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Thursday, May 3, 2012

The Honourable NOËL A. KINSELLA  
Speaker

## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Thursday, May 3, 2012

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before calling for Senators' Statements, I would like to draw your attention to the presence in the gallery of members of the National House of Prayer visiting from the province of Manitoba. They are guests of the Honourable Senator Plett.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear.

### SENATORS' STATEMENTS

#### THE HONOURABLE TERRY M. MERCER

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to honour a friend and colleague whom I have had the privilege of knowing for over 20 years.

I am sure that every one of us in this chamber has an opinion about him, and this is largely due to the fact that he is not a person to sit on the fence. He is a passionate, proud man who stays firm to his principles and is never shy in expressing how he feels or where he stands on any given issue.

Honourable senators, I am extremely fortunate and proud to call Senator Terry Mercer my colleague, my fellow Liberal caucus member and, most importantly, my friend.

I first came to know Senator Mercer when we both worked for Mr. Chrétien in the 1990s. This is when I first noticed not only his confidence but also his ability to express his opinion and be heard.

Shortly after meeting Senator Mercer, my son Azool and I both took on leadership positions within the Liberal Party; I as Vice-President of the Liberal Women's Commission and Azool as Vice-President of the Young Liberals. Unfortunately, this was during a time when the party was not as inclusive and diverse as it is today.

Senator Mercer very quickly noticed some of the challenges Azool and I were facing and became very supportive of us. He took it upon himself to take Azool under his wing and treated him as his son. To this day Azool and Terry have a very close bond. In fact, I often joke that Senator Mercer and I have a son together, and he often refers to my grandson as his grandson.

Although Senator Mercer has done some amazing work for the Liberal Party, his contribution to the community, his province of Nova Scotia and to Canadians at large is truly remarkable.

Throughout his career, Senator Mercer has been both an administrator and a fundraiser for a number of charitable organizations, most notably the Kidney Foundation of Canada, St. John's Ambulance, the Nova Scotia Lung Association, the YMCA and the Canadian Diabetes Association.

Terry Mercer has been a role model to many Canadians, including my son. He is a cherished asset, not only to the many organizations I have just mentioned but also to the institution of the Senate.

Honourable senators, yesterday Senator Mercer and his friends celebrated a big milestone in his life — his sixty-fifth birthday. Today I would like to celebrate Senator Mercer's vision, not only for the Liberal Party of Canada but for all Canadians.

**Hon. Senators:** Hear, hear.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before calling on the next honourable senator, I draw your attention to the presence in the gallery of Mr. Arni Thorsteinson and Ms. Susan Glass, who are the co-chairs of the National Arts Centre gala that will be held in Ottawa this weekend. They are guests of the Honourable Senator Johnson.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear.

### YOUTH SUICIDE

**Hon. Salma Ataullahjan:** Honourable senators, today I want to tell you about my daughter's friend John. John was just like any other kid — a fine, gentle, positive person. He described himself as an optimist. He was completing a bachelor's degree at Brock University and hoped one day to become a teacher.

Honourable senators, I am sad to say that John recently killed himself.

I can still see his face in front of me — his glasses. He was at my home so many times that I wonder — could I have reached him?

Stories like this are not unique to Canada. I have two daughters, and this is the second time that one of their friends has died by suicide.

In mid-April a Brampton high school experienced its third suicide in less than a year. Suicide is the second leading cause of death for Canadian youth aged 10 to 24. We have the third-highest rate of youth suicide in the industrialized world. Are we failing our youth?

Honourable senators, youth suicide is not simply a family issue or a community issue. This is a public health issue. I am pleased to say that our government has been diligent in this regard. We have supported the Mental Health Commission of Canada, the National Aboriginal Youth Suicide Prevention Strategy, and the Canadian Institutes of Health Research.

In February, the Senate unanimously adopted a motion to establish a national suicide prevention strategy. As well, the Standing Senate Committee on Human Rights is examining cyberbullying as an issue of child protection. Last October, Bill C-300 was put forward, requesting the government to develop a federal framework on suicide. That bill is currently undergoing study in the Standing Committee on Health in the other place. I look forward to their report.

• (1340)

Suicide can be prevented, and it starts with communication. As senators, you can generate awareness about this issue. Let kids know that it does get better and that there are resources to help them through it. The Canadian Association of Suicide Prevention is just a click away at [suicideprevention.ca](http://suicideprevention.ca), where youth can be directed to their nearest crisis centre. There is also the Kids Help Phone.

Honourable senators, our youth need to hear from us. I urge you to remember John and the 300 Canadian youth who die by suicide every year.

#### THE LATE HONOURABLE JOHN JAMES KINLEY, O.N.S.

**Hon. Jane Cordy:** Honourable senators, I rise today to share the sad news of the passing of the Honourable James Kinley. Jim was born in Lunenburg, Nova Scotia, on September 23, 1925. He was a graduate of Dalhousie University, the Nova Scotia Technical College and the Massachusetts Institute of Technology. He practised professional engineering for more than 50 years and held executive positions with Lunenburg Foundry and Engineering Company, as well as the Lunenburg Marine Railway. Jim Kinley had also served in a number of military offices. He was a merchant marine during the Second World War and went on to serve as a commander in the naval reserves and head of the Navy League of Canada.

Mr. Kinley is probably best known for the time he spent as Lieutenant-Governor of Nova Scotia. He was appointed by the Governor General on the advice of Prime Minister Jean Chrétien in May 1994. He served the people of Nova Scotia in this capacity until the year 2000. In 2002, he was appointed to the Order of Nova Scotia and awarded the Queen Elizabeth II Golden Jubilee Medal. Other honours include the Sir John Kennedy Medal from the Engineering Institute of Canada, the Centennial Gold Medal, the Grand Commander of the Royal Norwegian Medal of Honour, the Knight of Grace, Knight of Justice and Vice Prior Order of Saint John of Jerusalem, and an Honorary Doctor of Engineering from Dalhousie University in 1995.

Jim Kinley is best remembered for his love of people and for striking up a conversation with everyone he met. It is because of this that he made many friends, both far and wide.

I would like to send my thoughts and prayers to his wife Grace, his four children and nine grandchildren. Jim was well respected and contributed immensely to the community. He will be fondly remembered by Nova Scotians.

#### HÉLÈNE CAMPBELL

**Hon. Ethel Cochrane:** Honourable senators, I rise today to celebrate the courage and determination of an exceptional Canadian, Héléne Campbell. She is the remarkable young woman from Barrhaven who is currently healing from a double lung transplant. Héléne's doctor, Tom Waddell, says "because she is so motivated, she is really a remarkable example of what can be achieved." In fact, she has been breathing on her own since April 23, is already exercising and on Sunday went outside for the first time since the procedure. Dr. Waddell says that she will make a full recovery.

It has been a whirlwind year for this young woman. Just last summer she was diagnosed with idiopathic pulmonary fibrosis, an incurable lung disease in which there is a thickening of the lung tissue. Her condition worsened, and she was placed on the transplant list in January.

While such a diagnosis might stop most people in their tracks, Héléne turned it into an opportunity. Using social media, she created an awareness campaign that brought much-needed attention to organ, tissue and blood donation.

As honourable senators are aware, her story went viral, and her message received the support of celebrities such as Justin Bieber and Ellen DeGeneres.

Following her efforts, registrations for donations soared. According to the Trillium Gift of Life Network, in Ontario there were 750 registrations in a single day — a dramatic increase over the usual number of 50. Can you imagine?

Honourable senators, I would like to commend Héléne and her family for their outstanding courage and their commitment in sharing their experience. Héléne's bright smile and strong spirit have been an inspiration to people at home and abroad. Above all, I want to thank her for her willingness and desire to help others in the midst of her own medical crisis.

On her blog, which can be found at [www.alungstory.ca](http://www.alungstory.ca), she notes that her favourite quote is by Ralph Waldo Emerson. It reads:

... to leave the world a bit better whether by a healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded.

Honourable senators, by this account and all others, Héléne Campbell has succeeded indeed. I invite you to join with me in extending belated birthday greetings to Héléne as well as best wishes and prayers for a complete recovery.

**Hon. Senators:** Here, here.

[Translation]

### WORLD PRESS FREEDOM DAY

**Hon. Céline Hervieux-Payette:** Honourable senators, on this World Press Freedom Day, I speak in this chamber today to assure the Canadian public that the fundamental principles of journalism are being respected.

Allow me to refer to the code of conduct of the Fédération professionnelle des journalistes du Québec to outline the fundamental values of journalism in Canada.

We know that journalists' work must be based on the critical thinking that pushes them to question everything, the impartiality that pushes them to do their research and report on the various aspects of a situation, the independence that keeps them at arm's length from power and lobby groups, the honesty that makes them stick to the facts, and a number of other principles.

In the collective agreement between CBC/Radio-Canada and the Syndicat des communications de Radio-Canada, which expires on September 30, 2012, it is agreed that in order to fulfill the mandate given to the corporation by Parliament through the Broadcasting Act, CBC/Radio-Canada staff members will report factually and without intent to deceive the public. The parties recognize that the primary professional obligations of the corporation and of its employees are toward the public, which is entitled to news and information that is impartial, complete, factual and balanced — that is from section 47.2 of the agreement.

On December 21, 2011, the Conservative government imposed a type of "pledge of allegiance" on all federal institutions through a so-called values and ethics code. The code describes the values and behaviours expected of public officials in all activities related to the performance of their professional duties. This so-called code was established by the Treasury Board, in accordance with section 5 of the Public Servants Disclosure Protection Act.

In this regard, it must be stated that under the Broadcasting Act, CBC/Radio-Canada staff are not subject to the so-called values and ethics code. Although the corporation is a federal institution, section 44(3) of the Broadcasting Act states that staff members are not officers or servants of Her Majesty.

In fact, under section 46(5), the corporation shall, in pursuit of its objects, enjoy freedom of expression and journalistic, creative and programming independence. Therefore, CBC staff enjoy an exception and are not subject to the values and ethics code.

Finally, CBC/Radio-Canada adopted a new code of ethics on April 2, 2012, to introduce guidelines for standards of integrity and professional conduct for its staff. This new code is a serious threat to the independence of the public broadcaster and its staff. Section 1.2 of the code states that CBC/Radio-Canada staff must loyally carry out the decisions of their leaders and support ministers in their accountability to Parliament and Canadians. And there is obviously no exception for the opposition.

The Conservative government and the new CBC/Radio-Canada code of ethics violate the principles of independence and impartiality that are so closely associated with the profession of journalism, and are a serious threat to the preservation of Canadian democracy, where freedom of the press is a fundamental value enshrined in our Constitution.

• (1350)

[English]

### FOREIGN-FUNDED CHARITABLE ORGANIZATIONS

**Hon. Dennis Glen Patterson:** Honourable senators, recently I spoke in this chamber on Senator Eaton's inquiry about the growing influence of foreign-funded charitable organizations which, in my opinion, are at times undermining the rights of northern peoples and their governments, Aboriginal peoples and rights and institutions enshrined in land claims agreements to manage our lands and resources in the North as we see fit.

Greenpeace, People for the Ethical Treatment of Animals and the Humane Society tell us not to hunt or eat seals. Coca-Cola wants to create a conservation area in the Arctic in what they predict will be the last ice refuge, a kind of Arctic zoo to protect polar bears.

Now the Pew charitable foundation, founded by a U.S. oilman, and its Canadian front, Oceans North, tells us from afar that Canada must work with Arctic nations to ban commercial fishing in a 2.8 million-square kilometre area in the central Arctic Ocean, international waters adjacent to Canada where they see continuing decline of sea ice. They have apparently coerced 2,000 scientists from 67 countries to join the cause, although the letter posted on Oceans North's website has only nine names.

The Pew foundation chose to grandstand with this pontification at the International Polar Year wrap-up conference in Montreal last week. On their websites, Pew and Oceans North proclaim their goals of working closely with indigenous peoples, but they have made their pronouncements without the approbation of the Inuit of Nunavut; the Inuvialuit of the N.W.T.; the co-management board which takes care of fish and wildlife management in Nunavut, the Nunavut Wildlife Management Board; and furthermore, without support from the fledgling but growing fishing industry in Nunavut.

What particularly incensed me was the outright rejection, in a CBC interview on *As It Happens* on April 23, 2012, by the spokesman for the Pew foundation, Henry Huntington, of even allowing an experimental fishery to explore fish stocks. Mr. Huntington, from Alaska and one of Pew's 687 employees, told CBC that science should precede any sustainable fishery, but he is afraid that if we do an experimental fishery we will scoop up a bunch of fish and discover that was the big stock that was up there and now it is gone.

Yet the Canadian experience in the North is that it is experimental fisheries, carefully controlled and planned, that have been used to develop our emerging fishery in the Arctic to date. This is how we have developed our very successful sustainable turbot fishery in Davis Strait, which for the first

time gave Inuit adjacent to these stocks a share of the quota. How else, I wonder, would Mr. Huntington from Alaska recommend we are to determine whether or not there are sustainable fish stocks in the Arctic waters? Should we send down scuba divers with cameras?

I am not making a blanket condemnation of organizations like Ducks Unlimited and the World Wildlife Fund, which are doing good work in southern Canada. However, when organizations like Pew and their Canadian front, Oceans North, with its unknown budget, which is for some strange reason laundered through Ducks Unlimited, and Coca-Cola seem to want to turn huge areas in the North into parks with no opportunities for sustainable harvest of resources or for sustenance or economic benefits for the Inuit, I cannot help but wonder whose agenda they are pursuing, despite what they say.

### NATIONAL SCOUT ORGANIZATION OF UKRAINE—PLAST

#### CENTENNIAL ANNIVERSARY

**Hon. A. Raynell Andreychuk:** Honourable senators, I rise today to recognize the Plast Ukrainian Scouting Organization on its centenary. Created by Dr. Oleksander Tyovsky on April 12, 1912, Plast was founded on the values of service to God and one's country, helpfulness to others, leadership and citizenship.

Plast has a proud history in Canada. Ukrainian Canadians kept the Plast tradition alive in Canada through the years of the Soviet occupation of Ukraine when Plast was banned behind the Iron Curtain.

Following the collapse of the U.S.S.R., Ukrainian Canadian volunteer organizations, with the support of the Canadian government, played a critical role in fostering the re-emergence of Plast in Ukraine.

Today, Plast is active in all the provinces of Ukraine, in eight countries around the world, and in eight Canadian cities. This August, Plast will celebrate its one-hundredth anniversary at a world-wide jamboree at its birthplace in Lviv, Ukraine. Some 400 Canadians aged 12 and up will attend that celebration.

I applaud them for making what promises to be a life-changing voyage and encourage them to carry the Plast tradition in Canada into the next generation.

I join with the Ukrainian Canadian community in celebrating Plast's contribution to the lives of thousands of young Canadians and to Canadian society as a whole, as well as to Ukrainian society today, where it is most needed.

## ROUTINE PROCEEDINGS

### STUDY ON ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON-LAW RELATIONSHIP

#### FIFTH REPORT OF HUMAN RIGHTS COMMITTEE PERTAINING TO THE REQUEST FOR A GOVERNMENT RESPONSE TABLED

**Hon. Mobina S.B. Jaffer:** Honourable senators, I have the honour to table, in both official languages, the fifth report of the Standing Senate Committee on Human Rights, which deals with inviting the Minister of Aboriginal Affairs and Northern Development to appear with his officials before the committee.

## HUMAN RIGHTS

#### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES PERTAINING TO HUMAN RIGHTS OF FIRST NATIONS BAND MEMBERS WHO RESIDE OFF-RESERVE—SIXTH REPORT OF HUMAN RIGHTS COMMITTEE PRESENTED

**Hon. Mobina S.B. Jaffer,** Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, May 3, 2012

The Standing Senate Committee on Human Rights has the honour to present its

#### SIXTH REPORT

Your committee, which was authorized by the Senate on Wednesday, March 15, 2012, to examine and report on issues pertaining to the human rights of First Nations band members who reside off-reserve, with an emphasis on the current federal policy framework, requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary; and
- (b) to adjourn from place to place within Canada; and
- (c) to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

MOBINA S.B. JAFFER  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix, p. 1231.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Jaffer, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

## PALLIATIVE CARE

### NOTICE OF INQUIRY

**Hon. Elizabeth Hubley:** Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I shall call the attention of the Senate to the state of palliative care.

## ORDERS OF THE DAY

### JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

#### SELECT COMMITTEES AUTHORIZED TO STUDY SUBJECT MATTER

**Hon. Gerald J. Comeau (Acting Deputy Leader of the Government),** pursuant to notice of May 2, 2012, moved:

That, in accordance with rule 74(1), the Standing Senate Committee on National Finance be authorized to examine the subject-matter of all of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, introduced in the House of Commons on April 26, 2012, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to sit for the purposes of its study of the subject-matter of Bill C-38 even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto; and

That, in addition, and notwithstanding any normal practice, the following committees be separately authorized to examine the subject-matter of the following elements contained in Bill C-38 in advance of it coming before the Senate:

- (a) the Standing Senate Committee on Energy, the Environment and Natural Resources: those elements contained in Part 3;
- (b) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Divisions 2, 10, 11, 22, 28, and 36 of Part 4;
- (c) the Standing Senate Committee on National Security and Defence: those elements contained in Division 12 of Part 4;

(d) the Standing Senate Committee on Transport and Communications: those elements contained in Division 41 of Part 4; and

(e) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Division 54 of Part 4.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I have a comment, if I may. This work plan was suggested by the government, and on this side we were pleased to agree to it.

• (1400)

We think this plan will enable the Senate to do very careful work and conduct a very careful study of what is a very large bill. It seems a most sensible way to proceed in the circumstances. We have received satisfactory assurances from the other side that there will be no unreasonable restrictions on the extent of the committee hearings or on the witness list. On that basis we are pleased to support the motion.

**Senator Comeau:** I wish to thank the Leader of the Opposition for agreeing to the approach. I think it will avoid the pressure cooker atmosphere that can sometimes happen towards the end of the session. This gives us lots of time to deal with an extremely important piece of legislation. Thank you very much.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** Shall I dispense?

**Some Hon. Senators:** Dispense.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

[Translation]

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Pierre-Hugues Boisvenu** moved second reading of Bill C-310, An Act to amend the Criminal Code (trafficking in persons).

He said: Honourable senators, I am pleased to take part in the debate at second reading of Bill C-310, An Act to amend the Criminal Code (trafficking in persons).

This bill is an initiative of Conservative Member of Parliament Joy Smith and follows in the footsteps of Bill C-268, which made trafficking in children and minors a crime punishable by harsh sentences in Canada.

[English]

I would like to highlight in this chamber the courage and the wonderful work of the Member of Parliament for Kildonan—St. Paul, Mrs. Joy Smith, who introduced Bill C-310 in the House of Commons. Mrs. Smith's efforts will help spare more lives from human trafficking. More women and men will be saved because of this new bill that I have the honour to introduce today at second reading. Mrs. Smith also introduced Bill C-268 to fight human trafficking which is now law.

[Translation]

Bill C-310 was drafted specifically to make two changes to the Criminal Code of Canada. It makes it an offence for Canadian citizens or permanent residents to engage in human trafficking outside Canada and adds factors that the courts may consider when determining what constitutes exploitation within the context of human trafficking.

The term "human trafficking" is often confused with the term "human smuggling," the illegal transport of people across international borders.

Human trafficking does not necessarily involve illegal transport across a border. In fact, there have been cases of human trafficking within Canada. For example, there are criminal gangs that trade young women like merchandise.

What is human trafficking?

The United Nations' Palermo protocol, a supplementary protocol to the Convention on Transnational Organized Crime, seeks to prevent, suppress and punish trafficking in persons, especially women and children. It defines trafficking in persons for the purpose of providing a common basis for the prevention of trafficking, prosecution of offenders and protection measures for victims.

More specifically, the Palermo Protocol contains three essential elements meant to define human trafficking more clearly. The first element is the act itself, which can be the recruitment, transportation, transfer, harbouring or receipt of persons. The second element can be defined as the means used to commit human trafficking. This includes threats or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability. It includes the giving or receiving of payments or benefits to achieve the consent of a person against his or her will. Lastly, the third element has to do with the aim of human trafficking.

Forms of exploitation include, but are not limited to: the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

There is no doubt that human trafficking is a modern form of slavery.

The government was very effective in getting Bill C-268 passed. That bill imposes harsh, fair and reasonable sentences on anyone who commits human trafficking of people under the age of 18.

[ Senator Boisvenu ]

Bill C-310, which I am introducing today at second reading, constitutes another major step forward in the fight against human trafficking here in Canada and abroad.

Human trafficking is happening just a few kilometres from here. A few weeks ago, the Montreal police service arrested Jamie Byron, who had been charged by the Ottawa police force with a number of serious offences related to human trafficking, including the trafficking of a minor. Jamie Byron was forcing underage girls to work as prostitutes. What he put a 17-year-old girl from Windsor, Ontario, through is but one example.

[English]

In an Ottawa hotel, a young girl of 17 from Windsor, Ontario, has suffered terrible acts of physical and psychological abuse. She was deprived of food until she agreed to prostitute. This is nothing less than slavery.

[Translation]

According to the Criminal Intelligence Service of Canada, across the country, organized crime networks are actively trafficking Canadian-born women and underage girls inter- and intra-provincially, and in some instances to the United States, destined for the sex trade. Traditionally considered prostitution, human trafficking in Canada for the purposes of sexual exploitation is starting to become recognized as such by the Canadian judicial system through changes that have been made to our Criminal Code over the past few years, which have established offences directly related to human trafficking.

According to the evaluation conducted by the CISC's central office, organized crime networks generate most of their illegal revenue by confiscating their victims' earnings, which can be between \$300 and \$1,500 a day per prostitute. The victims may be traded or sold and may also be used to connect with clients for other criminal activities such as cocaine trafficking. In general, the victims are young, middle-class females between the ages of 12 and 25, who are recruited by male peers who may also have been specially recruited to engage in organized crime.

Last year, I met with social workers from youth centres in the Montérégie area, south of Montreal, who were involved in the Mobilis project. This project, which is funded by our government, serves to prevent crime among minors, particularly young women. At that time, I was told that these social workers were monitoring almost 200 young women between the ages of 12 and 14 who were engaged in prostitution in Longueuil in order to pay off their drug debts.

Here, honourable senators, I must commend the members of the Longueuil police force for the excellent work they are doing to actively help the young people in their area get their lives back on track.

This bill must be passed for two reasons. First, the Criminal Code's current definition of exploitation in the context of human trafficking is too narrow to encourage victims to speak out and facilitate the work of prosecutors and police officers.



• (1410)

Indeed, cases of exploitation are difficult to prove. The agencies consulted fully agree with the idea of specifying the factors that the courts could take into account to determine what constitutes exploitation. Such clarifications are necessary if we want the sections of the Criminal Code to be effective.

The current definition of trafficking in persons is based on a very restrictive and complex definition that prevents lawyers from preparing solid evidence to help prove cases of abuse.

The current definition is based on the threat to the victim's safety. The current section 279.04 of the Criminal Code stipulates that a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service. This definition leaves out the use of deception and the abuse of a position of trust, and other forms of constraint.

The second reason this bill should be passed is that the Conservative government wants to ensure that Canadians who commit these barbaric acts abroad can be tried in Canada even if the acts were committed outside the country. That is why this bill will extend Canadian extraterritorial jurisdiction to the offence of human trafficking.

Traffickers often look for victims in a given country and transfer them to another country. For example, a Canadian criminal who recruits, transports, transfers, receives, holds and controls his victims in Ukraine or in another country, does not fall under Canadian jurisdiction and does not face charges on Canadian soil.

[English]

Bill C-310 is designed to correct this injustice. It will ensure that such an individual could be held criminally responsible in Canada for acts committed abroad.

[Translation]

In other words, this bill will insure that the human trafficking offences involving in the Criminal Code of Canada will apply to Canadians who traffic in humans in one or more foreign countries.

This bill would apply to people like John Wrenshall, for example.

[English]

Who is John Wrenshall? John Wrenshall is a Canadian who led a double life. At home in Canada, he was living like an honest citizen. John Wrenshall is a Canadian serving 25 years in an American prison for running a child prostitution ring in Thailand. He was trafficking young boys and arranging for international

tourists to visit his brothel. The United States arrested Wrenshall in the United Kingdom after he left Thailand for aiding and abetting an American to sexually abuse children abroad.

[Translation]

As I was recently reminded by M.P. Joy Smith, who introduced this bill, "However, had Mr. Wrenshall managed to return to Canada, we would not have been able to prosecute him for human trafficking since Canada's trafficking in persons offences are not extraterritorial." This bill will address this shortcoming.

People guilty of trafficking outside Canada will be subject to the sentences already provided in the Criminal Code.

Canada is not the only country that has decided to designate Criminal Code offences as extraterritorial trafficking offences. In fact, Germany, Cyprus and Cambodia have extended international jurisdiction to their domestic human trafficking offences.

The United Nations Convention against Transnational Organized Crime requires countries that are signatories to the convention to establish jurisdiction to investigate, prosecute and punish all offences established by the convention on the trafficking of persons protocol, which Canada has done. Our Conservative government has upheld Canada's commitments.

I would also like to point out that human trafficking can take many forms. Trafficking in persons can occur for sexual exploitation, but it can also consist of forced labour, or other forms of servitude.

Yuri Fedotov, the head of the United Nations Office on Drugs and Crime, estimated that as many as 2.4 million people worldwide are victims of human trafficking at any given time.

[English]

On August 31, 2011, the *Toronto Sun* published a striking article on the problem of human trafficking. The journalist wrote:

The United Nations highlights human trafficking as one of its key concerns.

In a study of 155 countries it found that sexual exploitation is the most common form of human trafficking, with 79 per cent of victims used for the sex trade; 18 per cent for forced labour.

Most slaves are women; most traffickers are men. However, some traffickers are also women.

[Translation]

In light of those facts, I would like to address the legal provisions that are the subject of the bill. In response to the two major challenges I just described — that is, the urgent need to update the definition of human trafficking and the importance of holding people criminally responsible in Canada for acts committed abroad — our government, committed to the cause of victims, has introduced Bill C-310. This bill provides public prosecutors and police forces with important legal tools.

In terms of the law, the bill introduces three important changes to the Criminal Code. First of all, Bill C-310 adds the current trafficking in persons offences, namely, sections 279.01 and 279.011, to the list of offences which, if committed outside Canada by a Canadian or permanent resident, can be prosecuted in Canada. Section 279.01 deals with trafficking in persons, while section 279.011 deals specifically with trafficking in children, that is, minors under the age of 18.

Second, Bill C-310, which will we examine, was amended during study by the House of Commons committee. The amendments mean that two other sections of the Criminal Code dealing with human trafficking could also result in criminal prosecution in Canada even if the acts are committed abroad. Those sections are 279.02 and 279.03.

Section 279.02 refers to cases in which a person receives a financial or other material benefit, knowing that it results from a human trafficking offence.

Section 279.03 refers to cases in which a person conceals, removes, withholds or destroys any travel document, such as a passport, that establishes another person's citizenship.

[English]

Third, Bill C-310 will amend the definition of exploitation and human trafficking to include an interpretive tool for the courts when determining whether a person suffers or not from human trafficking.

[Translation]

Therefore, clause 2 of Bill C-310 was amended to help judges determine whether the accused exploited another person for the purpose of trafficking. The courts may consider new factors in determining whether human trafficking occurred, such as the use of force, coercion or deception, or the abuse of power or trust.

The amended definition of "exploitation" will give the courts another way to determine whether a person has been exploited. This amendment was included at the request of lawyers and prosecutors who found it difficult to prove exploitation and human trafficking under the existing definition of "exploitation." The existing definition was too narrow to achieve justice and help victims escape their awful predicament, and it was certainly too narrow to persuade victims to speak up.

Canada's current definition of human trafficking does not include the methods of exploitation described in the United Nations' 2000 Palermo Protocol. Clause 2 of Bill C-310 is inspired by the Palermo Protocol.

• (1420)

According to the Palermo Protocol, "trafficking in persons" is the action of recruitment, transportation, transfer, harbouring, or receipt of persons by means of the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or payments or benefits to achieve the consent of a person for the purposes of exploitation.

[ Senator Boisvenu ]

[English]

Bill C-310 corrects the holes in the definition of exploitation by including cases of deception, abuse of power and other forms of coercion.

[Translation]

By adopting this bill, Canada will be complying with the Convention against Transnational Organized Crime, which Canada has signed and ratified and which encourages the establishment of extraterritorial jurisdictions.

Honourable senators, there are three good reasons for designating a criminal offence as an extraterritorial offence. Allow me to explain in the context of human trafficking.

First, recognizing the offence of trafficking in persons committed outside Canada will allow us to fight effectively against Canadian criminals who believe they can destroy the lives of women, men and children with impunity because they commit their crimes outside Canada.

Second, recognizing the offence of trafficking in persons committed outside Canada will help with giving harsh and fair sentences for crimes committed in countries where sentences are often minimal or non-existent.

Third, recognizing the offence of trafficking in persons committed outside Canada will send a clear message to the international community that Canada will not tolerate seeing its own citizens making a living abroad on trafficking in persons without consequences and often to the detriment of young children.

This bill represents an effective response to this scourge. It makes the necessary changes to modernize our legislative tools.

I will close by pointing out that this bill has received the support of many organizations that work with victims, including the Canadian Resource Centre for Victims of Crimes, the Canadian Women's Foundation, the Salvation Army, Beyond Borders, World Vision Canada and the Canadian Federation of Business and Professional Women.

I would like to note what one Canadian victim of human trafficking had to say. Ms. Timea Nagy, the program director for Walk With Me, an organization that appeared before the committee in support of the bill, said:

[English]

As an internationally trafficked survivor, who has been working with Canadian law enforcement to help human trafficking victims, I am absolutely thrilled to see this legislation. . . . This Bill will help Canadian law enforcement and prosecutors to be able to do their job and send a message to traffickers around the world, that Canada does not tolerate this crime against human dignity.

[Translation]

Even Liberal and NDP members supported this bill. In his speech, the Honourable Irwin Cotler said:

Indeed, some Canadians have a hand in human trafficking, and it is therefore important, as this legislation seeks to do, to send a message that complicity in the trafficking of persons is not only not acceptable in any way but that we in fact will pursue those traffickers, be they Canadians, here and abroad. This therefore includes extending the reach of our laws to actions that occur beyond our borders.

Let me emphasize that this bill does not target cases of sexual exploitation alone. It also goes after criminals who traffic in persons for the purpose of forced labour or slavery. People arrive from other countries, having been transported here to serve as slaves and to do work of various kinds. Take, for example, the case of 19 young Hungarians who lived in a cave in Windsor and were forced to work in construction day and night. They were fed table scraps. Ferenc Domotor, age 49, and his wife were found guilty of human trafficking.

Honourable senators, if you look at what the Canadian government has done so far to fight human trafficking, you will note that we introduced Bill C-49, the first bill targeting human trafficking, which received royal assent in 2005.

Our Conservative government also passed Bill C-268, which imposes mandatory minimum sentences for trafficking in children.

Thanks to this new bill, we will also now possess other tools for victims, for police forces and for Crown prosecutors.

If you pay attention to the media, you know that, until very recently, there were very few cases of human trafficking being prosecuted in Canada. Today we have 19 criminal proceedings related to human trafficking in Canada that have resulted from charges related to Bill C-268. We also have 55 other cases of human trafficking related to other Canadian laws before the courts.

Now, thanks to the legislation that we have passed, police forces can arrest these people, and with Bill C-310, we will ensure that Canadians who commit these crimes abroad will be held responsible in Canada. We will see to it that the law is interpreted in a less restrictive manner for the benefit of victims.

Honourable senators, let us join together to show our support for Timea Nagy and so many other victims, in order to ensure that criminals who engage in human trafficking, not only in Canada, but also abroad, and those who traffic in children will know that they will be held criminally responsible in Canada, even if they commit their crimes in countries that are not very strict when it comes to prosecuting human trafficking offences.

Honourable senators, thank you for paying attention to another important bill in favour of victims.

(On motion of Senator Jaffer, debate adjourned.)

[English]

## HUMAN RIGHTS IN IRAN

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Frum, calling the attention of the Senate to egregious human rights abuses in Iran, particularly the use of torture and the cruel and inhuman treatment of unlawfully incarcerated political prisoners.

**Hon. Joan Fraser (Acting Deputy Leader of the Opposition):** Honourable senators, as I said last week, I owe an apology to Senator Frum. She has been very patient while I let this item stand on the Order Paper for too long. I would not want her to think I did so because I underestimated the importance of her inquiry.

However, as it turns out, I am rather pleased that it is today I am finally able to speak to this inquiry. As honourable senators know, today is World Press Freedom Day, and there are few topics on which Iran raises more questions than press freedom.

To mark today's occasion, the Committee to Protect Journalists has just released its list of the 10 Most Censored Countries. Iran is number four, coming after Eritrea, North Korea and Syria. According to Reporters Without Borders and the Committee to Protect Journalists, Iran is at the top of the list as a country with the most imprisoned journalists. Perhaps even more shocking is that the journalists themselves are not the only ones subject to silencing tactics. Human Rights Watch has reported that "The Iranian government has been intimidating and detaining relatives and friends of foreign-based Persian-language journalists."

In other words, Iran is not a safe country in which to practise journalism. There are many examples of journalists who pay a terrible price for practising their craft. Today I want to tell honourable senators about one very recent case.

Kaveh Rezaie is a student journalist and a blogger. He is 26 years old. He studied mechanical engineering before being expelled from university.

• (1430)

He was expelled because he is an activist for civil and human rights and for women's rights. He was, for example, part of the One Million Signatures Campaign, also called "Change for Equality," a movement in Iran to collect 1 million signatures in an effort to change laws which discriminate against women. He even helped to found a university men's group in solidarity with the One Million Signatures Campaign.

Kaveh was involved in shedding light on the case of Zahra Bani Yaghoub, an Iranian woman and medical doctor who was taken as a political prisoner. It was reported that she had allegedly committed suicide in prison, but her family and Iranian activists strongly suspect that she was murdered by Iranian authorities. Kaveh wrote about Dr. Bani Yaghoub in his blog.

When he was a student reporter, Kaveh used to write for ISNA, an official Iranian national university publication, but he was fired from that job.

Last week, on April 24, Kaveh was taken to the notorious Karaj central prison to serve an 18-month sentence that had been issued to him by the Iranian judiciary. According to reports from Tehran, he was transferred from the quarantine ward to a small cell where he is being held with drug addicts and dangerous criminals. Reports indicate that Kaveh is the only known political prisoner in the Karaj central prison. According to confirmed sources, he has endured psychological abuse on a daily basis, and there are fears that he is at risk of physical harm.

A close friend of his was quoted online yesterday by activists. The friend said:

Kaveh Rezaie is an educated young man who was a soldier of justice. He sought the truth in all his endeavours and he never expected anything in return. As a result they have thrown him in a prison cell with drug addicts!

This is not, by the way, Kaveh's first arrest. He was arrested once before in 2008, again for his blogging and civil activism.

Iranian authorities have increased the pressure on him for continuing to discuss the Iranian government's unjust treatment of his people, and Iranian activists suspect his recent persecution is linked to the content in his blog and, particularly, the post regarding the late Dr. Bani Yaghoub.

Kaveh wrote mainly about the everyday struggles of Iranian citizens. He felt it was his duty as a concerned Iranian citizen to speak out about the truth. Now he has been prevented from continuing his work. Now it is our obligation to give a voice to those who have been silenced, to all those who have been silenced, but particularly on this day, of all days, to all those journalists in Iran who have been silenced.

(On motion of Senator Cools, debate adjourned.)

[Translation]

## HUNGER AWARENESS WEEK

### INQUIRY—DEBATE ADJOURNED

**Hon. Percy Mockler** rose pursuant to notice of May 1, 2012:

That he will call the attention of the Senate to Hunger Awareness Week, an initiative of the Food Banks of Canada from May 7-11, 2012 and the challenge calling on Parliamentarians to fast on May 9, 2012 in order to experience what hunger feels like for hundreds of thousands of Canadians.

He said: Honourable senators, when we stop to reflect, we often think of those who are the most vulnerable.

Honourable senators, I think we would all agree that generosity, tolerance, open-mindedness and lending a helping hand to the most vulnerable are all synonymous with the definition of Canada.

[ Senator Fraser ]

For me, life is a book and everyone's book is unique. It reflects who we are — our values, our principles and our personal stories. Each day, we add a page of our history to this unique book. I must admit that, sometimes, we might wish that we could tear certain pages out of that book, but we cannot because, ultimately, it is our book. That is why our book is unique. It reflects who we are and where we want to go.

[English]

Honourable senators, I want to take this opportunity to congratulate Food Banks Canada and their manager of government relations, Mr. Philippe Ozga, for a great initiative, namely, the Hunger Awareness Week of May 7 to 11. That is very important for all Canadians.

[Translation]

Honourable senators, next week is Hunger Awareness Week. Many of us will fast for a day to experience what hunger feels like for the hundreds of thousands of Canadians who have been dealing with this problem since 2008.

Today, I would like to talk about the hunger problem in Canada and the key role played by food banks across our country, from coast to coast to coast. We are told that, right now, every month in Canada close to 900,000 people rely on the help of a food bank.

It is important to understand the problem of hunger so that we can deal with it appropriately and strategically. *HungerCount 2011*, a report published by Food Banks Canada, outlines the current situation. I have some statistics to share. Half the households that turned to food banks for help were families with children; nearly one in five of these households reported that current or recent employment was their primary source of income; and, what is worse, seven per cent of them receive the majority of their income from pensions.

[English]

These are Canadians who are working or who have worked all their lives, who are raising their families in the best way they know how. They are Canadians not unlike you and me who are facing unanticipated and, sometimes, undeserved periods of hardship. Perhaps they lost their job during this recession. Perhaps they are older Canadians who have recently lost their husband or wife and thus a degree of financial security. Perhaps they are escaping unhealthy relationships and need help to put food on the table for their kids. Maybe they are experiencing a health issue that has forced them to leave their job. In a different circumstance, in a different time, it could be any one of us.

Honourable senators, let me share with you that 40 per cent of those helped by food banks are single people living alone. I understand that they are predominantly older men who often have mental and physical health problems and who have not been able to gain a strong footing in our present labour force.

Fifty per cent of food bank clients report that their primary source of income is provincial welfare benefits. I know it. I have experienced it.

• (1440)

Ten per cent identify as First Nations. We know that Metis or Inuit populations are, unfortunately, at higher risk of poverty.

[Translation]

Honourable senators, food banks are true community organizations. At a time when life sometimes seems to be faster paced and more complicated than ever before, they provide a way for people to support members of their community who have fallen on hard times.

They also provide a way for members of a community to say, "Today, I am going to give because tomorrow I may need help."

[English]

They are simply concerned citizens, neighbours, and church and service groups who have been and are responding to a need in their communities.

As Senator Robichaud mentioned last week, in my home province of New Brunswick, nearly half of the food banks have no paid staff and, as a rule, these organizations are lean and run efficiently. Food banks in New Brunswick provide an important role in our society, like everywhere else from coast to coast to coast.

There is an incredibly strong tradition of volunteerism in Canada — that is who we are — and the food bank network depends on a network of committed, dedicated volunteers. In the month of March 2011 alone, more than 50,000 volunteers contributed their valuable time and efforts to helping their neighbours at food banks. This is, honourable senators, an incredible testament of the health of civil society in our country.

[Translation]

What does it mean to fast? It means to go without a meal or a favourite food each day of the week, or to skip every meal for one day. It is important to share our experience, to spread the word by talking about it.

[English]

Honourable senators, there is no doubt in my mind that we are all open to the challenge that Food Banks Canada has given us, to challenge parliamentarians and their staff. On Wednesday, May 9, to raise awareness for Hunger Awareness Week on Parliament Hill, Food Banks Canada has asked all parliamentarians and their staff to fast for one day, Wednesday, May 9, from 7 a.m. to 7 p.m. I want to share with honourable senators new statistics from the last 72 hours: Over 110 parliamentarians and staff are registered to fast next week.

Honourable senators, this is an incredibly important problem. A person who does not have enough to eat cannot work, cannot study and cannot raise their families to the best of their ability. A child who does not have enough to eat, a child who goes to bed or to school hungry, cannot learn and reach their full potential. This is not only a problem for that person; it is a problem for Canada. We need all Canadians to be able to work, to learn, to contribute and to develop wealth.

Our government, honourable senators, regardless of political colours, understands that. Though food banks provide an essential service, they cannot do so alone and government has a role to play as well. This is why we introduced the Working Income Tax Benefit, to help Canadians get off welfare and into a job.

I remember what my mother used to say to us, that the best social program was a job through education and training.

This is why our government also introduced Work-Sharing within the Employment Insurance program in order to help employers retain skilled employees and avoid layoffs during economic downturns. This is why we have committed to maintaining the 3 per cent annual increase in the Canada Social Transfer to support provincial governments in order to provide needed social services, child care and other programs. This is why we strengthened the Guaranteed Income Supplement for seniors most at risk of poverty. We must continue creating jobs and taking care of our economy and the most vulnerable.

In conclusion, honourable senators, to be clear, reducing hunger in Canada is not a partisan issue. This is a problem that has persisted for decades in this country, from coast to coast to coast, and it will take all of us to address it.

To those already involved, I salute you. To those that should be involved, we have time, on Wednesday, May 9. We all have a common denominator regardless of where we live from coast to coast to coast and that common denominator is that we want to make our areas, our provinces, our Canada a better place to live, a better place to raise our children, a better place to work and a better place to reach out to the most vulnerable.

**The Hon. the Speaker:** Further debate?

(On motion of Senator Hubley, debate adjourned.)

[Translation]

## ADJOURNMENT

### MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

**Hon. Gerald J. Comeau (Acting Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 8, 2012, at 2 p.m.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, May 8, 2012, at 2 p.m.)

## CONTENTS

Thursday, May 3, 2012

	PAGE		PAGE
<b>Visitors in the Gallery</b> The Hon. the Speaker. . . . .	1749	<b>Human Rights</b> Budget and Authorization to Engage Services and Travel— Study on Issues Pertaining to Human Rights of First Nations Band Members Who Reside Off-Reserve—Sixth Report of Human Rights Committee Presented. Hon. Mobina S. B. Jaffer . . . . .	1752
<hr/>			
<b>SENATORS' STATEMENTS</b>		<b>Palliative Care</b> Notice of Inquiry. Hon. Elizabeth Hubley . . . . .	
<b>The Honourable Terry M. Mercer</b> Hon. Mobina S. B. Jaffer . . . . .	1749		1753
<b>Visitors in the Gallery</b> The Hon. the Speaker. . . . .	1749	<hr/>	
<b>Youth Suicide</b> Hon. Salma Ataullahjan . . . . .	1749	<b>ORDERS OF THE DAY</b>	
<b>The Late Honourable John James Kinley, O.N.S.</b> Hon. Jane Cordy . . . . .	1750	<b>Jobs, Growth and Long-term Prosperity Bill (Bill C-38)</b> Select Committees Authorized to Study Subject Matter. Hon. Gerald J. Comeau . . . . .	
<b>Hélène Campbell</b> Hon. Ethel Cochrane . . . . .	1750	1753	
<b>World Press Freedom Day</b> Hon. Céline Hervieux-Payette . . . . .	1751	Hon. James S. Cowan. . . . . 1753	
<b>Foreign-Funded Charitable Organizations</b> Hon. Dennis Glen Patterson . . . . .	1751	<b>Criminal Code (Bill C-310)</b> Bill to Amend—Second Reading—Debate Adjourned. Hon. Pierre-Hugues Boisvenu . . . . .	
<b>National Scout Organization of Ukraine—Plast</b> Centennial Anniversary. Hon. A. Raynell Andreychuk . . . . .	1752	1753	
<hr/>		<b>Human Rights in Iran</b> Inquiry—Debate Continued. Hon. Joan Fraser. . . . .	
<b>ROUTINE PROCEEDINGS</b>		1757	
<b>Study on On-Reserve Matrimonial Real Property on Breakdown of Marriage or Common-Law Relationship</b> Fifth Report of Human Rights Committee Pertaining to the Request for a Government Response Tabled. Hon. Mobina S. B. Jaffer . . . . .	1752	<b>Hunger Awareness Week</b> Inquiry—Debate Adjourned. Hon. Percy Mockler . . . . .	
		1758	
		<b>Adjournment</b> Motion Adopted. Hon. Gerald J. Comeau . . . . .	
		1759	





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