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

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**EVIDENCE**

**Wednesday, June 16, 2010**

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**Chair**

**Mr. Scott Reid**



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

Wednesday, June 16, 2010

•(1250)

[*English*]

**The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)):** I'm going to ask the clerk to refresh our memories.

Mr. Silva proposed an amendment. I can't remember if the amendment was adopted or if we were in the midst of debating it.

[*Translation*]

**The Clerk of the Committee (Ms. Julie Lalonde Prud'homme):** The original motion is on the first page. Mr. Silva's amendment is on the second page.

If you want to, you can start with the second page to pick up where you left off, at Mr. Silva's amendment.

**The Chair:** We did not adopt the amendment.

**The Clerk:** The debate was adjourned.

[*English*]

**The Chair:** All right. Do we have agreement from everybody that we can start by talking about the amendment and then continue debate on it?

I don't see opposition to that, so I'm going to assume that's okay.

Let's see if there are any speakers to the amendment.

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Can we have this separated in the future? It's hard to sort out the English from the French, trying to fold it over. I don't have the slightest idea where I am right now.

**The Chair:** Let's make sure he's in the right spot.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** I'm trying to understand the purpose of a motion like this. We have a draft of the universal periodic review study we did. This would be more appropriate in recommendations vis-à-vis this study, rather than in a motion in this regard. I just don't understand the rationale.

We did all the work and heard witnesses. It's very germane to our study. I don't know why we're pulling this motion out. Why don't we just make it one or two recommendations—whatever we like—in order to recommend to the government that they do such and such?

**The Chair:** Is there any further comment?

Monsieur Dorion.

[*Translation*]

**Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ):** I am inclined to move a subamendment to the proposed amendment. Instead of using the word “reforming”—which implies that things are not going very well in the council, which is not quite accurate, in my opinion—we could say “improving and strengthening the Council”, which is a better reflection of the current situation.

[*English*]

**The Chair:** I've just been advised—

[*Translation*]

**Mr. Jean Dorion:** And “improving and strengthening the Council”.

**The Chair:** The clerk is telling me that we need unanimous consent to move a subamendment.

Is there unanimous consent?

[*English*]

There is, so that's great.

We're now discussing the subamendment.

[*Translation*]

**Mr. Jean Dorion:** I have already explained why I moved the subamendment, Mr. Chair.

[*English*]

**The Chair:** Mr. Sweet is first, and then Mr. Marston.

**Mr. David Sweet:** By the way, the consent there was just a little rapid.

Nevertheless, I want to reassert that I think this motion would be better served as a recommendation in our study of the UPR. I can't support it for that reason. I'd rather see it in a report that's germane and a demonstration of our work.

**The Chair:** Mr. Marston.

**Mr. Wayne Marston:** I'd like to ask Mr. Dorion why he wants it as a stand-alone, as opposed to adding it to our report. I can certainly support it—no issue with that. Is there a significant reason why it shouldn't be in the report, just so I have a better understanding?

[*Translation*]

**Mr. Jean Dorion:** I would ask my colleague to clarify his question. The most important thing in this motion is the idea that Canada participate once again in this council, in other words, that Canada renew its candidacy and obtain a place on the council.

Of course, it is also to ensure that the council functions better. I cannot see how anyone could object to that, unless they want to boycott the council. I think it is important for Canada to reclaim its international role in human rights. Such an amendment would encourage the government to do that.

[*English*]

**The Chair:** If you don't mind my asking a question, does this relate primarily...?

Go ahead, Monsieur Dorion.

[*Translation*]

**Mr. Jean Dorion:** There is an underlying logic. We have seen, on a number of occasions, that Canada's role in international rights is considered much weaker today than in the past. A number of witnesses have shared that concern with us. That is why I think this amendment is important.

• (1255)

[*English*]

**The Chair:** Okay. I'll just ask the question, before I go to Mr. Marston and Mr. Sweet. Does this relate primarily to the periodic review of Canada's human rights performance or of Canada's role in the human rights of other countries? I'm not entirely sure.

[*Translation*]

**Mr. Jean Dorion:** In any case, the UPR was done by the Human Rights Council. I think it is pretty obvious how this motion relates to the consideration of the UPR.

[*English*]

**The Chair:** I assume you're talking about the periodic review of Canada. Our report was about the periodic review of Canada, so that determines whether or not it's relevant to talk about including it in the report, which is how some of the discussion has gone. If this is about the periodic review of Canada, then it can be included in the report. If it's about Canada's participation on the international scene and the human rights records of other countries and our role in that, then there is no way we could include this in our report. It would be outside the bounds of the report. That's why I asked the question.

But I gather from your response that this is referring to the review of Canada's human rights record?

Okay. Let's go to Mr. Sweet.

**Mr. David Sweet:** Monsieur Dorion talked about why somebody would be against it. I don't want to assume any intent on his part, but let me be clear that I was not against the substance of this motion, although I do disagree with the last comment that he made about Canada's work in any way being weakened right now. I think if anything it's strengthened.

But all I was saying, Mr. Chair, as Mr. Dorion has just again repeated and reasserted, was that this is very germane to our report, and as a recommendation it would serve much better than as a stand-

alone motion. We did the work, and it would be appropriate to put the recommendation inside the report.

**The Chair:** Mr. Marston is next, and then Professor Cotler.

**Mr. Wayne Marston:** Well, I'm starting to get a little more clarity here. I understand this is intended to be a stand-alone motion and not part of the report.

[*Translation*]

**Mr. Jean Dorion:** Exactly, it is not part of the report, but it is in keeping with the spirit of the consideration of the report. It does not have to be a part of the report.

[*English*]

**The Chair:** Okay.

Mr. Marston.

**Mr. Wayne Marston:** Now that I understand that it is not to be an element of the report, I just want to speak in favour of this motion going forward to the committee.

**The Chair:** Professor Cotler comes next, and then I'm going to remind people that we are discussing the subamendment at this point. So we have to find some way back through a chain of three separate decisions. Just keep that in mind.

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Chairman, this motion deals with the universal periodic review. The universal periodic review takes place within the framework of the UN Human Rights Council, so it also deals with the council. Given that these issues are inextricably bound one with the other, it seems to me it might better find its place in the report.

I also want to say parenthetically, but not unimportantly, that I have appeared a number of times before the UN Human Rights Council, and frankly, some of its deliberations are in the Alice in Wonderland category. I'm putting it rather charitably.

I strongly support Canada's candidacy to return to that council, but not without making it clear at the same time that we are returning with a purpose. That purpose is, as Mr. Silva put forth in his amendment, reforming and strengthening the council. Just to put forward our candidacy doesn't make sense. It's almost as if we're going to rubber-stamp what, as I said, has been an Alice in Wonderland proceeding there.

**The Chair:** I'm not seeing anyone else at the moment, so let's find out if there's support for the subamendment.

**Mr. David Sweet:** I would like to graciously, wholeheartedly, say amen to Mr. Cotler's comments.

**The Chair:** Maybe you could do that when we get out of the subamendment and into the actual—

**Mr. David Sweet:** I will do that by the way I vote.

**The Chair:** Okay. Let's start with the subamendment. Is there support for the subamendment, first of all? Is there consensus? If there isn't, we'll go to a vote.

**An hon. member:** There is no consensus.

**The Chair:** Okay. We have to go to a vote on the subamendment.

Remember, this is the subamendment now.

•(1300)

**Mr. Wayne Marston:** Do you have it in writing?

**The Chair:** That's a good point.

[*Translation*]

In the French version, the words “la réforme” would be replaced by “l'amélioration”.

[*English*]

And in English, instead of “reforming”, it would be “improving and strengthening” the council.

That's the subamendment. Then we'll deal with the amendment and then the main motion.

We don't have a consensus, so let's go to a vote on that.

(Subamendment negated)

**The Chair:** We will now go to the amendment. The amendment is what you see on your sheet. You can go back and look at that. It's now as originally written.

What about that one? Do we have consensus on that amendment?

**Mr. David Sweet:** I will make a comment, Mr. Chair, to reassert that I agree with Mr. Cotler. I will be in agreement with this subamendment, but not with the motion after, as I will demonstrate with my vote. I'm in consensus at this point.

**The Chair:** Okay, but I'm going to correct you. You're in agreement with the amendment, not the subamendment.

**Mr. David Sweet:** The amendment, correct.

**The Chair:** We're dealing with the motion. The motion is as amended. Do we want discussion, or can we go to a vote on that as well?

**An hon. member:** Go to a vote.

**The Chair:** Let's go to a vote. All those in favour of the motion as amended?

We have a tie. Just a moment. I have to figure this out.

This is the motion as amended. We're going to assume there was a counting error and we're going to try again.

**Mr. David Sweet:** Mr. Chair, I want to be clear on the record that we are in agreement with the substance of this motion; we're not in agreement with the process.

Since Mr. Dorion wanted to go in public, I will reassert, in public, that although we will be voting against this motion, we will not be voting against the substance of it and we would like to see it as a recommendation in the report.

**The Chair:** As circumstances have it, that's what we will move to after we deal with Mr. Dorion's motions.

Hold on. I see a whole bunch of hands here. I think Mr. Silva was first and then Monsieur Dorion.

**Mr. Mario Silva:** Just so you can clarify things, if the motion is in fact defeated, can it still be put as a recommendation in the report or not?

**The Chair:** Yes, I think so.

**Mr. Mario Silva:** But has somebody moved that motion, or not?

**Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC):** You can't deal with a motion before you address the existing motion.

**The Chair:** No, no, but I think the question is in principle. Could someone introduce an amendment to the report in the form of putting this in as a recommendation? I think that's the question, and the answer would be yes.

**Mr. Mario Silva:** And there would be an opportunity to vote on it as well. Is that what you're saying?

**The Chair:** Yes, there would be an opportunity to do that.

**Mr. Mario Silva:** Okay. Thank you.

**The Chair:** That's a question of principle.

I'll just go to Mr. Dorion for a moment.

[*Translation*]

**Mr. Jean Dorion:** I have two questions. First of all, even if I vote against the motion as amended, that does not mean that we are against Canada joining the Human Rights Council, on the contrary. I put forward a motion on this that, unfortunately, the majority of the committee did not support. I am concerned by the use of the word “reforming”, which suggests to the committee that the Human Rights Council is somewhat deficient. That is not my opinion, nor my party's.

Secondly, I thought we had abandoned the idea of including it in the report. But the chair is once again saying that it would be part of the report. Could you clearly state whether you really intend to include this motion in the report? I thought we had dealt with that.

•(1305)

[*English*]

**The Chair:** I'm going to go to Mr. Silva and then Mr. Marston. If that question hasn't been answered in the process of discussion, I'll try to answer it. But let's go to Mr. Silva first.

**Mr. Mario Silva:** I'm sorry, I guess I didn't pay attention to how the vote went, Mr. Chair. If Mr. Dorion, who was the originator of 99% of this motion is not in favour of the minor amendment that was made, then I don't know why any other member of the committee would want to support it. If he's not voting for it, then I would also not be in favour of it.

**The Chair:** We'll go to Mr. Marston, and then I think I have to come back and answer Mr. Dorion's question. Then we can deal with the vote.

Mr. Marston, please.

**Mr. Wayne Marston:** To be very clear, Mr. Chair, my understanding is that this is a stand-alone motion, and if it's defeated, the option then is that it can be added to the report if the committee feels it wants to. But the vote here does not put it into the report in any fashion; we're still dealing with a stand-alone motion. As a result of that, I can support it.

**The Chair:** All right.

Is there any more debate? I've been a bit fast on this in the past, so I'll just check.

Okay. So the answer to Mr. Dorion's question, effectively, was given by Mr. Marston. We'd be voting on this as a stand-alone item. If it's defeated, or indeed if it's passed, it can still be put into the report because the report is being discussed as a separate item.

Now, is there any more discussion?

Let's have a vote on this then.

[*Translation*]

**Mr. Jean Dorion:** Could you please read it again, Mr. Chair?

[*English*]

**The Chair:** Absolutely.

[*Translation*]

**Mr. Jean Dorion:** There have been so many discussions and changes that...

**The Chair:** Exactly how it is written on page 2.

**Mr. Jean Dorion:** As it was.

**The Chair:** Yes, as worded in Mr. Silva's amendment.

**Mr. Jean Dorion:** For the sake of consensus and Canada's membership in the council, I will support it.

[*English*]

**The Chair:** All right. So we're voting on the main motion as amended.

Is everybody clear about that?

**Some hon. members:** Yes.

**The Chair:** All those in favour of the motion as amended?

(Motion as amended agreed to [*See Minutes of Proceedings*])

**The Chair:** May I suggest now that we go back in camera to deal with the UPR report. If we manage to complete that, we can go public again and deal with another of Monsieur Dorion's motions.

Would that be acceptable to the group?

**Some hon. members:** Agreed.

[*Proceedings continue in camera*]

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