SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

2nd SESSION • 43rd PARLIAMENT • VOLUME 152 • NUMBER 10

OFFICIAL REPORT
(HANSARD)

Thursday, November 5, 2020

The Honourable GEORGE J. FUREY,
Speaker

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

Debates Services: Josée Boisvert, National Press Building, Room 831, Tel. 613-219-3775
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 343-550-5002

Published by the Senate
Available on the Internet: http://www.parl.gc.ca

THE SENATE

Thursday, November 5, 2020

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

ABORIGINAL VETERANS DAY AND REMEMBRANCE DAY

Hon. Jane Cordy: Honourable senators, first, on behalf of my colleague Senator Francis, I would like to remind you all that on November 8, we celebrate National Aboriginal Veterans Day to honour the contributions of First Nation and Métis people who served in the Canadian military. Senator Christmas reminded us of this in a statement two years ago. At that time, I was moved by Senator Christmas's tribute to his father, Private Augustus (Gus) Christmas.

Today, I would like to share the story of my father, Private Lauchie MacKinnon, and my brother, Commander Charlie MacKinnon, who both served our country in the Canadian Armed Forces.

My father served in World War II. I can't imagine what it must have been like to leave his home in Grand Mira in Cape Breton, population — well, not very big — at the age of 19 to head to Italy and Holland to fight in a war. I'm sure he couldn't begin to imagine the horrors of wartime.

My father didn't have the luxury of texting, Zoom, MS Teams or even email. When soldiers left home, they had to rely on writing letters, which could take weeks or even months to cross the Atlantic during wartime.

As children, my father never spoke to us about the horrors of war. Instead, he spoke to us about things he saw or did, like Canadian troops going to the Vatican for mass said by the Pope or being on leave in Edinburgh and going into a pub where he met his cousin, who was also from Grand Mira. How exciting that must have been for both of them.

My husband's grandfather Sergeant Tom Cordy, who served in World War I, only started talking about the war when he was in his 80s. He talked about his unit marching through the woods and the soldier behind him getting killed by a sniper. He said that when you got back to camp, all the men wondered, "Why him and not me?" I am sure this was repeated many times in many camps during the wars.

As a member of the NATO Parliamentary Assembly and a former member of the Senate Standing Committee on National Security and Defence, I had the chance to travel across Canada and around the world to meet with our servicewomen and servicemen. They are incredible people.

During my official travels, I was lucky to visit my brother, Commander Charlie MacKinnon, who was stationed in Brunssum in the Netherlands with the Canadian Armed Forces. I phoned to tell him that I was going to ISAF Headquarters in Kabul, Afghanistan, with the NATO parliamentary group. He told me that he was being posted to Afghanistan to do the logistics for Canada, in setting up the base in Kandahar, and he would be at ISAF Headquarters at the same time as me. Imagine the feeling of seeing my brother in Kabul and both of us there on government business, two Cape Bretoners in Afghanistan. I think my dad and mom would have been very proud.

Honourable senators, I salute all of our veterans: those who have served and those who continue to serve.

So while Remembrance Day and National Aboriginal Veterans Day will be different this year, let us all take a moment to remember. Thank you.

Some Hon. Senators: Hear, hear.

REMEMBRANCE DAY

Hon. Mary Jane McCallum: Honourable senators, today is the first day of Veterans' Week, this year marking the seventy-fifth anniversary of the end of the Second World War. As such, I would like to remember and honour the legacy of Charles Richard Hawthorne, a veteran who served bravely in the Royal Canadian Air Force during World War II.

Born in Montreal in 1923, Mr. Hawthorne enlisted in the RCAF at age 17, lying about his age to meet the eligibility criteria. Trained as a P/O Navigator, he was stationed at the RCAF airbase in Pocklington, United Kingdom, as a member of Bomber Command's 102 Ceylon Squadron. His air operations overseas entailed flying bombing missions over German airfields.

On December 24, 1944, Airborne 11.57 was on a mission from Pocklington to attack one of the airfields at Mülheim, Germany, which was thought to be a forward supply point for the Ardennes Offensive. While running this operation, Pilot Officer Hawthorne's Halifax aircraft was shot down near Krefeld, Germany. Forced to parachute out of the plane, six crew members survived, including Mr. Hawthorne. Tragically, two other crew members did not.

Having survived the crash, Mr. Hawthorne was captured by German soldiers and was taken as a prisoner of war at Stalag Luft 1 (L1) near Barth in northern Germany. His family received a telegram three days after the crash, informing them that their son was missing in action.

It wasn't until February 1945 that they received word that their son was alive and being held as a POW.

Thankfully, the camp holding Mr. Hawthorne was liberated near the end of the war. He returned to his home in Montreal in May 1945, malnourished but alive.

In recognition of his service, Pilot Officer Hawthorne was awarded several medals, including the 1939-1945 Star, France and Germany Star, Defence Medal, Canadian Volunteer Service Medal and a clasp to the CVSM, War Medal 1939-1945, General Service Badge, RCAF Reserve Badge and the Navigator's badge.

Upon his return home from the war, Mr. Hawthorne began working for CNR, where he worked for 48 years, while also attending Bishop's University and Sir George Williams University, from which he received a Bachelor of Commerce.

I am proud to highlight his achievements for you, honourable senators, and to let you know that he's the grandfather of James Campbell. Thank you.

Hon. Senators: Hear, hear.

VETERANS WEEK

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I'm honoured to rise today to mark the start of Veterans' Week 2020. This year we commemorate the seventy-fifth anniversaries of the liberation of The Netherlands, Victory in Europe Day and Victory over Japan Day, and the end of the Second World War.

• (1410)

We also commemorate the start of the seventieth anniversary of the Korean War years — June 25, 2020, to July 27, 2023 — and honour the Canadians who served in the Korean War and in peacekeeping duties post-armistice, many of whom were also World War II veterans.

Without the heroic efforts of the Royal Canadian Regiment and the Royal 22e Régiment, the Van Doos, on Hill 355, to the PPCLI, who held the final line of defence at Kapyong, Korea would not have been able to become the dynamic G20 country it is today. From World War I to World War II to the Korean War, and all wars and peacekeeping missions since, Canadians have always answered the call to duty to defend the rights and freedoms of people oppressed. Their selfless service and courage remind us that freedom comes with a cost.

Many Canadians left for war and did not return home. Many were under 20 years of age, some as young as 17, with a long future ahead. At their age today, many would be thinking of post-secondary education or learning a trade or applying for jobs. Yet, they volunteered to enlist and said goodbye to home and family and travelled across the continent, across the oceans to countries they had never seen before, to a world of war they could never have truly imagined.

The full impact of war, the comrades they would lose, the deafening sounds that would reverberate in their heads, memories that would never fade, nightmares that haunt their nights and all the scars of war can never be measured. Freedom is not free. Others have paid for our freedoms with their lives. But how can we repay such immeasurable debt?

Honourable senators, it is through our remembrance — the passing on of their legacy. As part of this year's Veterans' Week, I will be hosting a special online tribute event on November 7 called Intergenerational Integrities, a legacy project initiated by secondary school students of B.C. and Alberta, which I have described in a previous statement.

Students interviewed veterans to learn about their lives and experiences during the Korean War. The students then prepared biographical essays, short stories and poems based on what they heard. Their tributes are a promise to remember the legacies of service and sacrifice from one generation to the next.

The current COVID-19 public health guidelines and restrictions will reduce and perhaps cancel some of the ceremonies but, honourable senators, we owe it to our veterans and the current serving men and women in uniform to remember. On Remembrance Day and every day we will remember them.

Hon. Senators: Hear, hear.

ALBERTA—INNOVATION

Hon. Douglas Black: Honourable senators, today I'm going to speak about the explosion of innovation in my province.

On October 5 of this year, the Nobel Prize in Physiology or Medicine came to Canada for the first time in nearly 100 years. Dr. Michael Houghton of the University of Alberta, along with colleagues Qui-Lim Choo and George Kuo, discovered the hepatitis C virus. Their discovery has practically ensured that hepatitis C can now be cured in nearly all patients.

Canadians warmly congratulate Dr. Houghton, his colleagues and all those involved in this incredible achievement. This Nobel Prize underlines Alberta as a place of world-class research and innovation. Sectors across the Alberta economy are innovating and leading. Research and development in hydrogen, geothermal, carbon capture and storage, artificial intelligence, finance, biomedical, agriculture and forestry are driving forward.

I have seen this very exciting innovation on my recent Alberta virtual tour and in my work within the provincial innovation ecosystem. Across the province, through the work of organizations such as Emissions Reduction Alberta, the Regional Innovation Networks, Alberta Innovates and the active Calgary/Edmonton innovation leaders, Alberta is being re-energized.

There is a growing tech start-up ecosystem supported by visionary leaders, smart venture capital investors and increasing municipal and provincial engagement. There are so many examples of initiative and innovation. But there is one that I will simply highlight today, and I will do so because it's so topical. An Alberta company, DynaLIFE diagnostics, has developed a protocol for COVID testing at Calgary International Airport and the Coutts border crossing. This allows for immediate testing, upon arrival, with a result within two days; 14-day quarantines are eliminated. This model, if proven successful, will be applied in many settings; for example, national sporting events, movie productions and other Canadian ports of entry.

Regardless of the industry, Alberta is stepping up and positioning itself for long-term recovery through innovation. It has been said that today all businesses are in the technology business.

Albertans know that we must be at the forefront of technological advances if we want to gain a competitive global advantage post-COVID. I am committed to this work as we continue to build toward Alberta 2.0.

Thank you, senators.

Hon. Senators: Hear, hear.

[*Translation*]

THE UNITED NATIONS

SEVENTY-FIFTH ANNIVERSARY

Hon. Peter M. Boehm: Honourable senators, I rise today to commemorate the seventy-fifth anniversary of the United Nations.

United Nations Day is celebrated every October 24, the date that the Charter of the United Nations came into force, after it was ratified by a majority of signatory national legislatures.

The House of Commons of Canada ratified the Charter on October 19, 1945. On June 25 of that same year, the Charter was unanimously adopted by the representatives of the 50 states who had met at the San Francisco Conference two months earlier. Canada was among these states, and our diplomats were instrumental in the drafting of the Charter.

[*English*]

The UN has faced many challenges, from war, genocide and both peacekeeping successes and failures, to internal conflicts and calls for major reforms.

Now, through the vital World Health Organization, the UN is also dealing with a once-in-a-century pandemic that has killed more than 1 million people worldwide and greatly damaged the entire global economy.

So it's not a very happy birthday, colleagues.

The United Nations was created at the end of World War II to prevent more devastating conflicts and to prevent more suffering. But in its duty to maintain international peace and security, it not only works to prevent conflicts and stop them when they do happen, but also works proactively to lay the groundwork for peace.

In 75 years, the UN and its various agencies and leaders have been awarded the Nobel Peace Prize 12 times, including this very year when the prize went to the World Food Programme. Still, whether the UN has lived up to its lofty ideals set out in its founding document has been up for debate pretty much from the start.

On October 16, 1945, when Canada's then-Acting Secretary of State for External Affairs, Louis St-Laurent, introduced the motion in the other place to adopt the Charter, he said, "I do not think anyone would contend that, it is an ideal document . . . " because there were ". . . so many national interests to be reconciled . . . ."

Despite the compromises of the Charter and the flaws of the UN itself, especially related to the Security Council, the world needs the United Nations now more than ever.

As its second Secretary-General, Dag Hammarskjöld, who met his untimely end in the service of the organization said: "The UN was not created to take mankind to heaven, but to save humanity from hell."

While this year has been hellish for millions of people around the world, 2020 — and other years — would have been even worse without the UN.

[*Translation*]

Dear colleagues, the United Nations is not perfect, but it is the best organization we have. Its 193 members, including Canada, must continue to support the organization and give it the means to take action.

Hon. Senators: Hear, hear.

NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

ACTION PLAN

Hon. Marilou McPhedran: Honourable senators, as an independent senator from Manitoba, I recognize that I live on Treaty 1 territory, the traditional territory of the Anishnabeg, Cree, Oji-Cree, Dakota and Dene and the Métis Nation homeland. I recognize that the Parliament of Canada is located on the unceded territory of the Algonquin and Anishinaabe first nations.

• (1420)

[*English*]

Honourable senators, I rise today to remember Indigenous veterans of the Second World War, as well as my grandfather Franklin McPhedran, who served in World War I, my father, John Alexander McPhedran, who served in World War II and all the women in my family who held the home base through years and years of absence, anxiety and financial stress.

I also want to take this opportunity to emphasize the importance of continuing the work of developing and implementing a national action plan in response to the final report and Calls to Action of the National Inquiry Into Missing and Murdered Indigenous Women and Girls. It has been 19 months since the inquiry concluded and the 1,200-page report and 231 Calls for Justice were released.

While COVID-19 will inevitably cause delays, the need for systemic protections is greater than ever.

Violence against women in Canada remains pervasive. According to Statistics Canada, intimate partner violence accounts for one in every four violent crimes reported to police, and 80% of the victims are women. Further, Indigenous women are three times more likely to experience violence by an intimate partner than their non-Indigenous counterparts. In a 2014 study, Statistics Canada found that 10% of Indigenous women reported being assaulted by a current or former spouse.

According to Statistics Canada, almost 4% of the country's female population self-reported being a victim of sexual assault. The majority of these reports, 83%, go unreported to the police.

These numbers reflect the lived reality in Canada, with Indigenous women almost three times more likely to be victims of sexual assault than their non-Indigenous counterparts.

The promised action plan has been delayed due to the pandemic. However, the Government of Canada must understand the need for a concrete action plan, enhanced by the disproportionate impact of the pandemic on Indigenous women and girls, especially those who come under the intersectionality of so many other forms of discrimination.

Domestic violence has become more prevalent since the beginning of COVID-19. We received early warnings from advocates about the increased risk resulting from isolation. Every study of the pandemic's effect has shown a 20 to 30% increase. We cannot forget about the epidemic of violence. We look forward to a comprehensive and inclusive action plan. Thank you, *meegwetch*.

Some Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Terry M. Mercer, Chair of the Committee of Selection, presented the following report:

Thursday, November 5, 2020

The Committee of Selection has the honour to present its

SECOND REPORT

Pursuant to rules 12-2(2) and 12-2(4)(b) of the *Rules of the Senate*, the orders of the Senate of October 27 and 29, 2020, and notwithstanding the recommendation in the committee's first report authorizing the Leader of the Canadian Senators Group to add a specified number of senators to certain committees, your committee submits below a list of senators nominated by it to serve on certain committees.

Standing Senate Committee on Fisheries and Oceans

Canadian Senators Group
The Honourable Senators Campbell (replacing the Honourable Senator Downe) and Richards

Standing Joint Committee for the Scrutiny of Regulations

Canadian Senators Group
The Honourable Senator White

Standing Senate Committee on Social Affairs, Science and Technology

Independent Senators Group
The Honourable Senator Mégie

Canadian Senators Group
The Honourable Senator Black (*Ontario*)

Respectfully submitted,

TERRY M. MERCER
Chair

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

Senator Mercer: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Mercer, report placed on the Orders of the Day for consideration later this day.)

INCOME TAX ACT

BILL TO AMEND—NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of Bill C-9, An Act to amend the Income Tax Act (Canada Emergency Rent Subsidy and Canada Emergency Wage Subsidy), introduced in the House of Commons on November 2, 2020, in advance of the said bill coming before the Senate, when and if the committee is formed;

That, notwithstanding any provision of the Rules or usual practice, for the purposes of its organization meeting and of this study, and taking into account the exceptional circumstances of the current pandemic of COVID-19, the committee have the power to meet by videoconference or teleconference, if technically feasible;

That, for greater certainty, and without limiting the general authority granted by this order, when the committee meets by videoconference or teleconference:

(a) members of the committee participating count towards quorum;

(b) such meetings be considered to be occurring in the parliamentary precinct, irrespective of where participants may be; and

(c) the committee be directed to approach in camera meetings with the utmost caution and all necessary precautions, taking account of the risks to the confidentiality of in camera proceedings inherent in such technologies;

That, if a meeting of the committee by videoconference or teleconference is public, the provisions of rule 14-7(2) be applied so as to allow recording or broadcasting through any facilities arranged by the Clerk of the Senate, and, if such a meeting cannot be broadcast live, the committee be considered to have fulfilled any obligations under the Rules relating to public meetings by making any available recording publicly available as soon as possible thereafter;

That, for the purposes of its organization meeting and of this study, the committee be authorized, to meet even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and

That, for the purposes of its organization meeting and of this study the committee have the power, pursuant to rule 12-18(2)(b)(i), to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

CANADA LABOUR CODE

BILL TO AMEND—FIRST READING

Hon. Pierre J. Dalphond introduced Bill S-217, An Act to amend the Canada Labour Code (successive contracts for services).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Dalphond, bill placed on the Orders of the Day for second reading two days hence.)

• (1430)

THE SENATE

NOTICE OF MOTION TO CALL UPON THE GOVERNMENT TO EVALUATE THE COST OF IMPLEMENTING ITS FIVE-YEAR ACTION PLAN ON SEXUALLY TRANSMITTED AND BLOOD-BORNE INFECTIONS

Hon. René Cormier: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, given the year 2020 is the deadline to achieve the 90-90-90 treatment target of UNAIDS, the Senate of Canada call upon the Government of Canada to evaluate the cost of implementing the *Government of Canada five-year action plan on sexually transmitted and blood-borne infections*, to establish national targets in the fight against HIV/AIDS and to increase funding for the *Federal Initiative to Address HIV/AIDS in Canada* pursuant to the 20th recommendation of the 28th report of the Standing Committee on Health, tabled in the House of Commons during the First Session of the Forty-second Parliament.

[*English*]

NOTICE OF MOTION TO AMEND THE *RULES OF THE SENATE*

Hon. Patricia Bovey: Honourable senators, I give notice that, two days hence, I will move:

That the *Rules of the Senate* be amended by:

(a) deleting the word "and" at the end of rule 12-7(16) in the English version; and

(b) replacing the period at the end of rule 12-7(17) by the following:

"; and

Arctic

12-7. (18) the Standing Senate Committee on the Arctic, to which may be referred matters relating to the Arctic generally.".

NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO HOLD HYBRID AND VIRTUAL MEETINGS

Hon. Terry M. Mercer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, until the end of the day on December 18, 2020, notwithstanding any provision of the Rules or usual practice and taking into account the exceptional circumstances of the current pandemic of COVID-19, all standing Senate committees have the power:

1. to hold hybrid committee meetings with senators able to participate from a meeting room or by videoconference; and

2. to hold committee meetings entirely by videoconference or teleconference;

That hybrid committee meetings dealing with Government Business be prioritized over other hybrid meetings and other videoconference or teleconference meetings when technically feasible;

That senators participating by videoconference or teleconference be allowed to participate from a designated office or designated residence within Canada;

That hybrid committee meetings or meetings by videoconference or teleconference be considered, for all purposes, to be meetings of the committee in question, and senators taking part in such meetings be considered, for all purposes, to be present at the meeting;

That, for greater certainty, and without limiting the general authority granted by this order, when a committee holds a hybrid meeting or meets by videoconference or teleconference:

1. all members of the committee participating count towards quorum;

2. such meetings be considered to be occurring in the parliamentary precinct, irrespective of where participants may be; and

3. the committee be directed to approach in camera meetings with all necessary precaution, taking account of the risks to confidentiality inherent in such technologies;

That, subject to variations that may be required by the circumstances, to participate in a meeting by videoconference or teleconference senators must:

1. use a desktop or laptop computer and headphones with integrated microphone provided by the Senate for videoconferences; and

2. not use other devices such as personal tablets or smartphones, unless for participation by teleconference; and

That, when a committee holds a hybrid meeting or meets by videoconference or teleconference, the provisions of rule 14-7(2) be applied so as to allow recording or broadcasting through any facilities arranged by the Clerk of the Senate, and, if a meeting being broadcast or recorded cannot be broadcast live, the committee be considered to have fulfilled the requirement that a meeting be public by making any available recording publicly available as soon as possible thereafter.

THE HONOURABLE LANDON PEARSON

NOTICE OF INQUIRY

Hon. Rosemary Moodie: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the career of former senator the Honourable Landon Pearson.

QUESTION PERIOD

VETERANS AFFAIRS

PROCESSING OF DISABILITY BENEFITS APPLICATIONS

Hon. Donald Neil Plett (Leader of the Opposition): My question is for the government leader and it concerns our veterans.

Before asking my question, I do want to take a moment to offer condolences to the loved ones of Corporal James Choi, who was killed tragically in a training accident at CFB Wainwright last Friday. Our thoughts and prayers are with his family and all members of the Canadian Armed Forces during this difficult time.

Leader, as of June 30, the backlog at Veterans Affairs in processing disability benefits stood at some 45,000 cases. Last week, the Deputy Minister of Veterans Affairs, former chief of defence staff Walt Natynczyk, told a House committee, "We need to have additional staff horsepower to assist us here." Yet the 350 extra staff announced in June are all temporary hires. A lasting solution is needed, leader.

In 2019, your government promised veterans an automatic approval process for the most common disability applications. When will this be in place, or is this yet another broken Liberal promise to our veterans?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, and the government joins you in offering condolences to our fallen veteran.

The government knows and accepts that veterans are waiting far too long for decisions on their applications, and is investing hundreds of millions of dollars over the next two years to tackle this backlog. As your question indicated, the government has indeed provided such funding to allow Veterans Affairs to hire hundreds of staff to make decisions on applications.

Indeed, I've been advised that, in addition, the government has reopened nine Veterans Affairs offices that were closed in 2014, and hired over 700 staff to make up for staff cuts since 2010. This remains a top priority for the Minister of Veterans Affairs.

Senator Plett: Leader, in September another class-action lawsuit was launched against the federal government regarding benefits for veterans. This new lawsuit involves the former supplementary retirement benefit.

Leader, I won't ask you to comment directly on that case because I know you cannot. However, I will point out that in the 2015 federal election campaign, the Liberal Party promised not to fight veterans in court. I repeat, they promised not to fight veterans in court.

• (1440)

As we recently discovered, the Trudeau government spent well over $200,000 defending Minister O'Regan in a defamation case launched by veteran Sean Bruyea, costing taxpayers about 10 times what Mr. Bruyea sought in damages.

Leader, why does this promise to our veterans mean so little to your government? Why do you continue to fight our veterans in court?

Senator Gold: Thank you for your question. The well-being of our veterans is of fundamental importance to this government. As the honourable senator mentioned, the issues before the court are not something upon which I can comment so, with that, I respectfully decline to comment.

Hon. Yonah Martin (Deputy Leader of the Opposition): I, too, wish to express my deepest sympathies to the family of Corporal James Choi, a proud Westie who served with The Royal Westminster Regiment in B.C.

Leader, we are on the same theme as we begin Veterans' Week. I want to ask a question concerning disability benefits for our veterans. In September, the Parliamentary Budget Officer, or PBO, issued a report looking into the massive backlog in the processing of disability benefits. The PBO determined that the additional funding allocated by the government in June will not be enough to eliminate the backlog by March 2022. Today, the department's website says the average wait time for a veteran with multiple conditions making their first application for disability benefits to learn whether they even qualify is 50 weeks. The service standard is 16 weeks. General Natynczyk recently told the Standing Committee on Veterans Affairs in the other place that just under 20,000 cases are in the backlog waiting over 16 weeks.

Leader, how is this acceptable? Will the government adopt the PBO's recommendations on how to reduce the backlog in 12 months with respect to additional resources and staffing?

Senator Gold: Thank you for the question. The position of the government is not that this backlog is acceptable. Veterans deserve to have their cases and their applications dealt with in a timely fashion. And the government knows that veterans are waiting far too long for decisions on their applications.

In addition to the money invested over the past years, which has allowed the government to take some steps to address it, it's important to understand, however, that the number of applications has nearly doubled since 2015. The government continues to try to address this problem in a number of ways: innovating systems, digitizing files, reducing paperwork and, when veterans come forward, doing their best to say yes.

Senator Martin: We know the government has the ability to do some things very quickly, and I can talk about that in my question, but the backlog has lowered somewhat during this COVID-19 pandemic period because it has been very difficult for veterans to apply for benefits. During the first three months of the pandemic, only about half the usual number of applications were made for disability benefits, but the need has not gone away.

Service Canada centres were closed for a long time and are now by appointment only, and I understand Veterans Affairs Canada, or VAC, area offices are still not open to the public. Supporting documents, including doctors' reports, have been much more difficult to obtain, again, because of wait times.

Leader, if we contrast this to the CERB payments, which were automatically approved even when fraud or abuse was suspected — you talked about timeliness and the ability of government to respond quickly — how does your government explain to our veterans that their applications for the benefits they earned while serving Canada remain in a backlog by the tens of thousands while fraudulent CERB payments were knowingly approved?

Senator Gold: Well, as I said, thank you for your question on this important issue. The government is doing its very best to address the backlog, as I've tried to outline.

It's also the case that the government's programs to which you refer, such as CERB, have proven to be of assistance to veterans who unfortunately have not had their applications processed. But the government remains committed to addressing this as quickly and efficiently as it can.

BUSINESS OF THE SENATE

HYBRID AND VIRTUAL COMMITTEE MEETINGS

Hon. Ratna Omidvar: My question is for the government leader in the Senate.

Senator Gold, last night we had a meeting of the Committee of Selection, chaired by Senator Mercer. You were there. Our colleagues were there. And on a motion put forward by Senator Saint-Germain and approved by the Selection Committee, it was agreed that we would table this motion in the Senate today, as Senator Mercer pointed out. Leave was denied today by our two Conservative colleagues, and I wonder if you could tell me, from your perspective, what denying us the capacity to meet, either through hybrid or virtual means, will do to Government Business? What delays can we expect?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I attended the meeting, much of which was in camera. I need to be mindful of that.

As this chamber knows, we will be receiving Bill C-9 to be pre-studied and ultimately debated, and, I hope, passed in this chamber upon our return. Thank you to all colleagues who have supported that. It will include a virtual pre-study by the Finance Committee.

There is other government legislation that we know is in the other place that will arrive here, and we have every expectation that our current capacity to deal with this will be adequate to the task.

We were encouraged by the report and briefing that we had with regard to the progress that the administration has made, and I know that leadership will be discussing this in the days to come. It is the government's position that we will collectively arrive at decisions that will allow us in the Senate to do our job when government legislation arrives for review.

Senator Omidvar: Thank you, Senator Gold, for that answer. I just want to point out that the decision was made in public, so I'm not divulging anything that was in camera. Would you agree with me, after hearing the testimony yesterday and the deliberations, that, in general, virtual committee meetings are safer for all involved: for the Senate and for staff?

Senator Gold: Thank you for the question. The decision that we took collectively this week, and that is now in place, to have hybrid sittings testifies to the importance that we collectively hold to the risks associated with close proximity and, indeed, travel. In that regard, regrettably, colleagues, we are struggling, and we'll have to continue to struggle for a time in finding ways to meet safely and securely, not only for ourselves but for the staff who support us.

FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

PROPOSED OFFICE OF THE COMMISSIONER FOR CHILDREN AND YOUTH

Hon. Marty Deacon: This question is for the Government Representative. Following the last election, the government realigned ministerial responsibilities in their mandate letters. In the last Parliament, the Prime Minister was also the Minister of Intergovernmental Affairs and Youth.

Following the shuffle, Minister Chagger took on the role of Minister of Diversity and Inclusion and Youth and presumably picked up the work that the Prime Minister was doing in this area. I am closely following the repeated request in the motion of Senator Moodie for the development of a child commissioner. As I review this important request, I want to understand, first, which government department is presently assisting the minister in this critical work on behalf of and for our youth, and, second, what the impetus was behind giving the youth file to Minister Chagger. Are some of the important needs cited by Senator Moodie being addressed in that portfolio now?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for the question. I've been advised that Senator Moodie's Bill S-210, which proposes to establish the

office of the commissioner for children and youth in Canada, falls under the purview of Minister Hussen, the Minister of Families, Children and Social Development.

With regard to your second question, I will inquire with the government and report back.

TRANSPORT

NEW BRUNSWICK—FERRY TRAVEL

Hon. David Richards: My question is for the representative of the government in the Senate.

• (1450)

Senator Gold, I've broached this subject with you before. Some months ago, Accessible Campobello submitted a request to the Senate Social Affairs Committee in relation to the immediate need to have year-round access to the province of New Brunswick without having to enter the United States. The ongoing border closure makes this need paramount to 800 Canadian citizens living on one of the most famous Canadian islands. Hospital appointments have continually been cancelled in Saint John, and there is a need to travel to the U.S. for fuel and groceries. The current seasonal ferry does not resolve this issue.

It is to be noted that the federal government spends some $30 million on ferry traffic in B.C. When will the federal government rectify this untenable situation?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for the question and for raising this issue with me again. I would be pleased to follow up with the government and find out the status of this file and report back as soon as I can.

The Hon. the Speaker: Senator Richards, do you wish to ask a supplementary question?

Senator Richards: Yes, please. With respect to funding envelopes for federal government assistance, I note that there are two programs under Transport Canada — the Ferry Services Contribution Program and the BC Ferries grant — for interprovincial ferry services. It would seem that the aid one gives on the West Coast could be duplicated on the East Coast. Certainly travelling through a foreign country to find footing on one's own ground is not the answer.

Senator Gold: Duly noted, senator. And again, I will make the appropriate inquiries.

[*Translation*]

STATUS OF WOMEN

FINANCIAL SUPPORT FOR WOMEN VICTIMS OF VIOLENCE IN QUEBEC

Hon. Pierre J. Dalphond: My question is for the Government Representative in the Senate. On March 18, the Prime Minister announced various measures in his COVID-19 plan, including $50 million for women's shelters and sexual assault centres. That was a rather meagre contribution for these centres, which have been struggling with an increase in demand as a result of COVID-19.

On October 8, the Minister for Women and Gender Equality, Ms. Monsef, announced an additional $50 million.

My question relates to Quebec's share of that funding. I understand that payments are not being given directly to the shelters but instead are being allocated through the Secrétariat à la condition féminine du Québec. Can the government confirm that Quebec's share of the first $50-million allocation has indeed been distributed to all of the centres and shelters in Quebec, which so desperately need it?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Even though it has asked Canadians to self-isolate to prevent the spread of COVID-19, the government understands that not everyone is safe at home. As you may know, my wife works with women's shelters in Montreal, so I have seen first-hand many of the challenges that victims of domestic and gender-based violence face. Your notice made it possible for me to make inquiries with the government and I was told that Quebec should be providing the government with an update later this month. However, according to the last update, Quebec has distributed $4.66 million of the expected $6.46 million to 156 organizations.

Senator Dalphond: The answer clearly indicates that the funds were distributed more slowly in Quebec than elsewhere in Canada.

My supplementary question concerns the additional $50 million announced by the minister in October. Does the agreement reached with Quebec mean that the funds will be distributed to the centres and the shelters faster this time than was the case with the initial $50 million?

Senator Gold: Thank you for the question. It is very important, and I will do my best to answer it. From what I've been told, Quebec has disbursed $1.65 million out of a total of $2.3 million, and 93 organizations have received funding. That said, no changes have been made to speed up the distribution of funds. The funds have been transferred, and Quebec is responsible for identifying the organizations that will receive funding and the amounts distributed. From the information I've been given, the only change to the agreement is that the province has until March 31, 2021, to distribute the funds to organizations, whereas the previous deadline was December 31, 2020.

[*English*]

NATIONAL DEFENCE

NATIONAL SENTRY PROGRAM

Hon. Michael L. MacDonald: Honourable senators, my question is for the government leader in the Senate.

Since 2014, soldiers from the Canadian Armed Forces have stood sentry at the Tomb of the Unknown Soldier from April to November every year to honour Canada's fallen. In the same year, Corporal Nathan Cirillo was tragically killed at his post by an assailant as he stood by the tomb. Canadians will always remember his sacrifice.

Recently, the Minister of National Defence stated:

> The Tomb of the Unknown Soldier is one of our most significant reminders of the service and sacrifice of members of the Canadian Armed Forces.

Yet the minister did not indicate whether the government remains committed to the National Sentry Program going forward.

Senator Gold, I wonder if you can find out if the government is committed to continuing the sentry program at the Tomb of the Unknown Soldier on a permanent basis to honour the sacrifice of Canadians who have died in service to the country?

Hon. Marc Gold (Government Representative in the Senate): Thank you, Senator MacDonald. Nice to see you. I will have to make inquiries, and I'll get back to the chamber as soon as possible.

The Hon. the Speaker: Do you have a supplementary question, Senator MacDonald?

Senator MacDonald: Yes. Senator Gold, when you're making your inquiries, could you confirm that the government is also committed to holding the National Sentry Program for the same length of time each year, which is from Vimy Ridge Day until November 10, the day before Remembrance Day?

Senator Gold: I certainly will. Thank you.

[*Translation*]

VETERANS AFFAIRS

PROCESSING OF CLAIMS FOR COMPENSATION

Hon. Pierre-Hugues Boisvenu: My question is for the Leader of the Government in the Senate. This week, we are commemorating the sacrifices of our veterans. Last week, the Assistant Deputy Minister of Veterans Affairs told the Standing Committee on Veterans Affairs that, in his view, the department could achieve pay equity between francophones and anglophones by the end of 2021. Currently, to be entitled to compensation, a francophone has to wait twice as long as an anglophone, nearly 45 weeks, while for an anglophone, the case is settled in 24 weeks.

How do you explain that after nearly six years in power this matter has still not been resolved?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, esteemed colleague. I don't have the details on hand to properly answer your question. However, rest assured that I will look into it and come back to the chamber with answers as soon as possible.

Senator Boisvenu: You understand that this is a rather embarrassing situation to be in this week when we are celebrating Remembrance Day. We see yet another disaster, this time concerning wait times for women. A female veteran has to wait twice as long as a male veteran to get compensation.

It seems that the government's words do not match its actions. Why is it treating veterans this way after they sacrificed their health for our country? After five years, how can you accept that women have to wait twice as long as men to be compensated?

Senator Gold: Senator, that is not what I said or suggested. The government has the interests of all those who serve our country with distinction at heart. I have no explanations to offer this chamber. I don't wish to speak just for the sake of saying something. I can only look into it to try to understand why the situation has remained as you have described it.

ENVIRONMENT AND CLIMATE CHANGE

CARBON TAX—CARBON EMISSIONS

Hon. Rosa Galvez: My question is for the Government Representative in the Senate. It is a follow-up to the question asked by Senator Smith yesterday afternoon.

• (1500)

[*English*]

I think it is worth remembering that Alberta, in 2003, was the first jurisdiction in the whole of North America to propose a price on carbon, and it was former prime minister Harper, in 2007, who said, during a speech he gave in Germany on climate change, that it was ". . . perhaps the biggest threat to confront the future of humanity today."

At that time, we were talking about CO_2, yet methane is 84 times more potent than CO_2.

Senator Gold, methane from various sources, including flaring, venting and leaks from the fossil fuel sector account for 13% of Canada's current greenhouse gas emissions. Despite being the most inexpensive to reduce, Environment and Climate Change Canada predicts Canada will miss its commitment to lower methane emissions by 40% by 2025. However, Environment and Climate Change Canada is at the same time in the process of

finalizing equivalency agreements with two provinces for regulations that are inadequate for fulfilling the 2025 commitment.

Senator Gold, how does the government intend to strengthen the measures while agreeing to accept provincial regulatory frameworks?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and your ongoing commitment to this important issue. It is the position of this government, and it has been ever since it took office some five years ago, that it is determined to find the right balance for all Canadians between protecting the environment, and sustaining our economy and the economic well-being of Canadians.

To that end, the government has introduced a suite of measures, many of which have been discussed here and many of which found their way into legislation that this chamber passed.

There is always a trade-off between competing interests in a country as vast as Canada, but the government remains committed to achieving its net zero targets by 2050 and remains committed to working with the provinces, the resource sector and others to make sure that we can continue to develop our resources in a cleaner and more sustainable manner.

Senator Galvez: I have a subsequent question. Now, hearing your answer, what we don't have in hand is the comparison of the cost of inaction, because by not doing what we promised to do in Rio de Janeiro, Kyoto, Copenhagen and Paris, we are already paying a price, which is very expensive. It's translated in the health of Canadians and in the pandemics that we are suffering today.

I wish that when you compare things, we have bananas and bananas, and apples and apples, so we can decide and make a better decision.

Senator Gold: There was no question in your comment. I think the government would agree with you, that it is important when we're addressing climate change as a challenge, that we be mindful that there is a cost not only for our action — and there inevitably is; life is full of trade-offs — but there is also a cost for inaction. Thank you for making that point.

EMPLOYMENT AND SOCIAL DEVELOPMENT

COVID-19 DISABILITY ADVISORY GROUP

Hon. Tony Loffreda: My question is for the Government Representative in the Senate. Senator Gold, I'm sure you will agree with me that, as Gandhi once said, the true measure of any society can be found in how it treats its most vulnerable.

Today, my question is on one of the most vulnerable segments of our population; people with disabilities. As you know, the government launched the COVID-19 Disability Advisory Group back in April, co-chaired by Minister Qualtrough. This group essentially represents 6.2 million Canadians living with some type of disability and is supposed to be advising the minister on disability-specific issues, challenges and systemic gaps in the government's response to the pandemic.

How has the work of this group influenced the government's response to the pandemic with respect to people with disabilities? Can you tell us what the group is advocating for? Canadians with disabilities have a right to know what this group is telling the government on their behalf.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and the important issue.

The Government of Canada is working with all stakeholder groups to find a pathway forward to make sure those most vulnerable, including those with disabilities, are provided with sufficient and adequate support, generally and especially in these challenging times.

I think the government will take opportunities to make further announcements in the future as to the progress of these consultations. It's a relatively early stage, though.

Senator Loffreda: The pandemic has surely made employment security a bigger challenge than it already is for persons with disabilities. The government's Opportunities Fund for Persons with Disabilities is a program that helps persons with disabilities prepare, obtain and maintain employment. How has the mandate of this program shifted during the pandemic? Will the government further prioritize persons with disabilities and commit to more targeted support to assist them in securing employment during these unprecedented times, or is the government satisfied that the program is meeting all of its objectives?

Senator Gold: Thank you for your question. The position of this government has been, since the very beginning of the pandemic, that it is doing the best that it can do, under extraordinarily difficult circumstances, to assist as many Canadians as possible. But it has acknowledged right from the start, and continues to do so, that not only does more work need to be done but that programs need to be constantly re-evaluated to make sure that the intended consequences and impact of the programs are actually met.

In this regard, as senators will know, our office and the government has proposed a special committee to study lessons learned during the pandemic. I would look forward to that committee being established so that these and many other questions can be fully debated and discussed.

The Hon. the Speaker: The time for Question Period has expired.

ORDERS OF THE DAY

CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT

BILL TO AMEND—SECOND READING—DEBATE

Hon. Mary Coyle moved second reading of Bill S-2, An Act to amend the Chemical Weapons Convention Implementation Act.

She said: Honourable senators, I am pleased to introduce you today to Bill S-2, An Act to amend the Chemical Weapons Convention Implementation Act.

Colleagues, this is an important bill — a bill with a connection to a long and disquieting domestic and international history, and a bill with enduring relevance in our ever-shifting world order.

Ahmet Uzumcu, past director general of the Organization for the Prohibition of Chemical Weapons said:

> We did not reach the heights of our modern civilization by technology alone. We were only able to do so because of our commitment to shared norms and values such as equality, justice and human dignity for all.

The shared international desire to forge new pathways toward a more peaceful, secure and humane future lies at the heart of actions taken by the United Nations and continues to guide Canada's commitments abroad.

Bill S-2 is a simple yet crucial bill. Bill S-2 essentially amends Canada's Chemical Weapons Implementation Act in order to clearly align our act with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, otherwise known as the Chemical Weapons Convention, or CWC.

This is accomplished by amending our act to remove the old list of prohibited chemicals appended to our act, and making it clear that the correct, up-to-date list of prohibited chemicals is the one maintained by the Organisation for the Prohibition of Chemical Weapons, which is easily accessible on their public website.

This work on the prohibition of chemical weapons is part of Canada's overall disarmament effort. Chemical weapons are often labelled weapons of mass destruction, along with nuclear and biological weapons.

• (1510)

Okay, now let's step back for a minute or two to look at what led us to the convention in the first place, and the establishment of Canada's Chemical Weapons Convention Implementation Act.

Next Wednesday, people will gather —

The Hon. the Speaker: Senator Coyle, we are having technical difficulty. We will suspend for a couple of minutes and see what the technical difficulties are.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1520)

BUSINESS OF THE SENATE

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, as you know, we interrupted Senator Coyle's speech. They are still working on solving the technical issues. Assuming we can get her back online in a timely fashion, I would ask that you grant leave to be able to revert so that she could continue and complete her speech.

Hon. Senators: Agreed.

The Hon. the Speaker: Is there any senator opposed to leave?

Leave is granted.

POINT OF ORDER

Hon. Yonah Martin (Deputy Leader of the Opposition): I stand on a point of order, Your Honour.

The Hon. the Speaker: Point of order?

Senator Martin: Yes.

This is something I wanted to raise before because — I've lost count of how many — there have been other instances. Your Honour, I would like to quote your statement from February 15, 2018. You said:

> Honourable senators, before calling for Orders of the Day, I would like to take this opportunity to remind senators that parliamentary practice does not allow the use of exhibits and props. In November 6, 2012, the Speaker made this point when quoting from page 612 of the second edition of *House of Commons Procedure and Practice*, which states that "Speakers have consistently ruled out of order displays or demonstrations of any kind used by Members to illustrate their remarks or emphasize their positions. Similarly, props of any kind, used as a way of making a silent comment on issues, have always been found unacceptable in the Chamber." I encourage all colleagues to respect this prohibition.

Having just reviewed your remarks, Your Honour, from February 15, 2018, I have noted that one of our colleagues who is scheduled to speak today is wearing a mask, which many of us are wearing, but it does have some visible representation of her position on a bill that is being put forward.

I would ask the Honourable Senator McPhedran to replace the mask, if there is another one, or remove the mask, in that we should always put forward our positions through words, through debate, and not through the use of props. In this case I purport, based on your explanation and guidance, Your Honour, that the mask with writing that supports a position that she is putting forward is a prop. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Marilou McPhedran: Your Honour, I wonder if I could seek some clarification on the rule around raising a point of order. I had understood that it was to occur at the first possible opportunity. I wore this mask all last week and all this week, all the time I've been in the chamber.

The Hon. the Speaker: A point of order can be raised at any time except during Routine Proceedings and Question Period. What you're referring to with notice are questions of privilege.

Would you like to address Senator Martin's comments, Senator McPhedran?

Senator Martin: May I respond?

The Hon. the Speaker: I think I answered the question, Senator Martin. The question that was raised had to do with whether it was a point of privilege or a point of order.

Senator McPhedran, would you like to address Senator Martin's remarks?

Senator McPhedran: Yes, thank you, Your Honour.

In the period of time that I've been here, which is approaching four years, there have been numerous occasions when, to mark certain concerns, we have worn lapel pins, we have worn t-shirts of a particular colour or we have worn scarves of a particular colour. I'm not aware of an issue being raised up until now.

In addition to that, the wearing of masks is a new situation for us. I would certainly be very grateful for a clarification from you on this matter. Thank you.

SPEAKER'S RULING

The Hon. the Speaker: Honourable Senators, if something happens in the chamber and it is not brought to my attention through a point of order, that doesn't mean that it's going to be allowed or it should be allowed. I can only address points of order.

Senator Martin has rightly pointed out that — for example, vote 16 on Senator McPhedran's mask in and of itself is not necessarily a prop, but vote 16 on her mask does illustrate her position and certainly her remarks with respect to the bill that she is supporting. In that sense, it is a prop.

In other words, I would kindly ask Senator McPhedran to remove it. If you don't have another one, we can supply one.

Senator McPhedran: Thank you so much, Your Honour, and thank you, Senator Martin, for allowing this clarification. I carry lots of masks, so it's not a problem. Thank you.

[*Translation*]

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Mr. Speaker, would it be possible to clarify the situation? As senators, we receive masks from various organizations, such as companies that have corporate logos. I see other colleagues wearing masks with logos. It might be advisable to remind senators that we must seek to be as neutral as possible when choosing masks.

• (1530)

[*English*]

Hon. Jim Munson: The mask I'm wearing today was colour coordinated with my nice corduroy jacket just to add some levity to it. I think clarification is needed. I have this other mask here. November in British Columbia's Indigenous community is Indigenous Disability Awareness Month and the B.C. disability association of Indigenous people sent me their mask, which I have been wearing. It's a wonderful mask and there is a message on it. I've worn it.

I'm just seeking clarification, Senator Plett, on what we should or should not wear. Should we wear just an ordinary mask? I just want that to be said. Thank you.

The Hon. the Speaker: I would refer senators back to my ruling which Senator Martin referred to. Obviously, there are lots of things on masks that are not being used to promote or illustrate a point of view that is being expressed by a senator. So if it's not being used to illustrate or promote a remark or a point of view of a senator, it's not a prop — unless somebody complains about it, and then we'll have to have another look at it.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Boehm, for the second reading of Bill S-207, An Act to amend the Criminal Code (independence of the judiciary).

Hon. Paula Simons: *Tansi*. Honourable senators, I'm honoured to join you today from Edmonton — or to give it its Cree name, Amiskwaciwâskahikan — and I'm honoured to give what I believe will be the first Senate speech delivered from Treaty 6 territory.

I'm grateful to the technology, to the professional expertise and to the political compromise and grace that have allowed me to address the Senate in this way during this pandemic emergency, and to speak specifically to Bill S-207, An Act to amend the Criminal Code (independence of the judiciary).

[*Translation*]

The last time I rose in the Senate to speak to the problems and moral dilemmas arising from mandatory minimum sentencing in Canadian courtrooms, I told you about some of the horrible and shocking murder cases I covered when I was a journalist in Edmonton.

Today, we are reviewing the flaws of mandatory minimum sentencing, and I would like to tell you about another, much more recent case. In fact, it made the headlines last week.

[*English*]

It involves the very sad story of an Alberta woman named Helen Naslund, and I hope it will serve as another illustration of the counterintuitive impact of mandatory minimum sentences on Canadian justice.

Helen Naslund was an abused wife. She was just a teenager when she married her husband, Miles. Helen, Miles and their three sons had a ranch near Holden, Alberta. According to an agreed statement of facts entered with the court, there were many instances of physical and emotional abuse over the course of the couple's 27-year marriage. Miles Naslund was a huge burly man with a bad temper, who controlled his wife's movements and conversations. Helen Naslund was petite — in the words of her family, about 100 pounds, soaking wet.

Both the Naslunds had a problem with alcohol abuse and depression, made worse by the fact that their farm was not doing well financially. Finally, on the Labour Day weekend of 2011, things reached a crisis point.

Miles Naslund had been drinking heavily all weekend and was highly intoxicated, according to court records. Helen, meanwhile, was hard at work in the fields, cutting the hay with a Haybine mower. But when the mower broke down on Sunday, Miles exploded in rage, going on a tirade and throwing wrenches at Helen, whom he blamed for the malfunction.

With their mower inoperable, Helen returned to the house to prepare Sunday dinner for the family. When Miles came in from the field, he berated Helen and told her she would pay dearly for what she had done to the Haybine.

He continued to rage. Then he violently knocked all the dishes, cutlery, glasses and food from the fully set dinner table, shouting at Helen that the meal she'd prepared was not fit for a dog.

According to the agreed statement of facts, his violence and threatening behaviour grew worse through the evening. Things only calmed down when Miles Nasland passed out late that night.

In the middle of the night — or rather, in the very early morning hours — while her husband lay face down in a drunken stupor, Helen went and got a .22-calibre revolver pistol the family kept at their home. Then she shot her husband twice in the back of the head.

When day dawned, Helen and her son Neil made a plan. They dragged the body outside and placed it in a large truck-bed tool box. They placed a bag over the head, drilled holes in the box, filled it with tractor weights, then welded it shut. Later that evening, they drove to a dugout, rowed the box out in the middle of the slough and dumped it, where it sank into the mire. As part of the plan, they also crushed Miles' car with an excavator that Helen had borrowed, and buried it on the farm. And then, with the body and the car disposed of, they called the police and reported that Miles was missing.

The family kept its terrible secret for six years. But eventually, family and neighbourhood gossip alerted the RCMP that Miles hadn't just disappeared. Six years — almost to the day — after Miles Naslund was killed, RCMP found a large metal truck tool box covered in silt and mud at the bottom of the slough, a few kilometres from the Naslund family farm. Inside the box, they found Miles Naslund's partly decomposed body.

Helen Naslund turned herself in and confessed. She was charged with first-degree murder — a charge with a mandatory minimum sentence of life in prison with no chance of parole for 25 years.

A mandatory minimum sentence of life in prison: In theory, that might seem like a fair sentence for a first-degree murder. After all, the deliberate murder of another person is one of the most serious of all crimes. Of course we wish to denounce murder and protect our community by imposing stiff sentences on those who commit such a heinous crime.

But not all murders are the same, and not all murderers are the same, either. Does a battered woman such as Helen Naslund, who shot her husband after an evening of threats and violence, really deserve the same sort of sentence as a misogynist serial killer like a Robert Pickton or Paul Bernardo or Russell Williams, or the same sentence as a racist mass murder such as Alexandre Bissonnette? As I said during my previous speech on mandatory minimum sentences, each murderer is different, and every murder is its own unique story.

For better or worse, it was also obvious to the people who prosecuted and sentenced Helen Naslund that imposing the mandatory minimum sentence for first-degree murder in this case would be a miscarriage of justice. And so a compromise was found. Mrs. Naslund agreed to plead guilty to manslaughter. Last week, in an Edmonton court, she was sentenced to 18 years and will have a much earlier opportunity for parole consideration.

Yes, you may well say, then, "Fine. The system works as it is. Courts are finding innovative ways to impose appropriate penalties after all." But honestly, a situation like this makes a mockery — or at the very least a pretzel — of the justice system.

Whatever Helen Naslund did, why ever she did it, finding a gun and shooting your unconscious husband in the back of the head doesn't really meet the conventional definition of manslaughter. Moreover, one can imagine it would have been hard indeed for Mrs. Naslund's lawyer to go to court and risk offering a battered-wife defence, or even arguing self-defence, with the threat of a non-negotiable life sentence hanging over his client.

Might a jury have exonerated Helen Naslund? We'll never know, because the spectre of that mandatory minimum sentence made a truly fair trial impossible.

This is just the latest example of the way mandatory minimum sentences distort our justice system. They put Crown prosecutors and defence lawyers into uncomfortable, sometimes impossible, positions. They undermine the independence of the judiciary and undercut the authority of Canadian judges. They bring the administration of justice itself into disrepute and instill distrust of our legal system in the general public.

We want Canadians to know that we have well-trained, experienced, impartial judges on the bench and that we can rely on those judges to weigh all the individual, specific facts of the case and impose the right sentence, bearing in mind the unique circumstances of each case and each defendant before them.

• (1540)

If we're worried that a few of our judges don't have the training, expertise, temperament or judgment to do their jobs, then we need to address those problem judges, not hamstring all the rest of them. It's time for us to stop boxing in judges in an effort to get neat, identical conclusions to complex human tragedies. If we want sentences passed without compassion, insight and moral judgment, without a fair weighing of case-specific facts, we can write algorithms, hire robots and handle trials with assembly-line efficiency. Or we can appoint qualified judges, prepare them for their duties, relieve them of political interference and restore public confidence in the independence and the integrity of our courts. In other words, we can support Senator Pate and Bill S-207.

Thank you very much, and *hiy hiy*.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

BILL TO AMEND THE CANADA ELECTIONS ACT AND THE REGULATION ADAPTING THE CANADA ELECTIONS ACT FOR THE PURPOSES OF A REFERENDUM (VOTING AGE)

SECOND READING—DEBATE ADJOURNED

Hon. Marilou McPhedran moved second reading of Bill S-209, An Act to amend the Canada Elections Act and the Regulation Adapting the Canada Elections Act for the Purposes of a Referendum (voting age).

She said: Honourable senators, I rise today at second reading of Bill S-209, which would lower the voting age from 18 years to 16.

This is a "herstoric" moment for me because this is the first bill I have introduced in the Senate. Could there be a better bill than one about including young Canadians in our democracy? I spent several months working on this bill with my team, my youth advisors from the Canadian Council of Young Feminists and many other youth organizations across the country.

[*English*]

It's been 50 years since the voting age was lowered from 21 to 18. Today, I'm excited to begin the second reading of Bill S-209, which would amend the Canada Elections Act to lower the voting age in federal elections from 18 to 16. This bill will also make several minor amendments to the same act to harmonize the logistics of voting to reflect the age of 16.

Honourable colleagues, this is not a complicated bill, but it does have tremendous implications. Please join me in considering its potential for the revitalization of our democracy.

Lowering the voting age to 16 makes a great deal of sense. Our young people are mature, informed and engaged enough to vote. Indeed, research would indicate to us that young people today are more engaged, and I can say, with some anecdotal experience as a long-time professor and now with a very strong connection to young advisers across the country, that they are more engaged and better informed than I certainly was at their age.

Lowering the voting age will increase voter turnout by providing young people the opportunity to vote for the first time in an environment generally supported by their schools and their communities. Indeed, polling stations are often located in high schools, but most students must watch from afar as others exercise their right to vote.

We know that those who vote at an earlier age for the first time are more likely to continue to vote for the rest of their lives. Further, young people are so often told they are the leaders of tomorrow, but indeed the truth is that they are leaders now. They are leaders today. They are genuine stakeholders in the institutions that govern our country, and this is a substantive opportunity for us to show them that we recognize their rights and we take them seriously as citizens of Canada.

When Canada became a Confederation, the voting age was 21. At that time, only white men who owned property could vote. Women, Indigenous peoples, Black and other people of colour and members of certain religions were prevented from participating in the democratic process. In 1917, with the First World War raging, the right to vote was extended to all serving in the Canadian military, including women and Indigenous people who were recognized as Indians under the Indian Act.

After certain privileged women in Manitoba became the first in Canada to gain the vote, it was extended to more women over the age of 21 in 1918, but still not to Indigenous women. By 1960, the Canada Elections Act extended the vote in federal elections to people recognized as Indians under the Indian Act. Amidst great national debate about how people so young could not possibly exercise such a responsibility, the Canada Elections Act was amended to lower the age of voting from 21 to 18. That was 50 years ago.

The arguments for lowering the legal voting age to 16 echo the debates on lowering the voting age to 18 in the 1940s, 1950s and 1960s. Indeed, they echo the debate that women should not have been given the vote. Today's common criticisms of youth echo these historical debates, but they are echoes without the evidence. This is a fundamental difference in what we're facing today in being able to support a bill like this.

Today's common criticisms are not matched by evidence around how young women, young men and young people of gender diversity are, in fact, highly informed, highly engaged and mature enough to vote. There is ample evidence to counter the prejudice.

Dear colleagues, the evidence tilts to verify that 16- and 17-year-old Canadians are sufficiently mature, informed and ready to exercise the right to vote in federal elections. I hope you as my honourable colleagues will support this bill by engaging our youth in the democratic process within your own circles for a more effective representation of our society and our country's long-term economic and social viability.

On the question of maturity, critics argue that 16-year-olds are just not mature enough to vote, but the concept of maturity is often equated with age. In a research paper I received from Manitoba students Sarah Rohleder, aged 16, and Meaghan Rohleder, aged 15, they made this succinct observation: "Age doesn't make everyone wiser."

When we look outside the voting context, Canadian lawmakers have already decided that 16- and 17-year-olds are mature enough to engage in many activities that require maturity and responsible decision-making. We see 16-year-olds as mature enough to enroll in the Armed Forces under the reserves. We give them the opportunity to shoulder one of the greatest responsibilities one can have: Serving your country and accepting unlimited liability imbued with the ultimate sacrifice for one's country: the principle that you must follow lawful orders even when it may cost you your life.

• (1550)

We believe 16-year-olds are mature enough to drive a car, which is fundamentally a killing machine. We trust them to get behind the wheel and engage in an activity that is statistically one of the most dangerous acts in everyday life.

We believe that 16-year-olds are mature enough to provide informed consent for sex and enter into a contract of marriage with the consent of their parents. We defer to the maturity of young people to know their bodies and to have the capacity to speak autonomously for what they do and do not want in pursuit of their health.

We believe that, at age 16, you are old enough to earn an income and pay taxes on that income. Governments take money from employed 16-year-old Canadians. They create policy and legislation that affects them, and they do it without them. In summary, 16- and 17-year-olds are already considered mature enough to navigate the responsibilities of joining the military, providing sexual consent, driving a car, paying taxes, getting married and becoming parents.

Preventing them from voting because they lack maturity contradicts the current responsibilities that our society has already placed on their shoulders. Yet they do not have access to the most fundamental and democratic form of engagement — the right to vote.

We should not keep young people away from the heart of our democracy within which the right to vote resides. Instead, we need to invite them in as partners in the revitalization of our democracy; this is an essential opportunity to demonstrate to young Canadians the respect they deserve — because they have earned it. They are our partners in the stewardship of our country and in the institutions that govern us. Let's look around. Although 30 is the threshold to be considered for appointment to the Senate, no one within a decade of that age is sitting in this chamber today. Now think about the fact that the federal deficit surpassed $1 trillion. It's not our generation that will bear the long-term impact of the long recovery ahead.

What about this question of whether 16- and 17-year-olds are sufficiently informed? Some critics argue that a 16-year-old is not informed enough to cast a ballot. Well, the 16- and 17-year-olds that I know — the 15-, 16- and 17-year-olds — and one 14-year-old — who have sent me their own research papers arguing in favour of my bill — delivered papers to which I would happily have given a high grade as a university professor. Based on the evidence, 16- and 17-year-olds are able to make an informed decision based on their values and a vision of inclusivity and progression.

Honourable senators, my dad ran for the Conservatives at the invitation of the late Senator Duff Roblin, who was then the Premier of Manitoba. I knocked on dozens of doors, beginning at the age of 12. There were several candidates running for a number of different political parties over the years, and I have supported candidates in each of the political parties at different times for different reasons. For those among us who have this experience of door-to-door engagement in our democracy, we know there's many a voter much older than 16 who is not mature or well informed, but we would fight for their right to vote, be they 18, be they 90, be they 100.

A voter may be unsure about their position on some issues but that does not prevent them from being informed and effectively casting their ballot. An informed voter understands their values and can translate those values into their vision for Canada by casting their vote.

I stand here today with this bill to argue that 16- and 17-year-olds are ready to vote, based on the evidence. You don't need to take my word for it. Take the evidence of the past decade from researchers who have established that 16- and 17-year-olds are equal to or, in some cases, superior to 18-year-olds in the ability to vote responsibly.

In the paper that I mentioned I had received from 15- and 16-year-old sisters Sarah and Meaghan Rohleder, both of whom are too young to vote, they both brought to my attention the fact that in Austria, Malta and Guernsey, all countries that have already lowered the voting age to 16, their federal elections have seen high participation at about 70%. Austria tops the Eurobarometer for voter turnout for 15- to 30-year-olds with 79%, while the average voter turnout in Europe is 64%. A study

from Denmark found that 18-year-olds are more likely to take their first vote than 19-year-olds. The more months that go by in those years saw a decline in first-voter turnout. Lowering the voting age will allow people to vote before they leave high school and their home and will establish lifelong voting habits.

Further evidence from Austria confirms that there is a higher first-time voter turnout with the younger ages and that this continues over time. It shows that 16- and 17-year-olds are ready to contribute sound decision making and quality participation in democracy. The feeling of voting, of stating your opinion in a safe and private place that is protected by law, is a strong one. It is a simple act but one that matters immensely and is clearly set out in our Canadian Charter of Rights and Freedoms as a fundamental right with, by the way, no age specified.

In another research paper sent to me by three high school students from Winnipeg, several studies were cited including a study published by the London School of Economics last year which found a voter's first two election cycles are key in determining their future voting habits. It increases twofold for every election in which they vote. In the words of the high school students, Avinash, Rooj and Shiven, that is the recipe for a lifelong voter.

These student authors also noted one kind of cognition is called cold cognition, and that is usually what we think about — attention, memory and everyday types of things. It's really non-emotional cognition. Then there is hot cognition, which is emotional and social cognition. For decisions such as voting, our brains use cold cognition. While hot cognition continues developing until the mid 20s, cold cognition is fully mature and developed by the age of 16.

Sixteen-year-olds are completely scientifically and intellectually capable of making political decisions, a point also made by the student authors Sarah and Meaghan.

Colleagues, these are rational arguments and evidence that surpass the anecdotal and, frankly, prejudicial dismissals of young voters that I've been hearing from some talk show hosts and other opponents.

A study from the American Academy of Political and Social Science verified the adequate level of political knowledge held by teenagers. They found that,

> On measures of civic knowledge, political skills, political efficacy, and tolerance, 16-year-olds, on average, are obtaining scores similar to those of adults.

Most young people are in high school at the age of 16, which can provide a supportive framework to absorb the knowledge necessary to make an informed vote. Some senators were able to engage in dialogue today in a webinar with some remarkable young leaders from different parts of Canada with a range of diversity among them. The question was asked about the ability to actually understand the political process and whether what we needed to do was wait until young people were receiving more education in our school systems.

• (1600)

Several of the panellists responded. Right now, I'm thinking particularly of Kamil from Calgary, who said that he has been receiving civic education in the Calgary school system since before he was in high school, and that the whole idea of being part of a democracy, of being a leader in civil society, was put forward repeatedly in educational programs that he's experienced for a very long time. Most of the other young panellists nodded in agreement when he made this statement.

Young people like this are in an environment where they spend time exploring the complicated issues that face us today. In the classroom, young people have a structured opportunity to discuss the different federal and provincial parties and their positions regarding environmental, economic and social issues of national, global and local importance.

Elections would provide students an opportunity to practise forming and acting on their own opinion, and the school setting provides them with the information resources to make an informed decision when voting.

Then we come to the question of whether 16- and 17-year-olds would really contribute to effective representation.

Voting is a simple but powerful act. It is an act that recognizes the credibility of the person's voice in making a decision about their community and their nation. Voting allows citizens to participate in the decision-making process and hold those in power accountable.

In fact, our young citizens are to bear the burden of the decisions we are making here today. To some extent, it is their future earnings that are being spent now. Giving young people the right to vote will improve our political representation and help world leaders make decisions that positively affect young individuals long into their future, when they are parents and grandparents.

Young people are not only affected by government policy on education and climate change; when a young person moves out of their home, they are impacted immediately by housing policy. When a young person commutes, they are affected by transit and infrastructure planning. When a young person is concerned about how they are going to take care of their elders, they are affected by seniors policies. When young people enter the workforce, they are impacted by tax and economic policy. When young people have children and families of their own or are living on their own, they need to buy groceries for themselves and their family, and food prices affect them. When looking for health attention, young people are affected by the funding levels of our health care systems and whether they, as young people, are going to experience prejudice in accessing those services.

Many more young people wish to pursue post-secondary education than those who can. They are affected by education funding.

Young people face important and serious issues that intersect with the role of government. As of 2018, people under 18 are more than twice as likely to live in poverty as we are.

Historically, youth unemployment has been higher than the rest of the general population, and we see that dramatically right now in the midst of this pandemic.

However, because of the pandemic, the economic disruption is hitting young people very hard. In May, as the Canadian unemployment rate rose to 13.7%, youth unemployment ballooned to 29.4% — almost 30%.

With the rising impact and costs associated with climate change, young people are going to pay the most for our inaction on transitioning to a low-carbon economy and the development of infrastructure resilience. The consequences of government action affect a group of people who are mature enough to form an informed opinion but are prevented from being able to exercise democratic rights.

Honourable colleagues, this bill aims to resolve this democratic slight and improve the representation of Canadian society at the voting booth by bringing in more people who should be able to voice their opinion on how their government is impacting their lives.

How exactly would reducing the voting age to 16 strengthen our democracy and increase the number of voters? Studies have shown that voters who vote in their first election are more likely to continue voting in their lifetime. Failure to engage youth in the democratic process can have negative consequences on the long-term health of our democracy. Voter turnout in federal elections has not once been over 70% within the past 70 years.

When looking at the demographic breakdown of voter turnout, it is easy to cast a disapproving eye to the 18- to 24-year-olds who are often the least likely to vote. According to Elections Canada, Canadians between the ages of 18 and 24 have shown the least amount of interest in voting. Their 2019 turnout was only 57.1% in this country.

The responsibility for engaging young people is shared. There is a degree of responsibility on youth to get involved, but we know from research that they're already, to a large extent, involved. And speaking from experience, young people are ready and willing to engage in meaningful conversations about serious issues, just as it happened earlier today during our webinar.

However, there is a reciprocal responsibility on us as a society to create opportunities for young people to participate in the democratic system and develop interest in their community, to understand the impact of the decisions and actions they take today on the future that is coming.

Academics studying the impact of lowering the voting age to 16 found that it positively impacted voter turnout in younger demographics and increased the likelihood that the adults in the family would vote as well. A University of Copenhagen study found that one of the most important relationships that predicted the probability of a first-time voter was the influence of parents and peers. The study empirically contradicted the assumption that younger people would vote less frequently. It found that young people living with their parents were far more likely to vote than 18-year-olds who had moved out of the family home.

The study also showed that as young people moved out for work or higher education, their peers' influence became equal to or greater than that of their families, and they became less likely to vote than when they were living at home.

In sum, youth living at home with their parents are far more likely to vote compared to 18-year-olds who have often moved away and might be in relatively unstable conditions.

Another study found that the benefit of parenting a newly enfranchised voter is that the parent is more likely to vote more regularly and in the same elections. That also increases voter turnout. They found that the older you become before you cast your first ballot decreases your likelihood of voting for the first time.

In a study of Austrian elections, where 16- and 17-year-olds have been able to vote since 2007, voter turnout was almost 10% greater than those in the age group of 18 to 20. The takeaway is clear: Lowering the voting age will allow young Canadians to engage with the democratic process earlier and increase overall voter turnout in the long term. That's win-win for our democracy.

There is clear evidence of this in Austria, Scotland and Denmark. This morning on our webinar, one of our panellists was a parliamentarian, a member of Parliament for the Welsh Youth Parliament. She was 16 when elected, now 17, and her name is Maisy Evans. Her articulation of the experience of being part of the Parliament and the way in which young people — younger than 16 in many cases, as she was — engaged for years in a campaign to convince the majority of people in the Welsh Parliament that there needed to be a youth parliament. With the results that are now showing up, certainly longer term in a country like Austria where we're looking at more than 12 years — and more recently in Wales — the information that we have is very positive, for the most part.

• (1610)

When Austria lowered its voting age to 16, it was found that there was a "first-time voting boost" in that 16- and 17-year-old category. It was also found that the turnout among 16- and 17-year-olds was not substantially lower than the average turnout rate for the entire voting population. Some of the research in Austria found that those under 18 were able and willing to participate in politics, and their values were effectively translated into political decisions as those of the people between the ages of 18 to 21. In other words, there was a finding of equivalency if not better.

The study also found no evidence that a lack of voter turnout was driven by a lack of interest or ability to participate in this age group. Young people are interested. Young people are participating. Let us take a step to strengthen our democracy by increasing the public's participation in the electoral process. Let's bring more people to the table who can help make important decisions about policy and spending that affect them. Let's trust young people and help them develop into even better leaders at the forefront of the vast and dynamic range of issues facing our society.

While there have been previous private members' bills to lower the voting age to 16, they have all originated in the other place. Bill S-209 gives senators a leadership opportunity to modernize and revitalize our democracy.

And to those who are concerned that young people's voting will disrupt the current political landscape, let's look at the numbers. Lowering the voting age would be giving around 800,000 people the ability to vote. Canada's total eligible electorate was just over 27 million people in 2019. Adding 800,000 16- and 17-year-olds to the electorate would represent only a 2.9% increase to the total number of eligible voters. This is a fraction of electors to the total amount, and it is unlikely to upset Canada's political competitions.

If critics argue that all youth will vote for one type of party, let me push back against this idea of preventing an otherwise capable person from exercising their political preference. Maturity and social responsibility should play an important role in deciding whether to allow someone to vote, not their political beliefs. We have a freedom protecting that in this country. Such a notion is antithetical to the understanding of democracy itself when the voices of the people are the source of legitimate power.

I've often heard it said that young people are apathetic and young people are not engaged. That's not what I see. That's not what I hear. Young people are already engaged in their communities. They get involved in their high schools through clubs and student councils and other community organizations. They are involved in sports teams and drama theatres. They put on fundraisers for community initiatives.

Voter turnout numbers do not immediately prove the idea that youth are politically disengaged. All we really know for sure is that once you're 18, you are actually less likely to vote than when you're 16 or 17. This does not mean young people are not engaged in political or social causes. They are certainly present and using their opinion, time and effort to shape the society they believe in.

For young people who have not yet found a channel to contribute to their civic interest, we need to provide them with opportunities to get involved to strengthen communities across Canada. Lowering the voting age helps get young people involved by introducing them to the community's issues, how government interacts with their community, what organizations work to better their community, and it gives them the opportunity to make it all better.

Lowering the voting age can expose interested young people to organizations or activities that can produce habits of long-term civic engagement. Creating more opportunities for young people to be exposed to how they can contribute their time and effort to develop their communities is something worth standing up for.

When I began working with my youth advisers on the idea of lowering the federal voting age — and it came from them — they made it clear to me that a national campaign galvanized by youth leaders needed to be created. From across Canada, my youth advisers have been diligently researching, consulting and proposing outreach strategies to ensure Canadian youth are involved at all stages of the process of this bill.

The Vote 16 Youth Steering Committee, composed of youth advisers, has been invaluable to me, providing feedback and their youth perspectives at every stage of developing this bill. It has been a long time coming, from 2017, when I first had this idea from the young advisers who sat around a table with me in Centre Block. Now I am committed to consulting young leaders as this bill makes its way through Parliament, as happened this morning between senators and panellists on our webinar.

A similar consultation happened in October. It started just about two weeks ago and is continuing throughout November. It again involves a number of senators and members of Parliament. This is a partnership through TakingITGlobal, which is the largest non-profit technology company in the world founded and run by young people. The partnership is also with The Centre for Global Education based in Edmonton. We've already commenced a cross-Canada consultation with high school students from coast to coast to coast on the topic of lowering the voting age. They don't all agree, but the discussions are rich and the contributions of the young people and their teachers who are involved in this consultation are inspiring.

Over the next two months, we will continue to connect students with experts in the field of elections and political participation. For example, one of our panellists on the webinar this morning was from The Samara Centre for Democracy, a charity dedicated to good governance and democracy in Canada. It is non-partisan, does not take a position, but one of their researchers who specializes in youth engagement was able to give us some very important information as part of the panel discussion.

Ultimately, this kind of engagement will ask participating youth to produce a report on their position toward lowering the voting age. We look forward to working with them, to receiving reports back from them as stakeholders, to sharing them with parliamentarians and, quite possibly, taking another look at this bill to see if it's the best it could possibly be.

I invite all of you today, and anyone listening, to consider joining our Vote 16 campaign. We have the opportunity for anyone in Canada, any young person in Canada, to become a Vote 16 Mobilizer, and the web page can be accessed through my Senate page. I want to hear from young people, and I'm committed to remaining open to feedback and suggestions.

[*Translation*]

In closing, I'd like to quote the president of the Fédération de la jeunesse canadienne-française, an organization representing French-Canadian youth that played a vital role in developing the campaign to lower the voting age to 16. Sue Duguay said, and I quote:

> The [proposed] bill puts an issue of utmost importance back on the table. I am pleased that lowering the voting age to 16 is still being considered. French-speaking youth are engaged in their communities, and that means in politics as well, often more than most people. As individuals eager to take a critical look at the Canadian political system, their voices deserve to be heard and considered.

> Voting at 16 is a much broader issue than simply exercising one's right to vote. We need to work together, with the provinces and territories, to enhance civic education amongst all young Canadians. We strongly urge the federal government to consider this bill carefully, since it responds positively to an issue that has been a top priority for young people for quite some time.

• (1620)

[*English*]

In the webinar that we had this morning, one of our panellists was an Indigenous young woman leader from Saskatchewan. In answer to a question, and I think it was a question from Senator McCallum, she made it very clear that among her peers — she's an education student at the University of Saskatchewan — and she made it very clear in answering and contributing to our discussion, for young Indigenous leaders, they understand where they are within their communities. In many cases, they form the majority. They understand that they will carry on their shoulders, for decades to come, responsibilities that are probably far greater than many of them at their age should be carrying. She made it very clear to us that young Indigenous leaders are ready, willing and more than able to vote beginning at the age of 16.

I entrust these words to you, my colleagues, and I close by pointing out that these young leaders, young citizens of our country, are our partners. They are crucial in the long-term governance of our institutions and in the revitalization of our democracy. They deserve the right to vote, and we can help to make that happen. Thank you, *meegwetch*.

Some Hon. Senators: Hear, hear.

Hon. Leo Housakos: Senator McPhedran, I listened with interest to your speech and your argument. I have to say I was a bit skeptical at the beginning, but as you went along with your argument you made me think about how there is a great inconsistency currently in the democratic political process in this country.

The reality is, if you look at all of the major political parties, they allow membership to start at the age of 14. Of course, that's where democracy is actually in action in this country. That's where it all stems from and where it all begins.

We allow people at the age of 14 to become members of national political parties. They can participate in the voting process to elect the candidates in their riding, who ultimately can be elected as members of Parliament. They can participate in the leadership races of these political parties, which ultimately chooses a leader who can go on to become prime minister. But we don't give them the right to vote in a general election. There's that inconsistency.

My question to you in terms of your bill and your argument: Why should we make the threshold 16 and not 14, when political parties are already engaging 14- and 15-year-olds in the democratic process within the political party systems?

Senator McPhedran: Senator Housakos, thank you very much for your observations and for your question. I think it would be great if we discussed possible amendment, if that was something that interested you. One of the reasons that we've looked at 16 being the threshold is because most of the research has been done at that level. When we are countering as much prejudice as we are, it is my sense that the best way to do that is with evidence. Right now, the evidence strongly supports the capacity of 16- and 17-year-olds. That doesn't preclude what we might find out a few years from now if research is being done on the capacity of 14-year-olds, but at this point there's little doubt in terms of the responsible voting ability of 16- and 17-year-olds in Canada.

Hon. Pierrette Ringuette (The Hon. the Acting Speaker): Senator Martin, a question?

Hon. Yonah Martin (Deputy Leader of the Opposition): I thought Senator McCallum rose before I did.

The Hon. the Acting Speaker: I'm sorry, Senator McCallum, Senator Mercer would like to move on debate.

Hon. Terry M. Mercer: Honourable senators — I'm sorry, there's a question.

The Hon. the Acting Speaker: I heard that you wanted to adjourn instead of Senator McCallum.

Senator Martin: Senator McCallum rose before I did, so I thought she could ask a question and I would follow.

The Hon. the Acting Speaker: Sorry. Senator Martin, you have a question.

Senator Martin: First of all, Senator McPhedran, thank you for your very thoughtful speech. I know the incredible advocacy work you do with our youth. I wasn't able to attend the Zoom session, even though I was quite interested. As you know, I was a classroom teacher for 21 years and I absolutely agree with you. Our students are amazing. I'm a mother of a 25-year-old, and my daughter has taught me so much from a very young age.

I refer to my daughter as an example of some concerns I have about this bill and if we were to lower the age to 16.

We always say that the Senate is a master of its own domain, and I know teachers are masters of their own classrooms. There's no way for Elections Canada or a principal to be in every classroom at all times. We put a lot of trust in the teachers, who have a lot of authority or power in the classroom. They probably spend more time with their students than some of the students spend with their own families. Now we have a very different reality with these hybrid schools, but they are in school as well.

I remember my daughter, when she was 15 — the year before she would be potentially allowed to vote if we were to pass this bill — came home one day and said, "Mom, my teacher says all politicians can't be trusted." She was in a very special leadership program. So I simply looked at her and I asked, "Do you trust me?" She said, "Of course." And I said, "Well, I'm a politician." I gave other examples of adults she knows and trusts who are also politicians. So she drew the conclusion at the end that it was quite a generalization.

If I may just —

The Hon. the Acting Speaker: Senator McPhedran, are you asking for five additional minutes?

Senator McPhedran: I would greatly appreciate that, yes.

The Hon. the Acting Speaker: Is the Senate agreed?

An Hon. Senator: No.

Senator McPhedran: But you're in the middle of your question.

Senator Mercer: Honourable colleagues, as I stand to enter debate on this bill, I want to remind some of you who may not have read my glorious resumé that I have had the privilege in my career of being the executive director of a political party in Nova Scotia. I've also had the honour to be the national director of the most successful political party in Canada nationally, and I also had the opportunity of working with hundreds and hundreds of young, active participants in the political process.

An Hon. Senator: That's why you are a progressive.

Senator Mercer: In my previous life, when I was an active member of the Liberal Party.

The point of this bill is very good. Senator Housakos commented on the fact that political parties have memberships starting at age 14. Many successful political parties and candidates, both provincially and federally, know that engaging young people is providing energy. Yes, they put up signs and they stuff envelopes, but they also bring their ideas. And Senator Jaffer is nodding her head because she knows this herself; she has two children who are very active in a political party at a very young age.

I can't name all of the bills or all of the laws that I have seen that were developed by Young Liberals in Nova Scotia, and Young Liberals across Canada, that have then ended up as legislation.

I remember when I was a Young Liberal. Anne McLellan, the future Deputy Prime Minister of Canada, and Mary Clancy, the future member of Parliament from Halifax, the three of us were on the executive of a group called the Student Liberal Association. I represented Saint Mary's University, McClellan represented Dalhousie and Mary Clancy represented Mount Saint Vincent. Years later, as luck would have it, we found ourselves standing on Parliament Hill together, they as members of Parliament and I as the national director of their political party.

The engagement of young people puts energy into politics. Some of you have come here and said you're not political. Some of you have actually said that you don't like political parties. Guess what, folks? That's what makes this place work. That's what makes the place across the street work.

• (1630)

All political parties up there are driven by volunteers, and the successful ones — the Conservative Party and the Liberal Party, and to a lesser extent the New Democrats — are driven by young people. Senator Housakos was right when he talked about young people joining — in his case, the Conservative Party — a political party and making the changes within the party that are really important.

When I was a Young Liberal, I was so proud to go to a convention. When we called for the legalization of marijuana — it was a long time ago. But I was also very proud when I stood in this place and voted to legalize marijuana, finally. So some of the work we started does take a little time to get here.

However, I would encourage you to consider supporting Senator McPhedran's bill. It is a dynamic change. In the first election after we pass this bill, you will notice a huge difference in how politics will happen. It will be a lot more fun, I can tell you that. I was always able to enjoy the energy that young people brought to the game. And, yes, they were also providing a great deal of support in getting our job done.

As a matter of fact, if you want to talk to people who have been through the process of being active in political parties as a young person, Greg Fergus, the Member of Parliament for Hull—Aylmer, Quebec was active for a long time as a young person. He was at one time president of the Young Liberals of Canada.

The former Speaker of the House of Commons, Geoff Regan, was very active in the Nova Scotia Young Liberals. I remember as an executive director, I was invited to come to speak to the Young Liberals and I said, "Do I need to bring anything?" They said, "Yes, a case of beer." Which I did.

It is a great place for young people to cut their teeth on public engagement. Yes, many of them stay involved for years. Others across the country get involved in other aspects of politics. Some of them get involved in the administration of government in one form or another, but they come with the knowledge of how the political process works.

One of the frustrations that I've seen from some of you who are new to the chamber is not knowing how the process works. If you had been involved politically as a young person, or as an adult, you would have been able to be engaged. Some of you are still critical of the political process. Guess what? You're involved in the political process, and it is so much better if you start off as a young person.

I am privileged, as I say, to have been the executive director of the Liberal Party of Nova Scotia and national director of the Liberal Party of Canada. I'm also very proud of the fact that my son is now Executive Director of the Liberal Party of Nova Scotia. He wants me to remind future leaders that he wants to follow the rest of my career and end up in the Senate. I said, "You're on your own from here, pal."

It is so important that we engage young people in public discussion. Colleagues who have been here for a while will remember my discussion about providing vehicles for young people to be engaged. We're not talking about being engaged in politics, but being engaged in the community. I live in a very small village outside of Halifax. Like all communities, we have good things happening, but we also have some things that aren't so good. A number of years ago — about eight or nine years ago now — a group of people came together and decided they needed

to find something to engage young people in the community. They formed a Sea Cadets corps in the community. My son, the same guy who is Executive Director of the party in Nova Scotia, was an officer in the cadet program. He was a naval lieutenant. He got involved in the local corps as an instructor and became the commanding officer as well.

The major point to this story is that after a couple of years, I met with the RCMP officers who police our community, and I said, "What's the difference now, with the cadet program in the community, compared to before?" They said it's night and day. It's night and day because the young people were engaged in the community. It became their community. They helped manage it. They did things that the rest of us didn't do, cleaning up the place that needed to be cleaned up; it was engagement.

I asked the principal of the local school what effect it had. She said it was like night and day. The young people who might have been on the edge of getting into trouble were now engaged.

This is an opportunity to engage an awful lot of young people in the political process, and that would be good for the political process. It would be good for Canada. Yes, it may be good for certain political parties, but guess what? That's important too. The health of the Conservative Party is an important thing.

Senator Plett: Hear, hear.

Senator Mercer: Not as important as the health of the Liberal Party, but that's okay. It's our democracy. We're helping teach young people to be good Canadians, and are giving them an opportunity to be good Canadians by getting out there and voting at age 16. What a change we would be making to our democracy.

I thank Senator McPhedran for bringing this forward. I'm sorry I couldn't make the webinar this morning. Colleagues, I would encourage you to support this bill. It's an important bill. If we ever get this passed, you will look back on it after the next couple of elections and say, "Boy, did we do good work." Thank you, colleagues.

The Hon. the Acting Speaker: Senator Mercer, would you accept a question?

Senator Mercer: Yes.

Hon. Mobina S. B. Jaffer: Thank you, Senators McPhedran and Mercer, for your presentations. I believe part of the success of the Liberal Party — I can only talk about the Liberal Party — is due to the vision of the young people within our midst. It's not just to vote but the power to vote, so they can set the agenda. You remember that the same-sex marriage idea came from the 14- and 16-year-olds, and they would not let the party get away with not setting up legislation. Would you agree with me, Senator Mercer? The vote gives them the right to bring up policies that matter in their lives.

Senator Mercer: I think that those of you who have not been involved in a political party would not know — and Senator Jaffer certainly does — that the youth wings of political parties are the most powerful wing of the party, because they've got the energy and they're disciplined when there's something that they want. For example, I talked about the motions years ago for the legalization of marijuana. Guess what? That came up time and again, because Young Liberals in my political process — my history — wouldn't let it go. And as they got older, some of those people are the members of Parliament who helped bring in the legislation that we also passed here.

It's the energy that they bring. As I said, pass this bill and make it law, and you will notice a huge difference in the next two elections and elections beyond that.

Senator McPhedran: May I ask a question of Senator Mercer? It's a bit of a historical question. In our research, it was actually brought to my attention by a former young leader in Nova Scotia that policies of the Liberal Party of Canada contain a policy adopted, I believe, at a 2009 convention, to lower the federal voting age to 16. My understanding was that that actually came from Nova Scotia, and I wonder if you can confirm that.

• (1640)

Senator Mercer: Yes, indeed it did, but with the concurrence of Young Liberals from elsewhere. Again, I was at the convention where that passed. Young people are so energetic but sometimes are not disciplined in meetings. When this motion was coming up at the meeting, the process required that they get it to the second level at the convention to actually get it into the policy of the party. Every Young Liberal who was at that convention was in that room. They knew they had the power to change the policy of the party, and they did change the policy of the party.

In the Liberal Party — and I don't know about the Conservative Party — if a policy was adopted by the party and we were the party in power, then the parliamentary wing had to report back to the party annually on what process was made on the policies that the party had adopted. Every year they came back and said the marijuana one — they hadn't got to that yet. However, it's very real, and I remember, years later, I was the one who had to publish the reports when I was the editor of the documents that went to conventions. So yes, it's very important.

(On motion of Senator McCallum, debate adjourned.)

[*Translation*]

COMMISSIONER FOR CHILDREN AND YOUTH IN CANADA BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Moodie, seconded by the Honourable Senator Mégie, for the second reading of Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada.

Hon. Marie-Françoise Mégie: Honourable senators, I rise today in support of Bill S-210, which is sponsored by Senator Moodie. This bill will establish the Office of the Commissioner for Children and Youth in Canada.

Similar bills have been introduced in the other place in previous sessions. The first iteration was introduced in 2012 by the current Minister of Transport, the Honourable Marc Garneau. The bill was introduced a second time in 2015 by former Minister of Justice Irwin Cotler, and then, in 2019, a version was introduced by the NDP and the Conservatives in turn. That shows that support for this bill transcends political partisanship and that the bill could be quickly passed by both chambers.

Bill S-210 meets a need that has existed for a number of decades. Young people in Canada do not have an independent voice to defend their rights and interests in Parliament. The participation of young people in political life is limited. They do not vote and do not have an effective complaint mechanism if their rights are violated.

Nearly 30 years after the ratification of the Convention on the Rights of the Child, we still do not have a commissioner for children and youth, while more than two thirds of OECD countries do. Canada ratified the United Nations Convention on the Rights of the Child on November 13, 1991.

In consideration of the time available to me here, I would like to boil the convention's 42 articles down to the following five points. First, all children have the right to a standard of living adequate for their overall development. Second, the best interests of the child shall be a primary consideration in all decisions. Third, children have the right to express their views freely in all matters affecting them, and their views must be given due weight. Fourth, children have the right to enjoy their own culture, practice their own religion and use their own language. Last, Canada has an obligation to take all legislative, administrative and other measures necessary to ensure the rights recognized in the convention.

Thirteen years ago, the Standing Senate Committee on Human Rights studied children's rights. The main recommendation in the committee's report, entitled *Children: The Silenced Citizens*, was to establish a federal children's commissioner. Canada must remedy the inequalities affecting children and youth in accordance with their rights under the Canadian Charter of Rights and Freedoms.

The tireless work of Cindy Blackstock and the First Nations Child & Family Caring Society proves that our country has not honoured the right of children to an equal education.

Let's have a look at what is happening in the provinces, using my province as an example. The story of Aurore, the child martyr left an indelible mark on the imagination of Quebecers. Many believed that it was ancient history, part of the folklore. Have things really changed?

A survey by the Institut de la statistique du Québec, or ISQ, focusing on domestic violence in the lives of children in Quebec could not overlook the deep-seated taboo that child abuse still is.

The ISQ conducted four surveys on domestic violence between 1999 and 2019. Nearly 1 in 10 parents still thinks it's acceptable for a parent to slap a child. However, section 43 of the Criminal Code of Canada still allows parents and teachers to use force to correct a child's behaviour. It remains a controversial provision in Canadian criminal law.

In recent decades, a growing number of voices have been calling for all forms of corporal punishment inflicted on children or youth to be banned in Canada. Section 43 would have to be removed from the Criminal Code.

Furthermore, Senator Hervieux-Payette took up this file and introduced several versions of bills aimed at better protecting children. Unfortunately, none of them ever passed because of the legislative and electoral cycles.

The death of a 7-year-old girl in Granby, Quebec, on April 30, 2019, shook the entire population and raised concerns about the child welfare system and the support provided to vulnerable families.

In response to this tragedy, the Government of Quebec committed to embarking on an examination not only of youth protection services, but also the law that governs them, as well as the role of the courts, social services and other actors involved.

On May 30, 2019, the Quebec government entrusted this mandate to a special commission known as the "Commission Laurent" after the woman presiding it, Ms. Régine Laurent. The Special Commission on the Rights of the Child and Youth Protection must submit its report and recommendations to the government by March 2021.

• (1650)

To achieve its mandate, the commission is looking at how youth protection services are organized and funded within the health and social services network.

On October 13, the Montreal youth protection branch, the DPJ, sounded the alarm because it is currently in critical need of family-type resources for toddlers in need of protection. Since 2011, the number of family-type resources, commonly known as foster families, has dropped dramatically from more than 900 to fewer than 300.

The following are examples of classified ads that were produced by the youth protection branch to find foster families.

Kevin, age four, victim of physical abuse presenting with language delay, has medical appointments at l'Hôpital Sainte-Justine every two weeks. He needs you to take care of him until his parents' situation improves. He needs a warm and safe home and someone who is prepared to take him to his appointments and be there for him during times of distress.

Sophia, 18 months, has epilepsy and comes from a neglectful environment. She was temporarily placed in a foster home that already had children in its care. However, the law states that a child has the right to a good placement right away. Help us find Sophia a foster home.

Alexia is two days old and is in hospital going through withdrawal because her mother used drugs when she was pregnant. Her mother is currently in a drug rehabilitation program. Alexia needs you to rock her, soothe her and give her the appropriate care for her condition.

For that reason, dear colleagues, we must collectively contribute to improving the process of taking in children in need of protection.

The Laurent commission is also studying the organization and functioning of the courts with respect to youth protection, either the Court of Quebec's youth division and its connections with the courts concerning child custody, or the Superior Court, to ensure that the general principles of the Youth Protection Act and children's rights are being enforced.

What is the current situation in Canada? In September, *Le Devoir* printed an article entitled "Childhood in Canada is in crisis." It reported on the findings of two reports, namely the UNICEF report and the report by Children First Canada, which was prepared in conjunction with the University of Calgary. The UNICEF report found that childhood was in crisis in Canada even before the outbreak of COVID-19 and that the public health situation has eroded children's rights.

Canada ranks low compared to other OECD countries because of its infant mortality rate, which is nearly 1 in 1,000 births, its high suicide rate and the rate of obesity among Canadian children.

Statistics Canada notes that suicide is the second leading cause of death among young people. Although Parliament adopted a Federal Framework for Suicide Prevention in 2012, seven years later, in September 2019, the Canadian Council of Child & Youth Advocates was still calling for a national strategy to combat youth suicide. The council found that the different levels of government do collect data, but they do it independently. How are we to move forward without coordinated data? A commissioner could review the situation and make recommendations on how to address the second leading cause of death among Canadian youth.

As for obesity among Canadian children, the Standing Senate Committee on Social Affairs tabled a report entitled *Obesity in Canada* in March 2016 in the Senate. More than one third of children are obese or overweight. It is difficult to assess how the government is dealing with this problem. A commissioner could help with this.

The socio-economic disparities in Canada are growing. Pre-COVID statistics showed that nearly one in five Canadian children were living in poverty. The report prepared jointly by Children First Canada and the University of Calgary offered similar findings. The top 10 threats to child development include food insecurity, poor mental health, delay of vaccinations, physical and sexual abuse, systemic racism and discrimination, and poverty.

It is vital to invest in order to give all children an equal opportunity and ensure intergenerational equity.

In conclusion, some might wonder whether it is up to the federal government to spend money creating a commissioner's office and how much all that will cost. First, we should understand the cost of the damage done to children whose rights are violated, which includes developmental delays, depressed behaviour, anxiety, difficulty in school and dropping out of school, and suicide.

A 2003 Canadian study assessed the annual cost of child abuse for society at nearly $16 billion. Would we ask firefighters to limit their use of water when fires break out? Given the huge amount of work that commissioners manage to do with so little, we should appreciate the precious guidance that they give to governments and parliamentarians to help us co-exist in a fair and equitable manner.

It is high time for children and youth to be able to fully enjoy their rights and for a commissioner to be there to get justice for them, even though they do not vote.

Honourable senators, given that this bill already has the support of most parties in the other place, should we not suggest a measure to expedite the passage of this bill so that it is given Royal Assent sooner rather than later?

Thank you.

[*English*]

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada.

First, I do want to be clear that I completely agree with the intent of this bill. Of course, no one here can argue the importance of giving a strong voice to and legislating protections for all of Canada's children and youth. I applaud Senator Moodie's dedication to this goal and what have been tireless efforts towards it. But, colleagues, with respect, I do not believe that Bill S-210 is the solution.

Let me talk a bit about what's going on in Nunavut with children and youth. Our Representative for Children and Youth tabled in September 2020 their 2019-20 report. It's a damning report that laid bare a heart-wrenching story of challenges that are faced by Nunavut's children and youth. A total of 6,438 children of our population of 38,000 are under the age of 18 and currently living in homes receiving income assistance. In Nunavut, 61% of homes are food insecure, and 560 young people are receiving services from the director, meaning they're being followed by the local youth protection authorities. It further indicated that of those 560 youth, 134 received critical injuries and three died.

Young people spent a cumulative total of 4,304 nights in a family violence shelter, and, tragically, 31% of all suicides in the territory are committed by persons under the age of 20.

The report goes on to discuss the representation of youth in the justice system and truancy rates, which are all within the 60% range, but also notes the massive gaps in data collection when it comes to children and youth. The report tracked the progress

being made on past recommendations and made new recommendations. Jane Bates, the Representative for Children and Youth, stated:

> The three most prominent things brought to my attention were that some Government of Nunavut employees are not being held accountable for their decisions and/or actions; that by not acknowledging and addressing the abuse that some children experience it is being condoned; and that there is an accepted complacency that this is 'just the way of the North' and action does not need to be taken to address arising problems.

• (1700)

Honourable senators, I tell you this not only to highlight the tragic realities and challenges facing the children and youth of Nunavut, but also to highlight how Nunavut's Representative of Children and Youth is already doing the work proposed in this bill.

When I reached out to Ms. Bates' office last week, I was disappointed to hear that she had not yet been given a copy of the bill, which I then rectified. This, for me, highlights the lack of consultation surrounding this bill and raises concerns about the coordination between the work of the proposed commissioner and the current child and youth advocates at the provincial, territorial and Indigenous government levels. These questions of jurisdiction and consultation are similar to questions raised during the debate surrounding the Indigenous Languages Act and the act pertaining to Indigenous children in care.

Indeed, the Assembly of First Nations clearly states that legislation affecting Indigenous peoples must not be unilaterally developed. In their brief submitted to the Aboriginal Peoples Committee on April 2, 2019, during the committee's study on the new relationship between Canada and Indigenous peoples, the AFN says:

> It is essential that the processes used to define the terms of a relationship among equals reflect that equality from the outset. This highlights the need for co-development from the beginning, adequately reflecting all perspectives, and mechanisms that respect the differing decision-making structures appropriate to each.

Yet, this bill is limited in its ability to consult adequately due to — and I understand this — the lack of resources available to an individual senator.

It is also troubling to me that the bill seeks to have the commissioner appointed after a period of consultation with leaders in the Senate and House of Commons. Given that the proposed commissioner's mandate includes five subclauses that specifically mention "First Nations, Inuit or Métis children and youth," it strikes me that the selection process should allow for Indigenous input. This is particularly important given that the commissioner would be granted powers under section 17(5)(a) to "enter any place of detention or residence for children and youth under control or operation of the Government of Canada" and 17(5)(b) "have direct access, in conditions of privacy, to the children and youth detained in a place described in paragraph (a)."

For Indigenous children in care, how do the provisions that I've just mentioned coordinate with provisions laid out in the Act Respecting First Nations, Inuit and Métis children, youth and families, which was passed by Parliament last year? How does this bill coordinate with provisions under the Youth Criminal Justice Act? Would it then give the commissioner free access to detained youth? There is no coordinating amendment that mentions either of these acts in the bill.

I also — and again respectfully — disagree with the assertion in the preamble of this bill that states:

> Whereas children and youth under federal jurisdiction — such as First Nations, Inuit and Métis children and youth — do not benefit from provincial and territorial human rights protections ...

I believe that this paints an incomplete picture of the current protections of children and youth. All children, for example, surely, are subject to the Canadian Charter of Rights and Freedoms and, in Nunavut, all children, including Inuit, are protected under the Child and Family Services Act, while the Representative for Children and Youth is governed by the Representative for Children and Youth Act.

In cases where there is confusion created by overlap of federal government, provincial, territorial and Indigenous government jurisdiction, Jordan's Principle must be applied. Indigenous Services Canada explains that:

> Jordan's Principle makes sure all First Nations children living in Canada can access the products, services and supports they need, when they need them. Funding can help with a wide range of health, social and educational needs, including the unique needs that First Nations Two-Spirit and LGBTQQIA children and youth and those with disabilities may have.

Further, on the issue of providing provincial/territorial protections, the Canadian Bar Association explains that there are:

> . . . various provincial statutes regarding child protection, family law, health issues and property and wills and estates, expressly provide that Indigenous children, families, territories and Band Councils be given distinct consideration when applying Canadian law to situations involving Indigenous peoples. Treaty rights and land agreements are also applicable to resolving issues involving Indigenous children. There is a legal and economic distinction between Indigenous peoples living on and off reserve, as well as between those who do or do not have recognised status.

But perhaps the largest gap I have identified in this bill is a lack of a Royal Recommendation. And I asked Senator Moodie about this earlier in this session. Without the ability to appropriate the requisite funds from Canada, I have difficulty seeing how this bill can proceed.

The salary and expenses are briefly mentioned in clause 10, while the salary, expenses and benefits according to the proposed assistant commissioner are discussed in section 15(2-3). I understand that Senator Moodie has tried to address this in section 38(2) wherein it states:

> No order may be made under subsection(1) unless the appropriation of moneys for the purposes of this Act has been recommended by Governor General and such moneys have been appropriated by Parliament.

However, this bill also lacks the structure and accountability measures that must accompany any federal office. This is not simply creating two new positions to be placed under the purview of a federal ministry or department. It is proposing to create a stand-alone office that would create independent reports to Parliament and to the public.

Let's look then at the most recent example of this, the creation of the Office of Commissioner of Indigenous Languages. The act respecting Indigenous languages received Royal Assent on June 21, 2019. In it, sections 12 through to 44 are dedicated to the establishment of the office. It enables the commissioner to hire support staff and buy office supplies. It lays out provisions surrounding financial audits, financial reporting and fiscal safeguards to protect against the misappropriation of public funds. All of this, colleagues, is missing from Bill S-210.

Honourable senators, please understand, I am not against protecting youth. I do, however, feel that this bill falls short of its stated goal. The fact is that an individual senator's office lacks the resources required to properly consult on such a massive undertaking. A federal commissioner for children and youth would require coordination across federal, provincial and territorial and Indigenous jurisdictions, and their office would need to have clearly defined fiscal parameters and safeguards. It would also require further coordination with existing legislation.

I commend what Senator Moodie is hoping to achieve with this bill. I hope my comments are helpful, perhaps in improving the bill or in suggesting other paths forward. But I believe that it is the government that should take up this initiative. It is the federal government that would have the resources to fill the gaps within this bill. So I would encourage the government to bring forward legislation to address the concerns raised by Senator Moodie in this bill. And I would urge her to marshal her considerable energies and enthusiasm about this project to getting someone in the other place, preferably on the government side, to introduce a bill of this scope.

Thank you, honourable senators.

The Hon. the Acting Speaker: Senator Moodie, you have a question?

Hon. Rosemary Moodie: Would Senator Patterson take a question?

The Hon. the Acting Speaker: Would you take a question?

Senator Patterson: Yes.

Senator Moodie: Thank you, Senator Patterson, for your remarks. Being familiar with the report from the Representative for Children and Youth in Nunavut and the dire situation facing our children there, let me say that the children in Nunavut are fortunate to have you as their representative.

I have a comment and then a question. I do agree that this is something that ultimately the government must support and probably should have undertaken. But my work in understanding how to bring this issue forward, and with a goal to both raise the profile and to push the government to action, convinced me that this was the best way to do it, because the government showed no interest when I first approached them.

Like you, some have raised the Royal Recommendation issue, which led us to find the coming into force clause that allows this bill to go through both chambers. To use this clause is not a new idea. Former Senators Grafstein, Peterson, Gill, and Mitchell, as well as Senator McCoy, have used this clause. In fact, Senator Mitchell most recently used it for Bill S-229 and was successful in having his bill adopted through integration in a government bill.

• (1710)

We have seen, too, that where the coming into force clause has been challenged as a point of order, both in this chamber and in the other place, on all occasions it has been ruled in order. It sets the stage for the Crown to recommend these funds, without placing the obligation for the Crown to do so.

This path was the chosen path. It's a tough path and certainly, considering the lack of action from the government and the priority we must place on our children, I believed it was worth a fight.

Despite your concerns, which I will be taking some time to carefully consider, do you believe that this bill is sound in principle and ought to proceed to committee where some of the issues that you have raised and other issues may be discussed and resolved?

Senator Patterson: Thank you for the question, Senator Moodie.

Do I believe that the bill is sound in principle? If the principle is working to increase protection for our youth, then, of course, I believe this is a sound principle, and I believe I said that at the outset. I certainly agree with the intent of the bill.

I'm just concerned that we will put a lot of energy and valuable time into developing this bill, but we won't get anywhere until we have that commitment from the government. We either need it ahead of this bill or when this bill is referred to the House of Commons, if it passes in the Senate.

Let's focus on getting that commitment from the government for a worthwhile project. There are other ways of doing that, Senator Moodie. There are inquiries and there are motions that I'm sure we would all eagerly support. I'm also concerned that the massive consultation that I've outlined, that I think is required particularly in Indigenous communities, is a huge task for a senator's office.

The Hon. the Acting Speaker: Senator Patterson, I'm sorry, your time has expired. Are you asking for additional time?

Senator Patterson: No, thank you.

(On motion of Senator Cormier, for Senator Kutcher, debate adjourned.)

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE ADOPTED

Leave having been given to proceed to Other Business, Reports of Committees, Other, Order No. 4:

The Senate proceeded to consideration of the first report of the Committee of Selection, entitled *Nomination of senators to serve on committees*, presented in the Senate on November 3, 2020.

Hon. Terry M. Mercer moved the adoption of the report.

He said: I move the report standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Business, Motions, Order No. 12:

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of November 4, 2020, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, November 17, 2020, at 2 p.m.

She said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Coyle, seconded by the Honourable Senator Ringuette, for the second reading of Bill S-2, An Act to amend the Chemical Weapons Convention Implementation Act.

Hon. Mary Coyle: Honourable senators, I am pleased to introduce you to Bill S-2, An Act to amend the Chemical Weapons Convention Implementation Act.

I'm also honoured to be speaking to you today from Mi'kma'ki, the unceded territory of the Mi'kmaq people.

Colleagues, Bill S-2 is an important bill, a bill with a connection to a long and disquieting domestic and international history, and a bill with enduring relevance in our ever-shifting world order.

Ahmet Üzümcü, past Director General of the Organisation for the Prohibition of Chemical Weapons, said:

> We did not reach the heights of our modern civilization by technology alone. We were only able to do so because of our commitment to shared norms and values such as equality, justice and human dignity for all.

The shared international desire to forge new pathways toward a more peaceful, secure and humane future lies at the heart of actions taken by the United Nations and continues to guide Canada's commitments abroad.

Bill S-2 is a simple yet crucial bill. Bill S-2 essentially amends Canada's Chemical Weapons Convention Implementation Act in order to clearly align that act with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, otherwise known as the Chemical Weapons Convention, or CWC.

This is accomplished by amending our act to remove the old list of prohibited chemicals appended to our act and making it clear that the correct, up-to-date list of prohibited chemicals is the one maintained by the Organisation for the Prohibition of Chemical Weapons, which is easily accessible on their public website. This work on the prohibition of chemical weapons is part of Canada's overall disarmament effort. Chemical weapons are often labelled as weapons of mass destruction, along with nuclear and biological weapons.

Now let's step back for a minute or two to look at what led us to the convention in the first place. Next Wednesday, people will gather with Canadian war veterans in communities across Canada, mostly virtually this year, to observe, with solemnity, Remembrance Day. Remembrance Day was first observed in

1919 throughout the British Commonwealth, including Canada, as Armistice Day, commemorating the armistice agreement that ended the First World War on the eleventh hour of the eleventh day of the eleventh month.

Constitutionally, Canada had been subject to the British declaration of war in 1914, as was the case for other British dominion countries. With the Statute of Westminster in December 1931, Canadian foreign policy became independent.

• (1720)

Colleagues, it was during the First World War that our Canadian soldiers had their first encounter with poison gas at the Battles of Ypres on April 22, 1915. Released from large steel cylinders, a cloud of chlorine six kilometres across and one kilometre deep blew onto Canadian and French lines. Heavier than air, chlorine filled the trenches as it moved. Though our Canadians held the line, over 6,000 were injured and several hundred died. As the war progressed, gas masks were eventually employed but deadlier gases such as phosgene and mustard gas were used. Mustard gas burns any exposed skin and it persisted in the mud, causing grave injuries even days later. It also injured doctors and nurses who came into contact with it on soldiers' clothing.

It is important to note that Canada and our Allies were not just victims of chemical weapons. We were not innocent, as we too relied heavily on chemical weapons, especially during the final 100 days of that war. All told, chemical weapons injured over 1.2 million people during World War I and 90,000 people died.

The use of chemical weapons in the interwar period and World War II was thankfully much smaller in scope. While not widely deployed, development and testing of increasingly horrific chemical weapons continued on both sides. By the end of the war, toxic stockpiles of these weapons had grown significantly and continued to grow during the Cold War years.

Canada was a major centre for chemical and biological weapons development, and testing for the Allies. Human experimentation was carried out during World War II, and CFB Suffield became the leading research facility.

Following both world wars, Canadian military forces returning home were directed to dump millions of tons of unexploded ordnance, UXOs, into the Atlantic Ocean off ports in Nova Scotia. Some were known to be chemical weapons. The 1972 London Convention prohibited further marine dumping of UXOs. However, the chemical weapons existing off the shores of Nova Scotia continue to bring concern to our local communities and the fishing industry.

Beyond the two world wars, chemical weapons have been used throughout the world at various times.

In 1845, during the French conquest of Algeria, French troops forced more than 1,000 members of a Berber group into a cave and then used smoke to kill them.

In 1935 and 1936, Benito Mussolini dropped mustard gas bombs on Ethiopia to destroy the army of Emperor Haile Selassie.

Between 1961 and 1971, during the Vietnam War, the United States used napalm and the herbicide Agent Orange, sparking national and international protest.

From 1963 to 1967, Egypt used mustard gas and a nerve agent in Yemen to support a coup d'état against the Yemeni monarchy.

In the 1980s, Iraq used chemical weapons, such as tabun, against Iran and its own Kurdish minority.

Kim Jong-nam, half-brother of North Korean leader Kim Jong-un, was assassinated with the nerve agent VX at the Kuala Lumpur International Airport in 2017.

Chemical weapons have been used by the Assad regime in Syria, targeting and killing several hundred civilians, and by Daesh in both Syria and Iraq.

Colleagues, last week I hosted a community event launching the new book by Jon Tattrie about the local Antigonish story of our first Syrian refugee family, the Hadhads, and their inspiring Peace by Chocolate business. At that event, Tareq, the elder son and CEO of the company, spoke about how relieved he and his family were to be safe in Canada, a country that values human life and is a leader in promoting and supporting the international rule of law.

Canada played an important role in the creation of the Chemical Weapons Convention we are discussing here today.

Some of the earliest efforts to govern how nations behaved during times of war tried to address chemical warfare. The Hague Convention of 1899 prohibited the use of poisons in war and forbade the use of projectile weapons whose sole purpose was to spread asphyxiating gas. We know that major powers who ratified this convention ended up building massive arsenals of chemical warfare agents and then using them in World War I.

After that war, the Geneva Protocol of 1925 stated:

> Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world . . .

It goes on to declare their prohibition as part of international law. Still, chemical weapons continue to be produced and stockpiled.

At the 1980 United Nations Conference on Disarmament, negotiations began that would eventually lead to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their destruction, otherwise known as the Chemical Weapons Convention.

Thirteen years later, on January 13, 1993, the convention opened for signatures. On April 29, 1997, the convention, which is the subject of this Bill S-2, came into force. Canada was one of the first countries to sign on to it in 1993, and we frequently serve on the Executive Council of the Organisation for the Prohibition of Chemical Weapons, the body established to implement the convention.

The convention, which has 193 states parties, seeks to eliminate an entire group of weapons of mass destruction by banning the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons. It also prohibits any state party from using chemical weapons under any circumstances, from engaging in military preparations to use them and from transferring or enabling another country to develop them.

The convention also affirms that states have the right to work with chemicals for peaceful purposes and that the prohibition should not unnecessarily hamper legitimate work in chemistry. The convention was far more comprehensive than its predecessor, the Geneva Protocol, which banned the use but not the possession of chemical weapons.

Today, 98% of the world's population falls under the protection of the convention. When the convention entered into force, the five states parties entered as possessors of chemical weapons. These were the United States, Russia, India, Albania and one other state that remains anonymous. Three more such countries joined later: Libya in 2004, Iraq in 2009 and Syria, interestingly, in 2013. Finally, Japan, though not a possessor state in the same way as the others, remains responsible for the weapons it abandoned in China at the end of World War II.

Under the supervision of the Organisation for the Prohibition of Chemical Weapons, these state parties have undertaken to destroy their chemical weapons stockpiles. Of the 72,304 tonnes of chemical weapons declared to the organization, 71,029 have been destroyed. This represents over 98.3% of the world's declared chemical weapons stockpiles.

The word "declared" is an important one here, and I will return to this point later on.

A list of the most common toxic chemicals and their precursors, or their ingredients used to make them, form an important part of the Chemical Weapons Convention. This has had no previous updates until very recently.

The list is divided into three schedules. Schedule 1 chemicals have only one purpose, and that is to maim and kill. Any chemical on this list is unequivocally considered a chemical weapon. Their use is prohibited in all cases, except for limited activities related to defence against chemical weapons.

Schedule 2 and 3 chemicals have increasingly common uses in industry. Therefore, they are subject to fewer restrictions. Despite the existence of these schedules, any chemical can be considered to be a chemical weapon if it is used in a way that goes against the convention, as was the case in Syria when chlorine was used against its citizens.

Of course, the destruction of chemical weapons is not enough. Constant monitoring in order to ensure that the re-emergence of chemical weapons does not occur is vital.

• (1730)

The Organisation for the Prohibition of Chemical Weapons inspects and verifies that facilities meant to produce chemicals for peaceful purposes, such as for commercial and industrial use, are not being misused to manufacture chemical weapons.

Each state party to the Chemical Weapons Convention must create a national authority which serves as that country's contact point for the Organisation for the Prohibition of Chemical Weapons. Chemical plants in each country declare their activities to their national authority, which then passes that information on to the OPCW. The organization then decides which plant sites to visit and inspect based on those declarations.

The Chemical Weapons Convention Implementation Act, as the same suggests, is the implementing legislation for the Chemical Weapons Convention here in Canada. It criminalizes the possession and use of chemical weapons, and it creates the Canadian National Authority, which is housed in Global Affairs Canada.

The act and its regulations compel Canadian entities involved in the production or handling of chemicals to make declarations to the Canadian National Authority, compels them to accept inspections by the Organisation for the Prohibition of Chemical Weapons in certain circumstances and requires that facilities handling highly toxic Schedule 1 chemicals obtain a licence to do so from the national authority. About 140 entities report to the Canadian National Authority, of which 31 are inspectable by the Organisation for the Prohibition of Chemical Weapons. With this act, Canada is fully in line with the provisions of the Chemical Weapons Convention.

Colleagues, despite the remarkable achievements of the Organisation for the Prohibition of Chemical Weapons, recent developments internationally have taught us that this critical work is far from done. As I mentioned earlier, incredible progress has been made towards the destruction of all declared stockpiles of chemical weapons, "declared" being the keyword here. Unfortunately, it is the undeclared chemical weapons programs that remain a threat to humankind today.

The four attacks with chlorine and three with sarin gas perpetrated by the Assad regime in Syria have shown the world what can happen when chemical weapons go undeclared.

On March 4, 2018, we witnessed yet another violation of the Chemical Weapons Convention. If this incident wasn't so tragic, one would think it was a spy plot twist straight out of a Hollywood movie. It had everything you would find in a Cold War-era film: a former spy, Russian operatives and a fake Nina Ricci perfume bottle at the centre of it all. Sergei Skripal and his daughter Yulia had been poisoned in Salisbury, England, with a chemical weapon referred to as a Novichok. Developed by the Soviet Union, Novichoks are a class of extremely toxic nerve agents that persist in the environment and are very difficult to detect. Until recently, they were not listed in the convention and

not subject to verification and declaration by the Organisation for the Prohibition of Chemical Weapons, though their use to inflict harm has always been a violation of the convention.

This horrifying attack left Sergei and Yulia Skripal and police detective Sargent Nick Bailey in the hospital for months.

The weapon itself, which was delivered by a custom-made perfume bottle found in nearby Amesbury, contained enough Novichok to kill thousands of people. Unfortunately, it was found by innocent passerby Mr. Charlie Rowley, who gave it to his girlfriend, Ms. Dawn Sturgess. Both were exposed to this chemical agent, which had been discarded after use on the Skripal family residence. Ms. Sturgess lost her life due to her exposure. She was 44 years old when she passed away, leaving behind an 11-year-old daughter.

Canada and its allies concluded that it was highly likely that the Russian government was responsible for the attack. The Novichok attack in Salisbury highlighted the fact that, despite the completed destruction of Russia's declared chemical weapons, the Russian Federation had retained some capacity to produce and use Novichok-type chemical weapons.

Canada immediately condemned the act, and then-Minister of Foreign Affairs Chrystia Freeland and Prime Minister Justin Trudeau issued statements. Four diplomats were expelled from the Russian Embassy in Ottawa and the consulate general in Montreal. There was a collective response taken by several allies, including the United Kingdom and the United States. It was decided to take further action and criminalize the possession of Novichoks. This is where the need for Bill S-2 comes in.

Colleagues, Canada was one of the leaders in efforts to add Novichoks to the schedules of the Chemical Weapons Convention, along with our close allies, the United States and the Netherlands. Canada submitted a proposal to add new families of toxic chemicals to Schedule 1 of the convention, including the weapon used in Salisbury.

After working with allies and other signatories to the convention, a total of four new categories of chemicals were officially added to Schedule 1 of the convention in November 2019. The decision to add these chemicals to the schedules came into force on June 7, 2020. Unfortunately, this development was not able to prevent the recent attack on Russian opposition leader Alexei Navalny, in which a Novichok agent had again been used.

As part of Bill S-2, the Government of Canada has decided that the best way to make our Chemical Weapons Convention Implementation Act current and render it future-proof is to remove the now out-of-date schedule from the act itself.

Currently, this schedule to the act contains three sections. The first is a list of definitions found in Article II of the CWC. The second is the current text of Schedules 1, 2 and 3 from the Annex on Chemicals. The third is a list of definitions from Part I of the Chemical Weapons Convention Verification Annex.

Bill S-2, An Act amending the Chemical Weapons Convention Implementation Act, repeals the schedule in its entirety. It also amends the definition of "convention" under subsection 2(1) and deletes subsection 2(3) entirely. These last two amendments remove references to the now-repealed schedule.

Repealing this schedule from the act will not impact how the act applies to Canadians. It in no way changes Canada's obligations or commitments under the Chemical Weapons Convention. It imposes no new burdens upon Canada, Canadian citizens or Canadian industry. It merely prevents confusion.

Once the schedule is removed, it will be obvious to all Canadians that the correct list of chemicals is the one maintained by the Organisation for the Prohibition of Chemical Weapons on its website. Again, colleagues, this is simply an act of good governance in order to ensure that the legislation and compliance requirements are as clear as possible to all Canadians.

In conjunction with the tabling of Bill S-2, a technical change proposal has been tabled in the other place to acquaint that house with the changes to the Chemical Weapons Convention.

Canada has no chemical weapons or chemical weapons production facility, but we do produce and retain chemicals for domestic riot control purposes and for protective research, development and testing. Canada was one of the first countries to sign onto the convention in 1993 and continues to be a leader in disarmament work. We frequently serve on the Executive Council of the Organisation for the Prohibition of Chemical Weapons, and we remain committed to the work of that organization.

Still, we know that there is more work to be done. We know there are states that have not signed or ratified the convention, and we know of others that have not abided by the convention they are a party to. We also know that the newest agent used in the attack against Alexei Navalny was not one of the agents added to the list, highlighting the need for constant vigilance in monitoring chemical activities.

The Organisation for the Prohibition of Chemical Weapons has experienced cyberoperations against its network, and a coordinated disinformation campaign has attempted to undermine states parties confidence in the OPCW.

Colleagues, the global commitment to prohibit chemical weapons and the organization mandated to uphold that commitment require our unflagging support now more than ever. Canada must maintain its leadership role in the fight against these deadly weapons. Ensuring that Canada's implementing legislation is clear and current is an important step.

• (1740)

Colleagues, as I move toward the conclusion of my speech this afternoon, I would like to quote excerpts from two often-cited Remembrance Day poems. The first is from Laurence Binyon's "For the Fallen":

> At the going down of the sun and in the morning
> We will remember them.

From John McCrae's "In Flanders Fields":

> To you from failing hands we throw
> The torch; be yours to hold it high.

Colleagues, as Remembrance Day draws near, let us remember them — all veterans, all who have fallen in war — and in remembering them, let's grasp that torch from those "failing hands" and honour those lying in Flanders Fields and others who have met a similar brutal end by continuing our collective work for peace.

I hope you will join me in sending Bill S-2 to committee for further study as quickly as possible. Chemical weapons use against anyone should never be tolerated anywhere in our modern world.

Thank you. *Wela'lioq*.

(On motion of Senator Seidman, debate adjourned.)

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator McPhedran, for the second reading of Bill S-213, An Act to amend the Department for Women and Gender Equality Act.

Hon. Yvonne Boyer: Honourable senators, I rise before you today to lend my support to Bill S-213, An Act to amend the Department for Women and Gender Equality Act. I believe that we should support this bill because it's important for legislators to recognize the interconnection between culture and gender for Indigenous women, as Senator McCallum has clearly explained.

Bill S-213 is a necessary step toward achieving reconciliation by helping create robust and effective policies that reflect the lived experiences of Indigenous women. Adopting a more holistic approach will better protect Indigenous women from the colonial harms they have historically been subjected to.

It would require that certain bills undertake an analysis of culture and gender, two critical aspects that are inseparable for Indigenous women. This would ensure that future governments do not neglect these important considerations in the passing of legislation.

We are all familiar with the term "gender-based analysis." We know it's a tool that allows policy-makers to align government actions with the Canadian Charter of Rights and Freedoms, and the Canadian Human Rights Act. We also know the Government of Canada has committed to supporting the full implementation of gender-based analysis across federal departments and agencies.

Currently, gender-based analysis is being undertaken through the discretion and goodwill of government, which means that future governments may dismiss it if they so choose to. Of course, departments developing bills are likely to think about their impact on different populations and would likely consider all risks. However, as it stands now, any gender-based analysis practices within government for reviewing proposed bills are at the discretion of the government of the day; yet, we know that gender-based analysis is a crucial and important step in the development of legislation. We've seen how gender-based analysis shapes how the government identifies and defines problems in its many policy responses.

In their 2015 report entitled *Report 1—Implementing Gender-Based Analysis*, the Office of the Auditor General evaluated the progress of gender-based analysis and found that the work was largely spearheaded by Status of Women Canada. The Auditor General outlined a number of areas where improvements were required, and yet the office remained silent on the question of cultural relevancy. This creates a significant gap for Indigenous women.

Status of Women Canada has clarified that gender-based analysis should also include the consideration of diversity factors among groups of women and men such as age, education, language, geography, culture and income. Considerations can also include race, ethnicity, religion, and mental or physical disability. This is called Gender-based Analysis Plus.

Bill S-213 goes further by accounting for the relevancy of culture and recognizing the unique realities of Indigenous women. Bill S-213 is an important step toward implementing a culturally relevant gender-based analysis.

Leaders in the field have recognized the importance of examining the interconnectedness between culture and gender. At least since 2007, the Ontario Native Women's Association has been advocating for a culturally relevant gender-based analysis, because it recognizes that culturally relevant factors are important when conducting these analyses. For example, in the health sector, historically, it was the norm that health research and clinical trials were exclusively conducted on Caucasian males, thereby creating serious gaps in research that resulted in a failure to meet women's health needs. This also placed women at greater risk, because findings derived from male-oriented trials were considered the gold standard.

These were then applied to all women, sometimes resulting in very dangerous health consequences. When applied to Indigenous women, this gold standard completely overlooks their unique health needs that stem from intergenerational trauma caused by colonialism. For instance, many Indigenous women's heart comorbidities are exasperated due to ill effects of colonialism, including the physical, mental and spiritual stress from policies of forced relocation or forced starvation, the depression that comes from loss of identity through the Indian Act and the effects of trauma and violence perpetrated by generations of residential school survivors.

However, using the tools that Bill S-213 provides would reduce the knowledge gaps that exist on culturally relevant gender-based factors and allow legislators to obtain a more reality-based understanding of Indigenous women's lived experiences.

The Ontario Native Women's Association has provided clear direction on the roles of Indigenous women in traditional society, which contrast sharply with the roles of European women. That clash in cultural norms has resulted in a very different and difficult history for Indigenous women in Canada. Indigenous women, who were traditionally revered for their capacity to create life, were confronted with European common-law views that regarded women as chattel, meaning property that was dependent on their fathers and then on their husbands.

Today, Canada recognizes this extremely harmful view of women. However, patriarchal and masculine assumptions continue to influence many laws and policies. And as previously explained, a male-centric perspective can have long-lasting negative effects on the health of Indigenous women.

Feminism and the Western legal traditions have made some gains in balancing out of the injustices that come from patriarchal colonialism, but these conceptions do not entirely reflect an Indigenous perspective. For example, as I mentioned in my last speech two days ago, balance in Indigenous society cannot be equated with equality; rather, balance is understood as respecting the laws and relationships that Indigenous women have as part of Indigenous laws and the ecological order of the universe.

So the question is this: How can a bill such as S-213 assist in creating a more balanced and fair society for all women? We find that legislative tools could, for example, apply a culturally relevant gender-based analysis that takes into account the unique cultural needs of Indigenous women when reviewing environmental legislation that may typically produce camps of male workers for resource extraction in rural and remote areas. Senators McCallum and Galvez have spoken in depth about these issues. A culturally relevant gender-based analysis would assess these risks at legislative drafting and amendment stages, and highlight the potential for violence against Indigenous women in these remote areas. Bill S-213 moves us toward considering the important role that culture plays in policy-making and how this impacts the treatment of persons under the law.

• (1750)

It's not surprising that in a multicultural society like Canada, a culturally relevant, gender-based analysis can include multiple intersections. In our commitment to reconciliation, we must take the first step towards recognizing other cultural realities and biases that make up the current practices of law and policy-making. Bill S-213 is a critical and positive step in protecting the unique realities of Indigenous women. The government has committed to reconciliation, which requires that unique rights, interests and circumstances of First Nations, Métis and Inuit peoples be acknowledged, affirmed and implemented. Bill S-213 will significantly advance this objective.

Honourable colleagues, I support this bill, and I encourage you to do the same. When future governments look back at Bill S-213, they will recognize an important piece of legislation, which helped them open their eyes to new perspectives. This is the only way we can ensure that no one is left behind or forgotten. Thank you, *meegwetch*.

(On motion of Senator McPhedran, debate adjourned.)

[*Translation*]

MODERN SLAVERY BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Julie Miville-Dechêne moved second reading of Bill S-216, An Act to enact the Modern Slavery Act and to amend the Customs Tariff.

She said: Honourable colleagues, I rise at second reading to explain the relevance of Bill S-216, An Act to enact the Modern Slavery Act and to amend the Customs Tariff. It is an improved version of Bill S-211, which died on the Order Paper with prorogation.

I am very grateful to have the support of the All-Party Parliamentary Group to End Modern Slavery and Human Trafficking to introduce this bill. This will transcends party lines. This is about our humanity.

Bill S-216 is a tool for transparency to fight against child labour and forced labour in the supply chains of Canadian businesses. This will help Canada adhere more strictly to the letter of its international commitments. It is clear that we have fallen behind many other countries in our efforts to hold our companies accountable for wrongs they commit outside Canada.

This bill is a step in the right direction. Of course, it does not claim to eradicate all human rights violations committed in the production of the goods we consume, a scourge that is exacerbated by systemic causes such as poverty, insecurity and gender inequality.

The pandemic ramped up the urgency to intervene, and the United Nations sounded the alarm. COVID-19 has increased the risk that millions of children, women and men will be reduced to forced labour, many of them producing PPE such as masks, gloves and antibacterial soap for western countries as quickly as possible. In Malaysia, observers documented dormitories and buses crowded with people working in close quarters 12 hours a day to produce latex gloves. In South Africa, workers were literally locked inside a mask factory for days to fulfill orders. The Muslim Uighur minority in China was back in the news because of investigative reporting linking forced labour camps with the mass production of masks.

An estimated 40 million women, men and children around the world are victims of modern slavery, a term not explicitly defined in international law but that encompasses a whole range of practices, including human trafficking, sex trafficking and forced marriage, that employ violence, threats, coercion, abuse of power and fraud to exploit people or force them to work.

Of that number, 25 million human beings, both adults and children, are trafficked for forced labour. The bill uses the International Labour Organization definition of forced labour, and I quote:

> ...all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.

The definition of the worst forms of child labour includes forced labour as well as the following:

> ...work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Ways to trap people into forced labour include debt bondage, withholding identity documents, threats to report labourers to immigration authorities, and violence or threats of violence. Cases of shameless child exploitation have made the headlines: Thailand's shrimp industry, Côte d'Ivoire's cocoa fields and the Democratic Republic of Congo's cobalt mines. Cobalt is used in the production of lithium batteries, such as the ones in our cell phones. Let's not forget the cheap clothing made by the tonne in slave labour conditions in Asia.

This shameful exploitation does not just occur abroad. The Global Slavery Index estimates that 17,000 people live in conditions of modern slavery in Canada. Farming is an area particularly at risk. I recently met a Cameroonian woman who lived for two years under the thumb of a Quebec farmer, who prohibited her from having a cell phone, confiscated her bank card and threatened to send her back to her country if she did not work up to 12 hours a day, 7 days a week.

She said the following:

> I was terrified of him. I was afraid that he would carry out his threats and for two years I did everything he told me to do even when I was tired, even when I felt sick. I no longer complained even if I felt dizzy. I worked as long as he needed me to so he would not threaten me and so he would have nothing to blame me for. I did absolutely everything to make sure the work was impeccable.

An immigrant told me about spending her childhood working in Mexico's tomato fields. Her father signed her up for this exhausting work. That was the norm in her village and she was not able to attend school for very long.

In general, it is not the Canadian companies that are directly involved in human rights abuses, but rather the subcontractors they deal with, their suppliers of raw materials and unprocessed agricultural products. That is where the danger lies.

Beyond the headlines in our day-to-day lives, as consumers we don't know which products were made by children or by people working under some form of threat. Not all fair-trade product certifications are equal, and some can be confusing to consumers.

It is estimated that $34 billion worth of goods imported into Canada are at risk of having involved forced or child labour. That's significant. World Vision Canada estimates that 1,200 companies doing business in Canada have imported one or more of these high-risk products.

For too long in Canada, we have counted on self-regulation alone, relying on the social responsibility of businesses to investigate their suppliers.

Broadly speaking, Bill S-216 would require corporations doing business in Canada to report on the measures taken to prevent or reduce the use of forced labour or child labour at any step in the production of their goods. This is supply chain transparency legislation.

Who does it target? Any company listed on a stock exchange or that operates in Canada and meets two of the following three criteria: It has at least $20 million in assets, it has generated at least $40 million in revenue, or it employs at least 250 employees. Clearly, the bill targets big corporations with the means to produce these reports—

• (1800)

The Hon. the Speaker: I'm sorry, senator. Just a moment.

[*English*]

Honourable senators, it is now six o'clock and, pursuant to rule 3-3(1) and the order adopted on October 27, 2020, I am obliged to leave the chair until seven o'clock when we will resume, unless there is leave that the sitting continue.

If any senator is opposed to the leave, please say "no" now.

Accordingly, we will continue.

[*Translation*]

Senator Miville-Dechêne: Thank you very much, colleagues.

Clearly, the bill targets big corporations with the means to produce these reports, not SMEs and little local shops for which it would be too great a burden. This is a pragmatic approach.

I should also note that these are companies that import goods into Canada, or produce or sell here, so not just companies such as supermarkets that do business directly with consumers. What is more — and this is critical — the legislation targets companies that have direct or indirect control over other entities involved in the production chain.

The obligation enshrined in the legislation is the following: An annual report filed with the Minister of Public Safety and Emergency Preparedness on the measures taken to prevent or reduce the risk of forced labour at any step in the production of goods, whether in Canada or elsewhere, or at the time of their importation to Canada. Production of goods means the manufacture, growing, extraction or processing.

This report should include information on the goods, policies on forced labour, measures taken to assess the risk, and training provided to employees on this issue. These aspects will be further detailed in the regulations that will accompany the legislation.

To be clear, this law has teeth. It includes oversight mechanisms. For example, company directors or officers must attest that the information provided in the report is true, accurate and complete. The people at the top are responsible. In addition, a person designated by the minister may enter a company's premises to investigate, which includes inspecting computer systems, if they have reasonable grounds to believe that documents relating to the act are in that place. The act also authorizes entry into a home under the authority of a warrant.

Offences and punishment are set out for those who fail to comply with the obligation to publicly report or who knowingly make a false or misleading statement. It is important to note that company directors and officers are considered parties to the offence and liable on summary conviction to a maximum fine of $250,000.

In addition, in the wake of the Canada-United States-Mexico agreement, this winter our government amended the Customs Tariff to prohibit entry into Canada of goods manufactured through forced labour. This is very good news, as it is part of the latest version of my bill. However, Bill S-216 maintains the wording of the original amendment to the Customs Tariff, because the prohibition on the entry of goods must apply not only to the product of forced labour, as it currently stands, but also more broadly to the product of child labour.

Some of the other improvements in Bill S-216 include the creation of a centralized electronic public registry to facilitate access to information provided by companies in their reports. We also expanded the definitions of forced labour and child labour.

Also, to better reflect the realities of the business world, going forward, companies would have up to six months after the end of their fiscal year to provide a report to the minister. Lastly, a review mechanism will authorize a committee of Parliament to review the legislation five years after it comes into force.

[*English*]

Let's talk about public transparency legislation elsewhere. While Bill S-216 is innovative in some respects, it has also been inspired by transparency laws elsewhere in the world.

In 2015, Great Britain passed its own law on modern slavery. This law includes an obligation to report annually, but, paradoxically, the law allows the report to indicate that the company did not do anything at all to combat forced labour.

The law does not provide for any penalty, but an injunction may be sought against those who break the law. In 2017, 57% of companies listed on the stock exchange complied with the law. The most recent research indicates that a rather small group of British business leaders took action, but there still have not been any large-scale changes. There are examples of good and bad reports. Last year, in the face of criticism, the authorities decided to audit 17,000 companies in the hopes of increasing transparency. An independent report recommended strengthening the British law and adding penalties.

The most recent example is the Australian law adopted in 2018. It is the first transparency law that imposes obligations not only on corporations but also on the federal government and its agencies. There are mandatory reporting criteria. The Australian law is innovative in one respect: The state must publish the list of companies that fail to submit a report, and there is a central registry that is very useful for identifying and outing offenders. Here again, there are no penalties for non-compliance in Australia. Therefore, the British and Australian laws have somewhat less "teeth" than the bill proposed here.

All these transparency laws are more or less based on the name-and-shame concept. Corporate offenders can be shamed by human rights advocacy groups. Consumers have a little more information they can use to make responsible choices. The underlying assumption is that transparency will increase accountability.

So what impact do these laws have on transparency? Adopting these laws has certainly contributed to a broader conversation about modern slavery among business people, investors, unions and the general public. Many businesses are still turning a blind eye, but there is a growing awareness, no doubt because investors, particularly millennials, are increasingly making this an investment criterion.

Many companies know that their reputation is at stake and that finding slaves in their supply chain may result in a drop in sales and profits. Moreover, the impunity of Canadian companies operating abroad is called into question by an unprecedented Supreme Court ruling which allowed a forced-labour lawsuit against mining company Nevsun Resources to proceed in Canada.

Some CEOs even believe that transparency legislation reduces unfair competition from those who cut corners on human rights. There are a few champions who have paved the way: the Canadian athletic clothing company lululemon, but also adidas, Gap and H&M, according to a KnowTheChain ranking. For instance, lululemon requires remediation actions to be taken if child labour were to be discovered at their vendors' facilities. The education of the child needs to be fully taken care of.

Even small players are applauding Bill S-216. The president and owner of Equifruit, a Quebec company that imports fair-trade fruit to Canada, told me that she hopes this bill can give her more access to supermarket chains because they will have to ask their usual large-scale suppliers more questions about the presence of modern slavery in their supply chain.

All this is happening in a context where investigative reporting is condemning the use of forced labour. Consumer awareness campaigns are growing. I am thinking in particular of palm oil. In Indonesia, palm oil plantations use child labour in conditions that are considered to be dangerous and difficult by Amnesty International.

• (1810)

A survey of 26 major Canadian businesses and 37 managers sheds light on the concerns of the business world: 75% believe that legislation on supply chain transparency could drive change and benefit their own organizations. Only 29% of businesses carefully examine the first level of their supply chain, when modern slavery is often present in the second or third level.

Here is one last very worrisome statistic: According to a British survey of 71 major companies, including 25 international brands and retailers, more than threequarters of businesses surveyed believe that there is a good chance that there is forced labour in their own supply chain.

So why did we feel compelled to introduce such a bill? The reason is that, surprisingly, Canada has not yet set out in its legislation and national measures the numerous commitments it has made on the international scene. Therefore, I will repeat that we lag very far behind.

Perhaps even more striking is that Canada has ratified all eight core conventions of the International Labour Organization, including those on the worst forms of child labour and the abolition of forced labour. Why, then, is the use of forced labour not explicitly prohibited in the Criminal Code and in the Canada Labour Code?

Unfortunately, while the federal government is sensitive to this issue, it is still considering how best to proceed with businesses — same slow pace to make public procurement policies more accountable — while huge shipments of masks have been purchased in parts of the world where there is a significant risk of forced labour.

In all transparency, there is not unanimous support for this bill. International Justice Mission, Lawyers Without Borders Canada, and eco-sociologist Laure Waridel, among others, see Bill S-216 as a step in the right direction. A number of advocates are calling for a stricter law modelled on due diligence legislation in the Netherlands and France. These laws require companies to do due diligence to ensure that their supply chain is reasonably free of forced and child labour. Offenders are subject to civil liability. On the business side, the Mining Association of Canada welcomes the tabling of this bill, but like many other private sector actors, suggests changes.

In any case, consumers want to know. According to a survey by World Vision, 91% of Canadians believe the government should require Canadian companies to publicly report on what they are doing to eliminate child labour from their supply chains.

The debate, which began in February, must resume in the Senate, and I therefore invite my colleagues to participate. The committee's study will enable senators to decide whether the bill needs improvement.

It is high time we took action. Canada cannot just pay lip service to defending human rights. The reality of world trade is that goods produced under modern slavery conditions cross borders into wealthier countries like Canada. The crime is committed elsewhere, but the product of the crime is sold right here.

Society can no longer turn a blind eye to this problem.

(On motion of Senator Ataullahjan, debate adjourned.)

GIRL GUIDES OF CANADA BILL

PRIVATE BILL—SECOND READING

Hon. Mobina S. B. Jaffer moved second reading of Bill S-1001, An Act respecting Girl Guides of Canada.

She said: Honourable senators, Bill S-1001, is an act respecting Girl Guides of Canada. The Girl Guides of Canada was incorporated by a special act of Parliament that was originally passed in 1917. The act sets out the terms of incorporation for the Girl Guides of Canada. There have been minor amendments to the act over the years, in 1947 and 1961, to address the needs of its operation. Otherwise, the governing act remains largely untouched.

The Girl Guides of Canada is proud that its operations have been governed by its act since 1917. Preserving this legacy is important to its heritage as a charity and to protect its exclusive trademark rights in Canada.

The objective of this private member's bill is to reflect the approach of Girl Guides of Canada as a modern charity seeking administrative amendments to its acts. The key amendments to the Girl Guides of Canada Act are administrative in nature and seek to incorporate certain provisions of the Canada Not-for-profit Corporations Act, update language to reflect Girl Guides of Canada goals and mission, and to make administrative edits to the Girl Guides of Canada procedural provisions. The act also provides valuable input that was used by the Girl Guides of Canada and the Senate law clerks in the drafting of this bill.

Honourable senators, the current situation is that in the Forty-second Parliament I introduced this bill, Bill S-1002, which went right up to third reading. The bill did not pass the Senate before Parliament dissolved for the forty-third federal election. In the Forty-third Parliament, on February 5, 2020, I again introduced Bill S-1001, and unfortunately there was prorogation, so there was no proceeding. The bill did not pass the Senate before prorogation. Bill S-1001 was introduced again by me on October 29, 2020.

Honourable senators, I have spoken a number of times in this chamber on the Girl Guides of Canada and I will not repeat my remarks. I will adopt my previous remarks.

Honourable senators, many of you have asked me what the Girl Guides have done with the sale of cookies during the COVID period. As you know, they come knocking at your door every year. This year, through the generosity of Canadian retailers who have stepped up, the Girl Guide cookie sale is still continuing, but now you can buy them in your store. I encourage you to buy them.

I want to take this opportunity to thank Senators Duncan, Martin, Tannas and Mercer for their help to get this bill adopted in the Senate.

Senators, I ask for your support to this bill. Thank you.

Hon. Senators: Hear, hear.

Hon. Yonah Martin (Deputy Leader of the Opposition): Thank you, Senator Jaffer. I rise on behalf of Senator Linda Frum, the official critic of the bill, to put her words of support on the record at this time.

> Honourable senators, I'm happy to support this bill of Senator Jaffer's, and I want to thank her for several years of tireless work sponsoring this bill.
>
> The Girl Guides of Canada is indeed an important organization, and coming to Parliament to make changes to their way of administering themselves, so that it accommodates their modern vision and goals, is part of their tradition. It is something they hold dear.
>
> The bill has been around since the last Parliament. It was thoroughly reviewed by the Banking Committee in 2018. Senator Dalphond proposed an important amendment to it at the committee, that the Girl Guides themselves agreed to. It was incorporated into the bill that is before us today.
>
> I think it's time, honourable senators, to move this bill along before the Girl Guides regret their decision to go through Parliament to make these changes.

Hon. Pat Duncan: Honourable senators, respectfully, with deep gratitude, I live and work in the traditional territory of the Ta'an Kwäch'än Council and the Kwanlin Dün First Nation.

I rise today to briefly speak in support of Bill S-1001, the Girl Guides bill.

• (1820)

Honourable senators, I do appreciate that there are many in this chamber, senators and staff, including pages, and Canadians watching who hold the Girl Guides of Canada near and dear to their hearts. We are looking forward to ensuring the passage of this bill. It's a necessary administrative matter for the Girl Guide movement, as Senator Jaffer has explained so well on several occasions. Thank you for the opportunity and the technology that allows me to present to you today.

Colleagues, I would be remiss in representing my region, the Yukon, if I did not speak to this matter. Girl Guides have a long history in the Yukon, beginning with the first group in Dawson City in 1914. I noted that Senator Frum in an earlier address to our colleagues made reference to the first Girl Guide camp in Canada. Perhaps it was the second girl guide camp that was held June 11, 1915, at Rock Creek in northern Yukon.

Cookies and camping might be what is commonly associated with the Girl Guides. Allow me to share with you a broader perspective. This recipe for guiding, from the 2nd Whitehorse Pathfinders published in *Yukon Trails*, the Guiding newsletter, in 2000:

> The ingredients are: 3 cups of human rights, 12 cups of respect, 10 cups of love, 4 cups of honesty, 1 cup of trust, 8 cups of water for tomorrow, 2 cups of friendship, 3 cups of cooperation, 4 cups of spirit and 5 cups of nature.

Honourable senators, that recipe speaks to the very Canadian values we hold dear; values we discuss in the Senate today that have been demonstrated in the guiding movement for some time. As an example, we often talk about inclusivity. In 1953, Lena Tizya, whom we might refer to as an Indigenous young woman, the records say simply Loucheux Yukon Girl Guide from Old Crow, Yukon, was chosen by the Commonwealth Youth Movement and Girl Guides to represent Yukon and Alberta at the Queen's coronation celebration. The beautiful beaded purse she took with her is entrusted and on display at MacBride Museum in Whitehorse.

I could discuss at length the value of Guiding as an inclusive organization for women and girls and those who identify as girls. However, that would take more time and I believe senators are familiar.

That recipe for Yukon Guiding and Yukon Girl Guides has been a very special element of my life, receiving my Canada Cord as a Girl Guide, serving as the Yukon's provincial commissioner, being the first Yukoner elected to the national executive of Girl Guides have been very special moments in my life. I believe it helped me to develop life and leadership skills.

And that's just me. There are many Yukon women leaders who would say the same. Former commissioner — or what provinces know of as lieutenant-governor — and now a member of the Yukon Legislative Assembly, Geraldine Van Bibber; other former MLAs, Minister of Health, the late Joyce Hayden; former Deputy Premier Elaine Taylor; and several distinguished Yukon public servants and community volunteers, including Nancy Campbell and Janet Mann, are just a few of the women involved in Yukon Guiding who, throughout their public lives, have developed the very Canadian values the Girl Guide movement represents, and whom I believe would support this bill that we are discussing today with our thanks.

The rest of the recipe for the Guiding movement is not unlike the recipe for a successful Senate, which I hope will pass this bill today. Here is the method for this recipe: In a large room of different people, mix human rights, respect and love together with honesty, trust, water for tomorrow, friendship, cooperation, spirit and nature. Honourable senators, I thank you for your kind

consideration of my remarks and your thoughtful passage and support of this bill brought forward by Senator Jaffer on behalf of the Girl Guides of Canada.

Thank you. *Mahsi'cho*. *Gùnálchîsh*.

Some Hon. Senators: Hear, hear.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Jaffer, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

ARCTIC

FOURTH REPORT OF SPECIAL COMMITTEE TABLED DURING FIRST SESSION OF FORTY-SECOND PARLIAMENT AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the fourth report of the Special Committee on the Arctic, entitled *Northern Lights: A Wake-Up Call for the Future of Canada*, tabled in the Senate on June 11, 2019, during the First Session of the Forty-second Parliament.

Hon. Dennis Glen Patterson moved:

> That the fourth report of the Special Committee on the Arctic entitled *Northern Lights: A Wake-Up Call for the Future of Canada*, tabled in the Senate on June 11, 2019, during the First Session of the Forty-second Parliament, and placed on the Orders of the Day in the current session pursuant to the order of October 29, 2020, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Northern Affairs being identified as minister responsible for responding to the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Committee of Selection, entitled *Nomination of senators to serve on committees*, presented in the Senate on November 5, 2020.

Hon. Patricia Bovey moved the adoption of the report.

She said: I move the adoption of the second report of the Selection Committee on behalf of Senator Mercer.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

TRANSPORT AND COMMUNICATIONS

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE CAUSES FOR THE DECLINING NUMBER OF VIEWERS FOR CBC'S ENGLISH TELEVISION SERVICE—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

> That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the causes for the declining number of viewers for the English television service of the CBC, despite increased funding with taxpayer dollars, including but not limited to a review of the level of adherence to the requirement to provide uniquely Canadian content, and the use by CBC of public funds to unfairly compete with other media outlets with its digital service, when and if the committee is formed; and
>
> That the committee submit its final report no later than February 28, 2021.

(On motion of Senator Housakos, debate adjourned.)

• (1830)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE SITUATION IN HONG KONG—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

> That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the situation in Hong Kong, when and if the committee is formed; and
>
> That the committee submit its final report no later than February 28, 2021.

He said: Honourable senators, what we are witnessing in Hong Kong is part of a larger series of events, events that the Australian Prime Minister Scott Morrison has said represent "the most challenging times we have known since the 1930s." Senators will be familiar with the history of Hong Kong, which

was a British Crown colony until 1997, when it was transferred to Chinese control pursuant to an agreement between the United Kingdom and the People's Republic of China.

I recall that at the time of that transfer, there was both trepidation and hope. There was trepidation because China was a communist state where human rights had not only been shockingly abused but where mass murder on an unimaginable scale had taken place during the Cultural Revolution. But, despite that history, there was also hope; hope that China had changed internally.

China had, after all, liberalized its own economic system. And while the memory of the Tiananmen Square massacre was still fresh, there was hope that China would now respect its agreement with the United Kingdom to maintain Hong Kong's capitalist system and its way of life for a period of at least 50 years.

For some time after 1997, there appeared to be optimism that this initial hope would be vindicated. Hong Kong was mostly left alone and the freedoms that existed there continued. However, underneath the surface, a fundamental conflict festered. There has been a conflict between the people of Hong Kong, who want to see the territory evolve into a true democracy, and the Chinese Communist Party, which clearly is not prepared to permit that to happen. Indeed, over the past decade, the regime has sought to assert greater and greater control over Hong Kong. These steps culminated in an open conflict in 2019, starting with the measures that would have allowed the extradition of individuals to mainland China.

The result has been what we have all witnessed with tens of thousands of Hong Kong citizens marching in the streets and an increasingly brutal response on the part of both Hong Kong authorities and the Chinese government. Yet, through it all, the resilience of the people of Hong Kong has only increased. It has persisted in the face of increasingly brutal state tactics involving the arrests of thousands of protesters and the enactment, this past June, of a national security law.

Amnesty International regards the law as one that could result in a life sentence in detention for the accused for even the slightest criticism of the Chinese Communist regime. Definitions in the law of terms like "subversion" or "support for secession" are so vague that virtually any opposition to the government can trigger its provisions. People can be arrested for possessing flags, stickers or banners. They might be arrested for wearing the wrong T-shirts or for singing certain songs.

Gloria Fung, president of Canada-Hong Kong Link, recently told the House of Commons Special Committee on Canada-China Relations that the law's extraterritorial provisions are so broad that:

> Anyone anywhere in the world who criticizes the Chinese or Hong Kong governments could be considered a criminal under its vaguely worded provisions . . . .

Also incorporated in the national security law is a provision permitting suspects to be removed to mainland China, a provision which Amnesty International warns could be a precursor to secret detention and torture.

Simultaneously, both the Hong Kong government and the Chinese authorities have increasingly restricted democratic and political freedoms in Hong Kong. Pro-democracy advocates have been barred from standing as candidates in elections. Legislative elections that were to take place this fall have been postponed.

That move prompted a joint statement from the foreign affairs ministers of the Five Eyes countries condemning the "unjust disqualification of candidates and disproportionate postponement of Legislative Council elections."

As frightening as all of these developments are, they are part of a much broader pattern of coercion and intimidation by the Government of China. For instance, when the British Foreign Secretary, Dominic Raab, recently protested the measures, arguing that they violated China's 1997 commitments, China warned that it might cease to recognize British-issued Hong Kong passports, thereby threatening hundreds of thousands of persons holding such passports in Hong Kong.

Similarly, last month, the Chinese ambassador to Canada warned that if Canada were to grant asylum to Hong Kong protesters, the "health and safety" of 300,000 Canadian passport holders in Hong Kong might be placed at risk. It is hard to imagine more coercive behaviour.

Honourable colleagues, I'm also concerned about the implications of what we are witnessing in Hong Kong with respect to Chinese state actions elsewhere. We should recognize by now that the Chinese state does not pay much attention to international law or norms. It has, for instance, ignored a ruling by a Hague tribunal in 2016 that its territorial seizures and island-building campaign in the South China Sea are illegal under international law.

At the time, the Chinese Communist Party's official organ, the *People's Daily*, mocked that decision saying that the international law tribunal was "a lackey of some outside forces" that would be remembered "as a laughing stock in human history." What I worry about most is that China's approach on both domestic and international human rights issues no longer pays any regard to either human rights or our international laws. This is an orientation that we must start to come to terms with, and it is something that I believe our Foreign Affairs Committee should examine closely, bringing in both international and national scholars for their analysis.

I am most concerned that the Government of Canada still does not have a full appreciation of what we are dealing with in relation to Chinese state policy. The Prime Minister has proclaimed:

> We will stand up loudly and clearly for human rights all around the world, whether it's talking about the situation faced by the Uighurs, whether it's talking about the very concerning situation in Hong Kong, whether it's calling out China for its coercive diplomacy.

In July, Foreign Affairs Minister Champagne said, "We are considering all the options when it comes to standing up for human rights."

But if we are to be honest, the government has been saying this for some two years now, long after China grabbed Michael Spavor and Michael Kovrig off the streets and took them hostage without due process.

Colleagues, I believe that the government's lack of any concrete action is due to the fact that it believes it can return to business as usual with China.

Indeed, just last month our government issued a statement on the fiftieth anniversary of the establishment of diplomatic relations between Canada and Communist China. In that statement, Minister Champagne made reference to the arbitrary detention of Michael Kovrig and Michael Spavor, but his statement also said:

> The common future of Canada and China depends on the rule of law, respect for rights and freedoms and for people in all their diversity. At the same time, we will continue to seek dialogue and cooperation where it makes sense to do so.

I do not understand where in recent Chinese state actions there is a foundation for believing that this will happen.

I understand maybe the goodwill of our government to try to find a resolution to this conflict of values, but clearly their dialogue and our compromise is not working. I see absolutely no indication that the Chinese state is interested in the rule of law. It is delusional to believe that it is interested in rights and freedoms for people "in all their diversity." And I see no interest in dialogue and cooperation unless that takes place entirely on terms set by the Chinese Communist Party.

That, it seems to me, is how the Chinese state behaves internally. That's how it's behaving in relation to its own minorities and in relation to the people of Hong Kong.

It's also how it is behaving internationally in the South China Sea, in the East China Sea vis-à-vis Japan, in relation to India, in relation to Taiwan, where President Xi Jinping has several times in recent months threatened war unless Taiwan yields to Chinese demands for reunification under the Communist Party. What we are witnessing is a fundamental clash of interests and values that cannot simply be wished away.

In the face of this, Canada requires a new policy approach that must be premised on effectively standing up for the rule of law and for respect of international law. We need to become firm. We need to become solid in defending these values.

Michael Levitt, the former Liberal chair of the House of Commons Foreign Affairs Committee, recently wrote in the *Toronto Star*:

> . . . the idea that a nation's borders create a shield of impunity against being held accountable for its human rights abuses is categorically false and contrary to the important lessons we draw from the Holocaust and other tragic moments in our history. Human rights are universal and it is the obligation of Canada, and all countries, to defend these rights and seek accountability for abuses, wherever and whenever they occur.
>
> Now is the time for much more than a change in tone. It is a time for action. As the chair of the House of Commons Foreign Affairs Committee during the last Parliament, I was a strong proponent of the use of Canada's Magnitsky Sanctions to hold gross human rights abusers to account.

• (1840)

That's Mr. Michael Levitt's perspective, and I completely agree with Mr. Levitt. I believe that we as parliamentarians can assist in moving Canadian policy in a more realistic and more effective direction.

Witnesses appearing before the House of Commons Special Committee have said there are several actions that Canada might look to take, such as implementing Magnitsky sanctions as per our motion right here in this chamber, endorsing the appointment of a United Nations special rapporteur on Hong Kong and offering an expedited path to permanent residency for Hong Kongers seeking asylum.

We have a motion right here on the Senate floor calling for Magnitsky sanctions. Let's take advantage of that opportunity, colleagues, and let's make a firm statement and do it expeditiously. We have a government that prides itself on welcoming asylum seekers to Canada with open arms. Why aren't we putting in place an expedited path for asylum seekers from Hong Kong, even those already here in Canada?

Whatever actions we take, I believe that we have to take them multilaterally, and we should start creating the basis for a unified and effective approach in the face of human rights violations we are witnessing in Hong Kong and other places in the world. Threats and intimidation from the Chinese Communist Party and its representatives can no longer deter us from taking action.

I believe that the Senate of Canada must engage itself on this issue, and therefore I ask senators to support this motion, send it to our Foreign Affairs Committee and start pushing our government to stand up for the values that Canadians expect us to stand up for. Thank you very much.

(On motion of Senator Dasko, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO CONDEMN THE JOINT AZERBAIJANI-TURKISH AGGRESSION AGAINST THE REPUBLIC OF ARTSAKH—DEBATE CONTINUED

Leave having been given to revert to Other Business, Motions, Order No. 36:

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Smith:
>
> That the Senate of Canada call upon the Government of Canada to immediately condemn the joint Azerbaijani-Turkish aggression against the Republic of Artsakh, uphold the ban on military exports to Turkey, recognize the Republic of Artsakh's inalienable right to self-determination and, in light of further escalation and continued targeting of innocent Armenian civilians, recognize the independence of the Republic of Artsakh.

Hon. Claude Carignan: Since September 27, Azerbaijan has been mounting a heavy-handed military offensive against the republics of Artsakh and Armenia. This aggression is in direct violation of the 1994 ceasefire agreements and constitutes a serious violation of human rights.

In 1921, while Stalin was establishing the internal boundaries of the Soviet Union, Nagorno-Karabakh, also known as Artsakh in Armenian, was annexed to the Azerbaijan Soviet Socialist Republic, even though about 95% of residents were Indigenous Christian Armenians. When the U.S.S.R. was dissolved, the Artsakh people held a referendum on their independence. Voter turnout was over 80%, and 99% voted in favour of independence. Having exercised their right to self-determination, the Artsakh people proclaimed the creation of their republic, as did many other republics in the wake of the fall of the Soviet iron curtain. However, this movement was violently repressed, which led to a three-year war in which 30,000 people were killed. An international ceasefire was declared in 1994. Since then, Nagorno-Karabakh has been an autonomous region whose population is almost entirely Armenian, led by an independent government that maintains close ties to Armenia.

Nagorno-Karabakh territory has always been largely inhabited by Armenians and it has never been part of a free and independent Azerbaijan. In invoking the principle of territorial integrity for its own geopolitical interests, Azerbaijan has no defence beyond a Soviet dictator's decision to divide and conquer.

It should also be pointed out that the Nagorno-Karabakh referendum was held in accordance with international law and existing domestic laws — in short, on the same legal basis that made it possible for Azerbaijan to declare its independence in 1991.

Since the 1994 ceasefire, the international community has witnessed sporadic violence on the border between the two countries, which has led many journalists and government leaders to put the current conflict in this context and call it a territorial dispute. However, the current situation in the Caucasus is extremely serious and should instead be considered a human rights crisis. Azerbaijan, unequivocally supported by Turkey, both militarily and diplomatically, has been accused of illegal practices such as the hiring of mercenaries and the use of cluster bombs and phosophorus ammunition. It has bombed cities and villages. Schools, churches and hospitals have been deliberately targeted and destroyed, along with such infrastructure as power lines.

Today, Genocide Watch, an international genocide prevention NGO, has declared a genocide emergency for the people of Artsakh. We should point out that Turkey and Azerbaijan are the only two countries in the world to actively deny the Armenian genocide of 1915, which was carried out by the Ottoman Empire under the cover of World War I. Therefore, we must state today that the current aggression against the Armenian people being conducted during a global pandemic is an act of genocide.

Since the start of this war, international mediation has intensified. No less than three international humanitarian ceasefires have been negotiated, but all were violated within minutes of being declared. However, France is the only country to date to have named the warring countries and condemned the Turkish and Azeri aggression against Armenia's civilian population.

We find Canada's neutrality particularly alarming given the irrefutable evidence that our Canadian military technology is currently contributing to the deaths of innocent civilians and the destruction of the cultural, religious and social heritage of one of the world's most ancient civilizations. Let us recall that Armenia was the first nation to officially adopt Christianity as its state religion in the year 301 A.D. The evidence shows and the whole world knows that Canada sold arms to Turkey even though arms exports to Turkey were banned.

It is our duty to take a stand on the situation and demonstrate integrity by accepting responsibility for our actions as a global power that has always acted peacefully and has promoted and kept peace around the world.

The people of Artsakh declared the creation of their republic in a democratic process three decades ago, but no United Nations member state has yet recognized their independence.

The international community has never sanctioned Turkey for the genocide it perpetrated against Armenians, the same genocide that President Erdogan continues to deny to this day. We are of the opinion that the international community is in part responsible for creating the vulnerable situation in which the people of Artsakh find themselves today. We also believe that going back to the Soviet era is not an option, and that only recognition of the Republic of Artsakh can help stop the massacre of innocent Armenians — 7,000 so far — and end the current atrocities against this peaceful people, finally establishing lasting peace not only in Artsakh, but also in the entire Caucasus region.

Canada is an exemplary leader on the international stage. Its society is founded on admirable values: justice, democracy, protection of human rights and peace. Today, it is our duty in this upper chamber to act in accordance with these principles and do everything in our power to stand on the side of peace and democracy to prevent the extermination of a people, as has happened with the Jewish, Rwandan, Greek and Armenian peoples over the past 100 years.

I therefore ask you, honourable senators, to support the motion of Senator Housakos.

(On motion of Senator Duncan, debate adjourned.)

• (1850)

[*English*]

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PROSPECT OF ALLOWING HUAWEI TECHNOLOGIES CO., LTD. TO BE PART OF CANADA'S 5G NETWORK—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the prospect of allowing Huawei Technologies Co., Ltd. to be part of Canada's 5G network, when and if the committee is formed; and

That the committee submit its final report no later than February 28, 2021.

(On motion of Senator Housakos, debate adjourned.)

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO CONDUCT AND PUBLISH AN ANALYSIS ON IRAN-SPONSORED TERRORISM—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

That the Senate of Canada call upon the Government of Canada to conduct and publish an analysis, no later than March 30, 2021, on Iran-sponsored terrorism, incitement to hatred, and human rights violations, emanating from Iran and to identify and impose sanctions, pursuant to the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)*, against Iranian officials responsible for those activities.

(On motion of Senator Housakos, debate adjourned.)

MOTION TO CALL UPON THE GOVERNMENT TO PROVIDE A REPORT ON THE IMPLEMENTATION OF THE FEDERAL FRAMEWORK ON POST-TRAUMATIC STRESS DISORDER TO THE SENATE—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

That the Senate call upon the Government of Canada, in accordance with the *Federal Framework on Post-Traumatic Stress Disorder Act*, which requires that a federal framework on post-traumatic stress disorder be laid before Parliament by December 21, 2019, to provide to the Senate a report on the implementation of such a framework.

(On motion of Senator Housakos, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE IMPLEMENTATION AND SUCCESS OF A FEDERAL FRAMEWORK ON POST-TRAUMATIC STRESS DISORDER—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the implementation and success of a federal framework on post-traumatic stress disorder (PTSD) by the Government of Canada as it relates to the four identified priority areas with a focus on data collection, that is, improved tracking of the rate of PTSD amongst first responders and its associated economic and social costs, when and if the committee is formed; and

That the committee submit its final report no later than February 28, 2021.

(On motion of Senator Housakos, debate adjourned.)

THE SENATE

MOTION TO RESOLVE INTO A COMMITTEE OF THE WHOLE EVERY THIRD TUESDAY IN ORDER TO RECEIVE A MINISTER OF THE CROWN TO RESPOND TO QUESTIONS RELATING TO HIS OR HER MINISTERIAL RESPONSIBILITIES—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

That, notwithstanding any provision of the Rules or usual practice:

1. for the duration of the current session, at the start of Orders of the Day on every third Tuesday that the Senate sits after the adoption of this order, the Senate resolve itself into a Committee of the Whole in order to receive a minister of the Crown to respond to

questions relating to his or her ministerial responsibilities, with the minister to be designated by the Leader of the Opposition in the Senate following consultation with the leaders and facilitators of the other recognized parties and parliamentary groups;

2. the committee report to the Senate no later than 125 minutes after it starts sitting;

3. the minister be given five minutes at the start of the Committee of the Whole for any declaration; and

4. if the designated minister is unable to attend on a particular Tuesday:

(a) the Leader or Deputy Leader of the Government in the Senate advise the Senate of this fact as soon as possible by making a brief statement to that effect at any time during the sitting; and

(b) the designated minister's appearance be then postponed to the next Tuesday that the Senate sits, subject to the same conditions.

(On motion of Senator Housakos, debate adjourned.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MOTION TO AUTHORIZE COMMITTEE TO STUDY TURKEY'S INCREASED AGGRESSION AND ACTS AGAINST INTERNATIONAL LAW—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on Turkey's increased aggression and acts against international law, including but not limited to the Exclusive Economic Zone of Greece and other nations in the Mediterranean, under the provisions of the UN Convention on the Law of the Sea, when and if the committee is formed; and

That the committee submit its final report no later than March 28, 2021.

(On motion of Senator Housakos, debate adjourned.)

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO CONDEMN PRESIDENT RECEP TAYYIP ERDOGAN'S UNILATERAL ACTIONS RELATING TO THE STATUS OF THE HAGIA SOPHIA—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

That the Senate call upon the Government of Canada to condemn President Recep Tayyip Erdogan's unilateral actions relating to the status of the Hagia Sophia and to call on Turkey to adhere to its legal commitments and obligations in accordance with Hagia Sophia's inclusion on UNESCO's World Heritage List.

(On motion of Senator Housakos, debate adjourned.)

OFFICIAL LANGUAGES

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE GOVERNMENT'S DECISION TO AWARD A CONTRACT FOR A STUDENT GRANT PROGRAM TO WE CHARITY—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

That the Standing Senate Committee on Official Languages be authorized to examine and report on the Government of Canada's decision to award a contract for a student grant program to WE Charity, a third party without the capacity to do so in both official languages, in apparent contravention of Canada's *Official Languages Act*, when and if the committee is formed; and

That the committee submit its final report no later than February 28, 2021.

(On motion of Senator Housakos, debate adjourned.)

THE SENATE

MOTION PERTAINING TO MI'KMAW FISHERS AND COMMUNITIES—DEBATE ADJOURNED

Hon. Brian Francis, pursuant to notice of November 3, 2020, moved:

That the Senate affirm and honour the 1999 Supreme Court of Canada *Marshall* decision, and call upon the Government of Canada to do likewise, upholding Mi'kmaw treaty rights to a moderate livelihood fishery, as established by Peace and Friendship Treaties signed in 1760 and 1761, and as enshrined in section 35 of the *Constitution Act, 1982*; and

That the Senate condemn the violent and criminal acts interfering with the exercise of these treaty rights and requests immediate respect for and enforcement of the criminal laws of Canada, including protection for Mi'kmaw fishers and communities.

He said: Honourable senators, I rise today to speak to the motion I have just tabled that is the result of weeks of collaboration with Senator Dan Christmas. As the only Mi'kmaw to have been appointed to this place, it is our shared privilege and responsibility to draw your attention to the ongoing struggle of the Mi'kmaw to exercise the right to fish in pursuit of a "moderate livelihood."

Honourable colleagues, the Mi'kmaw have lived in Mi'kma'ki since time immemorial. Our traditional territory extends to areas now known as Canada's Atlantic Provinces and the Gaspé Peninsula of Quebec. We never ceded, surrendered or sold our sovereignty over the lands and resources. Today, our nation has a population of about 170,000.

Throughout the 18th century, the Mi'kmaw entered a series of treaties with the British Crown, known as the Peace and Friendship Treaties, in a good-faith effort to end ongoing conflict. The treaties of 1760 and 1761, in particular, promised the Mi'kmaw the right to continue to hunt, fish and gather within our traditional lands. However, the British Crown and, now, Canada have not lived up to this promise.

Starting in the 19th century, the Mi'kmaw were forced onto reserves, plots of land a fraction of our traditional territories. This move left us with little to no access to the land and resources that our ancestors relied upon for survival. The Mi'kmaw were next subjected to the harsh conditions of the Indian Act, the Indian residential school system, and the Sixties Scoop, to name but a few. These colonial and assimilationist efforts have had a lasting impact on our lives. The lack of access to services and resources; gross overrepresentation in the criminal justice system and child welfare system; and high levels of unemployment, poverty and health problems in our communities are clear examples. So is the prevailing denial of Indigenous self-determination and of existing Aboriginal or treaty rights, including Aboriginal title to our traditional land.

Honourable colleagues, the Mi'kmaw have been forced to use litigation, rather than negotiations, to resolve outstanding disputes over rights. In the *Marshall* ruling of September 1999, the Supreme Court of Canada made a landmark decision on treaty rights in Canada.

It recognized and affirmed the Mi'kmaw have a continued right to harvest and to sell fish to obtain a "moderate livelihood" for themselves and their families, just as our ancestors had done before European contact. The right was codified in treaties made with the Crown in 1760-61 and entrenched in Section 35 of the Constitution Act of 1982.

In response to widespread protest from non-Indigenous fishermen, the court clarified a few months later that the government can regulate the exercise of the treaty right where justified on conservation or other grounds. However, it is noted that the government must first demonstrate that there is a valid legislative objective and only minimally infringe on the exercise of the treaty right. The court also said that the group affected must be consulted and given fair compensation in cases of expropriation.

Colleagues, it is important to note that there has been no justification, consultation or compensation to date for the infringements on the Mi'kmaw treaty right to fish and earn a "moderate livelihood." It must also be remembered that the Mi'kmaw have fished sustainably for thousands of years, conservation has always been a prevailing principle.

In *Marshall,* the court did not define what constitutes a "moderate livelihood." It only stated that it is not for the accumulation of wealth but to secure "necessaries" including "food, clothing and housing, supplemented by a few amenities."

It is important we understand that the role of the federal government is to negotiate with the Mi'kmaw on how to implement the right to earn a "moderate livelihood" — and not to debate what it means to earn a "moderate livelihood." It is the Mi'kmaw who must make this determination — and there is no one-size-fits-all answer. What is moderate to one community may not be the same for another.

Honourable colleagues, the highest court of the land ruled over 20 years ago that the Mi'kmaw have a right to fish and earn a "moderate livelihood" for themselves and their families and communities. This amounts to a small-scale fishery with commercial attributes that exist separately from the other types of Mi'kmaq fisheries, the food, social and ceremonial fisheries, which is our Aboriginal right, and the commercial and communal ones, which require federal licences and allow for the accumulation of wealth. Canada has been unwilling to work with the Mi'kmaq to implement this inherent treaty and constitutionally protected right.

• (1900)

The current approach has been to demand that the Mi'kmaq, who exercise their right to earn a moderate livelihood, do so in accordance with federal policies and regulations applied to the commercial industry. Those who have refused have had their gear and traps seized by departmental officials or have been fined, arrested and charged. A few have even faced violence. These actions directly infringe on our right to fish and earn a moderate livelihood.

What continues to be ignored is that the Mi'kmaq are exercising a constitutional right that supersedes the Fisheries Act and the Fisheries Act regulations. Rather than working directly with the Mi'kmaq to find a lasting solution to the dispute, successive federal governments have focused on increasing and diversifying the participation of the Mi'kmaq in the commercial fishery, which has helped strengthen economic self-sufficiency but does not amount to a rights-based fishery.

In 2017, for example, Fisheries and Oceans Canada began to negotiate the so-called rights and reconciliation agreements, which offer only marginally greater access to the commercial fisheries. These agreements have been widely rejected by the Mi'kmaq because signing onto one would mean not being able to implement a rights-based fishery for a certain number of years.

Honourable colleagues, the violent and criminal actions committed against Mi'kmaq fishers and communities in southwest Nova Scotia are extremely upsetting. There is absolutely no justification for these acts. The commercial fish harvesters involved in the cutting of traps, the destruction of property and all other criminal activities need to be held accountable. The government and policing partners should also be held accountable for failing to act swiftly to protect the lives and property of the Mi'kmaq fishers and their communities, as well as for continuing to disregard rights that are enshrined in law. The Mi'kmaq have been let down.

The entire situation has brought back bad memories of the Burnt Church crisis, another dispute over Mi'kmaq rights that took place between 1999 and 2002. It is all still emotional and volatile, but I hope it does not escalate further for the safety and well-being of all.

A positive sign is that a few Mi'kmaq communities that have launched their own moderate livelihood lobster fisheries using their own management plans have been proceeding without intimidation or coercion, which is a sign of mutual respect and cooperation that has prevailed for decades. It gives me hope that other Mi'kmaq communities planning to develop their own fisheries management plans to implement and advance their rights will also be able to proceed peacefully on the waters.

Honourable colleagues, non-Indigenous commercial harvesters continue to raise arguments about conservation. This concept has become no more than a political tool to infringe on rights. The presence of the Mi'kmaq in the commercial fisheries is marginal in comparison. Science has supported the position that the livelihood fishery will not harm conservation. The unsupported fear-mongering must stop. The moderate livelihood fishery is a small-scale one. Its purpose is to meet adequate standards of community nutrition and economic well-being. This type of fishery poses no real threat to conservation or the livelihoods of other users of the resources.

The management plans that regulate the moderate livelihood fishery are based on the long-standing Mi'kmaq philosophy of Netukulimk, which governs the sustainability of our harvest. It is based on having respect and gratitude for all the natural resources provided by the Creator. This code of conduct teaches Mi'kmaq to take only what is needed for the well-being of the individual and community. We do not seek to over-exploit or deplete natural resources. We are keepers of traditional knowledge and sacred protectors of the land and resources. We have a long history of sharing with our neighbours and friends and will continue to do so.

Honourable colleagues, I want to speak briefly now about the importance of honour, a value by which to measure ourselves and our actions. The honorific title of "honourable," for example, requires that we conduct our dealings with each other and others with dignity, honour and integrity. The constitutional principle of the honour of the Crown, which is central to reconciliation, does much the same for the federal government. The principle arises from the assertion of the sovereignty of the Crown over Indigenous people and the control of land and resources that were formerly under their control. Its purpose is to reconcile pre-existing Indigenous societies with this assertion of Crown sovereignty. The principle establishes an obligation on the Crown to act honourably in all dealings with Indigenous peoples, including by moving diligently in the implementation of Aboriginal and treaty rights under section 35 of the Constitution Act.

The failure to live up to this principle is at the centre of the current dispute over Mi'kmaq fishing rights in Canada. The protection of our Aboriginal and treaty rights is a matter of sacred and binding trust. The Mi'kmaq have been willing to engage in good-faith negotiations for the recognition and implementation of our treaty rights, but we have never had a willing partner. The take-it-or-leave-it approach of the last two decades has to end. A new and better way forward is desperately needed, one that is based on co-development and co-management of the resource.

Honourable colleagues, we are dealing with a matter of honour. If Canada wants to uphold a reputation as a nation of honour, it must start to honour its obligations to the First Peoples who inhabited this land.

The government has promised a nation-to-nation relationship based on the recognition of Indigenous rights, respect, cooperation and partnership. These words mean little if they are not soon followed by concrete action and results.

Honourable colleagues, the passage of this motion would make clear that the honourable men and honourable women in this chamber unequivocally affirm and honour the inherent treaty and constitutionally protected right of the Mi'kmaq to earn a moderate livelihood from fishing and expect the federal government to do the same.

It would also express our collective condemnation for the violent and criminal acts directed at Mi'kmaq fishers and communities attempting to exercise their rights.

Lastly, it would let relevant authorities know that we expect them to equally and fairly protect the life and property, as well as rights of all involved in the dispute, including the Mi'kmaq, and that anything less will not be tolerated.

Honourable colleagues, I encourage you to expeditiously join the debate and give your unanimous support to this important motion.

Wela'lioq. Thank you.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise today in support of Motion No. 40, affirming the 1999 Supreme Court of Canada *Marshall* decision.

On behalf of the Minister of Fisheries and Oceans and the Canadian Coast Guard, I would also like to express her gratitude and appreciation for the work of Senator Christmas and Senator Francis and their calm and sensible voices, as well as for this motion put forward by Senator Francis. It deserves our consideration and our support.

[*Translation*]

Honourable senators, the situation in Nova Scotia and the current conflict that led to this motion and debate are very difficult, not only for those involved, but also for those witnessing what is happening.

When there is so much frustration and anger that it leads to violence, it is time to listen to calm, reliable voices.

[*English*]

There's no question that we all abhor the violence that occurred in Nova Scotia over these past few weeks. I join with all of you in urging for respectful dialogue while the government works with all parties to come to a peaceful resolution. I give great credit to our colleagues Senator Dan Christmas and Senator Brian Francis, who have been working hard to bring the temperature down in the region.

Fisheries are the lifeblood of Canada's coastal communities. The frustration on all sides and their resolve to protect their own interests in the fishery while negotiations are ongoing is, of course, understandable. Recent criminal acts only serve to slow and, indeed, undermine any attempts at a reasonable outcome.

The federal government is working with the Province of Nova Scotia and the Royal Canadian Mounted Police to ensure the safety and security of all those involved in the fishery. At the same time, the Minister of Fisheries and Oceans is working to de-escalate the situation by engaging all parties in constructive discussions.

[*Translation*]

As promised, Minister Jordan designated a federal special representative to ease tensions. Allister Surette will act as a third-party official to whom commercial fishers can address their concerns. He will also act as a neutral party to listen to the concerns of Indigenous people and provide information to Mi'kmaq, Maliseet and Passamaquoddy First Nations.

• (1910)

Our special representatives will assess the state of relations between Indigenous peoples and the commercial fishery in Atlantic Canada in order to better understand the circumstances that led to the strained relationship between these groups, and they will try to find ways to improve that relationship in the future.

[*English*]

Our Indigenous peoples have a constitutional right to fish for food, social and ceremonial purposes and a constitutionally protected treaty right to hunt, fish and gather in pursuit of a moderate livelihood.

As Senator Francis underlined, these rights were affirmed by the Supreme Court of Canada in the *Sparrow* decision in 1990 and the *Marshall* decision in 1999. It is the Crown's duty to respect these rights. It is also the Minister of Fisheries and Oceans' responsibility to take the appropriate action in order to balance the sustainability of the fishery alongside the protection of Indigenous rights and the needs of other Canadians who depend on this vital resource.

There has been — and this is to understate the point — a great deal of frustration over the current situation. Both Indigenous leadership and the fishing industry have shared their views and their dissatisfaction that the negotiations have taken far too long, and that there is a lack of real progress in implementing Indigenous rights.

Industry harvesters have expressed their concern on the impacts that the implementation of a moderate livelihood fishery could have on both the commercial fisheries and on the resource itself. But, colleagues, efforts must continue to reduce the tensions by engaging all parties.

The Minister of Fisheries has indicated that she will work with industry to increase transparency, formalize the lines of communication and ensure that industry has meaningful opportunities to share its concerns and express its views. This includes making efforts to build awareness and understanding of the importance of reconciliation and treaty rights for all Canadians. Education is imperative in advancing reconciliation and the Department of Fisheries and Oceans must take a leadership role in this process.

[*Translation*]

Over the past 20 years, successive governments have tried to implement and strengthen the right to fish for a moderate livelihood. The Department of Fisheries, Oceans and the Canadian Coast Guard has launched several programs that continue to this day to provide funding and support to Mi'kmaq and Maliseet communities in order to build the capacity of their commercial and community fishing enterprises and strengthen community economic self-sufficiency.

[*English*]

These programs included the Marshall Response Initiative, followed by the Atlantic Integrated Commercial Fisheries Initiative in 2007, which continues to provide funds to purchase licences, vessels, gear and training, in order to increase and diversify participation in the commercial fisheries and contribute to the pursuit of a moderate livelihood for its members.

[*Translation*]

In 2019, agreements regarding the recognition and reconciliation of rights were also signed by two First Nation communities in New Brunswick and one in Quebec. They had to do with the fishery and the establishment of a collaborative management approach.

[*English*]

We all have a role to play in reconciliation: the government, we parliamentarians and Canadians from all three coasts. There needs to be a genuine understanding and the parties themselves must believe that we are truly hearing what is being said one to the other.

The First Nations want to implement the rights that they have had for hundreds of years under the Peace and Friendship Treaties. While the implementation of these rights must be negotiated on a nation-to-nation basis only, there is also an essential role for commercial harvesters to play by discussing and negotiating in good faith, in order to reach agreement on the necessary steps that will not adversely affect their way of making a living. There must be continued, open dialogue between parties and nation-to-nation negotiations in respect of the treaty rights and the decisions of the Supreme Court of Canada.

Colleagues, I strongly believe that it is through negotiations that we have a chance to achieve lasting peace on the water, and the stability and predictability all harvesters want.

Tensions, unfortunately, remain high in Nova Scotia and the climate is not contributing to a safe and secure environment for any party involved. The government has a responsibility to ensure that the safety of all Canadians and all those living in Canada is protected. As such, the RCMP presence in southwestern Nova Scotia has increased and investigations are under way related to criminal events.

Going forward, all sides must work together to de-escalate the situation, to allow the government to negotiate rights-based agreements, clarifying and implementing the treaty right to fish in pursuit of a moderate livelihood. All parties need to be involved in achieving a solution because frustration that leads to anger, and anger that leads to violence, will simply solve nothing for any party.

The passing of this motion will reflect our collective desire for a peaceful and constructive resolution to this conflict. The Government of Canada supports the constitutionally enshrined treaty rights for the Indigenous peoples in Atlantic Canada and the recognition of the economic benefits of the fisheries industry for all harvesters. They must coexist. For those reasons, I strongly support motion 40. Thank you.

Some Hon. Senators: Hear, hear!

Senator Patterson: I would like to take the adjournment of the debate in my name.

The Hon. the Acting Speaker: I'm sorry, I think we still have people on debate.

Senator Cordy, on debate.

Hon. Jane Cordy: Honourable senators, I will speak today to give my support and add my support to Senator Francis's motion.

I would like to thank Senator Francis and Senator Christmas for the work they have been doing to find a resolution to the fishery dispute in Nova Scotia. They are doing so in a calm and in a respectful way.

The unfortunate situation that we are seeing unfold in Nova Scotia has been troubling. Acts of violence and physical intimidation against Mi'kmaq exercising their treaty right to earn a moderate livelihood through fishing have been occurring in some areas of Nova Scotia.

The current pandemic and the economic hardships that have followed have, of course, added to the frustrations on all sides. We are living through a time of economic uncertainty and job losses. I know that we are also living through restrictions and reduced access to world markets for all of our fishers. But this, of course, is not an excuse for violence of any kind.

To date, these acts of violence and destruction of Mi'kmaq property have been isolated instances. However, the situation continues to be tense in some communities. The Mi'kmaq fishers, who have been able to fish, as is their right, continue to do so. But they are also acutely aware of tensions that remain in some communities.

As Senator Francis has stated in his speech, the rights of the Mi'kmaq people to fish to provide for a moderate livelihood was codified in treaties made with the Crown in 1760 and 1761. It was entrenched in section 35 of the Constitution Act, 1982, and it was confirmed again by the Supreme Court of Canada in the 1999 *Marshall* ruling.

Honourable senators, how many times do we need to confirm and then reconfirm these rights for our Mi'kmaq friends?

Treaty rights in Canada have constantly been under attack, and Indigenous peoples have time and time again had to resort to using the courts to reaffirm their rights. Honourable senators, while treaty rights have been confirmed, unfortunately bands have had to use the courts to remind governments of these rights.

However, the courts can only reaffirm and protect those rights. They cannot enforce them. This is the job of governments and law enforcement. We are hearing from Mi'kmaq leaders that many in their communities believe that governments fail to live up to protecting their treaty rights. These communities also believe that local law enforcement is failing to protect them from violence and property damage. The Mi'kmaq have been very patient, but surely — surely — we cannot deny that it is long past time that these fishing rights are protected.

• (1920)

It would be easy if there was only one person or one government to blame for this lack of action, but, honourable senators, it has been 21 years since the *Marshall* decision upheld the Mi'kmaq treaty rights to a moderate livelihood fishery. Successive federal governments have avoided directly addressing these issues, and it is time for the federal government to step up and to take the lead.

The current government has made reconciliation a pillar of their mandate. It is time for them to put those promises into action and negotiate in good faith to find a path forward toward a solution. If not, I'm afraid that these isolated instances of violence and intimidation may continue, with the possibility of spreading to other jurisdictions across Atlantic Canada and perhaps across Canada as communities try to exercise their own treaty rights.

Colleagues, I cannot end my speech without recognizing and commending Senator Francis and Senator Christmas for their incredible work in helping to find a resolution to this troubling situation. They are the first Mi'kmaq senators in this chamber,

and they are working with Jaime Battiste, the first Mi'kmaq member of Parliament. For the first time in history, the Mi'kmaq have a direct voice in both houses of Parliament.

I believe that this will lead to positive changes, not only for their communities but for all Canadians. I cannot think of anyone better to advocate for change in the Senate of Canada than Senator Francis and Senator Christmas, two strong and dedicated voices.

Honourable senators, the majority of Nova Scotians support the right of the Mi'kmaq to exercise their treaty rights, including the right to a moderate livelihood. Nova Scotians condemn these acts of aggression. It is my experience that violence does not solve problems; it simply creates additional problems.

I fully support the efforts of Senators Francis and Christmas, and I fully support the motion before us today. The Government of Canada must uphold the Mi'kmaq treaty right to a moderate livelihood fishery, as established by Peace and Friendship Treaties — as I said earlier — that were signed in 1760 and 1761, and we must stand united and condemn the violent and criminal acts interfering with the exercise of these treaty rights.

Honourable senators, we must also insist on proper enforcement of the criminal laws of Canada to protect those who are the target of this aggression.

Honourable senators, we should pass Senator Francis's motion. Thank you very much.

Hon. Judith Keating: Thank you, senators. I hope you are as enthusiastic when I'm done speaking.

Honourable senators, I rise today in support of Senator Francis's motion calling on both the Senate and the Government of Canada to affirm and honour the right to a moderate living fishery of the Mi'kmaq fishers and their communities.

Further, it is imperative that the Senate denounce the violent and criminal acts against the Mi'kmaq fishers in the exercise of their rights and that swift action be taken in the enforcement of the criminal laws of Canada and the protection of the Mi'kmaq community.

Colleagues, as you have heard, it was 21 years ago that the Supreme Court of Canada affirmed the rights of Mi'kmaq fisher Donald Marshall to a moderate livelihood. I will not delve into the particulars of the jurisprudence or the nature of the rights that were affirmed. There's no need for that, as this is not what this situation mandates. This is strictly about upholding the rights and identifying the means for implementation, because rights without means for exercising them are no rights at all.

Honourable senators, we live in a constitutional democracy, and in a constitutional democracy, we must accept and implement the rights conferred upon all Canadians. With all due respect, it matters not whether we agree with these rights conferred by the highest courts of the land; we are subject to it. We all fall under the rule of law, as does the Prime Minister and the premiers and the millions of Canadians who are touched by it. This is our system of democracy and one for which I care deeply.

The press continues to define the issue as a "dispute between the Mi'kmaq fishers and commercial fishers." It is not. Commercial fishers are not rights holders. They have been conferred a regulated privilege that requires of them that they respect quotas and seasons. The Mi'kmaq are not required to negotiate their right to a moderate living with commercial fishers. The only negotiation possible on what constitutes a moderate living is a nation-to-nation discussion with the Canadian government.

In the midst of the crisis in Nova Scotia, Radio-Canada reported that Zone 34, one of the largest fishing zones in Canada, has 940 permit holders for a total of 391,200 traps and the Mi'kmaq fishers in zone 34 have 11 boats of 50 traps each for a total of 550 traps.

Make no mistake, colleagues. This is not a conservation issue. Conservation is a matter that the Mi'kmaq take seriously. This is wilful ignorance of the facts. And yes, as much as it pains me to say this, it is racism.

Honourable colleagues, this summer we held an emergency debate in the Senate to denounce racism against Black and brown lives. We questioned ministers of the Crown on their intentions when it comes to systemic racism within their institutions, and we promoted a zero-tolerance approach to racism. I took part in this.

We cannot continue to expect of others what we are not willing to support ourselves:

> . . . first, take the plank from your own eye, and then you will see clearly to remove the speck from your brother's eye.

We must support the motion if we are to retain whatever credibility the Senate has on defending Indigenous rights.

The Canadian Press recently reported that Fisheries and Oceans Canada was planning to seize Mi'kmaq gear and traps in the exercise of their fishing rights in Nova Scotia. A departmental spokeswoman said, ". . . federal officials are not necessarily aware of all actions taken by staff."

If departmental officers are not themselves aware of fisher rights, then they shouldn't be employed by Fisheries and Oceans Canada.

Time is of the essence. It's imperative that the highest echelons of government and the Prime Minister, who is the trustee of the Constitution, repeat as often as necessary that the rights of the Mi'kmaq fishers are not negotiable and cannot be bargained away; that the state of the law evidently must be transmitted down to Fisheries and Oceans; that the issue of what constitutes a moderate livelihood be resolved quickly, nation to nation. After 21 years, the government must have an understanding of what that is.

Finally, those who have transgressed criminal law must be dealt with expeditiously. Anything less serves to promote and even condone unjustifiable and illegal actions.

To quote a recently departed James Bond actor, who upon receiving an award at the age of 85, said, "Though my feet are tired, my heart is not."

Colleagues, I am not 85, but my feet are tired and so is my heart. I can only imagine what my Indigenous sisters and brothers are feeling. I don't want to hear from my government that they take this all very seriously and that they are working on it. This must be settled now so that everyone knows what the rules are. It's the least all Canadians should expect after more than two decades. Only this will quell the ever-present seeds of violence and anger.

• (1930)

We must support this motion, as reconciliation will never be possible if we don't, at a very minimum, have the courage to defend the rights of our peace and friendship treaty neighbours.

Thank you.

[*Translation*]

Hon. Renée Dupuis: I wonder if the honourable senator would take a question.

The Hon. the Acting Speaker: Senator Keating, will you take a question?

Senator Keating: Absolutely.

Senator Dupuis: Senator Keating, congratulations on your first official speech in the Senate. I have a question about something you said in your speech. In my view, you were quite right to remind everyone of the federal government's responsibility to implement the Supreme Court ruling. However, beyond the Supreme Court ruling, there is also the law from 1982. Thirty-eight years ago, the Parliament of Canada passed legislation recognizing special constitutional rights for Indigenous peoples, including the Mi'kmaq. With that in mind, do you believe that any negotiations to resolve the current situation must begin with a very clear statement from the federal government that we are talking about the implementation of special rights, and that federal legislation should reflect those special constitutionally protected rights?

Senator Keating: As I mentioned in my speech, I think it's crucial that the federal government continue to reiterate, as often as possible, that recognizing these special rights is long overdue and that it is time to resolve this conflict and move towards actually implementing these rights.

(On motion of Senator Richards, debate adjourned.)

[Senator Keating]

[*English*]

MOTION TO CALL ON THE GOVERNMENT TO ADOPT ANTI-RACISM AS THE SIXTH PILLAR OF THE CANADA HEALTH ACT— DEBATE ADJOURNED

Hon. Mary Jane McCallum, pursuant to notice of November 3, 2020, moved:

> That the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the Canada Health Act, prohibiting discrimination based on race and affording everyone the equal right to the protection and benefit of the law.

She said: Honourable senators, I rise today to speak to my Motion No. 41, which asks that the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the Canada Health Act.

This request for the sixth pillar comes from several sources across Canada, and I'm speaking on their behalf. This appeal first came to my attention last week through an open letter addressed to many people, including me, from Josée G. Lavoie, Professor at the University of Manitoba; Mary Jane Logan McCallum, Professor at the University of Winnipeg; Annette Browne, Professor at the University of British Columbia; and Emily Hill, Senior Staff Lawyer, Aboriginal Legal Services.

The Brian Sinclair Working Group was led by Dr. Barry Lavallee and included the aforementioned individuals. This group was formed in response to Brian Sinclair's death in the emergency room of a Winnipeg hospital, as well as the questions this raised for health care, the justice system, Indigenous people and the Province of Manitoba. In the book *Structures of Indifference: An Indigenous Life and Death in a Canadian City*, by Mary Jane Logan McCallum and Adele Perry, they state at page 1:

> At the core of this story are thirty-four hours that passed in September 2008. During that day and a half, Brian Sinclair, a middle-aged, non-status Anishinaabe resident of Winnipeg, Manitoba's capital city, wheeled himself into the emergency room of the Health Sciences Centre (HSC), the city's major downtown hospital, was left untreated and unattended to, and ultimately passed away from an easily treatable infection. This, we argue, reflects a particular structure of indifference born of and maintained by colonialism, and one that can best be understood by situating this particular Indigenous life and death within their historical context.

They continue on page 5:

> . . . this archive reflects the precarious position of Indigenous people with respect to Canadian health care and justice, and how problematic this is for the care with which cases involving untimely deaths of Indigenous people are handled. . . . we find that the inquest served to obscure the violence of colonialism . . . .

On page 130, they write:

> . . . in his testimony, the Chief Medical Examiner of Manitoba, Thambirajah Balachandra, argued that "even if Snow White came in the wheelchair on that day, this situation, she would have died." The gendered, racialized, and physical dimensions of the choice of metaphor here are not incidental.

Colleagues, for those who experience racism, it is exhausting to repeatedly state that racism exists in Canada. For Canadians who have never experienced racism, whether systemically or via personal affront, it is easy to deny its existence and thus it might be difficult for some to understand. For others, it remains a regular practice in their lives, as is evident in the cases of Brian Sinclair and Joyce Echaquan.

For Indigenous peoples and people of colour, the threat of racism is always there. As I was preparing for a recent presentation on racism to students at the University of Manitoba's Faculty of Law, I realized that I have never lived a day without the thought of racism popping into my head. Will I meet it on the street, the store, the plane or the hospital today? Will I see it in the eyes, the mouth, the body language? Sometimes we say to ourselves, "It's not my day today," knowing that although we do not experience racism that day, many other First Nations, Métis, Inuit and peoples of colour will have.

It is egregious when one knows it's my day today but not know whether today's act of racism will result in their death. It is unconscionable that some people feel they have the right to take the life of an Indigenous person, doing so openly and without fear of repercussion, all because of skin colour.

• (1940)

When a society is racist, racists can assume a power that, within a just society, would not be theirs. Those who are the targets of racism see it for its clear pathology — though such clarity has historically not been enough. Little children knew it when they ran away from residential schools. Mothers knew it when their children were torn from their arms. Young men knew the system was against them when police officers sent them walking along frozen highways in the middle of the night. Brian Sinclair knew it when he patiently sat in the emergency waiting room, overlooked again and again until his death. What of the many, many missing and murdered women? Are they not women as we are each and every one of us women? Are they not deserving of protection? How many Indigenous people would have been saved had our institutions been available, open and understanding of their struggles?

One truth we know is that racism goes across all Canadian institutions. In his book *Racial and Ethnic Policies in Canada*, author Gurcharn S. Basran states, at page 3:

> Racism has been practised systematically by the Canadian government and people in general from the very beginning of Canadian history . . . . It has been institutionalized through our history. It has been directed mainly against non-white populations in Canada.

At page 11 he says:

> Racism is not random, unique or idiosyncratic behaviour on the part of individuals. It is systematically developed, diffused and used to meet the needs and interests of certain groups in Canadian society. Institutional racism is an important part of Canadian history and is closely related to our system of production, distribution, and control of economic resources. In other words, racism is an important part of our economic structure and political reality.

Honourable senators, in the 2019 final report of the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress, Commissioner Jacques Viens states:

> For quite some time, I searched for an image powerful enough to describe what I had witnessed. And one morning, the voices of all those I had listened to melded to shape what would be my principal finding. Each in their own way, the stories told by . . . many . . . depicted how — by building unwarranted bridges, and dams that were deemed necessary and reassuring — public services intruded into territories with no understanding of their true nature. Territories with sensitive issues at stake, including physical and mental health, justice and parent-child relations.

In the report, Viens says it is "impossible to deny" Indigenous people in Quebec "are victims of systemic discrimination" in accessing public services. He said improvements are needed across the spectrum, including in policing, social services, corrections, justice, youth protection, mental health services and school curricula to properly reflect the history of First Nations and Inuit in the province.

About this report, Viens states:

> There are many worrisome things in the report and we need to change the way we provide services to Indigenous people in Quebec.

Although this report is specific to Quebec, its findings are certainly applicable to all corners of Canada.

Honourable senators, more recently, the events of September 28, 2020 — which ultimately took the life of Joyce Echaquan — are not new. Ms. Echaquan, an Indigenous woman, mother of seven, member of the Atikamekw community of Manawan, died on that day, strapped to a hospital bed, pleading to her nurses for help as they made racist remarks and ridiculed her. It is appalling. It is not enough that atrocities of racism exist in our country but that they exist within the very institutions that were meant to heal people, not kill them.

Ms. Echaquan was a victim of interpersonal violence. She died begging Canadian health care workers to do for her what they were trained and paid to do. More so, she died of systemic violence. She died in the care of people who were located within a space that allowed such behaviours to continue unabated.

With racism, there is nowhere else to go. Hospitals staffed by racist people are hospitals nonetheless. Indigenous men, women and children go to them for help, knowing all along that these

institutions do not value them. Joyce Echaquan went to the hospital knowing that she would not be treated well. She went in that final time, her family said, saying they were horrible to her in there. “One day, they’re going to kill me,” she said.

The Canada Health Act lists the conditions that provincial and territorial health insurance plans must respect in order to receive federal cash contributions. The five conditions that deliver insured services include public administration, accessibility, comprehensiveness, universality and portability.

Comprehensiveness is broadly defined to include medically necessary services “for the purpose of maintaining health, preventing disease or diagnosing or treating an injury, illness or disability . . . ”. How can comprehensiveness and racism exist simultaneously? Universality means that provincial and territorial insurance programs must insure Canadians for all medically necessary hospital and physician care. Are there then two types of universality, one treatment for one group and another lesser treatment for others? Does public accountability for the funds spent for insured services take into account the differential and unequal treatment of different groups of people? How can health care be accessible when people are afraid to go to the health centres because of racism?

In order to right these wrongs done in the name of the Canada Health Act, institutional racism must be addressed. Instead of looking at skin colour as a deficit, we need to look at the unique histories, realities and struggles of Indigenous peoples and people of colour so that they do not continue to be pushed out of the dominant systems, whether it be health, justice, education, economics, et cetera.

Honourable senators, concerted action at the highest levels of influence and authority in Canada is required to disrupt racism in the Canadian health care system. As members of the Senate, it is our moral and legal obligation to stand and to act in supporting the fight against racism.

Imagine Joyce Echaquan, during her immense suffering, finding the strength to hold out her phone. What was the story she was trying to convey through the phone to Canada? She refused to be a victim. She was strapped to the bed but her soul and spirit were standing tall. She remains a catalyst for change. She didn’t want others to continue to go through what she did. As a woman, I’m certain her last thoughts were with her family, especially her children. Women have always fought for a better future for their children. She was no different. She has paved our way.

I want to end with a quote from Sitting Bull: “Let us put our minds together and see what life we will make for our children.”

Thank you.

(On motion of Senator McPhedran, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MOTION TO AUTHORIZE COMMITTEE TO MEET BY VIDEO CONFERENCE OR TELECONFERENCE—DEBATE

Hon. Sabi Marwah, pursuant to notice of November 4, 2020, moved:

That, notwithstanding any provision of the Rules or usual practices, and taking into account the exceptional circumstances of the current pandemic of COVID-19, the Standing Senate Committee on Internal Economy, Budgets and Administration have the power to meet by videoconference or teleconference;

That senators be allowed to participate in meetings of the committee by videoconference or teleconference from a designated office or designated residence within Canada, that they be considered, for all purposes, to be meetings of the committee in question, and senators taking part in such meetings be considered, for all purposes, to be present at the meeting;

That, for greater certainty, and without limiting the general authority granted by this order, when the committee meet by videoconference or teleconference:

1. members of the committee participating count towards quorum;

2. such meetings be considered to be occurring in the parliamentary precinct, irrespective of where participants may be; and

3. the committee be directed to approach in camera meetings with all necessary precaution, taking account of the risks to confidentiality inherent in such technologies;

That, subject to variations that may be required by the circumstances, to participate by videoconference senators must:

1. use a desktop or laptop computer and headphones with integrated microphone provided by the Senate for videoconferences; and

2. not use other devices such as personal tablets or smartphones;

That, when the committee meet by videoconference or teleconference, the provisions of rule 14-7(2) be applied so as to allow recording or broadcasting through any facilities arranged by the Clerk of the Senate, and, if a meeting being broadcast or recorded cannot be broadcast live, the committee be considered to have fulfilled the requirement that a meeting be public by making any available recording publicly available as soon as possible thereafter; and

That, pursuant to rule 12-18(2), the committee have the power to meet on any day the Senate does not sit, whether the Senate is then adjourned for a period of more or less than a week.

He said: Honourable senators, earlier today the Senate adopted the first report of Senate Committee of Selection. This has had the effect of ending CIBA's intersessional authority under which it has functioned since the prorogation of Parliament this summer.

• (1950)

The purpose of this motion is to reinstate this authority and permit CIBA to meet by video conference or teleconference and to allow such meeting to proceed even though the Senate will adjourn for the week.

This will allow the committee to hold its organization meeting and appoint members to the Subcommittee on Agenda and Procedure. That subcommittee would be empowered to make decisions in case of emergency, thus mitigating any institutional risk for the Senate.

In support of the motion, I would make three points.

First, the motion does not request any new authority for CIBA. It just reinstates the authority it had before the Selection Committee report was adopted.

Second, I fully understand that discussions are taking place among leaders to have hybrid sittings for CIBA meetings. If and when that is approved, it will supersede this motion.

Last, yes, I know we can wait to get this approval, but we cannot predict the future. If there is any — and I mean any — emergency that arises, we have no ability to deal with it. From my perspective, it is bad risk management practice to be in that position and it puts the Senate at risk. CIBA was given the authority to sit between sessions for a reason and ignoring that would be a mistake. Thank you.

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

Hon. Yonah Martin (Deputy Leader of the Opposition): I move the adjournment of debate.

The Hon. the Speaker: It is moved by the Honourable Senator Martin, seconded by the Honourable Senator Plett, that further debate be adjourned until the next sitting of the Senate.

If any senators are opposed, please say "nay."

An Hon. Senator: Nay.

The Hon. the Speaker: Honourable senators, those in favour of the motion and who are present in the chamber will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion and who are present in the chamber will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on a bell? One-hour bell. The vote will take place at 8:51.

Call in the senators.

• (2050)

The Hon. the Speaker: Honourable senators, before I proceed to the vote, I wish to make a couple of points.

If you are participating via video conference, you should have three voting cards in hand: one to indicate that you are in favour of the motion, one to indicate that you are opposed to the motion, and one to indicate that you wish to abstain. If you do not have voting cards, you may reproduce them on paper using a black pen or marker so they are visible. Please hold up the appropriate card at the appropriate time. Once your name has been called, you may lower your card.

After reading the question, I will call those in favour of the motion who are in the chamber to rise, after which those participating by video conference will hold up the "yea" cards. I will then ask those opposed who are in the chamber to stand, followed by those on video conference who are opposed. Finally, those who wish to abstain will be asked to stand if they are in the chamber, followed by those participating in the video conference.

Honourable senators, the question is as follows: It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Plett, that further debate be adjourned until the next sitting of the Senate.

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Ataullahjan	Ngo
Batters	Patterson
Carignan	Plett
MacDonald	Poirier
Manning	Seidman
Martin	Wells—13
Mockler	

NAYS
THE HONOURABLE SENATORS

Anderson	Gold
Bellemare	Hartling
Bernard	Jaffer
Black (*Alberta*)	Keating
Black (*Ontario*)	Kutcher
Boehm	LaBoucane-Benson
Boniface	Loffreda

Bovey
Boyer
Busson
Cordy
Cormier
Dasko
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Dean
Downe
Duffy
Duncan
Dupuis
Marwah
McCallum
McPhedran
Mégie
Mercer
Miville-Dechêne
Moncion
Munson
Pate
Ravalia
Ringuette
Saint-Germain
Simons
Forest
Forest-Niesing
Francis
Gagné
Sinclair
Wetston
Woo—47

ABSTENTION
THE HONOURABLE SENATOR

Griffin—1

(*At 9:02 p.m., pursuant to the order adopted by the Senate on October 27, 2020, the Senate adjourned until Tuesday, November 17, 2020, at 2 p.m.*)

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