

**Briefing Document – JUST Committee Study on Islamophobia Concerns Regarding  
the Concept of Anti-Palestinian Racism (APR) Centre for Israel and Jewish Affairs**

**(CIJA)**

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**Introduction**

The organized Jewish community has generally been deferential to the idea that equity-seeking groups should have a preponderant role in defining the oppression and discrimination they face. After all, who would be better placed to explain how it is lived and experienced? What makes us want to be on record today is that a new concept, that of Anti-Palestinian Racism (APR), is being promoted, whose express objective is to negate the Jewish experience, identity and values, while also dismissing and diminishing the real need to define and combat Islamophobia.

This should not be accepted, tolerated or even considered by decision makers.

Recent advocacy efforts have intensified to promote the adoption of the concept of Anti-Palestinian Racism (APR) by various levels of government. This concept has surfaced prominently in discussions at institutions such as the Toronto District School Board (TDSB), the House of Commons Justice Committee hearings on Islamophobia, and legal proceedings involving the University of Toronto. While recognizing the presence of anti-Muslim – which has been deadly -- and anti-Arab bigotry in Canada, it is imperative to critically examine the implications and feasibility of endorsing APR.

**Key Concerns**

**Lack of Comprehensive Debate:** The concept of APR, primarily advanced by the [Arab Canadian Lawyers Association \(ACLA\)](#), lacks sufficient scrutiny by experts, academics, jurists & lawyers, diplomats, civil servants, and elected officials. Its adoption appears driven by a select group advocating for specific political views without broad consensus or rigorous evaluation.

**Inconsistency with Established Definitions:** The APR definition introduces categories based on national origin and political opinion which diverge from established anti-racism definitions. Existing definitions under Canadian law do not include national origin or political opinion as separate grounds for racism. For example, the Government of Canada's [2024 Anti-Racism Strategy](#) sets out definitions for the following forms of racism: anti-Asian, anti-Black, [anti-Indigenous](#), along with antisemitism and Islamophobia. None of these are based on national origin. Instead, discrimination based on national or ethnic origin is already a protected ground under both section 15 of the Charter and under Canadian and provincial human rights legislation.

**Risk of Sidetracking Creation of Islamophobia Guides:** Canada's Special Representative on Combatting Islamophobia stated in the [2024 Anti-Racism Strategy](#) that a major goal was to "Develop a Canadian Guide on Islamophobia and addressing the safety and security needs of Muslim communities". Islamophobia is real and a threat to Canadian Muslims, and focusing on APR undermines and polarizes the important work needed on combatting Islamophobia.

**Freedom of Expression Implications:** APR poses challenges to constitutionally protected freedom of expression by potentially silencing dissenting viewpoints on issues such as the Arab-Israeli conflict. It fails to accommodate differing perspectives and narratives, including not only those that challenge prevailing political interpretations, but current government positions. For example, the definitions of genocide denial under APR would mean that the Government of Canada's own position on the Israel-Hamas conflict, namely, that what is occurring in Gaza is NOT a genocide (something that even the ICC has yet to rule on) is considered anti-Palestinian racism under these definitions. Unlike the IHRA definition, which explicitly allows (and protects) legitimate criticism of Israel and its government, APR does not include space for legitimate criticism.

**Contravention of Established Government Policies:** APR conflicts with established Canadian policies, including the adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism by the federal government and eight provinces. The foundation of APR on premises that label Israel as inherently racist, directly contradicts these policies.

**Redundancy under the Charter:** This definition also conflates racism with discrimination as construed in the Charter. Both anti-Palestinian and anti-Israeli discrimination are protected under the Charter. Definitions of both may be necessary to help contextualize the history and culture of these national origin groups but should not undermine the rights and protections of one or the other and should not be cast as racism per se.

**Inconsistency with Canadian Foreign Policy:** The framing of the Israeli-Palestinian conflict as one of settler-colonialism and the associated calls for redress through decolonization, disregard established Canadian foreign policy positions. Such stances not only distort historical facts but also challenge the very legitimacy of Israel's existence. For example, the [ACLA definition for APR](#) is a direct challenge to the IHRA definition of antisemitism, which includes "Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour." The entire ACLA document is premised on Israel being a racist endeavour, in contravention of IHRA: "This dominance and supremacy is racism – it is ideological and it permeates the Israeli state, its institutions, its society and individual adherents – and the preservation of this superiority is used to justify discriminatory and violent practices."

**Divisiveness and Zero-Sum Dynamics:** APR fosters a divisive environment within Canadian society by pitting groups against each other in what resembles a zero-sum game of competing claims of discrimination. This approach undermines unity and collaboration in effectively combating all forms of prejudice. Groups creating urgency around APR refer to the erasure of

“Palestinian-ess.” While unclear in its meaning, we have seen the application of APR in schools in Ontario, where recognizing the existence of Israel, the Israeli flag, supporting a two-state solution, asserting that Jews are indigenous to Israel, questions regarding representation of the Nakba, have all been alleged to be attempted erasure of Palestinians. Under APR, affirming Israeli identity on the basis of citizenship/place of origin/ethnic origin/ancestry and creed, would be considered erasing Palestinian identity, which is considered racism under APR. Likewise, studies have found that the vast majority of Canada’s Jews identify with Zionism - the right to Jewish self-determination in the State of Israel (91% according to [Jews and Israel 2024 Survey: Ten Further Insights, R. Brym](#)). Under APR, this would be considered anti-Palestinian racism. This application of APR creates deep division and polarization.

**Use of APR to silence victims of antisemitism:** Proponents of APR also describe “weaponized accusations of antisemitism,” undermining and minimizing Jewish experiences of antisemitism. The idea that activists are trying to silence victims of antisemitism by suggesting they have nefarious motives in making claims and therefore are racist, may in and of itself be a breach of human rights law. We cannot have an absurd result that saying something may be antisemitism is anti- Palestinian racism.

**Use of APR to silence discussions of terrorism:** The definitions of APR presented stifle legitimate concerns about Hamas, Palestinian political leadership, Palestinian activists’ speech and their methods, and their adoption by government entities will lead to a skewed approach on issues that concern both Palestinians and Jews/Israelis.

**Use of APR to invalidate anti-BDS legislation and policy:** Under APR, legislation like Ontario’s [anti-BDS laws](#), and the Prime Minister’s [position on BDS](#) would be considered racism. Anti-BDS laws are not racist against or repressive of Palestinians and do not prevent groups and individuals from supporting the Palestinian cause. Such laws aim to prevent discrimination against Israeli and Jewish companies, products, and individuals.

## **Conclusion**

The concept of Anti-Palestinian Racism presents significant challenges and raises valid concerns regarding its implications for Canadian policy, law, and societal cohesion. Its adoption risks marginalizing legitimate dissent, contradicting established policy frameworks, and exacerbating divisions rather than fostering inclusivity and tolerance.

## **Recommendation**

In light of these concerns, it is recommended that Canadian policymakers refrain from endorsing the concept of APR. Any efforts to address discrimination against Palestinians should be grounded in comprehensive dialogue, respect for constitutional rights, adherence to established policy frameworks, and a commitment to fostering unity rather than division within Canadian society.

We also recommend examining the structure of the IHRA definition of antisemitism and the work done to create a Canadian Handbook on the IHRA definition by the Special Representative on Combatting Antisemitism and Holocaust Remembrance is a useful framework for creating frameworks and handbooks for combatting Islamophobia. It is vital to tackle these two hates together in a way that does not pit one community against the other. ‘