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Mr. Rick Casson

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• (1110)

[English]

The Chair (Mr. Rick Casson (Lethbridge, CPC)): I call the meeting to order.

This is the fifth meeting of the Special Committee on the Canadian Mission in Afghanistan, pursuant to the order of reference of Tuesday, February 10, 2009, the study of Canada's mission in Afghanistan.

Today we have two panels, plus we need a few minutes at the end of our time for some committee business. We will hear witnesses on the new Shia family law in Afghanistan. To that end, our first panel for an hour will include Mr. Brodeur—he has been here before and we know him well—and Stephen Wallace. Stephen Wallace is the vice-president of the Afghanistan Task Force, and I understand Gallit Dobner is here as back-up.

We'll get started. I think you're both familiar with how it proceeds. You'll have a chance to give us opening remarks, and then we'll open it up for a round of questioning. We're really looking forward to having this debate here today. After your panel's done, we'll take a brief break and bring on the next panel.

I don't know who's going to start, but the floor is yours.

Thank you.

[Translation]

Mr. Yves Brodeur (Assistant Deputy Minister, Afghanistan Task Force, Department of Foreign Affairs and International Trade): Thank you, Mr. Chair.

Ladies and gentlemen, members of the committee, thank you once again for giving us the opportunity to explain to you what we do in Afghanistan.

[English]

I will start with a brief opening statement. I'll probably read a little fast because I think it's a little longer than it should be; nevertheless, it's quite important to understand what we've been doing there.

The Government of Canada was deeply concerned to learn in late March that the President of Afghanistan had signed a Shia personal status law that contravened Afghanistan's human rights obligations. Our response was immediate. Canada was a leading voice in the international community's condemnation of the law. On April 4, Afghan President Hamid Karzai announced the launch of a process of review, during which time the law would not be promulgated.

Today Stephen Wallace and I will provide you with an overview of the law, Canada's response to the law, the Afghan government's commitment to review the law, and Canada's broader approach to supporting Afghan efforts to promote and protect human rights, in particular women's rights, in Afghanistan.

The Shia are a minority group in Afghanistan who make up roughly 10% of the population. Article 131 of Afghanistan's 2004 constitution guarantees the Shia the right to resolve family disputes according to Shia jurisprudence. For many Shia, the Shia personal status law is an important affirmation of their place in Afghan society after centuries of oppression.

Members of the Afghan government and civil society began drafting the Shia personal status law in 2005. The law was submitted to the lower house of the Afghan National Assembly in November 2008. We were not aware of the substance of the law. The Afghan government does not appear to have followed standard procedure in considering and ultimately signing the law.

First, according to standard legislative procedure, both the lower and upper houses should have undertaken an article-by-article review of the legislation; however, members of Parliament simply voted to confirm the law in full, deferring the question of each article's legality to Afghanistan's Supreme Court.

Second, the Supreme Court never actually received the draft law. Instead, the law went straight to the Ministry of Justice for transmission to the President.

Third, President Karzai reportedly did not review the nearly 300-page law in its entirety before signing it, and his aides did not brief him fully about the content.

The law signed by the President includes provisions on marriage, divorce, inheritance, right of movement, and bankruptcy. The most troubling provisions relate to guardianship of children; marriage of minors; sexual relations in marriage; restrictions on women's rights to work, education, and health care; women's right to leave the home; and inheritance.

The law was not a focus of Afghan national political debate. We are unaware of any domestic media coverage in Afghanistan during this legislative process. Rights & Democracy referred to the law as part of a broader routine report submitted to CIDA headquarters in October 2008, without referring to specific provisions of the law.

The Canadian embassy in Kabul knew that a process to consider the law was under way, but the embassy had no specific knowledge of the provisions of the law or when it was scheduled for consideration by the National Assembly. The embassy found out from an international partner that this legislation had been signed by the President on Tuesday, March 24, 2009. Canada found out about the law at the same time as the rest of the international community, much of Afghan civil society, and even some members of the Afghan legislature who had been involved in the approval process.

Canadian officials at the embassy acted immediately. They informed Ottawa on March 25, and as details of the law were scarce, they began actively seeking additional information on the law. Once Canadian officials were able to confirm that the law was indeed inconsistent with Afghanistan's international human rights commitments, Canada launched a robust advocacy campaign.

• (1115)

[Translation]

Minister Cannon immediately raised the issue with Afghan Foreign Minister Spanta and Afghan Interior Minister Athahar on March 31, 2009, at an international conference on Afghanistan in The Hague. He expressed Canada's grave concerns about the substance of the law.

The Prime Minister publicly underscored Canada's deep concern at the G20 meeting, underlining that "we cannot state strongly enough our concern for the rights of women in Afghanistan."

Canadian officials intervened with the President's office in Kabul and with Afghan Ambassador to Canada, Omar Samad, in Ottawa. We reiterated Canada's deep concern with the Afghan government's decision to pass the law. Indeed, Canada has been recognized as a leader among international partners on this issue.

[English]

On April 4, 2009, President Karzai committed to undertaking a review of the law to ensure its consistency with the Afghan constitution and international law. When Mr. Cannon again raised the law with his Afghan counterpart, Minister Spanta, by telephone on April 5, the Afghan foreign minister assured Canada that the law had been stopped.

In an April 6 statement the Afghan Ministry of Justice confirmed that the law would not be published in the official gazette until the review was complete. The Ministry of Justice has since established a body composed of legal experts, scholars, government representatives, and civil society organizations to propose revisions to the law. We understand this body will submit consolidated recommendations to the Ministry of Justice, which in turn will subsequently redraft the law for submission to the Afghan Parliament for approval.

The Afghan government expects that the review will take two or three months. We therefore do not anticipate a response from the Afghans until July at the earliest.

Both President Karzai and Ambassador Samad have publicly admitted that passage of the law was an error. Ambassador Samad noted that Afghanistan is a young and immature democracy in a very difficult cultural context. "We are going to fall down," he said. "We

are going to make mistakes, and we're going to move forward as a result."

On April 27 President Karzai announced that the review was under way and amendments would be made.

[Translation]

Canada will continue to press the Afghan government at the highest levels to meet its international obligations, including respect for the equality of women before the law. In this context, Canada's Ambassador to Afghanistan, Ron Hoffmann, most recently met with President Karzai on April 16 and with the Speaker of Afghanistan's Lower House on April 19 to express Canada's concerns and urged the government to ensure its review process is comprehensive and consistent with Afghan and international law. Earlier on, Canadian officials also met with the Second vice-President, the Minister of Justice, the Chief Justice of the Supreme Court, the Attorney General and other government officials and prominent politicians.

Canada will continue to support the review process, as necessary and appropriate, in cooperation with Afghan officials and civil society and the international community. Moreover, Canada deployed a legal gender expert to the Afghan Ministry of Justice in early March; she is helping to build the capacity of its legislative drafting unit more broadly.

[English]

At this point I'd like to turn the floor over to my colleague to provide you with information on Canada's support to the promotion and protection of human rights in Afghanistan and, in particular, Canada's efforts to support women's rights.

Merci.

Mr. Stephen Wallace (Vice-President, Afghanistan Task Force, Canadian International Development Agency): Thank you very much,

[Translation]

Mr. Chair, for the opportunity you have given me this morning to address the committee.

[English]

Mr. Chairman, I am pleased to supplement the comments from my colleague from Foreign Affairs with some additional information concerning Canada's support of the promotion and protection of human rights in Afghanistan, particularly the human rights of women and girls.

We have an established track record of supporting institutions that protect and promote human rights in Afghanistan. Notable among these initiatives is our support to the Afghan Independent Human Rights Commission. We are currently providing \$7 million to enable the commission to implement its three-year action plan. This will make Canada the lead donor to this important Afghan institution.

Under Afghanistan's constitution, the commission is mandated to promote and protect human rights by monitoring and investigating complaints of all alleged human rights violations. In the context of today's discussion, the commission is also playing an important role in Afghan responses to the Shia personal status law.

Beyond our direct support to the commission, Canada is supporting several initiatives that are enhancing access to justice for Afghans. Canada recently announced support to the Ministry of Justice's human rights support unit. This unit is responsible for assisting Afghan government agencies to incorporate and internalize human rights in their policies, legislation, and respective areas of responsibility.

At a very practical level, we've been supporting an initiative of the International Criminal Defence Attorneys Association and the International Legal Foundation to improve the fairness of the Afghan criminal justice system through the provision of legal aid to destitute Afghans.

• (1120)

[Translation]

Within this broader human rights agenda, Canada has paid particular attention to the human rights of women. With CIDA's support, Rights and Democracy is playing a leading role in the reform of family law, an issue that particularly touches on the human rights of women and children.

I am pleased to see that Mr. Beauregard and Mr. Panossian will be appearing before the committee in less than an hour.

The \$5 million Rights in Practice initiative comprises a very practical aspect, having opened legal aid clinics in six provinces to improve women and girls' access to the formal justice system.

In addition to its human rights-specific work, Canada is providing significant support to programs that are promoting the rights of women and children, particularly girls. As part of Canada's six priorities in Afghanistan, we are supporting a full range of projects that improve education, maternal and infant health, women's access to the labour market and their political participation. Our contribution to enhancing access to education, particularly for girls, is widely known.

[English]

The Prime Minister over the course of the last 24 hours has made an announcement in Afghanistan in this regard.

[Translation]

Canada is also recognized as a lead donor to the Education Quality Improvement Program, a national program that is supporting the Ministry of Education to deliver quality education services to girls and boys by building the capacity of communities to manage learning activities, by investing in human resources including female teachers and by constructing and rehabilitating schools.

[English]

So we have a portfolio of initiatives that are strengthening as well women's capacities as economic actors, including through access to credit and vocational training. Of 440,000 clients reached through business and financial services across Afghanistan through Cana-

dian-supported programs, approximately two-thirds are women. We are making important contributions to the health of women and children through initiatives that are promoting access to essential high-quality health care, immunization, food, and nutrition.

Since 2005 we've had a gender adviser in the Ministry of the Interior. She's been extraordinarily successful, in our view, in working on some of the most difficult and sensitive issues facing women in Afghanistan and has introduced gender-specific programs into the Afghan National Police, including family response units for cases of domestic violence, staffed by female police officers. Most recently, Canada is focusing attention on women's political participation, in the context of the upcoming elections in 2009.

[Translation]

While much of work is through large national programs, we recognize the important role of Afghan civil society in advancing progress and giving voice to the aspirations of Afghans with respect to the situation of women and girls. Our Responsive Fund for the Advancement of Women is a quick-response mechanism that provides small, strategic support to these organizations.

For example, through RFAW, Canada is supporting the training of 300 female and male journalists to raise their awareness of children's rights, gender equality and the participation of women.

[English]

Without question, these initiatives are making a difference in the lives of many women and girls. However, progress is painstaking, and huge challenges remain. Our immediate focus with respect to the Shia personal status law is to identify additional initiatives during the review period that can help address the failures in the underlying process that led to the version of the law signed in March.

We are working, therefore, with existing partners such as Rights & Democracy, the Afghan Independent Human Rights Commission, Afghan parliamentarians, and civil society organizations to support their effectively playing their respective roles in the review process. Our core objective remains to build Afghan capacity and participation, inside and outside of government, to address the daunting human rights challenges that have held back progress for too long.

Mr. Chairman, in conclusion,

• (1125)

[Translation]

Women in Afghanistan continue to face many hardships and challenges. They continue to be exposed to violence and poverty, and deprived of basic human rights to property, education and literacy. Change will be slow and there will be setbacks along the way.

However, we cannot overlook the progress women have made since 2001. Today, Afghan women represent 27% of Afghan parliamentarians, more than 2 million girls are enrolled in school, and more than 290,000 women have accessed small loans and savings services across the country. Afghan women themselves have been catalysts and leaders of development along the way.

[English]

There are no silver bullets, Mr. Chairman, for making progress on human rights. History shows that progress and the promotion and protection of human rights most often consists of small steps taken over long periods. If anything, however, recent events in Afghanistan have deepened our engagement with Afghanistan on questions of vital importance, such as the status of women and girls. Many Afghans working on human rights have told us that recent events have been a wake-up call that can place them in a stronger position and allow them to come together with a common and stronger voice.

Mr. Chairman, we'd be happy to answer the committee's questions on the Shia personal status law and our more general support to the human rights of women and girls in Afghanistan.

Thank you very much.

The Chair: Thank you both.

We'll get right to the questions. We'll start with the official opposition, with Mr. Wilfert.

You have five minutes.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Thank you, Mr. Chairman.

The family code only applies to the Afghan Shia minority and not to all women, but there's a concern about it being a precedent. I want to ask you the question about competing visions for the Afghan mission. The President of the United States has now indicated that he's moved basically from democratic nation-building to the issue of dealing with the staging grounds for terrorists.

Was the liberation of Afghan women ever really part of our mission for going into Afghanistan? What have we really done in terms of responding? We say there's no silver bullet. I don't know whether there are any bullets in terms of addressing the issues. In this case, what are we doing now, since then, to register...? If this can pass without comment until afterwards, and then people say they haven't read it—the President has admitted it—how do we ensure the kind of capacity-building we need in order to prevent these kinds of things in the future? What is the role of our mission in this context?

My two colleagues also have two questions.

Mr. Yves Brodeur: Thank you for the question. I think it's a fundamental one.

I want to start by saying that the issue of rights was always at the heart of our preoccupation when we went into Afghanistan. It's not the only one, but it's a very important one. It's reflected in the objectives we have adopted. Building a society in which human rights are respected and the Afghans have the capacity to help the members of their society express themselves, enjoy their full rights, is really front and centre in what we're trying to do.

In terms of building capacity, we are doing a number of things. My colleague mentioned some of them in his statement. Before I give the floor to Stephen, let me say again that we're all on the same page: a functioning Afghan society that is safe and secure must include protection of rights as well as a capacity for the Government of Afghanistan to offer that option to its people.

Mr. Stephen Wallace: Thank you very much for the question. I think it really would be useful, perhaps, to go through Canada's six priorities and how the crosswalk to human rights is important.

If you take, for example, Canada's first priority, on security and the rule of law, we see the critical importance of security for all and the particular situation of women in that regard. Our program, for example, with the Ministry of the Interior on policing and the expansion of policing services to include both protection of women and victims of violence, but also the expansion of Canadian mentoring and of the actual complement of female police officers in the country, has been part and parcel of our effort.

With respect to the rule of law element within that priority, the discussion we had this morning with respect to family law and the overall sense of how human rights and justice fits within it is a core element of what we do.

When we move from there to the aspect of basic services, as the second of Canada's six priorities, here we are looking at education for girls and education for women as part of a targeted effort by Canada to provide the basic services that connect citizens to the state. That has been one element of our effort.

We have done very specific work on maternal and child health, including signature efforts on polio, efforts on tuberculosis, and work to try to provide the basic services to citizens in an area that tries to target those most deprived elements of society—in this case, women and girls in particular.

The same thing applies to humanitarian assistance, an area in which we're doing a lot of work in targeting our food aid and food for literacy. The work we're doing, for example, in Kandahar on food for literacy has provided support for 11,000 women to gain literacy for the very first time.

We can see, across all six of our priorities, the entry point on how human rights and the protection of women and girls is important to meeting our objectives.

● (1130)

The Chair: You still have time.

Hon. Bob Rae (Toronto Centre, Lib.): The west was strongly criticized by a woman who was a spokesperson for the Independent Human Rights Commission. The criticism was that we let this happen and that we must have known about it.

I accept entirely Mr. Brodeur's testimony that the Government of Canada in fact didn't know about it. But the second, related real issue is presumably that if there's a Shia family law that has gone through, there's also a Sunni family law that is being drafted. I wonder what lessons we have learned from this experience with respect to the Shia family law situation to figure out what to do.

Let me just emphasize that I'm not suggesting this is easy. The notion that we're going to turn Afghanistan into a secular, liberal democracy in short order is frankly, from my perspective, nonsense. That's not going to happen. We somehow have to figure out what the acceptable middle ground is between not only us but all the western countries who are NATO, who were there so strongly, and whatever values emerge.

Perhaps one of you could advise us with respect to the second shoe that's going to drop. It's a majority Sunni population. If there's a Sunni family law coming—and I assume there is one coming—it's going to be quite a big deal with respect to some of these issues.

Mr. Yves Brodeur: Thanks for your question.

There is a family law in Afghanistan. It has existed since the beginning of the 20th century. It's based on Sunni jurisprudence, basically because the Sunni community is the largest in Afghanistan. There's a drafting committee right now in Afghanistan looking just at family law, with a view to actually making it suitable for the larger population. That committee is composed of Afghan experts. We've been supporting that work directly through a person who is actually advising and helping to make sure that the law meets the international requirements as well as the Afghan constitution. Also, Rights & Democracy—and you'll have a chance to ask Mr. Beauregard about that—has been engaged in trying to make sure this law actually meets the requirements.

The Shia personal status law is a totally separate matter, and it is essentially done in the context of the Afghan constitution, which guarantees the Shia minority that actually their rights will be recognized.

So we're working hard again, with the Afghans, to try to make sure that the family law now under consideration and being drafted is in line with standards, from both the Afghan and international perspectives.

The Chair: We'll go to Mr. Bachand.

[Translation]

Mr. Claude Bachand (Saint-Jean, BQ): Thank you, Mr. Chair.

I don't usually believe in conspiracy theories, but what we have heard today is almost unbelievable. I'll tell you what I have been thinking. There's a little voice telling me that what we are hearing today, with all due respect to the witness, is an attempt at damage control.

I have a great deal of difficulty understanding how all the normal procedures surrounding a bill could have been short-circuited. Moreover, I find that Canada seems to be patting itself on the back for having rectified the situation. That's what my inner voice is telling me.

It seems, when you say that Canada wasn't aware... We'll be asking a question later about the Strategic Advisory Team, which was replaced by civilians. They are supposed to be close to the president. You will have to tell me how many people are on that team. These people usually should be aware of any forthcoming bills. They're not military members, they are people from civil society who are accustomed to this type of bill. Normally, they should have been aware of it. My inner voice is still telling me that

even if I don't believe in conspiracies, I have been in politics long enough to know that sometimes, political strategies resemble conspiracies.

Do you really believe that the president signed off on a bill that he was not familiar with, that he was poorly advised, that customary parliamentary procedure was short-circuited and that the matter was referred to the Supreme Court? Do you really believe that we can wait three months? What's happening in three months? It seems to me that there's an election coming up in August. At the political level, are people saying that this matter will be settled after the election? Was Mr. Karzaï trying to garner votes from the Shiites? Naturally, I don't believe in this conspiracy theory, it's just my inner voice talking.

First, do you think that the government wanted to adopt a measure that was popular with the Shiites in order to win votes? Second, do you believe that the civilian SAT was not at all aware of this law? Third, when you say that this will be reviewed in three months, isn't this just a way to delay it until after the election, once the dust has settled?

●(1135)

Mr. Yves Brodeur: Thank you.

I will answer the first part and let Mr. Wallace talk to you about the GSO, the Governance Support Office, which replaced the SAT.

I would like to begin by saying that we are not boasting here about our accomplishments. The rights of Afghan women and citizens are extremely important. The work that we have undertaken is based on our willingness to help Afghans rebuild and acquire the capability to ensure a better future for their country.

We must also keep in mind that Afghanistan has been in a state of conflict for at least the last 30 years, so it is not just a question of repairing what's there but of having to start again from next to nothing. I agree, the legislation contains elements that are completely reprehensible. However, let us not forget that other laws have led to positive changes in Afghanistan.

I would compare the situation to a child who is learning to walk. He will fall down from time to time and probably get hurt, perhaps even break something. Should we admonish or punish him for that? The normal reaction would be to say to him that we will help him in order to avoid another similar mishap and to ensure that he acquires the skills he needs to walk. I do not think there is some kind of a conspiracy or deliberate attempt to mislead anyone.

President Karzaï has admitted publicly that he had not read the bill and had not received adequate information. He has admitted his mistake, and I do not think that we could ask more of him at this time.

In terms of delays, Afghans have said that a process was in place. A group has begun to review the process. How long does it take in our own legislatures to achieve results through such a process? We are talking about Afghanistan, and it will take some time. When all is said and done, I think that the Afghans will deliver the goods.

I will let Mr. Wallace talk to you about the GSO.

● (1140)

Mr. Stephen Wallace: Thank you.

The Governance Support Office now has 10 people on staff, including two who are directly handle legal matters: one at the Department of the Interior and the other at the Justice Department. That second person is an Islamic law expert who brings very sound technical expertise to the national process as a whole.

I think there were shortcomings in the process both in terms of content and of the revision and preparation of the Shi'a law. The people who should have taken part in the revision and scrutiny of the law were not involved in the process. That is why the law, which was brought to our attention in March, was quite a surprise.

Mr. Claude Bachand: Things will continue as if all is well. Mr. Karzaï has admitted his mistake, but he probably intended to sneak the bill in through the back door. If no one had taken notice, the 10% of Shi'a would have probably voted for him, which would have facilitated his re-election. It is very easy to apologize after having been caught; we've seen that quite often.

Where there is politics, there is partisanship. I do not think that the revision will be completed before the election on August 20. Such tactics have already been used here in Canada as well. You have not quelled my doubts.

You have your theory and I have mine. I will conclude with that.
[English]

The Chair: Mr. Bachand, you ended right on time.

Mr. Abbott.

Hon. Jim Abbott (Kootenay—Columbia, CPC): Thank you.

I must say that I don't think anyone in this room can say more than another. This has been frustrating. It has made us angry and we've been very disappointed. All of us feel that way. However, I can advise Mr. Bachand that when we hear little voices in our ears, usually it is a symptom of believing in conspiracy.

I note, as you did, that the Prime Minister is in Afghanistan today. I think one of the most important messages that he has, that I read in any event, is that he is there to underline the evolution of our mission. I think one of the areas, in strengthening women's capacities as economic actors in particular, is through providing them with financial services.

As most of us know, the efforts led by 2006 Nobel Peace Prize Laureate Professor Muhammad Yunus, when he founded the Grameen Bank, have had a tremendous impact on the poorest segments of society, especially women. The bank has significantly expanded and still provides small loans to the rural poor.

Its success has inspired similar projects in more than 40 countries around the world, and as we all know, CIDA has been one of the key players internationally in recognizing the success of the Microfinance Investment Support Facility, which has reached more than 440,000 clients in Afghanistan.

I noted that you were using the number of 220,000 women. I have the number here of 440,000 clients in Afghanistan. I understand that the MISFA has grown from five to approximately 15 microfinance

institutions and is providing poor Afghans, two-thirds of them women, with access to loans and financial services that would otherwise be unavailable to them. I note the industrious nature of most women, probably, but particularly the women in Afghanistan.

I wonder if you could expand on exactly what's happening there, because I think that's some really, really good news.

Mr. Stephen Wallace: Thank you very much.

Let me clear up the figures part right away. It has been an extraordinary program, this Microfinance Investment Support Facility. It has won international awards. In a very, very tough country, it has gone very far very quickly and it has done very, very well.

The 440,000 clients are men and women countrywide. But because there is such a strong component of women, the figure I used was 290,000 women within that figure of 440,000 overall. That's to give a sense of proportion on that one.

I think you're underlining a point that seems to have emerged in an important way in the country; that is, one of the most effective ways that we've found to help support the equality of women is to be able to strengthen their economic position. So when we see the access and control over productive assets and we see the effects this has on the well-being of women, the well-being of families, the well-being of communities, on decision-making power within households, we see some very interesting and positive benefits. We also see opportunities and choices for women, who very often are now heads of households. In a context like Afghanistan, there are many situations where women are widows as a result of that country being torn apart by war.

We have microfinance programs that very often provide \$50 or \$100 loans that simply give women a hand up, allow them to have a measure of economic activity and economic autonomy, and I have to say that the repayment on these loans is well above 95%. It's an extraordinarily successful program, and what we see as a result is that there is impact. It enables women to leave home. It enables women to discuss among themselves what's going on. They're freer and they're more open in the way they go about their business.

I think the reference you made to Muhammad Yunus and his Nobel prize-winning Grameen Bank is very interesting in the Afghan context, because they're one of our close partners. They established operations in the country in 2003 and they've worked across the country now, both in education and in microfinance, and they've had a very strong support and focus on female clientele. You'll see that 86% of their clients, for example, are women.

I think the legacy of Muhammad Yunus is actually showing up in a very positive way in Afghanistan, and the impact on the situation of women has been immeasurable.

• (1145)

Hon. Jim Abbott: I think too, as a general editorial statement, due to the fact that we are there, the fact that our country and our people and our families have paid with the blood of Canadians and we are there, we have bought the right to say, with respect to the laws, "This isn't right." The short-sighted reaction that I've had from a few of my own constituents, "Oh, look what they're doing. Let's pull out", is exactly the wrong thing to do, because we've already paid the price. As a consequence of our paying that price, we are now in a position to have great moral suasion, great persuasion, with respect to this, compounding the fact that we are also in a position of strengthening women in very real and practical day-to-day ways in their own lives.

The Chair: Mr. Kerr, do you want to throw in a quick one?

Mr. Greg Kerr (West Nova, CPC): Yes, thank you very much.

We don't have much time, but we noted today that Chris Alexander is heading back to Canada after six years there. I understand he is well respected and certainly very involved.

On his point about the fact that we're all on board about the incident in this particular law, he wants to point out the fact that many laws have been passed that are very, very successful. It always is a warning to us to be vigilant. Let's not panic over something that was wrong. The country is growing; it's learning.

Would you care to comment on his vision? I notice he's speaking in Ottawa tonight, as a matter of fact. Could you comment on his vision about looking at the overall legislative gains that have been made as compared to one bad mistake that obviously took place?

Mr. Yves Brodeur: Yes, I'll just repeat what I said in French a few minutes ago.

That's a very valid point. What Mr. Alexander was actually underlining is the fact that yes, in this nascent democracy, which is still really trying to get its act together, there will be mistakes made, and this is obviously one, and a very serious one, for that matter. But there are other laws being passed. This government is working and its institutions are also working, so he was actually pointing at over 50 laws that have been passed without any real problems of the sort we are faced with here.

Here are just a few other facts as well. Afghanistan has adopted a new constitution. It has held an election. It established 102 political parties in the country. It has created, with the help of Canada, an Independent Human Rights Commission that's doing excellent work and that we support. And it is actually taking steps to make the civil society in Afghanistan a real player in the game and to flourish. So those are gains. They're really important and I don't think we can just ignore that.

Perhaps also one point I wanted to make here—

• (1150)

The Chair: Make it quick, then.

Mr. Yves Brodeur: Debate. There's a debate now on the Shia law in Afghanistan, something you wouldn't have seen three or four years ago.

The Chair: Thank you.

Just before we go over to the NDP, I want to recall some testimony we had at another committee from some Afghan women on the issue of 95% repayment on these loans. They assured us that the 5% that wasn't being repaid had been all taken out by men.

We'll go to the NDP.

Mr. Jack Harris (St. John's East, NDP): Thank you.

Thank you for your presentation.

With regard to the previous question talking about the other laws that were passed, we seem to know all about them. Or do we? I wonder what kind of confidence Canadians can have about the eyes and ears we have in Afghanistan. This law is not a simple law. I've seen excerpts of it. You mentioned it was 300 pages long. This didn't come out of the sky. Most of it is probably based on traditional Shia practices and probably not codified in the way it is right now.

So how does a 300-page law show up—it had to have some process by which it was even drafted—without the knowledge of the Canadians on the ground who were supposedly engaged in creating this institution? I really wonder what kind of faith we can have, not only in what happened here but in the fact that we're being told now that other laws are being passed, which presumably we think are quite fine. This is obviously such a political, international, Canadian, politically explosive issue. Why aren't our eyes and ears effective in understanding this?

Mr. Yves Brodeur: I think it's a very fair question.

We have eyes and ears; we are watching what's happening. Again, in the absolutely huge amount of activity there, there will be times when, I'm afraid, we may not be as aware as we should be. In this case we knew there was actually a process to produce this law—not only Canada, by the way, but also other international actors. We didn't know about the substance of it. There was a process in place, and that process was short-circuited at some point and the law basically missed some very important steps in the production.

So as Stephen said before, it's a failure on two counts: substance and process. And we're doing everything we can, including having people, such as this lady who works on gender issues within the Ministry of Justice, keep an eye on it. We're working with Rights & Democracy. They have several very good projects to track down legislation and to make sure we have a good perspective and we understand what's going on there.

So I'm personally satisfied that we have what we need to do the job we're supposed to do, but I do think it's fair to say, as well, that there will be times when perhaps we will not necessarily know everything. This was a surprise, not only for us, again, but for many other countries and members of the international community.

Mr. Jack Harris: Can I ask whether you actually have a text of this law in translation? Can you provide it to the committee? I've seen excerpts from it, and I find a little bit unsettling the extreme level of detail that is apparently being given the force of law.

We understand we're dealing with a traditional society, but now we're seeing them codify and put into enforceable law things that may have been part of a tradition but that may not survive modernity. If you codify it and nail it down into law, you seem to be putting in place things that are going to be very difficult to change.

I realize this is not our country, but we do have international human rights standards. It seems to me to be extremely difficult to square the circle when you look at the detail of this and the international legal principles that we expect or hope Afghanistan would follow.

Mr. Yves Brodeur: I don't think there's a debate there. The Afghans themselves recognize that the proposed law, which hasn't been promulgated as it exists now, doesn't meet the requirements of their constitution and doesn't meet the requirements of international covenants and treaties that they adhere to. That's a given. They agree to that.

In terms of the document, I have a 76-page document produced by USAID that actually provides a summary, in English, of the most contentious aspects. It actually covers the 300 articles. I think you have seen the full 300 pages. It's a public document.

• (1155)

Mr. Jack Harris: As you have described it, the review process does not seem to be a parliamentary review, but rather a technical review by experts. It appears that what's going to emerge will be another version of this.

Does that process qualify as the parliamentary process that we're satisfied with, or is this some technical review that's attempting to...I don't mean paper over, but to reach some kind of acceptable version that will pass muster? Is it going to be debated openly within Afghanistan in the Parliament, or is it a political fix?

Mr. Yves Brodeur: The process now is that the text of the law has been taken back by the Ministry of Justice, or under the lead of the justice minister, and is being reviewed by a group of experts, scholars, and Afghans, with the assistance of members of civil society. They will review it from the perspective of taking out the aspects of the law that are not acceptable. We're told that this process is going to take between two and three months, at the end of which the project will be resubmitted to Parliament. That is what we understand the process to be at this point.

Mr. Jack Harris: I have another question.

I recognize that two million girls attending school is a good thing, but we're not looking at going from zero to two million. If we look at the pre-Taliban and post-Taliban situations, we see that before the Taliban, girls attended school; it's now eight years since the overthrow of the Taliban, and two million girls are attending school. That's a lot of individuals. However, my understanding is that there are about 14 million children in Afghanistan under the age of 18, presumably half of them female, so we're looking at seven million girls under the age of 18, two million of whom are attending school.

The figures I've seen are consistent with that I've been told, which is that only about 30% of girls in Afghanistan have access to education. That seems to be some progress, but not very much. Would you care to comment on that?

Mr. Yves Brodeur: Mr. Chairman, may I interrupt on a technical point?

The document I was mentioning was provided to us by another agency, and it's not a Canadian agency. The document exists in English only. I just wanted to make that clear, because normally the rule is that we should provide these documents in both languages. It's

not a Canadian document. It's English only, if that's all right with the committee.

The Chair: That's fine with me.

Go ahead, Mr. Wallace.

Mr. Stephen Wallace: In 2001, only 700,000 children went to school in Afghanistan. They were all boys. The Taliban did not allow girls to go to school. We have gone from a total of 700,000 children in school in 2001 to over six million today, of which two million are girls.

The situation in Afghanistan today is that more children are going to school than ever in the history of the country. It is a country emerging from three decades of civil war and abject poverty, and it just doesn't have the basis for providing universal primary education. It has a way to go to provide schooling for all children in the country, but they have hit a high-water mark on this.

Canada has provided the lead support on the national education strategy, and it's one of the reasons Canada announced a signature project last year to build or refurbish 50 schools in Kandahar as part of that overall effort of expanding education for all.

The Chair: Thank you.

Now, committee, we started late; I realize that. But in order to be fair to our second panel, and given that we need a few minutes at the end for some committee business, this ends the opening round. We've given each party a shot, so I think we'll suspend it here and change our witnesses and get ready for the second round.

Thank you.

• (1155)

(Pause)

• (1200)

The Chair: Thank you very much.

For the second half today, we have Rights & Democracy, the International Centre for Human Rights and Democratic Development. We're pleased to have with us Mr. Beauregard, the president. Sir, welcome. And we have Razmik Panossian, director of policy, programs and planning.

Gentlemen, you're obviously familiar with the process. You sat through the first set of witnesses, and I'm sure this isn't the first committee you've been at. So we'll give you time to make your presentations, and then we're going to open it up for some riveting questions from the committee.

An hon. member: Is that a note of irony?

The Chair: No, that's praise.

Please proceed, gentlemen.

[Translation]

Mr. Rémy M. Beauregard (President, Rights and Democracy): Good morning to you all.

[English]

I would like to begin by thanking the chair, Mr. Casson, as well as the other members of this important committee for your attention to the issue of women's rights in Afghanistan and for inviting Rights & Democracy to today's hearing. I would also like to acknowledge the support of Canada's elected representatives in the struggle for women's rights in Afghanistan. With that in mind, we note the two motions that were passed by the Standing Committee on the Status of Women on April 23.

As you know, Rights & Democracy was created by an act of Parliament in 1988 to promote and defend human rights and democratic development internationally. For close to 20 years we have been implementing this mandate on behalf of Canadians and reporting to them through Parliament. We promote the values of human rights and democratic freedom around the world to support individual citizens and struggling democrats caught in the grip of repression and to build democratic institutions and processes that give effect to universal human rights. That is what we are doing in Afghanistan.

Rights & Democracy has been working directly with Afghan women since 2002. We supported Afghan women in their effort to ensure that the constitution adopted in 2004 enshrined equality between men and women. We currently provide support to Afghan women's organizations and the government to ensure Afghanistan family laws reflect this constitutionally assured equality and Afghanistan's international human rights commitments. We are building bridges between Afghan society and the government on this important issue.

The news that President Karzai signed a law, for the Shia minority, that would effectively legalize rape in the home and restrict the most basic rights of women was a shock and a setback. The decision to review this law, however, is an opportunity. It is an opportunity, first and foremost, for Afghan women to participate in the process of revising this law. It is also an opportunity in the long term for Afghan women to strengthen human rights protections in law and practice and to ensure that their views are taken into account in all decisions that affect their lives. For both the short- and long-term opportunities to be fulfilled, Canada must be steadfast in its support for Afghan men and women who strive for a future based on universal democratic and human rights principles.

Rights & Democracy, thanks in part to financial support from CIDA, is assisting these Afghan-led efforts. Rights & Democracy facilitates the work of an Afghan-led drafting committee in which the different elements of family law, including the Shia personal status law, are debated for eventual submission to the Afghanistan Parliament. This committee includes representatives of Afghan civil society organizations, Kabul University, government officials from the Ministry of Justice and the Ministry of Women's Affairs, and members of the Afghanistan Independent Human Rights Commission. The objective of the drafting committee is to review existing family law in order to ensure that it respects women's rights under Islamic law and international human rights.

● (1205)

[Translation]

It is time-consuming, labour-intensive and difficult work. Afghanistan is a traditional society where the prospect of greater freedoms and equality for women under the law remains intensely controversial.

However, the diligent work of the drafting committee has produced results: in 2007, Afghanistan brought in a national marriage contract that protects a woman's legal status within marriage. The Shi'a Personal Status Law, the legislation that sparked the recent outrage, was before the drafting committee throughout the latter half of 2008.

Rights and Democracy facilitated the participation of Afghan women and civil society representatives who called for progressive amendments to Afghan laws. As we now know, most of these progressive elements unfortunately never made it into the legislation that President Karzai blindly signed into law.

While clearly a setback for human rights in Afghanistan, the Shi'a Personal Status Law is not the absolute failure many would have us believe. While certainly a clear and troubling reminder of the complex human rights challenges that remain in Afghanistan, we cannot ignore the growing chorus of Afghan voices rising in opposition to the law's more regressive elements.

I was in Afghanistan as news of the Shi'a Personal Status Law broke. Rights and Democracy was organizing a conference in Kabul on family law in Muslim countries. The participants from Malaysia, Iran and Pakistan as well as representatives of Afghanistan's government, Parliament and women's organizations, among others, issued a spontaneous declaration denouncing the Shi'a Personal Status Law in its current form and calling for revisions that conform to Afghanistan's national and international human rights commitments. A petition signed by 5 Afghan cabinet ministers, 22 members of Parliament and more than 100 intellectuals and civil society representatives was filed to protest the new legislation and some women even took to the streets to demand their rights.

As a result of these public protests, President Karzai agreed to revise the law, and called on women's groups and others to participate in the process. The Ministry of Justice was given the task of revising the law in consultation with Afghan civil society, and the drafting committee has participated in these efforts. It presented a list of amendments to the Minister of Justice to ensure that the revised Shi'a Personal Status Law respects national and international human rights and equality principles.

While we hope that the revised law takes into account the views expressed by women's groups and the drafting committee, the real opportunity that this nascent democratic process presents is for the long-term development of a culture of human rights in Afghanistan. The Shi'a Personal Status Law is one of many laws currently under consideration that will have a direct impact on the lives of women. The forthcoming Guardianship Law, the broader Family Law for the Sunni majority and the Elimination of Violence Against Women Law are just some of the laws that will be debated in the coming months and years as Afghan society moves toward the consolidation of democracy and the rule of law.

These laws will not in and of themselves protect against violations. Putting in place a legal framework for the protection of human rights is only the first step in a long-term process.

That is why Rights and Democracy also:

- trained 350 men and women to lead discussions at the community level on human rights and the means to ensure their protection within family law, for example, through the marriage contract.

- supported over 1,000 Afghan-led community meetings held to raise awareness of women's rights, family law and the use of the marriage contract, as well as to consult local women and men on the legal reform process.

- provided support to legal aid clinics so women will have judicial recourse when their rights are violated.

● (1210)

- worked with religious leaders to obtain their support for the use of the marriage contract.

- provided professional psychological/psycho-social support to girls and women who are victims of violations.

- supported civil society advocacy efforts through training and research on women's rights, and facilitated State-society dialogue on policy and legal reform.

- funded 34 local NGOs to work on projects involving women's rights. Through this support, over 9,000 Afghan men and women received training on women's rights.

- produced 12 radio shows in 6 provinces on the family law and on women's rights.

[English]

To overcome a history of exclusion and repression, Afghan women are taking matters into their own hands, as is demonstrated by their participation in Parliament, government departments, small businesses, and civil society organizations. The protests against the Shia personal status law demonstrated a growing desire for equality in Afghanistan, both in the home and in the public sphere.

The courageous women and men leading these protests need our encouragement now more than ever. To do otherwise, to pull our support for the Afghan women and men who are now mobilizing against repression with such courage and determination, would be to abandon the best source of hope for advancing human rights and democracy in Afghanistan.

Honourable members, in your deliberation on Canada's mission in Afghanistan, you are faced with innumerable challenges related to a complex whole-of-government mission in a complex part of the world. I hope to leave you with two messages today. First, our mission to help Afghanistan become a stable and democratic society is a long-term endeavour. Second, the 300 men and women who risked their lives in public protests to demand their human rights have defined that mission. We must follow them.

Merci beaucoup.

● (1215)

The Chair: Thank you very much.

Mr. Coderre, seven minutes.

[Translation]

Hon. Denis Coderre (Bourassa, Lib.): Thank you, Mr. Chair.

There are a few questions I would like to ask. I'm sure my colleagues will have others as well. I have tremendous amount of respect for Rights and Democracy, because I worked with your predecessor on Haiti. As far as I am concerned, Rights and Democracy is a sort of neutral beacon that tells us exactly what is going on on the ground. I know you will not be complacent.

I would like to know exactly what is going on and when the government was informed. In an article in *Le Devoir*, we read that Rights and Democracy had somehow informed the government that legislation of this nature was going to be passed.

Apparently, you spoke to a government representative or to the embassy. I would just like some light shed on this issue once and for all. Our impression is that a governance support group was established under the direction of National Defence. Later on, CIDA did this. We always boasted that we had very close ties with the Ministry of Justice and with President Karzai. Now it looks like we found out about something at the last minute, that we were unaware of what had happened and that everyone was caught quite off-guard.

The article that appeared in *Le Devoir* is somewhat confusing. It conveys the impression that you informed the government ahead of time. We are a little like a bus driver asking people to move to the back: we could have done something to prevent the situation, rather than simply managing the crisis. I would like you to clarify things for us, Mr. Beauregard.

In addition, I did not think we did enough in the case of Malalai Joya, when she was expelled from the Afghan Parliament. We are talking about women's rights. We could do some specific things to demonstrate our support for women's rights.

I would like you to tell us whether you think we did enough as a country and as a government to protect the rights of Ms. Joya, a member of the Afghan Parliament. We talk theoretically a lot of the time, but this is a specific case. When it comes down to universal values, I don't think we should use the pretext that some issues relate solely to Parliament, or that this is a question of sovereignty. A right is a right, and we should get involved when women's rights are violated, whatever the situation may be.

Those are my two questions. My colleagues will have others for you as well.

Mr. Rémy M. Beauregard: In CIDA's progress report of last October, we indicated that we supported the drafting committee that was working on this bill, but we left it at that, that is, we did not talk about the work being done. We were working on this. It was part of our work plan. That is indeed what happened during the second half of 2008.

Our Kabul office—as I indicated in my presentation—supports a committee comprised of experts working within the Ministry of Women's Affairs with regard to the preparation of the bill.

Last year, we took the same approach when we worked on marriage contracts. That process went as far as it could, and we reached an agreement with regard to the wording of the contract, which was then submitted to the Supreme Court for approval. Every one of the parties involved in the process, including the working group we were supporting, was satisfied with the resulting marriage contract.

We were convinced that the same process would be followed regarding the family code for the Shia community. Unfortunately, while the drafting committee was holding discussions with representatives from the Ministry of Women's Affairs and the Ministry of Justice, we learned that the version which had been proposed by the Ulema Council, comprised of mullahs from the Shia community, would prevail, and that the president had signed it. He had given it to the Minister of Justice, who had not published it, so the bill did not yet have force of law.

I learned of this while on my way to Afghanistan. I read about the law in *The Guardian*, a London newspaper. When I arrived in Afghanistan, I asked the people in my office whether the report was accurate, and they told me that indeed it was. That very evening, I had supper with the Chairperson of the Afghan Independent Human Rights Commission, Ms. Sima Samar, who was a member of our board of directors. She had also just returned from Europe, and we were both astounded and appalled by what had happened.

• (1220)

Hon. Denis Coderre: So you did not learn of this situation beforehand and you did not warn Canada?

Mr. Rémy M. Beauregard: No.

Hon. Denis Coderre: So the piece in *Le Devoir* is misleading.

Mr. Rémy M. Beauregard: Yes. I asked for a retraction with regard to the piece in *Le Devoir*.

Hon. Denis Coderre: Fine. And what about Ms. Joya?

Mr. Rémy M. Beauregard: We did not work directly on Ms. Joya's case. We work with female Afghan parliamentarians and help them prepare for debates on issues of interest to them, but we did not work directly on that case.

[English]

Hon. Bryon Wilfert: Can I ask a question—

The Chair: One minute is all you have left before you run out of time.

Hon. Bryon Wilfert: I'd like to ask a question about this gender adviser we've had in the Ministry of the Interior since 2005, promoting security and other aspects of women and girls. Can you tell me how we are paying for that?

Also, what kinds of assessments are done? Presumably this person would have been cognizant of the law. How is this communicated back to the embassy to ensure that the benchmarks we've established are in fact being addressed?

Mr. Rémy M. Beauregard: What we know is that several ministers were not aware that the President had signed the law, the Minister of Foreign Affairs being one of them.

As well, the Minister of Women's Affairs did not know the law had been signed. When I met with her, she told me that this came as a complete surprise, even though her ministry was involved in the negotiations about the drafting of this legislation and she had five members on the drafting committee, whom we supported. This came as a surprise to her also.

As far as the whole issue of security for women and girls is concerned, we are working with several women's civil society organizations, about 60 of them in six provinces. We're working with legal clinics that specialize in protecting women and girls. Women and girls can go to them if they feel their rights have been abused. We do radio programs. We train people on the ground.

But this is a long process. This is a country where abuse of women's rights has been ongoing for several generations. To create a culture of respect and to promote the protection of human rights is going to take some time.

I'm sure that the Minister of the Interior, whom you met, has good intentions. For example, when those 300 young girls went out in the street to protest in front of the Blue Mosque in Kabul, the interesting thing is that the people who came to their rescue were women police officers. I think that's the story. That would not have happened 10 years ago.

The Chair: Thank you very much.

Mr. Bachand.

[Translation]

Mr. Claude Bachand: Thank you, Mr. Chair.

Mr. Beauregard, I would like to thank you and your team for being here.

Were you in the room when I asked Mr. Wallace and Mr. Brodeur about...

Mr. Rémy M. Beauregard: Yes, I was here.

Mr. Claude Bachand: Don't you, to some extent, share my take on the situation? Don't you think it is a bit strange that things unfolded the way they did?

Hon. Bob Rae: Are you hearing voices, Mr. Bachand, my friend?

Mr. Claude Bachand: Those voices are never wrong.

Mr. Rémy M. Beauregard: We work on the ground directly with the people involved in the process. Of course, we cannot control the political aspect of things. We work with civil society groups, and with people from the Ministry of Women's Affairs, the Ministry of Justice and the Supreme Court. The drafting committee is working with these groups to move the file forward.

We were just as surprised as everyone else about this turn of events, but I will not engage in speculation because I don't know what really happened.

• (1225)

Mr. Claude Bachand: Approximately how many people serve on the drafting committee?

Mr. Rémy M. Beauregard: I think about thirteen or fifteen people. They are mostly women. There are representatives from the Supreme Court, Kabul University, the Ministry of Women's Affairs and the Ministry of Justice. There are also representatives from civil society and from the Faculty of Sharia and Islamic Studies. Lastly, there are also representatives from an international NGO, Medica Mondiale, the Afghan Women's Network, and two members of our staff.

These people are all experts on issues of human rights, women's rights and the rights of religious communities.

Mr. Claude Bachand: Would you have a problem with giving us the list of people who sit on your drafting committee? I think this could be useful for committee members.

Mr. Rémy M. Beauregard: I have no problem with that.

Mr. Claude Bachand: Does the drafting committee, which is studying several pieces of legislation, including new ones, have any contact with SAT, the well-known Strategic Advisory Team, which at the time was comprised of members of the military? In fact, I was very pleased to learn that the team is now made up of civilian members only. However, I know this caused some problems because some members of the military were unhappy with the decision.

When you produce drafts and state your opinion on various pieces of legislation, is that information transmitted to President Karzai? Do you provide a copy of such texts to the President's entourage? Unless I'm mistaken, the Strategic Advisory Team also includes an expert on Islamic law. I think it is important for the parties to be in contact with each other. Do you work at arm's length from government institutions?

Mr. Rémy M. Beauregard: No, we work closely with them, but we go through government channels. Two of the Afghan government channels we work with are the Ministry of Women's Affairs and the Ministry of Justice. I had the opportunity to meet the religious affairs expert who has been on the job for three months. She is in contact with the people from our office. They exchange information. We work at that level.

Under the current process, it is the Afghans themselves who mostly put forward their ideas. Our role is support them. We facilitate the process, we provide informed advice, but we must never lose sight of the fact that from the start this process belongs to the Afghans.

Mr. Claude Bachand: The members of the drafting committee will provide opinions on future pieces of legislation, but I don't suppose they go so far as to draft the legislation themselves, do they?

Mr. Rémy M. Beauregard: No, because the legislation is drafted in Dari. I have seen English translations of their work. I don't think it is legislative drafting, even though, if I think back to my experience in government, a bill is drafted by a legislative drafter. That is probably how it is done over there as well.

Mr. Claude Bachand: I am not very familiar with Afghan parliamentary democracy, but isn't there a risk that bits and pieces of the great ideas you submit to a legislative drafter will be cast aside?

Mr. Rémy M. Beauregard: In our experience last year with the marriage contracts, we were led to believe that the process would be exactly the same as the one implemented at that time. It is on that assumption that we based our work.

Last year, over the course of about eight months, we provided opinions on what should be included in a marriage contract. We had discussions and shared our views, and there were issues on which we agreed and others on which we did not, particularly on some of the divorce clauses. Be that as it may, once we had enough elements to proceed, we handed our work over to a legal drafter who prepared the final text and submitted it to the Supreme Court, which accepted it.

We believed that the same process would apply here, but obviously...

• (1230)

Mr. Claude Bachand: Things got a bit out of hand.

You mentioned the upcoming law on the guardianship of children, the more extended family law for the Sunni majority and the law for the elimination of violence against women. Will you be involved in the drafting of these laws?

Mr. Rémy M. Beauregard: Yes, and we have already begun our work. With regard to the law related to the Sunni community, we should have concluded our discussions on the exchange of documents and the drafting of a first bill by mid 2009. The plan we are working on will ensure that the bill is made public, debated openly and then tabled in Parliament. The parliamentarians will then come to a decision as part of their normal course of business.

Mr. Claude Bachand: Thank you.

[English]

The Chair: Thank you.

We'll have Ms. Glover. I'm sure that, being a former female police officer, you've found some of this testimony pretty interesting.

Mrs. Shelly Glover (Saint Boniface, CPC): Absolutely, and thank you, Mr. Chair, for allowing me to ask questions here today.

[Translation]

I would like to welcome Mr. Beauregard as well as the other witnesses.

[English]

I want to tell you why it is I have appeared today.

I want to take a moment to thank my colleagues for actually allowing me to be here. I'm not a regular member of this committee, but I am a mother of five children. I'm a victims' and women's advocate.

I have been a police officer now for 18 and a half years. I'm on a leave of absence to be a member of Parliament in the House of Commons.

I've spent much of my career trying to fight here in Canada exactly what we're talking about in Afghanistan. I also want you to know—I spent four and a half years as a detective with the child abuse unit—that we have atrocities here in Canada that we need to deal with as well. But it is absolutely imperative that we continue our work with you, and I commend you for what you've been doing in Afghanistan.

I also had a partner by the name of Ray Arnal, with the Winnipeg Police Service, whose son was the very first soldier in Winnipeg brought home from Afghanistan in a coffin. So I pay tribute to him today.

Having said all that, I am very concerned. I'd like to know, following up on what Monsieur Bachand said, how many women were on the panel. When you submit your information, can you submit how many of those 15 people you were speaking of are women? You said “mostly”, but I would like to know exactly.

Mr. Rémy M. Beauregard: It is eight out of 15.

Mrs. Shelly Glover: Eight out of 15 are women.

When you said on page 4 of your dissertation that “Rights & Democracy facilitated the participation of Afghan women and civil society representatives”, how many were women? These are the people who assisted with the original law, but most of the progressive elements they brought forward did not make it into law. How many of those were women?

Mr. Rémy M. Beauregard: I'm being passed the exact numbers. The committee has 18 people, and 11 are women.

Mrs. Shelly Glover: That's the drafting committee.

Mr. Rémy M. Beauregard: That's the drafting committee.

Mrs. Shelly Glover: Eleven of 18 are women.

Mr. Rémy M. Beauregard: Yes.

Mrs. Shelly Glover: How many women were on the original committee that participated in the original law?

Mr. Rémy M. Beauregard: The marriage contract or the....?

Mrs. Shelly Glover: I mean the Shia personal status law.

Mr. Rémy M. Beauregard: That's the committee. That's the committee of 18.

Mrs. Shelly Glover: That's the committee that's reviewing.

Mr. Rémy M. Beauregard: It's the same committee.

Mrs. Shelly Glover: The same committee that didn't get its proposals observed in the first one is now reviewing.

Mr. Rémy M. Beauregard: Yes.

Mrs. Shelly Glover: There is no new influence.

Mr. Rémy M. Beauregard: They're going to be proposing the same things they proposed the first time.

Mrs. Shelly Glover: And that's going to take two to three months.

Mr. Rémy M. Beauregard: My understanding is that the Minister of Justice has to negotiate these amendments with the Ulema Council, made up of Shia clerics. This is what is probably going to take some time.

Mrs. Shelly Glover: That wasn't done the first time around. Is that the difference?

Mr. Rémy M. Beauregard: It was done to a certain extent, because we were part of that process, but apparently there were two versions. There was the one the drafting committee brought forward, and there was the one the Ulema Council brought forward. At some point, we were discussing different versions of the same article.

In the final analysis, they went ahead with the Ulema Council version, except for 10 articles—out of 250—that they integrated from our proposal.

Mrs. Shelly Glover: So you're assuring us that there will be measures put in place to ensure that the same thing that happened the first time doesn't reoccur.

Mr. Rémy M. Beauregard: We have the commitment of the President and of the justice minister that the new legislation that they're going to bring forward is going to meet two tests. One is the concept of equality, which is part of the constitution of Afghanistan. The second test is that it will meet the convention on the elimination of discrimination against women, which Afghanistan was the first Muslim country to ratify without any reservation. Those are the commitments we have, and we're working on the premise that these commitments are going to be met.

● (1235)

Mrs. Shelly Glover: Very good, thank you.

And I'm sorry, I have only five minutes.

Rather than concentrating on who knew, conspiracy theories, I'll tell you that in Parliament in Canada—and I've been here only since 2008—we have lots of surprises as well, such as parties voting against our own human trafficking laws that would protect our women and children here.

So setting aside conspiracy theories, I want to know how we are now taking security measures to protect the women in the families of these men who wrote this personal status law and what security measures we are proactively looking at to protect women from retribution.

Mr. Rémy M. Beauregard: In six provinces—and what we hope to do in the near future is extend it to all of the 34 provinces—we are working with legal aid clinics that are providing support to women whose rights are abused.

Mrs. Shelly Glover: That's reactive. Are we doing anything on the ground to reach out?

Mr. Rémy M. Beauregard: We are also working with civil society organizations. We're producing radio reports. We've trained about a thousand people, who are trainers themselves, to promote these issues. But this is a long-term process; this is not going to be done overnight.

When I met with the Minister of Women's Affairs the day before I left, she said the second part, once this legislation is in place, is that they have to make sure they have family courts in all provinces, that the people in all of these courts are trained to manage the legislation, that the legislation is promoted and explained, and that people agree with it—because as much as we want legislation that is going to reflect these commitments, we also have to realize that there are traditions working against these commitments, and these have to change. This will take a certain amount of time. There are still men and clerics in Afghanistan who believe that women are the property of their husbands.

Mrs. Shelly Glover: I understand that, and thank God I live in the most wonderful country in the world, Canada.

I'm fearful, particularly because of my police experience and the knowledge I have, that female police officers in Afghanistan are suffering retribution. We've had the death of a very renowned female police officer in Afghanistan. I'm concerned about the security measures that we're taking, not just as you've described in reactive situations, but in the proactive sense of security.

If we're hearing from police officers who are doing these investigations that there are women suffering retribution because of what has happened here, like the 300 women who stood up and said this is not right, are we investigating those? Are we just waiting for them to come to us, or are we actually seeking them out and helping them in some way?

The Chair: Can we have a really short response? We're over time here.

Go ahead.

Mr. Rémy M. Beauregard: I'll ask Razmik to answer that.

Mr. Razmik Panossian (Director, Policy, Programmes and Planning, Rights & Democracy): Thank you for the question.

Very briefly, the law-writing process in our project is an important part, but it's not the only part. The project also has the proactive element, where we actually go to the communities in the provinces in which we work, and we work with community leaders, be it security.... We work with religious leaders, with mullahs, training them on women's rights issues. As such, over the past two years we have actually trained nearly 14,000 people with respect to women's rights in their own communities, and this is in a country where the state is weak and police are not present everywhere. This kind of training is tremendously important, so that community leaders, men principally—religious leaders, mullahs—understand the whole concept of women's rights. This is a very important part of the project. Obviously, today's hearing is on the family law-writing element, but that's an element of the project that we're also working on.

The Chair: Thank you, Ms. Glover.

We'll go over to Mr. Harris to finish up this session.

Mr. Jack Harris: Thank you, Mr. Chairman.

Thank you for your presentation. I want to say that I too am an admirer of your organization and the work that has been done since its inception to advance the cause of human rights and democracy throughout the world.

I'm particularly happy to hear of the work you're doing to provide capacity to organizations within Afghanistan to themselves advance the cause of human rights and women's rights. I think that's obviously important. This has to be their project; it's their country. On the other hand, along with many others, I am completely disturbed at the process. It's great to help people enforce family laws and have courts, but if the laws themselves amount to being repressive or oppressive, that's obviously the heart of the problem.

You indicated some satisfaction with the process as it related to the marriage contract law, and I want to concentrate on that a little bit. This was the same committee, I take it—the drafting committee. You indicated in your statement that this committee was sort of a debating...or there was a debating group where debate was for eventual submission to Afghanistan's Parliament. Then there's the intervention of the Supreme Court. So what's the order of operation?

I understand there was some sort of compromise reached on the marriage contract, but not unanimity in the drafting. Then it went to the Supreme Court to make sure it complied with the constitution, then it went to the Parliament. Is that the process?

• (1240)

Mr. Rémy M. Beauregard: The task force at the time...now we call it the drafting committee. We called it the task force, but it was composed of similar people. They did have these negotiations about the text of the marriage contract.

What I know from the reports that I read is that the most contentious was about contractual divorce, but at some point they came to an agreement. They went to the Supreme Court to make sure that the Supreme Court would support a text like this—marriage contracts like this. The Supreme Court did, and the marriage contract is now in effect.

Mr. Jack Harris: But after that, it then went to the Parliament—

Mr. Rémy M. Beauregard: It probably went to the Parliament to become law, but I remember that a crucial part of it was that they needed to make sure that the Supreme Court would support this text. The Supreme Court was part of it and also had a representative on the committee.

Mr. Jack Harris: It seems to me that this is some sort of opinion of the court. In our lingo here, the opinion of the court is the acceptability or conformity of the law to the constitution. You say you don't know whether that then went to the Parliament for consideration.

Mr. Rémy M. Beauregard: It wasn't what I'm being told. A marriage contract was not a law. It's simply a legal document that was approved by the Supreme Court.

Mr. Jack Harris: So the question was whether or not the Supreme Court would enforce this contract.

Mr. Rémy M. Beauregard: Well, now the contract is being used across the country and even promoted by religious leaders.

Mr. Jack Harris: Okay. So this is a different. You assumed this was the same process, but I take it you assumed this was going to the Parliament at some point, did you?

Mr. Rémy M. Beauregard: Yes, of course. We expected that once the Ministry of Justice was satisfied that everything that needed to be done to have the Shia personal law had been done and it met all the requirements of the constitution and the convention on the rights of women, then they would draft the final text and that it would go to Parliament. There would be an open, public debate and the debate would take place in society, as we do here when a law is tabled. If people want to get involved and appear in front of committees, they can do so. That never happened.

Mr. Jack Harris: What I hear you say is that the...let's call it the mullahs' version or the clerics' version of the Shia family law is what ended up being signed without going through the debate process, with some minor adjustments—I gather, 10 adjustments. I see some aspects of this are extremely detailed in terms of the relationships between parents and children, women and men and grandparents, and people who are insane, etc., within families. I don't know if this has ever been codified before. Do you know? Can you tell us whether it was codified before this?

Mr. Rémy M. Beauregard: Well, there is a Sunni family law. There is a family law that was revised, the last time in 1977, but it's based on Sunni jurisprudence. When the constitution was negotiated, the Shia minority asked to have their own law, because right now they live under the Sunni family law.

Mr. Jack Harris: Once this came forward and your organization was involved in this process, didn't it seem to be an extremely controversial document and a political time bomb in the eyes of you yourselves and the international community, particularly with the involvement of the western governments in Afghanistan? Were you aware of that then?

● (1245)

Mr. Rémy M. Beauregard: The drafting committee was aware that the clerics were promoting some contentious articles in the law. That's why they were bringing forward their own version of what they thought would meet the Sharia law and the principle of Islam while respecting women's rights. So the drafting committee was in a sort of negotiation process. We were supporting them in that process, the same way as we supported the task force around the marriage contract.

Nobody expected that all of a sudden the version that the Ulema Council put forward would be the one signed by the President.

Mr. Jack Harris: When the council's version was on the table, you didn't advise anybody that this was potentially a significant political problem.

Mr. Rémy M. Beauregard: At that time, the drafting committee was in the process of negotiations with other elements in society. They felt this was going well enough that there was no need to make it public. We have to realize this was Afghan-led. We provided them with support, but this was their own law. I asked the committee if they were concerned. They said they were, but they were putting forward amendments and discussing those things; it was an ongoing process. All of a sudden the process finished, without their forming anything.

Mr. Jack Harris: They were blindsided too.

Mr. Rémy M. Beauregard: Yes.

Mr. Jack Harris: Do you have any confidence that this new version, whatever comes out, will go before the Parliament of Afghanistan before it becomes law?

Mr. Rémy M. Beauregard: We have the commitment of the President and of the Minister of Justice that the version of the law will meet these commitments, that the process will be open and transparent, that it's not going to be a one-time sort of affair. There will have to be many meetings and exchanges of views. These exchanges have taken place, and the Minister of Justice has met several times with civil society organizations, so that's what we are working on.

Mr. Jack Harris: That's not my question, though. Do you have confidence it will go before the Afghanistan Parliament before it becomes law?

The Chair: I'm sorry, we're out of time.

Mr. Jack Harris: It's a yes or no answer, Mr. Chair. I've asked you to let him answer.

The Chair: Can we get a yes or no answer?

Mr. Rémy M. Beauregard: The commitment is that it will go to the Parliament.

The Chair: There you are.

Gentlemen, I want to thank you very much for your time here.

[Proceedings continue in camera]

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