

Canadian Parliamentary Inquiry into Anti-Semitism.
Hearing 6: Civil Society-Institutes, NGOs and Faith Groups.

Tuesday, Dec 1/09.

Presentation of Alia Hogben on behalf of the Canadian Council of Muslim Women.

Good morning, and thank you for the opportunity to address this august Committee of Parliamentarians.

I assume that you have had an opportunity to review information about our organization, the Canadian Council of Muslim Women, as well as our submission of August 26/09?

Your staff kindly forwarded a list of possible questions which the panel may ask of us. I think these are a good start for our discussion today.

Before I address the questions, I want to state clearly that we are not speaking as Canadian Muslims, but rather that we raise these issues as concerned citizens of Canada and of the global community.

1. CCMW is asked to elaborate on our example of the U.N Resolution on "Combating Defamation of Religions."

CCMW raised this example because there are similarities between what you are trying to do and this resolution - substitute the word "states" in place of religions.

In March 2009, the U.N Human Rights Council passed a resolution urging the creation of laws in member states, to prevent criticism of religions and forms of belief. One of the major organizations which campaigned for this resolution was the OIC- Organization of Islamic Conference.

We appreciate the intent of this resolution, but we, an organization of believing Canadian Muslim women, along with a number of other organizations, object to this resolution.

For example, a joint declaration was released by the U.N Rapporteur on Freedom of Opinion and Expression, and the Organization for Security and Cooperation in Europe.

Their declaration states "The concept of defamation of religions does not accord with international standards regarding defamation, which refer to the protecting of the reputation of individuals, while religions, like all beliefs, cannot be said to have a reputation of their own."

Canada objected by stating that "It is individuals who have rights, not religions. Canada believes that to extend the notion of defamation beyond its proper scope would

jeopardize the fundamental right to freedom of expression, which includes religious subjects.”

The European Union spoke against the resolution as well. They said that defamation of religions is not a valid concept in human rights discourse ...” from a human rights perspective, members of religious or belief communities should not be viewed as parts of homogenous entities. International human rights law protects individuals rather than the religions as such.”

Those who objected shared the concern that this can lead to silencing and intimidating Human Rights defenders, religious minorities and other dissenters. It can restrict freedom of expression because any criticism of laws and customs based on religious texts will be seen as an attack against a religion.

2. The CCMW submission stated that due to the Canadian Charter of Rights and Freedoms, Canada has mechanisms to protect individuals from discrimination based on race, ethnicity, and religion. To have extra safeguards for a specific community is unfair and it would open the floodgates to other religious groups asking for similar protection.

The question being asked is “What happens when these rights are not protected even under the Charter?”

My question back to you is what rights do you think are not protected?

If there are gaps in our system of human rights’ protection, then is it not a task for politicians such as you to correct this?

Any gaps would affect all of us, and so why would we go beyond these to specific groups or minorities?

I will give you the example of our struggle against religious laws in family arbitration. As Muslim women and families we don’t see the practice of religious laws as part of our identity. What we wanted was the same rights and freedoms as our fellow Canadians, not special treatment for whatever reasons.

We did not want cultural relativistic arguments so should be treated differentially from other Canadian women.

3. The question asked is “Where would you draw the line between free speech and hateful or harmful speech?”

There is a line, and it has been drawn in Human Rights discourse, but this does not mean that there is general agreement, nor is it a closed topic.

I am no expert on defining various terms, but Sociology Professor Joanne Naiman differentiates between prejudice and discrimination. Prejudice includes attitudes of

dislike and hostility toward a group of people. This includes hateful speech. Discrimination is the denial of equal treatment or opportunities to these individuals, and this is harmful.

I add that propagating hate and inciting violence will affect my ability to practice my rights, and will curtail my opportunities for employment or housing or education. I would like protection from this hatred which would restrict my rights as a full citizen.

I have never believed that sticks and stones will break my bones but words will never hurt me.

4. What would CCMW's recommendations be regarding combating anti-Semitism in Canada while upholding the right to free speech?

Combating anti-Semitism in Canada is the same as combating any kind of prejudice and discrimination against any individual or group.

We strongly recommend that in fighting any prejudice and discrimination we should be inclusive, and not fragment Canadians by one aspect of their identities – whether it be religion, race or ethnicity.

Let me give you an example of freedom of speech or the spread of hate.

McLean's magazine published an article by Mark Steyn about the increase of Muslims in Europe and North America. It was a diatribe against Muslims and did fan hysteria and fear against Muslims

Was Steyn's article about freedom of speech or was it a speech which incited discrimination and affected the lives of Canadian Muslims? Did what Steyn wrote cause fear and make non-Muslims apprehensive of their Muslim neighbours?

For me what Steyn wrote and the conclusions he drew were hateful, his motives were suspect, but he had the right of freedom of speech.

I think one must assess the harm and hate effects on people, however I would err on the side of freedom of expression.

5. The final question is how does one distinguish between legitimate criticism of Israel and anti-Semitism?

Let us for an instance imagine that this committee was set up on the underlying assumption that any criticism of Saudi Arabia or Iran is Islamophobic.

What would this lead to? Does it not intimidate and silence any open discussion of those states?

Similarly, the London Declaration, on which the Committee is basing its work, states that “calls for the destruction of the State of Israel are inherently anti-Semitic”

I for one accept the existence of the state of Israel, however this statement does silence people, because no one wants to be targeted as being anti -Semitic.

There are many Jews, within Israel and in other parts of the world, who are critical of some of the policies and actions of the state. Is it fair to label them as SHIT –Self hating Israel threatening Jews, as MASADA does? Does this not silence some people?

There should be a distinction between legitimate criticism of an independent state in the international arena. Any state’s actions should be open to questions and challenges.

We have criticized the U.S government for its actions in Iraq, but this does not translate into any hatred of Americans as a people. Similarly, we have criticized Saudi Arabia or Iran but this does not in any way mean that we are anti Islam or anti Muslim.

Another example was the shunning by other states of South Africa because of its practice of apartheid, but this cannot be seen as encouraging anti white or anti African sentiments.

We have the example of Quebec which wants to secede, and this will certainly dramatically alter and jeopardize the very nation of Canada. But surely we don’t see this as a reason to decry the people of Quebec or to take action against the province?

I conclude with my own questions to you:

What was the rationale for the formation of such a high powered political committee to combat not all discrimination or prejudice but focused on anti-Semitism?

What are the next steps for this committee?

We all know this poem about hate and discrimination and the message that we cannot remain silent, because we may be next.

Martin Niemoller, a Protestant pastor wrote: [1892-1984]

“When the Nazis came for the communists,
I remained silent;
I was not a communist.

When they locked up the social democrats,
I remained silent;

I was not a social democrat.

When they came for the trade unionists,
I did not speak out;
I was not a trade unionist.

When they came for the Jews,
I remained silent;
I was not a Jew.

When they came for me,
There was no one left to speak out.”

Thank you for your attention and I look forward to our discussion.