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

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**EVIDENCE**

**Tuesday, February 7, 2012**

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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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•(1310)

[Translation]

**The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)):** Welcome to the 20th meeting of the House of Commons Subcommittee on International Human Rights. Today is Tuesday, February 7, 2012, and today we have as witnesses two representatives of the Department of Foreign Affairs and International Trade, that is

[English]

Patricia Malikail, who is the director general of the Africa bureau,

[Translation]

and Robert Bissett, who is the Deputy Director.

[English]

of the eastern and southern Africa relations bureau.

We will deal with their testimony first.

At the end of the meeting, I'm going to address a piece of committee business regarding the additional meeting. I don't want to do that just yet, because I want to wait until we have all of our members here; there is at least one who I am hopeful will show up. There's a scheduling issue, and it's hard to schedule people's availability until you know what that is.

Without further ado, we will turn things over to our witnesses. I'm sure you know this, but we normally have about 10 minutes for the opening remarks, and then we go to questions.

We will begin with Madame Malikail.

[Translation]

**Ms. Patricia Malikail (Director General, Africa Bureau, Department of Foreign Affairs and International Trade):** Mr. Chair, honourable members, thank you for your invitation to appear this afternoon. I welcome this opportunity to address your interest in the human rights situation in Eritrea.

I will first provide you with an overview.

[English]

Eritrea formally gained its independence from Ethiopia in 1993 after a bloody 30-year war. Despite aspirations of becoming a democratic country, respectful of human rights and fundamental freedoms, Eritrea has become one of the most closed and repressive states in

the world. It's an authoritarian police state that *Foreign Policy* magazine has dubbed "Africa's North Korea".

President Isaias Afewerki, who led Eritrea through much of its extraordinary struggle for independence, now uses an unresolved border dispute with Ethiopia to keep Eritrea on a permanent war footing. Eritrea also has an unresolved border dispute with Djibouti, and supports insurgent groups in Ethiopia and in Somalia in an attempt to destabilize the Horn of Africa. In 2010, Eritrea, which has a population of about 5.5 million, was the ninth-largest source of refugees in the world.

Let me talk a little bit about the relationship between Canada and Eritrea, which is distant and sometimes difficult. Eritrea is becoming increasingly reclusive, and although we maintain diplomatic relations, neither country maintains an embassy. Eritrea is represented in Canada through its embassy in Washington and maintains a consulate general office in Toronto. Canada has an honorary consul in Asmara, and as of 2010, our Canadian ambassador in Khartoum is accredited to Eritrea. To illustrate the difficulty in our bilateral relations, our former Canadian ambassador, who was based in Nairobi, was never invited to present credentials.

[Translation]

Further difficulties have been encountered in the area of development and humanitarian assistance. In 1998, Eritrea diverted almost 10,000 metric tons of Canadian food aid to feed their troops. This led to Canada cancelling its bilateral development assistance in 2001. Further interference by the Government of Eritrea resulted in the World Food Program cancelling the delivery of Canadian-funded humanitarian assistance in 2005 and leaving the country. The Eritrean government remains hostile toward foreign interference and has continued to deny its citizens the food aid they desperately need.

Due to Eritrea's closed nature, restrictions on foreign visitors, and its hostility to perceived foreign interference, visits by Canadian officials to Eritrea are rare and most requests for visas are denied. Our understanding of the situation in Eritrea is limited and informed heavily by sources such as human rights NGOs and UN agencies.

●(1315)

[English]

By all accounts—for example, the accounts of non-governmental organizations and the institutions of the United Nations—the human rights situation in Eritrea is dire. The military has taken over almost every aspect of civilian life, and this has laid the foundation for some of the most frequent and egregious human rights abuses, including indefinite conscription, torture, inhuman and degrading punishment, as well as arbitrary detention and arrest.

Eritrea's 1997 constitution, which includes various provisions for democratic freedoms and human rights, seems to have been discarded or suspended as soon as it was ratified. The rule of law is a vague concept, given that most of the constitution remains to be implemented.

The United States Bureau of Democracy, Human Rights and Labor reports that the judiciary suffers from a lack of trained personnel, inadequate funding, and poor infrastructure, limiting the government's ability to grant accused persons a speedy and fair trial. Cases of a political nature are heard by a special court made up by judges with no legal background or training. Military courts have jurisdiction over cases involving members of the armed forces.

Eritrea has the largest army in sub-Saharan Africa, with over 300,000 soldiers enlisted. As a result, military courts have significant power and unregulated influence. National mandatory service is obligatory for all citizens, men and women alike. Although national service officially lasts 18 months, it's often extended for years, thus eliminating individual freedom for many citizens. Students are not exempt from conscription and are required to attend national “camp” during their final year of high school.

Failing to complete military service comes with serious penalties. Amnesty International and Human Rights Watch have both reported a shoot-to-kill policy for deserters who attempt to escape Eritrea. Nevertheless, a growing number of Eritreans continue to take the risk. The families of those who succeed in escaping are subject to abuse, interrogation, and the threat of punishment.

[Translation]

Arbitrary detention and arrest are widespread. Thousands of prisoners remain in custody without being formally charged. Others disappear.

Amnesty International has reported that hundreds of former officials, independent journalists and civil servants arrested in September 2001 are still believed to be held in detention. Among them are former ministers and veterans of the liberation war whose only crime was to call for democratic reform and greater respect for human rights.

The government routinely refuses to disclose the location of prisoners to their families. It claims that prisoners have protected rights to proper food and clothing, sanitation, sufficient medical treatment, and respect for one's bodily integrity. Human Rights Watch suggests that, to the contrary, torture is routine in Eritrea. Former detainees described being beaten, bound, tortured, left in the sun over long periods, and kept in underground containers for extended periods.

Death in custody is common as a result of ill-treatment and denial of medical attention.

●(1320)

[English]

Contrary to legal and constitutional stipulations, the government permits neither freedom of assembly nor association. The government maintains a hostile stance towards civil society, and domestic NGOs are required to register with the government and have limited independence. International human rights NGOs are barred from the country.

The movement of Eritreans internally as well as outside the country is highly restricted, and frequent military checkpoints are common. It's exceptional for an Eritrean eligible for national service to be granted a travel permit. Those travelling without appropriate documentation face imprisonment alongside Eritrean refugees and asylum seekers who are repatriated from other countries.

In 2011, Reporters Without Borders ranked Eritrea at the bottom of the press freedom index for the fifth consecutive year. Eritrea is the only African country without an independent media outlet. All independent media outlets have been closed since September 2001, and all remaining media are controlled by the state. There are more journalists imprisoned in Eritrea than in any other African country. Foreign journalists are rarely permitted to operate within the country and are subject to censorship and monitoring.

[Translation]

The Institute on Religion and Public Policy has stated that the situation of religious freedom in Eritrea is among the worst in the world.

All religious institutions must register with the government and are subject to state interference in their internal administration and social programs. Jehovah's Witnesses come under particular intimidation and scrutiny from government officials as their religion does not permit them to participate in military service.

Eritrea claims that promoting equality between men and women has always been a basic policy. Freedom House reports that the government has worked to improve the status of women. Although equal educational opportunity, equal pay for equal work and penalties for domestic violence have been codified, men retain privileged access to education, employment and control of economic resources. The situation for women in rural areas is most concerning because of the persistence of such traditional practices as early marriage, dowry and polygamy.

[English]

Eritrea's universal periodic review at the United Nations Human Rights Council took place last on November 30, 2009. In our statement, Canada expressed its deep concern with the grave human rights situation in Eritrea, including restrictions on freedom of assembly, belief, expression, and religion, as well as the criminalization of sexual activity between consulting adults of the same sex, arbitrary detention, torture, and deaths in custody. Canada made a number of recommendations to Eritrea based on the areas of greatest concern.

To conclude, I'd like to say a few words about UN sanctions, even though they are not directly related to human rights abuses. The UN Security Council imposed sanctions on Eritrea in 2009 in response to Eritrea's violation of the arms embargo on Somalia and to its lack of compliance with a previous UN Security Council resolution demanding that Eritrea withdraw its forces from Djibouti and settle its border dispute.

Canada supported these sanctions due to its concerns about the stability in the Horn of Africa, and Canada has drafted regulations implementing the measures contained in the United Nations Security Council 1907. These sanctions are specifically targeted at senior government and military officials as well as the trade in arms.

For similar reasons, Canada supported the latest Security Council resolution on Eritrea in December 2011. The United Nations imposed additional sanctions for continuing to support armed opposition groups and for failing to resolve its border dispute with Djibouti and Ethiopia. Canada is particularly concerned about the information contained in the report of the UN monitoring group on Somalia and Eritrea, which details Eritrea's continued support of armed groups, including the terrorist group, Somalia's al-Shabaab, which Canada listed as a terrorist organization in 2010.

• (1325)

[Translation]

In conclusion, Canada remains concerned with Eritrea's poor democratic practices and human rights record. We use the United Nations fora to work with other countries to encourage the Government of Eritrea to promote and protect human rights and to engage meaningfully with international stakeholders in the areas of good governance, human rights and democracy.

Thank you very much. With that, I am happy to take your questions.

[English]

I'm happy to answer your questions now.

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

Looking at the clock, I think we're going to have time to do six minutes for each questioner. I'll just remind the members of the committee that we had a fulsome discussion about how the questioning would work, and what we agreed to was basically six minutes per questioner. We start, as a rule, on the government side, and that means, Mr. Sweet, that you are up for six minutes.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Thank you very much, Mr. Chair.

Thank you very much for your presentation. In fact, because of how you concluded, I want to go on a different track from where I was going.

I'm familiar with al-Shabaab. I don't know if you are prepared for this question, because it's outside of Eritrea. In how many countries would you say al-Shabaab has insurgents?

**Ms. Patricia Malikail:** I think it's very difficult to give a precise number of countries, but we know they're in Somalia, Ethiopia, Kenya, and possibly Uganda—so quite a few.

**Mr. David Sweet:** These are very dangerous people who have caused many a conflagration. Do you have good evidence that they are supporting this group—the regime that leads Eritrea?

**Ms. Patricia Malikail:** The UN monitoring group has substantiated that.

**Mr. David Sweet:** Is there any other way to describe Eritrea at this time, other than as a full-out dictatorship? Is it centralized around a group of people or one individual?

**Ms. Patricia Malikail:** I think it's difficult to say. The constitution makes provision for certain institutions, but we're increasingly seeing power held in the hands of a few individuals. So institutions and what's on paper are one thing; what we're seeing in reality is another.

**Mr. David Sweet:** I just find it amazing that Reporters Without Borders rate Eritrea even worse than North Korea, as far as being able to get in and get any kind of information.

Are any NGOs allowed entry into Eritrea to check on human rights violations and provide aid that we're aware of presently?

**Ms. Patricia Malikail:** We know that international NGOs are banned. We know that organizations of the United Nations like the WFP have stopped working in Eritrea. I'm not aware of any international NGOs that are operating in Eritrea at this time.

**Mr. David Sweet:** Does Eritrea have good diplomatic relations with any country in Africa that we're aware of?

**Ms. Patricia Malikail:** Recently Eritrea joined the African Union again. It had removed itself from the African Union for a number of years, but this year, at the end of January, it took part in the African Union summit. I think the African Union is aware of the possibilities of diplomacy. For Eritrea we'll see what happens.

• (1330)

**Mr. David Sweet:** That's very fresh. So you see that as a glimmer of hope that there may be some unfreezing of diplomatic relations in the near future.

**Ms. Patricia Malikail:** Just the fact that Eritrea is in a forum where other African nations are present is a positive sign. The fact is that there will be more opportunity to engage Eritrea.

**Mr. David Sweet:** If I recall your remarks, we don't have anyone actually in Eritrea with diplomatic relations right now; they're in a different country. Is that correct? An ambassador, a consul general, or...

**Ms. Patricia Malikail:** Yes. Just to be clear, we maintain diplomatic relations with Eritrea. We used to cover Eritrea from Nairobi. Last year a decision was taken to change the accreditation for Eritrea to Khartoum in Sudan. As you may be aware, last year in July, South Sudan became the newest country in the world. We did a little bit of rejigging of accreditations, so Eritrea is now covered by our ambassador in Khartoum—north Sudan, the Republic of Sudan. He has yet to present credentials.

**Mr. David Sweet:** My last question is on those who are of Eritrean descent in Canada. I understand there's a diaspora tax. Can you tell us the truth about this—I've heard a couple of versions—and what the government is doing about it?

**Ms. Patricia Malikail:** We're aware that some Eritrean Canadians have complained to reporters that they're being pressured to pay a 2% tax to the country of origin under its laws. People have talked about this as extortion, and others appear to be willing to pay what they consider to be a tax because they feel it's important to rebuild Eritrea.

As a government we're concerned about media reports that suggest Eritrea is using coercive methods to collect this tax. Eritrea has the ability to create and levy taxes as it wishes, but foreign taxes can't be collected on Canadian territory without Canada's consent. This would violate Canadian sovereignty. It applies to what's referred to as the diaspora tax, so it's unenforceable in Canada. Using consular premises such as the Eritrean consulate in Toronto would contravene the Vienna Convention on Consular Relations.

**Mr. David Sweet:** From your answer, it sounds like we haven't had any official complaints. There have been media stories about individuals who have said they were subject to this. Is that correct?

**Ms. Patricia Malikail:** Yes, that's correct. The government hasn't received any official complaints.

**Mr. David Sweet:** Thank you.

**The Chair:** Thank you, Mr. Sweet. That was exactly the right time: six minutes and seven seconds.

*Madame Péclet, s'il vous plaît.*

[Translation]

**Ms. Ève Péclet (La Pointe-de-l'Île, NDP):** I would like to thank our witnesses for being here with us today.

Mr. Sweet asked about the access of international organizations to this country, but as concerns national organizations, you said in your presentation that Eritrean NGOs are required to register with the government. They thus have limited independence. For example, does the government have a say regarding the activities of these organizations? These people likely do not receive international financial assistance, but I am wondering if other nations can intervene locally through Eritrean organizations.

**Ms. Patricia Malikail:** Thank you very much for your question.

The truth is that we do not really know how Eritrean regulations affect NGOs. We do not have a lot of contacts or news in this respect. It is very difficult for other countries to exert any kind of influence. In short, that is the current situation.

• (1335)

[English]

**Ms. Ève Péclet:** Does the government receive international funds to...? It's a poor country. Do they have international funds or not? They refuse them...?

**Ms. Patricia Malikail:** Eritrea denied famine relief from certain international organizations. I think we were aware that at one time the European Union was providing some funding to Eritrea. I don't know what the status of that is or whether all of that is still continuing. But Canada does not.

**Ms. Ève Péclet:** Also—

**Ms. Patricia Malikail:** I'm sorry, but yes, I do have that information.

**Ms. Ève Péclet:** Okay.

**Ms. Patricia Malikail:** The European Union had provided funding to Eritrea for a program in support of the agricultural sector, for community courts, and for the training of public servants, as well as for rehabilitation of its national heritage. But that assistance was just terminated, in November 2011, for technical reasons, probably because they couldn't confirm....

**Ms. Ève Péclet:** Or the money was going....

I'll share my time with my colleague, if that's okay.

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Thank you.

I know that Eritrea has a policy in which they say men and women are equal and everything, but specifically what is the Government of Eritrea doing to protect and promote the rights of women, and, especially, what are they doing to combat what is known out there, that is, the widespread practice of female genital mutilation?

**Ms. Patricia Malikail:** That's one where we don't know what specifically they are doing to combat genital mutilation or to promote.... We do know just from the facts that more men have access to education than women, boys, and girls, yes.

**Ms. Jinny Jogindera Sims:** What I'm hearing is that we know very little on the ground about what is happening to women and children there. That's really quite disconcerting when you think about some of the stories that are out there about what is happening.

I want to go back to the comment about the taxation on the diaspora. We haven't had official complaints, but we do know that there have been reports by some people from Eritrea that they are being asked for this tax. Have we done anything to pursue this with those individuals as to how they are being approached? Or have we not done any follow-up?

**Ms. Patricia Malikail:** Nobody has come to us. What we have observed are reports in the media, but there has been no official complaint, and we're not aware of anyone who has come to the government. It's a criminal matter, essentially.

**Ms. Jinny Jogindera Sims:** Okay.

I'll just follow up a little more on education. I know you said that more males have access to education than females. Specifically, what do we know about their elementary schooling, let's say? What do we know about what's happening there? What is the availability, and what are the opportunities for young children to be at school? How much information do we have?

**Ms. Patricia Malikail:** I don't have the details of the primary school education there.

I mentioned that our previous ambassador had not been called to present credentials over a period of almost three years, so basically the ambassador has not been allowed into the country to which he was accredited. That limits our ability to know more about the situation.

**Ms. Jinny Jogindera Sims:** This is a country, I'm finding out, even though I just stepped into the committee at the last minute today, that we know very little about. There's lots of supposition, and there's lots of "this is happening", but we have little on-the-ground intelligence that we can verify.

**Ms. Patricia Malikail:** That's exactly it.

**Ms. Jinny Jogindera Sims:** Thank you very much.

How am I doing for time?

**The Chair:** You're just about out of time.

We'll go to Mr. Hiebert now, followed by Ms. Sgro.

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

I appreciate your being here today to provide us with information about the status of this country.

Looking at the geography of it, I wonder first of all whether Eritrea has begun to engage in practices similar to those of their neighbour Somalia, in terms of pirating. I know their location on the Red Sea perhaps gives them an opportunity to participate in this kind of activity. Do we see this kind of activity as we do in Somalia?

**Ms. Patricia Malikail:** No, we don't have any direct information about Eritrea being involved in piracy right now.

• (1340)

**Mr. Russ Hiebert:** So what would be the primary source of income for even the government?

**Ms. Patricia Malikail:** I'm not sure exactly what the primary source of income for the government is.

**Mr. Russ Hiebert:** You mentioned sanctions earlier. Can you elaborate on what those sanctions are? If they're extensive, then I would say trade would not lead to much revenue. Perhaps we could start there.

**Ms. Patricia Malikail:** Right. The sanctions are focused on arms and on persons. The sanctions were based on arms flowing into Somalia.

**Mr. Russ Hiebert:** That's the only form of sanctions they're currently facing, even with the latest UN Security Council sanctions?

**Ms. Patricia Malikail:** There are also those on certain individuals.

**Mr. Russ Hiebert:** So they're still a trading nation then? Other countries are still engaged in trade?

**Ms. Patricia Malikail:** Yes, they are, including Canada. There's trade with Canada.

**Mr. Russ Hiebert:** What's the level of our trade?

**Ms. Patricia Malikail:** I think it's about \$3 million, so it's very low.

**Mr. Russ Hiebert:** That's interesting. I would think if a government was trying to put pressure on another nation because of its human rights abuses and repressive activities that those kinds of trade sanctions we see nations engaging in, for example, with Iran or other countries, would be part of the mix.

Can you give me an explanation as to why that hasn't happened?

**Ms. Patricia Malikail:** I think Canada usually looks at these sorts of things in conjunction with the UN, and it's usually a UN Security Council resolution that leads to sanctions. So those are the ones that have been imposed by the UN and they are what we're conforming to right now.

**Mr. Russ Hiebert:** Okay.

I noted, looking at some independent research, that Sudan is obviously a destination for many Eritreans seeking refuge, seeking asylum. I also read that Sudan is sending a lot of these people back, contrary to international law.

Do we have any influence on Sudan and the actions they're taking by forcing these Eritreans, who will be imprisoned and perhaps tortured for trying to leave or for having left the country, to go back? Are we in any diplomatic relations with Sudan to encourage them not to do this?

**Ms. Patricia Malikail:** We do have diplomatic relations with Sudan. The issue of turning back Eritrean refugees has not yet come up in our relationship. That is something that has not been raised with us. We're aware that quite a few Eritreans do actually end up in refugee camps in Sudan.

**Mr. Russ Hiebert:** And were you aware that the Sudanese are shipping them back?

**Ms. Patricia Malikail:** No, I haven't had any recent information on Sudanese turning back Eritreans.

**Mr. Russ Hiebert:** Well, it wasn't hard to find some additional information about that.

How many Eritreans do we have in Canada?

**Ms. Patricia Malikail:** Sorry, we don't have that number, but we can get it for you.

**Mr. Russ Hiebert:** Okay.

What more can Canada do? What are our policy options in terms of trying to influence this particular country to provide more human rights to the individuals, to provide greater freedom of the press and to end all the abuses you've just listed? What more can we do?

**Ms. Patricia Malikail:** I can't speculate on future policy, but what I can say is that we use the opportunities that are within our grasp—for example, in the UN meetings—to actually draw attention to the situation in Eritrea and to influence Eritrea in collaboration with other countries. We find that's actually the most effective way of working on these sorts of situations.

**Mr. Russ Hiebert:** So no direct relations with Eritrea would be an option? I mean, you've talked about the UN, but as we know from this committee, Canada takes unilateral decisions with other nations all the time. Would that not be a policy option?

I'm not asking you to predict. I'm just asking what options are available.

**Ms. Patricia Malikail:** The government always has a range of options.

**Mr. Russ Hiebert:** Can you elaborate on what those might be?

**Ms. Patricia Malikail:** In this particular case, we're working within the context of the UN.

**Mr. Russ Hiebert:** Okay.

One that came to my mind would be asking Eritrea to open up their jails to international monitoring. If the abuse that's happening is as you say, then perhaps that would be a first step, allowing these international human rights organizations some presence on the ground.

I don't understand why we wouldn't simply make that request.

• (1345)

**Ms. Patricia Malikail:** We have made that request, Mr. Chair. We made the request for monitoring of human rights in Eritrea as part of the 2009 universal periodic review. So that has been done.

**Mr. Russ Hiebert:** Okay.

Does Eritrea have any close allies that we can influence, or that they would be more susceptible to influence by?

**Ms. Patricia Malikail:** I'm not aware of any country that you could call a close ally of Eritrea. Again, it's difficult to influence it.

**Mr. Russ Hiebert:** So they're isolated. They have no friends.

**Ms. Patricia Malikail:** They have very few, I would say, but....

I would say that if you look at the country and the kinds of steps it has taken, it's increasingly closing itself off to others. The one piece of evidence that was actually positive was that it's going back to the African Union.

**Mr. Russ Hiebert:** What's their relationship with Ethiopia? They haven't resolved the dispute, but they've had independence now for three decades. Are they on talking terms? Are they trading?

**Ms. Patricia Malikail:** I think the Eritrean relationship with Ethiopia is really in.... It's not conflict yet, but it's almost that in terms of the Eritreans providing support for al-Shabaab that works in other countries.

So it's a very fraught relationship. Every opportunity that both countries get to launch diatribes against the other is taken.

**Mr. Russ Hiebert:** Even to this day.

**Ms. Patricia Malikail:** Including in the AU; in January it took several hours, I think, for the two to talk to each other. It's a very fraught relationship.

**The Chair:** That, unfortunately, concludes that set of questions.

Before we go to our next questioner, who is Ms. Sgro of the Liberal Party, I just wanted to ask a short question vis-à-vis the issue of our trade.

You mentioned \$3 million per annum, which of course is very small indeed, but my understanding is that a Canadian mining company named Nevsun Resources Ltd. owns a mine in Eritrea, the Bisha mine. Is that correct?

**Ms. Patricia Malikail:** That's correct.

**The Chair:** What's the value of that investment; do you have any idea?

**Ms. Patricia Malikail:** Yes. The value of that investment as estimated by NRCan in 2010 was \$287 million. It's a gold, copper, and zinc mine, I believe, and it just started production early this year.

**The Chair:** So that would actually be the primary investment/financial relationship between the two countries. It would actually be effectively between persons of the two countries in that investment.

**Ms. Patricia Malikail:** Yes, it would be.

**The Chair:** All right. Thank you.

Ms. Sgro, please.

**Hon. Judy Sgro (York West, Lib.):** Thank you very much, Mr. Chair.

Further to that comment, the UN Security Council passed a resolution in December 2011 with regard to the promotion and exercise of vigilance when it comes to the mining activities in Eritrea.

Is anything being done on that, or is that resolution having any effect at all?

**Ms. Patricia Malikail:** I don't have the wording of the resolution in front of me, but I think the resolution did, as you say, provide for vigilance in terms of how funds were used. At the moment, there is nothing the Canadian government has done to follow up on the resolution, because we don't think at the moment it has any impact on the government.

**Hon. Judy Sgro:** So because it doesn't seem to have any impact on the government, no one is doing anything with that particular resolution. It was an issue about promoting the exercise of vigilance, so no one—

**Ms. Patricia Malikail:** Well, vigilance in terms...I shouldn't say —

**Hon. Judy Sgro:** Oversight? I would call it oversight.

**Ms. Patricia Malikail:** Yes. In terms of oversight as far as funding going to al-Shabaab counterterrorism, we certainly are vigilant about that. We are looking at what the operations of al-Shabaab are, and at Eritrea's funding of al-Shabaab. That's of concern to us, yes.



**Hon. Judy Sgro:** In your opening remarks you talked about a variety of things going on there. There was little mention of the women in Eritrea, and how they're being treated. I can only imagine how they are, based on conversations that I've had with people from Eritrea.

Would you like to elaborate a bit on that? Is there much of an opportunity at all for women in Eritrea, or do they just have one sole purpose?

• (1350)

**Ms. Patricia Malikail:** Well, there's no doubt that it is not a good situation for women. On the positive side, the constitution provides for that, so at least on paper there's something. We haven't necessarily seen any recent great advances in equality for women in Eritrea.

**Hon. Judy Sgro:** The individuals who are fleeing the country, you said most of them are ending up in Sudan, and many are being sent back.

**Ms. Patricia Malikail:** As I was saying, I'm not aware that there are actually many being sent back.

**Hon. Judy Sgro:** Some?

**Ms. Patricia Malikail:** Some, yes. So some may be being sent back. Sorry, I'm not sure what the question was.

**Hon. Judy Sgro:** It's just a concern that because Eritrea has a so-called constitution, and is supposed to be stable, people fleeing Eritrea are not being recognized as refugees.

**Ms. Patricia Malikail:** No, I don't think there is a difficulty with recognizing that there are refugees from Eritrea. As I think I said, it's the ninth-largest source of refugees in the world.

**Hon. Judy Sgro:** Well, it certainly was.

**Ms. Patricia Malikail:** Our figures are for 2010. So they are being recognized as refugees.

**Hon. Judy Sgro:** How much work is the Government of Canada able to do when it comes to the issue of human rights in Eritrea? I said "able", if you noticed.

**Ms. Patricia Malikail:** Yes. I think again, we're using the means that are open to us in the institutions where the Eritreans are present, such as the UN. We're hoping that the countries of the AU will also do so, but we'll see. This is a new chapter.

**Hon. Judy Sgro:** Do you ever meet with the Eritrean community here in Canada, as a source of information?

**Ms. Patricia Malikail:** I think we have met. I haven't personally met with the Eritrean community, but it's quite usual for the Department of Foreign Affairs to meet with diaspora communities. I'm not sure exactly when the last meeting with the Eritrean community was.

**Hon. Judy Sgro:** Thank you very much.

**The Chair:** Thanks very much.

We're going to go to Ms. Grewal now. I'll just make note of the time. We're running a little bit tight, so we may have to tighten up a little bit on the questions here.

Please go ahead, Ms. Grewal.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Thank you, Chair.

Thank you to both of you for your presentation and your time.

Could you please tell us about the conditions and the treatment of the recruited Eritrean soldiers?

**Ms. Patricia Malikail:** The treatment of Eritrean soldiers?

**Mrs. Nina Grewal:** Recruited Eritrean soldiers. What's the treatment like?

**Ms. Patricia Malikail:** I think we know that the treatment is not very good, specifically if we're talking about compulsory national service. We know that what is usually supposed to be I think an 18-month term of service is sometimes considered indefinite. So those who are recruited as part of national service don't necessarily serve only their 18 months.

**Mrs. Nina Grewal:** Are you able to comment a little bit on the present conditions in Eritrea, and do you know whether they meet internationally recognized standards?

**Ms. Patricia Malikail:** I think it's safe to say that a number of international organizations—Human Rights Watch, Amnesty International, and other countries' observers—would say that they don't meet international standards as far as human rights are concerned on a number of fronts, including freedom of assembly and freedom of the press.

**Mrs. Nina Grewal:** How much flexibility has been given to the non-governmental organizations and forms of foreign aid in Eritrea?

**Ms. Patricia Malikail:** I think virtually no margin for manoeuvre has been given by the Eritrean government to international NGOs, and domestic NGOs are required to register.

• (1355)

**Mrs. Nina Grewal:** Based on the growing violence and concerns, does the Canadian government plan to further implement sanctions on various sectors of Eritrea?

**Ms. Patricia Malikail:** What we are doing is implementing the sanctions that are in place, most recently the ones that were expanded in December 2011 by the UN Security Council.

**Mrs. Nina Grewal:** For decades, Eritrea and Ethiopia have been in a very bad conflict situation over their shared border and Eritrea's very right to exist. Could you tell us if sometimes the Eritrean government uses this ongoing dispute as an excuse to limit civil liberties?

**Ms. Patricia Malikail:** I think we know that the Eritrean government does limit civil liberties, so that's plain to see.

**The Chair:** We now have Madame Péclet.

[*Translation*]

**Ms. Ève Péclet:** Thank you, Mr. Chair.

I would also like to talk about the influence of the mining industry and especially about the resolution adopted by the Security Council expressing its suspicion that the mining industry was subsidizing armed rebel groups in countries surrounding Eritrea.

We need to know what the Government of Canada is doing to monitor Canadian businesses that are active in the mining sector in Eritrea. I would like you to comment on this.

[English]

**Ms. Patricia Malikail:** Thank you very much for the question.

[Translation]

With your permission, I will answer in English.

[English]

I think, first of all, the Canadian government expects Canadian companies operating abroad to uphold internationally recognized standards and principles. Canada doesn't extend its laws to apply abroad, including the actions of companies, and we don't support other countries, for example, in extending the application of their laws to Canada.

What we do is support and encourage Canadian businesses to develop and implement, for example, corporate social responsibility initiatives. We encourage them to abide by standards, such as the OECD guidelines for multinational enterprises, and the UN Global Compact, and we also expect Canadian companies to operate transparently and in full consultation with the local communities in which they're conducting operations.

The Government of Canada does not represent private companies. These companies operate according to their own principles. The Government of Canada outlines the expectations, and that's where our policy stands.

**Ms. Jinny Jogindera Sims:** We have a Canadian mining company that has interests there, quite significant interests. We have a country that has not allowed our ambassador on its soil. We have no way of finding out what's happening on the ground. Shouldn't we be having some concerns about that as a country?

For example, here we are with huge investments by Canadians, and we're still trading with them, when we know that there are some really dire violations of human rights just from the rumours we're hearing, but we have no way of checking. I am just finding it a little bit puzzling that we can carry on trading with a country that doesn't even allow us on their soil.

**Ms. Patricia Malikail:** That's current government policy, to maintain trade. I wouldn't say we have no means of knowing what's going on in the country. Obviously there are means.

**Ms. Jinny Jogindera Sims:** What are those means, please?

**Ms. Patricia Malikail:** There are the UN agencies there. We have information that international NGOs can collect through various sources.

**Ms. Jinny Jogindera Sims:** Do we have any Canadian NGOs there?

**Ms. Patricia Malikail:** We don't have any Canadian NGOs operating right now in Eritrea.

•(1400)

**Ms. Jinny Jogindera Sims:** I know this was going on long before I walked into the room, so please forgive me if I end up asking you questions about something you might have mentioned before I came in. I suppose, once again, I'm trying to understand, and I think I heard my colleague across the way asking the same thing. What are some of the tools we have (a) to try to get more information, and (b)

to try to influence Eritrea? I'm hearing that there's the UN or there's the UN, right? And obviously there's not very much of it.

Then the other tool you're left with is economic sanctions, and we are trying these with other countries, to try to get them to see things our way. We do \$3 million of trade. That's not a huge amount, but I can imagine for Eritrea that might be a huge amount. We also have Canadians working in Eritrea as well as having investments there. At the same time, we don't have any Canadian personnel through the embassy or anything else. What kind of a protection is there for the mining company and its interests in Eritrea? Never mind what the mining is doing to Eritrea; let's just come at it from this angle first.

**Ms. Patricia Malikail:** There are several parts to your question. One is that we do think it's important to maintain diplomatic relations. We do have relations with Eritrea. We do have an ambassador we would like to get into the country. The accreditation was just shifted. This is perhaps another opportunity to see if we can get in.

As far as the company is concerned, the company is a private company. It makes its decisions about where to invest and where to operate. That's not under the purview of the Canadian government.

**Ms. Jinny Jogindera Sims:** Just as a follow-up, we have no idea if the mining company that is in there is following the guidelines established by the United Nations or if they're giving us a black name out there.

I want to go back to your bit about the ambassador, that we do have diplomatic relationships. At the same time as I'm hearing we have diplomatic relationships, I'm hearing that the ambassador hasn't been allowed on Eritrean soil yet. So what do our diplomatic relationships look like right now, besides chatting to them when they're at the UN meetings, which you can do with anybody who's there?

**Ms. Patricia Malikail:** From time to time, we are able to get people on the ground there. Obviously, it's much better to have the accreditation at the ambassador level. That's what we would like to again achieve in the next little while.

**Ms. Jinny Jogindera Sims:** I'm sorry to push on this. I'm a new MP, so forgive my naïveté.

**The Chair:** Sorry, actually, we're kind of out of—

**Ms. Jinny Jogindera Sims:** We're out of time?

**The Chair:** We are.

If you have one question you think they can do briefly, please go ahead.

**Ms. Jinny Jogindera Sims:** Did I hear you say, even though we don't have an ambassador there, officials from the other side are talking to officials on our side?

**Ms. Patricia Malikail:** We can talk. We can talk in various forums.

**Ms. Jinny Jogindera Sims:** I don't mean at the UN. I mean outside of the UN, in other forums. Can we pick up the phone and talk to somebody in Eritrea?

**Ms. Patricia Malikail:** We could.

**Ms. Jinny Jogindera Sims:** Thank you.

**The Chair:** If you don't mind, I have a couple of contextual questions that I was hoping you could clarify for me.

While we've been chatting here, I've been surfing through Wikipedia, to be honest about it—

**Voices:** Oh, oh!

**The Chair:** —and just a couple of things occurred to me that I wanted to get sorted out.

Eritrea has a couple of the cleavages that you tend to find in situations where there are widespread human rights abuses.

One is that there is a number of ethnic groups, according to what I have here in front of me: Tigrinya, 55% of the population; Tigre, 30%; Saho, 4%; and some smaller ones, such as Afar and so on.

The country also has religious cleavages. There's a Muslim population and a Christian population, and I gather the party structure during the revolutionary period was largely split on these lines.

Is there any kind of work that has been done by the folks at the UN who keep track of refugees to determine what the nature of the refugee population is, that is, who are the people who are being oppressed? Is it based on religious lines? Is it based on nationality, on tribal considerations...? Is it just simply people who the regime doesn't like, people who are opposed to the current president? What kind of grouping would we see among those who are being oppressed and being driven out of their country?

• (1405)

**Ms. Patricia Malikail:** I don't think there has been anything specific drawn to our attention about the oppression of refugees as to them being part of certain clans or certain religious groups. We know there has been discrimination against Jehovah's Witnesses, but we do know that four religious groups are allowed in Eritrea. I would have to check on that, but I'm not aware of any specific pattern in the refugees in terms of clans or religious affiliations.

**The Chair:** Okay. What about the refugees themselves?

We've dealt in this committee with various situations that involve refugees. Sometimes they're highly organized into a coherent group. We looked at some Iranian refugees who are currently in Iraq at Camp Ashraf, for example. Sometimes they're not similarly organized; they are broken into many groups that don't really have a single coherent body, or they're simply individuals who fled on their own.

Is there any kind of description you can give of the refugee population from Eritrea and which of those two poles it would tend towards?

**Ms. Patricia Malikail:** Sorry, the two poles...?

**The Chair:** Well, very highly organized—

**Ms. Patricia Malikail:** All right.

**The Chair:** —as a single oppositional group, or completely disorganized, just people who fled on their own....

**Ms. Patricia Malikail:** I think it's really people who have just fled on their own.

**The Chair:** All right.

Those were the only two questions I had. I just wanted to get some context there.

We thank you very much for your time. We really appreciate you coming in.

If there's no other business, I'm going to dismiss the committee. We've missed discussing a scheduling matter, but two of our permanent members are away and perhaps it makes sense to wait until we can speak to them.

Thank you very much. We are adjourned.

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