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Chair

Mr. Scott Reid

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• (0920)

[English]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): This is the second meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

We have as our guest this morning, and this is a really great honour, Shirin Ebadi, Nobel Peace Prize Laureate. Shirin Ebadi needs no introduction. Of course, whenever people say that, they then launch into a long introduction listing off the accomplishments of the person who's invited. I'm going to resist that temptation. For one thing, an excellent biography was circulated to you at the last meeting, and second, we have very limited time. You already know of Shirin Ebadi's remarkable accomplishments.

I will just advise you, before we begin, of a few housekeeping matters. One is that we only have Mrs. Ebadi, unfortunately, until 10:15. Is that correct, Minister?

Hon. Jason Kenney (Secretary of State (Multiculturalism and Canadian Identity)): Yes.

The Chair: She has to be at DFAIT by 10:30. Given the weather and traffic conditions, that's a pretty tight timeline, so 10:15 means out that door. I think we have to be very respectful of that timeline.

Normally we give our witnesses, according to the rules we just adopted at our last meeting, ten minutes to make a presentation, followed by rounds of questions that are seven minutes long. I think under the circumstances, and I did survey this informally before the meeting began, it might be appropriate to allow our witness as much time as she needs to express her thoughts. I think we are here more to listen to what she has to say than to question her.

Yes, Mr. Kenney.

Hon. Jason Kenney: I would like to remind the committee that Mrs. Ebadi is joined today, not as a witness but as an escort, by Professor Payam Akhavan, a professor of law at McGill University. He is a university colleague of Professor Cotler and is chairman of the Iranian Human Rights Documentation Centre. And he has been a witness before this committee.

The Chair: Thank you, Mr. Kenney.

Welcome to our guests, and we would be glad to hear from you.

Mrs. Shirin Ebadi (Iranian Lawyer, As an Individual) (Interpretation): First, I would like to say good morning, and I am very pleased that this opportunity has been given to me to talk to

you. I also would like to express my thanks to the Government of Canada for being so interested in the issue of human rights in Iran.

In the past few years, most of the attention has been on nuclear energy rather than on human rights, which has been ignored. Canada has been the only one that has paid more attention to the human rights issue and has taken some steps in regard to that matter.

The Iranian government has signed the Universal Declaration of Human Rights. But unfortunately, they didn't act the way they were supposed to with respect to the international law.

I am going to give you one of the issues, which was lack of attention to the international human rights issue. We had in the law a violation against gender and also discrimination. I am going to just point to two issues in that respect about the law.

The value of a woman's life is half of the value of a man's life. Therefore if there were an accident in the street, a man would receive twice as much as a benefit as a woman can receive because of that discrimination. In the court of law, two witnesses who are women have equal value to one man who is a witness. One man can have four wives. Without any meaningful reason he can just divorce a wife. Why is it exactly the opposite for a woman? Because it is basically difficult to have a divorce. And all the women in Iran, of course, are all upset about this matter and they show their rejection of these kinds of laws.

About a year ago, we had a group of people, more than a million people, who expressed their views in that regard against this kind of discrimination in Iran. This is the most peaceful way to express against views that are not acceptable. But up to now there have been more than fifty cases against those people who participated in that issue.

We also have the same kind of discrimination against other religions. There are only four religions in Iran that have been accepted as official religions—Christianity, Judaism, Muslim, and Zoroastrianism—while there are many Iranians who are Baha'is and there are some people who do not believe that they should follow any established religion. They have no rights in the law. Even among those groups of religions that have been accepted there is discrimination against some of them.

There is very little right to freedom of speech. Even in the law of publications and media, there are limitations of expression against saying anything about constitutional law. They have closed many newspapers. The level of censoring has reached the level that even the Internet is not free.

Elections are not free. People cannot vote for those they want to vote for. The guardians have the right to approve those people who they think should be elected.

I would be happy to answer any questions you have.

• (0930)

The Chair: Thank you very much to both of you for that.

We have an order in which we normally go around the committee, so we will start with a Liberal member, Professor Cotler.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mrs. Ebadi, for coming to appear before us today, and in particular for addressing the human rights situation in Iran.

I would agree with you that much more attention is being paid to the nuclear issue than is being paid to the human rights issue.

I was wondering if you might be able to advise us of the status of the case of Mrs. Kazemi, on whose behalf you have acted as lawyer.

Mrs. Shirin Ebadi (Interpretation): I am the lawyer of the mother of the late Mrs. Kazemi. We had several prosecutions.

Based on the decision that has been made by the court, the case has been sent to the criminal court to be taken care of. In reality, we have gone back to the first state of that issue. At the beginning we said it was manslaughter and it should be taken to the criminal court. The court didn't accept that and they said that was without preparation, the killing of Mrs. Kazemi, and the murderer cannot be known.

I had other reasons to offer. They didn't pay any attention to those arguments that I brought. Now they are going to pay attention to what I said four years ago. Of course, it could be considered as an improvement. But I have to also express my sadness that it has taken four years for them to listen to us, and we don't even know what the result will be.

• (0935)

Hon. Irwin Cotler: Because we don't have that much time, I'll let others ask questions.

The Chair: I haven't actually seen any hands going up; I'm simply going around the table. But we have some time left.

Would you like to ask a question, Mr. Silva, in that seven minutes?

Mr. Mario Silva (Davenport, Lib.): Yes, thank you.

Maybe you can make a comment on this. I realize that the population of Iran is very young. A lot of them are also very involved in blogging, using the Internet and everything else, which is fantastic. I think the hope for all of us for the future is that in that young generation will come an awareness of and respect for freedom and democracy, which will hopefully put an end to this brutal regime.

I wanted to let you know that I'm also working with young people in Toronto who are involved in bringing young gay people, gays and lesbians in Iran, who are very much persecuted.... I wanted to know if you could comment on the situation of gays and lesbians in Iran.

Mrs. Shirin Ebadi (Interpretation): It is a criminal act under our law to be gay or lesbian. If someone just mentions that they are a gay or lesbian, that is not against the law. They have to be considered to be acting as a lesbian or gay for it to be considered a criminal act. It is a very heavy punishment, especially for men, if they are gay. The penalty is execution. For women it is much less; it is one hundred lashes.

Mr. Mario Silva: All of us were quite shocked and horrified at the hanging of those two young men in Iran. Was there a public outcry in Iran as well? Were there people concerned about what happened?

Mrs. Shirin Ebadi (Interpretation): I can tell you that in principle, the people of Iran are not in favour of this kind of reaction by the government. One of the reactions that people have in respect of human rights is about the way the law has been applied, the kind of punishment in our penal code. We have cutting for thieves. We have the cutting off of hands and legs. We have stoning. We have lashing. People are against this kind of punishment, and we have been protesting for many years.

• (0940)

Mr. Mario Silva: Thank you.

The Chair: Thank you.

Madame St-Hilaire.

[Translation]

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Thank you, Mr. Chairman.

Are you getting the interpretation?

[English]

Hon. Jason Kenney: Mr. Akhavan speaks French. He could translate this part, rather than going through two translators.

The Chair: Mr. Akhavan, would you be comfortable doing the translation for this part?

Professor Payam Akhavan (Faculty of Law, McGill University): Certainly.

The Chair: In that case,

[Translation]

Go ahead, Ms. St-Hilaire.

Ms. Caroline St-Hilaire: Ms. Ebadi, it is a pleasure to have you here. Even though we have read and heard a lot about you, it was still a very emotional experience to hear you speak this morning. I am very happy that I had this opportunity, not only as a member of Parliament, but as a woman. I just wanted to say that before I move on to my questions.

You spoke about the situation of women in Iran. On the eve of International Women's Day, what can Canada do to help Iran improve conditions for that country's women?

[English]

Mrs. Shirin Ebadi (Interpretation): When our women activists are arrested in Iran, please protest. Help us.

I mentioned recent events. One of our most famous women activists in Iran is Parvin Ardalan. Parvin Ardalan won the Olof Palme Award in Stockholm. When she went to Stockholm, she passed customs and sat in the airplane, which was Air France—I mention Air France because the airplane belongs to France, so it comes out of Iran—but police arrested her at the airplane and forced her to come back to Iran. They didn't let her go to Stockholm to receive her award. This began another case in the courts.

Please protest it. Please ask the Iranian government why it behaves this way.

[Translation]

Ms. Caroline St-Hilaire: You mentioned that elections were not in fact free elections. Do people want the situation to change? Could free elections possibly be held in your country? That would be a step in the right direction.

[English]

Mrs. Shirin Ebadi (Interpretation): Based on the law that has recently been ratified in the parliament, which is against the constitutional law, the qualification and approval of those candidates who want to become a member of parliament should be approved by the Guardian Council.

When Mr. Khatami was the president, he brought a bill to the parliament so that this matter would be changed. And at that time, the group of reformists had the majority in the parliament and they approved that and ratified it. But even after that approval, because the Committee of the Guardians vetoed that, the result was therefore basically no good.

Mr. Khatami, the ex-president, tried once, but without result.

• (0945)

Ms. Caroline St-Hilaire: Thank you very much.

The Chair: Thank you.

Mr. Marston, you have the floor now.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Thank you, Mr. Chair.

As with others, I'm very honoured to have you with us today. I spent six months in Saudi Arabia 30 years ago, and I saw first-hand the punishments you referred to. It's a very horrific place to live when you face that and then you combine it with a government that, let us say, does not relate to the principles of law. It's just a tyranny, for lack of a better term.

From what I understand from the messages I've been hearing over the last months and years, the problems in Iran are systemic. You can point to the leader of Iran today and say that's the problem, but I think it's far deeper than that. As I say, it's systemic. How do you believe that Canada could help change the status for the people, but also influence changes in the system?

Mrs. Shirin Ebadi (Interpretation): You have already done some of those things you are talking about. One is that your relationship with Iran, which was at the level of ambassadorship,

now has been decreased to the level of chargé d'affaires. You also helped us a lot in the respect that you have for the resolution in the General Assembly of the United Nations. These are the best marks to say that you have paid attention to the situation in Iran.

Mr. Wayne Marston: First of all, thank you. I'm not going to take much more time, because I want to be sure that everybody else has an equal shot at this.

Again, thank you for coming before this committee. We know that when a person makes those choices, the reflection back home is not always the best. So I commend your courage for being here and I thank you.

The Chair: Thank you, Mr. Marston, for your extreme brevity. That took only two minutes and 36 seconds.

Mr. Wayne Marston: I can tell you're watching.

The Chair: That's right.

Now is the time for a Conservative member. I don't have anybody on my list, so I'll let you select among yourselves.

Mr. Sweet.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Again, Ms. Ebadi, thank you very much for being here.

I was reading back through some work that previous parliamentarians have done here in Canada. One of the witnesses was an Iranian film director. Excuse my pronunciation, but I think it's Makhmalbaf. Anyway, he said that there was a dictatorship mentality in Iran. I'm wondering whether with the unique dynamic that's in Iran right now, with 50% of the population being under twenty, you see that diminishing or whether you see that increasing as far as the capability of being able to stimulate the reform movement.

• (0950)

Mrs. Shirin Ebadi (Interpretation): We have some positive promise for change. One is the young generation. As you mentioned, our generation is very young. They need freedom, they need jobs, so they cannot believe our government.

Another promise is the feminist movement in Iran. This is very strong, and all of them are against the government because of these discriminatory laws.

Another promise is a movement for our workers. Our workers are very poor. They are not in a good situation. One of their leaders, Mr. Osanloo, is in jail now, and many international committees are helping him.

So these three important promises are very positive for changing this situation.

The Chair: Did you want to continue?

Hon. Jason Kenney: Madame Ebadi, thank you for coming before us. We all admire your courage. We know that to be an advocate for human and civil rights in a country like Canada is a privilege that involves no risks, but for you, we know that your witness on behalf of the Iranian people is an act of courage every day. We commend you for that.

I'd like to pursue the question asked by my colleague Mr. Marston, which is to seek your advice on how Canada can be of maximum help to advance the aspirations of the Iranian people for respect for human and civil rights and for democracy.

As you've indicated, we have been the principal sponsors of the Iranian human rights resolution at the United Nations. We have taken other significant steps to express our concern about specific and general human rights abuses, including our government's effort to seek the detention of Prosecutor General Mortazavi in Europe in September 2006. But it's my observation that when democratic western countries such as Canada make such gestures, the Iranian regime responds by downgrading our relations or persecuting our dual citizens, as was the case with your client, the late Zahra Kazemi, as was the case with Ramin Jahanbegloo.

Can you give us any more advice on how we can exercise our influence on the international stage without simply downgrading our diplomatic relations to nothing and without endangering Canadian-Iranian citizens who live in Iran?

• (0955)

Mrs. Shirin Ebadi (Interpretation): All the people who are in the government in Iran are not the same type. There are some who are pro-reform, and there are some who are pro-fundamentalism. There are plenty of things that happen in Iran that people, as well as some of these reformers, are against. It is easy to realize that, even through the newspapers published in Iran.

In the specific case of Mrs. Kazemi, the reformist group helped us a lot so that justice would be done.

Therefore, when you talk about the violation of human rights in Iran, not only will the people be happy but also the group of reformers will be happy about that, because they are also criticizing them. They express their views very plainly and frankly. You can easily see that in the newspapers in Iran. There is not much freedom of speech in Iran, but you can see that in the newspapers.

The Chair: Thank you.

That concludes the first round of questions.

I'm looking at my watch. We have just under twenty minutes before our guests have to depart. That gives us time for one set of questions from each of the parties.

We'll start with the—

Hon. Jason Kenney: Mr. Chairman, I'm sure the committee would indulge you with a question, if you have one.

The Chair: Well, I'll save the best for last.

I'll turn it back to Mr. Cotler or Mr. Silva, whoever wants to go.

Hon. Irwin Cotler: Thank you, Mr. Chairman.

Recently an Iranian human rights activist, Ladan Boroumand, wrote an article about the untold story of the fight for human rights in Iran in which she described the birth, as she calls it, of a civil rights movement in Iran involving students, trade union workers, intellectuals, and in particular, the women's rights movement.

What is the status and future of this civil rights movement in Iran, and how can we help with that birth of a civil rights movement?

Mrs. Shirin Ebadi (Interpretation): The civil rights movement has been in Iran for several years. Fortunately, it has been done mostly by those people who live in Iran, and they are the people who will continue doing it, although it is true that those Iranians who are outside are also helping us. What I'm trying to say is that the movement started in Iran and the people of Iran are the people who are going to continue doing that.

I think the best thing you can do, in that respect, is to show your rejection and protest against that violation of human rights in Iran.

Please don't forget that the issue of human rights is not a domestic issue. It is an issue of international matter. Therefore, whatever happens in Iran is not in isolation. It also relates to the people in Canada and everywhere. As much as Iran has the right to protest against the violation of human rights in Kurdistan, you have the same right to say the same thing about violation of human rights in Iran.

• (1000)

Hon. Irwin Cotler: Thank you, Madam.

Mr. Mario Silva: The Islamic Republic of Iran really is a theocracy, not a democracy, as you have said. It's rarely ever used, but it is a theocracy run by religious leaders.

It is a unique situation, because even with the resistance movements.... I asked a question last week on the arrest of two labour leaders in Iran. There are obviously groups within the labour movement, the women's rights movement, and the youth movement that want change. How do they go against the religious brigade or system that's in place there? In some ways it is so different from in so many other countries, because it is a theocracy run by religious leaders who are not willing to give up their power without a violent struggle. How does one bring about a peaceful transition to democracy in the country?

Mrs. Shirin Ebadi (Interpretation): Like you, I believe there should be separation between governing the country and religion. But what about the situation in a free and democratic society when people elect groups that are related to religious groups, as happened recently in Turkey? Do we have the right to say your vote shouldn't be counted because you voted for a religious group? Do we have the right to say that the rest of the people should think like us? Obviously, no. Therefore we have to find another solution for this matter.

What I have found for that is a different definition of democracy. Democracy means governing by the majority. Please don't forget that many of these dictators reach their path through democracy. Therefore democracy cannot be without any limitations and control. Democracy has its own framework. It cannot be out of that frame, and the frame of that is respecting human rights. Governments do not receive legitimacy just by the vote of the people. A combination of the vote of the people and respect for human rights can give us that legitimacy. Therefore even religious governments should also respect human rights.

This is where we as Muslims can play a major role. We can prove that Islam is not against human rights and democracy. This is all challenged with the government through these means. We can prove that the Iranian government or Islamic governments are against human rights, not Islam.

Islam has many interpretations. Look at Saudi Arabia. A woman cannot even drive a car, but many years before in Tunisia, Bangladesh, and Pakistan, a woman could even be president or prime minister. Another example is that cutting off the hands of thieves is in our penal code, but many Islamic countries have banned it, like Tunisia, Egypt, and Malaysia. So which one is slow? Just like in the west, one church accepts gay marriages and one church completely ignores it. Most of them follow Christianity. Which one is right?

Islam is the same. It is our duty as modern Muslims to challenge the Islamic government that we can be Muslims and have more respect for democracy and human rights. In this way we start to challenge Islamic governments.

• (1005)

The Chair: Thank you.

We have seven minutes left.

Mr. Marston, you have the floor now.

Mr. Wayne Marston: You speak of the potential evolution of your justice system and the reform of what some people would call barbaric laws, with the amputation of hands, eyes being put out, and such things. Canada decided it no longer supported the death penalty 32 years ago, so there's progress being made even in the so-called modern nations. Hopefully we'll retain that position.

One of the things that concerns me is we've heard in this place that the pursuit of nuclear weapons in some views is a real thing, and in other views it's a method used by the government, or particularly by the leadership of the government, to keep people radicalized and focused on Israel. Do you see a day and time when there will be co-existence between Iran and Israel?

• (1010)

Mrs. Shirin Ebadi (Interpretation): Based on the report that has been given by Dr. ElBaradei, Iran did not do anything against the law and was working within the limitations of the law. It didn't violate the law in that respect.

On the other hand, the case is in the Security Council. Up to now there have been three resolutions against Iran. I have always suggested, in order for Iran to be able to have the trust of the international community that we are trying to have peaceful energy, that we can postpone the enrichment for a while.

This was a matter that Mr. Khatami did, and this matter has happened. We might be able to do the same thing again, so that there wouldn't be any additional resolutions, fourth and fifth, against Iran.

In respect to the relationship with Israel, I should say that for many centuries Jewish people have been living in Iran and it has always been a good relationship. What Mr. Ahmadinejad said is what he said. It's between him and the rest, not the people. There are Jewish people who are living in Iran. People have a very good and friendly relationship.

Mr. Wayne Marston: Thank you.

The Chair: We have exactly two minutes left before we have to excuse our guests. So we have time for—

Hon. Jason Kenney: You go ahead.

• (1015)

The Chair: Thank you.

I have one question. Madam Ebadi, in response to an earlier question from our colleague, Madame St-Hilaire, you said, "When women are arrested, please protest". I'm assuming you're saying that because it is your belief that protests in the international community can have some practical impact back at home in Iran. Would a similar impact occur from protests relating to other types of human rights violations—for example, the executions of homosexuals or perhaps some kinds of religious persecution against the Baha'i minority, that kind of thing?

Mrs. Shirin Ebadi (Interpretation): I want to ask you to protest against those laws in Iran that are against human rights. One of them is a different type of punishment that you have in Iran. This is not only about the homosexuals.

Two months ago in one of the western cities of Iran five people were punished. They cut off their right hands and left legs. They were supporting separation.

In my view, I'm not in favour of those who are in favour of separation, but it is not justifiable to punish people in this way in the 21st century. If someone is in favour of separation, this is a political view, and the answer to that is dialogue and talks, not by punishment and not in such a way of punishment. Therefore you can see there are worse situations than the situation of those who are homosexuals.

The Chair: Thank you very much.

We've used up all the time we had. We are very grateful you have been as generous as you have been. I think I'm correct in expressing the appreciation of the entire committee.

I'm going to declare a brief recess while we allow our guests to leave. We'll go in camera when we resume.

Mrs. Shirin Ebadi (Interpretation): I told you that the Iranian people have some criticism of the government, but that does not mean we are willing to attack militarily here. We would never let any foreign soldier come to Iran. We love Iran. We want Iran to be free and we don't want to make another Iraq. Please remember. I criticize—I'm in opposition—but, believe me, Iranian people won't allow a military attack here.

Thank you.

• (1020)

The Chair: Thank you.

Some hon. members: Hear, hear!

The Chair: We are suspending.

[Proceedings continue in camera]

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