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**EVIDENCE**

**Tuesday, November 3, 2009**

**Chair**

**Mr. Kevin Sorenson**



# Standing Committee on Foreign Affairs and International Development

Tuesday, November 3, 2009

• (0900)

[English]

**The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)):** Good morning, colleagues.

This is meeting number 37 of the Standing Committee on Foreign Affairs and International Development on Tuesday, November 3, 2009.

Today we will study the treatment of Canadians abroad by the Government of Canada. Our meetings today and on Thursday are associated with an August meeting in which this issue came to light. At that time, four members of our committee called the committee back from summer vacation and we discussed a couple of issues, all dealing with Canadians abroad.

Today, from the Department of Foreign Affairs and International Trade, we have Paul Roué, director general in the emergency management bureau; Lillian Thomsen, director general in the consular policy and advocacy bureau; and Patricia Fortier, director general in the consular operations bureau.

Chairing the panel, from the Canada Border Services Agency, we have Geoffrey Leckey, director general of international affairs. My understanding is that all four have opening statements. We look forward to your comments and then our questions to you.

Madam Thomsen.

**Ms. Lillian Thomsen (Director General, Consular Policy and Advocacy Bureau, Department of Foreign Affairs and International Trade):** Mr. Chairman, thank you for the invitation to appear before the committee to discuss the consular services provided to Canadians by the Department of Foreign Affairs and International Trade.

[Translation]

Mr. Chair, I am Lillian Thomsen, Director General, Consular Policy and Advocacy, and I am joined today by my colleague Patricia Fortier, Director General of Consular Operations, and Paul Roué, Director General of Emergency Management.

[English]

The concept of a consul as an official representative of a government, stationed in the territory of another state, with the responsibility of giving assistance and protection to the consul's fellow citizens, dates to the 1100s, when the wealthy city state of Genoa began to station officials known as consuls in various Mediterranean ports where it had significant interests. Until the early

20th century, consular assistance was provided to Canadians by British representatives.

[Translation]

However, with the growing establishment of Canadian institutions in the early twentieth century Canada gradually began to build its own consular representation abroad. These early Canadian consular representatives were largely focused on trade promotion, with the protection of Canadian nationals seen as a secondary but necessary adjunct.

It was only with the growth in mass tourism in the latter half of the twentieth century that the provision of consular services developed the profile it has today, whereby the bulk of consular services are provided to Canadians outside the country on vacation.

[English]

Canadians have wholeheartedly embraced the concepts of the global village and the global economy. Approximately 2.7 million to 2.8 million Canadians reside outside Canada, and each year Canadians make more than 49.9 million trips abroad, including 1.5 million trips to popular tourist destinations such as Mexico and the Dominican Republic. While most Canadians living or travelling abroad do not encounter problems, various factors, some of them new, can pose challenges and risks. Canadians have a role to play in preparing themselves to travel, and we in consular services have a responsibility to assist them with that preparation.

We encourage all Canadians to start their trip preparations with a visit to our website, [www.travel.gc.ca](http://www.travel.gc.ca), which offers travel reports for over 200 countries. These invaluable reports provide overviews of the security situation of the country, official travel warnings applicable to the country or specific regions within the country, contact information for the nearest Canadian mission, and much more.

• (0905)

[Translation]

Mr. Chair, we also offer a wide range of publications for Canadian travellers to assist them prior to leaving the country, including "Bon Voyage, But...", a guide to safe international travel. Canadians may order, via our web site, other publications related to cruise ship travel tips, dual citizenship, advice for adventure travellers and hurricane season tips.

[English]

Canadians are encouraged to inform us of their travel plans by registering online via our ROCA—registration of Canadians abroad—service, thereby allowing us to contact and assist them in an emergency or inform them of a family emergency at home.

[Translation]

The profile of Canadian travellers has changed significantly over the last decade. More and more Canadians are undertaking adventure travel, often in remote or dangerous areas. This, along with the pursuit of business opportunities in regions that pose greater risks on political and economic levels as well as a rise in natural disasters have a significant impact on the Consular program.

[English]

We engage in regular outreach with the travel industry and travel industry educators to ensure they have the necessary tools to help Canadians as they book their vacations. We understand that every travelling Canadian is a potential consular client that the Government of Canada may have to serve efficiently and courteously.

I will now turn to my colleague, Ms. Fortier, to speak to the provision of consular services abroad.

**The Chair:** Thank you, Ms. Thomsen.

Ms. Fortier, please.

**Ms. Patricia Fortier (Director General, Consular Operations Bureau, Department of Foreign Affairs and International Trade):** Thank you very much.

[Translation]

Good morning, Mr. Chair.

I am Patricia Fortier, the Director General of the Consular Operations Bureau in DFAIT. I am going to talk about what our bureau does.

[English]

The consular operations bureau's mandate is to provide assistance to Canadians abroad on routine matters such as passport or citizenship applications and in distress cases such as hospitalization, death, or arrest. The general approach of Canadian consular services emphasizes self-reliance, respect for privacy, and provision of help where it is needed.

Case management officers in Ottawa work in tandem with consular officers at missions abroad. Together they offer professional client service, assistance, and support for concerned loved ones. We provide support and advice working with our consular staff in over 260 missions in 150 countries abroad. Currently we have 142,000 active consular cases around the world. That means that every day we open approximately 686 new cases.

[Translation]

We also handle issues involving Canada's most precious resource: our children. With the increase of international immigration, cross-cultural marriages and divorce rates, there has been an increase in cases involving children. We have dedicated officers working on issues including child abduction and custody disputes. There are currently over 650 active cases.

The Consular Operations Bureau also engages in strategic planning to identify resource needs and tools in order to improve the delivery of consular services.

● (0910)

[English]

How do we do this? Protection of Canadian interests and assistance are the cornerstones of our services. They are brought about by agents in the field or in Ottawa. Our policies, our practices, are constantly tested. They are modified when necessary to respond to rapidly evolving challenges. Officers are guided by a comprehensive manual of consular instructions. We also work in close cooperation with our partners to ensure timely and optimal services. These partners include Citizenship and Immigration Canada, Passport Canada, and of course the Canadian Border Services Agency, which is here today. We also have close working relationships with the provincial and municipal governments, who play a vital role in meeting the needs of our citizens who are most at risk.

We also have challenges. During the management of any case, the concerns of the client are foremost. This includes safeguarding their information. We are pursuing several initiatives to reinforce the protection of that information under the Privacy Act. As you are aware, the Privacy Act directs us not to discuss the details of cases unless the client has given specific consent.

Consular demand has grown in recent years, not only in numbers but in complexity. The number of distress-related cases has also increased. Consular officers not only assist clients, they also inform them of the Canadian government's role. For example, the Government of Canada cannot interfere in the judicial affairs of another country. We do, however, seek equitable treatment under local law for all Canadians arrested or detained, consistent with the laws of that host country.

I want to assure you that the vast majority of cases, literally thousands and thousands of cases, are successfully resolved every year. Fully 65% of distress-related cases were closed in the last fiscal year. A very few, however, require more sustained effort, sometimes lasting years. These are classified as complex distress cases. The client's case may be further complicated if the client has dual nationality. There are a number of countries that do not recognize dual citizenship.

There are also increasing expectations on the part of Canadians of what the Canadian government can provide, either financially or in terms of intervention. In order to provide sustainable services to the thousands of Canadians who seek our help abroad, case management and consular officers help clients to help themselves as much as possible and to access resources where they may be available.

This is difficult and challenging work, which is why I'd like to close with a small note about our people. Our officers are dedicated to the welfare of Canadians in all parts of the world. Our officers come from diverse backgrounds. They are highly qualified, many of them with graduate degrees. They undergo intensive training, and they are committed to assisting Canadians who find themselves in difficulty away from home. They are the face of Canada abroad.

Thank you very much for the opportunity to address this committee.

I'll now turn to my colleague, Paul Roué.

**The Chair:** Mr. Roué.

**Mr. Paul Roué (Director General, Emergency Management Bureau, Department of Foreign Affairs and International Trade):** Thank you. Good morning, Mr. Chairman.

I'm Paul Roué, the director general of the emergency management bureau at DFAIT.

I'd like to take a few minutes to tell the committee a little bit about the work that DFAIT does when it comes to providing assistance to Canadians in emergency situations abroad and how we are organized to deliver those services. There's no doubt that Canadians are travelling, living, and working abroad in greater numbers today than ever before. As we have witnessed in recent years, this has meant that an increasing number of Canadians are finding themselves affected by emergency events occurring in far-flung corners of the globe.

● (0915)

[Translation]

DFAIT's Emergency Management Bureau was created in September of 2008 in large part as a response to this trend. Its mandate is to strengthen DFAIT's overall capacity, in terms of both expertise and infrastructure, to prepare for and respond to emergency events abroad.

[English]

While the bureau is meant to be the focal point for dealing with international emergencies that affect Canadians, we are by no means the only players. Other DFAIT divisions provide expertise in areas such as natural disasters. Other departments and organizations such as National Defence, the RCMP, and Citizenship and Immigration Canada are also involved.

Our colleagues in Canada's missions abroad are also key players. Our heads of mission and consular staff provide front-line service to Canadians who are affected by emergency situations of all types, whether natural disasters, civil unrest, public health crises, transportation accidents, or terrorist attacks.

[Translation]

The Bureau's mandate is to ensure that all available expertise and resources that can be brought to bear in the provision of emergency assistance are used in an effective and coordinated fashion for the purpose of ensuring the safety and security of Canadians.

[English]

We provide emergency assistance wherever and whenever required. In 2008-09, some 1,600 Canadians received emergency assistance in 26 separate incidents, including the terrorist attacks in Mumbai, the airport closures in Bangkok, and the assisted departure of Canadians from Gaza. Our program is anchored in the principles and best practices of emergency management at the international level.

Our missions abroad are all required to develop and maintain a comprehensive set of contingency plans addressing the main risks that they and the local Canadian community are exposed to. They work closely with like-minded missions and conduct extensive outreach to local emergency management and public safety authorities in order to ensure their ongoing preparedness to face any type of emergency situation.

Our missions also have a number of tools that they use to keep in touch with Canadians in the area and provide them with up-to-date information and advice on evolving conditions. The registration of Canadians abroad is one such tool. In the event of an emergency situation, Canadians who register can easily be contacted by our missions and provided with the latest information as well as safety and security advice. Recently, ROCA has been used to distribute public health information regarding the H1N1 flu pandemic.

[Translation]

Our warden networks are another means by which Canadians are kept informed and engaged. These emergency coordinators are a key link between our missions and Canadians who live or work abroad, especially in more remote, less accessible locations.

[English]

The DFAIT operations centre here at headquarters is another important element of our service. This 24/7 operation is the key link back to Canada for Canadians who live and travel abroad. Emergency after hours calls to our missions are automatically redirected to the operations centre, where a consular officer is always available to offer Canadians some level of emergency consular assistance wherever and whenever they need it.

When it comes to emergencies, Canada also has a close working relationship with key partners. Chief among these are the United States, the United Kingdom, Australia, and New Zealand. In response to ongoing situations, we collaborate closely and exchange information with these partners on a regular basis through weekly calls as well as on an ad hoc basis. As an example, Canada's partnership with Australia was instrumental in making possible the evacuation of Canadians from the island of Fiji after the coup in December 2006.

Finally, Canada also takes a leadership role among its partners when feasible and appropriate. In January 2009, Canada led the safe departure from the Gaza Strip of some 254 nationals from over 20 countries, including over 80 Canadian citizens and permanent residents.

Thank you.

● (0920)

**The Chair:** Thank you, Mr. Roué.

We'll move to Mr. Leckey.

**Mr. Geoffrey Leckey (Director General, Intelligence Directorate, Canada Border Services Agency):** Thank you, and good morning.

I'm Geoff Leckey, and I'm the director general of the intelligence directorate of the Canada Border Services Agency.

[Translation]

Good morning. I'd like to thank the committee for the opportunity to speak to the role that the Canada Border Services Agency plays internationally, and the ways in which we provide service to Canadians.

[English]

The CBSA provides integrated border services that support national security priorities and facilitate the free flow of people and goods across our border. The word "integrated" reflects the fact that upon our creation in 2003 we assumed responsibility for enforcing immigration and refugee protection policy and for border inspection of food, plants, and animals, in addition to the traditional customs mandate.

[Translation]

As the Director General of the Intelligence Directorate at CSSA, one of the files I have contributed to in recent months is called our "international footprint". This footprint is a determination of where our limited resources are best assigned throughout the world in relation to our Agency's priorities.

[English]

The CBSA has a dual mandate that requires that we give equal emphasis to both security and facilitation at the border. Each day our agency delivers on this mandate, in part through rigorous risk assessment and the strategic placement of resources in Canada and abroad. I'd like to emphasize that this strategy of using globally distributed resources in support of domestic public safety is not unique to Canada. This approach is very much in keeping with the best practices of modern border management around the world.

The CBSA collaborates with a number of Canadian partners, including Citizenship and Immigration Canada, the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, as well as municipal and provincial law enforcement agencies.

Our international partners include foreign mission representatives, private sector airlines, and officials from the respective host countries. Our collaboration with these partners includes interdiction, intelligence gathering, anti-fraud training, and removals.

[Translation]

While we recognize that the vast majority of travellers are legitimate, law-abiding citizens, a primary goal among all of our partners is to prevent criminals, people involved in organized crime or in human or international rights abuses, and people who pose a security threat from taking advantage of Canada's immigration program.

[English]

The CBSA has a number of programs to manage risk away from the border rather than at our ports of entry. Some of these programs include our trusted traveller program, the container security initiative that locates Canadian personnel at foreign ports in order to examine cargo prior to its departure, and migration integrity officers who work with Citizenship and Immigration Canada to enforce the Immigration and Refugee Protection Act.

● (0925)

[Translation]

By applying a risk-based approach to border management, the CBSA is able to better dedicate resources at our ports on the facilitation of legitimate travel and trade.

[English]

While the majority of the CBSA's almost 15,000 personnel are located in Canada, the agency currently has 56 migration integrity officers located in 46 key embarkation, transit, and immigration points in 39 countries. MIOs enhance service to travellers and immigrants by ensuring that individuals have satisfied documentary requirements, and they help in removing potential burdens on the Canadian refugee system.

The MIO program is successful from both a risk mitigation and a service perspective. Since their inception in 1989, MIOs have intercepted over 95,000 improperly documented passengers prior to their arrival in Canada. Each year approximately 20 million air passengers arrive in Canada. Last year the CBSA interdicted approximately 5,000 people. During the same year, our MIOs facilitated the return to Canada of over 3,000 properly documented travellers—the majority of them Canadian—who had been wrongly intercepted by airline personnel or local authorities overseas.

In closing, I would like to stress the important role MIOs play in the delivery of the agency's overall public security and facilitation mandate.

[Translation]

Our officers abroad are critical elements in the international effort to confront human trafficking, immigration fraud, terrorism, piracy, and organized crime. They also make notable contributions to government efforts in support of Canadians abroad.

Thank you. I look forward to your questions.

[English]

**The Chair:** I thank all four of you very much.

We'll proceed to our first round.

We'll let the opposition go first, with Mr. Patry and Mr. Pearson.

[Translation]

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Thank you, Mr. Chair.

I would also like to thank our guests this morning. It is very interesting to have you with us.

Where the identity of a Canadian passport holder is challenged—the person is outside Canada and their Canadian passport is challenged—what is Canada's obligation, to offer protection or accommodation until the consular investigation is completed?

The Department of Foreign Affairs Report on Plans and Priorities 2009-2010 states that the Department needs to

Develop a clear "path of escalation" for passport and citizenship-related issues originating at missions abroad.

It explains, and I quote:

A clear path of escalation would provide a simple framework whereby consular staff could consult with Passport Canada and Citizenship and Immigration Canada on complex questions and receive guidance quickly so that such problems could be resolved promptly, resulting in more efficient use of limited consular resources.

[English]

**The Chair:** Mr. Patry, please slow down; the interpretation is having a hard time keeping up.

**Mr. Bernard Patry:** I'm slower in English, but I'll speak French.

[Translation]

Has the Department developed that framework? What is the path to follow? I would like to know more.

[English]

**The Chair:** Thank you, Mr. Patry.

Madam Fortier.

**Ms. Patricia Fortier:** Thank you very much, Mr. Chair.

I think one of the most important tasks that consular officers abroad perform is this delicate balance between assistance and identifying Canadians as Canadians. As my colleague from CBSA has noted, there is an increase in the use of fraudulent documents. Certainly we have noticed in our consular work that more and more Canadians are falling prey to scams and other criminal activities.

In terms of the integrity of the passport, that is under the purview of Passport Canada, which is a special operating agency. This is important in terms of our work. Basically we provide the program abroad, but we go back to Passport Canada and Citizenship and Immigration Canada to confirm the details of information that is provided by any citizen who comes to us.

In terms of the working relationship between Passport Canada and Citizenship and Immigration Canada, I would say it's very close. The standard operating procedures are being refined at all points. The framework in which we are working is being refined as well. Basically we have an excellent working relationship in place that I can say is being improved every day through lessons learned. We take copious notes in terms of all the cases that we deal with. These notes go forward with the case, so there's always continuity. In terms of an identity of a person, we are always looking for ways to improve in terms of lessons learned.

We do work closely, of course, with any person who comes and presents a document. But in terms of the documents themselves and the information that's contained in them, that is the purview of Passport Canada. We rely on our colleagues in CBSA, and perhaps my colleague in CBSA would like to talk to that a bit. And of course we go back to Citizenship and Immigration Canada to discuss exactly the information in terms of citizenship.

I wonder if my colleague in CBSA would like to talk to that point, in terms of passports and the integrity of passports.

● (0930)

**Mr. Geoffrey Leckey:** Thank you, Mr. Chairman.

The Canadian passport is a highly desirable travel document, and for that reason it is intensively targeted by networks that want to use it for fraudulent purposes. However, it does have good security features. It's one of the harder passports to forge. That's not to say that there aren't some workshops in some parts of the world that are getting pretty good at it, but we're more likely to see a genuine document being misused than we are to see a fraudulent document.

In terms of how often we see that, I wouldn't say it's increasing. In recent years the volume that we've encountered overseas has been fairly steady, and we like to think that might have something to do with the success of the MIO network, to which I referred in my introductory remarks.

This might be an opportunity to mention the fact that what we call our interception rate overseas is 70%. That is to say, when you count the number of interceptions, interdictions overseas of persons who are improperly documented and seeking to travel to Canada, and you count the number of persons who arrive in Canada improperly documented, when you add them together that's 100%. We intercept 70% of them. We like to think that's part of the reason why we're not seeing a sharp increase in the abuse of the Canadian passport in recent years.

**The Chair:** I think the second question was in regard to a clear framework that's put forward by the department. I think Madam Fortier spoke on that earlier.

**Mr. Bernard Patry:** You didn't answer about the duty of Canada, whether Canada has any obligation to the people who are arrested during the time they're awaiting the consulate investigation about their accommodation and the protection of that person. Does Canada have any obligation abroad?

**Ms. Patricia Fortier:** Are you asking about Canadian citizens who are arrested or detained abroad?

**Mr. Bernard Patry:** Detained abroad. Let's say someone leaves Canada and goes to any country in the world, and when he wants to come back we have a consular person over there at the airport saying they are not a Canadian—"This is not your picture," or this or that. We don't give him authorization to take the flight. What happens at that time? Do we have any obligation for the accommodation of that person while he's waiting? It could take a day, two days, three days. Does Canada have any obligation regarding that person?

**Ms. Patricia Fortier:** In general terms, the question of whether or not Canadians are allowed on flights is something that actually my CBSA colleague could speak to a bit more, but in terms of Canadians who find themselves generally in distress, they can always come to any of our missions, or, as Mr. Roué pointed out, they can get in contact with us through a variety of communications to ask for our assistance. That's one of the most important aspects. We want people to be able to reach us to tell us that they are in distress. What we can do is talk to them about their situation. For example, if they are in a country and they perhaps don't have any money, or they need some guidance, we can provide advice. We can also get in touch with family or friends who might provide resources to them.

As I said in my opening statement, consular services are based on self-reliance, Canadian self-reliance. We hope to be good stewards of the public purse. We understand that when you vote us money, it is our responsibility to take care of that. We can provide advice to any Canadian who is in distress.

In terms of airlines that decide not to board Canadians, I think that's a question better addressed to my CBSA colleague.

• (0935)

**The Chair:** We will come back to him, but it will have to be in another round.

Madame Lalonde.

[Translation]

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Thank you.

In general, what kind of response do Canadian embassies abroad provide when a Canadian citizen has problems?

If a Canadian citizen outside Canada who has not committed a crime is detained and mistreated, what will consular services do to help the person?

**Ms. Patricia Fortier:** Thank you for those questions.

[English]

In terms of Canadians in distress, Canadians who have a problem, this is our bread and butter. People would not come to us if they did not have a problem. So they will come to us via various means: e-mail, phone, or walking in the door. They will come either through the ops centre or through other means, through friends and family.

What we can provide is advice. Consular officers abroad and consular management officers here are integrators of information. Although they sometimes act almost as social workers, lawyers, doctors, etc., they are none of those things. Basically what we can do is provide the information that will help Canadian citizens deal with the situation in which they find themselves. As one case officer said to me, "What we hope to do is empower our co-citizens to help themselves in these situations."

This doesn't mean we leave them alone to figure it out for themselves, particularly in difficult countries that have very different cultural or legal mores. What we can do is provide information on the background and legal context. We can provide lists of lawyers. We can provide lists of health services and hospitals. We can give them advice about where to turn. If they ask us—and sometimes they

don't—we can be in touch with their friends or family. We can help them with their documentation. There's a long list of things we can do.

But what we prefer and what is part of our mandate is to help Canadian citizens who find themselves in distress to come to a resolution themselves within the country, and of course in those cases where it can't be resolved, to facilitate their return to Canada.

The information we provide, of course, should start before they leave. That's something I'm going to ask my colleague Lillian Thomsen to talk about—the information we give and that we try to get out to Canadians before they depart, before they find themselves in any difficulty.

**The Chair:** Madame Lalonde.

[Translation]

**Ms. Francine Lalonde:** You can only give information. And yet there are sometimes things that should be done.

**Ms. Lillian Thomsen:** When Canadians are detained abroad there is international law, the Vienna Convention of 1964, that applies. The Convention has been signed by Canada and 174 other countries. Under article 36, a country is entitled to be informed by the host country that one of its citizens to have access to the individual.

[English]

So that's really where we start from. If we find out that a Canadian has been detained in a foreign country, the first thing is to ask the authorities for access to that individual. And if we don't get access, of course, then we use the tools of diplomacy, whether it's diplomatic notes, phone calls, or representations.

Where we run into difficulties—and my colleague alluded to this in her statement—is when the person is a dual citizen. We try to do a lot of outreach to Canadians who have citizenship in other countries. If you look at the statistics, approximately 250,000 people immigrate to Canada every year, *grosso modo*. Within three to four years, the vast majority of those people get Canadian citizenship, but that doesn't mean they lose their other citizenship. They are de facto dual citizens.

• (0940)

[Translation]

**Ms. Francine Lalonde:** I have an extremely important question to ask. In the event of conflict in certain countries that I will not name, what takes precedence: the fundamental rights of Canadian citizens as guaranteed by the Canadian Charter of Rights and Freedoms or the local laws of the host country?



**Ms. Lillian Thomsen:** We tell Canadians before they leave the country that when they are in another country they are subject to the legal system of that country. It is the same thing in Canada. When foreign nationals arrive in our country, if they commit theft or drive under the influence of alcohol, for example, they are subject to Canadian law.

We try to explain that the legal system of Mexico, for example, is very different from ours. When people are in another country, they are subject to the laws of that country. What we can do is use the methods we are provided by the Vienna Convention to get access to Canadians detained abroad. It is not always possible to do that, particularly if the person in question has the citizenship of the country where they are imprisoned. If a person entered that country using the passport of their other citizenship, that is, a passport other than a Canadian passport, that tells the local authorities that the person agrees that they still have obligations, still have close ties with that country.

[English]

**The Chair:** Thank you, Madame Thomsen.

We'll move to Mr. Goldring and Ms. Brown.

Mr. Goldring.

**Mr. Peter Goldring (Edmonton East, CPC):** Thank you, Mr. Chairman, and thank you for appearing here today, ladies and gentlemen.

I believe it was you, Ms. Thomsen, who discussed some of the services provided to Canadians. We have seen some numbers on the subject. Perhaps you could explain the scope of it. I'm seeing numbers here of some 40 million or 50 million visits conducted by Canadians over a period of a year. Obviously many of those would be multiple visits. Our parliamentary secretary here may very well account for one a week.

**Voices:** Oh, oh!

**Mr. Peter Goldring:** But for many others it might be one visit per year. What would be the number of persons conducting these foreign visits in a year?

**Ms. Lillian Thomsen:** First of all, we rely for statistics on Statistics Canada, which provides us quarterly reports. We also subscribe to services and research provided by the Conference Board of Canada. They don't distinguish between trips and individuals. The vast majority of trips continue to be trips to the United States. There is some indication that day trips to the United States have diminished somewhat as a result of the recent economic situation and of the imposition of the WHTI. But *grosso modo*, probably—I mentioned in my speech that there are 1.5 million travellers to popular destinations in the Caribbean—there are seven million or eight million who travel abroad every year.

We can't track, for example, dual nationalities: people who leave Canada and enter another country on their other passport, if they go back to their birth home. What we see is a changing profile in travel. For young people a generation ago, it was back-packing around Europe; now it's going to work for Habitat for Humanity in Guatemala, or it's doing all kinds of eco-tourism, and we have medical tourism and a huge growth in the cruise industry. So it's not

just the numbers; it's also the profile of the services we have to be ready to provide.

I'll leave you with one last example. In the U.K., medical tourism, and this is in some cases for relatively minor surgeries, reached a volume of about 37,000 in 2007. You might say this is interesting, except that 16% of those, according to U.K. statistics, wind up back on the national health service in the U.K. as a result of complications, in some cases quite serious ones. This trend hasn't hit Canada yet, but we look at all these things, because our services, as my colleague Patricia Fortier explained, have to keep evolving. We have to be where Canadians are and we have to be ready to help them when they get into situations as a result of what they've chosen to do.

● (0945)

**Mr. Peter Goldring:** We have also seen a huge growth in the numbers, according to the statistics, of people travelling internationally. Concerning the education component and knowledge level of the travellers among the cases you look into, is there a concern about the percentage of the people you're looking at who claim or state that they were not aware that they would be subject to the laws of the land? What kind of percentage level among these cases would you consider as involving people who, if there were perhaps more education before they left, might not be in the predicament they're in?

**Ms. Lillian Thomsen:** There can never be too much education. I couldn't tell you how many people say to us, "If only I had known...". Sometimes decisions made abroad can be quite impetuous.

We think the penetration of our website is about 35% of Canadian travellers. We face particular challenges in reaching young people. And we also experience challenges in reaching people of dual nationality, who often think they don't need the Government of Canada to tell them anything about their home country.

Things are changing. For example, I discovered that bookmarking our website is "so last century". Now you use a search engine and type in "Barbados driving". You don't go to the Canadian government website any more. Now we're doing research on how we can write our travel report on driving in Barbados so that when you go into Google, we come up as one of the top three sites and not somewhere on page 2, because nobody is ever going to go to page 2.

Travel has become much less expensive. The once-or-twice-in-a-lifetime trip to Europe has now become every other year. You go to Thailand and the next year you go to Africa for a safari—not to mention high school programs. As early as grade 10, you can do a high school biology credit in Guatemala and throw in some horseback riding while you're at it.

The industry has changed. You now have a lot of self-employed, Internet-based travel providers working out of their basements. It has become an excellent way of supplementing your income. We have to reach out and train those people. We have a textbook that we ask travel planners to use, so we're constantly trying to adjust.

Another example is teaching English as a second language. A number of years ago, some Canadian students ran into difficulty in Japan and South Korea. When they got there, either the schools didn't exist, they weren't paid, or they weren't housed. So we have an online publication dedicated to Canadians who are thinking of going to Taiwan, Japan, or South Korea to teach English. In addition, we do outreach through the universities. We're physically present at the fairs in the universities to try to reach as much of our potential client base as we can.

**Mr. Peter Goldring:** We received some instructional information that's going out to schools. There seems to be a lot of emphasis on our Charter of Rights and Freedoms, but there is very little mention of this document in the accompanying information. People travelling to other countries should respect our Charter of Rights, but they must be cognizant that in other countries it does not apply. Is there something more that can be done in our schools to assist in this? With the tremendous growth in the number of people who are travelling, it could be helpful.

• (0950)

**Ms. Lillian Thomsen:** Below high school age, most travel decisions are made by parents. You need to be 16 before you can sign for your own passport. But we try to reach out to the high schools and the universities. We're trying all kinds of new tricks. We now have a maze on our consular website where you can play a mini-computer game to see what would happen if you went to such and such a place and drove a car while inebriated. We're constantly learning from the experience of others.

We compare notes with other countries just to make sure we give good advice. Before the Jeux de la Francophonie in Lebanon, we had extensive consultations with the French government about our athletes, the Canadian spectators, family members, and coaches.

**The Chair:** Thank you, Ms. Thomsen.

Mr. Dewar.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Thank you, Chair, and my thanks to our guests.

Ms. Thomsen, does the government have a legal responsibility to offer protection to Canadian citizens in distress abroad? Is there a piece of legislation?

**Ms. Lillian Thomsen:** No.

**Mr. Paul Dewar:** There's nothing in a statute?

**Ms. Lillian Thomsen:** No.

**Mr. Paul Dewar:** Canadian citizens pay a \$25 fee for consular services when they purchase their passport. Is that correct?

**Ms. Lillian Thomsen:** That's correct.

**Mr. Paul Dewar:** How many passports were issued in the last year? Are you aware of that? If not, maybe you could provide that to the committee. It's kind of a pop quiz.

**Ms. Lillian Thomsen:** I can't pull the number off the top of my head. I could probably guesstimate. The revenue generated by the consular fee in 2008-09 was \$89.1 million, with over five million passports issued.

**Mr. Paul Dewar:** That's the number I was looking for.

**Ms. Lillian Thomsen:** That money, I just want to add, does not come to the department. It goes into the consolidated revenue fund of the government.

**Mr. Paul Dewar:** Exactly. I just want to make the point for the record that when this fee was brought in it was to provide for consular services abroad, and to date, that has never happened. I can say that.

**The Chair:** You can say anything.

**Mr. Paul Dewar:** I can say anything. Mr. Rae knows that.

I appreciate the work you do and what you've provided us with. I'm actually interested in what happens when things go wrong in the coordination of service provision.

In the case of Abousfian Abdelrazik, for instance, there was clearly a conflict between desks. On the one hand, we had consular affairs saying, "Our criterion is that we provide you with a passport and you have to provide us with an itinerary and show us an airline that will provide you with a flight."

Of course, when that happened, because of section 10.1 of the act, the minister denied him the passport.

In that case, did the minister provide you, your officials, with justification for denying the passport?

**The Chair:** Mr. Dewar, Mr. Obhrai has a point of order.

Go ahead.

**Mr. Paul Dewar:** Mr. Chair, this is being noted on my time.

**Mr. Deepak Obhrai (Calgary East, CPC):** On a point of order, Mr. Chair, when we went on this study, it was very clear that we would not bring individual cases into it. That's number one. This is a clear cut, very specific individual case.

Secondly, the individuals who are here are not from the Passport Canada office and cannot give that kind of information.

So I take that into account, and I would tell my colleague that we agreed to not have individual cases, which he himself agreed to when we wanted to do the study.

**The Chair:** That's correct. Thank you, Mr. Obhrai, for that point of order.

I have already mentioned that Mr. Dewar can say anything. However, there may be some things that our panel can't answer.

We are trying to be fairly broad. You brought in an individual case, Mr. Dewar.

**Mr. Paul Dewar:** I was looking at a policy, Chair, but let me try a different line of questioning on that.

When we look at enforcement and at service provision, there are conflicts. I note that in some cases where the consular affairs officials want to provide assistance, they can be trumped by enforcement officials at times. Is that correct?

• (0955)

**Ms. Patricia Fortier:** I think generally we try to work very much in concert.

**Mr. Paul Dewar:** I'm assuming that, but I'm just saying there are times when that happens and there would be a conflict. You can say you want to provide a passport, and Mr. Leckey might say there is evidence to show that you shouldn't or some other variable comes into play that says you can't provide that passport and here's why.

**Ms. Patricia Fortier:** Again I would go back to what Parliamentary Secretary Obhrai said. Basically, I represent consular operations. So in all cases where we can provide consular services, we do provide consular services.

**Mr. Paul Dewar:** So there's never a case where you're told that you can't provide services?

**Ms. Patricia Fortier:** In terms of people who are entitled to a passport, as Mr. Obhrai mentioned and I mentioned earlier, that is actually Passport Canada's function.

**Mr. Paul Dewar:** Fair enough.

I have a question for either Ms. Thomsen or Mr. Roué.

There is a consular services and emergency management branch that has been established. That's who you're representing. That's new, is it not?

**Mr. Paul Roué:** Yes, it is.

**Mr. Paul Dewar:** As of 2008?

**Ms. Lillian Thomsen:** The branch was established in October 2007. The emergency management bureau, which is part of the branch, was established a little under one year later. The three of us who are here from Foreign Affairs are the directors general of the three bureaus in the branch.

**Mr. Paul Dewar:** My question is simply around coordination, because when I asked the question back in the summer about who is training officials abroad on enforcement, I was looking to see where the consular services played a role. At the time, I was told in committee, and it has since been clarified, that in the case of a citizen who was having problems returning to Canada, they were initially identified by the airline officials. When I asked who was actually training the airline officials for enforcement purposes, I was told that it was our Canadian border services agents.

My question was a different one. I asked if we train the police and government officials on enforcement, because my concern was that providing consular services is one thing and enforcement is another. However, what my concern was at the time was that we are actually training officials from other countries and police officials—we have our people training them to do the enforcement—and there were some questions in this particular case around how they ended up in this situation.

I've since had a clarification from the Canada Border Services Agency. They initially said they weren't training police and other officials, but on October 28 I received an e-mail that says while most

training is delivered to airlines and their security companies, training is also provided to local police, immigration officials, and diplomatic colleagues from other countries in the immigration and consular sections of our missions abroad. So I guess my question to Mr. Leckey is, for the record, do we train police officials from other countries and diplomatic officials to do enforcement of Canadian passports?

**Mr. Geoffrey Leckey:** Yes, we train officials of other governments. We train them in what a genuine Canadian passport looks like, how to detect a genuine Canadian passport as opposed to a fraudulent one, the security features, the requirements for visas to come to Canada, which vary from country to country, as you're quite aware. There's a need for the host country officials to be aware of what the proper documentation is that's required in order to board a flight to Canada.

**Mr. Paul Dewar:** But in some instances they are pulling someone out of the line and processing them—not the Canadian officials; it could be a Kenyan official.

**Mr. Geoffrey Leckey:** It could be. It could be the local airline officials. We also train airlines. In those cases, if there's a doubt about the identity of a Canadian, they will call on the migration integrity officer.

• (1000)

**The Chair:** Thank you, Mr. Leckey. We're going to have a second round, so you may all want to get prepared for that.

We'll move to Ms. Brown, and then over to Mr. Rae.

**Ms. Lois Brown (Newmarket—Aurora, CPC):** Thank you, Mr. Chair.

I think you've shed some light on some things for our committee. It's been most helpful. I'm a mother of one of those wanderers. I have a daughter who has been travelling for three years. She has been in 40 countries so far and is intent on seeing the world before she stops. I applaud her for her energy and I applaud her for her initiative, because it's something that a lot of people never do.

I'm really interested in this registry of Canadians abroad. Ms. Fortier, you talked about self-reliance and about the need for people to take responsibility for their own travel and for educating themselves, following up on what Mr. Goldring was saying.

So you put considerable information on the websites; it's there for people to access. I know in my own constituency I've had people contact me and ask, "What if I go?" My backup is always to ask them if they have checked the Foreign Affairs website on that.

But I wonder if you could talk to us about this registry. How many people actually access it? We talked about 35,000 people who look at the website, but how many people actually register before they start their travel? Is there any way then that you connect with them when they are in the country? What access do they have to you when they are there?

**Ms. Lillian Thomsen:** On how many Canadians register, the short answer is—I'm just looking through my statistics here—it's not as many as we would like. We would like every Canadian to register abroad. I think it's about 3 million, but I'll verify and get back to you on it.

The pattern is that people who are studying or living abroad longer are more likely to register, or if they're abroad, for example, with a Canadian company, a Canadian company will insist that they be registered with us. We are less successful in reaching out to the independent wandering traveller. A lot of people who are going, let's say, to a Caribbean resort destination where they've taken a package from a full-service provider simply assume that if something goes wrong, the travel company will look after them. Of course, that's not always the case, as we saw with the collapse of at least one industry provider—Conquest—last year.

But in terms of last year, 19% of the 250,000 cases were new registrants on our registry of Canadians abroad. What it does is this. If there's a sudden tropical storm, if there's an earthquake, something that's totally unpredictable, it gives us an easier way of reaching out to the Canadians, either through our warden system or through the tools that my colleague Mr. Roué has at his disposal. The first thing we have to do if there's a problem is we have to find the Canadians, and they help us find them if they're registered.

**Ms. Patricia Fortier:** I would just add that in my direct experience, when I was head of mission in the Dominican Republic recently, where we have 700,000 of our citizens coming to visit us every winter, they tend to register when they see there's a problem. So there tends to be a rush of registration when people are made aware that there might be a problem. Other than that, they tend to be offhand about it.

But we do have campaigns that go out and look for Canadians and ask them to register, and certainly, as Ms. Thomsen mentioned, our system of wardens is absolutely key. These are people who volunteer and who are spread throughout the country. In the Dominican Republic, we've reinforced, for example, our warden system. They are our eyes and ears out in all the regions. So if they can't get through to us by phone, by e-mail, by friends, by family, or by physical appearance, sometimes we hear about it through our wardens, who are all out in the region.

So we're always trying to reach out and we're always trying to make ourselves accessible.

• (1005)

**The Chair:** We'll come right back to you. After we go to Mr. Rae, we'll come straight back.

Mr. Rae.

**Hon. Bob Rae (Toronto Centre, Lib.):** Thank you very much, Mr. Chairman.

I thank our visitors for their very informative presentation.

I hope this is okay under what we've agreed to.

I wonder if the four of you, or however many of you, could comment, could take us through the emergency response to the war in Sri Lanka, in terms of access by Canadians, particularly of Tamil origin, to information about their loved ones who were in Sri Lanka to the end of the war, and the situation of the people in the camps. Then perhaps if there's time I'll have a follow-up question with respect to how much access we've been given to those camps and the extent of the consular visits that are taking place.

**The Chair:** In the second round, we have five-minute rounds, so they have to be very—

**Hon. Bob Rae:** So if you could keep your answers as concise as possible, it would perhaps allow us to get at it.

Thank you very much.

**Mr. Paul Roué:** Actually, the situation in Sri Lanka, sir, was managed by another division within our department, and it really did not affect our emergency management bureau.

**Hon. Bob Rae:** If a Tamil Canadian wanted to get access to information with respect to what was happening to one of his or her relatives in the part of Sri Lanka that was a war zone, what division would they have gone to?

**Mr. Paul Roué:** They could call our operations centre and we would contact the mission to find out if there was information available. That would be the system to be used.

**Hon. Bob Rae:** Does the ops centre come under you?

**Mr. Paul Roué:** That's right, but managing the humanitarian relief efforts in Sri Lanka—

**Hon. Bob Rae:** No, I'm not talking about that. I'm talking specifically about people wanting to have access to information about what's happening to their cousin, brother, or sister.

**Mr. Paul Roué:** There's a 1-800 number they can use to contact our operations officers and give them the information. If the Canadian citizen is registered, we would try to contact them through that means, or if the family had contact numbers, we would provide that information to our mission in Colombo, which would then try to contact the Canadian citizen on behalf of the family.

**Hon. Bob Rae:** Could you give me in writing later on the number of calls and cases that were handled by the ops centre in that two- or three-month period earlier this year?

**Mr. Paul Roué:** Directly related to Sri Lanka, yes.

**Hon. Bob Rae:** That's directly related to Sri Lanka.

**The Chair:** Could I get some clarity, because I may be misunderstanding?

You're speaking of a Canadian here in Canada who has a question about a cousin, brother, or sister in Sri Lanka who is Canadian and who perhaps has a dual citizenship?

**Hon. Bob Rae:** That's right.

**The Chair:** If you could get that information back to us in writing, we would very much appreciate it.

You still have two minutes.

**Hon. Bob Rae:** Can anyone else follow up on that? Madam Fortier?

**Ms. Patricia Fortier:** I would comment that if these are not Canadian citizens, then what we can provide to Canadian citizens in Canada is information about the general situation. Quite frankly, they're sometimes better informed than we are and we can get the information from them. If they're not Canadian citizens, that would go through the International Committee of the Red Cross.

You'll have your information from Mr. Roué's shop, but I would also suggest that sometimes, when they aren't Canadian citizens, we can direct them to where they might get information.

**Hon. Bob Rae:** There's a big network, but I'm just trying to find out what level of service we were able to provide. I've had some comments from people saying that the ops centre wasn't that responsive. I just want to find out, so I can say what happened. In the case of the ICRC, the websites, and everybody communicating in a million different ways these days, as Ms. Thomsen referred to, I think that's natural.

What about now? Does anybody know whether we're getting access to the camps?

**Ms. Patricia Fortier:** I think we'd have to get back to you exactly on what sort of access we are getting in terms of consular access in particular. In terms of the humanitarian, as Mr. Roué pointed out, that's something that falls under other people within the department.

• (1010)

**Hon. Bob Rae:** It's whether there are dual citizens who are still in the camps, whether there are Canadian citizens.

**Ms. Patricia Fortier:** I think that's something we'd have to get back to you on.

**Hon. Bob Rae:** Okay. Perhaps Mr. Pearson had a question with respect to hiring. Do you want to...?

**A voice:** No, you go ahead.

**The Chair:** Your time is pretty well up.

**Hon. Bob Rae:** They've said that to me many times over the last 40 years, Mr. Chairman, and they were wrong. It's not done yet.

**The Chair:** Your time is up.

Ms. Brown.

**Ms. Lois Brown:** I have two very quick questions.

To go back to this registry you have, do you know if there are repeat travellers who register? Do you have people who see this as a

legitimate service, in that every time they travel now it's kind of a natural mechanism for them to connect with?

**Ms. Lillian Thomsen:** We do have repeat customers. Also, last year we made it easier for people. It used to be a paper-based system, but now people can register online as of last year. We did have some teething problems with the software because it didn't work on all platforms, but now it seems to work more smoothly.

Yes, we do have a lot of repeat customers. Once people do it, they become repeat customers, yes. It's a good thing.

**Ms. Lois Brown:** I have a follow-up question to that. As parliamentarians, we often have people who come into our constituency offices asking us about passports or where they can get a passport application. Would it be helpful to you in the services you provide to have people register? Would it be something that, as parliamentarians, we should encourage people to participate in?

**Ms. Lillian Thomsen:** We have in the past—we did one last year—held joint briefings with parliamentary staffers on both the consular and the passport program. We're always willing and open to do that, because it enables us to provide our publications and it enables us to reach out directly to constituency offices through the parliamentary staffers. We have done it in the past and we certainly stand ready to do it in the future. It's good outreach for us.

**Ms. Lois Brown:** Thank you. I'll take advantage of that.

Thank you, Mr. Chair.

**The Chair:** Mr. Lunney.

**Mr. James Lunney (Nanaimo—Alberni, CPC):** Thank you.

Mr. Leckey, you said there are about 15,000 personnel in Canada, and 56 MIOs serve in about 39 different countries.

There were 95,000 improperly documented passengers since the inception of the MIO program?

**Mr. Geoffrey Leckey:** Since 1989-90 there have been 97,000.

**Mr. James Lunney:** Can you explain how your MIOs, who it seems are trying to cover a broad range of territory, interact with foreign officials? What authorities do our officials have abroad?

**Mr. Geoffrey Leckey:** They're stationed abroad to enforce and assist in the administration of the Immigration and Refugee Protection Act. The writ of the IRPA doesn't run in foreign countries, so it doesn't automatically give them any authorization. They rely upon cooperation with the foreign governments and developing contacts. They rely on MOUs and what we call SMUs—statements of mutual understanding—with foreign countries on the subjects on which we exchange information with them and for what purpose.

We are of, course, closer overseas to our key partners, who tend to be the U.S., the U.K., Australia, and New Zealand. The exact cooperation mechanisms differ from country to country. I always like to say that every MIO does a different job. It depends entirely on local conditions and what's going on in the region.

We share information with our allies, and to a certain extent with the host country governments. In areas such as trend analysis we help one another understand what's going on locally—if some groups are more likely to seek migration in the near future than others, and for what reasons. We share information on changes to visa and passport requirements in the local country. That's the level of intelligence we collect and share overseas.

With our closer partners we also share such things as rules and algorithms for measuring risk, based on data collected on travellers abroad. Wherever there's an MIO abroad there are likely to be equivalent officers. The U.K., for example, calls them airline liaison officers. There are likely to be equivalent officers from the U.S., the U.K., the Netherlands, Germany, and Australia. So they are an automatic network. As soon as you are an MIO posted abroad, you're part of this network. They help one another logistically. If one of them can't get to the airport one night, another one might, and vice-versa.

I could also speak about the role MIOs play in removals to foreign countries. Whenever an individual is detained in Canada under a warrant and needs to be removed to a foreign country, someone has to make sure the travel document is issued that will enable him to travel back to the country he came from and that arrangements are in order with the local authorities for him to be received appropriately.

• (1015)

**The Chair:** Thank you, Mr. Leckey.

Madame Lalonde.

[Translation]

**Ms. Francine Lalonde:** When a Canadian child is held in a foreign country by one of its parents without the consent of the other parent, who is also Canadian, and the country is not a signatory to the Hague Convention, do the provisions of the Convention apply, or does the Minister of Foreign Affairs have to use his discretion under section 10, which allows for a determination of whether it is necessary to repatriate a Canadian citizen who is detained in a foreign country?

**Ms. Lillian Thomsen:** At present there are about 650 child abduction cases, as my colleague mentioned.

**Ms. Francine Lalonde:** I wasn't talking about child abduction.

**Ms. Lillian Thomsen:** These are children who are in another country because they were taken there by one of the parents.

However, if the other parent stayed here, in Canada, and wants the child to be returned home to them, their primary tool is the Hague Convention on the Civil Aspects of International Child Abduction. Unfortunately, only 75 countries have signed it to date.

For children, as my colleague said, our team, which has grown in recent months, deals with each situation, because they are all different. As well, we are trying to make a more comprehensive effort. This involves three aspects.

The first consists of making major efforts to encourage countries that have not signed the Convention to do so. At present, we are making a lot of effort to persuade Japan, which accounts for about 50 cases. To date, Japan has not been interested, but now, with the change of government, we are thinking that Japanese policy might

change. The first aspect is therefore to encourage countries that can sign the Convention to do so.

The second aspect is this. Some countries that have signed the Convention don't have the resources to meet their obligations under the Convention. In some cases, we provide technical assistance so they can honour their obligations.

The third aspect is the most difficult. These are countries that, for domestic and legal reasons, cannot or will not sign the Convention. A majority of those countries are Islamic countries, where Islamic law is the national law. The Hague Convention on the Civil Aspects of International Child Abduction involves a process called the Malta Process, which is being used to establish a dialogue with the Islamic countries.

More recently, about six months ago, a small group was created with half the countries signatories to the Convention and the other half Islamic countries. There are six countries. Canada chairs the working group of signatory countries and Pakistan chairs the working group of Islamic countries. They have met by conference call to try to identify mediation methods that could be recognized by both jurisdictions and could solve these kinds of problems. The work has only just begun. As well, not just government experts, but non-governmental experts like Louise Filion of Montreal, who is a leading expert in this area of mediation, are being consulted. There is also Justice Jacques Chamberland of the Quebec Superior Court, who is our specialist on the Hague Convention on the Civil Aspects of Child Abduction.

Essentially, this is "macro level" work, because this kind of work has to be done to deal with principles and find ways of solving cases.

• (1020)

[English]

**The Chair:** Please be very quick, Madame Lalonde.

[Translation]

**Ms. Francine Lalonde:** In the interim, could the Minister use his discretion to bring the children home?

**Ms. Lillian Thomsen:** When a family is in another country and the parents are not divorced, the issue is under the jurisdiction of the other country. In that case, it is in the other country's legal system.

I am going to explain my colleague to explain this for you in more detail.

[English]

**The Chair:** Be very quick.

**Ms. Patricia Fortier:** I just want to emphasize what Ms. Thomsen has said.

Under the Hague convention to which we are signatories, we have agreed that we will resolve these cases in the jurisdiction in which the child is living and has grown up. We do not have the authority to repatriate children where there is no agreement and no divorce. The laws of the land in each country are the laws of the land. As Ms. Thomsen has suggested, we manage within that rather ambiguous border between the two legal systems.

**The Chair:** You mentioned—and I wanted to stay on Madame Lalonde's question—that we have to operate under the jurisdiction in which the child is living and has grown up. That may not be the same. It may be the case that the child has grown up here in Canada, is a month or two in another country, and is there. That's where the child is right now. If children have spent six years here in Canada and six weeks in the other country, but that's where they are now, is that the jurisdiction that...?

**Ms. Patricia Fortier:** Each case of a child or custody is obviously unique. Sometimes it's complicated by the fact that they're dual nationals. Again, we get into an issue of whether the child who is living in the country is seen by that country as its citizen and whether the other nationality is recognized.

I'd hesitate to comment specifically on any case, because certainly our experience in dealing with children's cases is that they take a long time to resolve. We know that here in Canada divorce and custody cases are extremely difficult and can take a long time. There are sometimes extraneous factors. I think if you look at international custody and sometimes at abduction cases, you can multiply the factor of that difficulty by ten, at least.

**The Chair:** Thank you.

We'll go to Mr. Goldring.

**Mr. Peter Goldring:** Thank you, Mr. Chair.

Mr. Leckey, you gave some numbers in your talk. There were some 95,000 improperly documented passengers prior to their arrival in Canada. Would the MIOs who intercepted them be some of your partner groups from other countries? Are these people who are intercepted before they board planes? What is that process of intercepting the 95,000?

Canadians are very concerned about fraud and what has happened. What percentage of those would have been fraudulent cases of documents, Canadian documents? You're saying that you intercepted these people. Were they intercepted in the foreign countries by your partner MIOs?

• (1025)

**Mr. Geoffrey Leckey:** Yes. What we're talking about are people intercepted in the foreign country before they were able to board a flight to Canada. In the vast majority of cases, I'd say in over 99% of cases, the authority would have been our own MIO.

I may even have gone too far, because the cases in which a decision would be made on whether an individual has the right to travel to Canada always comes down to a Canadian official making that call. What I was alluding to was that in certain cases—remember that I said we help one another logistically—if we're not able to get to the airport, one of our colleagues, such as a Dutch airline liaison officer, for example, might. He might make the initial interception, but as soon as possible it'll be turned over to a Canadian MIO. And it'll be the Canadian migration integrity officer who makes the decision.

**Mr. Peter Goldring:** There used to be a problem of people getting on board a plane with proper documentation and then landing in Canada and their documentation had gone missing. Is that still prevalent?

The other issue is probably visas. Many countries need visas to come to this country. Are there still cases of people arriving in Canada without the documentation they got onto the plane with?

**Mr. Geoffrey Leckey:** Yes, that still happens every day.

As I said, our success rate is 70%, but that means that 30% either are allowed to board a flight to Canada without proper documentation, despite our very best efforts, or they may even have been properly documented when they boarded the plane but destroyed the documentation en route.

**Mr. Peter Goldring:** What happens to those people who arrive and don't have documentation?

**Mr. Geoffrey Leckey:** When they arrive, the very likely occurrence is that they'll claim refugee status and they'll be entered into the refugee system.

**Mr. Peter Goldring:** Of the 3,000 Canadians who've been facilitated and have returned to this country, what forms of documentation were you able to assist them with? What are the most prevalent ones?

**Mr. Geoffrey Leckey:** This will come down to a discussion with consular affairs locally. Let me talk about two different cases.

In one case, let's say someone wishing to travel to Canada has been intercepted by an airline employee or by a local official because the case doesn't look right to them. They call in the migration integrity officer. The migration integrity officer might do an interview over the phone or might come to the airport and do an interview, and in most cases the case is resolved to the satisfaction of the Canadian wishing to travel.

The other case could be where a Canadian shows up wishing to embark on a flight and discovers that he doesn't have the correct documentation. The documentation may have been lost or stolen. In those cases, again, the MIO will very often be called in, and the MIO will be able to refer that person to our consular colleagues, who may be able to issue an emergency passport or may be able to use their judgment to issue another document that will enable the Canadian to travel back to Canada.

**The Chair:** Thank you, Mr. Goldring.

Mr. Dewar.

**Mr. Paul Dewar:** Maybe another scenario would be that the person has been detained after there is a question about their documentation, and in that case the person is asking the government to provide support. If that support isn't given in a timely fashion.... Actually, this question is not for you, Mr. Leckey, unless you want to add something. It would be for the consular affairs people.

If the person was not able to get support from consular affairs officials in a timely fashion—we've established there's no legal statute that says that the consular affairs officials from the Government of Canada have to provide that support—how could they actually follow up with the government to make the case that they should have received support? In other words, is there any grievance mechanism for Canadians if they don't receive the support they believe they should have received if they've been stranded abroad?

Is there an appeal process for Canadians if they don't receive the support they thought they should have received, according to the act?

• (1030)

**Ms. Lillian Thomsen:** Well, there isn't an act.

**Mr. Paul Dewar:** I'm sorry. I'm talking about the act that you're under, which is the Department of Foreign Affairs and International Trade Act. Section 10 is where you frame your—

**Ms. Lillian Thomsen:** The responsibility of the minister for the conduct of consular affairs.

**Mr. Paul Dewar:** That's right, yes.

**Ms. Lillian Thomsen:** In response to your earlier question, as I said, there is no statute. Canadians who are unhappy with consular services can and do raise their concerns *ex post facto*. Some do it through their member of Parliament. Some do it by writing to the minister. Some do it by telephone. We do conduct client satisfaction surveys. We do these both on the web and at the point of service. The vast majority of these satisfaction surveys come back very high, but they are for routine services—in other words, did you get a passport within the timeline of service?

**Mr. Paul Dewar:** I'm sorry to interrupt. So basically, in terms of the department, if someone has a grievance or concern, if they had problems or were denied services, there's not a built-in process, an internal mechanism that they could appeal to.

**Ms. Lillian Thomsen:** If they write to the minister, the letter will be forwarded to the consular services, and if we have to go back to a post to get clarification on how the Canadian was served at the post, we do so. We get an awful lot of correspondence and we do get concerns about service—not that many, but they are responded to.

**Mr. Paul Dewar:** In cases where there is a perception that there has been denial of services—

**The Chair:** On a point of order, Mr. Obhrai.

**Mr. Paul Dewar:** Sorry—

**The Chair:** You will get your time.

**Mr. Paul Dewar:** [Inaudible—Editor]

**The Chair:** Go ahead, Mr. Obhrai.

**Mr. Deepak Obhrai:** I didn't...[Inaudible—Editor]. Nevertheless—

**Mr. Paul Dewar:** What you referenced in your last intervention was actually a steering committee, and you quoted from it and I didn't say anything, so be careful what you say, Mr. Obhrai. I'm just stating the facts.

**Mr. Deepak Obhrai:** Nevertheless, for your information, if you do have questions where you don't get comfortable service, feel free to call my office. That's why—

**The Chair:** That is no point of order.

Go ahead, Mr. Dewar.

**Mr. Paul Dewar:** We can't reference the steering committee. It's correct. That's what it was last time. I didn't say anything, but this is just to be aware.

My question is this. Is the department looking at quicker ways of independent review in cases where citizens have been denied or have complained about their services being denied to them? There have been high-profile cases of Canadians who have said they were denied their consular support abroad. They have had to go to the Federal Court. I am just wondering if there has been any internal review about how you deal with cases where people have said they were denied the services they thought they were entitled to. Is there any internal discussion or review on that?

**Mr. Deepak Obhrai:** I have a point of order, Mr. Chair.

**The Chair:** Mr. Obhrai, on a point of order.

They can say no, they can say yes, Mr. Obhrai. They can answer the question too.

**Mr. Deepak Obhrai:** Well, I have a question here where he is talking about the denial of consular services. He talks about high-profile cases, and in those cases, I want to make it very clear, so that you and I know, there were no consular services denied. There were other issues denied, but not consular services. He was talking about consular services. What we have here are consular people to talk about it.

**The Chair:** All right. Continue on, Mr. Dewar.

**Mr. Paul Dewar:** I'll put a question and I'll stop there.

**An hon. member:** It's abusive.

**The Chair:** Madam Thomsen, do you want to...?

Let's have some order here, all right?

**An hon. member:** [Inaudible—Editor]

**The Chair:** Order.

**Mr. Paul Dewar:** I'm asking a policy question, Chair. It's a policy question.

Thank you.

**The Chair:** Yes.

**Ms. Lillian Thomsen:** My colleague will probably say a few words, too, but basically, as we've said, we are constantly looking for ways to improve the services. We do have, in particular, a very structured process of lessons learned for large events. Also, within the last two years, since the branch was established, we have biannual consular round tables, where we invite both stakeholders and non-governmental people for discussions under Chatham House Rules. We've only had two so far. The first one was a general one, largely with the industry. The second one focused on children's issues, abductions. The third one will be organized some time early next year on a theme. But this offers us a chance to reach out to stakeholders, to non-governmental organizations, to discuss, under Chatham House Rules, a specific nexus of issues and gather more information and perceptions and have a discussion, which can very well lead to follow-up.

• (1035)

**The Chair:** Thanks very much.

Ms. Brown and Mr. Abbott, on a split maybe.

**Ms. Lois Brown:** Thank you very much, Mr. Chair.



You answered some of the questions I had wanted to frame about the situation with children. I have a real concern when I see that child brides are taken out of Canada into other countries, and I just express that concern. I would like to know what rights the child has as a Canadian citizen. Are there consular services provided?

I want to ask another question, too.

Ms. Fortier, you talked in your presentation about some of the challenges our officials face. We've seen in some cases that media get involved and start to talk about this. You're constrained. I wonder if you could talk about some of those constraints that you face and how that media coverage impacts what your officials can do.

**The Chair:** Mr. Abbott, do you want to quickly add to that?

**Hon. Jim Abbott (Kootenay—Columbia, CPC):** Yes.

I was interested in your testimony about the fact that you have managed to hit a point where there are some improvements. If we think about the 1,600 Canadians who received emergency assistance, that included the terrorist attacks in Mumbai and also the situation with the tsunami in 2004. Because this is public testimony, I don't want to ask any questions that in any way would compromise your situation, your ability to be able to serve Canadians. I know you are going to craft your answer with that in mind. I am just wondering if you could give the committee an idea of some of the specific steps you have made that have led to an improvement.

The reason for my question is that I think it leads to a better understanding on the part of travelling Canadians if they understand what you're doing and why you are doing it, so that they can respond appropriately, so that you can serve them better.

**The Chair:** Thank you, Mr. Abbott.

Ms. Fortier, on those two questions.

**Ms. Patricia Fortier:** Thank you very much.

In terms of children, yes, we've talked a lot about children, and it is a real focus. I think what you're alluding to are different cultural and religious views of what childhood is, and you made a reference to child brides. For example, there was a case that came out in the media recently about a young person, I think in the Punjab area of India, who actually asked for the assistance of the Canadian mission. She made her wishes known, and her return to Canada was facilitated successfully.

I think that goes to show that, to get to your next question, there's a minuscule number of cases in the media. We have 142,000 active cases. Of that, we have a smaller subset of about 5,000 or 6,000 that are distress cases. Of that, there's a smaller—yet smaller—subset of complex distress cases that we manage here in Ottawa. Of those, there are maybe a dozen that hit the media. So I think we have to always put things in perspective.

I know that one of my officers basically said to me, "Look, we know we can't even talk about our success cases because of the Privacy Act, and we understand that and we want to keep that information confidential, unless someone gives consent." They say their reward is working every day of the week. They know they've made a positive contribution—they know it, we know it—and that's enough.

In terms of the attitude of our officers, they work within a constrained context, because basically we are at the point where, in terms of providing additional information, what we can say is that under the Privacy Act we cannot provide further information unless that person gives consent. This is in terms of any case that comes before us. We are taking real steps to make sure this information is guarded. We have firewalls between our case notes and we take precautions. We train people. We make sure that leakages don't happen, because these can be damaging, not only to the case but also to the person, and that's our particular concern.

One last point on the children's issue that I just wanted to make is that we also act as national coordinators of our missing children program, where we work very closely with the RCMP, CBSA, and the Department of Justice. So we're trying to be active on all fronts.

Thank you.

• (1040)

**The Chair:** Thank you very much.

Madam Bourgeois has a question as well, but we're going to go to Mr. McGuinty first for a very quick one.

**Mr. David McGuinty (Ottawa South, Lib.):** Very quickly, can I just go to the part of the document that talks about the number of cases, "What Are Our Challenges?" I think that is part of Ms. Fortier's document. How many or what percentage of the cases, whether they are distress-related or complex distress cases, are health care related?

**Ms. Patricia Fortier:** I don't actually have the breakdown for that with me. I don't know if anybody has it.... We can get that to you if you would like.

Certainly in terms of health, this is where I made the point that we are working very closely with our provincial and municipal partners, because of course health is a provincial jurisdiction. I would also add —

**Mr. David McGuinty:** But not overseas it's not.

**Ms. Patricia Fortier:** When they come back, because it's when they're coming back—

**Mr. David McGuinty:** I'm more interested in the Canadians who are overseas and become ill or are admitted to hospital. I'm trying to get to the question—number one—of how many of your cases in these files are related to health care issues. Of those health care issues, how many of those Canadians do not have international health care coverage?

**Ms. Patricia Fortier:** That I will have to get back to you on. That's going rather deep into our statistical base.

**The Chair:** Thank you very much, Madam Fortier.

Madam Bourgeois.

[Translation]

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Thank you, Mr. Chair.

First, ladies and gentlemen, I would like to congratulate you on the information in the little "Bon Voyage, But..." brochure and on the Department's website. I have consulted them several times and I can say that it is in fact very well done. You do a good job of cautioning Canadians about what can happen when they travel outside the country.

I have a few brief questions. I would like you to submit your answers to the clerk in writing because we don't have a lot of time. What I am interested in is locally hired staff. We know that you have fewer and fewer resources in the Department of Foreign Affairs. You do not have a large budget and the question of locally hired staff is very important, for the subject we are discussing today, but also in terms of the answers that members' offices can give.

You are going to delay deploying 400 additional people who are to fill positions more or less all over the world. I would like to know the reason for that delay, first. And second, what will the impact be? Third, what training do you provide for locally hired staff? If they are dealing with Canadians, they can't put themselves in Canadians' shoes. Do you provide special training?

And last, Ms. Thomsen, you say in your presentation, "The Consular Operations Bureau also engages in strategic planning to identify resource needs and tools in order to improve the delivery of consular services." Could you submit the strategic plan you are currently working on to the clerk, if it is completed?

• (1045)

[English]

**The Chair:** Thank you.

I think we'll ask if you can submit something in writing to our committee a little later on. Our time is up. We have 15 minutes set aside for committee business.

My thanks to all four of you for attending from two different departments. This is all part of the comprehensive plan to deal with Canadians abroad, and we thank you for your input to our study. We look forward to your submissions and your answers to our questions later on.

We're going to move into committee business. We're going to deal with some of the motions.

**Mr. Deepak Obhrai:** I have a point of order.

**The Chair:** Madame Lalonde has asked to speak. Are you on a point of order?

**Mr. Deepak Obhrai:** Yes. It arose from the previous discussion. Mr. Paul Dewar raised the point that I had breached the in camera steering committee. That was not true. I would like the clerk to go back to meeting number 34 or 35. We had discussed not going into specific cases in an open committee forum. I would like the clerk to check this out and report back next time. I did not, as Mr. Dewar alleged, breach the steering committee's confidentiality.

**The Chair:** Mr. Obhrai has asked for clarification on a point raised by Mr. Dewar in meeting 34 or 35.

**Mr. Deepak Obhrai:** I think it was a meeting prior to the steering committee meeting. This matter was discussed in an open committee and not in the steering committee. Can we state clearly that I did not breach the committee's confidentiality?

**The Chair:** Mr. Dewar.

**Mr. Paul Dewar:** I wasn't going to mention anything, but I saw the intervention coming yet again from Mr. Obhrai during my questioning. I was simply making the case that our discussion of this study took place in camera in the steering committee. Any references to what the parameters were was in camera. What I said beyond that is not relevant. I was speaking in reference to his point about planning for this meeting. That's my point and I'll leave it there.

• (1050)

**The Chair:** Unless Mr. Dewar withdraws the comment, our clerk will have to check on this. It may have come up in the steering committee, but it may also have come up publicly.

**Mr. Paul Dewar:** I'll withdraw the comment.

**The Chair:** All right; it is withdrawn.

Are you all right with that, Mr. Obhrai? It may be the closest thing you get to satisfaction today on it.

Thank you for withdrawing that comment, Mr. Dewar.

Madame Lalonde, you had asked for the floor.

[Translation]

**Ms. Francine Lalonde:** Mr. Chair, at the last meeting I noticed that when Rights and Democracy appeared before the committee I wanted to resubmit the motion I had made regarding that organization. The procedure is that a motion may be moved when it relates directly to the witnesses appearing.

The motion could not be debated because time ran out. I would therefore like it to be debated, as a priority. I don't think it will take a lot of time. The committee should have no problem agreeing with the motion, which is in the document distributed by the clerk. I therefore so move.

[English]

**The Chair:** This was a motion of which you gave 48 hours' notice. It came before our committee, and that was the topic of debate that day. Our intent was to go to motions and hopefully in committee business....

I maybe should defer to the clerk on this one. The problem, I think, may be procedural. The problem might very well be that....

You don't necessarily have to wait for committee business to deal with a motion, if it comes specifically out of a recommendation, do you?

**The Clerk of the Committee (Mrs. Carmen DePape):** After the notice period is past, the member can raise it at any time.

**The Chair:** All right. But what motions can come out of a meeting?

**The Clerk:** For example, as Madame Lalonde was saying, we were discussing the CIDA program, so she could have brought that up, to propose the motion right then. That is part of our routine motions.

**The Chair:** So that could have been done right in routine motions. Usually, in order to adopt a motion specific to the case study, you need unanimous consent to deal with it, because then you're waiving the 48 hours. What you've done here is put it into the pool of motions, and part of the process that may be frustrating here is that it's a pool, and there are other motions that are before it. So that is part of the procedural problem.

Let me say that again. If the motion had come out of that meeting and we had unanimous agreement that we wanted to deal with a motion that has come specifically from the witnesses, you don't even need 48 hours' notice for it, and we would be dealing with the motion that has come out. But because this motion was submitted to be dealt with in committee business, the problem is that there are other motions in committee business as well. So that becomes the procedural problem.

**Ms. Francine Lalonde:** Even though it was—

**The Chair:** —specific to the study. Your motion was specific to the study.

**Ms. Francine Lalonde:** —specific, and one committee meeting before the meeting in which we—

**The Chair:** So there are two possibilities here. Again I'm probably going to have to have our clerk tell us about the actual...

Are we prepared at this time to bring forward Madame Lalonde's motion?

I had Mr. Dewar first, I believe.

Were you waving concerning that matter, Paul?

**Mr. Paul Dewar:** I was waving on a related topic that we had at committee on Burma. There was a motion that I thought we had consensus to pass four or five meetings ago. I want to make sure: if the spirit of this committee is to deal with Madame Lalonde's motion in earnest, that's fine; I think there was a consensus on the Burma motion that we could table it and pass it.

What I'm looking for, if people are willing to support Madame Lalonde's motion, is that we read it and vote on it, and we could get to the Burma motion. That's all I'm pleading for.

**The Chair:** Madam Brown.

• (1055)

**Ms. Lois Brown:** Before we get to the Burma motion brought forward by Mr. Dewar, I brought forward a motion in May about the Burmese situation. I think it is incumbent on this committee to do that study before we go to the motion that was brought forward by Mr. Dewar.

**Mr. Paul Dewar:** A point of order, Mr. Chair, on that note. My motion comes out of the intervention we had from the delegation, and it's very specific to that. Madam Brown's motion is like many of the other motions we have—they're good motions. If you go back to the list, I actually have the next one up from February 2, so the Burma motion was very tailored to the presentation we had at committee. That's why I'm referring to it.

**The Chair:** All right.

Mr. Abbott, and then Ms. Brown.

**Hon. Jim Abbott:** This is a very interesting discussion. If I understand what the clerk is telling us, it is that if either Mr. Dewar's motion, which he is stating came out of the testimony of the people who represented the situation in Burma, or Ms. Lalonde's for Rights & Democracy had been raised specifically at that time, there still had to be unanimous consent of the committee to accept the motions. That's my first question. I'd like to continue my intervention, but I do need an answer to that question.

**The Clerk:** After the 48-hour notice—you're not talking—?

**Hon. Jim Abbott:** No, I'm not talking about that. I'm saying that in the case of the Rights & Democracy testimony, if Ms. Lalonde had immediately, at that time, within seconds of the testimony, moved her motion, there still was the requirement for unanimous consent of the committee members.

**The Clerk:** The 48-hour period is waived and there's no need for unanimous consent if that's the matter under discussion at that meeting.

**Hon. Jim Abbott:** But am I correct that there is a requirement for unanimous consent in order for the committee to debate and handle the motion if she has not given 48 hours? She can raise the issue because it's a motion coming out of the testimony, but she still requires unanimous consent to waive the 48 hours.

**The Chair:** I think the problem here is a definition. What we're defining as a substantive motion would have to be in 48 hours. A motion just coming out of a discussion doesn't need 48 hours. You have to do it then and you have to.... They can't take over a meeting with unlimited debate on an insubstantive motion. My point is on the definition of a substantive motion. I may be wrong here, and this is something that, again, I'll refer to you, but if we have substantive motions in the pool and if we move into a debate or a study somewhat related to that, does that give them the opportunity to withdraw that motion from anywhere in the pool? I'm not certain that it does.

Madame Lalonde.

[Translation]

**Ms. Francine Lalonde:** Mr. Chair, I think the clarifications are worth receiving for later work. But I believe we have before us a motion that can be approved now. We should vote on the motion immediately and ask for clarifications to be used later.

• (1100)

[English]

**The Chair:** We have another committee meeting here. Unless people are willing to waive their debate...are you willing now to move directly into a vote on this motion without debate?

**A voice:** No.

**The Chair:** All right. So if we aren't willing to do that, again, we'll have to wait until another meeting. We're at 11 o'clock—

**A voice:** It's the second time.

**The Chair:** It's the second time, and it'll have to be a third time. I'm going to have a clearer definition on this. We are not trying to push this thing off. We'll just have the clerk come back with the definition.

I encourage you all. We have a meeting in room 209; the Israeli professor from Israel was here. We also have a lunch brought in supplied by this committee, so we have spoken about that and we hope all of you will go down to that.

We're adjourned.

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