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Chair

Mr. Scott Reid

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• (1230)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Welcome to the 20th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

[English]

We have two sets of witnesses today. First, Alex Neve, the secretary general of the Canadian chapter of Amnesty International, will be testifying and then taking questions until 1:15. We then have Adèle Dion, director general of the human rights and democracy bureau at the Department of Foreign Affairs and International Trade, and Victoria Berry, who is the deputy director of the human rights policy division. We also have with us two personnel from the Department of Canadian Heritage: Diane Fulford and Liane Venasse. They will also have 45 minutes.

This means that our witnesses are free to give their testimony at the normal length, but questions will have to be shorter. We'll have one round of questions, as opposed to two for each of the sets of witnesses.

I will just note here that, as always, my assistant has given me the Wikipedia articles on our witnesses, so I have Alex Neve's Wikipedia article in front of me. Actually, I've known Alex for a long time, and he's always a welcome guest, but I can't help noticing here that he had a birthday two days ago.

Happy Birthday, Mr. Neve. We welcome you here and invite you to start your comments, which, of course, are on the Human Rights Council report on Canada.

Mr. Alex Neve (Secretary General, Amnesty International): Thank you, Mr. Chair.

I can honestly say that I don't think I've ever had my birthday acknowledged in Parliament before, so it's kind of exciting.

It's a pleasure to be with you all this afternoon on an issue that Amnesty International strongly believes is of very real and certainly quite timely and pressing importance.

There's no doubt about it that perhaps the most significant outcome of the UN human rights reform process that began back in 2005 was the establishment of the universal periodic review procedure under the newly established Human Rights Council. As committee members may well be aware, Canada was a champion of

the effort to establish this new review process, and has continued to be a leading voice in insisting that it must be a strong and credible process within the UN.

When it was set up hopes were very high, maybe naively so. I think many of us, governments and civil society alike, hoped and dreamed that somehow this might mark an end to the bickering and horse-trading that had paralyzed so many efforts within the previous UN Commission on Human Rights to ensure that all countries—any country with real human rights challenges—would have its record examined by the international community. The prospect, finally, of a universal review process that would mean that every single country, no matter how powerful or how neglected that country might be, would come under the microscope of international scrutiny was therefore a very promising and exciting one, to say the least.

The cycle for reviewing all member states of the UN is a four-year process made up of 12 separate review sessions. Sixteen countries are examined each time. We're close to halfway through the process now. Five of 12 sessions have happened. Most significantly for our purposes, of course, Canada has recently had its own turn before the review. That review happened on February 3 this year. The working group within the Human Rights Council that compiles the various recommendations states made to Canada during the course of that review was adopted on February 5. Canada has not yet indicated which of those recommendations it intends to accept, but it will be doing so.

Your session is very timely. Next week, in advance of the Human Rights Council's consideration of the final report on Canada's UPR, which is scheduled to happen on June 9, we understand, but we don't have a specific date, that Canada intends to submit its written report to the Human Rights Council.

In my remarks this afternoon, I'd like to touch on three topics related to the UPR. First, very briefly, are some general comments with respect to how the process is faring overall, not just with respect to Canada's review. Second is a very broad overview of the nature of the recommendations that have been put in front of Canada by states. There are many, and some of them are quite detailed. I'm not going to give an exhaustive review. It will just be a broad overview. Finally, we have some concerns and recommendations with respect to the steps Canada needs to take to ensure that there is strong implementation of the recommendations emerging from this review.

First, how is the process faring? Amnesty International, through our office in Geneva, has followed closely and has participated actively in many of the reviews that have happened to date. I think that perhaps the most important thing I hear back from my colleagues in Geneva is that we must be careful not to rush to judgment. We are still less than halfway through what is a groundbreaking and novel process dealing with one of the most politicized and polarizing of all UN issues: human rights. Eighty countries have had their records reviewed. Some, like China, have never been reviewed before in this sort of setting, despite many efforts over several decades to make that happen. That in itself is a notable achievement. But there are still 112 reviews to come, so we have a long way to go.

The results to date, of course, have been far from perfect. There have been some examples of some quite good reviews. Two that come to mind are those dealing with Colombia and the United Kingdom.

● (1235)

There have been a number of woeful disappointments, such as Tunisia, Algeria, and Cuba. Some reviews, such as the one of China, are a bit hard to judge. It certainly was not the review we would have wanted, but as I said, the fact it even took place is a huge step forward.

Most come somewhere in the middle. There have been some positive impacts already. Many countries who have never had any meaningful process of dialogue at all with NGOs in their country about human rights do now have those in place. Several countries have taken or committed to a concrete agenda for human rights reform because of a review. Nigeria, for instance, signed three treaties and ratified one just before its review was conducted.

At this stage, Amnesty International is pressing for a number of procedural improvements to the process—and the strengthening of the UPR will only come incrementally. We're urging, for instance, that government delegations consider including independent human rights experts in the delegations they send to Geneva. We're pressing for governments to more consistently draw their legislative bodies into the UPR process, both before and after the reviews take place. Obviously, the fact this committee has turned its mind to the topic is very welcome.

At minimum, we've highlighted it is vital that the results of the UPR reviews be formally tabled with national parliaments. In Canada, given the provincial responsibility for a number of human rights issues, we would suggest this needs to happen with provincial legislatures as well.

Consultations with civil society groups must continue and need to be improved and expanded in many countries. And tactics that encourage only friendly interventions—a longstanding strategy used within the UN with respect to human rights debates—must also be cut back or curtailed.

Those are just a few general or overarching comments. Let me move to the second topic and highlight the nature of some of the recommendations that have emerged from the Canadian UPR.

The official report adopted by the UPR working group within the Human Rights Council lists 68 recommendations, many of which

were made repeatedly by several different governments. Notably, additional recommendations made by 24 other governments—who did not have the opportunity to make oral representations during the review, because of a lack of time—are not included in the official report. It's one of the rules within the Human Rights Council that your recommendations only make it onto paper if you had a chance to stand up and speak in the session. If time ran out before your turn came up, your recommendations don't make it.

The recommendations cover a broad array of topics, all of which will be familiar to members of this subcommittee. They include the nature of consultations and dialogue with indigenous peoples and civil society; the approach taken to implementing human rights obligations; and Canada's position with respect to the UN Declaration on the Rights of Indigenous Peoples.

There were also calls for Canada to ratify a number of other international treaties, including the International Labour Organization's convention on indigenous peoples, the American Convention on Human Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture, and the International Convention for the Protection of All Persons from Enforced Disappearance.

Canada has quite a good record of signing on to international treaties, but as you can tell from the recommendations made, there are a number of important treaties we have not yet taken up.

There were, of course, numerous concerns expressed with respect to the rights of indigenous peoples, including the alarming rates of discrimination and violence against indigenous women, the need for significant improvements in protecting land and resource rights, high levels of poverty, inadequate housing, equal access to education and health care, and problems with the justice system and child protection.

There were also a range of concerns related to poverty, including calls to develop poverty reduction strategies and to deal with issues related to homelessness and inadequate housing.

Women's rights came up repeatedly, including domestic violence, trafficking in women and girls, and the treatment of women prisoners in federal penitentiaries.

● (1240)

There were concerns related to immigrants and refugees, such as the domestic live-in caregiver program, a program that's been in the news again recently in Canada, of course; unequal labour rights for some migrant workers; problems with family reunification; and detention of refugee claimants.

There were issues respecting the justice system, including detention facilities for juveniles, the use of taser guns, and Canada's clemency policy in death penalty cases. There were issues respecting anti-terrorism, on which countries expressed concerns related to fair trial issues in immigration security cases, failure to fully incorporate the absolute ban on deportations to torture, and racial profiling in security cases.

There were other issues around racism; discrimination; the treatment of lesbian, gay, bisexual, and transgendered individuals; the equality of persons living with disabilities; and hate crimes.

As you can see, this broad overview touches on a range of human rights concerns familiar to most Canadians. Most have been raised with Canada over the past 15 to 20 years in the course of various reviews conducted by other expert bodies within the UN, such as the committees that monitor compliance with the treaties Canada has signed on to or the special rapporteurs, working groups, and other experts who make up what are known as the UN special procedures.

The main point that is important to highlight here is that this is a collection of important and reasonable recommendations, the bulk of which are by no means new to Canada and many of which originate with Canada's friends and allies.

That brings me to the last point, which is the issue of implementation. If many of these are recommendations that have been put before Canada before, some repeatedly, what is it that has stood in the way of implementation, and how do we ensure a better approach to implementation this time?

Canada, of course, demonstrates and exercises considerable and important leadership on the world stage when it comes to human rights, and has for many years. Canada does, sadly, have a dismal track record, however, of acting on the human rights advice we receive from the UN, something we certainly encourage and expect other countries to do readily. Recommendations come back to Canada and typically disappear into the labyrinth of federalism. The overwhelming bulk are not implemented. It is even more frustrating that it has typically proven next to impossible to determine the status of a recommendation, which level or department of government is looking at it, if at all, whether the government has any plans to move forward with it, and if not, why not.

The government generally points to a committee known as the Continuing Committee of Officials on Human Rights, which has been in existence for more than 30 years, as the vehicle that coordinates and ensures implementation. As members of this committee likely know, the continuing committee is made up of mid-level officials who generally have little decision-making authority with respect to what may often be complex and politically charged issues, and the continuing committee carries out all its work in secret, declining to even release its agenda to the public.

As a group that facilitates an exchange of information among government officials working on human rights issues, the continuing committee very likely plays an important role, but it was never meant to be a body that will ensure accountable and transparent implementation of important human rights recommendations that the UN directs at Canada. Something more, something different, is needed.

There should certainly be nothing secretive about human rights in Canada. The discussions about how to move forward with human rights advice from the UN should be accessible to all Canadians and should benefit from high-level political support and involvement that facilitates prompt and accountable decision-making among various governments in Canada.

As a notable aside, I'd like to highlight for committee members that there has not been a ministerial-level meeting in Canada focused on human rights for more than 20 years. The last such meeting was in 1988. Many issues, such as health, the environment, and justice, are recognized to be of such importance as to be deserving of yearly ministerial meetings; surely human rights are important enough to merit senior political attention more than once every two decades.

• (1245)

UN bodies have, with increasing impatience, called on Canada to develop a better approach for many years. The Senate human rights committee has often gone on the record with that same concern. And now, with this latest review, numerous other governments have urged Canada to improve.

That is what is different now. This is not only experts from within the UN human rights system. This is Canada's peers, other governments on the world stage, calling on Canada to do so. They have all highlighted that federalism can not and need not stand in the way of an effective approach to implementing human rights. Canada heard this from many countries, including such friendly countries as the United Kingdom, Portugal, Norway, and Mexico.

In many respects, this may be the most important issue at stake in this review. It is the one issue that unites indigenous and civil society groups across Canada. Regardless of their area of human rights concern, they all agree that the answer is to develop a better system.

A group of organizations wrote to the Prime Minister soon after Canada's UPR, urging that when Canada goes back to the UN in June to indicate which recommendations we are prepared to accept, we take up the recommendation that came from so many states to strengthen implementation.

Let me end by quickly sketching out the key points that NGOs have suggested should guide the development of a new approach.

First, we do believe it is time to convene a meeting of federal, provincial, and territorial ministers responsible for human rights. This meeting should review the UPR recommendations and should adopt a shared implementation plan.

Second, bodies such as the continuing committee and a federal deputy ministers committee that exists should be tasked with working closely with indigenous peoples, organizations, and civil society groups to support and facilitate the ministerial meeting and decision-making process.

Third, parliamentary and legislative committees across the country should actively review the UPR recommendations in sessions that are open to the public. The fact that both the Senate human rights committee and this subcommittee are doing so is a very welcome beginning. We'd like to see that continue at the federal level, even after Canada's report goes in next week. We would also like to see this start to happen at the provincial and territorial level.

Fourth, it is important that government works with indigenous peoples, organizations, and civil society to ensure that there is an accessible and timely process of dialogue and consultation about the UPR recommendations, including after the submission of Canada's report next week.

Lastly, we think it's important that the government begins to work actively to ensure that there are effective and accessible remedies across Canada for violations of all human rights. That needs to be a central part of an implementation agenda.

I'm going to end there. I'd just like to stress that it's very much our view, and I think it's a view shared by organizations nationally and internationally, that Canada's human rights leadership is on the line as we move into this final stage of the UPR process. If we are not able to move through this UPR and demonstrate a willingness, a determination, and an ability to implement and comply with the recommendations that emerge from this review, in our view the UPR, an important but tenuous innovation within the UN, will have lost a very important champion, and an opportunity to significantly strengthen human rights protection in Canada will have been squandered.

Thank you, Mr. Chair. Those are my comments.

● (1250)

The Chair: Thank you, Mr. Neve.

It was our plan to have you as a witness until a quarter past. Since it's now five minutes to the hour, simple mathematics gives each party, in one round of questions, five minutes for both questions and answers.

I'll be timing you, members, with that thought in mind.

We'll start with the Liberals, with Mr. Silva.

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

I want to thank our witness, and I also want to thank Amnesty International for the wonderful work they do on promoting and supporting human rights in Canada and throughout the world. And I apologize for being late. I was in another meeting.

I want to take note of some of the issues you had raised. Number one, since we had the UPR report back in February of this year, has there been any progress at all by the government in terms of even trying to attempt to address some of the issues of concern?

Number two, of course we're very much dismayed by the fact that after years of both Liberals and Progressive Conservatives working on the rights of indigenous people, the declaration was not endorsed by this government. And I think that if there are to be any changes in the future, given the fact that it's not a protocol, I'm not sure how Canada would go about doing the endorsement, other than maybe just making a public statement. Maybe you can elaborate on that and how we go about doing that, because I think it is quite important that we do that.

The third question would be does the fact of our federalism sometimes present obstacles and barriers as to how we can implement, for example, certain protocols? The one I'm thinking of is the Optional Protocol to the Convention against Torture. When I was sort of lobbying for that, the reference was always "Well, we have to deal with our provinces and there are a lot of issues there". So does that present itself as a barrier to our moving forward with some of these protocols?

Those are the three questions.

● (1255)

Mr. Alex Neve: Thank you. Why don't I take them in reverse order?

Clearly federalism is a challenge. In our view it's not a barrier, but unfortunately for far too long it has been accepted as a barrier. That's why we—not just Amnesty International, but organizations across the country—have been pressing for this moment, this important moment of Canada's engagement with the international human rights system, as an opportunity for us to signal determination and will to develop a better, more coordinated, more transparent, and more effective approach to implementing human rights obligations within a federal state. We think it can be done. We think there are lessons to be drawn from other countries. We're not the only federal country in the world, of course. Every federal state is structured a bit differently, but there are many lessons to be drawn from other states.

It's not the only issue we grapple with within our own federalism as well. Certainly thinking across the public policy spectrum, I'm sure there are issues everyone would agree are perhaps better dealt with in a federal structure than others, but lessons can be learned from looking at some of those other fronts as well. That's why we think it should be among all the issues that are in front of Canada right now and coming out of this review. That's the one that really deserves priority attention—to really devote some time, energy, and resources to developing and putting in place a new process.

I think the Optional Protocol to the Convention against Torture is a prime example. Canada has been working on the possibility of ratifying that important new treaty for six years now—an important treaty that's meant to prevent torture around the world. We've not yet signed onto it, thus we can't even push, cajole, or encourage other countries where torture is a real concern to sign on, because we haven't done so ourselves.

With respect to the Declaration on the Rights of Indigenous Peoples, I think you'll note it is one of the most common concerns and recommendations that was raised by a whole range of governments, including allies and friends of Canada, including many other countries that have indigenous populations. They are all expressing concerns about Canada's opposition to the declaration and are all calling on Canada to reverse its position and to agree to support the declaration. You're right that because it's not a treaty there's not a formal process within the UN for Canada to go back and change its vote. I think the model would be to follow what Australia recently did. Australia, similarly, is a country that had voted against it, but has had a recent change of position and has decided to support it. That was done through very high-profile public statements made by Australian political leaders, making it clear both domestically and internationally that Australia now supports the declaration.

Lastly, with respect to whether there's been progress over the last few months in dealing with some of the issues, I don't think any of us were necessarily expecting that in that window of time, between the February review and June when Canada submits its report, that we'd see substantive work on some of the human rights issues. We're looking for some sign that a very thoughtful, and we would have hoped, much more public and politically accessible process of discussion about those recommendations and considerations among the 68 of which ones the government feels more inclined to accept and which ones not. NGOs had a one-day meeting with some federal government officials about this. That's the extent of dialogue or discussions that have happened between February and June. Unfortunately it really wasn't as much, or certainly not as high-level as would have been merited, given the importance of the issues. There has also been an e-mail inbox that people are welcome to send messages and recommendations to. But that's been the extent of the exchange and dialogue between February and June.

[*Translation*]

The Chair: Thank you.

Mrs. Thi Lac, the floor is yours.

• (1300)

Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ): Good afternoon and thank you for being here. It is always interesting to meet people who involved in the area of human rights and who are working to advance them in the world.

You mentioned major treaties that Canada has not signed. In your view, which are the treaties that Canada really should sign?

You also mentioned the 68 recommendations in the report. If you had to list the three most important, which would they be?

You also mentioned recommendations that could have been made, but that were not listed in the report. What are they?

You mentioned that Canada's leadership could be called into question if the recommendations are not implemented. In your view, is this about the power to do so, or the political will?

You mentioned the reforms that should be put in place and the great delay that has occurred. What would be an acceptable timeframe for implementing these reforms?

Thank you.

[*English*]

Mr. Alex Neve: Well, let me begin with the question of which treaties. In the course of the UPR there were probably somewhere in the range of six to eight treaties that came up that governments called on Canada to ratify. We certainly wouldn't disagree with any of those recommendations. I think among all of those treaties there are two that perhaps should be at the top of the list simply because we know these are two that Canada has been actively looking at already, such that much of the work has been done, and in our view, therefore, now is the time to cross the finish line and ratify them.

One is the optional protocol to the convention against torture, which just came up and has been actively under review for about six years now. The other is the Convention on the Rights of Persons with Disabilities and its optional protocol. Canada signed the

convention, but has not yet ratified it. We know there are discussions going on within the federal and provincial governments with respect to that very important treaty. It's a groundbreaking treaty dealing with what is often the most overlooked human rights issue on the world stage, and that is the plight of persons with disabilities.

I'm going to decline to choose among the 68 recommendations because it's an impossibility. I shouldn't say that. I'm not going to totally decline. I'm going to highlight one, which is the one that I've been talking about in my presentation as well, and that is the recommendation about a better approach to implementation. The reason I want to highlight that one is that it is absolutely our view—and this is shared by indigenous peoples groups and NGOs right across the country—that if we got that right, if we had a better, more effective, transparent, accountable implementation process in Canada that really brought the federal, provincial, and territorial governments together in a better way around human rights issues, all of the other issues to a certain degree would start to take care of themselves. There would be a better, more reliable system to turn to with respect to disability rights or concerns, or refugee issues, or women's rights, or rights of indigenous peoples. That is the one that we would prioritize. That's not to suggest that the others aren't of concern, but that one is the tip of the iceberg, in our view.

Yes, we are concerned that leadership is an issue here. We're very proud of the positions Canada took over the last several years in pressing for the universal periodic review, number one, to be adopted. That wasn't easy. There were very difficult UN debates at the time. Many countries obviously wanted to either defeat it or weaken it and ensure that if it were adopted by the UN, it would not be an effective process, it would be toothless. We didn't get the perfect process, but we got a process in the end that we think can deliver some real improvements within the UN human rights system.

But Canada's continuing leadership matters. If we don't come sailing through our own review having demonstrated absolutely the best possible approach, then the strength of our voice when it comes time to push and criticize and encourage other countries with respect to their UPRs is that much diminished.

Lastly, with respect to a timeline around reform, and particularly this issue about reforming the approach taken to implementation, Amnesty International and other groups have been calling for reform for a good eight to ten years now. So we're well into that timeline, in our view. But looking over the coming year, we would consider this to be a crucial year, the time between June of this year and June of next year, which would be the one-year anniversary of Canada's UPR report's being finalized. In our view it would be very important to be able to demonstrate some significant progress—for instance, during that one-year timeframe to convene the ministerial meeting on human rights that we think is so long overdue, which in itself could start to become a catalyst for a lot of the other work that needs to happen.

• (1305)

The Chair: Mr. Marston, please.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): I want to thank Mr. Neve for attending here today, because Amnesty International has a worldwide reputation in the area of human rights and on this particular topic.

When we stop to look at the periodic review, and we start considering what is being asked of Canada, what is being pointed out as our shortfalls, we see that Italy is talking about the use of tasers in Canada, Cuba is referring to our aboriginals and how they're disadvantaged. Norway seems to be following your recommendation to establish a process to deal with what comes out of the periodic review. The Netherlands is talking about the optional protocol. I was the person who moved the motion to study the UPR and make some recommendations, because I'm concerned about Canada's international reputation on the human rights file.

We've procrastinated on several significant protocols, OPCAT being the one that stands out to me. The cases of Abdullah Almalki and Maher Arar are fairly prominent news stories. In some senses, Canada has been guilty of torture by proxy in cases like this. When the Canadian people hear this, it makes them take a step back, but that's a reality we're living with.

I hear coming from you a recommendation on ways to look at this protocol, the UPR, and to respond to it. Part of our problem is that we're facing a deadline for Canada's response on June 9 or 11. As far as this committee goes, it makes it difficult for us. I intend to bring a motion forward at the next committee meeting, and all members will have a copy. It will be about implementation, and I hope it's something we can move forward on.

Coming back to OPCAT, Canada was the country that led on this in the United Nations. Can you imagine why Canada wouldn't want to be part of it? We've heard rumblings. This committee heard presentations on it about two years ago, and it developed that the provinces were afraid to have our provincial prisons looked at from outside Canada. If that is remotely true, we have a serious problem.

I'd like your response.

Mr. Alex Neve: We should have a clear and obvious answer to that question, but we don't. The fact that we don't have a clear and obvious answer is itself an indictment of our current approach to human rights implementation. The process within Canada to consider signing on to an important human rights treaty such as the Optional Protocol to the Convention Against Torture is secretive. The main vehicle for those discussions is the continuing committee of officials that I referred to earlier, which does all its work behind closed doors. It does not report publicly or share the issues, concerns, and roadblocks with Canadians. What they are, we're left to guess. We have to read between the lines.

We hear that some provinces may have concerns about inspections of their prisons. For what reasons, it's not clear. We've also heard that there may be some departments within the federal government that have misgivings, but that's not clear either. There have been debates about how widely the optional protocol would reach. Everyone would agree that it covers jails and prisons, but then you get into holding centres in police stations and detention centres operated by first nations police forces. Apparently, there's been some concern or uncertainty about this. But since none of it is made public, there's no opportunity for engagement between Canadians and the officials involved. We simply don't know. After six years, Canada has not signed on to an important convention, the sole aim of which is to prevent torture. Preventing torture is something this nation stands for, and we should have been among the first countries to sign on to

this. One would have thought that by this time we would be leading the charge, pressing other countries to sign on to this treaty, including countries where Canadians have experienced torture, such as Syria, Saudi Arabia, or Egypt. But we can't do so.

• (1310)

Mr. Wayne Marston: The reality, too, of this situation is even if we have good souls working in the government departments, it's been 20 years, according to your testimony, since we had a first ministers' conference on human rights. Canada has a reputation in the world of being an all-star on human rights, and we haven't even done that in our country. I find that very disturbing to hear.

I have heard as well that even at the last one, we didn't have the federal minister present. I don't know whether that's accurate or not, but it really kind of leaves me at a loss for words, because we do have a very valued reputation on the world stage. Repeatedly people have come through my office from the Philippines, from Bolivia, from Colombia, from other places, workers who have had concerns about Canadian companies working in their countries, or other concerns.

Most of it comes back to one word. It's the activities of some countries killing with impunity, and the fact that Canada, because of its reputation, has a valued role to play at times like that. But if we lose our own reputation for human rights on the world stage, that will be a major international disaster, in my opinion. So I'm pleased to hear your comments about a structure that might guide us down a path to get us to restoring that.

I thank you, Mr. Chair. I must be out of time.

The Chair: You are indeed out of time, but I think that was more in the nature of a comment than a question, and on that basis I'll go to our last questioner, Mr. Bruinooge.

Mr. Rod Bruinooge (Winnipeg South, CPC): Thank you, Mr. Chair.

I appreciate Mr. Neve's testimony thus far. Clearly he has a passion for what are very important issues.

I guess that, coming to this committee, I will only speak from my background, having spent some time within indigenous politics, and I think I would probably frame my questions along those lines. I'm sure you're somewhat aware of our government's achievements in terms of extending the Canadian Human Rights Act to first nations people. I'm not sure how familiar you are, but for about 30 years, ever since the Human Rights Act was brought into Canada, the first nations reservations were actually human-rights-free zones. Many governments attempted to bring forward this extension of the Canadian Human Rights Act to first nations communities, and thankfully we were able to achieve that last year.

Of course, right now we continue our work towards extending matrimonial property rights to first nations communities, and specifically to women. These are important areas that I think we would both agree need to continue to have diligent efforts put towards them.

You did raise, obviously, a concern in relation to Canada's decision not to sign on to the declaration of indigenous rights. I just want to speak to that for a moment. I imagine you're pretty familiar with the declaration in terms of a number of its clauses. Are you familiar with article 26?

• (1315)

Mr. Alex Neve: If you could, please remind me of what it deals with.

Mr. Rod Bruinooge: Let me remind you, because I know you probably deal with so many protocols and declarations, it's tough to keep them all in your head. I don't blame you for not knowing the text off the top of your head. I don't know it either, but I have it here and you'll just have to trust me that this is the correct text.

Article 26 states in section (1):

Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

This particular article is something I always had a difficulty with, especially in relation to Canada's extensive treaties. Of course, I come from the west, and as an aboriginal person we look to treaties 1 through 10 as being a very significant achievement in the negotiations between our indigenous peoples and the foreign countries that came to Canada. So treaties 1 through 10 are essential in maintaining the peace that was eventually found, but also in terms of the negotiation that many indigenous people had with the governments of the day.

There are many communities that rely on those treaties, and to me this particular article does begin to open up a legal opportunity to question the treaties that were signed. Do you have that same concern?

Mr. Alex Neve: No. We believe that provision will reinforce the importance of those treaties being respected. I think that position has really been borne out—more important than my voice or Amnesty International's voice on this issue—by the voices of indigenous leaders and organizations across the country. For years and years they were actively engaged in the debates at the United Nations as the difficult process of negotiating this declaration was proceeding. They feel very confident that the declaration that has emerged is good for them and consistent with ensuring strong protection of the rights they enjoy already in Canada and helping to ensure that those

rights cannot and will not be eroded. This declaration is by no means only about indigenous peoples in Canada. It's an international document, and I think a lot of indigenous organizations across the country recognize how important it is for the rest of the world as well. It has to be supported for that reason also.

Mr. Rod Bruinooge: There are some in the aboriginal community in Canada who feel that the treaties that have been signed are not adequate. In fact, they feel that the treaties perhaps negotiated by their ancestors didn't achieve the degree of reciprocity of value they would like. Some believe that the declaration would assist them in essentially opening up that opportunity to renegotiate.

Mr. Alex Neve: I don't think the declaration in itself opens up anything that wasn't already there. If a case can be made that a particular treaty is flawed or not complete, or historical evidence can demonstrate that a treaty was negotiated on the basis of misunderstandings, or anything of that sort, those kinds of assertions and arguments can already be made in Canadian courts. Whether or not they succeed would depend on the evidence and what lies behind those negotiations.

I don't think this declaration changes or adds to that. It simply says that the important rights indigenous peoples have to land and resources need to be respected, and that will be a bit different in every national context.

Mr. Rod Bruinooge: Reading the text of article 1, an argument could be made that the entire country, as we know our borders to currently exist, should be reverted back to traditional ownership.

Mr. Alex Neve: I've never heard any leaders or organizations assert that interpretation or suggest in any way that's the intention of how the declaration be interpreted.

The Chair: Thank you, Mr. Neve.

We've gone a tiny bit over the allotted time, but members are very good about being timely in their remarks. I suggest we suspend for a few minutes while the next witnesses approach and take their seats.

• _____ (Pause) _____

•

• (1320)

The Chair: Order. We've reconvened.

We have witnesses from two departments before us. I've already done the introductions, at the beginning of our meeting. The witnesses are from the Department of Foreign Affairs and International Trade and from Canadian Heritage.

I have in my hand a written text for a presentation by Madame Dion from DFAIT. Was it your intention to have separate presentations, or to do one presentation for both departments?

Ms. Diane Fulford (Assistant Deputy Minister, Department of Canadian Heritage): Our intention, if it's the will of the committee, was that Adèle Dion was going to give a little bit of the context behind UPR, and a brief presentation on that. I was going to run through a little bit of a presentation with the committee on the process that the Department of Canadian Heritage, along with all of the partners on the UPR process, has undertaken up to this point, and what we intend to do in terms of submitting the report.

I think we distributed a handout. I'm not sure that everybody got it.

The Chair: Yes. That's your handout, then, for your department?

Ms. Diane Fulford: That was our handout. We thought it would be a helpful way of really describing the process and the rationale for that process as we went through.

• (1325)

The Chair: That sounds good.

In that case, Madame Dion, why don't you lead off? We'll listen with interest. Thank you.

Ms. Adèle Dion (Director General, Human Rights and Democracy Bureau, Department of Foreign Affairs and International Trade): Thank you, Mr. Chair.

We thank the committee for the opportunity for us to provide an update on developments at the UN Human Rights Council, and specifically, the universal periodic review.

The UPR and its recommendations for improving Canada's human rights record falls under the purview of the Department of Canadian Heritage, so, as mentioned, I'll simply deal with the framework.

Canada championed the establishment of the universal periodic review mechanism as a key element in the reform of the UN human rights architecture. The UPR is an initiative to undertake a peer review of the human rights record of every UN member state on a regular basis, in a fair and impartial manner. As a state-led process based on constructive dialogue and cooperation, the UPR is intended to promote domestic follow-up to international commitments, thereby helping to improve the human rights record on the ground.

The UPR began in April 2008, and so far 64 countries have been reviewed. By the end of 2011, all 192 UN member states will have undergone their first review.

February 3 of this year was Canada's first UPR experience. As with all member states, we'll be up for review again in four years. Each review lasts about three hours and is conducted as an interactive dialogue between UPR participants and the state being reviewed.

All states may intervene in the UPR working group, whether or not they are council members. Non-governmental organizations may observe the review but cannot make recommendations. NGOs may, however, submit a written report prior to the UPR working group.

As we are committed to the impartiality of the UPR, Canada has made a concerted effort to pose specific, credible, and measurable recommendations to each state under review. In addition to consolidating Canada's position as a lead advocate of the UPR, this practice, we believe, complements our own process of understanding the human rights situations in other countries via consultations with the Department of Foreign Affairs' geographic leads and with officers at our missions abroad.

Canada was an early and committed proponent of the UPR as one of the most important innovations of the then new Human Rights Council. The universality of the mechanism is its defining feature and its greatest asset. It's open and transparent, enriched by contributions from civil society, the UN human rights treaty bodies

and special procedures and by experts from the Office of the High Commissioner for Human Rights.

Its emphasis on frank and constructive dialogue to promote real progress also adds to its potential. We remain committed to working to strengthen this new mechanism as it evolves. However, these are early days for the UPR, and challenges do remain. A degree of politicization remains in both the council and the UPR process, as some countries attempt to register complaints at the expense of the effectiveness of the human rights architecture. While this is a risk that is frankly common to all intergovernmental bodies, the universality of the UPR is the means intended to address this.

In addition, the UPR process has experienced isolated incidents of abuse, whereby some states have orchestrated praise from friendly delegations by circulating questions to allies or attempting to stack the speakers list in order to crowd out more critical interventions.

• (1330)

On the positive side, the reviews have been taken seriously by most states. With few exceptions, states have prepared extensively for their reviews and sent to their appearances in Geneva very large, high-level delegations headed by ministers or deputy ministers.

Many have taken positive steps or made commitments in the lead-up to, or as a result of, the reviews. These include, for example, signing and ratifying human rights treaties, agreeing to visits by the special rapporteurs and special procedures, and establishing national human rights action plans.

While it is necessary to reserve final judgment on the efficacy of the UPR until the second cycle of state reviews in order to gauge how effectively states have implemented recommendations made to them by their peers, our view is that the initial prognosis is positive.

Canada approached its own review with the goal of providing a model for transparency and accountability in addressing national human rights issues. The UPR was an important opportunity for us to look at our own record and benefit from the views and perspectives of other states participating in the dialogue. Canada welcomed the constructive input of other states.

By approaching the UPR process seriously and with integrity, Canada successfully enhanced its international reputation as a champion of human rights and strengthened its credibility while engaging other countries on their own human rights records. Following the review, our open and constructive approach was praised as a model by several delegations as well as some NGOs who had observed the review process.

We recognize that no country, including Canada, has a perfect human rights record. That is why it is essential that every country open their human rights record to scrutiny, both domestically and internationally.

The UPR has already had a positive incremental impact on the enhancement of human rights in various countries around the world. Efforts to implement the commitments in Canada's UPR response will contribute to ongoing efforts to strengthen respect for human rights.

Thank you.

The Chair: Thank you.

Why don't we go directly to you, Ms. Fulford, so you can carry on with the initial presentation? When you're done, we'll go to the questions.

[*Translation*]

Ms. Diane Fulford: Thank you very much.

My comments will focus on the presentation Canada made in Geneva last February 3. Then I will talk about the process of follow-up to the presentation and the response to the recommendations Canada received.

[*English*]

In preparing for Canada's appearance on February 3 before the working group of the Human Rights Council, we realized the range and the complexity of the issues, frankly, that were before us. Indeed, many of these issues require multi-faceted responses. Therefore, the preparations for Canada's UPR involved a variety of federal departments and provincial and territorial governments.

Civil society also has an important role to play. Canadian Heritage organized engagement sessions with civil society and aboriginal organizations in January prior to Canada's review. In addition to a session held in the national capital, sessions were held in five regions, including a session organized by the Government of Quebec.

We know that some civil society groups were disappointed with the timing and nature of the engagement. They would have preferred to be consulted prior to the submission of Canada's report. That is what we had originally intended, but the realities of both the federal and the Quebec elections during the fall meant that the sessions had to be postponed. We remained committed to having these sessions and proceeded with them in January, albeit the report had been submitted.

We heard the views and concerns of a wide cross-section of stakeholders during these sessions. These views were shared across governments, informed our discussions and preparations for the UPR appearance in February, and also have been taken into account as we considered the recommendations.

• (1335)

[*Translation*]

The Deputy Minister of the Department of Justice, Mr. John Sims, made the presentation for Canada as head of the Canadian delegation at our first UPR. The delegation was made up of officials from various federal departments—Indian Affairs and Northern Development, Citizenship and Immigration, Foreign Affairs, International Trade, Justice, Human Resources and Skills Development, Canadian Heritage—as well as officials representing the provinces of Quebec and Saskatchewan. As several matters dealt with matters within

provincial jurisdiction, it was important for provincial governments to be represented.

[*English*]

A number of key documents that were available on the UN website were made available for the review, including, of course, Canada's national report, a compilation of the information contained in the reports of treaty bodies and special procedures in other relevant UN documents, and a summary of information contained in the report submitted to the UN by 50 stakeholders.

On the morning of February 3, three hours were devoted to examining Canada's human rights record. Canada was allotted one hour in total out of the three available hours to both give an initial presentation and to respond to questions raised during the course of the interactive session.

Many of the issues raised by other countries were anticipated and pertain to the challenges that were acknowledged in our opening statement and during our responses to the questions. The 68 recommendations contained in the report of Canada's UPR touched, of course, on a number of themes, including, as you know, aboriginal issues, ratification of international treaties, reducing socio-economic disparities, violence against women, racism, discrimination, etc. The report was broadly distributed across the federal government and the provinces and territories.

So what did we do in terms of follow-up? We had two key objectives in the process that followed our February appearance. The first was to ensure that our response was both timely and considered. Meeting this objective has meant engaging federal government departments, provinces, and territories as well as civil society and aboriginal organizations in what amounts to being an extremely short period of time.

Our second objective has been to set the stage for implementation over the next four years, in the lead-up to the next review. Canada's UPR review has highlighted the importance of working horizontally across government and with the provinces, territories, and civil society. All of the interested players have factored into the follow-up process.

Let me refer you to the diagram we've put together; I think it might be helpful. As you can see from the grey strip down the left side of the page, the timeframe has been very tight to meet this deadline. I'd like to draw to your attention the 11 boxes that are on the top of the page. In order to facilitate our consideration of the 68 recommendations, we clustered the recommendations according to themes. Each cluster was attributed to a lead department, which in turn has worked with colleagues from other relevant federal departments in considering the recommendations and providing input into the official response. So you have the lead departments and you have a mapping, following this page, of the 68 recommendations and how they tie in to those departments.

I have to say that this is a new mechanism that we have put in place for the UPR, and we're monitoring it very carefully. We've been meeting about every two weeks. It's a case in point, in which the UPR has brought a very new horizontal approach to the issue of human rights.

As you can see, the box just below the clustering shows our interdepartmental committee. Canadian Heritage, Justice, and Foreign Affairs have the responsibility of integrating the information provided by the federal departments, civil society, and aboriginal organizations as well as the provinces and territories. It is all collated, and the three departments are working together to integrate all of these responses.

I'd like to highlight the boxes on the left. Canadian Heritage has the particular responsibility of ensuring that civil society and aboriginal organizations are engaged in the process. In order to inform Canada's response, we sought the views of civil society and aboriginal organizations on the UPR recommendations.

• (1340)

To maximize the process and hear from the widest possible number of stakeholders, we have conducted a web-based consultation. The report was posted on the Canadian Heritage site and a dedicated e-mail address was set up to receive input. We enhanced this process by adding a series of questions to stimulate the response.

In addition, two face-to-face sessions were held on April 21 and April 22 in Ottawa. One session was geared toward civil society, while the second was geared toward aboriginal organizations. These sessions, as well as the web-based consultation, focused on the recommendations and mirrored the thematic approach used in the government discussions.

We have heard many thoughtful and important views and suggestions in our meetings with NGOs and aboriginal organizations. A particularly important question that has been discussed is how Canada will address the recommendations concerning effective implementation and ongoing engagement over the course of the next four years.

We were pleased to hear their views on the issue, not only to inform Canada's immediate response to the council, but also to inform our discussions on how we move forward with engagement of civil society and aboriginal groups in the future.

Of course government departments and governments already consult with civil society and aboriginal organizations on a regular basis on the specific issues that are covered by international human rights treaties. It will be important for us not to duplicate or supplant these existing discussions, but rather to focus on where we have gaps, to address any additional need in terms of the horizontal nature of UPR.

Next I'd like to draw to your attention the red boxes on the right-hand side of the page and the essential participation of provinces and territories.

The Government of Canada has been consulting with provinces and territories through the Continuing Committee of Officials on Human Rights, a longstanding federal-provincial-territorial consultative mechanism that is chaired by Canadian Heritage. The committee plays a key role. Each of its members has the responsibility to obtain and integrate the views of all the ministries in that jurisdiction that are affected by the recommendations. Through the committee, the provinces and territories help to shape Canada's report and are now helping to shape Canada's response.

[*Translation*]

The information obtained as a result of all these federal government mechanisms, with the help of federal-provincial-territorial consultations and our consultations with civil society and Aboriginal organizations, was sent back to the key departments: Canadian heritage, justice and foreign affairs. They continue to work closely with the UPR follow-up framework in preparing Canada's response. The draft response will shortly be approved by the three ministers.

[*English*]

Once Canada's response has been finalized and approved, it will be submitted to the United Nations by Canada's mission in Geneva. Following submission, we will post the response on the Canadian Heritage website so that it will be publicly available.

The date for Canada's appearance at the Human Rights Council has been set for June 9. We are aiming to submit our response in the week prior to Canada's appearance, hopefully on June 2. That's our target date.

During the one-hour session on June 9, Canada will have 20 minutes to officially present its response. Civil society organizations and national human rights institutions will also have 20 minutes to make presentations at that session, and 20 minutes will be set aside for statements from member and observer states. So 20, 20, and 20 minutes will make up our hour.

At the June session, the outcome of Canada's universal periodic review will be adopted through a council decision. There are three documents here—the report of the working group, which contains the 68 recommendations; Canada's response; and, lastly, a summary of the June plenary discussion, that one-hour session. Those three things will in fact constitute the outcome of Canada's review. Once all of these documents are available, they will be tabled in Parliament by the Minister of Canadian Heritage.

In conclusion, we've had a lot of work to do in the last couple of months. Officials at all levels have been working very diligently to ensure that the work is completed within this timeframe. It has been a challenge, given the number of jurisdictions involved, in preparing a response that, frankly, everybody can agree to. However, I'd like to stress that although our immediate focus is on the development of Canada's response, we certainly understand that this is not the end of the process. It is in fact the beginning of a four-year cycle until Canada's next UPR report. The role of the response is to set the stage, in fact, for the next four years.

At this point, having concluded the presentation, I'm certainly available to answer any questions; we all are.

Thank you.

• (1345)

The Chair: Thank you.

Speaking of challenges, it's less than 15 minutes before 2 o'clock. In order to do this mathematically, what I'm going to do is give four-minute question-and-answer rounds. I will just avoid seeing the clock as being past 2 o'clock until we've completed our questions.

That said, which Liberal MP would like to start?

Go ahead, Mr. Silva.

Mr. Mario Silva: Thank you very much, Mr. Chair.

Thank you also for your report information.

There are some criticisms of the way the structure has been for the UPR. It's good that every country is going to in fact be analyzed, which I think is a very positive step from what it was like before in the commission. However, it is a little bit much to hear countries like Saudi Arabia and Iran being critical of Canada's human rights record. So I take note of that as well and I have some issues about that. However, this is the process.

I guess we will only know at the end of maybe 2011 whether this was really a worthwhile exercise, whether it's worked well. We'll see how those countries go about implementing some of the human rights. Maybe when we're up against other countries, we can sort of be more informed as to whether those countries have in fact also met their obligations.

I realize that some of our challenges have to do with our system of laws in Canada and our federation. This sometimes creates problems with us meeting some of our obligations. That's not an excuse. I personally feel we always have to do everything we can to in fact ratify those protocols and certainly endorse an important declaration, like the ones on the rights of indigenous people, which Canada was really working on for quite a long time.

I realize that some of the intricacies of our laws make it quite difficult. However, we do have a robust system of legal precedents in this country that does in fact address the needs of minorities and a lot of the concerns on human rights. But I am concerned about Canada's human rights records. I'm even more concerned about the appalling records of some of those countries that are criticizing Canada for our human rights records.

I want to know how you are going to prioritize some of these recommendations that were put forward. Is there a list that has been dealt with in the departments to say which things we are going to be able to tackle before the next review? Have there been ongoing discussions with the different ministries throughout Canada as well at the provincial level? What's going to be the prioritization?

The second thing is that one of the things they keep asking for... I just had different protocols on the convention against torture, but also on the convention on the rights and duties of the Organization of American States, which we have yet to ratify. I'm not sure why we haven't signed on to it. When we joined in 1992 we never really ratified. I keep on asking the minister why we haven't ratified. Even our own minister did not ratify it at that time, the Liberal minister. So I'm asking if there's been any progress at all, now that we also have a minister of state for Latin America. Has there been any push for that?

Those are my two questions. It's a short time, sorry.

•(1350)

Ms. Diane Fulford: Thank you.

On the question about prioritization, if I can address that one, the work that we have been conducting is in fact to take a look at the 68 recommendations that have been provided. Maybe I can say that despite your reservation about some of the countries and perhaps the

relevancy of some of the countries coming forward, I think that overall we were very encouraged by the calibre of the 68 recommendations that came forward from the states. Certainly they were very much worth considering.

Much of our work over the last months has been in fact to take a look at those 68 recommendations with a view that, really, the report that we want to make back to the United Nations is to frame those 68 recommendations in terms of their prioritization. That would be in terms of what the agenda will really look like for Canada, which of those recommendations are we not going to be adopting, which of the recommendations are we going to be striving for, and which ones do we intend on perhaps advancing with, but with some tweaking in terms of the way they were positioned with us.

The work that has been largely undertaken with federal government departments, with the provinces and territories, and indeed with civil society, has been to get the collective views about the importance and the relevancy of those 68 recommendations. We've asked where it would benefit Canada to actually focus its agenda, in terms of the next four-year cycle and the accountability that we will have, to report in four years on our UPR process. So that has very much been key to the work that we have undertaken.

On the second question, Adèle, do you want to address that?

Ms. Adèle Dion: Yes, thank you.

On the protocols for the convention against torture, essentially we are doing the work that needs to be done and the consultations with the provincial governments before we make a recommendation to ratify.

On the OAS convention, there again, that is under consideration. It's been a longstanding subject of discussion between the federal government, various departments, and the provinces and territories, but still more work needs to be done.

Mr. Mario Silva: Do you mean work by the department on why Canada's not ratifying it?

The Chair: We're out of time, Mr. Silva.

Ms. Adèle Dion: Sorry, I didn't quite catch the beginning.

Mr. Mario Silva: Is there administrative and departmental hesitation with respect to signing on to the protocol?

•(1355)

Ms. Adèle Dion: No.

The Chair: We're going to have to speed things up a bit. That took seven minutes.

We'll go to Madame Thi Lac.

[*Translation*]

Mrs. Ève-Mary Thai Thi Lac: Thank you for being with us today.

You talked about some recommendations that you want to implement, some that are less urgent and some that you are simply going to ignore. Which recommendations seem to be a priority at the moment? I imagine that you are some way into your report.

[*English*]

Ms. Diane Fulford: Thank you.

I can tell you that the report is fairly advanced but has not been completed. And there's an important final process the report has to go through, which is that it has to be signed off by the ministers. Until it is signed off by the ministers, as officials we cannot comment on the content of that report.

[Translation]

Mrs. Ève-Mary Thāi Thi Lac: Okay.

Has our record on human rights got better or worse in the last 10 years?

[English]

Ms. Diane Fulford: Do you mean in terms of Canada's human rights record?

[Translation]

Mrs. Ève-Mary Thāi Thi Lac: Yes.

[English]

Ms. Diane Fulford: I think there's no question that when you look at the considerable number of treaties Canada is a signatory to—and I also read with great interest the Senate committee's assessment of Canada's human rights record over the last 40 years—I have to say that the research they've done and the reports they've done are a really compelling testament to the fact that there's an awful lot of work being done in all sorts of areas on human rights in Canada. Arguably, we are going in the right direction. I think, definitely, that Canada, in the scheme of things, is proud of its record on human rights, and I think we have made considerable progress in many areas.

[Translation]

Mrs. Ève-Mary Thāi Thi Lac: In the last year, especially, Canada has signed some treaties that it is not honouring. Take the example of Omar Khadr. Canada is a signatory to the Convention on the Rights of the Child which deals with the involvement of children in armed conflict. So there is one of the treaties Canada is not honouring.

When I asked whether our record was getting worse or better, I was thinking of cases like that. Canada has signed treaties that it is not honouring, and a case is now before the courts. That has to be a first.

[English]

Ms. Adèle Dion: We are not really in a position to comment on specific cases, especially when they are before the courts or before a specific human rights committee.

[Translation]

Mrs. Ève-Mary Thāi Thi Lac: Thank you.

[English]

The Chair: Mr. Marston.

Mr. Wayne Marston: Thank you, first of all, for providing the flow charts that you have.

We hear from various organizations and folks about the process, and to be very frank with you, the process in some corners is suspect. I'm not suggesting that they have any justification. I'm just saying that because you have government departments over here doing probably 95% of the work, and then you have the political bodies

over here, part of whose duty is to hold the government to account.... A couple of the questions that were just thrown your way were really political questions. Madam Thi Lac was speaking about the fact that Canada has signed on to the protocol for the rights of the child, and of course that's alluding, to some extent I suppose, to Omar Khadr and other things, which are at the political level.

I looked at the report. You have commentary from Italy and Cuba. I can see how Cuba in some minds politically over here might be seen as off, but then we have Norway talking about an improvement to our processes and the Netherlands talking again about OPCAT, and I've just highlighted a couple of them—the Czech Republic and others. I'm very pleased to hear you say that we're moving the line forward. Within the departmental efforts, that may well be true, but we do have some difficulties with some of the interpretations by the current government.

I looked at your flow chart. You talked about the inclusion of the civil society in the aboriginal peoples, and you alluded to the fact that there was a time constraint at the front end that caused you some real difficulty. Beyond June 9 and into the next four years, there are some things I think we can be doing that would improve the situation for you and just improve the situation. Evidence was given. I don't know whether you were here when Alex Neve was talking about the fact that the last first ministers conference was in 1988—twenty years ago. It seems to me that we have diligent work going on by the civil service, but less-than-diligent work going on from the political class. I'm not asking you to comment on that, because I know that would be out of line.

When it comes to process, there are some suggestions I've been given that might be helpful. One of them was to include committees, such as this particular committee and perhaps the foreign affairs committee or the heritage committee, in the process so that you'd bring into public view the fact that this work is being done, so people can see it to take away that mistrust that's there. I think that's very important. I'd like your comments on the possibility of such things.

• (1400)

Ms. Diane Fulford: We recognize and value the role of this committee, as well as the Senate committee—I had an opportunity to appear in front of the Senate committee—as a really key player in the broader process of examining the issues of importance to Canadians and as you hear from civil society and aboriginal organizations in your hearings.

If the committee wishes to make specific recommendations to the government about its role, they would, of course, be considered. I'm not in the position to speak on the government's behalf on this matter, but I can assure the committee that we're still looking at effective processes for the UPR. So there is an openness to look at mechanisms that in fact will be workable and effective.

Mr. Wayne Marston: In Canada recently, there have been controversies concerning human rights commissions. Are the human rights commissions of Canada taken into account or asked for advice or suggestions in this process anywhere?

Ms. Adèle Dion: The committees are consulted, and we do dialogue with them. In the lead-up to our UPR presentation, the Canadian Human Rights Commission actually formally submitted a paper with comments to the Office of the High Commissioner for Human Rights.

Mr. Wayne Marston: Thank you.

The Chair: Our last questioner, then, is Mr. Sweet, please.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you, Mr. Chairman, and thank you to the witnesses.

I agree with Mr. Silva's observations earlier. There are a number of things I agree with, but certainly I have a problem with some of the offenders who are on that list scrutinizing. But then as well I understand if you want to be a leader it means you have to open yourself up to scrutiny, sometimes even by those who could not hold a candle to your record. The fact that what we're studying right now is an interruption of a study of human rights in Iran speaks to the point I'm making.

Mr. Neve was here earlier and mentioned some things. I will quote him. He said that human rights are the most politicized and polarizing issues in the UN, that this issue is complex and politically charged, and that he had some concerns around the process but he didn't really want to say what they are before there is a full cycle. That's fair; I understand that. But we were left with this feeling, and my colleague Mr. Marston just mentioned it again.... I don't like the perception that the committee that is dealing with the territories and provinces and federal government is some concoction of Dan Brown, because the meetings are in confidence.

Because we're short of time, I have one overarching question, and I've mentioned my concerns that underlie it. Mr. Marston has mentioned his concern, and I have the same concern about any jeopardy our reputation would come under as far as human rights are concerned. And I want to know how you feel, because I walked through the whole report and I think I counted 18 countries whose preambles were how much they appreciated the leadership of Canada in the dimension of human rights.

Do you have any concern that our reputation is at stake? I'm pretty confident with what you've just said: that there is a substantial follow-up process, that there is a seriousness around implementation, and that the benchmarking this time is going to be much different. Are you concerned regarding the reputation of Canada and our record and leadership on human rights?

• (1405)

Ms. Adèle Dion: Thank you.

I believe I mentioned earlier that we did make in this first round a really concerted attempt to ask each country questions when they came up for review.

I guess, sir, the short answer to your question is no, because we did ask questions of everyone and we tried to make recommendations that were going to be measurable four years from now. For example, we recommended that Yemen remove restrictions on the ability of journalists to report and criticize government policy. We also recommended that New Zealand establish targets for improving representation of women in senior management. So we try to be very even-handed, and I think that did go quite some way to maintaining our reputation.

Mr. David Sweet: Just for final confirmation on this very issue, this really is a first time—of course this periodic review is the first time—where we're now benchmarking and we will actually be able to measure progress in a reasonable time on particular issues of concern.

Ms. Diane Fulford: The answer to that is yes. You know, I think as in every new process, there's a period we need to go through in terms of lessons learned on all of this and what new mechanisms we need to put in place. We're noticing already that there is quite a difference in the fact that we've been dealing with human rights issues in what I call a more vertical sphere, where the subject matter expertise and provinces and territories and the federal government deal with it more like this. And it has been very interesting to see, when we put together this interdepartmental table, how much more enlightenment there actually was, when we start taking a look at the synergies between the various issues on human rights and the fact that they're not airtight compartments in many cases.

So I think we need to look at what the appropriate mechanisms really are, how to strengthen them, and how to strengthen the horizontality of what this UPR process is meant to be. And of course the other very important part of UPR is the very explicit engagement of civil society and aboriginal organizations in the process.

So those are the things we really have an eye on in terms of moving forward with this.

Mr. David Sweet: Thank you.

Thank you, Mr. Chair.

The Chair: Thank you, all of our witnesses

And it being 2 p.m., more or less, this committee is adjourned.

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