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—
Chair

The Honourable David Kilgour

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•(1300)

[English]

The Chair (Hon. David Kilgour (Edmonton—Mill Woods—Beaumont, Lib.)): Colleagues, I've been told I should mention that it was not very wise to set a meeting time that would collide with question period. I was going to say "stupid", but my colleague Diane has assured me I should not say "stupid"; it was an "error".

[Translation]

We will solve this problem: we will let Georges find a time that will be convenient to most members of our Sub-committee.

[English]

Is it okay if we count on Georges to find the time that is the least worst for everybody, a time other than this?

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Do you want some input on that one?

The Chair: Of course.

Mr. Stockwell Day: Isn't there actually a law from Westminster or something that says you can't meet the same day, or is that just a preferred protocol?

The Chair: What's the answer to that one, Georges?

The Clerk of the Committee (Mr. Georges Etoka): The rules have been set that the subcommittee will not meet when the main committee is meeting.

Mr. Stockwell Day: So that's an actual rule. That's fine.

The Chair: It's a rule or a practice?

The Clerk: The motion was adopted by the main committee.

Mr. Stockwell Day: Yes, but does it say on the same day or just coincidentally?

The Clerk: It means at the same time as the committee meeting.

Mr. Stockwell Day: Oh, so it could be the same day.

The Clerk: Yes, but not at the same time.

Mr. Stockwell Day: Well, obviously for me anything that conflicts with question period is not going to work. Foreign affairs committee times and Wednesday mornings don't work, and Monday and Friday mornings are not great. Other than that, go ahead.

The Chair: That's Georges' job.

Yes, Madame Bourgeois.

[Translation]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Chairman, in my background material...

[English]

The Chair: Sorry, we have to do a bit of a work plan. Can you stay till five minutes before two or do you have to go?

Mr. Stockwell Day: No, but I can come back in about fifteen minutes, if that helps you.

The Chair: Thank you.

[Translation]

I apologize, Madam. Again, it's my fault.

Ms. Diane Bourgeois: Attendance is sparse.

First of all, Mr. Chairman, I'll repeat what I said to you earlier, namely that I'm not comfortable being here while Question Period is taking place. This is precedent setting. I'll chalk this up to a simple oversight, but I would like us to make a clear determination as to when this committee meets.

Secondly, according to the information I have, in the past, subcommittees met between 5:30 p.m. and 7:30 p.m. I'd like us to explore that option.

Today, I suggest we only tackle the first item on the agenda, namely committee business, and that we meet with the witnesses, who are extremely important, at some other time. Why have we called in witnesses for today's meeting? Were you not aware that some people would be absent? Were you not informed?

The Chair: No, I had no idea.

Ms. Diane Bourgeois: Therefore, I think we should confine ourselves to the first item on the agenda, namely committee business.

[English]

The Chair: *D'accord.*

Mr. Bains, do you want to say something?

Mr. Navdeep Bains (Mississauga—Brampton South, Lib.): Yes, and I'll be very quick. I'm just echoing the same comments with respect to timing. Just give us a call and set a time that accommodates everybody. I'm pretty flexible.

The Chair: I think the least worst time is going to be 3:30 to 5:30 on Wednesdays.

Mr. Navdeep Bains: That sounds good for me.

[Translation]

The Chair: Is 3:30 p.m. a convenient time for you?

[English]

Mr. Navdeep Bains: If you can, just double-check with my staff. Just give them a quick call, and that shouldn't be a problem.

[Translation]

Ms. Diane Bourgeois: I'm fine with Wednesdays from 3:30 p.m. to 5:30 p.m. I even suggested we meet from 5:30 p.m. to 7:30 p.m.

The Chair: Fine then. That's diplomatic of our clerk.

[English]

Just before we go to point one, may I make a very short statement? The Government of Vietnam yesterday freed 8,400 prisoners, including five or six who were clearly prisoners of conscience or political prisoners. Three of your colleagues went to lobby the government—Senator Harb, Jim Abbott, and I—and it was a phenomenal experience.

Now, whether it was a coincidence....

[Translation]

It's possible that we made a difference, just as all of our colleagues do make a difference for someone.

Ms. Diane Bourgeois: In a similar vein, Mr. Chairman, did you happen to read yesterday's press release to the effect that the UN questioned whether a genocide had in fact taken place in Darfur? I don't know what we can do, but someone needs to set the record straight. As we well know, this position has been disparaged. Is there anything at all that Canada can do?

The Chair: Would you like to move a motion or something similar?

Ms. Diane Bourgeois: I'm not quite sure what the procedure is, as I've only attended a few committee meetings. Perhaps you and I could, with the help of the clerk, put questions, as a subcommittee, to some of the people who have already come here and explained the situation to us and see if there is anything Canada can do to denounce the UN's position. Can we in fact denounce the UN's position?

The Chair: We can. There's a meeting about Africa scheduled for 6 p.m. this evening in room 200.

Ms. Diane Bourgeois: About Africa?

• (1305)

The Chair: Yes, about Africa and democratization.

Ms. Diane Bourgeois: Because it's ludicrous.

The Chair: I totally agree with you.

Ms. Diane Bourgeois: The committee has already taken a stand on this issue.

The Chair: I realize that. You're entirely correct.

Ms. Diane Bourgeois: Can we take this matter to the main committee? Can we leave this in your hands and ask you to get back to us?

[English]

Mr. Marcus Pistor (Committee Researcher): There is, for example, Professor Errol Mendes from the University of Ottawa. He is an expert on human rights and an adviser on human rights to the Secretary-General of the United Nations. Rights and Democracy from Montreal would be another one. You could call witnesses if you wanted to organize a meeting.

[Translation]

If you want to hold a meeting on Darfur and on the UN's report, then you can always decide to do that.

Ms. Diane Bourgeois: If we agree to do nothing, then all of the witnesses who have testified before this committee...Even this committee will end up looking foolish, and we know that for a fact. I'd like to know the reason behind the UN's stand. Perhaps it's simply a mistake. Could that be the case?

The Chair: One of the problems, or so it seems, is that our special envoy to the Great Lakes region failed to denounce these events as being tantamount to a genocide. That envoy represents the Government of Canada, which brings me to the following question: how can we denounce a UN group when our own representative did not denounce the situation? Like you, I'm so concerned about this that I plan to...

Ms. Diane Bourgeois: Try to see if there's anything that we can do. In a similar vein, can we all agree that certain things are happening as we speak in Colombia?

The Chair: Yes. We will be hearing from witnesses on that subject.

Ms. Diane Bourgeois: You must realize that Canada is not standing firm on this matter. I'm not just saying this to be critical. As you yourself just said, in the case of Darfur, certain actions weren't taken. We've been handed the Ciudad Juarez file, but as a subcommittee, are there any small steps we can take in an attempt to come to a position of sorts on this issue? Can we hold in camera discussions, with only members and the clerk present, and decide what we, as a subcommittee, intend to do?

The Chair: For instance, is that a question that you could put to the witnesses today?

Ms. Diane Bourgeois: Pertaining to which subject?

The Chair: To the genocide in Darfur.

Ms. Diane Bourgeois: Yes, but is that on today's agenda? The topic is supposed to be international cooperation and the Canadian International Development Agency. The witnesses aren't here to specifically discuss the situation in Darfur and in Colombia.

The Chair: I'm fairly certain that Gerry Barr is the right person to whom you should be directing your question concerning Darfur. He will give you an honest answer. Since he is the CEO of the umbrella organization, why not direct your question to him?

Ms. Diane Bourgeois: Mr. Chairman, by answering me in this fashion, you've completely skirted my suggestion that we confine ourselves to the first agenda item and set aside the second item. How very like a politician.

The Chair: Thank you very much. We do not have a great deal of time.

[English]

Everyone has a copy of the work plan on future business. Does anyone have a major problem with anything shown here? Please don't nitpick. If there is something major, please mention it. But I don't think anybody should be nitpicking.

Mr. Bains, is there anything you'd like to say?

Mr. Navdeep Bains: With respect to the work plan? I'm taking a look at it. Just give me a moment, please.

The Chair: We're just looking at the work plan, Peter. If you want to make a comment, please do. At 1:30 we have our first witnesses.

Does anyone have any fundamental objection to any of this? Do you want to ask a question of our eminent researcher?

You don't mind if I give you a compliment, do you, Dr. Pistor?

Madame Bourgeois.

• (1310)

[Translation]

Ms. Diane Bourgeois: I don't have a problem with the work plan. However, I would like to add another item. At some point, we're going to discuss CIDA. I'd like the subcommittee to examine relations between CIDA and DND.

The Chair: Good Lord, after seven years of work in Africa...

I think we can begin now.

[English]

We have one of our other witnesses.

As a matter of fact, Mr. Broadbent is the one for whom we've been having all the problem finding a time when he can come to this committee meeting. Everyone else apparently can agree, but he's the hardest one to pin down to a time.

We hope you agree to 5:30. The clerk is going to call you about it to see if you'll agree.

[Translation]

Ms. Bourgeois has just asked a question about existing relations between CIDA and DND.

Ms. Diane Bourgeois: I was just wondering, Mr. Chairman, because as everyone well knows, our peacekeepers have ties with CIDA. DND is also planning to send in troops to various locations where CIDA personnel is already on duty. I'd like us to consider this matter so that once and for all, we understand the relationship, similarities and differences between CIDA and DND, in terms of the work they do and the monetary resources at their disposal.

The Chair: What do you mean by "monetary"?

Ms. Diane Bourgeois: I'm talking about monetary and financial resources. CIDA and DND have some financial ties. I'd like someone to clarify this relationship for the benefit of subcommittee members. It's a simple request, Mr. Chairman. I don't have any ulterior motives.

The Chair: Fine. I trust your request has been duly noted.

[English]

Do you want to speak to that?

Mr. Marcus Pistor: There are two parts to this work plan. What I would point out is, if the subcommittee decided to do a second study following the next four or five weeks on rights-based development, that is more directly related to the international policy statement that will come out in the next couple of weeks. This seems to be one of the centrepieces of it, from recent media reports. There was a report yesterday that the statement will focus in part on a sort of DART-plus approach to humanitarian or disaster relief efforts. It would look at that aspect of the link between DND and CIDA and Department of Foreign Affairs.

But concerning the organizational or financial links between the two, we could incorporate them, if that's what you wanted to do. The whole issue of a whole-of-government approach, of the horizontal integration or policy coherence between the different departments, is supposedly one of the main themes of the statement. Once we see what the government wants to do and says it is doing, you could address it in that context if you wanted to do so. I don't know.

[Translation]

The Chair: Are you fine with that, for the moment?

Ms. Diane Bourgeois: For the moment, but I'll revisit the matter.

[English]

The Chair: *J'en suis certain.*

Incidentally, Mr. Broadbent, your successor as the president of Rights and Democracy pointed out a little while ago that the full committee has recommended—unanimously, I gather—that there be a substantial increase in the budget for Rights and Democracy.

I wonder if somebody, perhaps you yourself, would like to move a motion that we might pass today, if the committee—

Hon. Ed Broadbent (Ottawa Centre, NDP): I'd be delighted, but following my learning that the full committee passed this motion unanimously and praised the centre for its excellent work as well—in that context—I have just written a letter to Mr. Pettigrew urging support for this. I acknowledge it might have sounded a bit self-serving and that I was less than totally objective in doing it.

But I'd be happy to move a motion here. I would hope we could get unanimous agreement. Maybe using the same words would be appropriate, given the excellent work that has been done recently.

Does it legally go by the full title now? Was that changed? It's called, appropriately and informally, Rights and Democracy, but I don't know if—

• (1315)

The Chair: I think they've changed their name officially.

Hon. Ed Broadbent: Good.

It may be appropriate that we follow suit with the full committee, given their work on human rights and democratic development. I move that we strongly urge the government to significantly increase its budget.

Is that what you were looking for?

The Chair: Yes. Does anybody wish to speak to that?

Mr. Peter Goldring (Edmonton East, CPC): I'm not sure whether this had been discussed before I came or not, or of the relevancy of it, but I believe possibly there should be some discussion with National Defence and CIDA about how they are interactive and interrelated. We particularly see this, although I don't see it on the agenda of upcoming issues, where there is discussion of an upcoming election for Haiti—for October or November, I believe. With the realization of what happened in Iraq and the strong need for a strong security presence—that's the Department of National Defence—of course CIDA would be involved in any electoral reform.

I would think that with something that is coming up and looming like this, it would be important to study that issue too.

The Chair: Thank you. Is there anything else?

Madame Bourgeois.

[Translation]

Ms. Diane Bourgeois: Mr. Chairman, prior to the Christmas recess, the subcommittee had passed a series of motions. Can you give us a status report? Have these motions been tabled to the main committee?

The Chair: That's a good question. Perhaps we could ask the clerk to give us an answer.

The Clerk: The three motions adopted by the subcommittee have been forwarded to the main committee. They must still be adopted by the main committee and then tabled in the House.

Ms. Diane Bourgeois: I was told that a problem had arisen and that the motions had not been submitted?

The Clerk: No, they have been submitted.

Ms. Diane Bourgeois: Thank you.

[English]

The Chair: We have our witnesses here. Maybe we could get into that.

Before we do, we'll deal with Mr. Broadbent's motion.

Hon. Ed Broadbent: I just wanted to add to the motion. There's been some concern among people who have been following the centre about this question of finances. It's now running on an annual budget that's less than it was five years ago, if I remember correctly. I know at every level in the centre, including that of the president of the centre now, there has been a willingness to expand, for example, into new areas. There's been some call and much discussion among senior people in the government, I believe, and in Department of Foreign Affairs about the centre perhaps expanding its principal work, which has been supporting the establishment of civil society organizations in developing countries and providing a lot of support for that in quite precarious circumstances.

Another kind of activity the centre has indulged in from time to time, but not in a big way, is election monitoring, which is a costly but increasingly important role, and Canada is particularly well suited for this. In cooperation, for example, with Elections Canada, the centre has done work.

I would just add an amendment, including it in my letter to the minister, that I have every reason to believe the centre would like to

expand its work beyond the concentration on civil society development and go right into election monitoring, but it's inconceivable to do that without an increase in budget. They don't have enough money to do what they're doing now. That's part of the problem.

There's been some discussion about even creating new agencies in this town to do some of that. Well, the mandate of the centre is broad enough—human rights and democratic development—that if it were given the resources to take on these bigger challenges, I'm sure it would do it.

The Chair: Is there anyone else who wishes to say something? Everyone has spoken except Ms. Torsney. Do you have something you'd like to say, Ms. Torsney? No.

Would the clerk then read the motion, and let's see if we can get unanimous consent, which we require to pass it.

• (1320)

The Clerk: The motion is: That this Committee follow suit with the full Committee on Foreign Affairs and International Trade and strongly urge the government to increase the funding to the International Centre for Human Rights and Democratic Development (Rights and Democracy).

Hon. Ed Broadbent: Well, given their good work, “substantially increase their budget”, I think, were the words they used—

The Chair: Yes, “substantially” was the word.

Hon. Ed Broadbent: Yes, “substantially”.

Mr. Navdeep Bains: I have just a short question. I have no issues with the motion; I just want to make sure I understand the procedure. Is there any advance notice we have to give before—

The Chair: There is, and in fact it's been a small miracle that up until now we've never had to go through the 24 hours' notice, or whatever it is.

Mr. Navdeep Bains: On a point of clarification, I have no objection to the motion. I am totally in agreement with it. I just want to make sure we set the ground rules before we proceed with this session.

The Chair: Okay, is there anybody with dissent?

Mr. Navdeep Bains: I want feedback from my colleagues on that.

Mr. Peter Goldring: I have a concern, too, along that line. Because we can't define how much is involved and what is involved, I certainly think this is an issue I would want to take to our party people to ask them what they—

The Chair: Your colleagues, sir, have passed it. All have voted for it in the full committee.

Mr. Peter Goldring: Have they? Oh, okay, I wasn't aware of that.

The Chair: That's what Mr. Roy assured me of about a half an hour ago.

Mr. Peter Goldring: Okay. Thank you.

The Chair: Can we agree?

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: Thank you very much. We're running 100% on our unanimous motions.

Shall we call, then, our distinguished witnesses? One of them is just finishing his coffee.

Hon. Paddy Torsney (Burlington, Lib.): While they're coming to the table, and on Mr. Bains' last intervention, could we really establish, as we move forward, that it's in the interest of all colleagues to be fair to people doing backup work and getting facts; that for all motions in the future we must have some time to deal with them? To create an expectation among witnesses that every time they come this committee is going to pass a motion is I think unfair. If we could all work on the new arrangement going forward when we have committees, I think it would serve us all well.

The Chair: If you'll turn to the back of your work plan sheet, just before we start with the witnesses, for weeks five and six there are three options at the back. Does anyone have any strong views on that?

Do we have to choose?

Mr. Marcus Pistor: Well, the first three case studies on the study on rights and development were chosen by the committee and proposed by members. The last two, for weeks five and six, are simply possibilities, Ethiopia being a case that is sometimes cited as a more integrated approach to poverty relief and bringing in human rights and institution building. China is an obvious critical or difficult case that comes into the media very often.

But there are other possibilities. We just need a decision at some point—it doesn't have to be today—on what, if any, additional cases the subcommittee wants to study, so that we can prepare a list of potential witnesses.

The Chair: Might I suggest that people who have thoughts on that could send their thoughts in by email. Would you mind? We have some time on that.

Mr. Marcus Pistor: Sure, okay.

The Chair: We have three—I'm not trying to flatter you—excellent witnesses: Mr. Barr, Ms. Vandergrift, and Carole Samdup. Thank you all for coming.

Please, the floor is yours.

Mr. Gerry Barr (President and Chief Executive Officer, Canadian Council for International Cooperation): Thank you, Mr. Chair. That's twice you've said excellent. I'm feeling the pressure now.

I'd very much like to thank the chair for the opportunity to participate in this timely briefing session on the meaning of rights-based approaches to development. It's an important moment, certainly, as Parliament reconvenes—a new year, a new session, with the international policy statement on the way. We are certainly heading toward a very significant period of public debate on foreign policy directions in Canada. This committee, I think, and the debate it sustains in Parliament through its work, can have an important role with respect to promoting an examination and propelling the place of human rights in Canadian foreign policy.

The central challenge, I think, with respect to rights and development is to ensure that it goes wide as a theme, that its relevance is appreciated in the context of Canada's many other pressing foreign policy interests and concerns. Human rights matter, of course, a lot for Canada's diplomatic role abroad, dealing with difficult country situations, as in Burma, Colombia, Mexico, China. They also matter as we approach trade deals and negotiate

investment rules, ensuring that these rules don't constrict the ability of other states to uphold their human rights obligations to their own citizens. They matter with respect to Canadian businesses abroad, as we try to ensure that our support for those businesses is consistent with Canadians' deeply held commitments to human rights. And they matter in a key way with respect to the approach we take in our aid program, with respect to poverty reduction rooted in a recognition that the women and men and children who are poor are also rights holders, citizens with claims to justice and equality and participation. Given that CIDA is also here today, and to provide focus, we ourselves are likely to discuss the implications of human rights approaches for development programming and policy mostly today, but I really want to be clear and suggest that insisting on the application of rights analysis across the foreign policy spectrum is really crucial.

There are some particular examples of things popping up on that spectrum. I know we're going to have time constraints here, but I'd like to suggest especially that the committee does set aside some time in the future for a consideration both of the question of trade and human rights and of militarized commerce. These are both terrains of key debate very likely to be important in the future.

• (1325)

[*Translation*]

As far as today's meeting is concerned, we'll begin with Carole Samdup who will give us an overview of the human rights-based approach to development. Kathy Vandergrift will then talk to us about the rights of children and the right to proper nutrition. I'll round out the discussion with some comments and conclusions.

[*English*]

The Chair: Ms. Samdup.

Ms. Carole Samdup (Programme Officer, Rights and Democracy (International Centre for Human Rights and Democratic Development)): Thank you. I would also like to express my thanks to the committee for offering this important opportunity to speak to you today about rights-based approaches for development. I would also like to thank CCIC for inviting me to sit with them on this panel.

The world is facing a development crisis despite numerous high-profile commitments, such as the Copenhagen summit almost 10 years ago, the millennium summit, the UN conference "Financing for Development", two world food summits, the Doha development agenda. Despite all of these, today 850 million people are hungry. More than a third of them are children. Some 2.7 billion people survive on less than \$2 a day. Forty per cent of the world is without basic sanitation. And yet the world is wealthier than it has ever been. Clearly, there is a problem moving our rhetoric into action.

When we speak of a rights framework for development, we are actually proposing a way to do that through the integration of norms, standards, and principles of the UN human rights system into the policy, planning, and process of development. The value-added of a rights framework is its legal nature. A rights-based approach to development assumes that there is an acknowledged duty-bearer, which is the government, having the responsibility to respect, protect, and fulfill the human rights of its citizens. These rights themselves are articulated in the various human rights treaties that are binding on the governments that have signed and ratified them, and they are widely ratified. These include civil and political rights, but also include economic, social, and cultural rights. In this vision the language of needs is replaced by the language of unfulfilled or denied rights. The concept of poor people seeking charity is discarded in favour of citizens claiming their rights. Aspirational goals become legal entitlements.

At the practical level, what does this actually mean? It means that development policies and programs would be governed by the five key principles that govern all human rights.

The first is non-discrimination, which requires the identification and targeting of vulnerable groups.

The second is participation in both the formulation of policies and the application of programs, and this would include freedom. The right to freedom of expression, the right to association, even the right to privacy would all be considered participation rights.

The third is the issue of transparency, the right to information. Citizens must have a full right to all information related to the development programming in their area and affecting them.

The fourth is accountability. A person or an institution must be responsible, and clearly responsible, for the impact of the development policy or program.

Finally, there is access to remedies. This refers to an available and effective recourse for violations, either through the courts or through other means.

Although there is no hierarchy among rights, there is a fundamental limitation on economic, social, and cultural rights that is not applied to civil and political, the fact that they are realized progressively and in consideration of the available resources of any specific state. Because economic, social, and cultural rights include the standard development indicators, such as health, education, food, the UN committee that monitors state compliance with the relevant covenant has issued an interpretation, or what's known as a general comment, that describes the nature of state obligations with regard to economic, social, and cultural rights. I have brought copies of that interpretation. There's no time to go through it, but you could perhaps table it at the end of this session.

• (1330)

The Chair: Do you want me to table that? Okay.

Ms. Carole Samdup: The committee has also issued a number of other interpretations or general comments that might be of interest to this committee. Specifically, they have a general comment on domestic application of the covenant, which covers the types of remedies that citizens could seek when their human rights were violated. There is also a series of general comments on specific

human rights and what the nature of their application may be. So there is a general comment on the right to food, one on education, one on health, etc. You may want to look up some of these. They are quite interesting, and they do elaborate on what is the actual content of economic, social, and cultural rights.

Finally, though, I think it is important, when considering a rights framework, to understand that it will not overcome every obstacle to development. Inequality, poverty, and conflict are rooted in a complex global system, as we all know. The UN system itself is weak. Unfortunately, it is more serious for a government to violate a trade rule than it is for it to violate a human right. Moreover, not all governments operate in the best interests of their citizens. In this era of globalization, there is actually a loss of sovereignty for national governments in making the economic decisions that affect development in their country. Also, many developing countries fear that human rights may actually be used as an additional condition with some of the other economic arrangements they are seeking.

Nevertheless, I believe a rights approach should be given serious consideration by the Government of Canada. My suggestion to this committee would be that further research be done in this area. Perhaps it could commission some pilot projects to be implemented with the cooperation of both development organizations and human rights groups. Again, another session such as this one today could address the emerging issue of extraterritorial obligations. This refers to the obligations of a government such as Canada towards human rights in other countries; so they would be obligations that cross borders. It may be analogous to the Prime Minister's vision of the responsibility to protect, but written in human rights terms. The UN special rapporteur on the right to food will actually have the subject of extraterritorial obligations as the main topic in his annual report to the Commission on Human Rights a couple of weeks from now.

To conclude, I want to remind you that according to the United Nations, approximately 15 people die of hunger each minute. In a world that produces more than enough food to feed itself, 90 people have starved to death during the time I've been speaking with you today. Human rights are not utopian ideals. They represent an international consensus and, as such, are an appropriate framework for development policy, one that might help us move our rhetoric into action.

• (1335)

The Chair: Thank you.

Madam Vandergrift.

Ms. Kathy Vandergrift (Director of Policy, World Vision Canada): Thank you very much.

I too see this committee having quite a strategic opportunity as we move toward the foreign policy review. I want to address my thoughts to the question of what value rights-based approaches add in development.

Certainly we find they put people at the very centre of development work, and they encourage holistic approaches. In fact, I would argue that human rights can be the missing link in Canada's search for an integrated international policy. Human rights link freedom from fear with defence, and freedom from want with development through diplomacy.

Rights-based approaches put a focus on governance, but from the perspective of the people being governed. So one immediate implication for Canada's current focus on good governance in our development programming would be more attention to civil society in bilateral programs that now encourage good governance through government departments. Governance is more than technical competence by departments; it is learning how to negotiate rights and responsibilities between peoples and their governing structures.

In development practice, rights-based approaches have benefits at three levels. At the community level, they put ownership of development in the hands of people—vulnerable groups come into focus. A rights-based approach, for example, might start with the millennium development goals of a 50% reduction in the number of hungry children, but it would not stop with the easiest to reach, because everyone has a right to food, not just the top 50%. We find that protection issues get more attention when human rights are a priority.

Rights and responsibilities—two sides of the same coin—add different kinds of questions to our analysis of development issues by asking why, and who is responsible. A rights-based approach links the immediate needs with structural causes and power relationships. It looks at all factors. Barriers to development come into focus when we ask questions based on human rights.

I would like to illustrate the difference a rights-based approach would make for current policy, with two examples. One is child rights at CIDA, and the other is the right to food and CIDA's agricultural policy.

Canada is proud to be a promoter of the rights of children. We hold up the Convention on the Rights of the Child as an ideal. It is one of the more thorough and holistic human rights instruments—a good one for this committee to look at. But it will remain little more than ideal unless a more rigorous approach is taken to implementation. Canada passed a national action plan for children that claims to be a child rights document, but it falls far short of that.

I'd like to focus, however, just on CIDA.

A few years ago, protection issues for children became a priority—child labourers, child soldiers, and sexually exploited children. They could no longer be ignored as development issues. So in CIDA's child protection strategy there is a strong commitment to use the Convention on the Rights of the Child as a framework, with an emphasis on participation, but only for protection issues, not for the rest of CIDA's agenda. Protection of rights cannot be effective without incorporating the rights of children into the main development tools of CIDA.

As you know, CIDA focuses on core countries through country development strategies that are based on poverty reduction strategies developed in the countries themselves. In many of these countries, youth under 18—which is the UN definition of children—are

between 40% and 60% of the population. What development plan can afford to ignore such a large portion of its population? The development will not be successful without considering the rights of children, yet it rarely gets attention beyond access to elementary education when it comes to these poverty reduction strategies.

I would suggest to you that CIDA's child protection policy, based on child rights, is up for review, so the committee's exploration is well timed to ask for a more robust approach at CIDA to the rights of children. The committee may wish to explore how you could apply child rights to core country strategies and to sectoral programs such as agriculture.

I think a proposal worth consideration would be a recommendation that every country strategy for CIDA core countries where youth are over 40% of the population include consideration from the perspective of child rights. This would be a practical first step, building on work already done.

● (1340)

Research done by a German NGO points out that only 5% of PRSPs, for example, address the issue of child labour. But without addressing why children are going to work, it's unlikely that the MDGs for education or poverty reduction are going to be met. CIDA decides to fund the education sector, but in order for that investment to succeed, we must also have a child rights approach integrated into those core strategies. Research done by World Vision illustrates that a child rights approach would help to ensure that education dollars are well spent, that education is relevant, and that it actually leads to poverty reduction. I brought a copy of a report looking at how the World Bank might encourage that. Unfortunately, it's only in English, but I can leave a copy with you.

The Chair: Is that on the World Bank's website? Could you give us the citation for the website?

Ms. Kathy Vandergrift: It's a World Vision report to the World Bank on how the World Bank could assist countries in ensuring the child's right to education.

With CIDA's agricultural policy, the child protection division looked at child labour in agriculture, but it did not look at a child's right to food. I would suggest to you that a child's right to food should be central to CIDA's agricultural policy if we are really serious about the rights of children.

What difference might that make? Rights-based approaches put the focus on governments, so it would focus on policies in the food area. Policies that respect the right to food would take into consideration local produce and its role in realizing the right to food. In Guyana, for example, imports of fruit juices displace local production, leaving people without income to buy other food. In many places there is a growing dependence on imported foods, without resources to buy nutritional quality. If the right to food were taken seriously, trade policy would give more serious consideration to providing countries with the tools to protect the right to food. Dare I go so far as to say that by refusing to consider these options, countries like Canada are in violation of their obligation to respect the right to food of vulnerable persons in developing countries?

Trade can make a significant contribution to the progressive realization of the right to food, as Carole mentioned. We also know it can contribute to regression. A rights-based approach helps to ensure the one and prevent the other. Carole already mentioned this concept of progressive realization in economic and social rights. I think it might be valuable for the committee to spend a session looking at it, because it answers some of the objections about rights-based approaches, that they build unreasonable expectations and so forth. I think the concept of progressive realization is a very important one for a developmental approach to human rights.

Without giving consideration to the right to food in CIDA's agricultural strategy and our agricultural trade policies, many of the programs we are funding will not be sustainable. This violates CIDA's own policy on sustainability. I think there is an opportunity with the new whole-of-government approach to policy. Canada claims to be a strong supporter of human rights, and CIDA is taking human rights more seriously. I think our challenge is to build on that.

With that in mind, I would suggest two immediate recommendations for this committee.

The first is that the extension of the child protection strategy become a genuine child rights policy at CIDA, with a more robust approach that looks at all aspects of the rights of children, not just protection issues for three specific categories of children.

The second is that CIDA's core country strategies for countries where children are a large portion of the population include specific strategies to help these countries fulfill their obligations under the Convention on the Rights of the Child, including the full range of rights, such as the right to food and the right to livelihood. Other human rights should also be taken into consideration in these core country strategies.

If we realize the rights of children, that will help to realize the rights of everyone. That's why I think it's perhaps a good place to start. And it would be a practical and important step to show that Canada is indeed serious about respect for human rights in its approach to development.

Thank you.

• (1345)

The Chair: Mr. Barr, the conclusion.

Mr. Gerry Barr: I'll try to be brief, Mr. Chair.

I'd like to conclude by pointing to two overarching policy initiatives in Canada's aid program that should be considered to cement the place of human rights in our approach.

The first is the need for a legislated mandate for the aid program. There are many pressures on the aid program to respond to many different objectives. To ensure the accountability of aid for its proper purpose, we need a legislative mandate for ODA to establish poverty eradication as aid's purpose, and one that sets that purpose in the context of a human rights-based approach to development.

The recommendation for a legislated mandate for aid is not a new one. It was promoted by the special joint committee reviewing Canadian foreign policy in 1994. Both the auditor and the Organisation for Economic Cooperation and Development have observed that there remains a need for clarity of purpose. At CIDA it's an idea with a lot of fans, and given the great interest Canadians have in recent days, shown in Canada's role as a humanitarian responder and an aid provider, it may be an idea on which all parties could now effectively collaborate.

The second is a civil society framework at CIDA. CCIC is advocating for the development of a CIDA-wide policy framework focusing on the agency's approaches to civil society as a catalyst and partner in the development process. Kathy Vandergrift has already underscored very effectively the key role played by civil society groups and with respect to good governance approaches. But good governance is frequently and wrongly reduced to elements of executive efficiency, reliable management of national skill projects, national security. These things are part of good governance, that's certainly the case, but many good governance policies related to those things may result in the poor having to pay for privatized water, growing inaccessibility of medical service, and extraction of profits from fragile southern economies. To be effectively used as a goal in development, the idea of good governance needs to be inextricably linked with citizens' participation and well-being.

CIDA's overarching 2002 policy on aid effectiveness acknowledged the importance for CIDA of an engaged civil society, but the acknowledgement did not roll forward to identify the roles and responsibilities of civil society actors. That's one of the things that needs doing now at CIDA. CIDA has done some good thinking on the strengthening of government institutions through program-based approaches. It has also come up with useful new policy thinking on the private sector. But all of this remains, in a sense, off balance without a concomitant reflection about the role of civil society actors, a kind of third stabilizing leg on the development stool. I'd certainly encourage the committee to send a letter or message to the minister supporting the development of an agency-wide framework on the role of civil society in development, one of the irreducibly important elements of building a human rights-based approach at the agency.

Thank you for this, and thanks for your indulgence. I know I've taken a bit more time.

[*Translation*]

The Chair: Thank you very much. You've given us a lot of information to digest.

[*English*]

There's lots of food for thought.

Mr. Goldring, I believe, is first.

Mr. Peter Goldring: Thank you, Mr. Chairman.

Thank you, Mr. Barr, and ladies, for your presentation.

Certainly it's well agreed that Canada has a very important role to play in this area internationally. Having come back from what I believe to be a very successful adventure in the Ukraine, where CIDA funds in the past have helped to develop that emerging democracy, we can actually see some concrete results. I think there was a general acceptance that it worked well from the assistance level. More and more around the world in other areas, we are seeing places that are not so well developed as democracies and that have other additional problems and difficulties too. Of course, there's no basic rule for all.

Ms. Vandergrift, you mentioned quite extensively that the beginning or incipient stage of help and assistance, I suppose, is for the child, because the child today will be the citizen of tomorrow. My real question is that in that very context I'm seemingly finding a great deal of difficulty here when we want to project our help and assistance onto a world or global level, where we seem to have difficulty getting beyond writing a basic rule book on it. The basic rule book on the rights of the child, I would suggest, should be coming from the United Nations Convention on the Rights of the Child, where it's very explicit in some 45 or 50 paragraphs and articles and various definitions.

But there's one in there that's hugely problematic, and I think it would absolutely make Canada look as if it were rather hypocritical, and that's article 38. Article 1 suggests you are a child if you are under the age of 18, but article 38, I believe it is, says very clearly, well, except that if you're over the age of 15 you can be conscripted into the military. Then, of course, conversely I suppose it really means that if you're a 12-year-old and you can hold an AK-47, you can be in the military too if you volunteer.

So we have a problematic rule book there in the United Nations Convention on the Rights of the Child. Through all of these years, I've seen no objections being filed by Canada on that very article to have it corrected and be more in line with what Canadians certainly feel for our military and what we certainly should be trying to project to other countries, because child soldiers are a very real problem. If we have this kind of support and recognition for an international standard we support, but which clearly allows for child soldiering, I find it hugely problematic and very hypocritical of us.

What can we do to change some of the basic rulings on this so that we can...[*Technical Difficulties—Editor*]?

●(1350)

Ms. Kathy Vandergrift: You've hit on my pet project of the last while, so we could spend a session on this.

Actually, the whole movement to prevent the involvement of children in armed conflict has, for the last five or six years now, been working on this. In fact, there is an optional protocol that raises the age of forced recruitment to 18. Many of us wanted to see the voluntary age also be at 18. There was a compromise struck; the voluntary age is at 16 and 17. When Canada passed legislation adopting the optional protocol, it in fact adopted the voluntary ages of 16 and 17.

But there is a significant worldwide movement dealing with children in armed conflict, and I'm pleased to say that Canada has provided some real leadership on that. The next debate on the issue at the Security Council will actually be at the end of this month. We have made significant progress on this dimension of the human security agenda, perhaps more than on any other. The last resolution asks the Security Council to take specific action in specific situations that we have brought to its attention. We're all waiting for the end of this month to see if the Security Council actually does so. They have the documentation in front of them, and a number of us in the civil society groups have engaged in monitoring to make sure they do have good information in front of them.

So there's a whole movement to address this question of child soldiers. Canada did sign the optional protocol. I think the onus now is to really to make sure the Security Council does follow through in the countries that have serious violations in this category.

Mr. Peter Goldring: But with that in mind, is there a movement under way to seriously object on the record if that proviso is not changed and not brought up to modern standards, I suppose you would say? Certainly from our own Canadian point of view, I find it rather abhorrent that for all of these years we have not stood up and said this officially.

Are we prepared to do it now if—

Ms. Kathy Vandergrift: Canada adopted the optional protocol. It is now incorporated into our National Defence Act. So the age for forced recruitment in Canada is 18, and Canada will not deploy anyone under the age of 18. But Canada does voluntarily recruit those who are 16 and 17. If you would like to raise that age to 18, you'd have a lot of support in civil society, but you wouldn't have support in some parts of the government. Canada does not deploy those under 18; it does recruit and train them but does not deploy them. There are conditions on that recruitment.

With the last report just last year, we did send a letter to Senator Pearson, who is the advocate for children, wanting to see a bit of review of some of those conditions that Canada uses when it recruits 16- and 17-year-olds. A few flags are going up for us.

●(1355)

[*Translation*]

The Chair: Ms. Bourgeois.

Ms. Diane Bourgeois: Good afternoon, ladies and gentlemen.

You've broached an extremely important issue, namely rights-based development. This brings to mind a number of timely questions.

As you stated earlier, Canada has a very important role to play. It negotiates trade agreements with countries that, according to what you're saying, are guilty of exploiting children. China and other countries such as Mexico fall into this category. Unless I'm mistaken, I also believe Canada recently signed an agreement to help Colombia. In that particular country, human rights, and not merely children's rights, are threatened.

We could also discuss Darfur where, if we are to believe a UN press release that we received yesterday, no genocide in fact occurred. I think you're in the best position to know that that is not an accurate statement.

Before you arrived, we were wondering what, as MPs, we could do. Since you work in the field and follow developments closely, what do you suggest we do, in as much as possible, to help Canada meet its rights-based development commitments?

Mr. Gerry Barr: Allow me to touch on this matter briefly.

First of all, I want to state clearly that it is critically important for Canada to be a staunch advocate for human rights in all regions of the world.

International development and cooperation workers want a bill which provides for international aid resources to target key objectives, namely international cooperation and aid. We're talking about eradicating poverty through targeted action that is respectful of human rights. We need to be mindful of these considerations when deciding on the approach to be taken.

Ms. Diane Bourgeois: So then, if I understand you correctly, you expect our committee to help you by drafting legislation. Is that correct?

Mr. Gerry Barr: If that's possible. We'd be delighted to see the subcommittee take this kind of initiative, as there is a tremendous need for this kind of legislation. For the past four decades or so, the government has been providing international aid, in the absence of legislation or a framework to clarify the goals. As we see it, it's not merely a matter of clarifying these goals. The government should also be accountable for its actions in this area.

• (1400)

Ms. Diane Bourgeois: Have you anything concrete in mind?

Mr. Gerry Barr: If we want MPs to play some kind of role in monitoring parliamentary accountability in the area of international aid, we need draft legislation to spell this out. In our opinion, transparency and accountability go hand in hand. We're not alone in wanting an initiative of this kind. We believe Canadians also want more accountability and greater transparency from government when it comes to spending money on international aid.

[*English*]

Ms. Carole Samdup: Specifically on the issue of China, I think this question of trade policy and human rights policy comes up in the area of coherence and what the actual coherence is between the two policies that Canada has actually put in place. To use a sort of outdated terminology, we used to say that human rights should be

mainstreamed throughout all the policy development that the government does, because the promotion and protection of human rights is the first responsibility of government. This is article 1 from the UN World Conference on Human Rights in Vienna in 1993: promotion and protection of human rights is the first responsibility of governments.

When it comes to a situation like China, for example, you see that the priority areas of trade promotion actually could contribute to development problems and human rights abuses. For example, there are two primary areas. One is communication technologies and another is resource extraction.

On resource extraction, I don't need to tell you all the problems there are with mining, especially in the western regions of China, which are the target and which are disputed territories, rife with human rights abuses and extremely poor. Yet this is a sector we are promoting in our relations with China.

On communications technology, Rights and Democracy has issued two separate reports, which you could get from our website, about the use of surveillance technology to curb democracy movements and to arrest human rights activists. Yet this is the very technology that we're promoting when we go on trade missions to China.

So it is this question of coherence between our various policies, I think, that comes into play.

When you observe a recent visit such as our Prime Minister's recent visit to China accompanied by 375 business people, how many human rights people were accompanying the Prime Minister on that visit? Was there even one person from the human rights division of the Department of Foreign Affairs on that tour—even one person? I don't think so—not that I am aware of. The human rights officer from the political desk at the Department of Foreign Affairs remained in Canada during that tour. Yet we all know there are serious human rights problems in China.

I think this question of coherence is very important and something the committee might try to address.

The Chair: Madam Vandergrift.

Ms. Kathy Vandergrift: You mentioned Colombia. Indeed, the issue of children in armed conflict is a very strong theme in Colombia, and CIDA certainly has some projects to help children affected by the war there. But there are other issues.

We have done a comprehensive watch list on children in armed conflict for Colombia that looks at the whole range of violations of the rights of children, which include things like exposure to chemicals from some of the activities engaged in in Colombia. I can make copies of that available if you are going to look at Colombia. I think human rights should be a very strong part of any Canadian policy in Colombia.

Some good things are happening. There has been some progress to stop the use of child soldiers on one side, but not on the other side. But the other violations of children's rights, which we think are equally as important as child soldiers, would merit a good examination of Colombia, and there is good documentation available.

In terms of trade agreements, I would highlight again the right to food. Canada plays a leading role in the agricultural trade negotiations. Many of us have engaged with officials on what is the linkage between the right to food and the positions Canada takes on agricultural trade at the WTO. I think that would make a very interesting discussion for this committee to pursue, and we would argue that the right to food should be central to Canada's negotiating position. It is not right now.

● (1405)

The Chair: Could you provide any of that material to the committee?

Ms. Kathy Vandergrift: Sure.

The Chair: Mr. Broadbent is next.

Hon. Ed Broadbent: Thank you.

I would like to join my colleagues in expressing my appreciation for this trio of presentations by old colleagues in a common cause. I liked in particular the suggestions that were made by Ms. Vandergrift on the specifics of CIDA policy.

I have two questions. One is quite specific and the other is more general. The specific picks up from where Carole Samdup left off a minute ago in terms of coherence in policy—say, vis-à-vis China, and looking at the resource development sector in which, she says correctly, there has been a lot of abuse of a whole variety of rights in terms of the Chinese government's total sanction and foreign corporations' total complicity in policies that have abused and continue to abuse a lot of ordinary working people.

My question on that specific one is whether, rather than our shutting down the door or saying there shouldn't be any Canadian participation in resource developments, there is some way of making that development compatible—with Canadian companies investing, whether it's in the mining sector or other resource sectors, and China complying with certain human rights or health and safety standards. Have you given some thought to how we could achieve that goal, either on a multilateral basis or, failing that, on our own?

Ms. Carole Samdup: I think this is a difficult question, one that I have pondered myself. There are many within civil society who would say no mining operation can be without human rights abuse. That would be one point of view. There would be others who say, well, as long as it creates jobs and it has a value-added, and sometimes you have to take the good with the bad, etc.

In a situation such as you find in China, these companies don't go in and have full control over their operations, because they're in joint ventures. They're normally 49% of the operation at most, so they don't have the final word. And they also are dealing in a context where there is no accountability, there is no transparency, there is no effective participation for civil society, there are no labour rights. So how, in fact, are you going to have a successful operation that protects human rights as it proceeds? This would be a very difficult thing to do in a country like China.

In another country you may have more opportunities to put necessary protections in place. But there may be some sectors in some countries that should be “no-go” sectors. And the way to determine what those sectors would be and which countries should

have them would be to have a process whereby you could assess the impact on human rights of the operations before they're undertaken.

In fact, the recommendation we have made to the Government of Canada is that they should actually assess the impact of the trade promotion sectors they select. They should look at, for instance, communication technologies and what the impact on human rights would be of promoting those technologies in a country such as China, before they actually go ahead and do it, instead of withdrawing after the violation has taken place.

This is an area for which we're looking at developing a methodology at Rights and Democracy. It's an ongoing project.

● (1410)

Hon. Ed Broadbent: To pursue that, one of the options, which I think you're aware of, that's being considered by some is to internationalize the Westray bill provision. We now have obligations, as of about a year ago, here in Canada to make people, up to and including of course senior management, susceptible to the requirements of the Criminal Code if they don't undertake to meet the health and safety requirements necessary for their workforce. We have a precedent regarding the sex trade in our Criminal Code, a law stopping adult sexual predators in Canada from going to.... I won't name any particular country, but if they're abroad and do this, then they can be charged in Canadian courts.

Do you think this approach, the Westray approach, applied to Canadian multinationals, could go some way to meeting concerns in a place like China?

Anyone can reply to this.

Ms. Kathy Vandergrift: I'll let Carole speak to China. She's more of an expert on that one. I would like to take what you're saying and relate it to another area.

I think one area for further investigation where there has been significant discussion is what kind of regime we can put in place, particularly for companies that are going into zones of conflict, as a place to start, because you cannot assume that national governments have good policies in place and the capability of enforcing those policies.

When we tried to actually look at what kind of policy framework Canada could adopt to deal with Canadian companies going into zones of conflict to make sure they do not violate basic human rights, we opted for one that would look at preventive modes first—screening early on, ahead of time. Work was done by Georgette Gagnon and Audrey Macklin at the U of T law school to develop that kind of framework, so we could try to prevent things as much as try to prosecute offenders at the end. One always wants to be able to do that, and we should have that option. I think if we can put in place the policy framework that includes a number of checks to prevent, it would be better for stopping the kinds of complicity in violations that result in horrendous situations for people abroad.

Hon. Ed Broadbent: I don't know how we are for time, but I'm not talking about conflict zones—

Ms. Kathy Vandergrift: I know, yes.

Hon. Ed Broadbent: —I'm talking about the general problem of globalization and going into developing nations.

Ms. Kathy Vandergrift: We were thinking that if we start in those countries where there isn't the question, as there otherwise is, of the country having its own laws.... In the case of conflict zones that issue doesn't appear.

The Chair: Mr. Barr.

Mr. Gerry Barr: I was just going to say very quickly that the attractiveness of the Westray thing is that it's a law in Canada. One could then argue that what's good for the fish is good for the fowl, and that you ought not to be willing to assert a certain standard in Canada that you're unwilling to assert with respect to Canadian actors when they just happen to be elsewhere. That has an intuitive power to it that's important.

It also looks at the issue of industrial health and safety, which is surely to goodness one of the imperative terrains. If the use of child sex workers is an area of imperative moral concern, this is also an area of imperative moral concern.

I would say that this then bridges to the kind of thing my colleague was just speaking about, the issue of Canadian corporations working in complex emergencies or in conflict zones. With the same reasoning, one might say if one can't do the whole package, one could at least get to the commanding depths, as it were, of this problem area and address the role of Canadian corporations to the extent that they may inadvertently or advertently intensify circumstances of conflict, or contribute to the intensification of conflict and the abuse of human rights in some places. There are lots of examples of this, of course, but just to say I'm attracted by this idea of going into the area of complex emergencies and Canadian corporation performance in those areas.

• (1415)

Ms. Carole Samdup: I think of course that the primary locale where human rights are implemented and protected is at the national level, so in a human rights theory it would be the country where the violation took place that should assume responsibility for holding the violator accountable.

Hon. Ed Broadbent: Yes, but they don't. That's the whole point.

Ms. Carole Samdup: They don't. So in a situation where we're doing business with non-democratic states, for example, and violations take place and the national government doesn't care, then the process that you are proposing would kick in in theory and would try to prevent in advance by scaring people into behaving properly. On the other hand, you may see a lot of head offices moving out of Canada.

Of course I think it's a very good idea to hold people accountable. It's one of the basic principles that govern human rights, and the UN is in fact at this moment drafting norms for transnational corporations to govern their operations. But the Government of Canada is not supporting those norms, not supporting that process at the Commission on Human Rights, so this is again another area that perhaps this committee could pursue.

The Chair: Thank you. I think we should call our report "Coherence", after today.

Yes, Ms. Torsney.

Hon. Paddy Torsney: Thank you. I have just a couple of things on the previous discussion.

Obviously the extraterritorial application of Canadian law is an interesting area and it's been used in pretty narrow circumstances—partly when there's been international agreement. In terms of the sexual exploitation of a child outside of our borders, it's not just exploitation for commercial purposes, but any sexual exploitation of a child can be prosecuted. I think that's important for people to understand. There was a world agreement about it. Obviously it was protection of children, and that allowed us to be one of the first countries to move that legislation and pass it.

Sadly, I'm not sure we've had any convictions. I wish it weren't happening, but we all know that it is.

I guess I wanted to hear some specific examples of how some of the things you're advocating could be implemented. For instance, in the development of civil society, I saw a project in South Africa where the mining groups from Canada were explaining how to do a whole consultation process, taking South Africans through an environmental assessment and community development and making sure it was the best project. That's a proactive form of making sure that when they are adopting new policies within their economy, it is to a very high standard. I think many Canadians would be surprised at how successful that can be.

In terms of some of the things you're talking about, Ms. Vandergrift, could you think of a project whose implementation would be different if it were a rights-based project when it came to child protection—a really concrete example instead of the concepts? What would it mean on the ground for people?

Ms. Kathy Vandergrift: The current child protection policy does operate within a child rights framework, so in fact those projects do look at the rights of children. What I'm suggesting is that a logical next step for CIDA would be to extend this child rights approach into other areas of CIDA's work, such as PRSPs. For me, one start would be to make sure that in core countries where Canada is working, child labour is really seriously addressed in those PRSPs, as well as child livelihood issues.

Hon. Paddy Torsney: Excuse me, PRSPs may not work in translation.

Ms. Kathy Vandergrift: I'm sorry, it's the poverty reduction strategy papers.

They are CIDA's core country strategies, because then you move beyond a little project here. CIDA does some very good small projects in child rights here and there, teaching communities their rights and so on. Those are all excellent. But until we take a more robust approach and actually make sure that the main tools of CIDA's development also look at these issues, I think we have limited impact, and sometimes unintended consequences, actually. I think that's a really crucial one.

For example, CIDA has a major program in Ethiopia, and when we were in discussion with CIDA about that country framework, we asked the question whether they were looking particularly at the large population under 18 in Ethiopia who have come out of a war not very long ago and have specific needs. We think that should be incorporated into the country strategy for Ethiopia, very clearly. Then I think you'd take child rights to a more meaningful level.

• (1420)

Hon. Paddy Torsney: I think that is a good example. I think the other challenge is that when we work with many of these countries we ask them to identify what their priorities are, because we're trying to help them develop. But I guess it's a bit of a push-pull in some cases, that we could be advancing those issues.

Ms. Kathy Vandergrift: May I answer that one?

This is why I think child rights is such an attractive starter, because almost all countries have signed on to the Convention on the Rights of the Child—with the exception of two. All countries signed on to "A World Fit for Children" in 2001, which addressed some of these issues, and they're doing national action plans. So I would argue there is common ground here between developing and developed countries. I think that's a real plus for starting with that one. And the Convention on the Rights of the Child is a very holistic document. If you look at it, it deals with all aspects.

The Chair: Ms. Samdup.

Ms. Carole Samdup: Maybe I can offer another example. At the end of the week I'll be travelling to Malawi. In Malawi they have, of course, all the problems of poverty. What they have begun is a process at the village level where they've done human rights training and had discussions about what it would mean to realize your rights in your community. They have gone from village to village with this module. They've moved it up to the district level, with representatives from the village process, and on up to the provincial, and now at the national level.

Now they are at the stage where these people from the villages will be meeting with their parliamentarians in the capital city next week to discuss an actual proposal for legislation on the right to food, which would go through Parliament. The government would then be accountable for all the components of that legislation that deal with land rights, equality of men and women, and these types of things, based on a recent document that was negotiated by governments at the FAO, the Food and Agriculture Organization.

If that were to go through, and CIDA, for example, were to go in with its agricultural policy, it would have to comply with the national legislation. This would be an example of where human rights are used to mould the direction of a development policy.

The Chair: We have a few more minutes.

If I may, before you came into the meeting we were discussing Darfur, and I wondered if any of you would like to comment on the finding today by the UN agency that it's not a genocide, or on any other aspect of Darfur in terms of our agenda.

Ms. Kathy Vandergrift: World Vision, the agency I represent, works in Darfur, and that means we need to be exceedingly careful as to what we can say. Reports last week indicate also increasing harassment of humanitarian workers again, so I need to preface

anything with that remark. New rules are dragged out daily. It's a very difficult operating circumstance.

I guess what I would generally indicate is that whether it is genocide or not, there is wide recognition that crimes against humanity have happened here, and the remedies and the processes need to be the same.

I'm a little concerned. I don't want to diminish the importance of that declaration, but there's a lot of room for doing things in Darfur short of that, and we are very concerned the situation is deteriorating. It needs to be addressed. In fact, we have a draft letter going to the Prime Minister from all the agencies you met with asking for much more concerted action behind the African Union, much more pressure to get them back to the Abuja peace talks. We do need to resolve that situation and support the peace process in south Sudan so we don't see that situation deteriorate while we are addressing Darfur.

So I think there is lots of room to act, with respect for the importance of that debate, and my reluctance publicly right now to—

• (1425)

The Chair: Mr. Barr.

Mr. Gerry Barr: Looking at Darfur, there is no question that the right of assistance, to the extent that it now exists in international law, ought to be in full play—the responsibility to protect. Those of us who are interested in that emerging doctrine and in the way in which nation states are showing some responsiveness to the idea that there is a responsibility to engage in complex circumstances where civilians and citizens are being abused and where it's clear that's not going to come to any early end.... I think here is an example that looks for a response.

I understand Canada is being supportive in New York on this file, and to the extent that Canada can support robust and coherent initiatives in the direction of strengthening the role of the African Union, I would be very supportive.

The Chair: Mr. Broadbent, you have the last word. You have two minutes.

Hon. Ed Broadbent: It's a different subject, but I would like a quick answer, because of the time you set, to a complex issue. It is about the mandate of CIDA.

One of the things I played around with in my own thinking some time ago was problems we have had with CIDA, the problems of having tied aid, problems of not having development policies related to rights, etc. One way of dealing with this may be, to get it away from the day-to-day operations of politicians of whatever party acting in their own self-interest, to create a nice, big, super crown corporation and give CIDA the mandate to implement the covenants on political, civil, social, economic, and cultural rights, full stop. That would be CIDA's mandate. It would have a board of directors, accountable of course to some ministry, and be given a big budget. In the meantime everybody, opposition politicians and government politicians, should keep their hands off. They have this mandate, which is an international mandate, to act, in short, in the interests of the developing countries in this context and not maximize Canadian benefits, and you have the whole family of rights.

Is there any quick response to that?

Mr. Gerry Barr: I would say that all the things you have characterized as being problems with respect to CIDA could be resolved by aid legislation that makes clear the purpose of aid and sets out the preference for an approach based on a human rights optic. Rather than not have politicians mixed in, I would want to have politicians mixed in, with regular parliamentary oversight of CIDA's spending and clear and transparent reports, not only to Parliament but to the population, to citizens who need such reports. Canadians are very supportive of Canada's aid spending, but they have grave questions at the same time. They have grave questions about the efficacy of Canada's spending. A lot of this could be laid to rest with good, clear, regular reporting, with good parliamentary oversight, with great clarity of purpose written into legislation for aid spending, which would guard against the sort of short-term divergence you are speaking about. Every time a donor has an enthusiasm, a new direction is invented, that kind of thing. If there were a legislative framework, it would be a sovereign cure for that.

The Chair: If I may, Mr. Broadbent, I was in Vietnam last week, and the OzAid people there were telling me that a third of their aid goes through NGOs. Do any of you have a comment on that?

Mr. Gerry Barr: CIDA works in important ways with Canadian NGOs and other NGOs internationally and ought to continue to do that. NGOs may be a terrifically suitable channel; they may not always be the most suitable channel.

The key question, I think, in the value that NGOs bring to bear is this connection in the civil society area, bridges between north and south civil society, a kind of sensitivity to the framework in which partner organizations in the south have to work, some measure of accompaniment that increases the political space in some southern economies and some economies in the developing world for civil society partners. All of this is enormously valuable, priceless really, in mobilizing the resources of citizens' organizations in developing country economies. Also, it is a very important bridge, of course, for Canadians themselves, who see Canadian NGOs as a point of connection to all this work in a very important way and a place where they can provide their support. As you have seen in the last few months, they have done an enormous amount of that.

•(1430)

The Chair: Thank you.

I guess we're out of time. Thank you all very much for coming. What you've said to us has been extremely helpful.

•(1431)

(Pause)

•(1433)

The Chair: We're honoured to have with us Naresh Singh, the director general of governance and social policy,

[*Translation*]

from CIDA.

You have the floor.

Mr. Naresh Singh (Director General, Governance and Social Development Policy, Canadian International Development Agency): Thank you very much, Mr. Chairman.

[*English*]

Mr. Chairman, I'm very pleased to be here today speaking before a parliamentary subcommittee that has been created to focus entirely on human rights and international development.

[*Translation*]

The mere existence of this committee, and the fact that it is a subcommittee of the Standing Committee on Foreign Affairs and International Trade, illustrates the extent to which human rights and development issues are an integral part of Canada's overall approach to the world.

I have been asked here today to speak specifically about the human-rights based approach to development and will therefore focus my remarks on this very important aspect of CIDA's work.

•(1435)

[*English*]

I'll begin my remarks with a brief historical overview of the relationship between human rights and international development and then outline what is generally meant by a human rights-based approach to development. I'll conclude with some of the challenges that Canada and other countries face in promoting such an approach. I will then be pleased to answer any questions committee members may have.

[*Translation*]

Until relatively recently, international development and human rights evolved in parallel but separate paths, in concept and in action. In the decades after World War II, development theories — mainly developed by economists — grew out of the decolonization process and were focused on economic growth, while leaving aside the related social aspects. Human rights emerged with the elaboration of norms and rules, and the discourse was led mainly by jurists. The two are now converging and the divide between the human development agenda and the human rights agenda is narrowing, such that they are increasingly understood as complementary.

[English]

The women's and children's empowerment movements in the 1980s also contributed to the emergence of a human rights-based approach to development. At the same time, there was a growing recognition within the international community that poverty was not simply the outcome of income deprivation, but that it was also related to broader social, cultural, and political contexts. As a result, development policies started to become more multidisciplinary, open to social concerns, and engaged in supporting human rights, good governance, and democratization.

So today what exactly do we mean when we refer to a human rights-based approach to development? While there is no universally agreed definition, there are some key features of such an approach. They include the fulfillment of human rights as an objective of development and a means to achieving development goals; a holistic approach, as our previous witnesses have said, that connects aspects of people's lives, such as health outcomes, educational achievement, or full citizenship; the accountability of states and other duty bearers; a direct link between programming and the international human rights framework; the integration of principles underlying international human rights instruments into all development policy and programming, such as non-discrimination and participation; and a move from charity to empowerment, or perhaps self-empowerment, sometimes described as a move from a needs-based approach to a rights-based approach.

To encapsulate all of this, a human rights-based approach seeks to implement the standards and principles of established international human rights instruments in order to enhance development cooperation, policy, and programming in all sectors.

What are some of the challenges we face in the international community? As we move toward rights-based approaches, we are faced with challenges and opportunities, and some very difficult questions. For example, how can we measure the extent to which the theory translates into practice? What kind of methodology should be used to determine concrete results of a human rights-based approach? How can the international community work together effectively to develop these research and analysis tools and learn from one another's experience?

[Translation]

What is the right balance between principle and pragmatism? How can we ensure that human rights-based approaches are implemented in a reasonable and sustainable way, taking into account country-specific challenges and recognizing that incremental approaches may sometimes achieve greater long-term results?

What can we do to foster more informed and constructive dialogue on these issues? This is particularly challenging, since the "rights" language is often used too broadly, rather than referring specifically to legally binding instruments.

[English]

As Canada and other countries work together on these and other challenges, the guiding principle behind our work is that respect for human rights is not only a laudable objective in its own right, but it is also essential for the longer-term sustainability of societies. As we encourage other countries to focus more on human rights approaches

to development, we must ensure that our own institutions and practices continue to reflect the importance we place on human rights as the cornerstone of a prosperous and harmonious society.

Mr. Chair, I would be pleased to take any questions committee members may have, but if you would permit, I am tempted to make a comment or two on some of the statements made earlier.

● (1440)

The Chair: You can do that at the end, if you don't mind.

Mr. Naresh Singh: It's not a problem.

The Chair: Thank you.

Mr. Goldring.

Mr. Peter Goldring: Thank you, Mr. Chair.

Thank you for your presentation, Dr. Singh.

Dr. Singh, you had mentioned in one of the closing articles that rights language is often used too broadly, rather than referring specifically to legally binding instruments. From previous discussions that we had, it seems to me there was discussion on rights and specifically on resource development and mining.

One of the concerns in a suggestion that was made was that perhaps all mining might be detrimental to the human person or being, but certainly some mining that has been done is clearly in violation of many people's individual human rights, as we see them. How do you control this, and what does it mean to have control of it? How do you legally bind people to implement rights standards?

Some of the suggestions seem to vary from having an impact on or, I suppose, strong-arming our own mining people who are going into these areas to do the right thing, but that, of course, puts them up against all kinds of other competition and other things that are going on.

One of the things, by reverse, that wasn't mentioned is there are many who suggest that parts of Canada have strong human rights concerns and issues. All we have to do is go to our aboriginal communities and our inner-city poverty areas, where there are hungry people in this country, there are poor people in this country, and there are disadvantaged people. Without a clear delineation of legally binding instruments and of how to control rights in other countries until we solve that problem, are we not putting ourselves into kind of a box in the corner? Other countries could very well come back on Canada and try to instill, enforce, bind, or whatever, Canada to clean up its act in certain areas too. Is that not one of the difficulties here?

If we can recognize that as a real problem, would our efforts not be properly directed into somehow coming up with some internationally approved standards and ways to bind countries individually, backward and forward, but keeping fully in mind that it also affects us here in Canada with our own disadvantaged populations?

The Chair: Dr. Singh.

Mr. Naresh Singh: Thank you, Mr. Chairman.

There are multiples levels, I believe, to answer this question in an effective way. I might say that the classic statement in international development that one size does not fit all truly applies here. How might we approach this pragmatically?

For those countries that we call, if you like, good performers, where there is good governance and respect for human rights and so on, we have what we call the Monterey Consensus, an agreement between donors and those developing countries that we will behave or we will provide aid and development programming in a certain way.

In those countries, the approach that CIDA and the Government of Canada will take is to strengthen the local-level authorities, the national-level authorities within those countries, to be able to manage the extractive industries operating there, whether they are registered in Canada or elsewhere. Of course, as you discussed in the previous section, the challenge is when you have difficult partners in which it is not so clear that human rights are respected, it's dubious, and the institutions are not present. Then what do we do? That's a difficult one.

With all these failing countries and challenging institutions, our first line of attack...or maybe I shouldn't use that word. Our first line of cooperation would indeed be to begin to build the capacities of these institutions to do things differently, to engage in political dialogue at the highest level, to try to nudge countries to begin to do things differently, and then to move on to get them to do the same things as the so-called good performers would have done.

But there are two others aspects to your question, I believe. One is the idea or the challenge of using human rights in too broad a sense. The issue is that sometimes a human rights-based approach might not add value to good development practice. We need to identify where it would in fact have clear value, because if we try to apply it everywhere, it might lose the unique value that it has in specific conditions. That's the point we wanted to make clear. I think the world is realizing more and more that a *carte blanche* kind of universal approach to human rights in all development situations would reduce its power.

The final point about Canada is this. Sometimes we hear in our development community the question, why is it that Canada is not stronger on human rights in country A or country B? The challenge there is that in many cases we don't hold our own institutions to those standards at home. Then, of course, it's very difficult. Canada is not yet at that level of implementing human rights.

For example, in a recent Supreme Court ruling, the Government of Canada is not obliged to pay for certain kinds of surgery for children. It's not universal health care, in that sense, and we might not want to hold other countries to it.

● (1445)

The Chair: Thank you.

Ms. Bourgeois.

[*Translation*]

Ms. Diane Bourgeois: Thank you, Mr. Chairman.

Dr. Singh, I have a comment and then a question. In your speaking points that were distributed to members, you stated the following:

there was growing recognition within the international community that poverty is not simply the outcome of income deprivation, but that it is also related to broader social, cultural and political contexts.

I'll begin with my question. In light of what's happening in China, ongoing repression, the Falun Gong movement and so forth, I'd like you to explain to me how it is that Canada — and we heard this from the Minister herself, Aileen Carroll — is planning to step up its involvement in this country. That was the question I had.

I appreciate the work CIDA personnel are doing. My colleague and I had the opportunity — at least it was an opportunity for me — to travel together to Ouagadougou and to Kenya. We saw first hand the marvellous initiatives that CIDA is undertaking. CIDA is doing exceptional work. However, repression is not really a problem in these regions. There may be some repression, but there are no obvious signs.

Canada has said that it will carry out international development projects in countries that have sound records when it comes to good governance. This principle is one of the five conditions for international development. Yet, the Canadian government is poised to undertake some development initiatives in Colombia and there is even talk of signing an agreement with this country. Canada is turning a blind eye to certain realities, namely the fact that Colombia country has a poor record when it comes to good governance, and that a civil war is raging.

As far as commenting goes, I won't mince words. However, I have to say that the opening was there for me.

Certain NAFTA chapters are currently being negotiated, specifically chapter 5 once again. The issue of globalization is also on the table. We've heard that Canada has not been able to protect the rights of Canadians at the bargaining table. If that's true, then how is it to protect human rights in other countries when it cannot protect our country's workers, families and children during the course of Chapter 5 negotiations? As far as shielding our children from poverty, what should we make of the fact that in 1989, the House of Commons passed a unanimous resolution calling for a war on poverty in Canada?

This concludes my comments and questions.

● (1450)

[*English*]

The Chair: Thank you.

[*Translation*]

Mr. Broadbent and Ms. Torsney also plan to ask some questions. Could you keep your response fairly brief, please?

[English]

Mr. Naresh Singh: Okay.

On China and countries similar to China, there is a question of how we engage both with good governance and with poverty reduction. I made the point about poverty being much more than just income deprivation, and the international development community has come more and more to recognize and to conclude that aspects of freedom in all its forms, dignity of the human being and other essential capabilities and functionings, are just as important as income. There might be cases in which you have low incomes, yet high levels of other achievements in human capabilities; Kerala is an example of where this has occurred. Or in many places you can have high incomes, yet have low human capabilities. That is why we seek to do both.

As our minister recently mentioned, one of the important reasons you need good governance in a country like China and one of the reasons Canada is remaining engaged is that unless you have good governance at all levels, the distribution of any wealth in that country might not be effective, and a lot of the capabilities, functionings, access to health care and education would not be as effective as they could be, even if the economic pie of that country is growing.

With Colombia and other countries you mentioned, to relate that quickly to child poverty, Canada among its peers, among other donor countries, is considered the leader. In fact, that is our most celebrated area, the area of child rights. It's not that we are doing a good job, but compared to what others are doing, we are ahead. Maybe this committee will conclude that the world needs to go much further than it is, but that's what our peers tell us. We recognize that a lot of the things that were said here do mean that we need much more improvement. We accept that, and we have a long way to go.

The Chair: Mr. Broadbent.

Hon. Ed Broadbent: I have a couple of questions.

I was surprised to hear you say there are certain circumstances under which it may be more appropriate for development to ignore human rights. So I'd be interested if you'd give me a couple of examples where you think it would be appropriate to go around human rights requirements.

Second, it goes back to the testimony that one of our earlier witnesses presented about Canada's approach to the global compact for corporate behaviour. There are some countries who are arguing that certain standards of behaviour by corporations ought to be obligatory and that we should develop an international law for this. Canada's position has been, no, they should be voluntary standards.

Just to load my question a bit, we don't voluntarily drive on the right-hand side of the road or we don't say to companies, "Yes, you have the right to pollute if you want to", or "We'll let you do that optionally", or we don't say to companies in Canada, "You have the choice to recognize freedom of association or not".

Why should we not be supporting global, enforceable standards on corporations in these matters?

Mr. Naresh Singh: Let me take the first one first.

I did not intend at all to say that we will support development that ignores human rights. What I was trying to say was that depending

on the language and the emphasis you use, you might not need to use human rights language and yet still do good development practice that is inclusive and participatory, using self-empowerment models, because when one takes a human development approach, many of these are already present, and you might not even need to invoke the covenants to achieve those outcomes.

If you don't need to and you can achieve the outcomes, one might do so—and that's what I was saying. When we try to tell all countries that all of our development programming is based upon human rights approaches, we might in fact not achieve much more. There is a lot of questioning by people: "If I have good development practices already, what is the added value of the human rights?" You get engaged in debate that is not necessarily productive. That's the point I was making; it's not that we would ignore...or say that we would adopt an approach that was not consistent. It would remain so, but the optic, the image, the language you use sometimes might be equally useful when you're getting to an entry point.

On the question of voluntary standards, I have to admit that I am not an expert on that, but just suffice it to say that we are engaged at the OECD-DAC level with an initiative called the extractive industries transparency initiative. So together as donors we might begin to have more force in nudging countries to move forward in a diplomatic way, rather than trying to develop and impose standards at this stage.

• (1455)

The Chair: Do you have another question? We have two minutes left, and Madam Torsney has given up her right to ask questions.

Hon. Paddy Torsney: May I answer that one.

So an assumption is that if they got an international agreement at that level, Canada would be in a much better situation to implement our own legislation that would extend it extraterritorially. Correct?

Mr. Naresh Singh: I would imagine so, yes.

Hon. Ed Broadbent: Well, why aren't we pushing for it, for more enforceable standards?

Hon. Paddy Torsney: We are, through that committee; that was the point.

Mr. Naresh Singh: We are working towards that goal through this committee. Yes, that's what I was trying to say, through the—

Hon. Ed Broadbent: To establish a set of standards that will be globally enforceable?

Mr. Naresh Singh: Well, that is our goal. Whether it's achievable, I don't know.

Hon. Ed Broadbent: The stated public policy, as I understand it, of the Government of Canada is still supporting voluntary standards, not moving to a set that will become internationally obligatory.

Mr. Naresh Singh: That might be correct—

Hon. Paddy Torsney: That could be a recommendation for this committee. We could get the voluntary ones organized....

Mr. Naresh Singh: —so that we move towards that. It's an initiative that is on the radar.

The Chair: Colleagues, we have one minute left.

I must say, Dr. Singh, I found your section on challenges not very persuasive. For example, you ask, "How can we measure the extent to which the theory translates into practice?" Well, you could ask that about anything CIDA does or any of the practices. People who pose those kinds of questions, I suggest, don't really like the rights-based approach.

Would that be an unfair assumption from this?

Mr. Naresh Singh: Yes, it would be unfair—

The Chair: Tell me why.

Mr. Naresh Singh: The human rights-based approach to development, I think all agree, is in its infancy. Even the two countries that are considered the world leaders in this field, with expressly stated human rights-based approaches to development—

namely the Swedish CIDA—accept that they don't yet understand how to do this.

We are now beginning a few pilot approaches in countries where we are trying more and more to understand this. At the recent committee meeting of the OECD-DAC GOVNET we examined these issues, and we are now collectively going to do a few pilots, but we don't have any of those results in yet.

In many other areas of development we have much more experience. That's why I say that would be unfair. There is really open-minded thinking on this subject, where we don't have much experience.

The Chair: Okay. We've given you the last word.

The session is over.

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