



**NATIONAL
COUNCIL
OF CANADIAN
MUSLIMS**

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**CONSEIL
NATIONAL
DES MUSULMANS
CANADIENS**

Votre voix. Votre avenir.

ORAL SUBMISSIONS ON BILL C-59

An Act Respecting National Security Matters

THE STANDING COMMITTEE ON NATIONAL SECURITY AND DEFENCE

SENATE OF CANADA | MAY 6, 2019

OPENING STATEMENT BY
MUSTAFA FAROOQ, EXECUTIVE DIRECTOR

- Check against delivery -

Introductions

Thank you Madam Chair and members of the Committee for providing us the opportunity to once again offer our thoughts on Bill C-59, *An Act Respecting National Security Matters*. My name is Mustafa Farooq. I am the Executive Director of the National Council of Canadian Muslims. I am joined today by Leila Nasr, Communications Coordinator for the Council.

By way of background, NCCM was founded in 2000 as an independent, non-partisan and non-profit grassroots organization dedicated to defending the human rights and civil liberties of Muslim communities living in Canada. For almost two decades, we have been a leading voice in the promotion of human rights in Canada, working tirelessly in the areas of community education and outreach, media engagement and public advocacy, and challenging discrimination & Islamophobia.

The NCCM has a long-standing and robust public record of participating in major public inquiries, intervening in landmark cases before the Supreme Court of Canada, and providing advice to security agencies on engaging communities and promoting public safety. With the independently documented rise in hate, racism, and Islamophobia faced by our communities, we are

concerned about public safety. Since the Quebec Mosque Massacre, that saw the death of 6 innocent Muslim worshipers and countless others injured, as well as the attacks on the New Zealand masjid, the Sri Lanka church bombings, and the recent synagogue shooting in San Diego, many Canadians are on edge.

We agree that government can play a crucial role in keeping communities safe. But like many of our colleagues and friends who have been testifying before you, we would like to state on the record that Bill C-59 does not go far enough in addressing the many problems of the original Bill C-51. While there are changes brought forward in C-59 that are welcome- and we will canvass those shortly - we believe that C-59 has fundamental defects, as it does not go far enough in safeguarding the civil liberties of Canadians and in reconfiguring the powers and roles of CSIS and CSE.

My submissions before you today are squarely around three key approaches: issues around consultation; concerns about the broad powers given to CSIS and CSE without internal reformation; and, highlighting provisions in C-59 that we welcome, including changes to the No Fly List.

Consultation

First, let us discuss consultation. There is little doubt that the Minister of Public Safety undertook to stay in direct consultation with Canadians. Based on the submissions of the Minister that have been put forward to you already, we understand that nearly 59,000 responses were received to consultations through

online activity. There were as well numerous in-person consultations with academics, members of the public, and through townhalls.

While we acknowledge that Bill C-59 itself was born out of consultations, there has been little opportunity for the public to provide feedback on the proposed changes in the same fashion. While many Canadians welcomed the opportunity to weigh in and tell the Minister what they did not like about the original Bill C-51, our constituents did not get to weigh in on a draft report that clearly summarized and put forward a recommended approach to government. In other words, we think that the right approach to consultation would have been for the government to provide advance notice or through a draft report as to what the Minister was planning on introducing in Bill C-59. Considering the stakes of the rights and civil liberties of Canadians, we do not approve of engaging in early consultations and then dropping a 160 page omnibus Bill that in the eyes of many did not go far enough.

While we acknowledge that the Bill underwent further committee study, with several important amendments as a result of that study, a study in committee is different than the kind of important public-facing work that should have been done for a Bill of this size and with the ramifications arising from this Bill. Further consultation would have been in line with best practices of consultative practices in other jurisdictions.

CHANGES TO CSE AND CSIS

Secondly, we have grave concerns around Bill C-59's changes to the CSE and CSIS framework. Our experience in working with racialized communities tells us that national security surveillance activities can serve to severely stigmatize individuals within their own communities. We have heard from citizens, from coast to coast, who experienced being ostracized by their own communities following an encounter with National Security agents.

While we welcome new oversight provisions through the National Security Intelligence Review Agency and the introduction of an independent, quasi-judicial Intelligence Commissioner, we are concerned, for instance, about the fact that CSIS retains many of its kinetic "threat disruption" powers originally carved out in Bill C-51. We are concerned that these provisions blur the distinction carved out in the McDonald Commission, which recommended separating security intelligence work from policing.

Further, we believe that CSIS is in need of internal reform, given the significant evidence available of biases inherent in the way that CSIS operates. These biases disproportionately affect Canadian Muslims, and those perceived to be Canadian Muslims. Until CSIS undertakes those changes, including better internal training around bias and stereotypes, with audits to check progress, NCCM is concerned about additional powers being given to CSIS.

No Fly List

Lastly, as alluded to above, we welcome the changes to the No Fly List apparatus in Part 6 of C-59.

For years NCCM, along with allies and members of families- and you have with us our friends the No Fly List Kids today- has been urging the government to address the issue of the No Fly List by developing a common-sense screening model and a system of redress for individuals who have been falsely flagged.

Our concerns stemmed from the countless complaints our office received about the No Fly List from families whose young children appeared on the list. False-positives stigmatize, inconvenience, and in some cases traumatize for Canadian families traveling both domestically and internationally. The No Fly List also raises serious privacy rights implications and affects the Charter-protected mobility rights of Canadians of all ages, including children.

We concur with the No Fly List Kids in welcoming some of the changes proposed in Bill C-59 around changes to the No Fly List.

Subject to your questions, that concludes my submissions.