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## **Standing Committee on International Trade**

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**EVIDENCE**

**Thursday, November 26, 2009**

**Chair**

**Mr. Lee Richardson**



## Standing Committee on International Trade

Thursday, November 26, 2009

• (1110)

[English]

**The Chair (Mr. Lee Richardson (Calgary Centre, CPC)):** Gentlemen, let us commence this, the 39th meeting of the Standing Committee on International Trade. We're continuing our discussion of Canada-South America trade relations, and more specifically of Canada-Colombia trade relations.

Just by way of providing a road map for today, we're quite pleased to have with us today the Secretary General of Amnesty International. I'd like to go a full hour, despite the fact that we're starting a little late. My sense is that we would go to about 12:10 p. m.; then we have some future business and some routine motions that we have to deal with, operational matters that will take us another ten minutes or so—I hope not any more than that. Then I'm going to ask for an early adjournment, because I know a number of players have some extra stuff on their plates today.

Alex Neve, it's a pleasure to have you join the committee again, on a slightly different twist to the topic this time around. I know you've been busy this week, and I'm pleased that you were able to join us at the committee today.

You know the drill. We're going to start off with an opening statement, if you wish, and then we'll go to questions. Because of the time limitation today, I'm going to ask everybody as usual to stick to seven minutes of questions and answers in the first round and five minutes in the second, and I'm quite sure we'll be able to get through two rounds.

With that, from Amnesty International, I welcome Alex Neve.

**Mr. Alex Neve (Secretary General, Amnesty International):** Thank you, Mr. Chair.

Good morning, committee members. It's a pleasure to be in front of the committee again in the context of your study of Canada-South America trade relations.

I was before the committee back in April 2008 as part of your study of free trade negotiations at the time between Canada and Colombia. At that time, I detailed what we described as a disturbing human rights situation in Colombia, one that was nothing short of a crisis. During the 19 months since, Amnesty International has continued to carry out detailed monitoring of the human rights situation in different regions of the country, and we have had numerous on-the-ground fact-finding visits.

The evidence we've gathered continues to paint a dire picture, certainly not in keeping with claims by the Colombian government

and others that the country has overcome its troubled human rights past.

Some indicators of conflict-related violence, such as kidnappings and hostage-taking, for instance, have improved. This means that the security situation for some has perhaps gotten better. However, other important indicators of conflict-related violence have deteriorated.

One of the most worrying trends is a dramatic increase in the number of Colombians forced to flee from their homes. As many as 380,000 people were forced to flee their homes in 2008 alone, an increase of more than 24% from 2007. That brings the total number of internally displaced people in Colombia now to somewhere between three and four million, amongst the highest in the world. Additionally, at least half a million Colombians have fled to other countries. Displacement has become an extreme crisis.

Many of those displaced have been deliberately targeted by guerrilla groups, paramilitaries, or state security forces as part of strategies designed to remove whole communities from areas of military, strategic, or economic importance. The great majority of those affected are small farmers, Afro-descendants, or indigenous peoples, many of whom live in areas of economic interest.

In particular, threats against and killings of indigenous people by all of Colombia's warring parties have increased over the last several years. More than 1,000 indigenous people have been killed in the last six years alone.

As the committee may know, in July of this year, James Anaya, the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples visited Colombia. His preliminary report repeats some of the conclusions described by his predecessor five years earlier, in 2004, particularly that "Colombia's Indigenous people find themselves in a serious, critical and profoundly worrying human rights situation" and that "this description still applies", despite some initiatives by the Colombian government.

Among concerns he draws attention to are ongoing violations committed by FARC, such as the massacre of Awá indigenous people, which Amnesty denounced as well in February. He also warns that "extensive corporate interest in the natural resources in Indigenous territory often threatens the rights of Indigenous peoples".

He highlights that lack of regard for free, prior, and informed consent, as stipulated in international law and Colombia's own constitution, remains a persistent problem.

Amnesty International has issued a series of recent urgent actions about threats and attacks on vulnerable Afro-descendant communities and indigenous peoples that appear aimed at securing control of areas of economic potential.

For instance, on October 9 we issued an urgent action after three indigenous leaders from two reservations in Risaralda received a threat that said “You have 5 working days to withdraw...otherwise we will kill your families”. It was signed the “Southern Bloc”. The threat from this paramilitary group came a few days after the Risaralda Indigenous Regional Council had launched a report in which the indigenous communities said they are being driven out of their lands by powerful people looking to exploit the area’s significant mineral resources. The indigenous leaders fled from the area in order to protect the lives of their families.

● (1115)

Then, on October 22, a fax signed by the paramilitary group Black Eagles New Generation arrived at the Valle del Cauca office of the Trade Union Congress, known by its acronym CUT. It warned that members of the CUT in that area were now military targets. The threat stated, “it is necessary to expand the fight against those who hide in social organizations such as CUT Valle, human rights defenders, NGOs.” It specifically accused the trade unionists of stopping economic development and progress by opposing “entry for the multinationals”. The death threat named others as well, including the group the Black Communities Process, whose leader, Carlos Rosero, I believe you heard from on Tuesday of this week.

These and countless similar cases make it abundantly clear that paramilitary groups continue to operate in many parts of the country, sometimes in collusion with sectors of the security forces, despite government claims that they had all laid down their arms following a government-sponsored demobilization that began in 2003. In fact, Amnesty International’s information suggests that these groups, which have adopted a variety of names, appear to have become more organized and consolidated over the last year.

We have also documented a worrying increase in the use of death threats against human rights defenders, again attributed mostly to paramilitary groups.

In March, a fax signed by the Capital Bloc of the Black Eagles paramilitary group arrived at the office of the internationally respected Colombian Commission of Jurists, accusing one of their lawyers, Lina Paola Malagon Diaz, of being a “bitch guerrilla working for the defence of trade unionists”. The note said that paramilitaries were looking for her and for members of her family. She was given this warning: “Leave or we will kill you. You have one day to leave Bogota and do not come back.” She did flee the country. Notably, she had produced a report about human rights violations against Colombian trade unionists by all sides in Colombia’s armed conflict, which was used in a hearing in the U. S. Congress a few weeks before that.

More than a dozen human rights defenders and 46 trade unionists were killed in 2008 alone. The scope and gravity of ongoing attacks and threats against trade unionists or those who speak out about violations of the rights of trade unionists is clear. It does not come down to a mere matter of statistical analysis. I think much is always made of the numbers when we talk about these issues, but I would

urge you to recognize that this is about quantity and quality, not just quantity. I would urge you to keep that in mind as you analyze arguments you hear from other witnesses, for instance, who do bring it down to simply a statistical consideration, many of whom do not have particular expertise in the area of human rights monitoring.

We and others remain gravely concerned about what the UN High Commissioner for Human Rights described in her March report, that “The worrying practice by some senior Government officials of publicly stigmatizing human rights defenders and trade union members, as biased and sympathetic to guerrilla groups, continued.”

This same concern has been highlighted following recent high-level UN human rights visits to Colombia, including by the special rapporteur on the situation of human rights defenders in September and the special rapporteur on extrajudicial executions in June.

The Inter-American Commission on Human Rights has also stressed that such comments from senior government officials not only increase the risks that human rights defenders face, but “could suggest that the acts of violence aimed at suppressing them in one way or another enjoy the acquiescence of the governments”. Indeed, death threats, attacks, and even assassinations have often followed such public statements.

As this committee will know, human rights defenders who are under threat have long enjoyed a comprehensive program of assistance from the government. But in April of this year, a media investigation revealed that the civilian intelligence service, the DAS, which answers directly to the Colombian president and was the agency responsible for providing bodyguards and other protection to human rights defenders, has for at least seven years carried out a massive illegal espionage operation—including surveillance and wiretapping—against human rights defenders and others, including opposition politicians, judges, and journalists, with an aim to “restrict or neutralize their work”. Members of the diplomatic community, the United Nations, and foreign human rights organizations, including Amnesty International, were also targeted.

● (1120)

There is much more at play as well. The “parapolitical” scandal continues with 80 congress people, most belonging to parties from the ruling coalition, under criminal investigation for alleged links to paramilitary groups. Several magistrates investigating that case have been threatened, placed under surveillance, and had their communications intercepted.

Revelations in 2008 that the security forces had extrajudicially executed dozens of young men have now led to investigations by the attorney general's office of some 2,000 extrajudicial executions carried out over the last two decades. However, lawyers working on these cases, as well as a number of witnesses and family members of those killed, have been threatened and attacked.

Those are the immense challenges of confronting impunity in high-profile cases. More widely, justice remains the exception and impunity the norm, giving a green light to those who continue to abuse human rights.

So considering all of these concerns—and there's much I've left out—in the context of the free trade agreement, Amnesty International's key recommendation has remained the same for several years. We believe it is of critical importance that the agreement be subject to an independent human rights impact assessment, certainly before passage of Bill C-23, and that any negative findings be adequately addressed before proceeding further with the legislation and the entry into force of the deal.

We were pleased that this committee also called for an independent human rights impact assessment in its June 2008 report. We also have recommended that the deal not be finalized and that Bill C-23 not be passed until we have in place enforceable standards for Canadian companies operating abroad, which we of course hope will soon be the case if Bill C-300 becomes law. I must stress that we do not consider the hearings you are conducting now nor the more comprehensive hearings on Bill C-23 that would follow second reading of the bill to constitute that independent human rights impact assessment. The assessment would be an expert process that would take place outside of the parliamentary context. We would, however, very much urge that any body conducting such an assessment report back to Parliament.

In the context of grave and systematic human rights violations in Colombia and a pattern of ongoing serious abuses in areas of economic interest, an independent human rights impact assessment of the provisions of the trade agreement is, in our view, an essential step of due diligence. While it is not yet standard practice, there is growing interest in this tool, and there is a growing body of practical examples, analysis, proposals, and academic work to draw upon. Notably, even at the World Trade Organization, there's now significant discussion about this. In September, there was a session at the WTO's public forum in Geneva, moderated by counsel at the office of the WTO director general, entitled "Human Rights Impact Assessments: A Pertinent Tool for Informing and Improving Trade Governance?"

In 2006, Thailand's National Human Rights Commission considered the potential future human rights impacts of the free trade agreement that Thailand had been negotiating with the U.S. In 2007, the Ecumenical Advocacy Alliance, in collaboration with the FoodFirst Information & Action Network, commissioned studies to consider the impact of trade liberalization on the right to food for rice farming communities in Ghana, Honduras, and Indonesia. The European Union systematically conducts economic, social, and environmental impact assessments of all major multilateral and bilateral trade negotiations. These are known as sustainability impact assessments. And over the last decade the United Nations Environment Programme has developed an impact assessment

methodology that incorporates integrated environmental, economic, and social assessment.

Finally, I do want to highlight that Canadians are concerned about this. For instance, I have here a copy of a photo petition put together by a member of Amnesty International in Edmonton. She gathered the pictures of hundreds of Canadians from communities across the country, of diverse backgrounds, all of whom believe an independent human rights impact assessment is essential. This petition has already been sent both to the Prime Minister and to all three party leaders in the opposition.

In ending, I do feel I must signal some disquiet and concern about the way in which debate about the Canada-Colombia deal is progressing. It is certainly our hope and expectation that sessions held as part of this committee's general study of Canada's trade relations with South America will not in any way substitute for thorough and rigorous consideration of Bill C-23 itself when it is referred to committee. At that time, we urge that the committee hear from a full slate of balanced witnesses representing all relevant stakeholders, certainly including the most vulnerable sectors of Colombian society likely to feel the impact of this deal. Among others, Amnesty International would welcome an opportunity to appear at that time and offer specific recommendations with respect to Bill C-23 itself.

• (1125)

Thank you, Mr. Chair. Those are my comments.

**The Chair:** Thank you.

We're going to begin this first round of questioning. Again, there will be seven minutes for questions and answers to each of our members in the first round, and we're going to begin with Mr. Brison.

**Hon. Scott Brison (Kings—Hants, Lib.):** Thank you, Mr. Neve, for being here with us today.

You've quoted the UN special rapporteur on the situation of human rights defenders. You've quoted the UN a number of times, and I agree that the UN is credible in this, but I'd like to quote the special rapporteur, Margaret Sekaggya, who said, on September 18, 2009:

I...want to commend the Government for the significant improvement in the overall security situation in the country since 2002. Respect for the right to life and the exercise of fundamental freedoms for Colombian citizens have improved.

I want to commend the Government for designing policies and strategies for the protection of human rights defenders.

Furthermore, following the November 2008 visit to Colombia, the UN Secretary-General's representative on human rights of internally displaced people, Walter Kälin, acknowledged a high rate of forced displacement in certain parts of the country, but noted that "important developments have taken place since his earlier mission to Colombia in 2006, noting especially the constructive role of the Constitutional Court in shaping the national response to forced displacement." He cited the government's "significant increase in... budgetary resources, as well as programming efforts that have resulted in better access to education and health care".

According to Kälin, "The reasons for forced displacement...are multiple and complex", including "the lack of respect" for international humanitarian laws "by various armed groups", including guerrilla groups such as FARC and ELN, "the multiplication of armed actors and criminal activities in the wake of" paramilitary demobilization—in other words, remobilizing his drug gangsters—and "the forced recruitment" by illegal armed groups, "threats and pressures to collaborate" with the illegal armed groups, narco-trafficking activities, to name a few.

What started largely as an ideological battle over 40 years ago—and FARC is part of that—has become a drug war. Why do you think somebody in a poor Colombian community would get involved in FARC or with drug gangsters? Why do you think people get involved in that today, if it's not ideological?

• (1130)

**Mr. Alex Neve:** I'm sure the explanations for that would be a multitude of different motivations. I think, number one, it's important to highlight that many very studiously seek not to become involved—not to become involved in either side of that conflict.

**Hon. Scott Brison:** Do you think it has anything to do with the fact that they can't make a living?

**Mr. Alex Neve:** I think it absolutely would be the case for some. For others, it would be because they feel terrorized and intimidated. For others, it just seems like maybe it would be a fine thing to do. For others, there may still be a bit of ideology involved.

**Hon. Scott Brison:** Do the drug gangsters and FARC have any labour agreements guiding their work? Do they have any labour standards? Is there a set of labour or environmental standards between Canada and the FARC, as an example?

I'm trying to determine whether we have much influence over labour standards in the current situation.

**Mr. Alex Neve:** Clearly, neither the FARC nor drug gangs in Colombia have labour standards or other standards with respect to fundamental human rights, and that's long been one piece of the very worrying human rights story in Colombia and another reason why we have to be so careful and cautious as we move into any kind of trading relationship, because they are part of the picture. Even though they wouldn't be a party to the deal, clearly their operations and the ways in which they abuse communities and whatnot have a real impact in economic situations.

**Hon. Scott Brison:** Absolutely. But if we determine—and I think there's some agreement between us here—that the drug wars are responsible for a lot of the violence, displacement, and abuse of human rights in Colombia, and if we accept that we currently have no influence on those, and with labour and environment agreements

that are the most robust we've ever signed between two sovereign governments, how does a rules-based system that guides legitimate trade, number one, and, secondly, the growth of legitimate trade, which offers the poor and underprivileged in Colombian communities an option to make a living outside of the drug trade, have the capacity to make things worse? I'm trying to understand.

I share with you and your organization the belief that we must work to make things better, but I'm trying to understand how legitimate trade with a rules-based system could make things worse.

**Mr. Alex Neve:** As a starting point, I think we have to highlight that while drug-related violence is absolutely a key part of what's playing out in Colombia, it's not the only part. Our information and some of the recent examples I highlighted for you clearly demonstrate that there are very serious violence and human rights abuses connected with struggle for control of areas that are seen to be high in economic potential, mineral wealth, etc.

One of the concerns is that as that level and nature of investment increases, and the interest of paramilitary groups, the FARC, and even those associated with some of the more shadowy drug gangs, in having control of those areas of land to be able to benefit from the increased economic activity and mineral wealth increases, if we don't have in place some meaningful measures, real commitments, and effective oversight that's going to ensure the Colombian government provides protection to people who are marginalized in those contexts, then it does very much stand the possibility of making things worse.

• (1135)

**Hon. Scott Brison:** I appreciate that.

My colleague Mr. Silva has a question.

**The Chair:** I'm sorry, that's seven minutes. There will be another round.

Monsieur Cardin.

[Translation]

**Mr. Serge Cardin (Sherbrooke, BQ):** Thank you, Mr. Chair.

Good morning and welcome, sir.

You appeared before the committee not that long ago. You said at that time that you would not take a position on a possible free trade agreement or any other economic or trading approach. You also said that free trade agreements were neither inherently good nor bad but that it was necessary to implement policies to protect both the environment and human rights. In conclusion, you made the same recommendations as the committee did in its report, recommendations that were strongly endorsed by the Liberals. And we are still counting on their support, for that matter. Clearly, we need to follow up on and assess all of the mechanisms in place to protect human rights before the agreement is signed once and for all.

Certain parties in this committee often point to the fact that side agreements on labour rights and the environment exist. I want to read you an excerpt from a study done in 2004 by the Corporate Engagement Project and commissioned by the Department of Foreign Affairs and International Trade. I am quoting it loosely:

"The study did not reach the conclusion that it was possible to operate in Colombia without feeding or exacerbating the conflict, even with good corporate practices. It is clear that companies can positively influence the social and economic aspects of society. However, a part of the resources that a company helps generate can also fund many sides of the conflict through contracts, extortion, especially among contractors and staff, or corruption. For instance, it would be difficult, if not impossible, for a corporate presence not to attract illegal armed groups, given the social unrest in Colombia. Hence, that may represent the largest liability for any investment in Colombia."

You recommend, as did the report, that we monitor the situation closely. It is said that investment is absolutely necessary, but it turns out that, given the situation, investment could serve to worsen the conflict. If you have come across or read that study, I would be interested in hearing your thoughts.

[English]

**Mr. Alex Neve:** I don't know that particular study, but I certainly do share those concerns. We have said all along that the reason we need to have a human rights impact assessment is to understand those sorts of concerns and then make decisions as to whether it could be possible. Be it in the context of Colombia or some other country, the concerns are so deeply entrenched in the systems of governance in the country, etc., that at this time there is no possible way to go forward with the proposed free trade deal in a way that would adequately safeguard let alone not worsen the human rights situation.

It may also be that the impact assessment would highlight the concerns you've pointed to but also make some recommendations: given those concerns about ways in which investment might fuel the conflict, here are the sorts of oversight and monitoring mechanisms that need to be put in place, here's a different approach to how royalties and revenues being generated by that investment should be dealt with, the kind of transparency we need to see with respect to those moneys, and if that is all in place, investment can go ahead in a way that will be good for the economy, good for social progress, and also good for human rights. That's what the human rights impact assessment teaches us.

● (1140)

[Translation]

**Mr. Serge Cardin:** People frequently mention side agreements.

Let's take an example. If a complaint arose under a side agreement, a departmental committee would be set up to ensure that the commitment in question was being respected. But the last resort, under a process that need only be initiated by one of the parties, cannot be used except in the case of a trade violation. I want to point that out. The party who is at fault would be required to put money in a fund.

Sanctions set out under environmental and labour agreements may seem weak, especially to the extent that it is up to each party to protect its own investors and that human rights violations cannot be likened to unlawful comparative advantages. Consequently, this tips the balance of power between the two states against environmental and labour interests.

We know that Canada's trade relationship with Colombia is complementary, not competitive. As a result, agreements that do not give rise to cooperative advantages do not hold any water as far as labour and the environment go, and cannot be used to improve working conditions or the environment.

How do you see the issue?

[English]

**Mr. Alex Neve:** We were aware of the fact that the side deals exist, and from a human rights perspective, we've looked more closely at the labour side deal, given that labour rights are human rights and certainly many of the aspects covered in that deal do touch on human rights concerns. We think it is a good step forward. Whether or not that itself is adequate to deal with the very serious labour-related violations that continue to be a daily reality in Colombia is not yet clear to us. Again, we think that side deal itself should be part of the human rights impact assessment.

We have highlighted that so many of the human rights concerns associated with this deal simply aren't within the ambit of either of those side deals, and even as you highlighted, with respect to some of the concerns that arise around labour-related issues, given the specific wording of what sorts of labour-related concerns would or would not trigger the jurisdiction of the processes under the trade deal, it is not even clear that the full range of labour-related concerns would be covered by that arrangement. A lot is completely left off the table.

**The Chair:** Mr. Julian.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Thanks, Mr. Chair.

Thanks, Mr. Neve, for coming forward.

I think all committee members have very clearly heard your request to come before the committee when we have a real study as opposed to the phantom study. As you know, this bill has not even been referred to the committee for further study. It would be very important to make sure Amnesty International is back if Parliament decides to study this bill further.

I want to start off on the issue of studies. The Colombian government has, of course, produced studies that have been discredited. There was a visit earlier this week on a study that supposedly was done with ENS figures, but ENS has very clearly discredited that paper, both in hearings here and in the evening as well, in Ottawa.

There is nothing to back up the proponents of this agreement. There are, of course, a great number of studies, including the Amnesty study, Human Rights Watch, CENSAT, the Colombian Commission of Jurists, and others.

As part of their due diligence, what should members be reading to have a full understanding of the importance of having this independent and impartial human rights assessment?

**Mr. Alex Neve:** I think you should be reading as much as you can. I know that's an enormous task because Colombia is a country where the wealth of material and information is considerable. I think what you want to focus on is information from sources and organizations that are independent, impartial, and expert. I'll be boastful enough to include our organization on that list.

We do not have political associations. As I've repeatedly made clear in this committee and elsewhere, we do not have a vested interest around trade policy. We don't have a position for or against free trade. We have decades and decades of expertise monitoring the human rights situation. I think it's organizations such as that, and UN agencies as well.

• (1145)

**Mr. Peter Julian:** You're referencing the Amnesty International study, *Colombia: killings, arbitrary detentions, and death threats—The reality of trade unionism in Colombia*.

**Mr. Alex Neve:** That's one of a multitude of reports, yes.

**Mr. Peter Julian:** Thank you.

I'm going to move on to the next question, to the concerns you've raised around DAS, which is an arm of the Colombian government that provided espionage and surveillance of the people who supposedly were being protected by the Colombian government. Do you have evidence you could offer today, or if not, could you give to the committee at a later date evidence of cases where the so-called protection of some members, human rights advocates or labour activists in Colombia, led to threats or violence against others whose names came up as a result of that surveillance? In other words, was the Colombian government deliberately using protection of a small number of activists to get at other activists through their paramilitaries?

**Mr. Alex Neve:** I absolutely can. I don't have the specifics here, but I know those cases exist.

I would highlight, as a follow-up on that DAS concern, that as a result, DAS is no longer providing security to human rights

defenders. Instead the program has had to resort to making use of private security firms in Colombia. A whole host of new concerns is emerging with that as well because there's a well-documented past pattern of former paramilitary members ending up being employed by many of those private security firms. It's become an awful maze for human rights defenders in Colombia of not really knowing whom they can trust or turn to for this protection.

**Mr. Peter Julian:** I congratulate Amnesty International for doing this work.

What you could be seeing is a paramilitary by night who by day is being employed to potentially protect that person who may be targeted.

**Mr. Alex Neve:** That possibility is very real. As a result, many human rights defenders are refusing that protection because they feel relying on the protection will increase the dangers they face.

**Mr. Peter Julian:** That is shocking testimony. Thank you for bringing it forward.

I want to continue with the many studies.

In talking about torture in Colombia, the Colombian Commission of Jurists—and this just came out a couple of weeks ago, but Isabelle Heyer, a member of this jurist commission said:

Sexual violence against women and girls is one of the most pervasive modes of torture...an habitual, systematic and invisible practice, which enjoys impunity in the majority of cases and whose principal perpetrators are soldiers and police.

Would you agree that soldiers and police are part of the Colombian government, that they are essentially subject to governance by the Colombian government?

**Mr. Alex Neve:** Absolutely.

**Mr. Peter Julian:** So when we see torture being practised in Colombia, whether it's the military arm of the government or the government itself, one can say that as part of the current government there is torture taking place by arms of that government.

**Mr. Alex Neve:** Clearly, I think we have been consistent in saying there are three players in the human rights crisis in Colombia right now. Certainly the FARC, the guerrillas, are responsible for abuses, the paramilitary and the recycled paramilitary groups with their links to the military are responsible, but government forces themselves are directly responsible as well.

**Mr. Peter Julian:** Now, I want to come back to the issue of investment that you raised in your presentation and just read from CENSAT. They are saying "Human rights violations are linked to efforts by those behind Colombia's murderous paramilitaries to create conditions for investment from which they are positioned to benefit." In other words, investments coming in, potentially foreign investment, can actually serve to exacerbate the human rights violations taking place in Colombia.

Would you agree with that statement?

**Mr. Alex Neve:** I would agree with it, and I think some of the specific individual cases I highlighted—recent urgent actions that Amnesty has issued—highlight the direct connection between paramilitary threats and violence and economic interests, their determination to speak out against individuals who are raising any concerns about investment, the clear patterns of wanting to clear lands and make areas open for investment when there is significant economic welfare as well.

**Mr. Peter Julian:** So given those ties between investment and human rights, would you not say it would be pretty irresponsible for this committee if ever Parliament said, “You must study this bill further”, to not push immediately for an independent and partial and complete human rights assessment of what the impacts are in the agreement? There's no credibility on one side and pages and pages of documentation on the other. If there is any disagreement around how to proceed, should we not stop cold and do the independent, impartial human rights assessment?

• (1150)

**Mr. Alex Neve:** Our position has always been clear. The human rights impact assessment must happen before the deal goes any further, and it's not that this is not something wishful and aspirational. In our view, it's an essential part of the due diligence of Canada before we enter into such an agreement.

**The Chair:** Thank you.

Mr. Keddy.

**Mr. Gerald Keddy (South Shore—St. Margaret's, CPC):** Thank you, Mr. Chairman.

Welcome, Mr. Neve, back to our committee. You were here before, and I expect when Colombia comes to committee you will be back again. I would expect it will get to the committee hopefully fairly soon.

You raise a number of good points, a number of troubling points, and a number of points that I'd like to drill down just a little deeper into, if I could.

First of all, you brought up the massacre of Awá by the FARC, and I'd just like to read it into the record that you brought that up. I appreciate it, because certainly one of our members brought that to committee, saying that the massacre was by the government. So it's nice to have that corrected.

On the paramilitary and human rights offenders, in particular the Black Eagles—and I'd like your opinion on this. I realize it's almost impossible to put a percentage on something, but on the remobilization of the paramilitaries in the criminal gangs, how big of a problem is that?

**Mr. Alex Neve:** Absolutely, it's not possible to put a number on it, but it is a very big problem.

The numbers and the instances, for instance, of death threats and attacks Amnesty has been documenting against trade unionists and lawyers and indigenous activists over the last year have been increasing. Our expert researchers are of the view that over the last year, in particular, the number of new and remobilized paramilitary groups has been...they have been strengthening and consolidating

their activities. So it's not just a fleeting concern; it's something that is intensifying, in our view.

**Mr. Gerald Keddy:** Taking your experience around the globe, that's not an unusual thing in war-torn areas or areas that have been suffering from civil war, areas that have been under armed conflict for periods of time. When suddenly you get a bunch of disenfranchised paramilitaries or soldiers, they still have access to arms and training and they will typically move to criminal activities. Would you agree with that?

**Mr. Alex Neve:** I think that's the more usual concern. Are demobilized and disenfranchised former fighters on both sides of a conflict moving into generalized criminality? You see murders and robbery and those sorts of things increase. What we're seeing here, though, is something beyond that. We're seeing paramilitary groups being reformed and starting to engage in some of the same targeted attacks against specific sectors of the society for reasons that are political, economic, strategic, and are not just a matter of generalized criminality.

**Mr. Gerald Keddy:** I look at it as criminal activity, certainly.

**Mr. Alex Neve:** It's certainly criminal; it's just not only criminal.

**Mr. Gerald Keddy:** I guess my point here is that if there are no jobs, if there is no opportunity, if we want to isolate Colombia and not trade with them.... Frankly, I'm disturbed by the idea that suddenly we're beginning trade...we're already trading with Colombia. Countries all around the world are trading with Colombia. The only way they're going to dig themselves out of the morass they're in is to provide jobs and opportunities for their citizens. You can't do that by isolating them.

I'm not finished. They do need security, I agree 100%, but how do they find that security, and how do we move them in that direction? Everything we've seen has told us that the situation in Colombia over time has improved. Now, it has ups and downs, but it has improved. The security of the average Colombian is better than it was ten years ago. The security of trade unionists is better than it was ten years ago. Colombia is a violent society, and I think the government is struggling mightily to overcome that, with work to do. I agree 100%.

I know we have limited time, so my final question to you is about the new law on intelligence and counter-intelligence that the Colombian congress passed last summer. Margaret Sekaggya, as a UN envoy, welcomed this. She stated on the record that she believes this is a good thing. You appear to be a bit negative toward that in your comments. I want to read into the record that the UN Office of the High Commissioner for Human Rights noted on June 16 that this new law, with its emphasis on the guarantee of rights and the enforcement of strict compliance to political and legal controls, constitutes an adequate legal framework to prevent similar situations of illegal wire-tapping, that you referenced earlier.

The office also suggested an immediate implementation of this law and other changes required within the administrative department of security, or DAS. The office also highlights the diligent manner in which the Attorney General's office and the Inspector General's office are carrying out investigations of these allegations. My point is this: it looks as if, according to not just your testimony but other people's testimony, there was a serious problem there.

The government reacted to that problem. They changed the law. I'm not saying it's perfect. And another body—not just yours—has looked at this and said they believe they're headed in the right direction.

I don't think Colombia's perfect, don't get me wrong. But I think they're headed in the right direction.

Are you seeing at least a gradual improvement over time? I know there are challenges, but is there a basic improvement, freedom of movement, freedom of association, for the average person on the street in Colombia?

• (1155)

**Mr. Alex Neve:** There's so much in your comments. There are a couple of things I want to clarify.

The first is that I want to make it absolutely clear that we've never said not to trade with Colombia. We've never said isolate Colombia.

**Mr. Gerald Keddy:** I appreciate that.

**Mr. Alex Neve:** We have always said, whether it is in the context of the ongoing trade relationship or any proposed change of that trading relationship, get clear about the human rights impact and make sure those are fully understood and addressed before we deepen that trading relationship. That's all we're looking for here.

With respect to what has happened over the course of this year with respect to the awful scandal regarding the eavesdropping and surveillance that the DAS bodyguards were carrying out with respect to human rights defenders, it's true, the government is responding and responding quickly. And we don't disagree with Margaret Sekaggya's comments, and others, that this hopefully means that we are moving in the right direction. It remains shocking and unacceptable that the civilian intelligence agency that reports to the president in Colombia has, for the last eight years, been carrying out that activity. It's one more indication of the fact that there is often a lot of smoke and mirrors going on with respect to what we're told as reality in Colombia and what is really happening behind the scenes with respect to human rights.

Lastly, about security being better or not, I think in large part that depends on where you stand in Colombia. I think it's clear in the cities for many urban dwellers that security has improved, although there's even debate back and forth about that. Take it outside the cities, and I think that's where the real concerns lie. That's where a lot of the impact of deeper trade and investment would be felt.

**The Chair:** Thank you.

Mr. Silva, we have to keep it pretty tight this time.

**Mr. Mario Silva (Davenport, Lib.):** Thank you, Mr. Chair. I want to thank Alex Neve for being here and Amnesty for their work.

I want to state for the record that part of the reason you are here today is that I spoke with the chair about inviting Amnesty. I thought it was important to hear from you. I think Amnesty has always provided important information for our committees.

I must say that I have some concerns about this deal. I also have concerns about human rights. I know there are those who like to frame this as a contest between those who care about human rights and those who don't. I don't think that's fair, because I think every one of us cares about human rights.

It's a question of how we deal with issues of human rights and how we proceed with the deal before us. I must congratulate your secretary general, Irene Khan, for making poverty the greatest human rights violation. I think poverty is such an important issue. It is within the context of poverty that I look to see whether trade deals will improve people's lives or not.

You have stated that you're not asking us not to trade with Colombia. This trade deal covers only about 20% of the things we don't trade. About 80% of things we already trade with Colombia would have happened whether we had this agreement or not. Your concern is whether, in light of what is happening on the ground, we want to go further into a trading relationship with Colombia.

I have made statements in the past, and I want to make sure that my statements are clear. What I have said is based on my relationship with people in Colombia—I've gone there three times—and with the large Colombian community in my riding. I have said the situation has improved under Uribe's government. I should have said that the situation has improved within the cities, because the people I have spoken to have been mainly from the Bogotá region. In that context, I would say that they have told me that the situation has improved.

I take seriously the comments you have made about other areas that I'm not as familiar with. I think it's important for all of us to get a better handle on it. I agree that it would be a good idea to get an assessment of the human rights situation. But how would we get an independent human rights assessment, given that most people have already adopted a position on the deal? This is a challenge. It's a good suggestion, but how would you do it? If you bring labour, they've already taken a position. The government has already taken a position. How would you bring it together?

• (1200)

**Mr. Alex Neve:** Those parties are not the ones who conduct the impact assessment. They're the ones who provide input into it. The impact assessment itself would be overseen and conducted by independent experts. An academic setting is one place to look. Trade unions, industry associations, Colombian government representatives, and others would provide input into the assessment. The information would then be analyzed, gathered, and put together, after which conclusions and recommendations would be formulated by the independent experts.

**Mr. Mario Silva:** That is extremely helpful. You are referring to an independent group of expert academics.

**Mr. Alex Neve:** The academy is one place to look. There may well be others who would have the independence and expertise that all concerned would find acceptable.

**Mr. Mario Silva:** I think that would be helpful. Amnesty has taken a known position on trade, whether good or bad. If there was a trade agreement, what would Amnesty like to see in the legislation? I realize we don't have it before us.

**Mr. Alex Neve:** In our view, it would be advisable to ensure that there's an ongoing human rights evaluation. You have the impact assessment at the outset. You highlight the concerns and address them. But that doesn't mean we're home free. It will be important for there to be regular and ongoing monitoring of how the trade deal is playing out in practice. We will need to know that emergent concerns will be addressed.

**Mr. Mario Silva:** Thank you. That's been very helpful.

**The Chair:** Thank you. That was good timing. Well done, gentlemen.

Mr. Holder is next. You have five minutes for questions and answers.

**Mr. Ed Holder (London West, CPC):** Thank you very much, Chair.

I'd like to welcome Mr. Neve, our guest. This is the first time that I've had the privilege to sit with you and to hear your comments.

I was going to take my question down a certain road, but I was struck by Mr. Silva's comments. They have forced me to rethink a bit of this today, and it has to do with probably the greatest issue facing Colombia, and I would think all third world countries. My wife comes from a third world country; it wasn't always a third world country, Rhodesia or Zimbabwe, but it's become almost worse than a third world country now, I can tell you, for various reasons.

It's the issue of poverty. I want to dwell on that a little bit. I've read and you've commented, I think twice today, that Amnesty International does not take a position on trade issues relating to countries. I'm not so sure you shouldn't, quite frankly. As you've noted, we're already in trade with Colombia, so as a very quick question, I'm trying to understand how a poor Colombian is somehow disadvantaged by virtue of having a rules-based system.

I get the comments you made about human rights, and I think there are some very significant issues relating to that country, but I'm trying to get an understanding from you of how Colombians are disadvantaged by having a rules-based system in trade. How would that hurt them?

• (1205)

**Mr. Alex Neve:** If the rules-based system means there's going to be increased, and perhaps even dramatically increased, interest in the lands of that poor indigenous woman, for instance, because it's considered to be rich in mineral wealth, then recycled paramilitary groups or FARC guerrilla groups, eager to maintain control of that territory and benefit from further development of it, are going to chase her and her people from the land. They will threaten them, attack them, and kill them. There's no rising above that poverty in that context.

**Mr. Ed Holder:** You would imagine, though, I would think, that if someone had a greater standard of living, somehow that would improve their human rights circumstances. As a broad general comment, is that fair?

**Mr. Alex Neve:** As a broad general comment, but if you're being chased and threatened and not allowed to live in your lands, then you don't have the benefit—

**Mr. Ed Holder:** Respectfully, that wasn't my question. I think you answered the first part, and it's helpful.

I'm trying to understand. You've talked about surveys and studies that you've done, but have you ever prepared an economic impact statement on the positive aspects of an advanced economy on human rights? Have you taken that from the positive perspective?

**Mr. Alex Neve:** We highlight that all the time. We're not economists, so we don't have the expertise that gets into those kinds of numbers, but we have always highlighted that good trade, responsible trade, can be good for human rights. Bad trade, irresponsible trade, or trade that is simply blind or neutral to potential human rights consequences can be very bad for human rights.

**Mr. Ed Holder:** That's fair, and it's good to have economists who would from time to time be able to review some of these things. I'm glad you say that, because we had the privilege earlier this week of having two, I would say, diverse views. They were from Mr. Rosero and from an economist, Mr. Mejía, who came and made representations to us.

You made a comment and gave yourself a thoughtful pat on the back as being one of those impartial and expert sources in relation to human rights activities, and I acknowledge that. You spoke on the importance of that. From the standpoint of impartial or expert or credible sources, would you deem the United Nations High Commissioner for Human Rights to be a credible source?

**Mr. Alex Neve:** Absolutely. The work that the United Nations has done in Colombia for many years is reputable and it's important. One thing that is positive in Colombia is that the Colombian government has agreed to have that presence in the country for so many years.

**Mr. Ed Holder:** Then would it surprise you to know that in fact the former UN High Commissioner for Human Rights said there was, and I quote, "no reason" why the Canada-Colombia free trade agreement should not be supported? You may not be aware of that, but I'll just share it with you.

**Mr. Alex Neve:** Are you referring to Louise Arbour when you say the former High Commissioner—

**Mr. Ed Holder:** I believe that was Ms. Arbour, and I will confirm that, but I would say to you that the comments made at that time from the UN Commissioner for Human Rights were deemed to be very credible.

**Mr. Alex Neve:** I'd be very curious to know the wider context in which that statement was made.

**Mr. Ed Holder:** I'd be happy to provide that for you. I think that would be interesting. You give us things, and I'd be happy to provide that in return.

Here's a separate question: would you consider the International Labour Organization, the ILO, to be very credible?

**Mr. Alex Neve:** Yes, generally.

**Mr. Ed Holder:** Would it surprise you to know, then, that during the 98th session of the ILO's International Labour Conference in June 2009, the Conference Committee on the Application of Standards expressed appreciation for, and I'll quote:

...the positive steps taken by the Government of Colombia to combat violence and impunity, expedite the union registration process, and transfer the government's authority to determine the validity of strikes to the judicial system.

You may not know that quote, but I thought I would share it with you.

Finally, do you consider the Escuela Nacional Sindical to be a credible source?

**Mr. Alex Neve:** I don't know that much about them. I've heard of them. I would have expert colleagues within Amnesty who could offer a view on that, if that's something you would like to know Amnesty's views on.

**Mr. Ed Holder:** It may be useful—

**The Chair:** Thank you, sir. That's seven minutes.

**Mr. Ed Holder:** Thank you.

**The Chair:** Monsieur Guimond.

[Translation]

**Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Thank you, Mr. Chair.

I am happy to see that my colleague, Mr. Holder, is interested in conducting possible studies. But, in our view, it is not up to Amnesty International to carry out those studies, but rather the government. With respect to that, I want to say right off the bat that the issue was already discussed by the committee in June 2009 and a report was produced. One recommendation is clear: the government should carry out impact assessments with respect to human rights. I want to mention that the Liberals were in favour of that recommendation. So it had majority support.

As recently as Tuesday, at this same table, we heard from Daniel Mejia, an Economics Professor and Researcher at Los Andes University in Bogotá. His finding was very clear: murders of union members in Colombia had steadily declined over the last eight years. Do you agree with that finding?

• (1210)

[English]

**Mr. Alex Neve:** No, we wouldn't. Our experience and our documentation are that those numbers have gone up and they've gone down and they've gone up and they've gone down. But in the long term, even in the medium term, we haven't seen a significant trend that would lead us to the conclusion that it has become safer to be a trade unionist in Colombia.

[Translation]

**Mr. Claude Guimond:** Why do you disagree with Mr. Mejia's study? I want you to explain, because Mr. Mejia practically had us convinced of the miraculous findings of his study. Why do you have doubts? Why do you disagree with him? He was not very happy when we tried to criticize his methodology. So there is something there. Could you elaborate and shed some light on the situation or give us some insight into Mr. Mejia's remarks to the members?

[English]

**Mr. Alex Neve:** Unfortunately I wasn't here, and I have not read his study. So I guess I can't provide information at that level.

I would be more than pleased, though—I assume the study is publicly available—to provide follow-up information to the committee. I think, amongst other things, questions about methodology and sources of information are key.

[Translation]

**Mr. Claude Guimond:** Yes.

[English]

**Mr. Alex Neve:** Professor Mejía, as I understand it, is an economist; he's not a human rights expert. So there's a question about his expertise and what he did or did not bring into his analysis and work as a result.

[Translation]

**Mr. Claude Guimond:** There is something that concerns me. There is talk of numerous union member murders. When you have a murder, you have a murderer. We often hear that the Colombian government is improving and that, to quote my colleague, Mr. Keddy, it is heading in the right direction. What happens to the murderers? Do they appear before a judge? Are they arrested?

[English]

**Mr. Alex Neve:** As an overall proposition, impunity continues to be the norm in Colombia for human rights violations, be it against trade unionists, human rights defenders, indigenous leaders, right across the board. There are, from time to time, a few high-profile cases where action is taken, usually because there's extreme international pressure.

I referred, for instance, to the “parapolitics” scandal that's happening right now. It's a huge story in Colombia. It's in the news all the time and is being watched very carefully. But even there, there's paramilitary and government action against the judges and the lawyers who are trying to work to make sure that scandal gets properly investigated and people are brought to justice. They are facing threats and obstruction in their work.

So we have far to go before we can confidently say that justice and not impunity is the norm in the face of human rights violations. And that, we would suggest, is one of the key things we want to start seeing greater confidence about before we think about deepening a trade deal that may put people at risk of increased human rights violations without a parallel prospect of increased justice.

[Translation]

**Mr. Claude Guimond:** You are Canadian?

[English]

**Mr. Alex Neve:** Yes, I am.

[Translation]

**Mr. Claude Guimond:** As a Canadian, how would you like seeing your government do business with a country such as Colombia, in terms of business transactions and signing free trade agreements? What do you think about that?

[English]

**Mr. Alex Neve:** I think we have a tremendous opportunity as a nation to demonstrate real leadership on this important front of human rights and trade. It's not that we, as a nation, want to or should in any way turn away from trade. But we should absolutely be turning away to trade that does the best possible job of protecting human rights by carrying out a human rights impact assessment and demonstrating to the world that that's the kind of trade we believe in and that's the kind of trade policy we're going to stand for. That's the kind of Canada I would like to see.

• (1215)

**The Chair:** Thank you. Good wrap.

Mr. Harris.

**Mr. Richard Harris (Cariboo—Prince George, CPC):** Mr. Neve, thank you. Welcome.

Over the past number of years, since 2002, trade between Colombia and western countries has increased to the level it is today. At the same time that an association with a number of countries outside of Colombia has been going on, we've seen significant improvements in human rights, in the decrease in murders, the decrease in attacks on trade unionists, etc.

Do you think there's a ghost of a chance that this stronger association through trade with other countries like ours around the world has had any influence on those improvements? Do you think we've had any influence on Colombia? Do you think the Government of Colombia has realized that if they're to build their economy, they have to rely on trade with nations around the world, so they'd better clean up their act so that nations around the world will want to trade with them?

Do you think there's a possibility that this may have been a thought?

**Mr. Alex Neve:** I think our concern is that the degree to which that may be happening has brought benefit to a limited few and has at the same time increased vulnerability and risks to marginalized groups—

**Mr. Richard Harris:** With all due respect, Mr. Neve, the homicides have gone down. Education has improved considerably. It appears that there has been significant improvement in most of the areas we're concerned about. There's still a long way to go. If you had a magic wand, or if Mr. Julian had a magic wand... If we had a magic wand, we would wave it and we'd have a perfect world, but we don't. Progress is made in incremental steps, and we are all heading toward the same goal.

So if Canada were to back away from this free trade agreement, in which we have an opportunity to perhaps increase our influence with Colombia, as a country that respects human rights... If we were to back away for further study... We've been on this for a year and a half now. There are about half a dozen other countries that are anxious to sign agreements with Colombia that don't even have the willingness to sign what we're going to sign with them with regard to labour contracts, side agreements, and the environment. If we were to back away for further study—we could go on for another two years, given how long we've been doing it now—our seats are going to be filled by those other countries as far as free trade with Colombia is

concerned. There may not be a chance to come back to the table to negotiate to try to get a free trade agreement because there may not be any room.

Do you think it's morally smart to think that we should walk away now and not give Colombia the benefit of the influence we can have by signing this free trade agreement, no matter how small the steps are for the improvement we can maybe offer through our influence? Do you think it's morally smart to do that?

**Mr. Alex Neve:** We have never said we should walk away. We have said let's pause, and get the human rights right and—

**Mr. Richard Harris:** But, Mr. Neve, with due respect, we've been on this for a year and a half now. It is possible, given the determination of the parties opposite—some of them, half of them—that we could be on this for another two years. We would be depriving Colombia for that time of the influence we possibly could have on how their government would continue to try to make improvements. In the meantime, as I said, our seats at the table may be filled by half a dozen other countries, to the point where we're not needed any more. That's what I'm saying.

**Mr. Alex Neve:** I think the solution is very clear, then: agree to carry out the human rights impact assessment. We didn't just raise this recommendation today. We first put this issue in front of the government three years ago. This committee highlighted the need for a human rights impact assessment—I believe all members of the committee at the time—a year and a half ago. It's not that we're now coming to the table late in the process to say let's delay and then go forward with this.

• (1220)

**Mr. Richard Harris:** But respectfully, this labour cooperation agreement and the environment agreement are the strongest agreements we've ever signed with any nation. That's a huge step for Canada to take in negotiating a free trade agreement. It's a good step. It may be a smaller step than what you want, in your view, and maybe in Mr. Julian's and Mr. Guimond's, but it is a positive step. I believe that positive step could be lost if we were to walk away from the table and maybe come back in a couple of years, or even a year from now, to find that others have taken our seats.

**Mr. Alex Neve:** I wouldn't dare speak for the Colombian government, but it certainly has been my sense throughout this whole process that the Colombian government is very intent on having a deal with Canada. I don't know that the risk of them losing interest and focusing on other countries would be a very real one.

Again, I come back to the fact that the answers to concerns about ongoing and further delay are, in my mind, very obvious: get the human rights impact assessment up and running. Sadly, it's something that didn't happen two, two and a half, or three years ago.

**Mr. Richard Harris:** Could we not get to the agreement now and work on the other—

**The Chair:** Mr. Cannan, do you want to have one quick question, now that Mr. Harris has used up more than half your time?

**Mr. Ron Cannan (Kelowna—Lake Country, CPC):** Sure.

**The Chair:** One quick one, if you want to, Mr. Cannan.

**Mr. Ron Cannan:** Thank you.

It's good to see you again.

My wife and I had a chance to work in Brazil at an orphanage and to understand the impact of human rights and economic development. Kids were left abandoned on the streets and shopkeepers were shooting them in the stores. It was horrific. We've come a long way around the world. There is a lot of improvement to be done. Having the chance to go to Colombia...and now I'm only limited to one question.

Looking back, I think you were at the breakfast on Tuesday, when AFN Chief Shawn Atleo was there.

**Mr. Alex Neve:** No, I wasn't.

**Mr. Ron Cannan:** Okay. He commented on an aspect of economic growth, and his phrase was "a rising tide lifts all boats". We heard that when we were in Colombia, giving economic opportunities on the ground.

Following up on Mr. Brison's comment, there are a lot of people who just want a chance to make a living. I think that's ingrained. We

are created to be productive and respected, and we want to have a positive influence on society. Do you think the folks in the Colombia are looking for that as well?

**Mr. Alex Neve:** To stick with the metaphor, a rising tide may lift all boats, but there's a very real risk that any number of those boats may find themselves crashed on the rocks. If we're not very careful about ensuring that the particular impacts they will face.... Because of who they are, their identity in Colombian society—indigenous peoples, Afro-descended communities, others—they may face increased risk, not just greater prosperity and benefit as trade and investment in their part of the country increases, and if those concerns aren't addressed, then this ends up being bad news for them, not good.

**The Chair:** Thank you.

We're going to conclude our questioning and bid our witness farewell for today.

Thank you again for appearing, Mr. Neve.

We're going to move on to a quick minute of government business.

I'll give you one minute to say goodbye to our guest and then we're going to wrap it up.

*[Proceedings continue in camera]*

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