength of this approach is that it can be adapted to different situations and emphasizes the interlocutors' accountability in a spirit of mutual respect and dialogue. Moreover, it responds to the request from interveners and managers who want certain clarifications in respect of the general guidelines but wish to preserve leeway that allows them to take into account the specific nature of cases, contexts and environments.

B. Three types of guidelines

As we saw in section III, the duty of accommodation stems from the application of the charters of human rights and freedoms. However, this obligation, which affects public institutions and the private sector, is not without limits. Three types of guidelines make it possible to manage accommodation or adjustment requests, i.e. undue hardship, ethical reference points and incentives.

Undue hardship

To be admissible, it is not sufficient for an accommodation request to implicate a discriminatory ground recognized in the charters. In addition, it must not lead to what jurists call an "undue hardship," i.e. a disproportionate cost, an impediment to the enterprise's operation or an infringement of other people's rights. Undue hardship thus defines a series of **restrictive** guidelines, which can lead to the rejection of a request.

THREE TYPES OF GUIDELINES

Three types of guidelines make it possible to manage accommodation or adjustment requests, i.e. restrictive guidelines (undue hardship), ethical reference points (the attitudes sought in negotiations), and incentives (society's purposes).

Some public agencies have drawn inspiration from the definition of undue hardship stemming from jurisprudence to formulate evaluation criteria that take into account their specific traits. For example, the Centre de santé et de services sociaux de Laval formulated in its brief the four reference points indicated below to assess accommodation or adjustment requests:

1. A request for the personalization of care must not run counter to clinical judgment, best practices and the professional code of ethics and must be evaluated in light of clinical urgency.

2. A request for personalization must not run counter to safety rules, e.g. the prevention of infection, risk management, and so on.
3. A request for personalization must not engender undue costs or costs that exceed organizational limits from a human, physical and financial standpoint.
4. A request for personalization must not be harmful to the rights and freedoms of other users and interveners.

Similarly, interveners and managers in the educational milieu can refer to three criteria proposed by Marie Mc Andrew, a specialist in intercultural questions in the schools. According to these criteria, an accommodation or adjustment request must not:

1. violate the student's other rights or the rights of other students;
2. run counter to the rigorously restrictive requirements of the *Education Act*, program organization or other statutes;
3. impose undue hardship on the school with regard to its operations and budget.

Accommodation or adjustment requests are thus limited by: *a*) the institution's aims (provide care, educate, make a profit, and so on); *b*) the financial cost and functional constraints; *c*) other people's rights.

Moreover, as we saw in section IV, rights and freedoms themselves may be limited in the name of "regard for democratic values, public order and the general well-being of the citizens of Québec" (*Québec Charter of Human Rights and Freedoms*). Several statutes seek to promote or protect certain common public values, e.g. the *Education Act*, the *Act respecting health services and social services*, and the *Act respecting occupational health and safety*. Obviously, harmonization practices may not contravene these statutes and must remain faithful to Québec's common public values.

Ethical reference points

The negotiation process linked to accommodation or adjustment requests brings into play a second series of guidelines that fulfil an ethical role. While certain attitudes and behaviour foster the emergence of mutually satisfactory solutions, others may lead to withdrawal, inflexibility and, ultimately, to court action. Among the ethical reference points that should guide any negotiation, let us mention openness to the Other, reciprocity, mutual respect, the ability to listen, good faith, the ability to reach compromises, and a willingness to rely on discussion to resolve stalemates. The institution of a **culture of compromise** largely centres on all of these factors that foster the coordination of action and the peaceful, concerted resolution of disputes.

Incentives

Society's values and their intended aims also serve as incentives. Unlike undue hardship, such values are not sufficient to warrant rejecting a request but they may tip the scales in certain difficult cases. Thus, a request whose reasonable nature is challenged might be rejected if it favours ghettoization or marginalization, which runs counter to the objectives pursued by society. Conversely, **a request directed at integration would have a greater chance of being accepted.** This might be true, for example, of a request pertaining to the wearing of religious signs in the school: acquiescing to this request would allow Sikh, Muslim or Jewish students to attend French-language public schools instead of a private English-language or religious school. Similarly, certain adjustments, such as those made by the CLSC de Parc-Extension, would allow isolated, vulnerable immigrants to benefit from the health and social services system. These accommodation or adjustment measures that foster integration are all the more desirable as they contribute to the attainment of societal objectives such as the learning of French and social cohesion.

Incentives can also play a role in the realm of labour relations. In light of the scarcity and mobility of workers, it is in the interests of business managers to show concern for the well-being of their employees. Accommodation and adjustments are thus part of new diversity management strategies aimed at offering an inclusive, attractive workplace.

C. Two controversial questions

Two questions pertaining to harmonization practices have been keenly debated in recent months, concerning *a)* the hierarchical ordering of rights and *b)* the approach adopted by the courts to evaluate the applicants' religious beliefs. We will examine them briefly and encourage readers to consult the full report for a more detailed discussion of these complex questions.

Freedom of religion and gender equality

Many Quebecers have expressed the fear that freedom of religion, which is protected by the charters, may be cited to justify practices that run counter to the principle of gender equality. This fear was often reinforced by mistrust of the courts, which were suspected of promoting an overly lax or permissive interpretation of freedom of conscience, thus supporting practices that should not be tolerated in a liberal democracy.

Two proposals were put forward to clarify this question. The first proposal consisted in organizing along hierarchical lines the rights protected by the charters and in specifying that the principle of gender equality must take precedence over freedom of religion. This suggestion has the drawback of contravening the philosophy that has, until now, guided the elaboration of charters of human rights and freedoms in the West, in particular the 1948 *Universal Declaration of Human Rights*. As we noted in section IV, the courts are of the opinion that basic rights must not be organized along hierarchical lines because they are all equally important.

The second solution consisted not in organizing rights along hierarchical lines but in proposing the addition of an interpretive clause in the Québec Charter. The Québec government adopted this suggestion by proposing in Bill 63 the insertion of the following section: "The rights and freedoms enunciated in this Charter are equally guaranteed to women and men."

Our commission supports this initiative inasmuch as it does not appear to establish a hierarchical ranking of rights. Moreover, it must be noted that the Québec Charter already grants full recognition to women and men of the rights and freedoms enunciated in it and prohibits discrimination based on sex (section 10). Similarly, the courts have already elaborated criteria that allow them to reject accommodation requests that infringe gender equality. That being the case, the proposed amendment may, above all, prove useful if it encourages legislators to adopt the measures necessary to achieve **de facto equality** between men and women.

The subjective conception of religion

Until recently, the courts required individuals who requested accommodation for religious reasons to demonstrate the objectivity of their beliefs and the precepts or obligations that they invoked to support their request. Recent jurisprudence has abandoned this approach, which has been replaced by an approach that is based instead on the criterion of the sincerity of belief. Under this approach, authorized religious experts or representatives do not need to confirm the existence of the precept invoked by the applicant. What is important, in the court's view, is that the applicant sincerely believes that he is bound to conform to the religious precept invoked.

This new approach, based on a **subjective conception of religion**, has aroused criticism, linked in particular to the fear of an exponential increase in the number of requests and the absence of criteria to evaluate them. However, the courts have not adopted this approach for no reason. The approach has

several advantages: *a*) the court does not have to convert itself into a religious tribunal and arbitrate theological disagreements between different traditions or schools; *b*) the subjective conception avoids the risk that would stem from giving credence to the majority opinion in a religious community at the expense of minority opinions, which would thus be marginalized; *c*) the subjective conception reflects changes under way in the relationship to religion, which often leads nowadays to an individualization of belief (a growing number of believers shape their vision of the world based on different religious, spiritual and secular traditions); and *d*) the subjective conception circumvents the virtually insolvable problem of trying to define what is or what is not a religion.

That being the case, it is true that this new approach raises several questions. What is important is that it may be invoked in an opportunistic or fraudulent manner to justify an accommodation request. This possibility is all the greater since the sincerity test on which the courts rely must not be too exacting. Moreover, the courts must take into account the changes that can occur over time in a person's beliefs. However, we can counter these arguments by stating that the courts are accustomed to assessing the sincerity and credibility of testimony, regardless of the nature of the case being heard.

The situation is somewhat different for front-line managers, who have neither the means nor the authority to probe the sincerity of accommodation applicants. For these reasons, it is natural for them to rely on a more objective conception of religious belief, unlike the courts. Furthermore, as we have seen, it is in their interests to avoid the legal route by applying the contextual, deliberative and reflexive approach, which fosters the attainment of negotiated compromises.

D. Some illustrations

We will conclude this section by going back over several accommodation or adjustment cases that received widespread media coverage or that illustrate the application of the guidelines that we have presented. The exercise will necessarily be limited, for lack of space, but also for another reason. By definition, any accommodation or adjustment request arises in a specific context, which must be taken into account in the decision-making process. Each request must thus be evaluated on a case-by-case basis. However, our overview is nonetheless useful as a simulation to indicate a number of general guidelines. The examples selected will be confined to the realm of public institutions.

Adjustment requests that infringe gender equality would have little chance of being granted, since such equality is a basic value in our society.

1. Adjustment requests that infringe gender equality would have little chance of being granted, since such equality is a basic value in our society. In the health care sector and in all other public services, this value leads to the rejection, in principle, of all requests that result in a woman's being accorded inferior status to a man (some examples are police interrogations or driving tests). That being the case, we are aware of situations in which exceptions must be made.⁵
2. Coeducation is an important value in Québec society but it is not as fundamental as gender equality. For this reason, the list of admissible exceptions in this respect can be more extensive. As a general guideline, coeducation should, however, prevail everywhere possible, for example when students are divided into classes, in swimming classes, and so on.

5. For example, a girl who has just been raped would naturally rather confide in a female rather than a male police officer. In home-care centres for the elderly, female attendants attend to the personal hygiene of women. A woman requests for religious reasons that a female driving examiner conduct her driving test as she fears reprisals from her spouse if a male examiner is assigned.

3. As for prayer rooms in public establishments, our position reflects the opinion that the Commission des droits de la personne et des droits de la jeunesse adopted on February 3, 2006. The opinion states that educational establishments are not obliged to set up permanent prayer rooms. However, it is entirely in keeping with the spirit of adjustments to authorize for the purpose of prayer the use of rooms that are temporarily unoccupied. Certain exceptions may be made in the case of penitentiaries, hospitals or airports since the individuals who must remain there are not free to visit a church if they so desire.
4. Still in keeping with the notion of the separation of Church and State, we believe that the crucifix must be removed from the wall of the National Assembly, which, indeed, is the very embodiment of the constitutional state (a reasonable alternative would be to display it in a room devoted to the history of Parliament). For the same reason, the saying of prayers at municipal council meetings should be abandoned in the many municipalities where this ritual is still practised. On the other hand, the installation of an eruv does not infringe the neutrality of the State and thus may be authorized provided that it does not inconvenience other people.
5. The same reasoning leads to respect for dietary prohibitions and to allow in class the wearing of an Islamic headscarf, a kippah or a turban. The same is true of the wearing of the headscarf in sports competitions if it does not compromise the individual's safety. It should be noted that all of these authorizations promote integration into our society.

In keeping with the notion of the separation of Church and State, we believe that the crucifix must be removed from the wall of the National Assembly.

6. Applicants who are intransigent, reject negotiation and go against the rule of reciprocity will seriously compromise their approach, e.g. this would be true of a student who refused any compromise concerning dress to participate in a swimming class.
7. Requests must seek to protect or restore a right. Thus, we believe that non-Christian religious holidays are legitimate since they rectify an inequality. Conversely, requests must not infringe other people's rights. This forbids the exclusion of certain scientific works, for example, devoted to evolution, from a classroom library, the request by an Orthodox Jew who refuses to stand in line in a CLSC on the Sabbath, or a parent's opposition to a blood transfusion necessary for his child's survival.
8. In keeping with the aim of the education system, students must not be exempted from compulsory courses. However, a student may be authorized to abandon a music course for another equivalent course in the case of an optional activity.
9. The case of the frosted windows and the Muslims at the sugarhouse stemmed from informal agreements. The management of the YMCA could have refused to install the frosted windows. As for the owners of the sugarhouse, they were entirely free to accommodate their Muslim customers, which was a business decision.
10. Let us conclude with the most difficult case, that of the kirpan. Most Quebecers expected the court to decide in favour of the school board rather than the claimant. There is remarkably little violence in Québec society and it was deeply disturbed by the massacre in 1984 in the National Assembly and at the École Polytechnique in 1989. The massacre in Columbine, Colorado in 1999 was still fresh in everyone's mind.

The September 11, 2001 attacks instilled in the public a climate of fear. Under the circumstances, the security argument was of prime importance. The vast majority of Quebecers believed that the court should have taken advantage of this opportunity to send a clear message in favour of non-violence. If the kirpan is only a symbolic object, why demand that it be made of metal and 20 cm long?

The judges perceived the matter otherwise and for reasons that are no less convincing. Sikhs indeed regard the kirpan as a symbolic object: it has not led to any violent incident in a school at any time in Canada's history. The court's decision stipulated that the weapon must be carried in such a way that it in no way poses a threat, i.e. it must be sealed, worn under clothing and periodically inspected by the school. Furthermore, other equally dangerous objects are allowed in the schools, e.g. scissors, compasses, skates, baseball bats, and so on. The agreement that the court ordered was practically the same as the one that the school had initially concluded with the student's family. Since education in pluralism is part of the school's mission, the religious obligation to wear the kirpan should have been better explained to those who were opposed to it.

The kirpan affair in the school clearly demonstrates that it is preferable to focus on the citizen route instead of the legal route.

In the abstract, none of the principles in play appears to have prevailed over the others. It is the context and dialogue that become decisive. In schools in the Commission scolaire de Montréal, two similar requests have been made since the Supreme Court handed down its judgment and they were rejected without further legal proceedings. In both cases, it was negotiation with the family that made the difference. In 1998, a similar, little publicized incident occurred at the Polyvalent Lucien-Pagé. The affair ended through negotiation and the student accepted a compromise (the wearing of a small chain around his neck to which was attached a small symbolic kirpan).

In all of the cases, we can see how preferable it is to focus on the citizen route instead of the legal route, insofar as the former fosters the awareness among individuals of their responsibilities and seeks to avoid the emergence of conflict and antagonism.

SECTION VI RESPONSES TO CURRENT OBJECTIONS

In section II B, we sought to re-establish the facts surrounding cases that received extensive media coverage and fostered a widespread negative perception of accommodation. We will now undertake an analogous exercise by responding to criticisms and objections that we frequently heard during our public and private consultations and that we read in letters to newspaper editors and the e-mails that we analysed.⁶ We will focus, in particular, on arguments that strike us as being based on partial information or erroneous perceptions (we have examined in other sections substantive questions such as secularism). As it is impossible for us to review all of the objections formulated with respect to accommodation, we will examine the main ones, i.e. the most important and the most frequently expressed ones. To achieve greater clarity, we have grouped the arguments under six headings.

Several of the arguments invoked against harmonization practices are based on partial information or erroneous perceptions.

1. **With all of the adjustments, Québec is going against what is being done elsewhere.**
 - a) *Our society has gone much further than what key international legal conventions require.*

Québec seeks instead to follow key conventions and the leading Western legal texts. The authors of the Québec Charter were largely inspired by the *International Bill of Human Rights*, which includes the *Universal Declaration of Human Rights* and the two international pacts. Québec and Canadian jurisprudence are also occasionally based on European Court of Human Rights rulings.

6. Appendix B of the full report contains a more detailed version of this examination.

- b) *Québec should adopt the French model of radical secularism (republican) and thus achieve a genuine separation of the State and religion.*

This proposal betrays an erroneous perception of the French secular system, which, in several respects, displays greater openness than Québec does with respect to religions in public space. Private religious education in France obtains more generous funding than it does in Québec (over 75%, against 60% here). Churches receive substantial financial support for their social works. The State funds a substantial part of the maintenance of cathedrals and parish churches and chaplain services in secondary schools, hospitals and the army. A mass at Notre-Dame cathedral is the only official ceremony held for the funerals of French presidents. France observes more Catholic holidays than Québec does.

The wearing of ostentatious signs denoting religious affiliation was recently prohibited in State schools but in the name of public order rather than secularism. Furthermore, the headscarf has more or less been replaced in the schools by the bandana, a compromise between the hidjab and a simple Western scarf. Harmonization practices have expanded rapidly in recent years.

2. Harmonization practices are contrary to Québec's core values.

- a) *They are a Trojan horse that is corroding democracy, equality and our most precious values.*

Accommodation or adjustments are granted for reasons recognized by the charters, which reflect the core values that our society has decided to promote democratically. The same is true of the criteria used to evaluate requests (dialogue, integration and reciprocity). If certain bad decisions were made in the past, they arose, above all, because administrators were insufficiently trained to manage intercultural relations.

- b) Adjustments bring religion back into public space and contravene the rule of secularism ("we took religion out of the schools and have restored it through the back door").*

Harmonization practices do not call into question Québec society's secularism if by that we mean the autonomy of the State and religions and the neutrality of the State in respect of religions. The wearing in schools or hospitals of religious signs is a marginal phenomenon that in no way affects the establishments' autonomy. The "return of the religious" that people fear here is in no way comparable to the Catholic church's ascendancy over various institutions in bygone days. We see no evidence that "minority religions" wish to supplant the former "majority religion." These religions are simply occupying the place the Québec law grants them, like any other religion.

- c) Devotions, dietary laws and other rules of this nature are of secondary importance; believers should focus on the basic essentials of their religion, i.e. the credo.*

This argument stems from a refined or simplistic conception of Christianity whereby the essence lies in belief and internal moods at the expense of external practice. In many religious traditions, this separation does not exist. For example, in Judaism, belief is less important than respect for the Law. We must, therefore, be careful not to apply to other religions the model with which we are familiar.

3. Harmonization practices threaten social cohesion.

- a) Québec is swamped by adjustment requests that are becoming increasingly numerous. We are witnessing a downward spiral.*

The statistics available indicate that the number of requests remains minimal, bearing in mind school enrolments and the number of patients admitted to hospitals. Moreover, no datum allows us to confirm that the number of

adjustments appears to be rising. The educational institutions that participated in the Fleury committee's investigation reported that the situation in this respect has been stable for three years.

- b) To accommodate is to circumvent the law, grant privileges and create two classes of citizens. Native-born Quebecers are not requesting adjustments and the law must be the same for everyone.*

Adjustments are intended, above all, to protect minorities against shortcomings in the laws of the majority, not the opposite. They guarantee that everyone enjoys the same rights. As we emphasized in section III, different treatment is sometimes necessary to ensure an equal right. This does not mean granting a privilege but engaging in a reasonable adaptation to counteract the rigidity of certain rules or their uniform application regardless of the specific traits of individuals.

4. Harmonization practices threaten the very survival of Québec culture.

- a) Immigrants are returning us to the past with their religions.*

Immigration in recent decades, through its diversification, has brought to Québec religions that were hardly present or previously unknown (Islam, Hinduism, Buddhism and Sikhism). These religions differ from Christianity and are often linked to African or Oriental cultures that are fairly far removed from Western culture. With the exception of clearly reprehensible practices such as genital mutilation, for example, are we justified in placing difference in the same category as archaism? Is this not a convenient way of rejecting difference instead of endeavouring to understand it?

- b) Islamic fundamentalists rely on the incremental strategy. They are using adjustments to impose their values on native-born Quebecers, to advance their fundamentalist perspective and their project to achieve political conquest inspired by a desire to revolt against the West. Quebecers are wrong not to be more worried about it.*

First, there are few examples in Québec that show that Muslims have sought to impose their values or their religion on non-Muslims. There were a number of isolated incidents, such as the appearance by Imam Saïd Jaziri on a TV5 program. However, in this instance and in several others, we should instead criticize the non-Muslim guests who agreed to submit to the demands expressed, i.e. to avoid drinking wine at the table. As for the rest, among the 60 mosques in Montréal, we know of two or three very conservative ones that preach non-integration into Québec society for moral reasons. However, does this allow us to conclude that there is an "Islamist project"? Finally, is the fear expressed not disproportionate to the demographic weight of Muslims in Québec, who accounted for 2% at the most of the population in 2007?

5. The legal system functions poorly.

a) Because of indulgent judges, the wave of accommodation is out of control. The phenomenon has no limits and is snowballing.

Let us first emphasize that, were the number of adjustments to become excessive, this in itself would be grounds for rejection because of a criterion inherent in undue hardship. The grounds that justify a request for adjustment are not unlimited and are restricted by the charters. If we examine the educational milieu, we note that requests there are clearly managed: they must respect all of the criteria pertaining to undue hardship, comply with the school's general mission, conform to program organization, foster the participation and integration of students, and so on. The same is true of the health sector, where requests are also well managed.

b) The Supreme Court, through religious accommodation, is imposing multiculturalism on Québec.

Harmonization practices often have as a purpose the applicant's integration into the common culture, e.g. in the school, which is not really in the spirit of multiculturalism as we commonly perceive it in Québec. Moreover, the

Supreme Court's interventions until now have been too rare to allow for such a generalization. If we take the case of the sukkah, it is significant that the nine justices were very hesitant in their 5-4 ruling. In the case of the kirpan, the Supreme Court decided in favour of a formula on which the family of the young Sikh and the school principal had agreed at the outset. In fact, reasonable accommodation springs more from the general philosophy of pluralism than from multiculturalism as such.

c) *Through harmonization practices, the charters only protect individual rights at the expense of majority rights.*

As is true of statutes, the charters protect everyone's rights. However, legislation, designed by and for the majority, may wrong one or more individuals. The purpose of accommodation is to remedy these forms of discrimination that are usually unintentional, which can give the impression that the charters do not protect majorities.

d) *Contrary to what specialists claim, adjustments are not granted on a one-time or a case-by-case basis; quite the opposite, they legitimate group practices such as the headscarf, prayer rooms or religious holidays.*

As we have just seen, adjustments remedy shortcomings stemming from the application of legislation in respect of individuals who display certain traits protected by the charters. It is true that certain requests reflect a collective dimension but they are nonetheless handled in an individual framework, on a case-by-case basis. In their assessment, the judges take into account the possibility of "collectivization." Thus, seemingly similar requests are not necessarily handled in the same way (a compromise formula may be accepted in one instance but not in another). A recurrence of the same requests may also lead to the amendment of the norm.

- e) *Accommodation in favour of the disabled is warranted since the disability is a constraint, while accommodation for religious reasons is based on beliefs, i.e. on choices and personal preferences.*

Following the international tradition, the Québec Charter considers freedom of conscience, which includes freedom of religion, to be a basic right. Thus, it is nothing less than freedom of thought, defined very broadly, that the charters protect. Would we wish, for example, that the State might impose on citizens their deep-seated convictions? We must not put on the same footing convictions of conscience, which have a structuring nature, and personal preferences, which have a less essential nature.

- f) *Because of the courts, accommodation is topsy-turvy: it is not up to the managers to adjust but the believers themselves.*

In law, the duty of accommodation centres, first and foremost, on the manager as a representative of majority power and as the possessor of authority in his relationship with the employee, student or patient. However, the applicant bears some responsibility and is obliged to participate in the search for a compromise. There is an obligation of reciprocity.

6. Many immigrants do not want to integrate.

- a) *Those who request adjustments are intransigent, fundamentalists. They refuse compromises.*

This statement makes assumptions about the profile of applicants. We are certainly aware of cases of pure intransigence but also of numerous cases that are the opposite. It is better in this instance to rely on the testimony of managers and interveners in the field. What do they say? That cases of obstinacy are rare and that most situations are resolved through discussion and mutual respect.

- b) Adjustments allow immigrants to reconstitute their culture and to live on the fringes of our society, whose rules they reject. Adjustments are synonymous with "self-exclusion."*

One of the evaluation criteria respecting adjustment requests is precisely the positive impact that such requests can have on integration. The rejection of certain requests risks producing the effect dreaded at the outset, i.e. encouraging certain individuals to withdraw from public institutions and cease to interact with the common culture.

- c) When we are invited to eat in our friends' homes, we don't try to impose on them our own rules.*

The metaphor is attractive but deceptive. The immigrant is neither a guest nor a foreigner. He is at home in Québec and shares the same rights as everyone. When individuals request adjustments, they do not alter other people's beliefs or rules, unless in a very superficial manner, according to the very spirit of the notion of adjustment. If important beliefs and rules are truly affected, there is undue hardship and the request is inadmissible.

- d) If I went to Saudi Arabia or Iran, I would respect Saudi Arabian or Iranian customs.*

This supposition is also deceitful as it places on the same footing Québec and two countries that are hardly sensitive to human rights, i.e. in one instance a firmly rooted democracy and in the other, authoritarian regimes.

Conclusion

Several of the objections that we have just examined betray an obvious lack of information. Others reveal a negative attitude toward harmonization practices. Most of them appear to reveal anxiety. In the next section, we will attempt to recognize the causes of this anxiety and the causes of the discrimination of which minority groups are often the victims. In this way, we can trace Québec's future path.

SECTION VII AN EVOLVING QUÉBEC

A. Anxiety over identity

As we saw in section II, a considerable number of Quebecers of French-Canadian origin have adopted a very negative impression of harmonization practices, in particular owing to what we have dubbed the crisis of perception. We will now attempt to go back to the underlying causes of this crisis, which public rumours and the role played by the media alone cannot explain.

To all appearances, we must, to this end, examine the **insecurity of members of the minority group, which has been an invariant in the history of French-speaking Québec**. This insecurity has displayed itself recently in several ways, through the resurgence of debate on language, misgivings about globalization, new questioning about the identity and integration of immigrants, and the fear of ghettoization. During our consultations, several interveners made very gloomy comments and occasionally evoked the disappearance of French-language culture. The feeling that there has been a loss of reference points appears to be very widespread at present. Some people believe that the Quiet Revolution destroyed the founding traditions and that the great ideals that sustained it have not been replaced. Here, as elsewhere, the September 11, 2001 attacks have instilled in some individuals a sense of suspicion towards Muslim citizens. To this picture must be added various reasons for dissatisfaction related to job insecurity, economic deregulation and the relocation of businesses, the feeling of alienation or loss of citizen rights in light of what is deemed to be the rampant action of the courts, or the vain search for a consensus on a “major collective project” for Québec.

All of these factors appear to have coalesced in such a way that requests for religious adjustments have spawned fears about the most valuable legacy of the Quiet Revolution, in particular gender equality and secularism. Controversies surrounding prayers prior to municipal council meetings, the crucifix in the National Assembly and Christmas rituals, largely provoked by Quebecers of French-Canadian origin, have been perceived as threats to national traditions. The groundless impression that most immigrants appear to be fervent believers and that their culture is sustained by a more substantial or robust foundation has highlighted the feeling of a symbolic void that afflicts certain French-Canadian Quebecers. Some of them called into question rapid secularization in recent decades, while others reacted to the emergence of "new" religions that appeared to contravene the shift to secularization in Québec society. Finally, the double or even triple affiliation claimed by several members of the ethnic minorities has sometimes been perceived as a form of non-integration into Québec culture and thus as a threat to its survival.

The "wave" of adjustments has opened these old wounds and touched several emotional chords among French-Canadian Quebecers. The result has been an identity counter-reaction movement that has expressed itself by the rejection of harmonization practices. Among some Quebecers, this tension targets immigrants, who have become, to some extent, scapegoats. We believe, however, that

the shocking comments that we heard, for example, during the forums, stemmed largely from the anxiety of members of a minority and erroneous perceptions of the immigrant reality. However that may be, it seems that political and social leaders could have done more from the outset to put things back into proper perspective.

A DOUBLE STATUS

It is not always easy for Quebecers of French-Canadian descent to reconcile their double status as members of a majority in Québec and members of a minority in Canada and North America.

What has just happened in Québec may give the impression of a face-off between **two minority groups, each of which is asking the other to accommodate it.** The members of the ethnocultural majority are afraid of being swamped by minorities that are fragile and worried about their future. The conjunction of these two anxieties is obviously not likely to foster integration in a spirit of equality and reciprocity. It hinders the institution of a majority-minority relationship that conforms to the intercultural ideal.

However, it must be agreed that for Quebecers of French-Canadian descent, the combination of their majority status in Québec and their minority status in Canada and North America is not easy. It is a difficult apprenticeship that began in the 1960s and, which, obviously, is not over. However, French-speaking Québec espouses values of reception and solidarity. This is a message that everyone has read or heard for some time. We believe that these values do indeed exist but that they are not fully expressed because of anxiety over identity. We also think that this impediment in itself adds to the malaise.

The identity inherited from the French-Canadian past is perfectly legitimate, but it can no longer occupy alone the Québec identity space. It must hinge on the other identities present, in a spirit of interculturalism.

French-speaking Québec is a minority culture and needs a strong identity to allay its anxieties and behave like a serene majority. This is the first lesson that we should draw from recent events. The identity inherited from the French-Canadian past is perfectly legitimate and it must survive, but it can no longer occupy alone the Québec identity space. It must hinge on the other identities present, in a spirit of interculturalism, in order to prevent fragmentation and exclusion. All in all, it is a question of sustaining through symbols and imagination the common public culture, which is made up of universal values and rights, but without disfiguring it. Québec must now apply itself to this difficult task.

B. The challenge posed by diversity in the West

Before we go any further, it would be useful to note that Québec society's recent experience is neither unusual nor special. **A number of Western nations are experiencing malaises that resemble those expressed during debate on accommodation.** We might assert that the main source of such malaise is the growing ethnic diversification of Western societies. During the 1950s, countries such as France, the United States and Canada were already diversified, but others such as Denmark were virtually homogeneous. Countries such as Germany and England are experiencing fairly pronounced anxiety over identity although they are not subject to the same linguistic and culture pressures as Québec is.

If certain analogies can be made between the situation in Québec and that in other Western nations, it is important, however, to ascertain how they differ. Fears that may be warranted elsewhere are not justified here.

**Fears that may
be warranted
elsewhere are
not justified here.**

Thus, we must first note that Québec has welcomed immigrants for a long time and that they are contributing significantly to the development of society. Québec has integrated this understanding of the situation and perceives itself as a host society.

Unlike Québec and Canada, during the post-war period, a number of European countries did not perceive themselves to be countries of immigration although millions of immigrants entered them. They regarded the newcomers as simple visitors, temporary workers who, in exchanges for the wages that they could not obtain in their country of origin, performed tasks essential to the economy that natives of the country were unable or did not wish to perform. Today, we can see the utopian nature of this arrangement. The children of immigrants now live in major German cities and the Paris

suburbs who have lost a good part of their culture of origin without being able to integrate into the host society. They live in prosperous consumer societies without being able to participate in them. They feel that they are the victims of discrimination, alienated and stripped of their rights. Some of them are on the brink of revolt.

Certain European countries are facing serious problems linked to the emergence of underprivileged urban zones, which are inhabited by under-qualified populations and are the hub of tensions that are exacerbated by a keen sense of injustice and rejection. Mistrust and resentment obviate the potential benefit of social programs that are initially well designed but often poorly received by the communities for which they are intended. Gestures of discontent and revolt irritate the more privileged classes and undermine the majority's goodwill (it becomes hostile to the search for solutions). Against this backdrop, strong xenophobic right-wing movements flourish.

The situation in Québec is much different, in at least four respects:

- a) Marginalization factors exist in Québec, but they are not of the same magnitude as in certain European countries. We do not observe in relations between immigrants and the host society a comparable level of tension and socioeconomic exclusion. Furthermore, we must do everything possible to avoid a downward spiral in this respect.
- b) Over 60% of the immigrants who arrive in Québec are selected in light of their occupational and linguistic skills, with the result that they are generally better educated than the average member of the host society. This is a far cry from the situation of under-educated immigrant populations in certain German and Dutch cities or in certain French suburbs.

- c) A number of immigrants come from the middle class and thus share in many ways the lifestyle of numerous Quebecers. It is a known fact that the middle classes much more closely resemble each other through their lifestyle than the less privileged classes.
- d) Immigrants in the European countries are often the nationals of former colonies, e.g. Indians and Pakistanis in England and North Africans in France. To all of the other grounds for alienation must be added the painful recollection of colonization and exploitation. Many North Africans told us during our consultations that they decided to immigrate to Québec instead of France because they feel more accepted and free of the burden stemming from the memory of a longstanding relationship of domination.

C. Inequality and discrimination

All of these favourable conditions should enable us to effectively combat discrimination. However, as long as Quebecers of French-Canadian origin feel anxiety over their identity, they risk displaying little sensitivity to the genuine problems of ethnic minorities. The condition of underprivileged minorities and the discrimination that they experience are, however, realities with which we must deal.

1. Highly qualified immigrants

Surveys conducted in 2005 and in 2006 reveal strong support (roughly 70%) for immigration among Quebecers. Such support is sometimes higher than in English Canada, sometimes lower. Overall, both societies display a highly positive stance in this respect, well above the average in Western nations. **Since the late 1940s, Québec has always ranked among the top 10 industrialized societies with the highest per capita immigration rates.**

Immigration has been constant throughout Québec's history but without ever resembling the "submerging" that certain interveners mentioned during our consultations. According to the 2006 Census, immigrants account for 11.5% of the total population, compared with 6.6% in 1871 and 8.8% in 1931. Moreover, Québec selects over two-thirds of all newcomers, irrespective of category. In recent years, it has recruited highly qualified immigrants who have a markedly higher level of education than the average members of the host society. According to the 2006 Census, 14.7% of Quebecers born in Canada have studied in university, compared with 27% in the immigrant population. Moreover, it reveals that 51.8% of Quebecers born in Canada in the labour force have a postsecondary diploma, as against 57.9% of immigrants.

QUALIFIED IMMIGRANTS

According to the 2006 Census, 14.7% of Quebecers born in Canada have studied in university, compared with 27% in the immigrant population.

Another phenomenon is noteworthy: the number of immigrants settling in the regions has been rising for several years. Among the newcomers admitted to Québec between 1996 and 2000, 17 239 were living outside the Montréal area five years later. Between 2001 and 2005, this number stood at 29 325. This perhaps marks the beginning of a pronounced trend and it should be encouraged. Several factors make a good case for the regionalization of immigration:

- a) All regions are keenly seeking immigrants to attempt to counteract the ageing of the population, the exodus by young people, demographic decline, labour shortages and the economic downturn. This is one of the most striking pieces of information to emerge from our consultations.
- b) Most of the participants in the hearings or forums were highly receptive to immigration. In some regions, towns even compete to attract recruits.

- c) On the strength of extensive testimony, we observed that, in general, the immigrant population integrates smoothly in the regions, which is confirmed by a recent Statistics Canada study that reveals that the immigrants' incomes are higher in small urban centres and rural areas than in metropolitan areas.
- d) Several agencies dedicated to recruiting and welcoming immigrants or refugees have been established in regional cities and even in certain towns. In a number of places, these agencies are coupled with very active associations that seek to promote the quality of intercultural relations.
- e) The municipalities and regional bodies have elaborated policies, guides, action plans and programs with a view to facilitating the reception and integration of immigrants. A number of cities are investing heavily in this field.

2. The precarious condition of immigrants

Despite these data, the immigrant population often lives in precarious conditions and is affected, in particular, by underemployment and poverty. The unemployment rate among immigrants between 25 and 54 years of age who have lived for less than five years in Québec is nearly three times higher than the rate among native-born Quebecers. After five to 10 years, it is over twice as high. **Several studies have shown that a large part of the immigrant population has difficulty finding quality employment commensurate with the skills and experience acquired.** Among the contributing factors, mention should be made of reluctance to recognize training and experience acquired abroad, insufficient knowledge of the language, overly stringent conditions governing access to occupations and professions, skill profiles that do not meet employers' needs, the excessive concentration of newcomers in the Montréal area, general job insecurity, and discriminatory practices experienced, in particular, by racialized groups (immigrants from Asia, the Middle East, Africa and Latin America).

We heard extensive testimony from engineers or architects who are working as taxi drivers, lawyers who are serving as clerks, judges employed as workmen, or teachers washing dishes or making deliveries. Those who were unable to find such jobs said they were deeply humiliated and embarrassed to have to rely on social aid when their professional background had prepared them to be autonomous, responsible citizens.⁷

IMMIGRANTS HAVE PRECARIOUS LIVING CONDITIONS

Among immigrants between 25 and 54 years of age who have lived for less than five years in Québec the unemployment rate is nearly three times higher than the rate among native-born Quebecers. After 5 to 10 years, it is over twice as high.

The problem of the under-representation in the public service of members of the ethnic minorities has been well known for a long time and has not yet been resolved. These groups accounted for 11.4% of Québec's labour force in 2001 but only 3.7% of workers in this sector in 2007. The situation in Québec in this respect appears to be one of the worst in North America. The ethnic minorities are also largely under-represented in political staff, on boards of directors and in other decision-making centres. Almost without exception, they are scarcely present in the media. The public thus has few opportunities to grasp Québec's diversity.

Regardless of their level of education, immigrant women are harder hit than men by underemployment and poverty. In 2001, they earned less than two-thirds the salary of immigrant men. Criteria governing the recruiting of potential immigrants, centred on occupational qualifications and the business sector, favour men. Women are thus over-represented in the "family reunification" and "sponsored immigrant" categories, which explains their

7. "We would like to feel useful to the society that welcomed us" (comment by a Colombian refugee in a focus group held on October 25, 2007 in Trois-Rivières).

state of greater dependency in the host society. Muslim women, especially those who wear the headscarf, appear to be more affected than the others. Extensive testimony revealed that it is especially difficult for them to find work. However, the 2006 Census data reveal that 24.4% of immigrant women have a university degree, compared with 16.5% for Quebecers overall.

All of these data bear witness to a difficult situation fraught with hardship and anxiety and occasionally tinged with distress. However, the testimony of immigrants that we heard during discussions with the focus groups and our public consultations⁸ often revealed to us **remarkable acts of courage, tenacity and solidarity**. One recurring model emerges from the participants' experience: parents are willing to undergo a significant drop in social standing and extend their work week for the benefit of their children, in whom they invest their "American dream."

3. Racism and discrimination

Québec has adopted tools to combat discrimination and racism. Mention should be made, among others, of the Québec *Charter of Human Rights and Freedoms*, the *Déclaration de 1986 sur les relations interethniques et interraciales*, equal employment opportunity

programs for disadvantaged groups, programs designed to foster the development of ethnic minorities, the adoption by many public institutions of antiracist policies, the programs of the ministère de l'Immigration et des Communautés culturelles, the fight against racial profiling, and the program that the government is slated to announce in the spring of 2008 to more effectively combat racism and discrimination.

DISCRIMINATION PERSISTS

Despite the tools that the Québec government has adopted, between 20% and 25% of Quebecers claim to have been the victims of discrimination over the past three to five years.

8. Among the most remarkable testimony that we heard in this respect, let us mention that of Thi Cuc Tan, one of the Vietnamese boat people, who testified at the hearings in Montréal, and that of Tuyen Vo.

Tools to combat discrimination exist but they do not appear to be used as much as they should be in conjunction with concrete initiatives. An analysis of the findings of recent studies leads us to conclude that between 20% and 25% of Quebecers claim to have been the victims of discrimination over the past three to five years, mainly in the workplace. This proportion doubles in racialized

groups. During our consultations, we also heard about numerous cases of discrimination. Here are some examples: a young Muslim pharmacy student who wears a headscarf was refused for a training session by 50 pharmacists before she found an Arab pharmacist willing to accept her; a 17-year-old Muslim girl who also wears a headscarf is regularly insulted at school and in the street, but her mother has taught her never to respond, since she does not want to "instil hatred in her;" an immigrant woman who was at the top of her class at the Université de Montréal submitted 200 applications for a training session and received as many refusals; a newcomer, an engineer, managed several hundred employees in his country of origin but has been unable to find a job here (he has sent his curriculum vitae to 250 firms).

At the root of discrimination are stereotypes, which are both the cause and consequence of stigmatization. A number of Quebecers have a negative image of all ethnic minorities that they then attribute to individual members of the groups. The slightest incidents are exploited to sustain and perpetuate negative impressions that the media machine often espouses, thus to some extent giving them credence.

Muslims and, in particular, Arab Muslims, are the group most affected by various forms of discrimination. Strangely, the accommodation cases concerning the Muslim community subject to the widest media coverage all concerned activities involving participation in or integration into Québec society.

Muslims and, in particular, Arab Muslims, are, with Blacks, the group most affected by various forms of discrimination. We believe that vigorous soul-searching must be undertaken in this regard to avoid the very thing that a number of Quebecers fear, i.e. the marginalization and radicalization of numerous Muslims as a result of the humiliations to which they have unjustly been subjected, above all since the September 11, 2001 attacks. **The way to overcome Islamophobia is to draw closer to Muslims, not to flee them.** In this respect, it should be noted that the accommodation cases related to Muslims that received the widest media coverage all concerned activities related to participation in or integration into our society, i.e. the visit to the sugarhouse, participation in soccer and taekwondo tournaments, the wearing of a headscarf in a public school, and so on. In this matter, our forums made an important contribution by revealing the reality of immigrants' lives, beyond stereotypes.

As for the headscarf, which has aroused considerable agitation in recent years, we believe that we can now take it for granted that the girls or women who wear it attach different meanings to it. While we acknowledge the need to combat different forms of submission and oppression, do we not risk infringing on the rights of citizens who wear a headscarf of their own volition by proposing a radical measure that would purely and simply prohibit the wearing of headscarves?⁹ Why cannot individuals display their deep-seated convictions if they do not infringe other people's rights?

The recent increase in anti-Semitic incidents in Québec is disturbing. During our forums, we realized to what extent the Jewish community is unfairly accused concerning kosher certification. It is in Québec society's interests to get to know the Jewish community better, e.g. over 80% of young Jews (under 35 years of age) speak French and the vast majority adhere to Quebecers' shared values. In Montréal and in the regions, awareness initiatives should be implemented to overcome anti-Semitism.

9. Mohamed Chraïbi, testifying on November 15, 2007 in Laval, noted that "no one has the right to force a woman to wear a headscarf or prohibit her from doing so." Another participant at the same hearing, a Muslim woman wearing a headscarf, said "my body belongs to me and I show what I want of it."

To conclude on this topic, let us remember that no information allows us to confirm that discrimination is more prevalent in Québec than elsewhere. Considering the number and variety of immigrants that Montréal has welcomed in recent decades, this point is noteworthy. There are few ethnic enclaves and cases of racist violence are rare. We also note that, contrary to many European countries, no extreme right-wing political party has succeeded in establishing any sort of electoral base in Québec.

D. Looking to the future

As we can see, debate on harmonization practices is linked to factors that are crucial to the future of Québec society. This undoubtedly goes a long way to explaining why this debate reached such a level of intensity in 2006 and the first months of 2007. We believe that it is now important to seize the opportunity and take advantage of the mobilization spurred by this debate to build a credible vision of the future that is promising for all Quebecers.

TO BUILD A PROMISING FUTURE, QUÉBEC SOCIETY MUST:

- a) solve the problem of underemployment, poverty, inequality and discrimination;*
- b) reject fear and the temptation to look inward;*
- c) perceive multiethnicity otherwise than as an array of juxtaposed groups;*
- d) avoid directing towards any religion resentment felt over Québec's Catholic past;*
- e) be more aware of the repercussions that outbursts of temper in the majority group can have on minorities.*

1. Deadlocks to be avoided

First of all, it may be useful to examine several dead ends and also to emphasize the essential conditions of a promising project.

- a) Regardless of the formulas that our society elaborates to combine cultural differences and conceive of a common future, they will be largely doomed to fail unless certain conditions are established beforehand, i.e. the fight against under-employment, poverty, inequality, inadmissible living conditions, and various forms of discrimination.
- b) French-speaking Québec must not succumb to fear, the temptation to withdraw and reject, nor don the victim's mantle. In other words, **it must reject this scenario of inevitable disappearance**. As a result of their own choices, the proportion of Quebecers of French-Canadian origin is declining, from 80% of Québec's population in 1901 to 77% in 1991. This drop, while slow, will probably continue, and Québec will have to rely increasingly on immigration. However, through the contribution of French-speaking immigrants, this trend can be offset: the proportion of Quebecers whose mother tongue is French now verges on 80%. When account is taken of all Quebecers who usually speak French in the home, the figure stands at 81.8%.
- c) Another mistake would be to conceive the future of multiethnicity as so many juxtaposed separate groups perceived as individual islets, which would mean replicating in Québec the most severely criticized facet of multiculturalism.
- d) Another pitfall pertains to religion. French-Canadian Quebecers have unpleasant memories of the period when the clergy wielded excessive power over institutions and individuals. However, this hypersensitive memory may be a poor reference in respect of secularism. The danger lies in directing against all religions a feeling of hostility about the Catholic past, at the cost of marginalizing certain groups of citizens and fragmenting our society.

- e) Quebecers of French-Canadian origin must also be more aware of the repercussions on minorities of their anxieties. Minority groups have undoubtedly been alerted over the past two years by the image of an ethnocultural majority that is apparently unsure of itself and subject to outbursts of temper.

On the other hand, two factors seem to bode well for the edification of a promising future. First of all, we note in the young generations (especially among 18- to 24-year-olds) considerable receptiveness concerning the way in which they perceive and experience intercultural relations. This leads us to believe that age-old anxiety over the French-Canadian

identity might be experienced differently in the future without compromising faithfulness to the past. Next, it appears that certain social divides that are sometimes mentioned in public debate are not as important as we might think. We are referring here to the supposed divide between Montréal and the regions: several surveys conducted over the past year have revealed no noticeable difference in perceptions and attitudes in respect of accommodation. Reliable studies reveal that, contrary to certain perceptions, the Montréal area is not ghettoized. In Montréal, ethnic enclaves are much rarer than in Toronto and Vancouver, and ethnic concentration was stable between 1981 and 2001.

POSITIVE FACTORS

- a) The upcoming generations are displaying considerable receptiveness to intercultural relationships.**
- b) There is no obvious divide between Montréal and the regions on the question of harmonization practices.**
- c) Contrary to certain beliefs, the Montréal area is not ghettoized.**

2. The edification of a common identity

To plan for its future, Québec society must naturally rely on its own integration model. As we have seen, interculturalism fosters the edification of a common identity through interaction between citizens of all origins. Moreover, we believe that this process is solidly under way in at least eight avenues or spheres. Let us point out that, in keeping with the rule of law and the imperatives of pluralism, the identity that we are edifying must be able to develop as a **citizen culture**, i.e. all Quebecers must recognize themselves in it and achieve self-fulfilment through it. Below are the eight avenues to be emphasized.

1. French as the common public language. The intercultural approach would hardly have any meaning if Quebecers were unable to communicate with each other in the same language.
2. The development of a feeling of belonging to Québec society through the schools, civic life, intercultural exchanges, knowledge of the territory, and so on.
3. The exploration and promotion of common values as rallying points, a source of solidarity and factors in the definition of a future or a horizon for Québec, e.g. pluralism, equality (especially gender equality), secularism, non-discrimination, and non-violence.
4. The edification of a genuine national memory that takes into account ethnocultural diversity and makes Québec's past accessible to citizens of all origins.
5. Contributions linked to artistic and literary creation, which foster the development of a common imagination sustained by cultural diversity.

6. Citizenship participation and societal choices that help to establish values and basic guidelines in policies and programs. Over time, these choices give rise to a political mentality and national traditions.
7. The associative idea that places intercultural exchanges in the realm of concrete, citizen action. It encourages intercommunity initiatives and all forms of projects that assemble individuals from different ethnocultural milieus.
8. Symbols of collective life. Repeated interaction with institutions in Québec society lead to the internalization of the attendant language, rituals, symbols and codes.

**THE EDIFICATION OF A
COMMON IDENTITY IS
ALREADY UNDER WAY**

It is following an array of paths that must be encouraged: the use of French, the sharing of common values and memory, intercommunity initiatives, citizenship participation, artistic and literary creation, and the adoption of collective symbols.

This list is not exhaustive. It can be enriched by other factors that contribute to the redefinition of a Québec identity asserted in a spirit of respect for ethnocultural diversity and the pluralist philosophy that Québec has adopted, without harming the French-Canadian heritage to which, precisely, this identity opens new horizons.

SECTION VIII PRIORITY RECOMMENDATIONS

Below is a summary of our priority recommendations. The full report presents the entire array of recommendations. Our recommendations follow five key themes:

1. First of all, they call for a definition of new policies and programs pertaining to interculturalism (legislation, a declaration or a policy statement) and secularism (a proposed white paper).
2. Several recommendations are linked to the central theme of integration and focus primarily on: *a*) recognition of immigrants' skills and diplomas; *b*) francization programs; *c*) the need for more sustained efforts to regionalize immigration; and *d*) the need for enhanced coordination between government departments.
3. From the standpoint of intercultural practices and mutual understanding, our recommendations highlight: *a*) the need for broader training of all government agents in public establishments, starting with the schools, because of the role they play in socialization; and *b*) the need to further encourage community and intercommunity action projects.
4. In keeping with the harmonization policy formulated in our report, our recommendations are intended to foster the accountability of interveners in the citizen sphere (public and private agencies) by ensuring that they have received adequate training. We are asking the government to ensure that the practical knowledge acquired in institutions be recorded, promoted and disseminated in all of the milieus concerned.

5. Another priority field is the fight against inequality and discrimination. Our recommendations in this respect focus primarily on: *a)* the under-representation of ethnic minorities in the public service; *b)* the urgency of combating the numerous forms of discrimination, Islamophobia, anti-Semitism and racism to which racialized groups are subject, especially Blacks; *c)* the support to be offered immigrant women; *d)* the need to increase the resources of the Commission des droits de la personne et des droits de la jeunesse; and *e)* the strengthening of economic and social rights in the Québec Charter.

CONCLUSION

The rationale underlying our report stems from three intersecting themes: *a*) interculturalism; *b*) open secularism; and *c*) harmonization practices. For each of these themes, we have sought to find balanced positions. In the case of interculturalism, it is a question of reconciling the imperatives of pluralism stemming from the growing diversification of our society and the necessary integration of a small nation that

constitutes a cultural minority in North America. The system centred on open secularism, as we have defined it, hinges on a delicate balance between its four main components, i.e. freedom of conscience, the equality of citizens, the reciprocal autonomy of Church and the State, and the neutrality of the State. The policy respecting harmonization practices takes into account both the desirable or necessary changes and respect for other people's rights and the smooth operation of institutions.

This general guideline, based on the search for balance, has a twofold advantage. First, it avoids radical solutions, which are always to be feared in the realm of intercultural relations. Second, it is in keeping with the procedures adopted by public and private institutions and agencies in Québec. For these reasons, we believe that it is in Québec society's interests to accept these moderate proposals, designed to ensure in the long run the fair treatment of all of the groups in question.

Will we play the mutual trust and integration card or will we shift towards mistrust, which will engender and exacerbate the very effects that we are seeking to avoid?

Because of its predominant weight in institutions and collective decision-making, the majority ethnocultural group must assume foremost responsibility for the definition of these collective policy directions. However, the question remains the same for all Quebecers: will we play the mutual trust and integration card or will we shift towards mistrust, which will engender and exacerbate the very effects that we are seeking to avoid, i.e. rejection, withdrawal, ghettoization and fragmentation? Until now, our society has guarded against such ills, which must be a source of satisfaction.

It would be unfair to demand that minority nations display the assurance of imperial nations.

All citizens and social stakeholders are concerned by the choices that Québec must make. Our objective is clear. Our deliberations and reflections have firmly convinced us that **integration through pluralism, equality and reciprocity is by far the most commendable, reasonable course.** Like all democracies in the world, Québec must seek to reach a consensus against a backdrop of growing diversity, renew the social bond, accommodate difference by combating discrimination, and promote an identity, a culture and a memory without creating either exclusion or division.

It would certainly be unfair to demand of small minority nations somewhat mistreated by history and constrained to grow by following a perilous course the assurance of imperial nations. In the course of their history they have advanced and withdrawn and experienced surges and doubts. It is important to understand the experience of French-Canadian Quebecers. They are members of a small minority nation in North America and their culture encompasses vivid recollections of humiliation, oppression sustained and overcome, struggles for survival, and battles that they have had to wage singlehandedly, without being able to rely on an external ally. From this past has emerged nonetheless a taste for the future and a desire for self-fulfillment,

self-assertion and openness. The French-Canadian heritage speaks of recovery, pride, courage and daring. These qualities are not lacking in immigrants, who have been uprooted from their environment and most of whom must follow a difficult path to rebuild their lives in their new country. **It is on this common ground, that of founders, men and women, that reconciliation and solidarity must become rooted.**

Many Quebecers appear to have learned a lesson from the accommodation crisis. From the media and elected representatives to the managers of public and private organizations, it is the entire governing class that has become more concerned about its responsibilities in respect of the quality of collective integration and the questions pertaining to it. This, at least, is what the tone of public debate, more reserved and subtle in recent months, suggests. We also believe that the vast majority of Quebecers share this new mindset.

Québec is at a turning point. Its future depends on the choices that Quebecers make.

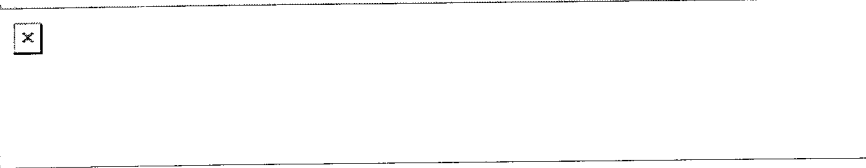
Québec is at a turning point. A very important exercise will be played out over the next 5 to 10 years whose purpose will depend on Quebecers themselves. It may be decisive for the future of our society.





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COMMISSION STATEMENT CONCERNING ISSUES RAISED BY COMPLAINTS AGAINST MACLEAN'S MAGAZINE



In a recent decision, the Ontario Human Rights Commission (the "Commission") decided not to proceed with complaints filed against Maclean's magazine related to an article "The future belongs to Islam". The complainants alleged that the content of the magazine and Maclean's refusal to provide space for a rebuttal violated their human rights.

Denying a service because of human rights grounds such as race or creed can form the basis for a human rights complaint. However, the Ontario Human *Rights Code* (the "Code") does not give the Commission the jurisdiction to deal with the content of magazine articles through the complaints process.

Nevertheless, the Commission has a broader mandate to promote and advance respect for human rights in Ontario, forward the dignity and worth of every Ontarian and take steps to alleviate tension and conflict in the community, including by speaking out on events that are inconsistent with the spirit of the *Code*.

While freedom of expression must be recognized as a cornerstone of a functioning democracy, the Commission has serious concerns about the content of a number of articles concerning Muslims that have been published by Maclean's magazine and other media outlets. This type of media coverage has been identified as contributing to Islamophobia and promoting societal intolerance towards Muslim, Arab and South Asian Canadians. The Commission recognizes and understands the serious harm that such writings cause, both to the targeted communities and society as a whole. And, while we all recognize and promote the inherent value of freedom of expression, it should also be possible to challenge any institution that contributes to the dissemination of

destructive, xenophobic opinions.

The Commission intends to further consider these issues in the coming months as it embarks on its new mandate, which places a renewed emphasis on addressing human rights tension and conflict through inquiries, consultation, public education, policy development and constructive debate and dialogue.

Background

Complaints filed with the Commission against Maclean's magazine concerning an article "The future belongs to Islam" allege that this article violates human rights contrary to the *Code*. The complainants also claim that this article is one of twenty-two (22) Maclean's articles targeting Muslims. Complaints have also been filed with the Canadian Human Rights Commission and other provincial human rights bodies.

The Ontario Commission decided not to proceed with the complaints because it lacks legal jurisdiction to do so under the Ontario *Code*. The Commission has found that the content of the magazine and Maclean's refusal to provide the complainants with space in the magazine for a rebuttal, are not goods or services within the meaning of the *Code*. The Commission has also found that s. 13(1) of the *Code*, which prohibits displaying or publishing a notice, sign, symbol, emblem or other similar representation with the intent to infringe human rights or to incite others to do so, cannot be interpreted to include the content of the magazine article in issue.

As a result of this decision, the complaints will not be referred to a full hearing before the Human Rights Tribunal of Ontario.

Although the Commission has decided that there is no basis in the Code to take these complaints forward, it has a broader duty to express its opinion regarding issues that are brought to its attention which have implications from a human rights perspective.

Racism and Islamophobia in the Media

The Commission has long emphasized that forms of racism exist in all of society's institutions. In order to effectively respond to racism, it is necessary to clearly acknowledge its existence.

Racism exists in the media and the media has a significant role to play in either combating societal racism or refraining from communicating and reproducing it. Islamophobia is a form of racism that includes stereotypes, bias or acts of hostility towards Muslims and the viewing of Muslims as a greater security threat on an institutional, systemic and societal level.

The Commission is concerned that since the September 2001 attacks, Islamophobic attitudes are becoming more prevalent in

society and Muslims are increasingly the target of intolerance, including an unwillingness to consider accommodating some of their religious beliefs and practices.

Unfortunately, the Maclean's article, and others like it, are examples of this. By portraying Muslims as all sharing the same negative characteristics, including being a threat to 'the West', this explicit expression of Islamophobia further perpetuates and promotes prejudice towards Muslims and others. An extreme illustration of this is a "blog" discussion concerning the article that was brought to the attention of the Commission which, among many things, called for the mass killing, deportation or conversion of Muslim Canadians.

The Commission strongly condemns the targeting of Muslims, Arabs, South Asians and indeed any racialized community by the media as being inconsistent with the values enshrined in the Code. The impact on a community both in terms of the intolerant messages being conveyed and the knowledge that society is willing to accept their dissemination is profound. The United Nations Special Rapporteur on Racism has confirmed the role of the media in contributing to a sharp increase in Islamophobia and its acceptance as normal in 'the West'. Further, the Commission's 2003 report *Paying the Price: The Human Cost of Racial Profiling* illustrates the social cost of stereotyping to individuals, families, communities and Ontarians as a whole.

Freedom of Expression and Human Rights

The Commission supports freedom of thought, belief, opinion and expression, as enshrined in the *Canadian Charter of Rights and Freedoms*. Freedom of expression is recognized as a cornerstone of a functioning democracy. It promotes many societal values and has a role in individual self-fulfillment, attaining the truth, securing participation by members of society in social and political decision-making, and maintaining a balance between stability and change in society.

It is often said that with rights come responsibilities. It is the Commission's view that the media has a responsibility to engage in fair and unbiased journalism. Bias includes both an unfair and one-sided portrayal of an issue as well as prejudicial attitudes towards individuals and groups based on creed, race, place of origin, ethnic origin and other Code grounds. Freedom of expression should be exercised through responsible reporting and not be used as a guise to target vulnerable groups and to further increase their marginalization or stigmatization in society.

In Canada, the right to freedom of expression is not absolute, nor should it be. There are examples of reasonable limits on the right that can be demonstrably justified in a free and democratic society. Human rights codes themselves contain some limits on the right. The Supreme Court of Canada has ruled that a provision in the *Canadian Human Rights Act* that prohibits the telephonic spreading

of hatred or contempt on the basis of a prohibited ground of discrimination is a justifiable limit on freedom of expression. The *Criminal Code* also puts limits on freedom of speech in order to deal with situations it defines as hate crimes.

The Ontario *Human Rights Code* prohibits discrimination and harassment in five social areas: (1) goods, services and facilities, (2) housing accommodation, (3) employment, (4) contracts and (5) membership in unions, trade and vocational associations. The Code cannot prevent people from holding intolerant views but does prohibit people from acting on them when one of the above social areas is engaged.

Section 13 of the *Code* makes it illegal to display or publish certain kinds of offensive material. But its limits on freedom of expression are narrow. For the *Code* to apply, the offending item must be a notice, sign, symbol, emblem or other similar representation that indicates an intent to infringe, or incite others to infringe, a right under the *Code*. Therefore, a sign would fall within this section, but a five-page article conveying the same message would not.

Limits to freedom of expression under some other human rights legislation in Canada are broader, stating that no person shall publish, issue or display before the public **any statement, publication**, notice, sign, symbol or other representation.

The different approaches in various human rights statutes across Canada can send a confusing message and give rise to inconsistencies, depending on where a complaint is filed. For example, it is possible to initiate complaints about a magazine article in more than one province and, if the article appears on the internet, with the Canadian Human Rights Commission. It is also unclear what matters trigger the application of the hate law provisions of the *Criminal Code*.

Clearly more debate on this issue is required in Canada. A comprehensive approach to the issue should be one of the goals. The discussion should be about how narrowly or broadly society places limits on freedom of expression in order to protect the human rights of its vulnerable members.

Looking Forward

The Maclean's article and others like it raise important human rights issues for the affected communities and those who are concerned with the balance between freedom of expression and equality rights.

Even though the Commission is not proceeding with these complaints as a result of its jurisdiction under the *Code*, it still has a broader role in addressing the tension and conflict that such writings cause in the community and the impact that they have on the groups that are being singled out.

Starting July 2008, human rights complaints will no longer be filed with the Commission but will be made directly to the Human Rights Tribunal of Ontario. At the same time, the role of the Commission in preventing discrimination and promoting and advancing human rights in Ontario will be strengthened. The Commission will expand its work in promoting a culture of human rights in the province. This will include taking a leadership role in fostering constructive debate and dialogue among concerned individuals and organizations regarding the issues raised by Islamophobia in the media and the ways in which the Commission, the media and others can begin to address them.

This information is provided as a public service by the Ontario Human Rights Commission. Although we endeavour to ensure that the information is as current and accurate as possible, errors do occasionally occur. Please verify information before acting on it.

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FINAL REPORT

of the
Task Force on Needs of
Muslim Students



www.noracism.ca
Canadian Federation of Students

This report was produced by the Canadian Federation of Students on Wednesday, March 21, 2007
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Summary of Recommendations

Discrimination and Islamophobia

- Recognise at the administrative level, the institution's obligation to accommodate the needs of Muslim students in a way that is consistent with the Ontario Human Rights Code.
- Expand awareness and educational anti-racism campaigns to target Islamophobia on campus.
- Encourage students who have experienced Islamophobic and racist acts to immediately register complaints with the appropriate campus office (security, equity services, ombuds, etc.) and the Ontario Human Rights Commission.
- Students' unions and Muslim students' associations should familiarise with reporting mechanisms at the institutional level and through the Ontario Human Rights Commission in order to help encourage and facilitate a culture of reporting Islamophobia and racism on campus.
- Institutions and their security staff should take seriously and promptly address reports of Islamophobic incidents.
- Statistics regarding the number of Islamophobic complaints and their nature should be compiled and maintained by the institution, the Ontario Human Rights Commission, students' unions, and other relevant bodies.
- Conduct a review of institutional policies that relate to discriminatory practices to ensure sufficiency in dealing with Islamophobic incidents and creating a permanently safe and welcoming environment.
- Convene meetings among relevant administrators, students' unions, Muslim students' associations, faculty associations, and the campus media to recognise the collective responsibility to identify and stop Islamophobia and racism on campus.
- In consultation with students, develop an institutional response to Islamophobia and a plan to streamline, and make more effective, reporting mechanisms for Islamophobic acts.
- Improve and enhance institutional counselling services to properly address Muslim students' needs by, for example, hiring Muslim chaplains, similar to those that exist for other denominations.
- Implement mentorship initiatives to connect new students to students of similar faith.
- Develop training modules on Islamophobia for campus security and maintenance staff. Islamophobic graffiti, for example, should not be removed until it has been properly documented by security staff.

Women's Issues

- Students' unions, Muslim students' associations, and campus women's centres should promote the right of all women, especially Muslim women, to participate in campus activities free of discrimination and misinformed stereotypes.

Media

- Follow up factual errors in media publications by letters to the editor that clearly outline the error and requests a printed retraction in the next edition.
- Students should continue to critique media analysis of Islam and Muslim students via letters to their community and student newspapers.

Task Force on the Needs of Muslim Students

- Encourage Muslim students and faculty to write for their student or community newspapers and other communications materials.

Academic Considerations

- Increase and institute recognition of religious observances on campus and in college and university policy by ensuring that information on Muslim religious observances is available to college/university administrators, faculty, academic and support staff, and students.
- Send out memoranda to professors and teaching staff in advance of religious holidays and observances.
- Increase flexibility for assignment due dates and exam scheduling to minimise or eliminate overlap with Friday prayer. Make provisions for alternate academic arrangements that are not more onerous than regularly scheduled assignments.
- Ensure that students are not penalised for missed class or lab time associated with religious observances.
- Ensure clear and expedient processes for dealing with religious/academic conflict.

Islam in the Classroom

- Integrate education modules on Islam and Islamophobia into training sessions for general teaching staff.
- Institutional academic bodies should seek to ensure that more courses are offered on Islamic studies and Muslim culture.
- Require academic instructors to rely on resource materials for courses on Islam that are based on evidence and scholarship.
- Ensure diversity within course materials. Materials discussed in the classroom should meet academic standards or be presented in the context of academic analysis.
- Teaching staff should not target discussion of Islam to Muslim students in the class.
- Muslim students should not be made to feel that they are the subject of class discussions regarding Islam.
- Train teaching staff in anti-racist teaching practices and methods for identifying and responding to racism and conflict in the classroom.
- Encourage Muslim graduates to consider working in academia.
- Extend equity considerations in hiring to include Muslim candidates.
- Promote the retention of Muslim faculty by ensuring a positive work environment.

Financial Barriers

- Federal and Ontario student financial aid that is delivered through the Canada Student Loans Program and Ontario Student Assistance Program respectively should reduce reliance on a loan-based financial aid system.
- Governments should reduce financial barriers for students through tuition fee protection in the form of tuition fee freezes and reductions along with targeted financial aid delivered through need-based grants.
- Income contingent loan repayment and other forms of regressive financial aid schemes should be rejected by policy makers.
- Education related government loans should not accumulate interest, even after graduation.

Prayer Space

- Ensure that adequate prayer space is acknowledged as a human rights issue and made available by the institution.
- Develop a campus plan that involves students and ensures multiple prayer spaces across campus for easy access from all points and that new building plans account for prayer space and ablution washing facilities if necessary.
- With involvement of students, conduct regular audits of the adequacy and availability of prayer space facilities including the size, convenience of locations, ablution washing facilities and separate accommodation for women.
- Make prayer space audit results publicly available, especially to new students who need them in order to decide where to study.
- Ensure permanency, upkeep and proper location of prayer space on campus.

Food Services

- Conduct a food service audit with campus food services to assess kitchen facilities and food service delivery processes to determine areas of implementation and improvement of halal food provisions.
- Universities and colleges should expand their food choices on campus and provide more halal options, especially in residence cafeterias and food services. Halal food should be provided at the same quality and costs as non-halal food.
- Clearly identify halal options on menus and in campus food service facilities. Ensure clear labelling of halal food and food ingredients.
- Improve training of food service staff in the preparation of halal food, including training food service employees to change sanitary gloves and wash cutlery and surfaces after preparing non-halal food.
- Include a requirement to provide halal food and halal practices in any new contracts with food service providers. Modify existing contracts to provide both halal food and halal practices.
- Create standard policy to allow Muslim students to bring outside food options for larger catered events, including allowances for Muslim students to bring in culturally appropriate food on Iftar and other religious holidays.

Orientation and Events

- Ensure that orientation planning is open to, and reflective of, Muslim students and their organisations.
- Provide inclusivity training for orientation event organisers.
- Include in orientation packages and summer mailouts the information necessary for Muslim students to properly access necessary campus and community services, such as local mosques, prayer room locations, Muslim students' associations and central students' unions' contact information and opportunities to meet with Muslim students who attend college or university for mentorship and advice.
- Include dry options in events and programmes, where alcohol is not served. For example, events in the evening can be "dry" for the first hour or so before making alcohol available.

Athletic Services

- Liaise with responsible university officials to determine decision-making structures for scheduling athletics and recreation facilities.
- Conduct a student survey on athletic requirements to determine the need for gender specific hours including a use assessment of athletic facilities (i.e. identifying peak and off-peak hours, usage, etc.).
- Improve access and athletic facilities for Muslim women students.
- Provide women-only gym time. Provide curtains or screens over the observation windows looking into the swimming pool during women-only swim times.

Residence Life

- Ensure that more Muslim dons are hired for campus residence, or contact information for Muslim dons at the residence complex be made available.
- Provide training for residence dons and general information to residence occupants about the needs of Muslim students, especially as they pertain to alcohol.
- Increase availability of halal food in residence and allow flexibility for students to prepare their own food.
- Allow Muslim students to opt-out of mandatory meal plans where insufficient halal options exist.
- Institute alcohol-free residences on campus.

Student Engagement and Representation

- Implement equity and diversity programming in campus events, including those organised by campus students' unions and administrations.
- Cross promote student union and Muslim students' association services.
- Ensure proper funding of central students' unions and Muslim students' associations to properly service Muslim students.

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Introduction to the Task Force

Task Force Members

- Sheikh Faisal ABDUR-RAZAK:** Imam and the President of the Islamic Forum of Canada
- Terry DOWNEY:** Executive Vice-President of the Ontario Federation of Labour and Chair of the Women's Committee of the Toronto & York Region District Labour Council.
- Grace Edward GALABUZI:** Assistant Professor of Politics and Public Administration, Ryerson University, and Research Associate at the Centre for Social Justice in Toronto.
- Jesse GREENER:** Ontario Chairperson of the Canadian Federation of Students.
- Alex KERNER:** Equity and Campaigns Organiser of the Ryerson Students' Union.
- Ausma MALIK:** Vice-President Equity of the Students' Administrative Council at the University of Toronto.
- Diana RALPH:** Jewish activist involved with the Campaign to Stop Secret Trials in Canada, and Professor at Carleton University
- Mohamed SHEIBANI:** President of Muslim Students' Association National of the U.S. and Canada.
- Zubeda VAHED:** Board member of the Federation of Muslim Women and former Equity Officer: Race Relations of the Peel District School Board and Education Officer of the Ministry of Education.
- Wahida Chishti VALIANTE:** National Vice-President of the Canadian Islamic Congress.

For more complete biographies of each of the Task Force members, please refer to the Appendices.

Background

The Canadian Federation of Students represents over one-half million college and university students in Canada and over 300,000 students in Ontario. The Federation advocates for high-quality post-secondary education in Canada that is accessible to all, regardless of socio-economic background, race, gender, ability, citizenship, nationality, sexuality or religious affiliation. While the Federation identifies economic barriers as the most significant hindrance to equal access to post-secondary education, intolerance to diverse religious and cultural practices can also serve to prevent equitable access to universities and colleges in Ontario.

At the January 2006 Ontario General Meeting of the Canadian Federation of Students, members voted to initiate a task force to examine the needs of Muslim students at Ontario colleges and universities. This initiative was a response by students' unions to increasing concerns brought forward by Muslim students about inadequate campus prayer space, experiences of islamophobia and discrimination on campus, and a general lack of progress among post-secondary institutions in accommodating the needs of Muslim students.

This report also is also well timed and well considered in the Ontario context, given Canada's changing demographics. Canada's Muslim population is increasing faster than any other religious group in the country. Statistics Canada research shows that between 1991 and 2001, the Canadian Muslim population grew to over 3%, an increase of over 140%. Ontario is home for the vast majority (61%) of Canada's entire Muslim population. And with 5% of its population being Muslim, Toronto has the highest concentration of Muslims compared to anywhere else in Canada and the United States. Coupled with this strong growth of the Muslim population, Canadian Muslims are on average the youngest of any Canadian religious group. At a median age of 28.1 years, a disproportionately large number of Muslim students study in Canadian institutions of higher learning. Given these telling statistics, it is not surprising that students have given themselves the mandate to better understand the needs of Muslim students on Ontario campuses.

Goals of the Task Force

The goals of the Task Force are as follows:

- Provide a forum for Muslim students and campus community members to speak out about Islamophobia and the needs of Muslim students;
- Promote awareness and education about Islamophobia and the needs of Muslim students and campus community members in Ontario;
- Document incidents of Islamophobia and institutional responses on campuses in Ontario;
- Develop strategies and document successes in addressing the needs of Muslim students in Ontario and make recommendations that are both campus-specific and system-wide; and
- Produce a Task Force Report on the hearings and promote its findings to administrators, government, and the general community to be released on March 21, the International Day for the Elimination of Racism.

The Task Force was formed in the summer of 2006 and is composed of 10 members representing a diverse range of experiences pertaining to Muslim students and discrimination. Members hosted hearings, shared expertise and insight to the project, and wrote reports that summarised their experiences and observations made while participating in the Task Force and the hearings. Those reports have informed the findings and recommendations in this report.

Hearings were scheduled across the province of Ontario from September, 2006 to March, 2007. Nearly 1,000 students participated in the 17 hearings that occurred across the Ontario, where verbal and written statements submitted to the Task Force.

Campus Hearings

Organising for the Task Force on the Needs of Muslim Students came about with a group of nearly one dozen Muslim and non-Muslim campus organisers who volunteered to assist with the development, implementation, and structure of a hearing. Throughout the summer of 2006, the Task Force developed materials to promote the Task Force, developed a plan for advertising and promoting hearings on campus, consulted with the Muslim Students' Association National, assisted with building networks of Muslim students and Muslim student organisations on campuses across the province, and provided important insight about cultural sensitivities and organisational strategies of inclusiveness and respect. In the fall of 2006, the launch hearing of the Task Force took place at the University of Toronto, which proved successful in bringing together Muslim and Non-Muslim students to share their experiences with Islamophobia.

Subsequent hearings were largely organised by local students' unions, in collaboration with campus Muslim students' associations and other relevant student groups. They began by forming a campus committee, setting a date for a hearing, and selecting panellists who could appropriately address the issues faced by Muslim students on that particular campus. Three to four panel members participated in

each hearing, including at least one Task Force member at almost every hearing, providing introductory remarks to give context to the project and encourage participants to provide an oral or written statement. They heard from hearing participants, while taking notes and reflecting on emerging themes.

The Federation developed an Organising Manual and materials to publicise the Task Force, including posters, pamphlets, stickers, buttons and the website: www.noracism.ca.

The purpose of the campus hearings was to provide a forum for Muslim students to speak out; encourage awareness and education about the needs of Muslim students in Ontario; and document incidents of Islamophobia on the campus. The hearings were open to all members of the campus community but statements were received by students and campus community members who are Muslim, or who have experienced Islamophobia. Participants were asked to provide statements on the following suggested topics, but were not limited to these issues:

- Access to adequate prayer space
- Access to halal food on campus
- Student loans and barriers to financial aid
- Facing Islamophobia and stereotypes
- Incidents of intimidation, prejudice, or hate
- Racial profiling on campus
- Being a student representative
- Involvement in their students' union

- Representation of Muslims in institutional decision-making
- Diversity of faculty, staff and students
- Diversity in course availability and content
- Exam and course scheduling around prayer times and other religious observances
- Islamophobia in the classroom
- Inclusive programming for events and community services (e.g. alcohol presence)
- Campus security, ombuds and administrative sensitivity to Islamophobia and the Muslim community
- Women-only hours in the athletic centre

Statements were guided by a series of questions (included in the Appendices).

At each hearing, a thorough consent process was administered by campus organisers to allow participants to agree to have their stories audio- or video-recorded and used in the final report of the Task Force. Following the hearings, written statements were compiled and coded to identify the major themes that have become the basis for this report. Oral statements were reflected in notes taken by campus organisers at the hearing, or transcribed from hearing recordings. These statements were used to elaborate on the themes identified and offer detailed descriptions of the events and issues identified in the report.

An Overview of the Ontario Human Rights Code

The Ontario Human Rights Code

In order to provide a framework for analysing and understanding themes from the hearings, the Task Force reviewed the rights afforded to individuals through the Ontario Human Rights Code (the “Code”). This section provides an overview of how the Code protects individuals in Ontario from racial discrimination—including Islamophobia—and harassment as well as their right to religious beliefs and practices.

The Ontario Human Rights Code protects individuals from discrimination based on race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital status (including same sex partners), family status, receipt of public assistance and record of offences. Organisations in Ontario, including post-secondary institutions, are responsible for implementing policies and practices that uphold the Code.

Definitions and Concepts

Racism/Racial Discrimination

The Code defines racism as the assumption that one racialised group is inherently superior to others. It can be openly manifested in racial slurs, jokes or hate crimes or in more subtle forms such as lack of understanding or accommodation for the beliefs and practices of racialised individuals or groups.

Racism exists at a number of levels, in particular (1) individual (2) institutional or systemic, and (3) societal. Institutional/systemic and societal forms of racism manifest through the institutional policies and practices and decision-making processes that prevent the equal participation of all individuals and groups regardless of race, place of origin, and colour. For example, while many universities and colleges may have anti-discrimination policies on their campuses, a lack of enforcement of such policies can lead to systemic racist practices.

Islamophobia

The Ontario Human Rights Commission recognises Islamophobia as an emerging form of racism. The Code defines Islamophobia as stereotypes, bias or acts of hostility towards individual Muslims or followers of Islam in general. In addition to individual acts of intolerance and racial profiling, Islamophobia leads to viewing Muslims as a greater security threat at an institutional, systemic and societal level.

Racialisation

Racialisation is the expression of racist beliefs and practices. Individuals may have prejudices about physical features, accent or manner of speech, name, clothing, diet, beliefs and practices, leisure preferences, places of origin, and citizenship. Stereotyping is a form of racialisation which occurs when people use social categories such as race, colour, ethnic origin, place of origin, religion, etc. to describe, predict behaviour, beliefs and practices about others. It is often based on misconceptions, incomplete information and/or false generalisations. For example, describing a woman as submissive and oppressed because she wears hijab is a stereotype based on false generalisations about women’s roles in society.

Racial Profiling

Racial profiling is any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment. Individuals perceived to be Muslims or of Middle-Eastern origin have increasingly become targeted as “terrorists” and labelled as public threats to national security and public safety.

Racial Harrassment

According to the Code, harrassment is unwelcome offensive comments or behaviour such as: racial slurs or jokes; racial name calling or nicknames; racial cartoons or graffiti; comments ridiculing individuals because of race-related characteristics, religious dress, etc.; singling out an individual for teasing or jokes related to race, ancestry, place of origin or ethnic origin; or circulating racially offensive jokes, pictures or cartoons.

Protection for Religion and Religious Beliefs

Religion is also a prohibited ground of discrimination under the Code. The Code protects personal religious beliefs, practices and observances.

Religious Discrimination and Harrassment

Discrimination based on religion includes any distinction, exclusion, restriction or preference based on religion or belief. Harrassment on the grounds of religion involves conduct or comments concerning religious beliefs or practices which are known or ought to be known to be offensive.

“Needs of the Group”

The term “needs of the group” means the needs of the religious group to which an individual

belongs. The group’s needs, such as religious practices and observances, must be assessed in order to accommodate the individual.

Constructive Discrimination

Constructive discrimination occurs when a policy or practice negatively affects members of a group identified by a prohibited ground of discrimination under the Code. Constructive discrimination can be determined when an individual has been subject to an exclusion, restriction or preference that negatively affects members of a group protected by the Code. Unless an exception is provided by law, constructive discrimination cannot be tolerated unless the organisation takes reasonable steps to accommodate the affected person. For example, policies that can negatively affect the right to religious practice can include dress codes, break policies, recruitment and job applications, flexible scheduling, and religious leave.

Poisoned Environment

Harrassment, even a single statement or incident, can create a poisoned environment in a workplace or organisation. In a poisoned environment, racialised individuals or certain religious groups are consequently subjected different terms and conditions (such as in employment, tenancy, or services). Such instances give rise to a denial of equality under the Code.

A poisoned environment is based on the nature of the comments or conduct and the resulting impact on an individual or group rather than on frequency of the behaviour. A co-worker, supervisor, professor, or fellow student can all engage in conduct that poisons the environment of a racialised person. While the notion of a poisoned environment has predominantly arisen in the workplace, it also applies to other arenas where it results in unequal access to services.

A poisoned environment can specifically arise in educational institutions. Educational institutions have a duty to maintain a positive and non-discriminatory learning environment.

Students are entitled to be free from a poisoned educational environment created either by inappropriate behaviour of an instructor or by other students. Educational providers have a responsibility to take immediate steps to intervene in situations where racial slurs, intimidation or harrassment occur.

Issues in Education

The Ontario Human Rights Commission has identified educational institutions as an area of concern for perpetuating various forms of racial discrimination. Concerns that have been identified include streaming, bias in testing and evaluation, monocultural and exclusionary curriculum, unfair and unusual discipline, low expectations, failing to deal with racial incidents and bullying, lack of role models, negative attitudes and stereotypes and a lack of programmes that support the needs and concerns of racialised students.

Addressing Racism

Institutional Policies, Practices and Decision-Making Processes

According to the Supreme Court of Canada, institutions and laws must be designed to be inclusive of all persons. Institutions have a duty to ensure its practices create inclusiveness, and not merely to make exceptions to allow individuals to fit into an existing system. Additionally, they are responsible to be aware of whether their policies, practices, and decision-making processes have an adverse impact resulting in systemic discrimination of individuals or groups. The Ontario Human Rights Commission outlines that, where barriers

already exist within institutions, they should be actively identified and removed.

An institution violates the Code where it directly or indirectly, intentionally or unintentionally infringes the Code or authorises, condones or adopts behaviour that contradicts the Code. Institutions have a human rights duty not to condone or further a discriminatory act that has already occurred. Therefore, when an allegation of discrimination or harrassment is brought forth to an institution, it is not acceptable to overlook the complaint.

The Duty to Accommodate

Not only does the Code require that institutions ensure that their policies and practices protect the right to be free from discrimination, they also have the duty to protect the right: the “duty to accommodate.” The duty arises when a person’s religious beliefs conflict with a requirement, qualification or practice. Accommodation may modify a rule or make an exception to all or part of it for the person requesting accommodation.

The Code requires organisations to accommodate a person’s religious beliefs through work practices (dress codes, work schedules, shift work), break policies (so that members may observe periods of prayer at times during the day), and flexible scheduling (substitution or rescheduling of days when an employee’s religious beliefs do not permit her to work certain hours). Flexible scheduling may include: alternative arrival and departure times on the days when the person cannot work for the entire period, or use of lunch times in exchange for early departure or staggered work hours.



Task Force Themes and Findings

Upon the conclusion of the 17 hearings and the compilation of nearly 500 individual statements, the Task Force members were able to identify 3 major themes: Overt Discriminatory and Islamophobic Acts on Campus, Academic Considerations, and Extra-Curricular Considerations.

Islamophobia on Campus

Poisonous Learning Environment on Campus

Following the attacks on the World Trade Towers in 2001, Muslims all over the world reported feeling “under the microscope.” The Task Force notes that this feeling still persists on Ontario campuses and, in some cases, is reportedly growing. During the Task Force hearing at McMaster University, for example, one student reported having been informed at a previous workshop on Islamophobia that campus security staff were instructed to utilise racial profiling by intercepting and reporting any “Muslim looking” individuals who walked along the path near the McMaster Nuclear Reactor and campus residences and provide those names to the Canadian Security Intelligence Service (CSIS).

Apart from stories like the above, opinions and experiences ranged in regards to the atmosphere on campuses and treatment of Muslim students. Many Task Force hearing participants felt that Muslims were generally accepted and respected. However, there were many other participants who detected a negative atmosphere on campus toward Islam and Muslim students ranging from general suspicion, staring, and unequal treatment to hostile encounters and verbal assault. Generally, Task Force participants reported worse treatment for those Muslim students that were more identifiably religious, such as women dressed in hijab, men wearing a beard, or those dressed in traditional garb.

“I hear a lot of ignorant comments towards Muslims and Islam said in front of me by people who don’t know that I’m a Muslim,” University of Windsor student.

A student at the University of Toronto described the atmosphere on campus: “Even though I haven’t, myself, experienced any physical acts of aggression or any outright Islamophobic comments, it feels like there is a measure of mistrust and suspicion and undue attention to my personal appearance. I have heard people snicker behind my back and say things like ‘why is she here?’”

A participant from the University of Windsor wearing the hijab echoed this sentiment: “I feel that other students are not welcoming and they look at me as if I’m a terrorist. They don’t talk to me in the same way they talk to other people.” A female student at McMaster University recounted a situation while studying in her school library when a man began yelling at her, telling her to “go back home,” and criticising her educational background.

“It feels like Muslims have to sit back and swallow these bitter pills in Canadian society,” McMaster University student.

Regularly, participants cited ignorance as the cause for this negativity and students suggested that more awareness and education was needed to demystify Islam and Muslims. Often Muslim students encouraged each other to be proud of who they were and take on the job combatting ignorance through personal conversations and awareness campaigns.

"As a Muslim student I think sometimes one of the biggest challenges is that we feel ashamed or uncomfortable correcting or educating our professors, and fellow students, about our beliefs," York University student.

Other Task Force hearing participants expressed a sense of isolation. Some attributed this to a lack of religious guidance on campus. Concern was raised that counselling services were either unavailable or inadequate to deal with Islamophobia on campus. Some students explained that they could not avail themselves of counselling services because counsellors did not fully understand the scope of their problems. On campuses where there were large numbers of Muslim students, some participants suggested enhancing counselling services by incorporating a position akin to a campus chaplain. This person would be qualified to give religious advice and better relate to Muslim

"I've faced many situations where I have felt the need to talk to someone but there is just no one. We have a strong MSA but I think there is also a real need on campus for someone who is qualified to give religious advice," University of Windsor student.

students who may be trying to learn in a poisoned or hostile environment.

Recommendations

- Recognise at the administrative level, the institution's obligation to accommodate the needs of Muslim students in a way that is consistent with the Ontario Human Rights Code.
- Expand awareness and educational anti-racism campaigns to target Islamophobia on campus.

Overt Discriminatory and Islamophobic Acts on Campus

Several students noted that they themselves, or others they knew, had been the target of discriminatory or hate inspired acts. Some Task Force hearing participants noted that their campus Muslim students' association's (MSA) posters were frequently vandalised or ripped off the walls while other posters nearby were left in place. At Lakehead University, a participant reported that MSA posters were dumped into the garbage. At Queen's University, a banner outside of the MSA space was lit on fire the last night of Ramadan. One participant recounted the reaction of a group of students reviewing a newspaper article that reported the incident: "[A] friend heard some girls reading the article out loud, and saying that they didn't understand why 'those people' were making such a big deal about it and why do they feel they have the right to get justice for everything."

Just days after the Task Force on the Needs of Muslim Students hosted a hearing at the University of Guelph, a group of 4 individuals vandalised the exterior of the MSA office late at night after Muslim students locked themselves inside for safety. Racist graffiti directed toward Muslims and Palestinians was written on the wall and office door. Contents of nearby garbage cans were dumped in the hallway outside the office.

More direct acts of hate included being called a "terrorist," associated with the Taliban, accused

of carrying a bomb, and physical attacks. A York University student said “people watch us and make certain comments, like ‘Taliban.’ It is dehumanising and they are demonising minorities.” The Federation’s No to Islamophobia, anti-Semitism and Racism campaign was originally motivated by an incident of hate at Ryerson University in 2004 where the multi-faith prayer space had been defaced with graffiti on the wall stating “Die Muslim Die.” In September of 2006, Arab and Muslim students’ associations discovered death threats slipped under their office doors, which stated “Those who follow the Islam faith need to be killed in the worst possible way imaginable.”

At the University of Toronto, a student was followed into a washroom by a female assailant who shoved a flyer into the student’s chest, pushed her backwards, and said, “You need this, you’re a Muslim.” The flyer advertised a rally supporting Denmark over the controversial Danish cartoon of the Prophet Mohammad. After the student threw the flyer away, the assailant asked her why she had discarded it, and began yelling at her and her friend to “go back to [their] fucking country and bomb it,” then proceeded to yell: “Fucking Muslim terrorists.” At George Brown College, the Pakistani Students’ Association was raising funds for earthquake relief and received an email from another students’ organisation asking if they would really be using the funds for terrorist training.

Several students noted that college or university administrations were often either slow to condemn such acts or refused to classify them as Islamophobic or hate inspired. A student from Queen’s University said “I was walking home with friends on Johnson Street, part of the student ghetto, as we walked by them and I felt something that hit my back. I was told that I was a ‘Fucking Arab.’” As a student at the University, he felt he had no means of recourse.

Recommendations

- Encourage students who have experienced Islamophobic and racist acts to immediately register complaints

with the appropriate campus office (security, equity services, ombuds, etc.) and the Ontario Human Rights Commission.

- Students’ unions and Muslim students’ associations should be familiar with reporting mechanisms at the institutional level and through the Ontario Human Rights Commission in order to help encourage and facilitate a culture of reporting Islamophobia and racism on campus.
- Institutions and their security staff should take seriously and promptly address reports of Islamophobic incidents.
- Statistics regarding the number of Islamophobic complaints and their nature should be compiled and maintained by the institution, the Ontario Human Rights Commission, students’ unions, and other relevant bodies.
- Conduct a review of institutional policies that relate to discriminatory practices to ensure sufficiency in dealing with Islamophobic incidents and creating a permanently safe and welcoming environment.
- Convene meetings among relevant administrators, students’ unions, Muslim students’ associations, faculty associations, and the campus media to recognise the collective responsibility to identify and stop Islamophobia and racism on campus.
- In consultation with students, develop an institutional response to Islamophobia and a plan to streamline, and make more effective, reporting mechanisms for Islamophobic acts.
- Improve and enhance institutional counselling services to properly address Muslim students’ needs by, for example, hiring Muslim chaplains, similar to those that exist for other denominations.
- Implement mentorship initiatives to connect new students to students of similar faith.

- Develop training modules on Islamophobia for campus security and maintenance staff. Islamophobic graffiti, for example, should not be removed until it has been properly documented by security staff.

Women's Issues

The Task Force noted that there were generally more women than men who participated in the hearings and that women were relatively more likely to make comments.

*"In Canada and other non-Islamic countries, Women are the ambassadors of Islam,"
University of Ottawa student.*

It was mentioned by several participants, both men and women alike, that women are more regularly confronted with contentious issues based on their religion than are men. Participants related this to the fact that women dressed in hijab are more identifiable as Muslim than many men. Female students who wear the hijab said they were frequently questioned or treated differently by their peers. In addition to having to defend their religion generally, the Muslim value of modesty has resulted in women, particularly those in hijab, having to defend themselves against the allegation that they are self-oppressed. Ironically, it was noted by Task Force members that Muslim women were often the most outspoken and passionate defenders of themselves and their religion.

At the University of Toronto Mississauga's art gallery, a video was shown of a Muslim woman

*"I know women who don't come to campus wearing a head scarf, like I'm wearing right now, because they know they are going to be targeted,"
Ryerson University student.*

removing her hijab, and was seen to be very offensive to many students. The video was also shown in a class.

Of those people who reported experiencing overt acts of aggression most often it was women dressed in hijab. A woman at the University of Windsor reported that her friend, who was dressed in hijab, was pushed onto a busy street and called a "stupid Paki." The speaker went on to say there had been incidents where a few of her female friends had been verbally harassed and called "witches," "ninjas," and "nuns."

Finally, it was of interest to Task Force members that in remote areas, particularly at Lakehead University in Thunder Bay and Laurentian University in Sudbury, women comprised a smaller proportion of the Muslim students at Task Force hearing than men, whereas the reverse was generally true for campuses in urban area. Task Force participants in remote areas confirmed that there were very few Muslim women on campus and speculated that, in those areas, women in hijab would stand out even more than elsewhere and may be subject to enhanced discrimination.

Recommendation

- Students' unions, Muslim students' associations, and campus women's centres should promote the right of all women, especially Muslim women, to participate in campus activities free of discrimination and misinformed stereotypes.

Media

Participants to the Task Force hearings noted that both on- and off-campus media outlets have a serious impact on the perception of Islam and Muslims. At Task Force hearings there were several references to the re-publishing and distribution of the now infamous Danish Muhammad cartoon by some campus press. Some went so far as to create their own cartoons. Participants also referenced articles that had been published in the student newspaper as not only misquoting passages from the Quran, but fabricating myths.

Students at Ryerson University referenced a particularly disturbing article that ran in the *Eyeopener*, a student newspaper on that campus, entitled “Muslims Playing for Power.” The article focused on the election of the first Muslim (also the first student of colour) as president of the central students’ union on campus. The article conflated this small step toward equality with a ‘take over’ by Muslims on that campus. In a letter responding to the *Eyeopener*’s article, Ryerson professor and Task Force member Grace-Edward Galabuzi wrote: “History is replete with regrettable outcomes of sensational conflation of the ‘power’ of minorities.”

The article and Galabuzi’s response are included in the Appendices.

Recommendations

- Notify offices of human rights and anti-discrimination on campus of factual errors and prejudicial depictions in the campus media and encourage campus publications to acknowledge the problem and remedy damage done.
- Students should continue to critique media analysis of Islam and Muslim students via letters to their community and student newspapers.
- Encourage Muslim students and faculty to write for their student or community newspapers and other communications materials.

Academic Considerations

Religious Accommodations

An institution’s responsibility to accommodate students’ religious obligations is not only necessary under the Ontario Human Rights Code, but also enables higher learning to be inclusive and dynamic.

One of the most egregious stories of an institution’s failure to accommodate recorded by the Task Force comes from the University of Western Ontario. Muslim students at that

university who were taking an introductory drawing course—a requisite course for continuation in the Fine Arts programme—requested academic accommodation in relation to a nude drawing segment. Their goal was to develop an alternate assignment in consultation with the course professor that would allow them to learn the underlying skills of the assignment in a more suitable way for them. This arrangement would have prevented those who were uncomfortable with the assignment from simply having to skip it and fail that segment of the course, as had previous students. Instead of making that accommodation, the University of Western Ontario Senate intervened and gave Muslim students an ultimatum: draw the nudes or fail the course and be forced out of the Fine Arts programme altogether. If true, the Task Force believes that this would amount to a clear case of constructive discrimination, which is prohibited under the Ontario Human Rights Code and should be immediately rectified by the University.

Beyond such isolated incidents, two issues were generally cited for which academic accommodations were regularly needed: prayer and religious holidays. According to the Code, an institution is required to evaluate the needs of a group, including accommodations for religious observances and holidays.

Regular prayer is a fundamental tenet of Islam. It is common practice for Muslims to pray 5 times per day at specified intervals. Such practices can significantly overlap with students’ time on campus and in class. Participants of the Task Force’s campus hearings regularly outlined conflicts between prayer and their in-class academic obligations often with consequences to participation marks and tests or assignments.

A common concern identified at the hearings was that faculty members and the campus culture in general held different standards when it came to respecting the observations of different religious groups. A student at Carleton University tried to speak to his professor about the fact that he would have to leave class for

Task Force on the Needs of Muslim Students

a period to pray, break fast, and return. The student reported: "He informed me that if I couldn't perform properly I should just drop the class. I found this very intimidating in that a professor is someone I look up to. I was trying to open a dialogue."

Most participants of the Task Force's campus hearings lamented that Islamic holidays are not recognised by their institution. Eid ul-Fitr, which marks the end of the fasting month of Ramadan, and Eid ul-Adha, were most frequently mentioned as a day that students would like to be recognised.

In several instances, students mentioned that this holy day conflicted with classes, labs, tests or exams. Many students described that professors were often unaware of the significance of Eid and unaccommodating with respect to make-up exams and tests. "It's highly stressful to see that you have to go up to the professor and try to explain to him. Some people just don't want to go through the whole hassle of dealing with having an examination on a holiday," said a student at McMaster University. Some students reported that their professors told Muslim students that they must provide a letter from their Imam, a Muslim religious leader, before they could be excused from class or allowed to re-take a test or exam. One student from McMaster University provided a letter from her Imam, but the professor still refused to believe that the student was Muslim.

"When I ask people how their Eid was, I am often saddened to hear that they were in an exam," Ryerson University student.

Ramadan, a month long observance during which time Muslim students fast from dawn until sunset, was also cited as a time during which students would appreciate extensions and/or special accommodations for assignments. Muslims students who fast during Ramadan sometimes have to break fast during class time.

A campus organiser for York University made a presentation about the Task Force to the annual Thaqaalayn Muslim Association dinner, and began her presentation by asking how many students had ever broken fast during a lecture with a chocolate bar, to which dozens of students raised their hands.

Task Force hearing participants generally called for recognition of Eid as a high holy day for Muslims on campus. In addition, Shia Muslims identified the holy day of Ashura. A student at McMaster University summed up the sentiments of many Muslim students: "If they have Christmas for a month, can we have Eid one day?"

Many students reported that when they have attempted to request religious accommodation from the institutional administration, they have been told that the institution could not possibly accommodate the religious observances of everyone. A University of Toronto student approached a senior administrator prior to a meeting of the University's Governing Council which was considering whether to make Rosh Hashanah and Yom Kippur University holidays where no exams were scheduled. When she asked about Eid and Diwali, she was told that "if these observances were declared holidays there would be no school."

The Task Force did document some progressive policy at institutions where religious accommodations for students are mandated. Both the University of Guelph and Ryerson University, for example, recognise the institutional responsibility to make such accommodations by giving students the ability to make arrangements with their professors in the case of religious and academic conflict. By working together, the University of Guelph's Central Students' Association and Muslim Students' Association have secured university-wide policy language that protects against such conflicts. This policy ensures that "accommodation[s] will be made to students who experience a conflict between a religious obligation and scheduled tests, mid-term examinations, final examinations, or requirements to attend classes and participate in laboratories...The instructor has a responsibility to provide reasonable alternative

arrangements that do not put the student at an academic disadvantage.” This is stronger than typical accommodations that students reported being able to secure on their own, which often included simply skipping certain assignments or tests and re-weighting the academic value of future course evaluations. Additionally, the policy outlines an appeal process if an arrangement is not to the student’s satisfaction. The Appendices contains policy from Ryerson University for the reader’s reference.

Recommendations

- Increase and institute recognition of religious observances on campus and in college and university policy by ensuring that information on Muslim religious observances is available to college/university administrators, faculty, academic and support staff, and students.
- Send out memoranda to professors and teaching staff in advance of religious holidays and observances.
- Increase flexibility for assignment due dates and exam scheduling to minimise or eliminate overlap with Friday prayer. Make provisions for alternate academic arrangements that are not more onerous than regularly scheduled assignments.
- Ensure that students are not penalised for missed class or lab time associated with religious observances.
- Ensure clear and expedient processes for dealing with religious/academic conflict.

Islam in the Classroom

Many students identified a ‘chilly climate’ throughout campuses regarding Islam. The misrepresentation of the Islamic religion was identified as a serious concern by many hearing participants. Specifically, students documented incidents from certain professors, course materials, articles in student newspapers, student clubs and campus services. The information presented was characterised as

inaccurate and, in some cases, offensive and “anti-Islamic.”

Many respondents reported incidents in which professors misrepresented Islam through the course materials (which some participants described as “unscholarly”), on their blogs, or during discussion, by using stereotypes, ignoring Islamic history and Islamic scholars, and teaching Islam from a Western perspective. A student from Laurentian University said that the professor for an Islamic Studies class frequently made uninformed comments about the practices of Muslims. When students challenged these comments, it was revealed that the professor had not studied Islam, but religion in general, and had relied on information about Islam from the Internet.

A student from York University talked about classes where the word “terrorism” was used almost synonymously with Islamic fundamentalism. “That isolates Muslim students and intimidates them. It creates for a very uncomfortable and awkward atmosphere for Muslim students where they are expected to say something in defence of their religion,” she said. The student suggested that instructors should be made aware of how some topics and some ways of characterising events can isolate students who otherwise could have something to say, but feel intimidated because they are afraid of being singled out. “Sometimes you feel like your opinion won’t be valued as much,” she said. Students on a number of campuses identified a lack of willingness on the part of some instructors to engage in a meaningful discussion on Islam. “Most topics discussed about Islam are about terrorism,” said a student from George Brown College. “To avoid arguments, the topic of Islam is just abandoned.” In addition, students reported the frequent experience that when stereotypical views of Islam were discussed, they were commonly accepted and not challenged by professors or other students.

Many students felt that professors should learn more about Islam to allow for meaningful discussions in class and to avoid the use of stereotypical and Islamophobic prejudices. It

was also reported that in some cases religious studies course books were biased against, and ignorant of, Islamic history and religion.

Students stressed a desire to see curricula place a greater emphasis on representing Islam, along with other world religions and cultures. Specifically, suggestions included more courses on Islam and consideration of Islamic history, themes of the Quran, and the Islamic world today. Furthermore, they suggested integration of Islamic perspectives into courses such as marketing, nursing and finance—areas where there are specific differences between Western and Islamic perspectives.

A student at Carleton University said "My professor was very knowledgeable in Islam, but used it in a negative light. During Ramadan he asked me if I could read. I said 'what'? He said 'you're fasting, can you read?' I said, 'I am fasting but I am not stupid.'"

Negative stereotypes about women and Islam were in the classroom were frequently reported. A female student at the University of Windsor said "I was taking an Islamic Policy course and a student in the course confronted a woman wearing hijab during a discussion on women in Islam, and said 'you've been learning lies' in front of the entire class. There was not an adequate response from the professor and the student didn't know where to turn." In a political science class at York University, a fellow student likened Islam to a cult, to which the professor responded by saying that Islam "had done nothing other than support female circumcision and the subjugation of women". "This statement hurt," said the student. "Something I believed in was undermined and it came from a professor who was supposed to

be teaching objectively." Another student from the University of Ottawa said: "In sociology and feminism classes we feel personally attacked with professors speak about Islam in a biased manner. A friend of mine was repeatedly put on the spot in her feminism class and told that Islam oppressed women. Another woman complained about a professor who spoke very rudely and in a derogatory manner about Islamic society in her sociology class."

Recommendations

- Integrate education modules on Islam and Islamophobia into training sessions for general teaching staff.
- Institutional academic bodies should seek to ensure that more courses are offered on Islamic studies and Muslim culture.
- Require academic instructors to rely on resource materials for courses on Islam that are based on evidence and scholarship.
- Ensure diversity within course materials. Materials discussed in the classroom should meet academic standards or be presented in the context of academic analysis.
- Teaching staff should not target discussion of Islam to Muslim students in the class.
- Muslim students should not be made to feel that they are the subject of class discussions regarding Islam.
- Train teaching staff in anti-racist teaching practices and methods for identifying and responding to racism and conflict in the classroom.
- Encourage Muslim graduates to consider working in academia.
- Extend equity considerations in hiring to include Muslim candidates.
- Promote the retention of Muslim faculty by ensuring a positive work environment.

Extra-Curricular Considerations

Financial Barriers

Frustration with high tuition fees and the predominantly loan-based government financial aid system was expressed at many of the Task Force hearings. For Muslim students, financial barriers are particularly difficult to overcome because their beliefs forbid them from taking on loans because of their religious aversion to usury, or interest.

In some cases, Muslim students facing financial hardship had to make difficult compromises between their religious beliefs and financial obligations by taking loans in the hope that they could be paid off before interest started to accumulate after graduation. Consequently, the heavy psychological impact of looming debt repayment was identified as having great significance for Muslim students. Some students reported that they tried to cope with their debt by enrolling in part-time studies.

“Interest on OSAP loans is a problem for Muslims causing many to take a reduced course load so they can work and try pay down their debt before interest accumulates,” University of Toronto, Scarborough campus student.

One student pointed out that, while the Canada Student Loans Program and Ontario Student Assistance Program do not accrue interest for full-time students while studying, in some cases loans have been reported to go into interest-bearing repayment while students are still enrolled in their programme.

Some hearing participants speculated that, for every Muslim student who is struggling with the financial and moral implications of accumulating

debt to enrol in post-secondary education, there may be many others who have decided simply not to study at a college or university in Ontario. One student indicated that, with average debt loads in Ontario around \$25,000, many Muslim students are being turned off from attending college or university as they do not want to contradict their faith. Students drew attention to the fact that much of the debt students are facing is the direct result of the high, and growing, cost of post-secondary education.

Recommendations

- Federal and Ontario student financial aid that is delivered through the Canada Student Loans Program and Ontario Student Assistance Program should reduce reliance on a loan-based financial aid system.
- Governments should reduce financial barriers for students through tuition fee protection in the form of tuition fee freezes and reductions along with targeted financial aid delivered through need-based grants.
- Income contingent loan repayment and other forms of regressive financial aid schemes should be rejected by policy makers.
- Education related government loans should not accumulate interest, even after graduation.

Prayer Space

Lack of access to adequate prayer space was widely reported in the Task Force hearings. Regular prayer is a fundamental tenet of Islam. It is common practice for Muslims to pray 5 times a day at specified intervals. Such practices can significantly overlap with students' time on campus and in class. In addition to daily prayers throughout the week, Juma prayers on Friday are widely attended, typically by the vast majority of Muslims on campus (students and otherwise).

Many students endure cramped prayer facilities or pray in isolation in an unsuitable area within the institution. In some cases there are no prayer room facilities at all.

*"I've seen Muslims praying in the cracks and crevices all over Ryerson. It makes me incredibly sad and incredibly happy. We know our duty, but we don't have space to pray,"
Ryerson University student.*

Ideal prayer space should include a segregated prayer space for women and men, which is often not available on campus. This can lead to staggered prayer sessions for men and women, resulting in further delays in students' busy schedules.

Prayer location was reported as an additional barrier. On most campuses, particularly large ones, a single prayer facility is often not enough. Students find it difficult to travel across the campus for prayers and make it back to classes on time. One Sheridan College student stated that "[The prayer area] is in the residence so students are forced to sign in and buzz in which takes even more time which causes students to have to choose between praying and being late for class." A Carleton University student stated: "There is not time to pray properly between class because there are often line ups."

Currently, prayer facilities on campus should, but often do not, include a nearby ablution area for ritual washing before prayer. This extends the prayer process and forces Muslim students to use washroom facilities that were not designed for these purposes. Many hearing participants reported the discomfort they had experienced when interacting with non-Muslims, unfamiliar with the practice. Participants often reported that their non-Muslim peers were confused,

*"Ablutions as well can take the process to 15 minutes which is not convenient if you only have ten minutes between classes,"
Sheridan College student.*

embarrassed or even troubled when witnessing Muslims washing themselves before prayer in such public places.

Concern was raised that the general maintenance of prayer space was inadequate to keep up with the demand. Space is often unkept and unsanitary. At Ryerson University and elsewhere, complaints about the carpet on which students kneel and touch their forehead smelled foul and, despite requests for upkeep to the university administration, was eventually cleaned using student dollars. Also at Ryerson, original plans for new prayer space on campus had Muslim students exercising their holy observances only a few feet from the campus pub.

Most campuses now have multi-faith centres or rooms, which are sometimes exclusively relied upon to service Muslim students' prayer needs. However, few can accommodate the growing number of Muslim students' regular needs. Many of the participants of the Task Force hearings criticised college and university administrators' unrealistic expectations that multi-faith centres could be considered a remedy to Muslim students' prayer needs. For example, one Laurentian student stated: "The prayer space is shared with others, who may be uncomfortable with seeing students pray. They cannot ask the other clubs to leave, so they should have their own space. The scheduling interferes with Friday prayer schedule, and late classes interfere with the breaking of fast."

"Why aren't we given a room we can call our own? During Ramadan we shifted rooms every other day. That makes it difficult for people to come out and congregate in prayer" said a Ryerson student.

Participants recounted conflicts arising between religious student groups who are forced to reconcile their respective needs within an already over crowded multi-faith centre. There were reports of resentment toward Muslim students—whose demands on such a centre can be significant—by other users of these centres.

Finally, security of prayer space was raised as an issue. At Queen's University, the prayer space was repeatedly broken into. During Ramadan, the Ramadan Kareem (a statement welcoming Ramadan) sign was even set on fire.

Recommendations

- Ensure that adequate prayer space is acknowledged as a human rights issue and made available by the institution.
- Develop a campus plan that involves students and ensures multiple prayer spaces across campus for easy access from all points and that new building plans account for prayer space and ablution washing facilities if necessary.
- With involvement of students, conduct regular audits of the adequacy and availability of prayer space facilities including the size, convenience of locations, ablution washing facilities and separate accommodation for women.
- Make prayer space audit results publicly available, especially to new students who need them in order to decide where to study.
- Ensure permanency, upkeep, and proper location of prayer space on campus.

Food Services

Lack of adequate food accommodations was also one of the most frequently identified concerns for Muslim students. Halal (which means "permissible") food refers to certain foods, which are prepared in an appropriate fashion, that Muslims may eat under Sharia, or Islamic law. Many students noted that halal food options were not available on their school campuses, and they either had to bring meals or travel off campus to find halal foods. "We take halal food for granted," said a student from McMaster who grew up always eating halal food and had to stop when attending university because it was too costly.

Halal food was particularly difficult to access in regions outside of the Greater Toronto Area: "Halal food is a great problem at Guelph" wrote

a Guelph University student, echoing another student who wrote: "Guelph is pretty good all around, except when it comes to food. Halal food is only served in one building only during special time periods. And the food they have is unappealing most of the time." A student from Laurentian University said that when he gets hungry on campus all he can eat is "tuna or some chips." He has to go home to cook, and often does not have the time to do this.

Even on campuses where halal food options were available, students mentioned that it was often overpriced, limited in variety, available at few cafeterias or of poor quality. At some campuses, the fast food chain Popeye's provided the only halal food on campus. "Popeye's, quite frankly, does not suffice," said a student from the University of Toronto's Scarborough campus. "Healthier, halal foods will benefit all students and should be implemented by Toronto universities."

Many students also mentioned that they could only eat vegetarian food where halal meat was not available. This was a concern because of the lack of protein available in most vegetarian food on campus. Another commonly identified concern was in food preparation practices at on-campus food services which would risk the contamination of halal foods, such as use of the same oils, preparation surfaces, and gloves for non-halal and halal foods.

Recommendations

- Conduct a food service audit with campus food services to assess kitchen facilities and food service delivery processes to determine areas of implementation and improvement of halal food provisions.
- Universities and colleges should expand their food choices on campus and provide more halal options, especially in residence cafeterias and food services. Halal food should be provided at the same quality and costs as non-halal food.
- Clearly identify halal options on menus and in campus food service facilities.

- Ensure clear labelling of halal food and food ingredients.
- Improve training of food service staff in the preparation of halal food, including training food service employees to change sanitary gloves and wash cutlery and surfaces after preparing non-halal food.
- Include a requirement to provide halal food and halal practices in any new contracts with food service providers. Modify existing contracts to provide both halal food and halal practices.
- Create standard policy to allow Muslim students to bring outside food options for larger catered events, including allowances for Muslim students to bring in culturally appropriate food on Iftar and other religious holidays.

Orientation and Events

Orientation and social events help new students settle into campus life, engage in valuable networking opportunities, and generally help to cope with the many stresses associated with the fast pace of post-secondary education. For most students these opportunities are memorable and positive, but for many Muslim students these events are inaccessible, unaccommodating, and alienating. Inaccessible events can, at best, amount to missed opportunities and, at worst, contribute to a strong sense of exclusion.

The presence of alcohol was most frequently identified as a barrier to the equitable participation of Muslim students in events. Orientation events were particularly problematic because of the heavy integration of alcohol into events, and lack of halal or vegetarian food options. Alcohol was also identified as a barrier to Muslim students' participation in social functions throughout the year, often in relation to networking opportunities with faculty members.

Where students' unions are in control of orientation events and where they possess a level of sensitivity towards inclusive programming, these events can be positive and unifying experiences for the entire student

"There are lots of social events in my programme. Unfortunately, many like 'meet your professor' tend to be wine and cheeses. Muslims shouldn't be at these events, but then they miss out on the experience of connecting with their teachers and learning outside of the classroom,"
University of Waterloo student.

body. Some students' unions have addressed these issues by ensuring that non-alcoholic activities are promoted during orientation week and halal food is available at events. A student from Ryerson University, for example, noted that the Ryerson Students' Union made a noticeable effort to include a level of diversity in their orientation events and in their outreach strategy. Apart from "dry" events where no alcohol is present, halal hot dogs were also available during orientation for the first time last year. Diverse musical acts also appealed to a variety of students' interests.

Other participants of the Task Force hearings agreed that more multicultural and inclusive events during orientation would generally lead to more participation among students, Muslim students in particular. At some campuses, a long history of non-inclusive orientation events has caused Muslim students, such as those

"I had a great opportunity to socialise with Muslim and non-Muslim students alike at our orientation event this year. Little things like having access to halal hot dogs meant a lot to my Muslim friends and I. It definitely gave us respect for our students' union,"
Ryerson University student.

at the University of Waterloo, to contemplate organising a Muslim frosh week.

Participants of the Task Force hearings also noted the responsibility of institutions to ensure that opportunities for Muslim students are properly advertised. A student from Laurentian University suggested that, among the institution's orientation materials, information about local mosques and opportunities to meet with Muslim students should be included.

"I think it would be beneficial for orientation leaders at Western to concentrate less on getting their chants right and learn a little bit about inclusive events and how to reach out to more of the new student population," University of Western Ontario student.

Recommendations

- Ensure that orientation planning is open to, and reflective of, Muslim students and their organisations.
- Provide inclusivity training for orientation event organisers.
- Include in orientation packages and summer mailouts the information necessary for Muslim students to properly access necessary campus and community services, such as local mosques, prayer room locations, Muslim students' associations and central students' unions' contact information and opportunities to meet with Muslim students who attend college or university for mentorship and advice.
- Include dry options in events and programmes, where alcohol is not served. For example, events in the evening can be "dry" for the first hour or so before making alcohol available.

Athletic facilities

Lack of access to athletic facilities was raised as an issue at many of the Task Force hearings. Many universities and colleges now charge a mandatory fee for athletic facilities. However, the facilities themselves are often inaccessible to Muslim women. Muslim women who wear hijab are forbidden to display their bodies to men.

Despite the requirement to pay athletic fees, many women mentioned that they were unable to use the facilities on campus because they do not have women-only hours in the gym or that the windows around in athletic facilities are not covered during women-only swim time.

Another woman talked about how, since Muslim women cannot remove their hijab in front of men, she could not take swimming lessons at her university. She had to travel across the city to take private swimming lessons in order to get credit for her kinesiology course, which required a swimming lesson.

One student from the University of Waterloo described her frustration at being charged a mandatory athletics fee and then being told by the aquatics coordinator that if she could not access the co-ed swimming facilities she would have to pay the cost of two lifeguards. A common suggestion was that there should be women-only hours or a separate room that would benefit both Muslim and non-Muslim women.

"There are so many women who would like to work out at our gym, but because of the amount of men there, they are not able to do this," said a student from the University of Windsor.

Recommendations

- Liaise with responsible university officials to determine decision-making structures for scheduling athletics and recreation facilities.
- Conduct a student survey on athletic requirements to determine the need for gender specific hours including a use assessment of athletic facilities (i.e. identifying peak and off-peak hours, usage, etc.).
- Improve access and athletic facilities for Muslim women students.
- Provide women-only gym time. Provide curtains or screens over the observation windows looking into the swimming pool during women-only swim times.

Residence Life

Residence rooms are an important—and usually expensive—service for students, which allow them to be near their classes without having to contend with the often challenging housing market near campuses. Residence living is often of particular value for students whose permanent residence is far from campus. Living in a residence can also be an important way for students to become connected to campus life and to form the social networks that help them adjust to independent life. As indicated by many Task Force participants, however, residence life can become a major source of psychological and financial stress when Muslim students show up to campus and the conditions are incompatible with their religious obligations.

“For me it’s hard to cope because when I come home I don’t feel comfortable in my own residence lodgings, so I stay away even though I am tired or need a good place to study,” University of Toronto, Scarborough Campus Student.

Task Force hearing participants levelled many criticisms of campus residence facilities that did not properly accommodate Muslim students. For example, most residences do not allow students to cook for themselves, which was identified as a problem by many participants, especially where residence food options also do not include halal food choices or where such choices were in very limited supply. This problem is further compounded where residence living includes a mandatory meal plan with no halal food options, such as was reported to be the case at Lakehead University. General concern about campus food options, including food preparation and labelling were frequently expressed for residence food services.

Students identified the presence of alcohol as a particular challenge in the context of residence life. At Laurentian University, Muslim students identified that, because of the frequency of alcoholic beverages involved in socialising in residence, many avoided going to their residence because they felt uncomfortable there. Task Force hearing participants recounted cases where requests for smoke free and alcohol free residence houses resulted in roommates who nevertheless smoke and drank.

A student at Laurentian University suggested that universities provide a non-drinking living area for Muslim students and other non-drinkers. A student at Queen’s University also said his first year was difficult because there was a lot of heavy drinking in residence. In his second year he was lucky to have a residence don who was Muslim, with whom he would go for coffee and discuss problems in the residence and how to solve them.

Co-ed residences are also unacceptable for many Muslims, especially women. At Lakehead University, for example, it was reported that no segregated residence options were available. Even on women-only floors or dorms, Muslim women complained that they were never able to be fully at ease, in removing their hijab for example, because the likelihood of men being on the floor was always near and present. Similarly men reported discomfort with the constant flow of women on men-only

floors. One Muslim woman at the University of Toronto's Scarborough campus even recalled her roommate inviting a sexual partner to stay the night in their shared residence room. That woman promptly found new accommodations at some financial loss to herself. Another female participant recalled realising that a man was using the washroom in her women's residence floor as she was showering.

Generally, participants noted a lack of knowledge about the needs of Muslim students as they pertain to campus housing. At Laurentian University, a student was given a bible and cross upon entering residence. At Queen's University one student recalled her residence floor being decorated for Halloween and, despite the fact that she told people that she was not celebrating the holiday because of her religion, she was pressured to dress up.

Recommendations

- Ensure that more Muslim dons are hired for campus residence, or contact information for Muslim dons at the residence complex be made available.
- Provide training for residence dons and general information to residence occupants about the needs of Muslim students, especially as they pertain to alcohol.
- Increase availability of halal food in residence and allow flexibility for students to prepare their own food.
- Allow Muslim students to opt-out of mandatory meal plans where insufficient halal options exist.
- Institute alcohol-free residences on campus.

Student Engagement and Representation

On campuses where there was Muslim representation among the staff and elected directors of the students' union or council, participants frequently mentioned successful initiatives aimed at combating discrimination

and promoting equality for Muslim students. On campuses without representation through the students' union or council, participants noted that decisions and policies often did not reflect the best interests of Muslim students. "I don't feel that Muslims are adequately represented in the students' union, and as a result, many policies and decisions made by the University Students' Council do not have Muslim representation, especially with respect to recreational facilities," said a student from the University of Western Ontario.

At the University of Guelph, the Muslim Students' Association works closely with the Central Students' Association. The two students' associations successfully lobbied for a university-wide religious accommodation policy. Several times, students mentioned the importance of having a Muslim students' association (MSA) or Thaqualayn Muslim association (TMA) on campus. Some mentioned that there should be more funding for the MSA given its growing size on campus, and that there should be additional scholarships and bursaries for Muslims and other minority students. In addition, many referred to ways in which more students and members of the college or university community could be informed about Islam, including socials, programmes, events and other initiatives to build a stronger sense of unity on campus.

A student at George Brown said that she was excited to come to college and join the MSA. When she discovered that one did not exist, she started one herself. Local MSAs and TMAs were an essential part of organising Task Force hearings across the province and contributed enormous dedication and expertise to the initiative.

Some participants also noted that the MSA was marginalised on campus. During the students' union elections at Ryerson University last year, Muslim candidates from both slates repetitively had their posters torn down. These candidates were either involved in the MSA or were visibly Muslim (one woman dressed in hijab). For others, the lack of accommodation for religious

observance on campus was a barrier to their involvement in the students' union or MSA. "What I try to do is stay home and try to study at home and pray on my own times because it's easier for me to catch prayer," said a student at the University of Waterloo. "[That] causes us to miss out on events and join students' unions. I have wanted to join unions on campus like MSA, but so much workload combined with problems of praying I stayed at home because it was more easily manageable."

Recommendations

- Implement equity and diversity programming in campus events, including those organised by campus students' unions and administrations.
- Cross promote student union and Muslim students' association services.
- Ensure proper funding of central students' unions and Muslim students' associations to properly service Muslim students.

Implications and Conclusion

This report is the culmination of a comprehensive investigation into the first hand-experiences of Muslim students on campuses across Ontario and was intended to assess the breadth and scope of institutional accommodation of an important and growing segment of the campus population. It is not a formal research study and therefore does not purport to be conclusive. However, as this report demonstrates, instances of Islamophobia are not isolated; discrimination toward Muslim students is a systemic feature of Ontario's post-secondary education system.

Over the course of seven months, nearly 1,000 students participated at 17 on-campus hearings resulting in nearly 500 formal statements. In doing so, these students shared personal and intimate details of their lives with Task Force members in the hope of effecting change. It is the hope of the members of the Task Force on the Needs of Muslim Students that this report will accelerate change and support progressive change that will benefit all those who participated in the Task Force hearings.

Islamophobia, as defined in the Ontario Human Rights Code, is the use of stereotypes, biased or hostile acts of towards individual Muslims or followers of Islam in general. As this Report of the Task Force on the Needs of Muslim Students shows, Islamophobia is present on university and college campuses across Ontario. The Task Force found that Muslim students have been called "terrorist," "Taliban," "stupid Paki," "witch," and "Fucking Arab"- among many other hurtful epithets. In some extreme cases, Muslim students have been harrassed and assaulted on campus. Materials produced and displayed by Muslim students' associations have been vandalised, office spaces have been graffitied, and other forms of discrimination have occurred. Additionally, the Task Force found that Muslim women students experienced discrimination differently, based on their gender. Women talked about being belittled, ostracised from their peers—particularly if they wore hijab—and told that they are not adequately "educated" or "liberated."

Islamophobia can be broadly conceptualised to include more subtle and covert forms of discrimination, lack of understanding, or lack of accommodation for the beliefs and practices of racialised individuals or groups. The most egregious examples of systemic Islamophobia took place in classrooms where professors and other students made uninformed and hurtful comments that promoted stereotypes of Islam and of Muslims and where discussions about Islam have been known to make students feel uncomfortable, intimidated, undervalued and "singled-out".

The Task Force findings identify numerous instances of what the Ontario Human Rights Code refers to as a "poisoned environment," where racialised individuals are subjected to an atmosphere that is different from those who do not experience harrassment. This was evident in ignorant comments from peers and professors, bathroom graffiti, racially biased and/or ignorant course content, and the students' own experiences of being viewed with "mistrust and suspicion."

Respondents discussed a generalised lack of available resources to address incidents of discrimination and discriminatory policies. Muslim students' associations were often cited as a place where students could help meet each others' needs and come together as a community in the face of discrimination. However, too often these organisations also experience marginalisation on campus. Clearly, more needs to be done by post-secondary institutions to address Islamophobia in a meaningful way.

Failings in accommodating Muslim students were present, in some form or another, in all facets of campus life: from a dearth of appropriate food on campus to inadequate prayer space; from residence life and social events to inflexible administrations in accommodating religious observances; from

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underrepresentation of Islam in the curriculum to the underrepresentation of Muslim faculty and student leaders.

In the context of a poisoned atmosphere, where students feel targeted, afraid and marginalised on the campus, a shortage of adequate prayer space is a safety issue. In the absence of prayer space, Muslim students who pray in stairwells or library carrels fear harassment and even assault.

Regarding dietary requirements (halal food), the limited selection at best or the complete absence at worst was one of the most frequent issues to come up at the deputations. Many hearing participants described themselves as being forced to eat non-halal meals, simply to avoid going hungry. In a number of cases, students admitted that they had also ceased other religious observances on campus because the climate was inhospitable, or it was physically not possible to maintain them.

The Ontario Human Rights Code clearly puts the onus on institutions and organisations to implement a human rights framework. According to the Code, organisations have a duty to be aware of their practices, policies and programmes and to ensure they are not having an adverse impact or resulting in discrimination vis-à-vis racialised persons or groups.

However, responsibility also lies with government to enforce the Ontario Human Rights Code and to ensure that its own policies and practices comply with the spirit and intent of the Code. As identified in this Report, the Islamic faith opposes usury and involvement with interest-bearing loans. Yet the bulk of the Ontario Student Assistance Program (OSAP) consists of interest-bearing loans. Interest on the loans is paid by the federal and Ontario governments until six months after a student ceases to be a full-time student. Many Muslim students are therefore excluded from accessing OSAP as a financial aid mechanism. For part-time students, the problem is worse because neither level of government current interest relief or what limited financial aid is available to part-time students. This issue requires

further investigation and action to ensure that all Ontarians have equal access to government programmes and services.

It is important to acknowledge the social and political context in which Muslim students are experiencing Islamophobia. Students have lives beyond the campus, and many of the participants related accounts of being harassed or targeted in public washrooms, on public transit, in malls, at work, and at the border while crossing to the United States. In the context of the "War on Terror" racial profiling has increased, and Islam has become synonymous with terrorism in many mainstream media contexts. Islamophobia existed prior to September 11, but the events on that day have given new meaning to representations of Islam, in many cases reinvigorating Islamophobia as an acceptable mainstream perspective.

The college or university campus should be a place where Islamophobic ideas are challenged and disabused, for the enlightenment of students, and for the assurance of equality in the context of learning. This report indicates that in too many instances, the campus can reinforce discriminatory behaviours and ideologies of the broader society. Often students' unions or Muslim student organisations are a place of refuge for Muslim students, but without the support of the institution there is no assurance that every person is free from discriminatory or harassing behaviour based on religion, ethnic origin, citizenship, or any other grounds.

Currently, there is little academic research into the experience of Muslim students in Canada's post-secondary education system. The Report of the Task Force provides a rich assessment of the atmosphere experienced by Muslim students, and draws on substantial first-hand experience to demonstrate the systemic nature of Islamophobia within institutions of higher learning. Nevertheless, this Report is only a first step; further investigation and monitoring of Islamophobia is required and post-secondary institutions must address this issue on an ongoing basis.

Action is required to address the atmosphere

of hate, discrimination and harassment that Muslim students experience within the post-secondary education system in Ontario. Fortunately, improving this atmosphere can be accomplished with the implementation of the relatively modest recommendations as this Report outlines. We urge all levels of policy- and decision-makers to implement the recommendations of the Task Force—all of which are in accordance with the Ontario Human Rights Code.

Task Force members also heard a number of positive stories, in which students, staff and faculty stood against Islamophobia and came together to successfully advocate for a safer, more inclusive campus. In these cases, rather than feeling more isolated in the face of racist and Islamophobic incidents, the campus community rebuilt and broadened its sense of

community, building the confidence of Muslims and non-Muslims alike.

As is evident from the recommendations above, the steps necessary for improving the on-campus atmosphere and for challenging Islamophobia requires simple action: awareness of the tenets of Islam to eliminate stereotypes and facilitate genuine engagement between students, staff and faculty; flexibility in course and exam scheduling; diversity in food choices that reflect cultural diversity; adequate prayer space that is secure and within reach of all areas of campus; and—perhaps most fundamentally—basic respect. Such a modest plan of action can—if implemented immediately—transform the educational experience of Muslim students, challenge racism on campus and create a healthier environment for all.

Appendices

Glossary

Like any other religion, there are diverse interpretations and rituals practiced in Islam. These terms are debated and discussed amongst Muslims, who vary vastly in their outlook and interpretation of the religion.

For the purposes of this Report, below are compiled some general definitions of important terms.

Ablution—ritual washing

Allah—God

Canada Student Loans Program (CSLP)—a federal student financial assistance programme. The Canada Student Loans Program was created in 1964. The Government of Canada directly finances all new loans issued on or after August 1, 2000. Administration of Canada Student Loans has become the responsibility of the National Student Loans Service Centre (NSLSC). There are two divisions of the NSLSC, one to manage loans for students attending public institutions and the other to administer loans for students attending private institutions. Ontario's access window to the CSLP is through OSAP offices.

Eid Ul Adha—The festival coinciding with the marking of the pilgrimage of Hajj, and commemorating the sacrifice by Prophet Abraham.

Eid Ul Fitr—This holiday and celebration marks the end of Ramadan, the month of fasting. One of the main religious festivals. The celebration lasts for three days.

Grants—Non-repayable up-front student financial assistance. They differ from scholarships in that they are needs-based.

Halal—Translated as “permissible” and generally used to refer to the types of food permissible by Islamic law. For example, for meat to be considered halal, it is required that the animal be slaughtered in a humane way and that the name of God be invoked. Pork or any pig-based products are not permissible in Islam.

Hijab—Literally translated, it is the Arabic word for “cover”. Typically, it is used to describe the Islamic headscarf worn by Muslim women.

Iftar—Refers to the evening meal (after sunset with the Maghrib prayer) for breaking the daily fast during the month of Ramadan. Iftar during Ramadan is often done as a community, with Muslims gathering to break their fast together. Traditionally, a date is the first thing to consume during Iftar when the fast is broken.

Imam—Typically the leader in a mosque who leads congregational prayers, and may be a spokesperson as well. In the Shia tradition, an Imam is an important leader and must possess certain specific criteria of lineage and scholarship.

Interest and Interest Relief—Provincial and federal student loans bear interest. The only exception to this is where the government has established an “interest-free” period while in-study or where interest relief is provided. During periods of interest relief the borrower is not required to make payments on either the outstanding principal of the loan or on the interest. The Government of Ontario and/or the Government of Canada pays the interest. Neither government makes payments to reduce the outstanding principal. Interest relief is granted for periods of six months, up to a

Task Force on the Needs of Muslim Students

maximum of 30 months. The borrower may be eligible for extended interest relief of up to an additional 24 months provided they have not been out of school for more than 60 months from the last study period end date. Full-time students are not charged interest while in study but their debts begin accruing interest once they are no longer registered. Following graduation, relief may be granted for periods of six months, up to a maximum of 30 months based on income level.

Islam—A monotheistic religion practiced by Muslims. It is based on the teachings of the Prophet Muhammad, who lived in the 7th century. There are five pillars of Islam, the basic tenets of faith: The Testimony of Faith (Shahadah), Five Daily Prayers (Salat), Obligatory charity (Zakat), Fasting during the month of Ramadan, The Pilgrimage to Mecca (Hajj). Islam is the second largest religion in the world today.

Juma—Friday congregational prayer, which occurs midday.

Loan Repayment—For student loans negotiated after August 1, 1995, the student must begin monthly repayment of the total loan principal and interest by the first day of the seventh month after a reduction of course load to less than 60% (40% with documented permanent disability). Additionally, the student must begin monthly repayment of the total loan principal and interest within 340 weeks (400 weeks for doctoral programmes, 520 weeks for students with permanent disabilities) from the date the first negotiated the Canada/Ontario Student Loan unless the first Canada/Ontario Student Loan was negotiated before August 1, 1995 in which case the student has 520 weeks before repayment is required.

Muslim—An individual who follows the religion of Islam.

Ontario Student Assistance Program (OSAP)—the provincial student assistance programme for Ontario. Financial assistance for postsecondary students in Ontario is available through a variety of programmes that are funded by the Province of Ontario and the Government of Canada. Programme policies are the responsibility of the funding agency, and programme processes and procedures are developed in cooperation by the two levels of government. Full-time students may be eligible to receive an integrated student loan. The Canada-Ontario Integrated Student Loan is funded by both the Government of Canada and the Government of Ontario.

Prayer—It is obligatory for every Muslim to pray five times a day. The daily prayers are one of the five pillars of faith—a basic tenant of Islam and a requirement of faith. For many, it is an important opportunity for spiritual reflection and remembrance throughout the day.

These are fixed prayers which can be said in private, wherever one happened to be when the time for prayer comes, or with the community in a mosque or designated space.

The five prayers are outlined below, in specific windows of time throughout the day.

1. Fajr (morning prayer); After dawn but before sunrise;
2. Duhr (early afternoon or noon prayer); early afternoon till late afternoon;
3. 'Asr (late afternoon prayer) late afternoon prayer till sunset;
4. Maghrib (sunset prayer); just after sunset;
5. Isha (late evening prayer); late evening till late at night.

Prayer Space—Muslim students require prayer space for daily prayers. There are many considerations that need to be taken into account in the designation of such space, including: an open room spacious enough for kneeling; adequate space for both men and women; clean, carpeted flooring; availability throughout the day; no depictions of human or animal figures; and

a sizable room relative to the number of students who will be using it. It is also important that the space is in close proximity to a washroom for the ritual washing that occurs before prayers.

Prophet Muhammad (SAW)—The last messenger and the prophet of God, according to Islam. The religion of Islam was revealed through him.

Quran—The Quran is the sacred text of Islam. Muslims believe it was revealed by God to the Prophet Muhammad, and is the final and definitive revelation.

Ramadan—The ninth months of the Islamic lunar calendar. During this month which lasts 29 or 30 days, depending on the sighting of the moon, Muslims refrain from eating, drinking and smoking during the daylight hours. Special congregational prayers occur during the nights of Ramadan, in which the entirety of the Quran is recited over the course of the month.

“Ramadan Kareem”—a celebratory statement on the occasion of Ramadan, the sentiment of which is “Welcome Ramadan”, and literally “may your Ramadan be generous.”

Salat/Salah—Five times a day ritual prayer.

Shariah—General term given to describe the legal framework derived from the sacred sources of Islam.

Shia (Also, Shi’i, Shi’ite)—Are the second largest denomination of Islam, approximately 10–15% of Muslims. Sh’ias adhere to the teachings of the Prophet Muhammad and the religious guidance of his family, as well as those descendents of Prophet Muhammad known as Shia Imams.

Suhoor—Pre-dawn meal (before the fajr prayer) during Ramadan, the month of fasting.

Tuition Fees—Fees paid by the student to enroll in a university or college. Tuition fees are the main contributor to student loan debt and are a barrier to access. In the 2006-2007 academic year, average Ontario college and university tuition fees are \$2,300 and \$5,200 respectively. Overwhelmingly, research shows that financial barriers are the largest barrier for students. Financial aid, largely in the form of repayable loans, is the only avenue for most students to contend with high tuition fees. The average indebted graduate in Ontario holds \$25,000 in public debt alone. There is little data on the amount of private debt—which generally includes loans from family, acquaintances, banks and credit card companies—but estimates put average debt, including these sources, as high as \$33,000.

Usury—Interest. Generally, there is a prohibition in Islam on money gained from interest, and participation in loans which incur interest.

Wudhu—Ritual ablution made before prayer. Involves washing the face, hands, arms, and feet.

Members' Biographies

Sheikh Faisal Abdur-Razak

Sheikh Faisal Abdur-Razak is an Imam and the President of the Islamic Forum of Canada. He has served on the Government of Canada Interfaith Committee, the Province of Ontario's Multifaith Council, and the City of Brampton Multifaith Committee. Abdur-Razak is the Vice-President of the Islamic Council of Imams of Canada and a member of the Al-Shura Muslim Consultative Council. He has spoken on a wide range of Islamic topics in many countries, including: Canada, the U.S., England, Germany, Pakistan, India, Saudi Arabia, Jordan, Palestine, Turkey, Syria, Guyana, Barbados, and Trinidad.

Terry Downey

Terry Downey was elected Executive Vice-President of the Ontario Federation of Labour (OFL) in November 2005, becoming the first African-Canadian to serve as an OFL executive officer. Originally from Nova Scotia, Downey has been a member of the Ontario Public Service Employees Union (OPSEU) for 17 years working at the Ontario Human Rights Commission. She is also the chair of the Women's Committee of the Toronto & York Region District Labour Council. In her role as OFL Executive Vice-President Downey is responsible for education and training, health care, human rights, social services and special projects.

Grace Edward Galabuzi

Grace-Edward Galabuzi is an assistant professor of Politics and Public Administration at Ryerson University and a Research Associate at the Centre for Social Justice in Toronto. Galabuzi is the Author of *Canada's Economic Apartheid: The Social Exclusion of Racialized Groups in the New Century* (CSPI, 2006). He has worked for the Ontario government as special assistant to the Premier, a senior policy advisor on Justice issues, and in the social sector as an organiser on anti-racism and social justice issues. He is a former provincial coordinator of the Ontario Alliance for Employment Equity and has been involved in various community campaigns on issues such as anti-racism, human rights, anti-poverty, police services reform, and community economic development. He is a member of the United Way of Greater Toronto Board of Trustees and its Policy, Planning and Research committee, and a board member of the Canadian Centre for Policy Alternatives.

Jesse Greener

Jesse Greener is the Ontario Chairperson of the Canadian Federation of Students, representing over 300,000 students across the province, and formerly the Chairperson of the Federation's National Graduate Caucus. Greener earned his Ph.D. in Chemical Physics at the University of Western Ontario where he was active in his local students' union serving as both an executive member and as a Graduate Student Senator. While at Western, Greener worked closely with the local faculty and staff associations with the goal of unifying campus constituents and developing common platforms on such issues as enhancing university funding, reducing tuition fees, promoting equitable employment, reducing class sizes, and protecting academic freedom.

Alex Kerner

Alex Kerner is a long-time student and social justice activist who has a long history working with the Muslim community. He served as President of the University of Toronto Students' Administrative Council and Executive member of the Graduate Students' Union. Kerner a founding member of

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Solidarity for Palestinian Human Rights at U of T and Students Against Sanctions and War in Iraq. He has been involved in campaigns demanding adequate prayer space on campus and opposing Islamophobia, Anti-Semitism, and Racism campaign. In addition Kerner has been involved with the Toronto Coalition to Stop the War and the War Resisters support campaign. Currently, Kerner is the Equity and Campaigns Organiser of the Ryerson Students' Union.

Ausma Malik

Ausma Malik is the Vice-President Equity for the Students' Administrative Council at the University of Toronto where she defends the rights of women, minorities and other marginalised groups. Malik is also responsible for promoting anti-discrimination initiatives on campus and is currently active with the Black Youth Coalition Against Violence and Students' Against Islamophobia. She will graduate in 2006 with an honours BA in international relations and minors in Political Science and History. Ausma has volunteered with Students for Literacy and the U of T food bank, and edited the Undergraduate Political Science Journal at U of T.

Diana Ralph

Diana Ralph is a Jewish activist who currently is working with the Campaign to Stop Secret Trials in Canada to challenge Islamophobia and the "war on terror" in Canada and the U.S. She has informally adopted Hassan Almrei, one of the five Muslim men detained in Canada without charges on secret evidence. Ralph was active in the civil rights and anti-Vietnam war movements in the United States, where she grew up. She moved to Saskatchewan in 1970 where she organised Equal Justice for All, a welfare rights group, and was active in a range of struggles around student's, women's, union, ecological, and native rights.

Mohamed Sheibani

Brother Mohamed Sheibani is the first under-graduate President of Muslim Students' Association National of the U.S. and Canada in its 43-year history. He is currently a fourth year student attending the University of Ottawa, where he is pursuing a degree in Commerce with a specialisation in Accounting. Sheibani first got involved in the MSA National as the East Zone Canada Representative (2002), and went on to serve as the Vice-President – Canada, Taskforce Director (2003), and Vice-President – Canada, Zonal Director (2004). Sheibani's community activism includes his work with the Muslim Youth of Ottawa for the past seven years, as well as serving as its President in 2003-2004. He has played a significant role in the organisation of the Family Eid Festival, one of Canada's largest festivals. He is also involved on his local campus where he served as Vice-President – Finance for the Management Student Council (2004-2005).

Zubeda Vahed

Zubeda Vahed was the former Equity Officer: Race Relations for the Peel District School Board and Education Officer at the Ministry of Education, she has analysed staff and student needs, coordinated staff in-service, and worked with young people and families in distress. Vahed had evaluated text books for the Ministry of Education and had produced a number of resource guides, including: "Unity in Diversity: A Resource Guide for Race and Ethnocultural Equity," "Opening and Closing Exercises: A Resource Guide for Ontario Schools," and "Manifesting Encouraging and Respectful Environments." Zubeda was on the Board for the International Development and Refugee Foundation and the Board of the Islamic Social Services and Referral Association, the Peel Multicultural Council and currently is on the Board of the Federation of Muslim Women and the Ansaar Foundation. Vahed has been Director and Provincial Chair with the Federation of

Women Teachers' Association of Ontario, and served as the committee chair and as an executive member of that organisation. 1993, Vahed was made a Fellow of the Ontario Teachers' Federation for her outstanding contributions to the profession, and for her community work. As well, Vahed has received an award for promoting racial unity by the Baha'i Community of Canada and the South African Women for Women Award. In 2002, Vahed received the Peel Multicultural Council Volunteer Award and in 2005, she received the Islamic Social Services and Resources Association award for her outstanding community service.

Wahida Chishti Valiante

Wahida Chishti Valiante is the National Vice-President of Canadian Islamic Congress. She is also a social worker and psychotherapist specialising in family therapy, mediation and post traumatic stress disorder. Valiante has extensive experience in working with refugees from war torn countries: especially with women and children, who were victim of rape, trauma, and psychological violence. She is the recipient of several awards, including from the Rubina Willis Counseling Centre for her outstanding work in the field of violence against women and children. Valiante is a regular contributing writer for several international publications — including the World Media Monitor and the Canadian Islamic Congress Friday Magazine — on social and religious issues, including gender equality, social justice, family and domestic violence, politics and issues of national and global importance.



List of Task Force Hearings

2006/2007	City	Institution
Sep 20	Toronto	University of Toronto (Launch Hearing)
Oct 25	Ottawa	Carleton University
Oct 31	North York	York University
Nov 1	Kingston	Queen's University, St. Lawrence College, Royal Military College
Nov 1	Toronto	Ryerson University, George Brown College
Nov 6	Toronto	University of Toronto
Nov 7	Toronto	University of Toronto
Nov 8	Guelph	Guelph University
Nov 9	Scarborough	University of Toronto, Scarborough Campus
Nov 10	Thunder Bay	Lakehead University
Nov 15	Mississauga	University of Toronto, Mississauga Campus
Nov 23	Windsor	University of Windsor
Nov 27	London	University of Western Ontario
Jan 24	Waterloo	Wilfrid Laurier University and University of Waterloo
Jan 25	Sudbury	Laurentian University
Jan 30	Hamilton	McMaster University
Mar 9	Ottawa	University of Ottawa



Written Statement

The Task Force on the Needs of Muslim Students is an effort to measure the degree to which Muslim students have their needs met on campus, and also to gather information on incidents of violence or hate directed towards Muslims and those who are perceived as Muslim.

1. If you are Muslim, do you feel your needs are adequately met on your college or university campus? (For example: is there access to adequate prayer space, are events and community services accessible, is halal food available, etc.)

2. Please describe the general atmosphere toward Muslim students on campus. If you are Muslim, do you feel represented? (examples: in the curriculum, in the faculty, in your Students' Union?)

3. Are you aware of any acts of discrimination or hate directed at members of the Muslim community, or other acts of Islamophobia on campus? Have you ever been the target of hate-motivated intimidation or aggression on campus? Please describe.

4. Please use this additional space to elaborate on your answers, or provide any additional information or reflections.

Name: _____

School: _____

Phone: _____ Email: _____

I do not want my name to be used in the Final Report Signature: _____

The EYEOPENER

Muslims playing for power

Posted on 11/16/06

Written by Sarah Boesveld

As the largest student group on campus, the Muslim Students' Association has made its presence known in student politics. Former MSA vice-president Muhammad Ali Jabbar is heading up the RSU, thanks to support from the MSA. The group has monopolized use of the multifaith room, putting the true meaning of the room's name in jeopardy.

Through its renewed fight against Islamophobia, the MSA has also been criticized as being increasingly polarized and turning the RSU's attention mostly toward Muslim issues. Smaller religious groups with less influence have been left wondering when their needs will be addressed.

A variety of religious groups on campus have said they have felt uncomfortable trying to use the multifaith room.

Eric Da Silva, president of the Catholic Student Association, says the group looked into using the room for mass but was told by RSU front desk staff that the room was "permanently booked" by Muslim students.

"No one is trying to take away the space from the Muslims, we just don't want to be stepping on their toes," says Da Silva. He stresses that the group found another space to hold mass and the conflict was quickly resolved. Da Silva acknowledges that Muslims have a stricter prayer schedule than Catholics, but he challenges whether the room should be called a multifaith one. The space, which is divided to separate males from females, has rows taped on the floor for prayer and Islamic decorations adorning the walls, is only accommodating to Muslims.

"I don't think the university should be calling it a multifaith room. If we went in there and decorated the room with rosary and crosses, other students would feel uncomfortable praying there," he says.

The Ismaili Student's Association, a smaller Muslim student group that practices the Shiite Muslim religion, has experienced conflicting schedules with the MSA for prayer space during the month of Ramadan. On a regular basis, the smaller group uses the multifaith room for prayer between 6 and 7 p.m. During Ramadan, when Muslims break their

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fast at sunset, the Ismaili students, who practice a separate form of prayer were resigned to finding somewhere else to pray.

“We were pretty much in a different room every night for a month,” says a member of the group who wished not to be named. “It can be frustrating at times, but you kind of have to make the best of the situation,” she says of having to move so the MSA can use the room.

At the semi-annual general meeting last week, RSU passed a motion to create a multifaith council in which representatives from all religious groups will come together to “learn from each other” and create “harmony on campus,” Jabbar says. A Canadian Federation of Students task force tackling cultural and religious discrimination was brought to campus by members of the MSA on Nov. 1, but it only addressed the problem of Islamophobia. Anti-Semitism and racism towards other minorities were not discussed.

When Ryerson campus was slammed with death threats and anti-Muslim propaganda two years ago, the MSA stepped up to the plate, denouncing these acts and doing their part to eradicate Islamophobia.

“There was a lot of stuff on anti-Semitism then,” says Jabbar. “There was nothing addressing Islamophobia on campus.”

Jonathan Vandersluis, president of Hillel, a Ryerson Jewish group, has concerns that the MSA is using its power to pay attention only to issues facing them, especially pertaining to the recent task force.

“It came out of a campaign that was saying no to racism, Islamophobia, and anti-semitism. How come we’re only addressing the needs of Muslims?” he asks. Vandersluis says Hillel did not get involved in the taskforce because they weren’t informed about it at the time.

Getting involved is something the MSA has prided itself on. Jabbar is grateful for the MSA endorsement and high voter turnout for his election victory last spring.

“I’m not going to deny it,” says Jabbar. “The support I got from the MSA, I really appreciated.”

“When something positive happens, it rejuvenates our community,” he says of his election win and the support he gathered.

Sarah Turnbull, who ran against Jabbar for RSU president last year, was surprised that the MSA’s endorsement of Jabbar went as far as it did.

“I had my Muslim friends told not to vote for me because if they didn’t vote for Jabbar, the Muslims would be suppressed,” she says. “In the end some of my strongest supporters

were Muslims and they were more horrified by this than even I was.”

Turnbull also says that the MSA is what led to the “United” slate to choose Jabbar for president. “It was clearly Nora Loreto’s turn (to run for president),” she says of the experienced and vocal RSU politico.

Jabbar says Loreto’s decision to run for vice president education was her decision alone.

“That’s what she holds true to her heart,” he says, adding that the current slate discussed who would be best in each RSU position. Jabbar says that everyone is doing what they want to do and are working toward representing the student body as a whole, not just Muslims.

As in most democracies, there are some who feel they are not being represented by the government. There are Muslim students on campus who feel their views are not represented well by the student union.

RSU has put too much emphasis on Muslim issues at the cost of representing the needs of all student groups, says a Muslim Ryerson Business student who asked not to be named out of fear of retribution “Everything they’re doing is Muslim, Muslim, Muslim. Whenever I hear them at their meetings that’s the rhetoric they’re using,” he says.

The 1,200 student membership of the MSA is responsible for its strong voice in the RSU, not Jabbar’s presidency says MSA president Waleed Elsayed.

“It was the same when Rebecca Rose was in (the RSU president’s) office. She heard our concerns and so does Muhammad Ali Jabbar. Whoever the next president is, because we have an all inclusive campus, will hear our concerns too,” says Elsayed.

He says that the multifaith room is used most often by the MSA because of their great numbers and their prayer schedule which demands prayers five times a day.

“In the future we may very well need another room just for Muslim students,” he says if other groups wish to use the room more often.

Elsayed says the political involvement of the MSA has not been intentionally influential.

“We want to be a part of the university. Politically, there’s nothing that we want, we have our prayer space in the new building.”

At other schools across Canada, Muslim students are still struggling to find a space of their own. Thomas Butko, professor at University of Alberta and expert on politics and Islam says the issue of prayer space at his university campus is exactly the opposite of Ryerson’s.

“On the most part, a lot of these multifaith areas have been dominated by Christians,” he

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says, adding that at U of A, Muslims are a minority who don't want to "rock the boat."

As the largest religious group on Ryerson's campus, Butko is not surprised that the MSA is dipping its hand into politics.

"It makes common sense that larger numbers would try to be more promoters of their interests," he says.

Butko says that because religion is seen as private, a large group going public with their interests can be interpreted as controversial.

"People tend to be all or nothing about religion," he says. It was only 20 years ago that the Lord's prayer could be heard in public elementary school classrooms across Canada.

"Many Christians still don't see this as a mixing of public and private," he says.

At smaller campuses like University of New Brunswick, the MSA has little to no political influence in student government. After three years there are 70 members and have only recently gained prayer space.

"We don't have plans to be represented in the student union," says MSA president Yahya Abuamer. "We don't propagate our religions, we're just showing education to erase misconceptions about our faith."

El-Tantawy Attia, executive director of Masjid Toronto says it's important for Muslims to be involved in student politics.

"You should not penalize an active group if the others are not."

Attia commends Ryerson's MSA for its great work in helping the needy during Ramadan.

It's strong numbers allows the group to make positive contributions to the Ryerson community, such as a \$7,000 donation to the Community Food Room with funds raised from a fast-a-thon.

The EYEOPENER

Sharing the power

Posted on 11/21/06

Written by Grace-Edward Galabuzi

Last week, The Eyeopener ran an article titled “Muslims playing for power.” I must say that I was troubled by the article’s inference that the rise to a key position of leadership in the Ryerson Student Union, the first Muslim (and first racialized) president in the history of the organization, has not led to a celebration of a triumph towards inclusion, but is interpreted as a ‘take over’ by Muslims. As a human rights activist who has been advocating for political inclusion for marginalized groups in Toronto (although about 50 per cent of the population of Toronto is racialized, after the recent city council elections, only four of the 44 members of council are from racialized communities!), the further implication that it is inappropriate for the Muslim Students Association to play an active role in campus politics causes me some consternation. Given the historical social exclusion and current challenges that Muslim students face in educational institutions, such participation should be seen as ensuring that traditional students groups can share power with historically marginalized groups.

Secondly, I am a member of the Canadian Federation of Students’ Taskforce on the Needs of Muslim Students. It was called in response to the growing concerns about the climate of Islamophobia at education institutions and more broadly because the reality of the post-Sept.

11 2001 and subsequent ‘war on terror’ that have become increasingly defined by a dominant clash of cultural and civilizational narrative, and national security efforts to protect society, often at the expense of the human and civil rights of certain identifiable groups.

The Taskforce is made up of 12 members from a cross-section of sectors. Among the objectives of the Taskforce is raising awareness and conducting public education about the needs of Muslim students in Ontario; providing a forum for Muslim students to speak openly about the challenges they face in educational institutions; and an opportunity for Muslim students to share experiences relating to incidents of Islamophobia on campuses.

Over the last two months, the Taskforce has held a number of hearings at campuses across the province. One of those was at Ryerson University on Nov. 1. Students unions, including the RSU have been an active supporter of the Taskforce. Information from the hearings suggests a need to redouble efforts to create campus environments that are

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inclusive and tolerant of diverse expressions of faiths and the necessity to address long standing gaps in services that meet the needs of Muslim students. The issue of access to prayer space remains very much a concern, given the size of the Muslim population and the very limited space there is in the multi-faith room and at Ryerson the overwhelming majority of the Muslim students have been forced to go off campus to find space to pray. The problem is one of inadequacy of space for all who need it.

It is important that when we take up these issues, we focus on tolerance and inclusion, rather than conflating the small steps historically marginalized groups have taken into some threat of a 'take over'. History is replete with regrettable outcomes of sensational conflation of the 'power' of minorities.

RYERSON UNIVERSITY
POLICY OF ACADEMIC COUNCIL

ACCOMMODATION OF STUDENT RELIGIOUS OBSERVANCE OBLIGATIONS

Policy Number:	150
Approval Date:	October 2, 2001 (Original) Revised: November 8, 2005 (For implementation in Fall 2006)
Submitted By:	Ad Hoc Work Group on Accommodation of Student Religious Observance Obligations
Committee Members:	K. Alnwick, K. Behdinan, D. Glynn, D. Little, D. Schulman, A. Whiteside (N. Farrell – consultant)
Policy Review Date:	To be reviewed October 2008
Responsible Committee or Office:	Provost and Vice President Academic, Secretary of Academic Council

Ryerson recognizes that a student's religious observance may require an absence from any required course activity as scheduled in the course syllabus (available and/or distributed by the first day of class) or scheduled after the first day of class, or from a final examination as announced later in the term. Final examinations may be scheduled seven days a week. This policy provides a mechanism to address student religious observance requirements as they relate to meeting these course requirements.

Students and faculty have the option to address absences due to religious observance informally, but may utilize the more formal process as outlined in this policy.

Students must determine whether to handle the request for an accommodation for religious observance informally or formally through this process according to the following timeline:

- For required activities scheduled in the course syllabus, available and/or distributed by the first class - within the first two weeks of classes;
- For required activities scheduled after the course syllabus is distributed – within 5 working days of the distribution of the schedule; and
- For a final examination - within 5 working days of the publication of the final examination schedule.

.../2

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Faculty shall accept, at face value, the sincerity of students' religious beliefs. If the formal process is selected, the student will download the form from the Registrar's website* and complete it, outlining absences required for religious observance. A completed form should be presented in each course in which a conflict occurs based on the above timeline. If the required absence occurs within the first two weeks of classes or the dates are not known well in advance as they are linked to other conditions, this form should be submitted as soon as possible in advance of the required absence. The form will serve as the student's formal request for accommodation. The professor and the student will then consult to reach agreement on a reasonable accommodation. When making alternative arrangements the professor must ensure that the academic obligation can be met as expeditiously as possible before the end of the term and is conducted in a suitable manner or environment.

Professors must confirm an informal or formal arrangement which addresses the student's request within five (5) working days of the request. In cases where a mutually agreed upon accommodation cannot be made, or where the student's request has not been addressed by the deadline, the student may bring the matter to the Chair/Director of the Department/School (for CE courses this would be the relevant CE Program Director) within five (5) working days after consulting with the professor, and/or no later than the fifth week of classes. If the matter remains unresolved, faculty, the Chair/Director or the student should consult with the Discrimination and Harassment Prevention Office.

* The *Student Declaration of Religious Observance* form is available on the Registrar's or Academic Council's website which is linked to Religious Observance calendars through the Discrimination and Prevention Services website, providing students and faculty with a comprehensive description of some observance obligations.