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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)

[English]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): I call the meeting to order.

[Translation]

Today, November 4, 2010, we are holding the 30th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

[English]

Pursuant to Standing Order 108(2), we are now studying the treatment of sexual minorities in Uganda.

We have two witnesses here today who are from the Pride Uganda Alliance International. As per a previous agreement, for which there was consent from all committee members, the identities of these witnesses are not being revealed even though this is a meeting held in public. I would just ask all members to keep that in mind.

We do, however, want to stress that everybody here takes this issue very seriously and we are particularly anxious to hear the testimony of these witnesses.

For the benefit of the witnesses, we normally give about 10 minutes, more or less—we're not really firm on that—for your initial testimony and after that is done we will then go to questions from the various members of the subcommittee. Perhaps I could ask our two witnesses to divide the time between yourselves and to begin.

Witness 1: Thank you, Mr. Chairman, and members of the committee.

I want to thank you for the privilege and honour in your agreeing to undertake a study on human rights in Uganda for GLBT after my presenting to you the concerns of Pride Uganda Alliance International, in particular on the case of group resettlement and the application of the Immigration and Refugee Protection Act, also known as the IRPA. The act brings a powerful compassion as a strong element of the Canadian national character, as brilliantly articulated in part 2 of the IRPA. This is what inspires me.

Pride Uganda is concerned about Uganda's homophobic legislation, which increases violence, misrepresentation, and false accusations, and lessens power to professionals who can assist with the GLBT community. Recently a Ugandan newspaper published a story featuring a list of the nation's top gays and lesbians—for hanging, as

reported by the *Washington Post*, the BBC, Fox News, and other news outlets.

This week on Monday, CNN reported that of the governments that have donated aid to Uganda and human rights groups that have applied massive pressure since the bill was proposed a year ago, most believed that the bill had been shelved. Not so, said Bahati, adding that every single day of his life he is still pushing for the bill to pass.

Pride Uganda is a community-based support group established with the 519 Church Street Community Centre, with approximately 70 members in good standing. It supports mostly individuals from Uganda and east Africa, but now also includes members from other communities.

The challenges of ensuring group resettlement and the right to refugee status are not new. The most recent debate has focused on the role of the Balanced Refugee Reform Act and engaged Canadians. The private sponsorship being advocated by the government through the act, I realized, would not work for a group resettlement, except for individuals in groups of five or ten.

Every individual who has contacted Pride Uganda Alliance International, even if it was in the knowledge that Pride Uganda may be incapable of fulfilling flight from harm for these GLBT persons, is desperate and traumatized. I was challenged to do something even though Pride Uganda is without financial means. I wanted established organizations to do our work, but it was not happening as quickly as we would have wanted, or there was nothing at all. I found that I had to embark on an unknown quest, least expecting positive results—but I did it anyway to prove the impossible right and pessimism wrong.

From the outset, my research findings showed that information on Africa is often absent in discussions about GLBT asylum issues, and there is very little from Canadian sources to provide a comprehensive and balanced analysis of obviously complex issues. I had to look at other sources to concretize my submission to you so that the urgency for group resettlement for GLBT persons in Uganda could be expedited.

I also draw reference from the “UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity” as an important foundation for enhancing protection for those facing persecution or threats based on sexual orientation or gender identity.

The International Gay and Lesbian Human Rights Commission and asylum.org have reported the intensification of GLBT persecutions as credible sources for information. Major media outlets have accordingly reported GLBT persecutions in Uganda and elsewhere.

I urge Canada to offer group resettlement without delay to GLBT individuals from Uganda that may include nationals from other African countries. There is an urgent need for a humanitarian response to violations of human rights.

I have been lobbying the government in my campaign for group resettlement of persecuted GLBT persons from Uganda as a motion introduced by New Democrat Bill Siksay, passed unanimously on March 24, 2010, in the House of Commons and calling on the Government of Canada to continue speaking out against Uganda's anti-homosexual bill.

● (1310)

It also led me to contact more parliamentarians—my local MP, Peter Braid, and MP Bill Siksay—and brought MPs of all parties to seek further support. I thank Mr. Peter Braid and his office and Mr. Bill Siksay and his office for their support.

Prime Minister Stephen Harper has expressed Canada's deep concern and strong opposition to the bill. Even U.S. Secretary of State Hillary Clinton acknowledged at GLBT pride month that in some places, violence against the GLBT communities is permitted by law and inflamed by public calls to violence. In others, it persists insidiously behind closed doors.

Most importantly, I am concerned with visa issuance, refugee criteria eligibility, and whether government-assisted refugee sponsorship will be granted under the resettlement assistance program.

In addition, regulation 150 of the IRPA requires that a permanent residence visa application for resettlement must be accompanied by a referral from a referral organization, an institution of a government, or an undertaking for private sponsorship. The ultimate goal is to find a durable solution, which is group resettlement.

When it comes to persecuted GLBT persons, there are internally displaced persons, also known as IDPs, who have to move in hiding from one place to another.

I have received in total 201 pleas for assistance for safe passage to Canada. Most claimants have provided initial statements, upon my request through general inquiry, why they felt they needed my assistance. Following guidelines from the *LGBT/HIV Asylum Manual* prepared by Immigration Equality in the U.S.A., as set out in their sections 17 and 18, for a statement that necessitates sexual minorities to provide an account of their persecution, 149 replied in spite of communication difficulties and wars. I have not heard from the remaining 51. One was able to make it to Sweden.

I have no guarantee that I shall be able to reach the 149 who are still in contact. It is a humanitarian mission I would like to accomplish for group resettlement to serve GLBT persons. I seek

assurance that Canada will intervene and execute its urgent protection program to respond to 200 emergency referrals by Pride Uganda.

I am compiling dossiers on each and every GLBT person I have identified. There remains a meeting with GLBT persons in neighbouring Kenya to prepare their permanent resident applications for those individuals who do not have access to computer facilities. While visa officers would normally interview applicants on a case-by-case basis to meet the Immigration and Refugee Protection Act, the GLBT group is with a uniform refugee claim.

Clearly, group resettlement is more suitable for GLBT people. It is much faster since it allows Pride Uganda and Canada to quickly identify a large number of prima facie refugees fleeing persecution with similar conditions, because they are all members of a specific group. Canada did use this consideration with Karen and Bhutanese refugees. Canada has the urgent protection program to respond to emergency referrals by Pride Uganda even though we are not that prominent an NGO. It is why I appeal to the government and various MPs to seek their support for group resettlement.

Designating GLBT as refugees for urgent protection, who can articulate a serious protection concern because of their sexual orientation or gender identity, would make them eligible for expedited admission or direct processing under Canadian refugee admission. Most eligible refugees who seek Canadian resettlement are supposed to seek eligibility as a Geneva Convention refugee. However, the committee should be able to recognize that IDPs are forced to flee their home, but unlike other refugees remain in their country's borders. Once GLBT persons from Uganda can cross international borders, they would be defined as refugees, especially if Canada's High Commission based in Kenya were to process permanent resident visa applications for resettlement.

● (1315)

To sum up, U.S. Senator Kirsten Gillibrand of New York, a member of the Senate foreign relations committee, wrote to Secretary of State Hillary Clinton, urging her this: “Where safe conditions are not possible, the U.S. and the UN must work with refugee and human rights groups to expedite refugees' flight to safety.” And in a letter by Foreign Affairs Minister Lawrence Cannon, he adduced that Canada's integral foreign policy promotes and protects human rights.

In the circumstances, how prepared is the committee to support GLBT asylum seekers' flight to safety to Canada from Uganda? When is humanitarian intervention appropriate for Canada to take action for the purpose of protecting GLBT persons from catastrophe, persecution, and crimes against humanity? Refugees who have fled persecution on the basis of their sexuality are among the most vulnerable, as persecution often follows them across borders. For some, resettlement is the only lifesaving solution.

My request to the committee is that you make recommendations to the minister for group resettlement for GLBT persons in Uganda.

Thank you very much.

● (1320)

The Chair: Thank you.

Does our other witness wish to comment? No? All right.

In that case, we will go to questions. We're starting a bit earlier than we normally do, at 20 past. We have 40 minutes. This gives us time for two five-minute rounds, as long as we police ourselves carefully.

We'll begin then with Mr. Silva from the Liberals.

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

I also want to thank the witnesses for being here, for making a very compelling argument, not just about what is taking place in Uganda. I think all of us would agree that we're appalled by some of the legislation they're bringing forward and also the punitive legislation that is in place against gays and lesbians.

It is unfortunate that in this century there are still so many countries around the world where just being yourself, being gay and being lesbian, means you are also designated a criminal and could be subject to punishment under their various legal codes.

I think what was important about your presentation—and I want us to maybe have a further discussion about this—is that you brought home to Canada that it is not just about what is taking place in Uganda; it is about what Canada and the Canadian government can do to assist those who are fleeing persecution for being gay.

One of the things that maybe we as a committee could be doing as well is seeing if we can advocate for you with the IRB and also with the Minister of Citizenship to make sure that those who are fleeing are given a full, proper hearing, but also are given due consideration given the fact that the situation in Uganda is quite dire for gays and lesbians.

I know that Minister Kenney has also been working very closely with the gays and lesbians fleeing Iran and going through Turkey, especially the ones who have been designated as refugees who have been given passage to come to Canada, and we're very pleased with that.

I think this situation is just as bad, if not worse. The federal government and all of us need to do whatever we can to assist in bringing to Canada those who are fleeing persecution and have them recognized as legitimate refugees.

I'm wondering if you can briefly talk about two things. One, are there any organizations, any partners, we can work with in Uganda that can maybe facilitate us in helping us process the refugees to come to Canada? And two, have you been in discussions with other organizations, such as the one I mentioned that deals with bringing to Canada Iranians who are fleeing persecution?

Witness 1: Thank you, sir.

Most organizations in Uganda are.... Some of them I'm in contact with, but they were not giving me a clear picture of what they wanted to be done. What made me contact government, the committee, and Parliament was that I was receiving many requests from individuals. At first when these individuals contacted me, it started with five. Then it was ten, and numbers increased: 20, 30, 50, and on.

At the time, I was telling individuals that we were unable to help them that way because we did not have the money. We were just a social group in Canada, and we didn't know how we could help.

Nonetheless, even when they knew that we were incapable of helping them, the requests kept on coming in. I was challenged: what could we do about this? I did approach certain organizations here in Canada who I thought would be of assistance. Unfortunately, I didn't get responses from them. Amnesty International did get back to me and told me that they cannot request any government to expedite bringing refugees from anywhere. They can only ask a government to facilitate for refugees who are already here, to give them a fair hearing and due process.

So when I realized that I was not getting the answers I really needed, because these were individuals who were contacting me and the number had increased to 100, I started exploring avenues of how I could help these individuals. These individuals were like me. They weren't like activists who everybody was trying to advocate for. So my campaign has always been how we can help these individuals come here, and that was the difficult situation.

Right now, yes, there are many gay and lesbian individuals in Uganda, but at the moment I'm considering those who've contacted me because they're depressed, they're stressed, they're traumatized, that sort of situation. I'm sure many of them are not even contacting me because they don't know who can help them. Recently I saw in an article in the newspaper that they're asking the U.S. people to petition the State Department to issue visas to these 100 individuals. We don't know what is going to come out of that.

Right now, I'm stumped. All I can do is request that you, the committee, make a request on our behalf to the government to expedite these admissions. And I'm looking at these 200 individuals. While I'm not even certain that I'll reach all the 200 individuals—I'm not certain about that—all I can say is that if we can bring 150, brilliant. At least we'll have done a good cause at the time.

In answer to the Iranian question, I have not had any contact with anyone who's done anything for the Iranian gays and lesbians. No, I've not had any contact with them, and I can't comment on that.

● (1325)

Mr. Mario Silva: Maybe after the meeting I'll be able to help you with those contacts.

Witness 1: Thank you.

The Chair: Unfortunately, we're working on shorter timeframes than we are normally, because we're doing two rounds of questions.

So we'll now go to Madame Deschamps.

[*Translation*]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Thank you, Mr. Chairman.

Good afternoon, madam and sir. Thank you for sharing this evidence with us, which is very disturbing for the individuals, for the persons.

I would like to understand how one can manage to table such a bill. I don't share those values, but I'm trying to understand the culture or traditions that lead a member of the government to promote that kind of bill. I suppose the entire African community and the African Union must have put pressure on the government by denouncing what seems to me to be an incredibly cruel bill.

[English]

Witness 1: Thank you, Madame.

There is no easy answer to your question, actually. There are many theories as to how that came about. It would be like writing a thesis to answer that question and give you the various answers.

The trouble is that recently—it was even reported on CNN—this MP, he himself, said that he would do everything to push this bill through. As I said in my speaking notes, most governments that have donated aid to Uganda and human rights groups that have applied massive pressure since the bill was proposed a year ago believed the bill had been shelved. We all thought so. Then all of a sudden there was the publishing of the names of 100 individuals in the newspapers, the reprisals, the people in hiding.

The government itself is not even putting any measures.... They will say to the western governments that they're doing everything to protect these individuals. But on the ground, nothing is happening. People are taking the law in their own hands.

You can blame it on being traditional. You can blame it on religious preachings from the U.S. trying to say that, oh, Africa will be an example to the rest of the world, that they do not agree with gay and lesbian issues.

It's a difficult question to answer, honestly. What is troubling is that we don't know what is going to happen, really. The fact remains that if people are being persecuted even now, and the government is not putting in any measures to protect these individuals.... Maybe they are barbaric, at best.

• (1330)

[Translation]

Ms. Johanne Deschamps: I have another question. In the brief you sent us, you say that this bill also has a repressive effect, and I quote: "[...] it inhibits [...] the already positive work of health professionals, HIV workers and such [...] regardless of sexual orientation [...]" of the people and that it stigmatizes their activities.

Could you tell me why or how it will inhibit the work of those organizations in the field?

[English]

Witness 1: Because of what the bill itself says, anyone who does not report a gay or lesbian individual knows that they themselves would be in danger. For example, if a mother knows that her son is gay and she doesn't report that individual, she herself will be imprisoned. If a social worker, a nurse, or a teacher knows that her students, her patients, are gay or lesbian, and they don't report them to the authorities, they themselves are in danger. They are

answerable to the law as to why they didn't do that. In other words, they themselves will be persecuted.

Now, because people do not want to be incriminated and do not want to be involved with gays and lesbians, they would rather do away with them. They don't want to be in danger themselves. Obviously in the case of health professionals, the issue of HIV/AIDS campaigns will not include gays and lesbians because they themselves will be looked on as advocates for something the community looks on as heathen. So the services will be absent for those individuals. They will be excluded in the hope that maybe they will die away, or will be imprisoned—anything horrible.

That's what they would like to happen to the gay and lesbian individuals. It's an unfortunate situation.

The Chair: That uses up the five minutes we had for that round.

Mr. Marston, *s'il vous plaît*.

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

I want to say to you that I am impressed with, first of all, your obvious courage, as demonstrated in coming before our committee today—even though it's not televised, it is still an official record—and the compassion you are showing for these good souls back in this country.

One of the things that came up in your presentation was the 201 people you talked about who you thought might want to come specifically to Canada. Overall, what would your estimate be of the numbers of people who, within this foreseeable future, would be interested in trying to get out of this country because of the situation? That's number one, and then I'll throw a few things your way and maybe you can answer them.

You just used the term “heathen” a moment ago, and I was sitting here wrestling with how a society gets to that place. I'm 63 years old now. When I was a boy I can remember gays and lesbians being the butt of jokes and “tee hee” and all of the little subtle things, but it was never at the point, at least in my community, where they were at risk of physical harm. There were other places that might have happened. And we've come a long way in this country.

But going back to Uganda, it seems to me that for a law like this to go forward there is a broader consensus in that community opposing gays and lesbians. I wouldn't mind your comment on how broad you think that may be.

Another question would be if people come here, I presume there are established organizations within Canada in the gay communities that would be of assistance. Perhaps you might be able to enlighten us to some of them that you would foresee playing a role once people got here.

I think I will stop there for now because there are a couple of things, and I'll give you a chance to respond.

• (1335)

Witness 1: Thank you, Mr. Marston.

To be honest, when it comes to talking of numbers of how many gays and lesbians will try to make their way here, I can't put a number to how many would come over. For us who are able to make it here, in our group, there are already 70 of us, and there are those who are out there as well, so we can put the number so far at probably 150 in Canada.

The 200 who have made requests...and there are others who are adamant about not making requests because they don't think we will be able to do anything. We were clear to them and told them that we are just a social group. We are not that organization with funding and everything, because it involves a lot of work. When we received those many requests we were challenged to do something, and we wanted to get results. We didn't know what to expect. We were surprised with the responses we got from the Prime Minister's Office, the Foreign Affairs office, and even to hear from the committee. We were really surprised by the responses. To make the situation more...appealing, I sent some photographs, which I requested to be private, to show how dire the situation is.

The number? That is unknown. For now I'm looking at the 200. If we can accomplish the mission of bringing the 200, then we'll have opened that door for the remaining 500, or 5,000. Probably the mission in Kenya will look favourably on those individuals who make applications on their sexuality. Again, there are some horror stories about the mission itself in Kenya, yes.

Mr. Wayne Marston: I would be concerned about what reception they are receiving when they are applying to come here.

Witness 1: That's right.

Mr. Wayne Marston: There are officials who work from Canada in the embassies, but also there are some native Ugandans who would work there. Is there a stigma attached? Is there a problem there, especially with a law demanding that people report things to their government? That would be concerning as well, I'm sure.

Witness 1: That's why we're making the appeal from here to get an assurance from the Canadian government that they will guarantee they will give us the 200 visas. Then we can go and pick those individuals from neighbouring Kenya. Then they can designate a visa officer to work with us. He could be called John or Jane, and Jane will have to consider what I'm telling her ought to be done.

There needs to be a lot of work done when you are discussing issues of sexual orientation and how certain institutions will work around these issues, and whether they're having local staff working there, for example. I say this because I've also heard horror stories about the camps. Gays and lesbians made their way to the camp and they're saying that it's not good there at all; they're scared, they're worried for their lives, and some of them have ended up leaving the camp.

So it's a no-win situation. That's why I'm making more of an urgent appeal. If the government can expedite that mission of these individuals, then we can take it from there. What's the next step? How can we work policy around that? Even the visa applications themselves, when it comes to GLBT issues, there is no way around it—no way around it. The existing visas are for visitors, students, and business. How can you come forward as a gay refugee? It's impossible. It's actually a discussion I'm having with Professor

Nicole LaViolette from Ottawa University. She sits on the UNHCR committee on issues to do with sexual orientation. They're exploring avenues for how to address these visa issues.

The Chair: We're out of time on that one as well.

Mr. Hiebert, you're next.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you.

You mentioned in your presentation a bill that was introduced about a year ago. Can you tell us the status of this bill? I'm referring to the one that was introduced that would make it—

Mr. Wayne Marston: On a point of order, Mr. Chair, I have the bill here. It was a motion by the member for Burnaby—New Westminster.

Mr. Russ Hiebert: No, no, not that bill.

Mr. Wayne Marston: You're talking about the bill in the house over there? Oh, okay.

Mr. Russ Hiebert: Thank you.

The bill that was introduced in the Ugandan parliament: has the bill been passed? Is it in limbo? Where is it at?

• (1340)

Witness 1: Well, considering the recent events, the outing of the 100 individuals or the top gays and lesbians, it's come to light that it's still ongoing. It's not been shelved at all. The member of Parliament, Mr. Bahati, has said he'll do all he can to push the bill through.

So chances are it will still be passed, because the government is not putting in place any protective measures for those GLBT individuals being affected.

Mr. Russ Hiebert: So the bill has not yet been passed. It's still in the legislative process.

Witness 1: Not passed yet, no.

Mr. Russ Hiebert: Okay.

With respect to the people whose names were published in the paper, were there any arrests as a result of that? I note the criminal code currently has a prohibition, and I'm wondering if the government actually takes action. Does it enforce the criminal code?

Witness 1: It does. Unfortunately, the activists themselves have not been directly affected. It's the silent voices like me, the non-activists, who are being affected, because some of the individuals who contacted me told me they had been detained and had to bribe their way out. Others have died in detention.

I myself was detained, and I had to bribe my way out. Once you're under government authorities—because they know what the law is—you're hidden. You don't have any say in anything. The only alternative is to bribe your way out of the police station or prison, if you have the money. If you're lucky to get out, brilliant; if you're not, too bad.

So when it comes to enforcement, there is mock justice. Parents themselves do not agree with their gay sons and lesbian daughters; they report them to the authorities, or to the equivalent of counsellors. That is what is happening at the moment.

So regarding the outed individuals who appeared in the paper, I haven't had any update yet on what has happened to them. However, many of them have been harassed out of their homes, out of their jobs. Others are already in hiding. That's what I'm hearing. Even of the 200, most of them are already in hiding, moving from one place to another.

Mr. Russ Hiebert: I guess what I'm trying to determine is whether or not the government is actually enforcing the law. You've mentioned that people are being harassed and detained. Is the government actually prosecuting and sentencing people to prison?

Witness 1: No, not as far as I know, but it is indirectly happening. If the police are involved...they are part of the government. If counsellors are involved, or the equivalent of counsellors here... definitely, government is indirectly involved. But we're not talking of the executive branch of government to enforce these things, although they're very vocal about being anti-gay.

Mr. Russ Hiebert: I'm told there was a case initiated two years ago against the Attorney General of Uganda, brought by activists Yvonne Oyo and Victor Juliet Mukasa. Are you familiar with that?

Witness 1: Yes, I am.

Mr. Russ Hiebert: What was the basis of the case? What was the outcome?

Witness 1: I'm trying to recall here. Apparently they harassed his partner. At the time, Victor was not in the country. He was in South Africa when they harassed his partner. So from the harassment and the publicity of Victor, it sort of got his partner the reprieve not to be detained. They took it to the high court and he sued the government. He was awarded some amount of money, but that money has never been realized.

Mr. Russ Hiebert: I note that the high court recognized that articles 23, 24, and 27 of the Ugandan constitution do apply to the GLBT community. Can you help us understand what those articles—23, 24, and 27—actually say?

Witness 1: I'm not familiar with what those articles are. I'm unable to comment on those until I see what they're all about.

•(1345)

The Chair: We're out of time for that question, unfortunately, as well.

We're going to a second round here. We're running just about two minutes behind.

In the past I've been bad at doing this, and I'm trying to correct myself in following the correct order of questioning in the second round, which is different from what it is in the first round. So it's Liberal, then Conservative, then Bloc Québécois, then New Democratic.

So next will be Mr. Silva.

Mr. Mario Silva: Thank you very much.

Just so we can all be clear and have it on record, it is already a crime in Uganda to be a homosexual, to be a lesbian, to be gay, right?

Witness 1: Yes.

Mr. Mario Silva: What the new law actually would bring is a further introduction that would broaden it to include the death penalty. Is that the case?

Witness 1: Yes. What we're hearing in the grapevine is that apparently they are removing the death penalty, but it's not official. So as far as I'm concerned, it's still in the bill.

Mr. Mario Silva: I see. Thank you.

We know from reports that gays and lesbians are routinely harassed, discriminated against, and are in fact jailed. This has been going on for quite some time.

You have brought a series of very important points, and some very technical points, and I was speaking to the chair about some of them. What we maybe need as a committee after today is probably to come up with a motion that might be appropriate to deal with some of those technical points.

Although we might not have a motion by today, we're hoping that maybe in working with staff we can come up with something. Working with you as well, we could come up with a motion that will deal with some of your technical points that you raised today on what we as a committee could do. So I would ask that you be in touch with us.

I just wanted you to also maybe give us a description of what's taking place and as well give us an understanding—especially myself, as a gay person, because I sometimes have a hard time understanding—of how these views came to be. There have been discussions in the media about the fact that Ugandans feel that homosexuality was brought out by the western powers. Then there are those who have said it has to do with some of the Christian evangelical churches coming forward from the U.S. and stirring up this problem. Generally speaking, Africans have a negative view about homosexuality. What is the real story here? We've been hearing all these different stories, but we're not sure what exactly is the truth, because we're hearing it through second-hand and third-hand parties.

Witness 1: Thank you, Mr. Silva.

On the questions you ask, actually we could start with how the British brought a criminalized homosexuality; that is an argument on its own. Then you can talk of the evangelists themselves; there are so many going to Uganda. They are there as well. But then we also have to look at the fact that Uganda is a very Christian country, very Christian that way. I grew up Christian, and I grew up Catholic, so I have a rough idea of exactly what is going on in the community.

Then there are... I can't really put a finger on it, basically. I just don't understand where the hate comes from. There are also instances of blackmailing: "If you don't give me this money, I'm going to report you to the authorities." Then you're at the mercy of that individual who's blackmailing you. Alternatively, if you don't want to suffer the shame—you have a job to protect, you have an education to accomplish—you can either dance to the tune of that individual trying to blackmail you or suffer the consequences of being reported to the authorities and being jailed, for instance, or escaping the country altogether.

So it's many things, really, and everybody's coming up with their powerful opinions. The evangelists themselves are very powerful. They have these big churches. They come with donations and say, oh, this is terrible. They give them the clothes. They have the money. And they're drumming into them the knowledge that this is wrong, that this is what the Bible says.

But I understand the Bible very well. I studied it very well to understand where the Bible condemns homosexuality and everything. Everybody's naive about understanding what really are just teachings. I personally, when I talk to some individuals about the fact that, oh, Sodom and Gomorrah is about this, that, and that, are amazed at the information I provide them, because so-called Sunday schools don't give you that information. They just give you the basic information.

So it is really very hard to put a finger on it. We don't know how far back it goes, but I can acknowledge it's in the community. If you do research, you know it's there.

It's been reported that one of our local kings, who died a long time ago, was a closet gay. He used to have boys brought to him, that type of thing. But this was a king: maybe he was exceptional that way because he was a king.

So it's very hard to put a finger on it, really.

• (1350)

Mr. Mario Silva: Thank you very much.

The Chair: Unfortunately, we've run out of time for this question.

We go now to the Conservatives, to Mr. Sweet.

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

I think everybody's trying to talk about the circumstance that people in Uganda are in within the GLBT community, so I appreciate that. But on the tone and the conversation, I just feel that before I ask any questions, I must say that there are many people who have a great dedication to the Christian faith and who may even disagree with the lifestyle but would never take it to the point of any kind of evil act or persecution or anything. I just think that's important. In fact there are many people who have those convictions and who would defend the witnesses who are here and the community they're trying to defend. I think that has to be clear.

I'm concerned about the people who are phoning you today, but I'm also concerned long term about Uganda, long term about the gay, lesbian, bisexual, and transgender community, long term about the government, and of course the levels of government, the police that you're talking about, who seem to be able to manipulate public sentiment.

My colleague asked you the point about the law being enforced. It seems to me there's a cultural wave against the GLBT community, and the police are manipulating that quite well. Is there a growing network of NGOs on the ground that are working toward not just defending the GLBT community but also working for change in the community and the legislature as well?

Witness 1: Thank you, Mr. Sweet, for your question.

Yes, there are some NGOs and they are all trying to do a lot of good in the community. But most of us in our efforts to drive forward legislation, some sort of change, have been defeated. We've ended up leaving the country.

One individual—the individual who made it to Sweden—used to have a clinic. I don't have the details on how it was funded, but it used to get some sort of funding to help the GLBT community on issues of HIV and other ailments. That supported the GLBT community. He ended up leaving the clinic behind. He couldn't run it any longer because he was being hounded, he was being harassed. He was detained a couple of times. He was outed too many times and shamed in his community and to his family. He is Muslim, by the way, so you can imagine what he had to endure. This is an individual who had a clinic, who thought he would do a lot of good and help the community, but his work was frustrated. He had to leave and abandon everything.

He is not the first to have done that. There are many like him who left before him, and even the ones who are there, yes, they're doing their bit to bring about change. At least the activists have that protection that if things do get worse, they can quickly go to the Netherlands embassy, they can go to the French embassy, and seek immediate protection because they are already known figures. It's the silent voices who are not known who are really suffering here.

So that is the situation at the moment.

• (1355)

Mr. David Sweet: I just want to make sure you know—because goes by quickly here—that you have my gratitude, and I'm certain the gratitude of all my colleagues, for taking the risk you did to come here and defend those in Uganda.

I also want to also ask you whether things are escalating. Is the reason you're here today because things are getting substantially worse as the days go on than they were in previous times in Uganda?

Witness 1: Yes, it has gotten much worse. As I said, I had 200 individuals who contacted me, and many of them are still devising ways to get out. One of them managed to make it to Sweden, and apparently there is another who was admitted to Finland. You know, if they can get any way to make it out of there....

These individuals who have contacted me, most of them are without the money, without funds or something like that, to bribe that agent to take them across to safety. You know, it's a lot of money sometimes that you have to pay for that agent to get you anywhere.

Mr. David Sweet: I know my time will run out in a second, so I have one last question I want to ask you, just quickly. You mentioned that there are NGOs on the ground and they are fighting as far as the legal fight and everything, but is there one NGO, or are there some, actually compiling the hate events and hate crimes that are happening, so that we can get a real look at the numbers of people who are being assaulted, abused, outed from their jobs, etc.?

Witness 1: That information is not readily available, but the very best source I can tell you about is IGLHRC. It has a long name, I know.

Mr. David Sweet: Is this in the material you gave us?

Witness 1: I did mention it in the material, yes, and also asylum.org. Information on GLBT prosecution is still very scanty, and no one has done an extensive study on Uganda to give you a precise figure. I can't give you precise figures of people who've been killed or anything. That is unrecorded information. It's very hard to come across it. You would have problems establishing how many GLBT individuals are out there. That would be difficult.

But the source that is trying to compile that information is IGLHRC, and there is also asylumlaw.org and asylum.org. They are two separate organizations.

The Chair: I hate to interrupt here, but perhaps this could be dealt with after the fact. We've gone over your time, Mr. Sweet.

[Translation]

Ms. Deschamps, it's your turn.

Ms. Johanne Deschamps: Mr. Chairman, I have very little time left. We might need more in order to discuss the topic.

You're asking the Immigration Commission to relax its rules to make it easier and more accessible for the members of your group seeking visas and sponsorship to do so. What could be done quickly?

We know that, with regard to visa applications, for which private sponsorship applications are required, most of those cases are generally refused. Should we place the people in your group in a separate category from the existing categories? Could that facilitate the efforts of the group you represent?

[English]

Witness 1: Thank you, Madame Deschamps. You ask a very good question, actually.

I have looked at the visa criteria, at the regulations available. There is nothing where a refugee can come into any mission to request asylum: it's almost...not there. Even while I'm advocating to bring in these 200 to Canada, it is so technical it's mind-boggling. Had I been there myself a long time ago and tried to get a visa to Canada, there was no way I could have gone through it. The application itself is so obscure. It's hidden. You can't get to it.

I told you about regulation 150. If you're making a visa for asylum, the regulations are very clear there. You must accompany it with a permanent residence application, but while you have that permanent residence application, you must have a statement, and you must have other additions—that is, if you know what you're doing.

That's why I'm making this request for me to go down to neighbouring Kenya as part of the logistics, to help these individuals. I've already prepared the dossiers for these individuals because now I know what to do. But for the others... I'll bring in the 200, but what about the next 200, the next 500? They'll find it impossible.

To be honest, when I contacted the community and the established organizations myself, many people were green. They didn't have that information. They didn't have the know-how.

Mr. Silva mentioned Iran. Some people have done a lot of work on Iran. That information was not readily available. Even the information on the current refugees, how they were brought in here, the Bhutanese refugees, that information is so obscure. I have to go to the university to research that information. It's very technical.

For somebody to seek asylum at a Canadian mission, yes, some have gone there, and they've been refused because they brought in the wrong application. I mean, you are seeking asylum. You've brought a visa application. The visa officer's going to consider what you've put in front of him. Maybe there is some discretion. If I'm a gay visa officer and that individual appears in front of me, there would be that discretion to say, "Yes, I understand, and you should do this, that, and that". But nobody is available to give that information. It's too technical. Yes, there should be a provision somewhere, somehow, that could encourage people to approach a mission for assistance.

And by the way, these missions are scary. With all that security around, you're going through one, two, three roadblocks. They will ask you what you are there for, for visa, for whatever; you're already disclosing information about what you wanted of the mission. They will intimidate. I would be scared to disclose to an officer at the visa mission that I wanted to apply for asylum. I'd be stopped there.

Again, that's the discussion I'm having with Professor LaViolette of the University of Ottawa. She recognizes those issues. It's a long way to go, honestly, but if Canada can help me with the UPP, the urgent protection program, I know what to do: bring in the 200. Fantastic. I know now what to do.

• (1400)

[Translation]

Ms. Johanne Deschamps: Thank you, sir.

[English]

The Chair: Mr. Marston, you'll be batting cleanup.

Mr. Wayne Marston: I'll be as brief as possible.

I think you've been fairly concise in what you're asking of us, but there are technical aspects to this.

Mr. Chair, I'm wondering if it would be to the advantage of this committee to have somebody from Citizenship and Immigration Canada come to talk about the concerns that have been raised and what might take the pressure points off that are making immigration nearly impossible, from the sound of it. Without that, we're going to be kind of blind in how we make a statement from this committee or go forward on this.

I hear sympathy for your cause right around this table. Irrespective of our own belief structures, we all believe in human rights here, and this very clearly violates our very sense of that.

Mr. Chair, I would make that suggestion.

I'll end with that, because you've been very concise.

Thank you.

The Chair: Thank you.

We have an organizing meeting at our next meeting, which is the Tuesday after the break. Perhaps at that time that idea can be discussed and we'll see whether it's the will of the committee to actualize that.

Yes, Mr. Silva.

Mr. Mario Silva: Following on Mr. Marston's recommendation, I think it's an excellent idea. I was hoping that maybe we could have the witness back at the same time. I find with these meetings, where the bureaucracy is before us, they give their version and there's nobody to question them on the technical issues. We're not the experts. We have somebody here who has already gone through the system. It's better to have somebody here who's gone through the system, and knows what the problems are, to help us in terms of dealing with how to get the bureaucracy to cooperate.

•(1405)

The Chair: We'll have to figure out how to do that from a technical point of view.

You mentioned a Professor LaViolette who has a bit of knowledge in this area as well. Is that right?

Witness 1: Yes.

The Chair: That relates to the technical aspects of the Canadian system.

Witness 1: Yes. She's investigating, and she did inquire for me. She's put some submissions to the UNHCR committee about GLBT sexuality asylum applications. I did give her the details of what we, including me, encountered when we were making those visa applications.

In all honesty, you have to lie: there's no way you can disclose that you are gay, because you don't know what kind of person you will encounter. They could be prejudiced. But you could be lucky: they could be just like you.

I was talking about being discretionary. Let's say you bring an application in front of me and it's wrong, and you tell me that you're gay. If I happen to be gay also, then I'll advise you accordingly on your application, and perhaps I'll take it a little forward.

So there is some discretion involved, really.

The Chair: Thank you very much.

Before I put the gavel down, I want to conclude with a comment of my own. My father's family came from a line of people who were very religious people, evangelical Christians. Some of them were missionaries who traveled far and wide internationally to bring what they felt, what they genuinely believed, was the word of God and God's message of love—Christ's message of love—to the world. I would like to think that, although most of them have now passed away, they would be appalled that this message of love was now being distorted in this way.

I just wanted to pass that thought along before we end this.

Thank you very much for being here. We are adjourned....

I take that back. I misspoke.

We're turning to Professor Cotler, who has a motion.

[*Translation*]

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Chairman, this is a motion I would like to introduce, with committee members' permission. This is our last opportunity to discuss a motion in committee before the G20 is held.

[*English*]

The Chair: Let's find out.

Is there unanimous consent to...?

There was no translation? Is that because I said "adjourned"?

Let's try that again.

Could you please repeat that? Apparently there was no translation, so nobody was able to hear what you were saying. Let's fire away.

[*Translation*]

Hon. Irwin Cotler: I want to say again in French that this is the last opportunity we'll have before the G20 is held to introduce a motion to request that the Prime Minister and other leaders who will be there make submissions with respect to the two Chinese political prisoners.

[*English*]

The Chair: Is there unanimous consent in support of Mr. Cotler?

Mr. David Sweet: Mr. Chairman, I thought we had chatted about the fact that we had signed the letter, and that we were going to give the diplomatic discretion to initiate that.

The Chair: Are we talking about the motion on the prisoners in China?

Hon. Irwin Cotler: Mr. Sweet is correct. In other words, a letter has gone forward signed by all members of this committee.

The Chair: Oh, it has?

So it's actually already been done. Is that correct? I wasn't aware of that.

Hon. Irwin Cotler: The only question, as I say, is whether we want to have a resolution of this committee. If not, there's no problem.

Mr. David Sweet: Yes, that's what I mentioned before: I think it's better to give the diplomatic space to—

Hon. Irwin Cotler: Fine. No problem.

The Chair: I apologize. I actually hadn't been aware of the letter. It's my fault; I misunderstood the facts....

What's that you said?

Mr. Wayne Marston: Now we are adjourned.

Voices: Oh, oh!

The Chair: Yes, I think this time we really will be adjourned.

Thank you. That's it.

The meeting is adjourned.

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