

Defending the right to speak out against honour killings



In a court hearing scheduled to begin in September, the City of Edmonton will have to justify its silencing of a non-profit group that wants to promote gender equality and protect Canadian women and girls from honour killings.

Aqsa Parvez of Mississauga, Ont., was only 16 when she was strangled to death for refusing to wear a hijab. Her brother and father felt that she was dishonouring the family, so they killed her in her own home on Dec. 10, 2007. In a similar case, Mohammad Shafia's three daughters and ex-wife were found dead inside a car on June 30, 2009, in Kingston, Ont. Mohammad Shafia, his second wife and his son were found guilty of first-degree murder, after a much-publicized trial that exposed the abuse and fear the three daughters had experienced before their "honour killing."

So-called honour killings occur when a woman is considered to have sullied her family's honour through some sexual indiscretion, or perceived immodesty. Victims of honour killings die at the hands of their own family members. They are powerless and voiceless, unable to get help from those closest to them.

In October 2013, Edmonton Transit ran — and then pulled — bus ads showing photos of Aqsa Parvez and six other women. The ad stated, "Muslim Girls Honor Killed By Their Families," and continued, "Is your family threatening you? Is there a fatwa on your head? We can help: go to FightforFreedom.us."

In response to complaints, Edmonton Transit pulled the ads for being "anti-Islamic," and broke its contract with the non-profit American Freedom Defense Initiative, which paid for the ads. The non-profit's court action alleges that the municipal agency violated its charter-protected right to freedom of expression.

In a pretrial skirmish, Justice Donald Lee ordered the city to answer questions about a pro-Islamic ad that previously ran on Edmonton buses. That ad had stated, in part, "ISLAM The message of Abraham, Moses, Jesus and Muhammad" — an assertion sure to be offensive to some Jews and Christians. The city did not remove this pro-Islamic ad when it generated complaints. This is relevant because the Supreme Court has specifically

held that governments must be neutral and there is nothing neutral about permitting a pro-Islamic ad, while removing an ad deemed anti-Islamic.

As our Supreme Court has held, freedom of expression is fundamental to a free and democratic society. Free speech facilitates those who advocate for change, in the hope of improving their lives, or all of society. To be meaningful, expressive freedom must include the right to communicate controversial and unpopular messages.

In a free society, the public is expected to tolerate controversy. Freedom of expression cannot exist if people enjoy a "right" to be free from feeling offended by another person's opinions. Yet this is the "right" claimed by some Muslims, who would like to be spared the trouble of having to deal with those who would criticize their theology. The so-called "right" not to feel offended by another person's speech is a toxic cancer that is slowly killing our freedom and our democracy. In September, the court has an opportunity to confront this cancer and defeat it.

For Canada's democracy to function well, citizens must be able to fully exchange ideas and participate in public discourse. Prohibitions on expression, just because some may feel offended, only serve to further society's ills, instead of addressing problems and providing help for victims like Aqsa Parvez.

Calgary lawyer John Carpay is president of the Justice Centre for Constitutional Freedoms (jccf.ca), which represents the plaintiff in its court action against the City of Edmonton.