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Standing Committee on Foreign Affairs and International Development

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• (1530)

[English]

The Chair (Hon. Ahmed Hussen (York South—Weston—Etobicoke, Lib.)): Colleagues, I call this meeting to order.

Welcome to meeting number 12 of the House of Commons Standing Committee on Foreign Affairs and International Development.

[Translation]

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

[English]

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Tuesday, September 23, 2025, the committee is meeting to study the detention of Jimmy Lai in Hong Kong.

I would like to welcome our witnesses.

Sebastien Lai, the son of Jimmy Lai and leader of the Free Jimmy Lai campaign, joins us by video conference. We may be joined soon by Caoilfhionn Gallagher, lead international counsel to Jimmy Lai, by video conference. From the Raoul Wallenberg Centre for Human Rights, we have Brandon Silver, director of policy and projects. We also probably will be joined soon by Mr. Michael Kovrig, executive director of StrategicEffects. Finally, from the Committee for Freedom in Hong Kong Foundation, we have Jonathan Stivers, U.S. and Canada director.

Welcome. Up to five minutes will be given for opening remarks, after which we will proceed with rounds of questions from the members.

I now invite Mr. Sebastien Lai to make an opening statement of up to five minutes.

Please proceed.

• (1535)

Sébastien Lai (Son of Jimmy Lai and Leader of the FreeJimmyLai Campaign , As an Individual): Thank you very much for having me and for covering my father's story and struggle.

I would like to first thank Canada for recently joining the call for my father's release. Obviously, both Parliament and the Senate have passed unanimous consent motions calling for my father's release.

I would like to give a bit of an update since these calls were done. My father's trial is nearing its end. He has spent almost five

years in prison at this point, in solitary confinement with natural light blocked off from his room, in a cell that is obviously not air conditioned. In the summer, it goes up to 30°C to 40°C. He will be 78 soon and has diabetes, so as you can imagine, we're incredibly worried about his life. In fact, recently he couldn't go to a trial because he had to be hooked up to a heart monitor because he was having heart issues.

Throughout the trial, I think we've all been very strengthened to learn that there's no evidence, essentially. The evidence that the prosecution has presented has been incredibly thin. In fact, they have inadvertently painted my father as this man who gave everything that he has to stand up for freedom and democracy and who, through 20 to 30 years of campaigning and journalism, has shone a light on the dark corners of Hong Kong. When push came to shove, in 2020, after the passing of the national security law, he decided to stay and defend his journalists. They have painted him as a man who advocated for democracy—but peacefully.

In fact, whenever he met with students, he would tell them to not be violent. He has always advocated for peace over all of these years. They have found this man who advocated for democracy under the joint declaration, so he never advocated for independence. He's incredibly moderate in a sense, but incredibly strong in his dedication to advocating for freedom and democracy.

In this case now, after five years, I think we have gotten to a situation where it's in everybody's best interest that he is freed. Obviously, that is the opinion of the Canadian government, the U.S. government, the European Union, the United Kingdom, the Italian government and the Australian government. It is also the opinion of the United Nations. This is such a clear-cut black and white case where his rights have been violated. He is being essentially tortured at this point for his courage. Unfortunately, because of his deteriorating health, it is now incredibly urgent.

I ask again that all of you here who have been so incredibly supportive keep shining a light on my father's story and keep your support going, because I think it is very much needed in this quite dark time.

Thank you.

The Chair: Thank you very much for your remarks.

I now invite Mr. Silver to make his opening remarks.

[Translation]

Brandon Silver (Director of Policy and Projects, Raoul Wallenberg Centre for Human Rights): Honourable members, thank you for the opportunity to speak to the committee.

[English]

I'd also like to convey Professor Cotler's warm regards to all of you. He would have been here testifying today if not for being on dialysis in the hospital. He's tuning in online and following closely, and he expresses his appreciation for your leadership in highlighting this case and in speaking out in Parliament for the release of Mr. Lai.

Indeed, as we meet today, human rights hero Jimmy Lai is languishing in torturous prison conditions in Hong Kong at 77 years of age, suffering from diabetes. He has been in prison for 1,772 days. His crime...? Supporting journalism.

As a British citizen with a twin sister and nieces and nephews in Canada, Mr. Lai could have easily fled. Instead, he stayed to lead the struggle for democracy, for human rights, for the rule of law and for media freedom in Hong Kong, and to be a lightning rod to protect all those who were fighting for the same things and campaigning for freedom. In so doing, he has become perhaps the most prominent and emblematic of political prisoner cases in the world, exemplifying the struggle for our shared values.

As Canada embarks on a strategic dialogue and reset with China, we must ensure that these fundamental norms, these shared values that Jimmy Lai has put not only his livelihood but his very life on the line to defend, find expression in our conversations with China. The foundational principles of Canadian democracy and of this very Parliament should be asserted in these conversations. Parliament should press for Jimmy Lai's release publicly, prominently and persistently until we see him free.

Indeed, Parliament adopted a unanimous consent motion calling for his release in December 2023. In February 2024, the Subcommittee on International Human Rights held a dedicated hearing on the case, and a month thereafter, in March 2024, published a statement calling for Jimmy Lai's release and urging the Canadian government to exercise all deliberate efforts with all deliberate speed to help secure his release.

Next week is the perfect opportunity for Canada to do so.

As chair of the G7, our last major initiative is hosting a G7 foreign ministers meeting in Niagara-on-the-Lake. Mr. Lai helped develop this region and employs over 1,500 Canadians there. It is where his family resides. His sister, nieces and nephews are all in Niagara-on-the-Lake. It would be particularly appropriate for the G7 foreign ministers to use this occasion to speak out on his behalf. Each of these governments has already been on the record individually, and now is an opportunity to do so collectively, which Canada can spearhead as chair. It would be an urgent and life-saving action.

As we await the verdict in Mr. Lai's case, it is a particularly propitious moment to plead for his urgent humanitarian release. It is also crucial for Canada's interests.

A part of the charges against Mr. Lai is for engaging with all of you as Canadian parliamentarians. His case represents the criminalization of engaging with Parliament. That is part of the charges against him.

Canada is also a founding member of the United Nations. In China's response to UN special rapporteur interventions asking if en-

gaging with the UN is a criminal act under the national security law, page 56 of China's response said it depended on the context. Therefore, engaging with Canadian parliamentarians is criminalized under the national security law, and engaging with the United Nations is criminalized under the national security law.

Mr. Lai's case is emblematic not only of the struggle for rule of law, democracy and human rights in Hong Kong, but also of the transnational threats the overly broad, draconian and extraterritorial national security law represents. That is an acute risk for the 300,000 Canadians in Hong Kong and the over half a million Canadians of Hong Kong origin in Canada. After the sense of impunity surrounding the persecution and prosecution of Mr. Lai, bounties were issued against Canadians on Canadian soil, which demonstrates the risks of silence in the face of these human rights violations.

Other Kafkaesque allegations against Mr. Lai have included, as a newspaper owner, discussing the news with his journalists, discussing politics with politicians and discussing human rights with human rights organizations.

It is particularly evident that while Mr. Lai's freedom depends on us, our freedoms depend on what we do for Mr. Lai.

• (1540)

Thank you.

The Chair: Thank you for your remarks.

We will go next to Mr. Stivers.

You have up to five minutes.

Jonathan N. Stivers (U.S. and Canada Director, The Committee for Freedom in Hong Kong Foundation): Good afternoon, Chair and honourable members of the committee.

[Translation]

Thank you for the opportunity to appear before you for this important study.

[English]

My name is Jonathan Stivers. I'm the U.S. and Canada director at the Committee for Freedom in Hong Kong—the CFHK—Foundation. My organization is dedicated to defending freedom and human rights in Hong Kong. We work to strengthen the international response to intensifying repression there.

My background is in U.S.-China policy. I've served at high levels in the U.S. Congress and the administration, including as the democratic staff director at the Select Committee on the Chinese Communist Party and, before that, as a Senate-confirmed appointee for President Obama. For 15 years, I served as a senior adviser for former speaker Nancy Pelosi, working on China issues.

In the U.S., the cause of freedom in Hong Kong and Jimmy Lai is bipartisan. It's been strongly bipartisan over the years. It's gratifying to see that Canada is displaying the same example on such an important topic.

In the five years since the imposition of the draconian national security law, Hong Kong has experienced a dramatic transformation, from one of Asia's most open societies to a city where free expression is criminalized, civil society has been dismantled, and pro-democracy leaders, journalists and students face harassment and persecution.

Since 2019, nearly 2,000 political prisoners have been detained, many of whom remain imprisoned under conditions that violate international human rights standards. The prosecution of pro-democracy figures, including Jimmy Lai and Joshua Wong, illustrates the systematic weaponization of the judicial system as a tool for political control.

Instead of restoring freedom and releasing political prisoners, Hong Kong officials are conducting a global messaging campaign to mask the deepening repression that has driven businesses, professionals and capital away from Hong Kong and to other destinations. Simply put, if you have political prisoners, you cannot also be a trusted global financial centre.

While the topic of this hearing is the case of Jimmy Lai, the issue of which he is a victim is China's control and the systematic repression of the Hong Kong people. That has serious implications for the international community and, in particular, for the Canadian government. There is growing awareness and concern that Hong Kong has now emerged as the global hub for sanctions evasion and export control violations, and that it is supporting Russia, Iran and North Korea.

Last week, the CFHK Foundation, along with the Raoul Wallenberg Centre for Human Rights, published this groundbreaking new report entitled "Backdoor to the Battlefield: How Hong Kong Funnel Canadian Technology into Russia's War Machine". Authored by my colleague Samuel Bickett, the report details how Canada's world-class electronics and aerospace sectors are being exploited to support Russia's war machine through a sprawling network of Hong Kong-based shell companies. The report draws upon battlefield forensics, Hong Kong public records and Russian customs data to show where Canadian parts surface, who moves them and why Canada's sanctions and enforcement architecture has failed to keep up.

We provide evidence in this report that Canadian technology has repeatedly surfaced in Russian weapons recovered on the Ukrainian battlefield, with supply chains running through Hong Kong. In response to our report, foreign minister Anita Anand said that the government is examining these findings. She warned Canadian companies that those evading federal sanctions would be punished. We appreciate that response. There's no doubt that Canadian companies need to better track their shipments, but I want to underscore that stronger enforcement actions from the government are essential.

We know that neither Americans nor Canadians want to unknowingly be complicit with Russia's war in Ukraine. We offer the following policy recommendations.

First, partner with the U.S. and the U.K. to exert calibrated and sustained diplomatic pressure to secure the release of Jimmy Lai and other Hong Kong political prisoners. Coordinated action among allies multiplies diplomatic weight and mitigates retaliation while also reducing the risk that measures will be dismissed or sidelined by the Chinese government.

Second, impose targeted Magnitsky sanctions on officials involved in human rights abuses in Hong Kong. To date, the U.S. has imposed targeted sanctions on 48 Chinese and Hong Kong officials. It is long past time for the Canadian government to exercise its own unique moral authority and to hold Hong Kong officials accountable.

Third, close the Hong Kong Economic and Trade Office, the HKETO, in Toronto. The "one country, two systems" framework has ended. The Hong Kong government no longer deserves its own de facto embassy in Canada. The HKETOs are working hard to promote Beijing's narratives and propaganda, to counter-lobby against human rights legislation and to court government officials as well as business leaders and others.

In addition, the Hong Kong government has taken the brazen and unprecedented step of issuing cash bounties on activists in Canada. Foreign governments, much less city governments, should not be allowed to take such actions in the U.S. or in Canada without consequences or, at minimum, without losing their privileges.

• (1545)

Last, designate Hong Kong as a high-risk jurisdiction for money laundering. Impose secondary sanctions on Hong Kong companies and individuals who are providing support for Russia's war on Ukraine.

Canada has long stood as a principled defender of human rights and democracy, and has shown extraordinary solidarity with Hong Kongers seeking safety and freedom. That legacy should continue. It's something that I think Canada should be very proud of and that the United States, frankly, has to do better on.

Through these recommendations, Canada can send a clear message that repression will not be met with silence.

Thank you for your attention and your commitment to human rights. I look forward to your questions and further discussion.

The Chair: Thank you very much.

I want to welcome Mr. Michael Kovrig to the committee.

I will now give you the opportunity to make opening remarks of up to five minutes, please.

• (1550)

Michael Kovrig (Executive Director, Strategic Effects (GNSE)): Thank you very much. It's an honour to be able to appear before this committee. I greatly appreciate the opportunity.

Today, like the past 1,913 days, Jimmy Lai is confined alone in a prison cell in Hong Kong. I understand what that's like. The confinement itself is raw suffering. The isolation and loneliness grind on you, mind, body and soul. Jimmy Lai is taking all of that suffering to defend the freedom of speech and freedom of the press that Canadians hold so dear. As Solzhenitsyn said, "To stand up for truth is nothing. For truth, you must sit in jail."

For truth, Jimmy has sat in jail long enough. Frankly, one day would have been too long, given his innocence. His unjust ordeal should never have happened in the first place. We should do all we can to bring it to an end.

Following his meeting with Prime Minister Mark Carney, General Secretary Xi Jinping stated that the two countries should uphold international fairness and justice. Let's call upon President Xi to honour his own words and free Jimmy Lai from unfair and unjust incarceration.

Let me offer a few specific ideas. First, the advocacy and pressure must be massive, repetitive, intense and persistent to be effective. Flood the system. Integrate Jimmy Lai's detention into all aspects of relations with China if you want him to be free. Call for his release through both bilateral and multilateral meetings. Every contact a parliamentarian has with a representative of the governments of China or Hong Kong, or the Chinese Communist Party, or with influential business leaders is an opportunity.

Do parliamentarians have constituents with connections in Hong Kong and China? There are senior business executives in your ridings, perhaps, who deal with China on a regular basis. Offer them letters from you about Jimmy and a set of talking points to use. Ask them to deliver those letters to any Chinese government representatives they meet. Look for any contact points into that system, from the top right down to the working level. Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency may perhaps have some underused access to Beijing and Hong Kong officials and politicians. When those officials apply for visas or need to clear customs to enter Canada, is that not perhaps an opportunity to also give them a letter that urges them to release Jimmy Lai?

Second, offer incentives and impose costs. For the Communist Party and the Hong Kong government that reports to it, releasing Mr. Lai looks like a politically risky move. We need to think like the politicians, frankly, making those decisions, but in their context, with strategic empathy. As long as it costs nothing to keep Jimmy Lai in prison and it could be costly for them or risky to release him, they're not going to free him. We have to flip that cost-benefit analysis.

Perhaps make a list of everything the CCP wants from Canada and our allies and partners. Think about ways to condition progress on things they want on matters like ending Jimmy Lai's imprisonment and the imprisonment of other dissidents and detainees in both Hong Kong and the mainland. Create new quid pro quos. Perhaps sanctions or restrictions on certain officials or Chinese prison-

ers held abroad could be tightened or, alternatively, as a positive incentive, for example, relaxed in exchange for clemency for Mr. Lai.

Chinese officials want us to have what they consider a correct perception of China. Well, Jimmy Lai's imprisonment darkens those perceptions. They are currently on a charm offensive in which they want to persuade the world that China is a responsible pillar of a multipolar order that wants to work with the Government of Canada. Make it clear that their diplomacy would be much more charming, and their reputations would be burnished, if they released Jimmy Lai and other detainees like him. Make it clear that it would be easier to justify new trade and investment deals with China if Chinese counterparts demonstrated more benevolence, magnanimity and reasonableness.

• (1555)

Third, consider a few specific points of pressure, angles of advocacy and incremental steps.

The Chinese Communist Party is ruthlessly transactional. They will be asking what can be offered in exchange, such as a Chinese prisoner currently held in a western country.

Hong Kong depends on trade and conferences. Boycotts can hurt, and encouraging more of them can be an inducement for more favourable behaviour.

Jimmy's health is failing. The CCP likely doesn't want him dying in custody. That would be a political embarrassment potentially. For an elderly prisoner with medical concerns, a compassionate release on health grounds is an entirely plausible justification for release. This could be done in a face-saving, low-risk way.

It could also be a pretext for incremental improvement—more communication with family and friends for prisoners like Jimmy, better access to books or a move to better conditions in detention and then perhaps house arrest. It doesn't have to be all in one at once.

Perhaps Jimmy's Catholic faith could also be the basis for rallying religious organizations and congregations. From Latin America to the Pacific Islands to the Vatican, countries with significant numbers of Christians could also be enlisted to the cause, as are others who can have sympathy with a figure like Jimmy.

For collective leverage it will also, as my colleagues have said, be essential to work in tandem with the United Kingdom, the United States and the European Union as force multipliers, and also with as many other like-minded countries as possible. Do whatever you can to persuade President Donald Trump and other influential leaders to champion Jimmy's freedom and persistently fight for it.

Above all, the party fears appearing weak. We need to convince them that a truly confident, legitimate government has no need to fear critics or lock up dissidents, so work to persuade Beijing and Hong Kong that keeping Jimmy Lai in jail is not a sign of strength; it's an embarrassing admission of weakness. Freeing Jimmy would actually be a gesture of power and magnanimity.

In closing, by identifying pressure points and combining relentless advocacy, incentives and costs, it may finally be possible to change Hong Kong's calculus and finally free Jimmy Lai.

Thank you.

The Chair: Thank you very much.

Colleagues, I have to suspend for a minute or two so that the team can test the connection of our last witness, who hasn't spoken yet, Caoilfhionn Gallagher, the lead international counsel to Jimmy Lai, who is appearing by video conference.

• (1555) _____ (Pause) _____

• (1555)

The Chair: Colleagues, we'll resume our meeting.

Now we will hear from Caoilfhionn Gallagher, lead international counsel for Jimmy Lai, who will be joining us by video conference.

You have up to five minutes for your opening remarks.

Caoilfhionn Gallagher (Lead International Counsel to Jimmy Lai, As an Individual): Thank you very much. My apologies to the committee for the technical issues. I've been trying to get in for the last 40 minutes. My apologies to everyone for the disruption.

It does mean that I haven't heard the opening remarks from others, I'm afraid, so I also apologize for any duplication in the circumstances. If there are any issues I don't cover, I'm of course very happy to cover them in writing.

My name is Caoilfhionn Gallagher KC. I'm the international counsel for Jimmy Lai. It's a privilege to act for Mr. Lai, along with our Canadian counsels, Irwin Cotler and Brandon Silver, and of course to act for Sebastien Lai, his brave son who you're hearing from today.

Many thanks to the standing committee for inviting me to give testimony and my apologies for the technical difficulties, which have bedevilled the start of this.

I assume that my colleagues have already told you how Mr. Lai is a journalist, publisher, businessman and a prisoner of conscience, and how, for his public interest journalism, his defence of press freedom and democratic values, and his courage in speaking truth to power, Jimmy Lai has now been imprisoned in solitary confinement in Hong Kong for almost half a decade—since December 2020. He's faced a barrage of spurious prosecutions. He's been subjected to a long, protracted, unfair trial on charges of sedition and alleged violation of the draconian national security law. His case is emblematic of the crackdown on human rights, media freedom and democracy in Hong Kong.

Hong Kong, of course, was, until relatively recently, a beacon in the region. It was a bastion of the free press and a place with a flourishing civil society and adherence to international standards. The rule of law was intact and businesses and foreign investment benefited from that stable and certain environment.

Hong Kong's descent into a very different place has been speedy and precipitous. It has plummeted down the press freedom rankings, tumbling from 18th in the world two decades ago to now languishing at the very bottom of the international tables at around 140 out of 180. It's nestled in with Kazakhstan and Rwanda, and beaten by places like Guatemala and Congo.

That's not only bad for press freedom and human rights; it's bad for business. It threatens the city's status as a global financial centre. I say that right at the outset because it is clear that this is one of the key places where there is real leverage going forward in terms of securing Jimmy Lai's release and indeed saving his life.

I was privileged to catch the end of what Michael Kovrig was saying. I appreciate that he was touching on very similar points.

Mr. Lai, of course, over the years has trod on very powerful toes and the authorities have long hated him for it. He was targeted in multiple ways and it's only in the last five years that the most powerful weapon of all has been used against him—the law. During that time, Apple Daily itself was forced to close, following the freezing of its assets under the NSL. The printing presses have long since stopped. It's important to make clear that this was state-sponsored theft of a very successful business.

He has, since that time, faced a barrage of spurious prosecutions. At the moment, the key place we're focused on is the national security law and sedition trial, which is limping to a close.

Since he was arrested under the national security law in August 2020, he's served four sentences of imprisonment already. He's currently serving a fifth. He has been the victim of what one of my other clients, Maria Ressa, the Nobel Peace Prize winner, would call “lawfare”.

Critically, it's not just us, as the witnesses today, that you need to believe when we talk about his detention being unlawful and wrong. It's also the view of the United Nations working group on arbitrary detention, which found last year that the actions against Mr. Lai are intended to prevent him from exercising his right to freedom of expression and are deliberately designed to try to silence him. The working group, in a very robust finding, found that he shouldn't have spent a single day in prison and that he's faced multiple violations of his fair trial and due process rights, such as to render his imprisonment on all previous cases arbitrary. It's their very firm view that he should not have spent a single day in custody, let alone half a decade.

It is a very strong ruling. I've worked in this field for about 25 years and it's a particularly robust, strong ruling from the UN working group. That is why we now have multiple states around the world—and I'm grateful to see Canada joining their numbers—calling for Jimmy Lai to be immediately released.

Just very recently, we had Italy joining that international call, along with Canada, Australia, the United States and the United Kingdom. Twenty-four countries have condemned the process that he has gone through and, of course, many others have called for his immediate and unconditional release, including five UN special rapporteurs, Roman Catholic leaders and civil society groups, including some of those represented today.

• (1600)

His trial under the NSL for sedition is limping to a close, and that in essence is a trial for conspiracy to commit journalism and conspiracy to raise human rights issues in rooms like this and with people like you—parliamentarians around the world. If convicted, Mr. Lai faces life imprisonment, which, in reality, given his age, means a death sentence. Given the near 100% conviction rate under the NSL, Mr. Lai's profile and the wording we hear repeatedly from Chinese embassies around the world when Sebastien speaks out, we expect the worst.

Most urgently of all, in these opening remarks I wanted to highlight the humanitarian issues, because time is running out. I'm particularly concerned that, given the delay tactics we've seen in the NSL trial so far, we may see more foot-dragging and further delay until the conviction and sentence, so it's imperative we act now.

I'm having this conversation with you just days before foreign ministers meet in the Niagara area for the G7 and just weeks before the G20, both of which are real opportunities to land a key message with the Chinese authorities that it's actually in China's interest to now release this man before he dies in prison. It's not only the right thing to do as a matter of principle; it's also the right thing to do from a pragmatic perspective for China.

In relation to the humanitarian issues, I want to introduce the committee to some research that our international legal team has recently undertaken, which has formed the basis for a new appeal that we filed with the United Nations.

That new research involved our going through every single publicly available detail on prisoners who have died whilst in custody or immediately after their release from custody or their transfer to hospital. I'm afraid that what we found in that research, which looked back at 14 years of statistics, was deeply troubling.

We reviewed the deaths of prisoners in Hong Kong for the 11-year period from 2014 to 2025. They're deeply disturbing because they indicate that a significant number of deaths of older prisoners and diabetic prisoners have occurred in circumstances where it's apparent there was a failure to identify the person's deteriorating health condition in prison and a failure to transfer them to hospital in time for life-saving treatment.

During that period, we found that the vast majority of prisoners who died of apparent natural causes linked to their diabetes or their age were transferred to hospital fewer than three days before their

deaths—within the last 72 hours of their lives. It's particularly chilling to note that 12 prisoners who died during that period very closely matched Jimmy Lai's profile: older male diabetic prisoners. The most recent death of a diabetic prisoner was just on June 28, 2025—a man aged 74, and he could very easily have been Jimmy Lai.

This is exceptionally urgent. We ask you to do all you can to support Jimmy Lai.

• (1605)

The Chair: Thank you very much for your opening remarks.

We will now open the floor to questions, beginning with MP Kramp-Neuman.

You have six minutes.

Shelby Kramp-Neuman (Hastings—Lennox and Addington—Tyendinaga, CPC): Thank you very much.

Thank you very much to all the witnesses who are here this afternoon.

The experiences of the witnesses here and their families are absolutely horrific and raw and, unfortunately, not unique. I think it's critically important to start off by suggesting that we differentiate between the Government of China and the nation and its people. The Chinese government has shown time and time again that it does not respect or care about Canadian nationals if it believes their interests are not aligned with its own, regardless of how trivial that misalignment may be.

Do any of you believe we should be normalizing relations with the regime in Beijing before securing human rights guarantees from its government? Is this even possible?

Jonathan N. Stivers: I can take a shot at that.

I know Canada has just announced a new strategic partnership with China, which is not that dissimilar to what the United States is doing also.

I don't know exactly what the parameters of this would be. Engagement and discussion between the Canadian and Chinese governments are absolutely essential. The key factor is that you don't want the Canadian government or the U.S. government to give away anything unless they're getting something in return. I think Michael explained that very well in his testimony. It's very transactional.

The question is this: How much do you elevate human rights issues, and what is the commitment for the western countries—the U.K., the United States and Canada? How high is Jimmy Lai and how high are human rights issues on the list of things that are important?

I think we would all argue that this should be higher on the list and that the people of Canada and the people of the United States and the people of the United Kingdom would all say this is very high on their list of priorities.

Shelby Kramp-Neuman: Thank you.

With everything going on in the world right now, Canadians are in a tough spot, including policy-makers sitting around this very table. I think we can be ambivalent or forgetful about the very real threat that Beijing poses to our democratic institutions.

Can any of you speak to the importance of remaining vigilant about the existential threat that non-allied states like China pose to Canada? Further, with regard to your remarks about the strategic partnership that the government is speaking about, could this potential diplomatic and economic appeasement hurt Canada in the long run?

• (1610)

Michael Kovrig: Let me briefly speak first to a point in your previous question on normalization.

I don't think I would choose to use that term, because in a sense you cannot normalize a relationship with a government that does not behave normally, particularly in the sense of respecting norms in the international sense. I would suggest rather that a framework should be an effort to stabilize relationships and recalibrate and re-establish channels of dialogue, in particular in personal relationships and interactions at the most senior levels all the way through.

That does not in any way constitute an endorsement of any policy, but simply a restoration of diplomacy with an effort to ensure particularly that those channels remain open on the Chinese side, so that whether it's for an issue like the one we're discussing today or for any other bilateral irritant or dispute or major crisis, there is a means to at least try to resolve it at the levels where one can actually get a hearing with the decision-makers, the power-holders in China, to articulate Canadian perspectives and concerns.

To your second question, I think it is imperative that we take a long and more strategic view of the relationship with China in the broader geopolitical context and that we be particularly mindful of the risks. I think it's particularly important for politicians, for members of Parliament and for the government to ensure that Canadian citizens understand the potential costs and risks of any sort of deeper engagement.

I understand perfectly well that whether it's a corporate CEO or a politician, there is constant pressure to deliver immediate results and returns, but it's important to balance that with a long-term perspective on managing a relationship that isn't going to go away but is going to be very complex, so that short-term transactional wins are not taken at the expense of longer-term consequences. Whether we're trying to deliver the removal of a bilateral irritant on trade or other economic options in terms of investment, for example, we need to be looking at the wider, longer-term national interests of Canadians and carefully weighing what the implications will be for national security and for the security of our population, but always going back to the basic framework that even if we may be trying to remove a particular irritant or problem or human rights case, we never forget that the fundamental problem is not somehow a lack of trust or a lack of communication. It is that the Chinese Communist Party has a global agenda that is fundamentally adversarial and harmful in many respects—not all, but in many respects—to the national interests of Canada and the interests of Canadians and those of most like-minded states and citizens of open societies.

We need to make every decision understanding that framework, not from the perspective of containing China or doing any harm to Chinese citizens or to the nation of China, but rather to protect ourselves from the either deliberately harmful actions or the negative externalities that are caused by China's own state security system or internal political economy dynamics. Our role is to protect ourselves.

Thank you.

The Chair: Thank you very much.

We'll go next to MP Vandenberg. You have six minutes.

Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you, Mr. Chair.

Thank you for very compelling testimony, all of you.

Particularly, Mr. Silver, you used a term. You said that Jimmy Lai is a human rights hero. I think we would all concur with that.

Particularly to Sebastien Lai online, through you to your father, I think we all call for his immediate release, but we also recognize his incredible courage in standing up for media freedom and human rights.

I would like to start my questions with Ms. Gallagher, because I know that you've used an interesting term. You talked about “law-fare”, the weaponizing of the law to go after media freedom and human rights defenders, as something that's happening not just in Hong Kong but around the world, where those who oppose media freedom are actually learning from one another and in fact training one another in how to do this.

You see it, for instance, in the Philippines with Maria Ressa, who was accused of tax evasion. In Hong Kong, of course, it's the national security law. There are fraud laws and defamation laws that use the laws and legal system of a country to undermine the very rule of law that they are intended to uphold.

I would like to start with Ms. Gallagher, but I can see that some of the others on the panel would like to weigh in as well.

Ms. Gallagher, go ahead.

• (1615)

Caoilfhionn Gallagher: Thank you so much for your question. It's exactly right.

This is a real trend we're now seeing. I represent many publishers and journalists around the world who are targeted in a deliberate attempt to silence them and to stop them speaking truth to power. Increasingly what I'm seeing is the use of laws that are not just traditional legal weapons used against journalists, like, for example, defamation laws, but a much wider range of laws are being deployed.

Quite often, what we see are deliberate attempts to smear the journalist or the publisher, like Jimmy Lai, for example, being accused of being a fraudster, in essence; José Rubén Zamora, the publisher of *elPeriódico* in Guatemala similarly being accused of money laundering; and Maria Ressa, a Nobel Peace Prize winner, being accused of being a tax evader.

These are all tactics we now see, and that's quite deliberate, because what it's designed to do is undermine the messenger and make the audience lose trust in the publisher, the journalist or their newspaper or broadcast organization. As a result, it undermines the message, so that's a real tactic we're seeing.

I'm speaking to you just a couple of days after I spent some time with one of my other clients, Paul Caruana Galizia, whose mother, of course, was assassinated eight years ago in Malta for being a journalist. That was in October 2017. At the time of her death, she was facing 48 different lawsuits—a legal whack-a-mole where she was facing multiple different cases. The Caruana Galizias are very clear that there is a direct link between what their mother experienced and the kinds of tactics we're seeing in Hong Kong against Jimmy Lai, including the barrage of spurious lawsuits and having to fight a war on multiple legal fronts. The most serious one of all, of course, is the NSL and sedition trial he faces now because of the very grave sentence that would potentially come from it and that we think is likely to come from it, which, in reality, would condemn this man to death.

Anita Vandenbeld: You mentioned all of these tactics in different countries. Is that a coincidence, or is there an actual deliberate attempt to share these practices—what works and what doesn't work—between countries that intend to undermine media freedom?

Caoilfhionn Gallagher: My view is that we see these pages being taken from the authoritarian playbook and being used in different countries. It's not coincidence; it's a deliberate strategy.

I see tactics that have worked well, for example, in the sense that they have silenced journalists in Iran—transnational repression that been used by Iran—and have spread and are being used by China, for example. What we see is that dictators and authoritarians are learning from each other, and they are getting very creative in the tools they use to try to silence journalists and publishers like Jimmy Lai. We need to get creative too and learn from each other.

It's why I'm so grateful that you're having this hearing today and you're hearing from this very wide range of witnesses on this critical topic about this human rights hero.

Anita Vandenbeld: Canada's been leading on the Media Freedom Coalition, and this could be a forum where we could also mobilize globally to ensure that we're countering those tactics.

I would first put this to you, Mr. Stivers, if you wanted to add to any of those questions, and then the others, if there's time.

Jonathan N. Stivers: I can't say it any better than Ms. Gallagher, but it's not rule of law; it's rule by law. It's authoritarians using law, or so-called national security law, which has nothing to do with national security. I don't like even calling it that. It's rule by law being used to advance authoritarian priorities.

Anita Vandenbeld: Brandon...?

Brandon Silver: To your point about the Media Freedom Coalition, under Canada's leadership, in both 2023 and 2024 the Media Freedom Coalition issued statements on the deteriorating press freedom situation in Hong Kong, particularly urging the release of Mr. Lai.

Expanding upon Caoilfhionn's very compelling and comprehensive interventions as to the authoritarian playbook on lawfare and attacking press freedom and the need for a commensurate response from the community of democracies to uphold our shared values, there is no better moment to do so than next week via the G7. It's a collective of rule-of-law nations that are fighting in common cause, and there is a rare convergence in this fractious diplomatic sphere globally where the case of Jimmy Lai is a point of unity in this Parliament across party lines and amongst our allies in the G7. We can use that opportunity to push back on these authoritarians.

• (1620)

The Chair: Thank you very much.

[*Translation*]

Mr. Brunelle-Duceppe, you have the floor for six minutes.

Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Thank you, Mr. Chair.

I'd like to thank the witnesses for being with us today and the committee for agreeing to hold this meeting at short notice. I'd also like to thank the clerk for arranging the meeting despite everyone's busy schedule.

Ms. Gallagher, it's good to see you again.

In your view, to what extent are Mr. Lai's detention conditions and associated legal proceedings consistent with international law?

[*English*]

Caoilfhionn Gallagher: Thank you very much for your question. You have my apologies that I'm answering in English rather than French.

My view is in line with that of the UN special rapporteur on torture and with that of the UN working group on arbitrary detention that Jimmy Lai's conditions amount to inhuman and degrading treatment. That's my view.

It is very clear that being in a circumstance of prolonged solitary confinement violates international law. Prolonged solitary confinement is solitary confinement for a period of more than 15 days. Jimmy Lai has spent almost five years in solitary confinement. That in itself is a deep concern under international law, just the very fact of solitary confinement. When you combine it with the fact that he's elderly and he's diabetic, it hugely increases the risk of morbidity, I'm afraid. That's why the statistics that I gave a little earlier are so worrying, because it's against a backdrop of many of those prisoners not having been in solitary confinement, but Jimmy Lai is.

This is a very clear violation of international law. That's the view of the expert international bodies. That's the view of expert international lawyers. That's the view of multiple countries around the world. What we now need to do is to ensure that there is robust action rather than simply words calling for Jimmy Lai's release, because we do not want to end up in a position like we did with Liu Xiaobo in China or like we did with Navalny in Russia. We need to get this man out of prison, back to Sebastien and back to his family before it's too late.

[*Translation*]

Alexis Brunelle-Duceppe: Thank you, Ms. Gallagher.

Mr. Kovrig, we spoke about the normalization and stabilization of relations. The government calls it a strategic rapprochement with China. There are those who are saying that this is an opportunity to secure Mr. Lai's release while others are saying that it is a pitfall and that the rapprochement is rather negative.

Who's right? Is the government position going to be a game changer?

Michael Kovrig: The situation is quite complicated, but generally speaking, if we want to achieve our goals, any goal, with the governments of China and Hong Kong, it's important to create the right conditions and to build strong relationships between leaders, senior officials and institutions.

That doesn't mean accepting China's position. However, it's important to build relations to at least have some dialogue and to negotiate in order to explore all options. That's the transactional nature of the Chinese Communist Party and now the Government of Hong Kong.

To secure Jimmy Lai's release, it will ultimately be necessary to negotiate with the Government of Hong Kong and the Chinese Communist Party to determine what they want in exchange for Mr. Lai's release and to resolve the situation.

At the very least, we need to be optimistic and have confidence that Prime Minister Carney and President Xi Jinping will have the opportunity to resolve this issue. That doesn't mean that we accept China's moral or ethical stance.

• (1625)

Alexis Brunelle-Duceppe: Thank you, Mr. Kovrig.

Mr. Silver, there are those who say that granting Mr. Lai honorary citizenship would be a good thing for international diplomacy. Would you agree with that measure, if it were ever to pass?

Brandon Silver: First, thank you for your commitment to Mr. Lai's release.

The initiative to grant Mr. Lai honorary Canadian citizenship reflects Canadian values around human rights and freedoms and the freedom of the press. Granting him citizenship could advance this cause while diplomatic talks go on at the international level. That would send a message that Parliament is standing in solidarity with Mr. Lai by calling for his release in concert with his family, who live in Canada. This would be done in recognition of his contribution to Canada and his campaign to advance our shared values.

Alexis Brunelle-Duceppe: Thank you.

Mr. Lai, I would have loved to meet you in person, but I'm happy to see you on the screen.

Have you had any communication with your father recently?

Sébastien Lai: It's a real pleasure to see you, Mr. Brunelle-Duceppe.

Unfortunately, I can't go back to Hong Kong because I've been pleading for Mr. Lai's cause. As you know, Hong Kong's national security law, which was enacted in 2020, is really very opaque and broad in scope. Even something like what I'm doing now in speaking with you could potentially be in violation of that law.

Unfortunately, I've not been able to communicate with my father, but I know he's still fighting. He is almost 78 and as I said earlier, he is ailing and has diabetes. He has been in solitary confinement in a tiny cell for almost five years. He is a man who has given everything for what he stands for and to protect his colleagues. I know he's still keeping strong, even though he's in a hopeless situation.

The Chair: Thank you very much.

[*English*]

We'll start the second round of questions with MP Rood.

You have five minutes.

Lianne Rood (Middlesex—London, CPC): Thank you all for appearing here today.

Beijing had promised Hong Kong the "one country, two systems" framework, under which Hong Kong would continue its political and economic systems for 50 years, until 2047. Under this framework, Hong Kong enjoys a high degree of autonomy and special privileges granted by many western democratic countries, including Canada. The oppressive nature of the NSL and the trial of Jimmy Lai in Hong Kong signifies the city no longer enjoys this high degree of autonomy.

Do you believe the Canadian government should reconsider the privileges currently extended to Hong Kong in its economic and trade office in Toronto?

Jonathan N. Stivers: Thank you for that question. It's extremely important.

We all know that the "one country, two systems" framework is gone. China doesn't even pretend very much that it still exists. It controls Hong Kong completely. In 2020, the U.S. revoked Hong Kong's autonomous status under U.S. law and I believe Canada has also. However, these Hong Kong economic and trade offices continue. Make no mistake, they're not about economic and trade issues. This is a de facto embassy for the Hong Kong government to conduct diplomacy and reach out to the people of Canada and the United States. In Europe, there have been espionage cases in the U.K. and Germany regarding actions that have emanated from those offices and their affiliates.

There's no justification for them. Even worse, the Chinese government hasn't put bounties on activists in Canada—the Hong Kong government has. How can Canada and the United States allow a city government to take such brazen actions? It's unconscionable.

In the U.S. there are three Hong Kong economic and trade offices. When Secretary Rubio was a senator, he wrote the bill to shut down those offices. We're pushing very hard in the United States to close those down based on those issues. Canada should do the same.

• (1630)

Lianne Rood: Thank you very much for that answer.

I'll now turn to Mr. Lai.

What single action from Canada, public or private, would most help your father now? How should we coordinate with the United States and the United Kingdom for maximum pressure?

Sébastien Lai: I think it's what Brandon said about putting it as a top priority, especially in the G7 coming up. We talk about the normalization of relationships. If Canada wants to normalize its relationship with China, this is a very easy thing for China to do to show good faith.

Logistically, this is putting a soon-to-be 78-year-old man, who spent five years in prison, on an airplane and sending him back to his family. This is an incredibly simple thing to do. If China can't even do this when Canada and so many countries have already called for his release and it's such a black and white case, then what can we possibly expect from a normalization of the relationship?

It's putting it front and centre, mentioning it in all bilateral engagements between Canada and China, and saying that this is a case that matters. The values that this man stood for are values that are important to all Canadians, and we, as Canadians, are proud to stand up for this. It's saying that by imprisoning this man, they are imprisoning the values that we stand up for and, therefore, we would hope that they would release him as soon as possible.

I think that's how we get my father out.

Lianne Rood: Thank you very much for that.

I'm going to turn back to something that came up in the previous question. You mentioned the G7. We're all well aware of the threat of the Chinese Communist-controlled police stations in Canada from media coverage on that topic.

How can Canada lead a G7 plan to protect diaspora communities from traditional repression, such as these and the threats and harassment that they pose? What assistance should victims be able to access quickly, both legally and practically?

Brandon Silver: When it concerns cases of arbitrary detention more generally, but especially in an emblematic case like that of Mr. Lai, Canada is uniquely placed, particularly because of the statement from Parliament, the unanimous consent motion in December 2023 in which Parliament unanimously said that Jimmy Lai represents the very best of Canadian values—the pursuit of human rights, rule of law and media freedom—and that he should be released immediately.

I think that gives Canada—especially now coupled with the Prime Minister's statement in that regard—the opportunity to lead our allies, who have been similarly outspoken, in raising it collectively and, thereby, also not have the same fear of reprisals that has sometimes been referenced. We are coming as the group of the most powerful countries in the world, with shared values and shared norms that Jimmy Lai is on the front lines of defending, and we can speak out on his behalf in that way.

The Chair: Thank you very much.

Next, we'll go to MP Oliphant.

You have five minutes.

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

I'd like to thank all the witnesses for not only their witness here but also their witness in life, for what they're doing for Jimmy Lai and others and for their work.

Mr. Kovrig, thank you for being here. I get emotional every time I see you. It was a long 1,000 days. My job in consular affairs at the time was extremely difficult because we did not find a solution for over 1,000 days, despite our best efforts.

I'm wondering now how we do better. Your concept of strategic empathy and that concept of not agreeing but finding some common ground and finding what's in the imagination, the motives and the understanding of the other is something that I am trying to do personally in my life all the time, so that we don't "other" people but firmly disagree. We have differences of opinion.

I'm looking for a little bit of help. I, as usual, take my wisdom from Maya Angelou, who said that if you look ahead of you and don't like what you see, and look behind you and don't like what you see, then you'd better chart a new path. I'm looking for a new path in what we do. I've spent my life as an advocate in many ways, but public advocacy doesn't always work. We have the U.K. We have the UN. We have our Prime Minister speaking to President Xi.

I'm looking for your ideas on what we can do to open a door that will get Jimmy Lai home.

• (1635)

Michael Kovrig: Obviously, if I had the solution to those questions quickly available, we would already be doing it.

To go beyond my initial remarks, I'll say that I think we, in this geopolitical age of monsters, need to think pragmatically, but I don't mean pragmatism in terms of some kind of short-term excuse to focus on, for example, economic gains. I mean pragmatism rather in terms of leverage and strategy. What does the other side...? I don't mean to "other" them, so I'll rather simply refer to them as our counterparts. What do they want? What are their interests? Where are the points of leverage? Where are their pain points, frankly, but also what are the potential rewards?

Like political figures or officials in any other system, they respond to incentives. How do we change their cost-benefit analysis on Jimmy Lai? I think suasion and persuasion are one, a strategic narrative to articulate the fact that it's actually more costly for them to hold him. For Jimmy Lai to become ill in prison, for example, is of absolutely no benefit to them. If anything, the risk of a problem from their self-interested perspective is going to grow the longer he is there, so why not find a face-saving way to end this? Think from their perspective. Do they really want a martyr who then becomes some kind of a symbol that is problematic for them?

These are cold calculations, but ultimately, one has to look at it from their utterly ruthless, realist perspective and think about how we can create leverage in negotiations. What does Canada have, together most especially with our allies and those liked-minded in the G7, in the CPTPP or in the European Union? How can we collectively come up with a common position that says, "If you persist with this, we will impose these costs"?

Let me give you one example. The European Union had members of the European Parliament sanctioned by China. Only when China wanted something and the European Union denied it to China did China take the step of removing the sanctions from those members of the European Parliament. I think that's one example. To some extent, it's a question of creating that leverage.

To go back to the earlier question, for example, about Hong Kong offices or transnational repression in Canada, we need to look at all the tools we have going across the DIMEFIL to limit and constrain those offices from doing anything harmful in Canadian society, assuring all Canadian citizens, regardless of their national origin or ethnicity, that they are safe in Canada and that our law enforcement services, our investigative services and our intelligence services will work together to protect them and assure them that there will be no transnational repression in Canada. Then, from there, we can look to extend that.

Hon. Robert Oliphant: I want to ask Mr. Lai about this as well. I don't want to put words in your mouth, but it seems to me that to do that you need to understand the other party and you need to talk them. That would be my opinion.

Mr. Lai, with my old consular hat on, I want to know how your father is doing, and I want to know how you know how your father is doing.

The Chair: Unfortunately, you only have time for a brief response. Thank you.

Sébastien Lai: Yes, as I mentioned before, my father's health is very poor. Unfortunately, I can't go back because I advocate for him, so all the information I get, all the communication I get, is from when he has appeared in court. In court, he's visibly gaunt—much skinnier. Obviously, the information about how he's being held is public. His diabetes is public, and the fact that he's having heart issues is also public.

Look, I think it's a situation where, obviously, in the last five years the attempt has been to break him. It's to break this man. That's why they put him in solitary confinement; it's to tell him that nobody cares about him, that he's done all of this for nothing. It's no wonder that his health has gotten so much worse. However, to

quote the poem *Invictus*, his "head is bloody, but unbowed", so he's still fighting.

The Chair: Thank you.

Mr. Brunelle-Duceppe, you have two and a half minutes.

[*Translation*]

Alexis Brunelle-Duceppe: Thank you, Mr. Chair.

I'll make it quick.

Ms. Gallagher, when is a ruling on Mr. Lai's case expected?

[*English*]

Caoilfhionn Gallagher: I'm afraid that is a very short answer: We don't know. When pressed, the court said, "In good time."

I would like to add something in due course, if I may, on some of the previous questions, but I won't eat into your time.

• (1640)

[*Translation*]

Alexis Brunelle-Duceppe: That's okay, go ahead.

[*English*]

Caoilfhionn Gallagher: Thank you.

I want to support what was said by Michael Kovrig so powerfully just now. Having done 25 years of political prisoner cases—including very difficult cases involving Saudi Arabia, Russia, Iran and so on—my experience is that, ultimately, at its core—

The Chair: Madam Gallagher, your microphone is too low. Could you bring it up a little bit? Thank you.

Caoilfhionn Gallagher: I hope that works.

My experience is that in every single case, what you need to work out is the hassle factor—how it's more trouble for the detaining state to continue detaining the prisoner than to release them.

Ultimately, that's what we know works with China. It's what worked, ultimately, in the case of the two Michaels. It's what worked in the case of Australian journalist Cheng Lei, and it's what worked very recently when the U.S. secured the release of Pastor David Lin, and then three further Americans last autumn. It's also what worked for Ireland—a minnow of a state internationally, in many ways—in securing the release of businessman Richard O'Halloran. In every single case, it was working out what the leverage was and then acting accordingly.

I very strongly agree with the example of the European Parliament, because a critical issue is sequencing. Using language about a pragmatic reset and a turning point in relations and so on—language that we've seen a number of states use in recent months—before you've actually secured the right outcome in Jimmy Lai's case is the wrong way around, in my view.

We know from Cheng Lei's case or the case of the European Parliament that your sequencing should be conditional: "We'd like to have more engagement. We'd like to, for example, have a state visit." You have what the prize is, but you make it clear that they're not getting the prize unless and until they do the right thing in relation to securing the release of the prisoner or lifting the sanctions or whatever the issue may be. Here, the issue is securing the release of Jimmy Lai.

The Chair: Thank you very much.

We'll go to MP Rood for five minutes.

Lianne Rood: Thank you, Chair.

Mr. Kovrig, based on your experience, what are the warning signs of hostage diplomacy that Canadians should watch for? What specific policies would deter the Chinese Communist Party from detaining Canadians again?

Michael Kovrig: How long do I have for that?

Some hon. members: Oh, oh!

Michael Kovrig: I don't think there are necessarily specific warning signs. It varies from country to country.

There are particular states that engage in that behaviour, but I think the way to look at hostage diplomacy is not as a consular issue exclusively or as simply that kind of hostage-taking. It is one tool in a coercive kit that authoritarian states that are less respectful of norms and laws are willing to use, and they will use whatever tool in the kit they think is going to get what they want in a given case.

To some extent, they like reciprocity. One warning sign is a person being held in a western-government country, as with Meng Wanzhou, for example. Then they are more likely to use hostage-taking than to use other tools of coercion.

Let's remember that in the case that involved me, there were also trade sanctions and other forms of leverage used. Again, they are using asymmetric forms of leverage against democracies, and hostage-taking is one of them simply because they don't have any ethical barrier against doing so.

The warning signs are that there is a dispute in which they would consider that tool an effective way to accomplish their ends. Deterrence needs to be done by demonstrating costs and consequences for engaging in that behaviour. As long as they can get away with it and there is no cost imposed on them, they will continue to do so.

There are two ways, essentially, to deter: deterrence by denial, which we do by discouraging Canadian citizens from going to countries like Iran or North Korea, and deterrence through punishment and consequences. Unless they are imposed on the individuals perpetrating it and on the countries, they will continue doing it as long as costs are not imposed.

Lianne Rood: That said, what training and protocol should Global Affairs Canada adopt immediately for Canadians travelling or working in high-risk jurisdictions to reduce vulnerability to arbitrary arrest and exit bans?

Michael Kovrig: Briefly, I think some of those are already expressed in our travel warnings for those countries, but there's a lot

that could be done to make those travel warnings more obvious and apparent to anyone proposing to travel to such a country.

The first is denial. If there is a risk and the government does not want to incur the burden of having to rescue someone from a country like that, the easiest thing to do, first of all, is to not allow the situation to happen in the first place.

Even in a democratic open society, there are various ways to deter our own citizens from putting themselves at risk—for example, creating processes so that when you're buying plane tickets, let's say, you are obliged to register with the relevant embassy and also to go through some kind of checklist and travel preparation forms that oblige you to consider the risks to yourself and whether you really understand what you're doing in going to a place like that. It's going through a number of steps that would not only deter people from going to places where they're at risk but would also set up more protocols to ensure that if they are there, there are better means of trying to provide care and protection to them.

Another crucial one, frankly, would be creating a legal framework in which the government has a legal obligation to provide that consular assistance, rather than just a more generalized bureaucratic responsibility.

There are many others, but for the sake of brevity, I'll stop there.

• (1645)

Lianne Rood: Thank you very much.

Mr. Stivers, what has worked best in Washington to counter Chinese Communist Party coercion, sanctions, export controls, visa bans or coordinated statements, and how can Canada plug into those tools without hurting our own economy? If Beijing ignores allied pressure with regard to Jimmy Lai, what next-step measures should Canada champion at multilateral associations to raise real repercussion costs without isolating our allies?

Jonathan N. Stivers: First, I would say that the U.S. definitely needs to do a better job.

I think it's important that there are consequences. The Chinese government is like any other government. It's always weighing the consequences of its actions. When it knows that there might be something negative that would occur because of an action, it takes that into account.

Appeasement is dangerous. Showing weakness is dangerous. This is not some "tough guy" thing. This is how the Chinese Communist Party operates. It takes advantage when it sees weakness. When it knows that there will be a strong response—and I would argue that the United States has not taken strong enough responses—then it definitely calibrates its actions.

Lianne Rood: Thank you very much.

I really appreciate those remarks. Thank you so much for being here today.

Jonathan N. Stivers: If you have a few seconds—

Lianne Rood: Sure.

Jonathan N. Stivers: —I would just say that the biggest fear of the Chinese government is that there is a multilateral effort—that it's not just Canada, that it's not just the United States and that it's not just the U.K., but that there's a multilateral response of all of these allies and partners saying the same thing and being on the same page. That is its worst fear diplomatically. It takes a lot of work for our countries to get together, but they should do so.

Lianne Rood: Thank you.

The Chair: Thank you very much.

I will go next to MP Bill Blair.

You have five minutes.

Hon. Bill Blair (Scarborough Southwest, Lib.): Thank you very much, Mr. Chair.

Again, thank you very much to all of our witnesses. All of your testimonies have been, quite frankly, quite compelling and informative.

I've actually had some direct relations and engagement with Chinese government officials. I find that in many of those conversations we *démarche* each other about all the things that are outrageous, but at the same time, it does not achieve an effective outcome in many respects.

I've reflected on the number of times, listed in our documents, that we have made this point to the Chinese government without the outcome that we seek. I think the advice that you're providing in all of your comments has been very helpful to this committee. I want to acknowledge that.

I also would like to ask some questions about our national security, the safety of our citizens and the implications of the extrajudicial application of, for example, the national security law and the activities that you've already mentioned, such as the Hong Kong trade offices that exist in some of our cities. In my experience, that can have a very chilling effect on Canadians, particularly Chinese Canadians, not only with regard to their activities here in this country but also with regard to their very legitimate and understandable concerns for their families at home. That chilling effect can take a number of different forms.

Perhaps you could offer some advice. I think it's useful for our government to be able to say that we are standing up not only for a champion of human rights and journalistic freedom but also for ourselves. We're standing up for our interests. Do you have any advice—I might start with you, Mr. Silver—on things that we should be doing in this country to protect our national security and our national interests against the threats that the extrajudicial application of those laws could represent to our people?

Brandon Silver: Thank you very much, MP Blair, for that very timely and important question.

As I referenced in my opening remarks, the perceived impunity surrounding the persecution and prosecution of Mr. Lai emboldened the Chinese Communist Party and authorities in Hong Kong

to engage in that transnational repression and to issue bounties targeting Canadians on Canadian soil.

Mass domestic repression often morphs into external aggression. Mitigating that sense of impunity, ensuring justice and accountability, and marshalling public opprobrium, diplomatic efforts and coordination with allies can create that tipping point that Caoilfhionn so eloquently and aptly described. Whether it's the Hong Kong authorities or the Chinese Communist Party that controls them, they feel and understand that there are repercussions for these actions and that it is not worth the cost of pursuing them.

Again, some of these put Canada in a particularly unique position to lead. We are a founding member of the United Nations. We are a member of both the Commonwealth and the Francophonie. We are active in the OSCE. All of these forums provide platforms and opportunities to push back against this sort of transnational repression and to highlight the emblematic cases that could mitigate it, such as Mr. Lai's case.

Again, I think it's publicly, prominently and persistently raising these cases not only directly at a high level with the Chinese but multilaterally with our allies in every forum possible and where Canada is uniquely placed to do so.

● (1650)

Jonathan N. Stivers: Thank you. That's an excellent question.

I've negotiated with the Chinese government on a number of occasions on a lot of issues throughout Asia, and I will say the first thing is that we need strong leadership at the top of our countries in order to make change and have skilled diplomacy. The Chinese don't give in easily. There is no doubt about that.

There are ways to flip the script. One way, especially when we're talking about the case of Jimmy Lai, is to make expectations very clear: If there is a verdict that does not go well or there is a long sentence, then Canada will take these actions. You make that clear to them before it happens and then be ready, of course, to follow through with that.

The HKETOs are a great example. The Canadian government can say that they are under review now and if the Jimmy Lai case does not go well or he is not released, then we will start moving to close those down in response.

I think that changing the dynamic there to be on an active defence as opposed to always responding later to the Chinese will increase the chances of a better outcome.

Michael Kovrig: If I can just say briefly, to address your question about national security, this is a changed world where if we want to have greater interaction and economic opportunities with challenging states such as China, that needs to move in lockstep with security measures to protect our society and our national security.

That means things like raising the capacity. Canada is already engaging in a China capacity uplift at the federal government and provincial government levels. It needs to be across society, including local police, for example, to raise their understanding and capability of addressing transnational repression and those issues. We need to educate communities and the entire population about the nature of these challenges and how to address them at a whole-of-society level.

A specific measure that I think is critically important is a foreign agent registry, which I know this government is working on. That is a critical measure to ensure that greater contact and interaction with Chinese actors does not become undue political interference or influence.

The Chair: Thank you very much.

We'll go next to MP Baldinelli for five minutes.

Tony Baldinelli (Niagara Falls—Niagara-on-the-Lake, CPC): Thank you to the witnesses for being with us this afternoon.

Sebastien, it is good to see you again.

Your father is recognized as a global leader in advancing democracy and freedom of the press. Sadly, for that he is being jailed. What is not widely known among Canadians, however, is that your father and your family have significant ties and connections to Canada and to Niagara, including my riding of Niagara Falls—Niagara-on-the-Lake.

In fact, Niagara-on-the-Lake is widely known as one of the prettiest towns in all of Canada. A big reason for that prestigious reputation is because of the incredible and impactful investments your father has made in a number of our local hotels and accommodations through his companies, such as Vintage inns and Niagara's Finest. Those include the Pillar and Post, Prince of Wales, Queen's Landing, the Moffat Inn and Shaw Club, just to name a few. In total, there are eight hotels in Niagara-on-the-Lake.

Could you please share with us your family's story of coming to Canada and investing so much in our small town?

• (1655)

Sébastien Lai: My father has always had an incredible love for Canada. As Brandon said before and you so eloquently put it, I have a lot of family in Niagara-on-the-Lake, including my father's sister, his niece and nephew, their kids and their grandkids.

One of the things I realized in fighting for my father over the last five years is how incredibly courageous his stance was and also how he knew it was a necessity. Everybody knows that it's much more comfortable in Niagara-on-the-Lake than in a Hong Kong jail cell. There is no argument there.

The fact that a man would choose to be away from his family despite the incredible warmth that gives you, especially at this late stage in his life, and would choose a cold Hong Kong jail cell I think speaks to the courage of my father and also to the importance of the values that he stands for. I'd like to think that, hopefully, he'll be out soon and he will be able to go back and see his sister, nieces, nephews, their kids and their grandkids again.

Tony Baldinelli: We stand for that as well. I believe the last time your father came to Niagara-on-the-Lake was about 2018.

Next week on November 11 and 12, the Government of Canada will be hosting the G7 ministers at Niagara. I believe it's in Niagara-on-the-Lake exactly.

If you could ask them for help in freeing your father, what would you say? What is your message to those ministers and governments?

Sébastien Lai: I think my father's story is the reminder that the best days are ahead.

Here's someone who's willing to sacrifice everything he has to stand up for the freedoms and democracy that we all love and share and that we would all like to see more of. In light of that, in light of these beliefs, I think it's incredibly important to tell Hong Kong and China that it is not in their best interests to have this person die. This is a person who has given everything that he has for these beliefs, and for democratic countries, he's almost a representation, a distillation of all these beliefs in a man who's sitting in prison in Hong Kong.

I would like them to join in unison to call for my father's release and work for that to become reality.

Tony Baldinelli: Thank you.

Mr. Silver, during question period just the other day, on Tuesday, when the Minister of Foreign Affairs was answering a question dealing with international trade, she had this one sentence in her response. I jotted it down. She mentioned, "We will continue to stand up for human rights around the world, especially within multilateral organizations."

Mr. Silver, do you believe that the freeing of Jimmy Lai is on Canada's Minister of Foreign Affairs' G7 agenda in Niagara next week?

Brandon Silver: We're particularly pleased that this case is a unifying one.

As I cited in quoting the unanimous consent motion of December 2023, Parliament as a whole expressed that Jimmy Lai represents the very best of shared Canadian values. Based on this unanimous will of Parliament, I trust that the government will seize any opportunity in front of it to save the life of a human rights champion who is suffering immensely as we speak today, and we've been encouraged that the Prime Minister recently spoke out.

We hope and trust that the government will use, as you suggested, any opportunity multilaterally, whether at the G7 or the UN or even in the strategic dialogue with China.

There is a consular dialogue as a part of that. Jimmy Lai's case should be a standing agenda item in the consular dialogue—

The Chair: Thank you very much.

Next, we go to MP Mona Fortier. You have five minutes.

[Translation]

Hon. Mona Fortier (Ottawa—Vanier—Gloucester, Lib.): Thank you, Mr. Chair.

Thank you to all the witnesses for their appearance today and for sharing their views and ideas.

I'll start with you, Mr. Lai.

My heart goes out to you and your family. Just like everyone else, I truly hope your father will be released.

Earlier, Mr. Oliphant asked you whether your father had reached out to you. I'd like you to tell us whether he's had any meetings with U.K. consular officials, and if so, what type of meetings have there been?

• (1700)

Sébastien Lai: Thank you very much, honourable member.

My father has not had access to consular services because he's of Chinese ethnicity. Even though he's never had a Chinese passport and only has a U.K. passport, the governments of China and Hong Kong say that he's purely Chinese. They don't even recognize his U.K. passport. These governments claim that he's purely a Chinese citizen and as such, he does not have any access to consular services.

Obviously, not only is this unfair, but it's also not true. I think this is of real concern to many people in Canada who have Chinese and Hong Kong ancestry.

Hon. Mona Fortier: Since his nationality has not been recognized, he's not had access to U.K. consular services. Is that correct?

Sébastien Lai: That's correct.

Furthermore, because he led a pro-democracy campaign, he has not been allowed to go to China for 30 years.

Hon. Mona Fortier: Thank you for bringing that up.

I'm currently handling consular affairs, a responsibility that Mr. Oliphant has taken on in the past. I was saddened to find out that some countries, including China, don't recognize dual citizenship. I think that fact is worth mentioning.

I'll now address my remarks to you, Mr. Silver.

I heard what you said about strategy and what is going on around the world. Could you tell us about some of the most effective human rights strategies you've come across that various governments have used in this kind of situation?

Are there things you could share with us today?

Brandon Silver: Thank you very much, Madam Parliamentary Secretary.

Going back to the previous question, I'd like to add that it goes much deeper than a failure to recognize dual citizenship. Mr. Lai is not a dual citizen. He only has U.K. citizenship, but even so, the Chinese government doesn't recognize his consular rights.

As for other cases where Canada has played a key role, I can tell you about the recent case involving Vladimir Kara-Murza who gave evidence before this committee. In that case as well, Parlia-

ment unanimously passed a motion to grant him honorary Canadian citizenship. Canada called on all its diplomats and embassies around the world to raise Mr. Kara-Murza's case at every meeting. Every time they interacted with Russians and every time they attended a diplomatic event, they were expected to raise this issue as a landmark case. Just as Mr. Kara-Murza's case was a landmark in Russia, Mr. Lai's case is a landmark for freedom of the press and the struggle for democracy in Hong Kong.

We can learn something from Mr. Kara-Murza's case, which was resolved through the relentless efforts of parliamentarians and the Canadian government as well as diplomatic efforts at various levels. The minister worked with her allied counterparts and even requested to attend the trial by proxy. She demonstrated exceptional creativity in her engagements. Mr. Kara-Murza's case culminated in his release thanks to the Canadian government's intervention. We need to do the same thing for Mr. Lai if we want to get him back here.

[English]

The Chair: Thank you.

[Translation]

Hon. Mona Fortier: Thank you very much to all of you.

[English]

The Chair: Thank you very much.

MP Brunelle-Duceppe, you have two and a half minutes.

[Translation]

Alexis Brunelle-Duceppe: Thank you, Mr. Chair.

Mr. Silver, we invited Mr. Cotler to join us today but unfortunately he could not be here. I don't want to put any pressure on you, but since you speak to him daily, what do you think he would have shared in his testimony had he made it here today?

[English]

Brandon Silver: Thank you for that very thoughtful question. I know that Professor Cotler, who's in a hospital bed watching this, will appreciate that question. I apologize for answering in English, but for the sake of clarity, I will respond in English.

He's on dialysis now because of complications from diabetes. I think he would first respond by talking about the acute risks that Mr. Lai is facing as a senior citizen and a diabetic sitting in a Hong Kong prison. I stress the urgency and the humanitarian nature of this case.

I believe that, as a former parliamentarian, he would also thank you for your leadership in unanimously and persistently advancing this case and would urge that it be continued and that the leadership that the government is exercising be deepened, be raised at the G7 and be raised multilaterally. As a former minister of justice who spent half a century before that advocating for political prisoners around the world, he would say that parliamentarians and the rule of law have roles to play, that the Minister of Justice of Canada can raise the case with Hong Kong legal authorities, and that any creative mechanism that might exist should be exercised.

I think he would probably share the story of his work representing Anatoly Sharansky, who was eventually released from the most powerful country in the world at the time, the Soviet Union. Similarly to what Caoilfhionn and Michael shared earlier, that only happened because of the tipping point that was reached. He saw the premier of the Soviet Union at a conference years later and asked him why Sharansky was released from prison. What worked? What part of our advocacy made a difference? The premier said, “Believe it or not, when I took office, I did not know who this political prisoner was, even though he was celebrated around the world. Every time I went to a bilateral meeting, every time I went to a parliament, everybody was raising this case, so when I went back to the Soviet Union, I called up his file. I looked it over. I said, ‘It’s just not worth it. It’s coming up everywhere. There’s too much pressure.’” That scale was balancing, and the premier decided to release him.

There were other important mechanisms in other cases. Again, with regard to the Soviet Union, there was the Jackson-Vanik amendment, another struggle that Professor Cotler helped lead. We used our leverage—trade relations and diplomatic relations—to ensure that the human rights that were being violated were redressed and that the necessary actions were taken.

I know that would not nearly do justice to anything Professor Cotler would have shared, but I know that, at least in principle, these are some things he would have wanted to raise.

• (1705)

[Translation]

Alexis Brunelle-Duceppe: You’ve done a great job.

[English]

The Chair: Thank you very much.

We will next go to MP Konanz for five minutes.

Helena Konanz (Similkameen—South Okanagan—West Kootenay, CPC): Thank you all for being here. You all are very powerful witnesses.

My first question is for Mr. Silver.

Which officials and entities tied to Hong Kong’s national security law prosecutions meet the legal threshold for Canadian Magnitsky sanctions today? How would we structure listings to be effective and defensible?

Brandon Silver: Speaking more generally about Canada’s sanctions law, whether it’s the Special Economic Measures Act or the justice for Sergei Magnitsky act, it’s anchored in international law and in human rights protections. As Caoilfhionn referenced earlier,

the UN working group on arbitrary detention and a number of UN special rapporteurs have cited the egregious violations of human rights law and China’s international legal obligations, such that, certainly in the cases presented here, from a legal standpoint the Canadian thresholds under our targeted sanctions laws would have been fulfilled based on the violations inherent in the national security law enforcement.

I know the Committee for Freedom in Hong Kong Foundation has made a number of sanction submissions relating to Hong Kong authorities. Jonathan might have more to share substantively beyond the legal dimensions.

Jonathan N. Stivers: I would just say it would be good to start with the 48 Chinese and Hong Kong officials who have been sanctioned by the United States under different administrations—both the Trump and the Biden administrations. We believe those definitely meet the threshold. There are others, but we think those definitely meet the Magnitsky threshold.

Helena Konanz: My next question would be for any of you who would know the answer to this.

Have any countries imposed sanctions specifically related to Jimmy Lai’s detention or prosecution? I think I know the answer to that, but have there been any specific sanctions? If not, why do you think that is?

• (1710)

Jonathan N. Stivers: I don’t know that anyone has been sanctioned specifically for Jimmy Lai. The sanctions designations have been broader than just Jimmy Lai. It’s been repression, lack of autonomy, political prisoners generally and transnational repression. Those are the reasons that are given, as opposed to a particular political prisoner.

Certainly the jailing of 2,000 political prisoners since 2019, many of whom are still in prison, has been the reason for the sanctioning of almost all the Hong Kong and Chinese officials.

Michael Kovrig: If I may make a comment about a sanctions-related issue that the Honourable Mona Fortier raised earlier, the issue of dual citizenship or the lack thereof with China is a critical issue because the Government of China violates its own laws and principles in dealing with these cases.

The Nationality Law of China explicitly states that if a Chinese citizen acquires a foreign citizenship, they automatically lose their Chinese citizenship. There are different provisions for Hong Kong citizens, but all the same, to assert that a U.K. citizen or, for example, any of the four Canadians that the PRC executed earlier this year are not Canadian citizens is absurd by China's own laws.

One way that we can make use of China's current charm offensive and desire to portray itself as a responsible upholder of multilateralism and global governance is to work with allied and like-minded countries to press on this critical consular issue of getting China to respect the basic fundamental norms and laws of international relations, consular relations and diplomacy, which say a U.K. citizen or a Canadian citizen—Huseyin Celil is another example—is entitled to at least consular visits, consular attention and protection because that is crucial to the health and safety of detainees. That can, in turn, be used as a further means of leverage and influence in a case such as Jimmy Lai's.

Ultimately, progress on economic issues that China and Hong Kong want needs to be conditioned simply on compliance with international agreements that China has already accepted and agreed to. We are simply asking them to comply with their own laws and with international treaties that they have signed.

Helena Konanz: What would you say is the smartest way for Canada to update our business risk advisory on Hong Kong and mainland China, so companies, universities and investors avoid feeding surveillance, censorship or forced labour supply chains?

The Chair: Please give a very brief response.

Brandon Silver: We commend Canada for having done that.

In connection with Mr. Lai's case and the weaponization of the national security law, Canada and a number of countries updated travel advisories, warning, whether it's tourists or business people—and I'm quoting a business advisory—that they should take notice of the arbitrary application of local laws that pose high risk. That gives us leverage. We can use those advisories and show the Hong Kong authorities that if they were to release these prisoners, it would encourage the trade, investment and tourism that has rapidly declined as a result of their persecution and prosecution of peaceful advocates like Mr. Lai.

The Chair: Thank you very much.

Helena Konanz: Thank you.

The Chair: Next and finally, we have Anita Vandenberg for five minutes.

Anita Vandenberg: I appreciate so much the testimony that we've had today. I think there's a lot that we can follow up on.

I particularly would like to direct my question to Sebastien Lai.

Your persistence and dedication in fighting for your father is truly admirable. I just want to ask you why you think your father was such a threat.

We've heard in previous testimony in the Subcommittee on International Human Rights that it's not about the individual but about trying to destroy the entire media ecosystem. I have to wonder if there's a much bigger motivation behind going after your father. Could you perhaps reflect on that?

Sébastien Lai: Sure. Thank you very much.

I think my father, in what he did, had the belief of many Hong Kong people that these freedoms are what make the place special. We have the rule of law, free speech and a free press. All these things are distilled within my father, within his journey. That's what made Hong Kong special, and that's what Hong Kong wanted more of.

He always had this sort of tongue-in-cheek phrase. He said, "Hong Kong is so poor that all they have is money." I found that quite sweet and quite apt.

I think that in some sense, the Hong Kong government has made a tremendous misstep. They arrested my father thinking that he, as they put it, was this black hand behind the protests, this "foreign agent". Their idea was, why would someone sacrifice everything he has in order to stand up for freedom and liberty? Why wouldn't he just run away? There must be something.

After five years of having him there, after going through all this stuff, after torturing one of the witnesses to give testimony, they found that to be totally untrue and that he did all this because he knew it was the right thing, as many of you know that this is the right thing. He never advocated extreme views and was always a man of peace.

Now, in their hands, they have this prisoner of conscience, this human rights hero, as many people here and many people around the world agree, and I think they're in a situation where, frankly, they don't really know what to do. That's why it's so important to push them to release my father. Tell them that this is someone we want, and if he dies there, there will be very real consequences.

● (1715)

Anita Vandenberg: I certainly hope, and I think everyone on this committee hopes, that this doesn't happen. Just the testimony we've heard today makes it very evident that he was standing up for real values and is continuing to do so.

I want to ask Ms. Gallagher one more question.

We know that it's a targeting of not just individuals but also everybody around them and their supports, including their lawyers. I wonder if you could talk a little bit about the threats that are happening to you and to the legal team. What could we maybe also do to help in that?

Caoilfhionn Gallagher: These are two tactics that go hand in hand. The first question you asked Sebastien about the media ecosystem ties into this concentric circles approach. As well as targeting Jimmy Lai, who's at the epicentre of their campaign, they target everyone associated with him. That's part and parcel of what they're trying to do.

What I'm increasingly seeing in my work is the targeting of publishers in order to shut down a newspaper. In essence, by going after Jimmy Lai—the biggest fish of all—by shutting down Apple Daily, by having this very high-profile trial where more than 160 articles from Apple Daily, opinion pieces and videos are labelled as criminal, it sends a very clear message. Put frankly, if they can get Jimmy Lai, the biggest fish of all in media terms in Hong Kong, in prison, it sends a message to the small fry. It makes very clear to everyone else that if they dare to speak out, they may be next.

That's the same kind of tactic we're seeing with the ever-widening concentric circles of targeting people in his hinterland. They've targeted family members. I'm very inspired by the bravery of Jimmy Lai, my client, of course, but I'm also very inspired by the bravery of another of my clients, Sebastien Lai, whom you've all heard from today. Sebastien has been targeted and threatened simply for being a son speaking out for his father.

It's very likely that in light of giving testimony today, we'll see abusive pieces in state media in the coming days. That's a pattern we've seen. When Sebastien addresses the United Nations, we see abusive pieces in state media calling him an enemy of the state, followed by threats in formal official statements to prosecute him. We also get caught up in that as the lawyers. We've been—

The Chair: Thank you very much.

We will do a lightning round of three minutes each. Before I do that, we need unanimous consent because the bells have been rung.

Do I have unanimous consent from the members to continue beyond 5:30?

Some hon. members: Agreed.

The Chair: We'll do a lightning round of three minutes each, starting with MP Ziad Aboultaif.

You have three minutes. Let's stick to the time.

Ziad Aboultaif (Edmonton Manning, CPC): Thank you, Chair.

Thanks to the witnesses.

Michael, I have a question. Feel free not to answer. What does the daily routine of being a Chinese prisoner look like?

Michael Kovrig: Thank you.

It's going to vary somewhat. My experience was in a detention centre in Beijing. I don't guarantee that it's the same for a Hong Kong prisoner.

First of all, the lights are on constantly. They say this is a security measure, but clearly it also wears on you. You have a lack of sense of the time of day or any circadian rhythms. You're woken at about 6:30 a.m. by a bell. You have about half an hour to drink some water. There will be a roll call where you have to sit at attention on your bunk.

The rest of the day is broken up into periods where you have to sit on the edge of your bunk and study, which are called *zuo ban'r xuexi*. Essentially, you are supposed to sit and reflect on your crimes or study if you happen to have the fortune of access to books, which is often not the case. If one can ensure that prisoners have books and reading material, that is a very important way to alleviate their suffering, frankly.

You will have three meals a day, but as the guards once told me, "We make sure that you are able to eat enough. It's not our responsibility to make sure you eat well from a nutritional perspective." The food usually is utterly devoid of protein and is mostly overcooked vegetables and rice or bread, and that's all. That, especially over time, for a detainee like Jimmy Lai, can start to have grave health effects in terms of muscle loss, bone mineral density and other health effects like that.

There is virtually no scope to do any real exercise. You're usually locked into an area. There is no gym or other facilities like that, normally. You are often held in very close and utterly confined circumstances. I need to underline that for the situation of someone like Jimmy, it is the isolation and the confinement that take an utterly devastating toll on the psyche, on the nervous system and on the body. It is brutal punishment, frankly. It is inhuman. Under the UN's Istanbul protocol, the solitary confinement in particular is unquestionably torture.

Let us be very clear. As far as I am concerned and serious psychologists are concerned, Jimmy Lai is being consistently tortured in this situation. This is utterly unacceptable. The confinement of these imprisonments, and the grinding routine and monotony, all contribute to grinding you down. That is exactly the purpose of it, unfortunately.

● (1720)

Ziad Aboultaif: Obviously, the Chinese Communist Party who run China do not.... Their human rights approach compared to ours has a wide gap. They don't seem to admit to a mistake. How can we deal with such a scenario? They're getting more powerful. We could have multiple scenarios ahead of us that will be similar to what happened to you and the other Michael, and now what's happening to Mr. Lai.

What's the best approach to deal with China?

The Chair: Give a very brief response. We're already over time.

Jonathan N. Stivers: It's multilateral. It's the United States, U.K., friends and allies. We're in this world where allies and partners are not working well together. They need to come together. They need to come together and they need to provide, for lack of a better word, a united front. That is where we're most successful.

The Chair: Thank you.

We'll go next to Ms. Anita Vandenbeld for three minutes.

Anita Vandenbeld: Thank you very much.

I want to go back to something you said, Mr. Kovrig, about flooding the channels. So often in these kinds of cases, it's hard to know when it comes to public statements versus private conversations, how much pressure will actually work. In some countries it works better than in others. I wonder if you could elaborate, particularly given your own personal experience, which I cannot even begin to fathom. The fact that you're here today trying to advocate for someone else in that situation says a tremendous amount about your character. I think your insights would be very useful for the committee.

Michael Kovrig: Let's be clear that it's not necessarily a one-size-fits-all solution. What may be the best solution in the case of one detainee or human rights situation will not always be the same as another. Here I would very much want to consult with Mr. Lai's counsel and his family to determine what an appropriate strategy would be.

The key, though, is to have a comprehensive and holistic advocacy and pressure strategy that clearly structures incentives, both negative and positive. Seize communication and publicity and media appearances and all of those interactions as part of a comprehensive strategy with clear goals. The publicity, whether it's public shaming or more positive statements, for example, in response to positive moves, needs to be coordinated. It's not communication or media for its own sake. Rather, it's part of a coordinated strategy together with legal measures and quiet diplomacy. They're complementary. It's a question of timing and sequencing and the right tool at the right moment to maximize leverage and pressure. It's done, as Mr. Stivers also said, in a coordinated and multilateral way. It's really a campaign approach to bring to bear that much force, influence and suasion that is the key to ultimate success.

Thank you.

• (1725)

Anita Vandenbeld: Thank you.

Mr. Silver, you said that Irwin Cotler is watching today. I know that you've worked very closely with him over the years. He has always been a firm believer that parliamentarians, and particularly the cross-party voice of parliamentarians, can be a very powerful tool. I wonder if you could comment on that and maybe give some examples.

Brandon Silver: Again, the UC motion was a prime example of that, but it shouldn't end there. All the tools that each and all of you have used, individually and collectively, amidst parliamentary procedure should be used to full effect in the case of Mr. Lai, whether that be S.O. 31 speeches on the floor or statements on your social media under the "Free Jimmy Lai" hashtag or in your delegations to parliamentary assemblies of multilateral institutions. I referenced

OSCE, Council of Europe, the Francophonie and the Commonwealth. I know that many of you are members of the parliamentary delegations to these groups and can shape resolutions and have speeches on those floors.

Just make use of all those forums, as you so effectively do already.

The Chair: Thank you very much.

[*Translation*]

Mr. Brunelle-Duceppe, you have the floor for three minutes.

Alexis Brunelle-Duceppe: Thank you, Mr. Chair.

Once again, I'd like to thank all the witnesses. The meeting has been extraordinary, and the witnesses have given some incredible testimony.

Ms. Gallagher, how would granting Mr. Lai honorary Canadian citizenship be perceived by his legal team?

I do understand that this does not necessarily mean that Mr. Lai would be entitled to consular services. That said, wouldn't it send a powerful message, especially if it were to be done at a G7 meeting, for example?

[*English*]

Caoilfhionn Gallagher: I can be very quick on this. In short, yes, very much so. I think shining a light on this case, making clear that the international community is speaking with one voice, not only in calling for his release but also in making clear what the plan is to secure his release and what the consequences will be if he's not released, is critical.

[*Translation*]

Alexis Brunelle-Duceppe: Thank you, Ms. Gallagher.

Mr. Lai, do you have a final message for the committee? You have the last word.

Sébastien Lai: I'd like to thank the committee and Canada for its moral clarity.

[*English*]

It's a constant reminder, every time I speak to all of you, that my father's not fighting alone. I think he's honoured to have all of you fighting for him. I would just like to thank you from the bottom of my heart. I would just say how incredibly grateful I am.

[*Translation*]

Alexis Brunelle-Duceppe: Thank you.

I'd like to thank everyone, including members, the chair, the clerks, the interpreters and the witnesses for their work.

[*English*]

The Chair: Thank you so much for your appearance and testimony in front of this committee.

Yes, go ahead.

Anita Vandenbeld: Mr. Chair, before we adjourn, I have just a housekeeping motion.

The Chair: I'm getting to that.

Thank you very much to all our witnesses, including those who were on video conference. Thank you for your testimony and your appearance on this important topic.

Colleagues, there are two items to consider regarding the Subcommittee on International Human Rights. The clerk of our committee circulated a draft budget yesterday for the Subcommittee on International Human Rights, SDIR, totalling \$48,250, relating to its study on the human rights situation in Sudan.

Does the committee approve this budget?

Some hon. members: Agreed.

The Chair: Also, the clerk shared earlier today a correspondence from the chair of SDIR regarding the adoption of the draft report

entitled "Enduring and Overcoming: The Struggle of the Hazaras in Afghanistan". This report was previously adopted during the last Parliament, but did not have the chance to get an official response from the government. Therefore, SDIR wishes to adopt the report again in order to request a government response pursuant to Standing Order 109.

I turn to MP Vandenbeld.

Anita Vandenbeld: Yes, it's so moved.

(Motion agreed to [*See Minutes of Proceedings*])

The Chair: Is it the will of the committee to adjourn the meeting?

Some hon. members: Agreed.

The Chair: Thank you. We are adjourned.

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