

Canada - Europe
Parliamentary Association



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**Report of the Canadian Parliamentary Delegation
on the Fourth Part of the 2013 Ordinary Session
of the Parliamentary Assembly of the Council of Europe**

Canada-Europe Parliamentary Association

**Strasbourg, France
September 30 to October 4, 2013**

Report

Hon. Laurie Hawn, MP, delegation Chair; Mr. Don Davies, MP; Hon. Grant Mitchell, Senator; Hon. Michel Rivard, Senator; Mr. Bev Shipley, MP; and Mr. Sean Casey, MP travelled to Strasbourg to participate in the fourth part-of the 2013 ordinary session of the Parliamentary Assembly of the Council of Europe (PACE or Assembly), in which Canada enjoys observer status, along with Israel and Mexico. They were accompanied by Association Secretary, Maxime Ricard, and by Association Advisor, Sebastian Spano. The delegation was joined in Strasbourg by Mr. Alain Hausser, Deputy Head of the Mission of Canada to the European Union and Canada's Permanent Observer to the Council of Europe.

A. Background: The Council of Europe

1. Mandate and Function of the Council of Europe

The Council of Europe is an intergovernmental organisation whose aims are:

- 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 find common solutions to the challenges facing European society, such as discrimination against minorities, xenophobia, intolerance, bioethics and cloning, terrorism, trafficking in human beings, organised crime and corruption, cybercrime, violence against children; and
- to consolidate democratic stability in Europe by backing political, legislative and constitutional reform.

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, with Montenegro joining as its newest member in May 2007. The Council's main objective is to promote and defend 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 more than 200 European treaties or conventions, many of which are open to non-member states, in policy areas such as human rights, the fight against organized crime, the prevention of torture, data protection and cultural co-operation.¹

The Council's main institutions are the Committee of Ministers (its decision making body, composed of member states' foreign ministers or their deputies), the

¹ For a complete list of the Council of Europe's treaties, see:
<http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>.

Parliamentary Assembly, the Commissioner for Human Rights, the European Court of Human Rights and the Congress of Local and Regional Authorities.

The Parliamentary Assembly consists of 636 members (318 representatives 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 parliaments of Canada, Israel and Mexico currently hold observer status with PACE. The special guest status of Belarus, which had applied for membership in the Council of Europe in 1993, was suspended in January 1997 in the wake of the adoption of a new constitution in Belarus, which was widely seen as undemocratic.

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 common 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. Council and Assembly decisions and debates are often reported widely in the European media.

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 Organization for Economic Cooperation 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).

2. Canada's Role at the Parliamentary Assembly of the Council of Europe

Canadian parliamentarians play an important role in the various political and intergovernmental institutions of Europe. Involvement by Canadian parliamentarians parallels Canada's diplomatic and ministerial efforts in Europe to promote Canadian interests there. Of particular importance are the parliamentary contacts at the Parliamentary Assembly of the Council of Europe and the opportunities for Canadian parliamentarians to participate in debates in the plenary Assembly and in the Committees of PACE.

Canadian parliamentary delegates have the opportunity to speak directly with parliamentary counterparts from member states of the Council of Europe. Each of the 28 member states of the European Union are also members of the Council of Europe. This is a valuable entry point for Canada to raise issues of common interest, defend national interests, explain misunderstandings, and address specific irritants in relations between Canada and specific member states. This is particularly important in the next stage of the Canada-Europe Comprehensive Economic and Trade Agreement (CETA) which will require ratification by all member states of the EU and the European Parliament. Participation in PACE will continue to provide unique opportunities to promote the agreement to ensure its ratification and discuss any potential concerns by EU member states that are also member states of the Council of Europe. Canadian parliamentarians will continue to play a valuable role in this endeavour.

Although Canada is not entitled to vote on resolutions of the Assembly or draft resolutions in the committees (except, as noted below, with respect to matters relating to the OECD, of which Canada is a member), Canadian parliamentarians are entitled to speak to these matters. This provides a valuable opportunity to ensure Canadian interests in a particular matter are communicated in an important international forum. It also ensures that Canadian perspectives are considered in the Council of Europe's development of broad positions on international matters.

B. Overview of the Agenda of the Parliamentary Assembly of the Council of Europe

A wide range of topics were debated in the Assembly, and in its committees and political groups. The Assembly held debates on the following:

- Progress report of the Bureau of the Assembly and the Standing Committee;
- The activities of the OECD in 2012-2013;
- Observation of the parliamentary elections in Albania (23 June 2013);
- Election of judges to the European Court of Human Rights;
- Children's right to physical integrity;
- Progress of the Assembly's monitoring procedure;
- National security and access to information;
- The functioning of democratic institutions in Bosnia and Herzegovina;

- The honouring of obligations and commitments by the Republic of Moldova;
- Debates under the urgent procedure:
- The situation in Syria;
- European Union and Council of Europe human rights agendas: synergies not duplication!;
- Free debate;
- Missing persons from Europe's conflicts: the long road to finding humanitarian answers;
- Food security – a permanent challenge for us all;
- Combating discrimination against older persons on the labour market; and
- Strengthening the institution of Ombudsman in Europe.

The Assembly also heard from the following guest speakers:

- Mr Edward Nalbandian, Minister for Foreign Affairs of Armenia, Chairperson of the Committee of Ministers;
- Mr Angel Gurría, Secretary General of the OECD;
- Mr Sergey Naryshkin, Speaker of the State Duma of the Russian Federation;
- Mr Serzh Sargsyan, President of Armenia;
- Mr. Thorbjørn Jagland, Secretary General of the Council of Europe; and
- Mr Tomislav Nikolic, President of Serbia.

C. Canadian Activities during the Session

1. Overview

The members of the delegation actively participated in proceedings of the Parliamentary Assembly of the Council of Europe including plenary proceedings and committee meetings – in particular, the Committee on Political Affairs and Democracy; the Committee on Legal Affairs and Human Rights; the Committee on Migration, Refugees and Displaced Persons; the Committee on Equality and Non-Discrimination; the Committee on Culture, Science, Education and Media; and the Committee on Social Affairs, Health and Sustainable Development. In addition, the members attended meetings of the various political groups in the Assembly.

The delegation was briefed by Mr. Alain Hausser, Canada's Permanent Observer to the Council of Europe. Meetings with representatives from two member states of the Council of Europe were arranged to discuss issues of common interest: Greece and Macedonia (the Council of Europe refers to the latter as the "Former Yugoslav Republic of Macedonia"). In addition, Canadian delegates met with delegates from the Mexican Parliament to discuss matters of mutual interest, including trade and immigration.

Finally a presentation was arranged by the Treaty Office of the Council of Europe to enable Canadian delegates to have an understanding of how an important aspect of the Council of Europe's work – treaty-making – is accomplished.

2. Briefing by Canada's Permanent Observer to the Council of Europe

Mr. Alain Hausser provided the delegates with an update on the issues of interest to Canada in the European Union and the work of the Canadian mission to the European Union in furthering those interests. Mr. Hausser briefed the delegation on the several specific issues relating to Canada-Europe relations:

- The Proposed EU Regulation on Visas;
- The European Union's Fuel Quality Directive;
- The Canada-European Union Comprehensive Economic and Trade Agreement;
- Canadian beef and pork exports to the EU; and
- Canadian participation in international climate change agreements.

a. Proposed EU Regulation on Visas

The topic of Canada's imposition of visa requirements on several EU member states, particularly Bulgaria, Romania and the Czech Republic, was discussed with Mr. Hausser when the Canadian delegation met with him during the first part-session of PACE in January 2013. The topic was again discussed during the fourth part-session of PACE.

Currently, visas are required for Bulgaria and Romania. The visa requirement was recently lifted for the Czech Republic. It should be noted that the EU has chosen, up to now, not to include Bulgaria and Romania within the "Schengen Zone" which allows visa-free travel within most EU (and some non-EU) countries, lending further support to Canada's position.

It may be noted that recent amendments to Canada's immigration and refugee legislation (the *Immigration and Refugee Protection Act* and the enactment of the *Balanced Refugee Reform Act*) should satisfy some of the EU countries affected by the visa requirements for entry into Canada. The legislative reforms enable the Minister of Citizenship and Immigration to maintain a list of designated countries of origin whose nationals seeking refugee status in Canada would be subject to an accelerated appeal process should their claims be denied.² Nationals from these designated countries would not be subject to visa requirements to enter Canada. The ultimate goal is to offer visa-free travel to nationals of all EU countries.

² See J. Bécharde and S. Elgersma, *Legislative Summary of Bill C-31: An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act*, Library of Parliament, Revised 4 June 2012: http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=c31&Parl=41&Ses=1#a11.

A recent development is the European Commission's proposal for an amendment to Council Regulation (EC) No 539/2001 which lists third countries whose nationals must hold visas to enter the EU's external borders and those countries whose nationals are exempt from that requirement. The proposal seeks to impose a so-called "reciprocity" requirement on third countries such as Canada, who are listed in the Regulation as being exempt from the visa requirement, if these third countries impose visa requirements on nationals of EU member states. Reciprocity would mean that Canadians would require a visa to enter the EU.

On 12 September 2013, the European Parliament adopted a first reading position approving the European Commission's proposal. Since the proposal of the Commission is subject to the ordinary or "co-decision" legislative procedure, it also needs to be approved by the Council of the European Union (Council), the other legislative body in the bi-cameral legislative process in the EU.³ The proposal will also require the approval of the members of the Schengen Area, the visa-free zone within Europe, consisting of 22 EU member states and four non-member states.⁴

Mr. Hausser reported that the Canadian mission has been actively lobbying the European Parliament along with the Council. In the discussions with the delegates questions were raised as to whether all member states of the EU, particularly the Schengen Area members, are supportive of the proposal.

b. EU Fuel Quality Directive

Mr. Hausser updated the Canadian delegation on the latest developments surrounding the EU's fuel quality directive since the delegation's meeting with Mr. Hausser in January 2013. The relevant context to the issue is set out first. In 2009 the Council and the European Parliament adopted a package of measures that aim to achieve a 20% reduction in greenhouse gas (GHG) emissions in Europe by 2020. One of these measures, the Fuel Quality Directive (FQD), requires fuel suppliers to make a six percent reduction in the lifecycle GHG intensity of fuel used in road vehicles and other mobile machinery by 2020. The FQD assigns higher GHG values for oil sands crude and oil shale, among other sources. Oil sands fuel is assigned a GHG value 22 percent higher than conventional crude oils. Canada's position is that the method of differentiating oil sands crudes from all other crudes is discriminatory since there are high-carbon conventional crude oils already in use in the EU that are not assigned a comparable GHG value. Oil sands crude is a heavy crude with a GHG-intensity similar to other crudes currently imported by the EU from such countries as Nigeria and Russia. The implementing measures in the FQD target oil sands products.

³ European Parliament, Legislative Resolution of 12 September 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

⁴ For a listing of the members of the Schengen Area, see the European Commission's [Home Affairs](#) web page.

Mr. Hausser reported that the European Commission is undertaking an impact assessment of the FQD. It's implementation will, therefore, be postponed pending the outcome of the assessment.

c. Canada-European Union Economic and Trade Agreement

At the time of the meeting between Mr. Hausser and the Canadian delegation, the negotiations towards the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) were in the final stages. The conclusion of the negotiations was announced by the Government of Canada in October 2013. With the completion of the negotiations, the text of the agreement will be reviewed by the European Commission and a legal text drawn up to give effect to the negotiated terms. The agreement will need to be approved by the Council and the European Parliament, and ratified by all 27 member states of the EU. Under the EU treaties, this ratification process is required for so-called "mixed agreements," or agreements that touch on the competences (jurisdictions) of both the EU and the member states.

Some concerns were expressed about the European Parliament exercising a power under the Treaty on the Functioning of the European Union (Article 218.6), under which the Parliament has an effective veto over many international agreements. This is the case for certain trade agreements where the subject-matter of the agreements is subject to the co-decision process, such as matters concerning the common market. The CETA would be subject to approval by the European Parliament. The European Parliament exercised this power in rejecting the Anti-Counterfeiting Trade Agreement (ACTA), of which Canada is a signatory (ratification has yet to take place⁵). As a result, the European Union will not be a party to this agreement when it comes into force with ratification by a sufficient number of signatories (six). Negotiations for the ACTA were concluded in October 2010.

Mr. Hausser noted the effective veto power over certain international agreements was recently granted to the European Parliament under the Lisbon Treaty. He described the European Parliament's actions in rejecting the ACTA as "flexing its muscles" to show displeasure with its exclusion from the negotiations on the agreement.

Mr. Hausser, overall, expressed optimism at the prospect of the CETA obtaining approval in the EU legislative process and ratification by the member states. He noted that this is an important trade agreement for the EU, its most significant agreement with an industrialized G8 country.

d. Canadian Beef and Pork Exports to the European Union

Mr. Hausser expressed similar optimism on beef and pork exports to the EU within the CETA. Subsequent to the meeting, the Government of Canada announced that provisions in the CETA were made for an increase in exports of Canadian beef and pork.

⁵ See Canada Treaty Information. <http://www.treaty-accord.gc.ca/index.aspx?lang=eng>

e. Canadian Participation in International Climate Change Agreements

A discussion took place on Canada's participation in the Copenhagen Accord as a means of fulfilling its climate change commitments.⁶ It was reinforced that the reason Canada joined the accord is that major international players who were absent from the Kyoto Protocol have signed the accord. One of the significant flaws, from Canada's perspective, with the Kyoto Accord is the absence of China and the United States of America. As two of the largest economies in the world, it is essential that they participate in the global effort to deal with climate change.

3. Meeting with the Secretary-General of the OECD

During the fourth part-session of the PACE, the Committee on Political Affairs and Democracy tables its report on "The Activities of the Organization for Economic Co-operation and Development (OECD) in 2012-2013." The report is debated and voted upon in the plenary Assembly. As Canada is a member of the OECD, it is entitled to participate in the debates and vote on any resolutions in the Assembly. It is also entitled to move and vote upon amendments to any draft resolutions on the report.

To coincide with the tabling and voting upon the report on the OECD, the Secretary-General of the OECD, Mr. Angel Gurría is present to address the Assembly on the OECD's activities. He also holds one on one meetings with the OECD member states who are not members of the Council of Europe. Canadian delegates were invited to meet with Mr. Gurría to discuss the OECD's assessment of Canada on various indicators of economic performance and on other measures of the health of Canada, including social programs.

Mr. Gurría began by reviewing the OECD's recent economic survey for Canada.⁷ Canada navigated the economic and financial crisis very well due in large measure to sound macroeconomic policies and a sound banking sector. This is reflected in various measures of performance including employment and growth. Unemployment, including youth unemployment remains below the OECD average of 8% and near Canada's average long-term rate, with overall moderate economic growth expected. The report did note that inflationary pressures persist, with core inflation running at around 2% fuelled mainly by price pressures in the housing market and the mineral extraction sectors.

Particular concerns, however, were expressed over the rise of household debt, mainly in the area of housing. Household debt is at its highest on record, rising to 166% of disposable income. This is also high by international standards. Although housing debt is the largest component of this rise, facilitated by low interest rates, there is concern about the rise in household debt attributable to consumer durables such as home appliances and cars.

⁶ See Canada's Action on Climate Change , detailing its participation in the Copenhagen Accord.

⁷ OECD, *Economic Survey for Canada*, June 2012

Among the positive assessments of Canada were its strong education and health systems, and its system of federal redistribution of revenues to the provinces to ensure no province experiences runaway debt. Canada's record of strong fiscal management and its openness to foreign and private investment were also commented upon by Mr. Gurria.

4. Meeting with the Greek Delegation to the PACE

A bilateral meeting was arranged with the Greek delegation to the PACE. This meeting was seen as providing an important opportunity for Canadian parliamentarians to raise concerns or matters of interest to Canada with the country that will assume the presidency of the Council of the European Union (Council), one of the legislative bodies in the EU. The Council is composed of representatives of governments of the member states of the EU, typically ministers within the government of the member state that assumes the presidency. There are nine different configurations of the Council, with different representatives of the presidency country, depending upon the matters under consideration, including the General Affairs and External Relations Council and the Economic and Financial Affairs Council.

The presidency of the Council rotates every 6 months among each member state. Each presidency coordinates a work program with the next 2 presidencies and is valid for 18 months.⁸

Among the topics discussed at this meeting: CETA; feta cheese trademarks (geographic indications); the fuel quality directive; Eldorado Gold Corp. gold mine; Greek diaspora in Canada; and the economic situation in Greece.

With respect to CETA, the Greek delegation indicated that Greece was generally supportive of the agreement. When Greece assumes the presidency of the Council, it is expected that CETA will be on the Council's agenda.

Greece takes the position that feta cheese can only be designated as "feta" if it is produced in Greece. Many European countries produce cheese labelled "feta." This is contrary to rules regarding geographic indications (GI) in the EU where only feta produced in Greece may be marketed as such. CETA provides some GI rights for the use of the term "feta" in Canada.

The Canadian delegation expressed concerns about the lack of objective facts behind the EU's fuel quality directive (FQD). It was noted that Canada provides full disclosure about the process behind the production of oil sands crude and the environmental impacts of its production. The same is not true for oil produced by countries such as Venezuela and Nigeria from which the EU imports considerable oil. These countries are not subject to the same stringent GHG values that are imposed on Canada's oil sands crude under the FQD, yet the oil produced there has a GHG intensity similar to

⁸ See Klaus-Dieter Borchardt, *The ABC of European Union Law*, Publications Office of the European Union, 2010, pp. 59-60.

Canada's oil sands oil. Also missing in the debates over oil sands oil is the fact that three provinces, including Alberta, have imposed carbon taxes. The Greek delegation, while sympathetic to Canada's concerns, indicated that the FQD will not likely come before the Council during the Greek presidency.

A Canadian-based gold mining company, Eldorado Gold Corp. was recently given permission to mine gold in northern Greece in an area that the Greek delegates described as completely forested. All approvals have apparently been given to start the preparatory work on the mine, including environmental approval. Concerns from environmental groups, however, have been raised about the mine's impact on the landscape and the environment, while the population in the area appears divided on the desirability of the project. The benefits of the mine were also discussed including increased employment and investment into northern Greece.

The Greek diaspora in Canada is significant: it has the third largest population of persons of Greek origin outside of Greece. They are very active in politics in all countries to which Greeks have emigrated. It was noted that Canada has an excellent reputation among Greeks both in Canada and in Greece.

The economic and financial crisis has hit Greece particularly hard. The bailout package negotiated by the European Central Bank and the International Monetary Fund, along with several leading EU countries, particularly Germany, has imposed conditions on the Greek government that the Greek delegation described as "tough medicine." Among the measures to deal with the crisis and the measures imposed through the bailout are new tax policies that are seen by some as overly harsh.

5. Meeting with the Macedonian Delegation

At the request of the Macedonian delegation to the PACE, Canada met with representatives of that delegation. It was noted that there are many cultural and political links between Canada and Macedonia. It is estimated that there are about 250,000 persons of Macedonian origin living in Canada. There is a Canada-Macedonia friendship group in the Parliament of Canada. This group recently travelled to Skopje along with Senate Speaker Noel Kinsella. There are various educational and cultural exchanges between the two countries. Canada, significantly, recognizes the country by the name "Macedonia" rather than by the name used in various international organizations such as the Council of Europe, which refers to the country as "the Former Yugoslav Republic of Macedonia."

The Macedonian delegation expressed the importance of bilateral parliamentary cooperation as a means of enabling Macedonia to fully participate in multi-lateral forums such as NATO. These are important for Macedonia's aspiration to be an active participant in international organizations. The Macedonian delegates noted the difficulty Macedonia has experienced in attempting to join NATO and the EU. One of the significant barriers, in the view of the Macedonian delegates, is the lack of cooperation by Greece. They note that Greece has an effective veto over Macedonia's entry into

these organizations, despite the efforts of Macedonia to meet all the criteria for entry. Greece continues to lay claim to the name “Macedonia” as a region of Greece.

6. Meeting with the Mexican Delegation

A meeting with members of the Mexican delegation to the PACE was held during the part-session. These meetings between Canadian and Mexican delegates are regular features during the part-sessions in which Canada participates.

Canada and Mexico have had diplomatic relations for nearly 70 years. The relationship encompasses a wide range of bilateral, trilateral, regional and global issues. This engagement includes trade and investment, labour mobility, migration, security, governance, health, climate change, and energy. Mexico is seen as a valued Canadian partner in the western hemisphere and globally.

There are regular high-level meetings and visits between the two countries. In November 2012 then President-Elect Enrique Peña Nieto met with Prime Minister Harper in Ottawa. More recently, Mexican Foreign Secretary Jose Antonio Meade visited Ottawa in July 2013 and met with Foreign Minister Baird and Minister of Citizenship and Immigration Alexander. Additionally, Minister Fast has met frequently with his counterpart, Mexican Secretary of the Economy Ildefonso Guajardo, on the margins of multilateral fora such as APEC and the Pacific Alliance.

A range of issues were discussed at this meeting including visas, border security, cultural exchanges and the economy. With respect to the visa required for Mexican visitors to Canada, it was noted that the situation for many Mexicans seeking to enter Canada is improving. Chris Alexander, Minister of Citizenship and Immigration met with Mexican officials in September to explain the measures Canada has put in place to facilitate visa applications.

On border security issues, Mr. Hawn noted that Mexico is often brought into discussions on Canada-US joint border security issues, particularly where these involve transnational crime. There are expectations that Mexico could be involved in more joint border issues.

On cultural exchanges, Mexican delegates regard Canada as an important destination for learning, whether it is higher learning or English language training. On economic matters, trade between the two countries continues to be significant and is seen as an important source for both countries.

7. Meeting with Treaty Office of the Council of Europe

Representatives from the Council of Europe’s Treaty Office organized a presentation for the benefit of the delegation on the treaty process at the Council of Europe, including Canada’s participation in the process. The officials explained the various steps in the development and coming into force of a treaty from identifying a need for a treaty, to the process of elaboration and ultimately to signing, ratification and implementation. The

presentation enabled the delegates to gain an in-depth understanding of the roles played by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe in the development of treaties. The officials also outlined Canada's contributions to the development of a number of important treaties.

Over 200 treaties have been concluded by the Council of Europe. Approximately one-third of those treaties originated from initiatives of the PACE. It is the Committee of Ministers, however, that determines whether to commence the process of drafting a treaty. Once a decision is taken to commence the process, a conference of "specialized" ministers, with expertise in the particular subject-matter, is convened.

Since 1999, all draft treaties must be submitted to the PACE for an opinion, which can recommend amendments to a draft treaty. Ultimately, adoption of a treaty requires a two-thirds majority of the Committee of Ministers.

Observer countries are entitled to participate in the drafting process and to become signatories to Council of Europe treaties. Participation in the drafting process entitles the observer country to sign and ratify a treaty as of right. Canada has participated in the drafting of numerous treaties and was recently invited to participate in the drafting of a treaty on sports betting.

With respect to other treaties, Canada may become a signatory by acceding to these treaties. The process of accession requires an application to the Committee of Ministers through the Secretary General of the Council of Europe. Canada is a signatory to seven Council of Europe treaties, including the Convention on Cybercrime (signed but not ratified) and the Convention on the Transfer of Sentenced Persons (signed and ratified).

Delegates discussed the Council of Europe's Convention on Action Against Human Trafficking and Canada's participation in the drafting of that convention. It was noted that the Government of Canada has been exploring ways to put in place the programs needed to enable it to sign the convention, particularly the programs required to implement the victim protection and support aspects of the convention, which would require provincial cooperation under Canada's federal structure. In the meantime, Canada continues to collaborate in international efforts to fight human trafficking in the context of the human trafficking protocol of the United Nations' Convention against Transnational Organized Crime, which Canada ratified in 2002.

8. Canadian Intervention in Assembly Debates

Canadian delegates were particularly active in Assembly debates during the part-session. Nine speeches were delivered by Canadian delegates on a broad range of topics. All delegates presented at least one speech. Due to time constraints and the number of speakers on the speakers' lists for various debates, some Canadian delegates were unable to make their presentations. Their prepared speeches are, however, reproduced in this report.

Monday, 30 September 2013

Free debate

Mr. Bev Shipley delivered the following speech on the topic of human trafficking:

Mr President, I thank you and the Assembly for once again allowing me to speak on the issue of human trafficking. I was fortunate enough to have been able to speak to the related issues of trafficking of migrant workers and organ trafficking during the Assembly's first part-session in January.

I commend the Council of Europe for the leading role that it has taken in bringing attention to the issue and for urging member and non-member States to take action through stronger legislation, more vigorous enforcement, better co-ordination among States, and addressing the root causes of trafficking, including improving the employment prospects of individuals exploited by traffickers.

The area that requires increased attention is the role of organised crime in human trafficking. The statistics are staggering and depressing. The global profits derived from human trafficking approach \$10 billion to \$30 billion of the drug trafficking business. I shall give this a human dimension: it is estimated that over 20 million people were in forced labour globally at any given time between 2002 and 2011. We must strengthen labour and immigration laws and victim protection laws, but we also need stronger and more sustained efforts to break the criminal organisations that feed off those looking to improve their lives.

Strong criminal sanctions in domestic laws are a basic starting point. However, greater resources are needed for law enforcement, more effective sharing of intelligence, and greater transnational co-operation and co-ordination. We need to be sure that there are strong criminal consequences for individuals and organisations that act as third-party agents, including employment agencies and immigration or travel agents, all of whom may play a role in arranging for entry of trafficked persons into the destination country, who are then at the mercy of traffickers. More needs to be done to condemn and punish the individuals and legitimate organisations that accept trafficked persons for labour, sex or, sadly, their organs. Trafficking in organs was also identified as a pressing global issue by this Assembly during the January part-session.

I am encouraged by the Council of Europe, through the work of the Assembly, and by other institutions that have identified human trafficking as a priority requiring strong action. I thank the members of the Assembly for their dedication to addressing this human tragedy. Thank you very much.

Tuesday, 1 October 2013

The Activities of the Organization for Economic Co-operation and Development (OECD) in 2012-2013

Mr. Laurie Hawn delivered a speech outlining Canada's position on the draft resolution on the activities of the OECD in 2012-2013. The text of the speech as delivered in the Assembly is reproduced here:

I thank the rapporteur for his well-articulated and thoughtful analysis of some of the most difficult economic challenges that face the global community and economy, and his evaluation of the OECD's prescriptions for dealing with those challenges.

Canada is broadly in agreement with the rapporteur's depiction of the state of the global economy, which was drawn from the OECD's economic outlook. Although Canada is concerned about the pace of the economic recovery, it is generally supportive of the co-ordinated responses, particularly among the G20 countries, to the global financial crisis. In particular, Canada supports the loosening of monetary policy to stabilise the financial system, the large fiscal stimulus measures to support domestic demand, and the credible and growth-friendly plans that were agreed in June 2010 to ensure that there is fiscal sustainability. Most people would agree that the global economy would be in a worse state had it not been for those measures. More than simply averting a disaster, those measures have paved the way towards stable long-term growth. Achieving a stronger recovery, however, must be balanced with fiscal sustainability. That was confirmed at the recent G20 summit in Russia.

We suggest that the OECD remain focused on its core role of analysing and recommending key structural reforms to secure a lasting global recovery. Although initiatives such as the new approaches to economic challenges that promote a broader notion of growth that includes outcomes such as inclusiveness and environmental sustainability are useful, we caution against excessive complexity and ambition. The focus should be on realistic projects that deliver concrete results. Canada believes strongly in social and economic balance. The strength of our economy and our strong social programmes are evidence of that balance.

On taxation, we support the moderate approach of the OECD that is contained in the "Action Plan on Base Erosion and Profit Shifting". Canada welcomes the leadership that has been shown by the OECD and the G20 in bringing BEPS to the forefront and we support the OECD's work on addressing BEPS. However, we have a number of concerns about the way in which the rapporteur has characterised the issue. He suggested that it is the weakness in transfer pricing rules that leads to instances of double non-taxation. The OECD action plan makes it clear that that is only one of the many aspects of international tax rules

that may affect BEPS, and that the interaction of different tax rules leads to double non-taxation or less than single taxation.

On the call to consider the unitary taxation of transnational corporations, Canada does not consider global unitary taxation to be a viable approach. Instead, we support the international consensus on transfer pricing, which favours the arm's length principle.

On tax havens, Canada supports the work of the Global Forum on Transparency and Exchange of Information for Tax Purposes and the Forum on Tax Administration. It urges all jurisdictions to address the Global Forum's recommendations.

I thank the rapporteur for his excellent efforts in the preparation of his report and for his articulation of the draft resolution. Although we may not agree with all his recommendations, we are thankful to have had the opportunity to contribute to this valuable discussion.

Children's right to physical integrity

Mr. Don Davies spoke during the debate on the rights of children to their physical integrity. The text of the speech as delivered in the Assembly is reproduced here:

The rapporteur has done an exceptional job of bringing to light an important element of children's rights: the question of parental choices that place the health and safety of their children at risk. Such practices can rightly be considered to be a form of violence against children. I am encouraged that the rapporteur has made that courageous link.

It is unacceptable that children continue to be subjected to the procedures that are highlighted in the rapporteur's report. It is deeply troubling that children must endure surgical interventions that have no medical value or purpose, and all without their consent. I will focus on concrete measures that can be taken to discourage and prevent medically unnecessary procedures on children. I will use the experience of my country, Canada, to illustrate one way in which the problem may be addressed.

There is a consensus among the medical community in Canada that there are few or no physical or health benefits from male circumcision and that there can never be any physical or health benefit from female genital mutilation. It is recognised that both practices cause pain and can lead to long-term health consequences.

Female genital mutilation is a criminal offence in Canada. Since 1997, our criminal code has made it clear that a medical practitioner or other person who carries out the operation is guilty of aggravated assault. If a parent actively participates in the procedure by, for example, holding the child or if they request

or encourage a health practitioner or other person to perform the procedure, the parent may also be charged with aggravated assault as a party to the offence. Our criminal code also makes it a crime to remove a child under 18 years of age from Canada for the purpose of performing the FGM procedure.

Our medical community has contributed significantly to addressing the problem through education. The Society of Obstetricians and Gynaecologists of Canada encourages medical schools to draw FGM to the attention of medical students through the curriculum and to provide information on how to treat patients who have had the procedure. More needs to be done, however, with respect to male circumcision. Its policy statement informs doctors that they have an obligation to report to the child welfare authorities any indication that a child has undergone the procedure or been assaulted.

The Canadian framework for protecting children from harmful non-medical surgical interventions is the result of collaboration between child protection authorities and the administration of justice, both of which are provincial responsibilities, and federal law makers who are responsible for developing the criminal law.

Even when there are challenges to implementing effective policies, much can be done when there is the will to do it. Our children are our most vulnerable citizens. Protecting their physical integrity – surely one of the most fundamental of human rights – is one of the most important duties that we owe them. Colleagues, by adopting and implementing the report in its entirety, we can help to achieve that goal.

Wednesday, 2 October 2013

National security and access to information

Mr. Sean Casey delivered a speech on national security and access to information. It is reproduced below:

The debate is timely for Canada, because of a couple of developments late last week. First, in a speech to the Canadian Bar Association, the former chief of staff to the current prime minister called for more access to federal government records and for greater enforcement of the law prohibiting the destruction of government documents. Secondly, the next day, Access Info Europe and the Centre for Law and Democracy issued a report that ranked Canada 56th of the 95 countries surveyed for the quality of their access-to-information laws. The aspect of our laws that scored lowest was with respect to exceptions and refusals – we were in the bottom 20% of the countries surveyed. In Canada, the exemption of national security has been invoked with greater frequency in the past 10 years and, as an observer to Council of Europe proceedings, therefore, my country has as much to learn from as to contribute to this debate.

The basic principle in democratic societies is that, following a free and open election, those who form the government should be given some latitude on how they govern. Elected governments have a right to govern within a legally prescribed period, following which they are obligated to go back to the people to seek a new mandate. Having a mandate to govern, however, is not the full expression of democracy and accountability. Governments continue to remain accountable to the individuals for whom they govern, and accountability requires openness and transparency in how governments function and in the decisions that they make.

Access to information is central to accountability and transparency and is a sign of a healthy democratic society. A government whose first instinct is to obstruct, to conceal and to place barriers in the way of its people to access information is a government that abuses the fundamental principles of democracy. When a government unreasonably withholds information from its people, claiming national security interests routinely and without justification, there needs to be a rethink about access-to-information laws. We need to re-evaluate the exemptions afforded by legislation to governments.

That said, are there legitimate circumstances in which citizens can be refused information held in the control of their government? Clearly, there are. The challenge lies in finding the balance between a real and meaningful approach to open government and the right to access information, and the right of governments to withhold information from the people.

The report and the resolution before you strike that balance between respecting legitimate national security concerns, while incorporating the Global Principles to emphasise transparency and to safeguard against abuse by public officials. Both committees and their rapporteurs are to be commended for their leadership in calling for the adoption of the Global Principles in modernising legislation and practice. That call should be endorsed by all democracies.

Due the large number of speakers on the speakers' list for this topic, Mr. Laurie Hawn was not able to deliver his speech. The text of the speech he was proposing to deliver is reproduced below:

Thank you Mr. President. It is my pleasure to be able to contribute to the work of the Assembly.

Access to information held by governments is fundamental to a vibrant democracy. It ensures open, accountable governments, and provides an important safeguard against arbitrary government action, and mistreatment of citizens. The free flow of information strengthens the rule of law and serves as another means to protect individual fundamental rights.

But, access to information is not an unrestricted right. It is generally recognized that there are legitimate exceptions to accessing information in the possession of

governments. These exceptions include national security and international affairs and defence.

The right to information needs to be balanced against these important functions of government, a critical one being protection of national security. The Rapporteur's analysis and her draft resolution and recommendation are sensitive to this issue.

We cannot ignore the reality that individuals living within our borders expect to be protected from threats to their physical, and psychological well-being. As legislators, we have an important obligation to the people who elect us. This obligation is more pronounced in the current climate where terrorism continues to pose a threat to many countries.

We know that terrorism has a global reach, facilitated by the Internet and sustained by a sophisticated network of financing. The threat cannot be taken lightly.

At the same time, I appreciate what the Rapporteur has identified as a growing problem: a so-called culture of secrecy that appears to have developed in many countries. While balancing the competing needs of access and national security, we need to guard against some over-protective tendencies in governments.

While no prescription for achieving this is perfect, I have faith in the legal process and governmental institutions in many countries including my own, Canada, where those processes and institutions respect the rule of law. Our federal Information Commissioner is extremely diligent in pursuing cases where there may be concerns that our government is invoking national security inappropriately or excessively. She has various legal and political tools at her disposal including recourse to the courts. This is an important safeguard that serves to ensure that the government privilege of secrecy is not abused.

Our courts also play an important role in developing balanced legal tests on the appropriateness of invoking national security. These tests focus on the probable harm if requested information were to be disclosed. Our courts are also very sensitive to governments using exemptions in access to information legislation to prevent embarrassments or hide illegal acts. And, they have not been hesitant to order disclosure in appropriate cases.

Thus, while respecting the principles of the rule of law and democracy, we can ensure that governments perform the critical function of providing security to those living within its borders without abusing the privilege of state secrecy. As legislators, our function is to remain vigilant.

Thursday, 3 October 2013

Debate under urgent procedure: the situation in Syria

Mr. Hawn delivered the following speech on the situation in Syria:

President, colleagues, we have all recently been galvanized by the use of chemical weapons, most likely by the Assad regime, which is completely unacceptable. What should be at least equally unacceptable is the death of over 100 000 people by conventional weapons. Dead is dead and 99 deaths by bullets are no less a crime than one death by Sarin gas.

The logical aim of a Syrian-led transition to a free and pluralistic state abiding by democratic principles seems even further off as we deal with the aftermath of recent events, but maybe, in a most perverse way, those events will finally be the catalyst for the rest of the world to take meaningful action. We applaud recent cooperation between Russia and the United States to forestall military intervention, which would lead only to the condemnation of the intervener, no matter how good their intentions.

Given its influence and historic support of Bashar al-Assad, Russia must be instrumental in accelerating the disarmament process, if at all possible, and be a part of a lasting solution, as must other countries that have specific influence in that area, such as Turkey, Saudi Arabia, Qatar and Iran – if we are to believe its new leader's recent words.

The collateral damage in all such conflicts is, of course, the displacement of millions of people into drastic living conditions. We must also do our part to look after those who are now homeless through no fault of their own. For our part, Canada has committed \$362 million to humanitarian, development and security assistance, as well as re-settling refugees.

We have to do more than talk. We have to find a way to send an enforceable message to Assad and other criminals involved in this atrocity. There are no good guys in the armed conflict in Syria. Canada does not recognise any of the various opposition forces as the legitimate representative of the Syrian people, and we remain concerned about the involvement of radical jihadists among the opposition. We do not believe that these groups have any interest in assuring the rights of Syria's minority communities or that they are ready to abandon extremism.

Somewhere down the road, it is not beyond reason to expect that those responsible for crimes against the people of Syria should be held accountable in a legal forum, such as the International Criminal Court. But for now the priorities must be to stop the fighting, with an enforceable ceasefire, disarmament to the maximum extent possible and relief for the millions of suffering refugees and the neighbouring States that are doing their best to cope with them.

Canada's interest in this situation stems from our deep-seated values of human rights, democracy and the rule of law and the fact that we have a sizeable Syrian

diaspora in Canada, as we have sizeable diasporas from every nation represented here – and probably three times as many beyond these walls.

Ultimately, the Syrian people must be given the opportunity to decide their own future. We cannot do that for them, but we can help create the circumstances in which they can do it for themselves.

Missing persons from Europe's conflicts: the long road to finding humanitarian answers

Senator Michel Rivard presented the following speech on this topic:

I thank the rapporteur, Mr Sheridan, for his praiseworthy work in drawing our attention to the forgotten of world conflicts – in most cases, the innocent victims of terrible conflict. I agree with his general observation, namely that it is mainly political obstacles that make it so difficult for us to respond to this urgent humanitarian problem. The topicality of the report and the debate is obvious: on 30 August, we celebrated the International Day of Missing Persons, organised by the ICRC.

Today, I will speak about the work of international organisations and of non-governmental organisations in this field. First, I congratulate them and, secondly, I stress not only how important their contribution is, but how inspiring it is in promoting the objectives of the resolution tabled by Mr Sheridan. He has already mentioned in the report the excellent co-operation he received from the ICRC, and he has recognised its important role in his resolution on the disappearances that occur during armed conflict. He also mentioned the contributions of the UN Working Group on Enforced or Involuntary Disappearances and the International Commission on Missing Persons.

The work of such organisations must be supported financially, as well as through full co-operation by countries whose residents have been victims of a conflict or who have lost members of their family. Such organisations have a lot to offer in logistics, scientific and technical expertise and, in the case of the International Commission on Missing Persons, legislative support to assist countries to reform their laws, so that they can deal better with the consequences suffered by families who have lost loved ones. That means more effective laws, which facilitate access to basic information that governments may possess on family members who have disappeared, and to better information on property, for the recovery of the mortal remains of missing persons and to provide appropriate financial and other support to the families of missing persons.

We should also insist, as the rapporteur does, on the importance of political will in each of the countries concerned to bring political conflict to an end, because it is the source of so much human suffering. In the interim, while negotiations continue, it is imperative that legislators act to help families of missing persons in zones of conflict.

The resolution will be an important step in the world's effort to help families who are trying to find their loved ones, or who are mourning them. I thank the Assembly for allowing observer states to take the floor.

Food security – a permanent challenge for us all

Senator Grant Mitchell delivered the following speech:

I congratulate the rapporteur and the many people who helped him on an excellent report. To use the Canadian vernacular, good job! Several points particularly commend the report to me. First, it emphasizes the threat of climate change to food security. The risks in climate change are considerable – some would say infinite. There is little doubt that there is a tremendous risk that it will further disrupt our ability to feed an already hungry world.

Secondly, the report reinforces the powerful point that access to food is a fundamental human right and that nations should fully respect their international obligations to protect that right properly. Thirdly, the report reiterates an observation that I think we all understand implicitly: countries with abundance collectively waste enough food to adequately feed literally hundreds of millions of hungry and often starving people. In many respects the challenge is not so much about production as it is about politics and logistics, or perhaps the overwhelming of logistics by politics.

Although climate change has an impact on food production, the unfortunate irony is that food production, particularly in industrialised nations, also has a significant impact on climate change through the greenhouse gas emissions generated by modern agricultural techniques. Yet a variety of emerging agricultural techniques are being used more and more in countries such as Canada. They are no more expensive and no less efficient than traditional techniques, but at the same time they reduce emissions. They need to be promoted broadly.

It is also true that food production in much of the world, particularly the developing world, is a responsibility and a burden borne disproportionately by women. Successfully ensuring food security will be further enhanced by considering the particular role and challenges women face in this enterprise and designing specific strategies accordingly. I speak of the report in the context of my experience with a Canadian aid organisation, the Canadian Hunger Foundation. That group focuses its international aid efforts on food production through climate change mitigation projects and other food development projects specifically involving women.

A case can be made that increasing international market access and reducing artificial barriers and trade-distorting agricultural subsidies would increase the prospects for getting excess food from people who do not need it to those who do desperately. The report and the draft resolution are outstanding work and deserve the Council's support. They promise to change the world for the better.

Friday, 4 October 2013

Combating discrimination against older persons on the labour market

Mr. Laurie Hawn delivered the following speech on this topic:

Thank you, Mr President. I am happy to have the opportunity to address the Assembly, and I thank the rapporteur for her excellent work.

Discrimination against older workers in employment is a reality. It exists even in countries with historically high levels of employment and strong anti-discrimination laws, including constitutional protection against age discrimination. I will focus on the experience of my own country to illustrate that the problems concern all of us.

The perspective that I would like to offer is that older workers are a valuable resource for companies and the economy in general. We need to find ways to tap into this resource to address growing shortages of skilled workers. Part of the problem is the so-called ageing of the work force. Canada, for example, is in the midst of a major demographic shift. Today, it is ranked as the 27th oldest country among OECD countries, but within 20 years, it is expected to become the 11th oldest country.

Employer organisations such as the Canadian Chamber of Commerce acknowledge that older workers play an important role in business and industry. They serve as the institutional or corporate memory, as the repository of valuable skills and knowledge, as mentors to younger workers and in the transfer of knowledge from older worker to younger worker. They are a valuable resource for employers and for the economy.

Employers are also reporting major labour shortages. According to a survey by the Bank of Canada, 36% of employers in Canada in 2011 faced labour shortages that affected their ability to meet demand. The challenge for Canada, as for other industrialised countries, is how to ensure sufficient skilled people to replenish the ageing work force. Retention of older workers is key to the challenge. Many older workers would like to remain in the work force, but are unable to do so because of restrictive laws on retirement or business practices, or because many the incentives to remain in work are insufficient.

Various solutions have been proposed to ensure a continued attachment to the work force, including amending legislation that sometimes leads to discrimination against older workers, such as mandatory retirement laws. In Canada, at the federal level and in all but one province, human rights laws and other legislation have been amended to end the practice of mandatory retirement. At one time, being 65 or over was a permissible ground for age discrimination, but in Canada this obstacle to remaining in employment has now been removed.

Legislation alone, however, cannot address the problem. Effective solutions also require businesses to change their corporate culture and human resource policies to facilitate the retention of older workers. A number of companies are already succeeding in this respect by improving benefits, including health benefits, and introducing flexible work schedules to accommodate the health and family needs of older workers. Other companies assist older workers with retirement planning and establish policies for integrating older workers in their work forces.

Clearly, however, more needs to be done, and more employers need to be aware of the value of older workers. As a first step, legislators and businesses need to work together to find solutions. The report is a good place to start.

Finally, I offer my congratulations to you, Mr President, for your leadership over the past two years. Thank you very much.

Mr. Bev Shipley also spoke to this issue:

Thank you, Mr President. I think you may have left the oldest till last in this discussion of discrimination against older workers. I thank the rapporteur for the report.

On 1 October this year, the United Nations celebrated its international day of the older person. It presents us with an opportune moment to reflect on the important changes taking place in our societies as populations age and to rethink our approaches to dealing with older people in the workplace. Although many countries are better prepared to deal with those shifts and the challenges that they pose, many others, including prosperous countries with strong economies and high employment levels, may not be equipping themselves to address the needs of older workers.

Addressing those challenges requires an understanding of the conditions faced by older workers. In my own Parliament, a committee has been studying the experience of older workers in the work force. The experts have told us that older workers tend to be disproportionately affected by company downsizing or restructuring, especially during recessionary periods such as the one that we have just gone through. Older workers are seen as dispensable.

Once they are out of the work force, older workers face greater obstacles re-entering it due to a combination of factors, including the fact that they may have skills very specific to their previous occupations, often in declining industries, which are less relevant to emerging industries. Older workers tend to have less education or advanced training than younger workers, and some employers have the perception that investing in older workers will not bring sufficient returns. Even while actively working, many older workers report that they receive less training than their younger counterparts, creating further obstacles to remaining in the work force.

In Canada, we have taken some steps to help overcome some of those obstacles. For example, as my colleague Mr. Hawn mentioned, mandatory retirement has been removed in most of Canada. We have implemented skills training for older workers, linked the unemployed with job opportunities involving their trade and professional expertise and removed some of the restrictive conditions on pension plans, old age security benefits and employment insurance. As my colleague also noted, employers could do more to help older workers remain in the work force and to profit from their valuable life and work skills. Suggestions include tying life-long training and continuous learning to the workplace, allowing flexible work schedules, telework and job sharing and providing mental health and family support. Governments can do their part to help by supporting organisations that work on behalf of older workers in such areas as job searching, training and matching unemployed workers with employers looking for specific skills. We should never overlook the value of people's experience and life skills.

Thank you, Mr President. I congratulate you on the incredible leadership that you have given this Assembly, and I wish you well in future.

Respectfully submitted,

The Honourable Laurie Hawn, P.C., M.P.
Canada-Europe Parliamentary Association

Travel Costs

ASSOCIATION	Canada-Europe Parliamentary Association
ACTIVITY	Fourth Part of the 2013 Ordinary Session of the Parliamentary Assembly of the Council of Europe
DESTINATION	Strasbourg, France
DATES	September 30 – October 4, 2013
DELEGATION	
SENATE	Hon. Grant Mitchell Hon. Michel Rivard
HOUSE OF COMMONS	Hon. Laurie Hawn Mr. Don Davies Mr. Bev Shipley Mr. Sean Casey
STAFF	M. Maxime Ricard M. Sebastian Spano
TRANSPORTATION	\$53 216,57
ACCOMMODATION	\$10 630,52
HOSPITALITY	\$2 168,16
PER DIEMS	\$4 609,97
CADEAUX OFFICIELS	\$80,46
MISCELLANEOUS / REGISTRATION FEES	\$78,46
TOTAL	\$70 784,14