

Canada - Europe
Parliamentary Association



Association parlementaire
Canada - Europe

**Report of the Canadian Parliamentary Delegation to the
Parliamentary Mission to the Country that will next hold the
European Union Presidency and the Second Part of the 2007
Ordinary Session of the
Parliamentary Assembly of the Council of Europe**

Canada-Europe Parliamentary Association (CEPA)

**Lisbon, Portugal and Strasbourg, France
April 12 to 20, 2007**

Report

Parliamentary Mission to the Country that will next hold the European Union Presidency Lisbon, Portugal April 12 – 13, 2007

A. Introduction and Overview

A delegation of five parliamentarians from the Canada-Europe Parliamentary Association travelled to Lisbon, Portugal, for high-level meetings with members of the Assembly of the Republic and government officials in preparation for the upcoming Portuguese Presidency of the European Union (EU). The delegation was led by Association president the Hon. Lorna Milne, Senator, and included from the Senate the Hon. Joan Fraser and the Hon. Yoine Goldstein, and from the House of Commons Mr. David Tilson and the Hon. Roy Cullen. The delegation was accompanied by association secretary Philippe Méla and advisor Marcus Pistor. The program in Portugal was organized by the Canadian Embassy in Lisbon, which provided excellent support to the delegation throughout the visit.

In addition to meetings on Portugal's upcoming EU presidency, the Canadian delegation had the opportunity to discuss political, economic, cultural and academic relations between Portugal and Canada with Canadian officials and with Portuguese officials and academics. The delegation also met briefly with the President of the European Commission, Dr. Durão Barroso.

Prior to departure for Portugal, the delegation met with His Excellency João Pedro da Silveira Carvalho, Ambassador of the Portuguese Republic to Canada, and delegates received a very good briefing from officials from the Department of Foreign Affairs and International Trade (DFAIT).

B. Program

1. Briefing Sessions with Embassy Officials on Portuguese-Canadian Relations

Led by H.E. Patrick Parisot, Canada's Ambassador to Portugal, embassy officials briefed the delegation on Portugal's preparations for its Presidency of the European Union (1 July – 31 December 2007), key issues in bilateral relations between Canada and Portugal, and the program for this visit. They noted that, while Portugal's EU Presidency will build on the current German Presidency and continue work on the implementation of the "18-month Programme of the German, Portuguese and Slovenian Presidencies,"⁽¹⁾ Portugal's perspective is quite different from that of Germany. While Germany is the largest EU country both economically and demographically, Portugal is one of the smaller EU member states, and it is struggling to reach the EU average of economic development. Economic and governance reforms are therefore of particular importance to Portugal, as is the consolidation of European integration, in particular

through a revived constitutional treaty. In addition, Portugal's geographic position and its history will make relations with Africa and South America, as well as illegal immigration, central issues for the Portuguese EU Presidency.

With regard to bilateral relations, Ambassador Parisot noted that, while commercial relations are not extensive, political relations are excellent and person-to-person contacts are very important, with the Portuguese community in Canada numbering between 375,000 and 500,000 people, most originating in the Azores. In addition, Portuguese officials and politicians are very supportive of strong transatlantic relations, both with the United States and with Canada. Finally, Ambassador Parisot discussed the two main issues of concern in bilateral relations, fisheries and the deportation from Canada of undocumented Portuguese workers and their families.

2. Meeting with the President of the Assembly of the Republic, Dr. Jaime Gama

The meeting with Dr. Gama allowed for a fruitful exchange of views on Portugal's EU Presidency, the political situation in Canada and bilateral relations. The meeting served as an excellent opportunity for Dr. Gama to prepare for his visit to Ottawa in early May. After noting the importance of Canada to Portugal and the EU, not just bilaterally but as a partner in multilateral institutions, he outlined the direction of the Portuguese EU Presidency. He focused in particular on the need for institutional reform and a revised or new EU constitutional treaty; the implementation of the Lisbon Strategy for Growth and Jobs first agreed to in 2000 and reviewed in 2005; and energy security and the implementation of the recently adopted EU Energy Strategy. Dr. Gama argued that the EU should develop a special relationship with Canada, especially in the areas of foreign policy, security and defence, as well as justice and home affairs, and pointed to areas where joint action could be very productive. He also responded to questions from Canadian delegates about Portugal's economy and economic reform efforts; the changing nature of immigration to Portugal and the integration of immigrants; the upcoming EU-Africa summit; Canadian and Portuguese involvement in Afghanistan; and Portuguese reactions to Canada's seal hunt.

3. Meeting with the Portugal/Canada Parliamentary Friendship Group

Dr. Ricardo Rodrigues, President of the Portugal/Canada Parliamentary Friendship Group, welcomed the Canadian delegation. He noted that relations between Canada and Portugal are good and based on a long history, and went on to address some of the challenges in bilateral relations, emphasizing the importance of parliamentary exchanges. In her response, Senator Milne explained the purpose of the Canadian delegation's visit and provided a brief overview of the work of the Canada-Europe Parliamentary Association, noting that "the fact that we deal with such a range of organizations and issues ... is itself a tribute to the depth and breadth of relations between Canada and Europe." The discussion then turned to Portugal's preparations for the EU Presidency, the country's experience with EU membership and the impact of EU enlargements in 2004 and 2007 to now 27 member countries.

4. Meeting with the Committee on European Affairs

The meeting with the all-party Committee on European Affairs allowed for a wide-ranging discussion of Portugal's role in the European Union and European policy debates in Portugal. Canadian delegates posed several questions on the role of national parliaments in the EU, including with respect to the oversight of Portuguese European policy. In response, Portuguese parliamentarians explained that national legislation governing the relationship between the Assembly of the Republic and the executive had been changed in 2006. The changes are intended to deepen parliament's role in accompanying the EU legislative process, including by giving the European Affairs Committee and specialized committees the mandate to study and comment on legislation proposed by the European Commission. These changes are part of efforts in the EU to involve national parliaments more systematically in policy-making, including by giving them an opportunity to determine whether EU legislative and political initiatives conform to the principles of subsidiarity and proportionality. ⁽²⁾

Participants also discussed the EU's Lisbon Strategy for Growth and Jobs and the Stability and Growth Pact that was adopted by the EU in 1997 "to ensure that Member States maintain budgetary discipline" after the completion of the Economic and Monetary Union and the introduction of the single currency by EMU members,"⁽³⁾ focusing in particular on links between national economic policy and reforms and EU efforts. Finally, committee members outlined their priorities for the Portuguese EU Presidency:

- i. Revival of the institutional reform process through the preparation of a new constitutional treaty;
- ii. Full integration of the newest EU members states, Bulgaria and Romania, and negotiations with the two candidate countries, Turkey and Croatia;
- iii. Development of the EU Maritime Policy, on which the European Commission is currently conducting public consultations; ⁽⁴⁾
- iv. Immigration and integration of migrants;
- v. The EU-Africa Summit to be held in December 2007 in Lisbon;
- vi. Further developing and implementing the concept of "flexicurity" in labour market reform; ⁽⁵⁾ and
- vii. Reform of the common market organisation for wine. ⁽⁶⁾

5. Meeting with the Committee on Foreign Affairs and Portuguese Communities

While the meeting with the European Affairs Committee concentrated on EU policies and developments and on Portugal's European policy, discussions with the Committee on Foreign Affairs and Portuguese Communities had a broader focus. Canadian delegates raised the issue of possible tensions between the EU Common Foreign and Security Policy (CFSP) and Portuguese foreign policy, specifically in relation to Portugal's geopolitical interests and its historic ties for former colonies. Committee members noted that, while the CFSP was still in its infancy especially when compared to economic policy integration, its development is seen as an important and logical step

for the EU. Smaller EU member countries are particularly interested in the development of a balanced CFSP to ensure that the larger member countries cannot dictate EU policy in this area. The failure of the constitutional treaty as a result of its rejection in French and Dutch referenda was unfortunate in this regard, since the treaty would have given the EU a single foreign policy identity; and this is one area where a renewal of the institutional reform through a revised treaty will be pursued. Other committee members noted the importance to Portugal of relations with the Mediterranean region and Africa and argued that the EU Presidency is an opportunity to focus EU CFSP on new initiatives here, including closer coordination and improved effectiveness of European development assistance to Sub-Saharan Africa.

Committee members also argued that more effective development assistance and economic cooperation was necessary to address the root causes of terrorism and illegal migration. The discussion then turned to immigration policy and the integration of migrants, specifically with regard to its role in addressing the challenges of demographic change in Europe. As committee members noted, the EU does not currently have a proactive immigration or integration policy. They went on to explain the substantial changes of immigration to Portugal, including the dramatic increase in immigration from central and eastern Europe.

Finally, members of the Committee on Foreign Affairs and Portuguese Communities, including a member from the Azores and the MP representing Portuguese voters living outside Europe (including Portuguese nationals residing in Canada),⁽⁷⁾ raised the issue of the deportation from Canada of undocumented Portuguese workers and their families. They asked Canadian delegates to explain Canada's immigration system and the reasons behind the deportations. One committee member expressed concern about two specific issues: the deportation of people whose children were enrolled in Canadian schools, and the fact that some of those expecting to be deported had claimed refugee status to allow them to stay, even though Portugal is widely seen as a democratic country where human rights are fully recognized. Canadian delegates emphasized that Portuguese immigrants are welcome in Canada and that many of them have made a valuable contribution to Canada's economic, cultural and political life. However, they also stressed the importance of maintaining a fair and credible immigration system and pointed out that Portuguese deportees represent only a very small proportion of all deportees and that many of those deported have since returned legally.

6. Meeting with Dr. Margarida Cardoso, Director of the Jacques Delors Information Centre, Belem Cultural Centre

The Jacques Delors European Information Centre is an independent information and training centre that was founded in 1994 to encourage and facilitate participation by Portuguese citizens, especially young people, "in the life and construction of Europe through the information and debate on community subjects." It targets young people, teachers, researchers, and other "multipliers of information." The Centre has a library and resource centre as well as a seminar room and training facilities. It organizes a variety of activities, including publishing edited volumes on Europe topics, developing content for use in schools and by educators, training teachers and others in EU related

topics, organizing debates, seminars, exhibitions, performances, and competitions, and developing content for its Web site in Portuguese and other languages.⁽⁸⁾ The meeting provided delegates with an opportunity to learn first-hand about the challenges facing the European Union, national governments and others with respect to their ability to communicate and explain EU institutions, policies and developments to ordinary citizens, the information and access challenges facing EU citizens wanting to get involved in EU affairs, and the efforts made in countries like Portugal to address these challenges.

7. Attendance at a Joint Session of all Standing Committees presided over by the Speaker of the Assembly of the Republic, in the presence of the President of the European Commission, Dr. Durão Barroso

As part of the European Commission's efforts to improve the perceived legitimacy of EU institutions and to strengthen links between the EU and national parliaments, the President of the European Commission, Dr. Durão Barroso, participated in a special joint session of the parliamentary standing committees. This session was significant in part because Dr. Barroso had served as Portuguese Prime Minister prior to accepting the post of President of the European Commission. In his introductory remarks to Assembly members, he argued that the current crisis in the EU, brought about by the rejection of the EU constitutional treaty in France and the Netherlands, should be seen in the context of the EU's history, which, was marked by several serious crises, but which clearly represents significant achievements for European political and economic integration, namely peace, economic prosperity, and democratic development and stability for the European continent. The current impasse should be seen as an opportunity for decision-makers to agree on and implement reforms that are meaningful for the EU's citizens. This means enhancing the ability of EU institutions to develop constructive policies that produce concrete results. Of particular importance, according to President Barroso, is the need for a constructive response to globalization, which aims at improving economic competitiveness to strengthen economic performance while also ensuring the sustainability of Europe's social programs. In this context, he addressed several issues, including the implementation of the Lisbon Strategy for Growth and Jobs, the EMU's Stability and Growth Pact, the future of EU structural funds, the European Commission's services directive, climate change, and the recently adopted EU Energy Strategy.

Dr. Barroso also discussed the need for reform of the EU's institutions in some detail, arguing that there are several reasons for institutional reform: First, current institutions were designed for a much smaller EU, with the second most recent reform taking into account a membership of 15 countries, rather than the 27 the EU now has. Institutional reform is needed to make the Union more efficient, more democratic, more transparent, and to make EU policy more coherent. For President Barroso, involving national parliaments in EU decision-making is a central aspect of these reforms. Second, institutional reform is needed to enable the EU to deal with major challenges facing Europe, including in the areas of security, migration and climate change. Third, strengthening foreign policy coordination among member states and EU institutions and improving policy coherence across policy areas requires institutional reform. Finally, the

President of the Commission outlined key elements of the road map being developed under the current German EU Presidency. These included the need to define clear objectives of a reform process, agreement on the starting point for negotiations and on the structure of a new constitutional treaty before a formal intergovernmental conference (IGC) is convened, the identification of “policy areas in which new provisions could be envisaged, for example energy,” and the need for “a clear and ambitious timetable for the negotiations.” His speech is available on the European Commission’s Web site.⁽⁹⁾

In the discussion that followed Dr. Barroso’s speech, Assembly members raised several issues, ranging from the institutional reform of the EU and possible reform of the Economic and Monetary Union (EMU) to Common Foreign and Security Policy (CFSP), EU development assistance and transatlantic relations, to energy security and the environment. In the course of addressing these issues, President Barroso made a point of thanking the Canadian delegation for “being here and sharing in this debate.” He also took time following the debate to meet briefly with Canadian delegates.

8. Meeting with H.E. Joachim Boudré-Gröger, Ambassador of Germany to Portugal

Germany currently holds the EU Presidency and, together with Portugal and Slovenia, the next two Presidency countries, agreed to and is now implementing an 18-month Presidency program, the first time that three consecutive Presidencies agreed to a common program. The meeting with Germany’s Ambassador to Portugal allowed for a wide-ranging discussion of some of the topics addressed by other interlocutors, but from the perspective of the German Presidency. These included EU enlargement, the Lisbon Strategy for Growth and Jobs, the prospects for a new constitutional treaty, the March 2007 Berlin Declaration, transatlantic relations, the planned EU-Africa summit, immigration, and integration of migrants. Ambassador Boudré-Gröger also discussed bilateral relations between Canada and the EU and the need for closer global policy cooperation. He suggested that past failure to coordinate development policy and crisis management had been detrimental and that the transatlantic partners need to work closely together to find common responses to common problems.

9. Briefing at the Ministry of Foreign Affairs with Mrs. Maria João Botelho, Acting Director General for European Affairs, and Mr. Mario Miranda Duarte, Director of Community Affairs

The last meeting of the program provided an opportunity for Canadian delegates to discuss Portugal’s European policy with the Portuguese officials responsible for coordinating preparations for the EU Presidency. The officials began by explaining how the European context has changed since Portugal held the Presidency in 1992 and then in 2000, noting in particular the increased quantity and complexity of issues managed by the Presidency country. This is further amplified by the increase in EU membership – from 12 in 1992 to 15 in 2000 to 27 in 2007 – and by the geographic expansion of the Union to include ten countries in central and eastern Europe. In this context, officials stressed the importance of close cooperation between successive Presidency countries and noted in particular the “18-month Programme of the German, Portuguese and

Slovenian Presidencies.”⁽¹⁰⁾ This first “trio” programme in the EU’s history was developed over a two-year period and represents an important step towards closer policy coordination and longer-term planning. The process of developing the programme also provided an opportunity for developing networks of officials involved in EU affairs in the three countries involved.

At the same time, each country also has had the opportunity to define priorities specific to each Presidency. For Portugal, these include moving forward the agenda for institutional reform of the EU, which will be set in motion along a road map currently being developed under the German Presidency; the implementation of the Lisbon Strategy for Growth and Jobs; better cooperation in the area of justice and home affairs with the goal of ensuring respect for personal freedoms while also addressing security challenges; and several issues under the rubric of the EU’s external relations, including closer coordination of development assistance and preparations for the EU-Africa summit.

II

Second Part of the 2007 Ordinary Session of the Parliamentary Assembly of the Council of Europe

Strasbourg, France, April 16 – 20, 2007

A delegation of five parliamentarians from the Canada-Europe Parliamentary Association travelled to Strasbourg to participate in the spring session of the Parliamentary Assembly of the Council of Europe (PACE), in which Canada holds observer status along with Israel and Mexico. The delegation was led by Association president the Hon. Lorna Milne, Senator, and included from the Senate the Hon. Joan Fraser and the Hon. Yoine Goldstein, and from the House of Commons Mr. David Tilson and the Hon. Roy Cullen. The delegation was accompanied by association secretary Philippe Méla and advisor Marcus Pistor.

A. Overview

The spring session featured a full order of business,⁽¹⁾ with a wide range of topics debated in committees,⁽²⁾ political groups,⁽³⁾ and in the Assembly.⁽⁴⁾ The Assembly held regular debates on the following topics:

- Progress report of the Bureau of the Assembly and the Standing Committee;
- Honouring of obligations and commitments by Azerbaijan;
- Accession of the Republic of Montenegro to the Council of Europe;⁽⁵⁾
- Code of good practice for political parties;
- Candidates for the European Court of Human Rights;
- State of human rights in Europe;
- State of democracy in Europe;
- Monitoring of states' performance: Progress of the Assembly's monitoring procedure;
- Fair trial issues in criminal cases concerning espionage or divulging state secrets;
- Debate on general policy: Opinion on the draft memorandum of understanding between the Council of Europe and the European Union;
- The need for a Council of Europe Convention on the suppression of counterfeiting and trafficking in counterfeit goods; and

- The quality of medicines in Europe.

The Assembly convened a current affairs debate on “Sudan and Darfur – Europe’s responsibility” and three debates under urgent procedure on:

- Functioning of democratic institutions in Ukraine;
- Debate under urgent procedure: Situation in the Middle East; and
- Draft Convention on the protection of children against sexual exploitation and sexual abuse.

The highlight of the session was the first ever all-day debate on the state of human rights and democracy in Europe. The debate focused on three major, comprehensive reports on “State of human rights in Europe,” “State of democracy in Europe,” and “Monitoring of states’ performance: Progress of the Assembly’s monitoring procedure.” Several invited personalities participated in the debate. ⁽¹⁶⁾

- Ms. Louise Arbour, United Nations High Commissioner for Human Rights;
- Mr. Thomas Hammarberg, Council of Europe Commissioner for Human Rights;
- Mr. Jean-Paul Costa, President of the European Court of Human Rights;
- Ms. Irene Khan, Secretary General of Amnesty International;
- Mr. Kenneth Roth, Executive Director of Human Rights Watch;
- Mr. Terry Davis, Secretary General of the Council of Europe;
- Mr. Halvdan Skard, President of the Congress of Local and Regional Authorities of the Council of Europe;
- Mr. Ugo Mifsud Bonnici, Vice-President of the European Commission for Democracy through Law (Venice Commission);
- Mr. Jean-Michel Belorgey, General rapporteur and former President of the European Committee of Social Rights;
- Mr. Mauro Palma, President of the European Committee for the Prevention of Torture;
- Ms. Eva Smith Asmussen, President of the European Commission against Racism and Intolerance; and
- Mr. Alan Phillips, President of the Advisory Committee of the Framework Convention on the Protection for National Minorities.

The reports, a summary of the speeches and additional information on this event are available on the PACE Web site:

<http://assembly.coe.int/Sessions/2007/Debate/ENDemocracy.htm>

Finally, the Assembly heard from several political leaders:

- Mr. Ranko Krivokapic, Speaker of the Parliament of Montenegro;

- Mr. Viktor Yanukovych, Prime Minister of Ukraine; and
- Mr. Fiorenzo Stolfi, Minister for Foreign Affairs of San Marino, Chairperson of the Committee of Ministers.

Transcripts and summaries of the debates, the reports discussed, and the resolutions and recommendations adopted are available on the Parliamentary Assembly's Web site: <http://assembly.coe.int/>.

B. Canadian Activities during the Session

Canadian delegates participated actively in meetings of political groups (the Alliance of Liberals and Democrats for Europe (ALDE) and the European Democrat Group (EDG)) and committees (Political Affairs, Economic Affairs and Development, Legal Affairs and Human Rights, Equal Opportunities for Women and Men, Environment, Agriculture and Local and Regional Affairs, and the Sub-Committee on Media). Senator Goldstein made several interventions in the meetings of the Political Affairs Committee on the report and draft resolution on the "Situation in the Middle East" and succeeded in making six key amendments to the draft resolution, even though observers cannot formally propose or move amendments. In light of his contribution, he was invited to a subsequent meeting of the Political Affairs Committee in Kiev at the end of May to help prepare a report on the "Inadmissibility of Anti-Semitism in the Social and Political Life of Council of Europe Member States." The Hon. Roy Cullen met with a representative of the Committee on Economic Affairs and Development to discuss how the Canadian delegation could contribute to the preparation of a report on the New Partnership for Africa's Development (NEPAD). In addition, delegates participated in committee discussions on draft resolutions or recommendations on "Candidates for the European Court of Human Rights," "The need for a Council of Europe Convention on the suppression of counterfeiting and trafficking in counterfeit goods," and "Draft Convention on the protection of children against sexual exploitation and sexual abuse," as well as the crisis in Darfur.

The delegation met with Ambassador Laurette Glasgow, Canada's Permanent Observer to the Council of Europe, and François LaRoche, her deputy, to discuss ways of strengthening cooperation between the Canadian observer and the parliamentary delegation. Delegates emphasized the importance of Canadian involvement in PACE and explained the delegation's regular activities during PACE sessions. The discussion then focused on ways of improving communication and coordinating preparations for each PACE session. The delegation also held its regular meeting with the Mexican observer delegation and met with Terry Davis, Secretary-General of the Council of Europe. Delegates and staff also used the opportunity to meet with delegates from other countries and PACE staff to discuss a range of issues of common interest. Finally, Canadian delegates participated in five Assembly debates and made one written intervention. Their contributions were welcomed on several occasions by the PACE President.

David Tilson intervened in the debate on the "State of democracy in Europe." He congratulated the Assembly for "initiating an annual debate on the state of human rights and democracy in Europe" and provided an overview of Canada's approach to promoting democratic development, noting that the Canadian "government has

identified democracy as one of four core values that guide Canadian foreign policy, along with freedom, human rights and the rule of law.” This “deep commitment to implementing democratic principles and to finding solutions to the key challenges confronting democratic governance today” is also reflected in Canada’s development assistance, where “support for democratic governance from the Canadian International Development Agency totalled about Can\$375 million” in 2006. Mr. Tilson pointed to specific examples of recent Canadian policies (Ukraine, Belarus, Haiti, Afghanistan, and Burma) and explained that a “key principle that emerged from recent discussions in Canada is the importance of a demand-driven approach to democracy assistance, in which the recipients solicit and manage support for democratic reform.”⁽¹⁷⁾

In his intervention in the current affairs debate on “Sudan and Darfur – Europe’s responsibility,” the Hon. Yoine Goldstein argued that “Darfur is not an African problem. It is not a European problem. It is a human problem of monstrous, titanic proportions.” After discussing the closely connected politico-military and humanitarian aspects of the Darfur crisis, Senator Goldstein proposed that PACE

adopt the following specific 10-point programme: First, we must specifically put pressure on China. Secondly, we should [pressure] Sudan to accept the third phase of the United Nations initiative: the deployment of 20 000 peacekeepers, together with the appropriate military material. Thirdly, pressure must be brought to bear now on the Sudanese Government to agree to [the] renewal [of the African Union’s mandate]. Fourthly, the Sudanese people who have committed war crimes and crimes against humanity should be immediately apprehended in any member country and brought to trial, both as a punishment and to deter others from similar behaviour. Fifthly, international financial institutions should make as a condition of their aid verifiable commitments on the part of the Sudanese Government to respect international demands to stop the genocide. Sixthly, we must initiate in our respective national parliaments ongoing debate and inquiry with respect to the Darfur catastrophe. Seventhly, we should create in our parliaments, an all-party, non-partisan grouping to continue to raise national and legislative consciousness of the Darfur genocide. Eighthly, we should support and form alliances with the non-governmental organisations that are working in the area. Ninthly, we should insist that all involved parties respect and implement the Darfur peace agreement. Tenthly, we should encourage all nations and groups to implement incremental economic sanctions, seize assets, deprive Sudanese criminals of the right to travel to our respective countries, and make it clear that this Assembly will not tolerate continuation of the atrocities.”⁽¹⁸⁾

The Assembly President thanked him for contributing to the debate with these “eminently practical” suggestions. Following his intervention, Senator Goldstein was asked to help draft a report on the Darfur crisis by the committee responsible.

Senator Goldstein also spoke in the debate under urgent procedure on the “Situation in the Middle East.” This debate also featured interventions from two observers from Israel and two guests from the Palestinian Legislative Council. After expressing his “admiration and respect for the rapporteur, Mr Mikhail Margelov, for producing an outstanding and comprehensive document in a very brief period,” Senator Goldstein explained that he approached “this debate from the perspective of Canadian foreign

policy.” He noted that “Canada views the peaceful survival of Israel within secure and recognised boundaries as the cornerstone of its Middle East policy” and that “Canada also supports any efforts to bring peace to the region,” including efforts at the United Nations. However, he argued that, while “the UN General Assembly has over past decades passed literally hundreds of resolutions dealing with this conflict,” these have made no difference to situation in the Middle East or to the lives of the people affected directly by the ongoing conflict. Senator Goldstein then commented on several paragraphs of the draft resolution and ended by stating “that any and all discussions, including those envisaged by the resolution, would be most welcome. But parties to the discussion must approach it with a minimum of good faith and with at least a thought that the other party to those discussions has the right to exist. Regrettably, that situation is not yet present.”⁽¹⁹⁾

In his written submission to the debate on the “Need for a Council of Europe Convention on the suppression of counterfeiting and trafficking in counterfeit goods,” the Hon. Roy Cullen stressed the growing economic importance and detrimental impact of counterfeiting and piracy, noting that “Counterfeit and pirated goods are putting the health and safety of our citizens at risk, and they are creating economic havoc,” in particular “in a knowledge-based economy, [where] intellectual property is an essential element for promoting investments in research and development and innovation, and in fostering overall economic growth.” He also pointed out that “profits from the sale of counterfeit products benefit criminal organisations and are used to fund more serious criminal activity, and in some cases, terrorist activity.” Finally, Mr. Cullen called on parliamentarians to improve “co-operation and co-ordination [,which] are key to preventing counterfeiting and piracy,” and to pressure national governments to “attach much higher priority” to this issue, to strengthen the mandate of “border officials for the search for and seizure of counterfeit goods,” to introduce “tougher penalties for those who are caught,” to strengthen law enforcement, and to raise public awareness “to sensitise our citizens to the threats posed by counterfeit goods.”⁽²⁰⁾

The Hon. Lorna Milne and the Hon. Joan Fraser participated in the debate under urgent procedure on “Draft Convention on the protection of children against sexual exploitation and sexual abuse.” Senator Milne began her intervention by pointing out that, once again, a vital human rights issue had been scheduled for debate at the very end of a PACE session and that very few Assembly members were in attendance: “We should strongly remind those who set the agenda that well over 60% of the world’s population consists of either females or male children. This biased scheduling is not acceptable in a modern society, and it is particularly unacceptable in this body, which has ‘always stood as the highest moral authority on the continent,’ as President van der Linden told us on Tuesday morning.” With regard to the protection of children against sexual exploitation and sexual abuse, Senator Milne talked about Canada’s “sad history on this issue,” in particular with regard to residential schools, where aboriginal children had been “forced to abandon their language, their culture and their religion,” and where “a great many of them [had been] physically and sexually abused.” Noting that “the legacy of this disastrous chapter in our history is still with us and is affecting new generations of our first nation and Inuit peoples with disastrous results, such as dysfunctional families, alcoholism and horrendous suicide rates among young people” Senator Milne argued that, “partly as a result of our increasing sensitivity to this issue,” Canada has supported

international efforts to protect children from violence and from sexual abuse and exploitation, including by ratifying the International Labour Organization's convention on Worst Forms of Child Labour, helping draft the optional protocol to the United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and by "concentrating diplomatic efforts on Security Council Resolution 1612" concerning monitoring and reporting on violations against children in war. Senator Milne also commented on the draft convention being debated, welcoming in particular the inclusion of articles calling for the consultation of children in the development of legal instruments, because "truly child-centred, child-friendly laws" can only be developed if children are involved in the process. ⁽²¹⁾

In her intervention, Senator Fraser expressed her profound sadness and shock at the inclusion of opt-out clauses in the Draft Convention on the protection of children against sexual exploitation and sexual abuse, as these would "gravely limit the potential beneficial effect of the convention if they are used." Their inclusion is especially shocking in light of the role and reputation of the Council of Europe and its "Assembly in advancing human rights." Senator Fraser pointed out that "those escape clauses allow countries to avoid criminalising access through information technologies – basically, the Internet – to child pornography. They allow countries not to criminalise sex tourism by people who are residents of that country." She expressed particular concern about the fact that "this draft convention twice offers an escape clause for countries that wish not to criminalise the act of knowingly attending pornographic performances involving the participation of children," and argued that including these escape clauses in order to "to achieve consensus among the drafting authorities" is morally unacceptable. Senator Fraser ended her intervention by urging PACE members "to put all possible pressure now on [their] governments ... to agree to the removal of those escape clauses, otherwise the wonderful record of Europe will be badly tarnished, and that would be tragic." ⁽²²⁾

The complete text of their interventions, transcripts and summaries of the debates, the reports discussed, and the resolutions and recommendations adopted are available on the Parliamentary Assembly's Web site: <http://assembly.coe.int/>

Respectfully submitted,

Hon. Lorna Milne, Senator

Canada-Europe Parliamentary Association

III

Background: the Council of Europe

The Council of Europe is an intergovernmental organisation which aims:

- to protect human rights, pluralist democracy and the rule of law;
- to promote awareness and encourage the development of Europe's cultural identity and diversity;
- to seek solutions to problems facing European society (discrimination against minorities, xenophobia, intolerance, environmental protection, human cloning, AIDS, drugs, organised crime, etc.); and
- to help consolidate democratic stability in Europe by backing political, legislative and constitutional reform. ⁽²³⁾

Founded in 1949, the Council of Europe has now reached a membership of 47 countries from the Azores to Azerbaijan, and from Iceland to Cyprus. Its most recent member is the Republic of Montenegro which joined on 11 May 2007.

The Council's main objective is to promote democratic development and human rights, and to hold member governments accountable for their performance in these areas. However, it is also very active in fostering international cooperation and policy coordination in a number of other areas, including legal cooperation, education, culture, heritage, environmental protection, health care, and social cohesion. The Council of Europe is responsible for the development of over 200 European treaties and conventions in policy areas such as human rights, the fight against organised crime, the prevention of torture, data protection, and cultural co-operation. Many of these are open to non-member states. The Council's main institutions are the Committee of Ministers (the CoE's decision-making body, composed of member states' foreign ministers or their deputies), the Parliamentary Assembly, the Commissioner for Human Rights, the European Human Rights Court, and the Congress of Local and Regional Authorities.

The Parliamentary Assembly consists of 318 members and 318 substitutes, who are elected or appointed by the national parliaments of the 47 Council of Europe member states from among their members. The Assembly elects the Secretary General of the Council of Europe, the judges of the European Court of Human Rights and the Council's Commissioner for Human Rights. It is consulted on all new international treaties drafted by the Council, holds the Council and member governments accountable, engages in studies of a range of issues of common interest to Europeans, and provides a forum for debate for national parliamentarians. The Assembly has played an important role in the process of democratization in Central and Eastern Europe and actively monitors developments in member countries, including national elections. It meets four times a year in Strasbourg, with committee meetings taking place more frequently. ⁽²⁴⁾ Council

and Assembly decisions and debates are often reported widely in the European media and increasingly in North America.

The Council of Europe and its Parliamentary Assembly bring together policy – and decision-makers from a range of politically, culturally, and geographically diverse countries. Together, the Council and Assembly provide the primary forum for the formation of a trans European political community committed to democracy and human rights. The Parliamentary Assembly also provides parliamentary oversight functions for several key international organizations, including the Organisation for Economic Co operation and Development (OECD), the European Bank for Reconstruction and Development (EBRD) and the International Organization for Migration (IOM). This wide ranging role in international policy-making and in the promotion and protection of democracy and human rights makes the Council and Assembly an important venue for pursuing and advancing Canada’s multilateral and bilateral engagement in Europe.

Canada is an observer to both the Committee of Ministers, where it has participated actively in a number of policy areas (the other observers are the Holy See, Japan, Mexico, and the United States), and the Parliamentary Assembly (where the other observers are Israel and Mexico).⁽²⁵⁾

Notes

- (1) "18-month Programme of the German, Portuguese and Slovenian Presidencies," Brussels, 21 December 2006,
http://www.eu2007.de/includes/Download_Dokumente/Trio-Programm/trioenglish.pdf.
- (2) According to the European Union: "The subsidiarity principle is intended to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made as to whether action at Community level is justified in the light of the possibilities available at national, regional or local level. Specifically, it is the principle whereby the Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level. It is closely bound up with the principles of proportionality and necessity, which require that any action by the Union should not go beyond what is necessary to achieve the objectives of the Treaty" (European Union, Europe Glossary,
http://europa.eu/scadplus/glossary/subsidiarity_en.htm).
- (3) European Union, "Stability and Growth Pact," Europa Glossary,
http://europa.eu/scadplus/glossary/stability_growth_pact_en.htm
- (4) See European Commission, Maritime Affairs, "Consultation on Maritime Policy,"
http://ec.europa.eu/maritimeaffairs/policy_en.html;
http://ec.europa.eu/maritimeaffairs/index_en.html.
- (5) The 18-month Programme of the German, Portuguese and Slovenian Presidencies notes: "The 10th anniversary of the European Strategy for Employment in 2007 as well as the review of the Employment Guidelines in 2008 in the context of the Lisbon Strategy will offer the opportunity to explore how to further strengthen the social dimension of the revised Employment Strategy while ensuring close links between existing processes under the open method of coordination (OMC) and the revised Lisbon Strategy. In this context the three Presidencies envisage that three main issues should be addressed. Firstly, the promotion of the concept of flexicurity in order to achieve a good balance between flexibility on the one hand and security on the other; it will be of great importance to develop a broad but clearly defined approach on flexicurity with a careful balance between the four pillars of labour laws and industrial relations, security, active labour market policies and lifelong learning" (page 37). Also see: European Commission, Employment and Social Affairs, "Flexicurity: the response to globalisation and demographics by combining flexibility and security,"
http://ec.europa.eu/employment_social/employment_strategy/flex_meaning_en.htm.
- (6) See also European Commission, Agriculture and Rural Development, "Reform of the wine sector,"
http://ec.europa.eu/agriculture/capreform/wine/index_en.htm.

(7) “Portuguese voters residing outside the national territory are grouped into two electoral constituencies – Europe and the rest of the world – each one of which elects two Assembly members”

(http://www.electionresources.org/pt/index_en.html#SYSTEM).

(8) See “Mission and goals,”

http://www.ciejd.pt/pls/wsd/wsdwcot0.detalhe?p_cot_id=290&p_est_id=3011.

Comprehensive information about the Jacques Delors European Information Centre is available at:

http://www.ciejd.pt/pls/wsd/wsdwhom0.home?p_sub=6.

(9) José Manuel Barroso, President of the European Commission, “Turning ‘crises’ into opportunities,” speech to the Portuguese Parliament, Lisbon, 13 April 2007,

<http://europa.eu/rapid/pressReleases>

Action.do?reference=SPEECH/07/234&format=HTML&aged=0&language=EN&guiLanguage=en. The French translation is available at:

http://ec.europa.eu/commission_barroso/president/pdf/speech_20070413_fr.pdf.

(10) “18-month Programme of the German, Portuguese and Slovenian Presidencies,” Brussels, 21 December 2006,

http://www.eu2007.de/includes/Download_Dokumente/Trio-Programm/trioenglish.pdf.

(11) The Order of Business is available at:

http://assembly.coe.int/Sessions/2007/Agenda/ECALSES2007_2.PDF.

(12) There are 10 standing committees dealing with substantive matters: the Political Affairs Committee; the Committee on Legal Affairs and Human Rights; the Committee on Economic Affairs and Development; the Social, Health and Family Affairs Committee; the Committee on Migration, Refugees and Demography; the Committee on Culture, Science and Education; the Committee on the Environment, Agriculture and Local and Regional Affairs; the Committee on Equal Opportunities for Women and Men; the Committee on Rules of Procedure and Immunities; and the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe.

(13) A political group is the equivalent of a parliamentary party or caucus. There are five political groups in PACE: the Socialist Group (SOC), the Group of the European People’s Party (EPP/CD), the European Democratic Group (EDG), the Alliance of Liberals and Democrats for Europe (ALDE), and the Group of the Unified European Left (UEL).

(14) Regular Assembly debates focus on a draft resolution (a decision or statement by the Assembly) and/or recommendation (a proposal addressed to the Committee of Ministers), as well as an explanatory memorandum, which are prepared by a rapporteur for the relevant standing committee. The committee adopts – and usually amends – the resolution prior to the Assembly debate. Assembly debates open with a statement from the rapporteur(s), followed by statements from representatives of the five political groups, after which the debate is opened to other speakers. Speakers have to register in advance. Speakers unable to participate in the debate due to time constraints can submit their intervention in writing, so it becomes part of the official record.

“Recommendations contain proposals addressed to the Committee of Ministers, the implementation of which is within the competence of governments.” “Resolutions embody decisions by the Assembly on questions, which it is empowered to put into effect or expressions of view, for which it alone is responsible,”
http://assembly.coe.int/ASP/Doc/DocumentGuide_E.asp.

(15) Following the debate, the Assembly expressed its support for Montenegro’s accession to the Council of Europe and recommended to the Committee of Ministers that Montenegro become the 47th member state. The Republic of Montenegro formally became a member of the Council of Europe on 11 May 2007.

(16) The special program for the debate on the State of human rights and democracy in Europe is available at:
http://assembly.coe.int/sessions/2007/agenda/Easinf2007_4prov.pdf.

(17) Report, 2007 Ordinary Session (Second part), Fifteenth sitting, Wednesday 18 April 2007 at 3 p.m.,
<http://assembly.coe.int/Main.asp?link=/Documents/Records/2007/E/0704181500E.htm>.

(18) Report, 2007 Ordinary Session (Second part), Sixteenth Sitting, Thursday 19 April 2007 at 10 a.m.,
<http://assembly.coe.int/Main.asp?link=/Documents/Records/2007/E/0704191000E.htm>.

(19) Report, 2007 Ordinary Session (Second part), Seventeenth Sitting, Thursday 19 April 2007 at 3 p.m.,
<http://assembly.coe.int/Main.asp?link=/Documents/Records/2007/E/0704191500E.htm>.

(20) Report, 2007 Ordinary Session (Second part), Eighteenth sitting, Friday 20 April 2007 at 10 a.m., ADDENDUM,
<http://assembly.coe.int/Main.asp?link=/Documents/Records/2007/E/0704201000ADE.htm>.

(21) Report, 2007 Ordinary Session (Second part), Eighteenth sitting, Friday 20 April 2007 at 10 a.m.,
<http://assembly.coe.int/Main.asp?link=/Documents/Records/2007/E/0704201000E.htm>.

(22) Ibid.

(23) Council of Europe Web site, http://www.coe.int/T/E/Com/About_COE/. For a detailed discussion of the Council’s history and role, see The Council of Europe, 800 million Europeans, available on that Web site.

(24) “The Assembly in brief,” <http://assembly.coe.int/Communication/Brochure/Bro01-e.pdf>.

(25) Canadian officials from several federal government departments and agencies and from one provincial government participate in more than 20 meetings annually of committees, expert groups, and steering committees of the Council of Europe. Canadian parliamentarians attend all four parts of the annual session of the Parliamentary Assembly, as well as parliamentary committee meetings at the EBRD in London and the OECD in Paris.

Travel Costs

ASSOCIATION	Canada-Europe Parliamentary Association
ACTIVITY	Parliamentary Mission to the Country that will next hold the European Union Presidency Lisbon, Portugal, April 12 - 13, 2007 and Second Part of the 2007 Ordinary Session of the Parliamentary Assembly of the Council of Europe, Strasbourg, France April 16 - 20, 2007
DESTINATION	Lisbon Portugal and Strasbourg, France
DATES	April 12 to 20, 2007
DELEGATION	
SENATE	Hon. Lorna Milne, Senator Hon. Joan Fraser, Senator Hon. Yoine Goldstein, Senator
HOUSE OF COMMONS	Hon. Roy Cullen, M.P. Mr. David Tilson, M.P.
STAFF	Mr. Philippe Méla, Association Secretary Dr. Marcus Pistor, Analyst
TRANSPORTATION	\$45,379.55
ACCOMMODATION	\$15,431.57
HOSPITALITY	\$ 1,032.77
PER DIEMS	\$ 5,714.30
MISCELLANEOUS	\$ 28.27
OFFICIAL GIFTS	\$ 594.42
TOTAL	\$68,180.88