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# **Standing Committee on Foreign Affairs and International Development**

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**EVIDENCE**

**Thursday, October 5, 2017**

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**Vice-Chair**

**Ms. Hélène Laverdière**



# Standing Committee on Foreign Affairs and International Development

Thursday, October 5, 2017

• (1100)

[Translation]

**The Vice-Chair (Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP)):** Hello, everyone.

We will begin our study of consular affairs.

Today we welcome Heather Jeffrey, assistant deputy minister, consular, emergency management and security; Mark Gwozdecky, assistant deputy minister, international security and political affairs; Mark Berman, director general, consular policy; and Lisa Helfand, director general, consular operations.

Without further delay, I give them the floor.

Thank you very much.

[English]

**Ms. Heather Jeffrey (Assistant Deputy Minister, Consular, Emergency Management and Security, Department of Foreign Affairs, Trade and Development):** Thank you very much.

First of all, I'd like to thank you for inviting us here today to talk about the work of assisting Canadians abroad.

I'd like to begin by introducing my colleagues. Mr. Mark Gwozdecky is the assistant deputy minister for international security and political affairs, and he is responsible for issues concerning terrorist hostage-taking. Ms. Lisa Helfand is director general for consular operations. Mark Berman is our director general for consular policy.

[Translation]

As we start our discussion on how we serve Canadians abroad, it is helpful to put today's travel into context. As travel has become easier and more affordable, and communication virtually instantaneous, we see Canadians travelling more and visiting or living in more remote places. At the same time, the nature, frequency, and location of security threats and weather-related events have had an impact on our work. As we have seen recently in the Caribbean, abnormal weather events are increasing in regularity and severity. All of these factors have led to an increase in the number and complexity of consular cases abroad.

[English]

At the same time, as the security threat evolves and we face increasing numbers of significant weather events, Canadians are travelling, working, studying, retiring, and simply living abroad in

ever greater numbers. An estimated 2.8 million Canadians currently live outside Canada, and Canadians made 54 million trips abroad in 2015, an increase of approximately 30% from 10 years ago.

The preferred destinations for Canadian travellers are also diversifying. In 2016, while we continued to see the United States as the favourite international destination for Canadians, we saw a drop of almost 8% in Canadians travelling to the U.S., while Canadians made even more trips to everywhere else. In fact, travel to places besides the U.S. saw an increase of 3.7%, or approximately 12 million trips, continuing the trend of strong growth in overseas travel since 2014.

We expect that Canada's efforts to strengthen ties with the world through study and international business linkages, for example, will mean an increase in the demand for consular services.

Serving Canadians abroad is a major function of Global Affairs Canada. At our 260 points of service around the world, there are 850 officials either wholly or partially responsible for providing consular service to Canadians. In addition to these officials, Canada's ambassadors and high commissioners bear ultimate responsibility for consular delivery in their missions. They are briefed on specific consular cases and broader obstacles and are called upon to become directly involved in helping to resolve particularly difficult challenges.

Their work is supplemented by the work of honorary consuls who have proven themselves invaluable time and again in helping Canadians in need. Finally, in extreme emergencies we can rely on a network of volunteer Canadian wardens who are ready to assist Canadians and extend the reach of the mission.

Officials based in consular missions are most directly involved in delivering our consular mandate. Consular officers overseas are there to help, whether it's renewing a passport, providing contacts for local medical resources to those in need, or sharing information on local legal systems to parents of abducted children. It involves visiting Canadians detained abroad, assisting with the identification and repatriation of deceased Canadians, and seeking clemency for the death penalty. The type and extent of their assistance is adapted to the legal and bureaucratic framework in the country in which they operate.

In situations where Canadians are unable to rely on services available in the local environment, we develop tools and seek options elsewhere. One example of this work is the child well-being assessment tool, which was developed to allow us to gather information in situations where a child's welfare is at risk.

Consular officers opened over 265,000 new consular cases in 2016 alone. Of these cases, the overwhelming majority, 97%, were of a routine or administrative nature and were resolved quickly and directly at the diplomatic mission. When cases are complex, however, communications between missions and headquarters becomes paramount, and assistance may be required for years, as in the case of Canadians detained abroad or in cases of international parental child abduction.

Canada's missions are supported by a team of 120 staff at headquarters, including case management officers, policy officers, and emergency management experts.

●(1105)

[Translation]

With increased travel comes heightened risk to Canadians in regard to security threats and terrorism. New security threats from Daesh and other terrorist and criminal entities in all regions of the world have had an impact on Canadians in Europe, Asia, Africa, and in the Middle East, from Cancun, to the Philippines, to Paris, to Barcelona. The tragic events earlier this week in Las Vegas have again shown that Canadians can be at risk from other forms of violence, even closer to home.

Ensuring our missions maintain effective relationships on the ground with emergency responders and government officials becomes key to providing timely and relevant advice to Canadians before they travel, and to ensuring we can reach out quickly to assist Canadians injured and affected by attacks.

[English]

We are constantly re-evaluating and improving the way we work. Given the increasing demand for consular assistance, it's more important than ever that we offer consular services that serve the needs of today's Canadians.

We are modernizing our approach. For example, Global Affairs Canada relies on innovative new initiatives such as the emergency watch and response centre, which deals with calls on a 24-7 basis from around the world, and a standing rapid deployment team that is comprised of specially trained, experienced officials ready to deploy on hours' notice to anywhere they're needed. They helped Canadians during the serious earthquake in Nepal in 2015, and most recently have been on the ground over the past month across the Caribbean, supplementing our hurricane response there.

No longer do Canadians need to reach out in person or via telephone to access services or seek travel advice. In a social media age, we need to be where Canadians are to give them access to timely information and assistance. While the sources of information multiply exponentially, Global Affairs Canada believes that we play an important role in providing Canadians with reliable, accurate, and timely travel advice and information. Consular services are adapting to this reality through new services such as the digital "Ask Travel" initiative.

Recent advice targeted to vulnerable groups, such as young people at risk of forced marriage or LGBTQ2 travellers, ensures that Canadian values inform our consular information and response. While the international legal framework for our work remains founded in the Vienna Convention on Consular Relations, we are

using all of these new avenues to respond to new trends and challenges and to expand our international collaboration with like-minded partners to resolve emerging issues.

●(1110)

[Translation]

As we have recently seen in the Caribbean, times of crisis underscore the importance of the role of Global Affairs Canada in coordinating the government's response to international emergencies and providing support to affected Canadians in their time of need. While this work is guided by well-established coordination mechanisms, each emergency has unique characteristics, and we need to be flexible and adaptable in bringing a broad range of tools and assets to the consular response.

[English]

As hurricanes Irma, Jose, and Maria broke, Global Affairs Canada provided timely travel advisories warning Canadians of approaching danger and brought together key departments and agencies to ensure an effective whole-of-government response. Following three intense weeks in crisis mode, we are proud to have responded to over 5,000 phone and email inquiries from concerned Canadians and to have successfully facilitated the safe return to Canada of over 1,700 Canadians via a variety of means.

However, our work does not stop when a given crisis ends. Our emergency response framework is continually being refined as we draw lessons learned from past emergencies to inform contingency planning and undertake regular exercises to ensure early detection and rapid response to new emergencies. The devastating impacts of this season's overlapping hurricanes and the challenges of response in remote islands are already being mined to inform our future responses.

At the heart of every consular case is a personal situation involving a Canadian citizen abroad. Global Affairs Canada takes its responsibility to safeguard the private information of Canadians seriously. For this reason, we do not typically provide public comment on the details of a consular case, even when some details may already have been disclosed by others into the public domain. While recognizing that you may have particular examples in mind, we will respond to the committee's questions from the broader perspective of program delivery rather than by commenting on individual cases in particular.

To conclude, consular officials are proud of the service we deliver to Canadians abroad. We recognize the need to continue to deliver these services both in exceptional circumstances as well as in the timely routine services needed by the majority of Canadians. We need to maintain an awareness of trends to make sure we are where we're needed, when we're needed.

We are looking for innovative approaches to ensure that our services are effective and efficient, and respect the privacy of Canadians. We will also look to take advantage of opportunities to collaborate with other countries, provinces and territories, non-governmental and international organizations, and the private sector to ensure a strong foundation for our work, and to make sure that the consular services of the 21st century serve Canadian needs.

I would like to thank the honourable members of this committee for their attention. We stand ready to respond to any questions you might have.

Thank you.

[*Translation*]

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you very much, Ms. Jeffrey.

I will now give Mr. O'Toole the floor.

[*English*]

**Hon. Erin O'Toole (Durham, CPC):** Thank you very much for being here today.

I think all members of Parliament, regardless of side in the House of Commons, find some of the consular cases that come into their offices some of the most stressful for the families involved. On behalf of the official opposition, I want to thank your teams for the work they do, in some cases in very troubling areas of the world.

I have a few specific questions with respect to the Prime Minister's statement and policy in the recent G20 meetings in terms of paying ransom for kidnapping in consular cases. It is my understanding that, in the past, these cases were not discussed publicly, so payments or communications between third parties or organizations representing the kidnappers were never discussed publicly. Certainly we saw the murder of two Canadians shortly after this stated policy from the Prime Minister.

Has that policy changed the way you handle consular cases abroad?

• (1115)

**Mr. Mark Gwozdecky (Assistant Deputy Minister, International Security and Political Affairs, Department of Foreign Affairs, Trade and Development):** Let me preface my answer, if I could, with a brief comment for the rest of the committee, just to note that you are referring to the smallest subset possible of consular cases that Ms. Jeffrey referred to. She was talking about millions of Canadians abroad. We are talking about 20 cases over the last decade where Canadians have been abducted. We call them "critical incidents", because they are more than your run-of-the-mill hostage-taking. These are individuals who have been abducted by terrorist organizations or organizations affiliated with terrorist bodies, which seek not only concessions from the family, but ransom and concessions from the Government of Canada, and therefore, have national security implications.

The policy stated by the Prime Minister about not paying ransom and not making concessions remains the policy of Canada. It's very difficult to point to empirical evidence that the payment of ransoms does facilitate further hostage-taking, but there is certainly a strong body of anecdotal evidence that suggests that whenever you enrich a

group through the payment of ransoms, they have the means to continue to conduct that business line. It is, therefore, the policy of the Government of Canada not to do so.

**Hon. Erin O'Toole:** The case of Amanda Lindhout is interesting for most Canadians, because we see charges being laid against one of the kidnappers in Canada, due to some exceptional work by the RCMP. Once there is either a return or a very tragic outcome in these critical incidents, as you call them, does the Government of Canada continue to investigate and try to lead to a prosecution, as in the case of Amanda Lindhout's kidnappers?

**Mr. Mark Gwozdecky:** Yes, indeed, it is the policy of the government. In fact, the Criminal Code gives the authority to the government to investigate and prosecute anyone who abducts a Canadian anywhere in the world. The responsibility to lead the investigation and to do any prosecution falls upon the RCMP. As you mentioned, charges have been laid against Ali Omar Ader for his alleged role as a negotiator in the hostage-taking of Ms. Lindhout in 2008.

**Hon. Erin O'Toole:** Just yesterday, I publicly praised the minister and the Prime Minister for their work in securing the release of Pastor Lim. I'd like to ask about states that Canada knows have people in detention and that might be abusing or torturing those people. Certainly, Pastor Lim was in one of those states, North Korea.

The William Sampson case is one that I think gripped a lot of Canadians, where Canadian consular officials visited Mr. Sampson and knew he was being mistreated.

Does that circumstance give rise to a higher level of action in trying to extract a Canadian? Is there a caution on even visiting someone who might be experiencing abuse in the hands of a foreign state?

**Mr. Mark Gwozdecky:** As Ms. Jeffrey pointed out, we're not in a position to speak about the particularities of individual cases, but you are quite right that the question of misuse or mistreatment or torture is a major priority for us in terms of handling these cases.

The one case that I can speak about more publicly has to do with Mr. Omar Khadr. In that case the Minister of Public Safety and the Minister of Justice have already made public statements in that regard, and that decision flows from a Supreme Court decision in 2008 and 2010 that held that Mr. Khadr's charter rights were breached. That led to a number of changes in terms of how we work with foreign governments or if we work with foreign governments that may be involved with mistreatment, so that we now have new protocols that would govern those actions.

**Hon. Erin O'Toole:** Could those protocols be shared with this committee? What I find interesting is when the—

**The Vice-Chair (Ms. Hélène Laverdière):** Mr. O'Toole, maybe we can come back to that on the second round.

Thank you.

• (1120)

**Ms. Heather Jeffrey:** I can expand a little bit on that answer.

When there are allegations of torture, we take all of these allegations extremely seriously. There's a requirement on all of our consular officers to immediately report those allegations back to us. We have a team of experts who look at all allegations and assess their seriousness and credibility, and the government is informed of all allegations made. When allegations are credible and serious, we take an immediate series of steps, and these are decided on a case-by-case basis.

As the member mentioned, we have to look at the safety and security of those who are in detention. In different circumstances, the response might be different. Typically, the kinds of things we look at are immediately seeking access, making representations to the government that is holding these Canadians abroad, visits, increased frequency of visits, consular access, and other documentation so that we can make more informed and more pointed interventions on their behalf to try to ensure their well-being.

**The Vice-Chair (Ms. H  l  ne Laverdi  re):** Thank you.

Madam Vandenberg is next.

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** Thank you, Madam Chair, and thank you very much to all of you. Thank you, Ms. Jeffrey, for your interventions today and also for all of the work that you do.

As my colleague stated, as MPs we all get these kinds of cases. I know that we've always had very good service, and for those of us who've lived abroad and for Canadians who are working on behalf of the Government of Canada in countries that are very dangerous for human rights, for humanitarian issues, I think this is something that's extremely crucial.

I was very interested in what you said, Ms. Jeffrey, about the number of Canadians who are living and working abroad. I think you said that the number has gone up by 30%, but at the same time, in the last 10 years the number of consular cases is remaining steady. Could you explain why you think that is the case? What are the reasons for that?

**Ms. Heather Jeffrey:** I think what we have certainly seen is an increase in the number of complex consular cases abroad as people travel to more diverse destinations where the risks are more diverse. We have more cases that require a longer time to resolve and a more intensive investment of time and attention.

The complex cases are a much smaller subset of the 265,000 I mentioned. There are only about 6,300. Part of what we try to do as a consular service is preventative work, and this aspect is really important. It involves the travel advice and advisories that we maintain on a 24-7 basis. We work with local stakeholders in the travel industry, provide advice to Canadians before they travel abroad in terms of making sure that they have insurance and that they're registered in our registry of Canadians abroad—which is voluntary, but which allows us to access them in a time of emergency—and provide advice on all of the measures that they can put in place to protect themselves and ensure that they have sufficient resources if unforeseen circumstances arise.

We put them in the best possible position to have the right documentation, to have information on the local context, and not to put themselves at risk unnecessarily. That is something to which we

devote increasing attention. Our fondest wish is that Canadians not be in harm's way at all, and anything we can do to prevent that is really important for us.

**Ms. Anita Vandenberg:** Thank you.

In terms of the preventative work, how many Canadians actually avail themselves of the registration and of the services that are provided in terms of the warnings? In some instances, it's easier to foresee if something is going to happen. There may be an election, and there might be anticipation of violence following an election or conflict, but in other cases, such as natural disasters, it's much harder.

How does that differ in terms of how you would work with Canadians in each of those instances? As well, how many of the Canadians who are impacted by these kinds of things actually register?

**Ms. Heather Jeffrey:** We've devoted a lot of energy to improving our digital tools, given that Canadians primarily find their information through the Internet. We use social media like Facebook, Twitter, and a variety of other tools. In 2016 we had 14.2 million visits to our page, travel.gc.ca, which is where we have all of our travel information and advice. This was an increase of 14% compared with the previous year, and we've seen a steady increase in trends of Canadians looking to this for information and the latest news. As advice changes, information is also pushed out to people who are registered for particular countries or regions.

We use our registration of Canadians abroad locally and from headquarters to push out information about changes to the local security context or other emerging environmental threats, such as approaching hurricanes, etc. For example, our Facebook page has 264,000 followers. We have a new Travel Smart app that can be downloaded in mobile form. People can stay abreast of information. We also have a wide range of print and digital publications.

Registration is voluntary, as I noted, so in almost all cases, the number of Canadians that we have registered is a smaller subset of those who we know are actually in a given country. The number tends to be higher in places where people perceive real levels of risk, and lower in places where the environment is perceived as safe. In the most recent storms that passed through the Caribbean, we found, for example, that significant communities of Canadians on very remote islands had not registered. We did not know they were present, and the number of people was sometimes in an order of much greater magnitude.

Re-registration is something we promote at every opportunity. You will have heard us, in our technical briefings and other interactions, really promoting the registration of Canadians, because it is one of the tools we have. We have to use all the tools at our disposal, and they include, in cases of emergency, working with local radio stations and other CB and hand radio operators, and using all manner of forums to try to push out the advice that we have.

• (1125)

**Ms. Anita Vandenberg:** Thank you.

I would just like to talk about women who travel abroad and are victims of sexual assault and other crimes. What kinds of resources are you able to provide through consular services for those women? This applies to men too, but I'm asking primarily about women.

**Ms. Heather Jeffrey:** We have specialized training that we offer to our consular officers for a variety of different populations and vulnerabilities. Attention to women is part of that and includes the specific types of medical services and other things they might need. In different local contexts, we work extensively with non-governmental and other local organizations that have special service providers, and we can supply lists of appropriately specialized personnel who can provide recourse options.

**Ms. Lisa Helfand (Director General, Consular Operations, Department of Foreign Affairs, Trade and Development):** That pretty well covers it. We make sure, however, that we have special training, as was mentioned, because these are the most difficult cases to deal with. Depending on the context, we also have special links with hospitals, medical specialists, and NGOs.

[Translation]

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you very much.

I would like to take this opportunity to ask a question myself.

We have touched on individuals with dual citizenship or, specifically, citizens who could be mistreated in prison. As to those with dual citizenship, there are very clear cases of this kind of problem in China, Turkey, and Egypt.

To what extent does that complicate your work?

[English]

**Ms. Heather Jeffrey:** As the Government of Canada, we seek to assist all Canadians. Dual citizens can find themselves at particular risk when they travel to their countries of origin, in light of the fact that not all countries, as you mentioned, necessarily recognize Canadian citizenship and provide us with the consular access that we continue to seek. We advocate equally on behalf of all Canadians, and we use all means at our disposal to do so, but in cases where Canadian citizenship is not recognized and the dual citizen is treated as a citizen of the local nationality, sometimes consular access is blocked.

For example, in the case of China, where we have many dual citizens travelling and there have been issues in the past, we concluded an agreement—a memorandum of understanding—with the government in regard to the treatment of citizens with dual nationality. In cases where Chinese Canadians travel to China on their Canadian passport, the Government of China has undertaken to afford us full consular access, as we would expect under the Vienna convention. That has assisted in some cases with getting the access we need.

This is part of the travel advice we offer to Canadians proactively as well. We tell them to keep in mind that when travelling to their countries of origin where they have dual citizenship, while we will continue to make best efforts and to intervene at all appropriate levels and through all means when issues arise, in some cases our ability to access Canadian citizens is difficult as we are not afforded the access we would like to have.

[Translation]

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you very much.

I know these are complicated files, and I join others in thanking you for your work and for the work by the minister's office, with which we have worked very effectively on certain files.

We also know that consular services are a crown prerogative. There is no obligation to provide consular services at this time. There have been various suggestions to include certain aspects in legislation, to appoint an ombudsman for consular services. There have been proposals for a charter of rights on consular services.

I would like to hear your thoughts on that.

● (1130)

[English]

**Ms. Heather Jeffrey:** Yes. We very much value and are paying very close attention to the different submissions and reports that have been made about ways we can improve our consular services. While the provision of consular services is under the crown prerogative, our policy as a government is to assist all Canadians to the best of our ability wherever they are. We take that very seriously. We are not able to in all cases because of natural disasters, emergency or inhospitable local environments, war zones, etc. We go to great lengths, though, to have access as quickly and as directly as we can.

For us what is really important is the flexibility and adaptability that we need to adapt our consular response in different locations. We have guidelines and policies about all the different avenues we pursue, but every context and every case is different. In some cases certain tactics will be more effective; in other cases not. In some cases working publicly is more effective. In other cases working behind the scenes is in the best interest of the consular client.

It is not a one-size-fits-all solution. It's adapted to the local circumstance, but that doesn't mean people are getting different levels of service. We do our best.

[Translation]

**The Vice-Chair (Ms. Hélène Laverdière):** You also have a communication system, I believe, through which people can provide feedback if they are dissatisfied or have problems with the services they received.

Do you have any statistics on the number of complaints you receive each year and how they unfold?

I know there has been legal action in certain cases. How many lawsuits are outstanding at this time?

[English]

**Ms. Heather Jeffrey:** In terms of the consular feedback, we have feedback forms online and available in all of our points of service abroad where we invite and request our clients to provide us with their views on the level of service provided. I believe that around 95% of the ones we received have been positive and rate their service as “very good”, but we might need to get back to you in writing with the exact statistics.

For example, in the response to the hurricanes, I think you will have heard Minister Freeland invite Canadians—again, with a particular feedback line—to submit their input on their experience to us online or via phone so that we can work to respond better. Every consular case and every situation is different, and every one offers opportunities for us to learn, so for us it is very important to have this feedback and we highly value it.

As I mentioned, the large majority of services are relatively easily resolved, and they are not significant cases. I think in general we are meeting all our service standards and people are very satisfied with that level of service. In complex cases, it is more complicated but we actively solicit and invite that feedback.

[*Translation*]

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you.

Since we have very little time, could you please send us the figures, the number of outstanding lawsuits, and all the information available about the follow-up process for future complaints?

Thank you very much.

Mr. Sidhu now has the floor.

[*English*]

**Mr. Jati Sidhu (Mission—Matsqui—Fraser Canyon, Lib.):** Thank you, Madam Chair.

Thank you, panel, for giving us insight into what's happening around the globe.

My office has been getting calls when Canadians go on foreign soil and get into a relationship and have children. Then, at the end of the day, they have problems with the custody of those children, because the spouse, of either gender, is not co-operating. How deep can we go to help Canadians solve that issue? How much power do we have within our governments to bring that child back, or whatever the dispute is?

• (1135)

**Ms. Heather Jeffrey:** I'll just offer some general remarks, and then I'll turn it over to my colleague Mark Berman to talk about the specifics.

Certainly we agree. This is one of the areas that have been of particular focus to us, family-related cases, cases of child custody and in some cases child abduction. We've seen a significant increase in the number of these cases as Canadians increasingly live abroad in different countries.

We had, for example, last year, 886 family-related cases that we were dealing with. It's a significant number, not significant in light of the 265,000, but for us, it's a significant number when you think that those are all individual cases that require our attention. We've put in place extra focus, extra training, and a number of tools—I referred to one in my opening statement about how to assess the well-being of children—but we're operating in foreign legal environments where often we have different legal frameworks.

The Hague convention provides for the signatory states, of which Canada is one, formalized mechanisms that allow countries to speak to each other and have points of contact and formalized processes for working to resolve these cases. But not all states are members of that

convention, indeed many of the countries we deal with aren't. We have to find individualized solutions.

I'll turn it over to Mark, who leads the consular unit, including the child protection unit, to speak to that.

**Mr. Mark Berman (Director General, Consular Policy, Department of Foreign Affairs, Trade and Development):** I'll just add a couple of comments.

Consular officers are trained to help families navigate and interpret local family laws, and they will help identify potential resources in the countries where these problems occur. As Heather mentioned, if the party is a member of the Hague convention, then that process is facilitated, but it's more complicated if, in fact, the child abduction involves a non-treaty partner of Canada. In that case, consular officers will provide ongoing assistance to the child and both parents.

Each country presents its own set of unique challenges relating to issues such as dual nationality and child custody laws, the recognition of Canada's court orders, and a country's approach to controlling the exit of people from its territory. It depends on the country we're talking about.

Canada, in the international community, is a champion of the Hague convention. We work very hard to promote new memberships to the convention. We do that in a number of ways. In 2013 Canada created a new forum called the Global Consular Forum, and we are the permanent secretariat to that. That is an opportunity for us to work with governments to promote the Hague convention.

We also work within the Colloque, which is the grouping of Australia, New Zealand, Canada, the U.S., and the U.K. We have agreed to coordinate the response and identify countries where consular issues are particularly challenging and issues of child abduction and such are a problem, to try to facilitate and encourage those countries to sign onto the Hague convention.

**Mr. Jati Sidhu:** Ms. Jeffrey touched on legal counsel. I was going through the notes, and we have a couple of dozen lawyers on the ground. Do we as Canadians have a crown counsel or a service we provide to Canadians abroad?

**Ms. Lisa Helfand:** Because all the local contexts are different, it's important that we provide them with the right counsel. In this case, this is the list of local counsel. Usually we are able to steer them toward someone who has a specialty in this area. This is the person who should be handling the matter and who can most properly come to the best conclusion.

We will, on occasion, consult with our own lawyers to make sure we are providing the best possible advice, but they will tell us to consult the local lawyers.

• (1140)

**Mr. Jati Sidhu:** In terms of Canadian-born children travelling abroad without the consent of a second parent—there are a lot of issues throughout the world—how do we handle this once they're gone and the spouse here on the ground is troubled about how to get their child back? What kind of service do we provide in that respect?



**Ms. Lisa Helfand:** We have a special unit within consular operations that deals with this type of issue. The first thing that the left-behind parent will have is someone who they can contact in Foreign Affairs at the federal level who can help them navigate this difficult situation. Of course, local police authorities will also be involved in these situations, because these are police matters. There is now a system set up so that there's one point of contact in every child welfare agency or police agency to help left-behind parents. We help the parents navigate through that system as well, to steer them to where that one point of contact is.

We also, of course, have people on the ground at our missions, and they can help provide the local context, as we mentioned previously.

**Mr. Jati Sidhu:** Thank you.

**The Vice-Chair (Ms. Hélène Lavergère):** Thank you.

Mr. Saini.

**Mr. Raj Saini (Kitchener Centre, Lib.):** Thank you very much.

I have a three-part question, actually, just to start off with.

You mentioned in your opening remarks that there are 260 points of contact throughout the world. Obviously, we can't be everywhere, but I read somewhere that those points of contact are in about 150 countries.

Obviously, we must have agreements with other countries to act on our behalf for consular affairs. How many countries do we have that with? Which are those countries? What does that framework look like in terms of the privacy that's shared and also in terms of the powers that country has to intervene on our behalf?

**Ms. Heather Jeffrey:** As you mentioned, the importance of our relationships with other countries in terms of providing reciprocal consular services is really important, because it allows us to extend our reach. There are regions, for example, in the Americas, where the Government of Canada has a much larger footprint than in other countries in other parts of the world. There are other regions, for example, the South Pacific region, where our colleagues in Australia have a much more developed network and greater geographic proximity.

We have agreements in place in different jurisdictions to provide consular services to each other's citizens. I'll give you the example of the most recent case. There was a volcano erupting in Vanuatu, a very remote South Pacific island where there are, nonetheless, Canadians present. In Vanuatu, it is Australia that has a presence and provides consular services to those Canadians who need them, and they do so quickly. In other jurisdictions, we provide those services on behalf of others.

We have agreements that are in place broadly, and we also work in an emergency context, with the whole network of our like-minded partners, on a case-by-case situational basis, where there are vulnerable citizens in need from other countries and we have the ability to provide service. We do so on the basis of humanitarian grounds, irrespective of whether we have in place long-term MOUs.

In addition to the agreement with Australia, we have agreements with the State of Israel, where, for example, I believe it's in Venezuela—

**A voice:** And Cuba.

**Ms. Heather Jeffrey:** —and Cuba, we provide consular services to Israeli citizens. We have agreements with the U.K. and other jurisdictions as well.

**Mr. Raj Saini:** Do you have an approximate number of countries with which we have those agreements? Which countries are they?

**Ms. Lisa Helfand:** As Ms. Jeffrey mentioned, we have a special agreement with the Australians. We also have three agreements, as far as I know, where we have other countries that are called our "protecting powers", that are in countries where we cannot be. Each protecting power agreement is slightly different, but the Swedes are our protecting power in North Korea, the Italians in Iran, and the Romanians in Syria. In the case of the Swedes, they have the authority to offer consular services when we ask them to do so.

**Mr. Raj Saini:** What power do these agreements have? Are they similar or exactly the same as our own consular services in other parts of the world, or is there some framework that has been set up where there may be a point where they have to reconsider a fact or ask the Government of Canada to what extent they can advocate for a particular citizen?

• (1145)

**Ms. Lisa Helfand:** Each protecting power agreement is different, but what it comes down to is communication between the protecting power and us. We will ask them, either through informal or formal channels, to carry out a particular consular service for us, for example, to go visit someone in prison, and they will come back and report to us on the results of the visit. That's the most common way the protecting power agreement is implemented.

**Mr. Raj Saini:** To follow up on that, I recognize that on your website you have four different categories of travel, and one category is "Avoid all travel". Obviously, then, if there is a particular place in the world where you're suggesting to Canadians to avoid all travel, I highly doubt you will have consular services there. I also highly doubt that any of the allies would have consular services there.

What do you do in that situation, where you don't have a particular footprint there and you don't have a framework or an agreement with another country to advocate? How does that protocol work?

**Ms. Heather Jeffrey:** I was just going to say that in some of the places where we actually urge people to avoid all travel, we actually have a presence. For example, in Kabul or Baghdad or places in war zones, we have missions and staff that are there under specific security protections, but we don't consider it safe for Canadians to travel freely about the country. In some countries, there are only certain regions of the country that are insecure.

Where we do not have a presence and we don't have a pre-existing relationship, in most instances we have a network we can extend. For example, we have a consular warden system, which is a system whereby prominent Canadians who are residents in that region or in that country on their accord agree to be a point of emergency contact for us to allow us to reach out and check on the well-being of Canadians and to otherwise assist them. For example, in many of the very small Caribbean islands affected by the hurricanes, given that there were, I think, 17 different islands affected, we had wardens who were in place who actually went far above and beyond in terms of travelling throughout the islands to locate Canadians and ascertain their well-being.

We work through other like-minded partners. We can work through other organizations. Our consular staff are, I've learned, extremely creative and adaptable. They'll work through non-governmental organizations or other business structures to try to reach people. In general, I would say that, from the international consular links we build and the Global Consular Forum, all countries find themselves in the same position. None of us are everywhere, and certainly none of us are everywhere all the time. There is a very supportive system whereby if people are vulnerable and in need and have specific medical or security issues that need to be addressed, those who are closest make the best efforts to reach them.

In a place like Syria or where the security situation is very difficult, it's not always possible to reach people, but we use all the means at our disposal to do so.

[Translation]

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you very much.

Mr. O'Toole, you have the floor.

[English]

**Hon. Erin O'Toole:** I'm going to continue my questions with Mr. Gwozdecky, because I was cut off. It's good to see you again. You were before the defence committee a few weeks ago on North Korea. It's good to see that you have all the easy files.

We left off with Omar Khadr. You raised that case, and certainly there was a \$10.5-million settlement paid for a range of things. The Supreme Court case decision you mentioned was interesting in that it said that it's the crown's prerogative in terms of when someone is repatriated from that type of position. The charter violations related to the three consular visits that took place under the Chrétien and Martin governments.

Consular officials are in a bit of a catch-22 in a situation like Saudi Arabia, North Korea, or in that case, Guantanamo. If they don't visit, they're not providing consular assistance to the level Canadians would expect, but if they visit, knowing there's mistreatment, Canada could insert itself into the charter. Is that why the policy changed following the Khadr case?

**Mr. Mark Gwozdecky:** No. In fact, the grounds for the Supreme Court decision were based on the fact that the visits that took place were not consular visits. They were Canadians who were there who participated in interrogations. It wasn't, strictly speaking, a consular case per se. But we did learn important lessons from that experience

that we've applied to new protocols, which are now in place to avoid such scenarios taking place again.

• (1150)

**Hon. Erin O'Toole:** In that case, it wasn't considered consular assistance. It was investigation or interrogation by officials. When these visits took place under the Chrétien government and the Martin government, why did they not consider repatriation at that time and question him in Canada, for example?

**Mr. Mark Gwozdecky:** I'm not in a position to give you chapter and verse what happened in those years. It's not, strictly speaking, a consular case, so we didn't come equipped today to deal with that level of question. I would offer one further point, which is to say that at the time, we did request consular access, but it was prohibited by the host government. We did make efforts in terms of providing consular access, but it was not possible.

**Hon. Erin O'Toole:** That's interesting. The U.S. approved investigative visits but not consular assistance. Did Mr. Khadr at any of those visits request consular assistance?

**Ms. Lisa Helfand:** We did in fact after a point in time get consular access to Mr. Khadr, but these visits were kept completely separate from the more problematic visits from Canadian officials.

**Hon. Erin O'Toole:** In those visits, did he request repatriation at an earlier basis?

**Ms. Lisa Helfand:** I can't tell you exactly what he requested during the visits. I can tell you that he did have consular access and had access to a consular officer.

**Hon. Erin O'Toole:** The questions we have relate to a settlement payment. It's clear that the Americans were deciding what types of visits could take place, and that repatriation was a decision of the crown not bound by the charter. The lessons learned.... Ms. Jeffrey talked about steps that would be decided on a case-by-case basis in terms of access, visits, and representations.

Would it be possible for the committee to see that policy document that outlines the case-by-case for the critical instances that were outlined?

**Ms. Heather Jeffrey:** I just want to clarify the question. Our policy is to request access and to seek it through all the means that we have. In all cases where Canadians are detained, we have consular service standards in that regard, and they vary by the region and the level of risk to Canadians in those regions. We can certainly provide information on the policy in terms of Canadians being detained abroad and what our standard services and level of service are in different places.

Is that what you're looking for?

**Hon. Erin O'Toole:** That would be helpful. I don't want to seem like I'm dwelling on only the challenging cases. Certainly Pastor Lim, Amanda Lindhout, Robert Fowler, there are cases where these critical instances, as you described them, have a positive outcome, but certainly when they don't.... I recall that the sister of Robert Hall had serious concerns before her brother was killed. Her comment to the media at that time was that she couldn't even get answers on what Canada's efforts were to secure the release. I think if Canadians see the policies in these difficult risk-laden cases, it will probably help public confidence in these rare cases.

**Ms. Heather Jeffrey:** Here I would distinguish between two types of cases. There are what we call "complex consular cases", which are cases of detention where the local context, political circumstances, or conditions of detention are problematic. We can give you that now. Within the consular of services remit, we have a very established protocol of the kinds of services and level of visitation that we need, which is adjusted based on the well-being of those Canadians and the level of risk they are perceived to be under.

In cases of critical incidents, which are where people are kidnapped and held by usually a non-state or terrorist group—that's within Mark's purview—there are different policies and procedures that govern those. Our detention protocols relate to people who are being held by a government in a national or local detention facility.

Mark, I don't know if you want to speak to the procedures on the critical incident side.

**Mr. Mark Gwozdecky:** As has been noted many times this morning, every case is different in particular with regard to critical incidents. They are all unique, they're snowflakes, but they are unspeakable turmoils for the families involved and, obviously, the individuals. We try to work on the basis of acting in a way that, on one hand, would best and most likely result in the safe release of the individual but also to not do anything that might jeopardize the safety of that individual or make it more likely that Canadians in the future would be abducted and face the same sort of situation.

We're careful about what we say publicly, and we don't have a publicly available document that governs our actions because they're also individualized, I would say. I can say that whenever there is such an incident, my branch is responsible for coordinating a whole-of-government effort that involves law enforcement, the military, and our intelligence agencies in terms of pooling our resources to ensure that we're doing everything possible, and that group would continue to meet until the case is resolved.

• (1155)

**Mr. Michael Levitt (York Centre, Lib.):** Thank you, Madam Chair.

Thank you all for being here this morning and for briefing us on these issues.

First, I'd like to look at the registration system that Global Affairs maintains for Canadians travelling abroad and how it's used for both consular cases, as well as larger, mass events.

What's the uptake level for the registration system? How many Canadians generally use it when they're travelling? What are the disadvantages of not registering with the system and what kind of risk does that pose for travellers? Are there any efforts at hand to

increase knowledge of the system and to encourage Canadians travelling abroad?

We always hear about it in the midst of a crisis. There are this number of people registered, but I have to tell you, I travel a fair bit, but I don't register very often.

What is the view moving forward on how to best utilize this system in order to protect Canadians and give you the information you need to do your jobs?

**Ms. Heather Jeffrey:** The registration of Canadians abroad system is publicized through our website, all of our social media, and other opportunities to try to get Canadians to let us know where they're travelling, where they're going to be staying, and what their contact information is. I would say that there are different levels of uptake depending on how Canadians perceive the level of risk in the destination where they are going. If they are travelling to a place that is known to have significant security challenges, a much larger proportion of Canadians would be registered because they would understand that they have to be aware of their security environment and that we use that information, as the Government of Canada, to push information out proactively on deteriorating conditions, changes to the travel advisory, or warnings that local authorities might be giving out that we feel Canadians need to be aware of in those local circumstances. Also, it's more apt to be Canadians who are resident there long term.

With the travellers to destinations that are perceived as less risky or for Canadians who are travelling through a number of countries and aren't sure where they're going to be on different dates, it's a much lower rate of take-up. We saw this most recently in the Caribbean, where we had low numbers of Canadians registered, in some cases, but found that there were many times more Canadians who actually happened to be on that island on that particular day.

It's in our interest. Therefore, when we speak publicly, we use every opportunity we can to reach out to travel industry representatives and to Canadians through our social media, websites, and other media interactions to promote the use of these digital apps because we know that Canadians, particularly younger Canadians, are more apt to use it if it's on their mobile phone and they can register. It allows us to be proactive. It allows us to reach people that have already told us they're going to be in a place and we can tell them the latest information on the conditions that they're in, and for example, give them warnings to depart when we know that a storm is approaching and we know that they'll receive it.

What we found is that even the people who notify us that they're there sometimes don't notify us once they've left. We are tireless in our effort to reach people, even when communications are down. We go through the lists and we use those registries to try to track down Canadians. The level of take-up varies by state. I don't have the exact figures, but I can give you an example. In the country of Dominica, we had 15 Canadians registered when we were doing our planning before the storm and we found out that there were approximately 250 that were actually there. In that case, the take-up was not great, but that's a place where people didn't perceive their levels of risk and where there were many Canadians who were there just for short amounts of time. In other countries, it's higher.

• (1200)

**Mr. Michael Levitt:** Thank you.

That's actually going to be my follow-up question about preparing for situations of mass emergency, like hurricane Irma, as an example.

How do you prepare internally, both on the ground in the countries where you see the emergency, presuming that there's notice and you see it coming, and also remotely in Canada? What does our response look like, as compared with that of other countries that we might be involved with as well? What action gets put into play as these situations start to develop?

**Ms. Heather Jeffrey:** As I mentioned, we have an elaborate emergency preparedness system. Within Global Affairs Canada, we have a 24-7 emergency watch and response centre that operates 365 days a year on a continual basis. It monitors for natural disasters that we can see coming, such as hurricanes that form and move, but also emerging news of disasters like earthquakes. We saw two earthquakes occur recently in Mexico, and there was no warning. We hear first through different meteorological or other seismic notification sites, so there are different kinds of disasters.

We prepare and exercise throughout the year. We have a highly specialized unit within our branch that deals with emergency management. They exercise on a whole-of-government basis working with Public Safety, CBSA, IRCC, DND, and all of the different partners with whom we work in a whole-of-government response. We have a well-exercised task force system that comes together almost immediately.

In the case of these storms, I would say that one of the important parts of our emergency preparedness is the advice that we give to Canadians before hurricane season starts. We do this in May and June, and we reach out through the travel industry and through our publications and digital footprint to talk to Canadians about the kinds of things that they need to do when travelling to these destinations. It's about registering. It's about having travel insurance. It's about having emergency points of contact and making sure people know where they are and when, and who they should go to—namely local authorities—for advice if they find themselves unable to depart before an event like this arrives. There's that whole front end of preparedness.

When these storms we're monitoring start to intensify, and the tracks, for example, start to focus on certain regions, our travel advisories kick in. We started on August 26 providing advisories on storms that were approaching, and beginning on the first of

September, we started assembling our task force. We started meeting and having coordination calls to plan the response.

Part of the issue is that there's a high degree of uncertainty with regard to these storms. Where we think they're going doesn't necessarily end up being where they hit. Also there's some uncertainty as to who is present in the areas that are going to be the most affected.

I would say that it's a very well-exercised capacity that we have. Each storm is different, and that's why the lessons learned are so important. The Nepal earthquake was different from hurricane Matthew, and they were both different from this.

I would say that, in terms of the level of complexity, these storms were among the most complex situations that we've faced, given the tight sequence of three very intense storms hitting the same places, very isolated island chains that had limited physical and communications infrastructure.

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you. We'll have other opportunities to return to the subject.

Mr. Genuis, please.

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** Thank you, Madam Chair.

Thank you to the witnesses.

I'll start off by asking what five countries give you the most work in terms of the volume of consular cases you're getting on an ongoing basis. Obviously there are some that would give you issues, but maybe Canadians don't travel there in large numbers. What big names in terms of countries have ongoing issues that take up a lot of your time and effort?

• (1205)

**Ms. Heather Jeffrey:** The United States is where we have the largest volume of cases because that's where the largest number of Canadians travel. They're not necessarily the most complex cases because there's a well-established rule of law and legal structure in the United States and commonalities.

I don't have the exact list in front of me, but after that, it would be Mexico and the sun destinations, where there are also a large number of Canadians. Soon after that are places like China, where we have large numbers of Canadians travelling back and forth. Places with the largest numbers don't necessarily have the most complexity.

**Mr. Garnett Genuis:** Fair enough.

If we were to zero in on the higher volumes of complexity, am I right in guessing the scale would tip more towards, let's say, China, or are there other countries we should be thinking about in terms of a higher volume of complex cases?

**Ms. Heather Jeffrey:** I'll turn to my colleague on the case management side to answer that, but I would just say that, as a general principle, the places that are more complex are places where the legal and political systems differ significantly from ours and also where perhaps there are security issues and other conditions that make access to Canadians more difficult.

**Mr. Garnett Genuis:** Ms. Helfand, were you going to comment on that?

**Ms. Lisa Helfand:** I was going to say exactly that. The location is often a factor with complexity, but there are other factors, such as the nature of the charges against someone, limited consular access, or whether there's been a miscarriage of justice or human rights issue.

**Mr. Garnett Genuis:** Related to that—and then I'll tie this together—I'm curious about how a decision is made on political engagement. There are some cases where there seems to be political...and I mean at the political-to-political level, which seems to maybe have happened with some cases in China, or maybe not.

How is that decision made in terms of going to that level?

**Ms. Heather Jeffrey:** We look at each case, as we mentioned, in this specific context. The bottom-line question that we ask ourselves is what will be most helpful to this client. We look at the type of risk or sentence that they've been subject to, the grounds, the due process that's been applied, whether there's evidence of politically motivated action. It's also very important for us to have the views of the clients themselves. Not all clients want us to intervene on their behalf; many explicitly do not. In cases where there's legal action involved in the country where they are currently located, the advice of their legal team informs the client's decision in that regard. Not in all cases do people find it useful. Then we need to consider whether we do that publicly or privately.

It's based on what we think is going to have the most positive effect on the client's outcome.

**Mr. Garnett Genuis:** Then you—

**The Vice-Chair (Ms. Hélène Laverdière):** I'm sorry, Mr. Genuis, you're finished. It's a three-minute round, but we'll come back and we'll have time to do further rounds.

**Mr. Garnett Genuis:** All right.

[*Translation*]

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you very much.

I would like to talk about Hurricane Irma again. I remember the first case I dealt with when I was at the consulate. I was in the office that worked with China, and one of the most important parts of our work was to reassure families here in Canada.

My office has received many calls about Irma. Some people said they were on hold for an hour on the department's phone line. Those calls were from people here in Canada whose family was affected by the hurricane. Some people said they were sent to voice mail.

I know there is usually a response centre here in Ottawa to answer questions from persons in difficult situations and from Canadian families and friends to give them some information and reassure them.

We have seen media reports indicating that many people were dissatisfied with the service provided by Global Affairs Canada.

How did the mechanism work? Was the response centre set up quickly?

It really seems there were some bottlenecks. Have you learned any lessons for the future? Where do you see room for improvement?

Thank you.

• (1210)

[*English*]

**Ms. Heather Jeffrey:** We fully appreciate how difficult these situations are for Canadians caught up in them and sometimes even more difficult for their loved ones back home who don't have any information on how they're doing and who feel powerless to help them. These situations create a high level of anxiety, and we completely understand that. You're right; it is part of our job to reach out to those Canadians, to deal with families here in Canada who are concerned and friends who call us, and also to deal with Canadians directly in the field.

As you mentioned, we have set up a fairly elaborate structure. We have the emergency watch and response centre, which operates 24-7, but in the case of a significant mass emergency like the ones we just experienced, we set up an emergency call centre that's also staffed 24-7 and has very large numbers of officers answering phones, answering enquiries, passing on information. You've experienced it yourself. It is a beehive of activity. We have hundreds of trained volunteers who come in to do that work after hours to keep that response going, and we had a very prolonged period of almost 28 days this month where we had these centres going.

In the staffing of that centre and its ability to take calls, all the information we have, the metrics from our system, are that it was adequately staffed and that there were not significant wait times. I appreciate what you're saying that some people might have had a different experience and that's part of the lessons learned follow-up that we have. We believe that calls are being answered in a very timely way.

What was much more problematic for people who were concerned, relatives on this end, was, in the initial phases of this disaster, the lack of communication on the ground. These islands did not have developed communications. Even though they might have been doing well and were simply isolated and unable to communicate back, it was difficult for us to reach them and impossible for their families to reach them except sporadically, especially with the loss of power, etc.

Part of our lessons learned is reviewing all these situations and trying to look at new and creative ways to access people as these storms progress. We mobilized a whole variety of different responses that we haven't necessarily had to use. We had evacuations by boat. We had small, fixed-wing aircraft, float planes. Many different types of responses were mobilized, all means to reach people and get them off the islands. I mentioned using local radio stations. We had people broadcasting different departure and evacuation times.

I think this is a really important role. We place the highest priority on that communications link, and we focus on it.

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you very much.

If it were possible to have any statistics you may have on wait times at the call centre, it would be appreciated.

**Ms. Heather Jeffrey:** We'd be happy to.

**The Vice-Chair (Ms. Hélène Laverdière):** Mr. Genuis.

**Mr. Garnett Genuis:** Thank you. Is this a 10-minute round? Six minutes, that's okay. I'll probably still run out of time while I'm mid-sentence.

Thanks for your answers. When we left off you were describing this process of determinations for the advice you give in engaging at a political level, and obviously it's up to the politicians to decide.

We talked about how there's a high volume of cases and a higher volume of complex cases coming out of China. At the same time, we are in this process of free trade negotiations. We understand maybe extradition negotiations, maybe not. I'd like to understand how those things fit together when we have ongoing consular cases and at the same time we have other kinds of negotiations. Would the government say they need to start treating Canadian citizens with more respect if we're going to go forward here, or is the intention of the government to put those cases to the side and just focus on the negotiations, be they trade- or extradition-related and then leave the consular issues on a separate track?

**Ms. Heather Jeffrey:** I can assure you that from a departmental perspective, we view our duty to assist Canadians as one of the pre-eminent things that we do as a department. It's the part of our department that is the most public. It's the one where we directly provide services to Canadians. When we look at each case and determine that this engagement is in the interest and well-being of a particular client, that is seen as a pre-eminent duty.

In all cases where we see Canadians being mistreated, where we believe that raising those cases at different levels with different interlocutors is in the best interest of that client.... In some cases, it might not be in the best interest of the client to raise it at the political level, as it politicizes the case and might put them in further jeopardy, and that's an assessment we make with our mission on the ground. But where we believe that the security and safety of Canadians is at risk, we don't hesitate to raise cases, and it's done based on their well-being.

• (1215)

**Mr. Garnett Genuis:** You are speaking about that issue at the departmental level in terms of what the department is doing. To your knowledge, in terms of what's happening at the political level, is the government saying to countries like China that there needs to be movement in our approach to consular cases before we pursue certain other areas of co-operation? Or is the policy to put those issues to one side in the consular bucket, and instead focus on these other issues in direct discussions?

Is that something you are aware of or can comment on?

**Ms. Heather Jeffrey:** I am not going to talk about particular cases, but I will say that, generally, where we believe that Canadians are at risk and that interventions at a particular level or by particular interlocutors are going to assist in the well-being of that client, there

would be no hesitation in going forward. Consular services are a high priority for us.

**Mr. Garnett Genuis:** That's work you are undertaking. Maybe you can't speak to the way in which these political decisions are made, whether or not to prioritize these things in the context of a bilateral relationship, but I appreciate your sharing the particulars of the departmental role and priorities.

You talked about an agreement negotiated with China. I just want to be clear, because my understanding is that there are still Canadian citizens who are dual nationals in China who are not receiving consular access. Is that the case?

**Ms. Heather Jeffrey:** Yes. That is the case.

**Mr. Garnett Genuis:** Okay.

**Ms. Heather Jeffrey:** I think the MOU we put in place led to significant improvement in our ability to access clients, but our ability to access Canadians there is not universal.

**Ms. Lisa Helfand:** In some instances, the Chinese government does not recognize people to be Canadian citizens who we believe are Canadian citizens, and that's where there is sometimes a problem.

**Mr. Garnett Genuis:** Maybe you don't want to comment on this, but I think that's the situation of Mr. Celil, who was taken from Uzbekistan to China.

It is striking to me—and I will just briefly editorialize—that we can speak about a country that is improving and yet is still not allowing consular access to Canadian citizens. They're clearly out of step with their international obligations, yet we're pursuing other aspects of the relationship.

I want to ask about ransoms, and I want to clarify what Mr. Gwozdecky said. What I heard you say was that there isn't any empirical evidence that the decision to pay ransoms increases the probability of subsequent abduction. You said that people hypothesize based on the intuitive logic of the situation that maybe paying ransoms negatively contribute, but there's no empirical evidence.

Did I understand what you were saying on that point?

**Mr. Mark Gwozdecky:** What I said was that we have anecdotal evidence in the sense that we have isolated incidents where we have learned that money, from other parties, received by an organization through ransom contributed to its ability to launch further kidnap-for-ransom operations. However, in terms of whether there is a global database that shows, over a period of time, great number and how they might create a trend, we don't have that.

We do have a sufficient amount of anecdotal evidence that suggests to us that there is a direct linkage.

[Translation]

**The Vice-Chair (Ms. Hélène Laverdière):** Ms. Vandenberg, you have the floor.

[English]

**Ms. Anita Vandenberg:** Thank you.

I'd like to ask for some clarification on something brought up peripherally by Mr. O'Toole and Ms. Laverdière. It's around this idea of the crown prerogative. The crown prerogative, as far as I understand it, is not unlimited. It can be limited by legal obligations under Canadian law, international treaties, or constitutional obligations surrounding the charter. Am I correct?

• (1220)

**Ms. Heather Jeffrey:** Yes. That is the case.

**Ms. Anita Vandenberg:** In that case, there are those who are saying that because of the crown prerogative the decision to provide consular services, or when or how to provide them, involves some discretion. You mentioned the need for flexibility and adaptability. Some people are saying we need to put this in legislation, and there's talk of a protection charter or some kind of a legislated mandate to provide consular services. Because it is currently prescribed by the Constitution and the Charter of Rights and by international conventions, would that make a difference in the day-to-day application of the crown prerogative?

**Ms. Heather Jeffrey:** In our day-to-day allocation of the crown prerogative, in consular services we use all the options at our disposal to try to assist Canadians in the way that is going to be most beneficial to them. I don't see that the legislation of that would result in our making additional efforts beyond what we normally do. The fact that we have the crown prerogative allows us to be flexible in our choice of the means and mechanisms by which we assist in each individual case, but the overall level of service, which is to assist Canadians to the full extent of our ability, is a constant part of our policy.

**Ms. Anita Vandenberg:** What would the impact be? What would change if there were a legislated mandate?

**Ms. Heather Jeffrey:** It's difficult for me to speculate on that. It's a bit hypothetical. I can assure you that we look at every case and try to find every possible avenue to assist Canadians. I don't feel that we need additional legal authority to provide additional services. I believe we're doing that to the full extent of our ability, and that's certainly something our consular officers take great pride in.

**Ms. Anita Vandenberg:** Without going into individual details, can you tell me if you're aware of any cases where Canadians are denied consular services under this crown prerogative?

**Ms. Heather Jeffrey:** Not that I'm aware of.

**Ms. Anita Vandenberg:** Not in the recent past...?

**Ms. Heather Jeffrey:** Not in my experience.

**Ms. Anita Vandenberg:** Thank you. I appreciate that.

Did you want to answer that, Ms. Helfand?

**Ms. Lisa Helfand:** The only hypothetical instance in which we wouldn't offer consular services is if we thought we were putting our officers in danger. However, my experience is that any time that has been the case, we have found creative ways to offer consular services. I know of no cases for which we've denied any consular service.

**Ms. Anita Vandenberg:** That's very helpful. Thank you very much.

[Translation]

A report providing detailed results of an evaluation of Canadian consular services and international emergency services management was published in November 2012. This report included four recommendations for improving consular services and international emergency management services.

Has the minister implemented the recommendations from that report?

[English]

**Ms. Lisa Helfand:** We've certainly worked since 2012 on improving consular services, looking at ways that we can improve what we're doing, on the case of mistreatment in particular. We have been constantly improving the system since 2012.

**Ms. Anita Vandenberg:** One of the recommendations is that there be more collaboration between departments, and more communication. Is that something that since 2012 you have seen improve?

**Ms. Lisa Helfand:** We work extensively with other departments when necessary. I mentioned earlier, for example, the one point of contact for cases of abducted children. That's a network that we use. We reach out to other government departments quite often, for our complex cases in particular, so we have a very good network of contacts.

**Ms. Heather Jeffrey:** I'd just add that in the case of emergency response operations to mass consular events, we have a very elaborate network of dozens of government departments that we are working with to ensure we are able to bring Canadians home as quickly as we can.

**Ms. Anita Vandenberg:** In general, in your opinion, especially given your expertise in these areas, what specific areas do you think there could be improvement on?

**Ms. Heather Jeffrey:** We're always looking at ways to improve what we do and we seek feedback directly for that purpose.

Our ability to reach out to Canadians through different tools and means is something we've been working on in terms of the digitization of our tools and our efforts to reach out, not just when we have an urgent or emergency event, but also in advance, ideally proactively, to keep Canadians out of harm's way. That's something we're working on continually, always looking at new ways and new vehicles as technology changes.

The other aspect we're continually working on is our international ties and links, our collaboration with other governments, because we need that international collaboration not just in an emergency response but also to collaborate with others who face the same challenges for their citizens in efforts to resolve, bilaterally, cases in different jurisdictions where we need the collaboration of foreign governments. We are prioritizing that continual work to expand that network of understanding.

• (1225)

**Ms. Lisa Helfand:** The other thing I would add is that we're also building our network with the provinces. We're unusual in that we are a service provider face to face in the Department of Foreign Affairs, but often have to interface with the social agencies in the provinces. That is an important network that we have been developing and will continue to develop.

[Translation]

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you very much.

I would like to discuss two topics.

First, there are cases that have been dragging on for years. I am thinking of Mr. Maktal in Ethiopia, Mr. Celil in China, and the family of Joshua Boyle. I believe he, his wife, and family have been in Afghanistan for five years.

In these cases, is there a change in strategy as the file evolves? Is there any hope for these people? I am thinking of the Boyle family, which has been detained for five years now.

[English]

**Ms. Heather Jeffrey:** I won't speak about particular cases, but I will say that these complex cases that last for many years are so difficult for families. They're very difficult for those who are here and anxious about the well-being of their family members. They're difficult for the caseworkers, as well, who are very involved and in daily contact with these families, and all want a positive outcome.

We never give up hope. There is always a new avenue to try. There is always a new means of contact. Governments change in foreign countries. Their legal frameworks can adjust. Circumstances change. We are always alert and working with our missions on the ground to exploit any new opportunity or avenue to reach people.

These complex cases really show the importance of having an integrated response across Global Affairs Canada, and with our mission at work. It isn't just the consular service branch that is involved in resolving these consular cases. It's the whole network of other departments that bring their own expertise and resources to bear, and also within our department, the political and diplomatic advocacy and other resources we put in. We bring everything to bear in an effort to find an avenue to resolve cases.

We try different legal instruments. We try different approaches. We work with the clients, and with their lawyers in cases where detention is involved, to make sure we're exploiting every possible avenue. We never give up hope. We have long-standing relationships with the families in order to resolve these cases.

[Translation]

**The Vice-Chair (Ms. Hélène Laverdière):** Yes, in these very difficult cases of hostage takings, I understand that Global Affairs Canada works with the RCMP. Yet the RCMP does not always have jurisdiction in consular matters or in other countries.

I would like to add the following. Perhaps I am somewhat biased, but it is often the people from Global Affairs Canada who have a better understanding of the terrain, the context, the political actors, and the actors in civil society.

How is the relationship managed between Global Affairs Canada, the RCMP, and perhaps intelligence services in such situations? Are the roles clearly defined? Is there good cooperation?

Thank you.

● (1230)

[English]

**Mr. Mark Gwozdecky:** As I mentioned earlier on, we've had 20 such cases, unfortunately, over the last decade. In that time we've learned to work very well together with the RCMP, the military, and our intelligence services to refine how we approach these so-called critical incidents.

Not in every single case have we had a successful outcome. We've had some tragic outcomes, but in the vast majority there has been a safe release. We won't ever be satisfied until every single individual who's been abducted comes home safely.

As my colleague has mentioned, although we feel we work well together as the Government of Canada, we still can make things better. We are even today learning lessons from previous cases and trying to apply them, for example, to better support families who are going through trauma almost as acute as that of the individuals who have been abducted. There's more we can do to intensify our engagement with families, and that's just one example of the kinds of improvements we're constantly searching for.

[Translation]

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you very much.

I have one last question about Hurricane Irma. I would like to get a better understanding of what happened in the days leading up to the hurricane.

I believe certain airlines flew people to the threatened islands a few days before the hurricane. Is it departmental procedure to contact airlines and inform them of the approaching hurricane before it hits certain locations? What preventative measures were taken before the hurricane hit?

[English]

**Ms. Heather Jeffrey:** Yes. This is definitely part of our process and something that we take seriously, because it is the best way, actually, of making sure Canadians aren't in harm's way. Our travel advisory program is monitored and updated on a 24-7 basis, and they're in direct contact with those agencies that are tracking storms and looking at the path.

As we update those advisories, they're pushed out and we are in communication with airlines and commercial carriers who use those as triggers for their emergency action plans, designed to pull Canadians out of harm's way. For example, for hurricane Maria, we saw over 6,000 Canadians depart via their commercial carriers from the Dominican Republic in the two days immediately prior to the arrival of that storm. That prevented Canadians from being in the wrong place at the wrong time.

**The Vice-Chair (Ms. Hélène Laverdière):** Airplanes were also leaving Canada two days before to go to these islands. We're almost out of time, but could you comment on that very briefly? Thank you.



**Ms. Heather Jeffrey:** Our advisory systems are designed to inform all Canadians, and they are used by the industry as well to look at areas of risk. They are also tracking these storms carefully. We can advise but we don't control what choices people make.

One of the issues with storms of this nature is that the exact track and path and the likely impact can shift very quickly. In some cases, in big islands, you can have a section of the island that's affected, while other sections remain unaffected. These are judgment calls that have to be made. We put out the advice and we advise Canadians when we think there is an elevated risk for them to travel, and we do that based on the scientific evidence we have and we work with carriers—

**The Vice-Chair (Ms. H el ene Laverdi ere):** Thank you very much.

Mr. Sidhu.

**Mr. Jati Sidhu:** Thank you, Madame Chair.

I like the approach, actually, of never giving up and believing better is always possible, and I commend you for it. You're doing a great job. Thank you for doing that.

We touched on the fact of a lot more Canadians travelling abroad and the aging population. We expect to have more people travelling abroad. Despite the encouragement from your offices, what percentage of Canadians register before they leave or are on the ground? Do we have the numbers?

• (1235)

**Ms. Heather Jeffrey:** I don't think I have with me the exact percentage of Canadians who register vis- -vis the ones that travel. We'll have to look at that and get back to you in writing with the statistics on that figure.

**Mr. Jati Sidhu:** I don't know if I'm walking on the rights of Canadians, but some day would it be possible to introduce a piece of legislation to make registration mandatory? Would that help?

**Ms. Heather Jeffrey:** Up until now, we rely on the voluntary nature of Canadians to let us know where they are travelling. It's their choice, and some Canadians prefer not to inform us of where they are. We accept that. We work with the numbers and the information we have and we still try to use all the communication channels to reach those people who are there.

**Mr. Jati Sidhu:** The reason I asked is that, you know and I know, when there's a problem such as those occurring lately, they want help and then we don't know. The systems are down and they can't register and they can't approach us. That's the angle I'm coming from.

Would any piece of legislation help? Maybe Mark Berman would know the policy. Would any new piece of legislation help your department to help Canadians abroad in any way or shape?

**Ms. Heather Jeffrey:** Our role today is to speak to the policy as it exists and how we're implementing it on the ground. We're not really in a position to speak to the question of future legislation.

**Mr. Jati Sidhu:** What are the lessons learned? I think that was the biggest disaster we have had in the Caribbean. Going forward, with climate change around the world, we can expect more of those. Are

we ready to put more services in and train our personnel on the ground going forward? Where do you see this going?

**Ms. Heather Jeffrey:** As I mentioned, we have very elaborate emergency operations response procedures and centres. We've learned lessons from previous incidents, and that's why we have things like the 24-7 watch centre and the standing emergency response teams of highly trained consular officers who can deploy to supplement the capacity of our missions on the ground. We're learning lessons from each disaster to try to improve our flexibility and the tools we have at our disposal. Those tools came from the lessons of previous disasters.

So many category five storms in a short amount of time, and their overlapping nature, is unprecedented, so we'll be looking at that to see how we can improve our response and how we can make sure that we have a full range of tools to address some of the communications challenges when communications are down on the islands. There are always things we're going to be looking to. While this was a significant event affecting a number of Canadians, we're very fortunate that no Canadians were killed in this event. No Canadians were seriously injured. All in all, we feel fortunate that we were able to remove so many Canadians from harm's way, the many thousands who departed before the storms and the 1,700 after the storms we assisted in departing. We coordinated with others to use all the available means.

I wouldn't say necessarily that this was the most severe in terms of its impact on Canadians in terms of deaths and injuries. Certainly it was a series of storms that introduced some new dimensions to emergency response, which we are already mining for new ways to improve. Because we see that with global warming, there seems to be a trend toward more intense storms, we are working to address that.

**Mr. Raj Saini:** I would just like to clarify one point, because I think a lot of the discussion about the registry has been based on travel. Is there a separate registry for those people who are students or people who are living in a specific country permanently, or is it the same registry we're using?

• (1240)

**Ms. Heather Jeffrey:** There's one registry. For us it's valuable to know all Canadians who are there at a given point in time, whether they've been living there their whole lives or they're just there for three days, so we encourage all to register.

**Mr. Raj Saini:** There is just one registry.

**Ms. Heather Jeffrey:** Yes.

One of the things we are doing and encourage is proactive outreach on the part of our missions to not just the travel industry but to all the different institutions to make sure that the Canadians who are present register. That's part of our ongoing efforts.

**Mr. Raj Saini:** I'm curious about the DART. Could you just give me a little bit of insight as to how its deployment is decided? You mentioned in your opening remarks that this storm affected, I think, 17 islands, each with varying degrees of difficulty. Because this is not a standing force, as you know, it has to be rapidly deployed. People have to be called up. How does the decision-making go for where to deploy?

You're looking at the most severe damage on the ground, but you're also looking at the safety of the people on the DART. Just give me an idea of what sort of decision-making process you go through when you decide something like that. Is that under your purview?

**Ms. Heather Jeffrey:** That isn't actually under the purview of consular services. It falls under humanitarian assistance and disaster response, but we are part of an integrated task force format, so we work together to share information. What we've found is that the kind of information you need for a consular response is very similar to the kind of information that informs a very good humanitarian response on the ground, so we all work together. We're embedded with each other in the response centre. It's very effective in terms of communications.

Before any deployment of an asset, like the DART or any other humanitarian assistance response, we send a Canadian disaster assessment team, which is an integrated mission—with DND, Global Affairs, and our humanitarian liaison partners—to assess the conditions on the ground and decide what the most effective response is for that country. In some cases, it might be the assets that are provided through the DART. In other cases, it's different forms of humanitarian assistance. We make those assessments when we see the situation on the ground and determine what needs have been identified and how they can most effectively be addressed.

**Mr. Raj Saini:** You mentioned in your opening comments that 97% of consular cases are routine. That would leave 3%, which I calculated to be about 8,000 cases that are of varying degrees of difficulty. Irrespective of the difficulty, when someone is in an extreme situation in another part of the world and you repatriate them to Canada, what happens to that person after that? Do you arrange certain services for them, whether health care or psychological services, or is it that once they come to the border, they're sort of passed on to another agency or group that looks after them?

I just wonder what the process is because I know that to bring someone here there's a repatriation process, but even beyond that point, they probably still need some follow-up or help. How does that work in that case?

**Ms. Lisa Helfand:** Something we've become aware of in recent years is that we can't just stop providing services when people arrive at the border. I was talking about the links that we've developed with provincial authorities, and we have worked very hard to make sure that we have the proper links to be able to find someone a hospital bed, for example, if someone needs hospital care. This is very important, in particular in mental health cases.

We have also worked to make sure, for cases involving youth coming back, that we have somewhere for them to go. It's the same for women who are in difficulty. We have developed a network of NGOs and safe houses here where we can make sure that they have

somewhere to go so that they don't just come back and then have no recourse and fall through the cracks. That's something that we've developed over the past few years and are continuing to develop.

**Mr. Raj Saini:** I just want to bring up a hypothetical situation for my own understanding. I know that in certain parts of the world when disasters have struck, sometimes you have young children who are left behind and are survivors, and the parents have unfortunately passed away. If that situation were to happen to a Canadian somewhere or to a group or a family where the child was the surviving member, what would be the protocol then?

As I said, the repatriation would happen through your resources to the border, but how does that go beyond...? I'm not clear on the dividing line as to when consular affairs recuses itself and passes on the responsibility to someone else. I would just like to get an understanding.

**Ms. Lisa Helfand:** First of all, we work with the local authorities in the country, those in charge of child services, to make sure that there is some kind of care in place for the child, whether it be with other family members or with the local authority. Then we would work with the appropriate child services here to make them aware of the situation, and to make sure that they have all the information. We would then make the link so that they would be ready and available to receive the child when it arrives in Canada.

• (1245)

**The Vice-Chair (Ms. Hélène Laverdière):** Mr. Aboultaif.

**Mr. Ziad Aboultaif (Edmonton Manning, CPC):** Thank you, Chair, and thanks to the department for your presentation and your time today.

We're an immigration country. We have handed our citizenship to many people, many different countries in the world, and we see some countries that don't recognize dual citizenship.

How many resources and efforts do you have to put there just to deal with these countries, aside from other problems and issues in those situations?

**Ms. Heather Jeffrey:** I would say that we treat cases of dual citizens just as Canadians wherever they are. In cases where dual citizenship is not recognized by the country in which they are present and where our consular access is refused, we continue to make representations, to intervene with the local government, and to try all the avenues at our disposal to continue to raise those cases, but we're very challenged, I would say, in our ability to resolve some of those cases because our access can be limited.

We do devote considerable efforts to making sure that Canadians are informed and that they protect themselves before they travel. We devote the resources necessary to continue to try to assure their well being and to resolve their situations.

**Mr. Ziad Aboultaif:** Beyond the pre-travelling cautions that you give to Canadians, is there anything to demand from some of these countries as a policy change, or are we looking to change our own policies in order to overcome these situations?

**Ms. Heather Jeffrey:** Our approach with countries is to continue to insist on the fact that Canadian citizens are Canadian and that we have a right under the Vienna convention to provide consular services to them. We continue to insist on that right even in countries where that right is not recognized.

**Mr. Ziad Aboultaif:** Okay. So what can you do for Canadian citizens that are detained on the other side of the world in those countries in order to at least assist or to solve their problems, especially when we know that some of those cases are unfair or that a balanced approach is not being taken on the other side?

**Ms. Lisa Helfand:** The first thing we do is ask for access when we become aware of a case of a Canadian, whether dual or not. If we don't get access, then we will persist with the local authorities, insisting on getting access. That could be through informal means. It could be through diplomatic notes or diplomatic *démarches*.

Once we do get access, we have to get the agreement of the person that they want our consular services. If they do want our services, one of the first things we'll do is ask them for the name of their designated contact in Canada so we can liaise between their Canadian family and them. Then we can act as a conduit, for example, if they need money forwarded to them. We can also make sure that they have access to appropriate lawyers and have a list of lawyers provided to them.

One of the reasons we have a designated family member in Canada is that often they need to transfer money to pay for that lawyer. If there is any allegation of mistreatment, we'll make sure that that's looked into, and we'll also have a regular schedule of going to see that person. Most of all, we want to make sure that due process is followed in the criminal or civil matter that keeps them in jail.

**Mr. Ziad Aboultaif:** Do you believe that some of these countries do respect the Vienna convention, for example, or these international agreements fully when it comes to such circumstances, especially if the bilateral relationship is not all there in order to facilitate...in order to make some of those cases at least fair and just?

**Ms. Lisa Helfand:** In the vast majority of cases, the Vienna Convention is respected, and we get regular consular access to Canadian citizens.

• (1250)

**Mr. Ziad Aboultaif:** You said “in the vast majority”, so there are areas where the Vienna convention is not respected.

**Ms. Lisa Helfand:** There is an issue, as has been said earlier, with dual citizens and getting access. There are countries where it's more difficult to get access to our citizens. That's where we continue to insist that we be able to see the Canadian who's detained.

**Ms. Heather Jeffrey:** I would also just add that where countries don't recognize dual citizenship and continue to refuse access, we also explore other options, alternatives, to try to reach those Canadians. For example, the International Committee of the Red Cross, which has a special mandate to visit detainees in prisons, is often able to facilitate access for us where our consular rights are not being recognized by the receiving country.

**Mr. Ziad Aboultaif:** Which countries don't give due respect to the access and process of Canada?

**Ms. Lisa Helfand:** One of the things we found is that it isn't always consistent. I couldn't provide you with a list of countries that don't allow access to dual citizens. That's one of the situations we see. In some places, we'll get access to a dual citizen in one case, and then depending perhaps on the local authorities, not get access in another case. That's something we can point out to these countries as well, that we've had access to one Canadian citizen but not to another.

**Mr. Ziad Aboultaif:** What can any Canadian government do to change the status quo? We give our citizenship to so many citizens across the world, and I'm sure there are so many resources that you allocate there in order to be able to assist Canadians in different cases. What else can we do—any given government in Canada—or should we do?

**The Vice-Chair (Ms. Hélène Laverdière):** Please answer briefly, if possible, because we will have to suspend for a couple of minutes, and we have some committee business to deal with. Thank you very much.

**Ms. Heather Jeffrey:** In cases where countries don't recognize dual citizens or where we have challenges or that access is not consistent, that is where we try to work bilaterally with that country to put in place a different kind of agreement or to elaborate an understanding that is separate from an individual case.

We find that, in some cases, it's better to establish a common understanding. That requires diplomatic engagement and effort to try to put in place an understanding whereby they recognize our interest in accessing those citizens.

[*Translation*]

**The Vice-Chair (Ms. Hélène Laverdière):** Thank you very much for coming to answer our questions today. I hope we did not make it too tough for you. We are just beginning our work and I am sure we will want to see you again towards the end of our study, once we have heard from various witnesses and have further explored this issue.

It has been a pleasure seeing you and seeing some of you again.

[*English*]

We'll suspend for a couple of minutes.

• (1250)

(Pause)

• (1255)

[*Translation*]

**The Vice-Chair (Ms. Hélène Laverdière):** We have a very simple motion and I expect it will not be too complicated.

It reads as follows:

That the Committee host a working dinner with Mr. Ojars Kalnins, Chairman, Foreign Affairs Committee of the 12th Saeima (Latvian Parliament), on Monday, October 30, 2017.

If all goes well, we will begin the process and send an invitation indicating the time and place of the dinner.

(Motion agreed to.)

**The Vice-Chair (Ms. Hélène Laverdière):** The meeting is adjourned.





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