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• (1105)

[English]

The Chair (Mr. Ali Ehsassi (Willowdale, Lib.)): Welcome to meeting 56 of the Standing Committee on Foreign Affairs and International Development.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. Members are attending in person in the room, as well as remotely through Zoom.

I would like to make a few comments for the benefit of members.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike. Please mute yourselves when you are not speaking. Interpretation for those on Zoom is at the bottom of your screen. You have a choice of floor, English or French. For those in the room, you can use the earpiece and select the desired channel.

In accordance with our routine motion, I am informing the committee that all witnesses have completed the required connection tests in advance of our meeting.

Pursuant to Standing Order 108(2) and the motions adopted by the committee on Monday, January 31, 2022, and Thursday, February 2, 2023, the committee is holding a briefing with the ambassador and permanent representative of Canada to the United Nations.

It is now my great honour to welcome to our committee His Excellency Robert Rae, our ambassador and permanent representative to the United Nations.

Ambassador Rae, we're very grateful that you're joining us today. You have five minutes for opening remarks, after which we will open it to the members for questions.

The floor is yours for five minutes, sir.

His Excellency Robert Rae (Ambassador and Permanent Representative of Canada to the United Nations, Department of Foreign Affairs, Trade and Development): Thank you very much, Mr. Chairman.

I'm happy to give a brief report and then answer any of your questions. I very much appreciate the opportunity.

My work began in the summer of 2020 as Canada, the world and the UN were faced with a series of difficult challenges, including the worst global pandemic since 1918, the highest number of

refugees and displaced people since the end of World War II, serious conflicts both within and between countries that were exacerbated by the presence of extremist groups and authoritarian governments, climate change, and the financial, economic and social consequences of all these cascading crises.

[Translation]

As Ambassador I lead a diverse and talented team of foreign service officers, members of Canada's armed forces and police, as well as experts in supporting our needs in the fields of communications technology, information and our responsibility to host a myriad of events, visits, and conferences over a full schedule throughout the year.

When I first arrived in New York, the United Nations and Canada's offices in New York were affected by COVID-19. We are now operating at full speed and on all cylinders.

My first obligation is to lead this team, to co-ordinate our operations with headquarters in Ottawa, and to ensure that our work is conducted with integrity and intelligence. I am very proud of how we represent Canada and Canadians.

[English]

My additional duties include serving as chair of the UN Peacebuilding Commission from 2020 to 2021; serving as chair of the ECOSOC advisory committee on Haiti throughout my time in New York; and chairing a number of "group of friends", including those on Afghanistan, Myanmar, children and armed conflict, and financing for development. I've also served as chair of the New York working group of the assembly of states parties of the International Criminal Court, which means that I also serve as vice-president of the assembly from 2021 to the end of this year.

In July of this year, Canada will assume the vice-presidency of ECOSOC, which, together with the General Assembly and the Security Council, is the UN body whose responsibilities are set out in the UN Charter. In the ordinary course of events, Canada could expect to assume the presidency of ECOSOC in 2024-25.

Several additional crises have profoundly affected the course of our work as a mission. Both Iraq and Syria have been the source of ongoing issues involving conflict and displacement and refugee issues. The collapse of the elected government of Afghanistan and the takeover by the Taliban in December of 2021 created hundreds of thousands of displaced refugees. The treatment of women has led to the allegation of gender apartheid. We've been dealing with difficult issues affecting women in Iran and Afghanistan. In keeping with our feminist foreign assistance policy, it remains the focus of our activity.

The Russian invasion of Ukraine has led to millions of refugees internally displaced and to ongoing debates and discussions in the UNGA. The growing humanitarian and political crisis in Haiti involves Canada directly in many discussions. Myanmar and the Rohingya crisis have led to major issues of conflict, humanitarian disaster and important questions of accountability. We see the same thing happening in the Sahel. There are human rights crises in Iran, Afghanistan, China and many other places. We raise these on a consistent basis. We also have to deal with the displacement issue in Venezuela, Colombia and Central America.

This world in turmoil has a substantial effect on our work as a mission, on my role as an adviser to the ministers in GAC and the Prime Minister and his staff and, of course, on my role as ambassador here.

[*Translation*]

The world is a deeply troubled place at the moment, and my responsibility is both to report to Ottawa on the consequences on wars, conflicts, financial collapses, shifting loyalties and complex events, and to help explain to Canadians, members of the United Nations, and an active civil society how we see the world. My role involves both traditional diplomacy and defending our interests and values in the public sphere.

As leader of the Canadian delegation I am proud to be able to speak out on issues such as human rights, the rule of law, gender equality, Canada's feminist foreign assistance policy, peace and conflict, climate change and the other compelling issues of the day.

I am also proud to be able to reflect Canada's views in any number of closed door conversations among both like-minded countries and countries that often disagree with us as well as with each other.

• (1110)

[*English*]

I'm very pleased to answer your questions in the time available. I would also say that I'm happy to return to the committee whenever that is helpful.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Ambassador.

We will now go to the members for questions.

The first member is MP Genuis for six minutes.

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

Thank you, Ambassador Rae. I'm pleased to hear that you're happy to return to the committee again in the future. There are many issues, and it has taken a while to book you. Anyway, I will leave that there. We welcome you back again.

I want to start by asking about genocide recognition. We know that when the House of Commons recognizes a genocide, it doesn't necessarily mean that the Government of Canada recognizes that genocide, nor does it mean that it's advocating for that recognition internationally.

Your office could play an important role advocating for genocide recognition in certain cases on the world stage, but there have been a number of recent cases of genocide recognition in the House on which the government has not commented either way. I want to ask you about certain specific instances, whether your office is advocating for broader international recognition of those genocides and what the position of the Government of Canada is.

Let's start with the Tamil genocide at the end of the Sri Lankan civil war. Does the Government of Canada regard this as a genocide and is your office advocating for broader genocide recognition?

Mr. Robert Rae: It's not just my office, Mr. Genuis. It's also our office in Geneva, which is very involved in the issue of what's happened to the Tamils.

I have been very involved with this issue since my work at the Forum of Federations, going back to the end of the last century, so this has been a long time coming.

There are two questions around recognition. One is whether we describe things as a genocide in our speeches and in our comments. The answer is yes. The second is that the official or formal recognition of a genocide is something that takes place between state parties at the ICJ, the International Court of Justice, as you well know.

The UN does not normally make a declaration in the General Assembly with respect to that question, but it is something that we do not hesitate to mention in our speeches, whether it's to do with the situation affecting the Tamils, the situation affecting the Uighurs or many other situations with which—if I may say so, given our friendship over the years—both you and I are very familiar.

Yes, it is something that we discuss on a frequent basis.

Mr. Garnett Genuis: Thank you.

If I can sharpen the question to be precise, though, is it the position of the Government of Canada that genocide took place toward Tamils at the end of the Sri Lankan civil war?

Mr. Robert Rae: Not that I'm aware of. I have not seen that as an official position of the government. It doesn't take away in any respect from our ability as a delegation to refer specifically to the situation involving the Tamils. As you may know, this is something with which I'm extremely familiar.

Mr. Garnett Genuis: Do you use the word “genocide” when you refer to that situation in your dialogue with other countries or in your speeches? Are you able to use the—

Mr. Robert Rae: I have done, and I don't hesitate to have very candid discussions with other countries on that subject, as well as on a number of others.

Mr. Garnett Genuis: You use the word “genocide”. At the same time, you're not familiar with the Government of Canada taking that official position around recognition, but you don't see the lack of recognition by the government as an impediment to your using the word “genocide” in the course of your conversations.

Did I understand that correctly?

Mr. Robert Rae: That's correct.

Mr. Garnett Genuis: Is the same broadly true of the Uighur genocide?

Mr. Robert Rae: We have been very actively involved. Canada, in fact, led the way in the gathering together of a number of countries—I think we're now up to over 50—that have agreed with us with respect to writing a very strong letter to make a very strong declaration with a number of other countries on the situation affecting the Uighurs.

The fact that Parliament has stated that something is a genocide is something that I would frequently refer to in my own public speeches and utterances. I have no hesitation in using the word.

Mr. Garnett Genuis: Okay. It sounds like it's broadly the same. You use the word, but the Government of Canada's recognition is....

It seems to me that maybe sends a bit of a confusing message, but I'd certainly rather you use the word than not use the word. In that sense, I would encourage you in that, even if it maybe goes beyond the parameters of the words used by the minister.

Ambassador, I want to ask you—

Mr. Robert Rae: If I may, on that question, Mr. Genuis, I don't want to interrupt you, but....

On the Rohingya situation, for example, as you know, the Government of Canada is now intervening at the ICJ on the Rohingya genocide case.

• (1115)

Mr. Garnett Genuis: Yes, and we'll keep pushing on that.

In the time I have left, I want to add in one more question.

I'm hearing a lot of concern from people in various places in Canada about the situation in India. I wonder if you can share with us what the Government of Canada's position is with respect to the current situation in Punjab and in India in general. What is your perspective and the government's perspective on unfolding events?

Mr. Robert Rae: That's a huge topic.

India is the largest democracy in the world. It has a democratically elected government. The Government of India is one we have a strong and powerful relationship with as a government. They're a federal country. There's a tremendous amount of diversity in India.

The simple answer is no. Do we comment on the human rights situation in India? Not officially. Do I have conversations with other members of the General Assembly about what's happening in India? Of course I do.

I think it's a situation that I would distinguish from some of the others that you've mentioned in terms of how we respond to the situation in India.

Mr. Garnett Genuis: Obviously, it's distinct.

Can you share with us the nature of those conversations you're having, just in the interest of transparency, so we have an understanding of what is being said on our behalf?

Mr. Robert Rae: I think there is an ongoing debate in India itself about the question of nationalism, how that populist nationalism is expressed and what the treatment of various minorities in the country is. I don't equate that situation in the same way as I do some others.

Obviously, as you may know, I was asked by the Government of Canada 17 years ago to look at the Air India bombing. I became quite familiar with the challenges that gave rise to that tragic situation. I've always felt it's important for us to fully appreciate the fact that India has an elected government. It's a government that's elected and re-elected, and in which elections are challenged at the federal level in India, as well as in all the states.

It's a very different approach, if you like, than we would take in some other situations where the governments are not elected, not democratic and are highly repressive. One has to deal with these situations with a great deal of sensitivity and understanding.

The Chair: Thank you, Mr. Ambassador.

We next to go MP Sarai.

You have six minutes.

Mr. Randeep Sarai (Surrey Centre, Lib.): Ambassador Rae, it's good to see you back. It's always a pleasure to have you here at our committee.

I'm going to ask you more about what happened in Ukraine.

Can you walk us through the horrible day when Russia illegally launched an invasion into Ukraine? Perhaps, what were you doing at the time? Who did you talk to? What did your multilateral engagement look like? What were your counterparts thinking at the time?

If you could enlighten us, that would be great.

Mr. Robert Rae: As you may know, Randeep—if I may—I was here in New York. We were watching very carefully with a great deal of concern the growing speculation that Russia could, in fact, launch an attack on Ukraine. The Security Council was meeting in the evening at the very time that the war was launched. The Russian member, the chairman of the committee at the time, was not aware of the fact that this was about to happen. I don't believe he knew. He certainly didn't indicate that he had any idea about it.

As it unfolded that evening, it became clear that the attack was going to be a very direct assault on Kyiv, the capital of Ukraine, as opposed to much speculation that the war would be limited to on-going conflict in Donetsk and Luhansk. What we saw right away was that this was going to be a massive attack.

A number of us were there together talking with each other about how we would respond. The answer was that we were going to do everything we could to make sure that, because we knew the Russians would exercise a veto over anything that the Security Council might or might not be able to do, the centre of action shifted to the General Assembly, which is exactly what happened. We were very much part of those conversations and discussions about how we would proceed together, what the resolutions in the General Assembly would look like and how we would begin to mobilize international support for what was taking place.

At the same time, we needed to start having conversations with the UN Secretariat and with the organization known as OCHA, which is the humanitarian coordinating agency of the UN, about how we would have to be able to mobilize all of the on-the-ground efforts to support people who would be so much affected by the war as it unfolded.

Obviously, I was in constant conversation with officials in Ottawa, both on the phone and through emails, etc., talking about how we would coordinate our activities and what it would mean, as well as activities that would be taking place in Geneva and elsewhere.

It was a very busy time. February 24 was not a date I am going to forget very easily. It was a very dramatic moment.

• (1120)

Mr. Randeep Sarai: Ambassador Rae, could you also tell us what your conversations with your counterparts are with respect to sanctions and the military and humanitarian aid that has been given to Ukraine?

Has it been effective? Have there been repercussions in terms of some of the countries that are typically receiving potash, fertilizer or grains from that region? Has there been a domino effect in terms of any negative impact on them and vice versa? Has the impact been weakening Russia in regard to its aggression against Ukraine?

Mr. Robert Rae: On the question of the overall impact, I think there's no question that the fallout from the war and its economic and social impacts have been enormous. It has been on Ukraine. The humanitarian situation in Ukraine remains extremely difficult. Bombs can come at you anywhere in the country at any time. It's clear that Russians have been targeting civilian infrastructure and civilian sites. They've killed thousands and thousands of innocent people who are not involved in the conflict.

It's had a traumatic impact on Ukraine, but it's also had a strong economic and social impact on the rest of the world, because Ukraine, as you pointed out, is a major supplier of food and fertilizer. The ports in Ukraine have been widely used, through the Black Sea, to get food products throughout the world. Those supply lines were disrupted. A number of the ports, including Mariupol, were completely and utterly destroyed. Russians have continued to bomb in Odessa, despite the fact that there's a deal now to get the grain

out. The impacts have been extraordinary, as I said, on the people of Ukraine and globally.

Globally, naturally, I have to say there was a perception expressed by a number of countries that the west is responding this way to Ukraine and Ukrainian refugees, to the humanitarian needs with the amount of aid that we're supplying, but when it came to their situation they don't see the same level of response. That's been an ongoing challenge for us, as one of those countries that has been so supportive of Ukraine, to say that we can actually be supportive of more than one group at a time.

I think Canada's immigration policies and our refugee policies have helped us in terms of our own credibility as a country in saying, "Here's what we're doing across the board." We have, subject to what happens this afternoon at four o'clock, maintained a very high level of support and assistance to a number of countries. We have maintained our emergency assistance. We've maintained and increased our support for the humanitarian agencies, for OCHA, not only in the work that it does in Ukraine, but throughout the world. Our overall share of the UN budget remains very high. We're among the top-10 donors to the United Nations and all of its agencies. We're keeping a strong position in talking to African countries, Asian countries and others that are recipients of large amounts of food products and other things from the region. We're saying that we're doing what we can to help.

I don't think anyone should underestimate the impact of the food inflation, the impact of the cost of inputs into agriculture and the overall impact this is having on developing countries. It's had a serious impact on their financial, economic and social situations. I don't think we should underestimate it.

• (1125)

The Chair: Thank you.

We now go to Mr. Bergeron.

You have six minutes, sir.

[*Translation*]

Mr. Stéphane Bergeron (Montarville, BQ): Thank you, Mr. Chair. I trust you will be as indulgent with me.

I'm very pleased to see you again, Mr. Ambassador. We've been waiting a long time to see you. I had even requested your appearance before you were appointed Ambassador and Permanent Representative of Canada to the United Nations, so that you could present your views of the mandate associated with this role. Unfortunately, for all sorts of reasons, which would take too long to explain here today, it was not possible. We finally have an opportunity today to see and hear you.

My understanding of things, and you can tell me if I'm wrong, is that your role consists of representing the interests of the Government of Canada, presenting a positive image of our country abroad, and maintaining cordial and respectful relationships with foreign states, particularly our allies.

As you know, there are two views of coexistence in this country: one that is multicultural and Anglo-Saxon, and another, more French and republican in origin, with a focus on secularism. Neither vision is better or worse than the other, but both need the mutual respect of the entire population of our country at this time.

On December 12, 2021 you re-tweeted a tweet from Ms. Elghawaby, who had not yet been appointed Canada's Special Representative on Combatting Islamophobia, which was incredibly critical of Quebec and Bill-21. You said:

[English]

“There is a deep, discriminatory meaning to this law. It clearly runs counter to the Universal Declaration of Human Rights.”

[Translation]

Do you think that by making such a statement, you may have somehow damaged Quebec's and Canada's image abroad?

Mr. Robert Rae: Not at all, Mr. Bergeron. There are many visions or ideas about Canada. You just described two of them, but we could talk about dozens of others. I think it's important to reflect that.

Ever since the beginning of my public career, I have always talked about the importance of respecting human rights, Canadian pluralism and Quebec specificity. I've been on behalf of that for a long time. I did so during numerous constitutional debates, when I was a federal MP, when I was the premier of Ontario and when I engaged in discussions surrounding the Charlottetown Accord. Throughout my life, I've shown respect for Quebec's uniqueness and its distinct society. I'm a confirmed federalist, but for me, federalism does not mean a centralizing government. What it means is that the government respects differences in the country's and the provinces' areas of jurisdiction. That's the position I have always taken.

As for the tweets you mentioned, I was stating my personal opinion, as I do in all my tweets. I work closely with Canadian public service professionals who wear the hijab. And of course I treat their opinion as equal to mine, and I will continue to support their work. I will leave it to others to discuss Bill-21, which is now before the courts in Quebec and Canada.

Frankly, I have always shown a great deal of respect for Quebec's opinions on diversity. For example, last week, Ms. Desbiens was part of our delegation attending the United Nations Water Conference. I am always respectful of people from Canada's Parliament who come to explain their opinions.

I am, of course, aware of the debate that followed my tweet, but I'm not going to pursue it further. I had never intended to engage in it and I'm not about to do so today.

● (1130)

Mr. Stéphane Bergeron: Thank you, Mr. Ambassador.

I'm sorry that we have never had the opportunity to converse in person. I know that you sometimes come to Ottawa. In fact I once had the opportunity to meet you at the parliamentary restaurant.

Mr. Robert Rae: Yes, I remember.

Mr. Stéphane Bergeron: You opened the door to discussion a few moments ago, and so I hope that we will have an opportunity to chat at greater length.

According to an article in the *Journal de Montréal* on December 13, 2019, several European countries, including France and Belgium, and some Swiss cantons and German länder, among others, have regulations or statutes that are analogous to Bill-21. In some instances, they went even farther by prohibiting the wearing of religious symbols in public places.

As the ambassador, would you say that French secularism, let's say, has a discriminatory aspect to it and contravenes the Universal Declaration of Human Rights?

Ms. Rachel Bendayan (Outremont, Lib.): I have a point of order, Mr. Chair.

[English]

The Chair: Mr. Ambassador, perhaps you could answer in less than 30 seconds.

[Translation]

Mr. Robert Rae: There will always be differences of opinion on multicultural policy. Nevertheless, I'd like to return to something you said, to the effect that multiculturalism was an Anglo-Saxon idea. I completely disagree with that statement, Mr. Bergeron.

We live in a democracy and people can have different ideas. I continue to defend Canada's position and the position of the provinces. Canadian diversity is central to what I do in New York.

I'd be glad to return to Ottawa if you would like to see me.

[English]

The Chair: Thank you, Ambassador Rae and Mr. Bergeron.

[Translation]

Mr. Stéphane Bergeron: That would give us an opportunity to discuss the issue I just asked you about.

Thank you, Mr. Ambassador.

[English]

The Chair: Thank you.

Ms. McPherson, you have six minutes.

Ms. Heather McPherson (Edmonton Strathcona, NDP): Thank you, Mr. Chair.

Thank you, Ambassador, for being with us today.

I also want to take a moment to thank you for the work you've done with regard to Ukraine. I was there recently. I saw, just as you described, that civilian targets have been the target of Russia. It's a horrendous war. I appreciate your voice on that.

Ambassador, you spoke a lot about how the world is deeply troubled and all the challenges we face. One concern I have, as a Canadian, is that I don't understand our response to human rights around the world. It doesn't seem equitable. It doesn't seem fair. It seems like we pick and choose when we protect human rights and when we don't.

The first few questions I'd like to ask you are with regard to your role within the United Nations and Canada's record of voting with regard to Israel and Palestine. I don't think you'll be surprised to hear that I have some concerns about that.

In recent years, Canada has voted against resolutions that call on the international community to increase humanitarian assistance to Palestine. We voted against a call that urges Israel to stop violating international law in occupied territories. We voted against reaffirming that Israel's settlements are illegal and an obstacle to peace. We voted against urging Israel to comply with provisions of international law.

Ambassador, Canada is in a minority of votes with these resolutions. We've joined Micronesia, the Marshall Islands, Nauru, Togo and Palau. We have not joined Norway, Sweden, Germany, the U.K., France and Denmark. This year, in particular, Canada voted against a resolution calling on the International Court of Justice to seek a simply advisory opinion on the illegality of Israel's occupation of Palestinian territory.

I remind you, Ambassador, that Canada is very strongly calling for justice for Ukraine. I have been part of that call. We all, in this place, have been part of that call, but I don't understand why we have a different lens for different regions.

Can you explain to me why Canada continues to vote against calls for justice and for Palestinian human rights?

Will Canada's vote change in the coming year as a result of the dangerous policies of the extreme right-wing government in Israel and the growing crisis, which is negatively impacting both Israelis and Palestinians?

• (1135)

Mr. Robert Rae: I'd make a couple of points in response to your question.

The first one is that the decisions on how we vote are made by the Government of Canada, by the minister and by discussions in the Prime Minister's Office and elsewhere. I think that those discussions would be best held on the floor of the House of Commons. I'm not here to debate with you about one vote or another.

I would take issue with one comment you've made, which is that our position on human rights is inconsistent as it relates to the situation in the Middle East. Our position with respect to the Middle East is very clear. It's set out on the website of the Department of Foreign Affairs. It's very clearly stated with respect to our support for two states for two peoples, which has been our position since the late 1940s.

The government—both in Mr. Martin's years and Mr. Harper's years, and now in Mr. Trudeau's time—made a decision some time ago that we were not going to pick and choose between a whole slew of resolutions placed in front of us—

Ms. Heather McPherson: I'm sorry to interrupt, sir, but with all due respect, you are inconsistent in your voting.

Mr. Robert Rae: Am I not allowed to respond, Madam?

Ms. Heather McPherson: Yes, go ahead.

Mr. Robert Rae: I didn't interrupt you.

You'll forgive me if I respond by saying I think that the decision we made with respect to how we vote on the Middle East is a decision we've made to say, "Look, we're not going to pick and choose between a number of resolutions." That's a position the government has taken at the moment. Whether that position will change or not, I don't know.

I'm happy to tell you that the Government of Canada has been very consistent. In fact, I tweeted about it two days ago. We believe the rule of law should protect everyone in Israel and Palestine. We believe that everyone should be protected by the rule of law. We believe it's critically important that there be two states for two peoples.

We disagree profoundly with those people who say the Palestinians do not have a right to self-determination. We believe they do. We believe the parties have to decide, together under the rubric of international law, how they are going to negotiate their way to a better solution. The fact that they've not been able to—

Ms. Heather McPherson: Mr. Ambassador, I am going to interrupt you. You know the deal. You know that we only have a limited amount of time for our questions, so I want to make sure we don't run out of time.

Knowing the reality right now, first of all, I will say that I find the voting has been incredibly inconsistent with the two-state policy, as I've outlined already.

Extremists within the Israeli government are now in charge of security inside Israel in the occupied territories. They are threatening the annexation of Palestinian territory, which is in violation, as you know, of international law. Just yesterday, the leader of the Israeli government promised to create a militia under the control of the extremist Ben Gvir. The Israeli government is telling us very clearly that it plans to continue to violate international law and the very principles of the United Nations.

How can we continue to justify this?

One thing I'd also like to point out is that thousands of people in Israel—and, in fact, Jews around the world—are protesting against what the government is doing. Surely, the Canadian government can have the courage to vote with the Israeli people and against some of these very far-right decisions.

Mr. Robert Rae: You're commenting on a number of things. One of them has to do with the internal decisions of the Israeli government with respect to the internal politics of Israel, which I'm not going to spend a long time commenting on.

With respect to the impact on the West Bank and Gaza, the impact on the Palestinian people living in that part of the country and that part of the world, and the people who are there....

First of all, any annexation is illegal. Canada's position is very clear on that. We've been very clear with respect to any prospect of an annexation. I have to express my own deep concern with respect to some activities that amount to de facto annexation. I think that's something we have to pay attention to as a government. The final decisions with respect to votes, as I've said before, are going to be made by the government. They're not made by the mission here in New York. Those are decisions that are made by the Government of Canada and that's where the debate should be taking place.

Ms. Heather McPherson: Do you agree with those decisions, Ambassador?

Mr. Robert Rae: I don't have the luxury of agreeing or disagreeing. I have the luxury of doing what the position of the Government of Canada is. I'm explaining that as best I can.

The Chair: Thank you, Mr. Ambassador.

Now we go to a second round of questioning. For this round, each member has four minutes.

We start off with MP Epp.

• (1140)

Mr. Dave Epp (Chatham-Kent—Leamington, CPC): Thank you, Mr. Chair.

Thank you, Ambassador, for joining us today.

You're the one who raised that your public service began in the last century, so I'll acknowledge that I began intersecting with your government in Ontario also in the last decade of the last century, particularly with your Minister Buchanan.

I'll come back to food in a moment, but I want to start with the Wagner Group. Their presence is being felt throughout sub-Saharan Africa and many other parts of the world. In particular, of course, Russia is now using them in Ukraine.

A recent study that we just completed here at the foreign affairs committee recommended that they be listed as a terrorist group. Can you comment, please?

Mr. Robert Rae: Thank you, Mr. Epp. It's good to see you again.

Any determination of a terrorist listing is made by your colleagues in Ottawa. I'm sure the government will have a very serious look at that.

The use of a private army anywhere in the world is a source of concern. The use of the Wagner Group is of particular concern because of their record, because of the way they conduct themselves and the way they have conducted themselves. The fact that they are being widely used in Africa is a source of tremendous concern to me. It's of tremendous concern to the government.

I think it can be partly explained by the challenge facing peacekeeping. The Secretary-General is going to be releasing a report in the next few weeks on the future of overall peacekeeping in the UN system. We will be joining very vigorously in that discussion, be-

cause I think we all have a lot of concern about ensuring the public effectiveness of peacekeeping.

One has to say that the government of Mali made a decision to invite the Wagner Group in. The Wagner Group is also active in the Central African Republic. The overall situation in the Sahel and in other parts of Africa is a source of tremendous concern to us as we look at what the impacts have been.

On the particular question you raised about the terrorist designation, that's a decision for the federal government.

Mr. Dave Epp: Thank you.

You've commented earlier with respect to genocide that you have no issues declaring your opinion on that.

Can I ask your opinion of genocide with respect to Russia's invasion of Ukraine?

Mr. Robert Rae: There are a lot of genocidal elements to it. There's no question about that. There is their disrespect for culture, the disrespect for children, the abduction of children and the kidnapping case that the ICC is now taking. They're taking it as a separate war crime, but as you know, under the genocide convention, one definition of genocide is the deliberate intent to destroy the cultural life and the cultural vitality of a people's language and a people's way of life.

Ukrainian people have been through a lot, historically. I think we've all learned a great deal about the nature of—

Mr. Dave Epp: Thank you, Ambassador. My time is so limited.

I want to touch a bit on food and fuel. Ukraine was such a breadbasket. My grandparents were all born there. That's my heritage. So many food-insecure nations depend on the trade from that region.

What more should Canada be doing with respect to fertilizer and fuel, etc., particularly for the food-insecure nations of the world and also for Europe?

Mr. Robert Rae: It takes time to build up the capacity, but we have an opportunity to do more. I believe that. I think the government is trying to find those opportunities in terms of our own production. However, I also think that we have been doing a lot behind the scenes to really support the Secretary-General and the work that he's being doing in trying to keep the port of Odessa open and trying to deal with the supply situation.

We now have to look at how long this war could go on and the impact that it's having on an ongoing basis. That's where I think we really do need to look hard at what the impacts are, particularly in Africa, and in parts of the Middle East and Asia, where the supply situation is extremely serious and where its ongoing impact on the economies of those countries is extremely deep.

We have to recognize that the continent of Africa, which includes so many countries, is a continent to which we're going to have to pay a lot of attention, simply by virtue of what the impacts of what has taken place in the past while have been on that.

The Chair: Thank you, Mr. Ambassador.

We now go to Madam Bendayan.

You have four minutes.

• (1145)

Ms. Rachel Bendayan: Thank you, Mr. Chair.

Thanks, again, to you, sir, Mr. Ambassador, for returning to this committee. I would remind my colleagues that you were here in February of last year, and it's a pleasure to welcome you here again.

I would like to touch on something that occurred last night on Parliament Hill. We were able to meet with Masih Alinejad and Nazanin Boniadi, as well as others from the Alliance for Democracy and Freedom in Iran. We were, several members of the government and of the Senate, encouraged as parliamentarians to use the term "gender apartheid". I noticed that you, Ambassador, used that very term here today before our committee.

Can you expand on the importance of using that term, and perhaps give us some sense of whether it is being used to an increasing extent at the United Nations and in other international fora?

Mr. Robert Rae: It's certainly being used by a number of people. I think that for reasons around the legal definitions one has to look at whether gender can be seen as part of it, because it's now identified in its legal definition as a racial term and not as a term that applies to gender. The reason I use it is that people understand instantly what it means. It's this attempt to impose an entirely misogynist ideology on countries to deny the rights of women on a systematic basis, which we see taking place in Afghanistan, we see taking place in Iran and we see taking place in other countries.

Quite frankly, the growth of these misogynist, authoritarian and patriarchal ideas is something we have to continue to fight against. Canada's very active in that fight. I was speaking at a conference where Masih Alinejad was speaking, and we had an opportunity to talk about these issues. I've met a lot with women from Iran as well as women from Afghanistan, and Canada's very active in leading this fight. I'm very proud of that.

Ms. Rachel Bendayan: Thank you, Ambassador.

I, too, am proud of that. Thank you for leading the charge at the United Nations in representing us so well and in representing Canada's views with respect to what is happening in Iran.

I would be remiss if I didn't touch on the fact that only a few days ago President Biden came to Ottawa and made an address to Parliament. In his address, he concluded by saying that we have an incredible opportunity, and I'll quote him. He said:

...we have an incredible opportunity to work together so that Canada and the United States can source and supply, here in North America, everything we need for reliable and resilient supply chains.

...Canada and the United States can do big things and stand together, do them together, rise together. We are going to write the future together....

I don't want to touch, of course, on what will happen at 4 p.m. this afternoon, but do you get the sense in the United Nations that Canada and the United States are not only aligned with respect to economics but also aligned with respect to security concerns and also with respect to all manner and all aspects of our relationship? Do you get that sense today, in the halls that you are in, that Canada and the United States are very much aligned today, more than ever?

The Chair: Mr. Ambassador, you have less than 30 seconds, please.

Mr. Robert Rae: We work very closely with the United States, but I want to emphasize that we work very closely with a number of countries. We also work very closely with a number of countries with which we are not always in entire agreement, but there's a need for us to work closely.

I think we work here in a very multilateral context as a middle power and a country that's so deeply dedicated to the principles of multilateralism and the rule of law. But of course the United States is a very important partner for us.

The Chair: Thank you.

We will now go to Mr. Bergeron.

You have two minutes, sir.

[*Translation*]

Mr. Stéphane Bergeron: Thank you, Mr. Chair.

I'd like to begin by pointing out that I found the question from our NDP colleague particularly interesting given that you appear to have a variable-geometry vision of the defence and promotion of human rights, and also of whether or not you are authorized to comment publicly on a personal basis.

I'll repeat my question, Mr. Ambassador.

Would you say that secularism as practised in France, for example, has a discriminatory component and contravenes the Universal Declaration of Human Rights?

• (1150)

Mr. Robert Rae: I would say that the manner in which we defend pluralism and the fact that we are a multiracial and multicultural country is for me an important principle. You are entitled to your opinions Mr. Bergeron and the Government of Quebec has the right to take action in its fields of jurisdiction. It will be up to the courts to decide whether the position it is taking is constitutional. At the same time, I think you should accept the fact that many Canadians do not support this policy.

What I did was take a moment once again to defend the multiculturalism principle and the multiracial and pluralistic nature of Canada, because it's an important principle.

Is Canada Europe? No. Our experience is different. Canada is not precisely in the same position as other countries, and I accept that.

I also accept the principle according to which people have the right to practise their religion or to be of any faith while still serving the State. I don't agree with the idea that one should have to choose between one's religious identity and one's democratic identity. I think people can have both. I fully accept that we have the right to...

Mr. Stéphane Bergeron: Mr. Ambassador, I simply wish to point out that...

[English]

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

[Translation]

Mr. Stéphane Bergeron: ... I fully agree with you about the fact that people can practise the religion of their choice and serve the State. What we're talking about here is simply the wearing of religious symbols in performing their duties.

[English]

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

[Translation]

Mr. Stéphane Bergeron: I believe that it's a point of view that can be defended and that deserves respect.

[English]

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

Ms. McPherson, you have two minutes, please.

Ms. Heather McPherson: Thank you very much.

Again, Ambassador, thank you very much for being with us today.

Ambassador Rae, I know that you've done quite a lot of work on disarmament, but in 2014 you were a member of this committee when it studied Canada's proposed cluster munitions legislation. Right now this committee is undertaking work where we are reviewing legislation that will be looking at similar pieces.

At that time, you expressed your opposition to section 11 of the act, which permits Canadian Forces members to order the use of cluster munitions weapons. You said this "stands in stark contradiction with the fact that Canada is opposed to the use of these bombs."

I'm bringing forward an amendment to this bill that's before us that would fix, finally, the cluster munitions act in a section that you once said had a serious problem. Will your government be supporting this amendment? Do you know?

Mr. Robert Rae: I have no idea.

You know, I was in politics long enough in a previous life to know and appreciate what a gotcha question looks like, so congratulations. The problem with my life is that my every thought is in print. You will always find me having said something, and you can use it any way you like.

Ms. Heather McPherson: To be fair, I review all the work that many of our great leaders have brought forward, so there you have it.

Mr. Robert Rae: It's all on the public record. You're certainly entitled to quote from it, but I'm not going to get into the middle of the current debate that's in front of the committee.

Ms. Heather McPherson: This is on the public record from 2013. I'm just wondering whether your opinion has changed since then.

Mr. Robert Rae: I have not changed my mind since then, no. Personally, no, my mind has not been changed.

Ms. Heather McPherson: Do you believe that by having cluster munitions, and by having this section 11 within the legislation, it actually puts our military personnel in a precarious ethical situation, where they are often asked, or they could be asked, to transport, to use or to be part of the practice of using cluster munitions?

The Chair: If you could answer in less than 20 seconds, Mr. Ambassador.

Mr. Robert Rae: I really don't think it's fair to expect me to answer that question the way you posed it. I said what I said, when I said it. I have not changed my mind.

It's up to the committee, and it's up to the people who are working in the committee, to decide how they're going to vote and what they're going to do. What the position of the current government is, frankly, has not been discussed, and I have not been asked for my opinion, one way or the other.

I'll let you solve it.

• (1155)

Ms. Heather McPherson: It is good that your opinion has not changed.

Thank you.

The Chair: We now go to MP Kramp-Neuman.

You have two minutes.

Mrs. Shelby Kramp-Neuman (Hastings—Lennox and Addington, CPC): Good morning, Ambassador Rae.

Back in February 23, 2022, you acknowledged that it's never too late to stop, and it's never too late to make a turn for diplomacy.

I think we can recognize, together, that with Russia only showing more signs of sustaining its military campaign in Ukraine, the hope of any diplomatic pathways is weakening. Could you possibly speak to our support in Ukraine? We need to support Ukraine unequivocally. We need a very decisive win.

I'll allow you to elaborate a little on that. Because of the nature of time, could you also acknowledge a little further your comments with regard to the position of Canada on the invasion of Ukraine and how it constitutes genocide?

Mr. Robert Rae: On the genocide question, one has to look hard at President Putin's speeches to determine what the intent of Russia was in launching the war.

I have no doubt in my mind, based on what I've read, seen and heard him say publicly—I've been a Putin-watcher for quite a while—that he recognizes the independence, the sovereignty and the separateness of Ukraine, Ukrainian culture and Ukrainian people. That's why I think that the “genocide” word is not inappropriate.

On the question of what Canada has been doing, I think Canada's record, frankly, has been exemplary on sanctions, on military supplies and on our full-out support for what Ukraine needs when it needs it. I think we've responded to every request. The response to the support has been political, military, diplomatic, humanitarian, and it's covered the full force of what needs to be done.

Could we do more? Of course, everyone can do more. We will do more. The Prime Minister has made it very clear in all of his statements how we're ready to respond and to respond in an effective way.

Mrs. Shelby Kramp-Neuman: Thank you so much.

Could you confirm—

The Chair: I'm sorry. You're out of time. You're over two minutes.

Mrs. Shelby Kramp-Neuman: Thank you.

The Chair: For the last question, we go to MP Zuberi.

You have two minutes.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chair.

Thank you, Ambassador Rae, for being here. It was good seeing you during President Biden's address in Ottawa last week.

I want to ask a question around Haiti. The subcommittee of the foreign affairs committee has been studying Haiti.

Can you elaborate a bit about the situation as it is currently? How do you see things going in the future for states that are involved within the region?

Mr. Robert Rae: The situation in Haiti is very serious. Gangs have taken over much of the country and most of Port-au-Prince. The condition facing women and children in the country is serious. The lack of food is serious. It's truly a deeply troubling situation.

We are responding with a basic principle in mind: It's really a primary responsibility of the government—and frankly the people of Haiti and the political leadership of Haiti—to take the assistance that's being offered and to do everything they can to restore public order and then to restore a democratic path for the country towards an election.

There are people who say the Haitians can't do it on their own. The government has indicated that it wants to try to make that happen. It wants to create the conditions in which that can happen. The support that we're offering is frankly unprecedented, and we're going to do more. We're working hard to make sure not only that civil order can be restored but also that civil rights can be maintained. We don't think that order and rights are contradictory. We think you need to have both. You not only need to have public safety, but you

also need to make sure that you have democratic rights that are respected.

Right now, the gang violence is terrible, and the disrespect by the gangs for the people of Haiti is appalling. We have to do everything we can to disrupt the gangs but do it in a way that puts the forces of Haiti in the forefront.

The reason we're doing that is that there are serious consequences to other forms of interventions that we need to appreciate. Not all previous interventions have been successful and sustainable. It's that principle of sustainability that we have to continue to keep our focus on. That's really what we're trying to do.

• (1200)

The Chair: Thank you very much, Ambassador.

On that note, that brings our questions to an end. As always, it was a great pleasure and a great honour to have you here with our committee. Thank you for all of the tremendous work you're doing down in New York and for leading the charge, as you always do.

Thank you very much.

Mr. Robert Rae: Thank you, Mr. Chair.

If I may say, just on a personal note, that I was delighted, Mr. Chairman, that you were able to join us in New York during the time of the debate on Iran. I want to stress to other members that you are all welcome to come, if you can, to sessions of the General Assembly, to sessions of the UN. We will always welcome you here and will find ways of providing you with the assistance that you would like to have.

As I've said before, I'm quite happy to come back to the committee. It's sometimes difficult to schedule, not just for me but apparently for you as well, but I'm more than happy to do that. I really appreciate the chance to be with you today.

Thank you very much for the opportunity.

The Chair: Thank you very much.

We will now suspend for a couple of minutes before we move on to the second panel. It will be no more than two minutes.

Thank you.

• (1200)

(Pause)

• (1205)

The Chair: Welcome back, everyone.

Pursuant to the order of reference of Wednesday, November 16, 2022, the committee resumes consideration of Bill C-281, an act to amend the Department of Foreign Affairs, Trade and Development Act, the Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law), the Broadcasting Act and the Prohibiting Cluster Munitions Act.

Now it's my great pleasure to welcome our two esteemed panelists.

First, we have Mr. Alex Neve, who, as you all know, is the senior fellow at the graduate school of public and international affairs at the University of Ottawa. We also have with us, from the foundation of Safeguard Defenders, Ms. Laura Harth, who is the campaign director. She was here last week as well, appearing as a witness before another committee.

We're very grateful to have you both.

First, we will start off with opening remarks by each of you, which will be followed by questions from the members. You will each have five minutes. Once you're very close to the end of your time slot, I will hold this up and I would be grateful if you wrapped up your replies or comments as soon as possible.

Given that you are here in person, Mr. Neve, the floor is yours. You have five minutes.

• (12:10)

Mr. Alex Neve (Senior Fellow, Graduate School of Public and International Affairs, University of Ottawa, As an Individual): Thank you, Mr. Chair.

I thought you were going to suggest you would be taking a selfie of us or something.

It's a pleasure to be here with you as you look at this important legislation.

Since the adoption of the Universal Declaration of Human Rights almost 75 years ago, states have developed an extensive range of standards, bodies and processes for protecting human rights internationally.

There are 18 core UN human rights treaties and option protocols. Ten expert committees oversee state compliance with those treaties. The UN Human Rights Council meets three times per year as well as has frequent special sessions. The council's universal periodic review process reviews the human rights record of every UN member state once every four and a half years. The council's special procedures system of 45 thematic- and 14 country-focused independent experts rigorously scrutinizes human rights challenges around the world. Independent commissions of inquiry established by the council conduct in-depth investigations of situations of widespread human rights violations around the world.

There is all of that, yet our world continues to face massive human rights challenges. Governments on every continent show contempt for the binding obligations they have assumed. Accountability and enforcement are weak, relying primarily on notions of good faith and self-interest.

Canada has played a key role in advancing much of that progress and is widely respected as an international human rights champion, but there is so much more we can and must do.

One side of that—not the focus of today's session—is that we absolutely must set a stronger example of effectively implementing our own international human rights obligations domestically. The other dimension is that, while Canadian governments speak about

the importance of human rights in our foreign policy, we do not back that up with transparent and accountable commitments, plans and reporting to demonstrate concretely that human rights come first for Canada on the world stage.

Bill C-281 takes a step in that direction on two fronts: an annual report outlining measures the government takes to advance international human rights and a list of prisoners of conscience for whose release Canada is advocating. I believe these two proposals can and should go further.

With respect to the first, an annual report that is not grounded in a strong foundational framework will, I fear, come up short. That is why advocates have called on Canada for many years to adopt a whole-of-government international human rights action plan developed on the basis of consultations with civil society and indigenous peoples' organizations, updated on a regular basis and subject to annual progress reports, which are reviewed by Parliament and released publicly.

I would suggest an amendment to Bill C-281 to require the development of just such an action plan and reporting processes of that nature.

With respect to the second provision, there are a number of considerations to keep in mind. Let me highlight just two.

First, "prisoners of conscience"—a powerful term that comes out of decades of campaigning by Amnesty International—is, nevertheless, not defined in law. There are many unjustly detained prisoners whose situations may well fall outside of that term, such as individuals facing torture, disappearances or the death penalty. I would suggest instead that the focus be on individuals who are detained or facing other treatment that contravenes international human rights obligations.

Second, there are several strategic considerations related to publicizing prisoner lists. While we do absolutely need more transparency and accountability, there are also legitimate reasons for caution and confidentiality. Some prisoners' situations may benefit from publicity and others may not. I worry about the message that may be conveyed if a case doesn't appear on the list, whatever the reason for that may be.

Having been involved over many decades in efforts to encourage Canadian diplomacy with respect to prisoner cases, including of Canadian citizens who are unjustly imprisoned abroad, a more pressing concern for me has been the failure and even refusal to provide meaningful information to family members, lawyers and civil society groups actively engaged on particular cases.

• (1215)

Instead of focusing only on a public list of prisoners' names, I would urge that Bill C-281 be amended to mandate the development of a clear strategy for Canadian government diplomacy on prisoner cases, perhaps to be included in the international human rights action plan, that incorporates the following standards. One would be to ensure consistency, including with respect to public advocacy. Two would be for stronger engagement with families, lawyers and civil society working on prisoner cases. Three would be to guide public reporting of the government's efforts, including the numbers of cases taken up, activities undertaken and the human rights concerns involved.

Thank you. Those are my comments.

The Chair: Thank you very much, Mr. Neve.

Now we go to Ms. Harth.

You have five minutes as well. The floor is yours.

Ms. Laura Harth (Campaign Director, Fundacion Safeguard Defenders): Thank you, Mr. Chair.

Thank you to the members of this committee for the opportunity to testify again on behalf of Fundacion Safeguard Defenders.

As you may know, we aim to counter grave human rights violations, including through the use of existing regulatory frameworks. This effort aims not only to hold perpetrators of human rights violations accountable but also to uphold the international rules-based order, which is firmly set within the confines of the Universal Declaration of Human Rights.

As Mr. Neve just rightly pointed out, this is something pertaining as much to foreign policy as to ensuring that those standards are upheld across societies back at home in our democracies.

Allow me, therefore, to dedicate this testimony to an issue pertaining to the Broadcasting Act, to which, we understand, an amendment is being proposed.

After the PRC's Xi Jinping came to power, CCTV and its global arm CGTN began to systematically broadcast forced confessions of human rights defenders, foreign targets and also non-politically motivated suspects.

Our 2018 report, "Scripted and Staged", analyzed the recordings of 45 confession broadcasts between 2013 and 2018, including interviews with a dozen people who had been victims or the members of their families. Confessions are routinely made before trials, before any lawyers have been met and often even before formal arrests. Such confessions, which are written by the police, are extracted through threats, torture and fear, including the persecution of relatives and family members. They violate the fundamental rights to a fair trial, the presumption of innocence, the right to remain silent and the right not to self-incriminate.

As we managed to successfully demonstrate before the U.K.'s broadcasting regulator, Ofcom, China's Party media outlets, CGTN and CCTV, are not mere broadcasters of such confessions but active participants in their scripting and staging, thereby directly participating in the violation of internationally recognized human rights. Following our complaints, that same U.K. regulator imposed

a series of fines on the broadcasters for their airing of such forced televised confessions. Other fines were imposed for their gravely biased reporting of the Hong Kong democracy protests.

In addition, we presented evidence on the direct editorial control of the outlets by the Communist Party of China, following a policy reform in 2018. It was evidence that CGTN was unable to negate.

For the interest of this committee, it sufficed to point to CGTN's annual corporate social responsibility reports, which repeatedly state its mission goal as that of upholding the Communist Party of China with Xi Jinping at its core. On that basis, and thanks to the U.K.'s applicable regulatory framework, Ofcom managed to remove their U.K. broadcasting licence in early 2021, as no channels that are directly owned or controlled by political parties may air in the U.K.

It is important to point out that similar complaints and letters by multiple victims of such forced televised confessions were sent to individual broadcasting operators airing some or all of CGTN and CCTV's content. Based on their corporate social responsibilities, such as under the UN's Global Compact, operators in Australia, Sweden and Norway autonomously decided to scrap the offerings from their packages. Formal regulatory complaints on forced televised confessions are still under way in France and Canada.

It is important to note that, while regulators in democratic countries are largely bound to the same human rights tenets, precise broadcasting regulations vary significantly, limiting the extent to which regulators are able to intervene. Nonetheless, as an organization, we have found that the regulatory action in these instances is a very impactful tool kit when it is used. We have seen CGTN, if not completely ending this behaviour, significantly reducing their televised airing of forced confessions.

CCTV, which has not been touched by regulatory action so far, has continued its producing and international airing of forced televised confessions unabated, including with 26 new forced televised confessions just in January of this year, which is the object of our latest complaint to the French regulator.

We therefore firmly support any efforts to beef up regulatory frameworks to ensure that broadcasting regulators have all the necessary tools to effectively act against such blatant abuses of human rights for propaganda and disinformation purposes in today's global media landscape.

• (1220)

Thank you.

The Chair: Thank you very much.

We now go to questions from the members. The first question goes to MP Chong.

You have four minutes.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for your opening statements.

I'm going to ask Ms. Harth some questions.

Mr. Neve, I'd love to ask you some questions, but I don't have a lot of time. I thought you made some very good points on the need for transparent reporting from Global Affairs Canada. I note that the Auditor General has reported this week highlighting exactly that with respect to the government's feminist international assistance policy, so thank you for that testimony.

I'd like to ask our witness about Safeguard Defenders' complaint with the CRTC. They registered a complaint regarding the broadcasting of forced confessions on CGTN in Canada. Can you tell us what the latest is with that complaint?

Ms. Laura Harth: Yes. Thank you for that question.

I won't go into too much detail, as obviously this is an ongoing complaint, but we lodged our original complaint in December 2019. This original complaint regarded one particular forced confession that was televised but also highlighted the broader use by CCTV-4 and CGTN of such forced televised confessions. Also going back to the CRTC's statements, when it had allowed the first airing of CCTV-4 and later CGTN in Canada, we sent a follow-up letter in 2021 when Ofcom made its decision. We also sent some follow-up letters by victims to, in particular, Rogers, which has been airing some of these channels.

The latest, we understood, at the beginning of this year, is that the Chinese counterpart has responded to some of the CRTC's questions. Following receiving that response from the CRTC, we have offered to respond to some of the claims that CGTN made in that response to the CRTC, but we have not received any further response at the moment.

Hon. Michael Chong: Ms. Harth, what is taking so long? You mentioned in your opening comments, and it's been widely reported that Ofcom, the United Kingdom's CRTC, heard a similar complaint. Within a very short amount of time it made a decision to remove the licence for CGTN. You registered your complaint four years ago.

What is taking so long? It's almost half a decade now for this to be dealt with.

Ms. Laura Harth: With all due respect, Mr. Chong, I think that's a question that should be answered by the CRTC rather than us. We obviously asked several times.

Hon. Michael Chong: I appreciate that answer.

Last year there were often complaints about not only CGTN but also authoritarian state-controlled broadcasters like Russia Today, and I note that after the war in Ukraine broke out on February 24 of last year, within about a week and a half or two weeks, the Government of Canada, particularly the Minister of Canadian Heritage, issued an order in council ordering and directing the CRTC, under section 15 of the Broadcasting Act, to review RT's licence. Within weeks RT had its licence removed from the list of non-Canadian programming. I'm wondering why it's taking so long to deal with this complaint about CGTN and why the government isn't applying the same approach to CGTN under the existing Broadcasting Act.

• (1225)

The Chair: You didn't have a question? Okay.

Thank you, Mr. Chong.

We now go to Dr. Fry.

You have four minutes.

Hon. Hedy Fry (Vancouver Centre, Lib.): Thank you, Chair.

I want to thank the witnesses for their testimony.

As was said before, Mr. Neve makes some compelling points. I'm not going to question him, but I am very interested in asking Ms. Harth a question.

We know that many people have opposed certain bills that have come through the House by the Minister of Canadian Heritage with regard to some of the foreign multinationals that have actually brought about certain information, including organizations like Netflix, etc. My concern is this: How do you balance in good legislation freedom of the press with the ability to curb disinformation and propaganda, as you say?

I would like to ask that question, and I'd like to give you the time to answer it, because I think that is at the heart of the question: How do you keep freedom of the press, and how do you do this given that the CRTC is a quasi-judicial body and cannot be made to do anything by the Government of Canada? Being a quasi-judicial body, it's in fact considered interference when the government tries to tell the CRTC exactly what to do.

How do we square that circle on freedom of the press and disinformation and propaganda on the other hand? It's a need, and I agree with the need to do it, but how do we do it? Do you have any ideas? Are there any clear ways of doing this?

Ms. Laura Harth: Thank you very much for this question.

For us, it's been very important, and I think from our complaints you will see that we have specifically targeted, in a way, although targeted is not the word.... We have called out CCTV-4 and CGTN for the airing of these forced televised confessions. When it comes to other complaints—for example, the one on the Hong Kong protests as aired by CGTN and the object of complaints in the U.K. and sanctions by the regulator Ofcom—those go more into the bias and disinformation area of things.

We are dealing with the same question. We understand that this is very difficult. However, in the case of CGTN and CCTV-4, we are very clearly dealing with what are blatant human rights violations.

Very briefly, if you'll allow me, I will recall the CRTC's statements in 2006 when, after a lengthy review, they made the decision to allow the addition of CCTV-4 to the digital broadcast list. They said:

...the Commission has found several instances of the service broadcasting content that in its view constitutes abusive comment, these date back to 1999 and 2001, and there is no evidence of such instances aired by CCTV-4 since that time....

In light of all of the above, the Commission approves the request...[and] considers it unnecessary to impose specific conditions on its distribution in addition to those usually applicable to such services on such lists.

Now, when it added CGTN, the commission noted that these packages should obey “the laws of every country in which its services are broadcast” and “will comply with the provisions of the relevant codes that govern Canadian broadcasts”. However, the commission “will be prepared to exercise” its right to remove the service from the list “if it finds that abusive comment has been aired on the service while it is distributed in Canada.”

Those were the statements by the CRTC at the time, and they're the kinds of statements we look to when it comes to this airing of forced televised confessions, which are clearly a violation that has been taking place, including on Canadian airwaves.

It's not a complete response as to how we deal with disinformation—and propaganda, which is another question still—but this is really about upholding broadcasting regulations and making sure that no human rights violations are actually being aired through Canadian airwaves.

• (1230)

Hon. Hedy Fry: How do you—

The Chair: Thank you, Dr. Fry. I'm afraid you're out of time.

Hon. Hedy Fry: Okay. Thank you.

The Chair: Now we go to Mr. Bergeron.

You have four minutes, sir.

[*Translation*]

Mr. Stéphane Bergeron: Thank you very much, Mr. Chair.

I'd like to thank the witnesses for their extremely helpful and interesting clarifications with respect to Bill C-281

Mr. Neve, you and I had the opportunity, in a previous life, to work on a number of matters together, including the one involving Mr. William Sampson. In that particular case, it was desirable to do

everything on the quiet, meaning not to say anything publicly so that negotiations could continue.

I had a concern, and I told the sponsor of Bill C-281, and representatives of Global Affairs Canada, about it last week. Thank you for the excellent suggestions you have made with respect to amendments, which appear to me to address some of my concerns, particularly the first few items in the bill.

I'd like to return to a statement you made in *The Globe and Mail* on January 14, concerning the impact of the Magnitsky Law. You wrote that the Canadian government “continues to be reticent about imposing sanctions against culpable Chinese government officials through what is commonly known as the Magnitsky Act”.

However, I would like to point out that the government imposed sanctions on for Chinese individuals and a Chinese entity under the Special Economic Measures Act.

What do you think can be achieved by imposing sanctions under the Magnitsky Law that could not be achieved by imposing sanctions under the Special Economic Measures Act?

Mr. Alex Neve: Thank you very much, Mr. Bergeron.

[*English*]

That's a good reminder of the work on William Sampson's case more than 20 years ago. I think it does remind us that there are times when publicity is not necessarily in the strategic interests of the prisoner concerned.

With respect to the Magnitsky act and I guess China, although I think your question is broader than that, the Magnitsky act obviously offers a fuller and much more targeted set of sanctions with a focus on the individuals who are responsible. The very specific tying of the sanction to concerns about international human rights violations I think is very important and very useful.

I think there is both actual impact and symbolic impact with sanctions. I think that's always the case with sanctions, but that is certainly so with the Magnitsky act provisions. Certainly, it may well have direct implications for the person concerned. We note, though, that in many instances that's probably not the case. They don't have any assets, travel plans or other measures that will be directly implicated, but it has sent a very strong message globally that Canada is watching and that Canada is concerned about that individual's conduct with respect to international human rights and is prepared to back that up with something beyond rhetoric and actually impose some consequences.

Of course, as I said in my opening remarks, the one thing that is still so woefully lacking when it comes to the international human rights system is enforcement and accountability. Those provisions take us in that direction, and they take us in that direction at a level that really can hit hard, and that is individual accountability and responsibility.

[*Translation*]

Mr. Stéphane Bergeron: What do you think is the reason for the reticence that you mentioned in your article?

[English]

The Chair: This will have to be very brief, please.

Mr. Alex Neve: With respect to China, it's broader than just around the Magnitsky act, and it's nothing limited to this government. It's something we've been concerned about, whoever is in power. There is a reluctance to hit hard when it comes to China. China has clout and influence, which makes governments nervous about saying hard-hitting things about human rights, let alone actually imposing sanctions on individuals. I think we're starting to see that change, and that's vitally important.

• (1235)

The Chair: Thank you.

Next we'll go to Madam McPherson.

You have four minutes.

Ms. Heather McPherson: Thank you very much, Mr. Chair.

Mr. Neve, thank you very much for being here. I think everyone in this room recognizes you as one of the pre-eminent voices for human rights defence in this country. We deeply appreciate that you're sharing your expertise with us at this point.

I want to raise first that I think it's so important that we continually remember that, at the end of the day, when we talk about prisoners, these are family members. These are fathers. These are children. These are individuals. Yesterday I had a heartbreaking meeting with some Turkish individuals who had been arbitrarily detained. I was meeting as well with Enes Kanter Freedom, who has been an incredible ally for these people.

I know that you have told me about Dong Guangping. I want you to speak a bit about what this legislation will mean and if we can improve it to the point that this will actually help those human rights defenders and those who have been arbitrarily detained.

Mr. Alex Neve: Dong Guangping in two minutes.... Dong Guangping is an incredible Chinese human rights defender who has been imprisoned three times in China because of his advocacy, a lot of which has been related to Tiananmen Square.

He and his wife and daughter escaped from China in 2015. He almost made it to Canada at the time. He was accepted for refugee resettlement, but where they were in hiding, the Thai government unfortunately handed him over to Chinese officials just days before he was to fly to Canada. He was sent back to China and imprisoned again. He was then released from that third period of imprisonment. He was determined to once again find his way to freedom, especially given that his wife and daughter were now here in Canada. Obviously, he wanted to be with them.

His first incredible attempt was to actually swim to freedom. He tried to swim off the coast of China to reach an offshore island controlled by Taiwan. He almost drowned. He didn't make it. He was rescued by a fishing boat and taken back to China. He tried another time, that time going overland to Vietnam, where he remained in hiding for two and half years—enduring COVID, for instance—concerned about not coming to the attention of Vietnamese officials, while the Canadian government carefully tried to see what they could do to encourage Vietnam to let him leave the country and come to Canada.

Unfortunately, on August 24 of last year, seven months ago, while it looked like his departure for Canada was drawing closer, he was arrested by Vietnamese police. There has been no word of him since.

To connect it up with Bill C-281, I think the family—and certainly advocates—have very much welcomed Canada's involvement in trying to advocate on his behalf. In particular, Prime Minister Trudeau and Minister Joly raised it at high levels back in the fall when they were in Southeast Asia for a number of summits, but beyond that, it's been very difficult for the family to have any clarity as to what is or is not being done.

There are assurances that it's being taken up, but there's never any reporting as to what that looks like and no indication as to what the results are or the outcome is. I think it really leaves the family very much in the dark. It's one of the reasons why I emphasize that the bill could be significantly strengthened if it paid attention to that side of this. How do we ensure that family members and advocates get more reliable information?

Ms. Heather McPherson: Thank you.

Given the concerns of the families of those detained and the concerns of civil society regarding the transparency of the government, would you agree that we need to have included in an annual report a description of the efforts the minister has made to improve consistency and transparency in human rights advocacy and to improve accountability to families of those detained and to civil society?

Mr. Alex Neve: I think that absolutely a description of those kinds of initiatives would be really important. I would take one step back and say that it would be even stronger if it were on the basis of some sort of strategy that was developed. I think that right now, even when there are good intentions and good efforts made with respect to prisoner advocacy, it's often ad hoc. I think all concerned would benefit from a clearer strategy that brings some consistency, fundamental principles and some details around how family members are going to be engaged and when and in what circumstances to go public with cases, etc.

Ms. Heather McPherson: I couldn't agree more.

Thank you, Mr. Neve.

The Chair: Thank you.

We now go to the second round of questions. For this round, each member will receive three minutes.

We start off with Mr. Genuis for three minutes.

Mr. Garnett Genuis: Thank you, Chair.

I will start with a comment on the issue of freedom of the press, and then, Ms. Harth, I'd welcome your response to that.

I think freedom of the press is very important. There are a few points, though, in the context of this bill. One is that freedom of the press doesn't oblige that everybody gets a public broadcasting licence. There are certain rules around public broadcasting licences. You can still get RT in Canada. You can get it online. I'm not promoting it. I don't think you should watch it, but it is available online, and CGTN would still be available online if the broadcast licence were removed.

Another way of responding to this is to say that they're not the press. I mean, you can get a lot of information on conservative.ca. That's a website for a political party, but it's not a media outlet, and neither are organizations that exist specifically to propagate the views of foreign political parties.

Also, then, that's just to say that, when these so-called media organizations that are not media organizations are directly involved in violating human rights themselves, they clearly would lose the good name of alleged association with the press. Just in general, the idea of freedom of speech and freedom of expression do not include the rights of foreign authoritarian governments to propagate their messages in our domestic context, especially with the privilege of a broadcasting licence.

I think there are some very clear distinctions between what real journalists do and what these human rights-abusing foreign propaganda outlets are involved in. There's no reason for them to have the benefit of having a broadcasting licence.

Ms. Harth, I'd welcome your reaction to those reflections, please.

• (1240)

Ms. Laura Harth: Thank you.

Very briefly, allow me to quote a statement by the chairperson and chief executive officer of the CRTC from March of last year, when Russia Today and Russia Today France were scrapped. Mr. Ian Scott said the following:

Freedom of speech and a range of perspectives are a necessary part of our democracy. However, it is a privilege and not a right to be broadcast in Canada. Foreign channels can be removed from the authorized list should their programming not be consistent with the standards to which Canadian services are held, or their continued distribution no longer serves the public interest, as was the case for [Russia Today] and [Russia Today] France.

I think that statement pretty much echoes yours, Mr. Genuis.

Thank you.

Mr. Garnett Genuis: Briefly, in the time I have left, on CGTN, it also broadcasts misinformation involving Russia's invasion of Ukraine. It's not just repression of people inside of China. They're also promoting the Russian misinformation narrative. Is that correct?

Ms. Laura Harth: Yes, exactly. We have seen Chinese media outlets being used as an outlet for Russia's disinformation and propaganda.

The Chair: Now we go to Mr. Oliphant.

You have three minutes.

Hon. Robert Oliphant (Don Valley West, Lib.): Thank you, Mr. Chair.

I will go to Mr. Neve.

Thank you for being here and advising us on the legislation. I think it's very important, which is why I want to give you a little more time on it.

I'm thinking back many years to cases we have worked on together, where there have been times when it has been appropriate for government and civil society to speak loudly and cases where it has been important for civil society to speak loudly and government to be quiet. There have also been cases where it was important for civil society and government to both be quiet to save lives.

I very much appreciate your remarks regarding the publicizing of such names. I had not thought previously about what happens when someone's name is not on the list, which could perhaps signal the wrong thing. I also very much appreciate your concern about "prisoners of conscience" as a not well-defined term legally, and I very much appreciate your remarks regarding how we could do that.

I want to give you the rest of my time for you to talk a little more about the positives and negatives of publishing such a list and about the naming of what we're doing.

Mr. Alex Neve: Thank you very much.

You've summarized very well that there are times when publicity is absolutely the best strategy and times when it is perhaps not, even for civil society. I think there's an assumption that civil society is always full throttle to take everything very public, but oftentimes we do our advocacy quietly and behind the scenes.

That said, why I was calling for the need for a strategy in this area is that I think, if we could have some very careful thinking about developing more consistent guidelines that help governments deliberate as to when publicity is beneficial and not, and what considerations are legitimate considerations and what are not.... Rightly or wrongly, I think there's often a perception that some of the adversity to publicity is that it will make things uncomfortable or more difficult and put more pressure on the government if its efforts are out there in the public domain. I'd argue that's not so much a legitimate consideration. I think what you highlighted—concerns that sometimes the publicity may make things more difficult or even put the prisoner at risk—is what we need to consider.

Doing that work on the basis of broad consultations would be very beneficial. It would also give an opportunity to think of other strategic considerations that need attention in this area, such as the nature of the relationship with family members.

• (1245)

Hon. Robert Oliphant: Would you support this legislation as it stands?

Mr. Alex Neve: I think it needs amendment, but I think amendment to improve it.

Hon. Robert Oliphant: Thank you.

I like the art of this. Sometimes it's an art, and it's lengthy conversations going between civil society and government and even within government. Sometimes people in government have to push our own government. We've found ways of imperfectly doing that.

Thank you for doing that for the last several decades.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Oliphant.

We will now go to Mr. Bergeron.

You have a minute and a half, sir.

[*Translation*]

Mr. Stéphane Bergeron: Thank you, Mr. Chair.

Mr. Neve, I couldn't agree more with you when you say that governments, no matter what their colour, hesitate to intervene when it's a country like China. Notwithstanding that, the Magnitsky Law was not in force when the Conservative government was in power. But the Liberal government applied sanctions under the Special Economic Measures Act.

In the current circumstances, now that there is this new law, what is there to prevent the government from applying sanctions under the Magnitsky Law? Would it be, as has been claimed, that everything needs to be coordinated with countries that share the same values?

[*English*]

Mr. Alex Neve: It's a good question, and I wish I had the answer.

I think your last point there is certainly a consideration, and I think it's a legitimate consideration that coordination with other countries, while it should not be the reason not to impose sanctions—I have too many “nots” there—certainly is valuable in strengthening sanctions if and when they are imposed, especially for us. We're not a big player. We're not an insignificant player, but we're not a big player. For Canada to be able to go out in coordination with other countries certainly strengthens things.

I think the obstacles, especially with respect to China, as I said earlier, tend to be more political than principled, unfortunately. I don't think it's generally because there's a feeling that the sanctions aren't appropriate or that they are not backed up by sufficient human rights concerns. Quite the contrary, I think there's usually wide recognition of the seriousness of the human rights concerns, but there's that reticence and nervousness, which, as I've said, is something we have seen from governments of both political stripes over the last 15 to 20 years with respect to China, of not wanting to hit hard.

The Chair: Thank you.

We go to the final question and Ms. McPherson.

Ms. Heather McPherson: Thank you, Chair.

It's always my delight that I get to have the very final question.

Mr. Neve, I'm going to ask you two questions and then leave the rest of the time for you. Both questions are about amendments that I'll be putting forward.

The first question is, given the challenge of using the term “prisoners of conscience”, would you agree with wording like “prisoners detained worldwide in contravention of international human rights law and standards”? That's the first question.

Second, I will be introducing an amendment to eliminate the section 11 piece from the Canadian cluster munitions act. This is the section, of course, as you know, that allows for Canadian Forces to transport and order the use of cluster munitions when on joint operations with non-party states. Would you support such an amendment?

Mr. Alex Neve: Absolutely.

With respect to cluster munitions, I've done field research in a number of countries in sub-Saharan Africa. I've interviewed the survivors of cluster munitions attacks. I have seen unexploded and exploded cluster munitions on the ground. They are odious. They belong nowhere in military operations, and Canada shouldn't have the slightest opening that would ever involve us in operations that even contemplate the possibility of cluster munitions being used, so I'm very supportive of that.

With respect to the amendment to maybe tighten up and improve upon the language currently focusing on “prisoners of conscience”, I think that proposal is a good one. I might go a little bit further, though. I think the focus on detention risks leaving out some situations—for instance, Dong Guangping's case. We actually don't know if he's detained right now. We know he has disappeared. We know he was arrested and abducted.

I think in my comments I suggested something along the lines of “individuals who are detained or experiencing other treatment in contravention of international human rights standards”, just to make sure the ambit is broad enough to capture all cases of concern.

● (1250)

Ms. Heather McPherson: Thank you.

I believe that's my time.

The Chair: Thank you very much.

On that note, I want to thank you, Mr. Neve, and to thank you, Madam Harth, for being here with us to speak on the issue of Bill C-281. We very much appreciate your time, your expertise and your perspectives. Thank you.

Members, we will be going in camera for committee business. Those of you who are joining us virtually can leave and then join us again through the hyperlink that was just emailed to you. Hopefully, we can do it in a couple of minutes.

[Proceedings continue in camera]

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