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Parliamentary Association



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

Canada-Europe Parliamentary Association

**Strasbourg, France
January 21 to 25, 2013**

Report

Mr. Corneliu Chisu, MP, Head of delegation; Senator Michel Rivard; Mr. Bev Shipley, MP; Ms. Nycole Turmel, MP; and Ms. Marjolaine Boutin-Sweet, MP; travelled to Strasbourg to participate in the first part-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 Housser, First Secretary in the Canadian mission to the European Union and Canada's Permanent Observer to the Council of Europe.

A. Overview

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 situation in Kosovo and the role of the Council of Europe;
- The activities of the European Bank for Reconstruction and Development;
- Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties;
- Post-monitoring dialogue with Bulgaria;
- Georgia and Russia: the humanitarian situation in the conflict- and war-affected areas;
- Free debate;
- Joint debate:
 - The honouring of obligations and commitments by Azerbaijan
 - The follow-up to the issue of political prisoners in Azerbaijan
- Towards a Council of Europe convention to combat trafficking in organs, tissues and cells of human origin;
- Debates Under Urgent Procedure:
 - Migration and asylum: mounting tensions in the Eastern Mediterranean
 - Recent developments in Mali and Algeria and the threat to security and human rights in the Mediterranean region
- The state of media freedom in Europe;
- Gender equality, reconciliation of personal and working life and shared responsibility; and
- Trafficking of migrant workers for forced labour.

The Assembly also heard from the following guest speakers:

- Mr. Gilbert Saboya Sunyé, Minister for Foreign Affairs of Andorra, Chairperson of the Committee of Ministers
- Mr. Mikheil Saakashvili, President of Georgia
- Mr. Thorbjørn Jagland, Secretary General of the Council of Europe
- Mr. Štefan Füle European Commissioner for Enlargement and European Neighbourhood Policy
- Ms. Paola Severino, Italian Justice Minister

B. Canadian Activities during the Session

1. Overview

The members of the delegation actively participated in a number of Assembly 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; the Committee on Social Affairs, Health and Sustainable Development; and the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe. 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. A number of special meetings with representatives from several of the entities that make up the Council of Europe were also organized in order to help the delegates broaden their appreciation of the work of the Council of Europe, including meetings with the European Court of Human Rights, the Directorate General for Human Rights and Rule of Law, and the Group of States Against Corruption. In addition, Canadian delegates met with delegates from the Mexican Parliament, delegates from the Georgian parliament and representatives of Iran's opposition Green Movement.

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

Mr. Alain Hausser provided the delegates with an overview of the work of the Permanent Observer to the Council of Europe. Mr. Hausser noted that the transfer of responsibility for the Permanent Observer position from the Embassy of Canada to Belgium, to the Mission of Canada to the European Union (EU) will mean a more effective presence for Canada at the Council of Europe. It will enable the commitment of more staff to monitor developments at the Council of Europe. It will also mean greater involvement in Council of Europe business through participation in meetings of the Committee of Ministers. These meetings generally occur on a weekly basis. Many of these meetings will coincide with other matters of interest to the Mission of Canada to the EU.

Mr. Hausser emphasized the importance of participation by Canadian parliamentarians at all of 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. He spoke in particular about the importance of parliamentary contacts at the Parliamentary Assembly of the Council of Europe. Canadian parliamentary delegates have the opportunity to speak directly with parliamentary counterparts from member states of the Council of Europe, many of which are also member states of the European Union. 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 context of the current negotiations for the Canada-Europe Comprehensive Economic and Trade Agreement (CETA), which are at a critical juncture. The agreement requires ratification by all member states of the EU and the European Parliament. Participation in PACE provides unique opportunities to promote the agreement and discuss any potential concerns by EU member states that are also member states of the Council of Europe.

Several specific issues relating to Canada-Europe relations were discussed at the meeting with Mr. Hausser: visa requirements for nationals of some EU countries, the EU Fuel Quality Directive, the status of CETA, the seal hunt and the ban on seal parts by the EU, Canada's participation in the European Commission for Democracy through Law (Venice Commission), and the Permanent Observer's participation in meetings of the Committee of Ministers.

a. Visas

Mr. Hausser indicated that the 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.¹ 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. Currently, visas are required for the Czech Republic, Bulgaria and Romania, although it is expected that the visa requirement for the Czech Republic will be lifted in the near future. It may 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.

b. EU Fuel Quality Directive

In 2009 the European Council and Parliament adopted a package of measures that aim to achieve a 20% reduction in greenhouse gas (GHG) emissions in Europe by 2020.

¹ See J. Béchar 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.

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.

Mr. Hausser reported that the European Commission is undertaking an impact assessment of the FQD and that its implementation will be postponed at least until March 2013. He noted that there are competing pressures within the European Commission to achieve energy security while trying to reach environmental and climate change goals. Separate Commissioners for Energy and Environment often work with conflicting mandates and sometimes work at cross-purposes.

c. Canada-European Union Economic and Trade Agreement

The negotiations towards the Canada-Europe Comprehensive Economic and Trade Agreement are in the final stages. Upon 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 European Council (represented by the heads of state or government of each member state) 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 competencies (jurisdictions) of both the EU and the member states. Mr. Hausser described the agreement as an "all or nothing" agreement - one that requires unanimity. The agreement does not permit an opt-out for dissenting member states such that the agreement would apply only to those voting in support of the agreement.

d. Seal Hunt and Ban on Seal Products

The seal hunt remains a sore point in relations between Canada and the EU. EU regulations came into effect in August 2010, banning the importation and sale of seal products, in large part in response to public concerns about the methods used to kill seals. Given the lack of progress in resolving the dispute with the EU, Canada and Norway have launched a challenge at the World Trade Organization. Hearings have begun in Geneva and a decision is not expected until mid-2014.

Although the European Commission is in apparent agreement that CETA ratification should not be linked to Canada's WTO challenge, some members of the European Parliament are advocating against support for CETA in the European Parliament if Canada does not withdraw its WTO challenge.

e. Venice Commission

Mr. Corneliu Chisu, Head of the Canadian delegation to PACE, raised the issue of Canada's lack of participation in the Venice Commission.

By way of background, the European Commission for Democracy through Law, also known as the Venice Commission, was created in 1990 as a consultative body of the Council of Europe to provide independent advice on constitutional law, including advice on the functioning of democratic institutions and fundamental rights, electoral law and constitutional justice.

The Commission plays an important role in promoting the adoption of constitutions by member and non-member countries that conform to European constitutional standards. It does so by providing opinions at the request of states and at the request of the various organs of the Council of Europe – the Parliamentary Assembly of the Council of Europe, the Committee of Ministers and the Secretary General.

The work of the Commission is conducted by independent experts who are considered eminent in their fields. These experts include scholars in international law and constitutional law, judges of supreme or constitutional courts and members of national parliaments.

The member countries of the Commission include the 47 members of the Council of Europe and several non-member states. There are also several observer states including Canada. The United States of America recently moved from being an observer to a full member.

At a meeting between the Canadian delegation to PACE and Dr. Tomas Markert, Secretary of the Venice Commission, in January 2012, Dr. Markert noted that Canada's work in the areas of elections as well as constitutional justice is highly respected by the Commission. He lamented the fact that Canada is not a member of the Commission, though it is entitled to be (Canada is currently an observer).

Following the briefing Mr. Hausser made inquiries with Canada's Department of Foreign Affairs and the Department of Justice and reported that the Minister of Justice is currently evaluating Canada's role in the Venice Commission. The Minister will consider the various options for participation in the Commission's work, including membership, observer status, or annual participation in the plenary sessions of the Commission. Mr. Hausser advised that he would keep the delegation informed of further developments.

f. Permanent Observer's Participation in meetings of the Committee of Ministers

Mr. Chisu also inquired into the extent of the Permanent Observer's participation in the weekly meetings of the Committee of Ministers. The Committee of Ministers is comprised of the foreign affairs ministers of each member state of the Council of Europe. The weekly meetings are attended by the permanent representatives of member states (usually senior diplomatic staff), or their delegates, as well as the permanent observers. As the Committee of Ministers is the decision-making body of the Council of Europe, the weekly meetings are a valuable forum to keep apprised of important developments in Europe that may impact upon Canada-Europe relations. Regular attendance and participation by Canada's Permanent Observer can also serve as a means to keep Canadian parliamentarians informed of important developments between the PACE sessions. Mr. Chisu stressed that parliamentary delegates to PACE greatly value the work of the Permanent Representative as it helps them better understand their role at PACE and facilitates their contributions to PACE proceedings.

3. Meeting with the European Court of Human Rights

The Canadian delegation attended a presentation at the European Court of Human Rights (ECtHR or Court) by Mr. Nico Moll, Senior Lawyer, and Mr. Egbert Mayer, former judge of the ECtHR. Mr. Mayer provided an overview of the Court, its role within the Council of Europe and the effect of its judgments.

The ECtHR was established in 1959. Its mandate, composition and many of its procedures are set out in Section II of the European Convention on Human Rights (Convention). The Convention is an international treaty drawn up by the Council of Europe in 1950 and which came into force in 1953. Member states of the Council of Europe are required to be signatories to the Convention and to be bound by the judgments of the Court as a condition of membership in the Council of Europe. As signatories to the Convention, the member states are required to ensure that their domestic laws are compatible with the rights set out in the Convention. It may be noted that, while not required to, all 47 member states have incorporated the Convention into their domestic laws. The result is that the courts of the member states interpret and apply the Convention, and grant remedies for violation of Convention rights, in the same way as they apply domestic law.

The Court's role is not to act as an appellate court for decisions taken by national courts. Its role is to provide claimants with a remedy for a breach of their Convention rights where they are unable to do so through the legal processes in their countries. The Court may provide a variety of remedies including monetary damages, an order that a member state comply with a Convention right and cease the act or acts that constitute a breach of a human right. It may also include, in exceptional cases, an order that a member state amend its legislation to comply with a Convention right.

The judges of the Court are elected by the Parliamentary Assembly of the Council of Europe. One judge is appointed from each member state. The process requires that when a vacancy occurs in respect of a member state, that member state is entitled to present a list of three judges from among the judges and legal scholars of that state. The PACE will then elect one judge from among that list. Mr. Egbert indicated that candidates for the Court should be of an extremely high calibre, comparable to the quality of candidates for a member state's supreme court or constitutional court.

The Court has undergone many reforms since its creation. Among the most important recent reforms are Protocol 11 to the Convention, which made the right of individual petition compulsory for all member states; and Protocol 14, which seeks to simplify and expedite the processing of individual applications. Prior to the implementation of Protocol 11, the right of individual claimants to bring a complaint to the Court was not available in all member states. Protocol 14 was introduced to deal with the large backlog of cases at the Court. It amended the criteria and process, now found in Article 35 of the Convention, for determining which cases are admissible for consideration by the Court. A case is considered admissible if: a claimant has exhausted all domestic remedies; the case was brought to the Court within six months from the date on which a final decision was taken by a domestic court; the claimant suffered "significant disadvantage" as a result of an alleged violation; and the application is not "manifestly ill-founded," or lacking a foundation.

Mr. Egbert noted that the new admissibility process has resulted in a significant lessening of the backlog of cases with the vast majority of cases being deemed inadmissible.²

Mr. Egbert explained some of the challenges for the Court when member states chronically violate Convention rights or fail to implement judgments of the Court. He noted that most claims to the Court originate from a relatively small number of countries, which tend to have poor records for respecting Convention rights. Although, there is no formal process for enforcement of the Court's judgments comparable to the processes available in domestic legal systems, the mechanisms available within the Council of Europe are generally effective. Questions of non-compliance with the Convention or non-implementation of Court judgments are referred to the Committee of Ministers where possible remedies may be considered.

Mr. Egbert discussed the recent difficulties between the United Kingdom and the Court over the UK's blanket ban on prisoner voting. The ban was held by the Court to be contrary to the Convention in a judgment rendered in 2005.³ The UK failed to implement the Court's judgment. The Court affirmed its position on the ban in another case in 2010.⁴ In 2012, the UK responded with legislation. It remains to be seen whether that legislation complies with the Court's order. Mr. Egbert noted that the UK's non-compliance with the Court's determination has effectively been with the Committee of Ministers since 2005 where various options to deal with the UK's position have been discussed. In the meantime, the UK has availed itself of the various legal procedures under the Convention and the Court's rules. At some point, if an impasse is reached, the Committee of Ministers will need to determine what steps to take in the face of non-compliance with the Court's orders.

Mr. Egbert noted that the Council of Europe only once has been faced with the prospect of expelling a member state for non-compliance with the Convention. In 1967, a military dictatorship in Greece imposed severe restrictions on human rights. Greece ultimately decided to withdraw from the Council of Europe, thus sparing the Committee of Ministers from having to decide whether to expel Greece.⁵ Since then, there have been no expulsions from the Council of Europe for non-compliance with the Court's decisions.

4. Meeting with the Directorate-General for Human Rights and the Rule of Law

Staff of the Directorate-General for Human Rights and Rule of Law (DG) of the Council of the Council of Europe met with the Canadian delegation to discuss the role of this entity within the Council of Europe. Marja Ruotanen, Director, and Stéphane

² In 2011, the Court declared over 50,000 cases to be inadmissible, while 1157 judgments were published in respect of cases that were deemed admissible. See European Court of Human Rights, *Annual Report, 2011*, p. 151: http://www.echr.coe.int/NR/ronlyres/77FF4249-96E5-4D1F-BE71-42867A469225/0/2011_Rapport_Annuel_EN.pdf. See also European Court of Human Rights, *Overview, 1959-2011*, p. 4: http://www.echr.coe.int/NR/ronlyres/E58E405A-71CF-4863-91EE-779C34FD18B2/0/APERCU_19592011_EN.pdf.

³ *Hirst v. United Kingdom (No. 2)*, 74025/01 [2005] ECHR 681 (6 October 2005); [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-70442#\[\"itemid\":\"001-70442\"\]](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-70442#[\).

⁴ *Greens and M.T. v United Kingdom*, 60041/08 [2011] ECHR 686 (11 April 2011); <http://www.bailii.org/eu/cases/ECHR/2011/686.html>.

⁵ Greece eventually re-joined the Council of Europe when a democratic government was installed.

Leyenberger, head of the Division for the Independence and Efficiency of Justice, gave an informative presentation on the activities of the DG.

The DG's mandate includes: providing support and advice to the Committee of Ministers with respect to the promotion of human rights and the rule of law, particularly in its function of supervising the execution of judgments of the European Court of Human Rights; providing support and advice for the Council of Europe's work in elaborating treaties; supporting various other entities within the Council of Europe, such as the Group of States Against Corruption and the European Committee on Social Rights, in their activities in the fields of human rights and the rule of law; and working with member and non-member states to develop institutional frameworks for the protection and promotion of human rights and the rule of law.⁶

Among the specific areas of the DG's competence are the protection of children's rights, the prevention of torture and inhuman or degrading treatment, the promotion of gender equality, safeguarding individuals against the threat of human trafficking, and combatting corruption and money laundering.⁷

Ms. Ruotanen and Mr. Leyenberger focused on a number of current initiatives, or campaigns, on which the DG was actively working. These include the protection of children against sexual violence, violence against women, and promoting equality of the sexes. They drew attention to a number of important conventions and other mechanisms developed by the Council of Europe in these areas, including: the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, generally referred to as the Lanzarote Convention; the Convention on Action against Trafficking in Human Beings; and the Convention on Preventing and Combating Violence against Women and Domestic Violence. In the area of gender equality, the DG has developed standards and mechanisms to enable member and non-member states to promote gender equality. Some of these standards build upon specific rights contained in the European Convention on Human Rights, such as Article 14 on the prohibition of discrimination, and Article 5 of Protocol No. 7 under the Convention dealing with equality between spouses. Other standards and mechanisms emanate from recommendations of the Committee of Ministers to member states, including recommendations on gender mainstreaming, on the protection of women against violence, and on the balanced participation of women and men in political and public decision-making.⁸

A unique feature of each of the above-noted conventions is the monitoring mechanism under which signatory states consent to an evaluation process conducted by the DG to assess the extent to which they comply with the conventions. Monitoring is done through various means including on-site visits with government officials in the signatory

⁶ For a more detailed description of the mandate and activities of the DG, see: http://www.coe.int/t/dgi/mandat_en.asp.

⁷ For a more complete list, see: http://www.coe.int/t/dgi/mandat_en.asp.

⁸ For a listing of the principal standards and mechanisms developed by the Council of Europe in this area, see Council of Europe, Directorate General of Human Rights and Rule of Law, *Equality Between Men and Women* (undated): <http://www.coe.int/t/dghl/standardsetting/equality/02factsheets/Gender%20Equality%20Fact%20Sheet%20FINAL%2021%209%202012%20hyperlinks.pdf>.

country, the compiling of questionnaires by the signatory country, consultations with civil society groups, and providing advice and training to the responsible officials in the signatory country on how to reform legislation or practices in order to comply with the conventions.

Ms. Ruotanen noted that these conventions are open to accession by non-member states. She also noted that Canada took part in the negotiations on, and the development of, the Convention on Preventing and Combating Violence against Women and Domestic Violence, although it is not a signatory to the Convention.

Mr. Leyenberger spoke with respect to a new initiative of the DG in the area of what is termed “the efficiency of justice,” in conjunction with the European Commission for the Efficiency of Justice, an agency of the Council of Europe. The general approach of this initiative is to treat justice as a public service. Its aims are to improve access to justice and to promote principles of justice as a matter of public service. Under this initiative the DG evaluates the justice systems in member states of the Council of Europe with reference to such factors as court case loads, delays in obtaining a resolution of cases before courts, the availability of legal aid, public expenditures on the court system, gender equality within the judiciary, and alternative dispute resolution procedures.⁹

5. Meeting with the Group of States Against Corruption

Canadian delegates attended a meeting with Mr. Wolfgang Rao, Executive Secretary of the Group of States Against Corruption (GRECO). He provided an overview of the work of GRECO. GRECO was established in 1999 by the Council of Europe to monitor the compliance by member states with the anti-corruption standards established by GRECO. Membership in GRECO is not limited to Council of Europe member states. GRECO was established by means of an enlarged agreement, which permits any state which took part in elaborating the agreement to join GRECO. In addition, any state that becomes a party to the Council of Europe’s Criminal Law Convention on Corruption or the Civil Law Convention on Corruption automatically accedes to GRECO and becomes subject to its evaluation procedures. Currently, there are 48 European members of GRECO, and one non-European member state, the United States of America. Mr. Rao indicated that the European Union could become a member of GRECO following its accession to the Council of Europe.

GRECO monitors and evaluates the performance of member states in combating corruption on the basis of standards set out in various conventions of the Council of Europe and other international organizations. He noted that the United Nations also has an anti-corruption convention, to which Canada is a signatory, but he considers the UN convention to be considerably weaker than the standards used by GRECO, as set out in the GRECO-sponsored Criminal Law and Civil Law conventions on corruption.

The process of evaluation consists of three stages, or rounds. In the first round, a general evaluation is conducted of a member state’s institutions, legislation and practices. The assessment is designed to lead to recommendations for reforms. The second round is a compliance process which assesses the measures that the member

⁹ For a comparison of the functioning of judicial systems in Council of Europe countries, see *Council of Europe, European Judicial Systems: Efficiency and Quality of Justice*, 2012.

state has taken to implement the reforms identified in the first round. The third evaluation round focuses on specific areas of concern either to the member state or to GRECO. Evaluations may focus on political parties and political financing, parliamentarians, or the judiciary.

Mr. Rao indicated that levels of corruption vary considerably from country to country, with the lowest levels found in the Nordic countries. He also noted that GRECO evaluations suggest that corruption affects mainly political parties and politicians.

Compliance and enforcement often present challenges for GRECO as there are no mechanisms for compelling a GRECO member to comply with recommendations in a GRECO evaluation. However, “naming and shaming” have proved quite effective, along with a “non-compliance” list of countries that have failed to meet their commitments under the GRECO process.

6. Meeting with the Mexican Delegation

A meeting with members of the Mexican observer delegation to the PACE was held during the part-session. These meetings between Canadian and Mexican delegates are generally held during the part-sessions in which Canada participates. In attendance for the Mexican delegation were Senator Hector Larios (PAN), Senator Javier Lozano (PAN), Senator Alejandra Barrales (PRD), Member of Parliament Eloy Cantú (PRI), and Member of Parliament Aleida Alavez (PRD). Also in attendance were Ms. Maria-Rosa Lopez, the delegation secretary and Mr. Alejandro Martinez Peralta, Chargé D’Affaires from Mexico’s Permanent Observer Mission to the Council of Europe.

Discussions took place on matters of common interest to Mexico and Canada. It was emphasized that the key to the excellent relationship between the two countries is openness and continuing dialogue. This is particularly important in the competitive global climate that both countries face. The relationship is also comprehensive, covering trade and investment, labour mobility, migration, security, governance, health, climate change, and energy. Since the signing of North American Free Trade Agreement, two-way merchandise trade between Canada and Mexico has risen from \$4.1 billion in 1993 to over \$30 billion in 2011. Mexico now ranks as Canada’s third largest partner in two-way trade, fifth largest export market, while Canada is the fourth largest investor to Mexico, with the value of investments totalling \$4.2 billion in 2011.

Other important areas of cooperation include a security partnership to address various issues of common concern, including combatting transnational organized crime and strengthening institutional capacity in the security sector. Bilateral security consultations are ongoing, and Canada is currently implementing a bilateral project on police professionalization, judicial reform and border management in Mexico.

7. Meeting with the Georgian Delegation

A bilateral meeting was held with delegates from the Georgian delegation. Canadian delegates met with Mr. Tedo Japaridze, Chairman of the Committee on Foreign Relations of the Parliament of Georgia; Mr. Irakli Chiqovani, Member of Parliament; and Ms. Tina Bokuchova, Member of Parliament. Georgian delegates commented on the transition to power in Georgia following the recent parliamentary elections in October 2012, which saw the defeat of the ruling United National Movement Party by the

Georgian Dream Coalition led by Mr. Bidzina Ivanishvili. The transition to power has generally been smooth and the elections were conducted peacefully with no irregularities. However, post-election, there have been reports of arrests of political opponents and media restrictions that raise concerns. On most matters of broad policy the government and the opposition are collaborating well. There is a united position with respect to the conflict between Georgia and Russia. Georgia considers Russia's presence in South Ossetia and Abkhazia to be an occupation and accuses Russia of ethnic cleansing. It has been difficult to initiate and maintain a dialogue with Russia on this issue and other issues. Both the government and opposition are committed to the Euro-Atlantic alliances and institutions, and to greater European integration.

On economic issues, Georgian delegates spoke of the great potential for economic growth given Georgia's wealth of natural resources including hydro-electric energy, mining, and oil and gas reserves. They noted that Georgia also has a thriving agricultural sector. The Georgian government has implemented new measures to make foreign investment attractive. It was noted that Canada has little direct investment in Georgia, but does contribute generally to economic development in the former Soviet-bloc countries through its financial contributions to the European Bank for Reconstruction and Development, which finances economic development in Eastern Europe.

8. Meeting with Iran's Green Movement

Iran's so-called "Green Movement," a protest movement that arose during Iran's presidential elections in 2009, was present during the first part-session of the PACE and made contacts with parliamentary delegations. The Canadian delegation was approached by representatives of the Green Movement to discuss the political situation in Iran, particularly the situation with respect to the political opposition to the current regime in Iran.

Green Movement representatives provided the Canadian delegation with an overview of the state of human rights and democracy in Iran since the presidential elections in 2009. Electoral manipulation and suppression of any opposition movement has continued unabated since the 2009 elections. This includes the house arrest of leaders of the Green Movement Mir Hossein Mousavi and Mehdi Karroubi, as well as Mr. Mousavi's wife, Zahra Rahnava, a political activist and author. However, no charges have been brought against these individuals, contrary to both international law and Iranian law. In addition, hundreds of other opposition figures, students, human rights activists and journalists remain in prison.

Government control of all aspects of daily life creates a stifling atmosphere in Iran with rampant censorship, government control and management of all media, and interference in the private lives of individuals.

The Green Movement is actively working to provide a strong opposition to the current regime in Iran. It maintains that it represents the aspirations of all Iranians for a free and democratic society, and claims broad-based support both in Iran and among Iranians living abroad.

Green Movement representatives expressed the hope that Canada would take on a more active role in supporting its goals. In particular, it sought Canada's support for the liberation of the Green Movement's leaders and its support in international forums such as the Inter-parliamentary Union. Green Movement representatives, however, expressed disagreement with the international community's imposition of economic sanctions on Iran. These, they maintained, are ineffective and only harm ordinary Iranians. They also undermine democratic reform because they provide the regime with a justification for further repression. It was suggested that political sanctions would be more effective.

9. Canadian Intervention in Assembly Debates

Canadian delegates were particularly active in Assembly debates during the first-part session. Ten 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 the free debate, and the humanitarian situation in Georgia, some Canadian delegates were unable to make their presentations. Their speeches are, however, included in the published proceedings of the part-session, and reproduced in this report.

- ***The situation in Kosovo and the role of the Council of Europe***

Mr. Chisu delivered a speech on the situation in Kosovo and Canada's perspective on the issue. The text of the speech as delivered in the Assembly is reproduced here:

The rapporteur, Mr. von Sydow, has done an admirable job of assessing the recent developments in Kosovo regarding the situation of democracy, human rights and the rule of law, and the attempts to identify a way to advance relations between Kosovo and the Council of Europe.

I should state at the outset that Canada is among the 98 countries that recognise the independence of Kosovo. Between 1992 and 2010, Canada provided \$135 million in development assistance to Kosovo. Canada is also a participant in the NATO-led Kosovo force and from 2008 to 2011 participated in the EU rule of law mission in the areas of policing, the judiciary and monitoring minority rights.

We support the increased integration of Kosovo in the international system, including the Council of Europe, in a pragmatic fashion and without prejudice to the country's international status. From Canada's perspective, the recommendations in the report are generally consistent with Canada's efforts to strengthen democratic institutions and the rule of law, fighting organised crime and corruption, promoting respect for human and minority rights and improving regional cooperation.

Canada is satisfied that Kosovo's Parliament is committed to the protection of minority rights, including cultural and religious heritage. We note, in particular, that the country's constitution reflects these commitments. We consider the development of Kosovo into a democratic, multi-ethnic state that fully respects human rights essential for peace, political stability and economic progress in the Balkans. Canada supports the full Euro-Atlantic integration of all countries in the western Balkans and sees the normalisation of relations between Kosovo and Serbia as essential to regional stability.

The recent progress in the EU-sponsored bilateral talks between Kosovo and Serbia is encouraging. In particular, there have been a process of technical dialogue between Serbia and Kosovo, started in March 2011 under the EU chairmanship, which has led to agreements on security, trade cooperation, recognition of official documents and freedom of movement, and the implementation of an integrated border management agreement between the two countries following a meeting on 4 December 2012 between Prime Minister Dačić of Serbia and Prime Minister Thaçi of Kosovo facilitated by Baroness Ashton, the EU's High Representative for Foreign Affairs.

With the continued efforts of the Council of Europe, the European Union and other members of the international community, we can build on the progress achieved thus far and help Kosovo on its path to integration in Europe and among the community of nations.

- **Post-monitoring dialogue with Bulgaria**

Mr. Chisu also delivered a speech on Canada's position with respect to Bulgaria's progress in the areas of democratic reform and the rule of law. The text of the speech as delivered in the Assembly is reproduced here:

I am pleased to have the opportunity to participate in this debate. As a Canadian parliamentarian with strong eastern-European roots, I read with great interest the report and draft resolution on the progress in Bulgaria subsequent to the Assembly's monitoring procedure that was completed in 2000.

Bulgaria's important reforms in respect of the functioning of the judiciary, combating corruption and organised crime, the implementation of the decisions of the European Court of Human Rights, and combating human rights abuses by the law enforcement authorities speak to Bulgaria's genuine commitment to the rule of law, human rights and democracy.

The specific reforms prescribed by the rapporteur, Mr. Luca Volontè, are well developed and offer a detailed road map to help Bulgaria complete its project of democratic and legal reform. Bulgaria is to be commended for creating the favourable conditions that have enabled that to happen.

Bulgaria is an important member of the international community and a valuable partner in a number of important regions, including the Balkans and the Middle East. It has enhanced its relationship with Turkey and offered to provide technical assistance to support the transition to democracy in Iraq, Egypt and Tunisia. It also provides significant support to the International Security Assistance Force in Afghanistan, where the number of Bulgarian troops stood at 581 in December 2012.

There are a number of areas of continuing concern, but efforts have been made to curb corruption, which appears to be a pervasive and ingrained social problem. The European Union, through its co-operation and verification mechanism assessment for the period between 2007 and 2012, concluded that Bulgaria's efforts need to be stepped up. Transparency International's corruption perception index ranked Bulgaria 75th out of 176 countries. Concerns about corruption are one of the

principal reasons for resistance in some European countries to Bulgaria's joining the Schengen passport-free zone in Europe.

Overall, the committee's post-monitoring dialogue assessment is encouraging, and gives confidence that the foundation is now in place for Bulgaria to meet fully its commitments to the Council of Europe. That can only be a positive development for Europe and the international community.

- **Free debate**

Both Mr. Shipley and Ms. Turmel had prepared speeches on the topic of the Canada-Europe Comprehensive Economic and Trade Agreement. However, due to the length of the speakers' list, neither delegate was able to deliver their speeches. These speeches were, however, included in the proceedings of the first part-session. Both are reproduced here:

Mr. Shipley

Canada and the European Union enjoy a vibrant economic relationship, which began with the signing of the *Framework Agreement for Commercial and Economic Cooperation* in 1976. Today, the European Union remains Canada's second largest trading partner after the United States and its second most important source of Foreign Direct Investment and destination for Canadian Direct Investment Abroad.

In 2011, Canada's merchandise exports to the European Union amounted to \$40.1 billion, while its imports amounted to \$52.1 billion. Meanwhile, the European Union accounted for \$160.7 billion in Foreign Direct Investment assets in Canada at the end of 2011, which represented 26.4% of our total foreign direct investment assets. In 2011, Canada's direct investment assets in the European Union totalled \$172.5 billion, representing 25.2% of global Canadian Direct Investment Abroad.

In an effort to deepen and broaden this important commercial relationship, Canada and the European Union agreed to launch negotiations towards a Comprehensive Economic and Trade Agreement in May 2009. The CETA negotiation agenda remains broad and ambitious and includes areas such as: market access for goods and services, mobility of business persons, investment provisions and regulatory cooperation. It is estimated that the agreement will provide considerable benefits to both sides. According to the 2008 European Union-Canada Joint Study: full trade liberalisation could bring a potential 20% increase in bilateral trade. According to the Department of Foreign Affairs and International Trade, significant progress has been made in negotiations and the text of the agreement is well advanced. Both sides continue to work collaboratively to conclude the remaining chapters.

CETA also marks the first time that the provinces and territories in Canada are engaged in negotiations of an international trade agreement in areas that fall under their jurisdiction. They are fully supportive of an enhanced economic partnership between Canada and the European Union. In addition, the Government of Canada has also ensured that Canadians remain informed. I must tell you that the private sector continues to voice strong support for the conclusion of an ambitious agreement and has been actively involved.

Finally, Canadian parliamentarians have also been actively engaged in studying the implications of CETA through the House of Commons Standing Committee on International Trade. The committee examined a broad range of issues currently under negotiation, such as labour mobility, government procurement, intellectual property and agriculture and concluded again that CETA would be of overall net benefit to Canada and the European Union. It is also important for Canadian parliamentarians to continue to participate in discussions with parliamentarians from the national parliaments of individual European Union member states, who will also be debating the merits of CETA, as part of their respective ratification processes.

I therefore welcome this opportunity to share Canadian perspectives on CETA and open a dialogue with you on this agreement.

Ms. Turmel

Mr. President, I am happy to participate in this debate, and I would like to thank the Parliamentary Assembly of the Council of Europe for allowing me to do so.

First of all, I would like to mention that I am not speaking as a representative of the Government of Canada; rather, I speak on behalf of the official opposition party, the New Democratic Party (NDP).

The subject I have chosen to address affects Canada and most of the countries represented here: the Comprehensive Economic and Trade Agreement (CETA) between Canada and the European Union, which is currently being negotiated.

I felt the need to share with you another perspective on what Canadians expect from this agreement.

The political party I represent is strongly in favour of a new trade agreement with Europe.

The ties between Canada and Europe are strong, and provide a solid foundation that can easily be built on.

For example, culturally, we share languages with your continent, both English and French, and we also have a great deal of shared history.

As regards the economy, Europe is a world leader, and one of Canada's growing trade partners. We see the high standards that govern the operation of your economy as a good thing.

In other words, Europe is exactly the kind of trade partner we want to strengthen ties with.

However, the party I represent will not support just any agreement.

We believe that CETA must benefit Canadian families, seniors, and our middle class.

For example, we would have a hard time supporting an agreement that would increase the cost of prescription drugs for seniors.

The NDP also believes that CETA must protect the various levels of government in Canada, ensuring they will not be sued by foreign companies that want to challenge Canadian legislation.

As representatives of the people, we have a responsibility to uphold the public interest.

The people who elected us would not understand if we signed an unfavourable or second-rate agreement.

Our people, like all people, want to improve their living conditions.

I hope that the political party in power in Canada, the Conservative Party, together with the European countries involved in the negotiations, will reach a fair and profitable agreement for everyone, at all levels of society.

The New Democratic Party looks forward to considering the content of the final agreement and sharing its opinion.

- ***Georgia and Russia: the humanitarian situation in the conflict- and war-affected areas***

Due the large number of speakers on the speakers' list for this topic, Mr. Chisu was not able to deliver his speech. It is included in the proceedings of the part-session, and reproduced below:

I am pleased to have the opportunity to address the Assembly on this topic.

The conflict between Georgia and Russia is above all a human tragedy. While negotiations continue for a political solution to the conflict over South Ossetia and Abkhazia, the human dimensions of the conflict, particularly the plight of displaced persons, remain to be fully addressed.

The rapporteur, Ms Tina Acketoft, has done an admirable job of documenting the scope of the work that remains to be done.

Canada agrees that the political obstacles in resolving the dispute between Georgia and Russia as regards the breakaway regions of South Ossetia and Abkhazia should not stand in the way of meeting pressing humanitarian needs. Canada concurs with the highly practical recommendations contained in the report and supports the call for targeted and co-ordinated humanitarian assistance.

This report represents a valuable contribution towards an eventual resolution to the humanitarian crisis. It provides a clear and detailed picture of the scope of the problem and proposes sensible solutions for alleviating human suffering.

This report identifies a number of important areas that call for immediate attention, including housing, health care, security issues, violence against women, freedom of movement to enable displaced persons to engage in economic livelihoods, access to education for children, and greater efforts to locate missing persons.

There are encouraging signs on the political and diplomatic front. The new Georgian Government has re-affirmed its commitment to continue working towards the eventual reintegration of the two regions, despite the difficulties that lie ahead. Its

foreign relations priorities now include the normalisation of relations with Russia, with steps taken to reintroduce air links and the reopening of the land border crossing. Concerns remain, however, about the continued presence of offices established by Russia in South Ossetia and Abkhazia that are characterised as 'embassies'. A political solution would go a long way towards easing many of the difficulties faced by displaced persons.

Canada strongly supports the efforts to continue dialogue and constructive engagement between Georgia, the breakaway regions of Abkhazia and South Ossetia and Russia, particularly through the Geneva talks. While recent political changes in Georgia may lead to some flexibility in negotiations on both sides, Canada shares the view of the rapporteur that these changes will not amount to a 'seismic shift' in the slow pace of the talks.

The continuing efforts of the Council of Europe in bringing to light the human dimensions of the conflict between Georgia and Russia, and proposing concrete solutions to resolving the humanitarian crisis in the region, are commendable.

- ***The honouring of obligations and commitments by Azerbaijan***

Mr. Chisu was able to speak on the question of Azerbaijan's commitments to maintaining the standards of democracy, the rule of law and human rights as required by all member and observer states of the Council of Europe. The text of the speech is reproduced here:

I thank the Assembly for this opportunity to speak on Azerbaijan's commitments to the Council of Europe.

The well-reasoned, exhaustive report of the committee sets out a litany of concerns about Azerbaijan's commitment to the rule of law, democracy and human rights. Its recommendations are generally consistent with Canada's position in respect of Azerbaijan.

It is troubling that no parliamentary elections or presidential elections held since Azerbaijan's accession to the Council of Europe have been deemed free and fair. We share the concern over the possibility of unlimited presidential terms, the inability of opposition parties to form a parliamentary bloc with less than 25 MPs and the restrictions on the activities of Azerbaijan's extra-parliamentary opposition. Revisions are urgently required to the electoral code. Without it, the current legislative electoral framework will continue to taint the electoral process and the outcome of presidential elections in October 2013.

Another important area of reform is judicial independence. The president's office continues to exert improper influence on particular cases of interest to the executive. Individual judges continue to rely on executive favour for appointments and job security. Criminal justice proceedings continue to be susceptible to corruption and abuse, despite the enactment of legislation creating the Judicial Legal Council. Canada concurs with the report's recommendation that revisions to the constitution and the Judicial Legal Council legislation are necessary as a first step towards the establishment of an independent judiciary.

In transparency in public institutions, Azerbaijan continues to have a dismal record, with Transparency International ranking it in the lowest 25% in its corruption index. Canada continues to see corruption as a significant impediment to greater commercial co-operation.

In human rights, Azerbaijan's record remains a cause for concern, including on press freedom – particularly state control of broadcast media – freedom of assembly, and limitations on the activities of NGOs. This seriously impedes the progress toward a truly free democratic society. The detention of activists and journalists is particularly problematic.

Canada has backed up its support in principle for broad human rights protection with financial aid for a number of NGOs in Azerbaijan. We support the resolution aimed at facilitating the work of NGOs. Canada has a history of encouraging civil society to contribute to, promote and defend respect for human rights. Canada will continue to call on Azerbaijan to take meaningful steps towards democratization and the protection of human rights. Canada will closely monitor restrictions on press freedom, peaceful assembly, and the activities of NGOs.

- ***Towards a Council of Europe convention to combat trafficking in organs, tissues and cells of human origin***

Mr. Shipley was given a shortened amount of time to present a speech on organ trafficking, given the lengthy list of speakers. The text of the speech is reproduced here:

Organ trafficking is a difficult topic to talk about. It is an activity whereby the weak, the ill and the desperate fall prey to the unscrupulous. Those preyed upon are at both ends of the transaction: the person in need of a life-saving transplant, and the donor who needs money and will sell a part of his or her body. Some patients needing transplants may, in their desperation, be tempted to turn to the illicit market, and it is that desperation that drives the illegal organ market.

Having a national co-ordinated organ and transplantation strategy can be a challenge, as the situation in Canada has shown. Lengthy consultations were required between government health agencies in each of Canada's 10 provinces and three territories, and at the federal level, between medical specialists and the transplant hospitals. Canada has taken important steps, but as parliamentarians we need to play our part by raising public awareness and encouraging individuals to indicate their willingness to be a donor on relevant identification documents. Colleagues, we must stem the rising tide of this illegal trade.

- ***The state of media freedom in Europe***

Senator Rivard spoke on the topic of media freedom of Europe, drawing parallels with Canada's protection of free speech, including a free media, under the *Charter of Rights and Freedoms*. His speech is reproduced here:

I am pleased to speak about an issue of such importance to democratic societies. Unquestionably, the freedom of expression, media freedom and the importance of journalists in keeping democracies transparent and dynamic are enshrined in our democratic traditions. Europe and Canada have a shared tradition of protecting the

freedom of expression, including of the media, in their fundamental constitutional law. In Canada, sub-paragraph 2B of the Charter of Rights and Freedoms protects the freedom of expression and the media, while in Europe the member countries of the Council of Europe are bound to respect media freedom by Article 10 of the European Convention on Human Rights and by the freedom of expression in general.

The Canadian charter and the European Convention, along with judgments handed down by the courts which interpret these documents, are based on international conventions on the rights of persons and have been followed up the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. As Mr. Johansson reminds us in his excellent report, in many places journalists and the media continue to be subjected to manipulation, intimidation, harassment, criminal prosecution, detention and sometimes murder by the authorities simply because they do what we consider important and therefore what we expect from them – to hold governments accountable for their actions and to inform society about them.

Although we might consider some of the countries mentioned in the report as emerging democracies – countries whose practices and democratic traditions differ from the dominant democratic model in the west – we must not cease trying to protect journalists or to set up the institutional and legal changes necessary to guarantee the freedom and independence of the media. It is up to the media to ensure that the rule of law obtains in those countries aspiring to greater transparency and to hold public institutions to account.

It is deplorable that despite the importance attributed to the rights of the person and despite the rule of law and democracy being considered cornerstones of progress in civilised societies, we continue to witness an erosion of the freedom of the press and expression. We must continue to highlight those practices and laws that are anti-democratic and to denounce any undermining of media freedom. We need the sustained efforts of parliamentarians to reveal abuses by governments of constitutional guarantees of media freedom.

- ***Gender equality, reconciliation of personal and working life and shared responsibility***

Mme Boutin-Sweet

Mme Boutin-Sweet spoke to the issue gender equality, focussing on pay equity:

I am delighted to represent Canada in this important debate. Ms Quintanilla's report rightly states that far-reaching changes in mentality are required if we are to fight work-related gender stereotypes. In order to bring about the change, it is important that families share their responsibilities and that men as well as women take parental leave.

A decision to take parental leave, however, is often based on spouses' respective wage levels, yet there is a gender pay gap owing partly to systemic gender discrimination. Only a few decades ago, men were the wage earners in a family – a few women worked, but their income just topped up the male income – so today jobs

are assessed on the basis of male skills, such as physical force, whereas skills deemed to be female are less valued. For instance, secretaries are often paid less than technicians and zoo-keepers are paid more than women who look after our children.

If we want women to participate fully in the wage market, we must eliminate the systemic wage gap. EU countries have introduced measures to tackle it, yet the average gap is still about 17% to 18%. In 1996, the Canadian province of Quebec adopted a law on equal pay applying to male and female workers governed by the Quebec labour code. We hope that this law will be adopted at federal level as well. We use various means by which to assess workplaces and encourage equal pay for work of equal or equivalent value – for example, effort should cover both concentration and physical effort. Furthermore, we have five-yearly assessments to prevent pay imbalances and a committee has been set up to provide information and settle disputes.

Equal pay is as important as parental leave. We want to change habits and bring about far-reaching changes in the role of men and women in the workplace, and the example of Quebec shows that we can achieve results, if we have legislation with well-defined parameters, including a control and dispute settlement mechanism.

Mme Turmel

Mme Turmel was also given the opportunity to present her speech on gender equality focusing on the system gap between women's wages and men's wages and how women's traditional roles in the home contribute to the gap:

I am delighted to speak on gender equality and to welcome the rapporteur's approach to achieving it. The choice of the word "reconciliation" is important, because it implies that we are trying to strike a balance.

I fully support the recommendations in the draft resolution, because they can serve as a point of reference for countries seeking to amend their legislation, as well as for policies to encourage increased female participation in the labour market and ensure that as many men and women as possible reconcile family and professional life. Among OECD countries and wealthy countries that have adopted laws to resolve the problem of the wage gap, one might cite Canada, the UK and Germany, which are in third and fourth places in the list of countries that have wage gaps over 20%. The wage gap reflects a deep and systemic problem, which is not necessarily linked to discrimination. One of the main factors behind the wage gap is the thorny problem of reconciling work and family life, as outlined by the rapporteur, and the difficult choices that women are forced to make as the main carers in their families. The choices that women make are often to the detriment of their careers. What is more, we continue to underestimate women's skills and the work they do. Studies by economists show that inequality between men and women is largely attributable to women's role in the household. Their responsibilities in the home limit the number of hours that they can be in paid work, and limit their mobility. Such responsibilities often lead to breaks in women's careers, and their employment possibilities can be very limited because they have to be available for their families. That is why in

seeking to eliminate inequality between the sexes we have to look at the role men play in the family.

I believe that parliamentarians have a role to play in doing away with such inequality. We can sponsor Bills in the commercial or manpower sectors, which contain provisions that cater to women's needs. We must also understand that legislation that appears, at first sight, to be neutral regarding gender equality might have different repercussions for men and for women. When we scrutinise legislation, we must table amendments to try to resolve the problem of gender inequality. In our own parliaments, we can also ensure that our procedures take account of the needs of women parliamentarians. When they give birth, for example, they must be given enough time to spend with their children but they must be empowered to play a full part in parliamentary work. In some parliaments, punitive attendance rules should be reconsidered. Another way to help women would be proxy voting, or alternates who shared parliamentary responsibilities. Once again, I would like to thank the rapporteur for an excellent job of work.

- ***Trafficking of migrant workers for forced labour***

Three Canadian delegates had the opportunity to speak to the problem of trafficking of migrant workers.

Mme Turmel

Mme Turmel cautioned against parliaments acting hastily in passing legislation to deal with asylum seekers without adequately addressing the needs of victims:

I am pleased to represent Canada and participate in this debate. Trafficking and forced labour are affronts to human dignity. In its report, the Committee on Migration, Refugees and Displaced Persons has pinpointed the causes, what is at stake and the responses necessary if we are to fight this form of modern slavery effectively. As parliamentarians, we all have a duty to ensure that the report's recommendations are enacted in our respective countries. Those who reduce victims of trafficking, who are mostly women, to slavery must know that we are united and determined in the battle that we are waging against them. Otherwise, they might well prosper.

Today, all countries around the world are affected, including Canada. Each year, between 1 500 and 2 200 people are trafficked from Canada into the United States. The Canadian Government has introduced a series of measures to make it easier to tackle this form of crime, but the mechanisms to protect victims fall short of what is needed. We still do not have a system that enables us to recognise victims quickly or give them victim status. Access to health care is also too difficult for people who have already suffered a great deal.

On the legal plane, the Conservative government has experienced a certain number of setbacks. The Supreme Court of the province of British Columbia has ruled that much of the recently adopted Conservative legislation on immigration and refugees contravenes Canada's charter of rights and freedoms, and that it could lead to prosecutions against humanitarian workers, for example. I recognise that that is a specifically Canadian concern, but it reminds us of something important: in our desire to fight trafficking and forced labour, we must distinguish between acting

quickly and acting precipitately. In Canada, the adoption of legislation led to the suspension of a trial involving four people accused of the kinds of crime that we are discussing today.

We must step up our co-operation and exchange information, and we need greater rigour in framing legislation that will enable our different countries to fight the trafficking of workers effectively. Thank you for your attention and for an excellent report.

Mr. Shipley

Mr. Shipley followed with his intervention in which he lauded the efforts of the Council of Europe to address this problem:

I speak today on a problem that appears to have reached pandemic proportions. As others have said, human trafficking can properly be called a modern-day form of slavery. Its scope is staggering: more than 20 million people worldwide are trapped in forced labour, of whom 44%, or 9 million, are victims of trafficking. The global profits derived from human trafficking are estimated by the International Labour Organization to approach the levels seen in drug trafficking: up to \$30 billion a year.

Unfortunately, in Canada, we are not immune from the scourge of human trafficking. Victims of trafficking in Canada are not exclusively foreign nationals; they are Canadian aboriginal women, youths and children, teenaged runaways and children under the care of government authorities. All are particularly vulnerable to domestic trafficking. In Canada, it is known that there is questionable involvement by third-party agencies in the hiring of legally recruited foreign workers. Those workers have entered Canada by various legal means, including through the temporary foreign worker programme, to meet temporary labour needs in particular occupations and industries. Once they are legally in Canada, these workers may then be exploited through forced labour.

In June 2012, Canada launched a national action plan to combat human trafficking, to build on its ongoing commitments to deal with the problem. The national action plan has a particular focus on protecting vulnerable foreign nationals, prevention and detection of human trafficking at an early stage, and the careful scrutiny of employers using the improved temporary foreign worker programme. The national action plan enhances our already strong criminal sanctions for trafficking in persons.

A significant case involving trafficking for the purpose of forced labour in Canada recently concluded with the convictions of 19 individuals of a criminal organisation that transported a group of 23 Hungarian men, offering them the hope of improving their lives and those of their families through meaningful employment. Instead, they were forced to work for their traffickers in the construction industry. They were also forced into making false claims for government social benefits and turning the proceeds of that fraud over to their traffickers. Another example involved 60 male victims of trafficking from Poland who were lured to Canada with the prospect of learning welding and English. No training was ever offered, and they were forced to work as welders for companies owned by the traffickers, for little pay.

As we know, the trafficking of workers is not restricted to males. In Canada it is widely acknowledged that women and children are the principal victims, primarily for sexual exploitation but also for forced labour.

We encourage the Council of Europe and all nations to be steadfast in the efforts to combat this insidious problem.

Mme Boutin-Sweet

Mme Boutin-Sweet focused on the difficulties encountered under the Temporary Foreign Worker problem and how the vulnerable situation of new Canadians may be exploited by labour traffickers:

I am delighted to take part in this debate to raise an issue about which we do not talk enough when we discuss human trafficking. I shall speak about obstacles to immigration and the integration of immigrants that are imposed by governments in countries that are favoured destinations, including my own.

To combat trafficking in people, we have to go back to the root cause of the problem; in other words, the distances that workers around the world are prepared to travel in order to find a steady job with a wage that guarantees a decent standard of living. In spite of a need for manpower in a number of our economies, governments continue to put in place huge obstacles that workers have to surmount before they can find a steady job. The result is that workers become prepared to put their lives in danger and to spend considerable sums, often spending several years working just to reimburse their traffickers.

In my country, we have strict conditions for some categories of workers, such as temporary workers, which limit their financial freedom and freedom of movement. First, Canada makes it possible for workers to enter the country for short periods and to work in certain economic sectors. Visas are then granted for variable periods of time, and in some cases workers may be eligible for permanent resident status, depending on the job that they do. In agriculture, visas are valid for only eight months and for a certain job in the care of a designated employer. There are special assistance programmes for children and young people. Special carers' visas are available for three years and three months, and if carers switch families, they have to reapply for a permit. Our immigration laws provide that a carer may apply for permanent residency once they have worked for 24 out of 36 months. Large numbers of workers enter under these programmes: in 2011, more than 190 000 people arrived in Canada to take up temporary jobs, and in 2006, the figure was 112 000. Let us compare those figures with the number of people who come into Canada via normal channels: in 2011, 248 000 foreigners were admitted to Canada, which was 5% down on the figure for 2005.

The experience of immigrants in trying to get a better life should remind us that we need to tackle human trafficking by allowing migrants to participate fully in the economic life of our country by eliminating obstacles to their integration.

C. 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 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.¹⁰

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

¹⁰ For a complete list of the Council of Europe's treaties, see:
<http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>.

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, 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).¹¹

Respectfully submitted,

Mr. David Tilson, M.P., President
Canada-Europe Parliamentary Association

¹¹ 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 up to four part-sessions of the Parliamentary Assembly.

Travel Costs

ASSOCIATION	Canada-Europe Parliamentary Association
ACTIVITY	First Part of the 2013 Ordinary Session of the Parliamentary Assembly of the Council of Europe
DESTINATION	Strasbourg, France
DATES	January 21-25, 2013
DELEGATION	
SENATE	Hon. Michel Rivard
HOUSE OF COMMONS	Mr. Corneliu Chisu Mr. Bev Shipley Ms. Nycole Turmel Ms. Marjolaine Boutin-Sweet
STAFF	Mr. Maxime Ricard, Association Secretary Mr. Sebastian Spano, Advisor
TRANSPORTATION	\$35,430.61
ACCOMMODATION	\$10,523.68
HOSPITALITY	\$1,279.94
PER DIEMS	\$3,557.23
OFFICIAL GIFTS	\$194.45
MISCELLANEOUS / REGISTRATION FEES	\$283.96
TOTAL	\$51,269.87