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EVIDENCE

Thursday, April 1, 2010

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Chair

Mr. Scott Reid

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

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• (1305)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Order, please. This is April 1, 2000 and the Subcommittee on Human Rights of the Standing Committee on Foreign Affairs and International Trade holds its fifth meeting.

[English]

Of course, today is April Fool's Day, but I am always reminded that it ends at noon. We're back on to serious matters, and we have a very serious matter in front of us today.

We have two very distinguished witnesses regarding our ongoing hearings into the universal periodic review. Our witnesses today are Leilani Farha, who is the executive director of the Centre for Equality Rights in Accommodation, and Alex Neve, who is the secretary general of Amnesty International, English Canadian section. They are both very welcome here.

We have some other items that I want to go through before we get to our witnesses, if you don't mind.

The first thing I want to do is to draw the attention of members to a procedural error that I have been guilty of in the past that our clerk and deputy clerk caught for us. With regard to the rule we have on the order of questions, we adopted a rule that says that....

I'm actually going to read what it says:

during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner of each party; and that thereafter five (5) minutes be allocated to each subsequent questioner (alternating between Government and Opposition parties)

In the last session, the second round didn't actually reflect that properly. We just did the whole first round all over again. I actually hadn't realized I'd made that mistake until it was drawn to my attention by the clerk at the last meeting. So I have to follow the rules, until such time as the committee decides to alter the rules. So that will affect our second round somewhat. That's one item.

The second item is just to remind committee members that there was a request to appear regarding the situation of Nathalie Morin, who, as you know, is currently confined in Saudi Arabia. We don't have to do this right now, but I would just like to seek the interest of members on this to determine whether or not they have an interest. Then, if there is interest, we have to determine when to schedule that matter.

The third thing I want to bring up is the study on human rights in Venezuela. I want to remind members to submit their list of potential witnesses to the clerk.

Do we have a deadline for that? No?

Obviously the sooner the better, though.

The fourth matter is that we had discussed the idea of inviting someone from Heritage Canada regarding the UPR hearings, but as a practical matter we can't do so—unless we have another hearing—and that leads me to Mr. Marston's motion.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Chair, I think it's important that if we're going to be hearing from a variety of witnesses, I think Heritage Canada, the continuing committee, should be heard from. I'd like us to extend one day to ensure that opportunity.

The Chair: Is there general agreement to that?

(Motion agreed to)

The Chair: To answer a question that Mr. Oliphant raised at the last meeting, yes, it is indeed Heritage Canada that deals with this for reasons that perhaps our witness can explain to us...when he or she arrives.

Some hon. members: Oh, oh!

The Chair: No, no, not these witnesses.

That lets me come to the next matter: we have to determine which of our witnesses would like to go first.

Alex, from the English Canadian section of Amnesty International, please take us away.

Mr. Alex Neve (Secretary General, Amnesty International): Thank you, Mr. Reid, and good afternoon, members of the subcommittee. It's a pleasure to be in front of you once again, and once again on a topic that I've had an opportunity to discuss with you previously. Certainly it's an issue of considerable concern and interest to Amnesty International and to many organizations in Canada.

I think it's pretty safe to say that perhaps one of the most significant and innovative outcomes of the UN human rights reform process that began in 2005 was the establishment of the universal periodic review under the newly established Human Rights Council. Canada, much to our credit, was a remarkable champion of the effort to establish that new review process. We now stand at just over the halfway point in the first round of reviews, and thus Canada is one of 112 countries that have now gone through the process.

A universal review process means that for the first time, every country, no matter how powerful, no matter how neglected and overlooked, will come under the microscope of international human rights scrutiny. That's a process that needs to succeed because we've needed that sort of universal approach to human rights for a long time.

Canada, therefore, must set the best possible example to the international community as to how to handle this new process, both in terms of how we approach the reviews of other countries and very much also in the approach we take to our own review.

I want to underscore that this is not the only UN-level human rights review process that Canada and other states are subject to. As many subcommittee members will know, Canada, like all other UN states, has officially ratified a number of specific UN human rights treaties, all of which have review procedures associated with them. All of those treaties include, for instance, an ongoing obligation to provide progress reports, generally every four years, to expert committees set up to monitor compliance with the treaties. The committees review the states'—in our case, Canada's—record, and lay out a number of recommendations for improvement.

As well, with some of those treaties, it is also possible for individuals to bring forward their own complaints about rights violations. For Canada, this is the case with three treaties—the Covenant on Civil and Political Rights, the convention against torture, and the Convention on the Elimination of All Forms of Discrimination Against Women. Again, if the committee feels the complaint is valid, it makes recommendations to the state—Canada—as to what needs to be done to address the violations.

Finally, there are also experts set up under the UN Human Rights Council with mandates to examine particular human rights topics, including the rights of migrants, of indigenous peoples, the right to adequate housing, and many more. These experts, which include special rapporteurs and working groups, often carry out in-depth studies of the situation in particular countries. Some, including the three I have just mentioned, have studied Canada's record in the areas covered by their particular mandates, and they too issue reports containing recommendations for improvement.

I mention that background because it's central to the main point I want to highlight in my presentation this afternoon. When it comes to any country's human rights record, the real value lies not in the treaties that have been ratified, the promises that have been made, or the review processes undertaken. The proof lies in compliance and implementation. And that is where countries consistently fall down. Virtually all countries, including those with absolutely abysmal human rights records, have signed the treaties, have made the promises, have shown up for UN reviews like the ones I just mentioned. Virtually all, however, come up short when it comes to

taking concrete action to implement what comes up through those reviews.

This has long been a troubling shortcoming for Canada. We have many years of experience with the recommendations coming out of all the reviews I just mentioned. The issues that have emerged touch on a range of serious human rights concerns familiar to Canadians—the situation of indigenous peoples, poverty, homelessness, racial discrimination, children's rights, women's equality, refugees and immigrants, protections against torture, and more.

• (1310)

Many have been raised repeatedly with Canada over the past 15 to 20 years, with far too little progress. Now many of those same concerns and recommendations are central to the points that have emerged through the recent UPR, as well.

The central question becomes this: what stands in the way of implementation and how do we ensure a better approach to implementation this time—with the UPR—and beyond all the other reviews that will continue to unfold?

Recommendations come back to Canada and typically disappear into a labyrinth that has, I would suggest, three key dimensions to it.

First, there are the challenges of federalism. Some recommendations come within areas of federal responsibility. Others are within provincial areas. Still others are the responsibility of both. And others are uncertain; maybe no one wants to claim responsibility. This makes for confusion. It also leads to inaction.

Second, there is a near total legal and policy vacuum when it comes to the standing, implementation, and enforcement of Canada's international human rights obligations. International norms cannot be independently enforced in any Canadian legal proceedings. Many international obligations, though ratified at the international level, have never been specifically incorporated into Canadian law. That means that the ability to obtain remedies for violations is dramatically undermined, and it leaves enforcement of international legal obligations to the whim and uncertainty of political processes rather than to the certainty and predictability of a legal process.

Third, there is unclear and disappointing political leadership at the federal level, and this goes back several decades. The Department of Canadian Heritage is entrusted with responsibility for overseeing Canada's international implementation, but within its own program and mandate, it has little authority or responsibility for human rights issues. Key departments, such as Justice, Foreign Affairs, Public Safety, Human Resources and Skills Development, and Indian and Northern Affairs, are peripheral. There is no one minister in Canada, for instance, who thinks of himself or herself as Canada's minister responsible for human rights.

For many years, governments have pointed to the federal-provincial-territorial Continuing Committee of Officials on Human Rights, in existence for more than 30 years now, as the vehicle that coordinates and ensures implementation. The continuing committee comprises mid-level officials who generally have no decision-making authority with respect to what may often be complex and politically charged issues. The continuing committee carries out all its work in absolute and total secrecy, declining and refusing to even release its agenda to the public.

As a group that facilitates an exchange of information among government officials that work on human rights issues, the continuing committee may well play an important role. It was never designed, however, to be the body that ensures accountable and transparent implementation of important human rights recommendations that the UN directs at Canada. There should 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 ongoing, high-level, and visible political engagement that facilitates prompt and accountable decision-making among governments in the country.

As a notable aside, I'd like to highlight, for subcommittee members, as I have in the past, that there has not been a ministerial-level meeting in Canada focused on human rights for 22 years. The last such meeting was in 1988. That, I would suggest, is symptomatic of the lack of serious political engagement and the lack of political leadership right across the country when it comes to our international human rights obligations.

Well, none of this can be the approach Canada takes to implementation of the UPR. UN bodies have, with increasing impatience over several years now, called on Canada to develop a better approach. And now, as part of the UPR itself, numerous other governments have urged Canada to improve its approach, including countries that are good friends and close allies of ours, such as the United Kingdom, Portugal, Norway, and Mexico.

• (1315)

This is a concern that unites indigenous and civil society groups across Canada. Regardless of their area of concern, they all agree that the starting point is to develop a better system.

Following last year's review, many of us wrote to the Prime Minister urging that Canada take up the recommendation that came from so many states to strengthen implementation. We were pleased, therefore, to see that Canada's final report responding to the UPR recommendations does, somewhat, accept this suggestion, recognizing that there may be "opportunities for improving established processes, including with respect to follow-up to treaty body and UPR recommendations". There are indeed opportunities, and it is time to seize them.

Let me end by signalling key recommendations that NGOs have offered, in many instances for many years, on this front.

First, a meeting of federal, provincial, and territorial ministers responsible for human rights should be convened. The meeting would be an opportunity to review the UPR recommendations, adopt a shared implementation plan, and launch a wider process of

reforming the legal and institutional framework for coordinated human rights implementation and enforcement in Canada.

Second, beyond your very welcome attention here, parliamentary and legislative committees across the country should review the UPR recommendations in sessions that are open to the public. As part of that, the UPR report should be tabled in Parliament and all legislative assemblies. The federal government agreed to do so at the national level, but to our knowledge that has not yet happened.

Third, the government should work with indigenous peoples and representative organizations and civil society across the country to immediately launch an accessible and timely process of dialogue and consultation about the UPR recommendations from this recent review, as well as a process for preparing for Canada's next UPR, expected to take place in early 2013.

Fourth, the input and advice of human rights commissions across the country on implementation of the recommendations should be sought.

Finally, Canada should make a commitment to report publicly, including at the UN, at the midway point of this UPR, which would be June 2011, laying out progress on implementation.

Thank you. Those are my comments, and I look forward to any questions you may have.

• (1320)

The Chair: Thank you very much.

Let's go directly to our next witness.

Ms. Farha, please.

Ms. Leilani Farha (Executive Director, Centre for Equality Rights in Accommodation): I welcome this opportunity to address this subcommittee.

The UPR has been a process that I've been involved in for some time, particularly as it pertains to Canada. The work I do is very much related to the UPR. I spend most of my time trying to implement the right to adequate housing domestically, so using international law, in the domestic context.

I want to start by commending the subcommittee for having agreed to study the ways in which the recommendations of the UPR can be implemented. I actually think this is very much in keeping with the concerns of civil society across Canada.

In the lead-up to Canada's UPR, I had the good fortune, along with Alex and some others, to travel across the country and meet with organizations from west to east—unfortunately not from north to south, but certainly from west to east—and we ended up meeting with over 125 organizations. What was so striking was that though they were there concerned with different issues, whether it was children's rights or women's rights or indigenous issues, there was unanimous consent, and the unanimous consent was on the issue of implementation, or rather on the issue of the lack of implementation, of international human rights obligations domestically.

What I'd like to do now, with my remaining minutes, is talk about Tanya. Who is Tanya? Tanya is one of my clients. She called me a few weeks ago, and she told me a bit about her life. She is currently working in a low-income job. She has three school-aged boys. After her divorce, she found it pretty difficult to find a place to live. She has a small income, a largish family, and she experienced a fair bit of discrimination in the private rental market. She has her name on a social housing waiting list. She was told it would take seven to ten years before she would get to the top of that list.

The only place she could find is a rundown house that she rents. It's in need of major repairs. The landlord refuses to do those repairs. She doesn't have the money to apply to the landlord-tenant board to make an application to get those repairs done.

Tanya lives in inadequate housing, and she knows that she is one crisis, one emergency, from falling into arrears or becoming homeless.

When Tanya calls me at my office, and she asks me, "What are my rights here? Don't I have the right to live in a decent place?", what do I tell her?

I told her that Canada has signed and ratified treaties that include the right to adequate housing, including the UN Covenant on Economic, Social and Cultural Rights, the UN Convention on the Rights of the Child, and the UN Convention on the Elimination of All Forms of Racial Discrimination. I told her that the international community has expressed grave concern about the situation of homelessness, inadequate housing, and poverty in Canada, and that in 1993, in 1998, in 1999, in 2005, in 2006, in 2008 and in 2009 the United Nations has told the Government of Canada that homelessness and inadequate housing must be addressed by implementing the right to adequate housing domestically.

I told her that a United Nations special rapporteur on the right to adequate housing was so concerned about the housing and homelessness in this country that he came here to investigate, and that he reiterated many of the same recommendations of the UN treaty monitoring bodies.

Then I told her about the UPR, that Canada's human rights record was reviewed, this time by states, and that the verdict and the recommendations were much the same as their predecessors'.

Tanya was elated. And I am not kidding; this is a true story. Maybe I didn't go on at quite this length, but in any event...

So she asked me the next inevitable question: "What's been done, and how do I get the right to adequate housing; where do I go?"

I think we in this room all know the answer to her question. There is nowhere for her to go. She could go to the landlord-tenant board but, as I already said, she doesn't have the money for that application. Even if she did, even if my organization could lend her the money, that board would say that claiming the right to adequate housing there is outside of their mandate.

• (1325)

She could try going to a provincial human rights tribunal, but it would be a similar situation: there is no codified right to adequate housing in provincial and territorial human rights legislation.

She could try a charter challenge, if she could get access to moneys for a charter challenge. The court challenges program doesn't exist any more for her type of claim. Even if she made it to court and made that section 15 or section 7 argument, the lawyers on the other side representing the government would argue that the right to adequate housing is not justiciable—a position, I might add, that is entirely out of step with the international community.

As Alex just said, there isn't even a minister we can point her to in terms of speaking to them.

So where is Tanya likely to end up? In your constituency offices, with MPs as the last-resort international human rights implementation mechanism.

Where will you send her? Right back to me.

I'm going to suggest that we have two options for Tanya. We can tell her that international human rights are lofty ideals, aspirations, or goals with no real-world significance, or we can roll up our sleeves and do the work to figure out meaningful options for implementing these rights. I think this subcommittee has wisely chosen the latter.

I would like to also suggest that the work that needs to be done isn't actually that hard. I think maybe I could suggest that it's somewhat simple. I think the first step is for MPs to understand that human rights are not just lofty ideals and principles. Human rights is a practice. It's a way of governance. It's a way for you to do your job.

What does human rights practice or governance mean? What does it look like? I think there are three core principles that can guide your thinking, your policy-making, your decision-making.

One, human rights practice is always about the most vulnerable and disadvantaged. Rights are obviously most important to those groups who are most vulnerable and disadvantaged, because they are most likely to suffer rights violations.

Two, human rights practice involves the setting of timelines and goals, benchmarks, really concrete things to aim for in order to change or better a situation. This is obviously particularly true in economic and social realms, where progress can in fact be charted and measured quite easily.

Three—and I think this is particularly important in light of our UPR discussions today—human rights practice ensures accountability. Someone—or someones—is accountable for reviewing human rights compliance and enforcement.

Putting these principles into practice, what can you do specifically?

I think we only need to look at the recommendations that came out of the UPR process and the treaty monitoring bodies, which have been repeatedly recommended by civil society.

Alex has already gone through many concrete recommendations, which I wholeheartedly support.

I also support the recommendations that Kathy Vandergrift brought to this subcommittee two days ago.

I would add to those the following. I think we do need to look at existing enforcement mechanisms in the country, assess them, review them, and make sure they're actually working to protect all human rights—civil, political, social, and economic. I think we do need—Alex referred to this—a new intergovernmental process for implementing international human rights obligations, and responding to concerns and recommendations with respect to the UPR and the treaty monitoring bodies.

Here's my main recommendation. I'm going to put something very practical on the table for you. I think we do need to develop a system or process that will help ensure that international human rights law and review and enforcement mechanisms are built into every relevant piece of legislation, particularly new legislation that's arising.

I want to deal with a very specific example that will be before you, Bill C-304. I don't know if any of you know of it. It's the bill that's on affordable, adequate, and accessible housing. It's a private member's bill. It calls for a national housing strategy. The bill is, itself, a response to treaty monitoring-body recommendations and the UPR. The way it can be viewed as an actual response to treaty-monitoring bodies' concerns and the UPR recommendations is that it includes the following elements.

• (1330)

It calls for the provincial, territorial, and federal ministers responsible for housing to meet and hammer out a national strategy, and they're to do it in consultation with indigenous groups, civil society, and municipal governments. It recognizes the most disadvantaged groups, and that their needs must be prioritized. It calls for the setting of timelines and targets for ending homelessness. And it calls for the development of a process for the independent review of complaints about possible violations of the right to adequate housing. It also builds into it a review mechanism for follow-up to anything the UN has said about the right to adequate housing in the country.

I would say that this is model legislation that directly responds to the concerns of treaty-monitoring bodies and the concerns of the Human Rights Council at the universal periodic review of Canada.

Of course, none of the recommendations that Alex has put on the table or that I have put on the table will solve Tanya's concerns immediately. But they will signal to Tanya that she lives in a country where all human rights are taken seriously, that someone is accountable, and that if she believes her rights have been violated, she has a place to go to tell her story, be heard, and have access to a remedy, if appropriate.

Thanks very much.

The Chair: Thank you very much.

Just as a practical matter—I'm looking up at the clock—we have 26 minutes left. I think we should do one round of seven minutes each. But I'll only do that if we all agree—the way it works is that we go around table, and Mr. Sweet is last—that we will allow the meeting to go a little bit later than 2 o'clock so that he can get in a full question and a fulsome answer.

Is that acceptable to everybody?

Some hon. members: Agreed.

The Chair: Okay.

Before I turn it over to the first questioner, I will ask just one quick question.

You didn't mention which MP is sponsoring Bill C-304.

Ms. Leilani Farha: It's Libby Davies.

The Chair: It's Libby Davies. Thank you.

We'll start with Mr. Oliphant, please.

Mr. Robert Oliphant (Don Valley West, Lib.): Thank you, both, for being here.

Ms. Farha, it's a pleasure to meet you.

Alex, we should put you on salary; you seem to be here every day.

• (1335)

Mr. Alex Neve: Amnesty can't take government money, sorry.

Mr. Robert Oliphant: We could take *you*, though.

Voices: Oh, oh!

The Chair: I think he meant his office budget; that's what I heard of that.

Mr. Robert Oliphant: You've both raised interesting things regarding Canadian human rights. I want to push us into the UPR a little bit directly, because we're reviewing that. There are some process issues as well as some content issues.

I'm still analyzing all the recommendations of the report itself. They're confusing, because they overlap and they're not organized. Some are diplomatically worded, and some are politically worded. They're not really that helpful for me. And I'm sure the government can either then find a way to weasel out or...

I think there's a process problem. Canada may be able to be helpful in the future. I know that this is the first round of getting through the 200 countries, so I think there may be a task for us in helping the process to be a little cleaner.

We live in two worlds, and I think you've both been talking about them. One is that world of lofty international value statements of human rights, and then there is the practical world. At one point I thought both comments were true, that maybe those didn't count, that the lofty statements actually weren't practical, but the practical things require the lofty statements as well. This is the world of praxis. That's what we're talking about. We're talking about a praxis model of human rights—fragile, evolving, incremental. I hate that, because I think of absolute, sure, and steadfast; that's my vision of human rights. I have come to grasp that they are fragile, incremental, and evolving.

All that means is that I think the next step is to promote a national discussion about the UPR. As opposed to having a top-down understanding of human rights coming from international treaties or multilateral bodies, there should actually be a demand from the bottom up to have a discussion about human rights, because the requirement in your three points was that the government actually would have to admit that they don't fulfill human rights in order to actually address them, and they're not going to.

Do you have something to add to say how we as parliamentarians can truly foster civil society, in a discussion about human rights, that then demands Liberal governments in the future, Conservative governments in the past, actually do that?

Mr. Alex Neve: I'll go first. A whole bunch of things came to mind, and I'll probably forget some of them.

One, I think we both highlighted, and I'm sure you heard this from Kathy as well, how important consultation is. Consultation may not sound like the word that describes what you're describing, but I think the kind of approach we're imagining to consultation is something that is truly grassroots, something that is across the country, something that is not only about, you know, let's get to the experts and make sure we've got their input when we're figuring out the final version of the report. It's about truly reaching Canadians to engage with them about these important principles, get their viewpoint, get their aspirations, get their recommendations as a key piece of this.

You asked what you can do as MPs. Amongst other things, it would be wonderful to see MPs try to take initiatives to bring the UPR to life in your ridings, to distribute information, to hold a town hall, or to find ways to get word out about this to your constituents. Obviously, going back to your first point, the documents we've got that come out of the UN don't facilitate that. We totally agree with you about the confusing way in which the reports come out.

We're working on some documents that we hope will popularize the UPR. We'd suggested there's an obligation on government to do that as well, and it hasn't happened yet. Information that can really communicate to Canadians and get them excited, much like Tanya was in her phone call with Leilani, about what's on the table, what's at stake, and what the potential is. I think having those kinds of processes and discussions in your riding would be great.

Ms. Leilani Farha: I'll just add a little bit to that.

I think what Alex said is right; when I went across the country to talk about the UPR and get groups engaged, I was floored with the response. Civil society responds to this.

I think it may be somewhat unique to Canada. I've travelled around the world. I've done human rights work in many places. I find that people here are able to very quickly translate the issues and concerns into human rights language and framework.

So I think civil society is certainly ripe for what you're suggesting and for what Alex was suggesting, engaging in real consultations with, as Alex said, not the usual suspects. I met groups and organizations and encountered issues that I didn't know were going on, and I'm a human rights advocate; I get around a fair bit in this country. So I think there is something to be said for just doing that.

I will also say that we in civil society have not been supported in our efforts to try to do post-UPR work to keep it going. There are no funds for us to do that. There's no institutional support. There are no means for us to do it. Those of us who happen to be based in Ottawa gather at Amnesty, basically, and some of us use our volunteer time to make things happen. So if...that is not a fulsome support of civil society in this endeavour.

There's one other point I would make. I think there's the "big" UPR—that is, dealing with the UPR and getting people to

understand the UPR as a whole, the process, all these recommendations. Then I think there's another approach that can be taken. It's a little bit more piecemeal, and I think it's good that it's piecemeal. That's why I brought up Bill C-304, the housing legislation, which is going for third reading. That's a very small piece of the pie but it's an important one. Housing has been a major issue with every treaty-monitoring body since 1993, as has poverty, homelessness. Here's one little piece responding to all of that. I think those little piecemeal approaches can be effective as well.

• (1340)

The Chair: We just hit seven minutes and three seconds, so we won't have time, unfortunately, for a question from Ms. Neville. I apologize for that.

Madame Deschamps, s'il vous plaît.

[Translation]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Thank you very much. This is the first time I attend the meeting of this committee since the return of Parliament. I am pleased to see you here, Mr. Neve and Mrs. Farha.

I have been a member of Parliament since 2004 and what I have seen since then leads me to conclude that there has been a significant decline of the Canadian situation relating to leadership and human rights, domestically as well as internationally. I find that those organizations working to protect human rights are facing increasing difficulties. They are barely consulted and it is difficult for them to criticize because there are risks in doing that. For example, KAIROS, an organization working overseas, has had its funding cut after having been funded for many years by CIDA. Similarly, one cannot ignore the crisis currently facing Rights and Democracy. All this is extremely worrying.

Even here, in Canada, the first organizations to have their funding cut were women's organizations. To wit, Status of Women Canada has cut the funding of groups or organizations that had been working to promote women's rights through the Women's Program. I have the feeling that it may be a way to hide the issue under the carpet.

Mrs. Arbour said recently that Canada is absent or is not very constructive on most human rights issues. Canada is often the only country opposing or systematically voting against Council resolutions. We have also seen that Rights and Democracy lost its seat in Geneva. Why was it deprived of its role when it had been established beside the Human Rights Council? That is how I read the situation.

Amnesty International has produced a report containing fantastic suggestions as well as recommendations that are very important for us, parliamentarians, and that we want to fight for.

I wonder if you want to add anything. I did not ask any questions but, based on what I have just said, would you like to make any comments?

•(1345)

[English]

Mr. Alex Neve: I'll begin by saying that obviously we do share those concerns. You've pointed to the report we put out recently. We do think there have been a number of recent worrying developments that, as we describe in our report, have led to a shrinking space for human rights critique and advocacy in the country. You've named a number of the examples. There are others, and we do think they are troubling.

As a priority, we think it would be very helpful to have a panel of what we've described as eminent Canadians. It would cross party lines, but the members of it would be united through a common commitment to human rights—and that exists in all parties, without a doubt. These eminent Canadians, not active in political life now, would really look at the state of human rights advocacy, dissent, and critique in Canada, and come forward to Parliament and to the government with some recommendations.

I do want to highlight, however, that with respect to the particular concern we're raising today, this thorny long-standing issue about the difficulties and shortcomings in Canada's implementation of obligations, responsibility for this crosses all party lines. Certainly at the federal level it's been a very real concern through Liberal, Conservative, Liberal, Conservative governments. I would add that at provincial levels, there are NDP governments that have not demonstrated the leadership they could and should to come up with a better system here. The Bloc hasn't been in governance, so I can't point to shortcomings there.

I think the point is that the responsibility for the shortcomings, the failure to get a handle on this, really is not about parties. It's something more systemic, and therefore, I think, is something that very much should and could unite all parties, federally and provincially, in finding a solution.

Ms. Leilani Farha: I'm not going to comment further.

[Translation]

Ms. Johanne Deschamps: Considering what you just said, it is a little difficult to understand...

The Chair: You have one minute left, Mrs. Deschamps

Ms. Johanne Deschamps: It is rather difficult to do now. Indeed, I have difficulty understanding the way this government has shifted its policy over the past few years. We are excluding ourselves from the international community. One fails to understand where this government is going.

[English]

Mr. Alex Neve: I think we have highlighted that a number of these very recent concerns are of double concern. They're of concern obviously in that they are decisions or positions that have very real impact domestically on particular human rights issues. They're also of international concern because they have in many respects isolated Canada in some UN settings or tarnished some of our reputation.

Again, coming back to the UPR and this need for a good implementation process, in our view this would be a tremendous way of making a positive contribution to both the domestic and international front: domestically, in that it would be a way of ensuring stronger, more effective mechanisms for human rights

protection in the country—better coordinated—but globally as well, in that we want, we need, we absolutely have to be the very best possible model for the rest of the world as to how you live up to what you've promised to do when it comes to human rights on the world stage.

The Chair: Unfortunately, we're out of time for that round.

We'll go on to Mr. Marston now.

I'll alert members that our lunch has arrived—better late than never. You're welcome to have it now or to stay afterward. Because it's arrived late, it means the witnesses have a chance to get something too, which doesn't always happen.

Mr. Marston.

Mr. Wayne Marston: Fortunately, I ate before coming here, Mr. Chair. And I have a plane to catch, so I have to leave in about eight minutes.

You know, I'm known in my party for being a Timmies guy. I talk to people in the food courts of Eastgate Square in Hamilton, or I go to our Timmies and I sit and talk with them about some of the issues that are very troubling.

To give an example, you talked about the various conventions—the protocol to the convention against torture, which Canada shepherded into the UN and then all of a sudden stood back from; and the rights of the child, vis-à-vis the Omar Khadr case. I was just reading in the newspaper about Mohamed Harkat and some of the evidence against him that the U.S. has suddenly decided...

When you look at those together, you see the shadow of 9/11. Rather than say a government here is to blame, or a government there is to blame, there was a reaction at that point in time.... Of course, we all remember the United States, and everybody on the steps singing together as if... Well, I won't start too far down that road.

Alex, you're very right to say it's a thorny issue. The thing that's amazing, though, with the Timmies crowd, is that they believe we have the best human rights on the face of the earth. And I agree, that's what we should be striving for.

One of the things that has come out of your commentary today, which I think is very striking, and I haven't heard before—we've had a couple of days of hearings previously on this—is the need for a minister in charge. I think you may have just opened the door to the one idea.

Right now, with the continuing committee we have a case of mid-level officials doing, we presume, the due diligence within the frame that they've been given. But if you have a minister that we can turn to for leadership...

I'm not in the blame game here. I'm as disappointed as everybody. When you read the UPR.... I made a point last time, and this time again, of talking about some of the countries that made comments about Canada. They are good friends: UK, Denmark, Italy, Chile, the Netherlands, Czech Republic, Austria, and Sweden. As you've indicated...and we could get discouraged, and I can understand that, with the fact that so many of these people have raised these issues before.

We have a government today that talks about accountability. In fairness to the government members of this committee, they were in agreement to having these hearings. I want to stress that, because I think that's important going forward.

I would ask about what you call systemic barriers within the continuing committee. The reason I ask is that we hope to hear from them. Are there any systemic barriers that you see, where those walls could and should be taken down?

● (1350)

Ms. Leilani Farha: I can start, and hopefully Alex will supplement.

In terms of systemic barriers, we'd have to know a little bit about the committee to identify systemic barriers. It's secretive.

Mr. Wayne Marston: So number one is that you don't have access to the committee, you don't have access, as you've said before, to the agendas. There is a complete lack of accountability to Canadians, via civil society, then.

Ms. Leilani Farha: Absolutely.

I mean, even if the committee shouldn't be struck down entirely, they self-describe as a communications protocol. Well, I don't hear "implementation", I don't hear "action". They disseminate information, that's all. And in this day and age, with the Internet, we can all do that. You don't even need a committee for that.

The committee is not functioning in a role of implementation at all. But I do think the lack of transparency, the secrecy, etc., is phenomenal, and that would be a first step. Who are the committee members? When do they meet? Isn't there a space for civil society to join at some point? Isn't there some dialogue we could be having?

Mr. Wayne Marston: Well, you would think, with the input of civil society in that committee, that they should then be carrying that back to the House of Commons via a minister. Again, I think you've struck on the nub of the issue: parliamentarians need to look at human rights via enveloping it into everything we do. Again, the only way you'll do that is if you hold that accountable to Parliament via a minister. So I'm quite pleased with that today.

The process is a little bit daunting and discouraging when you look at the counter. We know that the situation of homelessness is something that's been with us a long time.

When you come to work on the Hill, there are three or four people who are on the street all the time. You stop and you do what you can for them and chat with them. They're now gone. There were three people I saw every morning, and I'm very concerned about the fact that all of a sudden, all of them are gone. I passed a young woman last night talking about the police pulling her over and putting her in handcuffs. I'm not quite clear what it was about, but she very clearly was a homeless person. She struck me as one who might even have psychiatric problems.

So that's a very fundamental thing, the right to adequate housing, but there are so many. I'm kind of wandering with this, because as soon as you hit on the minister, I think you gave us the key.

I think I'm going to stop there, because I do have a plane to catch.

If you'd like to comment on anything I've said...

● (1355)

Mr. Alex Neve: Very briefly, the only other point I would emphasize, as Leilani did, is about the continuing committee.

Yes, it could and it should be improved in many ways, especially with respect to transparency. It's also vital to recognize its limits. It is not what is needed to solve the bigger picture here around political accountability, true coordination at a meaningful level amongst governments. It is an information-sharing vehicle. It is a level at which some good discussions can happen about some legal issues around what does this or that treaty mean. And we should have something like that in Canada, but it's not where the decisions are going to happen, it's not where resource issues are going to be worked out, and it's not where political struggles between federal and provincial levels as to who is going to bear responsibility for this or that issue will be worked out, either.

Mr. Wayne Marston: There's no notion of accountability, either.

Mr. Alex Neve: That's right.

The Chair: Mr. Marston, you're out of time.

Did you have anything you wanted to contribute, just in response?

Ms. Leilani Farha: No.

The Chair: Okay.

In that case, Mr. Sweet, you're our last questioner.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thanks, Mr. Chairman.

I want to thank the witnesses for being here.

I want to say, too, that we have this very unique group in Hamilton called the Hamilton poverty round table. It's creating quite a model of speaking about removing the silo mentality and trying to synergize between organizations that operate not just with government money from all levels but also with private donations. Certainly, from what I've seen in terms of not only rights but also the whole challenge of moving someone from a destitute situation, and transitioning them into a place where they can both flourish and make a contribution, adequate housing is the key issue. Of course, if you don't have an address, you can't get services, you can't apply for a job.

So I'm very thankful for the work you're doing in that regard. In fact, this model is so promising that we appointed the founding chairman of the poverty round table to the federal welfare council, to get it right from that level to our Minister of Human Resources and Skills Development.

On the comment you made to Mr. Marston's question, are there any governments right now in their executive that have a secretary of state or a minister in charge of human rights?

Mr. Alex Neve: There are any number around the world. I'm trying to think of those amongst some of our closest allies, which may be of greatest interest to you.

In some instances, it may be a minister specifically and solely or entirely designated as responsible for human rights. In other instances, it may be just be a case of specifically identifying that the minister of justice, or whoever, also bears responsibility for human rights. I'm quite sure there is a portfolio within the U.K. government that has a human rights responsibility, and also within the French government.

Certainly within the global south, it is prevalent. I'm often on Amnesty's front-line human rights research missions throughout Africa and Latin America. We always end those missions with government talks, and I would be hard-pressed to think of a government who doesn't have a *ministre des droits humains* or a *ministro de derechos humanos* whom we meet at the end. It's quite a common practice.

Mr. David Sweet: I guess if there is that plethora—it's academic, but I'll make the statement for the record—then not only does someone need to be responsible; they need to be effective as well. It's like anything; as Mr. Oliphant said, the praxis model has to...you need to have a plan and execute it.

Thank you very much. That's all I have. I appreciate your coming.

• (1400)

The Chair: We still have some time.

Go ahead, please.

Ms. Leilani Farha: Just on the issue of having a minister, I think you said it precisely: you may need a minister, but the person has to be effective. I would also add that there have to be mechanisms. A ministry itself is not a mechanism. If someone wants to claim their rights, they must have a place to go to, and it's not going to be to a ministry.

Things have to be happening simultaneously. I think that having a minister would be a huge step, because it is important to be able to say that at least I know this person is responsible. I also think it's a little symbolic, too, as it would say something about Canada if we had a minister responsible for human rights in the country and overseeing those rights.

I would definitely emphasize, however, that there must be a whole bunch of strategies happening at the same time.

The Chair: I will take advantage of the fact that Mr. Sweet has only used up four of his seven minutes, both in questions and answers. I just want to ask the following.

The impression I got from looking at the periodic review of Canada is that its most valuable parts tended to indicate, not that Canada was engaging in human rights abuses in the sense of the

abuses that we tend to deal with at this committee, in that we don't have arbitrary arrests and executions in Canada, and those sorts of thing, but that there were issues at the administrative level, in particular.

One that stands out in my mind as being mentioned by a number of the countries that had reviewed Canada's performance is the treatment of aboriginals once they get caught up inside the justice system. All of this suggest to me—I guess I'm in danger of putting words in your mouth, so correct me if you think I'm on the wrong track—that the problem is not the lack of a ministry of human rights, either at the federal or provincial level, but the absence of proper enforcement mechanisms to ensure the law is meted out in equal measure, that equal benefit of the law is provided to all persons once they are within the apparatus of the government and, if you like, to some degree, at the mercy of the apparatus of government.

Mr. Alex Neve: I think there are a variety of aspects to the pattern of human rights concerns that arise in Canada.

I would say there are instances where we do have very real human rights violations where individuals experience abuses. I think one of the issues highlighted by many in the universal periodic review that I would put in that category is the alarming and shocking levels of violence and discrimination experienced by indigenous women in Canada, for instance.

I absolutely agree with you that a key piece of the human rights puzzle in Canada is the fact that human rights are not doled out in an equitable manner within the justice system, or within other systems. The corollary is that very often there is not an obvious, or even any, place an individual can go to remedy this and ensure that a tribunal or a court, or a government official with the power to redress the situation, is able to intervene and make use of that international standard that's at stake and correct the concern.

That's the other piece, I think, that flows from that.

The Chair: All right.

It sounds like that's it. I want to thank both of our witnesses very much for coming here. Mr. Oliphant is quite right that Alex Neve is a regular guest here, and we always appreciate him.

I'm very glad, Ms. Farha, that you were able to come and provide us with as much information as you could. Perhaps you'll wind up becoming a more regular guest as time goes on. We certainly would welcome that.

Thanks very much.

The committee is adjourned.

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