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—
Chair

The Honourable Jason Kenney

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•(1110)

[English]

The Chair (Hon. Jason Kenney (Calgary Southeast, CPC)): Good morning, colleagues.

[Translation]

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

[English]

We continue today with witnesses with respect to our study of the human rights situation in Cuba. We have two witnesses who Marcus had proposed for the committee.

Mr. Marcus Pistor (Committee Researcher): One was recommended by Madame St-Hilaire.

[Translation]

The Chair: With us today are Ms. Dulce-Maria Cruz-Herrera, a research associate with the Centre for Research on Immigration, Ethnicity and Citizenship, of the University of Quebec at Montreal, and Professor Archibald Ritter, who is with the Department of Economics and the School of International Affairs at Carleton University.

[English]

Madam Cruz Herrera's brief was sent for translation this morning.

I'll ask Madam Cruz Herrera to please begin. We have about ten minutes for your presentation, and that will be followed by questions.

[Translation]

Ms. Cruz-Herrera, you have the floor.

Ms. Dulce-Maria Cruz-Herrera (Research Associate, Centre de recherche sur l'immigration, l'ethnicité et la citoyenneté, Université du Québec à Montréal): I wish to thank all parliamentarians for having invited me here to share with you my knowledge and views on the state of human rights in Cuba. I have prepared a submission entitled "The State of Human Rights in Cuba: Context and Perspectives". To stay within the time allotted, I will summarize my position and later, share with you a few of my recommendations to the Government of Canada. These recommendations are being put forward to the Subcommittee of International Human Rights as part of its current study.

Let me put things in context for you. First of all, it's important to understand that two major factors have influenced the evolution of human rights in Cuba. The first is economic globalization, which also impacts to some degree the protection and enjoyment of human rights. The second factor is regional in nature, namely U.S. foreign policy toward Cuba which is characterized by wide-ranging economic sanctions and increased intervention in the country's domestic affairs.

The evolution of this conflict has had a decisive impact on the development of State policies aimed at structuring and ensuring the protection of human rights in Cuba. Because of the incessant and excessive politicization of this issue, a universal principle, the primacy of which need not be demonstrated, has sometimes been shunted aside. I'm referring here to the principle that all human rights are indivisible, universal and interdependent.

This principle holds that civil and political rights do not take precedence over economic, social and cultural rights. Furthermore, certain rights must not be placed above others. The human rights situation in Cuba must be examined from a broad perspective. Specifically, it's important to consider how human rights are enjoyed overall, and not simply to focus on certain rights at the expense of others.

Upholding human rights is a major challenge faced by all countries that make up the international community. To date, no State has succeeded in fully honouring its international obligations as set out in international human rights conventions.

Despite strong international consensus on the issue of unconditional protection of peace and security, the conflict drags on. Each week, 2,200 hours of radio programming funded by the U.S. government is broadcast to Cuba. I mention this because radio programming is at the source of problems relating to the violation of the civil and political rights of Cubans, who welcome these broadcasts. The Cuban government, on the other hand, views such programs as illegal and subversive.

Consequently, the Cuban government has developed a defensive strategy to break free of the targeted media hold of the neighbouring superpower. In addition to scrambling radio and telecommunications signals, Cuban authorities have amended some of their laws. Cubans who take up the call to sow the seeds of political unrest can now be punished.

The adoption by the Cuban government of Bill 88, an Act to protect the independence and economy of Cuba, is another example of a defensive strategic move. Among other things, the legislation provides for lengthy prison sentences to be handed to State opponents. This strategy to defend Cuba's sovereignty clashes with the actions of Cuban citizens who, in exercising their civil and political rights, have become involved in political organizations opposed to the Castro regime which are either funded and backed by the U.S. government or by American organizations. Therefore, any serious analysis of the human rights situation must be done while bearing in mind the ongoing bilateral conflict characterized by the United States' economic and political interventionism.

I recommend that the committee include in its consideration of the human rights situation in Cuba, the Cuban government's performance with respect to the implementation of international human rights protection legislation.

As you are aware, there are committees that monitor and implement this legislation. I am referring to the various United Nations committees, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, and the Committee Against Torture which monitors the application of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is important to consider the analyses and recommendations of these monitoring bodies in the light of the reports presented by Cuban government officials, given their significant educational and legal value.

We also think that the work and reports on the activities of the following intergovernmental organizations are also very important: the World Health Organization, the Pan-American Health Organization, the United Nations Population Fund, the Global Fund to Fight Aids, Tuberculosis and Malaria, the United Nations Children's Fund, the World Food Program, the Food and Agriculture Organization of the United Nations, and the International Fund for Agricultural Development. I would also suggest that when you begin your study, you consider what these organizations have written about the achievement and enjoyment of human rights in Cuba.

I would now like to very briefly describe some reports, including those on the human rights situation in Cuba drafted by the United Nations Human Rights Committee. This was previously the Human Rights Commission. The work done on the human rights situation, under the auspices of the previous Human Rights Commission, re-baptized the Human Rights Committee last year, has attracted a significant amount of attention since special rapporteurs were appointed for the purposes of considering the human rights situation in Cuba. These rapporteurs are the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, I would add to that list Notice No. 9 in the report presented by the working group on arbitrary detention at the 60th session of the former Human Rights Commission dealing with the situation in Cuba.

In September 2005, the personal representative of the United Nations High Commissioner on Human Rights, Ms. Christine Chanet, presented the most recent report on human rights in Cuba to the United Nations Human Rights Committee. The Cuban authorities

never recognized the mandate of the High Commissioner's representative, which made exchanges extremely difficult, if not impossible.

In order to better understand the process, one needs to refer back to the debates that followed the presentation of that report, in September 2006, at the time when the members of the Human Rights Committee were obviously deeply divided not only when those positions were created, but also with respect to the content of the report. The heated discussions that took place after the report was presented are reminiscent of the endless ideological confrontations that took place during the Cold War between the former socialist countries and the developing countries on the one hand, and the industrialized western countries on the other. Those differences obviously continue today.

If you refer to those debates, you will note that the officials from Korea, Russia, Belarus and Zimbabwe, among others, expressed reservations about the contents of the report.

I am not challenging one of the fundamental pillars of the United Nations, which is international human rights protection. I am very supportive of the creation and development of the positions of special rapporteurs on human rights situation throughout the world. These positions are important because they implement the principle of integral protection of human rights which is contained in the United Nations Charter.

• (1115)

Nevertheless, one needs to be aware of how deeply polarized the members of the Human Rights Commission were in 2002, when the position was created, and in September 2006, when the Commission released its report.

Finally, any thorough consideration of the human rights situation in Cuba must also take into account the major environmental changes and the serious impacts they have had over the past 10 or so years on the island's soil. A number of natural phenomena, such as cyclones and drought, have wrought considerable economic and material damage. This damage has a serious impact and consequences as far as protecting, defending, and therefore achieving respect for human rights in Cuba.

Despite the adequate early warning and response system put in place by Cuban authorities, the recurrence and growing severity of these natural disasters is hampering recovery and reconstruction efforts. Based on all available forecasts, the cumulative effects of these natural disasters and periods of chronic drought will continue to worsen. This situation tangibly affects the enjoyment of economic and social rights in Cuba.

In conclusion, I've prepared a number of recommendations. The first recommendation focuses on the democratic transition which began in Cuba some time ago. It is my recommendation that the Government of Canada encourage the Cuban government to promote political pluralism and a multi-party system, provided that various political parties are represented in the National Assembly in Havana, in keeping with Cuban law, including political party financing rules.

This is an important issue because the Government of Cuba, like any sovereign government, cannot tolerate the existence of political parties or organizations financed and propped up by a foreign government, entity or organization. Could you imagine a new political party financed entirely by the Australian or Afghan government, by the Taliban, or by Osama bin Laden, sitting beside the Bloc Québécois, the Liberal Party, the Conservative Party, and the NDP, in the House of Commons? That would be undemocratic and fly in the face of every rule of democracy.

A country's political parties must be financed according to the financing rules and laws governing political party financing and must not be supported and financed by a foreign government. Not only is that undemocratic, it also hampers economic development since the whole democratic process centres on defending the State's sovereignty.

I also recommend that the Government of Canada put pressure on the United States' government to end the U.S.'s current foreign policy toward Cuba. Since 1959, that policy has consisted primarily of imposing unilateral economic sanctions.

I would remind you that this policy has been condemned by the United Nations' General Assembly. Fourteen resolutions have been adopted since 1992 in addition to the reports commissioned by the National Assembly from the UN Secretary General calling for the enforcement of these resolutions.

• (1120)

The Chair: Pardon me, Madam, but could you please wrap up your presentation?

Ms. Dulce-Maria Cruz-Herrera: Yes, I'll present my recommendations.

I recommend that the Government of Canada call upon Cuban and American authorities to re-establish their bilateral relations; that it refrain from any involvement in the politicization of Cuban human rights, as has been recommended by members of the Human Rights Committee; that it consider the impact of economic globalization on the achievement, protection and effective enjoyment of human rights in Cuba; that it acknowledge the serious repercussions of the U.S.' foreign policy in Cuba in terms of the enjoyment of human rights in Cuba; and finally, that it consider not only the findings of the Cuban government, but also the reports and studies presented by the intergovernmental organizations that I mentioned earlier.

Lastly, I also recommend to the Government of Canada, and to this subcommittee when it drafts its report, to consider the impact of climate and environmental change which seriously impacts the achievement and enjoyment of all human rights in Cuba.

• (1125)

The Chair: Thank you, Ms. Cruz-Herrera.

[English]

We'll move now to Professor Ritter.

Go ahead, Mr. Ritter.

Professor Archibald R. M. Ritter (Economics and International Affairs, Carleton University): Thank you very much for the opportunity to appear before this committee. I just learned about it on Sunday, so I'm sorry I don't have a written statement for you.

I must say, I'm happy that my name is Ritter today, and not Radler, although I'm sure your questioning will be just as tough as what he's facing.

Basically my argument differs from that of the previous speaker. In my view, Cuba is an east European totalitarian-type state, with rather identical structures and identical institutions to those that existed in eastern Europe. Perhaps it's totalitarian-light, with nice music, nice beaches, and so on, but the country is controlled by an autocratic regime in which there is a one-party monopoly; within that one party, a central committee; and within the central committee, a politburo; and within the politburo, Fidel. The country, I would say, is controlled substantially, not totally, by the party and Fidel.

The sources that I'm going to use for my presentation are Amnesty International, Human Rights Watch, Reporters Without Borders, and the Cuban Commission for Human Rights and National Reconciliation.

I would recommend one book in particular. This is a publication of Human Rights Watch, called *Cuba's Repressive Machinery*. It presents in great detail the ways in which Cuban society is controlled in quite a totalitarian way by the party apparatus.

The basic charter of Cuba's political system is determined by its constitution and its penal code. Much of the constitution reads like a normal western document informed by the United Nations Universal Declaration of Human Rights. However, there are a couple of clauses, a couple of articles in the Constitution that nullify other nice-sounding declarations favouring freedom of speech, and so on.

One of these is article 5. Article 5 of the constitution enshrines the dominance and monopoly of the Communist Party in Cuban life, and by implication, it makes illegal other types of political parties. As a result, the Communist Party dominates the military, ministries, and the universities. It's very powerful. It has a parallel structure in the university to the administration. I know about this from first-hand experience, as our university, Carleton University, provided a master's program in economics at the University of Havana, in western economics, an interesting thing, but we tangled with the Communist Party, which was watching very closely what we were doing in our classrooms.

Article 62 of the constitution states that none of the freedoms, fairly normal freedoms, recognized in the constitution for citizens may be exercised against the provisions of the Constitution of the Laws, nor against the building of socialism and communism. Infractions of this principle are punishable. A new part of the constitution, an amendment of 2002, declares socialism to be irrevocable. So if one argues that there should be a change from the current system, there are problems for that person.

The penal code goes into a lot of detail defining what are crimes. A lot of that is fairly normal, but there are some interesting things there. *Desacato*, or disrespect—if one is disrespectful of institutions, or the civil servants or the leader, the leadership, or Fidel, you can go to jail. People are in jail for that reason. *Peligrosidad*, dangerousness—people go to jail for that particular item, and so on.

When one goes down the basic rights in Cuba, of freedom of expression and freedom of association, one sees that these do not exist in the sense in which we recognize them in Canada.

As to freedom of expression, well, as we know, there's a monopoly of all the electronic and print media by the Communist Party of Cuba. Criticism of the party, the leadership, and public policy from positions outside of those approved by the party is prohibited. Publications, teaching in universities, and think-tanks are severely curtailed. Academic freedom as we know it does not exist, I can tell you.

• (1130)

Professors get fired for what they say. Reporters are jailed—29 reporters are in jail for saying things the party doesn't like. Freedom of association? At this time, there are 278 political prisoners. The one-party monopoly does not tolerate other political parties.

And I disagree: some of the opposition in Cuba tangled with the Americans, and the Americans very foolishly have provided support in kind for opposition members. That's a very stupid thing to do. But the vast majority of the opposition in Cuba has stated that they want a Cuban solution, and they are not involved with the American embassy in any way.

I could talk about freedom of movement, which is curtailed; the right to work, which is limited according to one's political views. There's basically an internal passport system in Cuba, an identity system. If you are caught in the wrong part of the country and you live in another part, the police can send you home. That happens.

Let me say a few words, if I have time, about Canadian policy towards Cuba. Our policy since 1994, and even before it was given this label, has been one of “constructive engagement”. The objectives of this constructive engagement, enunciated by Christine Stewart and elaborated by Axworthy, were support for positive, peaceful evolution to a society with full respect for human rights and genuinely representative government institutions. That's a great objective. I would support it totally.

The way this was to be done is through normal trade and foreign investment, tourist and migration relationships, correct and respectful diplomatic relations, and some development assistance aimed at human rights and democratic development types of activities.

Was the constructive engagement successful? In some senses, in terms of promoting human rights and democratic development, obviously it was not. However, I would say that it was extremely naive on our part to expect that our normal relationship plus a few little aid programs could influence the Cuban regime in any way.

We had a variety of programs, very small, designed to promote human rights and democratic development. I think they were useful, but they were all very small. The total budget for them was about

\$1.3 million, and we couldn't really expect that they would have much impact. And they didn't.

Should Canada continue with constructive engagement? I would say yes, in some senses, but with a more realistic expectation of what it might achieve. I think it's always positive to be constructive. I think Canada has done well to maintain normal, correct diplomatic and economic relations with Cuba over the years; I'm proud of that. That has worked a whole lot better than American policy.

However, the constructive engagement could not be expected to achieve democratization and full respect for human rights. I think that was really naive on our part.

Should we continue with the constructive type of relationship? Well, I say sure, but recognizing that this is not going to change the political status quo in Cuba. In the long run, it may be beneficial because it keeps the Cubans aware of the Canadian reality, of what Canada is all about, and I think knowledge of our country, which is sorely lacking in Cuba—in fact, knowledge of any country outside of itself, with the exception of Miami, is lacking in Cuba—can only be good. So I would recommend “steady as she goes”: a normal and correct relationship with Cuba, but not expecting that we're going to have much impact in the short run.

As a little addendum, I think that Cuba has graduated. I think Cuba now does not need Canadian development assistance. It accepts Canadian development assistance, but our assistance is quite minor. Cuba, in fact, provides its own development assistance to lots of other countries. Canada stepped in when I think it was very important to demonstrate to Cuba that it had a friend and to try to give some support, economic as well as humanitarian, at the depths of its crisis in 1992 to 1996.

• (1135)

That was good, but I think that it's time we should think about Cuba having graduated, because the recovery has been substantial. Cuba has climbed up from number 79 to number 50 in the UNDP ranking of countries according to the human development index. That's been due primarily to a recovery of income per capita in purchasing power terms. Things have not recovered totally—there are lots of problems—but the recovery has been substantial. So I think we need to reconsider our development assistance to Cuba at this time.

Thank you very much.

The Chair: Thank you, Professor, for taking the time, particularly with short notice.

We'll begin our round of questioning with Mr. Silva.

Mr. Mario Silva (Davenport, Lib.): Thank you very much to both witnesses for being here, as we go through this very important issue.

I'm glad that you had mentioned, Professor Ritter, the past government's approach to constructive engagement objectives and how realistic they are. I realize that governments put forward these very noble objectives but don't always put in place the mechanisms and the resources, and at times the expectations sometimes are beyond what is possible.

As we go through this issue, there is one thing that concerns me greatly. There has been an ongoing debate in the international community at times in terms of the respect for civil and political rights, about which I think a lot of us in the west are very much concerned, and vis-à-vis social and economic rights. Many people would say that in Cuba there are very few civil and political rights, but there is a greater extent of social and economic rights. For example, they have a very good education and health system. I'm not saying that in any way to justify the repressive nature of the regime. I'm just saying that there has been more of an emphasis on one civic type of rights, as opposed to the other types of rights. Maybe you could comment on that.

Finally, I want to ask this question because I'm not sure if we're going to have a second round. I had heard that with respect to people who are released from jail, there is also a planting of chips on these people to monitor them. I had heard that and just want to know if you had in fact heard any information in that regard as well.

Prof. Archibald R. M. Ritter: Thank you very much.

With respect to social and economic rights, there is a lot of truth in the general view that those are stronger. What the revolution did very quickly was to broaden education and access to health in Cuba, so that Cuba, in a sense, pulled ahead of the rest of Latin American in the 1960s in education, in life expectancy, in all the things that result from a good health system. Cuba was very successful there. Cuba also cut open unemployment, converting it into hidden unemployment, or "unemployment on the job", one might say.

So I don't want to slight Cuba's achievement. But I would also point out that now Cuba is about sixth in Latin America in terms of the human development index and sixth in terms of the human poverty index.

In other words, what has happened in the last 40 years since 1959 is that other Latin American countries, namely Chile, Costa Rica, Uruguay, Argentina, Barbados—and I'm missing a couple—have pulled ahead in terms of the human development index, which is measured in terms of educational achievement and health achievement or life expectancy. Cuba did well, but it has been surpassed by other countries in Latin American, some of them starting in a position much inferior to Cuba's.

Likewise, it's very interesting that in the human poverty index, which takes into account such things as access to water, illiteracy, the proportion of children dying before age five, and that kind of thing, Cuba also is number six. It's not number one in terms of having the least poverty any more; it's number six, and those countries that I named are ahead of Cuba.

Cuba's revolutionary policies, in education and health especially, did achieve rapid results, and those results continue. Nothing is perfect, and we have problems with our health system. Cuba has big problems with its health system—and its educational system, of

course. Cuba has maintained its advances there, but other countries have done very well and have surpassed Cuba as well.

I personally don't think one should counterbalance the human rights of a political and civil nature vis-à-vis the social and economic rights. One can have both, as shown by other Latin countries.

Concerning the planting of chips, I'm sorry, I have no information. I've never heard of it before.

Thank you.

• (1140)

Mr. Mario Silva: I don't know whether Mr. Cotler wants to ask any questions at this time, but—

[*Translation*]

Ms. Dulce-Maria Cruz-Herrera: I'd like to respond to that question. You mentioned that newly released prisoners in Cuba were being monitored. Is that correct?

An hon. member: Yes.

Ms. Dulce-Maria Cruz-Herrera: You read that in a study done by an NGO, and it's entirely possible. However, this happens everywhere in the world, even in Canada.

On the UN's website, under Human Rights Committee, you can find reports presented by the States in compliance with the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention Against Torture and the International Convention on the Rights of the Child. I invite you to look at Canada's reports, which sometimes spark heated debates and often exasperate members of the UN committee. You will see that even the States and governments of industrialized nations have a hard time effectively protecting human rights.

As you know, the United States has not recognized the International Covenant on Economic, Social and Culture Rights, nor does it recognize the International Convention on the Rights of the Child. In addition, the U.S. has not signed on to the Kyoto Protocol, and I could give you more examples. This is also true of other countries.

For this reason, the situation is very delicate. When we turn our attention to human rights in Cuba, we tend too often to politicize the issue. We resort to using words that are often too similar to U.S. propaganda and unfortunately, we lack objectivity. Indeed, there are probably prisoners in Cuba who have been released and are being monitored, but the exact same thing occurs in Montreal, and in all provinces of Canada.

What must be examined is the gap that exists in Cuba between economic and social rights, and civil and political rights, and put these in context. The situation as a whole must be examined. Let me remind you that in 2004, the United States created the Commission for Assistance to a Free Cuba, an unprecedented act in human history. The Helms-Burton Act and the Torricelli Act were also unprecedented initiatives. In addition to exerting diplomatic and political pressure on other countries within the UN and within the Organization of American States, the US has also adopted national legislation.

Section 3 of this Act spells out in minute detail how the Government of Cuba should structure itself and how the transition should take place. This Act was condemned by the Government of Canada, which in turn passed legislation to counter extraterritorial measures. In addition, when the Royal Bank refused to allow some Canadian citizens to open an account, the Government of Canada was forced to intervene and to state that the provisions of the Helms-Burton Act did not apply here in Canada and that some caution was in order.

Unfortunately, the exercise of civil and political rights in Cuba must be analyzed in this context. Democratic freedoms are permitted and authorized to the extent that citizens do not violate Cuban sovereignty and do not destabilize the political regime.

• (1145)

However, when that happens, unfortunately, they are eliminated. Is that a good thing? No, it is not.

The Chair: We must now move on to Ms. St-Hilaire. We've gone over Mr. Silva's allotted time by four minutes.

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Thank you, Mr. Chairman, and thank you as well to both witnesses. Your presentations were very interesting.

During the last meeting of this committee, some witnesses spoke at length about prisoners, and whether or not they were political prisoners. What do you think?

My second question will follow up on the answer you provide to my first question about these prisoners, and whether or not they are political prisoners. Professor Ritter, you talked about Official Development Assistance in connection with this issue. In fact, you suggested that Canada should cut off all ODA to Cuba. Other witnesses have suggested suspending ODA to Cuba as long as these prisoners remain behind bars. I would like to hear your comments on that matter.

Ms. Cruz-Herrera, I would like to get your opinion. You seem to be defending the sovereignty of Cuba, and rightly so. From your comments, I gathered that while you recognize that Canada is not necessarily in a position to lecture anyone about human rights, you nevertheless believe that it should exert pressure through democratic means. Are you essentially recommending that Canada put pressure on Cuba through democratic channels or do you believe that it should go so far as to order an embargo?

Ms. Dulce-Maria Cruz-Herrera: I'm not the one defending the sovereignty of States. All countries that have signed the Universal Declaration of Human Rights defend state sovereignty. It is one of the pillars of the UN system. It is mentioned in Article 1 of the Charter of the United Nations, as well as in Article 1 of two covenants. The United States, Canada and Cuba have all recognized the principle of state sovereignty. I mention these three countries, because we're in Canada, and we're discussing the United States and Cuba. The merits of this principle have long been proven.

I think I may have not expressed myself correctly. I didn't say that Canada is not in a position to lecture anyone. Canada's record in terms of protecting human rights is remarkable. What I'm recommending is that...

I can be pragmatic. There's a problem in Cuba. In a certain way, the nation is under siege. The country has been at war for the last 50 years. There have been no bombings, because this wasn't an option. But in 1961, Cuba was invaded. Afterwards, there was the Cold War, and later, the disintegration of the communist bloc and the dismantling of the Soviet Union. However, beginning in 1990, laws were passed to reinforce the embargo. Cuba wasn't attacked per se, but its economy was stifled. The ultimate objective was to bring about a complete collapse of the country's economy. Unfortunately, that didn't happen and the embargo remains in place. In order to protect itself, Cuba... The United States criticizes Cuba for not adopting a market economy.

The beauty of the UN, created in 1945, is the plurality of democracies. In fact, a UN committee is examining the issue of renewed and restored democracies. Every year, very interesting reports on the importance of fostering democratic plurality in the world are published.

A neo-liberal democracy, such as the one in place in Canada and the United States, is not the best kind of democracy in the world. Therefore, it is not the kind of model that the United States can impose on someone else. What right does the United States have to pass legislation that dictates to Cuba the type of democracy it must embrace, whether it be neo-liberal or one based on a certain type of economy? What right does it have to do that when the UN Charter stipulates that all States are equal? That's what the concept of sovereign equality implies. States cannot intervene in the domestic affairs of other States. The right to self-determination must not be dismissed lightly. It is one of the pillars of the UN system.

To defend itself, Cuba tells its citizens that they are free to express themselves, but that if they act on the messages being broadcast by Radio Martí, they will be prosecuted to the full extent of the law. Is Cuba doing the right thing and in the best way? Probably not.

The Cuban people are mature and ready for a multi-party system. In Cuba, many political parties can co-exist in the national assembly, provided that these political parties participate in democratic debate, and promote democracy in compliance with Cuban law. A law on the financing of political parties, such as the one that exists in Canada and elsewhere, will eventually be adopted in Cuba.

I would have a serious problem with a political party financed by the Cuban-American Foundation, or in accordance with chapter 3 of the report presented by the Commission for Assistance to a Free Cuba, being allowed to sit in the national assembly in Havana.

• (1150)

I remind you that this 400-page report, which was tabled by Colin Powell in 2004 and then by Condoleezza Rice last year, increased the funding to Cuban civil society organizations to the level of \$40 million, without defining what civil society is. This is done openly. Try to imagine the Iranian government or some Islamic organization deciding to openly finance a Canadian political party, to the tune of millions of dollars, with the objective of furthering the cause of Arab or Taliban rights. It would really be terrible.

•(1155)

The Chair: Thank you. It is comparable to what the United States did when they subsidized the Solidarity Party in Poland during the 1980s. It was dreadful. Mr. Khan.

[*English*]

Mr. Wajid Khan (Mississauga—Streetsville, CPC): Thank you, Mr. Chair.

Madam, are you trying to tell us that Cuba is actually a perfect society, a perfect country, and there are no problems as far as human rights are concerned? I have a hard time believing that.

I would also like to ask Professor Ritter about the increase in the economic well-being of the country. Has it improved the human rights as well, or are they still lagging?

Prof. Archibald R. M. Ritter: It's often argued with some truth that when Cuba's economy improves, the political situation tightens up. One can look at historical experience and see some truth in that. For example, in the early 1990s, when the economy was facing great difficulty, the Cuban government was casting around for new ideas. It was receptive to new ideas. One of the new ideas it was receptive to was the introduction of western economics, which faced a lot of opposition within the country. Then, when things improve economically, the government feels more confident and it's able to tighten up.

I don't see any direct relationship between economic prosperity and human rights. I don't think I would agree totally with the inverse relationship or with the direct relationship. I would view them as being quite separate.

I must say in that respect that I disagree with the view that the United States is the source of all of Cuba's political irregularities, you could say. This is the official line in Cuba. This is the line that Castro has always taken. They have to ignore the basic civil liberties as we understand them. They have to ignore and suppress them because they are being used by the Miami mafia, the United States, to subvert the system. Well, the United States has done some stupid things. Its policy of destructive disengagement has obviously been counterproductive, but I don't blame the United States totally for the continuation of the totalitarian character of the regime in Cuba.

If I could return to a question posed by Madame St-Hilaire with respect to political prisoners, there may be debate as to whether people called political prisoners are political or not. However, according to the Cuban Commission on Human Rights.... I have a list here in front of me of all of the people who are certified or accepted by that organization as being political prisoners. Amnesty International has a letter-writing campaign for 78 of the people on this list. So Amnesty International accepts that these people are political prisoners. In my view, the vast majority are not agents of the United States. There may have been some who've done stupid things. There are some who are not in prison who've accepted support from the United States—

Mr. Wajid Khan: Professor, how many prisoners do you think are in jail right now? Do you have a number, a count? There's got to be a whole lot more than 78.

Prof. Archibald R. M. Ritter: Here's a list. There are 283, according to this list, which you can take a look at.

The Chair: Political prisoners.

A voice: Yes, sir.

A voice: Can I get a copy of that?

The Chair: You have time still in your unit.

Mr. Wajid Khan: How would you like to respond to that comment? Are we using the United States as an excuse? You have not mentioned, or at least I have not heard you say, as to what the improvements are in the area of human rights. Is the press free, as it should be? Is it not? Are the reporters in jail when they speak openly? Is it an excuse to say they're supported by the Americans?

There has to be a better way to handle those things. If you have any suggestions, we'd love to hear them.

•(1200)

[*Translation*]

Ms. Dulce-Maria Cruz-Herrera: First of all, I would like to tackle the issue of political prisoners in Cuba. At the beginning of my presentation, I said we must analyze the human rights situation in Cuba in light of the Cuban-American conflict. The human rights situation has always been used by the United States as an argument to justify its Cuban policy. They have always cast Cuba as a totalitarian State that suppresses human rights. As a result, the Cubans who oppose the Castro regime become political prisoners.

Are there any political prisoners? I believe so, in so far as there are people who have committed offences that have destabilized the political regime, according to the Cuban government.

We would have to refer, for example, to the report that Cuba presented when the Working Group on Arbitrary Detention travelled to that country. They visited Cuba in order to examine the findings in that committee's report.

Is Cuba acting in accordance with international standards? That is what we want to know, is it not? In so far as these political prisoners have had fair trials, have been represented by lawyers and have been punished according to Cuban law or according to the Criminal Code section that define the activities of these prisoners, I would say that officially speaking, the State is acting in accordance with its laws. Now, we must take all of these subjective issues into consideration.

When I read all these reports concerning the political prisoners... Furthermore, I would like to draw your attention to the diversity of arguments, the abundance of reports dealing with this issue. Personally, I am somewhat confused, because each organization is putting forward arguments that are sometimes different and sometimes contradictory. It is somewhat difficult to see one's way clearly through this, but there are clearly subjective issues. There are obviously prisoners who are maintaining their innocence. They say they are innocent and that they did not act against the security of the State. On the other hand, we have a trial process, witnesses and even, apparently, employees of the State that have infiltrated these movements to see what was going on there. They gave testimony. There are therefore subjective issues that must be taken into account.

I enjoy drawing comparisons and looking at things from different perspectives. Here in Canada, and in the United States, there are political prisoners. In the United States in particular there are many political prisoners. The situation of political prisoners is complicated. We must be very careful when we attempt to analyze the situation with political prisoners in Cuba.

The Chair: Before giving the floor to Mr. Marston, could you specify who the political prisoners in Canada are? You have just stated that there are political prisoners here, in Canada, and in the United States. Who are the political prisoners in Canada?

Ms. Dulce-Maria Cruz-Herrera: I don't know if there are any political prisoners in Canada. What I am trying to say is that there are political prisoners around the world. There are certainly some in the United States.

The Chair: Are there political prisoners in Canada?

Ms. Dulce-Maria Cruz-Herrera: I don't have the information I need to answer your question.

The Chair: Two minutes ago, you stated that there are political prisoners in Canada. All right.

Mr. Marston, you have the floor.

An hon. member: Oh yes, there were some in October 1970.

The Chair: Yes, I agree, but that was 37 years ago.

• (1205)

Ms. Dulce-Maria Cruz-Herrera: There have been political prisoners in the past. The situation of Québécois political prisoners was very complicated at the time. Every situation requires a particular analysis, quite simply.

The Chair: It seems to me that you are constantly changing your opinion.

Mr. Marston, go ahead.

[*English*]

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Canada certainly wants to nurture democracy in Cuba, and I can't disagree with anybody who suggests the American approach is wrong. I go back to an analogy I heard many years ago about two Mafia dons who sat down on a turf war and were sorting it out. The truth is somewhere in the middle usually on situations.

I might even agree that we could call some prisoners in Canada political prisoners, but they're under certificates. They're not exactly in prison. But we can have that debate another time.

Mr. Ritter, how would you see the human development index affected by the U.S. embargo?

Prof. Archibald R. M. Ritter: I think the embargo has damaged Cuba, and the general relationship with the United States has damaged Cuba. And I would emphasize the latter more. The general relationship with the United States has put Cuba on sort of a low-level conflict mode with the United States, so they have had to invest a lot in their military, starting in 1960. Perhaps the greatest damage that the United States has done to Cuba is just the general hostile atmosphere that required Cuba to build up its military and invest a lot of resources in that wasteful area.

With respect to the economic parts of the embargo, Cuba has problems producing. Cuba's supplies of everything are limited by the character of the economy. Cuba could export huge amounts of sugar, but the production of sugar in the economy has collapsed, from 8.5 million tonnes to 1.2 million tonnes this year. That's the socialist sector. Nickel has done well with Sherritt. That is a big money earner. I would say a main constraint on the Cuban economy has been its supply capability, more so than the economic character of the embargo with respect to trade.

Cuba can get anything it wants from other countries that it might have gotten in the United States, so in that sense it's not a big loss. On the other hand, if you look at tourism, the United States would be a major source of tourists to Cuba. It was already as of two years ago, before the Bush administration tightened the restrictions. If tourism were liberalized, Cuba would benefit enormously from a huge influx of American tourists, including retirement home tourists, medical tourists, sun and sand tourists, convention tourists, etc. The embargo has hurt Cuba a lot by preventing Americans from going to Cuba.

I would say that the impacts are very mixed. Cuba has suffered as a result of the embargo, but not as much as it makes out. I don't believe that the embargo was the source of all Cuban difficulties. I think a lot of them are homegrown. The trade relationship has not been the most damaging aspect of the embargo; it's been other areas.

Mr. Wayne Marston: Thank you.

With the American tourists in Hawaii and Cancun, I'm not so sure the end results are what I would like to see in Cuba. I've been to Cuba a couple of times.

Ms. Cruz-Herrera, you spoke of a number of different reports in your presentation. I'd be very interested in having a list of those so that we could refer to them and check them.

The Chair: What did your comment on tourism have to do with it?

Mr. Wayne Marston: That was in reply to his comment that American tourists going to Cuba would be an advantage. I don't necessarily agree it would be an advantage.

The Chair: Canadian tourists are nicer than American tourists.

Mr. Wayne Marston: Absolutely. There's no doubt in my mind.

You spoke about the changing environment and globalization, and how they impacted human rights in Cuba. Could you expand on that a bit, please?

•(1210)

[*Translation*]

Ms. Dulce-Maria Cruz-Herrera: The issue of globalization is so complex that I would not have time to do that. I would simply remind you that we live in a very plugged-in world. The United States, who are the masters of globalization and who have been leading globalization for several years, simply say to countries in the South, to the developing countries, that they must open their borders, liberalize their trade, be flexible, trade with everyone in the world, be open to trade and that as a result, their countries will develop, produce more wealth and emerge from the shadow of poverty. But in the case of Cuba, it is the exact opposite. The borders are blocked. In the case of Cuba, this does not apply. Cuba and the United States are 90 miles apart, I believe. In the past, they were partners. In 1959, the United States was Cuba's biggest trading partner. It would be very advantageous for both countries to become trading partners once again.

There are some things that are already in place. You are aware that farmers have brought an enormous amount of pressure to bear on the American government and that now, thanks to this legislation, the Agricultural—I have it here in my text, I can provide you with the details of this legislation—Cuba has become the 25th biggest buyer of American agricultural products. American farmers brought a lot of pressure to bear on Congress because for them, Cuba represents a fabulous market. There have been many trade initiatives of this kind. Now, as far as farm products are concerned, things are going well. There were restrictions. Often, Cubans had to pay cash when they were buying agricultural goods and this caused many problems because, generally speaking, everyone can buy on credit. Cubans had to pay cash and there was some softening on this because, obviously, they had to go through third-country banks. It was extremely expensive for the Cubans, and moreover, they had less liquidity. Therefore, certain steps have been taken to make the situation less rigid.

I would now like to talk about the repercussions of globalization on human rights in Cuba. I refer to this in my brief, but in a world where everyone is plugged-in, how can an island, a tiny country with limited resources, survive in a world where in order to survive and to develop, you must constantly be trading with the rest of the planet? In the case of Cuba, the country is constantly isolated and under embargo. Clearly globalization will have a local impact on Cuba, particularly because globalization is controlled or guided by the United States.

As far as the impact of the embargo on human rights and American economic policy toward Cuba are concerned, I have a few examples here, but if you do not want—

The Chair: We are out of time.

Ms. Dulce-Maria Cruz-Herrera: Fine then, I'll summarize.

The Chair: You may continue, but we've already gone over the allotted time by three minutes. We will move on to Mr. Sorenson, please.

Ms. Dulce-Maria Cruz-Herrera: If you don't want the Cuban government's official version because you find it—

The Chair: I'm sorry, Madam, but unfortunately, each round of questions lasts seven minutes. We spent nearly 10 minutes on that

round and, the committee rules state that we must move on to the next member. Perhaps you can provide that information in a moment. Mr. Sorenson, you have the floor.

[*English*]

Mr. Kevin Sorenson (Crowfoot, CPC): Thank you.

I apologize for being in and out, but there were a couple of calls I had to take.

Thank you both for your presentations. We're getting a variety of perspectives on what's happening in Cuba, but I think everyone recognizes that human rights violations are taking place. People are in prison who in a free and democratic society normally would not be in prison. I think all the west and all democratized countries look at Cuba as an opportunity somewhere down the road to instill the principles and values of democracy that we see as important. I think it's important in our national interest, and it's important in Cuba's as well.

This is a subcommittee of the foreign affairs committee. The foreign affairs committee is doing a study right now on democratic development, how Canada can be involved, and what Canada can do to position ourselves to make a difference.

We know that in Cuba sooner or later there will be maybe a little clearer window of opportunity to make a difference. Most people understand that as long as Fidel is in control of that country, perhaps we're limited in ways, but I think most free and democratic countries view Cuba as having the potential for change upon his exit.

Canada uses different methods in delivering some of this democratic development, or aid, or however you want to look at it. You're very correct, Professor Ritter, in saying that Canada is not a major contributor to Cuba. I think it's around \$10 million a year. I'm not sure if those are the latest figures, but that's the figure I've been given. It's still one of the largest donor countries; Canada is still a major donor country.

We know Canada also gives to countries that have strong economies, countries that are building stronger economies all the time, but there are certain regions in those countries where we see we can make a difference. Maybe it's humanitarian aid, or maybe it's helping with governance and the like. Canada is in Cuba to help Cubans achieve long-term sustainable development, including perhaps in the area of governance.

The standing committee has done a fairly comprehensive study on Haiti, one of the failed states for certain. It is a country that we have thrown hundreds of millions of dollars into, and we have seen very little success or achievement. One of the things we did learn in that committee was that regardless of who was in power, there is no understanding of how to govern. You can put somebody in place as a member of Parliament, but they don't really know the full responsibilities of a member of Parliament. They don't know what's expected of them or how to carry it out. They don't have the resources. If you go to their Parliament, there's a phone at the end of the hall, and it does the whole building—one phone, no paper, no resources.

Although Madame Cruz-Herrera suggested that we should not be involved in any type of political party development, it's a tough call. I agree that you can go in the wrong way. You can try to train people in how to govern, and we shouldn't be funding political parties, but I really didn't like your analogy when you said you have the Bloc, the NDP, the Conservatives, the Liberals, and what if there was another political party funded by Australia? That's not the case. We're in a democratic country, and they are not in a democratic country. They're in an autocratic country. There is no one there, perhaps, who is prepared to take the reins and move towards more democratization, and I believe in democratization. You very seldom see two democratic countries going after each other, and you very seldom see the types of human rights violations that we're seeing here.

• (1215)

I disagree to a degree that we shouldn't be funding them any more, but how can we better position ourselves or how can we better direct that funding so that when that window is there, we get the bang that we want?

The Chair: Mr. Sorenson, unfortunately, we're limiting this to five-minute sections and you're now at five and a half minutes in your question.

So I can either take that as a comment or be generous and allow the witnesses very brief responses if they would care to provide them.

• (1220)

Mr. Kevin Sorenson: Yes, that's good.

Prof. Archibald R. M. Ritter: That's the \$10 million question. How do we intervene in the internal affairs of another country in a legitimate, acceptable way? I don't know.

I think basically our constructive engagement was squaring the circle or was doing what we could in a polite way. I don't think it was well received by Cuba. My feeling was they laughed at some of our well-intentioned programs.

Mr. Kevin Sorenson: You mean Carleton's or Canada's?

Prof. Archibald R. M. Ritter: Canada's in the human rights area. And we had interesting things. The 14 points, some of which focused on human rights, were useful—exchange of parliamentarians and so on. What good the exchange of parliamentarians actually had, I'm not sure, but it might have had some benefit. It may have opened the eyes of some Cubans.

I guess my feeling is I don't think there is any magic bullet, but just a normal, continuous, constructive communication, not expecting that there's going to a sort of “Saul on the road to Damascus” conversion, but just chipping away, maintaining a polite and respectful dialogue I think is valuable.

The Chair: Okay.

Ms. Cruz-Herrera, do you have a very brief response you'd like to make?

[Translation]

Ms. Dulce-Maria Cruz-Herrera: You asked what Canada could do. I come back to my earlier recommendations. The Canadian government can communicate with the Cuban and American

government in an effort to restore bilateral relations. There are ways of doing this.

I would remind you that Bill Clinton was opposed to the 1996 Helms-Burton Act. He was forced to change his tune because of the pressure brought to bear by Cubans living in Miami. Bill Clinton didn't want the legislation, but he gave in because he wanted to be President of the United States.

Canada can encourage the U.S. government to do away with its hostile policy toward Cuba. Furthermore, even the special rapporteur on human rights, Christine Chanet, clearly stated in her report on human rights in Cuba that the prevailing tense climate is far from conducive to the development of civil and political rights in that country. I'm not saying that this is the only cause, and I do not approve of every single decision made by the Cuban government with regard to political prisoners, but there is a context.

Earlier, with regard to the example that I gave, you said that this did not apply here because this is a democratic country and therefore, this is not an issue. Again, I would remind you that Cuba's situation is unique and, unfortunately, even if the Cuban government wanted to allow all its citizens to do whatever they wished, it would be hard pressed to do so. Like any government under siege and under an embargo, it fears major political destabilization.

[English]

The Chair: Thank you, Mr. Sorenson. You're four minutes over on your section already.

Mr. Cotler, please.

Hon. Irwin Cotler (Mount Royal, Lib.): I'll do Kevin a favour. I'll just follow up on his question, perhaps phrasing it in another way to Mr. Ritter.

Much of your testimony has been that constructive engagement won't really change the status quo, but it can't hurt, and it may have some salutary effects. I think the theme you gave it in your response, Mr. Ritter, was again “steady as you go” in terms of Canada's policy—keep the communications going, respectful dialogue might have some improvement.

Are there any specific things that Canada can do to address and improve the human rights situation, whether it be a focus on release of political dissidents, whether it be on the matter of seeking the repeal of certain laws regarding the criminalization of dissidents and so on? Are there any specific things we should be concentrating on that might be able to have an impact?

• (1225)

Prof. Archibald R. M. Ritter: That's a good question. Here I would draw on the insights of my colleague. One thing we could do is to get the United States to normalize relations with Cuba. I think if anything would lead to a groundswell movement within Cuba for democratization, that would be it. The pretext that the government uses for maintaining the current system is the United States and its policy towards Cuba.

One detail I'd like to mention is that it appears that the United States a number of times was sending feelers out to try to change its relationship with Cuba—at the time of Jimmy Carter, for example, and under Clinton as well. The response from the Cuban side was the Mariel crisis in which they emptied the prisons and they took off to the United States. In the Clinton era it was the shooting down of the Brothers to the Rescue airplanes. That was the response of the Cuban government.

One could make an argument that while the Cuban government wants to blame all its problems on the United States, in fact the U.S. embargo and its relationship with the United States is Fidel's best friend. It serves as a means by which he can maintain his legitimacy.

However, your question is very good, but I don't have a good answer for you with respect to specific things we could do. Perhaps the continuing exchange of parliamentarians would be useful. Cuba's Parliament is quite a different phenomenon from ours. It's dominated by the Communist Party. It meets for four to six days in the year. That's all. It's basically a rubber stamp dominated by the party. The ministers are party members pretty much and are from the politburo or the central committee. However, it may well be that the learning experience through that type of interchange might be useful in the long run. Once again, short-run impacts might not be there.

I'm sorry, it's not too good an answer.

[*Translation*]

Hon. Irwin Cotler: I also want to ask Ms. Cruz-Herrera if there are any specific measures that Canada could take to improve the human rights situation in Cuba.

Ms. Dulce-Maria Cruz-Herrera: From what I've read, a number of political prisoners were freed in 2005. The number of political prisoners has dropped. I get a bit lost when I start to read up on this issue because there is a great deal of information out there. Some claim that these prisoners are mistreated, while others maintain the exact opposite. Political prisoners in Cuba could have ties to European religious organizations, for example, however,—and I don't know why—they always have ties to American organizations or the U.S. government. Since Cuba is constantly at war with the United States, these individuals are automatically fall under suspicion. Unfortunately, the two sides are unable to communicate.

The various attempted attacks on Cuba, orchestrated from American soil and, during the 1990s, the commandos sent from the United States to Cuba to launch assaults on daycares and theatres are not indicative of normal behaviour. The Cuban government is sticking to its guns and does not want to give up any ground. So, the situation is extremely political.

That is why it would be important, in my opinion, for the two governments to reach some kind of understanding and for the U.S. embargo and sanctions to be lifted. Not only must U.S. laws and policies change, but various UN organizations must also get involved. The United States has to change the way it deals with Cuba.

We would then be in a better position to make demands on Cuba. Many people around the world have said that the policies in force are indicative of a double standard at play. Many people in the international community have grave concerns in this regard.

• (1230)

The Chair: Thank you.

I will take five minutes.

[*English*]

Professor Ritter, you said your recommendation going forward is “steady as she goes”, eliminate the small and what you characterized as ineffective CIDA involvement.

We've heard others whose analysis of the situation in Cuba is similar to your own, but who have more robust prescriptions, who suggest that we should make a robust, diplomatic, and as well public focus, calling on the regime and using Canada's equity with Cuba to encourage the regime to release political prisoners, in particular those who were arrested in 2005.

That's been the recommendation of FOCAL, the Christian Labour Association, the Cuban social democratic party here, as well as other NGOs. Do you disagree or do you differ from that recommendation? They all say that Canada has not been sufficiently robust in publicly demanding the release of political prisoners. Would you agree with that assessment, and do you think we could do more in that regard? Briefly.

Prof. Archibald R. M. Ritter: I certainly think we could do more. Whether it would have much impact at this time is not clear. However, with the changes that may occur in Cuba, especially when Raoul leaves the scene, which may not be too long either—he's only five years younger than Fidel, so he's going to be gone at some point—it may well be that in the absence of Fidel and maybe in the presence or absence of Raoul, pressures of that sort might have some impact.

However, my reading of the situation is that we would expend any political capital we have—and I'm not sure how much we have at this time in Cuba—pretty quickly for minimal results. Perhaps it's the right thing to do. Maybe we should do it. Whether it would yield results—

The Chair: I have to say, what disturbs me about this debate, as it's unrolled here today and as it is frequently, is this typical Canadian proclivity to frame everything with respect to our neighbours to the south rather than thinking independently. We always seem to be reacting to American policy.

I would like you to comment on this. The European Union has been moving towards a thoughtful independent policy approach on Cuban human rights led by the Czech Republic, whereby they are clearly favouring dissidents. The European Union embassy, as you know, invites prominent dissidents to attend receptions at the EU mission in Havana. The Czech Republic invites dissidents to attend conferences and provides intellectual and practical support in a way that cannot be characterized by the Castro regime as threatening their security. Why couldn't Canada pursue the Czech approach of an independent vigorous advocacy of human rights, standing on the side of the political prisoners and the dissidents? That's one question.

My second question is this. I don't know if you are familiar with Christine Chenet. Madam Cruz-Herrera has made several references to the report of Christine Chenet to the UN High Commissioner on Human Rights regarding Cuba, in which she makes recommendations, and I'll just summarize some of them.

She recommends that the government of Cuba take the following measures: halt the prosecution of citizens who are exercising their guaranteed rights under the Universal Declaration of Human Rights; release detained prisoners who have not committed acts of violence; review laws that lead to criminal prosecution of persons exercising their freedom of expression, demonstration, assembly, etc.; uphold, without exception, the moratorium in the application of the death penalty; reform the rules of criminal procedure to bring them into line with the requirements of the Universal Declaration; establish a standing independent body with the function of receiving complaints from persons complaining that their fundamental rights have been abridged; review the regulations relating to travel into and out of Cuba in order to guarantee freedom of movement as defined in the Universal Declaration; authorize non-governmental organizations to enter Cuba; foster pluralism with respect to associations, trade unions, organs of the press, and political parties; and finally, accede to the International Covenant on Civil and Political Rights and its optional protocols.

First, do you think the Czech model vis-à-vis Cuba can be a useful reference point? And secondly, do either of you disagree with any of the recommendations of Madam Chenet that I've just referenced?

● (1235)

Prof. Archibald R. M. Ritter: First, I would agree with all of those recommendations. I wish we could wave a magic wand and achieve them.

I think that rather than Canada alone adopting, say, the Czech approach, if a large grouping of countries—

The Chair: But do you agree with my general characterization of their approach?

Prof. Archibald R. M. Ritter: Yes, I support her views totally.

I think if Canada, in unison with Europe and with parts of Latin America and perhaps Japan and Australia—A unified approach by a broader grouping of countries might yield some benefits. Perhaps Cuba would be inclined to listen more to Europe and to Canada if we spoke with one voice. As it is now, the European Union speaks with many voices. They formulate a European position and then Spain breaks it, or other countries. I guess I would say that if there were a more coordinated approach among like-minded countries with Canada, that perhaps would wield more influence, and I wish it would wield a lot of influence. Perhaps when Fidel is off the scene, it will work better.

Whether Canada should push this line itself—I think it should. I think we should make our views on this known continuously to Cuba. We should continue to have a constructive interchange, politically correct and so on. We would aggravate the Cuban government immensely, if we focused explicitly and continuously on the recommendations of the UN observer. So generally, I think I would certainly agree that that type of pressure would be useful, especially if coordinated. But whether we should be providing assistance is a related but separate question.

The Chair: Thank you.

Unfortunately, I have to apply the same rigour to myself as everyone else, and we're at I think about seven or eight minutes on my five-minute round.

Thank you to both of the witnesses for your time. We appreciate very much your taking the time to come up here to Parliament Hill and share your thoughts and expertise with us. Thank you to both of you.

We'll now, with gratitude, dismiss the witnesses, so our committee can then move to future business.

First of all, let me say a couple of things about business that we've already done.

The clerk advises me, Mr. Cotler, that your motion on Iran did not make explicit that it was to be referred to the main committee, and the clerk just wants instruction on that. I think it was clearly your intent that it be referred to the main committee. I thought it had been. I just found out at the beginning of this meeting that it hadn't been. So could I suggest that you move this? I'm sure that we'd get unanimous consent to allow you to move a motion without the 48 hours' notice that the fourth report of the subcommittee, i.e., your motion on incitement to genocide, be referred to the full committee.

Would you like to request unanimous consent to put such a motion?

Hon. Irwin Cotler: Yes, I would.

The Chair: Is there unanimous consent?

Seeing consent, I call the question.

(Motion agreed to)

● (1240)

The Chair: So to the clerk, we'll refer that then to the full committee.

Secondly, speaking of the full committee, do you mind if I raise the issue that you raised with me yesterday, discreetly?

Mr. Kevin Sorenson: Yes, go ahead.

The Chair: My understanding, Mr. Sorenson, is that our committee's report on the Canada–China human rights dialogue will be considered by your committee Thursday morning.

I'm raising this only because I'm just suggesting members of this committee may want to communicate with their party's counterparts on the main committee to express the robustness of our study of this issue, as they haven't had an opportunity to sit through and listen to all the testimony, and I think Mr. Sorenson is indicating there might be some problems in that regard.

Mr. Kevin Sorenson: One never knows if there are going to be problems or not. I know that there very well could be.

I wonder if it has ever happened before that members from the subcommittee go to the standing committee to be available to answer questions as to how comprehensive it was.

Now, obviously I sit on that committee; I'm the chair. As the committee's chair, I feel that to get into how much we heard and the amount of work we did on that—it will be fairly evident when they look at it—I want to be certain that it's not dismissed quickly because it's just a subcommittee.

I think that if each one of you talked to members of your committee, and maybe a couple of you—I haven't run this by my clerk or anyone else in the committee, and in fact I didn't know you were going to bring it up, but if you were there to introduce it and answer a few questions, I wouldn't see that as out of order.

The Chair: I've been asked by.... Go ahead, Marcus.

Mr. Marcus Pistor: In terms of the history of the subcommittee, it's been the practice that the chair would try to be at the meeting of the main committee.

I think Mr. Cotler did, but I think you were in fact a member of both committees at the time. Mr. Bains did it, and I think Mr. Kilgour did it once as well, where the subcommittee chair would come to the relevant meeting of the main committee to answer questions, and explain the work of the subcommittee and the recommendations. That's the practice in the past.

The Chair: Mr. Cotler, did you have a point on this?

Hon. Irwin Cotler: I was going to make the same point that Marcus made and add that I've already spoken to my colleagues on the committee to impress upon them the seriousness of the inquiry that we undertook, in terms of the breadth and depth of the witness testimony and the importance of the recommendations. I acknowledged that they were tough-minded recommendations, but they were well founded and deserve to be supported.

Mr. Kevin Sorenson: That is exactly my point. As you remember, this used to be the foreign affairs and international trade committee. So there still might be some of that leftover. It's not trade any more, but this committee was not thinking about trade or anything else. It was thinking about human rights violations. So I welcome and appreciate Mr. Cotler speaking to his colleagues. I hope we all can.

The Chair: Could I ask, Marcus, is it conventional for standing committees to adopt the reports of their subcommittees in toto, or is it conventional that they make substantive amendments to them?

Mr. Marcus Pistor: I can speak only to my experience. Regarding any of the substantive reports in which I've been involved, the subcommittee has been changed—to a greater or lesser extent than the main committee. Sometimes it's a word. Sometimes it's reflecting—

The main committee has just concluded a major study on democracy assistance, so they may want to make sure that the two studies make the same kinds of recommendations. Those sorts of things are standard practice. Sometimes the meetings in the main committee take longer to consider the report than the subcommittee.

The Chair: I have one point to make, and then we'll go to Wayne.

I proposed one modification to reflect something that Madame St-Hilaire raised at the very end of our consideration of the report. I'm not going to get too much into the substance of it, but it concerned making a specific reference to the fact that there is a bilateral consular agreement.

There was some confusion about that, for which I apologize. I have apologized personally to Madame St-Hilaire, and I do so now publicly. We got focused on the Vienna Convention and forgot that there's also a supplementary, if you will, bilateral convention in this respect. We're going to be proposing that as an amendment.

I don't think that reveals too much of the substance of things.

Mr. Marston.

• (1245)

Mr. Wayne Marston: I'd be concerned if there were a substantive change to a report that didn't come back to this committee to be looked at. This is our report to them, and if they're going to change it, and it has my name on it, I'm not going to be too happy.

The Chair: I share the concern. I gather that in fact when it's reported to the House, it is done in the name of the standing committee, not of us.

Mr. Wayne Marston: But still, we've heard the witnesses, as indicated here, and if there is a substantive change, at least allow us the opportunity to take a look at it.

From what I'm hearing, there isn't going to be. It's not expected. But if that were to happen, the reputations of people around here might be affected by something. I'd be concerned that we didn't have an option to at least consider it.

The Chair: I'd encourage you to accept Mr. Sorenson's informal invitation and to show up and make that point and ensure that your NDP colleague on the committee does so.

Mr. Kevin Sorenson: Yes, talk to Alexa, make sure she's read the report, and just voice those same concerns.

The Chair: That's why I raised the matter, Wayne, for precisely that concern.

Madame.

[*Translation*]

Ms. Caroline St-Hilaire: Mr. Chairman, I have a question.

Even though we are not sitting in camera, this is the first time that I'm a member of both the subcommittee and the main committee. Perhaps my question is naive, but I'm just wondering if it would be appropriate for us to be present. For example, the Bloc Québécois has two seats. Would it be appropriate for members of the subcommittee to attend as well?

The Chair: Why not? It is up to your party to decide whether or not you should be replaced during that meeting.

[*English*]

Mr. Kevin Sorenson: That's up to your party. We're a subcommittee of the main committee. If Madame Barbot, like today—

[Translation]

Ms. Caroline St-Hilaire: I realize that, as a party, we can do whatever we wish. I just want to know if it would be a good idea to have all members present. I'm not just talking about our party members. Should Mr. Cotler or Mr. Silva, for example, do likewise?

The Chair: I think we all agree that it would be a good idea. I, for one, will be there, and I believe that Mr. Sorenson has also invited other members to attend as well.

Ms. Caroline St-Hilaire: Very well. Thank you.

[English]

The Chair: Do we normally discuss future business in camera?

A voice: No.

The Chair: We don't, okay.

Has this been made available to everyone?

Mr. Marcus Pistor: Yes, it's been translated and everything. It's just a quick list that we drew up yesterday.

• (1250)

The Chair: Okay, so we have at least three, possibly five, regular meetings ahead of us. We've now had three hearings, one in the fall and two in the spring, on Cuba. In addition, I always make reference to the testimony that can be at least a reference point for us from the previous Parliament. And Marcus has suggested that we should probably move to consideration of a draft report on the Cuba testimony as an option.

He already had prepared—I'm looking at one iteration dated 16 November 2006 of Canada's policy concerning human rights in Cuba—possible elements of a report, which I think was a reasonable basis, but since then we've heard additional testimony, of course.

Go ahead.

Mr. Marcus Pistor: There was one witness who was invited, who wasn't available because he was actually in Cuba, and that's Professor John Kirk. Madame St-Hilaire had suggested him. I think he is away until the end of this week, so he might be another option. He's one of the better-known Cuba experts in Canada, and there's also a Professor Dosman. Those are the only two. And when I refer in the document here to academics or experts, those would be options on that end of the....

The Chair: I would be open to doing one more round on this. If we did, I would be keen to consider inviting Ed Broadbent, who's a former member of this committee and who's a former president of the International Centre for Human Rights and Democratic Development, who has spent, in that capacity, a lot of time, apparently, in Cuba and I think has some well-informed opinions about it. He was really the leading member of this committee in a previous Parliament on the issue, and I thought he brought a lot to it.

I think we could have a decent final panel on this, if that were the committee's desire, next week.

Where are we at with the CSR, Marcus? Are we waiting for the government response?

Mr. Marcus Pistor: We're waiting for the government response, essentially. The advisory council, which is the stakeholders group,

has prepared a very detailed, lengthy report that's available on the website. The Department of Foreign Affairs told me in March that once that was out, the government would be preparing a response to Parliament. In what form, I don't know yet.

The Chair: We've had this on the agenda as waiting for a response. We can continue in that fashion.

Mr. Wayne Marston: If that report could be distributed to us, it would be worthy of some consideration.

The Chair: You can see other items on the agenda that have been put forward.

Marcus, let me say that another thing that's not on here is Iran, which you've done in fits and starts. We had three witnesses in one hearing on Iran on the human rights aspect.

Then we had Mr. Cotler's motion on incitement to genocide, which was only tangentially an aspect of that hearing. It would be an option for us to further pursue the human rights situation in Iran.

I just got notice today of a bizarre conference happening at a Canadian university where they've invited something called the Ayatollah Khomeini Foundation to speak.

Hon. Irwin Cotler: It's quite serious. The person who is invited to speak at this dialogue—I received this from my Iranian colleagues, Professor Payam Akhavan—is the person, among others in the Iranian leadership, who has been advocating the incitement to genocide. To have somebody like that come here for dialogue on these matters is quite serious.

Mr. Kevin Sorenson: When is this supposed to take place?

Hon. Irwin Cotler: Towards the end of this month, around May 25.

Mr. Wayne Marston: Which university?

Hon. Irwin Cotler: Waterloo.

The Chair: So they're joining the “Hall of Shame” with St. Francis Xavier University, when it comes to this issue. That's another item.

Now, I don't know how you want to organize these things. I'm keen on the North Korean refugees issue, but we have addressed that already in one report.

Given that we haven't gotten to the CSR, for understandable reasons, perhaps we could schedule a hearing before the end of the spring session on the optional protocol, which you raised as an issue.

We've tried to do everything here in a consensual fashion—

A voice: What's the optional protocol?

Mr. Wayne Marston: It's the UN protocol. We shepherded it through the United Nations and then never signed it.

As far as I'm concerned, that's disgraceful. I'd be thrilled to see it move forward.

The Chair: Mr. Cotler.

Hon. Irwin Cotler: I agree with Wayne. I think it's so disgraceful that I don't even think we should have a hearing on it.

One of my last acts as the Minister of Justice was to recommend that we do this. I regard holding hearings on it as being a kind of dilatory process for something that, in my view, clearly should be done.

I don't see why we can't move ahead by way of motion in that regard, rather than have hearings on what I think is a clear and compelling case. We supported this protocol initially. We ought to be able to ratify what we helped support and bring to pass.

The Chair: No one has brought forward that kind of a motion.

Wayne, notwithstanding what Mr. Cotler has said, would you still like to have witnesses or hear DFAIT's position on this?

• (1255)

Mr. Wayne Marston: I'd be thrilled to go ahead with a motion on it. Originally I took the witnesses tactic because I thought there was resistance to a motion.

The Chair: Some members may want some more information to consider.

Mr. Kevin Sorenson: I'm not certain that I would necessarily need to hear a lot of witnesses on it, but I would still like the 24 or 48 hours before we have the motion.

I don't want a motion for unanimous support of this, because I want to look and see what the possible reasons could be.

Mr. Wajid Khan: What's the harm in listening to witnesses?

A voice: There's no harm.

Mr. Wajid Khan: It would be more informative. There's nothing wrong with it; we listen to them for every other thing.

Mr. Kevin Sorenson: Let's see why it hasn't been signed, and then we may want witnesses. I want to look and see why it hasn't been signed.

The Chair: Next week we'll do our last hearing on Cuba.

In the meantime, perhaps, Mr. Marston, if you intend to do a motion, you could draft something and work collaboratively with Mr. Sorenson. Then if you want to have witnesses prior to the consideration of the motion, I'm sure we could accommodate that.

Presumably it's the Department of Foreign Affairs or the Department of Justice that has objections; I don't know which department. Perhaps this would provide an opportunity for government officials to explain what their objections are, along with witnesses—for example, Alex Neve—to explain the value of this.

Mr. Cotler, you have a body of knowledge on this and you have an advantage over some other members, for whom this is something relatively new.

Hon. Irwin Cotler: I think you can have witnesses people feel comfortable with.

The Chair: I get your point.

Are there any other comments before we break here?

Okay. Thank you very much, folks.

The meeting is adjourned.

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