

# Court challenge exposes Canada's decade-long xenophobic anti-Muslim adoption ban

Penny Smith  
1 February 2024

When Jameela Quadeer's sister died in 2012, she and her husband Ahmed became the caregivers to her sister's three children. However, the Pakistani-Canadian mother of five has not seen her adopted children in more than six years because of a reactionary ban on Islamic adoptions upheld by both federal Conservative and New Democratic Party-backed Liberal governments for the past decade.

Five years ago, while the couple were living in Pakistan, a court granted Quadeer adoption rights under a Sharia law known as *kafala*. This practice recognizes adoptive parents in most of the world's 49 Muslim-majority countries through guardianship, which is a largely symbolic Islamic principle that maintains the tie between adopted children and their biological parents. The federal government arrogantly maintains that because *kafala* does not sever legal ties between adopted children and their biological parents, as Canadian adoptions do, it is not recognized under Canadian law.

Quadeer is challenging the ban in Canada's Supreme Court, with her lawyer arguing that the ban on Muslim adoptions is both discriminatory and unconstitutional. It contravenes section 15 of the Canadian Charter of Rights and Freedoms, which ostensibly guarantees certain protections, including from discrimination based on race, national or ethnic origin, colour or religion.

In a moving interview with CBC News, Quadeer said that if her adopted children were reunited with her, "I would feel like I've gotten heaven on Earth." Her case could be heard as early as April.

Canada is the only country to cynically hide behind the smokescreen of The Hague Convention and its supposed commitment to ensuring child safety in inter-country adoptions as justification for its xenophobic ban. Many other signatories to the convention such as the United States, United Kingdom and Australia, despite their own heinous records of anti-immigrant policies, continue to allow adoptions from Pakistan.

The federal government's continued backing of the anti-Muslim adoption ban is part of the broader attack on the

basic social and democratic rights of the Canadian working class. For decades, the whole political spectrum has been lurching rightward, adopting increasingly authoritarian measures once associated with the fringe far-right. This program is designed to intimidate and beat back popular opposition to economic austerity and imperialist war.

In 2006, Stephen Harper and his hard-right Conservative government came to power on a reactionary program of increased economic austerity, the strengthening of the national-security apparatus in the name of the fabricated "war on terror" to legitimize Canada's participation in US-led wars of aggression, and attacks on democratic rights at home.

The adoption ban was abruptly imposed in 2013 as part of the government's efforts to portray immigrants as a threat or at least potential threat to "Canadian values" and thereby foment an atmosphere of prejudice in the working class that would divide workers against each other and render them more vulnerable to state-led attacks on living standards.

This strategy was underscored in 2018 with the exposure of a secret document obtained by the CBC investigative program *The Fifth Estate*, dated June 25, 2013, and titled "Canadian programming to counter the terrorist threat from Pakistan." This memo, addressed to the then Foreign Affairs Minister John Baird, was sent just days before the adoption moratorium took effect, drawing a straight line between the draconian adoption policy and the Conservative government's fabricated claim of a national security threat posed by Pakistani Muslims.

In the years following the adoption ban, tragic stories such as Quadeer's have become commonplace. This past September, a similar lawsuit was filed by a former Calgary-based couple who have been forced to live in Jordan for the past four years because their five-year-old adopted son, Furat—who was born in Jordan and adopted by the couple at three months old—is barred from entering Canada under the adoption ban. That same month, Canadian citizen Farhan Abdi Omer was also denied permission to bring his two adopted sons Ayanle and Khader into Canada from

Somalia.

Initially, the ban only applied to Pakistan, upending the lives of dozens of families in Canada. However, in 2018, a Freedom of Information request from *The Fifth Estate* revealed that the policy was quietly extended to other Muslim-majority countries—including Iran, Sudan, Iraq, Qatar, Afghanistan and Algeria. In 2015, when the Liberals, the Canadian elite’s traditional party of government, returned to power they maintained the discriminatory adoption moratorium. International adoptions into Canada dropped to 793 in 2016, the lowest number in decades, and nearly half the total from 2012, when there were 1,379 inter-country adoptions.

The deliberate whipping up of Islamophobia and anti-immigrant chauvinism has been a key element in the ruling elite’s sharp lurch to the right over the past decade. It has strengthened the most reactionary political forces, as expressed in the violent terrorist attacks on Muslims in Quebec City in 2017 and London, Ontario, in 2021.

On Monday, Liberal Prime Minister Justin Trudeau, whose government is propped up by the trade unions and NDP, issued a statement on the National Day of Remembrance on the anniversary of the deadly Quebec City mosque attack which killed six men and wounded five others in 2017.

“They were sons, brothers, fathers, and friends—proud Muslims, Quebecers, and Canadians,” Trudeau began, adopting his usual anodyne tone. “But they were targeted simply because they were Muslim. On January 29 every year, we pay tribute to the victims we lost to this heinous act of hate. We also stand in solidarity with our Muslim friends and neighbours and reaffirm our commitment to combating Islamophobia.”

The Liberals’ feigned concern for the well-being of Muslim Canadians truly plumbs the depths of hypocrisy. The Trudeau government’s pro-war, anti-immigrant policies have facilitated the national chauvinist policies of Quebec’s hard-right Coalition Avenir Quebec (CAQ) government, including a spate of discriminatory measures targeting immigrants and religious minorities, especially Muslim women, in the name of defending the “Québécois way of life.”

Despite mass opposition to the CAQ’s bogus “secularism law” (Bill 21)—which bans public school teachers and state employees “in positions of authority” from wearing religious symbols while celebrating Quebec’s Roman Catholic “heritage”—Trudeau has made no more than the most token criticisms of it, so as “to not give the excuse for a fight between Ottawa and Quebec.”

Quadeer’s court case comes more than five years after the federal government made a feeble and cynical promise to “review” the reactionary Islamic adoption ban which has

inflicted so much harm on Muslim Canadian families.

In addition to imposing brutal emotional suffering on families, the anti-Muslim adoption ban endangers children left in their countries of origin.

Quadeer, an Ahmadi Muslim, fled to Canada with her two biological children to escape state discrimination and persecution by violent religious fundamentalists, who have long been patronized by Pakistan’s military and intelligence services and other sections of the establishment. According to Human Rights Watch, hundreds of Ahmadis have been injured and killed in state-sanctioned bombings and other attacks from militant Islamic groups. Recently, one of Quadeer’s adopted daughters was brutally assaulted and left in need of reconstructive surgery on her arm.

Moreover, the Trudeau government runs the gamut of cruelty toward immigrants, migrant workers and refugees. Last year, UN Special Rapporteur Dr. Tomoyo Obokata determined that Canada’s Temporary Foreign Worker Program, which has grown massively under the Trudeau government and strips vulnerable international workers of all basic rights, is a “contemporary form of slavery.”

Beginning in 2017, as a response to then US President Donald Trump’s vicious anti-immigrant campaign, thousands of refugee claimants risked their lives crossing into Canada informally from the United States through extreme weather and treacherous terrain to avoid being deported back to the United States under the erroneously named “Safe Third Country Agreement.” The Trudeau government eventually closed a legal loophole that enabled those who crossed the border at unofficial checkpoints to escape immediate deportation to the US, thereby slamming the door shut on untold numbers of persecuted refugees.

In all the major capitalist countries, the ruling class is attacking the rights of immigrants and refugees and whipping up Islamophobia as it seeks to scapegoat minorities for the social misery and dislocation being produced by their policies of austerity, reaction and war.

The struggle against this is pivotal to the mobilization of the working class in defence of all its democratic and social rights—including the right to live and work wherever they choose free from harassment and with full citizenship rights—and against the growing global conflagration of which the imperialist-backed genocide in Gaza and the NATO war against Russia are part.



To contact the WSWs and the Socialist Equality Party visit:

**[wsws.org/contact](https://www.wsws.org/contact)**