



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

---

# Standing Committee on Foreign Affairs and International Development

EVIDENCE

**NUMBER 012**

Monday, March 28, 2022

---

Chair: Mr. Sven Spengemann





# Standing Committee on Foreign Affairs and International Development

Monday, March 28, 2022

• (1100)

[*Translation*]

**The Chair (Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.)):** Colleagues, welcome to meeting number 12 of the Standing Committee on Foreign Affairs and International Development.

Pursuant to the motion adopted on January 31, the committee is meeting on its briefing on the current situation in the Xinjiang Uighur Autonomous Region.

[*English*]

As always, interpretation is available through the globe icon at the bottom of your screens.

For members participating in person, please do keep in mind the Board of Internal Economy guidelines for mask use and health protocols.

I would like to take this opportunity to remind participants at the meeting that taking screenshots or photos of your screen is not permitted.

[*Translation*]

Before speaking, please wait until I recognize you by name. When speaking, please speak slowly and clearly. When you are not speaking, your mic should be on mute.

A reminder that all comments by members and witnesses should be addressed through the Chair.

[*English*]

Colleagues, just before we get started, I want to raise a couple of housekeeping issues.

One, could I take a few minutes of your time at the end of the meeting to discuss a matter with respect to Thursday's work plan?

Two, I'd like to flag with you, for your calendars—and we'll provide more information on this—a number of opportunities for engagement on Thursday, April 7 from 10 a.m. to 11 a.m. There will be an opportunity for an informal meeting with Monsieur Filippo Grandi, High Commissioner of the UNHCR, who will be in Ottawa. Again, more information will be forthcoming.

On June 7 the Danish Foreign Policy Committee will be in Ottawa and would like to meet us, as their counterpart. Again, we will provide confirmation as soon as possible.

During the week of May 16 to 20, the Global Fund to Fight AIDS, Tuberculosis and Malaria will be requesting a meeting with the committee, through Françoise Vani.

Finally, there is a possibility this Friday to meet with a delegation of Ukrainian women parliamentarians. A possible slot is from 10 a.m. to 11 a.m. This would be an informal meeting, and again, we will keep you updated on the details.

[*Translation*]

Colleagues, I would now like to welcome our witnesses, who are senior officials, to the committee.

[*English*]

We have with us, from the Department of Employment and Social Development, Rakesh Patry, director general, international and intergovernmental labour affairs; and Jodi Brown, director, international and intergovernmental labour affairs.

From the Department of Foreign Affairs, Trade and Development, we have Alexandre Lévesque, assistant deputy minister, strategic policy; Carolyn Knobel, director general and deputy legal adviser; Catherine Godin, director general, human rights, freedoms and inclusion; David Hutchison, acting director general, trade portfolio strategy and coordination; and Jennie Chen, executive director, greater China political and coordination.

Executive Director Chen, I believe you will be making the opening remarks on behalf of colleagues. I would like to give you the floor, for five minutes. Please go ahead.

**Ms. Jennie Chen (Executive Director, Greater China Political and Coordination, Department of Foreign Affairs, Trade and Development):** Thank you, Mr. Chair, and good morning, everyone.

Thank you for the opportunity to address the Standing Committee on Foreign Affairs and International Development. I would like to begin by acknowledging that I am participating in this briefing from the traditional unceded territory of the Algonquin Anishinabe people.

The promotion and protection of human rights is an integral part of Canadian foreign policy and is a priority in the Government of Canada's engagement with China. When the Prime Minister announced on December 8, 2021, that Canada would not be sending any diplomatic representation to the Beijing winter Olympics, he made it clear that Canada remained extremely concerned by the repeated human rights violations by the Chinese government.

In Xinjiang, there's substantial credible evidence that documents mass arbitrary detentions of Uighur and other Muslim ethnic minorities, directed by the central and regional Chinese governments under the false pretext of countering terrorism and violent extremism. From evidence provided by academics, NGOs, human rights defenders, journalists and the testimony of victims, Uighurs and other Muslim ethnic minorities face torture or cruel, inhuman and degrading treatment, obligatory patriotic and cultural education, forced labour and arbitrary forced separation of children from their parents by authorities. Throughout the region, Uighurs and other Muslim ethnic minorities also face repressive physical and digital surveillance. There are credible reports of systematic rape and gender-based sexual violence, as well as reports of forced medical procedures without consent, including sterilization, abortions, contraceptive device insertion and organ removal.

The Chinese government has taken the position that the measures in Xinjiang are counterterrorism-related, but the evidence simply does not support that position. Furthermore, these actions are inconsistent with both China's international human rights obligations and the UN global counterterrorism strategy.

The situation has become much more troubling since 2017, which is why nearly 50 UN independent experts raised their concerns in 2020. It is also why we have taken specific measures to address forced labour in Xinjiang, including a recent commitment for the government to introduce legislation to eradicate forced labour from Canadian supply chains and ensure that Canadian businesses operating abroad do not contribute to human rights abuses.

On March 22, 2021, Canada announced sanctions against four Chinese officials and one entity under the Special Economic Measures Act, based on their direct participation in gross and systematic human rights violations in Xinjiang. These measures were taken in coordination and in solidarity with the United Kingdom, the United States and the European Union. We remain steadfast in our pledge to increase supply chain transparency, promote responsible business conduct and ensure that Canadian companies are upholding Canadian values.

Global Affairs Canada has engaged our trade commissioner service clients in China on the risks of supply chain exposure in Xinjiang. This includes a business advisory warning on the risks of forced labour exposure to supply chains and the introduction of a Xinjiang integrity declaration that Canadian companies active in or with ties to Xinjiang are expected to sign to continue receiving trade commissioner services from Canada.

In multilateral fora and bilateral discussions, Canada has consistently called on the Chinese government to end the repression in Xinjiang. Canada has been a strong voice in calling for the establishment of an independent and impartial investigation into the gross human rights violations taking place in Xinjiang. We will continue to call attention to these human rights violations alongside the global community.

Thank you very much.

• (1105)

**The Chair:** Thank you so much for your opening remarks, Executive Director Chen.

Colleagues, I forgot to mention at the outset that I will do my best to signal, as is customary, when you have 30 seconds remaining in your speaking time with the very analog method of holding up this yellow card with the "30 sec." message on it. I hope that's visible both virtually and in the room. It has worked well for us in the past.

We will go straightaway into our first round of questions, with six-minute allocations. Leading us off today is Mr. Chong.

Please go ahead.

**Hon. Michael Chong (Wellington—Halton Hills, CPC):** Thank you, Mr. Chair.

I'd like to thank officials from both departments for appearing today. I have a series of quick questions to clarify several things.

Companies have to sign a declaration when engaging the trade commissioner service. What if companies don't engage the trade commissioner service? I guess they don't have to sign. Is that correct?

**Ms. Jennie Chen:** I'd ask my colleague, David Hutchison, to address this question.

**Mr. David Hutchison (Acting Director General, Trade Portfolio Strategy and Coordination, Department of Foreign Affairs, Trade and Development):** The trade commissioner service has done its best to inform all Canadian businesses, including through the business advisory from January 12, 2021. We are supporting exporters in the markets, and any trade commissioner client that is active in Xinjiang or has ties to Xinjiang must sign the declaration in order to continue to receive those services.

It is possible that there are other Canadian companies that are not currently the trade commissioner's clients.

• (1110)

**Hon. Michael Chong:** In other words, if a Canadian company doesn't engage the trade commissioner service, it's not under an obligation to sign the Xinjiang integrity declaration. Is that correct?

**Mr. David Hutchison:** I believe that is correct.

**Hon. Michael Chong:** It seems to me that's a big hole in the measures that were announced last year by the government. I just want to point that out.

Are you aware of the report entitled "In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains", which was published by two academics at Sheffield Hallam University and, more particularly, at the Helena Kennedy Centre for International Justice.

Are you aware of this research that's been done?

**Ms. Jennie Chen:** I could field this question.

I have not read that particular report, but officials within Global Affairs Canada are aware of the supply chain risks related to solar panels and policy work is ongoing in this regard.

**Hon. Michael Chong:** Thank you. I appreciate that answer.

In the report, two Canadian companies are identified as importing products into Canada that have been produced using forced or coerced labour. One is Canadian Solar of Guelph, Ontario, which is near my riding, and the second is Niagara Renewable Energy Ltd. I'm assuming it's part of the Greater Niagara Renewable Energy Co-operative Inc., although I'm not 100% certain about that.

About 45% of the polysilicon produced in the world is produced in Xinjiang, so it seems to me that it's almost inevitable that panels and components being imported from China would contain elements of forced labour. What is the government doing to prevent the importation of these kinds of products, as we have legal obligations under the CUSMA to do exactly that?

**Ms. Jennie Chen:** Mr. Chair, I'll invite my colleague, Mr. Patry, from ESDC to respond to this question.

**Mr. Rakesh Patry (Director General, International and Intergovernmental Labour Affairs, Department of Employment and Social Development):** As Mr. Chong noted, the government has introduced a ban on the importation of goods produced by forced labour under CUSMA obligations. We continue to work with our colleagues at the Canada Border Services Agency, which is the entity responsible for interdicting goods that may come in.

The Canada Border Services Agency works with a number of importers in ensuring that they are aware of the limitations on introducing goods produced with forced labour. We conduct research on the likelihood of goods being produced with forced labour, and there is a strong likelihood that goods produced, emanating out of Xinjiang, using polysilicon are produced using forced labour.

That said, supply chains, as everyone knows, are remarkably complex and global in nature. It can be very difficult for companies to trace in detail the origins of all particular materials within supply chains. The prohibition on importation of goods produced with forced labour is done on a shipment or case by case basis by Canada.

**Hon. Michael Chong:** Thank you for that answer.

It's done on a shipment or case by case basis, so let me ask this question.

The measures were introduced effective July 1, 2020, and the government announced the measures, particular to Xinjiang, in January 2021. Since January 2021, how many shipments of solar panel-related products have been blocked from being imported into Canada by the CBSA?

**Mr. Rakesh Patry:** To my knowledge, I'm not aware of any shipments that have been stopped by the Canada Border Services Agency with polysilicon.

**Hon. Michael Chong:** Thank you. Can you confirm that only one shipment of tomatoes has been blocked in the last year—I believe it was last fall—by the CBSA?

**Mr. Rakesh Patry:** To my knowledge, I believe that's correct. I'm not aware of any other shipments, and I should clarify, the ship-

ment that I'm aware of was a clothing shipment, not a tomato-based shipment.

**Hon. Michael Chong:** Thank you for that clarification.

There's been one shipment of clothing—cotton—that has been blocked from coming into Canada, no shipments of tomatoes that you are aware of and no shipments related to solar panels that you are aware of. Is that correct?

• (1115)

**The Chair:** Give a brief answer, please, in the interest of time.

**Mr. Rakesh Patry:** Not to my knowledge, Mr. Chair.

**Hon. Michael Chong:** Thank you for that clarification. I appreciate that.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Chong, and thank you to the officials.

We will now go to Madam Bhandari for six minutes.

Please go ahead.

**Ms. Rachel Bhandari (Outremont, Lib.):** Thank you very much, Mr. Chair, and thank you to the witnesses.

I'm pleased that we are discussing this today. I would like to thank all my colleagues on the committee for unanimously agreeing to my proposal that we look at the situation of the Uighurs in the Xinjiang autonomous region and, in particular, the forced labour ongoing there.

Picking up on Mr. Chong's last question, would it be possible to have greater transparency around the nature of the goods being seized? Is this something that is possible on your end?

**Mr. Rakesh Patry:** My apologies, I'm not quite certain I understand the question.

Are you seeking greater information on goods that have been seized to date?

**Ms. Rachel Bhandari:** I understand now with respect to the one shipment having been seized, but publicly it was my understanding that the media was having difficulty finding out exactly what had been seized in that November seizure that occurred in Quebec. There were reports of different things. At one point there was a report that it was tomatoes and now you're clarifying that it was cotton.

Is the CBSA able to provide some transparency surrounding the seizures that will continue into the future?

**Mr. Rakesh Patry:** You have my apologies. I think that would fall under the purview of the Canada Border Services Agency. As an enforcement agency, I know that they have guidelines around the information that they can share, both publicly and with other federal departments. I think it would be more appropriate for the Canada Border Services Agency to comment on whether that is possible.

**Ms. Rachel Bendayan:** Coming back to the January 2021 business advisory that we are discussing here today, that advisory included a number of things, including a study on forced labour and supply chain risks. Is that study ongoing or has it been completed?

**Mr. David Hutchison:** I'm pleased to inform the committee that the study is complete and will be released in the very near future on the Global Affairs website.

**Ms. Rachel Bendayan:** Thank you very much. I appreciate your letting the committee and all Canadians know that.

There was a CBSA policy memorandum in May of 2021, which I imagine you're familiar with, and in November of 2021, as we just discussed, there was that first seizure. Can you give us a sense of how Canada's measures relate to what other countries are doing?

For example, in December President Biden signed the Uyghur Forced Labor Prevention Act. That is now law, I believe, in the United States. It includes a rebuttable presumption that assumes all goods from Xinjiang are made with forced labour, and it bars imports unless it can be proven otherwise.

Can you give us a sense of where Canada might be going? Are we looking at something similar? What are your comments with respect to the American approach?

**Mr. Rakesh Patry:** I would say that Canada has demonstrated a commitment to addressing issues of forced labour, regardless of where it's taking place in the world. There are a number of different initiatives taking place across government to try to address some of these initiatives. I won't go into all the details of that here, but I'm happy to speak in more detail about some of those.

Two of the most notable commitments are perhaps the commitment from the Minister of Labour's mandate letter, along with other ministers, to introduce supply chain legislation requiring companies to report on abuses within their supply chains, coupled with the ban that we introduced as part of our CUSMA obligations. I would point out that Canada is only the second country in the world to introduce such a ban, after the United States, which has had this ban in place since the 1930s.

As I noted at the outset, global supply chains have become remarkably complex, and it is challenging to trace supply chains with any degree of thoroughness. The approach that Canada has taken is to include this prohibition under the customs tariff. The obligation ultimately rests with industry and companies to have awareness of their supply chains and ensure that they are complying with the legislation. As we move towards introducing supply chain legislation, we hope that this will aid companies in doing some of that tracing and that work to ensure they are complying with the importation ban.

As I noted at the outset, the Canada Border Services Agency treats this on a case-by-case basis and works closely with importers to ensure they are complying with their obligations.

• (1120)

**Ms. Rachel Bendayan:** Thank you for that. I appreciate the explanation of our own policy.

What I'm wondering is whether you can elaborate on why it is, in your opinion, that you don't feel a rebuttable presumption would be

appropriate. To my mind, that would be a very interesting avenue to look at and certainly one that is far more straightforward.

Is there anything in that approach that you're concerned about?

**The Chair:** We need a brief answer, please, in the interest of time.

**Mr. Rakesh Patry:** Very briefly, Mr. Chair, each regime and government needs to decide within their own legislation what enforcement actions are more feasible.

The one thing I will note around rebuttal or presumptive bans is that there are challenges, as I said at the outset, in ascertaining on a shipment-by-shipment basis.... One of the biggest challenges faced are that goods coming into Canada tend to be labelled by country of origin and not by region of origin. It can be difficult, particularly with complex supply chains, to know where any one ingredient in a product, or material in a product, emanates from.

[*Translation*]

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

Thank you, Ms. Bendayan.

Mr. Bergeron, you have the floor for six minutes, please.

**Mr. Stéphane Bergeron (Montarville, BQ):** Thank you, Mr. Chair.

I would like to thank the witnesses for being here today.

At the beginning of her remarks, Ms. Chen referred to some extremely disturbing reports of situations that, in my view, meet the definition of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide, to which Canada is a party. I will quote from Article II:

In the present Convention, genocide means any of the following acts...:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

This means that all five of the acts described need not be committed to conclude that genocide is occurring; one is sufficient. A number of countries appear to have concluded that some of these conditions have been met, such as the United Kingdom, France, the Netherlands, Lithuania, Belgium, the Czech Republic, and even the United States, in a March 21 statement explicitly calling on the government of the People's Republic of China to end its genocide and crimes against humanity in Xinjiang.

Here in Canada, the Subcommittee on International Human Rights, the Standing Committee on Foreign Affairs and International Development and the House of Commons have concluded without the slightest opposition that genocide is currently taking place in Xinjiang, but curiously, Global Affairs Canada still refuses to acknowledge it. There is talk of concern, of course, but it's as if everything that is clear to many people, including Canadian parliamentarians, is not clear to Global Affairs Canada, so much so that no mention of the situation can be found on the government's travel advisory website. The Minister of Foreign Affairs was asked about it last Thursday and again refused to specifically call it genocide.

What's stopping Canada from recognizing, as the United States does, that what's happening in Xinjiang is genocide?

[English]

**Ms. Jennie Chen:** Thank you for this important question.

As Minister Joly stated in front of this committee last week, we take calls for a declaration of genocide very seriously. This is a decision for the government to make. As officials, we will provide that advice to ministers when that time comes.

That being said, given the body of research and information available to date, Canada has already taken a number of concrete actions, some of which you are aware. In June 2021, we led a joint statement in the Human Rights Council, expressing serious concerns about human rights violations in China. In March of 2021, we imposed sanctions on four individuals and one entity. This was the first time we imposed sanctions on China since 1989.

Of course, in January, as we've just discussed, we imposed a number of new measures strengthening our ability to conduct responsible business and working to prevent forced labour in Canadian supply chains.

• (1125)

[Translation]

**Mr. Stéphane Bergeron:** I don't want to interrupt you, I'm not in the habit of doing so, but the question I asked was more like, what's stopping Canada from recognizing this as genocide?

You stated that Canada is expressing serious concern, but I have to say that it's not speaking with one voice. The executive branch expresses concern, while the legislative branch acknowledges the existence of genocide. Canada seems to have a bipolar approach to this issue, Mr. Chair.

Ms. Chen told us moments ago that they would advise the Minister in due course. What does in due course mean, when the United Nations high commissioner for human rights is scheduled to visit Xinjiang in the next few days?

Is there a sense that Ms. Bachelet will be given full access to everything she plans to see to produce a report?

Can Ms. Chen tell us whether the findings of this report will be instrumental in determining when to actually recommend to the Minister that she comply with the House of Commons decision and acknowledge that genocide is taking place in Xinjiang?

[English]

**Ms. Jennie Chen:** Yes, we are aware that the UN High Commissioner for Human Rights, Madame Bachelet, is planning a visit to China to Xinjiang with a view to conducting an investigation over allegations of egregious human rights violations. We strongly urged the Government of China to extend the same level of transparency and openness that is provided to all other similar visits undertaken by her and/or other UN special rapporteurs. If this standard is not met, we will say so. We will be watching the developments closely and we look forward to the release of her report.

As to possible decisions emanating from the outcomes of her visit, we're not in a position to speculate as to what those outcomes might be. Please be reassured that we will be looking at all options very closely and watching developments very closely.

[Translation]

**The Chair:** Thank you very much, Mr. Bergeron and Ms. Chen.

[English]

We will go to Ms. McPherson.

Good morning, Ms. McPherson. You have six minutes, please. The floor is yours.

**Ms. Heather McPherson (Edmonton Strathcona, NDP):** Good morning, Mr. Chair, and good morning to my colleagues.

Good morning to the witnesses. Thank you very much for joining us today.

I wanted to start with discussing how this, I believe, requires urgent action. I was part of the international human rights subcommittee that did the study in 2020. It found that what is happening in Xinjiang against the Uighur people is, in fact, genocide, yet we have not seen a lot of action from the Canadian government since then.

One comment that was part of the opening statement today was with regard to the legislation that is expected. Can we get more clarity on how that legislation has progressed? When can we expect it to be tabled? Will that legislation have implications on procurement for the government as well as procurement for the private sector?

I'll start there and then I have some follow-up questions on that.

• (1130)

**Ms. Jennie Chen:** For clarification, is this in reference to the forced labour legislation?

**Ms. Heather McPherson:** Yes, it is.

**Ms. Jennie Chen:** Okay.

Mr. Patry, may I invite you to address this question?

**Mr. Rakesh Patry:** Certainly. I'd be happy to.

I would say that the ministers' mandate letters—the Minister of Labour, along with the ministers of international trade, public services and procurement and public safety—do have commitments to introduce legislation, what we refer to as “supply chain legislation”. I can't provide you with any specific timelines on when that supply chain legislation would be introduced. What I can say to you is that, whenever any country is looking at introducing supply chain legislation of this nature, there are, generally speaking, a few key pieces of policy that need to be determined or ascertained prior to introducing legislation of this nature.

The first question is whether the type of legislation should be what is referred to as “transparency” or “due diligence” legislation. The second would be a question around the scope of how broad the legislation should be, whether it should cover forced labour solely, for example, or whether it should be expanded, as some governments have done, to cover more broadly human rights abuses or labour rights abuses generally. The third question is the degree or scale of entities that need to be captured with the legislation. The fourth question is really around what compliance and enforcement look like, whether you take approaches such as what the U.K. and Australia have done or take more robust enforcement measures such as what the French government has done.

These are all policy questions that are being worked through currently, but I cannot provide you with a timeline at this point, I regret, as to when the government may choose to introduce that legislation.

**Ms. Heather McPherson:** Other legislation that has been brought forward in other countries has been looked at, which is good to hear, of course, and I would submit that it is pressing that we actually get this legislation done and stop talking about the potential or the commitment within mandate letters. It's actually quite important that it is brought forward.

One of the things that you also spoke about is the ability for the trade commissioner support to be withheld. I do have some questions on that.

I've done a lot of work with regard to the CORE, the ombudsperson who of course works with Canadian mining companies working abroad. We have found that many of the companies that would be or could be sanctioned are not eligible for that trade support anyway. It is very much an empty threat, in that the companies aren't eligible for the trade support so threatening to take away that support is not terribly compelling.

When you add that to what my colleague Mr. Chong has brought forward—if companies don't feel like participating, they're not obligated to do so—it does very much feel like there is a gap in this. Is there any intention to close some of those gaps or to fix some of what I see as a flaw?

**Ms. Jennie Chen:** Mr. Hutchison, it's over to you.

**Mr. David Hutchison:** Thank you for the question.

I think you may appreciate that I'm not in a position to speculate on the intention of the government to address gaps or issues of that matter.

**Ms. Heather McPherson:** All right. I'm going to ask a couple of questions, then, in terms of some of the human rights questions. In

the opening statement, there was discussion about the gendered violence that we've seen against the Uighur people. Obviously, there are widespread reports of sterilization, rape and forced birth control—really quite shocking examples of gendered violence.

We expect to have a feminist foreign policy in this country, which would be a good framework for us to work within. Do you have any indication of when we could expect to see that feminist foreign policy?

**Ms. Jennie Chen:** I do not currently have any information about when we would be able to see any updates on our feminist foreign policy.

**Ms. Heather McPherson:** Because, of course, having the feminist foreign policy in place and being able to use it as a tool would come in very handy when we look at things like what is happening in Xinjiang, and also, of course, what is happening in other places in the world, like Afghanistan and like Ukraine. We have been told that it is coming. It would be wonderful to see that come forward.

The final question I'll ask very quickly is this: Does the government plan on advocating for a release of Uighur human rights defenders, including Canadian citizen Huseyin Celil?

• (1135)

**The Chair:** Give a brief answer, please.

**Ms. Jennie Chen:** Yes, the case of Mr. Celil continues to be a priority for the Government of Canada, as well as all human rights cases vis-à-vis China going forward.

**Ms. Heather McPherson:** How are you advocating for him?

**The Chair:** Thank you, Ms. McPherson. That's your time. We can follow up in the next round.

Mr. Genuis, good morning. This is round two. You have five minutes. Please, go ahead.

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** Thank you, Mr. Chair.

Thank you to the witnesses.

I think what we're seeing today in this committee is a continuation of what has long been the story on this issue, which is collaborative cross-party work and leadership from the legislative branch, but a lack of active and effective engagement from the executive branch. Of course, the folks with us are officials who report to the executive branch. You're not accountable for the ultimate decisions. That comes down to ministers and cabinet.

It's important to note that very good questions are being asked by MPs from all parties, but there are some fundamental questions about where the government stands and how quickly we're moving that haven't been answered. In fairness, you're not in a position to answer.

Picking up on Mr. Bergeron's comments on the issue of genocide recognition, Canada is a party to the genocide convention, which means we have obligations as a state, regardless of any international process. We have an obligation as a state that includes the responsibility to protect if there is significant evidence of genocide.



In the view of the government, has the evidentiary threshold been crossed so as to trigger Canada's obligations and responsibility to protect under the genocide convention?

**Ms. Jennie Chen:** I might invite my colleague Ms. Knobel, from our legal department, to address this question.

**Ms. Carolyn Knobel (Director General and Deputy Legal Adviser, Department of Foreign Affairs, Trade and Development):** Thank you.

The determination of whether a situation constitutes a genocide must be done by a competent international court or a tribunal, bearing in mind the complex legal thresholds that are involved. I can note that the core element of the crime of genocide, as defined in international law and that separates it from other international crimes, is the existence of a specific intent to destroy a protected group in whole or in part.

**Mr. Garnett Genuis:** I'm sorry. I don't need to hear the definition of "genocide" again.

I want to say that the duty you've just expressed is at odds with what Irwin Cotler told the subcommittee, which is that state parties have an obligation under the genocide convention that they sign on to. It continues to be the story of deferring to international tribunals, but international investigations haven't happened in a timely way. There's been the Uighur tribunal in the U.K. There's been a lot of legal work done on this. It's a continuing obfuscation.

Can I ask you if the Canadian government recognizes any specific legal crimes that are being committed? Would you say there are crimes against humanity? What is the government prepared to say, not just in terms of a description of what's happening but also specific, prosecutable international crimes?

**Ms. Carolyn Knobel:** What we have been calling for is an investigation and seeking corroborating evidence. That is why Canada calls for an independent investigation for the situation in Xinjiang. Our government continues to monitor the situation and is working with partners.

**Mr. Garnett Genuis:** Again, we've heard legal scholars before the subcommittee who say we have obligations, and I believe we have obligations, under the genocide convention. What is the point of being party to a genocide convention if our response is that someone else has to do the investigative work? I think I've made the point on that.

I want to ask about the International Finance Corporation, which is a significant development partner for Canada. IFC has approximately \$486 million U.S. in direct loans and equity investments in four companies operating in the Uighur region. Here is some information about those companies:

Evidence drawn from corporate disclosures and publicity campaigns, government directives and state media, and other publicly accessible information reveals that these four companies have:

directly participated in and benefited from state-sponsored forced labour programs,

directly participated in and benefited from state-sponsored compulsory land expropriation,

participated in programs that require minoritized citizens to take oaths to the Chinese Communist Party (CCP) and be subjected to indoctrination....

There are other various concerning practices.

What has the government's engagement been with the International Finance Corporation around divesting from investments in the Uighur region?

**Ms. Jennie Chen:** I'm not sure.

David, is this something you can address, or is this something that I may refer elsewhere?

• (1140)

**Mr. David Hutchison:** I'm not familiar with this organization. I suspect it's perhaps not a Canadian company that would be a client of the trade commissioner service, but....

**Mr. Garnett Genuis:** This is the International Finance Corporation, which is a major development partner for Canada. I think my question was clear, and I'll look forward to a response from officials in writing after this committee.

I want to say that I'm very supportive of a rebuttable presumption as well. I want to ask if the government is aware of any Canadian products being excluded from entry into the United States since the adoption of the Uyghur Forced Labour Prevention Act in the United States.

**The Chair:** Give a very quick answer, please, in the interest of time.

**Mr. Rakesh Patry:** Not to my knowledge, no.

**Mr. Garnett Genuis:** Would you follow up in writing as well to clarify definitively, yes or no, if any Canadian products or products produced by Canadian companies have been excluded from the U.S. market as a result of that new legislation.

Thank you, Mr. Chair.

**The Chair:** Mr. Genuis, thank you very much.

We'll go to Mr. Ehsassi, please.

Good morning. You have five minutes.

**Mr. Ali Ehsassi (Willowdale, Lib.):** Thank you, Mr. Chair.

Thank you to all the witnesses for appearing before our committee.

My first question would be a follow-up to the question asked by Mr. Bergeron.

Ms. Chen, you did say that your department stands ready to provide advice to the minister as to whether genocide has occurred or not in this particular case? I was just wondering if it is not standard practice for the department to prepare a legal opinion on an issue such as this.

**Ms. Jennie Chen:** This policy work is ongoing with the department. I'm not in a position to anticipate or foreshadow any of the advice that we might be preparing, but we are working closely together within Global Affairs Canada and also with our like-minded to ensure a coordinated effort.

**Mr. Ali Ehsassi:** This motion was adopted in February of last year. It's now been a year. Is there any idea as to why it may have taken as long as it has?

**Ms. Jennie Chen:** I think what's been important for us is that it is an independent investigation by international experts. This has long been our position for many years now. Again, we are looking forward to Madam Bachelet's upcoming visit to China.

**Mr. Ali Ehsassi:** In the event, let's say, the Chinese government does not allow Ms. Bachelet to visit, are you saying that the department will not be preparing a legal opinion?

**Ms. Jennie Chen:** I do not believe I am able to comment on what may or may not happen at this time, but again, that policy work is ongoing. We continue to assess and work with our partners.

**Mr. Ali Ehsassi:** I'll go to my second question. As you know, the U.S. State Department earlier this month actually prepared a list of PRC officials who will not be granted visas because of labour practices in China. Have you had a chance to look at that list?

**Ms. Jennie Chen:** To my knowledge that list has not been made public due to privacy considerations.

**Mr. Ali Ehsassi:** Do you know how many officials were on that list?

**Ms. Jennie Chen:** I do not know the number of officials on the list. We have been in touch, however, with the U.S. State Department on this. They have not been in a position to share that information with us.

**Mr. Ali Ehsassi:** Would we consider doing something similar?

**Ms. Jennie Chen:** As stated earlier, we have enacted sanctions before, in March 2021. This was an important step for us. It does not preclude further action.

**Mr. Ali Ehsassi:** Does it help when other countries do it? Do we examine what they're doing and the basis for their decisions and perhaps look at the possibility of adopting similar measures?

**Ms. Jennie Chen:** Most certainly. If anything, coordination with our like-minded partners is a very important consideration for us as we're considering upcoming steps in order to maximize effectiveness.

**Mr. Ali Ehsassi:** Thank you.

Perhaps I could follow up on the question that was posed by Ms. McPherson.

As you know, the mandate letter issued to the Minister of Labour says that legislation is forthcoming. I was wondering if you could provide us with some estimates as to what the substantive provisions of that legislation will be.

• (1145)

**Ms. Jennie Chen:** Mr. Chair, I'll go over to Mr. Patry.

**Mr. Rakesh Patry:** I couldn't provide specific details around that. What I can say is what I indicated earlier around the key components of supply chain legislation that need to be developed from a policy perspective. That is some of the work that is under way right now.

We held consultations previously around this question and got input from a number of key stakeholders in the industry about their views of what should be included in this legislation. That is being factored into the development of this. As I noted earlier, there are some key policy pieces that need to be thought through, with rec-

ommendations provided to the government on what they should be introducing.

**Mr. Ali Ehsassi:** Thank you.

My last question is about disturbing reports that children are being separated from their families. I was wondering if any of you may have any estimates as to how many children we're talking about.

**The Chair:** Give a very quick answer, please, in the interest of time. We'll have a chance to follow up in the subsequent round.

**Ms. Jennie Chen:** I've only read reports from NGOs indicating that they're talking about hundreds of thousands.

**Mr. Ali Ehsassi:** Thank you.

[Translation]

**The Chair:** Thank you very much, Mr. Ehsassi.

Mr. Bergeron, you have the floor for two and a half minutes.

**Mr. Stéphane Bergeron:** Thank you, Mr. Chair.

I thank Mr. Ehsassi for pointing out that Canada should align itself with our allies and countries with whom we share a number of values.

The Chinese government says internment camps are necessary to deradicalize potential terrorists. Ms. Chen referred to this in her opening remarks. Leaked government documents indicate, however, that some people have been sent to a detention facility simply because they were wearing a veil or had a long beard, were praying in their home, were keeping in touch with family members abroad or had more children than the government allows.

How do the Chinese authorities define terrorism?

[English]

**Ms. Jennie Chen:** As stated earlier, we do not accept China's definitions or rationale for the establishment of these mass detention centres under the rubric of counterterrorism. The testimonials we have heard and read have been deeply troubling about the mass incarceration. We've already spoken about sexual and gender-based violence, indoctrination, forced labour, human trafficking, family separation and the list goes on.

You have already touched on the lack of freedom of religion for those to practice the religion of their choice. We've also seen reports of the destruction of mosques and the examples that you cited about forceable shaving of beards and the removal of veils and religious artifacts. Again, we are very concerned about these reports.

[Translation]

**Mr. Stéphane Bergeron:** A recent report by Adrian Zenz, a senior fellow in China studies at the Victims of Communism Memorial Foundation, suggests that the Chinese government has been implementing measures to reduce the Uighur birth rate in Xinjiang since 2016. These measures include forced use of intrauterine devices, sterilization and forced separation of families.

How do the measures ostensibly applied to the Uighur in Xinjiang differ from the family planning strategies that the Chinese government imposes on all of its people?

[English]

**The Chair:** Just give a brief answer again, please. Thank you.

**Ms. Jennie Chen:** As you know, China has a long history of population control measures. While they have, I believe, evolved over the last few decades, it is quite unfortunate that we see the return of these practices as they relate to Uighurs.

[Translation]

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

[English]

We will now go to Ms. McPherson for two and a half minutes.

**Ms. Heather McPherson:** Thank you, Mr. Chair.

Again, thank you to our witnesses today.

What we are seeing with regard to the genocide against the Uighur people is that it has spread outside of the borders of China, of course. There have been significant attacks on human rights activists and advocates within Canada.

I'm wondering if the government is able to or will be providing financing to help combat cyber-attacks directed at Uighur human rights activists here in Canada.

• (1150)

**Ms. Jennie Chen:** I'm sorry, Mr. Chair. For clarification, you're seeking the impact upon Uighur activists in Canada. Is that correct?

**Ms. Heather McPherson:** It's whether there will be support to help the Uighur activists who are being threatened in Canada.

**Ms. Jennie Chen:** What I can say about these incidents of harassment and intimidation that are happening on Canadian soil against Canadians is that it is something we take very seriously. There is a whole-of-government effort being led by Public Safety Canada in this regard. We would urge any victims of such acts of intimidation or harassment to contact local law enforcement as soon as possible.

**Ms. Heather McPherson:** I wanted to follow up, as well, with one of the questions I asked in the last round with regard to advocating for the release of Uighur human rights defenders, who are Canadian citizens and who have been held for many years now.

Ms. Chen, you mentioned that the Canadian government is seized with this, that it is wanting to take action on this. What does that look like? How are you doing that?

We had a very happy conclusion to the hostage-taking of the two Michaels, in that they were able to come back to Canada. There was a lot of work done to make that happen, for which I am incredibly grateful. I don't see that same level of effort being done for Mr. Celil.

**Ms. Jennie Chen:** As mentioned earlier, the case of Mr. Celil has been a priority for the Government of Canada since 2006. While we have tried repeatedly to obtain consular access to him, we have been unsuccessful to date. We have continued to raise his case

at the highest levels with the Chinese government at every possible opportunity. We will continue—

**The Chair:** That's time.

I'm sorry, Ms. Chen. Go ahead. Finish your thought, please.

**Ms. Jennie Chen:** We will continue to use all available consular and diplomatic tools available to leverage emerging opportunities to advance Mr. Celil's case.

**The Chair:** Thank you so much, and thank you, Ms. McPherson.

We'll now go to Mr. Abouttaif.

Good morning. The floor is yours for five minutes, please.

**Mr. Ziad Abouttaif (Edmonton Manning, CPC):** Thank you, Chair.

Thanks to the witnesses for being with us this morning.

The Xinjiang integrity declaration is a tool we are using to make sure we don't get involved in any trade that has human rights violations or labour violations and all.

Can you advise us on how the government is going to implement this? What specific tools will the government use to make sure that, with this declaration signed by the industry, the importers and the people involved in this whole trade are following this? Is it as effective as it should be, rather than becoming a symbolic tool?

**Ms. Jennie Chen:** Mr. Chair, I'd like to invite Mr. Hutchison to address this question.

**Mr. David Hutchison:** I'd like to start by saying that the trade commissioner service has taken great efforts to inform and educate all of its clients about the risks of doing business in Xinjiang and having exposure to those markets. We have advised all trade commissioner service clients that, should they be involved in any business-related activities in that region, they should sign the declaration. We have also made sure that, with any trade commissioner service clients we know of, we have reached out proactively to ensure they sign that declaration in order to ensure that they continue to receive TCS services.

I'd like to emphasize that the trade commissioner service is designed to support Canadian exporters of goods and services to access foreign markets. The trade commissioner service does not play a role in supporting Canadian importers.

• (1155)

**Mr. Ziad Abouttaif:** What is the point, then, of having this in place if it is not going to really deal with the products that we know shouldn't be sold in Canada, that should not be consumed by Canadians and that should not be supported at all? How do we make sure that we have that proper tool, rather than, as I said, it just being symbolic with a big name, the Xinjiang integrity declaration? What is the purpose of having this in place if it isn't going to do anything?

**Mr. David Hutchison:** The purpose of the declaration is to ensure that Canadian businesses that are active in the Chinese market—our exporters—are aware of the risks.

We've taken great efforts to provide information to Canadian businesses to ensure that they undertake the necessary due diligence to avoid being involved with any business activities that involve forced labour.

**Mr. Ziad Aboultaif:** Shouldn't our measures be more meaningful than symbolic? Don't you agree that this is the way it should go?

I ask again, what is the point?

**Mr. David Hutchison:** The trade commissioner service of Canada doesn't have any enforcement mandate or capabilities, so I would not be in a position to answer that question.

**Mr. Ziad Aboultaif:** For the last years, we haven't been doing what we need to be doing as far as dealing with this situation. We keep consuming the products when we know we shouldn't be. We keep buying the products from this specific region when we know this is the wrong thing to do. There are no consequences at all for whoever trades or tries to make these kinds of transactions.

Again, I ask the question of the department: What are we doing? How serious are we about dealing with this?

**Ms. Jennie Chen:** I may just comment quickly.

I just want to add that, as a whole of government, we're quite seized with this issue of forced labour. This issue has a high level of complexity. It involves multiple groups within Global Affairs Canada and of course also with our ministry of labour and CBSA. This is a work in progress. There's a tremendous amount of work to be done. We would look forward to reporting back to you at a later date with a progress report.

**Mr. Ziad Aboultaif:** Can I have a quick question, Chair?

Do you see any push-back from industry at all?

**Ms. Jennie Chen:** Mr. Hutchison, are you able to address that question? Have you heard from industry?

**Mr. David Hutchison:** The trade commissioner service has ongoing dialogue with industry. I am not aware of any push-back.

**The Chair:** Thank you very much, and thank you, Mr. Aboultaif.

Good morning, Mr. Sarai. You have five minutes. Please go ahead.

**Mr. Randeep Sarai (Surrey Centre, Lib.):** Thank you, Chair.

My first question is in regard to this declaration.

Have we seen or noticed any effect of it? Do you see trade declining in that region or the companies becoming more responsible?

**Ms. Jennie Chen:** Mr. Chair, I'd invite Mr. Hutchison to address this question.

**Mr. David Hutchison:** I'm not aware of any decline in Canadian trade with China related to the integrity declaration.

**Mr. Randeep Sarai:** You also mentioned earlier that there was French legislation that was the most robust out of some of the western countries.

Can you tell us how it's having a better effect or why it's more robust? If so, how can Canada take lessons from that legislation?

**Ms. Jennie Chen:** Mr. Patry, are you able to address this question?

**Mr. Rakesh Patry:** Yes. Thank you for the question.

I would just clarify at the outset that I wouldn't necessarily frame the French legislation as the most robust. I've noted that it has more robust enforcement measures than what the British or Australian legislation has in place.

The challenge we're seeing around the world, as more and more countries look at introducing supply chain legislation of this nature, is that there are different models out there that different countries are adopting. However, it is all still fairly recent. There hasn't been enough of an opportunity for outside stakeholders, experts or governments to evaluate and study these types of legislation to measure which models are the most effective.

We have seen some NGOs putting out some reports along these lines. I think many stakeholders point to what is referred to as a due diligence model, which is more akin to what the French have in place, as perhaps being more effective. There are no firm numbers to indicate the effectiveness of that, but I think there is a thinking that, when companies are required to report on what they have done to fix problems in their supply chains, as opposed to just reporting on their supply chains, that does carry a greater benefit or a greater likelihood of results.

I think that would probably be the best way to summarize the differences between them.

● (1200)

**Mr. Randeep Sarai:** Has Canada thought about, or has your office thought about, doing no importing from Xinjiang unless China can prove the commodity or product is made without forced labour and without any of these repressive measures?

**Mr. Rakesh Patry:** I would say a couple of things on that.

The first is that I'd have to defer largely to the Canada Border Services Agency, which is the group responsible for enforcing the ban.

What I would say around the general idea of a region-wide ban is that part of the challenge is that Canada Border Services Agency interdicts goods on a shipment-by-shipment basis, but the larger challenge is that shipments that are coming into Canada, as I noted at the outset, tend to be labelled by country of origin and not by region of origin. There are also, as I said at the outset, challenges around complexity of supply chains, such that you could have cotton, for example, that is emanating out of Xinjiang but that makes its way through supply chains in four or five different countries before the final product comes into Canada.

There can be challenges for any organization or government agency in being able to determine where exactly different components of a particular product came from. This is part of the challenge that needs to be thought through and worked out, with government and industry working in collaboration to figure out how they can have a better depth of sight into supply chains to ensure that they can be cleaned adequately.

**Mr. Randeep Sarai:** Maybe this is not for you, Ms. Chen, but I'll let you refer it to someone else.

Regarding the UN High Commissioner's trip, what is the expected outcome of that? Should we expect to have a series of recommendations after that investigation? Are other countries or other representatives going along with her on that trip to Xinjiang?

**Ms. Jennie Chen:** Thank you for the question.

To our knowledge this is something that Madam Bachelet's office negotiates directly with the Government of China. As mentioned earlier, we strongly urge Chinese authorities to extend the same level of transparency and openness that have been provided during similar visits undertaken by her and other UN special rapporteurs. As to recommendations or outcomes, again, we are not in a position to speculate, but we are following developments about this upcoming visit very closely.

**Mr. Randeep Sarai:** How much time do I have?

**The Chair:** It's seconds, Mr. Sarai. If you have a very quick one, you can squeeze it in. Otherwise, it will be in the next round.

**Mr. Randeep Sarai:** We're good. Thank you.

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

Colleagues, we'll go into round three.

Mr. Morantz will lead us off with five minutes.

**Mr. Marty Morantz (Charleswood—St. James—Assiniboia—Headingley, CPC):** Thank you, Mr. Chair.

I'm initially going to focus my questions on the measures introduced on January 12, 2021, essentially the forced labour counter-measures. I'll refer to them as the "measures" for the purposes of my questions.

How many Xinjiang integrity declarations have been signed by Canadian companies?

**Ms. Jennie Chen:** Mr. Chair, I invite Mr. Hutchison to answer this question.

**Mr. David Hutchison:** Six integrity declarations have been signed.

**Mr. Marty Morantz:** Okay. That doesn't seem like very many. I'm a bit stunned by that response.

What are the repercussions for companies that don't sign them?

**Mr. David Hutchison:** If a company does not sign an integrity declaration, it will no longer receive trade commissioner service support.

• (1205)

**Mr. Marty Morantz:** Okay.

The measures refer to protecting Canadian businesses from becoming unknowingly complicit with forced labour. Is the department aware of any Canadian companies that are knowingly complicit in the importation of goods produced using forced labour?

**Mr. David Hutchison:** I am not aware of any companies that are knowingly complicit.

**Mr. Marty Morantz:** Is any research being done on that?

**Mr. David Hutchison:** From my perspective of having worked within the trade commissioner service, the trade commissioner service does not have a mandate to investigate Canadian firms. Our role is to provide support and market intelligence to Canadian companies.

**Mr. Marty Morantz:** Thank you.

In terms of the measures, there were really four areas. One of them was the Xinjiang integrity declaration. It also says that enhanced advice would be provided to Canadian businesses. How many Canadian companies received enhanced advice under the measures?

**Mr. David Hutchison:** I'm not in a position to cite a specific number, but I can tell you that the entire network of our offices within China, our trade commissioners on the ground, our trade commissioners across Canada and our regional offices have been engaging with Canadian companies and providing education and information on the risks of doing business.

**Mr. Marty Morantz:** The measures also refer to export controls. What are those?

**Mr. David Hutchison:** Export controls are handled by another part of Global Affairs Canada. I don't believe we have a colleague available to speak to those. Is there a specific question we could answer?

**Mr. Marty Morantz:** It's referred to in the suggested questions in the Library of Parliament report, perhaps you could respond in writing as to what that refers to.

The fourth thing that's referred to is a study on forced labour and supply chain risks. Is this study being undertaken? Will the report be made public, and when?

**Mr. David Hutchison:** Yes, the report has been completed and will be released on the Global Affairs website very soon.

**Mr. Marty Morantz:** In the Minister of Labour's mandate letter, it calls for the introduction of "legislation to eradicate forced labour from Canadian supply chains". Honestly, based on the response to the January 2021 measures, I'm not optimistic about how effective that legislation would be. Having said that, is that legislation being drafted, and when will it be tabled?

**Ms. Jennie Chen:** Mr. Patry, that question goes to you.

**Mr. Rakesh Patry:** As I said previously, we are working on developing legislation of this nature. It is a commitment of the government to introduce it. I spelled out earlier some of the key policy considerations that need to be taken into account to introduce that legislation, but unfortunately, I can't give you a timeline at this point as to when the government will introduce it.

**Mr. Marty Morantz:** How many shipments of goods have been imported from China since the announcement of the measures with the goods produced with forced labour?

**Mr. Rakesh Patry:** I don't believe anyone here would have data on how many shipments have come into Canada at this point. We don't have customs information along those lines. I don't know whether the Canada Border Services Agency would have that information.

**Mr. Marty Morantz:** Thank you.

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

Next we have Mr. Oliphant, for five minutes.

**Hon. Robert Oliphant (Don Valley West, Lib.):** Thank you, Mr. Chair, and thank you, witnesses.

Thank you also to other colleagues and committee members

This is one of those issues where we are quite united in our concern, not always in our strategy as to what we do next but I don't see much.... As I listen to the questions today, we're all sharing the concern and asking our officials to help us push the limits a little bit.

I have a couple of questions. I know there are always privacy concerns with any consular case, but the case of Huseyin Celil has come up today. I am wondering. There are some significant differences between this case and some of our other consular cases I've dealt with.

Can you explain the difficulty that ensues because of dual nationality, because he maintains Chinese and Canadian citizenship, and how is that perceived by the Chinese government?

• (1210)

**Ms. Jennie Chen:** As you well know, China does not recognize dual citizenship. Of course, Canada recognizes his Canadian citizenship. That has never wavered for us since 2006. However, in general, we have a long-standing challenge in dealing with the Chinese government with regard to dual nationals.

**Hon. Robert Oliphant:** This would not be just this case. Are there other dual nationals who we are not able to get access to?

**Ms. Jennie Chen:** That is correct.

**Hon. Robert Oliphant:** I would add that I have met with his family, and everyone on the committee should also extend their thoughts and concerns to his wife and sons, who are in Canada and continue to be brave as they wait for news about their husband and father.

I want to get into Michelle Bachelet's trip proposed for May, which we understand will happen. Canada really led the way in Geneva at the UN Human Rights Council to push for her to request a trip. It took quite a while for China to agree to give her access to Xinjiang.

Am I setting up too much hope for a report to come out of that? A number of human rights groups have called for a report before her trip, but it would seem to me appropriate to have a report after her trip. Am I being naive to think this could be an important report that we should actually be waiting for and listening to?

**Ms. Jennie Chen:** Yes, I would agree with your assessment that indeed the outcome of her visit, whether it's a report or other announcement, will be scrutinized by all foreign governments and all watchers of the developments in Xinjiang.

Perhaps, if I may, I will invite my colleague Catherine Godin to come on the line, who is our director general for human rights.

Madame Godin, if you have anything to add, go ahead.

[*Translation*]

**Ms. Catherine Godin (Director General, Human Rights, Freedoms and Inclusion, Department of Foreign Affairs, Trade and Development):** Thank you, Ms. Chen.

Mr. Chair, if I may, I'd like to add a few details.

Yes, the high commissioner has requested this visit. Back in 2018, she had expressed a desire to go. The Canadian government had indeed repeatedly requested that she be given free, meaningful and unfettered access. We expect the Chinese government to provide this type of access to Ms. Bachelet when she visits in May. We will study the conclusions reached with great interest.

We see this as an important visit, part of the body of information that we are assessing and to which we attach great importance. We've already requested that her report be made public. We, of course, expect a report or a press release to be issued after her visit. The details will follow later on, but we see this as a key moment. We expect the Chinese government to give the high commissioner free and unfettered access at that time.

**The Chair:** Thank you very much, Mr. Oliphant, Ms. Chen and Ms. Godin.

Mr. Bergeron now has the floor for two and a half minutes.

**Mr. Stéphane Bergeron:** Thank you, Mr. Chair.

To be quite frank, I'd like to clearly state that no one here is looking to grill the officials from Global Affairs Canada.

We are primarily looking to understand why, unlike a number of allies with whom we have a relatively close relationship, including the United States, the Canadian government refuses to acknowledge that the facts reported to us are truly acts that meet the definition of genocide found in the U.N. Convention on the Prevention and Punishment of the Crime of Genocide, to which Canada is a party.

For example, the definition of genocide includes "killing members of the group". While it may be more difficult to prove that this has taken place, some information indicates that it obviously has.

The definition also includes "causing serious bodily or mental harm to members of the group". One might have some trouble defining what constitutes causing serious physical or mental harm to a member of the group.

It also refers to “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”. Things are already beginning to get clearer.

Item (d) talks about “measures intended to prevent births within the group”. During our conversation, Ms. Chen acknowledged the existence of measures to impede births within the group. Now, if I remember correctly, only one of these conditions must be proven for genocide to be recognized.

The definition also includes “forcibly transferring children of the group to another group”, which was mentioned a little earlier.

So what's stopping us from recognizing this as genocide, if only because births are being prevented within the group?

• (1215)

[English]

**Ms. Jennie Chen:** As mentioned earlier, we take these calls for the declaration of a genocide very seriously, and indeed this is ongoing work and there are conversations taking place within our department. To answer your question, again I might turn to my colleague Madam Knobel from our legal department.

**The Chair:** Be very brief, please, in the interest of time.

**Ms. Carolyn Knobel:** I won't go into solicitor-client privilege information, but I will note that the specific intent requirement is key to the definition of genocide. Absent a finding of that specific intent, crimes could amount to things such as crimes against humanity or war crimes.

[Translation]

**The Chair:** Thank you very much, Ms. Knobel.

I'd also like to thank Mr. Bergeron and the witnesses.

[English]

Ms. McPherson, please, you have two and a half minutes.

**Ms. Heather McPherson:** Thank you, Mr. Chair.

I would like to follow up a little more on this visit that the United Nations High Commissioner for Human Rights will be making in May. I think all of us here have great hope for that visit and that the Chinese government will allow access and that we will get more information. However, I'm not 100% hopeful there, of course.

I'm thankful for those who have pushed for this visit. I think it's very important, but if the commissioner is not given the access that she requires, if she is not able to gather the information she needs, what will be the Canadian government's next steps? How will you proceed from that point on?

**Ms. Jennie Chen:** As mentioned earlier, we look forward to this upcoming visit and the outcomes of her report and/or findings. As mentioned, we are not able to say one way or the other what would be the content or outcomes. It's difficult to speculate at this time what those might be.

I think what we are most interested in is the growing amount of information that is now available to the public, to foreign governments and to the international community. I think we have already proven that Canada is prepared to work with the international com-

munity and the multilateral system to continue to advance this work.

**Ms. Heather McPherson:** Thank you.

This might again be asking you to guesstimate on the future, but we did have the international human rights subcommittee declare a genocide. We did have the foreign affairs committee declare a genocide. We did have the Parliament of Canada declare a genocide.

If the commissioner does find concrete evidence of genocide, will the Canadian government be prepared to acknowledge that there is a genocide happening against the Uighur people?

**Ms. Jennie Chen:** Certainly the outcomes of her report will be very important to ongoing policy deliberations. Yes.

**Ms. Heather McPherson:** Thank you.

I will cede my time, Mr. Chair.

• (1220)

**The Chair:** Thank you very much, Ms. McPherson.

We go over to Mr. Chong, please, for five minutes.

**Hon. Michael Chong:** Thank you, Mr. Chair.

My first question is a very quick one. Can officials tell us the last time that the Government of Canada made a representation to the Government of the People's Republic of China about Mr. Huseyin Celil? If officials do not know this information could they provide that to the clerk after the meeting is finished?

**Ms. Jennie Chen:** I do not have the exact date and time with me, but we would be pleased to provide that information to you.

**Hon. Michael Chong:** Thank you.

On the issue of imports of products that have been produced or that involve forced or coerced labour, we know that Xinjiang produces about a fifth of the world's tomatoes. Last November, *CBC Marketplace*, The Guardian and Investigative Reporting Project Italy found that Canadian grocery stores were full of tomato products that came from forced and coerced Uighur labour. Despite that high-profile investigation and despite the measures announced by the government last year in January, the Government of Canada has only stopped one shipment of products from China tied to forced Uighur labour.

Given that Global Affairs designed and announced the Xinjiang measures in January of last year, how does Global Affairs assess the effectiveness of these measures?

**Ms. Jennie Chen:** Mr. Chair, I would invite Mr. Patry to address this question.

**Mr. Rakesh Patry:** What I would say to that is that we recognize there is still work that needs to be done to effectively operationalize the importation ban. As I noted at the outset, this is a complex endeavour to try to implement. We know there—

**Hon. Michael Chong:** Sure.

Can I ask you about operationalizing it then? In the United States, the U.S. government has set up a forced labour enforcement task force in order to operationalize the ban on the importation of products from Xinjiang.

Has the Government of Canada set up a similar interdepartmental task force?

**Mr. Rakesh Patry:** I wouldn't phrase it as a similar interdepartmental task force, but there is collaborative work that is taking place with a number of departments across government to work on the import ban, and I do know that our colleagues at the Canada Border Services Agency do work closely with their U.S. counterparts as well.

**Hon. Michael Chong:** It just seems to me that we're not doing a very good job as a country in banning these products. We've had a single shipment banned. We import about 100 billion dollars' worth of products a year from China, and we've only banned one shipment.

If you look at the United States data, about nine billion dollars' worth of cotton was imported annually from China into the United States, and about 10 billion dollars' worth of tomatoes on a pro rata basis. That means that we are importing roughly two billion dollars' worth of tomato and cotton products annually from China into Canada, particularly from Xinjiang. The fact that only one shipment out of several billion dollars' worth of products has been banned seems to me to lead to the conclusion that we're not doing a good job on upholding our treaty obligations under the CUSMA.

The other thing I'll add to this is that, in the last year, dozens of shipments have been blocked by U.S. customs and border officials, and that's based on the fact that they were products that had been tied to forced and coerced Uighur labour. Dozens of shipments have been banned, but we've only banned one.

It seems to me that we are not, as a country, doing a very good job. What I want to know from officials is whether it is a problem in the design of the measures that were announced last January by Minister Champagne or if it is a problem with the enforcement of the measures announced last January. Where is the problem here? It's now been 14 months since the measures were announced. Is it the design of the measures or the enforcement? I'd like to know so that our committee can do our work here and advise the House as to what should happen to improve the situation.

**Mr. Rakesh Patry:** I would say a couple of things to this. The first is that I would note that the U.S. has had the benefit of having this interdiction in place since 1930, so it's had a number of decades to work through operational challenges and to ensure that structures, systems and funding are put in place to effectively do it. As I noted, Canada is only the second country in the world to introduce such a ban, and we are working closely with the U.S. in working through what the best practices are and how this can be effectively operationalized.

The other piece that I would note is that the U.S. does have a different evidentiary threshold for the U.S. Customs and Border Protection service versus the Canada Border Services Agency, and that does speak to the withhold-and-release order system that the U.S. uses for the interdiction of the goods versus the approach that the Canada Border Services Agency has to comply with.

I think the critical piece to this is the length of time that the U.S. has had to be able to put this in place, to resource it and to bring it up to scale. We know that there are other countries that are interested in legislation like this. They have been consulting with us and recognize the complexity, scale and scope of trying to introduce something of this nature as well. It will take a bit of time to be able to operationalize it to its full effect.

• (1225)

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

Thank you, Mr. Chong.

The final intervenor in this round is Mr. Zuberi for five minutes.

**Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.):** I'd like to thank all the witnesses for being here and underscore how it's very evident that all of us members are on a very similar page when it comes to this extremely important issue.

I'll pick up on some ideas that have come forth, except I'd like to start with the sombre anniversary of Huseyin Celil's being in detention since March 27, 2006, which marks 16 years since he was first detained and was rendered through Uzbekistan to detention, subsequent arrest and sentencing in China. It's 16 years now that our Canadian citizen has not been taken care of, and we're still trying to get him released.

That being said, I'd like to shift focus from a lot of what we've heard to move to the situation of Uighur people overseas. How I see it, Uighurs, as we've heard from the experts, are not being protected by any states on the face of this earth. There are many right now in countries outside of China, including tens of thousands in Turkey and some in Saudi Arabia, Pakistan, Thailand, Egypt and other places. There is pressure upon these countries to deport Uighurs outside of China back to China. We know there is an extradition treaty between Turkey and China that is not yet in effect in Turkey, but there's pressure being applied to bring it into effect.

We know that Saudi Arabia in the past has deported Uighurs to China, and Pakistan has also. Thailand right now is holding several dozen in detention who are choosing to stay in detention because others who were detained in a similar situation were killed. We know that some have been deported from Turkey as well. To my knowledge, we know that two who have a Canadian connection, Canadian families, are being held in Guantanamo.

I'd like to know what we are doing as a country to encourage third countries to not deport Uighur people to China due to pressure.

**Ms. Jennie Chen:** Thank you for that question.

We are also aware of these reports and these current dynamics, internationally, and of how China has used the extradition treaty mechanisms to advance their own policies and interests.



While we don't have any representatives here from Immigration, Refugees and Citizenship Canada, I would have to say that we do have, as of June 2021, a new dedicated refugee stream established specifically for human rights defenders at risk. Uighur human rights defenders who have fled China and have sought protection in another country may be referred for resettlement in Canada under this new system.

**Mr. Sameer Zuberi:** Thank you.

I'd like to shift the focus to domestic issues. You spoke a lot about supply chains.

First, I'd like to recognize that 80% of China's cotton is produced in the Xinjiang Uighur Autonomous Region, as is 70% of China's tomato products. Most global tomato paste comes from the region in question. We also heard about 45% of international solar panels.... Zooming into Canada, we know that a Canadian company, Canadian Solar, has been accused—for lack of a better term—of using forced labour in the Xinjiang Uighur Autonomous Region. They are also receiving EDC funding.

Has there been any investigation done to ensure that they are, in fact, not profiting from forced labour and that we are not unwittingly subsidizing this activity?

• (1230)

**Ms. Jennie Chen:** I would invite Mr. Hutchison to address this question.

**Mr. David Hutchison:** I'm not in a position to comment on EDC's operations or its clients. EDC is an arm's-length, independent Crown corporation that makes its own business decisions and undertakes its own rigorous due diligence.

I will say that we have been engaged with EDC on the important issue of forced labour and the risk in Xinjiang. That's an ongoing dialogue between Global Affairs and EDC.

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

Thank you, Mr. Zuberi.

Colleagues, we will now go into our fourth round.

Before we start, I would like to flag to you again that I would like five minutes of your time to look at a housekeeping issue with respect to Thursday's meeting. If we stick to the time limit as currently allocated and slotted, we should be able to do the entire fourth round. That should take us to about 12:55 and leave us some time for discussion on that point.

With that in mind, Mr. Chong, you are first. You have five minutes, please.

**Hon. Michael Chong:** Thank you.

Just to clarify and correct the record, when I said something earlier I misspoke. I said that we import about 100 billion dollars' worth of imports from China a year. What I meant to say is that Canada-China two-way trade is about \$100 billion a year. We export about \$30 billion and we import just over \$50 billion a year, I believe, so two-way trade is approaching \$100 billion a year. Nevertheless, we import a lot from China. I think the fact that only one shipment has been blocked is a concern, but I take officials at their

word when they say they're working diligently to operationalize the measures that were announced last year in January.

I have another question about cotton imports. As we know, there are complex global supply chains and it's often difficult to determine the provenance of cotton. I know that the U.S. government has been working on a tool to provide to its customs and border agents that will allow those agents to trace the provenance of cotton by using pollen tracing. Apparently pollen from cotton provides a unique genetic signature that accurately identifies where the cotton came from.

It seems to me that with world-leading universities here in Canada such as the University of Saskatchewan and the University of Guelph, where some of this similar research has been taking place, the Canadian government could be collaborating with Canadian researchers to develop tools for CBSA officials to help trace imports such as cotton from Xinjiang. I know there is a researcher, for example, at the University of Guelph who was quoted and interviewed by The Guardian newspaper over a year ago, I believe, who had expressed some frustration that Canadian governments and organizations weren't utilizing some of the tools he had created for tracking the provenance of fish, which is often mislabelled on supermarket shelves. He had been more successful going abroad and getting governments to use his tools than he had here in Canada.

Are officials in the Government of Canada looking at providing CBSA with new tools to help track the provenance of things like cotton being imported to Canada, like the U.S. government has done and like some Canadian researchers are working on?

**Ms. Jennie Chen:** I would invite Mr. Patry to address this question.

**Mr. Rakesh Patry:** Thank you for the question.

I think the short answer to that would be, indeed, we are looking at different tools and measures that can be adopted to assist the Canada Border Services Agency. We did run a pilot, in fact, using artificial intelligence to try to trace bills of lading and sources of different components within products to see if that can be used to help the Border Services Agency in figuring out the origins of any particular shipment and where it's coming from. That is a pilot we're continuing to assess to see whether it is something that can be feasible.

We do speak with our American colleagues about the different measures they're using to see if there are things that could be done co-operatively with the Americans. There are discussions in various multilateral and international fora as well about how governments around the world can better collaborate on trying to work with industry in assessing supply chains and figuring out where the problems lie and how deep they are.

• (1235)

**Hon. Michael Chong:** Mr. Patry, seeing that cotton is such a significant import into Canada and that Xinjiang is such a significant cotton-producing region, have you had any discussions with U.S. officials about the development of this pollen-tracing tool?

**Mr. Rakesh Patry:** I haven't had discussions with them specifically about that, and again, I can't say whether my Canada Border Services Agency colleagues have had those discussions. I apologize.

**Hon. Michael Chong:** Thank you, Mr. Chair. Those are all the questions I have.

**The Chair:** Thank you very much, Mr. Chong.

Madam Bendayan, you have five minutes.

**Ms. Rachel Bendayan:** Thank you.

My intention was to address the issue that officials raised earlier and that my colleague, Mr. Chong, has just now raised. It is the problems involved in identifying the area of origin of goods.

You mentioned earlier, sir, that this was an issue you were concerned about in particular. I am wondering, in light of the fact that it appears China is trying to make it difficult for us to identify the area of origin of its exports, whether there's an intention, perhaps, to change the way we have drafted our legislation and our advisories in order to take that into account.

**Ms. Jennie Chen:** Mr. Chair, I'd invite Mr. Patry to address this question.

**Mr. Rakesh Patry:** Thank you for the question.

I can't speak to whether there is any intention or plan to change legislative approaches to it. What I can say is that we continue to work on the operationalization of the ban, including a number of the things that I spoke about earlier on trying to assess better ways of determining origins of shipment and working through different methods that may help the Canada Border Services Agency with that.

**Ms. Rachel Bendayan:** We just heard of one recent example of what the United States is doing specific to cotton. Do you know of any methods or tools that the United States might be using, for example, in relation to tomatoes or tomato paste?

**Mr. Rakesh Patry:** No, I apologize. I'm not aware of any specific measures that they may be using on those two products.

**Ms. Rachel Bendayan:** Okay.

Very quickly, when you mentioned earlier that we are working with our American counterparts, can you help us understand what form that is taking? If we're not calling it a task force, is there any more formal relationship or information sharing that is going on between Canada and the U.S.?

**Mr. Rakesh Patry:** CBSA works very closely with the U.S. Customs and Border Protection agency, and I can't speak to the specifics of what information-sharing mechanisms they have in place, but they do have regular, I believe, biweekly conversations that take place. I don't know the specifics of that, because those are enforcement agency discussions that we're not privy to.

I can tell you that we do work closely with our counterparts at the U.S. Department of Labor, who are responsible for more broad-based research on forced labour around the world and examining the risks and likelihood of forced labour from any particular area. We do work closely with them on that information as well.

**Ms. Rachel Bendayan:** Thank you very much.

I would just like, Mr. Chair, to put it on the record that we have now heard very important testimony during this committee, including the fact that an ESDC study will be posted very shortly on the Global Affairs Canada website, and of course that Ms. Bachelet will be coming out with a UN report.

I understand that we will have five minutes at the end of this meeting to discuss a work plan. I would like to put on the record that it would be of interest to have a further discussion on this topic once those reports have come out. I hope colleagues around the table would agree to that.

To the officials, then, once again, in light of the changing geopolitical situation in the world and in light of what is going on in Ukraine at the moment, and of course, what we all see as a desire in the west to ensure support for the sanctions that we have put in place, I would like to see if Global Affairs Canada would give us an indication if that has changed or impacted our approach, in this country, to China in any way.

● (1240)

**Ms. Jennie Chen:** Thank you for the question.

Yes, indeed, the events in Ukraine, I think, have shaken the world. However, I must add, as the executive director for the China political division at Global Affairs Canada, our work and the priority that the government places on our relationship with China continues on unabated. I would also add that work is continuing on regarding the development and finalization of our Indo-Pacific strategy.

Those two approaches, our evolving China approach as well as our Indo-Pacific framework, will be mutually reinforcing and go a long way, I think, to advance our work in the region.

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

[*Translation*]

Thank you very much, Ms. Bendayan.

[*English*]

Just before we go to Monsieur Bergeron, I see that Mr. Patry has his hand raised.

Mr. Patry, is there a technical point or just a commentary?

**Mr. Rakesh Patry:** A technical point, if I may, Mr. Chair...

**The Chair:** Please, of course.

**Mr. Rakesh Patry:** I have just one point of clarification.

Ms. Bendayan noted that ESDC has produced a report that Global Affairs will be putting on their website. If I could just clarify, that is not an ESDC study but a study that Global Affairs has commissioned from a different group.

**The Chair:** Thank you very much for that point.

[*Translation*]

Thank you very much.

Mr. Bergeron, you have the floor for two and a half minutes, please.

**Mr. Stéphane Bergeron:** Thank you, Mr. Chair.

Given the answers we've been getting from Ms. Chen in the last few minutes, am I to understand that Canada's decision on whether or not to recognize genocide in Xinjiang isn't so much tied to the opinions of countries whose values we share, such as the United Kingdom, France, the Netherlands, Lithuania, Belgium, the Czech Republic and the United States, and that it's essentially based on Ms. Bachelet's report, which is forthcoming?

[English]

**Ms. Jennie Chen:** Thank you for that question.

I would say that we are taking in all the information available, as well as the views of our partners around the world, and certainly the outcomes of Madam Bachelet's visit. All of these inputs will contribute to the development of ongoing policy work.

[Translation]

**Mr. Stéphane Bergeron:** I understand that what's been done and reported so far by the European Union and the countries I just mentioned is not enough to move forward with a statement to that effect.

Be that as it may, as a result of the report released by the Standing Committee on Foreign Affairs and International Development's Subcommittee on International Human Rights, as well as a vote in the House of Commons, a number of MPs have been banned from the People's Republic of China, including our colleagues Mr. Alexis Brunelle-Duceppe, Ms. Heather McPherson and Mr. Michael Chong.

Has the People's Republic of China given any reason for these travel bans? Has the Canadian government protested and responded to these travel bans and, if so, how?

[English]

**Ms. Jennie Chen:** Yes, we are aware of the decision of the Government of China to enact restrictions upon the three members of Parliament you've mentioned. That is something that we've been aware of, and those are actions that certainly we oppose.

As you know, it's been a very difficult relationship between Canada and China in recent years. We are currently taking a step-by-step approach regarding Canada-China relations at this time.

[Translation]

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

**Mr. Stéphane Bergeron:** Mr. Chair, am I to understand that the Canadian government has not responded?

[English]

**Ms. Jennie Chen:** What I can say is that, yes, we are very much aware. We oppose those decisions by the Government of China.

[Translation]

**The Chair:** Thank you.

[English]

We have Madam McPherson, please, for two and a half minutes.

**Ms. Heather McPherson:** Thank you, Mr. Chair.

What I'm reflecting on as we listen to the testimony today is that all of us recognize that more must be done to help the Uighurs in China, and I think we can all agree that more needs to be done faster. In terms of the legislation, which we know has been in the mandate letter of the minister and which we know will be coming forward—hopefully and potentially soon—I have a quick question, perhaps for Mr. Patry.

We do know that a bill has come forward in the Senate. It is Bill S-211, an act to enact the fighting against forced labour and child labour in supply chains act and to amend the customs tariff. It is about to go to third reading.

I know, Mr. Patry, that you were a witness at the committee that was looking at this. I'm just wondering whether the Government of Canada is considering what is in this legislation for the legislation that they will be bringing forward, and whether or not it makes sense for us to move very quickly to get this Senate legislation put forward, so that we would have at least something in place in the short term while we wait for the minister to bring forward legislation, perhaps at a later date.

● (1245)

**Mr. Rakesh Patry:** Thank you very much for the question.

I'm sure you would understand if I say that I can't comment on what the government's position may be with regard to that particular private member's bill, but what I can say is that, as we look at developing government legislation on this issue, we are taking into account a range of sources and information and other pieces of either in-place or proposed legislation to better inform how the government's own legislation could be the most effective that it possibly can be.

**Ms. Heather McPherson:** Thank you.

Very quickly, I have one last question.

We know that the Canadian government has pushed to have the commissioner have the study in May. This is great news. China, though, has yet to ratify the ILO's convention on forced labour, and the ILO has already expressed concern over the labour practices in Xinjiang. Will the government work towards pushing for an independent inquiry led by the ILO into the situation of the Uighur forced labour in China?

**The Chair:** We'll have just a brief answer, please.

**Mr. Rakesh Patry:** I can answer that, Ms. Chen.

**Ms. Jennie Chen:** Go ahead, Mr. Patry.

**Mr. Rakesh Patry:** I will just say very briefly on that point that we are aware of the ILO's study by their committee of experts on the application of conventions. As you noted, the ILO forced labour convention has not been ratified, which makes it difficult for the ILO to take action through their supervisory system on those particular measures, but we do work very closely with the ILO on all issues related to forced labour, including within China and we do support the ILO supervisory mechanism as an important tool in addressing these issues.

**Ms. Heather McPherson:** Thank you.

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

Mr. Genuis, go ahead, please, for five minutes.

**Mr. Garnett Genuis:** Thank you.

I think you get the sense that there is a great deal of anticipation around the government's legislation on forced labour. This was something that I think all the parties were pushing for in the last election. More needs to be done. I hope we see that legislation very soon. I hope we have sufficient time in this Parliament to really study it, analyze it, amend it and sink our teeth into it, and that we don't get into the situation we're sometimes in where the government waits until the last minute and then says that we have to pass this quickly without sufficient review or else it won't get done.

Again, that's up to the government, not up to you, but I want to put it on the record and to state our position. We are very much hoping to see that legislation include procurement and action by the government as well as by the private sector. It's not reasonable, it seems, for the government to say that private companies should do certain things in terms of combatting forced labour, yet not be required to do the same itself. Government should be leading by example, in the requirements around government procurement and government action as well.

We've seen government entities being really behind on this, and maybe a good place to go in terms of a question is the Canadian Pension Plan Investment Board investing in companies like Dahua and Hikvision, which are operating and producing technology that is used in the repression of Uighurs. I know CPPIB falls under the authority of the Department of Finance, but I wonder if the witness can comment on the impact on Canada's reputation of our pension fund investing in technologies that are facilitating, I would argue, this kind of abuse.

**Ms. Jennie Chen:** This question is an important one. As you mentioned, unfortunately, we do not have any representatives from Finance Canada here with us today. They would be in the best position to respond to this inquiry.

• (1250)

**Mr. Garnett Genuis:** Okay.

This is something that I hope would be considered in upcoming legislation as well. We've talked a bit about some of the international comparisons. It seems to me that the United States has been ahead of us on this, really working in a bipartisan way to get legislation passed. We're hearing from our witnesses that it's sometimes very difficult to unravel supply chains and track information.

Doesn't that mean we should be doing more to align our approach with that of other countries and be sharing information? Why don't we have an international agreement among like-minded countries—a North American approach—or a broader approach among like-minded countries to ensure that we're just constantly sharing information about entities that companies should be avoiding? Why aren't we moving in that direction?

**Ms. Jennie Chen:** Mr. Chair, I would invite Mr. Patry to respond to this question.

**Mr. Rakesh Patry:** Thank you for the question.

I would say a couple of things. First, on the point about the U.S. being ahead of us on the curve on legislation, I would just clarify on that point that the U.S. has not introduced supply chain reporting obligations on their entities, so the type of legislation we're talking about is not something that has been enacted in the U.S. as of yet. However, as we noted, they're certainly well ahead of us in terms of implementation of the ban. There are basically two complementary pieces that we're potentially looking at here. If Canada were to introduce supply chain reporting obligations of the type that the U.K., Australia, France, the Netherlands and others have introduced, we would potentially be the first country in the world to have those supply chain reporting obligations coupled with an import ban. As I noted, the U.S. is the only other country in the world to have an import ban in place to date.

I think there is a recognition that a lot more needs to be done in the way of international coordination on this issue. We have seen the issue taking greater prominence over the last few years, which I think is an excellent thing, but we do recognize that there is more that could be done in the way of international coordination. These discussions are taking place at the ILO. They are taking place at the G7.

**Mr. Garnett Genuis:** Thank you.

I will squeeze in just one more thing with the time I have. In the last Parliament, the subcommittee did a report on the Uighur genocide. The government accepted some of the recommendations, and in other cases “took note” of the recommendation, which usually means they don't agree with it. Recommendation seven, in particular, called on the government to “undertake a review of Canadian equipment and technologies exported to China to better understand how they are being utilized by end-users in that country.”

What is being done to ensure that Canadian technology isn't used as part of repression? If we run out of time, perhaps you could respond in writing.

**The Chair:** We need a brief answer, please.

**Ms. Jennie Chen:** Mr. Hutchison, I'd invite you to respond to this question.

**Mr. David Hutchison:** What I would propose, since we don't have export control colleagues with us today, is that we provide a response in writing to the committee.

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

Our final intervenor in this round is Mr. Zuberi, please, for five minutes.

**Mr. Sameer Zuberi:** Thank you, Mr. Chair, and thank you again to all the witnesses.

I want to shift focus for a moment and pick up on some remarks that were made around what's happened in America around the Uyghur Forced Labour Prevention Act. Right now, there is, to use lay terms, reverse onus, where products that are believed to be produced in Xinjiang Uyghur Autonomous Region are not entering the country.

There is a list that America is currently using in order to do that. Have you taken note of this list and gone through it to see if these companies should be also examined here in Canada?

**Ms. Jennie Chen:** Mr. Patry, could I ask you to respond to this question?

**Mr. Rakesh Patry:** We are aware of the list. The Canada Border Services Agency is aware of the list as well, but I'm afraid I can't speak to how they may be utilizing the list in their enforcement.

It is a list of goods in the U.S. that they presume to be at risk of potential exposure to forced labour, but I can't speak to whether the Canada Border Services Agency is using that list in their enforcement actions.

**Mr. Sameer Zuberi:** I know you're not the CBSA, but I would ask that, beyond awareness, we actually examine the list to determine if those companies should indeed be prevented from bringing goods into Canada.

Again on the same theme, just for the record—what is actually out there—we know of what's properly known as the Uyghur Tribunal, with eminent jurists in the U.K. For example, Sir Geoffrey Nice, was a lead prosecutor in the Milosevic trial.

In terms of that tribunal, on December 9, 2021, through the evidence they collected from first-hand witnesses and other experts, they concluded that a genocide was in fact occurring. They concurred with our House of Commons. For the reasons of birth control and sterilization, this tribunal determined that genocide was in fact occurring.

Beyond taking notes, have you studied this legal opinion and decision from the tribunal?

• (1255)

**Ms. Jennie Chen:** I have read the report and the findings of this important tribunal. As mentioned earlier, we believe it's important to build a very good body of research and information regarding the situation in Xinjiang. Again, we are looking forward to ongoing reporting and research, including the outcomes of Madam Bachelet's visit to Xinjiang in May.

**Mr. Sameer Zuberi:** Excellent.

We know thus far that four individuals and entities have been sanctioned by our government. With all we've heard here, including in your opening remarks, of grave and serious human rights abuses, of hundreds of thousands of children being forcibly separated from their families and their parents—we all are parents—are we looking at having more than simply four sanctioned? I believe that this goes well beyond four individuals.

Are we looking at more than simply four being sanctioned, to prevent what's happening right now and that we know is happening right now?

**Ms. Jennie Chen:** The steps we took in March 2021 were very important. That is one step we have taken. We have a comprehensive approach to addressing human rights concerns in Xinjiang. Sanctions are just one tool in our tool kit. Again, specific to the sanctions themselves, it is one step. It does not preclude further action down the line.

**Mr. Sameer Zuberi:** I'll conclude by noting that the two who are currently being held in Guantanamo have been security cleared by the Americans. They have Canadian connections here.

I know it's challenging for us to talk about that type of subject, but it's also important to note on the record. Are you aware of these two people who have a Canadian connection? Have they indeed been security cleared by the Americans? Have you verified that?

**Ms. Jennie Chen:** I do not have any information on those particular individuals at this time.

**Mr. Sameer Zuberi:** Would you be kind enough to educate yourselves about the situation?

**Ms. Jennie Chen:** Yes, we'll take note of it and we will conduct further research. Thank you for bringing this to our attention.

**Mr. Sameer Zuberi:** Of course. Thank you.

**The Chair:** We'll have to leave it there. Thank you very much, Mr. Zuberi.

Colleagues, collectively I'd like to thank the team of senior officials from ESDC and Global Affairs for being with us today.

[*Translation*]

I also thank them for the work they are doing.

[*English*]

We will let you disconnect.

Could I keep members online just for hopefully no more than a few minutes? I'd like to raise an issue of housekeeping with you relating to Thursday's meeting, which is scheduled to be on Ukraine.

Colleagues, I'm in conversations with the vice-chairs and Ms. McPherson on how to best utilize the committee's time with respect to managing our work. We have top-level discussions in the sub-committee. We then have a need to often tweak and adjust witness lists, the timing of work plans, budgets and other issues. That's a conversation that's taking place separately.

Today what I wanted to flag with you in that context is just a brief revisiting of the original work plan on the Ukraine meeting number three, which is on Thursday, and to flag with you that the work plan was developed prior to the invasion by Russia of Ukraine. My question to you is whether you would agree to mandate or task the analysts to have a look at this work plan to bring it up to date in light of current circumstances to bring the best possible witnesses we can take on board for Thursday to allow us to take account of the changed facts and really move forward.

If we kept the original work plan, which is in the committee's hands, that's the status quo. If you take no decision, the original work plan governs, but it would take us backwards in terms of the timing and the conversations, which in many respects have already happened.

I just wanted to get your thoughts with the recognition that we will continue a conversation on how to best utilize the committee's more administrative time in managing our work.

• (1300)

[*Translation*]

I now give the floor to Mr. Bergeron.

**Mr. Stéphane Bergeron:** Mr. Chair, I'd just like to point out that I find your suggestion most appropriate. I will take the time to hear my colleagues' arguments but, at first blush, I would be inclined to enthusiastically support your suggestion.

**The Chair:** Thank you very much, Mr. Bergeron.

The vice-chairs and Ms. McPherson will have the opportunity to approve this second work plan, perhaps tomorrow. It can then be formally approved on Thursday when the committee is in full session.

Mr. Oliphant, you have the floor.

[*English*]

**Hon. Robert Oliphant:** I would just agree with Mr. Bergeron that if the analysts have time to rejig the meeting on Thursday, I think it could be helpful. I would like more of a geopolitical look and update on where we're at. I think that would be more helpful than maybe where we were going. If they have time to do it, I would trust them, and then the vice-chairs can approve it.

**The Chair:** Thank you very much, Mr. Oliphant.

Mr. Genuis.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

I'm supportive of your engaging the vice-chairs on this and I trust Mr. Morantz to represent my views in those discussions.

I did just want to ask another question in the housekeeping domain. We passed a motion about the publication of written responses on the website. I wonder if the clerk could maybe just share the link for that, because I was having a hard time finding where those responses are on the website. Maybe that's still under development. I know in today's meeting we had a lot of written responses as well, and I wanted to make sure I know where to access that information and can share it.

**The Chair:** Okay. Thank you very much for that, Mr. Genuis.

Madam Clerk, is that something we can do shortly?

**The Clerk of the Committee (Ms. Erica Pereira):** Yes, Mr. Chair. The written responses are all up on the website under "Related Information" under the study page. I'll send the links around.

**The Chair:** Perfect.

Mr. Bergeron.

[*Translation*]

**Mr. Stéphane Bergeron:** Mr. Chair, it was my understanding on this matter that we were not necessarily going to release the responses as soon as we receive them, so that we can agree on whether to release them or not. Mr. Genuis has himself acknowledged that it may not be appropriate to release them. If we release them as soon as we get them, we will not have the opportunity to reflect on whether or not it is appropriate to do so.

I'd like to see us work from the premise that all written responses should be released, but give ourselves a few days' buffer period. We

will need to figure out exactly how many days. This would allow us to complete those checks before we post the documents on the website to make them public.

**The Chair:** Thank you very much, Mr. Bergeron.

[*English*]

Yes, I think the understanding was that the vice-chairs plus Ms. McPherson would have the opportunity to flag any publications that might be controversial.

[*Translation*]

Madam Clerk, you have the floor.

[*English*]

**The Clerk:** Mr. Chair, this is just to let you know that Madam Bendayan and Mr. Morantz in the room would like to speak.

**The Chair:** Yes, Madam Bendayan, please go ahead, and then Mr. Morantz.

[*Translation*]

**Ms. Rachel Bendayan:** Thank you, Madam Clerk and Mr. Chair.

Yes, I agree with my colleagues that we need to move forward, not backward. With this in mind, I'd also like to propose that, as a committee, we report what we've heard in this study about Ukraine. The committee can discuss this, but I suggest we issue a press release rather than a report so that we can lay out what we've heard and what our committee's findings are.

I'd also like to come back to what I suggested earlier in committee regarding the second day of study on the situation in Xinjiang, but I understand that time is of the essence. It's already 1:04 p.m. Perhaps we can resolve this press release issue.

**The Chair:** Thank you very much, Ms. Bendayan.

[*English*]

We have Mr. Morantz, please.

**Mr. Marty Morantz:** I realize we've gotten off the initial subject of your first intervention, Mr. Chair. I just wanted to let you know that the Conservative caucus members of the committee agree with your approach with respect to the Thursday meeting on Ukraine. I look forward to hearing witness suggestions.

• (1305)

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

Monsieur Bergeron.

[*Translation*]

**Mr. Stéphane Bergeron:** Mr. Chair, with respect to Ms. Bendayan's suggestion, which I wholeheartedly support, I am one of those people who believes one can chew gum and walk at the same time. I like the idea of tabling a report in the House on our findings. Perhaps we could do both, if Ms. Bendayan has no objection.

**The Chair:** All right, thank you very much.

Ms. Bendayan, would you like to respond briefly?

Okay.

If not, we can start another discussion at the next meeting.

[*Translation*]

**Ms. Rachel Bendayan:** I certainly agree with my colleague Mr. Bergeron. The idea is to be able to report our discussions on this committee in an ad hoc manner. We are literally at war right now, so we need to move quickly if we want to report our discussions.

Thank you very much.

[*English*]

Maybe we could do a press release initially, even if it means coming back to a report a little later. I know the analysts will do their job and it will take some time.

**Ms. Rachel Bendayan:** Mr. Chair, given the discussion that just happened, are the analysts seized with preparing a press release, or how does it work to proceed on that point of agreement?

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

[*English*]

**The Chair:** We can certainly draft a press release and send that to the vice-chairs for review and approval. I don't see any opposition to that.

Are there any other interventions, colleagues?

If not, I just want to double-check. I don't have her on my screen, but I just want to see if Ms. McPherson is also okay with the approach of having the analysts go ahead.

Colleagues, thank you very much. We will stand adjourned until Thursday.

---







Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :  
<https://www.noscommunes.ca>