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# **Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development**

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**EVIDENCE**

**Tuesday, November 28, 2006**

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**Chair**

**Mr. Jason Kenney**

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Tuesday, November 28, 2006

•(1110)

[English]

**The Chair (Mr. Jason Kenney (Calgary Southeast, CPC)):**  
Good morning, ladies and gentlemen.

I call to order this meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

We continue this morning our subcommittee's study of the Canada-China human rights dialogue.

We will be hearing from a panel of witnesses today, all of whom, I believe, are signatories to a joint letter sent to the Prime Minister last month asking the Government of Canada to review, and indeed I think suspend, the Canada-China human rights dialogue.

Today we have with us Ms. Carrie Wilson and Ms. Mickey Spiegel from Human Rights Watch, and Mr. Stephen Benedict from the Canadian Labour Congress.

[Translation]

We also have Ms. Luisa Durante of the Canada-Tibet Committee, and Mr. Richard Elliott, from the Canada HIV/AIDS Legal Network.

Mr. Mohamed Tohti, President of the Uyghur Canadian Association, was also to be here today, but we decided to invite him to appear at the next committee meeting.

[English]

We'll begin with presentations from our witnesses and then follow with questions. I'd like to invite Ms. Spiegel to begin.

**Ms. Mickey Spiegel (Senior Researcher for China, Human Rights Watch):** Thank you, Mr. Chairman and members of the Subcommittee on International Human Rights, for inviting Human Rights Watch to speak with you this morning as part of your evaluation of the China-Canada human rights dialogue.

Human Rights Watch is encouraged by Prime Minister Harper's increasing focus on human rights in China. As part of that attentiveness, we urge similar scrutiny of the human rights dialogue process.

Human Rights Watch believes the dialogue process as currently constituted has little if anything to recommend it. The problems include a shift of focus from year to year that precludes sustained attention to a finite number of serious, ongoing human rights abuses; open-ended discussion that lacks an agreed upon end goal, a

timetable for achieving that goal, or a series of benchmarks to measure progress; a process divorced from either bilateral or multilateral diplomatic efforts; assignment of personnel with neither expertise related to the problems under discussion nor the political status to effectively lobby for change; and an almost complete lack of transparency as to either goals or progress.

We believe discussions of human rights violations should not be limited to a separate annual or semi-annual dialogue meeting, but should be part and parcel of regular diplomatic discourse and, should dialogue meetings continue, be but one initiative in an integrated, whole of government approach to China's problematic human rights record.

We also argue that dialogue must not be contingent on elimination of other approaches to problems, including public outspokenness and, where necessary, diplomatic confrontation. We do not agree with those who say it's better to talk than not to talk, particularly when talk is nothing but a substitute for action. To be even minimally useful, dialogues must establish end goals, benchmarks, and timetables.

Take, for example, elimination of so-called re-education through labour, a system of arbitrary detention designed to incarcerate, without benefit of any judicial oversight, those accused of minor crimes. China has stated that the aim of the system is to avoid the criminalization of those accused of certain infractions, but in reality, the system allows a re-education committee, the police, to detain people for up to three years.

An effective way of managing this within the dialogues could be—and please understand that this is an example—first, to map the categories of behaviours that make a suspect liable for re-education; second, produce a statistical snapshot by locale of the number of people sentenced in each category during a particular period; third, investigate by means of a random sample the precise reasons given by officials for why the non-criminal re-education procedure was applied in the sample cases; fourth, conduct a comparative survey of how other countries, including Canada, would deal with similar low-level infractions and in what circumstances penalties or sanctions can be imposed for offending behaviour that does not reach the level of a criminal defence; and, finally, agree on a timetable for completion of each of the foregoing phases, plus others, with the aim at the end of the phases to draft an agreed program for the progressive elimination of the re-education through labour system.

Each step requires extensive collaboration with Chinese counterparts, and should they fail to cooperate, Canada should consider suspending the dialogues.

In addition, other changes must take place to merit continuing the dialogues. They must first take up the most important issues, such as the death penalty, arbitrary detention, and torture. They should not move onto new issues until a resolution has been reached regarding the initial issue. They must be integrated with other aspects of rights promotion, such as Canadian funding for legal education programs and initiatives undertaken by the UN Human Rights Council. They must recognize that, given the complexity and persistence of each issue under discussion, it would be more effective to get the right people—experts and senior political personnel—involved from the outset and ensure they remain engaged with the issue as long as possible. Finally, plan for an ongoing monitoring process once a structured program for change is in place and for a finite time after end goals are achieved.

We urge that the Canadian government make it absolutely clear that should Canada refuse to cooperate in revamping the dialogue process within a reasonable length of time, such as six to twelve months, Canada will refuse further dialogue participation. Such revisions to Canada's bilateral dialogue should be combined with Canada's efforts at the multinational level. We urge Canada to work with other Berne process countries to come up with a group of key objectives and coordinate efforts to set up the necessary benchmarks, timetables, and monitoring mechanisms. We also urge Canada to advance dialogue goals to its membership on the UN Human Rights Council, for example, when China comes up for peer review. Incidentally, the Berne process starts in Berne tomorrow.

Human Rights Watch also believes that Canada must thoroughly review the goals and methods involved in the exchange of prisoner lists, an exercise that is now effectively meaningless. At one time, when avenues for information about prisoners were much more limited, responses from Chinese officials occasionally proved valuable. Today, the information supplied generally adds nothing to what is already known. Furthermore, because the requests for information do not challenge whether the individual should have been imprisoned in the first place, such requests may be construed by Chinese officials as legitimizing political sentencing and giving credit for reductions.

To determine whether the lists are effective, and therefore whether the practice should continue, the Canadian government should review the names submitted and responses received from the Chinese government since the dialogues began; compare the responses received against what was already known and against actions taken as a result of the repressed; measure results obtained through list submissions against results achieved through other means; and chart the results of the analysis over an extended timeframe.

To the best of our knowledge, most countries that engage China on the issue of political and religious prisoners undertake intense private diplomacy aimed at achieving releases. While we believe that it is a better approach than pro forma requests for information and expressions of concern about a prisoner's health, we remain concerned about the lack of public discussions and that this lack weakens leverage in pressing for change.

Thank you for providing Human Rights Watch with a formal opportunity to make our concerns known about the dialogue process. Please call on us if we can assist further.

Thank you.

• (1115)

**The Chair:** Thank you, Ms. Spiegel, for that very focused presentation.

Mr. Benedict.

[*Translation*]

**Mr. Stephen Benedict (National Director, International Department, Canadian Labour Congress):** Thank you, Mr. Chair, subcommittee members. I'll try to be brief, and I'll be speaking in English, with your permission.

[*English*]

I'd like to begin by thanking you for the opportunity to present our views on the bilateral human rights dialogue with China and on the situation of human rights in China more broadly.

Like a number of the other organizations you have invited to appear, Ken Georgetti, president of the Canadian Labour Congress, co-signed the letter to Prime Minister Harper. I want to focus on three areas quickly.

On the bilateral human rights dialogue process, colleagues have outlined the political context and process that led to the establishment of the dialogue and the pressure from groups like ours, which led to Professor Burton's excellent and thorough review. The Canadian Labour Congress shares the view that the dialogue in its present form has done little to improve the situation of human rights in China, with the possible exception of some of the practical reforms that have taken place in the death penalty process after some 20 years of empty promises.

To paraphrase David Cozac from PEN, Foreign Affairs staff have briefed and debriefed us to death, and I would add that, by and large, they have listened politely and then ignored us. To illustrate, if one reviews the topics for discussion of the successive dialogues, workers' rights or closely related issues appear in a majority of the sessions of the dialogue, yet the Canadian Labour Congress was never involved in any of those discussions. I'm not aware that this subcommittee was involved in many of the sessions either. We understand this came up last week, and I'll come back to that in my recommendations.

I also want to draw your attention to the other process, the Berne process, which is starting today. They've been meeting to compare notes and to discuss respective dialogues. Within the international trade union movement, we have now initiated a parallel process to that.

Let me turn to workers' rights in China. There is no doubt that labour unrest remains the Achilles heel of the Chinese move to a so-called market economy. China's own ministry of labour officially registers over 87,000 incidents annually, representing labour disputes, protests, wild cat activities, etc. While some of those happen in rural areas, a large majority of those are actually industrial context occurrences.

There should be no doubt in anyone's mind that fundamental workers' rights are not recognized or respected in China today, whether we are talking about freedom of association, the right to strike, collective bargaining rights, or the resolution of labour disputes. The latest report of trade union violations of the International Confederation of Free Trade Unions, which I think will be distributed, states:

According to the revised version of the law, "the ACFTU and all organisations under it represent the interests of the workers and safeguard their legitimate rights". Trade unions must also "observe and safeguard the Constitution (...), take economic development as the central task, uphold the socialist road, the people's democratic dictatorship, leadership by the Communist Party of China, and Marxist-Leninism, Mao Zedong Thought and Deng Xiaoping theory (...) and conduct their work independently in accordance with the Constitution of trade unions."

Among their basic duties and functions, trade unions shall "coordinate labour relations through consultation", "mobilise workers to strive to fulfil their tasks in production" and "educate them in the ideological, ethical, professional, scientific, cultural and other areas, as well as self-discipline and moral integrity".

A draft new law on labour contracts includes a number of positive points, in particular with regard to social security and worker protection. However, it should be noted that while in general, Chinese labour law is pretty good, the problem remains with its implementation and there is as yet little sign of improvement.

Recent developments include the social harmony initiative being trumpeted these days. Many are saying this shows that the Chinese government cares. More likely, it is the government belatedly realizing it has to readjust the economy and the benefits of the reforms to include the dispossessed in order to mitigate a social explosion.

● (1120)

Even as the government stresses social harmony, it is cracking down on NGOs to ensure that they do not take the initiative in helping the poor. The last few weeks have seen several small labour groups close down, and most labour groups in the Pearl River Delta

are getting daily PSB visits. The local authorities have stopped issuing licences for groups to be able to represent workers in court cases as civilian defenders.

Just as groups in Canada, including those appearing here, have somewhat different positions regarding strategies to deal with human rights in China, it will come as no surprise that a range of positions exists among union organizations around the world. They range from a somewhat uncritical engagement to a strict policy of no contact.

For the Canadian Labour Congress, after a hiatus of some ten years following the events in 1989, we attempted to cautiously re-establish some form of dialogue with the All-China Federation of Trade Unions. At the same time, Chinese delegations, including representatives from various sectors and jurisdictions within the ACFTU, frequently visit Canada to learn about our industrial relations system. A very useful tool, a guide to contacts with China and the All-China Federation of Trade Unions, has been produced by the ACFTU and can easily be made available in both official languages, if people are interested.

I followed with great interest the discussion that took place last week regarding the relation between trade and rights. Let me just take one minute to focus on Canada's economic relations with China.

Like the U.S., we have recently seen the emergence of huge trade deficits with larger Asian economies like China. Combined with the higher Canadian dollar, increased competition from Asia has resulted in a painful restructuring of our manufacturing industries and the loss of about one in ten manufacturing jobs in the past four years. We export to China less than one quarter of the value of the \$30 billion worth of goods we import from China. Only a small proportion of our exports consists of manufactured goods as opposed to resources and raw materials.

As you know, Canadian companies in the extractive sector invest heavily in countries like China. Regrettably, they have a history of poor respect for human rights and environmental standards. The current round tables on corporate and social responsibility are focusing on the need for the Canadian government to more effectively regulate the overseas operations of these companies through mandatory corporate accountability standards.

In short, we don't believe looking at trade and rights as two contradictory political objectives is a very satisfactory approach. We believe regulated trade is essential to economic development and to the well-being of working people in China and in Canada. But we also believe economic development can only take place when workers are afforded their fundamental rights.

An article in the *Financial Times* of November 21 talked about the distribution of wealth in China. It said the following:

China's poor grew poorer at a time when the country was growing substantially wealthier. The real income of the poorest 10 per cent of China's 1.3 billion people fell by 2.4 per cent in the two years to 2003...a period when the economy was growing by nearly 10 per cent a year. Over the same period, the income of China's richest 10 per cent rose by more than 16 per cent.

So much for the theory that a rising tide lifts all boats.

Finally, I have a couple of recommendations. The international human rights subcommittee should demand that any future dialogue be brought within its purview. The international human rights subcommittee should work with Foreign Affairs, civil society, and business to define terms of reference based on the principles of transparency and accountability for any future dialogue. These should include a broader discussion of parliamentarians with elected representatives of other countries, with dialogues such as those of the Berne group. As well, there should be more support for exchanges between the various stakeholders in Canada and in China.

Thank you.

• (1125)

[*Translation*]

**The Chair:** Thank you, Mr. Benedict, for your very informative presentation.

I turn the floor over to Ms. Durante, of the Canada-Tibet Committee.

**Mrs. Luisa Durante (National Coordinator, Canada-Tibet Committee):** Good morning. I'll also be making my presentation in English.

**The Chair:** Of course.

**Ms. Luisa Durante:** But I at least wanted to greet you in French.  
[*English*]

Honourable members of the parliamentary Subcommittee on International Human Rights, I thank you for inviting the Canada-Tibet Committee to present its views and to make recommendations concerning the Canada-China bilateral dialogue on human rights. The Canada-Tibet Committee is a non-governmental organization that is concerned about the continuing human rights violations and lack of democratic freedom in Tibet. CTC is committed to a non-violent approach.

In regard to the Canada-China bilateral dialogue, the Canada-Tibet Committee is of the opinion that the dialogue in its current form should not continue. The dialogue needs to integrate Tibet as a distinct and significant issue.

The human rights situation of Tibetans has not improved despite China having been granted the Olympic Games in 2008. Just recently, in late September, 70 unarmed Tibetan refugees, women, children, and men, the majority of whom were minors under the age of 18, were making their way across the mountains to Nepal when they were fired on by Chinese security forces. One Tibetan refugee died, another one was wounded, 14 were taken into custody, 41 made it to Nepal, and we don't know the whereabouts of 27 of those Tibetan refugees, where they actually are. The Chinese authorities claim that the security forces acted in self-defence.

As the Olympics draw nearer, China is cracking down on press freedom. In early November, a Tibetan monk who told a gathering of students that Tibetans have no freedom of expression was sentenced to four years in jail and accused of doing great harm to society. The Tibetan has been charged with the crime of incitement to split the state, according to official Chinese information.

There has been a dramatic increase in activity by foreign investors particularly interested in the mining sector in Tibet. As we all know, the Golmud-Lhasa railway was completed in July 2006. Canadian companies were at the forefront of the construction of the railway, which threatens the Tibetan people with cultural genocide.

The Canada-Tibet Committee would like to make the following recommendations.

First, Tibet must be treated as a distinct issue in our bilateral relations. There needs to be a specific and publicly articulated Tibet policy. We would like to see the Canadian government develop a Tibet policy that would include: human rights, which would include linguistic rights, as well as cultural rights for the Tibetan people, including religious freedoms; corporate investment in the region; and negotiations between His Holiness the Dalai Lama and Beijing over Tibet's future, which would be the central focus of the policy.

The Canada-Tibet Committee has existed since 1987. We have a deep understanding and knowledge of Tibet-China relations. The CTC needs to be informed of and directly involved in all meetings and discussions that concern Tibet. This includes any trade missions going to Tibet. This includes as well any visits of the Canadian ambassadors and any on-site visits of mining companies, etc. In the past, the Canada-Tibet Committee unfortunately has not always been informed of visits that have been made by Canadian officials to Tibetan areas. Whether it be to the Tibet Autonomous Region or whether it be to the Tibetan Plateau, we would like to see that we are involved and that we are informed of any types of ventures that would take place on Tibetan territory.

Along with that, we would also like to ensure that any policies regarding Tibet extend to all Tibetan areas within the People's Republic of China, meaning the Tibet Autonomous Region, as well as any other autonomous prefectures and counties in Qinghai, Sichuan, Yunnan, and Gansu provinces.

In the past, Tibetans have not been invited to participate in the dialogue, thus limiting their capability to address the realities and to seek possible solutions with the Chinese government. The dialogue needs to include the participation of Tibetans, once again not just from the Tibet Autonomous Region but from the Tibetan Plateau.

A consular presence should be established in the Tibet Autonomous Region, and Tibetan human rights should be specifically assigned to a minister within the embassy in Beijing who will engage those issues on an ongoing basis. Establishing a presence on the Tibetan Plateau and raising the priority of Tibetan issues and human rights in diplomatic postings will serve to improve local monitoring capacity and convey a high level of interest by Canada in the welfare of Tibetans and other vulnerable populations.

The Canada–Tibet Committee also urges the government to re-emphasize the pre-1998 position, that notwithstanding the one China policy, Canada should avoid explicit endorsement of Chinese sovereignty over the region until such negotiated solution is reached, and instead emphasize that Tibetans are entitled to rights as a people under international law even within the confines of the state. A return should be made to pre-1998 policy articulations on Chinese territorial claims, which the government then took no position on. I'm referring to 1998, when the dialogues actually started and when there was a change in how Tibet was perceived from that point on in the bilateral dialogues.

•(1130)

The dialogues should become a part of Canada's whole of government approach. Principles promoted in the human rights dialogue should be reinforced in other areas of Canada–China relations, such as trade promotion, investment policy, and development assistance. For example, for the Golmud–Lhasa railway, which connects Beijing to Lhasa, the capital of Tibet, three Canadian companies, Bombardier, Nortel, and Power Corporation, were involved in the building of the controversial railway where Tibetan livelihood and survival have been directly threatened. There are now eight Canadian mining companies interested in operating in Tibet. Trade and investment policy should reinforce human rights objectives. No government financial assistance or support should be provided to any Canadian corporation wishing to operate in Tibet if they are directly or indirectly complicit in human rights violations.

Canada needs to provide affirmative support for the Dalai Lama's efforts to reach a negotiated solution with the Chinese government over the status of Tibet. Just recently, in India, during the visit by PRC President Hu Jintao, a Tibetan protester set himself on fire. This is an indication as well that there is a certain restlessness among some Tibetans about trying to find a peaceful solution to the conflict in Tibet. The middle way approach is an historic opportunity for China to deal with Tibet and to implement the non-violent resolution to conflict.

Canada should support environmentally sustainable and culturally appropriate development assistance, as well as civil society initiatives for the benefit of Tibetans inside Tibet. Later on this week you will be provided with a Tibet policy for the Canadian International Development Agency that has been designed by the Canada–Tibet Committee. There are a series of recommendations made here about how we can improve CIDA projects in Tibet and how we can maximize promoting the linguistic, cultural, and religious rights of the Tibetan people.

I would also like to say that the CTC has designed a Tibet policy in China for Foreign Affairs. A series of recommendations have been made, and some of the recommendations that I've made today are included in this document. There's also further information in this document about some concrete actions the Canadian government can take regarding a Canadian policy on Tibet.

Last but not least, it's important to mention that His Holiness the Dalai Lama has come to Canada five times. Every time he has come to Canada, there has been criticism on the part of the Chinese government. There have been empty threats made on the part of the Chinese government, saying that Canada in some way or another

will suffer some type of consequence, particularly in trade. As we have seen, this has not happened. Even though His Holiness has come, there has still been a lot of support for trade between Canada and China. We feel it is important that human rights be at the centre of the bilateral dialogue, that Tibet take a central part as well in the dialogues, and that it be recognized in its distinct state, as it is.

The above recommendations need to be integrated into a new dialogue format that acts on the interests of the Tibetan people and is centred on transparency, accountability, and participation. These measures can help ensure the survival of the Tibetan people.

Thank you.

•(1135)

**The Chair:** Thank you very much, Madam Durante. Do we have copies of that paper you referred to?

**Mrs. Luisa Durante:** No, you don't.

**The Chair:** Could you please furnish it to the clerk so we can have it translated and distributed? Thank you.

Mr. Elliott, please go ahead.

**Mr. Richard Elliott (Deputy Director, Policy Unit, Canadian HIV/AIDS Legal Network):** Thank you, Mr. Chair.

Thank you for the opportunity to address the subcommittee today on behalf of the Canadian HIV/AIDS Legal Network.

We are one of the world's leading organizations working on legal and human rights issues raised by HIV. That work includes doing research and policy analysis, as well as providing technical assistance to a variety of organizations that are working on AIDS law and human rights. At the moment, we have been collaborating for some time with one of the leading NGOs in China working on HIV and human rights, the Aizhixing Institute.

[*Translation*]

The Legal Network is part of the Canadian Coalition on Human Rights in China for a special reason. In that country, as in Canada and elsewhere in the world, human rights both fuel and result from the HIV/AIDS epidemic.

For example, AIDS afflicts a disproportionate number of people who are already marginalized in society as a whole through stigmatization, discrimination and unfair criminalization, particularly people who use drugs, sex trade workers, men who have sexual relations with men, and migrant workers.

[*English*]

People living with HIV/AIDS in China, particularly those who acquired HIV during the 1990s through a massive government-sponsored blood collection scheme, have been unlawfully detained and harassed by police for asserting their right to treatment and care, as well as the right to assistance for their children, many of whom by now have been orphaned.

We have seen that AIDS activists have been repeatedly persecuted for their attempts to assert the rights of people living with HIV and AIDS, as well as the right to HIV prevention services for some of the most vulnerable populations, such as those I just mentioned: sex workers, men who have sex with men, migrants, and people who use drugs.

Even the way that China has been managing a grant from the Global Fund to Fight AIDS, TB, and Malaria—to which Canada is an important donor, I should note—has marginalized legitimate community-based NGO representatives of groups of people living with HIV and groups of those populations that are vulnerable to HIV.

Those are some of the reasons the Canada-China bilateral human rights dialogue in 2004 focused on HIV, and they're the reasons our organization agreed to be part of the dialogue in China that year. On the occasion of that particular dialogue, we were in fact able to meet with some people living with HIV in Beijing and with Chinese officials who were working on HIV and who expressed an interest in human rights. This is an openness that is fairly recent in China.

Notwithstanding the fact that we participated in that dialogue, we have some very serious concerns, and we share the concerns that other coalition members have raised about the dialogue process. In our view, it remains flawed, so we join the other members of the coalition, from whom you've heard, in welcoming the government's review of this dialogue, and we welcome the recommendations that Professor Charles Burton has made in his report.

If we are to be truly effective in responding to HIV, we must pay attention to human rights. This certainly applies in the case of China, where gross violations of human rights linked to HIV continue. In order to be effective, China has to address human rights as a central part of its response to HIV, and it needs to do that in a way that is transparent and that includes meaningful involvement of the communities affected by HIV and AIDS.

If this dialogue is going to contribute in some way to that human rights-based response to the AIDS epidemic in China, then a number of things need to be done to improve that dialogue. We note in particular the recommendations the broader coalition has put before you; we endorse them entirely.

First, the human rights dialogue needs to involve higher-level officials on both the Canadian and the Chinese sides. We suggest that it be raised at least to the level of a deputy director within the Department of Foreign Affairs.

We also stress that as a number of other speakers have highlighted, the discussion about human rights needs to be central to Canada's interaction with China, not simply a sideshow dealing from other policy issues.

We also suggest that the report on that dialogue engage in some way with this subcommittee, rather than simply being something that remains within the Department of Foreign Affairs.

It is critical that the dialogue involve civil society organizations in some significant way, particularly civil society organizations that are independent of government. The emergence of a non-governmental sector in China is fairly recent, but there are in fact independent NGOs struggling to raise issues of human rights in China related to

HIV, and their voices need to be part of any interaction if we are actually going to see a human rights-based response to AIDS.

Finally, we need Canada to be much more vocal and visible and active in its support for human rights defenders in China.

• (1140)

[*Translation*]

In the past two years, China has tried to convince the international community that it is reacting to HIV/AIDS through programs that reflect internationally recognized exemplary practices. At the international conference on AIDS that was held in Toronto in August, Chinese authorities took every opportunity to boast about their so-called comprehensive HIV/AIDS services for drug users and their free care and treatment programs for persons living with HIV/AIDS.

And yet the NGOs continue to document Chinese abuses of people living with HIV, of their children and families, as well as horrible human rights violations against people who use drugs in forced rehabilitation camps.

[*English*]

In June of this year I had the good fortune to be in Beijing for a week meeting with NGOs working on AIDS and human rights. During the course of the week, with people who are working on the front lines, we heard repeatedly of people being detained or beaten by police simply for assembling peacefully and protesting the lack of access to treatment, notwithstanding the Chinese government's stated policy of access to free care. We also heard repeatedly about systemic discrimination, especially in employment and health services, against people living with HIV, as well as with hepatitis B and C, I should add, and we heard repeatedly about the detention of sex workers in labour camps.

Just last Friday we received the disturbing news that one of our colleagues at the Aizhixing Institute, one of China's most famous AIDS activists, Dr. Wan Yanhai, was detained again by the police in Beijing. Four years ago, on the eve of his travelling to Canada to receive an international award from our organization and Human Rights Watch for human rights advocacy on AIDS, Dr. Wan Yanhai was detained. At that time, he was held for three weeks, and it was only after a global outcry that he was released. This time, we were, of course, very worried when he went missing, when police showed up at the offices of the Aizhixing Institute and took him away for questioning. Fortunately, he was released and returned to the office on Monday, but only after he was compelled to cancel a conference that was going to be looking at the issue of blood safety and compensation for people who had been infected through the government blood collection schemes of the 1990s.

We have heard, unfortunately, however, that there remain at least four other activists connected with this conference who are in detention at this point, to the best of our knowledge, including Mr. Kong Delin, one of the leading hemophilia activists in China. Three others, whose names we don't know at this point, remain detained.



We are looking forward to the day when Canada and China, in their bilateral human rights dialogue, will actually be engaged in an effective process of realizing the human rights of people living with HIV and vulnerable to HIV, and we welcome the steps that this subcommittee could take to achieving that goal.

Thank you.

**The Chair:** Thank you, Mr. Elliott. Thank you very much for that compelling testimony.

We will move now to the question period, starting with Mr. Cotler.

**Hon. Irwin Cotler (Mount Royal, Lib.):** Thank you, Mr. Chairman.

My question is for Mickey Spiegel, but I invite any of the others to join in if they wish.

I want to begin by expressing my own appreciation of Human Rights Watch. I've been the beneficiary of your good work over the years. Indeed, some five years ago, when I drew up what was then a twelve-point grid of human rights violations, it was largely anchored in the excellent information I had received from Human Rights Watch.

I want to say that I share both your critique and recommendations regarding the Canada-China human rights dialogue. What I would like to do at this point is invite you to enlarge on your remarks regarding what might be a Canadian human rights foreign policy regarding China as a whole. In other words, having you here and having the opportunity to draw upon your expertise, I would like to invite you to include some references and matters that you already inferentially referred to, the whole relationship of private diplomacy versus public advocacy, the relationship between trade and human rights, and modes and means of engagement.

For example, Prime Minister Harper was critiqued recently—in my view incorrectly—by some who felt that he had compromised our trade and investment relationships with China by bringing up human rights issues, or even, specifically, one particular case. So the question, specifically, is this. Do you have any principles and guidelines regarding Canadian human rights foreign policy regarding China as a whole, as you shared with us regarding the Canada-China human rights dialogue?

• (1145)

**Ms. Mickey Spiegel:** I'm not certain we have any that are specific to Canada, but we certainly have some that are specific to human rights generally.

By the way, we did have a piece by the Asia director of Human Rights Watch that was on *The Globe and Mail* website during the brouhaha with Hu Jintao in China, when it wasn't sure whether the meeting was off, whether the meeting was on, what kind of a meeting it was going to be. Obviously, we insisted in that piece—and there are copies of it around, or they're on the website—that it was right for Canada not to sell out human rights in order to promote trade and investment with China. We certainly don't think that's necessary.

Last week, when you had other members of the Canadian coalition speak about this, it was mentioned that China has often threatened retaliation and has rarely followed through in terms of

that retaliation. The particular incident that was mentioned goes back several years, and that was when Denmark was threatened with all kinds of egregious affairs—no trade, no diplomatic relations, etc. Nothing ever came of it.

We were also convinced that if, in this case, Prime Minister Harper hadn't spoken out and said, "This is the stand I'm taking and these are the terms on which I want to meet you", he would have got.... Nothing happened. Maybe the meeting was downgraded a bit, but he still managed to meet, he still managed to get his message across, and he probably managed to get the message across with a lot more vigour because of the extended publicity around it.

Obviously, we think trade and investment are important for every country. That's a given. They stand in juxtaposition to each other; they're both important. In that respect I think Canada has to remember that China needs that trade and investment just as much as Canada needs it. This is not a one-way street.

I should have probably said this at the beginning. Human Rights Watch has never been for isolating China—never ever. We have always felt that engagement is absolutely critical. China is a big player in the world; it's going to continue to be a big player in the world. That's a fact. Countries need to engage on it, but they need to engage on it on all issues, and human rights, obviously, is a critical issue in terms of that engagement.

We also believe that this engagement should happen on a variety of levels—publicly, privately, in concert with NGOs, without NGOs, with all of the diplomatic assurances, the diplomatic means that countries have to engage with each other. That would include, obviously, on a ministerial and prime ministerial level. That would certainly include, in Canada's case, oversight by committees such as yours, by your constant pushing them, by your constant challenging of them.

I've been with Human Rights Watch a long time. One of the things we learned early on was that the Chinese government didn't understand at the beginning that if the administration said X, then the congress was going to say X too. They learned, but they have continued to try to play off one against the other. I think that is important here. You as an international relations committee must have inputs into the process, must push the process, must ask for feedback on the process, must be thoroughly engaged in that process from start to finish, so that it isn't totally left, obviously, to the administration. I think that's a very important point.

The other thing that's happening now, of course, is that China is becoming a bigger diplomatic player in many respects in the UN, certainly in the UN Human Rights Council, which Canada is a part of. Human Rights Watch is beginning to look more at those interactions and how they affect human rights. That's something you have to be aware of, with a seat on the Human Rights Council, as part of the UN system.

•(1150)

Generally, I think these are issues you have to pay attention to: to what's happening in the Sudan; to how in fact China has changed its policy somewhat. The role it played, sometimes in providing cover for other nations, and sometimes simply because of its stated policy of non-interference in the affairs of others, etc., has held back other countries, in a sense, from really dealing forthrightly with what was happening in Darfur. That's an issue.

China and its support for Burma is an extraordinarily urgent issue. They supply Burma with arms, with monetary inputs, etc. These do affect human rights. In other words, they affect what Burma can do to its own populace.

That's the important piece here; please understand that this is what I mean. We have it also in Sudan, Burma, Uzbekistan, and certainly North Korea. These are all urgent issues that need to be looked at in terms of their human rights implications—for instance, for refugees on the border, going back and forth between North Korea and China, etc.

I think I've probably overstayed my time and I'll stop there.

**The Chair:** You'll have other opportunities, Ms. Spiegel, but we've passed—

**Ms. Mickey Spiegel:** I hope I've answered.

**The Chair:** We're at eight and half minutes in a seven-minute round. I'm sorry.

**Hon. Irwin Cotler:** I got a very good sense.

**The Chair:** There you go; we did indeed. Thank you.

*We'll turn now to Ms. St-Hilaire.*

[*Translation*]

**Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ):** Thank you, Mr. Chair. Thanks to all of you.

I'm going to continue in the same vein as my colleague. You've taught us some very interesting things this morning. You're suggesting that subcommittee members keep the pressure on the Chinese government. I'd like to take you a little further. We don't deny the fact that keeping up the pressure might be a good idea, but I'm not sure that would achieve any concrete effects.

You referred to Mr. Harper's major statement. If he wants to be credible internationally, he'll have to continue in that direction. Should that go so far as a boycott of the Olympic Games by the Canadian team? I'd like to hear what you have to say on that subject.

Also, some of you have told us that we should completely cut off dialogue with China. Others have told us we should modify it. Mr. Elliott, among others, you said that wasn't a good idea. You seem to think that we should get the NGOs more involved. Lastly, other witnesses told us that things should be done between governments for them to have an impact.

Can you clarify your remarks? This has to be clear for subcommittee members. Do we maintain bilateral dialogue with China? If so, how? We would of course involve Tibet.

•(1155)

**The Chair:** I want to tell witnesses that we've asked them a number of questions, but that every member has only seven minutes in all. So I'd be grateful if you gave brief answers.

[*English*]

Who would like to begin?

Monsieur Benedict, go ahead.

[*Translation*]

**Mr. Stephen Benedict:** You talked about keeping up the pressure. We see no downside to keeping up the pressure on the Chinese government.

In the context of bilateral dialogue, we recommend that the session that is to be held now be postponed to enable this subcommittee and Canadian society to start a debate.

We think it would be important to establish parameters for this kind of dialogue. We think that would be useful in the case of China, but also in the case of a number of other countries, some of which have been mentioned, such as Burma, for example. That would make it possible to reassess and to have a more general human rights policy.

We don't recommend completely cutting off dialogue, but that the session that is to be held be postponed so that there can be a broader debate in Canada, which would include the organizations of civil society.

To answer Mr. Cotler's question from earlier, I'd say that a lot of organizations have a series of concrete recommendations to make on how the dialogue should take place and on its parameters. I have somewhat limited time to answer that.

We don't advocate a boycott of the Olympic Games in Beijing in 2008, because, among other things, there hasn't really been a debate on this subject involving the union movement, either in Canada or internationally. The idea is more for us to campaign to have certain fundamental occupational health and safety standards complied with, because there are serious problems with preparations for the Olympic Games. We view this more as a pressure campaign.

[*English*]

**The Chair:** *Thank you.*

Mr. Elliott.

[*Translation*]

**Mr. Richard Elliott:** Thank you for your question. Our position is that the dialogue should be suspended until very fundamental changes have been made to it.

I specifically want to emphasize one point that I mentioned earlier, concerning the participation of the NGOs and civil society. For years, the dialogue hasn't had a lot of effect, because it's a dialogue of the deaf. Authorities often don't have the necessary information. Their information on the situation in the field isn't very recent or adequate. Furthermore, authorities in China may not have a lot of interest in defending human rights.

So it's really civil society that will have to give a very big boost to the process. If it is part of the process, it will have a greater chance of having an effect on protection for human rights.

We think that CIDA, the Canadian International Development Agency, should also support efforts to defend human rights in China, particularly as regards its strategy on HIV/AIDS.

I mentioned the Aizhixing Health Education Institute in Beijing, with which we've worked, but there are other NGOs working on human rights. If we want the NGOs to be a meaningful part of the process, they have to have resources to do their job, to document human rights violations and to take part in the dialogue.

So that's why we suggested that CIDA support human rights efforts related to HIV/AIDS in China. I think that could be an example for other countries that provide funding to China for its development. That would make them understand that the emphasis has to be put on human rights.

• (1200)

**The Chair:** Thank you.

[English]

With the committee's agreement, I'll take the first government round, as my colleagues, because of other responsibilities, came in late.

Mr. Elliott, you mentioned the terrible tragedy and scandal—really the crime, not tragedy—that occurred in the 1990s in China with respect to the blood collection system. I've just read a book in part about these terrible crimes. Do we have any idea, quantifiably, how many people were infected with HIV or have died as a consequence of this gross neglect and incompetence?

**Mr. Richard Elliott:** It's hard to come by exact figures. The estimates of the number of people who've been infected will range from the tens of thousands to the hundreds of thousands. As some committee members may know, these government schemes for blood collection and sale were almost the most efficient way imaginable to massively and quickly transmit HIV through the population, with, in some cases, entire villages providing blood donations. The plasma was then removed from the donations, the remaining material pooled, and then reinjected into people in order to help prevent anemia and to make sure that people could donate more frequently. As I say, a more efficient way of spreading HIV could not be imagined.

It is precisely because of efforts to bring to light some of what has happened—and in some cases, there was apparent government official involvement, often at the local level, in those schemes—that some of the human rights defenders whom I've mentioned have been detained and harassed in the past.

It's somewhere in the tens of thousands or hundreds of thousands—

**The Chair:** My understanding is that the villages that were almost systematically infected were then turned into basically quarantine colonies—hopeless, desolate places where people had virtually no medical care. Is that your understanding?

**Mr. Richard Elliott:** Certainly we have reports of people who have been infected who have been seeking care who have been

denied that care, and in some cases, for trying to demand that care have been subject to police brutality. It is difficult for me to say now just how extensive that is, but certainly there are repeated reports of it. As you know, information can sometimes be hard to come by. It may be that my colleagues from Human Rights Watch also have some information they want to offer, because they have documented some of these things in China.

**Ms. Mickey Spiegel:** There's not a lot to add, really, to what you've said, other than the fact that there was an excellent series of articles done by *The New York Times* reporter, Elisabeth Rosenthal. She actually broke the issue initially, and it's worth looking at. If you want to follow that up, it's worth going back and looking at their archives for those issues.

One of the things that we have been campaigning for is that the officials who were involved in some of those early schemes have not only not been—

• (1205)

**The Chair:** One has been promoted to the Politburo, I understand—the governor of the province where most of this happened.

**Ms. Mickey Spiegel:** Yes, right. You have the information. It's still a big issue, and a big issue, of course, is care for the people who are ill now and for children who also were infected, not necessarily by getting blood.

**The Chair:** Could I pursue with anybody, perhaps Mr. Elliott, a related question? In some countries, the lack of care, discrimination against HIV-infected patients, is sometimes related to discrimination on the grounds of sexual orientation and the stigma attached to the disease. Is this at all the case in China? Certainly we know in the Mao regime there was discrimination against gays and lesbians. Is that in any respect still the case? Is there evidence of that kind of discrimination?

**Mr. Richard Elliott:** Yes, and I mentioned in my remarks a number of the groups that have been particularly subject to stigmatization and in some cases criminalization and harassment. That includes gay rights activists, sex workers, and people who use drugs. While there is an emerging gay community in China, which has always obviously been there but is now starting to emerge into the light as part of civil society proper—certainly that is more the case in some larger urban centres—it is still the case that there is considerable infringement of freedom of expression in some cases for discussion of gay rights, for example, in China. Certainly doing the work of HIV prevention among gay men in China is hindered by police action sometimes, often at the local level.

There's an interesting disconnect, it seems, going on—well, a number of disconnects going on in China—and one of them is that on one hand, at the central government level, there is some progress that's been made in actually trying to put in place protections against discrimination related to HIV, not protections necessarily for discrimination based on sexual orientation. They're not there yet. On the other hand, that policy directive at the national government level doesn't necessarily always translate down to what happens at the local government level. Obviously, when you have people who are speaking up for gay rights, who are speaking up for access to treatment for people who were infected, whether it was through blood collection schemes or not, local government officials see that as a challenge, particularly if they may have had some connection to the blood schemes, and then they have a considerable incentive to crack down on any dissent.

**The Chair:** Thank you.

Ms. Durante, you mentioned the interesting idea of having a Canadian consular presence in Tibet. Are there any other democratic countries that have such a consular presence, as a precedent?

**Mrs. Luisa Durante:** I'm not aware of any in the Tibet Autonomous Region or the Tibetan Plateau. But in the Tibetan Plateau it's even more difficult to have an actual consular presence, whereas the TAR is somewhat supervised. There is somewhat of a platform set up for it to actually happen.

**The Chair:** I'm going to ask Mr. Benedict a specific question, and then I'll ask a general one for the panel, to make sure I'm on time. I have to be consistent as the timekeeper.

Mr. Benedict, does the CLC or any other group track the labour practices of Canadian-operated or -owned companies, or Canadian contractors in the PRC? For instance, I've read that a lot of the peasant riots have happened because of expropriation of property to build, among other things, coal-fired power plants. A Canadian company is one of the major builders of coal-fired power plants in China. I'm curious to know if you or any of the NGOs can help us track to what extent Canadian companies, directly or indirectly, are responsible for the violation of basic rights.

My more general question is for everyone on engagement with DFAIT. I picked up just a hint of cynicism here about the ongoing consultations that DFAIT has with NGOs on this issue. I have a briefing note here from the Foreign Affairs ministry. Following Professor Burton's report, they've been consulting the NGO community to improve the effectiveness of the dialogue. Do you think these consultations have ever achieved any concrete results?

Those are my questions. The first is to Mr. Benedict and the second is general.

• (1210)

**Mr. Stephen Benedict:** If I may, I'll comment on both briefly.

The Canadian Labour Congress, together with some Canadian NGOs, try their best to track the activities of Canadian corporations in China. There are also international organizations of trade unions on a sectoral basis, and a number of those track. For example, in the mining sector there is an international organization of trade unions that tracks companies. There is one for metal workers. A number of these international sectoral organizations of global union federations

have committees that monitor and discuss policies on China and monitor the activities of multinational corporations. I'd be happy to provide more information.

On the other point, you're correct in detecting cynicism. In fairness to the people in the human rights division of Foreign Affairs, they eventually gave in to our pressure to start a review of the dialogue and accepted to have Professor Burton produce a report on the situation. It was a welcome thing and a good first step.

On the suggestion that it somehow constitutes consultation, my simple answer is no. The coalition will now need to pursue the issue, not only with Foreign Affairs but with others, to see what happens to the report and how we can now begin to develop a better process for dialogue.

**The Chair:** Anyone else?

**Ms. Mickey Spiegel:** I think you've said it all.

**The Chair:** Ms. Durante.

**Mrs. Luisa Durante:** I have a few comments. One is about Canadian companies working in China. The Canada-Tibet Committee has been doing some research trying to track and monitor Canadian companies working in Tibetan territories, such as the Canadian companies involved in the railway and the Canadian mining companies that wish to operate in Tibet or are already operating in Tibet.

We also work in consultation with a number of other Tibet support groups around the world that are also monitoring. So that information could also be made available on the likelihood of human rights violations, or what types of implications there could be for human rights violations in Tibetan territory itself.

On DFAIT and the consultations, CTC in a number of ways, not necessarily with DFAIT.... On some of the recommendations I've made, Tibet hasn't necessarily been at the heart of some of these bilateral dialogues. Minority rights have been discussed in some of the dialogues and in others they haven't. Tibet is considered to be an ethnic minority under the PRC. So we would like to see DFAIT actually take more consideration of Tibet as a separate entity in some ways in the bilateral dialogue and strengthen that within the bilateral dialogue itself.

**The Chair:** You'll have to wrap it up there.

Mr. Marston.

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

This opened up a wealth of questions and thoughts, but to begin with, it seems like we're hearing a consensus that there should be a suspension of the dialogue, that it requires the participation of NGOs, unions, and others. I think the Berne group process was referred to as well.

Number one, would you see that happening in Canada? Would you see this committee participating in it?

Number two, you may or may not be aware that at the last meeting, I made the suggestion that perhaps the dialogue should report directly to this committee, and that there would be a transparency as a result.

Another thing I'll throw out is, does anyone see value in a parliamentary delegation going to China or Tibet to investigate?

Now the next area I'm going to go into is a little way from where we've been speaking so far today. I was just looking at a report from BBC News that HIV/AIDS cases jumped 30%. They figure that there are in the area of 10 million women working in brothels as sex trade workers there.

For us, Canada has always been seen as a protector of human rights for gays and lesbians, but I'm hearing an unease these days, and this is more reflective of here in Canada. If we're going to start being critical of China's history, then we had better look at our own, at how we treat our sex workers and the fact that they are criminalized.

Another point is that safe injection sites for drug use are something we need across the country, as well as within our prisons, because the prison population is also involved.

So I'll throw those things out there, and if anybody would like to respond, I'd be pleased.

• (1215)

**The Chair:** Ms. Spiegel.

**Ms. Mickey Spiegel:** First, Canada is part of the Berne process. I don't know quite on what level it happens in China; it happens in Canada. But, yes, they are part of that, and, yes, I definitely think this group should have the oversight and reporting back, which you're talking about.

In terms of a parliamentary delegation going to China, if that's something you would like to do for your own edification, fine. If you think you're going to accomplish anything in terms of human rights, that's another story. It depends on where you all are in terms of your own education, and so on. But you need to do your homework, you need to get briefings from all the people who need to give you briefings, and you need to know what you're looking at and partly how to read it. I think that's very important.

You brought up something else that you might want to consider. You mentioned sex workers and problems in Canada. They're probably all over the world. Maybe that's something that needs to be thought about more in terms of dialogue—that there really would be dialogues and this kind of exchange of information, in terms of the kinds of problems you have and how you're coping with them—opening it up that way, so there really is an exchange of ways of working. In one of the seminars associated with the dialogues, which I attended, that really did happen; it opened up the issue and made it much easier to talk about what the problems were in China. So I think that in bringing this up, you're bringing up a bigger issue.

Can I go back to boycotts for a minute?

My response is, forget about them. It's over; it's done with. It's a big issue; it's going to be. It's much more important at this point to use the fact that there will be world attention on the Chinese government, and on China in general, in 2008, and to use this to bring up some of the human rights and other issues, which you want to bring up—labour issues among them, and I'd like to talk to you about that later.

**The Chair:** Go ahead, Mr. Benedict.

**Mr. Stephen Benedict:** Very briefly, as I mentioned, we believe that the dialogue should report to and come under the purview of this committee. I believe this is why we elect parliamentarians, to represent us in all aspects of these issues. This raises the question, for example, of the Berne group process meeting that is taking place. Is someone reporting to you about what is happening?

**The Chair:** I'm a little more than marginally involved in Chinese human rights questions, and I just learned about it today from you.

**Mr. Stephen Benedict:** There is a question that is indeed legitimate. It would seem to me that parliamentarians from the countries of the Berne group should be talking to one another, because my guess is if it's happening here, it's most likely happening in the Australian Parliament, in the U.S. Congress, and in a number of other countries likewise, which is why, at the trade union level we wanted to begin a debate amongst trade unions from the countries of the Berne group.

There's another point, which is, of course, that all of this requires support. This is, it seems to me, where the Canadian International Development Agency comes into play as well. We talked about the whole of government approach, and then we focus only on one little part of it.

I presume CIDA will be appearing in front of this committee and talking about some of the work it is doing and some of the work it intends to do in the coming years. I do think they need to be challenged, indeed, with some of these questions.

As a matter of fact, we have a little project, not CIDA-funded but funded by the Canadian Labour Congress, with workers in Guangdong province. I'd love at some point to give you more information about this lovely little project that we are doing on workers' rights in China.

• (1220)

**The Chair:** Mr. Elliott, go ahead, please, briefly.

**Mr. Richard Elliott:** Thank you.

I have three brief points. One, I wanted to note for the record that we have appreciated the interventions of Foreign Affairs officials, those working within the human rights division, on specific cases of AIDS activists who have been detained in the past, including the one I mentioned, Dr. Wan Yanhai.

I think the problem here is that the dialogue, structurally, is limited, and that's why we've made the kinds of recommendations we have. This is not necessarily an attempt to say Foreign Affairs has not been doing its job, but there's a broader discussion that needs to happen, and that needs to involve parliamentarians.

The second thing I wanted to say was that to follow up on Mr. Marston's question, I think it's absolutely critical that Canada have the credibility it needs going into discussions with China about human rights. We are very concerned on the domestic front that we not backslide on commitments to gay rights, that we not backslide on actually taking innovative and even established and proven harm reduction measures to deal with HIV among injection drug users. This includes, for example, having the safe injection site in Vancouver, of which we need more, where having them would be suitable.

We certainly need to look at the issue of the criminalization of sex workers under Canadian law. I understand there is a parliamentary subcommittee looking at this issue, which will be reporting back next month. I think parliamentarians certainly need to take seriously that as long as we criminalize these populations, we make it harder to actually address the HIV epidemic, and we expose them to greater risks of human rights violations.

Fortunately, we do not have forced detention in so-called rehabilitation camps for sex workers in Canada—let's hope we never see that day—but we certainly have work to do to better protect the human rights of sex workers in Canada. I think if we do that, we show that we act in good faith when we go to China and say we have the following human rights concerns, and by the way, we are taking action within our own borders to address them. This is the link that we see to HIV as a public health issue, and between that and human rights.

**The Chair:** We're out of time. Sorry. We'll come back in the next round.

[*Translation*]

I turn the floor over to Ms. Boucher.

**Mrs. Sylvie Boucher (Beauport—Limoilou, CPC):** Good morning. Thank you for being here. This is the first time I've had the chance to take part in this committee, and I find it very interesting.

Since I don't know everything about what you discussed earlier, I'd like to have your opinion on the elements that should be part of a Canadian policy on improving human rights in China. Should such a policy be part of a broader promotional strategy for democratic development in China?

[*English*]

**Mr. Stephen Benedict:** Should I take a stab at that?

[*Translation*]

This is an important question that covers a lot of ground. I think there are key elements. We're talking about the government strategy and the various elements that develop different parts. I mentioned that there are round tables on corporate and social responsibility. Sometimes, we unfortunately lack consistency, even among our own groups in civil society. For example, they aren't here with us, before your committee. Following these round tables, they'll be making recommendations to the prime minister. How do you link these things together? That's always a challenge.

However, some things are clear and simple for us. We think we must have not only the texts of acts, but also a practical

implementation of those acts. Ensuring that that's the case requires significant and constant follow-up. The principles of transparency and respect for Canadian values must be at the basis of any Canadian policy. We're entirely in favour of that.

Rights don't exist in a void; they exist in practice and in everyday life. At the Labour Congress, we think that talking about rights without talking about development is pointless, both for workers in China and for workers in Canada. The idea then is to see how we could combine the two to serve sustainable development based on the fundamental principles of Canadian values.

• (1225)

[*English*]

**The Chair:** Monsieur Elliott.

**Mr. Richard Elliott:** If I could highlight the point I made earlier, if we only look at this as a foreign policy dialogue, then we're going to miss the boat. I think Mr. Benedict's remarks are quite appropriate in that regard. This is why we highlighted that we need to actually support civil society in China, to raise human rights issues.

There is a critical role for CIDA in this. CIDA has begun to fund some human rights-related work on HIV, which is helping to develop a civil society in China on those critical issues. I can't speak to other aspects of civil society because I'm not familiar with them. But it seems to me, that is the necessary complement to raising, in a foreign policy dialogue, these human rights issues. It's only if you actually support the development of civil society that you're going to see the emergence of a democratic path to development in China.

[*Translation*]

**Mrs. Luisa Durante:** I want to add a brief word to emphasize that, if we talk about a beneficial foreign policy, we also have to talk about beneficial economic development. The two go together. We're talking about having a policy on international trade. We aren't opposed to economic development in Tibet, but we want it to be truly beneficial for Tibetans. Measures will have to be put in place to ensure that the Tibetan people receive the benefits of this kind of project. That should form an integral part of Canada's foreign policy toward China and Tibet.

**The Chair:** Thank you very much.

Mr. Silva, the floor is yours.

[*English*]

**Mr. Mario Silva (Davenport, Lib.):** Thank you, Mr. Chair.

Canada's doctrine of engagement and isolation is really in some ways based on a cold war paradigm. How do you isolate a country that has tentacles in just about every country in the world?

Its influence becomes more and more pronounced, of course, if you look at international fronts. What raises even further alarm bells is its incredible behaviour in Darfur, as was mentioned. It's in Burma, in North Korea, and in Sudan. The list keeps on going.

I also mentioned this once in committee, and I think the Canadian Labour Congress may want to take a look at this issue. It is also starting to export its incredibly appalling labour practices into other countries, such as Angola. For example, they have major projects to build airports and roads, but they're not using the local population, which is in terrible need of jobs. They're bringing in slave workers from China, putting them in camps, and having them work 24-hour shifts. We have no idea whether they are being paid or not. All we know is they're going to build these particular roads and airports for the price of oil.

There is an appalling situation of the exploitation of workers throughout the world, particularly in third world countries or developing countries, to do these massive projects.

The whole idea of having to engage in Canada is kind of stupid. Why even talk about it? We know we can't isolate this country. It's totally ridiculous.

Let's go on to something else and take another step. I think the step that needs to be taken, and I think I've heard this from some of the speakers, is on the whole thing about engaging civil society. It also means basically whatever little civil society there might be in China, and it means the tools that we have, such as CIDA—and CIDA, can play a role as well in the nurturing of that civil society. It also means collectively working with NGOs in Canada and throughout the world.

Finally, I think it's also about engaging like-minded nations so that we can have a coherent strategy with European partners and with the Americans to figure out how we can collectively raise these issues of China. Of course, the Chinese are very good at somehow linking any type of condemnation of the regime to a condemnation of the society.

For all of us who know a little about history, we realize and recognize that China is an incredible civilization, spanning thousands of years of history. It's a very rich and very advanced civilization. We're very grateful for its contribution to humanity. That's not the issue. The Communist regime, and that line in history, is really only a little blip in the continuous history of the Chinese people.

They're very good at saying we're attacking the Chinese people every time we make a criticism, which is totally false. They have serious violations.

It's unfortunate sometimes that when we raise this, we are then criticized. The Prime Minister was recently criticized about his stand in China. But I think most of us understand that if he hadn't raised these issues, when would there be an opportunity to do so? I'm not defending the government, but I think there is also merit in saying you have to raise these issues at these international forums, because if you don't raise them, you'll miss an opportunity.

I have no solution as to how to deal with a mighty superpower such as China and how to constructively deal with human rights violations, but I think we all have to work together. I'm not sure there's another way out of this.

Maybe we can stop talking about engaging or isolating China. We can engage them, of course, but isolation is impossible. We might as well drop that notion.

I'd like to hear from the panel, if they want to comment on my statements.

• (1230)

**The Chair:** That was a very artful management of time by an experienced MP who took his entire allotment. We're technically out of time, but we'll allow you to respond, because Mr. Silva has made some very pressing points.

**Ms. Mickey Spiegel:** I don't think anybody was talking about isolating China, but I think what's really important is that China has joined a lot of world bodies. They're part of the UN system, and they've joined WTO. The rules need to be the same in terms of human rights. They need to be held to the same set of rules, the same set of international laws, and the same set of humanitarian laws that apply to all countries.

One thing we didn't talk about today, and I'm sorry I didn't bring it up earlier, is on the whole legal system and what could be done in terms of advancing some of those goals.

For instance, helping China work toward ratifying the international covenant on economic, civil, and political rights, and therefore changing their domestic law and meeting international standards, is one of the kinds of things that can certainly be done over and above some of the more discrete issues we've talked about.

Thank you.

**Mr. Stephen Benedict:** Very briefly, because the congress is not exactly known for supporting or saying a lot of nice things about this government either, but when—

**The Chair:** There's a saying that you're more credible when you criticize if you occasionally offer support.

**Mr. Stephen Benedict:** Indeed. The raising of the case of Mr. Celil makes total sense to us, and it should be done forcefully. There's certainly no argument there.

Our concern has been more on a policy being made—how shall I say—on the fly with regard to human rights. But you raise a very interesting point with regard to China and what it is doing in other parts of the world. After stadiums have been built in umpteen African countries, there is the beginning of a backlash. Recently in Zambia, the interference, or certainly the perceived interference, by the Chinese authorities in the Zambian elections created a huge backlash. So there is a very fundamental issue, and there is a beginning also of a reaction. At the International Labour Organization, this reaction translated itself last year in the All-China Federation of Trade Unions not being elected to the governing body of the ILO, which was certainly perceived as a major setback.

**Mrs. Luisa Durante:** Just very briefly, there are a few things.

One thing we're doing in the Canada-Tibet Committee is trying to constantly apply pressure on China before the Olympics. We're not saying to boycott the Olympics, but we are saying we have to do whatever we can on an international level before and after to try to pressure China as much as possible to improve its human rights record. Another thing that's important, too, is that we don't have to go far. If we look in Tibet, there is the question of labour conditions. There's also the question of how the Tibetans generally are treated in terms of the projects—Canadian money, investments, etc. So we don't have to go far to see within what is known as the so-called “Chinese territories” cases of human rights violations in that circumstance.

The other thing, too, is using the UN instruments. Canada has signed on to a number of UN instruments that we could use to apply pressure on them that are particular in upholding the whole question of international human rights law. It's very important. I think those

are tools that we can use more to our advantage, since they are a part of the UN Human Rights Council—tools that we should be using more to our advantage, actually, to pressure China to take more concrete action on human rights in general.

●(1235)

**The Chair:** We have to go to other business. Are there any other urgent questions?

I'd like to thank all of the witnesses for your very thoughtful, well-researched, and I think very prescient presentations to us today. They will be very helpful in our deliberations as we lead to a report. Thank you very much.

We're going to suspend for two minutes while our witnesses and guests leave, and then move in camera for committee business.

*[Proceedings continue in camera]*

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